

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO DONATION BINS AND CENTERS.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

WHEREAS, a public hearing, having been held by the Planning Commission on October 27, 2020, and by the City Council on December 7, 2020, it is the desire of the City Council to adopt this amendment to the Unified Development Ordinance; and,

WHEREAS, this proposed amendment adds Sections 14-200-05-X and 14-422 while revising the term “Donation Bins” under Section 14-201-1 and eliminating Section 14-400-09;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 14-422 of Chapter 14, Unified Development Ordinance, is hereby added to read as follows:

“14-422 DONATION BINS AND DONATION CENTERS

14-422-01 DONATION BINS

14-422-01-A. APPLICABILITY

Donation bins, a portable receptacle or container made of metal, steel or any other material designed or intended for the collection and temporary storage of donated clothing or other salvageable personal property. This term does not include solid waste collection or processing facilities or recycling collections bins for the collection of recyclable materials. Donation bins may be kept on property zoned Commercial (O/C) or Industrial (I) when on a parking lot adjacent to the building/tenant space, and on property, of an operating business with a valid City Business License. However, such bins may also be kept on properties used for religious assembly, institutional or community services uses regardless of the property’s zoning. No person shall place, use, or operate a donation collection bin without first obtaining a permit issued by the Community Development Department pursuant to this Article.

14-422-02 LOCATION

Donation bins must not be located in any drive aisle, required parking or loading space, fire lanes, walkway, or impede vehicular or pedestrian traffic. Bins shall not be placed in the right-of-way, and shall be setback a minimum of 100 feet from the right-of-way.

14-422-02-A. Sites of five acres or less are limited to one donation bin, sites over five acres up to two bins. Bins shall be grouped together on the property.

14-422-03 MAXIMUM BIN AREA

Bins are limited to maximum height of seven feet with a maximum area of 25 square feet made of metal, steel or other durable material. Bins that exceed this maximum height or area shall be considered an accessory building and comply with the standards of Section 14-400-01.

14-422-04 STANDARDS

Donation Bins shall comply with the following standards.

14-422-04-A. At minimum, each bin shall display the name, address and telephone number for the person, business, or organization responsible for placing and maintaining the bin.

14-422-04-B. Each bin shall be located on an improved durable, drainable surface. If placed in a parking area, the bin(s) shall not reduce the number of available parking spaces below the minimum number required for the lot.

14-422-04-C. Each bin shall clearly display a sign indicating that no donated items, garbage or other debris is to be left outside of the bin.

14-422-04-D. Each bin shall be enclosed by the use of a one-way type door and lockable so that the contents of the bin may not be accessed by anyone other than those responsible for the retrieval of the contents.

14-422-05 PROHIBITED

Donation bins are prohibited from collecting hazardous materials and any materials considered by the Department of Natural Resources as hazardous or regulated.

14-422-06 MAINTENANCE

14-422-06-A. All donated items shall fit inside the respective donation bin. The bin shall be kept clean and in good repair.

14-422-06-B. Each bin shall be serviced and emptied as needed or within 24 hours of a request by the property owner or City.

14-422-06-C. Upon completed use of the donation bin, the bin shall be removed, the site shall be cleaned, all evidence of its use removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.

14-422-06-D. All businesses with permitted donation bins must have a valid business license. In the event a business license laps or ceases to exist, all donation bins shall be removed from the site and the area cleaned.

14-422-07 PERMITS

Each application for permit shall include the following:

- (a) An authorization form signed by the property owner or property owner's agent authorizing the placement of the donation bin(s) on the private property.**
- (b) An authorization form signed by the property owner or property owner's agent authorizing removal by the City of the donation bin(s), its contents and any items dumped outside the bin(s) upon reasonable notice that the maintenance and standards set forth in this Article have not been met.**
- (c) The name, organization name or business name, and contact information of the owner of the donation bins being placed on the property.**
- (d) Site plan drawn to scale 8.5x11 size minimum showing the size and location of**

- the donation bin(s), property lines, ingress and egress locations, parking stall and any existing fire hydrants on the property.
- (e) A waiver and consent form from the donation bin owner and property owner Indemnifying and holding the City harmless to remove donation bins not in compliance.

The Director may approve the renewal of the permit for subsequent one-year periods, subject to payment of a new permit fee, if the use has and continues to fully comply with all applicable City codes and conditions of the permit. An approved permit may be repealed at the request of the property owner during the one-year time period.

14-422-08 VIOLATIONS

The regulations set herein shall be the responsibility of the owner of the donation bin. Donation bins not in full compliance with the regulations set herein may be deemed rubbish in accordance with Chapter 4 of the City Code. Any removal of a donation bin shall be the responsibility of the owner of the donation bin.

