



City of Holyoke

IN CITY COUNCIL

Introduced by Councilor Howard B. Greaney Jr., Kevin A. Jourdain, James M. Leahy, Gladys Lebron-Martinez, Nelson R. Roman, Jossie M Valentin

Ordered, that the City Council order that all clothing drop boxes on property throughout the City are the responsibility of the property owner to police and maintain. Any and all such clothing drop boxes shall be kept clean of any clothes and trash that might accumulate outside these boxes. Any violation of this ordinance shall be culpable for a fine of up to 25 dollars. It should be noted that all property owners who allow these drop boxes on their property should be in communication with the owners of these boxes to prevent any eye sores in the neighborhoods of Holyoke.

In City Council, September 6, 2016. Received and referred to the Ordinance Committee.

In City Council, on September 20, 2017, the report of Committee received and the Ordinance passed its first reading.

The Ordinance passed its second reading.

The Ordinance was passed to be enrolled.

The Committee has considered the same and find that it is truly and properly enrolled.

Report of Enrollment received.

The Ordinance was passed to be Ordained and Adopted on a call of the roll of the yeas and nays --Yeas 14--Nays 0--Absent 1 (Bresnahan).

Brenna M. McKee
Clerk

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| Presented to the Mayor | Mayor's Office |
| For Approval <u>Sept 21</u> , 20 <u>17</u> | Holyoke, Mass. <u>9-22-17</u> , 20 |
| <u>Brenna M. McKee</u> City Clerk | Approved <u>[Signature]</u> Mayor |

IN THE YEAR TWO THOUSAND AND SEVENTEEN

ELEVENTH AMENDMENT TO CHAPTER 74 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF HOLYOKE, MASSACHUSETTS 1997

AN ORDINANCE

Be it ordained by the City Council of the City of Holyoke as follows:

SECTION 1. Chapter 74 entitled “Solid Waste” of the Revised Code of Ordinances of the City of Holyoke, Massachusetts, 1997, as amended, is hereby further amended by the following:

ADDING:

ARTICLE VII – DONATION DROP-BOX

Sec. 74-141. – Donation drop-box

1. Purpose: to eliminate the unregulated placement, installation and inadequate maintenance of donation receptacles in the city, which contribute to blight within neighborhoods and commercial districts of the city. Poor maintenance, unguided placement and illegal dumping at donation receptacles creates unsanitary conditions, impairs public health and safety, degrades the value, condition and appearance of real property, causing a detriment effect on property values for adjacent and surrounding properties, thereby constituting a public nuisance. The provisions contained in this section are in pursuance of and for the purpose of securing and promoting the public health, safety and general welfare of persons in the city of Holyoke.
2. Donation Drop-Box: Any portable outdoor container intended for or used for the collection and storage of unwanted textile and household items including, but not limited to, clothing, toys, books, and shoes, which are removed from the container on a periodic basis. For purposes of this ordinance, a donation drop-box shall not be deemed to include a recycling center or solid waste collection facility.
3. Donation drop-boxes shall be constructed of painted metal, plastic, or other similarly noncombustible material. Boxes shall be weather-proof and secured from unauthorized access. Each box shall be maintained in good condition and appearance with no structural damage, holes or visible rust.
4. A maximum of two (2) donation drop-boxes shall be permitted on any one (1) lot and shall be located within a contiguous area of not more than 120 square feet, with no individual drop-box exceeding the dimensions of six (6) feet in height or six (6) feet in length.

5. Donation drop-boxes shall not obstruct pedestrian or vehicular circulation, nor be located in public rights-of-way, required building setbacks, landscape areas, drive aisles, required parking spaces, fire lanes, loading zones, buffers or any other location that may cause hazardous conditions, constitute a threat to the public safety, or create a condition detrimental to surrounding land uses.
6. Disclosures required:
 - a. Each donation drop-box must include a permanently affixed sign on the side or front of the box in no less than 2 inch block letters the following information:
 - i. The name, address and telephone number of the organization or charity that benefits from the donations
 - ii. The name, address and telephone number of the property owner of which the donation drop-box is placed.
7. Each drop box shall have language clearly posted to discourage placement of donations on the ground and to prohibit the disposal of refuse or liquids in the drop-box.
 - a. Each drop-box shall be maintained by the charitable organization and/or property owner, keeping the area free of litter and any other undesirable materials.
 - b. Drop-boxes shall be emptied regularly, no less than weekly. The owner or agent responsible for the maintenance of the premises shall be responsible for making arrangements and scheduling sufficient pickups to prevent overfilling, overflowing or an accumulation of materials around the area of the drop-box.
 - i. Item pickup shall comply with noise regulations as delineated in Chapter 38, Article III of the City Ordinances.
8. Violations:
 - a. The property owner shall be liable for any violation of the provisions of this section.
 - b. The Board of health, the Department of Public Works and the Holyoke Police Department, through their authorized agents and employees, is hereby empowered to enforce the provisions of this section pursuant to M.G.L. c. 40 § 21D.
 - c. A first violation of any of the provisions of this section shall be penalized by a noncriminal fine of \$100. A second violation shall be penalized by a noncriminal fine of \$250. A third violation of this section shall constitute removal of the drop-box and a lien placed on the property for any unpaid violations thereof, including the cost of removal of the drop-box.
 - d. The organization and/or owner shall be given seven (7) days to correct a violation from the date of notice given to the property owner. Notice is deemed given as of the date of mailing. Violations shall accumulate for the lifetime of the donation drop-box, with a maximum of three (3) violations allowed for any one box in a location prior to permanent removal.


9. Severability:

- a. In the event that any provision of this section shall be held to be unenforceable by a court of competent jurisdiction, then only that specific provision shall not be enforced, and all other sections and provisions shall remain in full force and effect.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on the date of passage.

APPROVED AS TO FORM:


Crystal Barnes
Assistant City Solicitor