

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 13-16

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEAGOVILLE BY ADDING A NEW ARTICLE 11.04 TITLED “DONATION BOXES” TO CHAPTER 11 “HEALTH AND SANITATION”, PROHIBITING DONATION BOXES FROM BEING LOCATED IN THE CITY OF SEAGOVILLE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, people leaving used items at donation boxes often leave items outside of said boxes, resulting in unsightly and, sometimes, unhealthy conditions; and

WHEREAS, used items left at donation boxes are frequently broken, torn, or soiled items that otherwise constitute trash, rubbish, or junk; and

WHEREAS, the City Council of the City of Seagoville finds that the operation of donation boxes negatively impacts property values and the health, safety, and welfare of the community; and

WHEREAS, the City Council of the City of Seagoville finds it to be in the public interest to amend the Code of Ordinances, City of Seagoville, Texas, by adopting regulations prohibiting the placement of donation boxes within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. That Chapter 11 “Health and Sanitation” of the Code of Ordinances, City of Seagoville, Texas, is amended by adopting a new Article 11.04 titled “Donation Boxes” to read as follows:

“Article 11.04 – DONATION BOXES

Sec. 11.04.001 – Definitions.

For purposes of this article, the following words and phrases shall have the following meanings unless the context clearly indicates a different meaning:

“*Attended donation box*” means a donation box where a person is located adjacent to the donation box for the purpose of receiving the personal property delivered to the donation box.

“Donation box” means a box, structure, trailer or other container, whether permanently or temporarily affixed to real property, which may or may not be equipped with skids or wheels such that it is movable, the purpose of which is to serve as a collection location of new and/or used personal property to be donated to an charitable organization. The phrase “donation box” included attended donation boxes and unattended donation boxes.

“Unattended donation box” means a donation box where no person is located to receive personal property from those delivering said personal property to the donation box.

Sec. 11.04.002 – Donation Boxes prohibited

All donation boxes, whether attended or unattended, are prohibited from being placed on property located within the territorial limits of the City of Seagoville.

Sec. 11.04.003 – Transition provisions

A donation box that is located in the City as of the effective date of this ordinance shall be removed by September 1, 2016.”

SECTION 2. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 4. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5. This ordinance shall take effect immediately from and after its passage on Second Reading and publication of the caption in accordance with the provisions of the Charter of the City of Seagoville, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, THIS THE 7th DAY OF MARCH, 2016.

APPROVED:



MAYOR

ATTEST:

Dara Crabtree
CITY SECRETARY



APPROVED AS TO FORM AND LEGALITY:

Alexis M. Allen
CITY ATTORNEY