

ORDINANCE NO. 58-14

BY: **BRIAN DAY**
 (By Request – Safety Director)

AN ORDINANCE TO ENACT SUBSECTION (d) OF SECTION 1707.09 “EXTERIOR PROPERTY AREAS” AND TO ENACT A FEE UNDER SUBSECTION (c) “BUSINESS REGULATION CODE” OF SECTION 185.04 “FEES OF THE DIRECTOR OF PUBLIC SAFETY” OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That subsection (d) of Section 1707.09 “Exterior Property Areas” of the Codified Ordinances of the City of Parma, is hereby enacted to read as follows:

“1707.09 EXTERIOR PROPERTY AREAS.

...
 (d) As used in this section, “donation 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. The definition of a donation box shall not include trailers where personnel are present to accept donations at all times that the trailer is present and accepting donated items.

No owner or operator of any premises shall place or maintain or permit to be placed or maintained at or on the exterior property areas of such premises any donation box until after the following criteria has been met:

- (1) **Eligibility:** The Building Commissioner shall not issue an annual permit to any donation box owner who:
 - (a) Is not a tax-exempt organization under 26 U.S.C. – 501(c)(3);
 - (b) Does not maintain a donation box in accordance with the standards established under Section 1707.09(d).
- (2) **File a permit application with the City of Parma Building Department including the following:**
 - (a) The name, address, phone, fax and e-mail of the owner;
 - (b) The name, address, fax and e-mail fo a person or persons primarily responsible for placing, emptying, servicing, maintaining, and removing the donation box;
 - (c) A one hundred (\$100.00) annual fee, per donation box, which shall not be prorated based upon the time of year the permit application is filed;
 - (d) The name and address of the party in control of the private property upon which the donation box will be placed, and written authorization from the party in control of the private property, including the terms of its placement by lease or otherwise;
 - (e) A site plan drawing showing where the donation box will be placed on the premises prior to such placement of the donation box.

Ord. to enact subsection (d) of Section 1707.09 "Exterior Property Areas" and to enact a fee in subsection (c) "Business Regulation Code" of Section 185.04 "Fees of the Director of Public Safety" of the Codified Ordinances of the City of Parma, and declaring an emergency

- (3) **The Building Commissioner shall not approve the application unless he or she finds that no provisions of the City's Building Code or Planning and Zoning Code will be violated by the issuance of the permit, including but not limited to the following:**
 - (a) **Set back requirements;**
 - (b) **Use restrictions;**
 - (c) **Those portions of the Planning and Zoning Code that require that a specified number of parking spaces be available for the use of a particular business.**
- (4) **No person shall place or maintain and no property owner or tenant shall permit or maintain any donation box in any location that obstructs the sight lines of vehicular traffic.**
- (5) **A donation box shall not exceed 78 inches in height (measured from grade), 60 inches in width and 60 inches in depth.**
- (6) **The permit is valid from the date of issuance until September 30th of each year. Prior to the expiration of a permit, any owner who intends to place, display or maintain a donation box shall obtain a new permit for the next twelve month period.**
- (7) **Any donation box placed or maintained within the City of Parma that is not first registered in compliance with this Ordinance shall be subject to impoundment by the City. Any donation box impounded by the City shall be released to the owner upon securing proper registration, and the payment of an impound fee of \$200.00. If after 30 days the donation box is not retrieved by the proper owner, the donation box will be sold for scrap and the funds will be credited to the City.**
- (8) **Every donation box shall be maintained in a neat and clean condition and in good repair at all times. Each donation box shall be serviced and maintained so that it is free of dirt, grease, free of chipped, faded, peeling paint, cracked paint, free of rust and corrosion and free of cracks, dents, blemishes and discoloration.**
- (9) **Donation boxes shall be emptied regularly and within forty-eight (48) hours of the primary contact person being notified by any City official that the box is full. Each box shall clearly state the name, address and phone number of the organization to which the donated items will benefit.**
- (10) **No more than one donation box shall be permitted on any parcel of property."**

Section 2. That subsection (c) "Business Regulation Code" of Section 185.04 "Fees of the Director of Public Safety" of the Codified Ordinances of the City of Parma, is hereby amended to include the permit application fee, and shall read as follows:

“(c) Business Regulation Code.

...	
Day care facility (not located at school or church)	40.00
DONATION BOX ANNUAL PERMIT (AS SET FORTH IN SECTION 1707.09(d) OF THESE CODIFIED ORDINANCES, ONE BOX PER LOCATION)	100.00
(VALID FROM DATE OF ISSUANCE UNTIL SEPTEMBER 30 OF EACH YEAR)	
Exterminating license, annual	150.00”
...	

Pg. 3 of L-58-14 Ord. to enact subsection (d) of Section 1707.09 "Exterior Property Areas" and to enact a fee in subsection (c) "Business Regulation Code" of Section 185.04 "Fees of the Director of Public Safety" of the Codified Ordinances of the City of Parma, and declaring an emergency

Section 3. 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 the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this measure is necessary in order to enact this section and fee in the Codified Ordinances in the near future, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL

FILED WITH
THE MAYOR: _____ MAYOR, CITY OF PARMA, OHIO