

First Reading: January 20, 2015
Second Reading: January 27, 2015

ORDINANCE NO. 12899

AN ORDINANCE TO AMEND PART II,
CHATTANOOGA CITY CODE, CHAPTER 18, RELATIVE
TO DONATION BINS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 18, is hereby amended by creating a new Article XI, *Donation Bins*, appropriately codified as follows:

Sec. 18-211. Definitions.

Donation bin or box means a unattended container or receptacle held out to the public as a place for people to donate household materials, clothes, shoes, books, and other similar property and to store them until taken away for donation or resale by the entity that owns, operates, or maintains the bin. Donation bins are also known as donation collection bins/boxes, charity bins/boxes, clothing bins/boxes, clothing donation containers, drop off donation center or any combination thereof.

Property owner means a person, association, corporation, partnership or other legal entity having a legal or equitable title or ownership interest in real property.

Premises means a lot, plot or parcel of land including structures on the property.

Sec. 18-212. Donation Bins; permit required.

It is unlawful for any person to locate a donation bin on the exterior of property areas of any public or private property premises without the property owners' written consent and a donation bin permit issued pursuant to this Article.

Sec. 18-213. Application for Donation Bin Permit.

Any person requesting a donation bin permit shall submit an application to the City Treasurer's Office setting forth the following information:

- (1) Name, addresses including email if applicable, telephone and fax numbers, contact person, of the organization who owns and services the donation bin;
- (2) The name of the owner of the real property where the donation bin will be located including the address on file for the property owner as submitted to the Hamilton County Tax Assessor's Office;
- (3) A statement that the donation bin permit holder consents to removal of the donation bin if it is determined by Code enforcement officials to be out of compliance with this Article;
- (4) A statement that the donation bin permit holder consents to removal of the donation bin by the property owner.
- (5) A site plan showing where the donation bin will be placed on the premises;
- (6) A statement or declaration of whether the donation bin is "for profit" or "not for profit";
- (7) If "for profit" must include proof of a Business License for the City of Chattanooga;
- (8) If "not for profit" must include proof of the organization's 501(c)(3) designation;
- (9) A donation bin permit shall be renewed annually;
- (10) The registration fee for a donation bin permit shall be \$250.00.
- (11) Donation bins shall be labeled on the exterior to provide notice to citizens of the following:
 - (a) the name of the organization that owns, operates, and collects the donations in bold letters on face and sides of the donation bin;
 - (b) the names of recipients of any donations or funds raised from the sale of the donations;
 - (c) If For-Profit the donation bin shall be labeled "For Profit" and "Not Tax Deductible";

(d) Lettering shall not be smaller than three (3) inches tall and must be in contrasting color with the background;

(12) Donation bins must be placed on the premises in accordance with all other applicable codes (i.e. not interfere with line of sight or sight triangle, on site circulation, required setbacks, landscaping, parking, etc). Donations shall not be placed on the premises in a manner that prevents off-street parking, circulation or unloading/loading areas or required yard or landscaping areas.

(13) Donation bins must be kept maintained and kept in good repair. The donation bin area shall be maintained in a safe, orderly condition. Donation bins shall have no rust, peeling paint or graffiti. The areas around a donation bin must be kept clean and free of garbage and debris on the premises where the donation bin is located on the premises. Property donated through a donation bin shall be placed in the donation bin. Goods or property shall be regularly removed to avoid overflow outside of a donation bin. All debris on the exterior of a donation bin shall be removed.

(14) Donation bins must be secured to prevent removal of donated property. Donation bins shall have a locked door for accessibility and servicing. Donation bins shall be designed in such a way as to prevent child or adult access into the bin and to {when it is locked} avoid an attractive nuisance.

(15) In the event a holder of donation bin permit fails to comply with a notice of violation or order of a Code Official and fails to timely appeal the notice of violation or order, the Code Official is authorized to impound and remove the donation bin that is subject to a notice of violation or order. Any appeal filed under this Article shall be heard by the Public Officer. Any final order by a Code Official or Public Officer may be appealed to a court of competent jurisdiction as allowed by law.

Sec. 18-214. Donation bins compliance procedures; Duties of housing code officials.

General. The Code Official shall enforce the provisions of this Article.

(1) Rule-making authority. The Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this Article; to secure the intent thereof; and to designate requirements applicable because of local climate or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating engineering methods involving public safety.

(2) Right of entry. The code official is authorized to enter property to inspect a donation bin that has been issued a donation bin permit pursuant to this Article at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

(3) It shall be a violation of this ordinance if any owner, occupant or other person in charge of a donation bin subject to the provisions of this Code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the donation bin where inspection authorized by this Code is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

(4) Code officials shall inspect any donation bin about which complaints are filed by any person to the effect that a donation bin is, or may be, existing in violation of this article.

(5) Code officials shall inspect any donation bin reported by the fire or police department, department of health or municipal judge as probably existing in violation of the provisions of this article.

(6) The Code Official shall notify, in writing the holder of a donation bin permit and the property owner identified in the application for a donation bin permit found that:

(7) The owner of the donation bin shall repair or remove a donation bin such in accordance with the terms of the notice of this article.


(8) Failure to remove or repair a donation bin as required by this Article shall result in the removal of the donation bin

(9) The Code Official shall appear at hearings or in any court of competent jurisdiction to testify as to the condition of any donation bin.

(10) The powers and duties conferred upon the Code Official by this article shall be in addition and supplemental to the powers conferred upon the Code Official or inspectors by any other ordinance or code provision of the City.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage as provided by law.

Passed on second and final reading: January 27, 2015



CHAIRPERSON
APPROVED: DISAPPROVED:



MAYOR

KOF/mem