



## TOWN OF WESTWOOD

### Unattended Donation Containers (UDC) License Regulations

#### 1.0 Purpose

The purpose of these regulations is to register and regulate the placement of Unattended Donation Containers (UDC) in order to ensure the convenience and welfare of the community, to provide an alternative to disposal of certain waste products into the town's solid waste stream, to reduce tipping fees, to make sure they are appropriately located and to protect the visual environment of the community.

All UDCs proposed for placement on public or private property are subject to the provisions set forth herein and the Town reserves the right to deny placement or request immediate removal, replacement or cleanup of any UDC.

#### 2.0 Adoption and Amendment

These License Regulations may be adopted and from time to time amended by majority vote of the Board of Selectmen (Board). Prior to the initial adoption of these Regulations and any subsequent revisions or amendments, the Board shall hold a public hearing. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town of Westwood once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of the public hearing, and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the public hearing. None of the provisions of these regulations is intended to conflict with the provisions of the Massachusetts General Laws or of the Westwood General Bylaws. In the case of any conflict, the General Laws and General Bylaws shall take precedence over these regulations.

#### 3.0 Maintenance; Violations and Penalties; Enforcement

- A. Every person, organization, corporation or partnership or other entity who places a UDC on a parcel for the purpose of collecting articles of used clothing, furnishings, books or other goods within the Town of Westwood shall obtain UDC License to locate and maintain such UDC and shall apply for a renewal of said license on an annual basis. The original UDC License and all renewals thereof shall be issued by the Selectmen's Office following the submission, review and approval of a UDC License Application. The original UDC License Application shall be accompanied by a \$200.00 refundable deposit which may be used by the town if necessary to cover any costs associated with overflow of a licensed UDC, or for physical removal of the collection box. Said refundable deposit shall be returned to the applicant following verification of the removal of the UDC by the licensed entity.
- B. All items so collected shall be completely contained within the UDC and no liquid products shall be contained in the UDC. If there is a reported problem with overflow or leakage outside the container the license holder must address the issue within 24 hours of being notified, after which the town will be free to utilize the deposit to correct the problem.
- C. Every person, organization, corporation or partnership or other entity owning the UDC shall maintain the receptacle and the area around it in a neat, clean and orderly fashion.
- D. All UDCs shall conspicuously display the name, address, website and telephone number of the permit holder and the person(s) or entity responsible for maintaining the UDC. The UDC shall not be placed next to or near any solid waste dumpsters.
- E. A violation of this section after seven days' notice from the Building Commissioner, shall result in a fine of up to \$300.00 per day to the person or entity placing said UDC and up to \$300.00 per day to the property owner where UDC was placed. Said fines may be issued and enforced in accordance with the

provisions of MGL c.40, §21D. In addition, such violation may result in the termination the UDC License, which would require the former License holder to immediately remove the UDC.

#### **4.0 Selection of Collection Boxes**

The town financially benefits from the location of UDCs within the community in two ways; sharing in the profits made from the resale of the product and from the avoidance of tipping fees that would otherwise be charged for solid waste disposal. When there is an opportunity to select one provider over others for the collection of similar products, the town will consider the aggregate financial benefit to the town from both sources.

#### **5.0 Annual Inspection and License Renewal**

Every UDC placed for collection in the Town of Westwood shall be subject to inspection by the Department of Public Works on a periodic basis for cleanliness, proper maintenance and timely pick up. License renewals will be based on satisfactory inspection and compliance with said policy.

#### **6.0 Process of Application for License**

Every person, organization, corporation or partnership or other entity who wishes to apply for a UDC License in the Town of Westwood must submit a UDC License application, accompanied by all required submittal items set forth in Section 7.0. All UDC License Applications shall be considered by the Board in accordance with the public hearing procedures set forth in Section 11.0.

#### **7.0 UDC License Application Submittal Requirements**

All UDC License Applications shall be filed on the official form entitled “License Application for Unattended Donation Containers (UDCs)”, and shall include all items set forth below. Incomplete applications will not be accepted. Each UDC License Application shall be filed with the Licensing Division in the Department of Community & Economic Development and a copy of the same shall be filed in the Office of the Town Clerk.

