

ORDINANCE NO. 17738

**AN ORDINANCE AMENDING CHAPTER 18, LICENSES
AND BUSINESS REGULATIONS, ARTICLE XXI. – UNATTENDED
COLLECTION BOXES, OF THE CITY OF JOLIET CODE OF ORDINANCES
(Clarifying and revising provisions for unattended collection boxes)**

WHEREAS, the Mayor and City Council of the City of Joliet, Illinois (City) has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the City is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois; and

WHEREAS, pursuant to Section 11-60-2 of the Illinois Municipal Code as amended (65 ILCS 5/11-60-2), the City has the power and authority to define, prevent, and abate nuisances; and

WHEREAS, the Mayor and City Council have seen fit to regulate unattended collection boxes in order to promote the health, safety, and welfare of the citizens of the City of Joliet; and

WHEREAS, the Mayor and City Council has determined that revisions which regulate unattended collection boxes are necessary to meet the changing needs of the City; and

WHEREAS, the City of Joliet has considered its own experience in revising its existing regulations on unattended collection boxes; and

WHEREAS, the City of Joliet incurs expenses to remove unregistered collection boxes; and

WHEREAS, the Mayor and City Council have determined that unattended collection box regulations are necessary to provide adequate protection for persons and property within the City and to serve the health, safety, and welfare of its citizens; and

WHEREAS, the City of Joliet is a home rule unit of local government.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS, PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY, AS FOLLOWS:

SECTION 1: The Mayor and City Council hereby find that the recitals contained in the remainder of this Ordinance are true, correct and complete and are hereby incorporated into this Ordinance by reference.

SECTION 2: That Section 18-591, Definitions, *Unattended collection box*, shall be deleted and replaced with the following:

Sec. 18-591. - Definitions.

Unattended collection box means any unattended container, receptacle, or similar device that is located on any property within the city used for soliciting and collecting clothing or other salvageable personal property, not including food items. This term does not include recycle bins for the collection of recyclable materials (paper, magazines and newspapers) governed or regulated by the zoning ordinance.

SECTION 3: That Section 18-592, Permits, be deleted and replaced with the following:

Sec. 18-592. - Permits.

- (a) Unless otherwise exempt, it shall be unlawful and a public nuisance for any property owner/operator to place, operate, maintain or allow unattended collection boxes on real property unless the collection box operator first obtains a permit pursuant to this article and the collection box is placed, operated and maintained in accordance with all provisions in this article and any other provisions of this Code.
- (b) The application for a permit shall be submitted in such form as the city manager or designee may prescribe and shall be accompanied by:
 - (1) Sample of contact information to be displayed on collection box (2" type minimum and weather-resistant) visible from front of box: Name, Address, E-mail address and Telephone number of Operator/Permittee;
 - (2) A site plan that shows the proposed location of the collection box and provides measurements that illustrate the location requirements set forth in this article;
 - (3) A recent color photo that shows the proposed location of the collection box; and
 - (4) Indication that the property owner, property manager or authorized agent has consented to a collection box on the property through a lease agreement or notarized owner consent.
- (c) Each new application shall be accompanied by a nonrefundable fee in the amount of two hundred fifty dollars (\$250.00). This fee shall be in addition to any fee or tax imposed by the city pursuant to any other provision of this Code.
- (d) A permit holder may renew a valid current permit by submitting to the city manager or designee a timely renewal application and pay a renewal fee in the amount of fifty dollars (\$50.00). Timely renewal shall mean the submittal of an application thirty (30) days before the lapse of the permit. Non-renewal within this period shall require submittal of a \$250.00 new application fee.
- (e) Applications shall be filed with the city manager or designee.
- (f) A completed application shall be reviewed within thirty (30) days receipt or such application shall be deemed to be denied.
- (g) A permit shall not be issued unless:
 - (1) The applicant has submitted a complete and accurate application accompanied by the applicable fee; and
 - (2) The proposed location and placement of the unattended collection box on the subject real property is in compliance with all applicable laws and requirements of this article and any other provisions of this Code.
- (h) If an application is denied, the specific reasons for the denial shall be issued in writing.

- (i) Each unattended collection box shall have its own individual permit with a maximum of two (2) collection boxes, operated by same permittee / operator, per lot.
- (j) The term of the permit shall be from January 1st through December 31st.
- (k) No person or operator to whom a permit has been issued shall transfer, assign or convey such permit to another person or operator.
- (l) A permit holder may surrender the permit by notifying the city manager or designee in writing of the intent to surrender. The permit shall be void upon receipt of a written notice of intent to surrender.

