

ORDINANCE 2016-22

(Amendment of Chapter 14 – Licenses and Business Regulations)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 14, LICENSES AND BUSINESS REGULATIONS AS IT PERTAINS TO CHARITABLE DONATION BINS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted Resolution 2016-14 in June 2016 banning unmanned donation bins within the City of Lake Wales and,

WHEREAS, after taking this action the City was made aware that donation bins sponsored or owned by charitable organizations are protected under the Constitution and the Freedom of Speech and,

WHEREAS, the City Commission is repealing Resolution 2016-14,

NOW THEREFORE BE IT ENACTED by the City Commission of Lake Wales, Polk County, Florida:

SECTION 1 Chapter 14 Licenses and Business Regulations, is amended as follows:

Sec. 14-161 through 14-169 Reserved.

Article VII Charitable Donation Bins

Division 1 Generally

§ 14-170. Definitions

Charitable Organization – 501C3 organization registered with the State of Florida Charitable Solicitation Division.

Donation Bin Operator – Company, organization or person that is registered with the State of Florida Charitable Solicitation Division that owns and/or operates donation bins for the purpose of charitable solicitation.

Donation Bin – Temporary structure not to exceed 36 feet square for the collection of non-hazardous donated items for the purpose of charitable solicitation.

§ 14-171. Registration

A donation bin operator shall be required to register with the City to solicit donations on behalf of a charitable organization.

The registration application for a donation bin shall include:

1. Applicant's name, local address and phone number, website and name of the responsible party.
2. Proof of registration with Florida Attorney General's Charitable Solicitation Department.
3. Site map of the proposed locations of each donation bin within the city limits.
4. Signed affidavit acknowledging that a city solicitation permit does not entitle the donation bin operator to place a donation bin on private or public property without notarized written consent of the property owner, a copy of which is provided to the City.

§ 14-172. Location, size and structural restrictions

Donation bins shall:

1. Not cause a visual obstruction to vehicular or pedestrian traffic.
2. Not exceed 7.0 feet in height, 6.0 feet in width and 6.0 feet in depth.
3. Maintain all applicable setbacks as set in the land development regulations, Chapter 23 of this code.
4. Not cause safety hazards with regard to a designated fire lane or building exit.
5. Not interfere with an access drive, off-street parking lot maneuvering area and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic.
6. Be constructed of metal or other appropriate material as approved by the Director of Planning and Development Services or their designee, and shall further be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.
7. Be constructed as to not be accessed by anyone other than those responsible for the retrieval of the contents.
8. Name, website and phone number of operator must be on at least the front side of the bin.
9. Donation bins shall be serviced and emptied as needed, but no less than once every seven (7) days.
10. The donation bin operator shall maintain, or cause to be maintained, a 10 foot radius area surrounding the donation bin(s), free from any junk, debris or other material.
11. The donation bin operator shall be responsible to the extent provided by law for the City's cost to abate any unmitigated violation.

§ 14-173. Penalties for violation

Any person violating any of the provisions of this chapter shall, upon conviction thereof, for each offense, be subject to penalties as provided in section 1-15 of this Code. Any failure or refusal by an owner to correct a violation after notification to do so, as

hereinabove provided, or any failure or refusal to pay the charges or rates provided within this chapter shall be construed to be a violation of this chapter.

Sections 14-175 through 14-180 reserved.

SECTION 2 Severability: If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated.

SECTION 3 This ordinance shall become effective, immediately upon passage by the City Commission.

CERTIFIED AS TO PASSAGE this 20th day of December 2016.



Mayor/Commissioner
City of Lake Wales, Polk County, Florida

ATTEST:


City Clerk Clara VanBlargan, MMC