

Amend Subchapter 4 to include Section 4.6.6 Donation Containers

A. Permit Required

1. It shall be unlawful to locate a donation container within the city without first obtaining a permit from the city.
2. To obtain a permit, a person shall provide:
 - a. A sketch indicating the location where the donation container will be placed and the dimensions of the container;
 - b. A written letter from the property owner consenting to the placement and maintenance of the donation bin; and
 - c. That the donation container demonstrates compliance with all requirements of this section.
3. Only nonprofit charitable organizations that serve the local community and have obtained a determination letter pursuant to 26 USC 501(c)(3) may obtain a permit to locate donation containers within the city.

B. Placement

1. Donation containers shall not be located within any residential zoning district.
2. Donation Containers shall not be located on a vacant parcel or on a parcel containing a vacant building.
3. Donation containers may only be placed on developed non-residential lots or tracts of land where there is a legally conforming primary land use in current operation.
4. No more than one donation container may be located on a single platted lot or unplatted tract of land.
5. A donation container shall not be located closer than 800 feet from another donation container even if located on different tracts of land or lots.
6. Donation containers shall be located to the side or rear of the principle structure. At no time shall a donation container be located between the public right-of-way and the principle structure.
7. The placement of donation containers shall not impede traffic nor visually impair any other vehicle operation within a parking lot or from a public space.
8. Donation containers shall not obstruct, nor visually impair, pedestrian or vehicular circulation.
9. Donation containers shall not be located in the required building setbacks, landscape areas, drive aisles, required parking spaces, fire lanes, loading zones, or other unsafe location.
10. Donation containers shall not obstruct the flow of surface water on the property such that surface water will be diverted to other properties or otherwise inhibits or prevents surface water from draining to an existing drainage facility.
11. A donation container shall not be located within twenty (20) feet of the travelled portion of any street, road or highway or placed in a manner that blocks driveways, interferes with traffic flow or visibility.
12. A donation container shall not be located within any right-of-way or easement dedicated to and/or owned by any governmental entity.
13. A donation container shall not be located at any location the city determines may pose a safety hazard to the public.

C. Screening

1. Donation containers shall be screened in accordance with Section 11.8.4, Screening of Refuse Containers.
2. The enclosure gate shall be painted or coated in an earth-toned color that is compatible with the context of its setting. Bright primary, fluorescent or contrasting colors are prohibited.
3. If signage is provided on the enclosure gate, it shall be limited to 1 square-foot and indicate the name of organization or company, address, and contact telephone number.
4. The enclosure gate shall remain closed at all times, except when in use or are being emptied.

D. Donation Container Construction

Donation containers shall:

1. Be constructed of metal, fiberglass or wood;
2. Signage no larger than one square-foot, and shall indicate the name, address and telephone number of the organization and party responsible for collection;
3. Be secured at all times, except when they are being emptied;
4. Have a lid or a top to protect the contents from the weather; and
5. Be no larger than 256 cubic feet with a maximum six (6') feet in height.

E. Maintenance and Pick-Up Cycle

1. Donation containers shall be maintained in good condition and appearance, with no structural damage, no holes in the container that would allow leaks, no visible rust, and free of graffiti or advertising other than the name of the organization or company benefiting from the donation container.
2. Donated items shall be collected and stored in the container or bin. Donated items shall not be left outside of the container or bin. Donations not fully enclosed in a donation container are considered a zoning violation and public nuisance, with the donations and container or bin subject to removal by the City at the owner's expense.
3. The bins shall be monitored by the organization and emptied in a timely manner not to exceed every 14 calendar days, or more frequently if needed. If notified by the City of an issue, the bin and surrounding area shall be cleared of donations by the organization or property owner within five (5) business days.

F. Violations and Permit Revocation

1. Any donation container within the City that does not have a current, valid site permit (or any permitted donation container that has received more than two (2) notices of violation from the City in the past 12 months) shall be subject to impoundment by the City. Any donation container impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees.
2. The City may revoke a permit for failure of the operator or property owner to comply with the requirements in this section. The operator or owner may appeal the revocation to the City Manager or their designee within 72 hours of the revocation notice. The City Manager's or their designee's decision shall be final.

3. The donation container must be removed within seven (7) calendar days of the permit revocation or appeal hearing, as applicable. If not removed within seven (7) calendar days, the City may have it removed and the operator or property owner shall be billed the removal and storage costs.
4. A donation container impounded by the City shall be released to the owner upon the payment of an impound fee of \$200.00, and a daily storage fee of \$20.00 for each day in City possession after impound. Any impounded donation container not claimed within thirty (30) days after impoundment may be destroyed without further notice from the City.

Amend Subchapter 20 - Definitions

Donation Containers: include, but not limited to, any box, building, or other receptacle that is instead for use as a collection point for donated clothing or other small household materials at times when no employee or representative of the sponsoring company or organization is present to accept donations.