

98-O-19

AN ORDINANCE

**Amending Chapter 31 to Title 3 of the Evanston City Code
Regulating Collection Boxes**

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: Title 3, Chapter 31 "Collection Boxes" of the Evanston City
Code of 2012, as amended, is hereby further amended to read as follows:

CHAPTER 31 – COLLECTION BOXES

3-31-1: DEFINITIONS:

Collection Box	An unattended container, receptacle, or similar device that is used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include any unattended collection box located within a building.
Retail Center	Any concentration of two (2) or more retail stores and/or service establishments in one or more buildings, or on one or more adjacent lots, under single ownership or management or multiple ownership on contiguous or adjacent lots with one or more of the following: (A) Common parking facilities, (B) Common stormwater detention, drainage or storm sewer facilities, (C) Common water distribution facilities, (D) Common sanitary sewer

	facilities, (E) Nonexclusive ingress or egress from public streets.
Site Host	The property owner, local agent, or local occupant of the site where the collection box is placed or is intended to be placed.

3-31-2: LICENSE REQUIRED:

It shall be unlawful for any person, firm or corporation to place a collection box or to allow to be placed or permit the placement of a collection box on its own property without first having obtained a license as herein provided.

3-31-3: APPLICATION FOR LICENSE; FEE:

Any person desiring to place a collection box within the City, shall make application for a license to the City Collector, setting forth in such application the name of the applicant requesting the license for the collection boxes, the number and locations of the collection boxes, and the type of merchandise being collected at the collection box. Such license shall be issued upon payment to the City Collector of the following fees:

Annual Registration Fee Per Applicant	\$150 per applicant
Fee Per Box	\$75 per box

The license fees provided for herein shall be payable in full at the time of issuance of said license, and any such license shall expire on December 31 next after issuance. Not-for-profit organizations located in Evanston operating a collection box shall be exempt from paying the license fee.

3-31-4: REQUIREMENTS AND RESTRICTIONS:

- (A) Placement of a collection box is permitted only in retail centers, schools, religious institutions, and buildings owned and operated by not for profit organizations.
- (B) The collection box owner shall submit written authorization from the site host consenting to the placement of a collection box on the subject property.
- (C) Collection boxes must display the license sticker on the front of the collection box.
- (D) Collection box owners must respond to any and all complaints regarding collection box maintenance within seven (7) days of the date of notice from the City.

- (E) Collection boxes shall not be on any permeable surface.
- (F) Collection boxes shall not be located in a parking space.
- (G) Collection boxes shall not be placed within three (3) feet of the property line. The exact location of the collection box on the property shall be within the discretion of the Director of Health and Human Services or his/her designee.
- (H) Collection boxes shall not be placed in such a manner as to cause a sight obstruction for pedestrians or motorists.
- (I) Only one collection box shall be permitted per lot or per retail center, school, religious institution, or not for profit organization property, whichever is more restrictive. The Director of Health and Human Services or his/her designee may provide written consent to an applicant's request for the placement of an additional collection box based on size and location considerations.
- (J) Collection boxes shall not exceed seven (7') in height.
- (K) Collection boxes shall not possess a footprint exceeding twenty (20) square feet.
- (L) Collection boxes shall indicate whether the operator is a for profit or not for profit organization in two inch (2") type visible from the front of the collection box.
- (M) Collection boxes shall contain the following contact information in two inch (2") type visible from the front of the box: the name, address, e-mail and phone number of the owner of the collection box.
- (N) Collection boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust and shall be free of graffiti. All boxes shall be serviced regularly so as to prevent overflow of collections or the accumulation of junk, debris or other material. Upon servicing, any and all material must be removed.

3-31-5: REVOCATION OF LICENSE:

Any licensee who receives three (3) or more violations of the provisions of this article shall have their license revoked. Any licensee whose license was revoked may request a hearing before the Division of Administrative Adjudication to appeal any such revocation.

3-31-6: REMOVAL; REMOVAL FEE:

- (A) Any licensee whose license was revoked or any person who places a collection box without a license will be required to remove the collection box within seven (7) days of the date of notice to remove same. The City may remove any box remaining after said seven (7) day period. In this event, the site host wherein the collection box is located may be required to pay a removal fee to the City.
- (B) In the event a property owner, local agent, or local occupant has a collection box placed on their property without their consent and has no intention of being a site host, they shall notify the City of Evanston regarding the collection box. The City of Evanston will consult with the property owner, local agent, or local occupant regarding the removal of any collection box that may have been placed without the property owner's consent.

3-31-7: PENALTY:

Any person, firm or corporation who violates any of the provisions of this article shall be fined two hundred dollars (\$200.00) for each offense. A separate offense shall be deemed committed on each day on which a violation occurs or continues to exist. The licensee and the site host are jointly and severally liable for adhering to the provisions of this article and any fees or penalties associated therewith.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: The findings in this Ordinance, and the legislative Record, are declared to be prima facie evidence of the law of the City of Evanston, and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 4: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 5: Ordinance 98-O-19 shall be in full force and effect after its passage and approval.

Introduced: October 28, 2019

Approved:


Adopted: November 11, 2019

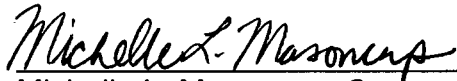
December 16, 2019


Stephen H. Hagerty, Mayor

Attest:

Approved as to form:


Devon Reid, City Clerk
Eduardo Gomez, Deputy City Clerk


Michelle L. Masoncup, Corporation Counsel