

ORDINANCE NO. MC-1096

**AN ORDINANCE UPDATING REGULATIONS
IN THE HOMEWOOD MUNICIPAL CODE GOVERNING
UNATTENDED DONATION COLLECTION BOXES**

WHEREAS, the Village of Homewood (the “Village”) is a non-home rule municipality organized under the Constitution and laws of the State of Illinois; and

WHEREAS, Section 11-80-1 et seq. of the Illinois Municipal Code (65 ILCS 5/11-80-1 *et seq.*), authorizes the Village to regulate nuisances and matters affecting the public health, safety, and welfare; and

WHEREAS, unattended donation collection boxes, if not properly maintained and regulated, can become nuisances attracting illegal dumping, litter, graffiti, and blight; and

WHEREAS, the Village desires to adopt reasonable, content-neutral regulations governing the placement, registration, maintenance, and operation of unattended donation collection boxes; and

WHEREAS, the President and Board of Trustees find that the regulations contained herein are necessary for the protection of the public health, safety, and welfare of the residents of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Homewood, Cook County, Illinois, as follows:

SECTION ONE - AMENDMENTS TO THE MUNICIPAL CODE:

The Homewood Municipal Code is hereby amended by deleting all language in existing Section 20-180 “Donation Boxes” and by the addition of new Article III to Chapter 20, entitled “Unattended Donation Collection Boxes,” to read as follows:

ARTICLE III. - UNATTENDED DONATION COLLECTION BOXES

DIVISION 1. GENERAL PROVISIONS

Sec. 20-125. Purpose.

The purpose of this Chapter is to protect the public health, safety, and welfare by establishing content-neutral regulations governing the placement, registration, maintenance, and operation of unattended donation collection boxes within the Village. These regulations are intended to prevent blight,

nuisance conditions, and negative impacts on community aesthetics while permitting the operation of donation collection boxes in a manner consistent with constitutional protections.

Sec. 20-126. Definitions.

As used in this Chapter, the following terms shall have the meanings set forth below:

“Donation collection box” or **“box”** means any unattended receptacle, container, bin, or similar structure, whether temporary or permanent, designed or used for the collection of donated clothing, textiles, shoes, books, household items, or other salvageable personal property from the public.

“Operator” means any person, corporation, limited liability company, partnership, nonprofit organization, or other entity that owns, operates, leases, maintains, services, or otherwise controls a donation collection box.

“Person” means any natural person, corporation, limited liability company, partnership, nonprofit organization, charitable organization, or any other legal entity.

“Private property” means any real property not owned by a governmental entity, including but not limited to commercial, industrial, and residentially zoned properties.

“Property owner” means the person or entity holding legal title or beneficial ownership to the real property where a donation collection box is located, or the authorized agent thereof.

“Public right-of-way” means any street, highway, sidewalk, alley, or other public way owned, controlled, or maintained by the Village, County, State, or other governmental entity.

DIVISION 2. REGISTRATION REQUIREMENTS

Sec. 20-127. Registration required.

(A) No person shall place, install, use, operate, or maintain a donation collection box within the Village without first obtaining a valid registration from the Village Clerk.

(B) A separate registration shall be required for each donation collection box.

(C) Registrations shall be valid for a period of one (1) year from the date of issuance and shall be renewable annually.

(D) Registrations are non-transferable. Any change in the operator of a donation collection box shall require a new registration application.

Sec. 20-128. Registration application.

An application for registration of a donation collection box shall be submitted on forms provided by the Village and shall include the following information:

- (A) The name, address, telephone number, and email address of the operator;
- (B) If the operator is an entity other than a natural person, proof of registration or good standing with the Illinois Secretary of State;
- (C) The name, address, telephone number, and email address of a local contact person available to respond to complaints or emergencies within twenty-four (24) hours;
- (D) The street address of the property where the donation collection box is or will be located;
- (E) A site plan or diagram showing the proposed location of the donation collection box on the property;
- (F) Written consent of the property owner authorizing the placement of the donation collection box on the property;
- (G) Proof of general liability insurance in an amount of not less than One Million Dollars (\$1,000,000) per occurrence, naming the Village as an additional insured;
- (H) A description of the maintenance plan, including the frequency of scheduled collections and the process for responding to overflow or dumping;
- (I) If the operator is a nonprofit or charitable organization, a copy of its determination letter from the Internal Revenue Service recognizing the organization's tax-exempt status, or proof of registration with the Illinois Attorney General's Charitable Trust Bureau; and

DIVISION 3. PLACEMENT AND LOCATION REQUIREMENTS

Sec. 20-129. Private property required.

