

ORDINANCE (2023) 1

AN ORDINANCE OF THE TOWN OF SPRING LAKE, NORTH CAROLINA, AMENDING CHAPTER 16. ENVIRONMENT BY ADDING ARTICLE V. DONATION BOX.

WHEREAS, The Board of Aldermen recognizes the need to add or amend the Code of Ordinances from time to time in order to better serve its citizens and business owners; and

WHEREAS, This amendment was written to maintain, permit, and regulate donation boxes within the Town limits; and

WHEREAS, it is also imperative that the appearance of the Town properties continue to strive to be aesthetically pleasing – a long-stated and progressing endeavor – for the economic benefit to the Town’s citizens; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Spring Lake, North Carolina that the Spring Lake Municipal Code, and amending CHAPTER 16. ENVIRONMENT to add ARTICLE V. DONATION BOX as follows:

Section 1.

ADD Town of Spring Lake Code of Ordinances, CHAPTER 16. ENVIRONMENT, ARTICLE V. DONATION BOX:

Section. 16-266. Definitions

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

Administrative officer means the person, officer, or official or his authorized representative, whom the Board of Aldermen has designated as its agent for administration of this chapter.

Applicant means the individual or entity filing an application under this article.

Donation box means any unattended donation receptacle intended for use as a drop-off and collection point for accepting donated textiles, clothing, shoes, books, toys, dishes, and other salvageable items of personal property.

Landowner means any person or entity who owns, leases, is in control of, or possesses real property on which a donation box has been placed or maintained.

Operator means the individual or entity who owns, leases, or otherwise manages and controls the personal property constituting a donation box, and if a separate individual or entity carries on the maintenance, collection, and upkeep of the donation box, that separate individual or entity as well.

Permit holder means any person, partnership, corporation, firm, joint venture, limited liability company, association, organization, or any other entity holding a permit issued pursuant to this article.

Section. 16-267. Unlawful placement or maintenance of donation box.

It shall be unlawful for any person to place or maintain a donation box at any location within the Town unless done in accordance with a valid permit as provided in this article.

Section. 16-268. Unlawful to allow unpermitted donation box on real property.

Unless otherwise exempt, it shall be unlawful for any person who owns, leases, is in control of, or possesses real property within the Town to authorize or allow any donation box to be placed on, or remain on, that real property unless done in accordance with a valid permit as provided in this article.

Section. 16-269. Permits.

- (a) To obtain a permit to operate a donation box, an applicant must file an application with the Town of Spring Lake Inspections Department. The application shall include the written authorization of the property owner or property manager allowing the donation box on the property. A site layout or a map depicting the exact proposed location of the donation box shall be submitted with each application.
- (b) An annual permit for each donation box shall be required. All permits shall expire on the one-year anniversary of the date of issuance.
- (c) Upon denial or revocation of a permit shall have the right to appeal such action in accordance with Section 16.272.
- (d) No more than two (2) donation boxes may be permitted for placement on any one lot. In the case of the shopping center or office development that consists of multiple platted lots, the Inspections Department shall treat the shopping center or office development as if it is only one contiguous lot.
- (e) The permit holder placing or maintaining the donation box shall display current contact information including the name, street address, email, and phone number on the donation box. The size of the lettering for the contact information shall not be less than two (2) inches in height.

Section. 16-270. Transfer of permit prohibited.

- (a) No permit under the provisions of this Article shall be transferrable. The authority a permit confers is conferred only on the permit holder named therein.

Section. 16-271. Maintenance and Upkeep.

- (a) The permit holder and the real property owner shall be held jointly and severally liable and responsible for the maintenance, upkeep, and servicing of the donation box and clean up and removal of any donations left on the property outside of the donation box.
- (1) Unattended donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust and shall be free of graffiti.
 - (2) Unattended donation 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 administrative officer.
 - (3) The permit holder and 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 donation box within twenty-four (24) hours of written or verbal notice from the administrative officer.
 - (4) The Town shall have the authority to abate any property in violation of this article that is deemed a public nuisance under Spring Lake Code of Ordinances, Chapter 16. Environment, Article II Nuisances. The permit holder and landowner shall be individually and severally responsible for all costs for abating and removing any junk, garbage, trash, debris, and other refuse material from the area surrounding the unattended donation box.

Section. 16-272. Appeal to Town Manager.

- (a) Any person aggrieved by the decision rendered by the administrative officer in granting or denying an application for a permit under this article or in revoking or refusing to renew a permit issued hereunder may appeal the decision to the Town Manager in written notice thereof with the Town Clerk within ten (10) days receiving notice of the decision of the administrative officer. The Town Manager shall hold a hearing on the appeal within thirty (30) calendar days.
- (b) The Town Manager may consider any or all of the following factors when reaching a decision on the merits of appeal:
1. The number of violations, convictions, or liability findings;
 2. The number of previous revocations;
 3. The number of repeat violations at the same location;
 4. The degree to which previous violations endangered the public, health, safety or welfare; or
 5. Any pending action or investigation by another agency.
- (b) After the hearing, the Town Manager shall issue a written order. The order shall be provided to the appellant by personal service or by certified mail, return receipts requested.

(c) The Town Manager may affirm or reverse the denial or revocation of the donation permit. If affirmed, the order issued must state that the appellant is not eligible to receive a new donation box permit sooner than one (1) year after the date of the order. If reversed, the donation box permit shall be reinstated immediately (in the case of revocation) or within three (3) business days (in the case of denial).

(d) The determination of the Town Manager shall be final on the date the order is signed.

Section. 16-273. Further appellate rights.

Any party aggrieved by a final decision is entitled to judicial review of the decision. A petition for a writ of certiorari by the party must be filed with the Superior Court of Cumberland County not more than thirty (30) calendar days after the party receives the final decision from the Town Manager.

Section. 16-274. Disclaimer of liability.

Liability on the part of, or a cause of action against, the Town or any officer, employee, or agent thereof for any damages.

Section. 16-275. Exemption.

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

This ordinance shall become effective immediately upon its adoption.

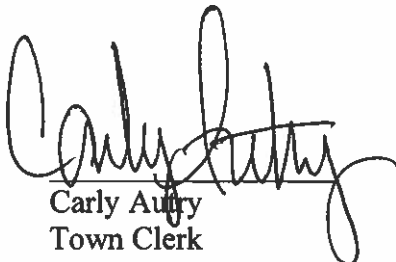
PASSED and ADOPTED this 10th day of April 2023 by the following vote:

AYES

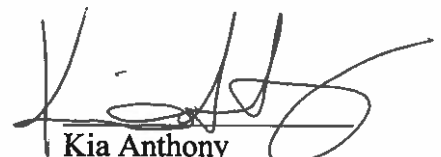
Robyn Chadwick, Mayor Pro Tem
Soña L. Cooper, Alderwoman
Marvin Lackman, Alderman
Raul Palacios, Alderman
Adrian Thompson, Alderwoman

NOES

ATTEST


Carly Autry
Town Clerk




Kia Anthony
Mayor