

CHAPTER 114: CRIME FREE RENTAL HOUSING

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§ 114.01 PURPOSE.

It is the purpose of this chapter to protect the public health, safety and welfare of the community at large and the residents of rental dwellings in the City of Byron and to ensure that rental housing in the city is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental residential properties is a business enterprise that entails certain responsibilities. Owners and operators are responsible to take such reasonable steps as are necessary to ensure that the citizens of the city who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free of noise, nuisances and annoyances; and free from unreasonable fears about safety of persons and security of property.

(Ord. 114, passed 6-25-08)

§ 114.02 SCOPE.

(A) The provisions of this chapter shall apply to all buildings or portions thereof used, or designed or intended to be let for human habitation. This chapter does not apply to Minnesota Department of

Health licensed rest homes; convalescent care facilities; licensed group homes; nursing homes; hotels; motels; as defined and governed by M.S. Chs. 515, 515A and 515B.

(B) With respect to rental disputes, and except as otherwise specifically provided by the terms of this chapter, it is not the intention of the City Council to intrude upon the fair and accepted contractual relationship between tenant and landlord. The City Council does not intend to intervene as an advocate of either party, nor to act an arbiter, nor to be receptive to complaints from tenant or landlord which are not specifically and clearly relevant to the provisions of this chapter. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of city government. In enacting this chapter neither is it the intention of the City Council to interfere or permit interference with legal rights to personal privacy. (Ord. 114, passed 6-25-08)

§ 114.03 REGISTRATION CERTIFICATE REQUIRED.

(A) No owner shall allow another person to occupy, nor shall any person let to another for occupancy, any dwelling, or any apartment or rooming unit in any dwelling, without first obtaining a registration certificate as provided in this chapter or at such time that the registration certificate, or the right to receive such a registration certificate, is suspended or revoked. Any registration certificate obtained pursuant to this section shall be issued in the name of the owner. In the case of a multiple unit dwelling, a registration certificate issued pursuant to this section includes and applies to both the entire dwelling as well as each individual rental unit within the dwelling. Any suspension or revocation of the registration certificate or the right to receive a registration certificate may involve the entire dwelling or any individual unit or units within the dwelling.

(B) The occupancy or rental of any dwelling, or any apartment, or rooming unit in any dwelling for which a registration certificate is required, need not be interrupted or suspended for lack of a registration certificate if the same is due to the inability of the city/City Administrator to process the application within ten working days.

(Ord. 114, passed 6-25-08) Penalty, see § 10.99

§ 114.04 APPLICATION FOR REGISTRATION CERTIFICATE.

An application for a registration certification shall be filed by the owner/manager with the city/City Administrator and reviewed by the Planning Coordinator/Crime Free Rental Housing Committee. An application for any dwelling to be converted to a use which would require a registration certificate shall be made and filed with the Planning Coordinator at least 30 days prior to such conversion.

(Ord. 114, passed 6-25-08)

§ 114.05 APPLICATION FORMS.

(A) Forms of application for registration certificates shall be supplied by the City/City Administrator and will be available at City Hall.

(B) Each application for registration certificate shall contain the following information.

(1) (a) Name, address, and telephone number of the owner of the dwelling. If the owner is a partnership, the name of the partnership, address and telephone number of the managing partner. If the owner is a corporation, the name and address of the corporation, and the name, address and telephone number of the chief operating officer.

(b) If the dwelling is being sold on a contract for deed, the name and address of the contract vendee. Where the word "owner" is used in any part of the city housing codes, it shall include all persons as outlined in this section.

(2) Name, address and telephone number of any agent appointed by the owner to accept service of process and to receive or give receipt for notices.

(3) Name, address and telephone number of any operator or agent actively involved in maintenance or management of the dwelling.

(4) Legal street address of dwelling.

(5) Complete details of the number and kind of units offered for rent, classified as to the type of unit on the application, and the facilities incorporated in such rental units.

(6) Any person making the application for a rental registration certificate must provide proof of identification by the use of a driver's license, state issued identification card, military identification card or such other identification as is acceptable to the city/City Administrator. The identification provided must set forth the full name and date of birth of the person making the application.

(7) An acknowledgment that the applicant has reviewed and understands the provisions of this chapter, intends to abide by the provisions and will include reference to this chapter in any written lease used in the renting of the property.

(Ord. 114, passed 6-25-08)

§ 114.06 ISSUANCE OF REGISTRATION CERTIFICATE.

Whenever the investigation of an application indicated that the dwellings, apartments, or rooming units offered for rent comply with all provisions of this code, including any provisions of the zoning ordinances, the city/City Administrator shall issue a registration certificate within ten working days.