- (A) Donation collection boxes shall be located only on private property with the written consent of the property owner.
- (B) No donation collection box shall be placed on any public property or within any public right-of-way.

Sec. 20-130. Prohibited locations.

No donation collection box shall be placed or located:

- (A) Within any parking space required by the Village zoning ordinance or site plan approval;

- (B) Within any fire lane, loading zone, or emergency vehicle access area;
- (C) Within any required building setback area;
- (D) Within any required landscaping area or buffer yard;
- (E) Within any drainage easement, utility easement, or access easement;
- (F) Within any designated flood hazard area or floodplain;
- (G) In any location that obstructs pedestrian or vehicular traffic, impairs sight lines for motorists, or creates a hazard for public safety;
- (H) On any vacant lot or on any property where no active business is operating;
- (I) Within any residentially zoned district, unless accessory to a permitted institutional use such as a church, school, or community center.

Sec. 20-131. Placement on paved surface.

All donation collection boxes shall be placed on a paved surface of asphalt, concrete, or similar durable material. No donation collection box shall be placed directly on grass, gravel, dirt, or other unpaved surfaces.

Sec. 20-132. Limit on number of boxes.

No more than one (1) donation collection box shall be permitted on any single lot or parcel of property. In the case of a shopping center or other unified commercial development with multiple lots, the entire development shall be treated as a single lot for purposes of this limitation.

Sec. 20-133. Spacing requirements.

No donation collection box shall be located within five hundred (500) feet of another donation collection box, as measured in a straight line from the nearest exterior wall of each box.

DIVISION 4. DESIGN AND IDENTIFICATION REQUIREMENTS

Sec. 20-134. Construction and design standards.

All donation collection boxes shall meet the following design standards:

- (A) Boxes shall be constructed of durable, weather-resistant, and waterproof materials;
- (B) Boxes shall not exceed six (6) feet in height, five (5) feet in width, and five (5) feet in depth;

- (C) Boxes shall have a secure door or hatch to prevent unauthorized access, theft, or vandalism;
- (D) Boxes shall be of a single, neutral color and shall not be painted in fluorescent, high-intensity, or garish colors;
- (E) Boxes shall not be mechanized, electrically powered, or hydraulically operated; and
- (F) Boxes shall be designed to prevent water from accumulating inside and to prevent the collection of donated items from creating unsanitary conditions.

Sec. 20-135. Required identification and signage.

Every donation collection box shall have permanently affixed to the front exterior surface, in letters no less than two (2) inches in height and clearly legible from a distance of ten (10) feet, the following information:

- (A) The name of the operator;
- (B) The street address of the operator's principal place of business;
- (C) A telephone number at which the operator or a responsible person may be contacted twenty-four (24) hours per day, seven (7) days per week;
- (D) An email address for the operator;
- (E) A statement indicating whether the operator is a nonprofit organization or a for-profit business; and

Sec. 20-136. Additional signage.

Every donation collection box shall display a sign, in letters no less than one (1) inch in height, stating: "ALL DONATIONS MUST FIT INTO AND BE PLACED INSIDE THIS BOX. LEAVING ITEMS OUTSIDE THE BOX IS PROHIBITED."

DIVISION 5. MAINTENANCE AND OPERATION REQUIREMENTS

Sec. 20-137. General maintenance.

