

**CITY OF DALTON
ORDINANCE**

ORDINANCE NO. 23-22

AN ORDINANCE TO REGULATE THE USE AND PLACEMENT OF UNATTENDED DONATION DROP BOXES WITHIN THE CITY OF DALTON; TO PROHIBIT USE AND PLACEMENT EXCEPT AS PROVIDED HEREIN; TO SET SERVICING STANDARDS FOR ANY PERMITTED DROP BOX; TO PROVIDE PENALTIES FOR VIOLATION; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council repealed by Ordinance No. 22-25 Article VIII “Donation Bins” of Chapter 26 “Businesses” being formerly Revised Code Sections 26-306, 26-307, 26-308, 26-309, 26-310, and 26-311 except as provided in Ordinance No. 22-25, and made no further provision for the use and placement of “Donations Bins” within the City of Dalton and now deems it in the public interest of health, safety and welfare to provide a limited regulatory scheme for use and placement of unattended donation drop boxes; and

WHEREAS, the Mayor and Council find it is necessary to regulate the placement of unattended donation drop boxes within the corporate limits of the City of Dalton in order to promote the community’s health, safety and welfare by regulating unattended donation boxes for clothing or other salvageable property; by ensuring the unattended donation boxes do not pose a hazard to pedestrians and vehicular traffic; by ensuring that materials are not allowed to accumulate outside of the unattended donation boxes where it is scattered by weather conditions, animal contacts, and human activities; and by ensuring regular servicing of the drop box to avoid unsightliness, attraction of vermin, and public health hazards;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Dalton and by authority of same IT IS HEREBY ORDAINED as follows:

The foregoing statements are findings of fact of the Mayor and Council.

No person shall place or use an unattended donation box or donation bin on any tract or parcel of land within the City of Dalton except as follows:

- i) On a tract or parcel of land where a non-profit Section 501 (c) (3) charitable organization maintains its principal location and place of business operation (not a property of a third person where the charitable organization only places an unattended drop box or donation bin);
- ii) For purposes of subparagraph (i) the non-profit charitable organization must:
 - a) hold an Occupational Tax Certificate and/or Certificate of Occupancy from the City of Dalton for the subject tract or parcel of land where the unattended drop box or donation bin is placed;
 - b) must place its unattended drop box or donation bin so as to abut its physical structure (i.e., cannot be located in a parking lot);
 - c) utilize an unattended drop box or donation bin large enough to hold all clothes or salvageable personal materials placed in the structure (i.e., meaning all donations that will not fit inside the unattended drop box or donation bin must be stored inside its building and not on the outside premises, such as furniture);
 - d) empty regularly the unattended drop box or donation bin so that there is no overflowing;
 - e) not utilize a donation bin or drop box exceeding five (5) feet in width by five (5) feet in depth by seven (7) feet in height; and
 - f) clearly identify on the face of the donation bin or drop box the specific items and materials requested for donation with a statement that the donation bin or drop box is not

intended for refuse disposal or liquids (i.e., “Do not use for garbage, candy or food wrappers, drink bottles, etc.”)

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Violation of this Ordinance upon citation to the Municipal Court of the City of Dalton and finding of guilt may result in a fine not exceeding \$1,000.00 for any such violation.

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This Ordinance shall be codified as Article VIII “DONATION BINS” in Chapter 26 “Business” in the 2001 Revised Code of the City of Dalton as Section 26-312 et. seq. as determined by the Code codifier.

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- (a) If a violation of this Ordinance is documented, the operator of the donation drop box shall be responsible for ensuring compliance with the regulations of this section.
- (b) With the first violation of this Ordinance the operator of the donation drop box shall be required to provide a written plan to Code Enforcement, to ensure full compliance with the regulations contained in this section within five (5) days.
- (c) With the second violation of this Ordinance, the operator of the donation drop box shall be required to show records and logs for compliance with this Ordinance.
- (d) With the third or any additional violation of this Ordinance the operator of the donation drop box shall be required to remove the donation drop box from the property at the expense of the operator of the donation drop box within thirty (30) days of the notice of violation. The operator shall be suspended from having a donation drop box at this location for a period of five (5) years.

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All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

This Ordinance shall be effective after adoption by the Mayor and Council of the City of Dalton and it being published in two (2) public places for five (5) consecutive days thereafter.

SO ORDAINED this _____ day of _____, 2023.

ADOPTED AND APPROVED on the _____ day of _____ 2022 at the regular meeting of the Mayor and Council of the City of Dalton.

The foregoing Ordinance received its first reading on _____ and a second reading on _____. Upon second reading a motion for passage of the Ordinance was made by Councilmember _____ second by Councilmember _____ and upon the question the vote is _____ ayes, _____ nays and the Ordinance DOES/DOES NOT pass.

CITY OF DALTON

Mayor

ATTEST:

City Clerk

A true copy of the foregoing Ordinance has been published in two public places within the City of Dalton for five (5) consecutive days following passage of the above-referenced Ordinance as of the _____ day of _____, 20____.

City Clerk