



Donation Boxes and Containers

COMMUNITY SERVICES COUNCIL COMMITTEE:

MAY 21, 2025

Previous Meeting Recap

- Staff provided a presentation to the Community Services Committee on September 25, 2024 and discussed Chapter 34, Article VIII, which 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.).
- Ordinance unlawful - prohibition violates freedom of Speech
- Committee directed staff to amend regulations to exempt donation boxes (e.g. blessing boxes).

Observed Problems

- Visual Clutter
- Overflowing contents
- Litter
- Graffiti
- Illegal dumping
- Placement in parking and landscape space, fire lane, etc.
- Lack of property owner consent



Sixth Circuit Court of Appeals

- April 6, 2015: Sixth Circuit Court of Appeals issued a decision, addressing the issue of whether a city ordinance banning outdoor, unattended charitable donation containers is constitutional the Court held that:
- Charitable donation containers were charitable solicitations entitled to First Amendment protection;
- That an ordinance banning charitable donation containers 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.

Recommended Applicability and Definition

- Per the Committee's direction, staff is proposing several amendments for donation containers that provides an exemption for donation boxes (e.g. blessing box, little library) and will be in compliance with case law.

- Applicability:

The requirements of this chapter shall apply to all donation containers regardless of whether said containers were placed prior to the effective date of these regulations. No previously placed donation containers shall be granted any legally non-conforming rights under this chapter or any other chapter of this code. (*no non-conforming rights*)

Recommended Definitions

- **DONATION BOX**-Any drop-off box, container, cabinet, or other receptacle that is intended as both a collection point as well as a point to receive or take donations of non-perishable foods, personal hygiene products, books, or other household items of personal property, the container of which has a volume of _____ feet or less.
(staff is recommending 40 cubic feet)
- **DONATION CONTAINER**-Any drop-off box, container, trailer or other receptacle that is intended for use as a collection point for accepting donated textiles, clothing, shoes, books, toys, dishes, household items, or other salvageable items of personal property.
Notwithstanding the foregoing, the term “Donation Container” does not include donation boxes.

Proposed Fee and Maintenance Requirements

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| <ul style="list-style-type: none">• Permit required with Fee (\$45- \$200) – one (1) year non-transferable• Property owner written permission and acknowledgement holding property owner and operator jointly and severally liable for any violations• donation box exemption (40 cubic feet or less)• Site plan, description of the containers, detailed maintenance plan | <ul style="list-style-type: none">• Collection schedule- including time of day• Vehicular circulation plan• Graffiti and litter abatement plan• Decal permit on container and name/operator contact information on container• Nonprofit operator: provide evidence of exemption status from IRS• For – profit: provide active business tax certification |
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Donation Container Proposed Requirements

- Size Limitation- Donation containers shall have four (4) walls, a roof and a floor, shall not exceed the dimensions 512 cubic feet (8'w x 8'd x 8'h)- typical 8 yard dumpster
- Not located in residential area and located 200 feet from residential area
- No more than one per platted/unplatted lot; subject lot must contain an occupied building
- Placement behind required building setbacks – e.g. front yard
- Designed to withstand wind and element resistant, designed to not blow away

Donation Container Proposed Requirements

- Designed to prevent people from entering inside container
- Painted one solid color, trade dress color schemes or corporate logos will be allowed, No fluorescent colors
- Cannot impede traffic, visibility triangle, pedestrian circulation, on-site circulation, fire lane, utility easement, landscape area
- Cannot be located on parking space required to meet minimum parking requirements
- Cannot impede the functioning of exhaust, ventilation, or fire extinguishing systems
- Shall not be located closer than three hundred (300) feet from another container

Donation Box Proposed Requirements

- The property owner of real property with a donation box shall keep the donation box and the real property situated under the donation box clean and free of trash, debris, broken glass, or excess donations.
- No more than one (1) donation box may be located on a single platted lot or unplatted tract of land. In the case of a shopping center or office development that consist of multiple platted lots, the center or office development shall be considered as if it is only one contiguous lot.
- Donation boxes shall not impede traffic nor visually impair any motor vehicle drivers from a public street and shall not interfere with visibility triangles or on-site vehicle or pedestrian circulation.

Maintenance and Enforcement suggestions

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| <ul style="list-style-type: none">■ The operator and property owner shall maintain, or cause to be maintained, the area within 25 feet of the donation collection box, free from any junk, debris, overflow items or other materials.■ The property owner shall be responsible to the extent provided by law for the city's cost to abate any nuisance. (lien) | <ul style="list-style-type: none">■ Use nuisance notification and services for abatement area not maintained (one time notice)■ Unpermitted containers – property owner responsibility – issue citations■ Impoundment for no permit or received 2 notices of violation in the past 12 months■ Permit revocation■ Appeal for denial or revocation of permit |
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Exemptions

(a) Donation collection containers that are entirely enclosed within a principal building, or are accessory to a principal activity on a property owned or leased by the operator of the donation container, shall not require a permit, but must still comply with the remainder of the requirements in this chapter.

(b) Exemption for Donation Boxes

Notwithstanding any other provision of this ordinance, donation boxes that meet the following criteria shall be exempt from the permitting, registration, and placement requirements of this chapter:

1. The box has a volume of 40 cubic feet or less;
2. The box is located entirely on private property or public property with the consent of the property owner;
3. The box is maintained in a neat, clean, and orderly condition & does not obstruct pedestrian or vehicular traffic;
4. No more than one exempt box is placed per parcel or business location.

(c) The City reserves the right to revoke this exemption and require compliance with the ordinance if the box is found to cause a public nuisance, blight, or otherwise violates applicable health, safety, or zoning codes.

Exemption of Small Donation Boxes

16 ft³

Centennial Park
1100 Scarlet
Sage



20 ft³

Warren Park
301 SW Johnson



6 ft³

Impact Life Church
601 SW Alsbury



11 ft³

Renfro One Stop
1465 E Renfro



30 ft³

Victory Family Church
455 NW John Jones



Recommendation

- Staff recommends the Committee provide feedback and direction regarding the next step in the ordinance process.

Questions / Comments?

Staff Contact:

Tony D. McIlwain, AICP, CFM

Development Services Director

tmcilwain@burlesontx.com

817-426-9684