



City of North Lauderdale
Community Development Department

CHARITABLE BIN APPLICATION
City Ordinance Section 106-206 - Attached

PURPOSE:

To allow charitable donation bins within the City and to provide for regulations of those bins in accordance with Chapter 106, Section 206, of the City's zoning regulations. This is an annual permit on a fiscal year, beginning October 1 through September 30 of the following year.

REQUIRED DOCUMENTATION:

A notarized affidavit addressing Section 106-206(d)(1) through (4)

ADDITIONAL REQUIREMENTS:

Written consent from the property owner, holding property owner, and the applicant liable for the bin(s).

Article of Incorporation showing a non-profit status.

A written statement that person agrees to accept service, on behalf of the corporation, for any violations in the above referenced chapter by certified mail at the physical address listed.

Site Plan specifying exact location of bin(s), in accordance with the requirements set forth in Section 106-206(f)

APPLICANT INFORMATION:

Applicant Name: _____

Bin Address: _____

Telephone: _____

Permit Cost: \$100.00

**THIS PERMIT ENTITLES THE APPLICANT TO ONE (1) CHARITABLE DONATION BIN,
AT THIS LOCATION ONLY, FOR THE PERIOD OF ONE (1) YEAR.
EFFECTIVE OCTOBER 1 THROUGH SEPTEMBER 30.**

Permit shall expire September 30 of each year regardless of the date of issue.

Applicant Signature

Date

The foregoing instrument was acknowledged before me this _____ day of _____, 20____
by _____.

Notary Public Signature

FOR OFFICE USE ONLY

Zoning: _____
Issue Date: _____

Issued by: _____
Sticker #: _____

ORDINANCE NO. 14-10-1301

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING CHAPTER 106 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ZONING"; SPECIFICALLY AMENDING ARTICLE V, ENTITLED "GENERAL SUPPLEMENTARY REGULATION" BY ADDING SECTION 106-206 ENTITLED "CHARITABLE CLOTHING DONATION BINS"; APPENDIX "F" ENTITLED "PERMIT FEES" SPECIFICALLY ADDING SECTION 9 "CHARITABLE DONATION BINS" PROVIDING FOR FINDINGS AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMIT REQUIREMENTS; PROVIDING AN APPLICATION PROCESS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Lauderdale, Florida ("City") recognizes the need for charitable donation bins and philanthropic causes; and

WHEREAS, in the City limits the bins have been deemed a public nuisance, due to being found in unsuitable conditions; and

WHEREAS, it has been deemed appropriate to provide regulations to ensure donations are going to a legitimate source; and

WHEREAS, the City Commission has determined a need to more effectively control and abate the donations bins in the City; and

WHEREAS, the purpose of this Ordinance is to provide for proper regulation, placement and documenting of these charitable donations bins to ensure public safety mitigate nuisances caused by and allow for the placement of such bins.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA:

Section 1: Chapter 106 of the City's Code of Ordinances entitled "Zoning"; Specifically Section 3 "Definitions" is hereby amended to include the following:

Charitable organization. Any entity determined by the Federal Internal Revenue Service to be a tax-exempt organization pursuant to Section 501(c)(3) which is established for any benevolent, philanthropic, humane, social welfare, public health, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters or other persons who protect the public safety.

* ***

Donation clothing bin. A receptacle or container made of metal, or other fire-resistant material designed or intended for the collection and temporary storage of donated clothing only.

Donation bin. A receptacle or container material designed or intended for the collection and temporary storage items other than clothing.

** *****

Shopping center means five or more commercial establishments, planned, developed, owned and managed as an integral unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.

Section 2: Chapter 106 of the City's Code of Ordinances entitled "Zoning"; Specifically Article V entitled "General Supplementary Regulation" is hereby amended to include Section 106-206 "Charitable Clothing Bins" as follows:

Article V-General Supplementary Regulations

Sec.106-206 Charitable Clothing Bins

(a) Purpose. The purpose of this chapter shall be to provide rules, regulations and standards for the limited placement and use of donation clothing bins in the City of North Lauderdale in order to promote the public health, safety, convenience and welfare of the city. City owned recycling bins are not subject to the limitations set forth herein.

