

Group sues city over clothing donation bins

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A California nonprofit group filed a federal lawsuit against the city of Denton last week, saying city officials violated constitutional protections of free speech, equal protection and due process by effectively banning clothing donation bins in the city limits.

The Green Education Foundation, which is based in San Jose, California, is known for providing environmental education programs to schools. The foundation refurbishes shipping containers to serve as its free-standing donation bins. It powers the bins with solar panels and outfits them with cameras and other electronics to monitor donations and conditions at the site.

The foundation has about 85 bins placed in other cities around the country and in Texas, including nearby McKinney and Colleyville. The nonprofit group sells the donated goods — clothing, shoes, books, toys and other household goods — for about 38 cents a pound to help fund its programs.

The foundation estimated it has lost, and continues to lose, donations in Denton because the city staff effectively has banned the bins, according to court documents.

The city has not yet been served with the lawsuit. City officials declined to comment further on the case, according to city spokeswoman Jessica Rogers.

In July 2014, the foundation applied for and received a special waste hauler's permit to place a donation bin at the Denton Crossing shopping center, near Loop 288 and Brinker Road. From August to December 2014, residents put more than 61,000 pounds of clothing, shoes, toys, books and other goods in the bin.

Soon after issuing the permit, city staff members notified the foundation the city would revoke the permit and not renew it for 2015.

Staff members told the foundation the permit had been issued by a new employee who didn't know donation bins were not allowed in Denton, according to court documents.

The City Council hasn't banned donation bins by ordinance, nor does the city's development code regulate donation bins.

Instead, the city requires groups such as the Green Education Foundation to apply for a special waste hauler's permit.

The foundation is one of several nonprofits that operate clothing donation bins. Some bins are operated by for-profit businesses.

But all are trying to capture some of the estimated 21 billion pounds of textiles — clothes, shoes, bedding and more — that people discard into landfills around the country each year.

Because the bins are unattended, they can become eyesores as donations pile up around them. Sometimes, the bins get tagged with graffiti.

Some donors get upset when the bins aren't clearly marked and they discover their donation went to a business and not to a charity.

Donations to other charities, such as Goodwill Industries and the Salvation Army, have declined in some communities after donation bins are installed, according to Daniel P. Dalton, the foundation's attorney. These troubles have triggered some cities to step in and try to restrict or ban free-standing donation bins, like the ones the foundation operates.


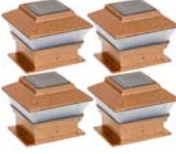

Some of those bans and restrictions already have been challenged in other courts. Whether the city or the charity has more case law on its side remains to be seen.

The foundation is asking the court for an injunction, so that it can re-install its donation bin at Denton Crossing. The foundation is also asking for \$75,000 in damages and for a judgment that says banning this kind of donation bin violates First Amendment protections.

Dalton said he plans to serve the city with the lawsuit soon. He said he also hopes city officials will be willing to talk.

"I hope we can come to an amicable resolution," Dalton said.

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