

ORDINANCE NO. 2016-01

AN ORDINANCE OF THE CITY OF BALCONES HEIGHTS, TEXAS, AMENDING TITLE XI BUSINESS REGULATIONS BY ADOPTING CHAPTER 121 DONATION DROP BOXES REGULATIONS; PROVIDING THAT ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH SHALL BE REPEALED TO THE EXTENT OF THE CONFLICT ONLY; PROVIDING FOR A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE AFTER PUBLICATION.

WHEREAS, the City Council finds that damaged, dismantled, and/or non maintained drop boxes on public or private property create conditions that, promote blight and deterioration within the City's commercial corridors; and

WHEREAS, the City Council finds that donation drop boxes not properly maintained constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with vehicular traffic; and

WHEREAS, the City Council hereby finds that regulating the use of donation drop boxes is in the best interest of the City and will promote the health and welfare of the citizens of Balcones Heights and the general public;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BALCONES HEIGHTS, TEXAS:

Section 1: That Title XI be amended to add Chapter 121 of the Code of Ordinances of the City of Balcones Heights is hereby added to read as follows:

Chapter 121. Donation Drop Boxes.

§121.01 Definitions.

Donation drop box means any unattended outdoor container, receptacles, or similar device used for soliciting and collecting donations such as clothing, toys, or other salvageable personal property.

Property owner means the person that care and control of the parking area where the donation drop box is placed.

Operator means a person who manages the organization for which the donations are solicited or the person who applies for the donation drop box permit.

§121.02 Permit required.

- (a) Operators of donation drop boxes are prohibited from placing donation drop boxes on all public and private property in the City without first obtaining a permit from the Building Official. The permit must be renewed annually.
- (b) To obtain a permit, the operator must pay a \$50.00 fee and show:
 - 1. A drawing indicating the spot where the donation drop box will be placed;
 - 2. The dimensions of the donation drop box;
 - 3. The signage that will be on the donation drop box;
 - 4. Written consent from the property, property manager, or person who has a right to possession of the property, indicating that the donation drop box may be placed on their property and acknowledging that they will be held responsible for maintenance of the area around the donation drop box; and
 - 5. That the donation drop box will comply with all requirements in this section.
- (c) The operator may not transfer the permit to any other person or organization.
- (d) The operator shall affix a copy of the permit to the donation drop box in a manner that ensures that it will not be damaged by the rain.

§121.03 Permit revocation.

- (a) The building official may revoke the permit for failure of the operator or property owner to comply with the requirements in this article. The operator may appeal the revocation to the City Administrator or designee within five (5) working days of the revocation notice.
- (b) The donation drop box must be removed within five (5) working days of the permit revocation. If not removed within five (5) working days, the city shall have it removed and the operator shall be billed the removal and storage costs.

§121.04 Construction and placement.

- (a) Donation drop boxes may not be placed on any residentially zoned property and may only be placed in districts C1, C2 and M2.
- (b) Donation drop boxes must:
 - 1. Be constructed of metal, fiber glass or wood;
 - 2. Have a sign or label indicating the name, address, and telephone number of the organization;
 - 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 102 cubic feet.
- (c) Donation drop boxes may not be placed so that they block driveways, interfere with traffic flow or visibility, are on minimum required parking spaces, are in front, rear, or side yard setback, or on a required landscape area.
- (d) Only one donation drop box may be placed on a platted lot.

§121.05 Maintenance.

- (a) The area around the donation drop box shall be kept free of debris and shall be emptied often enough so that the donations do not overflow.
- (b) Donation drop boxes shall not have structural damage, holes, or visible rust.
- (c) The city shall give the property owner 72 hours written notice to clear the debris. If the debris is not cleared, the city shall clear the debris and bill the property owner for the clean-up costs.

§121.06 Existing donation drop boxes.

- (a) Operators of existing donation drop boxes shall be given written notice that they have thirty (30) days to obtain a permit. If the operators do not apply for a permit, the operators and the property owners have thirty (30) days to remove the donation drop boxes or the property owners may give the city permission to remove the donation drop boxes.
- (b) If an operator cannot be reached, a certified letter will be mailed to the address on the donation drop box, if available, and posted on the donation drop box itself. The operator shall have thirty (30) days from the day the letter is mailed or posted on the box.
- (c) If the city removes the donation drop box, the property owner or the operator shall be billed the removal and storage costs.

§121.99 Penalty

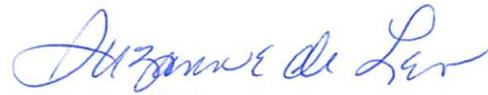
- (a) A violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-5 of the Code of Ordinances of the City of Balcones Heights.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 3: If any part or portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of this ordinance.

Section 4. The City Secretary shall publish the caption of this ordinance within ten (10) days of final passage in the official newspaper of the City. This ordinance shall take effect and be in force after publication in accordance with the Local Government Code.

PASSED, APPROVED AND ADOPTED in Balcones Heights, Texas this the 28th day of March, 2016.



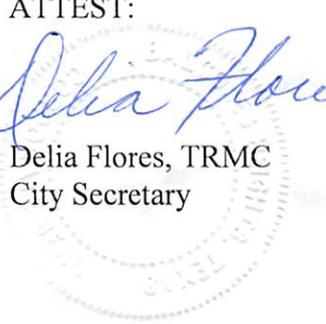
Suzanne de Leon

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ATTEST:

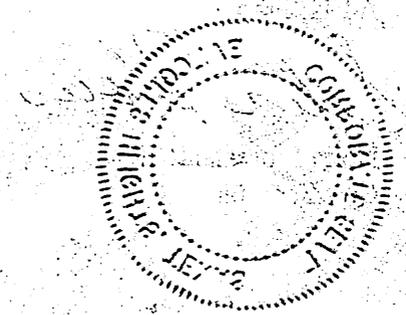


Delia Flores, TRMC
City Secretary



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DECEMBER 11, 2015



DECEMBER 14, 2015



DECEMBER 14, 2015



DECEMBER 15, 2015

