

Ordinance #15-8-18

An Ordinance relative to Donation Boxes in the Town of Pearl River

Section 1 – Purpose and intent.

Solicitation of clothing or other salvageable corporeal or incorporeal movables by the placement of donation boxes within the Town of Pearl River, Louisiana shall only be allowed on private property with written permission by the property owner.

The procedures and requirements of this article are enacted to:

- 1) Ensure that donation boxes do not pose a hazard to pedestrian and vehicular traffic;
- 2) Ensure that material is not allowed to accumulate outside of the donation boxes where it can be scattered by adverse weather conditions, animal contacts and human activities;
- 3) Establish a criterion that avoids attracting vermin, unsightliness, and public health hazard.

Section 2 – Definitions.

- 1) Donation box means any container, receptacle, or similar device that is located on any property within the Town of Pearl River used for soliciting and collecting donations of clothing or other salvageable corporeal or incorporeal movables. This term does not include recycle bins for the collection of recyclable materials governed or regulated by zoning code.
- 2) Operator means a person, entity, association or organization who places, maintains or operates donation box(es) to solicit donations of salvageable personal property.
- 3) Owner means the person, entity, association or organization who owns the immovable property where the donation box(es) are located or are proposed to be located.
- 4) Premises means a building, together with its land and outbuildings, occupied by the person, entity, association where the donation box(es) are proposed to be located.
- 5) Town means the Town of Pearl River, Louisiana

Section 3 - Public Nuisance

- 1) It shall be unlawful and a public nuisance for any donation box to be placed, operated or maintained on private immovable property without the express, written permission of the property owner and the donation box shall be placed, operated and maintained in accordance with all provisions in this ordinance. Existing box owners shall be notified by certified mail, if possible and notice of prohibited donation box shall be posted on the box. Owner or operator shall remove said donation box within thirty (30) days of posting of notice. In the event that the Operator fails to remove said donation box within the thirty (30) days, the box shall be deemed abandoned and may be removed by the Town at the Owner's expense.
- 2) Upon request of the Town, the Operator(s) shall furnish written proof sufficient to establish that the Operator who will utilize the donation box is qualified to solicit donations of salvageable personal property; Only entities or organizations that have a tax status under Section 501(c)(3) of the Internal Revenue Code, as amended, and are in good standing with the Louisiana Secretary of State. The Operator(s) shall furnish to the Town its contact person and his/her mailing address, email address, and telephone number.

Section 4 – Requirements and maintenance.

- a) The Operator shall operate and maintain or cause to be operated and maintained all donation boxes located on private property with express, written permission of the property owner located in the Town as follows:
 - 1) Donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti;
 - 2) Donation boxes shall not be constructed of press board or sub-standard building materials and cannot exceed forty-eight (48) inches in height by forty (40) inches wide by seventy-three (73) inches tall.
 - 3) Donation boxes shall be locked or otherwise secured;
 - 4) Donation boxes shall contain the following contact information in two inch type visible from the front of each donation box: the name, address, email, and phone number of the Operator and shall also display a notice stating that no items or material shall be left outside of the donation box;
 - 5) Donation boxes shall be serviced and emptied as needed, but at least once per week, or within two (2) business days of a request by the Town.
- b) The Operator shall maintain or cause to be maintained the area surrounding the donation boxes free of any junk, garbage, trash, debris or other refuse material.
- c) The Operator shall be individually and severally responsible for abating and removing all junk, garbage, trash, debris and other refuse material in the area surrounding the donation boxes within twenty-four (24) hours of written notice by U.S. Postal Service Certified Mail or posting notice to the donation box in violation.
- d) The Operator shall be individually and severally responsible for any and all costs for abating and removing any junk, garbage, trash, debris and other refuse material from the area surrounding the donation boxes.
- e) It shall be unlawful for any donation box to be placed in any residential district.
- f) No more than one donation box shall be placed on each parcel of immovable property.

Section 5 – Violation; penalty.

Any person violating any provision of this article is guilty of a misdemeanor. The Operator shall be individually and severally responsible for all costs for abating and removing any junk, garbage, trash, debris and other refuse material from the area surrounding the donation boxes. The Town shall remove, store and dispose of the donation box at the permit holder's sole cost and expense.

Voting: Yeas 5 Nays 0 Absent 0

Clarence McQueen, Mayor

Jacob DeBram, Town Clerk