

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

2009-09

Ordinance No. _____

Passed SEPTEMBER 15, 2009

AN ORDINANCE ADOPTING REGULATIONS ON DONATION BINS IN THE CITY OF BROOKVILLE.

WHEREAS, the Council of the City of Brookville desires to adopt certain zoning regulations for donation bins in the City of Brookville; and

WHEREAS, after a Public Hearing on this Ordinance as required by Section 4.11 of the Charter of the City of Brookville, and upon recommendation of the Planning Commission, the Council of the City of Brookville hereby adopts the following zoning regulations regarding donation bins in the City of Brookville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: The Council hereby enacts and adopts the following regulations regarding donation binds in the City of Brookville, Ohio.

1157.11 DONATION BINS

(a) **Donation Bins are defined as any enclosed receptacle or container made of metal, steel, or a similar product and designed or intended for the donation and temporary storage of clothing or other materials.**

(b) **Donation Bins located inside a building used as a church, school, non-profit organization or inside a commercial or industrial building are permitted use and shall not require a zoning permit.**

(c) **Donation Bins located on the exterior of a church, school, non-profit organization, or commercial or industrial building shall require approval by Planning Commission as a temporary accessory structure. Planning Commission may approve a Donation Bin upon compliance with the following standards:**

(1) **The property owner has approved in writing the location of the Donation Bin on the property.**

(2) **The Donation Bin is not located within any required front yard, rear yard or side yard setback for the zoning district, access easement, driveway, parking area, fire lane, or any other area prohibited by the Zoning Code or Building Code of the City of Brookville.**

(3) **The placement of the Donation Bin shall not impede traffic or visually impair any motor vehicle operation within a parking lot or from a public street or alley.**

(4) **The Donation Bin is being used by a duly registered charitable organization and the donation bin shall contain the name, address and phone number of the charitable organization.**

(5) **The Donation Bin shall not exceed five (5) feet in height, and shall not exceed four (4) feet in width.**

(6) **Only one Donation Bin shall be permitted on a property at any time.**

(7) **The Donation Bin complies with all other applicable standards and requirements for special uses as set forth in Section 1163.03 of the Code of Ordinances.**

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(d) Planning Commission shall limit the approval of the Donation Bin to a maximum of one (1) year, and shall require reapproval of the temporary accessory structure permit for the Donation Bin at the expiration of the approved temporary accessory structure permit.


(e) The charitable organization shall be primarily responsible for maintenance, upkeep, and servicing of the Donation Bin. Donation Bins shall be emptied of donated goods by the charitable organization in a timely manner to prevent overflow of the goods from the Donation Bin. However, in the event the charitable organization fails to adequately maintain and service the donation bin, then the property owner of the property where the Donation Bin is placed shall be responsible for maintenance and service of the Donation Bin. In the event that the Donation Bin is not properly maintained and serviced, the Zoning Enforcement Officer may issue a notice of violation of this Ordinance and order the immediate removal of the Donation Bin.


(f) Donation Bins are not permitted on residential properties, and are not permitted on vacant properties.

SECTION II: This Ordinance shall repeal or rescind any Ordinances or Resolutions in conflict herewith.

SECTION III: This Ordinance shall take effect thirty (30) days after passage by Council pursuant to the Charter of the City of Brookville.

PASSED this 15th day of September 2009.


Sonja M. Keaton, Clerk


David E. Seagraves, Mayor

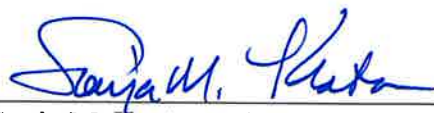
CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2009-09 passed by the Council of the City of Brookville, Ohio, on the 15th day of September 2009.


Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2009-09 as posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 16th day of September 2009 to the 15th day of October 2009, both days inclusive.


Sonja M. Keaton, Clerk