

**STATE OF MICHIGAN  
COUNTY OF WAYNE  
CITY OF ALLEN PARK**

**ORDINANCE #03-2013**

**AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES;  
AMENDING CHAPTER 52, ZONING, ARTICLE VI, SUPPLEMENTAL  
REGULATIONS, ADOPTING AN ORDINANCE REGULATING DONATION BOXES.**

**The City of Allen Park Ordains:**

**SECTION 1. Amendment to Code.**

Chapter 52, Article VI, Section 908 is hereby added as follows:

**Section 52-908: Donation Box**

- (a) Definition. Donation box – An unattended receptacle designed with a door, slot, or other opening that is intended to accept donated goods or items.
- (b) Intent. It is the intent of this section to regulate donation boxes to help protect the health, safety and welfare of the citizens of the city by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances and ensuring the safe and sanitary maintenance of donation boxes and properties upon which donation boxes are located. The large number of donation boxes in the city has become an attractive nuisance for minors and/or criminal activity. It is also the intent of this section to preserve the aesthetics and character of the community by limiting and restricting the number and placement of donation boxes. The City also needs to be able to contact owners for maintenance issues, fire safety and police reasons. Last, the citizens of Allen Park are entitled to know to whom the donations are going and for what purpose per Public Acts 195 and 196 of 2010 (MCL 445.903).
- (c) Only donation boxes directly associated with the principal use of the subject property shall be permitted if the following conditions are met:
  - 1. Licenses for donation boxes shall be acquired from the building department for a fee set from time to time by city council.
  - 2. Licenses shall be renewed annually for a set renewal fee and are non-transferable.
  - 3. Site Plan Review by the Planning Commission is required for each licensee.
  - 4. As part of the application to locate a donation box, written authorization from the property owner must be obtained and provided to the City of Allen Park.
  - 5. Donation boxes shall not exceed six (6) feet, six (6) inches in height, five (5) feet wide and four (4) feet deep and if located in the parking lot shall not obstruct

- more than one surplus parking space.
6. Donation boxes shall not be located in the front or corner side yard and must be located to minimize the visual impact when viewed from a public right of way.
  7. Donation boxes shall only be located upon properties zoned for the following uses: commercial including C-1 Neighborhood Business Districts (Sec. 52-237 *et seq.*), and on any property used for following primary purposes regardless of which zone the property is located in: educational, governmental, religious, or not-for-profit.
  8. Donation boxes shall include an informational posting on the box in a conspicuous place stating whether the organization accepting the donations is a for-profit or not-for-profit, and the name of the organization accepting the donation; and the donation box shall also have a sticker issued by the City of Allen Park indicating that the box is licensed for the current year, posted in a conspicuous place on the donation box.
  9. The license application obtained from the building department shall include a local contact person and the operator of the donation box, with the appropriate contact telephone number to address any maintenance or damage concerns with the donation box.
  10. The donation box shall not be placed in a location to interfere with or cause a visual obstruction to vehicle or pedestrian traffic.
  11. Donated materials or items shall not be stored or left outside the donation box.
  12. Illegally placed donation boxes will be seized and impounded at the donation box owner's expense.

(d) A donation box that exists on the effective date of this division that fails to acquire a license within sixty days of the effective date shall cease operating at the existing site, until it comes into compliance with this division.

## **SECTION 2. Repeal.**

All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

## **SECTION 3. Saving Clause.**

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

## **SECTION 4. Severability.**

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any

reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

**SECTION 5. Publication.**

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

**SECTION 6. Adoption.**

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the **9<sup>th</sup> day of July, 2013.**

WILLIAM MATAKAS, Mayor  
City of Allen Park

MICHAEL I. MIZZI, City Clerk  
City of Allen Park