

2017-

**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN AT LARGE, DIVISION B
ORDINANCE NO. _____**

An ordinance to amend the St. Charles Parish Code of Ordinances by adding Chapter 27, Outdoor Donation Bins, to establish rules and regulations governing the placement, use of, and permitting for outdoor donation bins within St. Charles Parish.

- WHEREAS,** outdoor donation bins of questionable origin and purpose have been appearing throughout the parish, some of which appear to be associated with for-profit entities; and,
- WHEREAS,** outdoor donation bins are being placed on some properties without authorization of the respective property owners; and,
- WHEREAS,** many outdoor donation bins are not regularly collected, overflow, and become depositories for discarded items or uncollected refuse; and,
- WHEREAS,** it is necessary to establish rules and regulations governing the permitting and placement of outdoor donation bins within the parish.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the St. Charles Parish Code of Ordinances be amended by adding Chapter 27 to read as follows:

CHAPTER 27 – OUTDOOR DONATION BINS

Sec. 27-1. Definitions.

For the purpose of this chapter, the following terms, phrases, words and derivations shall have the meaning given herein, unless it shall be apparent from the context that a different meaning is intended:

Outdoor donation bin: a large stationary, free-standing, waterproof, outdoor container in which items are typically placed for the collection of recyclables donated primarily to charity organizations (e.g., the Salvation Army, Goodwill, Habitat for Humanity, etc.), designed with a door, slot, or other opening that is intended to accept and store donated items such as books, clothing, or other nonperishable goods and materials in a waterproof manner.

Sec. 27-2. Scope

The provisions of this chapter are to regulate the placement of all outdoor donations bins (herein referred to as "bins") within the geographical limits of St. Charles Parish by means of permitting.

Sec. 27-3. General Provisions

- A. Bin Placard. It shall be unlawful to deposit, store, keep, or maintain or to permit to be deposited, stored, kept, or maintained, a bin in or on any lot, parcel, or tract of land in St. Charles Parish without having a Donation Bin Permit evidenced by a water-proof placard affixed to the bin at all times issued by the Planning and Zoning Department. The placard shall note the permit number, the permit expiration date, the bin owner (also herein referred to as the organization), their contact information, the authorized placement location, and a statement that a copy of the permit application is on file with the Planning and Zoning Department, at a minimum.
- B. Bin Owner information. Owners of bins having US tax-exempt nonprofit organizations falling under the category 501(c)(3) shall be required to submit with their bin application a copy of their occupation license, their articles of incorporation, and evidence of their registration with the Secretary of State. The donated items shall be provided to others as part of a bona fide charitable endeavor, and any proceeds from collected donations must be used by the charitable organization for its charitable purposes. Owners of bins other than those having 501(c)(3) status shall be required to submit with their bin application a copy of their occupation license, their articles of incorporation, and evidence of their registration with the Secretary of State. All organizations which currently have donation bins located within St. Charles Parish shall have 60-days from the

statement in the current application no longer true or accurate and which must, therefore, be modified for the renewal permit.

- F. Placement. The following criteria shall be applied ~~in determining if a bin is placed in conformity with this chapter~~ to the location of bins.
- (1) Bins shall be placed wholly on improved private property.
 - (2) Bins shall not be placed within one hundred (100) feet of the property line of any place that stores or sells fuel or other flammable liquids or gases.
 - (3) Bins shall be located no closer than twenty (20) feet to any property line.
 - (4) Bins shall not be placed in a location that interferes with vehicular or pedestrian circulation or vehicular lines of sight.
 - (5) Bins shall be secured ~~or removed~~ in such a manner as to minimize the danger of ~~such bins causing~~ damage to persons or property in the event of high winds or severe weather conditions.
 - (6) Bins shall not be allowed in any residentially-zoned districts.
- G. Display requirements. The following information shall be clearly and conspicuously displayed on the exterior of all bins:
- (1) The permit placard.
 - (2) The name and address and phone number of the organization that owns the bin(s) and receives a permit for placement.
 - (3) Markings on all sides in letters at least 3" in height noting "DONATIONS COLLECTED FOR CHARITY" for bins placed by non-profit organizations and "DONATIONS COLLECTED FOR PROFIT" for bins placed by all other organizations.
- H. Maintenance requirements.
- (1) The contents of the bin shall be regularly emptied at least every two (2) weeks and shall not be permitted to overflow to the point where the contents are visible from the outside. The ground area immediately adjacent to the bin (within three (3) feet of the donation bin on all sides) shall be kept free of donated items and debris.
 - (2) The bin shall be kept free of signs, advertising, graffiti, and other markings other than those required and those placed by the bin owner, and shall be maintained in a structurally sound, clean, and sanitary condition.

