

MEMO

To: Code Enforcement
From: George Flores, Development Services Director
Date: October 8, 2014
Re: Administrative Determination – Charitable Donation Boxes

Summary

Placement of Charitable Donation Boxes have become a prevalent practice in the City of Buckeye. Unregulated use of said boxes has led to unauthorized placement in parking lots, vacant lots, and public rights-of-way. These boxes are often not maintained and are left in a blighted condition for long periods of time. Staff believes that this type of use is prohibited and can be enforced upon through both civil and criminal channels.

Development Code Background

The 2010 Development Code applies to all land, buildings, structures and uses unless otherwise exempted. Table 3.1.1 of the Development Code provides a listing of all permitted, conditional, and prohibited uses. Further, Subsection 3.1.3 indicates that “Development or use of a property for any other use not specifically allowed in Table 3.1.1 and approved under the appropriate process is prohibited.” Therefore, since the Development Code is silent with regard to Charitable Donation Boxes, they are a prohibited use within the City of Buckeye.

It is acknowledged that the 2005 Development Code applies to a large majority of properties with the City of Buckeye; however, even with a liberal interpretation of the obsolete zoning districts, staff is unable to find a compatible by right fit for the subject use given the current adverse effects of the use.

Enforcement of this use falls within Article 9 of the Development Code. Specifically, the article states that “no person shall develop or use any land, building or structure in violation of the Development Code” and Subsection 9.3.4 outlines that criminal or civil penalties apply in such instances.

Determination

I have determined that “charitable donation boxes” are prohibited under the development code. Therefore, all existing boxes should be considered in violation of the development code and cited immediately.

George Flores
Director of Development Services
City of Buckeye