

**ORDINANCE NO. 2025-10**

**CITY OF LATHRUP VILLAGE  
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND THE CITY OF  
LATHRUP VILLAGE CODE OF ORDINANCES AT  
ARTICLE 18. BUSINESSES, BY ADDING A NEW ARTICLE  
ARTICLE VIII. OUTDOOR COLLECTION BOXES, TO PROVIDE FOR  
THE LICENSING AND REGULATION OF OUTDOOR COLLECTION  
BOXES IN THE CITY OF LATHRUP VILLAGE**

**THE CITY COUNCIL OF THE CITY OF LATHRUP VILLAGE ORDAINS:**

**PART I. TITLE.**

This Ordinance shall be known as the “Outdoor Collection Boxes Ordinance”.

**PART II. ORDINANCE AMENDMENT.**

Chapter 18. Business, Article VIII. Outdoor Collection Boxes, of the City of Lathrup Village Code of Ordinances is hereby added to read as follows in its entirety:

**ARTICLE VIII. OUTDOOR COLLECTION BOXES**

**Sec. 18-450. PURPOSE.**

The purpose of this Article is to protect and promote the health, safety and welfare of the residents of the City of Lathrup Village, as well as those visiting the area who use collection boxes. The intent of this collection boxes article is to regulate outdoor collection boxes in the City so that they are clean and safe; establish standards for their size and location so they do not create hazards to pedestrians or vehicular traffic; and to prohibit their location in residential areas.

**Sec. 18-451. Definitions.**

The following words, terms and phrases shall have the meanings ascribed to them in this section.

*Collection box* means any metal container, receptacle, or similar device that is located on any parcel or lot of record within the township and that is used for soliciting and collecting the receipt of clothing, household items, or other salvageable personal property. This term does not include recycle bins solely used for the collection of recyclable material, any rubbish or garbage receptacle or any collection box located within an enclosed structure.

*Administrator* means the City Administrator or their designee.

*Operator* means a person who owns, operates or otherwise is in control of collection boxes to solicit collections of salvageable personal property.

*Permitee* means a person over 18 years of age or an entity who is issued a permit authorizing placement of collection box(es) on real property.

*Real property, property or land* means a lot of record located in the City of Lathrup Village.

#### **Sec. 18-452. Collection box permits required.**

It shall be unlawful for any person to deposit, store, keep or maintain or to permit to be deposited, stored, kept or maintained a collection box on any real property without first obtaining an annual permit issued by the Administrator. A permit is required for each collection box.

#### **Sec. 18-453. Application for a permit.**

Application for permits required by this article shall be upon forms provided by the Administrator which 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) If the collection box is used to solicit donations on behalf of a for profit organization, the name, address and email of all partners or limited partners of a partnership applicant, all members of an LLC applicant, all officers and directors of a non-publicly traded corporation applicant, all stockholders owning more than five percent of the stock of a non-publicly traded corporate applicant, and any other person who is financially interested directly in the ownership or operation of the business, including all aliases.
- (2) If the collection box is used to solicit donations on behalf of a non-profit 501(c)(3) organization, the name, address and email of its headquarters; and proof of the 501(c)(3) status of the charitable organization or a valid registration under the Charitable Organization and Solicitation Act.
- (3) Whether the applicant has previously received a permit for a collection box in the City or currently operates a collection box.
- (4) The name, address, email address and telephone number of a contact person accepting responsibility for all matters relating to a collection box located in the City.
- (5) Removal agreement: The applicant shall submit a signed removal agreement and cash security, satisfactory to the Administrator, for the removal of collection boxes, any related site improvements and/or code violations. The applicant shall demonstrate that adequate funds will be available to the City for the removal of the collection boxes, restoration of the site and associated administrative costs incurred by the City in the event that the applicant, property owner or their successors fail to remove the collection boxes in a timely manner as required by this article.

- (6) The physical address of the real property where the collection box is proposed to be located including parcel ID number.
- (7) A scaled drawing sufficient to illustrate the proposed location of the collection box on the real property, the dimensions of the proposed collection box and that the location complies with the requirements of section 18.454 of this Article.
- (8) A nonrefundable application fee to be established by resolution of the City Council. The City Council may, from time to time, modify the established fee schedule.

