



Unattended Donation Containers

COMMUNITY SERVICES COMMITTEE: SEPTEMBER 25, 2024

Background

- Chapter 34, Article VIII, contains the city's regulating language relating to unattended donation containers.
- The current ordinance specifically prohibits unattended *clothing* donation containers.
- Initiated to prevent dumping and protect the aesthetic well-being of the community and promote the tidy and ordered appearance of properties.
- Ordinance is twenty years old and staff has seen a rise in the use of unattended donation containers for non-clothing items (e.g. books, food, etc.).

Legal Ruling

On April 6, 2015, the Sixth Circuit Court of Appeals issued a decision, addressing the issue of whether a city ordinance banning outdoor, unattended charitable donation bins is constitutional the Court held that:

- charitable donation bins were charitable solicitations entitled to First Amendment protection;
- that an ordinance banning charitable donation bins was content-based, so that strict scrutiny applied to a First Amendment challenge; and
- that the ordinance violated the First Amendment right to free speech.

Staff believes the ordinance should be updated to account for changes in the legal landscape and the incorporation of practical regulations to address charitable activities within the city.

Comparison Cities

CITIES THAT PROHIBIT

- Burleson
- Seagoville
- ▲ Coppel
- ▲ Grapevine
- ▲ Granbury
- ▲ Hurst

▲ No specific regulations

CITIES THAT REQUIRE A PERMIT

- Cedar Hill
- Cleburne
- DeSoto
- Flower Mound
- Grand Prairie
- The Colony
- * Arlington
- * Azle
- * Bedford
- * Forest Hill
- * Houston
- * Killeen
- * Murphy
- * Wylie

* non-peer city

Comparison Cities

Requires SUP	Permits as Accessory Structure	Enforces Using Outside Storage Code	Only Non-profit Organizations
Flower Mound	Mansfield	Hurst	Bedford
FT. Worth (Special Exception ZBA)	North Richland Hills	Grapevine	Cleburne
	The Colony		DeSoto
			Forest Hill
			Killeen
			Murphy

Defining Donation Containers

City of Burleson: Unattended clothing donation container means any box, building, trailer or other receptacle that is intended for use as a collection point for donated clothing or other household materials at times when no employee or representative of the sponsoring company or organization is present to accept donations.

City of Grand Prairie: *Donation box* means any box, container, building, or other receptacle that is intended for use as a collection point for donated clothing or other household materials. Trailers or other portable receptacles are not considered donation boxes.

City of Cedar Hill: *Donation collection container or donation bin* means any attended or unattended receptacle made of metal, plastic, wood or other material for permanent or temporary use, designed or intended for the collection of unwanted or salvageable textiles, clothing, shoes, books, household goods, or other items of personal property.

City of Mansfield: *Donation Box means* any drop-off box, bin, container, receptacle, trailer or similar facility that accepts donated textiles, clothing, shoes, books, toys, household items and/or other salvageable personal property items to be used by the operator for distribution, resale or recycling.

City of Cleburne: *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.

Defining Donation Containers

City of Bedford: Clothing Donation Container means any structure contained which has four walls, a roof and a floor, not exceed the dimensions of six feet (6') in width or depth, nor shall exceed seven feet (7') in height, which is used for the donation of clothing. Said structure or container shall be of adequate weight to withstand typical weather conditions as to not be moved within a parking lot by wind. The structure or container must be built substantially enough, as to not pose any public threat, and be painted or finished of earth tones and in a way that is visually coherent and conducive to its environment. For the purpose of this Section, earth tones shall be understood to consist of darker and pastel shades of the color spectrum, which may generally be found in the natural environment. These colors shall not generally consist of the vibrants or fluorescents of the color spectrum.

City of Desoto: Donation Collection Container (Donation Bin, Charity Boxes). A container, trailer, accessory structure or other similar structure located outside of an enclosed building and located in a parking lot or other place accessible to the public for the primary purpose of receiving donated items, but not limited to household goods and clothing; which are provided by any person, organization, collection center or other entity to receive donated items.

Blessing Boxes

- Blessing Boxes locations are listed on the City's webpage
- Not defined in Code of Ordinances and no process exists for these type of use
- Citizen voiced concerns on their presence on public property

Centennial Park
1100 Scarlet Sage



Warren Park
301 SW Johnson



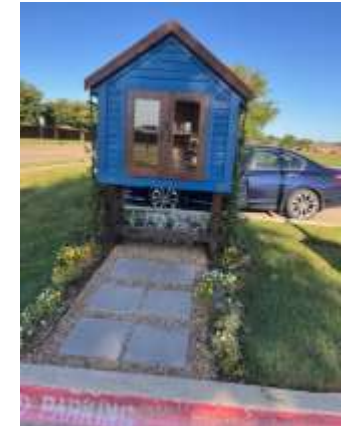
Impact Life Church
601 SW Alsbury



Renfro One Stop
1465 E Renfro



Victory Family Church
455 NW John Jones



Suggested Requirements

- Require a Permit (Fees \$45 - \$200)
- Allow only non-profit organizations
- Property Owner Written permission
- Allow in certain zoning
- Allow similar to accessory structures
- Posting contact information on container
- Setback requirements
- Require a site plan
- Impoundment ability
- Maintenance requirements
- No advertising on container
- Size restrictions (25 sq. ft. - 150 cubic feet)
- Appearance (neutral or earth tone colors only)
- Screening requirements
- Require liability insurance
- Enforcement and abatement procedures
- Appeal process

Suggested Requirements

- No donation container box shall be permitted within any public right-of-way.
- A donation container box must be placed upon a paved surface and not block any code required parking stalls.
- One parking space shall be allocated for any persons wishing to access the donation container box.
- No donation box shall be permitted in a required landscape buffer or building setback, drainage easement, floodplain, driveway, utility easement, visibility triangle, or fire lane.
- A donation box shall not impede traffic, pedestrian travel, nor materially impair any motor vehicle operation within a parking lot, driveway, or street.

Staff Recommendations

- Staff recommends consideration of text amendments to Chapter 34, Article VIII, which will update the requirements to allow unattended donation containers.
- Staff will move forward based on the Committee's direction to the City Manager.

Questions / Comments