(b) Requirements for use of clothing bins. Donation clothing bins shall be permitted on a limited basis and only in compliance with all of the provisions of this section, including the following requirements:

(1)The person/entity operating the donation clothing bin has obtained a valid permit from the city; and

(2)A donation clothing bin shall only be owned and operated by a charitable organization for its charitable purpose.

(3)The information as required in subsection (d) is clearly and conspicuously displayed on the exterior of the donation clothing bin.

(4)The clothing donated shall be provided to others as part of a bona fide charitable endeavor and no consideration shall be received in return by the person/entity collecting the clothing.

(5)The contents of the bin shall be clothing only and shall be regularly emptied at least every two weeks and not permitted to overflow to the point where the contents are visible from the outside; the ground area immediately adjacent to the bin (within three feet of the bin on all sides) shall be kept free of donated clothing or other debris.

(6)The bin shall be kept free of signs, advertising (except as specifically permitted herein), graffiti and other markings and shall be maintained in a structurally sound, clean, and sanitary condition.

(7) All other conditions of this chapter are satisfied and there is continuing compliance with the provisions of this chapter.

(c) Donation bins. Donation bins for purposes other than the collection of clothing as outlined herein are prohibited.

(d) Permit application requirements. An application shall be filed with the city for each proposed donation clothing bin and location. The application for a permit shall include:

(1)

An affidavit stating the following:

a.

The precise location where the bin would be situated including a description of the business or enterprise being conducted on the property;

b.

The manner, in which the applicant anticipates any clothing collected via the bin would be used, dispersed, and the method by which the donations would be allocated;

c.

The name and telephone number of the bona fide office of the organization which has custody of the donation clothing bin and the name of the person authorized by said organization to assure compliance with this chapter and the phone number, physical address and email address where such person can be reached during normal business hours. For the purposes of this chapter, an answering machine or service unrelated to the person or entity does not constitute a bona fide office;

d.

The name(s) and phone number(s) of the person(s) responsible for placing, emptying, and removing the bin.

(2)

Written consent from the property owner to place the bin on their property and whether there are any other bins on the property. The written consent shall acknowledge that the city shall hold both the property owner and the charitable organization liable for violation of this chapter; and

(3)

The articles of incorporation of the not for profit corporation, and the names of the officers of the corporation and the name, phone number, email address and physical address of the responsible person to be contacted with respect to compliance with this chapter. There shall also be a statement that that person agrees to accept service, on behalf of the corporation, for any violations of this chapter by certified mail at the physical address listed.

(4)

The annual permit fee (new or renewal permit) per bin as outlined in Appendix F-Fees, Section 9-Charitable Clothing Donation Bins shall be paid at time of application. Revised fees shall be established by resolution of the city commission. This fee shall be paid annually for each donation clothing bin established under the provisions of this chapter. The annual permit fee shall be effective from October 1 through September 30 of the following year.

(e)Permit renewal application requirements. Renewal applications shall include the following:

An affidavit that all information and statements in the original application continues to be true and a description of any facts which would make any information or statement in the original application no longer true.

(f)Placement of donation clothing bins—Restrictions. The following criteria shall be applied in granting a permit and in determining if a donation clothing bid is placed in conformity with this chapter:

(1)The city must determine that the placement of the bin would not constitute a safety hazard. Such hazards include, but are not limited to, the placement of a clothing donation bin within 100 yards of any place which stores or sells large amounts of fuel or other flammable liquids or gases; or the placement of a bin where it interferes with vehicular or pedestrian circulation.

(2)Bins shall be secured or removed in such a manner so as to minimize the danger of such units causing damage to persons or property from high winds or severe weather conditions.

