



MAITLAND CITY COUNCIL POLICY STATEMENT

Policy Name:	CLOTHING BINS
File Number:	68/1
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Date Approved:	12 April, 2005 23 November 1999
Policy Review Date:	As required
Business Group:	Service Planning & Regulation
Responsible Officer:	Group Manager Service Planning & Regulation
OBJECTIVE	To inform the Maitland community and businesses regarding the placement and use of recycling clothing bins in any public place within the Maitland Council area.

This policy aims to:

- a) minimise the risk to persons or property,
- b) reduce the incidence of nuisance being caused to persons/vehicles,
- c) enable Council to keep a register of all approved recycling clothing bins, their locations and ownership within Maitland Council area,
- d) provide a location service for the collecting of unwanted clothing while providing a location pick-up area for the clothing bin operators
- e) safeguard the environment, and
- f) facilitate the operations of the National Association of Charitable Recycling Organisation Incorporated.

It is intended within this policy to regulate the manner where clothing bins are to be located on both private and public lands and how such bins should be located and for what period of time.

OBJECTIVES

- a) To inform of the approval procedures which apply to the locating of clothing bins or waste containers being placed in a public place,
- b) To give guidance and advice to persons inquiring as to the procedure and locating of clothing bins in a public place, and
- c) To establish local standards, acceptable to the community, for the use of clothing bins in public areas.

DEFINITIONS

For the purpose of this policy, the following definitions apply:

Approval	means approval under Section 68 of the Local Government Act, 1993
Bin Owner	means the person or organisation identified on the bin or deriving benefit from the function of the bin
Clothing Bins	are defined as bins or containers that are so constructed as a closed container for the purpose of collecting and holding unwanted or used clothing for the purpose of being recycled.
NACRO	means the National Association of Charitable Recycling Organisations Incorporated.
Property Owner	includes the owner of land, buildings or premises.
Public Place	as defined in the Local Government Act, 1993.

CLOTHING BIN CONDITION

1. Dimensions

- a) Each bin is to be a maximum capacity of 2.4m³.

2. Number of Bins

- a) No more than two (2) bins to be located together.
- b) The number of bins located by any single organisation is not limited, rather each application to install a bin will be assessed on a merit basis.

When assessing applications for additional clothing bins the following measure will be considered:

- * Demand in area for clothing bins
- * Support for local Charity Organisations
- * Appropriateness of site
- * Compliance with other requirements of Policy

3. Wording on Bins

- a) Each bin is to clearly bear the name and telephone number of the organisation and all information as required by the Charitable Fundraising Act, 1993. In lettering no less than 60 mm in height.

4. Appearance of Bins

- a) The owner or agent of the clothing bin will be responsible for the cleanliness of the immediate area as well as the clothing bin itself.
- b) The serviceability of the clothing bin is to be maintained in a good condition and the bin is to be emptied regularly, or as needed so as the contents do not fall onto the surrounding area.
- c) Any graffiti is to be removed from bins within one (1) week of placement for non-offensive graffiti and the next day in the case of offensive/obscene graffiti.
- d) Should Council staff be required to clean the area, a cost will be imposed on the agent or owner responsible.
- e) Bins should be painted in an appropriate colour scheme sympathetic to the environment and surroundings.

LOCATION

1. Bin Group Spacing

- a) To minimise the adverse visual impact of a large number of bins, a minimum separation distance of 100 m between group bins to occur unless an exemption is made in the individual case of bins are placed within Church or other community property.

2. Stability

- a) Bins are to be placed on a solid level or near-level foundation in an upright position.

3. Placing of Bins on Private Property

- a) Bins should not be placed in such a manner as to cause an obstruction to vehicular and/or pedestrian movement, or encroachment onto any footway or areas designed for parking. Bins should not be placed in any such manner as to cause a danger to the public.
- b) Clothing bins are not to be placed onto or into private property without the written consent of the property owner. Where clothing bins are placed on private property, Council is to be supplied with the property owner's written consent, and
- c) Bins are not to be placed in such a manner as to cause sight obstruction to vehicular and/or pedestrian movement.

4. Placing of Bins in Public Places

- a) Bins should not be placed in such a manner as to cause an obstruction to vehicular and/or pedestrian movement, or encroachment onto any footway or areas so designed for parking. Bins should not be placed in any such manner as to cause a danger to the public.
- b) Bins are not to be placed in such a manner as to cause sight obstruction to vehicular and/or pedestrian movement.

STATUTORY REQUIREMENTS

Provisions for the regulation of clothing bins are contained in the following items of legislation.

- a) Local Government Act, 1993, Section 68
- b) Traffic Act, 1909 Section 25 (1)(c)
- c) Roads Act, 1993 Section 107 (1)(a)

UNAUTHORISED BINS AND/OR FAILURE TO COMPLY WITH ORDER

Bins placed without Council's approval or not removed following failure to comply with policy requirements will be impounded by Council and a redemption fee, as specified in Council's Fees and Charges, shall be paid prior to release, to offset Council's costs.

A bin shall be impounded for a period not longer than six (6) weeks. If Council does not receive payment for its release within that time, the bin will become the property of Council to be disposed of at Council's discretion.

APPROVAL

Prior to the placing of any clothing-recycling bin, an approval shall be obtained from Council.

APPLICATION FOR APPROVAL

A written application for the placing of any clothing bin ("a waste storage container") for the purposes of Part C Management of Waste, of the Table to Section 68 of the LGA, 1993) must be submitted to Council by the bin owner together with:

- a) Site plan in duplicate to a suitable scale showing the location of the bin on the property, vehicle parking arrangements and any adjoining buildings,
- b) Plans in duplication of the elevation of each bin including colour and wording details.
- c) Proposed schedule of bin contents removal and site clean-up including days and times,
- d) The bin owners' written indemnity to indemnify Council and private property owners (where applicable) against any suit or action arising from or incidental to the placement and/or servicing of the bin. Where clothing bins are placed on private property Council is to be supplied with the property owner's written consent.
- e) Written evidence of Public Liability Insurance providing the bin owner a limit of indemnity not less than ten million dollars (\$10,000,000) and
- f) The bin owner's written acceptance of responsibility for any damage done to any public road, kerb, footway or landscaping from the placement, use and servicing of the bin.

PERIOD OF APPROVAL

a. Initial Approval:

Any approval to install a bin will lapse 3 years from the date of approval. A condition of approval will require an annual inspection of each bin by an Officer of Council.



b. Annual Inspection:

Council will cause an annual inspection of each bin to be conducted to ensure compliance with this policy.

c. Inspection Fee

The annual inspection fee determined by Council is the responsibility of the bin owner and failure to pay the fee will result in action pursuant to the following clause entitled "Bin Removal".

BIN REMOVAL

Should an approval lapse or bin not be placed or maintained in accordance with the approval or criteria, action will be taken by Council to order the relocation, maintenance or removal of the bin.

Clothing bins may be ordered to be removed by resolution of Council when Council finds that a site they occupy is no longer appropriate.

Failure to comply with an order could result in legal proceedings being instituted in accordance with Section 626 or 627 of the Local Government Act, 1993, or for the temporary structure to be removed in accordance with the provisions of Section 678 of the Act.