Sec. 27-4. Enforcement

When it is found that any of the provisions of this section have been violated, enforcement proceedings may be initiated by the Parish against the property owner and the organization that is issued a Donation Bin Permit. Any enforcement procedure authorized by the St. Charles Parish Planning and Zoning Department may be used to enforce the provisions of this section. Prior to the revocation of a permit, the zoning official shall notify the property owner and the organization of the zoning official's intent to revoke the permit, including the reason(s) therefor. All written notifications of the zoning official's intent to revoke a Donation Bin Permit shall be sent by Certified Mail Return Receipt Requested. Existing bins for which its owner does not secure the required Donation Bin Permit or bins installed without a permit following the adoption of these provisions shall be removed and disposed of by the Public Works Department or others upon being authorized to do so following the issuance of a court order authorizing their removal.

Sec. 27-5. Violations and penalties.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this chapter is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than one hundred fifty dollars (\$150.00) and/or imprisoned in the parish prison for a term not exceeding thirty (30) days, or both, in the discretion of the court. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of

this chapter shall be required to bear all costs incurred by the parish for enforcement of these provisions of this chapter.

Sec. 27-6. Severability.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, unenforceable or invalid by the valid judgment of any court of competent jurisdiction, such unconstitutionality, unenforceability or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the parish council without the incorporation in this Code of any unconstitutional, unenforceable or invalid phrase, clause, sentence, paragraph or section.

Sec. 27-7. Reserved.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this _____ day of _____, 2017, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

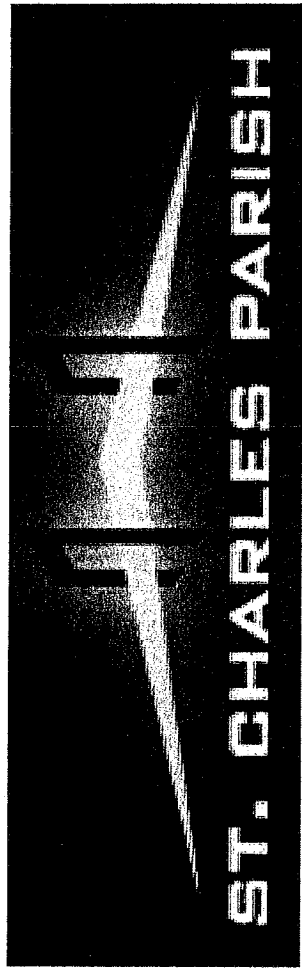
PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

