

STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO. OR17-442

AN ORDINANCE TO PROVIDE FOR REGULATION OF DONATION DROP BOXES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

**WHEREAS**, the governing authority of the City of Stockbridge, Georgia desires to adopt regulations for donation drop boxes; and,

**WHEREAS**, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

**Section 1.** That Title 9 of the Stockbridge Municipal Code is hereby amended by adding a new Chapter 9.100 attached hereto as Exhibit A.

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the

greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 5.** Penalties in effect for violations of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

**Section 6.** The effective date of this Ordinance shall be the date of adoption.

ORDAINED this 9th day of October, 2017.

CITY OF STOCKBRIDGE, GEORGIA

Judy Neal  
Judy Neal, Mayor

ATTEST:

Vanessa Holiday  
Vanessa Holiday, City Clerk

APPROVED AS TO FORM:

Michael Williams  
Michael Williams, City Attorney

Date Presented to Mayor: 10-12-2017

Date Received from Mayor: 10-16-2017

## EXHIBIT A

### CHAPTER 9.100 - DONATION DROP BOXES

#### **Sec. 9.100.010. - Purpose.**

The purpose of this Chapter is to regulate the placement of unattended donation drop boxes within the City of Stockbridge. The procedures and requirements of this Chapter are intended to: promote the community's health, safety, and welfare by regulating unattended donation boxes for clothing or other salvageable personal property; ensure 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. 9.100.020. - 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 Chapter 9.100, be registered with the City. New donation drop boxes erected in in the City shall register with the City prior to their establishment. 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 acknowledgement that the property owner has received a copy of these regulations and is aware of the requirements and the penalties and/or 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 City 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 Chapter. For the first year of this program, staff will hold in abeyance any removal of donation drop boxes until November 1, 2018 to provide additional time to educate donation drop box operators and property owners of 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 shall be established pursuant to a resolution to be adopted by the City Council.

- (d) Owners of donation drop boxes shall be required to obtain an occupational tax certificate from the City.

**Sec. 9.100.030. - 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 will be allowed as a special exemption in this Chapter.
- (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 principle building on site). The location of the donation drop boxes must meet the minimum setback requirements for the lot for accessory structures and the boxes may not be placed in any required buffer, landscape strip, parking space, fire lane, loading zone, drive aisles or circulation area identified as required under applicable codes.
- (e) The donation drop boxes are not permitted to be located in a manner that obstructs visibility within any public or private right-of-way 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) 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 view shed.
- (h) The total allowable number of donation drop boxes depends 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 allow one (1) donation drop box per one (1) full acre.
  - (3) All donation drop boxes must be designed so that they are secured from unauthorized access.
- (i) 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 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, the City-issued registration sticker shall be affixed to the front face of the donation drop box.
- (j) Each donation drop box must be regularly emptied of its contents so that it does not overflow.
- (k) 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.
- (l) 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.
- (m) Failure to maintain the donation drop box or the area surrounding the donation drop box may result in 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.
- (n) The property owner may remove the donation drop box from their property at any time regardless of a valid registration with the City.

**Sec. 9.100.040. - 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 City Manager 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) is otherwise in conformance with this Chapter and applicable law.

**Sec. 9.100.050. - Notice of violation.**

- (a) If a violation of this Chapter 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 Chapter, the property owner and/or operator of the donation drop box shall be required provide a written plan to the City 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 (\$100.00).

- (c) With the second violation of this Chapter, the property owner and/or operator of the donation drop box shall be required to show records and logs for compliance with this Chapter and will be required to hire a private company to assist them in ongoing compliance with this Chapter. 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 Chapter, 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 in 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).