

**VILLAGE OF VERNON HILLS
ORDINANCE NUMBER 2018-138**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
VILLAGE OF VERNON HILLS, CHAPTER 10, DONATION BOXES.**

WHEREAS, the Village of Vernon Hills has determined that many charitable donation boxes are located within retail centers without permission from the property owner; and

WHEREAS, the Village of Vernon Hills has further determined that certain charitable donation boxes have been deemed a public nuisance, due to lack of proper maintenance; and

WHEREAS, the Village of Vernon Hills seeks to provide regulatory oversight of the installation and maintenance of charitable donation boxes within the Village; and

WHEREAS, the Village President and Board of Trustees of the Village of Vernon Hills, at their meeting on December 11, 2018, determined that registration and corresponding regulatory control will allow the Village to provide proper oversight of the location, quantity and aesthetics of charitable donation boxes, including proper maintenance thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS AS FOLLOWS:

SECTION I. That Chapter 10, "Licenses, Permits and Miscellaneous Business Regulations" of the Village of Vernon Hills Code of Ordinances is hereby amended by addition of a new Article "XI" to read as follows:

ARTICLE XI. DONATION BOXES

DIVISION 1. GENERALLY

Sec. 10-270. Definitions.

The following words, terms phrases, when used in this article, shall have the ascribed meanings to them in this section, except where the context clearly indicates a different meaning:

Donation Box means an unattended box receptacle designed with a door, slot or other opening, used for accepting donated goods and items by a charitable organization for its charitable purpose.

Charitable Organization means a religious organization or any other entity determined by the Internal Revenue Service to be a tax-exempt organization established for any benevolent, philanthropic, humane, social welfare, public health or similar purpose.

Register means to notify the Village of the location of a Donation Box within the time proscribed under this regulation

Sec. 10-271. Purpose.

It is the Villages intent to regulate Donation Boxes to protect the health, safety and welfare of the public by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances, and insuring the safe and sanitary maintenance of Donation Boxes and the property upon which Donation Boxes are located.

Secs. 10-272 – 10-282 Reserved

DIVISION 2. Registration

Sec. 10-283. Required.

It shall be unlawful for any person or business to place or allow to be placed on their own property, a Donation Box, unless within 30 days after placement of the Donation Box the property owner and/or the Charitable Organization shall register the Donation Box with the Village. Each property owner shall be jointly and severally responsible along with the Charitable organization for ensuring registration of each Donation Box. There shall be no fee for registration and no requirement to register in advance of placement.

Sec. 10-284. Required Information

Charitable organizations placing a Donation Box shall provide, in writing, the following information:

- a. The legal name of the organization;
- b. The principal address of the organization and of any local branch or chapter;
- c. The name, address and telephone number of the person within the organization responsible for the placement, maintenance and collection of goods from the Donation Box;
- d. The location of each box;
- e. The name of the property owner and person granting permission for the placement of the Donation Box;
- f. The dimensions of the Donation Box.
- g. A drawing depicting the location of the box on the property.

Sec. 10-285. Display information.

Each Donation Box shall display the name of the Charitable Donation and a telephone number.

Sec. 10-286. Fee.

There shall be no fee for the placement or registration of any Donation box. Failure to register shall constitute an offense and shall subject the organization and property owner to a fine a set forth in the Administrative Adjudication ordinance schedule of fines, as may be amended from time to time.

Secs. 10-287 – 10-297 Reserved

DIVISION 3. RULES & REGULATIONS

Sec. 10-298 – Permitted Zoning Districts

Donation Boxes shall only be located on: 1) Properties within the B-1, General Business Zoning District; 2) Properties having retail uses located in the BP, Business Park District; 3) Properties within the PIB, Public and Institutional Building Zoning District; 4) Properties containing religious or place of worship uses.

Sec. 10-299 – Charitable Organizations

Donation Boxes shall only be operated by a Charitable Organization for its charitable purposes.

