

**CITY OF OZARK ORDINANCE**  
**NO.: 2019- 1**

**AN ORDINANCE OF THE CITY OF OZARK, ALABAMA TO PROVIDE RULES, REGULATIONS AND STANDARDS FOR THE LIMITED PLACEMENT AND USE OF CLOTHING DONATION BINS IN THE CITY OF OZARK IN ORDER TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITY.**

**BE IT ORDAINED BY THE CITY OF OZARK, ALABAMA AS FOLLOWS:**

**SECTION 1. DEFINITIONS.**

**Clothing Donation Bin.** A receptacle or container made of metal or other fire-retardant material designed or intended for the collection and temporary storage of donated clothing. This definition does not include furniture, fixtures, bedding, electronics, machines, equipment or any other items not typically used by persons as normal clothing wear.

**Charitable Organization.** Any person determined by the Federal Internal Revenue Service to be an established tax-exempt organization pursuant to Section 501(C) of the U. S. Tax Code that has been created for any benevolent, philanthropic, humane, social welfare, public health, or other charitable purpose.

**Permitting Officers.** An administrative official(s) of the City of Ozark appointed by the Mayor to accept applications for permits, investigate applicants, issue permits and enforce the rules and regulations established by the City Council regarding such permits and permittees.

**SECTION 2. PERMIT REQUIREMENTS.**

(1) Clothing Donation Bin(s) shall be permitted on a limited basis only, and only in compliance with all the provisions of this section. The number of Permits to be issued by the Permitting Officer within the city limits of Ozark shall be determined by the discretion of the Officer. The Permitting Officer shall develop a form for applicants to submit under oath setting forth applicant's charitable status, contact information, identity and such other information as may be necessary for the Permitting Officer to investigate applicant.

(2) All applicants must be a recognized and established charitable organization with a certified IRS 501(C) designation. Applicants must submit enough documentation demonstrating the formal creation and registration of the charitable organization and its current active status along with the identification of the home office and local offices of the organization with contact information.

(3) Applicants shall pay a permit fee of \$25.00 per clothing bin.

(4) Permits are valid for the period of one (1) year effective January 1 through December 31 at which time the permit shall expire. Additional permits may be issued upon compliance with the above requirements and the payment of additional annual fees. Permits issued after September 30 shall be prorated.

(5) Permits may be revoked by the Permitting Officer in the event of non-compliance with any section of this Ordinance and/or erroneous or fraudulent information being provided in the application for permit. Bins whose permit is revoked must be removed from the city within five days after notice.

### **SECTION 3. REQUIREMENTS FOR USE OF CLOTHING DONATION BINS.**

(1) All permitted Clothing Donation Bins shall have a 24 hour contact phone number on the bin for emergency contacts and the failure of a representative of the organization to contact the Permitting Officer within 24 hours after notice shall be considered a violation of the terms of the permit. Bin(s) shall be maintained in a structurally sound, clean and sanitary condition and appearance and free from rust, peeling and graffiti.

(2) Written consent from the property owner or leasehold tenant must be obtained for the location where the bin is to be placed and submitted with the application.

### **SECTION 4. 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 be no more than five feet by five feet in area and no more than six feet in height.

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

(4) The color of the bin shall be approved by Permitting Officer.

### **SECTION 5. CLOTHING DONATION BIN PLACEMENT; RESTRICTIONS.**

(1) Clothing Donation Bin(s) shall not be placed on any municipally owned property.

- (2) Clothing Donation Bin(s) shall not be placed on any public rights of way.
- (3) Clothing Donation Bin(s) shall not be placed in any residential zoned area
- (4) Enclosed trailers, flat bed trailers, pickup trucks or personal vehicles belonging to, or representing the charitable organization, shall not use the bin area as staging for other donations overnight or long term, however, they may be used to service, empty, place or remove bin.

**SECTION 6. VIOLATIONS OF THE PERMITTED USE OR EMERGENCY.**

- (1) The City of Ozark shall have the right to take possession of and remove any un-permitted clothing bin or permitted clothing bin that is in violation of the terms of the permit and transport same to a storage facility within the City. The bin shall be stored under reasonable conditions pending recovery by the owner or representative thereof. Upon the payment of reasonable storage charges in the amount of \$10 per day plus any fines that may be due, the bin shall be released to the Owner who shall remove same from the City.
- (2) The City of Ozark shall always have the right to remove any clothing bin in times of emergency involving the health and safety of the public and place the bin in storage under reasonable conditions.
- (3) Fines may be assessed by the Ozark Municipal Court against the Owner of the Bin or such other persons responsible for the illegal placement or failure to remove the Bin. Penalties for the violation of the terms of a permit or the placement of an un-permitted clothing bin within the City Limits of the City of Ozark shall be as follows:
  - (a) For the first offense: \$35.00 fine.
  - (b) For the second offense: \$70.00 fine.
  - (c) For the third offense: Revocation of Permit and \$100.00 fine.

**SECTION 7. APPEALS.**

Any charitable organization or representative thereof, who is denied a permit for any reason, or who's permit has been revoked or is otherwise disqualified from obtaining or continuing with a permit for a clothing bin who is aggrieved by a decision of the Permitting Officer or any other administrative official with the City shall have a right to appeal to the City Council which shall have the power to sustain the actions of the administrative official, reverse the actions of such official or modify same as is necessary.

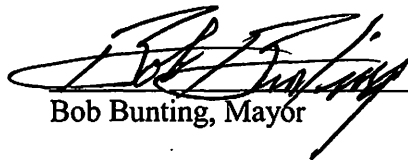
**SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately after its adoption and publication as required by law.

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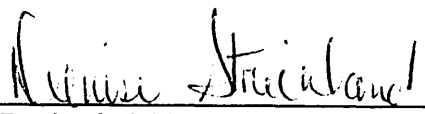
**ADOPTED AND APPROVED** by the City Council of the City of Ozark, Alabama, this  
the 5<sup>th</sup> day of March, 2019.

**CITY OF OZARK, ALABAMA**

  
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Frank Garret, Council President

  
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Bob Bunting, Mayor

**ATTEST:**

  
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Denise Strickland, City Clerk