

ORDINANCE NO. 2021-234

**AN ORDINANCE AMENDING BENTONVILLE MUNICIPAL CODE
APPENDIX A ZONING CODE TO REGULATE DONATION BOXES.**

WHEREAS, Bentonville City Council wishes to promote the community's health, safety, and welfare; and,

WHEREAS, unattended donation boxes often become unsightly and create a nuisance.

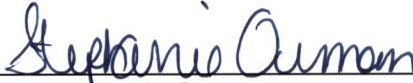
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:

Section 1. That the Bentonville Municipal Code, *Appendix A Zoning Code* should be and the same is hereby amended with the following *Attachment A: Donation Boxes*, an electronic copy and paper copy of which is on file with the City Clerk, is hereby referred to, adopted and made a part hereof as though it were copied herein fully.

Section 2. That this ordinance shall be in full force and effect 30 days from the date of its passage and approval.


PASSED and APPROVED this 9 day of NOVEMBER, 2021.

APPROVED:



Mayor Stephanie Orman

ATTEST:



Kirby Romines, City Clerk



Attachment A
Donation Boxes
Underlined red text to be added.

Sec. 201.02 Definitions of Terms and Uses

Operator (Unattended Donation Box): Means a person, entity, association or organization who places, maintains or operates unattended donation box(es) to solicit donations of salvageable personal property.

Property owner (Unattended Donation Box): Means the person, entity, association or organization who owns the real property where the unattended donation box(es) are or are proposed to be located.

Unattended donation box: Means any unattended container, receptacle, or similar device that is located on any property, outside of a fully enclosed building, within the city used for soliciting and collecting donations including, but not limited to, clothing, books, shoes furniture, or other salvageable personal property.

Sec. 401.05 Table of uses for zoning districts.

| OTHER | Use Regs | A I | RE | R1 | R2 | R3 | R4 | R-C2 | R-C3 | R-MH | R-ZL | RO | DN-1 | DN-2 | DN-3 | DN-4 | C1 | C2 | C3 | DC | DE | I1 | I2 |
|---------------------|---------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| <u>Donation Box</u> | <u>601.34</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> | <u>Δ</u> |

Sec. 601.34 Unattended Donation Box. No person or other legal entity shall cause or permit the installation or placement of a donation box upon any property within the city, whether public or private, except in accordance with this section.

- (a) **Purpose and Intent.** The purpose of this section is to regulate the placement of unattended donation boxes within the city. These procedures and requirements are enacted to:
- (1) Promote the community's health, safety, and welfare by regulating unattended donation boxes for clothing or other salvageable personal property within the city;
 - (2) Ensure that unattended donation boxes do not pose a hazard to pedestrian and vehicular traffic;
 - (3) Ensure that material is not allowed to accumulate outside of the unattended donation boxes where it can be scattered by adverse weather conditions, animal contacts and human activities; and
 - (4) Establish criteria that avoid attracting vermin, unsightliness, and a public health hazard.
- (b) **Applicability.** The requirements of this section shall apply to all donation boxes regardless of whether said boxes were placed prior to the effective date of these regulations. No previously placed donation boxes shall be granted any inherent legal or nonconforming status. All existing donation boxes shall be removed or brought into compliance with these regulations within 30 days of the effective date of these regulations.

- (c) **Exemptions.** These regulations do not apply to recycling bins operated by the city or a waste management company or donation boxes contained wholly within an enclosed building.
- (d) **Requirements.** Donation boxes are allowed as an accessory use in all zoning districts within the city only upon compliance with the following:
- (1) 501(c)(3) required.
 - a. All proceeds are dedicated to the use of an entity which is qualified by the Internal Revenue Service as a 501(c)(3) charitable institution, or is a governmental entity.
 - b. The donation box is located upon the premises of an entity which is qualified by the Internal Revenue Service as a 501(c)(3) charitable institution, or is a governmental entity.
 - (2) Number. A maximum of two (2) donation boxes may be located on any parcel.
 - (3) Dimensions. The donation box shall be no more than six (6) feet high, with a ground footprint of not more than twenty five (25) square feet.
 - (4) Setbacks.
 - a. Front: As required by the zoning district.
 - b. Side & Rear: The donation box shall be located at least 7' from the side and rear property lines.
 - c. Buildings: The donation box shall be located at least 10' from any building.
 - d. Residential Structures: The donation box shall be located at least 200' from any residential structure.
 - (5) Surface. The donation box shall be placed upon a concrete or asphalt surface.
 - (6) Visibility. The donation box shall be located so as not to interfere with any sight triangles or block the view of any business signage.
 - (7) Parking spaces and circulation. No unattended donation box shall be placed on or within any parking space required under Appendix A Zoning, Article 501 Parking and Loading or in any way that interferes with on-site circulation
 - (8) Signage. The total signage on each donation box shall not exceed two square feet. No advertising shall be allowed on the donation box. The donation box must include a message stating "All donated items must fit completely inside the donation box." An additional sign shall include the contact information: the name, address, e-mail and phone number of both the property owner/manager and operator. It too shall not exceed two square feet.
 - (9) Locked. Unattended donation boxes shall be locked or otherwise secured.
 - (10) Maintenance.
 - a. Unattended donation boxes shall be serviced and emptied as needed, or within 24 hours of a request by the director or his or her designee.
 - b. Unattended donation boxes shall be maintained in good condition and appearance with no structural damage or defects, holes, or visible rust, and shall be free of graffiti.
 - c. The area surrounding the unattended donation boxes shall be free of any junk, garbage, trash, debris or other refuse material.