

**VILLAGE OF VERNON HILLS
ORDINANCE 2023-114**

AN ORDINANCE AMENDING CHAPTER 10, LICENSES, PERMITS, AND BUSINESS REGULATIONS, OF THE VERNON HILLS VILLAGE CODE, ARTICLE XI, DONATION BOXES

WHEREAS, the Village of Vernon Hills, County of Lake, State of Illinois (Village) is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code; and

WHEREAS, the Village regularly reviews and updated the Municipal Code to ensure protection of the health, safety, and welfare of the public, protection of property values and neighborhood integrity, avoiding the creation of nuisances, and insuring the continued safe and sanitary use of property within the Village; and

WHEREAS, the Village has determined that it is necessary to amend Chapter 10, Article XI of the Code that addresses the placement, maintenance, and permit process relating to Donation Boxes within the Village; and

WHEREAS, the Committee of the Whole discussed the amendments to Article XI at its meeting on October 3, 2023, and recommended that the amendments as described in this Ordinance be prepared for consideration and approval.

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

SECTION 1: INCORPORATION – Each “Whereas” paragraph set forth above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

SECTION 2: CODE AMENDMENT – Chapter 10 (Licenses, Permits and Miscellaneous Business Regulations), Article XI (Donation Boxes), Division 1 (Generally) is amended to read in its entirety as follows (additions to existing text marked with underlined text; deletion to existing text marked using ~~strikethrough~~).

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:

Blight or Nuisance means a donation box that is dilapidated, physically deteriorating, unsafe, unsanitary, marked with graffiti, or generally unkempt as to constitute a threat or nuisance to the public.

~~*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.~~

Donation box means an unattended box receptacle designed with a door, slot or other opening, used for accepting donated goods and items. This term includes a box with remote monitoring as

part of the maintenance/security procedures. ~~by a charitable organization for its charitable purpose.~~

Donation Box Operator or Operator means a person or entity who utilizes or maintains a donation box to solicit donations/collections of salvageable personal property.

Donated/Collected Materials means salvageable goods and items, such as clothing, shoes, books and household items, that are collected for periodic transport off-site for processing or redistribution or both.

Parcel Owner or Property Owner means the owner of real property on which a donation bin is or is proposed to be placed.

Register means to notify the village of the location of a donation box within the time proscribed under this regulation

[...]"

SECTION 3: CODE AMENDMENT – Chapter 10 (Licenses, Permits and Miscellaneous Business Regulations), Article XI (Donation Boxes), Division 2 (Registration) is amended to read in its entirety as follows (additions to existing text marked with underlined text; deletion to existing text marked using strikethrough).

Sec. 10-283. – Registration 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~~ Donation Box Operator shall register the donation box with the village. Each property owner shall be jointly and severally responsible along with the ~~charitable organization~~ Donation Box Operator 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.~~ Application Requirements

~~Charitable organizations placing a donation box~~ seeking to register a donation box shall provide, in writing, the following information:

- (1) The legal name of the organization;
- (2) The principal address of the organization and of any local branch or chapter;
- (3) 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;
- (4) The location of each box;

(5) A signed acknowledgment of the property owner. The name of the property owner and person granting permission for the placement of the donation box and acknowledgment of the requirements of this Article XI;

(6) The specifications of the donation box (dimensions, materials, appearance) ~~The dimensions of the donation box.~~

(7) A drawing depicting the location of the box on the property, including any dimensions and site features as may be needed to determine compliance with this Article.

(8) The disposition of materials donated (i.e., recycling of textiles, resale, provided to a clothes closet, etc.).

(9) Organizational status (for-profit, 501(c)(3)). Operators claiming charitable status must include supporting documentation.

(10) A certificate of insurance (general liability) of at least \$1,000,000.00 covering the donation box naming the Village and Parcel Owner as additional insureds.

Sec. 10-285. Display information.

Each donation box shall display the name of the charitable organization ~~Donation Box Operator organization~~ and a telephone number.

Sec. 10-285. Registration Review Process and Appeals.

The Community Development Department shall review applications submitted under Section 10-284 for compliance with the requirements of this Article IX. The application will be reviewed within thirty (30) calendar days, at which time the applicant will be notified that registration fee may be paid to complete the registration or that the application is not in compliance with this Article IX. In the event that an application is resubmitted, a response will be provided within thirty (30) days. Applications denied upon review the second submittal may appeal the decision to the Village Manager. Any such appeal shall be made in writing within ten (10) days of the decision by the Community Development Department.

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 set forth in the administrative adjudication ordinance schedule of fines, as may be amended from time to time. The fee for registration shall be as listed in Chapter 25, Comprehensive Fees and Penalties. The fee shall be paid at the time of the original registration and annually at the time of business license renewal.

SECTION 4: CODE AMENDMENT – Chapter 10 (Licenses, Permits and Miscellaneous Business Regulations), Article XI (Donation Boxes), Division 3 (Rules and Regulations) is amended to read in its entirety as follows (additions to existing text marked with underlined text; deletion to existing text marked using strikethrough).

“ [. . .]

~~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. The display shall also include the charitable status of the operator and disposition of donated materials as listed in the registration application.

Sec. 10-301. ~~Maximum number and size.~~ Donation Box Specifications and Restrictions.

