

ARTICLE VII. – DONATION COLLECTION CONTAINERS

Sec.138-500. – Purpose.

The proliferation of donation collection containers contribute to visual clutter, blight due to graffiti and poor maintenance, and the accumulation of debris and excess items outside the collection containers. These regulations are intended to promote the health, safety, and welfare of the public, and to protect the property rights of the owners of the parcels of land on which the collection containers are located by providing minimum blight-related performance standards for the operation of collection containers, including establishing criteria to ensure that:

- (a) Material is not allowed to accumulate outside of the collection containers;
- (b) The collection containers remain free of graffiti and blight;
- (c) The collection containers are maintained in sanitary conditions;
- (d) The collection containers are not placed without the approval of property owners; and
- (e) Contact information is readily available so that the operators can be contacted if there are any blight-related questions or concerns.

~~This article regulates the size, number, placement, installation and maintenance of collection containers, as is necessary to accomplish the foregoing purposes.~~

Sec. 138-501. – Definitions.

- (a) *Collection container* means a drop-off structure, box, bin, container, receptacle, trailer, mobile vehicle, or similar facility that accepts furniture, textiles, shoes, media, books (save and except residential book exchange containers) and/or other salvageable or reusable items of personal property.
- (b) *Collection container, small* means a collection container that occupies less than or equal to ~~eighty-four~~ one hundred and seventy-five (84175) cubic feet and is no taller than seven feet (7') above the finished grade of the area of the parcel or tract where the container is located.
- (c) *Collection container, large* means a collection container that occupies more than ~~eighty-four~~ one hundred and seventy-five (84175) cubic feet. Large collection containers may not be taller than fourteen feet (14') above the finished grade of the area of the parcel or tract where the container is located.

Sec. 138-502. – Conflicts.

Where a conflict exists between the regulations or requirements in this article and applicable regulations or requirements contained in other sections of the Code, the applicable regulations or requirements of this article shall prevail.

Sec. 138-503. – Permit Required and Exemptions.

- (a) Except as provided herein, it shall be prohibited to place, operate, maintain or allow a collection container on any real property unless the property owner and operator of the collection container first obtain an annually renewable permit from the Environmental Health Manager, or their designee.
- (b) Collection containers that satisfy the following standards are exempt from the requirements of this article:
 - (1) Collection containers that are wholly located within an entirely enclosed and lawfully constructed and permitted building or structure, or otherwise cannot be seen from outside boundaries of the property on which the containers are located, provided that such collection containers satisfy the operational requirements contained herein;
 - (2) Cargo storage containers that may otherwise be allowed by this Code; and
 - (3) Refuse or recycling containers that comply with the provisions of Chapter 146-132 (Fences, Walls and Screening Requirements) of this Code.

~~(c) Applications for a collection container shall be processed as a ministerial action in accordance with this article.~~

Sec. 138-504. – Application Requirements.

The following minimum information shall be required when applying for a permit for a collection container:

~~(a) A completed permit application containing the names, signatures, phone numbers, email addresses, websites (if available), and mailing addresses of the property owner and the operator of the collection container; including 24-hour contact information, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;~~

(a)

(b) A non-refundable application fee as outlined in Appendix A (Schedule of Fees) of the Code, and as may be amended from time to time by ordinance;

~~(c) A location and/or vicinity map showing the proposed location of the collection container including the distance between the site and all existing collection containers within 1,000 feet of the location for the proposed collection container;~~

~~(d)~~(c) A ~~sealed~~ site plan or layout exhibit sufficiently reflecting:

(1) The location and dimensions of all property boundaries;

(2) The location of all buildings or structures;

~~(3) The location(s) and type(s) of illumination sources that operate from dusk until dawn;~~

~~(4)~~(3) The proposed collection container location;

~~(5) The distance between the proposed collection container and all other nearby collection containers, parcel lines, buildings, structures, and illumination sources; and~~

~~(6)~~(4) The location and dimensions of all existing and/or proposed driveways, carports, parking spaces, maneuvering, pavement and striping/markings.

~~(e)~~(d) Four-sided color elevations showing the appearance, ~~materials,~~ and dimensions of the proposed collection container, ~~including the information required herein to be placed on the collection container and notice sign;~~

~~(a) A detail, description and/or diagram of the proposed collection container's locking mechanism;~~

~~(b) A maintenance plan (including graffiti removal, pick-up schedule, and litter and trash removal on and around the collection container); and~~

~~(c) Any other information deemed necessary by the City to adequately review and process the requested collection container permit application.~~

Sec. 138-505. – Permit Expiration and Renewal.

(a) A permit issued under this section shall expire and become void on January 1 of each calendar year. An application for renewal must be submitted prior to the expiration of a permit annually and must be accompanied by the following, at a minimum:

(1) A completed permit renewal application containing the names, signatures, phone numbers, email addresses, websites (if available), and mailing addresses of the property owner and the operator of the collection

container, ~~including 24-hour contact information, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;~~

(2) A non-refundable application fee as outlined in Appendix A (Schedule of Fees) of the Code, and as may be amended from time to time by ordinance;

(3) Updates to any information contained in the original permit application that is to be modified; ~~and~~

~~(4) Any other information deemed necessary by the City to adequately review and process the request collection container permit.~~

Sec. 138-506. – Approval Required.

(a) The Environmental Health Manager, or their designee, shall approve or deny a permit application for collection container within ~~ten~~ thirty (~~130~~) days of the receipt of a completed submittal. If the Environmental Health Manager fails to take action on the submittal within the required timeframe, the application shall be deemed approved.