(3)It shall be the responsibility of the owner of the property upon which the bin is located and the entity which obtains the permit, to remove or properly secure the bin in the event of any hurricane warning in effect for the City of North Lauderdale. If such action is not taken, the City of North Lauderdale reserves the right to remove the bin.

(4)Bins shall not be located in rights-of-way, landscape areas and on terminal islands within required parking areas.

(5)No bin shall be permitted in a residentially zoned district or within 150 feet of a residential zoning district unless the building is devoted solely to a not for profit organization or club.

(6)No bin shall be located on a vacant lot.

(7)

Donation clothing bins shall only be permitted in the following commercial settings:

A.

It is located on the property of a retail or professional building of at least 30,000 square feet in interior space and which is not part of a shopping center, in such case only one bin shall be permitted, or

B.

It is located on the property of a shopping center of at least 100,000 square feet in interior building size. One bin shall be allowed for each 100,000 square feet of building size, or

C.

It is located on the premises of a not for profit entity; provided that only one bin shall be permitted on said property.

(g) Bin structure.

(1) The bin(s) shall be of the type that are enclosed by use of a one-way receiving door so that the contents of the bin(s) may not be accessed by anyone other than those responsible for the retrieval of the contents.

(2) Each bin shall not cover a ground surface area in excess of five feet by five feet, nor be more than six feet in height. The primary color of the bin(s) shall be white.

(3) There shall be no advertisement of any kind on the bin except for the identity of the charitable organization and the purpose of the donation effort.

(h) Display of permits. The following information shall be clearly and conspicuously displayed on the exterior of the donation clothing bin:

(1) The permit number and its date of expiration, along with a statement that a copy of the permit application is on file with the community development department;

(2) The name and address of a.) the registered person who owns the bin; and b.) any other entity which may share or profit from any clothing or other donations collected via the bin;

(3) The telephone number of the owner's bona fide office, and, if applicable, the telephone number of any other entity which shared or profited from any clothing or other donations collected via the bin. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office;

(4) A statement which includes all information stated herein for a new permit and subsection (e) for renewal permits); and

(5) The registered owner of the clothing donation bin shall report to the community development department any change of entity or entities that may share or profit from any clothing collected from the clothing donation bin no later than 30 days from any change. Failure to provide the community development department with such report within the 30-day period shall result in revocation of the permit.

(i) Property owner responsibility. The owner of the property upon which the bin is located shall share joint and several responsibilities for compliance with all conditions set forth in this chapter with the entity which owns or is in custody of the bin. The failure of the person in custody to comply with the provisions of this section shall not be a defense by the property owner should there be a violation.

Section 3: Appendix F of the City of North Lauderdale, Florida City code specifically "Section 9" of the City code to be amended to add the following:

Sec. 9 Charitable Clothing Donation Bin Permits.

The annual permit fee (new or renewal permit) of \$100 per bin shall be paid at time of application. This fee shall be paid annually for each donation clothing bin established under the provisions of this chapter. The annual permit fee shall be effective from October 1 through September 30 of the following year.

Section 3: It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City's Code of Ordinances.


Section 4: That all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith, be and the same are hereby repealed, to the extent of such conflict.

Section 5: That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

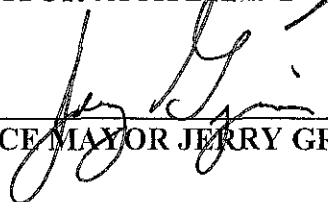
Section 6: That this Ordinance shall become effective immediately upon the date of adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE FIRST READING, THIS 14th DAY OF October, 2014.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE SECOND AND FINAL READING, THIS 28 DAY OF OCTOBER, 2014.



MAYOR JACK BRADY



VICE MAYOR JERRY GRAZIOSE

ATTEST:



PATRICIA VANCHERI, CITY CLERK

APPROVED AS TO FORM:



SAMUEL S. GOREN, CITY ATTORNEY