

**ORDINANCE NO. 2016-42 (AMENDED)
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE ENACTING CHAPTER 777 OF THE
CODIFIED ORDINANCES OF THE CITY OF
LYNDHURST REGARDING DONATION DROP BOXES
AND DECLARING AN EMERGENCY**

WHEREAS, the placement of Donation Drop Boxes in various parts of the City has increased over the past year; and

WHEREAS, it is necessary to regulate said placement in order to advance and protect the health, welfare and safety of the City and its residents. Now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. Chapter 777 of the Codified Ordinances is hereby enacted to read as follows:

777.01 FINDINGS, PURPOSE AND INTENT.

In adopting this Chapter, the Council of the City of Lyndhurst acknowledges the proliferation of Donation Drop Boxes within the City. Donation Drop Boxes have a particular set of needs, issues and concerns, including but not limited to the sanitary condition of both the donated items and the area surrounding the donation drop box, as well as the location, maintenance, and frequency of collection of donated items. It is with these needs, issues and concerns in mind that Lyndhurst City Council adopts this Chapter to promote the health, safety, welfare and aesthetics of the City of Lyndhurst through the regulation of Donation Drop Boxes.

777.02 DEFINITIONS.

"Donation Drop Box " means a receptacle designed with a door, slot, or other opening that is intended to accept and store donated items, including but not limited to clothing or household items. Donation Drop Box does not include trailers or other storage containers where personnel are present at all times that donations are being accepted.

777.03 REGISTRATION.

No person or persons shall place, display, maintain, or permit a Donation Drop Box on any property within the City of Lyndhurst unless such person or persons shall first have obtained a Donation Drop Box Permit from the City in accordance with the provisions of this Chapter, and any rules and regulations which may be established hereunder.

777.04 APPLICATION AND FEE.

In order to obtain a Donation Drop Box Permit, an application must be submitted to the City of Lyndhurst Building Department. The permit application shall include the name, address, telephone number and electronic contact information of the permit applicant, which applicant shall be a natural person; the address of the site where the Donation Drop Box will be located; the name, address, telephone number and electronic contact information of the owner of the site; the name, address, telephone number and electronic contact information of the owner of the Donation Drop Box; and the name, address, telephone number and electronic contact information of the person responsible for placing, emptying, servicing, maintaining, cleaning and removing the Donation Drop Box. The application shall also include a plan of the site drawn to scale indicating the exact location of the Donation Drop Box, including setbacks. It shall be the responsibility of the owner of the Donation Drop Box or his or her agent to update the information requested on the permit application, to the extent that such information changes throughout the year. Such application shall include a non-refundable permit application fee of \$50.00.

777.05 EXPIRATION.

Donation Drop Box Permits shall be valid from the date of issuance until December 31st of each year. Upon expiration of a Donation Drop Box Permit, any person who intends to continue to place, display, or maintain a Donation Drop Box shall obtain a new Donation Drop Box Permit, and a new fee shall be required.

777.06 STANDARDS.

Every Donation Drop Box and site shall be maintained in a neat, clean and sanitary condition, and shall be kept in good working order at all times. Each Donation Drop Box shall be serviced and maintained so that it is free of: dirt and grease; chipped, faded, peeling or cracked paint; rust and corrosion; and cracks, dents, blemishes and discoloration. Donation Drop Boxes shall be emptied regularly and within twenty-four (24) hours of the primary contact person being notified that the Donation Drop Box is full. Each Donation Drop Box shall clearly state the name, address and telephone number of the owner of the Donation Drop Box, and how the donated items will be used.

777.07 LOCATION AND MAXIMUM NUMBER OF DONATION DROP BOXES PER PARCEL.

(a) No person shall place or maintain, and no property owner or tenant shall permit or maintain, any Donation Drop Box in any location that obstructs vehicular traffic or impairs vehicular, bicycle or pedestrian views of traffic.

(b) No more than two Donation Drop Boxes shall be permitted on any contiguous parcels under one ownership.

777.08 CORRECTION ORDERS AND REMOVAL.

Upon determination by the Mayor that a Donation Drop Box has been placed or is being maintained in violation of any of the provisions of this Chapter, an order to correct the violation shall be issued electronically to the permit holder. The order shall describe the violation and actions necessary to correct the violation. Failure to properly correct the violation within three (3) consecutive calendar days after being provided with notice of the order will result in criminal charges being filed pursuant to this Chapter. If the violation is not corrected within ten consecutive calendar days (10) days of the date of the order, or if proper contact information for a primary contact person is not provided, the Donation Drop Box will constitute a nuisance, and in addition to any penalty provided in Section 777.99 for such a violation, the nuisance may be abated by the City of Lyndhurst pursuant to the Codified Ordinances of the City of Lyndhurst.

777.99 PENALTY.

Whoever violates any provision of this Chapter is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or which a violation occurs or continues.

SECTION 2. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Lyndhurst for the reason that it is necessary to regulate the placement of Donation Drop Boxes as soon as possible. Therefore this Ordinance shall take effect immediately upon the affirmative vote of not less than five members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: August 1, 2016

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on August 11, 2016 and August 18, 2016.

Clerk of Council

First Reading: August 1, 2016

Second Reading: Suspended

Third Reading: Suspended

Passed 8-1-2016