



CITY OF ASHTABULA
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
4717 Main Ave. Ashtabula, Ohio 44004
Phone: (440) 992-7118 Fax: (440) 992-7180

Donation Bin(s) Application

Per Chapter 739 of the City of Ashtabula Codified Ordinance, we require all fields below to be filled out in their entirety and all related documentation also be attached at the time this application is returned to our office for review.

Be advised, per section 739.01(2), bins will only be approved for Charitable Organizations that are currently recognized by the Internal Revenue Service as a tax-exempt charitable or religious organization under Section 501(c)(3) of the IRS Code.

Charitable Organization: _____

Organization Address: _____

Proposed Location(s) of Bin(s):

A maximum of two (2) permits initially may be issued to any organization between January 1 and January 31.

Only a maximum of five (5) permits are permitted within the City Limits.

Each bin equals one permit.

The City of Ashtabula requires any Organization that is outside of a 25 mile radius of the City Limits to assign a responsible party who has the authority & capability to ensure that the use or operation of any donation bin complies with Chapter 739. Please list the name, address, and phone number of this individual below:

Responsible Individual: _____

Individual's Address: _____

Individual's Contact Number _____

Please attach the following documentation:

- Brief statement of the intended use of the donated items, including the manner in which items collected via the doantion bin would be used, sold or dispersed, and if sold, the method by which proceeds of the collected proceeds would be allocated/spent
- Planned pick up schedule for emptying the donation bin(s). Minimum once per week.
- Letter or notice from IRS acknowledging present status of 501(c)(3) status.
- Letter of consent from each owner of any private or public property upon which a bin is intended to be placed.
- Enclose a permit fee of \$5.00 per bin plus a one-time application fee of \$20.00
(Yearly renewal fee will only be \$5.00 per bin)

Please review the attached ordinance for detailed information regarding placement & number of bins, displayed information, maintenance, Enforcement & penalties for violations. H-1 district Bins will be referred to the A.A.R.B for final approval.

Sincerely,

Department of Planning & Community Development.

CHAPTER 739

Donation Bins

739.01 Definitions

739.02 Permit Required

739.03 Application; Fee

739.04 Number of Bins

739.05 Maintenance of Bins

739.06 Information to be Displayed

739.07 No Dumping in or Near a Donation Bin

739.08 Enforcement

739.09 Violations; Penalties

739.01 Definitions

(a) As used in this Chapter:

(1) "Donation Bin" means any receptacle placed outdoors which is intended or used to receive donations to a bona-fide religious or charitable organization of used or unwanted articles of clothing, books, games, toys, CDs/DVDs and/or other small household goods.

(2) "Charitable Organization" shall mean a corporation, association, trust, church, foundation or other lawful entity which is currently recognized by the Internal Revenue Service as a tax-exempt charitable or religious organization under Section 501(c)(3) of the Internal Revenue Code.

(3) "Director" shall mean the Director of the Division of Planning & Community Development, or other person designated by the City Manager to enforce this chapter.

(3) "Solicit" shall mean any express or implied request, whether verbal, written, or communicated through advertising or social media.

739.02 Permit Required

(a) No person, corporation, association, trust, church, foundation or other entity shall place any donation bin as defined in this chapter in any location within the corporate limits of the City of Ashtabula without first obtaining a permit therefore from the Director of Planning & Community Development.

(b) No person, corporation, association, trust, church, foundation or other entity shall solicit donations of used or unwanted articles of clothing and small household goods through the use of a donation bin in any location within the corporate limits of the City of Ashtabula unless the charitable organization that owns or operates the bin has obtained a permit therefore from the Director.

(c) A permit for the placement of any donation bin within the City of Ashtabula shall only be issued to a charitable organization as defined in this Chapter.

739.03 Application; Fee; Renewal Required

(a) An application for a permit under this chapter shall be made in writing on a form provided by the Director. The application shall include the following information:

(1) The name and address of the charitable organization seeking the permit;

(2) The name, address, and telephone number of a responsible person residing in, or having a current business address located in, the State of Ohio within 25 miles of the City of Ashtabula, who has the authority and capability to ensure that the use or operation of any donation bin complies with this chapter;

(3) A list of all locations within the corporate limits of the City of Ashtabula where donation bins will be located, by address or by reference to and distance from the nearest intersection.

(4) A brief statement of the intended use of the donated items, including the manner in which items collected via the donation bin would be used, sold, or dispersed, and if sold, the method by which proceeds of the collected proceeds would be allocated or spent.

(5) The planned pick up schedule for emptying the donation bin or bins, which shall not be less often than

weekly.

(b) The application shall be accompanied by documentation acceptable to the Director of 501(c)(3) status of the charitable organization seeking the permit. Such documentation shall include an official letter or notice from the Internal Revenue Service approving or acknowledging such status.

(c) The application shall be accompanied by written consent of each owner of any private or public property upon which a bin is intended to be placed.

(d) The application must be accompanied by the permit fee of \$5.00 per bin, and a one-time application fee of \$20.00.

(e) A permit issued under this chapter shall be effective for one (1) year after the date of its issuance. No permit shall be valid until the fees therefore have been paid.

(f) A permit issued under this chapter may be renewed annually upon payment of a renewal fee of \$5.00 per bin, and submission of a written renewal application, which shall contain all the information listed in section 739.03(a), above.

739.04. Number of Bins.

(a) A total of five (5) permits for donation bins may be issued or renewed within the corporation limits of the City of Ashtabula in any calendar year.