SECTION 4: That Section 18-593, Requirements and maintenance, be deleted and replaced with the following:

Sec. 18-593. - Requirements and maintenance.

- (a) A permittee shall operate and maintain or cause to be operated and maintained all unattended collection boxes located in the city as follows:
 - (1) Collection boxes shall be comprised of metal or resin only.
 - (2) The size of collection boxes shall not exceed the following dimensions: four (4) feet wide by five (5) feet long by six and one-half (6½ feet tall).
 - (3) Unattended collection boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti.
 - (4) Unattended collection boxes shall be locked or otherwise secured.
 - (5) Unattended collection boxes shall contain the following contact information in two (2) inch type visible from the front of each unattended collection box: The name, address, e-mail, and phone number of both the permittee/operator and the property owner.
 - (6) Unattended collection boxes shall be serviced and emptied as needed, but at least once per month, or within five (5) business days of a request by the city.
- (b) The permittee shall maintain or cause to be maintained the area surrounding the unattended collection boxes free of any junk, garbage, trash, debris or other refuse material.
- (c) The permittee/operator shall be individually and severally responsible for abating and removing all junk, garbage, trash, debris and other refuse material in the area surrounding the unattended collection boxes within twenty-four (24) hours of written or verbal notice from the city.
- (d) The permittee/operator shall be individually and severally responsible to the extent provided by law for all the city's costs to abate and remove any nuisance including junk, garbage, trash, debris and other refuse material from the area surrounding the unattended collection boxes.
- (e) It shall be unlawful for any collection box operator to place an unattended collection box on property in any residential district except an unattended collection box may

be placed on a property in a residential district with a principal structure owned by a religious organization or unit of government.

- (f) The unattended collection box on the subject real property must be accessory to a principal structure located on the lot.
- (g) No unattended collection box shall be placed within four hundred (400) feet from the nearest property line of any lot which serves as the location of an existing unattended collection box.
- (h) No unattended collection box shall be located within one thousand (1,000) feet from another collection box as measured along a straight line from one box to another.
- (i) No unattended collection box shall be placed on required parking spaces or within the sight triangle as defined in section 47-17.6(4) of the zoning ordinance.
- (j) Up to two (2) collection boxes by the same operator are allowed on a single lot of record if the two (2) collection boxes are side by side, are no more than one (1) foot apart, and are operated by same permittee / operator.
- (k) No collection box may be permitted on any unimproved lot or parcel of land, nor where the principal use of the land has been closed or unoccupied for more than thirty (30) days.
- (l) No unattended collection box shall be placed closer than ten (10) feet from:
 - (1) A public or private sidewalk except that this provision does not apply to a private sidewalk as long as the private sidewalk maintains a five (5) foot clearance;
 - (2) A public right-of-way;
 - (3) A driveway; or
 - (4) A side or rear property line of adjacent property used for residential purposes.
- (m) No unattended collection box shall:
 - (1) Encroach upon or obstruct a designated fire lane or building exit;
 - (2) Interfere with an access drive, off-street parking lot maneuvering lane and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic;
 - (3) Encroach upon an access drive, off-street parking lot maneuvering lane and/or required off-street parking space;
 - (4) Impede access to or block required handicapped accessibility routes;
 - (5) Impede access to or block trash enclosure/bin areas; or
 - (6) Impede access to or block building ingress and egress.
- (n) Collection boxes shall be placed on a level, hard (asphalt or concrete) paved, dust-free surface.

SECTION 5: That Section 18-596, Exemption, be deleted and replaced with the following:

Sec. 18-596. - Exemption.

Unattended donation boxes located entirely within the interior of a building are exempt from the requirements of this article.

SECTION 6: In the event that any provision or provisions, or portion or portions of this ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions or portions of this ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

SECTION 7: All ordinances directly in conflict with the terms of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8: This Ordinance shall be deemed severable and the invalidity of any portion hereof shall not invalidate the remainder.

SECTION 9: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this 20th day of February, 2018



MAYOR



CITY CLERK

VOTING YES: Councilman Dickinson, Councilwoman Gavin, Councilmen Gerl, Hug, Morris, Mudron and Councilwoman Quillman.

VOTING NO: None.

NOT VOTING: Mayor O'Dekirk (abstain) and Councilman Turk (absent).