**Sec. 18-454. Requirements for a permit.**

- (a) *Maintenance standards.* A permittee shall operate and maintain, or cause to be operated and maintained, all collection boxes located in the City, as follows:
  - (1) Collections boxes shall be metal or other appropriate material as approved by the director, 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) Collection boxes 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) Collection boxes shall have, at a minimum, two-inch type visible from the front of each collection box the name, address, email, website and phone number of the operator, and whether the collection box is owned and operated on behalf of a for profit company or non-profit organization. The collection box shall not have information, advertising or logos other than those relating to the operator, for profit or non-profit organization.
  - (4) Collection boxes shall be serviced and emptied as needed, but at least every seven days.
  - (5) The permittee and property owner shall maintain, or cause to be maintained, the area surrounding the collection boxes, free from any junk, debris or other material. The property owner shall be responsible to the extent provided by law for the City's cost to abate any nuisance.
- (b) *Collection boxes prohibited:*
  - (1) Not be permitted on any land zoned or used for residential purposes.
  - (2) Not be permitted, if the applicant does not own the real property designated for the placement of the collection box, unless a notarized affidavit signed by the property owner granting permission for the placement of the proposed collection box is submitted to the Administrator. For purposes of this subsection, the affidavit and acknowledgement may be executed by an individual who is an officer, director, member or manager of the property owner.

- (3) Not be permitted on any unimproved parcel, nor where the principal use of the land has been closed or unoccupied for more than 30 days.
- (4) Not be less than 1,000 feet from another collection box as measured along a straight line from one box to the other. Notwithstanding this separation requirement, up to two collection boxes on a single lot of record are permitted if the two collection boxes are side by side and are no more than one foot apart.
- (5) Not exceed 7.0 feet in height, 6.0 feet in width and 6.0 feet in depth.
- (6) Not cause a visual obstruction to vehicular or pedestrian traffic.
- (7) Maintain all applicable yard setbacks for the district in which the box is located as prescribed within the City zoning ordinance.
- (8) Not be placed closer than ten feet from: i) a public or private sidewalk; ii) a public right-of-way; iii) a driveway; or iv) a side or rear property line of adjacent property used for residential purposes.
- (9) Not cause safety hazards with regard to a designated fire lane or building exit.
- (10) Not interfere with an access drive, off-street parking lot maneuvering land and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic; encroach upon an access drive, fire lane, off-street parking lot maneuvering lane and/or required off-street parking space as illustrated on the approved site plan.
- (11) Be placed on a level, hard (asphalt or concrete) paved, dust-free surface.

**Sec. 18-455. Permit issuance or denial; appeal of denial.**

- (a) Upon receipt of the application for a license, the Administrator or his designated representative shall verify that the applicant meets all requirements set forth in sections 18-453. and 18-454.
- (b) A permit may be denied for the following reasons:
  - (1) An applicant had a permit revoked under this Article within the last year.
  - (2) The applicant does not fulfill the requirements of section 18-453.
  - (3) An applicant that does not fulfill the requirements of section 18-454.
  - (4) An applicant who materially misrepresents any facts or statement on the permit application.
  - (5) No license shall be issued to any applicant until such applicant shall have obtained the age of 18 years.
- (c) Any person whose permit application has been denied shall have the right to petition the City Council for an appeal. A written request for an appeal must be filed with the Clerk's office within 14 days after notice of the denial has been mailed to the applicant's last known address. A written statement setting forth the grounds for the appeal must be included with the written request for an appeal. The City

Council shall grant a public hearing on this appeal, and the applicant shall have the right to appear and present evidence on his behalf. Following such hearing, the City Council shall submit to the applicant a written statement of its findings and determinations. The board's determination shall be based upon whether the department's refusal to issue a permit pursuant to this section was supported by competent, material and substantial evidence.

**Sec. 18.456. Term of permit and renewal of permit.**

- (a) Each permit issued pursuant to this article shall expire on midnight December 31 of each year, unless previously terminated pursuant to this Article.
- (b) A collection box permit shall be renewed annually. The application for renewal must be filed not later than 45 days before the permit expires. The application for renewal shall be upon a form provided by the Administrator.
- (c) The Administrator shall either approve or deny the renewal of a permit after receipt of a complete renewal application and payment of the renewal fee.
- (d) A permit renewal fee set by resolution of the City Council shall be submitted with the application for renewal.
- (e) Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the Administrator in writing of the intent to cancel the permit. The permit shall become void upon the director's receipt of a written notice of intent to cancel the permit.
- (f) The Administrator shall approve the renewal of a permit if the director finds that at the time of submission of the application for renewal, or at any time during the renewal application process, there were not circumstances inconsistent with any finding required for approval of a new permit. Any permittee whose permit has been revoked shall be denied renewal of the permit for the subsequent year.
- (g) If the permit expires and is not renewed, the collection box(es) must be removed from the real property within a maximum of ten days after expiration of the permit.

