

Ordinances Governing
DONATION BOXES
in the
CITY OF ARLINGTON
TEXAS

Adopted by Ordinance No. 16-020
(April 26, 2016)

(Chapter Designator: DONATION BOXES)

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
16-020	04/26/16	Adopt new “Donation Boxes” Chapter of the Code of the City of Arlington, Texas, 1987; providing regulations for donation boxes and establishing requirements for permits allowing the placement of donation boxes on approved open spaces on private property.

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ARTICLE I**GENERAL PROVISIONS****Section 1.01 Title**

This Chapter of the Code of the City of Arlington is hereby designated and shall be known and referred to as the “Donation Boxes” Chapter of the City Code of Ordinances.

Section 1.02 Purpose

The purpose of this Chapter is to protect the public health, safety and welfare of Arlington residents by requiring the registration and permitting of donation boxes on private property within the City limits of the City of Arlington. This Chapter further serves to protect the aesthetic well-being of the community and promote the tidy and ordered appearance of developed property. The provisions included herein are intended to provide efficient legal remedies for unpermitted or poorly maintained donation boxes that threaten the orderly development of the City. These provisions are cumulative of all City ordinances.

Section 1.03 Applicability

The requirements of this Chapter shall apply to all donation boxes regardless of whether said boxes were placed prior to the effective date of these regulations. No previously placed donation boxes shall be granted any legally non-conforming rights under this Chapter or the “Unified Development Code” Chapter of the Code of the City of Arlington, Texas, as amended. (Adopt Ord 16-020, 4/26/16)

ARTICLE II

DEFINITIONS

Section 2.01 Definitions

“**Administrator**” means the director of the department designated by the City Manager to enforce and administer this Chapter, and includes the Director’s designees.

“**Donation box**” means any box, container, building, trailer or other receptacle that is intended for use as a collection point for donated clothing or other household materials.

“**Person**” includes an individual, sole proprietorship, corporation, association, nonprofit corporation, partnership, joint venture, a limited liability company, estate, trust, public or private organization, or any other legal entity. (Adopt Ord 16-020, 4/26/16)

ARTICLE III**REGISTRATION****Section 3.01 Donation Box – General Provisions**

- A. It shall be unlawful for any person to place or maintain, or allow to be placed or maintained, any donation box within the City of Arlington, without having first secured a permit and decal in compliance with the provisions of this Article.
- B. Any donation box located within the jurisdiction of the City of Arlington that does not have a current, valid permit (or any permitted donation box 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 box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees.
- C. Donation boxes shall only be permitted to be placed on real property located within the following zoning use districts in the Unified Development Code: Industrial Manufacturing (IM), Light Industrial (LI), and General Commercial (GC). Donation boxes shall not be permitted to be placed on real property located within any other zoning use districts.

Section 3.02 Donation Box Permit and Decal Required

It shall be unlawful for any person that owns, leases, is in control of, or is entitled to possession of real property within the City of Arlington, to authorize or allow any donation box to be placed on or remain on such real property without a valid permit decal in compliance with the provisions of this Article.

Section 3.03 Permit Requirements

A permit and decal to allow a donation box to be placed and used on designated real property shall be issued by the Administrator after inspection and verification that the following conditions are satisfied:

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1. The person receiving a permit to place or maintain a donation box is registered to operate in the State of Texas as a non-profit corporation *or* has proof of a written agreement to solicit on behalf of such a non-profit corporation.
2. The real property owner provides written authorization allowing the donation box on the property.
3. The permit holder agrees to be responsible for collecting the contents of the donation box in order to prevent overflow and littering.
4. No more than one (1) donation box may be permitted for placement on any one lot. In the case of a shopping center or office development that consists of multiple platted lots, the Administrator shall treat the shopping center or office development as if it is only one contiguous lot.
5. No donation box shall exceed 50 square feet in size.
6. Each donation box shall clearly indicate in writing on the side of each box that all donations must fit into and be placed within the donation box.
7. The permit holder placing or maintaining the donation box shall display current contact information including street address and phone number on the donation box. Said information must be readable and clearly visible to the public.
8. Each donation box shall be screened from the nearest public street or right-of-way for which it is adjacent. If a donation box is located on a corner of a lot, then the box shall be screened on a minimum of two sides. Minimum screening shall consist of a six foot (6') solid wood fence. Comparable materials may be substituted for screening upon prior approval of the Administrator. All screening shall be constructed to prevent the storage or placement of donations outside the donation box, with the screening fence itself being no more than two feet (2') from the screened donation box.
9. Each donation box shall be constructed from metal material.
10. Each donation box shall be painted one solid color. No high-intensity or fluorescent colors shall be used for the donation box or associated signage.