- (A) Donation collection boxes shall be maintained in good condition and appearance at all times.
- (B) Boxes shall be free of structural damage, holes, rust, peeling paint, and deterioration.
- (C) Boxes shall be free of graffiti. Any graffiti shall be removed within forty-eight (48) hours of notice from the Village or discovery by the operator, whichever is sooner.

(D) All required signage and identification shall be maintained in legible condition.

Sec. 20-138. Collection frequency.

(A) The contents of each donation collection box shall be collected and emptied at least once per week.

(B) Collections shall be made more frequently as necessary to prevent overflow.

Sec. 20-139. Prohibition on exterior deposits.

(A) It shall be unlawful for any person to place or deposit donated items, trash, debris, or any other materials on the ground or any surface outside of a donation collection box.

(B) The operator and property owner shall be jointly responsible for removing any items, trash, or debris found outside of, around, or near a donation collection box within forty-eight (48) hours of notice from the Village.

(C) If the operator or property owner fails to remove such items within the time specified, the Village may remove the items and charge the costs of removal, including administrative fees, to the operator and/or property owner.

Sec. 20-140. Nuisance conditions prohibited.

No donation collection box shall be maintained in a condition that constitutes a nuisance, including but not limited to: overflow of donated materials; accumulation of trash, debris, or refuse in or around the box; attraction of rodents, vermin, or insects; emission of foul odors; or any condition that creates a hazard to public health or safety.

DIVISION 6. ENFORCEMENT

Sec. 20-141. Inspections.

The Village Code Enforcement Officer, Building Inspector, or their designee, is authorized to inspect any donation collection box and its surrounding area to determine compliance with this Chapter.

Sec. 20-142. Violations and penalties.

(A) Any person who violates any provision of this Chapter shall be subject to a fine as provided in Section 1-10 of the Homewood Municipal Code for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(B) In addition to the penalties provided herein, the Village may pursue any other remedy available at law or in equity, including injunctive relief.

Sec. 20-143. Revocation of registration.

(A) The Village may revoke a registration for a donation collection box upon a finding that:

- (1) The operator has violated any provision of this Article III three (3) or more times within the preceding twelve (12) month period;
- (2) The operator has made a material misrepresentation in the registration application;
- (3) The required insurance coverage has lapsed; or
- (4) The box has been abandoned for a period of thirty (30) days or more.

(B) Prior to revocation, the Village shall provide written notice to the operator and property owner and an opportunity to be heard.

Sec. 20-144. Removal of unregistered or non-compliant boxes.

(A) Any donation collection box found to be unregistered or in violation of this Chapter may be removed by the Village after providing ten (10) days' written notice to the operator and property owner, unless the violation is remedied within that time period.

(B) In the case of an imminent threat to public health or safety, the Village may remove a donation collection box immediately without prior notice.

(C) Any donation collection box removed by the Village shall be stored for a period of thirty (30) days. If not claimed within that period upon payment of all removal, storage, and administrative costs, the box shall be deemed abandoned and may be disposed of at the Village's discretion.

(D) The operator and property owner shall be jointly and severally liable for all costs of removal, storage, and disposal.

DIVISION 7. LIABILITY

Sec. 20-145. Joint and several liability.

The operator and property owner shall be jointly and severally liable for compliance with all provisions of this Chapter and for any violations thereof.

Sec. 20-146. Indemnification.

As a condition of registration, the operator agrees to indemnify, defend, and hold harmless the Village, its officers, employees, and agents from and against any and all claims, damages, losses, and expenses, including reasonable attorneys' fees, arising out of or resulting from the placement, operation, or maintenance of the donation collection box.

SECTION TWO - EXISTING BOXES:

Any donation collection box in existence within the Village on the effective date of this Ordinance shall be brought into compliance with this Chapter within sixty (60) days of the effective date. Failure to obtain a valid registration and comply with all requirements within this period shall subject the box to removal in accordance with the enforcement provisions herein.

SECTION THREE - SEVERABILITY:

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

SECTION FOUR - REPEALER:

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION FIVE - EFFECTIVE DATE:

This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED and APPROVED this ___ day of _____, 2026.

Village President

ATTEST:

Village Clerk

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____