(Ord. 114, passed 6-25-08)

§ 114.07 NOTICE OF VIOLATION/REJECTION OF APPLICATION.

Whenever the investigation of an application for registration certificate indicated that the dwelling, apartment, or rooming unit does not comply with the provisions of this code including any provisions of the zoning ordinances, the city/City Administrator shall return the application to the applicant stating the reasons for the rejection of the application.

(Ord. 114, passed 6-25-08)

§ 114.08 FAILURE TO REGISTER.

Every person required to register a dwelling, apartment, or rooming unit offered for rent under the provisions of this chapter and who fails to do so, or who allows the property to be occupied when the registration certificate or right to receive such a registration certificate is revoked or suspended, shall be guilty of a violation of this code. Each day that a property is rented out without a valid rental registration certificate on file for that property is a separate violation. A violation of this section shall be a misdemeanor punishable by up to a \$1,000, 90 days in jail or both.

(Ord. 114, passed 6-25-08)

§ 114.09 CERTIFICATE OF RENEWAL AND NONTRANSFERABILITY.

(A) Registration certificates will initially be required on or before November 1 of each year. All registration certificates shall expire on the first day of November of the year following its issuance and must be renewed annually. All information required by § 114.05(B) of this chapter must be submitted at the time of renewal.

(B) Every person who transfers title to property registered under this chapter shall provide the city/City Administrator with the name, address, telephone number and date of the transfer of title to the new owner within ten days of the date of such transfer. Within 30 days of the date of such transfer, the new owner shall apply for a new registration certificate. In the case of an option contract where the holder of the option is collecting rents and/or is paying on the mortgage to the property while the option remains unexercised, the holder of the option shall be deemed to be the owner of the property for purposes of this section and shall be required to apply for a rental registration certificate in his or her name. The date the option contract is created shall be deemed to be the date the holder of the option becomes the "owner" for purposes of this section.

(C) (1) Registration certificates may not be transferred or assigned without approval of the city.

(2) *Restrictions on transfer of ownership.* It shall be unlawful for the owner of any dwelling, dwelling unit or rooming unit upon whom a pending compliance order has been served to sell, transfer,

mortgage, lease or otherwise dispose thereof to another person until the provisions of the compliance order have been complied with, unless such owner shall furnish to the grantee, lessee, or mortgage a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledgment. Anyone securing an interest in the dwelling, dwelling unit, or rooming unit who has received notice of the existence of a violation or compliance order shall be bound by the same without further service of notice upon him and shall be liable to all penalties and procedures provided by this chapter.

(Ord. 114, passed 6-25-08) Penalty, see § 10.99

§ 114.10 SUSPENSION OR REVOCATION OF REGISTRATION CERTIFICATE.

(A) Any registration certificate issued by the city pursuant to the provisions of this chapter may be suspended or revoked upon a finding that the certificate holder, during the term of the certificate, failed to comply with any provision of this chapter.

(B) A person's right to apply and receive a registration certificate may be suspended or revoked upon finding that the applicant has let to another for occupancy any dwelling, or any apartment or rooming unit in any dwelling, without first obtaining a registration certificate as required by this chapter and, during such time, the premises were involved in a disorderly use as defined in this chapter.

(C) Whenever it appears to the Council that adequate grounds may exist for the suspension or revocation of a registration certificate or the right to receive a registration certificate, the Council shall by resolution specify the nature of the alleged grounds and order that a hearing on the matter be held as provided in this chapter.

(D) No such suspension or revocation shall be effective until the license or permit holder has been afforded an opportunity for a hearing under the Minnesota Administrative Procedure Act, §§ 14.57 to 14.70.

(E) Upon a finding that the registration certificate holder or applicant has violated this chapter, the Council may invoke any of the sanctions provided in this chapter.

(Ord. 114, passed 6-25-08)

§ 114.11 FEES.

(A) In addition to such other fees as may be imposed by this code, a nonrefundable fee of \$40 per living unit shall be paid when an application for a registration certificate or renewal is filed with the city/City Administrator as required by this chapter. If an application for renewal is not made prior to the expiration of the certificate, an additional fee of \$2.50 per day shall be charged for each day thereafter up to 20 days or until the application is filed, whichever occurs first. The fees set forth above maybe adjusted with the adoption of the City of Byron Fee Schedule.

(B) The application fee shall be waived for each year the owner has a current or valid crime free rental housing certificate for any premises currently certified in Phase I of the Crime Free Multi-Housing program conducted by law enforcement agencies certified in Minnesota Crime Prevention Association (MNCPA). Phase I certification must be renewed every three years.
(Ord. 114, passed 6-25-08)

§ 114.12 DEFINITIONS.