(b) Available permits shall be issued on a first-come, first-served basis, commencing January 1 of each year. A maximum of two (2) permits initially may be issued to any organization between January 1 and January 31. If permits remain which are unissued as of January 31, they shall be offered (1) to existing permit holders in the order in which they filed their initial permit applications, and (2) thereafter made available to other charitable organizations on a first-come, first-served, basis. No further permits shall be available until and unless the holder of a permit for a bin removes it, the permit expires without being renewed, or the permit is revoked.

(c) If an organization does not renew an existing permit by January 31, it shall be offered (1) to other existing permit holders in the order in which they filed their initial permit applications, and (2) thereafter made available to other charitable organizations on a first-come, first-served, basis.

739.05. Maintenance of Bins.

(a) Placement of donation bins:

(1) Donation bins shall not be placed in any location that may constitute a traffic line-of-sight obstruction or other traffic safety hazard.

(2) Donation bins shall be placed in locations that do not interfere with vehicular or pedestrian travel.

(3) Donation bins shall be placed at least 50 feet from the nearest right-of-way line of a State highway or any street or road with more than two (2) lanes. Bins shall be placed at least 10 feet from the nearest right-of-way line of any other City Street.

(4) Donation bins may only be placed on private property. No bin shall be placed on any City property or within the dedicated right-of-way of any City street, alley, or sidewalk without approval of a majority of City Council.

(5) Donation bins located in the Historic Harbor District must be placed and maintained in accordance with any requirements imposed by the Architectural Restoration & Revue Board.

(b) Maintenance:

(6) The permit holder must maintain the donation bin and the area around it in a clean and sanitary condition, and must not allow rubbish or other waste to be deposited on or near the bin.

(7) Donation bins shall be in good condition, free of rust, covered with intact paint or other coating.

739.06 Information to Be Displayed

(a) Each clothing donation bin shall have a placard or sticker firmly affixed thereto or thereon in plain view, not less than 8 inches by 11 inches in size, which contains the following information:

(1) The Permit Number and expiration date;

(2) The name and address of the permit holder and the owner of the donation bin, if different from the permit holder;

(3) The name and telephone number of the responsible person designated in Section 739.03(a)(2), above.

(b) Each clothing donation bin shall have a placard or sticker firmly affixed thereto or thereon, or shall have painted thereon, in letters not less than 4 inches in height, the following: NO DUMPING ALLOWED.

739.07 No Dumping in or Near a Donation Bin

No person knowingly shall dump or dispose of furniture, mattresses, tires, rubbish or trash in or within 10 feet of a licensed donation bin.

739.08 Enforcement

(a) The Divisions of Police, Planning and Community Development, Sanitation, and other persons designated by the City Manager, shall have the authority to enforce this Chapter.

(b) If the Director determines that any donation bin is in violation of this chapter, notice will be given and if the issue is not resolved within five (5) business days the donation bin may be removed and stored at the expense of the permit holder. Notice will be deemed given when the responsible party designated in Section 739.03(a)(2) is contacted by telephone, or when a letter identifying the violation(s) is deposited in the regular U.S. Mail to such person, postage pre-paid.

(c) The permit shall be revoked if there are two (2) or more documented violations within the year during which the permit is in effect.

(d) No person or entity whose permit has been revoked due to violations shall be eligible for another permit for a period of two (2) years after the date of the permit revocation.

(e) Any permit holder may appeal the revocation of a permit by sending a request for hearing to the City Manager within ten (10) business days after notice of the revocation is given. At such hearing the Director shall be required to demonstrate or document the violation or violations, or the permit shall be reinstated. The permit holder shall be given the opportunity to appear, personally or through a representative designated in writing, and provide any evidence or testimony which is relevant to the issue of whether the violation(s) existed and whether or not extraordinary circumstances existed which caused or created the violation(s). If the violation involves unlawful dumping at a donation bin location or locations, the violation may be excused if the permit holder establishes video or other security measures which reasonably prevent such dumping in the future, or assist in the successful prosecution of those persons responsible for the illegal dumping.

739.09 Penalties

(a) Any person or entity violating any provision of Section 739.02 is guilty of a 4th-degree misdemeanor. Each day of violation constitutes a separate offense. The presiding judge shall impose a fine of not less than \$100.00 for each violation.

(b) Any person or entity violating Section 739.03(f) or 739.06(a) is guilty of a minor misdemeanor. The presiding judge shall impose a fine of not less than \$50.00 for each violation.

(c) Any person or entity violating any provision of Section 739.05 is guilty of a minor misdemeanor for a first offense. Each day of violation constitutes a separate offense and the presiding judge shall impose a fine of not less than \$50.00 for each violation. Any person or entity violating any provision of Section 739.05 is guilty of a 4th degree misdemeanor for any offense committed after a predicate conviction. Each day of violation constitutes a separate offense and the presiding judge shall impose a fine of not less than \$100.00 for each violation.

(d) Any person violating Section 739.07 is guilty of a misdemeanor of the 4th degree upon a first offense, and of a misdemeanor of the first degree upon any subsequent conviction. A fine of not less than \$100.00 shall be imposed for a first offense, and of not less than \$250.00 for any subsequent offense. In lieu of the foregoing minimum fines the court may impose not less than 24 hours of community service for a first offense and not less than 80 hours for any subsequent offense, which community service shall include litter control.