

OUTDOOR COLLECTION BOX PERMIT APPLICATION

V. APPLICATION SUBMITTAL CHECKLIST

Please agree to the following requirements and sign on the following page:

| Requirements | |
|---|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Current zoning and land use <input type="checkbox"/> Scaled drawing sufficient to illustrate the proposed location of the collection box on the real property, along with the dimensions of the proposed collection box <input type="checkbox"/> Applicant shall pay a nonrefundable application fee of \$200. <input type="checkbox"/> Collection box(es) will be serviced and emptied as needed, but at least every seven (7) days. <input type="checkbox"/> The Permittee and property owner will maintain, or cause to be maintained, the area surrounding the collection boxes, free from any junk, debris or other material. The property owner will be responsible to the extent provided by law for the Township’s cost to abate any nuisance, in accordance with Section 26-28, “Cause of blight or blighted factors enumerated,” of the Township Code. | <ul style="list-style-type: none"> <input type="checkbox"/> Collections box(es) will be metal or other appropriate material as approved by the director, and will be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti; <input type="checkbox"/> Collection boxes will be locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents; <input type="checkbox"/> Collection box(es) have, at a minimum, 2-inch type visible from the front of each collection box listing the name, address, email, website and phone number of the operator, and whether the collection box is owned and operated on behalf of a for profit company or non- profit organization. The collection box will not have information, advertising or logos other than those relating to the Operator, for profit or non-profit organization. |
| Prohibited items | |
| <ul style="list-style-type: none"> <input type="checkbox"/> Collection box(es) will not be located on any land zoned or used for residential purposes. <input type="checkbox"/> Collection box(es) is not permitted, if the applicant does not own the real property designated for the placement of the collection box, unless a notarized affidavit signed by the property owner granting permission for the placement of the proposed collection box is submitted to the Department. For purposes of this subsection, the affidavit and acknowledgement may be executed by an individual who is an officer, director, member or manager of the property owner. <input type="checkbox"/> Collection box(es) is not permitted on any unimproved parcel, nor where the principal use of the land has been closed or unoccupied for more than thirty (30) days. <input type="checkbox"/> Collection box(es) will not be located less than 1,000 feet from another collection box as measured along a straight line from one box to the other. Notwithstanding this separation requirement, up to two (2) collection boxes on a single lot of record are permitted if the two (2) | <ul style="list-style-type: none"> <input type="checkbox"/> Collection box(es) will not be placed closer than 10 feet from: i) a public or private sidewalk; ii) a public right-of-way; iii) a driveway; or iv) a side or rear property line of adjacent property used for residential purposes. <input type="checkbox"/> Collection box(es) will not cause safety hazards with regard to a designated fire lane or building exit. <input type="checkbox"/> Collection box(es) will not interfere with an access drive, off-street parking lot maneuvering land and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic; encroach upon an access drive, fire lane, off-street parking lot maneuvering lane and/or required off-street parking space as illustrated on the approved site plan. <input type="checkbox"/> Collection box(es) will be placed on a level, hard (asphalt or concrete) paved, dust-free surface. |

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| | |
|--|--|
| collection boxes are side by side and are no more than one foot apart. <input type="checkbox"/> Collection box(es) will not exceed 7.0 feet in height, 6.0 feet in width and 6.0 feet in dept. <input type="checkbox"/> Collection box(es) will not cause a visual obstruction to vehicular or pedestrian traffic. | <input type="checkbox"/> Applicant will maintain all applicable yard setbacks for the district in which the box is located as prescribed within Article XX of the township zoning ordinance. |
|--|--|

I have read and agree to comply with all items stipulated in this application submittal checklist.

 Applicant signature Printed name Date

VI. ACKNOWLEDGEMENT BY PROPERTY OWNER GRANTING PERMISSION TO LOCATE COLLECTION BOX ON REAL PROPERTY

I am (check applicable item below):

- Owner of the real property located at _____, Ypsilanti, MI, _____
- An officer, director, member or manager of an entity owning the real property located at _____, Ypsilanti, MI, _____

The operator of a collection box, _____, has requested permission to place _____ (state number) collection box(es) on our property.