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

APPROPRIATE ACTION. That action which is a reasonable rental property owner would take based upon the facts and circumstances of each case so as to prevent a reoccurrence of the disorderly use.

CRIME FREE MULTI-HOUSING or **CRIME FREE MULTI-HOUSING PROGRAM.** The program offered by the sheriff's/police department and conducted according to nationally recognized standards.

DISORDERLY or **DISORDERLY USE.** That conduct occurring on the "licensed premises" or "premises" which violates a provision of § 114.13.

LICENSE. A registration certificate or the right to receive a registration certificate as required by this chapter of the Byron Code of Ordinances.

LICENSED PREMISES or **PREMISES.** The property owned, operated or managed by a rental property owner and shall refer to an individual unit within a multi-unit complex when applicable.

LIVING UNIT. One room or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, for rent or lease, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

RENTAL PROPERTY OWNER. One who holds the license or who is otherwise obligated to obtain and maintain the license as required by this chapter of the Byron Code of Ordinances.
(Ord. 114, passed 6-25-08)

§ 114.13 CONDUCT ON LICENSED PREMISES.

(A) Any rental property owner shall be responsible to take appropriate action against persons occupying specific units in the licensed premises who conduct themselves in such a manner as to cause

the premises to be disorderly in violation of the statutes or ordinances listed in this section. For purposes of this chapter, the term **PERSONS OCCUPYING THE PREMISES** shall include tenants and those persons on the licensed premises whose presence the tenant has invited or to which the tenant has acquiesced. Violations of this section apply to individual units within buildings or complexes containing multiple units when the conduct occurs within a unit. Violations of this section by persons occupying specific units that occur within a common area of the licensed premises shall apply both to the individual and the common area of the licensed premises.

(B) The following ordinances and statutes are applicable to this section:

- (1) M.S. §§ 609.321 through 609.3241 prohibiting prostitution;
- (2) M.S. § 609.33 which prohibits participation in a disorderly house;
- (3) M.S. §§ 617.23 through 617.299 prohibiting obscenity;
- (4) Chapter 96 Nuisances in the City of Byron Code of Ordinances prohibiting public nuisances including, but not limited to; loud parties or gatherings or other unnecessary loud noises;
- (5) M.S. §§ 609.75 through 609.76 which prohibit gambling;
- (6) M.S. §§ 152.01 through 152.025 and § 152.027, subs. 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
- (7) M.S. Ch. 340A which prohibits the unlawful sale, use or possession of alcohol beverages;
- (8) M.S. §§ 97B.021, 97B.045, 609.66 through 609.67 and §§ 624.712 through 624.716, which prohibit the unlawful possession, transportation, sale, or use of weapon;
- (9) M.S. § 609.72 which prohibits disorderly conduct; or
- (10) M.S. §§ 609.221, 609.222, 609.223, 609.2231 and 609.224, which prohibit assaults, except that domestic assaults, as the same are defined by state law, are not included herein.

(C) The Olmsted County Sheriff's Department or the city/City Administrator shall be charged with the responsibility of enforcing this section.

(D) Upon determination by the Sheriff's Department or city/City Administrator that the licensed premises were involved in a disorderly use, the city shall notify the license holder by mail of such violation and direct the license holder to take appropriate action to prevent further violations. Notice shall be effective if mailed to the license holder at that person's last known address. This and subsequent notices are collectively referred to as disorderly use notices.

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(E) If a second instance of disorderly use on the premises occurs within 18 months of an incident for which a prior disorderly use notice was given, the license holder shall be notified of a meeting with the Crime Free Rental Housing Committee. The Crime Free Rental Housing Committee shall make a determination regarding whether or not to recommend to the City Council to hold a public hearing.

(F) If a third instance of disorderly use of the premises occurs within 18 months of two or more prior disorderly uses notices, the license or right to obtain such license may be revoked or suspended for a specific unit or units located on the licensed premises. If the notice of violation has been issued with respect to a common area of a building or complex of buildings then the license or right to obtain such license as to all units in such building or complex may be suspended or revoked.

(G) If another instance of disorderly use of the premises occurs within 18 months of the expiration of a prior suspension issued pursuant to the provision of this chapter, the license or right to obtain such license may be revoked or suspended for the specific unit or units located on the licensed premises. If the notice of violation has been issued with respect to a common area of a building or complex of buildings then the license or right to obtain such license as to all units in such building or complex may be suspended or revoked.

(H) No suspension or revocation or other sanctions shall be imposed where one or more of the three required disorderly use notices were mailed or delivered to the landlord after the rental property owner has filed an eviction action (unlawful detainer action) with the district court for the particular unit or units identified in the disorderly use notice. Calls to the Sheriff's Department made by rental property owners shall not be considered incidents of disorderly use in the implementation of this section.