Section 3.04 Applications for Permits

- A. Applicants for permits under this Article shall file a written, sworn application with the Administrator. The application shall include the written authorization of the property owner allowing the donation box on the property.
- B. A separate permit and application shall be required for each donation box regardless of the ownership thereof. Permits issued under the provisions of this Article shall be valid only at the address stated on the permit.
- C. An annual permit fee for each donation box shall be required. All permits shall expire on December 31st of each calendar year regardless of the date of issuance; provided, however, that the fee for each permit shall be prorated for each month or portion of a month for which the permit is issued.
- D. Any person denied a permit shall have the right to appeal such action. In such case the procedure shall be the same as in revocation.

Section 3.05 Transfer of permit prohibited

No permit issued under the provisions of this Article shall be transferrable and the authority a permit confers shall be conferred only on the permit holder named therein.

Section 3.06 Maintenance and Upkeep

- A. The permit holder and the property owner shall be held jointly and severally liable and responsible for the maintenance, upkeep, and servicing of the donation box and clean up and removal of any donations left on the property outside of the donation box.
- B. The City shall have the authority to abate any property in violation of this article that is deemed a public nuisance under the procedures contained in the "Nuisance" Chapter of the Code of the City of Arlington, Texas, 1987, as amended.
- C. The visual and structural integrity of the donation box must be maintained continuously.

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- D. The placement of the donation box shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street.
- E. The donation box shall not be located in a required building setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement or fire lane.
- F. At least one (1) stacking or parking space shall be required for use of persons accessing the donation box.
- G. The donation box may not block or occupy any number of parking spaces required by the primary use structure.
- H. The current permit decal for the specific donation box must be affixed and displayed at all times on the outside of the donation box.
- I. The donation box shall only be used for the solicitation and collection of clothing and household materials. All donation materials must fit into and be placed inside the donation box. The collection or storage of any materials outside the container is strictly prohibited.
- J. No donation box shall be permitted to be placed or remain placed within 200 feet from a residential dwelling use district. Said distance shall be measured from lot line to lot line.
- K. The donation box shall be continuously maintained in compliance with all requirements imposed by Section 3.03, Permit Requirements, as amended.

Section 3.07 Revocation of permit

- A. Grounds. Any permit issued hereunder may be revoked by the Administrator if the permit holder has received two (2) notices of violation for violations of this Chapter or any other provision of this Code of Ordinances within a 12 month time period or has knowingly made a false material statement in the application or otherwise becomes disqualified for the issuance of a permit under the terms of this Article.
- B. Notice. Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address.

- The revocation shall become effective the day following personal service or if mailed, three (3) days from the date of mailing.
- C. Appeal; hearing. The permit holder shall have ten (10) days from the date of such revocation in which to file notice with the Administrator of their appeal from the order revoking said permit. The Administrator shall provide for a hearing on the appeal not later than 15 days after the notice of the appeal is filed.
- D. Stay. Any appeal of revocation pursuant to this section shall stay the revocation until said revocation is finalized.
- E. Removal of Box; Impoundment. Upon finalization of any revocation, the permit holder shall remove said donation box no later than ten (10) days after said final decision. Upon expiration of this 10-day grace period, the donation box shall acquire noncompliant status and be subject to immediate impoundment without further notice.
- F. One-Year Waiting Period. In the event the permit of any permit holder is revoked by the Administrator, no second or additional permit shall be issued to such person within one year of the date such permit was revoked.

Section 3.08 Fees

All fees established by this Chapter shall be in an amount set by resolution of the City Council. (Adopt Ord 16-020, 4/26/16)

ARTICLE IV

ENFORCEMENT AND PENALTIES

Section 4.01 Offense/Penalty

- A. A person who violates any provision of this Chapter by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). Each day the violation continues shall be a separate offense.
- B. A culpable mental state is not required for the commission of an offense under this Chapter.
- C. Nothing in this Chapter shall limit the remedies available to the City in seeking to enforce the provisions of this Chapter.
- D. All other legal remedies are reserved by the City if necessary to enforce the provisions of this Chapter. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this Chapter. (Adopt Ord 16-020, 4/26/16)