The Permittee and property owner shall maintain or cause to be maintained, the area surrounding the collection boxes, free from any junk, debris or other material. The property owner shall be responsible to the extent provided by law for the Township’s cost to abate any nuisance, in accordance with Section 26-28, “Cause of blight or blighted factors enumerated”, of the Township Code.

As owner of the property described above or as an officer, director, member or manager thereof, I give permission to place a collection box(es) on the property by the operator named above.

 Authorized Signer Date

On this _____ day of _____, 20____, before me, a Notary Public, in and for said County personally appeared _____, to me know to be the same person described in and who executed the within instrument, who acknowledged the same to be his/her free act and deed.

_____, Notary
 Public State of Michigan, County of: _____ My Commission Expires: _____
 Acting in the County of: _____

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VII. Collection Box Security Agreement

The permittee, _____ has applied for a collection box(es) permit under Ypsilanti Township Code of Ordinances (Ordinance 2016-463).

Ordinance 2016-463 provides that the permittee is required to remove, at the expense of the permittee, a collection box(es), when the permit has expired, been denied or revoked.

Ordinance 2016-463 requires the permittee post a cash security in an amount sufficient to cover the cost for removal of a collection box(es) and associated site improvements, if the permittee neglects or refuses to remove a collection box within the time limits established by Ordinance 2016-463;

It is agreed, that the permittee shall deposit with the Township of Ypsilanti the amount of \$ _____. The security deposit is an amount that represents the estimated cost of removal, site restoration and associated administrative costs that will be incurred by the Township, if the permittee either fails or neglects to remove the collection box or blight in a timely manner.

It is agreed that the Township will hold the security deposit to defray expenses incurred by the Township, if the permittee fails or neglects to remove a collection box(es) in a timely manner or fails to clean up blight in the area of the collection box in a timely manner. The permittee agrees that the Township and/or its authorized agents may enter upon the area of the collection box(es) for the purpose of removing the collection box(es), site improvements associated with the collection box(es) and/or blight, if code violations are not corrected in a timely manner as provided by Township Ordinance. The permittee further agrees that the security deposit held by the Township, may be applied to defray the cost incurred by the Township for such removal. It is also agreed that in the event the cost of removal or blight clean-up exceeds the permittee's security deposit, the permittee shall be liable for the cost incurred by the Township which exceeds the amount of the security deposit.

It is agreed that if the permittee performs all of its obligations under Ordinance 2016-463 and the collection box(es) is removed and the site restored without the Township incurring removal or clean-up costs, the security deposit will be refunded to the permittee in full; provided the permittee notifies the Township in writing that the collection box has been removed and the site restored.

Charter Township of Ypsilanti Planning Director or authorized representative

Date:

Permittee signature

Date:

Printed name of permittee

Printed title of permittee's organization

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PERMIT APPLICATION**

State of Michigan)

) SS

County of Washtenaw)

On this _____ day of _____, 20____, before me, a Notary Public, in and for said County personally appeared _____, to me know to be the same person described in and who executed the within instrument, who acknowledged the same to be his/her free act and deed.

_____, Notary Public State of

Michigan, County of: _____ My

Commission Expires: _____

Acting in the County of: _____

**CHARTER TOWNSHIP OF YPSILANTI
ORDINANCE NO. 2016-463**

*An Ordinance to Amend the Charter Township of Ypsilanti Code of Ordinances, Chapter 22 Entitled
"Businesses" to Regulate Outdoor Collection Boxes in the Township*

The Charter Township of Ypsilanti hereby ordains that the Ypsilanti
Township Code of Ordinances is amended as follows:
ADD: the following new provisions to Chapter 22 entitled "Businesses"

1. Intent

This Ordinance is intended to safeguard the health, safety and welfare of all persons who use collection boxes within the Ypsilanti Township. The intent of this Collection Boxes Ordinance is to regulate outdoor collection boxes in the Township so that they are clean and safe; establish standards for their size and location so they do not create hazards to pedestrians or vehicular traffic; and to prohibit their location in residential areas.

2. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section.

Collection Box means any metal container, receptacle, or similar device that is located on any parcel or lot of record within the Township and that is used for soliciting and collecting the receipt of clothing, household items, or other salvageable personal property. This term does not include recycle bins solely used for the collection of recyclable material, any rubbish or garbage receptacle or any collection box located within an enclosed structure.

Department means the Office of Community Standards for the Charter Township of Ypsilanti.

Director means the Director of Planning for the Charter Township of Ypsilanti.

Operator means a person who owns, operates or otherwise is in control of collection boxes to solicit collections of salvageable person property.

Permitee means a person over 18 years of age or an entity who is issued a permit authorizing placement of collection box(es) on real property.

Real Property, Property or Land means a lot of record located in the Township of Ypsilanti.

3. Collection Box Permits Required

It shall be unlawful for any person to deposit, store, keep or maintain or to permit to be deposited, stored, kept or maintained a collection box on any real property without first obtaining an annual permit issued by the Department. A permit is required for each collection box.

4. Application for a Permit.

Application for permits required by this ordinance shall be upon forms provided by the Department which shall be signed by an individual who is an officer, director, or member of the entity seeking a permit. An application shall contain the following:

1. If the collection box is used to solicit donations on behalf of a for profit organization, the name, address and email of all partners or limited partners of a partnership applicant, all members of an LLC applicant, all officers and directors of a non-publicly traded corporation applicant, all stockholders owning more than five percent of the stock of a non-publicly traded corporate applicant, and any other person who is financially interested directly in the ownership or operation of the business, including all aliases.
2. If the collection box is used to solicit donations on behalf of a non-profit 501(c)(3) organization, the name, address and email of its headquarters; and proof of the 501(c)(3) status of the charitable organization or a valid registration under the Charitable Organization and Solicitation Act.
3. Whether the applicant has previously received a permit for a collection box in the township or currently operates a collection box.
4. The name, address, email address and telephone number of a contact person accepting responsibility for all matters relating to a collection box located in the Township.
5. Removal agreement: The applicant shall submit a signed removal agreement and cash security, satisfactory to the township attorney, for the removal of collection boxes, any related site improvements and/or code violations. The applicant shall demonstrate that adequate funds will be available to the township for the removal of the collection boxes, restoration of the site and associated administrative costs incurred by the township in the event that the applicant, property owner or their successors fail to remove the collection boxes in a timely manner as required by this article.
6. The physical address of the real property where the collection box is proposed to be located including parcel ID number.
7. A scaled drawing sufficient to illustrate the proposed location of the collection box on the real property, the dimensions of the proposed collection box and that the location complies with the requirements of Section 5 of this ordinance.
8. A nonrefundable application fee to be established by resolution of the Township Board. The Township Board may, from time to time, modify the established fee schedule.

5. Requirements for a Permit.

Maintenance Standards. A Permittee shall operate and maintain, or cause to be operated and maintained, all collection boxes located in the Township, as follows:

1. Collections boxes shall be metal or other appropriate material as approved by the director, and shall further be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti;
2. Collection boxes shall be locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents;
3. Collection boxes shall have, at a minimum, 2-inch type visible from the front of each collection box the name, address, email, website and phone number of the operator, and whether the collection box is owned and operated on behalf of a for profit company or non-profit organization. The collection box shall not have information, advertising or logos other than those relating to the Operator, for profit or non-profit organization.
4. Collection boxes shall be serviced and emptied as needed, but at least every seven (7) days.
5. The Permittee and property owner shall maintain, or cause to be maintained, the area surrounding the collection boxes, free from any junk, debris or other material. The property owner shall be responsible to the extent provided by law for the Township's cost to abate any nuisance, in accordance with Section 26-28, "Cause of blight or blighted factors enumerated," of the Township Code.