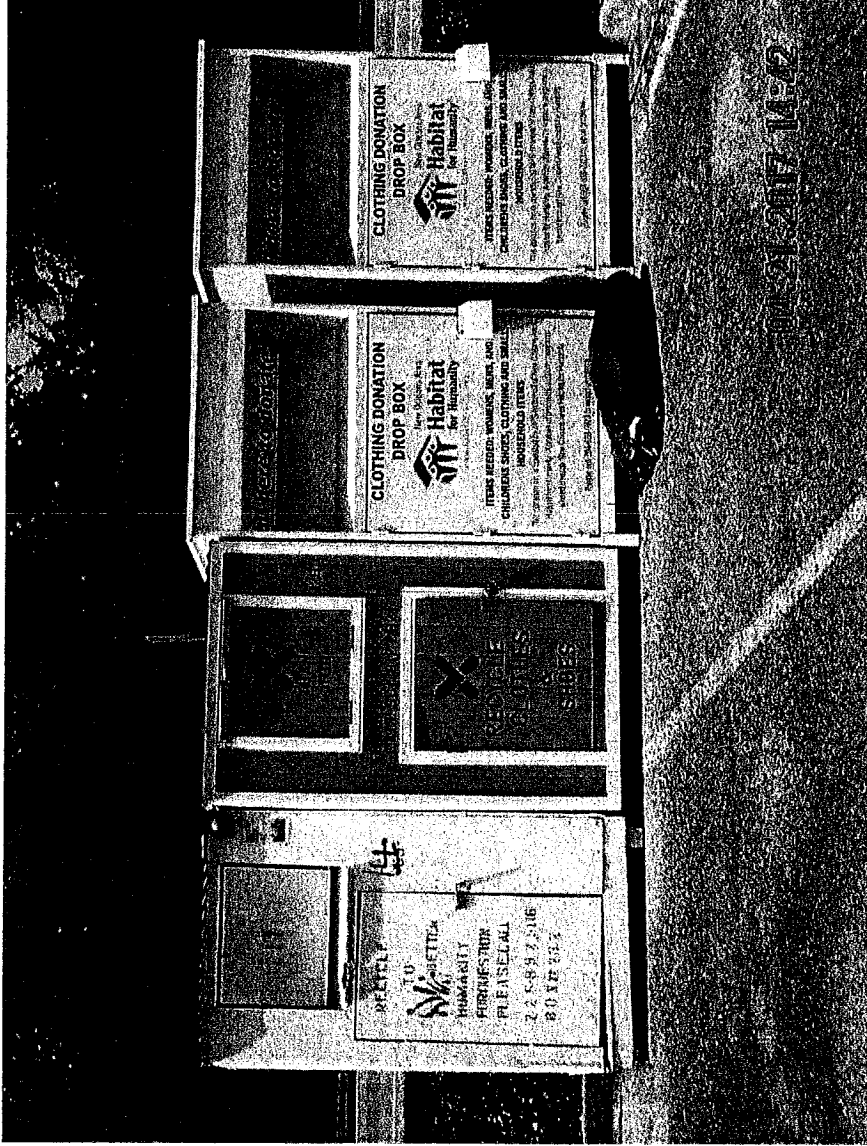
2017-0156

Donation Box Locations and Conditions





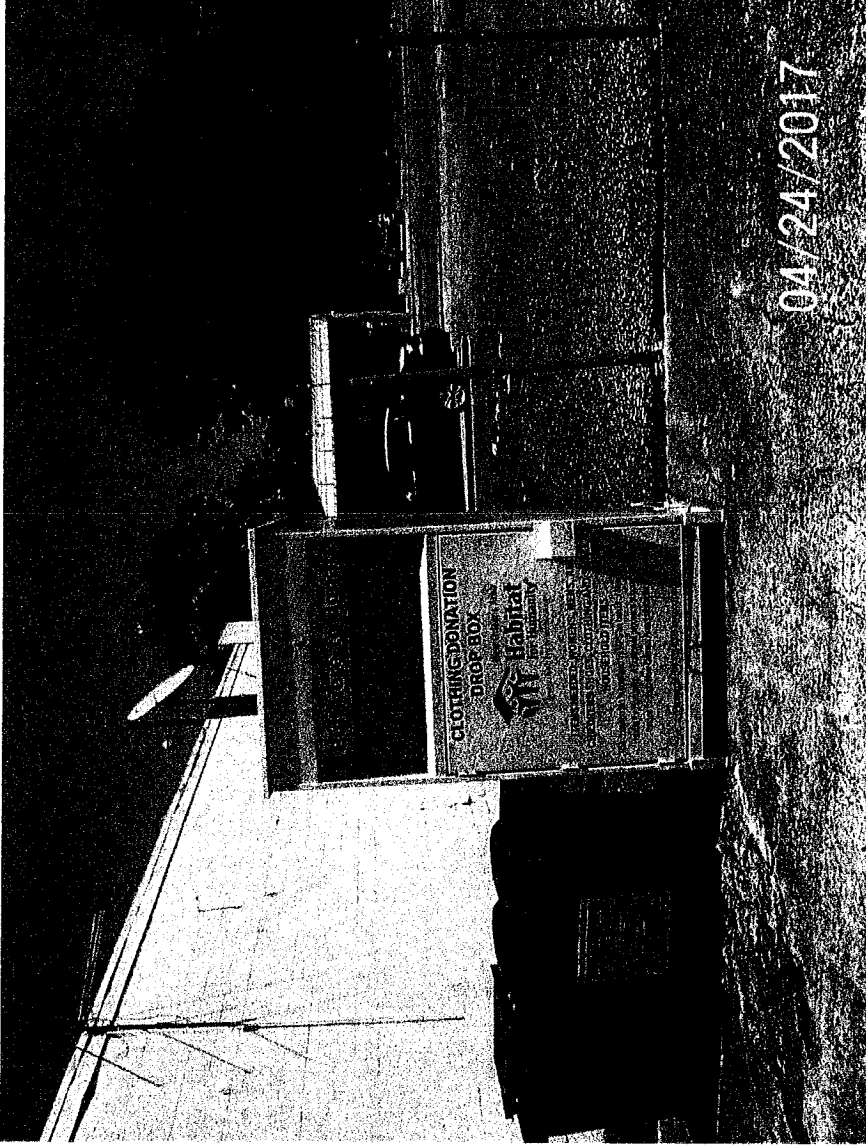
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13001 US-90, Luling - Walmart



