

ORDINANCE NO.: 31, 2019

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA,
ESTABLISHING CHAPTER 102, COLLECTION BOXES OF THE MUNICIPAL CODE OF THE CITY OF
VALPARAISO, INDIANA,**

Whereas, Chapter 102 of the Municipal Code of the City of Valparaiso, Indiana, sets forth certain regulations governing collection boxes within the geographical boundaries of the City of Valparaiso, Indiana ("City");

Whereas, several nonprofit organizations have placed Collection Boxes on property within the City to further their mission and provide assistance to members of our community. Although the City Council supports this type of philanthropic activity, the placement of some Collection Boxes has created potential public safety concerns and a public nuisance; and

Whereas, the Common Council of the City of Valparaiso, Indiana, in balancing the needs of allowing nonprofit organization to engage in charitable activities with the legitimate concerns of public safety and avoiding public nuisances, is desirous of adopting this Ordinance so as to establish Chapter 102 of the Municipal Code of the City of Valparaiso, Indiana, to establish new regulations for collection boxes.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, AS FOLLOWS:

Section 1. That Chapter 102 shall be added to the Municipal Code of the City of Valparaiso, Indiana, which shall read as follows:

Section 1. Definitions:

COLLECTION BOX means any container, receptacle, or similar device that is located on any parcel or lot of record within the City and is used for soliciting and/or collecting of clothing, household items, books or other salvageable personal property. This term does not include recycle bins for the collection of recyclable material, any rubbish or garbage receptacle or any collection box located within an enclosed building.

OPERATOR means a person who owns, operates or otherwise is in control of a Collection Box to solicit collection of salvageable personal property.

PROPERTY means a parcel or lot of record within the City of Valparaiso.

Section 2. Process, Requirements, Prohibitions:

- (A) No person or legal entity shall place or maintain a Collection Box within the City of Valparaiso unless the items collected are utilized for charitable purposes. Should a question of whether items collected are being used for a charitable purpose, the City's Board of Public Works and Safety shall have jurisdiction to make such determination;

- (B) No person or legal entity shall place or maintain a Collection Box on any Property open to the public except when issued a permit by the Building Department;
- (C) No person or legal entity shall place or maintain a Collection Box on Property of which they are not the legal owner or tenant, unless a notarized affidavit signed by the Property owner granting permission for the placement of the Collection Box is submitted with the Collection Box Permit Application. For purposes of this subsection, the affidavit and acknowledgement may be executed by an individual who is an authorized officer, director, member or manager of the property owner;
- (D) The Building Commissioner is authorized to prepare and promulgate forms concerning Collection Boxes including the Collection Box Permit Application and Affidavit;
- (E) A Collection Box shall not be permitted on any Property zoned or used for residential purposes;
- (F) A Collection Box shall not be permitted on any Property that has been closed or unoccupied for more than (30) days;
- (G) A Collection Box shall not exceed 6 feet in height, 6 feet in width and 6 feet in depth;
- (H) A Collection Box shall not create a visual obstruction to vehicular and pedestrian traffic;
- (I) A Collection Box shall not be placed closer than (10) feet to a paved street, a driveway, a sidewalk, the nearest easement line, the nearest property line, or the nearest right-of-way line as established by the City's Official Thoroughfare Plan;
- (J) A Collection Box shall not be located on the side or rear of the primary structure on the Property;
- (K) A Collection Box shall not be placed in required parking spaces;
- (L) A Collection Box shall not be placed on a vacant parcel of Property.
- (M) A Collection Box shall not obstruct pedestrian or vehicular circulation, nor be located in public rights-of-way, landscaped areas, drive aisles, required parking spaces, fire lanes, loading zones, or any other location that may cause hazardous conditions, constitute a threat to the public safety, or create a condition detrimental to surrounding land uses and developments; and,
- (N) A Collection Box must be located on a hard, level surface and not within 600 feet from any other Collection Box.

Section 3. Collection Box Permit

A. Maintenance Standards. An Operator shall operate and maintain, all Collection Boxes located in the City, as follows:

- 1) A Collection Box shall be metal or other appropriate material as approved by the Building Department, and shall further be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti;
- 2) A Collection Box shall be locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents;
- 3) A Collection Box shall have, at minimum, 2-inch type visible from the front of each collection box the name, address, website and phone number of the Operator. The Collection Box shall not have information, advertising or logos other than those relating to the Operator.
- 4) A Collection Box shall be serviced and emptied at least every fourteen (14) days.
- 5) No donated items or materials shall be left outside of the Collection Box.
- 6) The Operator and/or Property owner shall maintain the area surrounding the Collection Box, free from any junk, debris, overflow or other material.

