

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LOGANVILLE, GEORGIA, CHAPTER 10 – BUSINESSES, BY ADDING ARTICLE VII. – DONATION DROP BOX ORDINANCE FOR THE PURPOSE OF REGULATING DONATION DROP BOXES

THE COUNCIL OF THE CITY OF LOGANVILLE HEREBY ORDAINS:

**ARTICLE I.**

The Code of Ordinances of the City of Loganville, Georgia, Chapter 10 – Businesses, Article VII. – Donation Drop Box Ordinance, Sections 10-251 – 10-255 is hereby added to the Code of Ordinances by implementing the below text amendment as follows:

SEE “**EXHIBIT A**” ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR THE COMPLETE TEXT AMENDMENT.

Note: Text which is underlined shall be added to the Code of Ordinances of the City of Loganville.

**ARTICLE II.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**ARTICLE III.**

This ordinance shall take effect from and after its adoption by the Mayor and Council of the City of Loganville, Georgia.

**This 13<sup>th</sup> day of July, 2023.**

**CITY OF LOGANVILLE, GEORGIA**

By: \_\_\_\_\_ (SEAL)

**Skip Baliles, Mayor**

Attest: \_\_\_\_\_ (SEAL)

**Danny Roberts, City Manager**

## **EXHIBIT "A"**

### **CHAPTER 10 – BUSINESS**

#### **ARTICLE VII. – DONATION DROP BOXES**

##### **Sec. 10-251. - Purpose.**

The purpose of this article is to regulate the placement of unattended donation drop boxes within the City. The procedures and requirements of this article are intended to: promote the community's health, safety, and welfare by regulating unattended donation boxes for clothing or other salvageable personal property; ensuring that unattended donation boxes do not pose a hazard to pedestrian and vehicular traffic; ensure that material is not allowed to accumulate outside of the unattended donation boxes where it can be scattered by adverse weather conditions, animal contacts, and human activities; and establish criteria that avoid attracting vermin, unsightliness, and public health hazards. Donation drop boxes shall be subject to the following regulations.

##### **Sec. 10-252. - Registration required.**

(a) All existing donation drop boxes erected on land within the City shall, within one hundred eighty (180) days of the effective date of this article, be registered with the Planning and Development Department for the City. Any new donation drop boxes erected in the City of Loganville after the adoption of this Ordinance or donation drop boxes existing prior to July 13, 2023 which are relocated on any lot within the City, shall register with the Planning and Development Department. Registration of the donation drop boxes shall be accompanied by:

(1) Written and notarized approval from the property owner consenting to the placement of the donation drop box(es) on their property as well as an acknowledgment that the property owner has received a copy of these regulations and is aware of the requirements and the penalties and fines associated with non-compliance. This approval must include the name, physical address, and phone number of the property owner as well as the physical address and parcel ID number of the site where the donation drop box(es) will be located;

(2) A site plan or drawing depicting the size (height, width, and length) and location of any and all donation drop boxes located on the property; and

(3) Information identifying the organization(s) responsible for maintenance and monetary proceeds of the donation drop box(es), including a physical address, contact name, phone number, and website (if applicable) for the organization(s).

(b) Donation drop boxes not registered with the Planning and Development Department within the prescribed timeframe shall be removed at the expense of the property owner, and may be subject to enforcement and fines pursuant to this article. For the first year of this program, staff will hold

in abeyance any removal of donation drop boxes until July 13, 2024, to provide additional time to educate donation drop box operators and property owners about the requirements of this Code.

(c) The registration of the donation drop box shall be valid for a period of five (5) years after which the owner or operator of the donation drop box shall be required to reregister with the City. The registration fee per donation drop box is twenty-five dollars (\$25.00).

**Sec. 10-253. - Design, location safety, and maintenance requirements.**

(a) Donation drop boxes shall not be allowed in any residential zoning district, except on properties of places of worship which shall be allowed as a special exemption in this article.

(b) Donation drop boxes are permitted only on properties where there is an active primary use.

(c) Donation drop boxes shall not be permitted on vacant lots or abandoned property.