103 First Street, Luling



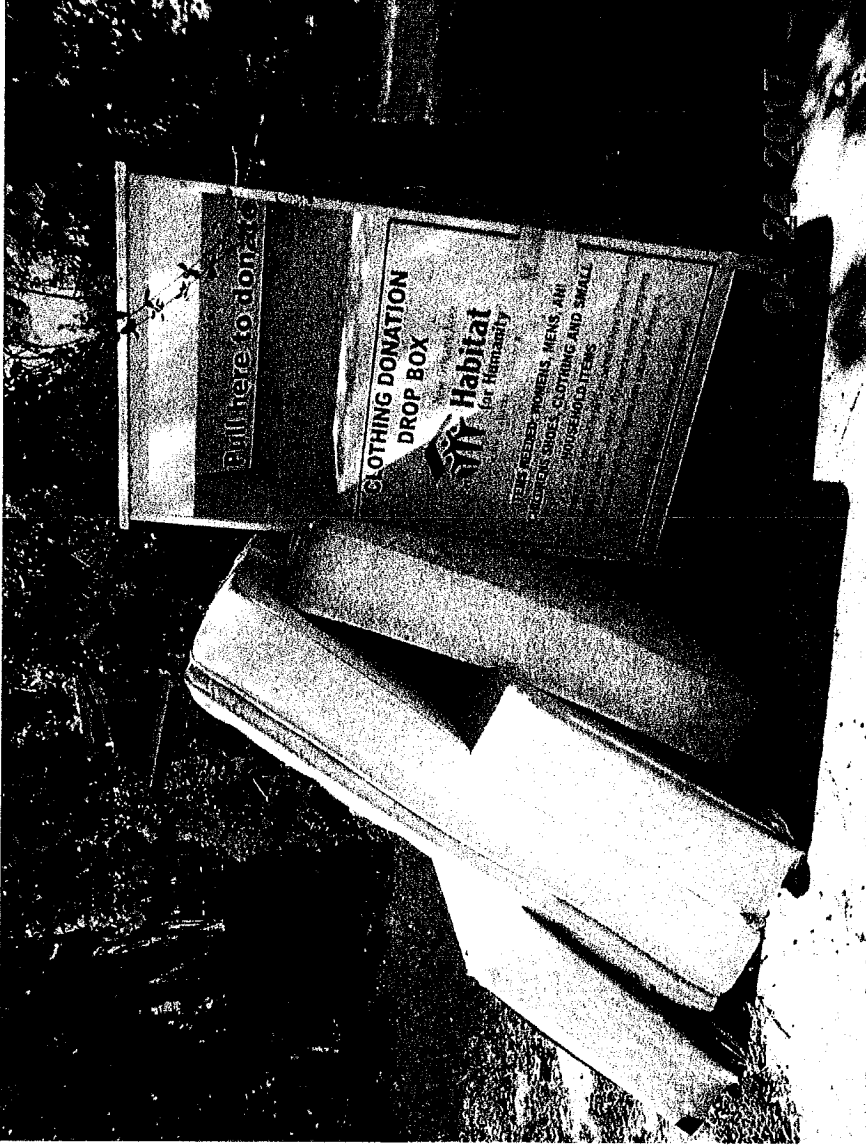
26 Apple Street, Norco



10800 River Road St. Rose - Dollar Store



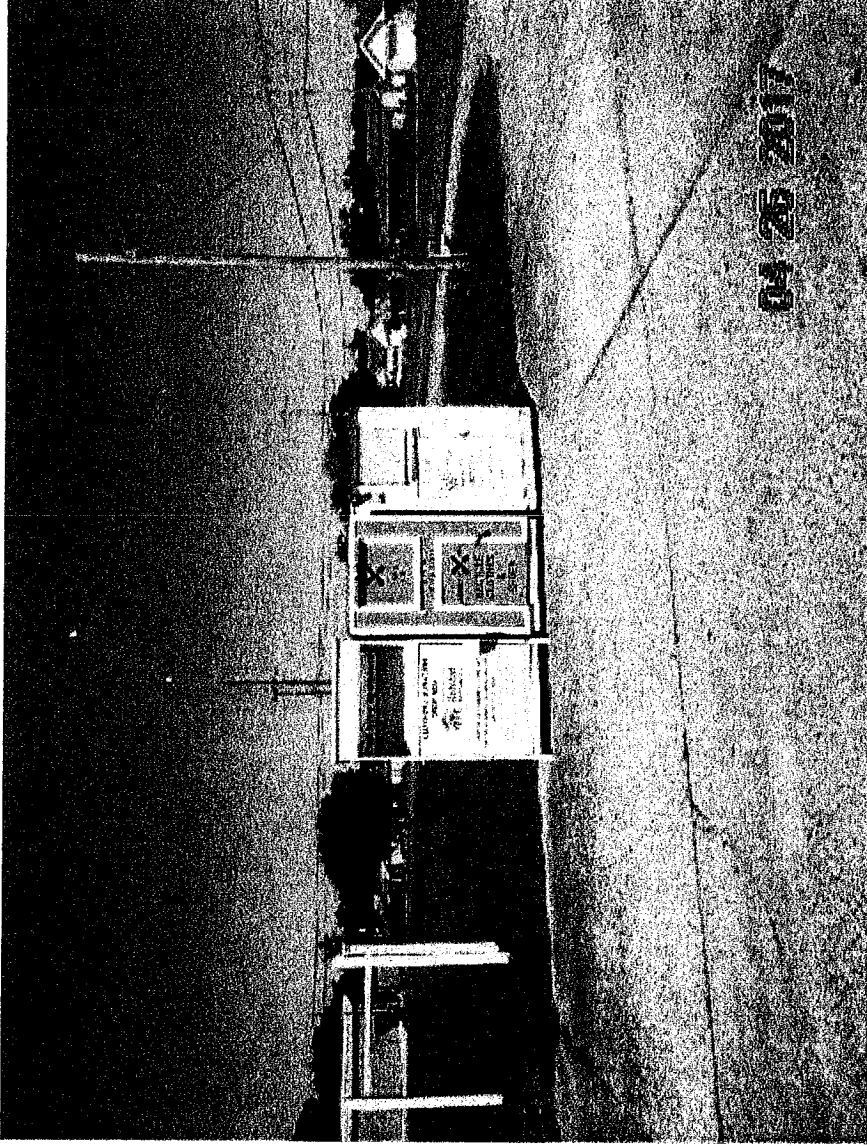
