



SPONSOR: Rep. K. Williams & Rep. Heffernan & Sen. Walsh
Reps. J. Johnson, Mitchell; Sen. Henry

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 223

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO DONATION BINS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

CHAPTER 17A. DONATION BINS

§ 1701A. Definitions

(a) "Donation bin" shall mean an enclosed receptacle or container held out to the public as a place for people to drop off clothes or other similar materials.

(b) "Public place" means an area that is used or held out for use by the public, whether owned or operated by private or public interests.

§ 1702A. Clothing donation bins.

(a) No person, individual, business, non-profit, or other organization shall place a donation bin in a public place unless a permit for the donation bin has been obtained from the Department of Health and Social Services.

(b) The annual permit fee is \$100.00 per bin.

(c) In order to obtain a permit, an applicant must submit an application to the Department of Health and Social Services that contains the following information:

(1) The applicant's name, business or organization name, and the business or organization address.

(2) Whether the applicant is an individual, partnership, corporation, non-profit or other entity, and if another entity, a full explanation and description.

(3) If the applicant is an individual, the applicant's residence address. If the applicant is a partnership, the full name and residence of each partner. If the applicant is a corporation, the full name and residence of each major officer and director, and the name and address of the registered agent.

(4) A description of the bin to be covered by the permit, accompanied by a still color photograph of such bin.

(5) The address, parcel number and any other identifying information of the property on which the bin is to be located.

(6) If the applicant is not the legal owner of the property upon which the bin is to be located, documentation evidencing the consent of the legal owner, in the form of a signed letter from the property owner to the Department of Health and Social Services affirming consent.

(7) A schedule of regular collections for the bin

(d) Clothing donation bins shall comply with the following requirements:

(1) The bin shall be placed on a concrete or other paved surface and appropriately located so as not to constitute a safety hazard and not interfere with required setbacks, landscaping, and parking, and any other requirements that may have been imposed as part of a site plan approval by a county or municipality.

(2) The bin shall be completely enclosed and properly secured by locked door or other security mechanism so that the clothing and other materials temporarily stored within the bin can only be accessed by the individual or entity owning and maintaining the bin.

(3) Each bin shall not cover a ground surface area in excess of five feet by five feet, nor be more than six feet in height.

(4) Each bin must be regularly emptied of its contents so that it does not overflow, resulting in used clothing being strewn about the surrounding area.

(5) The name and contact information of the owner/operator of the bin shall be clearly and conspicuously affixed to each bin. The permit obtained pursuant to this section shall also be clearly affixed to the bin for inspection.

(6) Each bin shall clearly and conspicuously display a notice advising of a regular collection schedule and shall be updated as necessary.

(7) Any person who violates any provision of this section shall be subject to a civil penalty punishable by a fine of not less than \$100 for the first offense and not less than \$500 for any subsequent offense. The Justice of the Peace Court shall have exclusive jurisdiction. The court may order the defendant to correct the violation by a certain date. If the violation is not corrected by the court ordered date, the clothing bin may be seized and removed at the expense of the applicant and/or applicable property owner.

SYNOPSIS

This bill places restrictions on the placement of clothing bins. The bill requires a person who places a clothing bin on a property to first obtain a permit from the Department of Health and Social Services before placing the bin.