

REGULATION FOR THE PERMITTING, PLACEMENT AND MAINTENANCE OF DONATION BOXES IN THE CITY OF HAVERHILL

SECTION 1

The purpose of this regulation is to regulate the placement and maintenance of donation boxes within the City of Haverhill.

SECTION 2

This regulation is promulgated under the authority granted to the Haverhill Board of Health pursuant to Massachusetts General Laws Chapter 111, Section 31 and adopted at a public hearing held on September 13, 2022.

SECTION 3

As used in this regulation, the following words shall have the following meanings:

1. Director means the Director of Inspection Services or his/her designee.
2. Operator means a person, entity, association or organization who places, maintains or operates donation box (es) to solicit donations of salvageable personal property.
3. Applicant means the person applying for the permit for the placement of donation box (es). If the applicant is not the Property owner written consent from the property owner is required.
4. Property Owner means the person, entity, association, or organization who owns the real property where the donation box (es) is or are proposed to be located.
5. Donation Box means an unattended container, receptacle or similar device that is located on any property within the city used for soliciting and collecting donations of clothing or other salvageable personal property.

SECTION 4

1. Unless otherwise exempt, it shall be unlawful and a public nuisance for any property owner or operator to place, operate maintain or allow donation boxes on real property unless the property owner first obtains a permit pursuant to this regulation and the donation boxed is placed, operated and maintained in accordance with all provisions in this regulation.
2. The permit application is online at <https://haverhillma.viewpointcloud.com> Health Module – Donation Box Permit. The application shall include the following information:
 - A. The name, address, and telephone number of the property owner.
 - B. The name, address, and telephone number of the operator of the donation box.

- C. A drawing sufficient to indicate the proposed location of the donation box (es) on the owner's real property. As well as the size of the proposed donation box.
- D. The permit fee shall be \$50.00 per box.
- E. Within ten (10) days of receipt of a completed application the Director shall issue a permit or deny in writing the issuance of the permit and the reasons why.
- F. Permits will be valid for one year January 1 to December 31 and renewable for one-year periods thereafter.
- G. No person or operator to whom a permit has been issued shall transfer, assign, or convey such permit to another person or operator.
- H. Donation Boxes shall not be placed on any public property including sidewalks, streets or open space unless there is express written permission to do so from the Mayor and City Council or the Haverhill School Committee whichever is applicable.
- I. There shall be no more than two donation boxes per location unless written application is made and approval granted by the Board of Health.

SECTION 5

Requirements and Maintenance:

The permit holder and/or the property owner shall operate and maintain or cause to be operated and maintained all donation boxes located in the city as follows:

1. Donation boxes shall be maintained in good condition and appearance with no structural damage or defects, holes, or visible rust, and shall be free of graffiti
2. Donation boxes shall be locked or otherwise secured
3. Donation boxes shall contain the following contact information in two-inch lettering visible from the front of each donation box: the name, address, e-mail and phone number of both the permittee and operator
4. Donation boxes approved by the Director shall be issued a permit and a permit number before placement on real property

5. Donation boxes shall be serviced and emptied as needed, or within 48 hrs if noticed by the Director or his/her designee either verbally or in writing of an existing violation.
6. The permit holder and/or the property owner shall maintain or cause to be maintained the area surrounding the donation box free of any junk, garbage, trash, debris, non-acceptable recyclables or other refuse materials.
7. No donation boxes shall be placed on required parking spaces in accordance with the Zoning/Parking Regulations of the City of Haverhill.

SECTION 6

Revocation of permit, removal of donation box (es).

The Director shall have the right to revoke any permit not in compliance with the conditions herein stated. The Director shall provide written notice to the permittee stating the specific grounds for revocation. Upon revocation the donation box shall be removed within 7 days receipt of the notice.

SECTION 7

Violation/Penalty/Enforcement

1. The owner, lessee, or other person or legal entity in control of the property where a Donation Box is being maintained in violation of this regulation and the person or entity which owns, maintains, or operates a Donation Box in violation of this regulation shall be jointly and severally liable therefore. Prior to the granting of a permit, the owner, lessee, or other person or legal entity in control of the property where a Donation Box is to be located, shall acknowledge in writing the receipt of this regulation.
2. Any violation in addition to remedies identified in Section 6, which creates or as a result of which there is created and accumulations of garbage, offal, solid waste, trash, refuse, filth, waste ban material or junk on any real property is hereby declared a nuisance.
3. In accordance with Massachusetts General Law Chapter 111, Section 31, any violation of this regulation shall be subject to fines. See fine schedule at City of Haverhill Code §1-16. Each day the violation continues shall be considered a separate offense. Nothing contained herein shall preclude the Board from seeking equitable relief to enforce this regulation.

SECTION 8

Appeal to Board of Health

Any person aggrieved by the decision rendered by the Director in granting or denying an application for a permit under this chapter or in revoking or refusing to renew a permit issued hereunder may appeal the decision to the Board of Health. The appeal shall be made by filing a written notice requesting a hearing. The Board of Health shall hold a hearing on the appeal within thirty calendar days of receipt of the written appeal and, notwithstanding other provisions, the decision of the Board of Health shall be final.

Effective Date: October 10, 2022