

ORDINANCE NO. **BG2013 - 25**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 15
(BUSINESS AND GENERAL REGULATIONS) TO
ADD A NEW SUBCHAPTER RELATED TO
REGULATION OF DONATION DROP-OFF BINS

WHEREAS, a recent inventory of donation drop-off bins found over fifty (50) bins in the City of Bowling Green; and,

WHEREAS, the inventory indicated that most of the donation drop-off bins were located in parking lots; and,

WHEREAS, the City has held working session meetings regarding the donation drop-off bins and the discussions indicated: (1) concerns about the safety of the bins due to vehicle collisions, sight visibility due to the bin placements and security during storm events, and (2) concerns about the general aesthetics posed by the donation drop-off bins due to placement and maintenance; and,

WHEREAS, the Board of Commissioners hereby finds that the regulation of such bins benefits the public health, safety and welfare of the City due to the safety and aesthetics concerns expressed above.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 15 (Business and General Regulations) is hereby amended as follows:

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15-3 DONATION DROP-OFF BINS

15-3.01 Definitions.

As used in this Subchapter:

“DONATION DROP-OFF BIN” shall mean any unattended receptacle, box or container located outside of an enclosed building used for the solicitation and collection of donated clothing or other salvageable household or personal property, including but not limited to, clothing, shoes, toys,

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furniture, household materials and other like materials; but shall not include containers used for the collection of recyclable materials such as paper, plastic, aluminum and other like materials.

15-3.02 Duties of Property Owners.

a. No donation drop-off bins shall be allowed on any property in the City used for single family residences.

b. Any and all persons, firms, corporations or other business entities installing or allowing others to install donation drop-off bins shall permanently attach the donation drop-off bin to the primary structure on the property.

c. Drop-off bins shall be installed in compliance with all applicable laws, rules and regulations and shall not block windows or doors or otherwise interfere with ingress and egress from the primary structure. Drop-off bins shall contain contact information, including the name, address and telephone number for any charity that may be benefitting from the bin and contact information for any non-charity organization that provides services in terms of ownership, operation and maintenance to the bin. All drop-off bins shall be monitored and maintained to make repairs in the event the bin is damaged or vandalized and to prevent the accumulation of donated items outside the drop-off bin. Any overflow of items from a drop-off bin shall be removed within twenty-four (24) hours of its placement and all materials placed inside a drop-off bin shall be removed at least once each week.

15-34 ENFORCEMENT.

15-34.01 Designated Enforcement Officials.

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15-34.02 Notice of Violation or Citation.

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15-34.03 Lien, Fines, Charges and Fees.

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15-45 PENALTIES.

15-45.01 Civil Penalties, Fine Schedule.

a. Any person violating any of the provisions of this Chapter, shall be subject to civil fines as set out below.

1. If a citation for a violation of this Chapter is not contested by the person charged with the violation, the maximum penalties below shall apply; however, the Code Enforcement Board may waive any or all of a penalty for an uncontested violation, if in its discretion, the Board determines that such waiver will promote compliance with this Chapter. The penalties listed below are for each day a violation continues, beginning on the first day after the ending date of the correction period given in the citation. A second offense is an offense that occurs within five (5) years of the determination by the Code Enforcement Board of a prior offense. All others are those that occur within five (5) years of the determination by the Code Enforcement Board of two (2) or more prior offenses.

| <u>Violation</u> | <u>1st Offense</u> | <u>2nd Offense</u> | <u>3rd Offense</u> |
|---|-------------------------------|-------------------------------|-------------------------------|
| Alarms (with exception of false alarms) | \$75.00 | \$150.00 | \$300.00 |
| Pre-Pay Gas | \$75.00 | \$150.00 | \$300.00 |
| <u>Donation Drop-off Bin</u> | <u>\$75.00</u> | <u>\$150.00</u> | <u>\$300.00</u> |

2. If the citation is contested and a hearing before the Code Enforcement Board is required, the following maximum penalties may be imposed at the discretion of the Board:

| <u>Violation</u> | <u>1st Offense</u> | <u>2nd Offense</u> | <u>3rd Offense</u> |
|---|-------------------------------|-------------------------------|-------------------------------|
| Alarms (with exception of false alarms) | \$150.00 | \$300.00 | \$600.00 |
| Pre-Pay Gas | \$150.00 | \$300.00 | \$600.00 |
| <u>Donation Drop-off Bin</u> | <u>\$150.00</u> | <u>\$300.00</u> | <u>\$600.00</u> |

15-45.02 Civil Penalties for False Alarms.

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15-~~56~~ STORAGE, SALE AND USE OF FIREWORKS.

15-~~56~~.01 Definitions.

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15-~~56~~.02 Storage of Fireworks.

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15-~~56~~.03 Display Fireworks.

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15-~~56~~.04 Sale and Use of Fireworks.

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15-~~56~~.05 Permit Fees.

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15-~~56~~.06 Penalties, Revocation or Suspension of Permit and Removal of
Fireworks.

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2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on August 6, 2013, and given final reading on August 20, 2013, and said Ordinance shall be in full force and effect as of October 1, 2013, and upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

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ADOPTED: August 20, 2013

APPROVED: Bruce Wilkerson
Mayor, Chairman of Board of Commissioners

ATTEST: Kate Shaughnessy
City Clerk

SPONSORED BY: Bruce Wilkerson, Mayor, 07/22/2013, 11:30 a.m.