B. Annual Renewal. The Operator must reapply for the Collection Box permit on an annual basis. The renewal fee for each Collection Box shall be \$25.

C. Size. Each collection box(es) shall have a firmly closing lid and shall have a capacity no greater than six cubic yards. No collection bin shall exceed six (6) feet in height.

Section 6. Term of Permit and Renewal of Permit

- A. Each permit issued pursuant to this Ordinance shall expire annually on the anniversary of its date of issuance, unless renewed prior to its expiration.
- B. A collection box permit shall be renewed annually. The application for renewal must be filed not later than forty-five (45) days before the permit expires.
- C. A permit renewal fee shall be submitted with the application for renewal.
- D. If the permit expires and is not renewed, the Collection Box must be removed from the Property within ten (10) days after expiration of the permit.
- E. No permit issued under the provisions of this article shall be transferred, assigned or conveyed to another person or legal entity.

Section 7. Penalties and Enforcement

Before the placement of a Collection Box on any Property, the Operator shall be required to apply for and obtain a Collection Box permit from the Building Department. A permit is required for each Collection Box. For any Collection Box placed within the City prior to adoption of this Ordinance, a Collection Box Permit Application shall be filed within ninety (90) days of approval of this Ordinance. The Building Commissioner shall take steps to notify the Operators of all existing Collection Boxes.

Section 4. Application for a Permit

Applications shall be signed by an individual who is an officer, director, or member of the entity seeking a permit. An Application shall contain the following:

- 1) The Operator's name, address, email, phone number and a brief description of how the collected items are used for a charitable purpose.
- 2) Whether or not the applicant has previously received a permit for a Collection Box in the City or currently operates a Collection Box.
- 3) The name, address, email address and phone number of a contact person accepting responsibility for all matters relating to a Collection Box.
- 4) The physical address of the Property where the Collection Box is proposed to be located.
- 5) A site plan showing the proposed location of the proposed Collection Box, dimensions of the proposed Collection Box and all other requirements listed in Section 5 of this Ordinance.
- 6) Elevations showing appearance, materials, and dimensions of the Collection Box.
- 7) A notarized affidavit signed by the Property owner granting permission for the placement of the Collection Box is submitted with the Collection Box Permit Application. For purposes of this subsection, the affidavit and acknowledgement may be executed by an individual who is an authorized officer, director, member or manager of the Property owner;
- 8) A nonrefundable application fee of \$50.00 for each collection box. The Council may, from time to time, modify the established fee.
- 9) Any other requested information reasonably necessary for the Building Commissioner to review the Application and determine that the Application is consistent with this Ordinance.
- 10) No permit fee shall be required for a Collection Box that is placed on Property owned by the Operator, if the items collected are used for the Operator's specific benefit.

Section 5. Requirements for Permit

Violations of the provisions of this ordinance or failure to obtain the appropriate permit can lead to citation or revocation of Collection Box permit. The Property owner and Operator shall be jointly and severally liable for each violation and for payment of any citation.

All Collection Box existing within the City at the effective date of this ordinance shall apply for a permit as required herein within ninety (90) days of the effective date. Any Collection Box not in compliance with this article after ninety (90) days of the effective date shall be subject to all remedies for violation as provided herein.

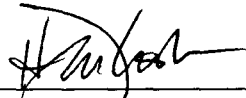
In the event that the Collection Box is required to be removed, the Property owner shall be responsible for the removal of the collection box. In the event that the Collection Box is in violation of this ordinance, a \$50 fine per day can be levied.

Section 2 Conflicting Ordinances. Any ordinance or provision of any ordinance of the City of Valparaiso, Indiana, in conflict with the provisions of this Ordinance is hereby repealed.

Section 3. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval by the Mayor of the City of Valparaiso and publication as required by law.

PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Porter County, Indiana, on the 25th day of November, 2019.



Jon Costas, Mayor

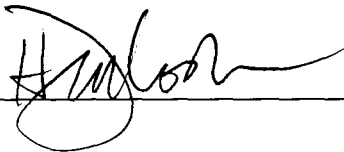
ATTEST:


Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 25th day of November, 2019, at 7pm o'clock p.m.


Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 25th day of November, 2019, at 7pm o'clock p.m.



Vote 7-0

Jon Costas, Mayor