Sec. 10-300 – Required Posting of Information

Donation Boxes shall include information posted in a conspicuous location, indicating the name and contact information of the organization accepting the donations. Donation Boxes shall also include the license, issued by the Village, posted in a conspicuous location.

Sec. 10-301 – Maximum Number and Size

A maximum of two (2) Donation Boxes are permitted per lot. Said boxes shall not exceed 6'-6" in height and shall not exceed 20 square feet in size.

Sec. 10-302 Maintenance & Security.

Any Charitable Organization placing a Donation Box shall keep that receptacle in good repair and good working order. Charitable organizations placing donation boxes shall regularly check and monitor the receptacles, and retrieve donated items, to ensure that such receptacles do not exceed capacity and that donated items are not permitted to be placed on top of or outside such receptacles. All such Donation Boxes shall be kept locked at all times other than retrieval of the donated items and shall be equipped with a locking door to permit retrieval of donated goods. Donation boxes shall also be equipped with a donation door or other means by which items may be deposited into the receptacle but through which donated items cannot be retrieved.

Section 10-303 Permitted Location

Donation Boxes shall not be located in a required landscape buffer, nor within a required front or corner side yard as defined by the Zoning Code; and shall be located to minimize the visual impact from public rights of way.

Sec. 10-304 – Visual Obstructions

Donation Boxes shall be located only on permeable surfaces and shall not interfere with or cause a visual obstruction to vehicular or pedestrian traffic.

Sec. 10-305- Prohibited Placement of Donated Items

Donated items or material shall not be located outside of the Donation Box.

Sec. 10-306 – Required Maintenance

Donation 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 inspected regularly so as to prevent overflow of donations or the accumulation of junk, debris and similar materials.

Sec. 10-307 – Advertising Prohibited

There shall be no advertising of any kind on the box except for informational postings required by section 10-300 referenced herein.

Sec. 10-308 – Property Owner Responsibility

The owner of the property upon which the box is located shall share joint responsibilities for compliance with all conditions set forth in this chapter with the entity that owns or is in custody of the box. The failure of the entity in custody of the box to comply with the provisions of this chapter shall not be a defense by the property owner should there be a violation.

Sec. 10-309 – Existing Donation Boxes

A Donation Box that exists on the effective date of these requirements that fails to register within sixty (60) days of the effective date of this Ordinance, shall cease operation and shall be removed the box from the premises.

Sec. 10-310 – Violation and Penalties

Any person or entity found in violation of this chapter shall be guilty of a class A misdemeanor and is subject to the fine prescribed in Chapter 25, Comprehensive fees and penalties.

Sec. 10-311 - 10-321 Reserved

SECTION II. Severability. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable full force and effect. If any part of this

ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

SECTION III. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

SECTION IV. Effective Date. This ordinance shall be in full force and effect from and after its passage.

SECTION VI. This ordinance shall be known as Ordinance 2018-138.

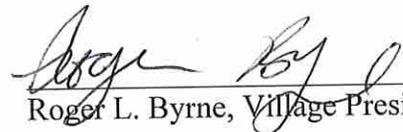
Dated the 11th of December 2018

Adopted by roll call vote as follows:

AYES: 5 – Marquardt, Koch, Oppenheim, Schultz, Takaoka

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - None



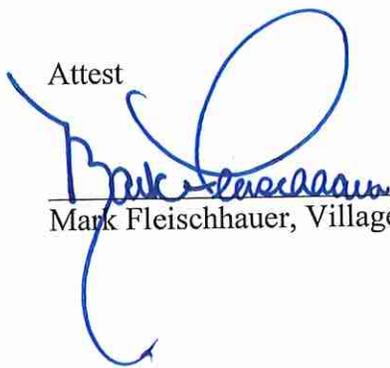
Roger L. Byrne, Village President

PASSED: 12/11/2018

APPROVED: 12/11/2018

PUBLISHED IN PAMPHLET FORM: 12/11/2018

Attest



Mark Fleischhauer, Village Clerk

