

ORDINANCE NO. 2024 - 16

AN ORDINANCE TO PROMOTE THE GENERAL WELFARE OF THE CITIZENS OF THE CITY OF HOBART, INDIANA BY PROHIBITING DONATION BOXES WITHIN THE CITY, AND REPEALING ALL CITY CODE SECTIONS AND ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH.

WHEREAS, the City Council of the City of Hobart, Indiana, has been advised by the Hobart Legal Department that establishment of an Ordinance to establish donation boxes as a public nuisance is recommended to promote and safeguard the welfare of residents within the City; and

WHEREAS, the City Council of the City of Hobart, Indiana, having reviewed the current recommendations of the legal department, and acknowledging the ability to adopt Ordinances pursuant to I.C. §36-1-3 *et seq.* as well as all information provided, now concurs that it is advisable, necessary, and in the best interests of the residents of the City of Hobart, Indiana, to establish a regulation to classify donation boxes within the City as a public nuisance.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Hobart, Indiana, as follows:

SECTION ONE: That the Code of Ordinances of the City of Hobart, Indiana is hereby amended in **Chapter 96** entitled “**Nuisances**” to add the following:

Section 96.200 – DONATION DROP BOXES

(A) *Donation boxes are prohibited.* No person shall place, use or allow the installation or operation of a donation box within the City without Board of Public Works and Safety approval. The owners, lessee or other person or legal entity in control of a property where donation boxes are maintained in violation of this section and the owner or operator of said box shall be liable for any violation of this section.

(B) *Definitions.* A **DONATION DROP BOX** is defined as any receptacle or container located outside of an enclosed building designed, intended to be used for collection and storage of donated items or materials, including, but not limited to clothing, shoes, books, electronics, furniture, bedding and other like items.

(C) *Impoundment and redemption.*

(1) If the donation drop box has not been removed after notification of the violation, the City may seize and impound the donation drop box for failure to comply with the provisions of this chapter.

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(2) If the owner of the impounded donation drop box does not reclaim such donation drop box within ten (10) days of the date of impoundment, the City may, at its discretion, dispose of such box.

(3) Violation of this section shall be subject to the penalties provided for in § 96.99 PENALTY of this Chapter.

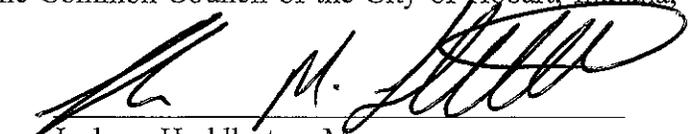
SECTION TWO: That all existing City Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

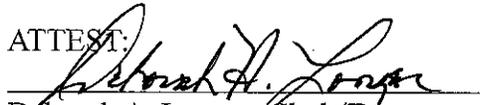
SECTION THREE: If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION FOUR: That this Ordinance shall take effect and be in full force and effect from and after its passage by the City Council of the City of Hobart, Indiana, and publication in conformance with applicable law.

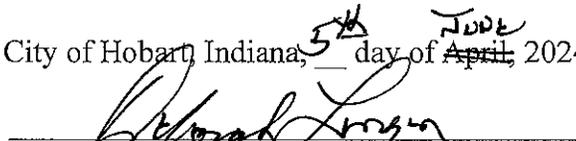
FURTHER BE IT ORDAINED, that the City of Hobart intends to create an enforceable Ordinance which is compliant with all Federal, State and Local laws, in the event, that this Ordinance, or any part of it, or any provision, or any classification contained therein, is found to be unconstitutional, the remaining portion will remain in effect and will be found to be valid.

PASSED AND ADOPTED by the Common Council of the City of Hobart, Indiana, on this 5th day of ~~April~~ ^{JUNE}, 2024.


Joshaua Huddlestun, Mayor

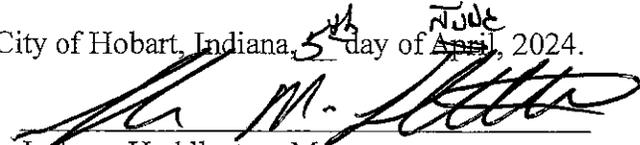
ATTEST:

Deborah A. Longer, Clerk/Treasurer

Presented by me to the Mayor of the City of Hobart, Indiana, 5th day of ~~April~~ ^{JUNE}, 2024.


Deborah A. Longer, Clerk/Treasurer

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Approved by me, the Mayor of the City of Hobart, Indiana, ^{5th} day of ^{May} ~~April~~, 2024.


Joshua Huddleston, Mayor

ATTEST:

Deborah A. Longer, Clerk/Treasurer