



# St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043  
(504) 278-4228 Fax (504) 278-4209  
www.sbpq.net

**#22**

**Guy McInnis**  
Councilman  
at Large

**George Cavignac**  
Councilman  
at Large

**Ray Lauga, Jr.**  
Councilman  
District A

**Nathan Gorbaty**  
Councilman  
District B

**Richard "Richie" Lewis**  
Councilman  
District C

**Casey W. Hunnicutt**  
Councilman  
District D

**Manuel "Monty"  
Montelongo III**  
Councilman  
District E

**Roxanne Adams**  
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, FEBRUARY 4, 2014 AT SEVEN O'CLOCK P.M.

On motion of Mr. Montelongo, seconded by Mr. Lewis, it was moved to **adopt** the following ordinance:

## **ORDINANCE SBPC #1476-02-14**

### **Summary No. 3038**

Introduced by: Councilman Gorbaty on 1/21/14  
Public hearing held on 2/4/14

AN ORDINANCE TO AMEND CHAPTER 11, HEALTH AND SANITATION BY CREATING AND ADDING ARTICLE VIII, REGULATION OF DONATION BOXES TO THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** That St. Bernard Parish Council does hereby Amend Chapter 11, Health and Sanitation by creating and adding Article VIII, Regulation of Donation Boxes to the St. Bernard Parish Code of Ordinances as attached in "Exhibit A".

**SECTION 2.** Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President and the adoption of the new FEMA flood insurance rate maps by the governing authority. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

**SECTION 3.** Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.



# St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043  
(504) 278-4228 Fax (504) 278-4209  
www.sbpq.net

**Guy McInnis**  
Councilman  
at Large

Page -2-  
Extract #22 continued  
February 4, 2014

**George Cavignac**  
Councilman  
at Large

The above and foregoing having been submitted to a vote, the vote there upon resulted as follows:

**Ray Lauga, Jr.**  
Councilman  
District A

**YEAS:** Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

**NAYS:** None

**Nathan Gorbaty**  
Councilman  
District B

**ABSENT:** Cavignac

**Richard "Richie" Lewis**  
Councilman  
District C

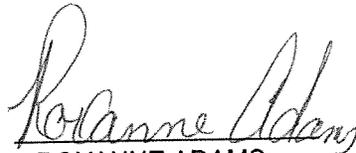
The Council Chair, Mr. McInnis, cast his vote as **YEA**.

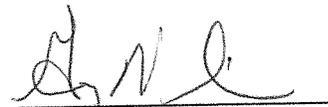
And the motion was declared **adopted** on the 4<sup>th</sup> day of February, 2014.

**Casey W. Hunnicutt**  
Councilman  
District D

**Manuel "Monty" Montelongo III**  
Councilman  
District E

**Roxanne Adams**  
Clerk of Council

  
ROXANNE ADAMS  
CLERK OF COUNCIL

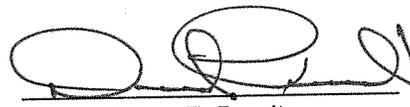
  
GUY MCINNIS  
COUNCIL CHAIR

Delivered to the Parish President 2/6/2014 3:25pm  
Date and Time

Approved

Vetoed

Parish President

  
David E. Peralta

Returned to Clerk of the Council

2/7/14 1:20pm  
Date and Time

Received by



**EXHIBIT "A"**  
**SUMMARY NO. 3038**  
**ORDINANCE SBPC #1476-02-14**

**AN ORDINANCE TO AMEND CHAPTER 11, HEALTH AND SANITATION BY CREATING AND ADDING ARTICLE VIII, REGULATION OF DONATION BOXES TO THE ST. BERNARD PARISH CODE OF ORDINANCES.**

**Article VIII: REGULATION OF DONATION BOXES**

is hereby added to Chapter 11 of the St. Bernard Parish Code of Ordinances to read as follows:

ARTICLE VIII  
REGULATION OF DONATION BOXES

Sections:

Sec.11-300 Purpose and intent

Sec.11-301 Definitions

Sec.11-302 Permits

Sec.11-303 Renewal of permits

Sec.11-304 Requirements and maintenance

Sec.11-305 Revocation of permits, removal of donation boxes and liability

Sec.11-306 Violation - penalty

Sec.11-307 Appeal to St. Bernard Parish Board of Zoning Adjustments

Sec.11-308 Administrative fees

Sec.11-309 Exemption

**Sec.11-300 Purpose and Intent.**

Solicitation of clothing or other salvageable corporeal or incorporeal movables by the placement of donation boxes within St. Bernard Parish, Louisiana shall only be allowed on premises owned or leased by any religious, charitable or eleemosynary organization.