B. Collection boxes prohibited:

1. Not be permitted on any land zoned or used for residential purposes.
2. Not be permitted, if the applicant does not own the real property designated for the placement of the collection box, unless a notarized affidavit signed by the property owner granting permission for the placement of the proposed collection box is submitted to the Department. For purposes of this subsection, the affidavit and acknowledgement may be executed by an individual who is an officer, director, member or manager of the property owner.
3. Not be permitted on any unimproved parcel, nor where the principal use of the land has been closed or unoccupied for more than thirty (30) days.
4. Not be less than 1,000 feet from another collection box as measured along a straight line from one box to the other. Notwithstanding this separation

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Requirement, up to two (2) collection boxes on a single lot of record are permitted if the two (2) collection boxes are side by side and are no more than one foot apart.

5. Not exceed 7.0 feet in height, 6.0 feet in width and 6.0 feet in dept.
6. Not cause a visual obstruction to vehicular or pedestrian traffic.
7. Maintain all applicable yard setbacks for the district in which the box is located as prescribed within Article XX of the township zoning ordinance.
8. Not be placed closer than 10 feet from: i) a public or private sidewalk; ii) a public right-of-way; iii) a driveway; or iv) a side or rear property line of adjacent property used for residential purposes.
9. Not cause safety hazards with regard to a designated fire lane or building exit.
10. Not interfere with an access drive, off-street parking lot maneuvering land and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic; encroach upon an access drive, fire lane, off-street parking lot maneuvering lane and/or required off-street parking space as illustrated on the approved site plan.
11. Be placed on a level, hard (asphalt or concrete) paved, dust-free surface.

6. Permit issuance or denial; appeal of denial.

- A. Upon receipt of the application for a license, the Department shall forward the same to the Director or his designated representative for a review of the same. Upon receipt by the Director or his designated representative, the Director or designated representative shall cause an investigation to ensure that the applicant meets all requirements set forth in Sections 4 and 5. After such investigation, the Director or his designated representative shall notify the Department whether the application is complete and whether the applicant meets the requirements of Sections 4 and 5.
- B. A permit may be denied for the following reasons:
 1. An applicant had a permit revoked under this ordinance within the last year.
 2. The applicant does not fulfill the requirements of Section 4.
 3. An applicant that does not fulfill the requirements of Section 5.
 4. An applicant who materially misrepresents any facts or statement on the permit application.

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5. No license shall be issued to any applicant until such applicant shall have obtained the age of 18 years.

- C. Any person whose permit application has been denied shall have the right to petition the board of trustees of the township for an appeal. A written request for an appeal must be filed with the Clerk's office within 14 days after notice of the denial has been mailed to the applicant's last known address. A written statement setting forth the grounds for the appeal must be included with the written request for an appeal. The township board shall grant a public hearing on this appeal, and the applicant shall have the right to appear and present evidence on his behalf. Following such hearing, the board shall submit to the applicant a written statement of its findings and determinations. The board's determination shall be based upon whether the Department's refusal to issue a permit pursuant to Section 6 was supported by competent, material and substantial evidence.

7. Term of Permit and Renewal of Permit.

- A. Each permit issued pursuant to this Ordinance shall expire on midnight October 31 of each year, unless previously terminated pursuant to this article.

- B. A collection box permit shall be renewed annually. The application for renewal must be filed not later than forty (45) days before the permit expires. The application for renewal shall be upon a form provided by the Director.

- C. The Director shall either approve or deny the renewal of a permit after receipt of a complete renewal application and payment of the renewal fee.

- D. A permit renewal fee set by resolution of the Township Board shall be submitted with the application for renewal.

- E. Prior to expiration of the permit, the Permittee may voluntarily cancel the permit by notifying the Director in writing of the intent to cancel the permit. The permit shall become void upon the Director's receipt of a written notice of intent to cancel the permit.

