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# CITY OF LODI

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September 2, 2015

Honorable Lesley D. Holland, Presiding Judge  
San Joaquin County Superior Court  
P.O. Box 201022  
Stockton, CA 95201

Subject: 2014-2015 Grand Jury Report #1410: Charity Begins at Home *Unattended For-Profit Donation Bins Proliferate Across County*

The City of Lodi has reviewed the subject report and provides the following response:

## Findings

F1.1 *San Joaquin County and its cities do not have regulations that specifically address the placement, maintenance, and monitoring of unattended donation bins.*

Response: Lodi Municipal Code (LMC) Section 17.36.110 Recycling Facilities "...provides locational and operational standards for the establishment of various types and sizes of commercial recycling facilities..." including small collection facilities. LMC Section 17.78 Definitions describes a "small collection facility" as "a facility...where the public may donate, redeem or sell recyclable materials...". Recyclable materials include reusable items. Donation bins, whether for-profit or non-profit; attended or unattended, are subject to compliance with these standards.

F1.2 *City and county ordinances can effectively clarify who is responsible for removing unwanted donation bins and protect property owners from liability.*

Response: LMC Section 1.10 Administrative Enforcement Provisions identifies municipal code enforcement procedures, which include the identification of, and notice to, the responsible party, whether property owner or otherwise.

F1.3 *Local ordinances can provide cities and the county with stronger control over unattended donation bin placement and assist to enforce them efficiently.*

Response: At this time the City of Lodi finds its existing municipal code to be sufficient for regulating the subject land use.

F1.4 *Donations to out-of-state for profit operators divert donations from local not-for-profit operators, which diminishes their ability to benefit local communities.*

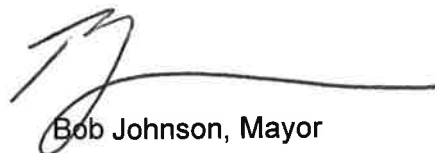
Response: The City of Lodi strongly supports and encourages the efforts of local non-profit charitable organizations and for-profit businesses alike. California Welfare and Institutions Code § 150 to 153 identifies specific identification and disclosure requirements for for-profit and non-profit donation bins.

**Recommendation** *By December 1, 2015, San Joaquin County and its incorporated cities should enact ordinances that regulate unattended donations bins*

Response: The City of Lodi has adequate enforcement authority to address the problems identified by the Grand Jury. Accordingly, the City of Lodi respectfully declines the Grand Jury's recommendation.

Please direct any questions to Adam Brucker, Business Development Manager at (209) 333-6874 or [abrucker@lodi.gov](mailto:abrucker@lodi.gov).

Sincerely,



Bob Johnson, Mayor