The procedures and requirements of this Article are enacted to:

- A. Ensure that donation boxes do not pose a hazard to pedestrian and vehicular traffic;
- B. Ensure that material is not allowed to accumulate outside of the donation boxes where it can be scattered by adverse weather conditions, animal contacts and human activities;
- C. Establish a criterion that avoids attracting vermin, unsightliness, and public health hazard.

**Sec.11-301 Definitions**

A. "**Director**" means Director of the Community Development Department of St. Bernard Parish or designee.

B. "**Operator**" means a person, entity, association or organization who places, maintains or operates donation box(es) to solicit donations of salvageable personal property.

C. "**Permit holder**" means the property owner who is issued a permit authorizing placement of donations box(es).

D. "**Property owner**" means the person, entity, association or organization who owns the immovable property where the donation box(es) are located or are proposed to be located.

E. "**Residential District**" includes residential zoning districts as established pursuant to Section 22-5 of the Comprehensive Zoning Ordinance of the Parish of St. Bernard, Louisiana.

F. "**Donation box**" means any container, receptacle, or similar device that is located on any property within the Parish of St. Bernard used for soliciting and collecting donations of clothing or other salvageable corporeal or incorporeal movables. This term does not include recycle bins for the collection of recyclable materials governed or regulated by the zoning code.

G. "**Premises**" means a building, together with its land and outbuildings, occupied by the person, entity, association where the donation box(es) are proposed to be located.

H. "Approved Color" means Black, White, Blue, Red, Yellow or Green

### **Sec.11-302 Permits**

A. It shall be unlawful and a public nuisance for any donation box to be placed, operated or maintained on immovable property other than on any religious, charitable or eleemosynary organization property and the donation box be placed, operated and maintained in accordance with all provisions in this Article. Existing box owners shall be notified by Certified Mail, if possible and Notice of Prohibited Donation Box shall be posted on the box. Owner or Operator must remove said donation box within (30) days of posting of notice.

B. The permit application shall be made on a form provided by the Director and shall include the following information:

1. The name, address, email, website (if available) and telephone number of the applicant;
2. Written proof sufficient to establish that the operator who will utilize the donation box is qualified to solicit donations of salvageable personal property; Only entities or organizations that have a tax status under Section 501(c)(3) of the Internal Revenue Code, as amended, may apply for and obtain a permit. Proof of such tax status must accompany an application for a permit.
3. The text of the disclosures that will be made on the donation box as required by Sec.11-304;
4. The physical address of the property owner's immovable property and a drawing indicating the proposed location of the donation box on the property owner's immovable property, as well as the size of the proposed donation box.

C. Each application shall be accompanied by a nonrefundable fee in the amount established by the Parish Council resolution. This fee shall be in addition to any fee or tax imposed by the Parish pursuant to any other provision of this Code.

D. Applications shall be filed with the Director.

E. Within thirty (30) days of receiving a completed application, the Director shall issue a permit or deny the issuance of a permit.

F. The Director shall not issue a permit unless:

1. The applicant has submitted a complete and accurate application accompanied by the applicable fee;

2. The operator who will maintain or operate the donation box is qualified to solicit donations of salvageable corporeal or incorporeal movables. Only entities or organizations that have a tax status under Section 501(c)(3) of the Internal Revenue Code, as amended, may apply for and obtain a permit. Proof of such tax status must accompany an application for a permit;

3. The proposed location and placement of the donation box on the property owner's immovable property is in compliance with all applicable laws and will not impede pedestrian, bicycle, site distances on to adjacent streets or vehicular traffic.

G. If the Director denies an application the Director shall state, in writing, the specific reasons for denial.

H. Permit issued hereunder shall be valid for one donation box. Each donation box shall have their own individual permit.

1. The term of the permit shall expire one year from the date of issuance.

J. No person or operator to whom a permit has been issued shall transfer, assign, or convey such permit to another person or operator.

K. Prior to expiration of the permit, the permit holder may voluntarily cancel the permit by notifying the Director in writing of the intent to cancel the permit. The permit shall become void upon the Director's receipt of a written notice of intent to cancel the permit.