(I) The initiation of an eviction action (unlawful detainer action) shall not be a bar to sanctions, however, unless the action is diligently pursued by the rental property owner. Notice of and a copy of the eviction action (unlawful detainer action) shall be delivered to the city/City Administrator. A determination that the licensed premises have been involved in a disorderly use as described in this section shall be made upon a preponderance of the evidence. It shall not be necessary that criminal charges be brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.

(J) This section applies to all leases, whether written or oral, and a landlord may consider any tenant's conduct listed in this section to be both a material breach of the lease and grounds for termination of any eviction action (unlawful detainer action). Additionally, all written leases executed after September 1, 2008, shall contain a clause providing that conduct that violates this section constitutes both a material breach of the lease and grounds for termination of such lease.

(K) The ordinance codified in this chapter is not intended to supersede criminal sanctions that may be applied to the individual who violates the statutes and ordinances listed in this section.
(Ord. 114, passed 6-25-08)

§ 114.14 LICENSE SUSPENSION AND REVOCATION.

(A) Upon a second violation within 18 months a meeting shall be held before a body known as the Crime Free Rental Housing Committee. The Crime Free Rental Housing Committee shall consist of the one city council member, one member of the Planning Commission, and three citizens at large. The City Administrator, City Planner and a representative from the Olmsted County Sheriff's Office will also attend these meetings. All members of the Crime Free Rental Housing Committee shall be appointed annually by the City Council. All parties shall be offered an opportunity to appear at such meeting after receiving reasonable notice. The notice shall state the time, place and issues involved. At this meeting, rental property owners may present evidence of mitigating circumstances showing the absence of any need for a public hearing before the City Council to consider the revocation or suspension of the license or right to receive such a license, or the imposition of fines or other sanctions. The board shall in good faith hear and consider this evidence in making a determination regarding whether or not to recommend to the City Council to hold a public hearing. At the conclusion of the meeting, the board shall formulate a compliance order or make a recommendation to the City Council regarding a public hearing. The board's recommendation must be submitted to the City Council for consideration. If the City Council determines to call for a public hearing to consider the issue of suspension or revocation, or the imposition of a fine, the City Council shall follow the procedures described in § 114.13.

(B) No suspension or revocation shall be effective until the rental property owner has been afforded an opportunity for a hearing under the Minnesota Administrative Procedure Act, §§ 14.57 to 14.70 . Should the City Council hold a public hearing pursuant to the recommendation of the Crime Free Rental Housing Committee, all parties shall be afforded an opportunity to appear at such hearing after receiving reasonable notice. The notice shall state the time, place, and issues involved. At this hearing, license holders may present evidence of mitigating circumstances that would allow a rental property owner to retain his or her license or the right to obtain such a license. The City Council shall in good faith hear and consider this evidence in making a determination to revoke or suspend the license or right to receive a license, impose civil penalties, or impose other reasonable conditions based upon violations of this chapter. The City Council may postpone or discontinue such proceedings if it appears that the licensee has taken appropriate measures that will prevent further instances of disorderly use.

(C) The City Council reserves the right to impose any of the following sanctions for violations of § 114.13.

(1) Impose other reasonable conditions intended to limit future incidents of disorderly use (including but not limited to requiring the property owner(s) and manager(s) to attend the Crime Free Rental Housing sessions.

(2) Impose a civil fine not to exceed an amount equal to one-month rent for each violation found as a result of the hearings.

(3) Suspend the license or right to receive a license for up to 60 days.

(4) Revoke the license or right to receive a license and establish the time period after which an application for a new certificate for the premises may be made.

(D) Upon expiration of the suspension or revocation period, a license holder shall pay to the city a reinstatement fee of \$500 (this fee is not a refundable application fee). This fee may adjusted with the annually.

(Ord. 114, passed 6-25-08)

§ 114.15 PROSPECTIVE TENANT BACKGROUND INVESTIGATIONS.

It is the declared purpose and intent of this section to protect and reserve this city's neighborhoods and the public health, safety, welfare and morals of it's citizens by recommending that all landlords conduct a criminal history/background investigation of prospective tenants. If a violation occurs as stated under § 114.13 and the licensee can not prove a background check was completed on the renter, the city may suspend or revoke the license.

(Ord. 114, passed 6-25-08)

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
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- 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)

§ 114.02 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.

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(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

§ 114.03 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)

§ 114.04 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

§ 114.05 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)

§ 114.06 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)

§ 114.07 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)

§ 114.08 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)

§ 114.99 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 Chapter 10.99. Each date that a violation is permitted to exist constitutes a separate offense.
(Ord. passed 10-26-11)

