

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2013-53

By Cheryl A. Banaszak Sponsored By Mayor Cyril M. Kleem

AN ORDINANCE

ENACTING AND ADOPTING CHAPTER 585, TITLED DROP BOXES, OF PART THREE, STREETS, UTILITIES AND PUBLIC SERVICES, OF THE CODIFIED ORDINANCES OF THE CITY OF BERA, OHIO.

WHEREAS, Drop Boxes and the areas surrounding them have the potential, if not appropriately maintained, to become a nuisance to the public; and

WHEREAS, the Council of the City of Berea finds that this is a matter which needs to be controlled by the City in the interest of the public; and

WHEREAS, the Council of the City of Berea finds that the City of Berea has not heretofore had in its Codified Ordinances any provisions dealing with the problems which may arise relating to Drop Boxes on both public and private property.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That Chapter 585, titled Drop Boxes, a Chapter in Part Three, Streets, Utilities and Public Services Code, of the Codified Ordinances of the City of Berea shall be and is hereby enacted to read as follows:

585.01 Findings, Purpose and Intent.

In adopting this Chapter, the Council of the City of Berea acknowledges its awareness of the proliferation of donation drop boxes within the City. Donation drop boxes have a particular set of needs, issues and concerns, including, but not limited to: sanitary condition of both the donated items and the area surrounding the donation drop box, location, maintenance, and frequency of collection of donated items. It is with these needs, issues and concerns in mind that Berea City Council adopts this Chapter to promote the health, safety, welfare and aesthetics of the City of Berea through the regulation of donation drop boxes.

585.02 Definitions.

"Donation Drop Box " means a receptacle designed with a door, slot, or other opening that is intended to accept and store donated items, such as, but not limited to, clothing or household items. This definition of Donation Drop Box shall not include trailers where personnel are present to accept donations at all times that the trailer is present and accepting donated items.

585.03 Registration.

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2013-53

By Banaszak Sponsored By Mayor Kleem

No person or persons shall place, display, maintain, or permit a donation drop box on any property within the City of Berea, unless such person or persons shall first have obtained a Donation Drop Box Permit from the City in accordance with the provision of this Chapter and any rules and regulations which may be established hereunder.

585.04 Application and Fee.

In order to obtain a Donation Drop Box Permit, an application must be submitted to and upon forms provided by the City of Berea Building Department. The permit application shall include, among other items, the address of the site where the Donation Drop Box will be located, the name, address, telephone number and electronic contact information of the owner of the property in which the Donation Drop Box is located; the name, address, telephone number and electronic contact information of the owner of the Donation Drop Box; and the name, address, telephone number and electronic contact information for the person or persons responsible for the placing, emptying, servicing, maintaining, cleaning and removing of the Donation Drop Box. The application shall also include a site plan of the property indicating the exact location of the Donation Drop Box, including setbacks. It shall be the responsibility of the owner of the Donation Drop Box or his or her agent to update the information requested on the permit application, to the extent that such information changes throughout the year. Such application shall include a non-refundable permit application fee of \$100.00.

585.05 Expiration.

Donation Drop Box Permits shall be valid from the date of issuance until December 31st of each year. Upon expiration of a Donation Drop Box Permit, any person who intends to continue to place, display, or maintain a Donation Drop Box shall obtain a new Donation Drop Box Permit.

585.06 Standards.

Every Donation Drop Box shall be maintained in a neat, clean, and sanitary condition and be kept in good working order at all times. Specifically, without limiting the forgoing, each Donation Drop Box shall be serviced and maintained so that it is free of: dirt and grease; chipped, faded, peeling or cracked paint; free of rust and corrosion; and cracks, dents, blemishes and discoloration. Donation Drop Boxes shall be emptied regularly and within forty-eight (48) hours of the primary contact person being notified that the Donation Drop Box is full. Each Donation Drop Box shall clearly state the name, address and telephone number of the owner of the Donation Drop Box and how the donated items will be used.

585.07 Location and Maximum Number of Donation Drop Boxes Per Parcel.

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2013-53

By Banaszak Sponsored By Mayor Klem

- (a) No person shall place or maintain and no property owner or tenant shall permit or maintain any Donation Drop Box in any location that obstructs vehicular traffic or impairs vehicular, bicycle or pedestrian views of traffic.
- (b) No more than two Donation Drop Boxes shall be permitted on any parcel or at any business location.

585.08 Correction Orders and Removal.

Upon determination by the Zoning Administrator or any other City employee that a Donation Drop Box has been placed or is being maintained in violation of any of the provisions of this Chapter, any order to correct the violation shall be issued via Certificate of Mailing to the property owner; Donation Drop Box owner; or tenant or primary contact person designated by the permit holder. The order shall describe the violation and actions necessary to correct the violation. Failure to properly correct the violation within three (3) days after being provided with notice of the order, exclusive of Saturday, Sundays and legal holidays, may result in criminal charges being filed pursuant to this Chapter. If the violation is not corrected within thirty (30) days of the date of the order or if proper contact information for a primary contact person is not provided, the Donation Drop Box will constitute a nuisance, and in addition to any penalty provided in Section 585.99 for such a violation, the nuisance may be abated by the City of Berea pursuant to Chapter 931 of the Codified Ordinances of the City of Berea.

585.99 Penalty.

Whoever violates any provision of this Chapter is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or which a violation occurs or continues.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2013-53

By Banaszak Sponsored By Mayor Kleem

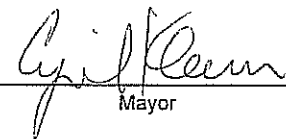
PASSED: June 17, 2013



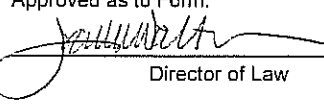
President of Council

ATTEST: [Signature]
Clerk of Council

APPROVED: June 18, 2013



Mayor

Approved as to Form:


Director of Law