

Chapter 9.30

DONATION BOXES

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9.30.010 Definitions.

As used in this chapter:

“**Charitable organization**” shall mean a benevolent, educational, philanthropic, humane, patriotic, religious, or eleemosynary organization of persons organized for any lawful purpose or purposes not involving pecuniary profit or gain for its officers or members that has received a determination that it is exempt under Section 501(c) of the federal “Internal Revenue Code of 1986”, as amended, or a public, parochial or private school.

“**Donation box**” shall mean a receptacle that is not enclosed by any other building, placed by a person for accepting donations of unwanted household items, clothing or other items of personal property, which may be reusable without additional reprocessing or alteration of the item, beyond cleaning or minor repair.

“**Person**” shall mean an individual, organization, group, association, partnership, corporation, limited liability company, trust, any other legal entity, or any combination of legal entities.

“**Recycling Collection Container**” shall mean a container used exclusively for collection of waste products, such as used paper, cardboard, motor oil, glass, bottles, metal, cans, rags or other used material that requires additional reprocessing beyond cleaning or minor repair before it may be reused. (Ord. 20006 §1; April 14, 2014; prior Ord. 19875 §1; May 6, 2013).

9.30.20 Legislative Intent.

(Repealed by Ord. 20006 §2; April 14, 2014; prior Ord. 19875 §2; May 6, 2013).

9.30.030 Prohibitions.

(a) **Disclosures Required.** No Person or Charitable Organization, or agent of a Person or Charitable Organization, whether paid or not paid, shall place any Donation Box in a public place for solicitation purposes unless the Donation Box conspicuously discloses the following information in a typed or printed clearly legible form:

(1) The name, address, and telephone number of each Person that will take possession of the property deposited in the Donation Box. The disclosure shall appear on the Donation Box as follows: “FOR SERVICE AND REPAIR CALL [NAME OF SERVICER] – [XXX-XXX-XXXX]”;

(2) The name, address, and telephone number of each Person that will receive the contributions of property deposited in the Donation Box or any proceeds from the sale of the contributions. The disclosure shall appear on the Donation Box as follows: “CONTRIBUTIONS OR

PROCEEDS FROM THEIR SALE GO TO THE FOLLOWING: [List name, address and telephone of each Person that receives contributions or proceeds from the sale of contributions].”

(b) Deceptive Representations Unlawful.

(1) It shall be unlawful to mark a Donation Box or any sign within 50 feet of the Donation Box in any manner that represents or implies that personal property placed in the Donation Box, or the proceeds of that personal property, is or will be donated to one or more Charitable Organizations if no portion of the property or proceeds will be so donated.

(2) It shall be unlawful to display the name, logo, trademark, or service mark of a Charitable Organization on a Donation Box or on any sign within 50 feet of the Donation Box if that Charitable Organization does not receive any of the personal property or any of the proceeds of that personal property placed in the Donation Box.

(c) Inapplicable to Recycling Collection Containers. This section shall not apply to Recycling Collection Containers that are used exclusively for the collection of waste products for recycling. (Ord. 20006 §2; April 4, 2014: prior Ord. 19875 §3; May 6, 2013).

9.30.040 Permits.

(Repealed by Ord. 20006 §4; April 14, 2014: prior Ord. 19875 §4; May 6, 2013).

9.30.50 Enforcement; Penalties; Injunction.

(a) The person or entity which owns, maintains, or operates a donation box in violation of this chapter shall be responsible for any violation of this chapter.

(b) Code enforcement officers of the Department of Building and Safety and the Lincoln Police Department are hereby authorized to issue citations for any violations of this chapter.

(c) Any violation of this chapter shall be a misdemeanor, and any person convicted thereof shall be punished by imprisonment in the county jail for a period not to exceed six months, or by a fine of not to exceed \$500.00, recoverable with costs, or both. Each day that a violation of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such.

(d) Notwithstanding the foregoing, the City Attorney may institute an injunction action in the name of the City to assure compliance with the terms of this chapter. (Ord. 20006 §5; April 14, 2014: prior Ord. 19875 §5; May 6, 2013).

9.30.060 Exemption.

(Repealed by Ord. 20006 §6; April 14, 2014: prior Ord. 19875 §6; May 6, 2013).

9.30.070 Severability.

In the event that any provision of this chapter shall be held to be 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. (Ord. 19875 §7; May 6, 2013).