

**AN ORDINANCE OF THE DAWSON COUNTY BOARD OF COMMISSIONERS
TO PROVIDE REGULATIONS FOR DONATION BOXES; TO PROVIDE FOR
SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES AND
RESOLUTIONS; AND FOR OTHER PURPOSES.**

WHEREAS, the Board of Commissioners deem appropriate adopting an ordinance for the reasonable and lawful use of donation boxes to promote the general public health, safety, and welfare.

NOW, THEREFORE, the Board of Commissioners hereby adopts this ordinance as follows:

SECTION I – DEFINITION.

As used herein, the term “donation box” shall be defined as any unattended container, receptacle or similar device used for soliciting and collecting donations of clothing and/or other salvageable personal property and shall not include any unattended donation box within a building or drop boxes for books and audio visual items of the public library.

SECTION II – PERMIT REQUIREMENT.

Donation boxes may only be installed after obtaining a permit in accord with the following conditions and requirements:

(a) Application.

Before the delivery and/or installation of any donation box, an application shall be filed with the Planning Department identifying the size, color and location of each donation box, as well as any sign proposed on the exterior of the donation box. The applicant shall include a drawing showing the location of each donation box on the parcel.

(b) Zoning.

Donation boxes shall only be permitted in commercial zoning districts.

(c) Approval of Property Owner.

The applicant shall provide written permission from the owner of the property consenting to the placement and maintenance of the donation box and that the property owner is aware of the property owner’s responsibility to maintain the current operator contact information and, if necessary, to maintain and remove the donation box if the operator fails to follow the provisions of this ordinance.

(d) Fees.

The applicant shall pay a fee approved by the Board of Commissioners of Dawson County and set forth within the schedule of fees maintained and approved by the Board of Commissioners.

(e) Size.

Donation boxes shall be limited to 150 cubic feet. The height of each donation box shall not exceed six feet (6') in height from finished grade to the highest point of the roof or top of the donation box.

(f) Color.

Donation boxes shall be painted or stained with a low reflectance and subtle, neutral or earth-tone color scheme. High intensity colors, metallic colors, black, or fluorescent colors shall not be used.

(g) Number of Boxes Permitted.

No more than two (2) donation boxes shall be permitted on each individually zoned lot.

(h) Location.

Donation boxes shall be installed on a surface shown on the drawing for permit purposes. Donation boxes shall not be located within any building setback or established buffer area and shall not be located in such a manner as to block sight lines on the subject tract.

(i) Sign/Contact Information.

The total square footage for all signs on each donation box shall not exceed two square feet. A sign shall contain the following contact information: the name, address, telephone number of both the property owner/manager and operator, and the charitable organization(s) that benefit from collected materials.

(j) Cleanliness of Premises.

Donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti. All donation boxes shall be free of debris and shall be cleared of contents at least once every two weeks and shall not be permitted to overflow donations or accumulate junk, debris, or other material.

(k) Revocation of Permit.

Any permit granted pursuant to this ordinance may be revoked for cause by the Planning Director or the Marshal's office for failure to comply with the terms hereof.

(l) Renewal of Permit.

The term of the permit shall expire on December 31 of each year. The operator may apply for permit renewal by submitting to the Planning Department before the expiration of the permit a renewal application and any associated fee.

SECTION III – TRANSFER OR ASSIGNMENT.

No person to whom a permit has been issued shall transfer, assign, or convey such permit to another person.

SECTION IV – CANCELLATION OF PERMIT.

Before the expiration of the permit, a permittee may voluntarily cancel the permit by notifying the Planning Department in writing of the intent to cancel the permit. The permit shall become void upon receipt of written notice of intent to cancel the permit.

SECTION V – REMOVAL OF DONATION BOX.

Donation boxes shall be removed if the property becomes vacant.

SECTION VI – APPROVAL/DENIAL - PERMIT.

The Planning Director shall approve a new or renewal permit application if the Planning Director finds that no circumstances exist at the time the application is reviewed or existed at any time during which the previous permit was in effect that are inconsistent with the requirements of this ordinance. Any decision of the Planning Director may be appealed to the County Manager. Any decision of the County Manager may be appealed to the Board of Commissioners. Any appeal shall be in accord with the appeal provisions of the Dawson County Code.

SECTION VII – DISPLAY OF PERMIT.

The operator of the donation box and the property owner shall be responsible for maintaining the permit for each donation box required in accord with this ordinance. The Planning Director and/or the Marshal's office shall inspect each donation box after installation of the donation box to insure installation has been in accord with the approved permit.

SECTION VIII – SEVERABILITY.

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if a provision of any part of this ordinance is applied to any particular situation or set of circumstances in such a manner as to be declared invalid or unconstitutional, then any such invalidity shall not be construed to affect the portions of this ordinance not so held to be invalid and the application of this ordinance to other circumstances shall not be held to be invalid. The Dawson County Board of Commissioners hereby declares the intent of Dawson County Board of Commissioners is to provide for separable and divisible parts, and the Dawson County Board of Commissioners hereby adopts any and all parts hereof as may not be held invalid for any reason.

SECTION IX – REPEALER.

All resolutions or ordinances or parts thereof in conflict with the terms of this ordinance are hereby repealed.

This 5th day of April, 2012.

DAWSON COUNTY

ATTEST

By: Mike Berg
Mike Berg, Chairman
Board of Commissioners

By: Danielle Yarbrough
Danielle Yarbrough,
County Clerk

VOTE: Yes 4

No 0

Dates of Public Hearing:

03-20-2012- Planning Commission

04-05-2012- BOC

Dates of Advertising:

02-29-2012

03-14-2012