

STATE OF GEORGIA

1st Reading: October 10, 2011

COUNTY OF FULTON

2nd Reading: November 14, 2011

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
THE CITY OF ROSWELL, GEORGIA, REGARDING DONATION BINS**

WHEREAS, the Mayor and Council are the governing authority of the City of Roswell, Georgia;
and

WHEREAS, zoning is an exercise of police power to promote the public health, safety, morality
or general welfare; and

WHEREAS, the Mayor and Council have determined that the Zoning Ordinance should be
amended regarding the use of donation bins:

NOW, THEREFORE, to accomplish the foregoing, the Mayor and Council of the City of
Roswell, pursuant to their authority, do hereby adopt the following Ordinance.

1.

**The Zoning Ordinance of the City of Roswell Chapter 10, Specific Use Requirements, is hereby
amended to add section 10.16.1, Donation Bins, to read as follows:**

Donation Bin is any enclosed receptacle or container made of metal, steel, or similar durable product
which is designed or intended for the donation and temporary storage of clothing or other material. The
donation bin shall not exceed the maximum size of 12 feet in length by 6 feet in width by 6 feet in height.

Driveway is that surface, whether or not improved, over and by which ingress and egress are
made into private or public property by vehicles.

Permit required

It shall be unlawful for any person to place, use or employ a donation bin on private property
within the City of Roswell without first obtaining an annual permit.

Application for permit; renewal

A. Any person or entity desiring a permit under this chapter shall file with the City an original
and one copy of an application, under oath, in writing, on a form furnished by the City.

B. The application shall include:

- (1) The location where the bin would be situated; as precisely as possible;
- (2) The color (ie, picture) of proposed bin;

- (3) The manner in which the person or entity anticipates any clothing or other donations collected via the bin will be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;
- (4) The name, address, and telephone number of the bona fide office of any individual or entity who or which may share or profit from any clothing or other donations collected via the bin;
- (5) Written consent of the property owner to place the bin on the owner's property;
- (6) Whether the applicant is an individual, a partnership, a corporation, limited-liability company or other entity and, if another entity, a full explanation and description thereof;
- (7) If the applicant is an individual, the applicant's full name and residence address;
- (8) Proof of insurance;
- (9) Copy of registration with the Secretary of State.

Location and placement

A. No donation bin shall be placed, used or employed in such a manner in which it projects onto or over any part of any public roadway of any public street or which rests, wholly or in part, upon, along or over any portion of the roadway of any public street.

B. No donation bin shall be placed, used or employed in such a manner in which it rests in whole or in part upon any portion of a public right-of-way or which projects onto or over any part of a public right-of-way.

C. No donation bin shall be placed, used or employed in such a manner in which it:

- (1) Endangers the safety of persons or property or otherwise may constitute a safety hazard, including, but not limited to, the placement of any clothing/material bin within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases;
- (2) Unreasonably interferes with or impedes the flow of pedestrians or vehicular traffic, including any legally parked or stopped vehicle, vehicular traffic flow or maneuvering;
- (3) Unreasonably interferes with the ingress or egress from any residence or place of business;
- (4) Unreasonably interferes with passengers boarding or exiting from buses at designated bus stops;
- (5) Unreasonably interferes with the use of traffic signals, traffic or street signs, fire hydrants or mailboxes permitted at or near said location.

D. No donation bin shall be placed, used or employed in such a manner in which it is located:

- (1) Within 25 feet of any crosswalk.
- (2) Within 25 feet of a fire hydrant.
- (3) Within 25 feet of any fire lane, fire call box, police call box or other emergency facility.
- (4) Within 25 feet of any driveway.
- (5) Within a required buffer area.

E. No donation bin shall be placed, used or employed on a single family residential property.

F. The placement and screening of a donation bin shall be in a manner to effectively shield the bin from being viewed from the public right-of-way as determined by staff on a case by case basis.

G. Any person or entity shall be allowed to place no more than one (1) donation bin per parcel or location with a total of three (3) total donation bins allowed per parcel or location.

Display information

The following information must be clearly and conspicuously displayed on the exterior of the donation bin:

A. The name, website and address of the registered person who owns the bin, and any other entity which may share in the profit from any clothing or other donations collected via the bin;

B. The telephone number of the person's or entity's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin;

2.

All ordinances, parts of ordinances or regulations in conflict herewith are repealed.

3.

Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

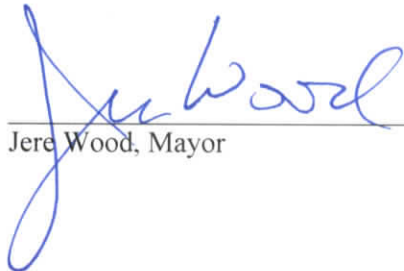
4.

It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Roswell, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

5.

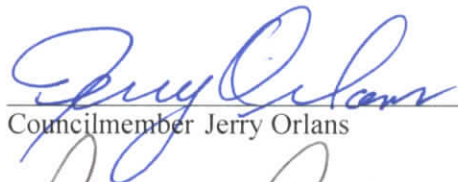
This Ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

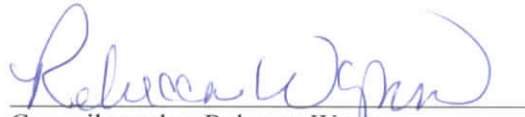
The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia on the 14th day of November, 2011

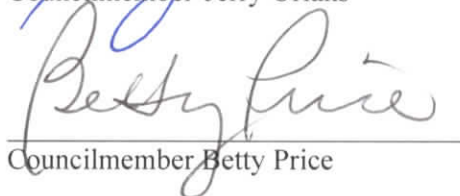

Jere Wood, Mayor

Attest:


Marlee Press, City Clerk
(Seal)


Councilmember Jerry Orleans


Councilmember Rebecca Wynn


Councilmember Betty Price


Councilmember Richard Dippolito


Councilmember Kent Igleheart


Councilmember Nancy Diamond

