

## CHAPTER 115: UNATTENDED DONATION BOXES

### Section

- 115.01 Definitions
- 115.02 Permits
- 115.03 Renewal of permits
- 115.04 Requirements and maintenance
- 115.05 Revocation of permit, removal of unattended donation boxes and liability
- 115.06 Appeals to City Council
- 115.07 Exemptions
- 115.08 Effective date
  
- 115.99 Penalty

### § 115.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**OPERATOR (PERMITTEE).** A person, entity, association or organization that places, maintains or operates unattended donation box(es) to solicit donations of salvageable personal property. **OPERATOR** may or may not own the property on which the unattended donation box is located.

**PROPERTY OWNER.** The person, entity, association or organization who owns the real property where the unattended donation box(es) is or is proposed to be located.

**UNATTENDED DONATION BOX.** Any unattended container, receptacle, or similar device that is located on any lot within the city, which is used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include any unattended donation box located within a building.

(Ord. passed 10-26-11)

### § 115.02 PERMITS.

(A) It is unlawful and a public nuisance for any property owner or other person, entity, association or organization to place, operate, maintain or allow unattended donation boxes on real property unless the operator first obtains a permit pursuant to this chapter and the donation box is placed, operated and maintained in accordance with all provisions in this chapter.

(B) The permit application shall be made on a form provided by the city and shall include the following information:

(1) The name, address, email, website (if available) and telephone number of the operator and property owner;

(2) The physical address of the property owner's real property and a drawing sufficient to indicate the proposed location of the unattended donation box on the property owner's real property and the size of the proposed unattended donation box;

(3) The written consent of the property owner of the real property on which the box will be placed is expressly given to the applicant.

(C) Each application shall be accompanied by a nonrefundable application fee in the amount established annually by resolution of the City Council. This fee shall be in addition to any fee or tax imposed by the city pursuant to any other provision of this code.

(D) Applications shall be filed at City Hall.

(E) Within ten business days of receiving a completed application the city shall issue a permit or deny the issuance of a permit.

(F) The city shall not issue a permit unless:

(1) The applicant has submitted a complete and accurate application accompanied with the application fee.

(2) All entities (non-profit and for profit) must pay an application fee. Entities that are deemed to be for profit will have an additional permit fee upon approval. Fees will be established annually by City Council resolution. Non-profit entities must provide supporting paperwork.

(3) The proposed location of the unattended donation box on the property owner's real property is in compliance with all applicable laws and will not impede pedestrian, bicycle, site distances onto adjacent streets or vehicular traffic. Unattended boxes cannot be placed in any right-of-way or easements.

(G) If the city denies an application the city shall state, in writing, the specific reasons for denial.

(H) The term of the permit shall expire one year from the date of issuance.

(I) No person or operator to whom a permit has been issued shall transfer, assign, or convey such permit to another person or operator.

(J) Permits issued hereunder shall be valid for one unattended donation box. Multiple unattended donation boxes shall have their own individual permit.

(K) Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the city in writing of the intent to cancel the permit. The permit shall become void upon the city's receipt of a written notice of intent to cancel the permit. If the permittee cancels their unattended donation box permit a prorated refund will not be issued.

(Ord. passed 10-26-11) Penalty, see § 115.99

**§ 115.03 RENEWAL OF PERMITS.**

(A) A permittee may apply for a permit renewal by submitting to the city before the expiration of the permit, a renewal application and a non-refundable renewal fee in an amount set by resolution of the City Council.

(B) The city shall either approve or deny the renewal of the permit within ten business days of receipt of the complete renewal application and payment of the renewal fee.

(C) The city shall approve the renewal of the permit if they find that no circumstances existed during the term of the permit, existed at the time of submission of an application for renewal or existed at any time during the review of the application for renewal that are inconsistent with any findings required for approval of a new permit as specified in this chapter or that would justify the revocation of the permit as specified in this chapter.

(Ord. passed 10-26-11)

**§ 115.04 REQUIREMENTS AND MAINTENANCE.**

(A) A permittee/property owner shall operate and maintain all unattended donation boxes located in the city as follows:

(1) In good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti;

(2) Locked or otherwise secured to prevent the unauthorized removal of donated items;

(3) Contact information in two inch type visible from the front of each unattended donation box: the name, address, email and phone number of the operator;

(4) Shall be serviced and emptied as needed, however, at least every 30 days, or within five business days of a request by the city;

(5) Unattended donation boxes shall be no more than 82 inches high, 56 inches wide and 49 inches deep.

(6) The area surrounding the unattended donation box(es) shall be free of any junk, debris, tall grass or weeds or other material and shall be responsible to the extent provided by law for the cost to abate any violation.

(7) No more than one unattended donation box shall be placed on each parcel or business location.

(B) Unattended donation boxes are not allowed in the following areas:

(1) Residential areas.

(2) On required parking spaces.

(Ord. passed 10-26-11) Penalty, see § 115.99

#### **§ 115.05 REVOCATION OF PERMIT, REMOVAL OF UNATTENDED DONATION BOXES AND LIABILITY.**

The city has the right for cause to revoke any permit issued hereunder. Any of the grounds upon which the city may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the permittee to comply with the provisions of this chapter or other provisions of this code or other law shall also constitute grounds for revocation of the permit. The city shall provide a written notification to the permittee stating the specific grounds for revocation. Upon revocation, the unattended donation box shall be removed from the permittee's real property within 30 days and if not removed within this time period, the city may remove, store and dispose of the unattended donation box at the expense of the permittee. Upon revocation, a permittee shall be prohibited from applying for a permit for a period of one year. Any violation of the provisions of this chapter of a public nuisance subject to abatement pursuant to City Code Chapter 96.

(Ord. passed 10-26-11)

#### **§ 115.06 APPEALS TO CITY COUNCIL.**

Any person aggrieved by the decision rendered by the city in granting or denying an application for a permit under this chapter or in revoking a permit issued under this chapter may appeal the decision to the City Council. The appeal shall be made by filing a written notice thereof with the city no later than ten calendar days after receiving notice of the decision of the city. The City Council's decision shall be final.

(Ord. passed 10-26-11)

#### **§ 115.07 EXEMPTIONS.**

(A) Unattended donation boxes located entirely within the interior of a building are exempt from the requirements of this chapter.

(B) Unattended donation boxes that are placed on a property for no more than three months.

(Ord. passed 10-26-11)

**§ 115.08 EFFECTIVE DATE.**

The provision of this chapter as enacted by this chapter shall apply to all unattended donation boxes located within the city as of the effective date of this chapter. All persons who have one or more unattended donation boxes located on their property as of the effective date of this chapter shall have 60 days from that date to file an application for a permit as provided for in this chapter.  
(Ord. passed 10-26-11)

**§ 115.99 PENALTY.**

Any person, permittee, operator, property owner, firm, partnership or corporation violating any provision of this chapter shall be guilty of a misdemeanor and punished as provided in City Code § 10.99. Each date that a violation is permitted to exist constitutes a separate offense.  
(Ord. passed 10-26-11)