(d) Donation drop boxes must be placed on a paved or concrete surface and be located to the side or rear of the lot (behind the front line of the principal building on site). The location of the donation drop boxes must meet the minimum setback requirements for the lot and the boxes shall not be placed in any required buffer, landscape strip, fire lane, loading zone, drive aisles, or circulation area identified as required under the Land Development and Related Ordinances for the City.

(e) The donation drop boxes are not permitted to be located in a manner that obstructs visibility at intersections or at any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses.

(f) The maximum size for any donation drop box shall be five (5) feet in width by five (5) feet in depth and seven (7) feet in height.

(g) Donation boxes shall be painted or stained with a low reflectance and subtle, neutral, or earth-tone color scheme. High-intensity colors, black, or fluorescent colors are not permitted.

(h) When multiple donation drop boxes are located on an individual property, they must be adjacent to one another. When it is not feasible to place donation drop boxes adjacent to one another, then they must not be located within the same viewshed.

(i) The total allowable number of donation drop boxes shall be based on the size of the parcel on which the donation drop box is located with the following limitations:

(1) Property equal to or less than one (1) acre shall have a maximum of one (1) donation drop box.

(2) Property greater than one (1) acre shall be allowed one (1) additional donation drop box per each one (1) additional full acre.

(j) All donation drop boxes must be designed so that they are secured from unauthorized access.

(k) All donation drop boxes shall have the following clearly identified, in writing on the face of the box:

(1) Specific items and materials requested for donation.

(2) Information identifying the organization(s) responsible for the maintenance and monetary proceeds of the donation drop box including a contact name, phone number, physical address, and website (if applicable) for the organization(s).

(3) Statement that no items or materials may be left outside of the box.

(4) Statement that the box is not intended for refuse disposal and liquids are prohibited (i.e. "Do not use for garbage, candy or food wrappers, drink bottles, etc.")

(5) In addition to the requirements above, a city-issued registration sticker shall be affixed to the front face of the donation drop box.

(l) Each donation drop box must be regularly emptied of its contents so that it does not overflow.

(m) All donated items must fit and be contained in the donation drop box. Donated items or materials shall not remain or be allowed outside of donation drop boxes and the areas around each box. The owner or operator of the donation drop box, as well as the property owner of the parcel, shall be responsible for maintaining the area around each donation drop box so that it is free of litter, garbage, and any other undesirable material.

(n) Failure to maintain the donation drop box or the area surrounding the donation drop box may result in the removal of the donation drop box, at the expense of the property owner and/or owner or operator of the donation drop box, and the property owner and/or owner or operator of the donation drop box shall be prohibited from future donation drop boxes being allowed on this site for a period of five (5) years.

(o) The property owner may remove the donation drop box from their property at any time regardless of a valid registration by the City.

#### **Sec. 10-254. - Waivers.**

A waiver of the total allowable size and number of donation drop boxes and/or the registration fee per donation drop box may be requested by submitting a letter to the Planning and Development Department Director, or his/her designee, that demonstrates compliance with the following conditions:

(1) The site is solely occupied by a public, educational, not-for-profit, or religious use or facility with adequate written proof of such organizational status.

(2) The location, design, and maintenance of the donation drop box(es) are otherwise in conformance with this article.

**Sec. 10-255. - Notice to violation.**

(a) If a violation of this article is documented, the property owner and/or 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 article, the property owner and/or operator of the donation drop box shall be required to provide a written plan to the Planning and Development Department Director, or his or her designee, to ensure full compliance with the regulations contained in this section within five (5) days. The property owner and/or operator of the donation drop box shall be subject to a fine of one hundred dollars (\$100.00).

(c) With the second violation of this article, the property owner and/or operator of the donation drop box shall be required to show records and logs for compliance with this article and will be required to hire a private company to assist them in ongoing compliance with this Article. The property owner and/or operator of the donation drop box shall be subject to a fine of five hundred dollars (\$500.00).

(d) With the third or any additional violation of this article, the property owner and/or operator of the donation drop box shall be required to remove the donation drop box from the property at the expense of the property owner and/or operator of the donation drop box within thirty (30) days of the notice of violation. The property owner shall be suspended from having a donation drop box at this location for a period of five (5) years and shall be suspended from operating any new donation drop boxes within the City for a period of five (5) years. The property owner and/or operator of the donation drop box shall be subject to a fine of one thousand dollars (\$1,000.00).