11612 River Road, St. Rose - vacant lot



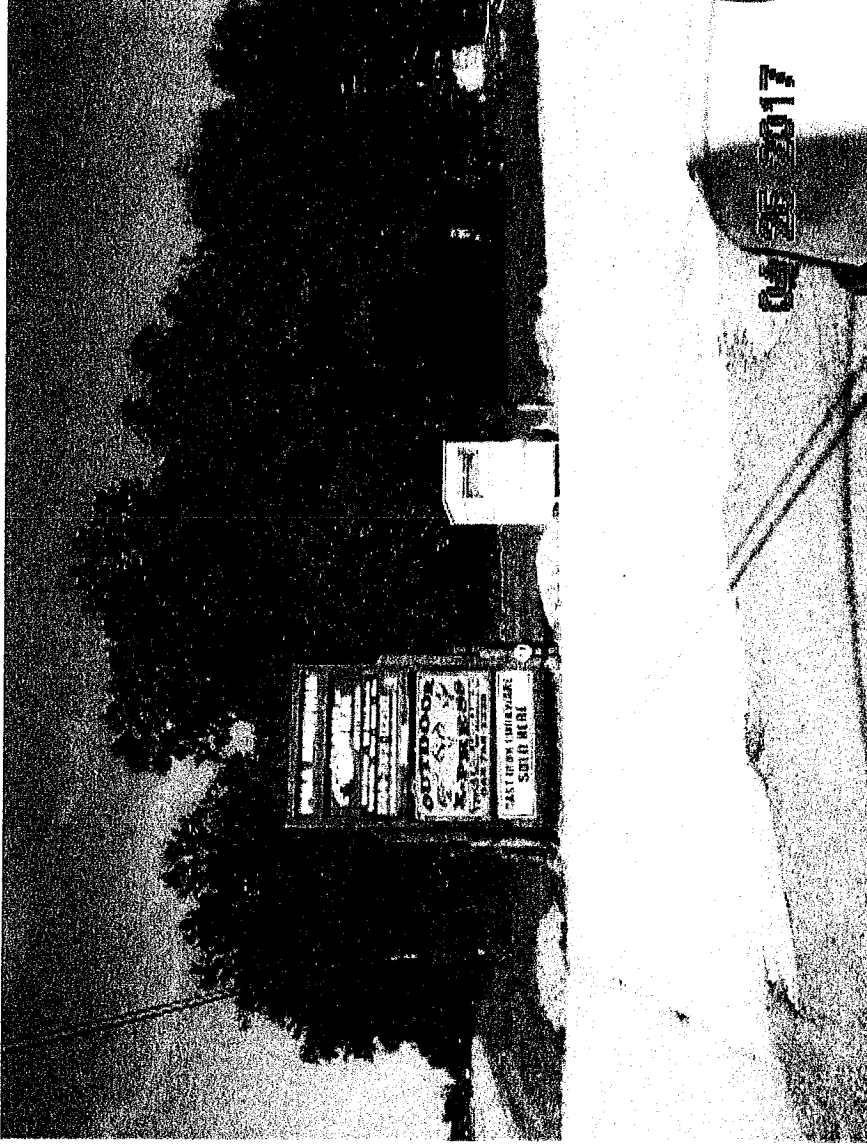
12590 River Road - vacant store lot



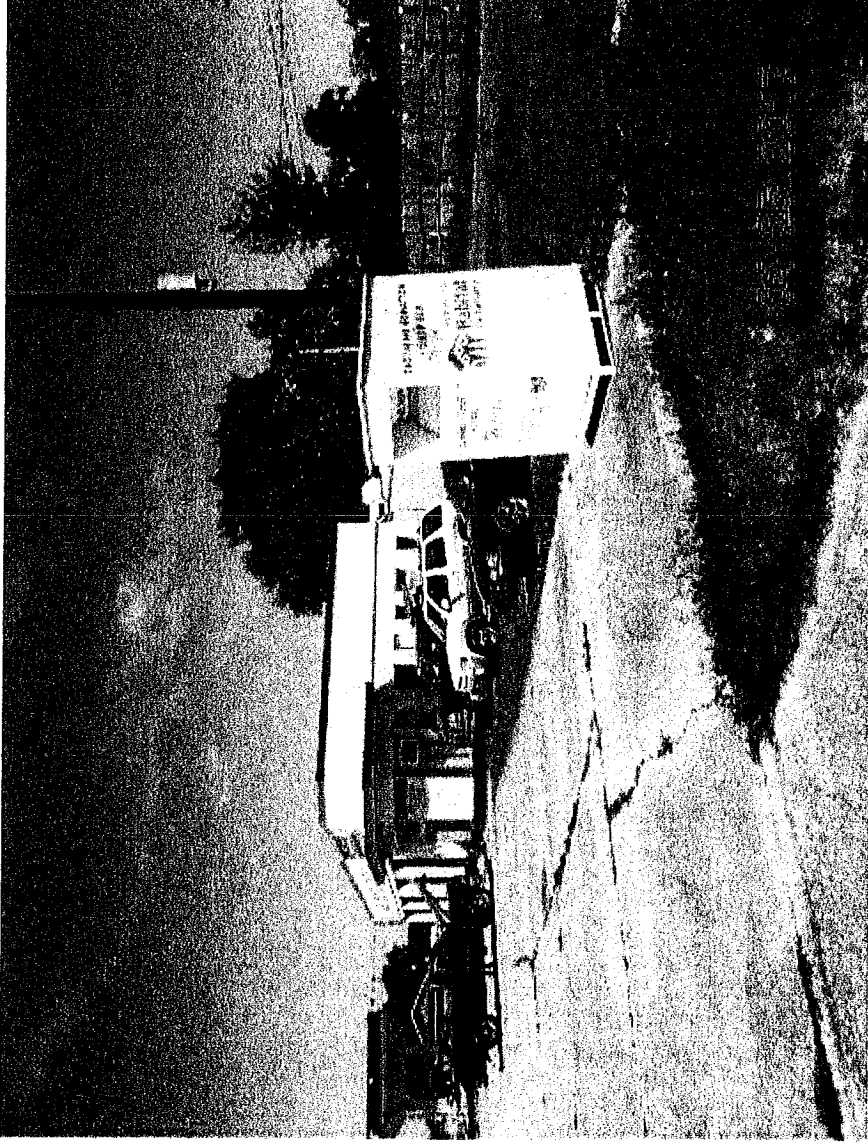
12125 US-90 , Luling - Winn Dixie



17176 US-90, Des Allemands - Chevron



14252 US-90, Boute - Outdoor Express



15224 US-90, Paradis - Torres Service Center