**Sec. 18-457. Transfer not permitted.**

No permit issued under the provisions of this article shall be transferred, assigned or conveyed to another person or legal entity.

**Sec. 18-458. Revocation of permit, removal of collection boxes and liability.**

- (a) The Administrator shall have the right to revoke any permit issued hereunder for a violation of this Article. Any of the grounds upon which the Administrator may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the permittee to comply with the provisions of this Article or other provisions of this Code or other law shall also constitute grounds for revocation of the permit. The Administrator shall provide written notification to the permittee and property owner via first class mail, email or in person stating the specific grounds for a revocation and a demand for correction and abatement. The

notice shall allow a maximum of seven days from mailing of the notice to correct or abate the violation. Upon failure to make the correction or abatement, the permit may be revoked by the Administrator and, thereafter, the permittee shall not be eligible for a permit on the property for the subsequent year.

- (b) Upon revocation, the collection box shall be removed from the real property within ten days and, if not so removed within the time period, the City may remove, store or dispose of the collection box at the expense of the permittee and/or real property owner. Any such boxes that are not claimed within 30 days shall be destroyed. All costs associated with the removal, storage or disposal of the collection box incurred by the City, or City's contractor, shall be the responsibility of the property owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the property owner, the City may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the City, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.
- (c) A permit for a collection box may be revoked if any governmental authority or agency determines that the collection box has violated the Michigan Consumer Protection Act and/or the Charitable Organizations and Solicitations Act.

#### **Sec. 22-380. Appeal to City Council.**

Any person aggrieved by the decision rendered by the Administrator in revoking a permit issued under this article may appeal the decision to the City Council. This appeal shall be made by filing a written notice thereof with the City Clerk's office setting forth the grounds for the appeal not later than 14 days after notice of the decision of the Administrator has been mailed to the permit holder at its last known address. The City Council may grant relief if the person presents competent, material and substantial evidence that there was an error in the decision of the Administrator. Following the hearing, the City Council shall submit a written statement of its findings and determinations.

#### **Sec. 18-460. Penalty and remedies.**

- (a) In addition to revocation of permit pursuant to section 18-458 of this Article, any person in violation of the provisions of this article is guilty of a civil infraction.
- (b) In addition to the penalty provided in subsection (a) of this section, any condition caused or permitted to exist in violation of the provisions of this article, or any ordinance of the City, shall be deemed a new and separate offense for each day that such condition continues to exist.
- (c) Nothing in this article shall prevent the City from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this section for violation of this article.

- (d) The real property owner and permittee shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.
- (e) All collection boxes existing at the effective date of the article shall apply for a permit as required herein within 30 days of the effective date. Any collection boxes not in compliance with this article after 60 days of the effective date shall be subject to all remedies for violation as provided herein.

**Secs. 18-461—18-474. Reserved.**

### **PART III. REPEALER.**

This ordinance repeals any ordinances in conflict thereof.

### **PART IV. SEVERABILITY.**

If any section, subsection, clause, phrase, or portion of this article is for any reason held invalid by a court of competent jurisdiction, such portion shall be deemed a separate and distinct provision, and such holding shall not affect the validity of the remaining portions.

### **PART V. SAVINGS.**

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force where they commenced.

### **PART VI. EFFECTIVE DATE.**

This Ordinance shall be published in the manner required by law and shall become effective ten (10) days after the date of its publication. A copy of the ordinance shall also be made available for public use and inspection in the office of the City Clerk.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL, CITY OF LATHRUP VILLAGE, OAKLAND COUNTY, MICHIGAN THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

---

Alisa Emanuel, City Clerk

Date of Introduction: , 2025  
Date of Adoption: , 2025  
Date of Publication of  
Notice of Adoption: , 2025

## **CERTIFICATE OF ADOPTION**

I hereby certify that the foregoing is a true and complete copy of the ordinance passed at a meeting of the City of Lathrup Village held on the \_\_\_\_\_ day of \_\_\_\_\_ , 2025.

---

Alisa Emanuel, City Clerk