- F. The Director shall approve the renewal of a permit if the Director finds that at the time of submission of the application for renewal, or at any time during the renewal application process, there were not circumstances inconsistent with any finding required for approval of a new permit. Any Permittee whose permit has been revoked shall be denied renewal of the permit for the subsequent year.

- G. If the permit expires and is not renewed, the collection box(es) must be removed from the real property within a maximum of ten (10) days after expiration of the permit.

8. Transfer not permitted.

No permit issued under the provisions of this article shall be transferred, assigned or conveyed to another person or legal entity.

9. Revocation of Permit, Removal of Collection Boxes and Liability

- A. The Director shall have the right to revoke any permit issued hereunder for a violation of this article. Any of the grounds upon which the Director may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the Permittee to comply with the provisions of this Ordinance or other provisions of this code or other law shall also constitute grounds for revocation of the permit. The Director shall provide written notification to the Permittee and property owner via first class mail, email or in person stating the specific grounds for a revocation and a demand for correction and abatement. The notice shall allow a maximum of seven (7) days from mailing of the notice to correct or abate the violation. Upon failure to make the correction or abatement, the permit may be revoked by the Director and, thereafter, the Permittee shall not be eligible for a permit on the property for the subsequent year.
- B. Upon revocation, the collection box shall be removed from the real property within ten (10) days and, if not so removed within the time period, the Township may remove, store or dispose of the collection box at the expense of the Permittee and/or real property owner. Any such boxes that are not claimed within thirty (30) days shall be destroyed. All costs associated with the removal, storage or disposal of the collection box incurred by the Township, or the Township's contractor, shall be the responsibility of the property owner. If such obligation is not paid within thirty (30) days after mailing of a billing of costs to the property owner, the Township may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the Township, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.
- C. A permit for a collection box may be revoked if any governmental authority or agency determines that the collection box has violated the Michigan Consumer Protection Act and/or the Charitable Organizations and Solicitations Act.

10. Appeal to Township Board of Trustees.

Any person aggrieved by the decision rendered by the Director in revoking a permit issued under this article may appeal the decision to the Township Board of Trustees. This appeal shall be made by filing a written notice thereof with the Township Clerk's Office setting for the grounds for the appeal not later than fourteen (14) days after notice of the decision of the Director has been mailed to the permit holder at its last known address. The Township Board may grant relief if the person presents competent, material and substantial evidence that there was an error in the decision of the Director. Following the hearing, the Township Board shall submit a written statement of its findings and determinations.

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11. Penalty and Remedies.

- A. In addition to revocation of permit pursuant to Section 9 of this Ordinance, any person in violation of the provisions of this article is guilty of a civil infraction.
- B. In addition to the penalty provided in subsection (A) of this section, any condition caused or permitted to exist in violation of the provisions of this Ordinance, or any ordinance of the Township, shall be deemed a new and separate offense for each day that such condition continues to exist.
- C. Nothing in this Ordinance shall prevent the Township from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this section for violation of this article.
- D. The real property owner and Permittee shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.
- E. All collection boxes existing at the effective date of the ordinance shall apply for a permit as required herein within thirty (30) days of the effective date. Any collection boxes not in compliance with this article after sixty (60) days of the effective date shall be subject to all remedies for violation as provided herein.

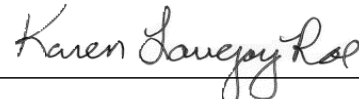
Severability

Should any provision or part of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Effective Date and Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This ordinance shall take effect after publication in a newspaper of general circulation as required by law.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify adoption of Ordinance No. 2016-463 by the Charter Township of Ypsilanti Board of Trustees assembled at a Regular Meeting held on July 19, 2016 after first being introduced at a Regular Meeting held on June 21, 2016. The motion to approve was made by member Roe and seconded by member Eldridge. Yes: Mike Martin, Eldridge, Stumbo, Roe, Doe, S. Martin. ABSENT: Currie, NO: None. ABSTAIN: None.



Karen Lovejoy Roe, Clerk Charter Township of Ypsilanti

Published: Thursday, July 28, 2016