(b) A permit application for a collection container shall be approved if the following is found to be true:

(1) The applicant has submitted a complete, fully executed and accurate application accompanied by the applicable fee;

~~(2) The property on which the container is to be located has been free of any municipal code violations for at least six (6) months prior to the submission of the application or permit renewal;~~

~~(3)~~ (2) The applicant is neither currently in violation of, nor has been found in violation of this article within ~~two~~ one (~~24~~) years s prior to the submission of the application or permit renewal; and

~~(4)~~ (3) The application or permit renewal will be in compliance with all applicable regulations contained herein.

(c) If a permit application or renewal application for a collection container is denied by the Environmental Health Manager, or their designee, such ruling may be appealed to the Executive Director of Development Services within seven (7) calendar days of the denial. The appeal must be made in writing and must include the reason for the appeal and the justification for why the permit

application should be approved. The Executive Director of Development Services shall be the final approval authority.

Sec. 138-507. – Permit Revocation.

If any individual, company, corporation or association who owns, operates, exhibits, or displays any collection container in this City shall violate any provision of this article, the Environmental Health Manager shall have the power and authority to cancel and revoke all permits issued hereunder to any of the foregoing by giving written notice, stating the reason justifying such revocation, and the same shall become void ten (10) days from date of such notice. No permit shall be issued within a period of ~~two~~ (21) years to anyone whose permit has been revoked, except at the discretion of the City Council. If the permit of an individual, company, corporation, or association owning, operating, or displaying a collection container on a specific property in this City is cancelled, such individual, company, corporation or association shall not operate, display or permit to be operated or displayed such a collection container on said property until a new permit is granted.

Sec. 138-508. – Locational Requirements for Collection Containers.

- (a) No collection container shall be located within three-hundred feet (300') from any other collection container.
- (b) Collection containers are only permitted within non-residential zoning districts.
- (c) No collection contained shall be located on or within three-hundred feet (300') of a property zoned or used for residential purposes.
- (d) Collection containers must be located within twenty feet (25') of an illumination source which operates from dusk until dawn that is sufficient for discouraging theft, vandalism and/or vagrancy including, but not limited to street lighting, parking lot lighting, or an illuminated building wall pack(s).

(e) No collection container shall be located on or within:

~~(1) the public right-of-way, a~~ A required landscaping area;

~~(2) or a~~ A parking space, ~~or~~ loading space or driveway area that is required to satisfy the ~~minimum~~ requirements of the City; or

~~(4)~~ (3) The public right-of-way, except as approved by the City Council as part of a license agreement.

~~(e)~~ (f) No collection container shall be placed in a manner that blocks, limits, or impedes the function of, access to, or maintenance of any of the following:

- (1) Required parking, loading or driveway areas;
- (2) Pedestrian, wheelchair and/or bicycle routes or trails;
- (3) Building ingress and egress;
- (4) Required disabled access routes;
- (5) Required easements;
- (6) Refuse and/or recycling enclosures areas or access to refuse and/or recycling bins or enclosures; or
- (7) Exhaust, ventilation, mechanical, electrical or fire suppression systems, including, but not limited fire department connections or fire hydrants.

~~(f)~~(g) No more than one collection container shall be located on any parcel or tract of land, except as otherwise permitted herein.

~~(g)~~(h) No large collection container shall be located within any zoning district's building setback.

Sec. 138-509. – Collection Container Physical Attribute Requirements.

(a) All collection containers shall:

- (1) Be fabricated of durable and waterproof materials;
- (2) Be placed on ground that is paved with durable cement;
- (3) Have a tamper-resistant locking mechanism for all collection openings to prevent theft and vandalism;
- (4) Not be electrically, mechanically, or hydraulically powered or otherwise mechanized; and
- (5) Not be considered a fixture of the site or an improvement to real property.

(b) Small collection containers shall have the following information conspicuously displayed in at least two-inch (2") type visible on the collection container:

- (1) The name, mailing address, 24-hour contact telephone number, email address, and if available, the internet web address, ~~and email address~~ of the operator of the collection container and the agent or representative for the property owner;

- (2) The type of material that may be deposited into the collection container;
and
 - (3) A notice stating that no material shall be left outside the collection container.
- (c) Large collection containers shall have the following information conspicuously displayed in at least four-inch (4") type visible from the front of the collection container:
- (1) The name, mailing address, 24-hour contact telephone number, email address, and if available, the internet web address, ~~and email address~~ of the operator of the collection container and the agent or representative for the property owner;
 - (2) The type of material that may be deposited into the collection container;
 - (3) A notice stating that no material shall be left outside the collection container; and
 - (4) A statement that no items may be left for collection unless an attendant is on duty.

Sec. 138-510. – Maintenance and Operation.

- (a) No overflow collection items, litter, debris or dumped materials shall be allowed to accumulate within twenty feet (20') of any collection container.
- (b) Collection containers shall be maintained and in good working order, and free from graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.
- (c) Collection containers shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes maintenance of the container, the removal of collected material and abatement of any graffiti, litter, or any nuisance conditions.
- (d) The operator shall maintain an active email address and a 24-hour telephone service with recording capability for the public to register complaints.
- (e) Any conditions that are in violation of this section must be remedied or abated within forty-eight (48) hours of being reported to the operator or property owner.
- (f) Collection containers cannot be used for the collection of refuse, solid waste and/or any hazardous materials.

(g) Large collection containers shall have an attendant present at the container at all times that items are being received.