### **Sec.11-303 Renewal of permits.**

A. The permit holder may apply for permit renewal by submitting to the Director, before the expiration of the permit, a renewal application and a non-refundable renewal fee in an amount set by resolution of the parish council.

B. The Director shall either approve or deny the renewal of a permit within thirty (30) days of receipt of the complete renewal application and payment of the renewal fee.

C. The Director shall approve the renewal of a permit if he or she finds that no circumstances existed during the term of the permit existed at the time of submission of an application for renewal, or existed at any time during the review of the application for renewal, that are inconsistent with any finding required for

approval of a new permit as specified in Sec.11-302 or that would justify the revocation of the permit as specified in Sec.11-305.

**Sec.11-304 Requirements and maintenance.**

A. The permit holder shall operate and maintain or cause to be operated and maintained all donation boxes located on premises which are owned or leased by any religious, charitable or eleemosynary organization located in St. Bernard Parish as follows:

1. 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. Donation boxes shall not be constructed of press board or sub-standard building materials and cannot exceed 48 inches in height by 40 inches wide by 73 inches tall, furthermore the box can only be painted with an approved color.
3. Donation boxes shall be locked or otherwise secured;
4. Donation boxes shall contain the following contact information in two inch type visible from the front of each donation box: the name, address, email, and phone number of both the permit holder and operator and shall also display a notice stating that no items or materials shall be left outside of the Donation Box.;
5. Donation boxes shall be serviced and emptied as needed, but at least once per week, or within two (2) business days of a request by the Director.

B. The permit holder shall maintain or cause to be maintained the area surrounding the donation boxes free of any junk, garbage, trash, debris or other refuse material.

C. 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 donation boxes within 24 hours of written notice by U.S. Postal Service Certified Mail and Posting notice to the donation box in violation.

D. The permit holder and operator 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 donation boxes.

E. It shall be unlawful for any property owner or operator to place a donation box in any residential district.

F. No donation box shall be placed on required parking spaces or within the site triangle as defined in 22.7.3 of the Comprehensive Zoning Ordinance of the Parish of St. Bernard, Louisiana.

G. No more than one donation box shall be placed on each parcel of immovable property.

**Sec.11-305 Revocation of permits, removal of donation boxes and liability.**

The Director shall have the right to revoke any permit issued hereunder if any of the grounds upon which he or she may refuse to issue an initial permit exists. In addition, the failure of the permit holder to comply with the provisions of this Article or other provisions of this Code or other law shall also constitute grounds for revocation of the permit. The Director shall provide a written notification to the permit holder stating the specific grounds for revocation. Upon revocation, the donation box shall be removed from the permit

holder's real property within thirty (30) calendar days and, if not removed within this time period, the Parish shall remove, store and dispose of the donation box at the permit holder's sole cost and expense. Upon revocation, a permit holder shall be prohibited from applying for a permit for a period of one year. Any violation of the provisions of this Article is a public nuisance subject to abatement pursuant to this code or as otherwise permitted by law.

**Sec.11-306 Violation – penalty.**

Any person violating any provision of this article is guilty of an infraction and shall be prohibited from applying for a permit for a period of one year. The permit holder and operator 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 donation boxes. The Parish shall remove, store and dispose of the donation box at the permit holder's sole cost and expense.

**Sec.11-307 Appeal to the St. Bernard Parish Board of Zoning Adjustments.**

Any person aggrieved by the decision rendered by the Director 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 St. Bernard Parish Board of Zoning Adjustments in accordance with section 11-10-4.3 of the Comprehensive Zoning Ordinance of the Parish of St. Bernard, Louisiana. The appeal shall be made by filing a written application thereof with the Board of Zoning Adjustments located on the St. Bernard Parish Website not later than ten (10) calendar days after receiving notice of the decision of the Director. The St. Bernard Parish Board of Zoning Adjustments shall hold a hearing on the appeal.

**Sec.11-308 Administrative fees**

The Parish Council may, by resolution, establish reasonable fees and deposits to defray the cost of processing applications, proposals and for the administration of this ordinance.

**Sec.11-309 Exemption**

Only entities or organizations that have a tax status under Section 501(c)(3) of the Internal Revenue Code, as amended, may apply for and obtain a permit.

**Sec.11-310 Severability**

In the event that any provision of this chapter shall be deemed illegal or otherwise unenforceable by a court of competent jurisdiction, then only that specific provision shall not be enforced, and all other sections and provisions shall remain in full force and effect.