



Memorandum

TO: RULES COMMITTEE

FROM: Vice Mayor Madison Nguyen
Councilmember Donald Rocha
Councilmember Nancy Pyle

SUBJECT: **Regulation of Unattended Donation Boxes** DATE: January 19, 2012

Approved

RECOMMENDATION:

1. Direct Staff to provide an informational memo detailing the City's current ordinance and regulations relating to unattended donation boxes and the number of administrative permits on file.
2. Direct Staff to place the item on the City Council/Senior Staff Budget Priority Setting Session in February 2012 to be added to staff's significant ordinances and referrals Workplan.

DISCUSSION:

The City of San Jose supports charities and their efforts to ensure that all people have adequate resources through donations and other means. However, in recent years, there appears to have been a proliferation of unattended donation boxes in the City of San Jose, often in unlawful locations, without the approval of the City or the property owners, or without clear information about the operator of the boxes or how the collected donations will be used.

If not properly maintained and regularly emptied, especially near residential areas, the unattended donation boxes can become nuisances by attracting graffiti, trash, toxic materials, and rodents (see attached pictures taken from boxes within the City). Because donation boxes are unattended, the boxes themselves should provide the public with critical information about the operator and how the donations will be used. Given the common perception that donated items are for charitable causes, unattended donation boxes should be regulated in order to provide the public with information about how their donations will be used, and to ensure the boxes do not become a nuisance.

Currently, it is our understanding that the City's existing ordinances (e.g., 20.80.1100) broadly requires such donation boxes to obtain an administrative permit. Other jurisdictions, such as, the

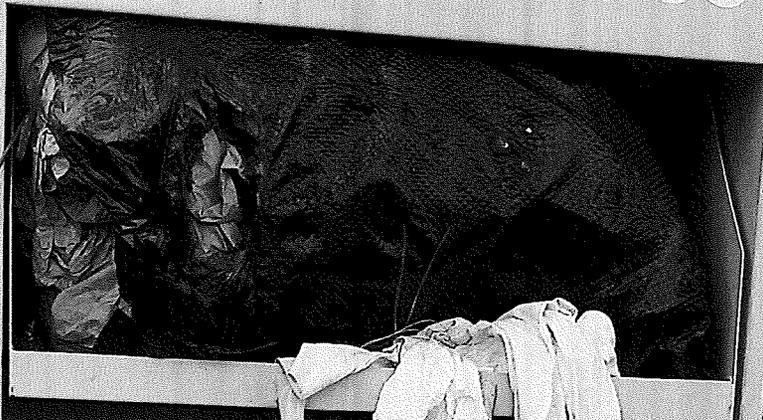
City of Sacramento, are more restrictive and establish specific procedures and guidelines tailored for the regulation of unattended boxes including:

- requiring written proof sufficient to establish that the operator who owns the unattended donation box is qualified to solicit donations of personal property per California Welfare and Institutions Code section 148.3, which requires a demonstration of tax exempt status;
- requiring unattended boxes to be serviced and emptied as needed but at least every thirty (30) days;
- requiring that the unattended boxes be no more than 82" high, 56" wide and 49" deep and contain in two (2) inch type visible from the front of each unattended box the name, address, email, and phone numbers of both the property owner permittee and the operator; and
- requiring the area surrounding the unattended boxes to be free of any junk, debris, or other materials including holding responsible the owner for the cost to abate any violations.

As in other jurisdictions, the costs incurred by the City will be recovered by enforcement actions and/or permitting fees.

Placing the item on the City Council/Senior Staff Budget Priority Setting Session in February 2012 would give Staff the opportunity to address the issue and provide input to council as to potential amendments to the current city ordinance.

Clothes Shoes



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