~~A maximum of two donation boxes are permitted per lot. Said boxes shall not exceed six feet six inches in height and shall not exceed 20 square feet in size.~~ Donation Boxes placed within the Village shall comply with the following requirements:

1. No more than one donation box shall be placed on a lot
2. Boxes shall be no larger than 20 square feet in area, and may not exceed 6.5 ft in height.
3. Donation boxes shall be constructed of metal.
4. Display of advertising or identification signage other than information required by Section 10-300 of this Article is prohibited.
5. Additional appurtenances, such as speakers, solar panels, electronic message screens, etc. are prohibited.
6. 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.
7. Donation boxes shall not be placed in a manner that will cause a visual obstruction to vehicular traffic (including drive aisles on private property).
8. Donation boxes shall not be placed on a property without an operational business.
9. Donation boxes shall be located within twenty feet (20') of a permanent light source.

Sec. 10-302. Maintenance and security.

Any ~~charitable~~ organization placing a donation box shall keep that receptacle in good repair and good working order. ~~Charitable~~ ~~o~~ 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.

Donated/Collected Materials shall not accumulate outside the donation receptacle. Material overflow, litter, debris, and dumped material within 20 feet of the donation bin shall be deemed a blight or nuisance.

~~Sec. 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.

When a donation box is deemed in violation of this Code, the Donation Box Operator and Property Owner shall be notified. The Property Owner and/or Donation Box Operator shall cure the violation within (3) days of notification. If the nuisance or blight continues for (7) days or more, the Village may abate the violations and any expenses incurred by the Village to abate the donation box nuisance will be chargeable to the Donation Box Operator. Failure to cure the violation may also incur such penalties set forth in Section 10-310 of this Article.

~~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 article 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 article 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~~ comply within 60 days of the effective date of this article, 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 article, including failure to register a donation box, shall be guilty of a class A misdemeanor and is subject to the fine prescribed in chapter 25, comprehensive fees and penalties. Failure to address violations may result in revocation of the registration for the Donation Box Operator.

[. . .]”

SECTION 5. 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 from the invalid parts shall remain in 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 6. 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 7. SUCCESSORS AND ASSIGNS. All of the provisions of this Ordinance and the attachments hereto are binding on all successors and assigns of the petitioner and property owner.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

SECTION 9. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2023-114.

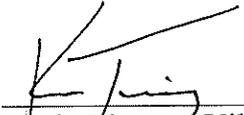
Adopted by roll call vote as follows:

AYES: 5 – Marquardt, Forster, Schenk, Koch, Byrne
NAYS: 0 - None
ABSENT AND NOT VOTING: 2 – Oppenheim, Takaoka



Roger L. Byrne, Village President

PASSED: 11/07/2023
APPROVED: 11/07/2023
ATTEST: 11/07/2023



Kevin Timony, Village Clerk



VILLAGE OF VERNON HILLS

ORDINANCE NO. 2023-114

AN ORDINANCE AMENDING CHAPTER 10, LICENSES, PERMITS, AND BUSINESS
REGULATIONS, OF THE VERNON HILLS VILLAGE CODE, ARTICLE XI, DONATION
BOXES

Published in pamphlet form by the Authority of the
President and Board of Trustees of the Village of
Vernon Hills, Lake County, Illinois, this
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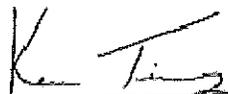
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COUNTY OF LAKE)

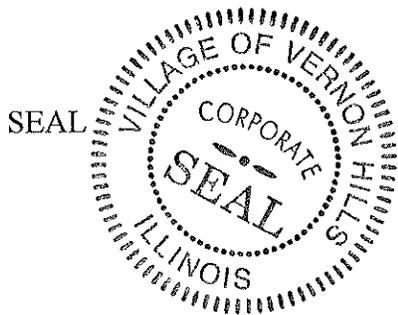
CERTIFICATE

I, KEVIN TIMONY, CERTIFY THAT I AM THE DULY APPOINTED AND ACTING VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS. I FURTHER CERTIFY THAT ON NOVEMBER 7, 2023, THE CORPORATE AUTHORITIES OF SUCH MUNICIPALITY PASSED AND APPROVED ORDINANCE NO. 2023-114 AN ORDINANCE AMENDING CHAPTER 10, LICENSES, PERMITS, AND BUSINESS REGULATIONS, OF THE VERNON HILLS VILLAGE CODE, ARTICLE XI, DONATION BOXES.

THE PAMPHLET FOR ORDINANCE NO. 2023-114 INCLUDING THE ORDINANCE AND A COVER SHEET THEREOF, WAS PREPARED, AND A COPY DATED NOVEMBER 7, 2023 AND CONTINUING FOR AT LEAST TEN DAYS THEREAFTER. COPIES OF SUCH ORDINANCE WERE ALSO AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST IN THE OFFICE OF THE VILLAGE CLERK.

DATED IN VERNON HILLS, ILLINOIS, THIS 7th DAY OF NOVEMBER 2023.


Kevin Timony, Village Clerk



AFFIDAVIT OF SERVICE

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, KEVIN TIMONY, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, HE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE NO. 2023-114 AN ORDINANCE AMENDING CHAPTER 10, LICENSES, PERMITS, AND BUSINESS REGULATIONS, OF THE VERNON HILLS VILLAGE CODE, ARTICLE XI, DONATION BOXES TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM NOVEMBER 7, 2023 TO NOVEMBER 17, 2023.



Kevin Timony, Village Clerk

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 7th DAY OF NOVEMBER 2023



Notary Public