1. Completed and endorsed UDC License Application Form;
2. Site Plan drawn and stamped by the Certified Land Surveyor licensed to practice in Massachusetts showing all existing conditions on the lot and proposed location of each UDC;
3. Drawing, rendering, or photograph of each proposed UDC, showing dimensions, materials, colors and signage;
4. Notarized written authorization from property owner for the placement of the UDC;
5. Copy of the Environmental Impact and Design Review (EIDR) Approval or Administrative EIDR Approval, where required pursuant to the Westwood Zoning Bylaw;
6. Certification from the property owner that applicant has provided a copy of the UDC General Bylaw to the property owner and that the property owner has read and understood such bylaw;
7. Detailed description of the materials intended to be collected in the UDC and where they will be donated or transferred;
8. Detailed description of procedures for maintenance of the UDC to prevent scattering of donated material;
9. Payment of \$50 UDC License fee; and
10. Payment of \$200 refundable deposit for each box UDC proposed in the application.

#### **8.0 UDC License Renewal Application Submittal Requirements**

All UDC License Renewal Applications shall be filed on the official form entitled “License Application for Unattended Donation Containers (UDCs)”, and shall include all items set forth below. Incomplete applications will not be accepted. Each UDC License Renewal Application shall be filed with the Licensing Division in the Department of Community & Economic Development and a copy of the same shall be filed in the Office of the Town Clerk.

1. Completed and endorsed UDC License Application Form;
2. Photographs of each UDC for which License Renewal is requested;

3. Payment of \$25 UDC License Renewal fee;
4. Payment of the difference in deposit amount that may result from an increase in the amount of the required refundable deposit between the time of the original UDC license Application and the time of the UDC License Renewal Application.

#### **9.0 Location of UDCs on Town-owned Property**

All UDCs applications for placement on Town-owned property must include written approval of the proposed location from the Town Administrator. Acceptable locations, which may be subject to change, include the Washington Street Municipal Parking Lot, the Islington Branch Library Parking Lot, Senior Center Parking Lot, the Town Hall Parking Lot, the Carby Street Department of Public Works Facility, and any School parcel for which written approval has also been granted by the Superintendent of Schools, or any other location approved in writing by the Town Administrator. UDCs that are proposed for placement on Town-owned property will not be considered without the required written approval of the Town Administrator. UDCs placed on town-owned land without such approval and without a valid UDC License will be subject to penalties under this policy and will be immediately removed.

#### **10.0 Public Hearing; Notice Requirements; UDC License Decision**

- A. All UDC License Applications shall be considered by the Board at a public hearing. Said public hearing shall be held within sixty-five (65) days after the date of filing of a complete UDC License Application. The required time limits for a public hearing may be extended by written agreement between the Applicant and Board, which shall be filed in the Office of the Town Clerk.
- B. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town of Westwood once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of the public hearing, and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the public hearing. Notice shall also be sent by mail, postage prepaid, to all owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred (300) feet of the property line of the subject property as they appear on the most recent applicable tax list (which includes any applicable abutters in abutting communities). In all cases, notification of the public hearing shall be the responsibility of the Board.
- C. The affirmative vote of a majority of Board members shall be required to authorize and issue a UDC License. The Board may impose conditions, safeguards and limitations which shall be included as part of the UDC License decision and printed on the UDC License.
- D. The UDC License decision shall be recorded in the Office of the Town Clerk, and copies of the same shall be mailed by the Board, postage prepaid, to the Applicant and the property Owner.
- E. An Applicant may withdraw an application without prejudice by written notice to the Board at any time prior to the first publication of the notice of the public hearing. After such public notice, withdrawal of an application without prejudice shall be permitted only by majority vote of the Board.
- F. Any person aggrieved by a decision of the Board may appeal such decision to a court of competent jurisdiction within twenty (20) days after the date the UDC License decision was filed with the Office of the Town Clerk.
- G. A UDC license shall be valid for the remainder of the calendar year, and shall then lapse unless a UDC license renewal Application is filed by the Applicant and approved by the Board.