It shall be unlawful for a property owner or donation bin owner to place, use, permit, or allow a donation collection bin to be placed or allow to remain on a property without a permit, or permit or allow operation of a bin that is not in compliance with any requirement of this section. Violations of this section are detrimental to the public health and safety.

It shall be unlawful for any donation bin owner to fail to maintain or keep in good repair any donation collection bin, including without limitation, the prompt removal of graffiti and the repairing of any part of the bin that is missing, broken, damaged, or deteriorated.

It shall be unlawful for any property owner or donation bin owner to fail to maintain the area around a donation bin, including without limitation, the prompt removal of dumped items.

14-422-09 DONATION CENTERS

14-422-09-A. PURPOSE

The purpose of this section is to regulate after hour illegal dumping at donation center drop-off areas and donation bins located on the property better described as places of business that may be considered thrift stores or non-profit organizations that accept donations for charitable purposes such as clothing, home goods, toys, food, or vehicles.

14-4220-09-B. LIGHTING

Donation center drop-off areas and donation bins placed on the property shall be artificially lighted sufficiently to illuminate all areas accessible by the public where donation activities may occur. The lighting alternatives chosen must be designed to cause the least disturbance to surrounding properties and be in conformance with section 14-508 of the City's Unified Development Code.

14-422-09-C. SECURITY

In order to reduce the potential of illegal dumping and break-ins a Video Surveillance System or VSS shall be in place that has continuous digital surveillance including cameras, cabling and or remotes, monitors, and digital video recorders that records in color and at night with cameras and lens. The system shall be capable of producing a retrievable and identifiable images and video recording on media that can be enlarged through projection or other means, and can be made a permanent record for use in criminal investigations. A minimum of two cameras shall be installed, the VSS shall have the correct date and time, have a digital video recording device, and shall keep a minimum of 7 days of video. Donation center drop off areas shall have in place means

to adequately lock, secure, and monitor drop off areas and donation bins to prevent illegal dumping.

14-422-09-D. SIGNAGE

All donation centers in operation shall place, in clear sight of their drop-off areas and donation bins, signage that clearly prohibits that no donations shall be left on-site outside of regular business hours.

Signage shall be placed, in clear sight of their drop-off areas and donation bins, that prohibits illegal dumping and placement of donated items outside of approved donation bins.

14-422-09-E. Effective Date of Requirements

All donation centers in operation (doors open to the public on a regular and continuous basis) prior to the effective date of the ordinance codified in this Section shall comply with all provisions of this Section no later than July 1, 2021.”

SECTION 2. That Section 14-400-09 of Chapter 14, Unified Development Ordinance, is hereby deleted and the subsequent sections renumbered:

“14 400 09 — DONATION BINS

14 400 09 A. — Donation bins may be kept on property zoned Commercial (O/C) or Industrial (I) when on a parking lot adjacent to the building/tenant space, and on a property, of an operating business with a valid City business license. However, such bins may also be kept on properties used for religious assembly, institutional or community service uses regardless of the property’s zoning or business license status.

14 400 09 B. Bins are limited to maximum height of seven feet with a maximum area of 25 square feet. Bins that exceed this maximum height or area shall be considered an accessory building and comply with the standards of Section 14 400 01.

14 400 09 C. Donation bins are prohibited from collecting hazardous materials. All donated items should fit inside the bin. All bins must be kept clean and in good repair.

14 400 09 D. — Sites of five acres or less are limited to one donation bin, sites over five acres up to two bins. Bins shall be grouped together on the property.

14 400 09 E. — Bins must not be located in any drive aisle, required parking or loading space, walkway, or impede vehicular or pedestrian traffic.

14 400 09 F. — Donation bins shall not be placed in the right-of-way, and shall be setback a minimum of 100 feet from the right-of-way.

14 400 09 G. The regulations set herein shall be the responsibility of the owner of the donation bin. Donation bins not in full compliance with the regulations set herein may be deemed rubbish in accordance with Chapter 4 of the City Code. Any removal of a donation bin shall be the responsibility of the owner of the donation bin.”

SECTION 3. That Section 14-200-05-X of Chapter 14, Unified Development Ordinance, is hereby added to read as follows:

“14-200-05-X. DONATION CENTERS

Places of business that may be considered thrift stores or non-profit organizations that accept donations for charitable purposes such as clothing, home goods, toys, food, or vehicles.”

SECTION 4. That the definition of Donation Bin in 14-201-01 of Chapter 14, Unified Development Ordinance, is hereby modified to read as follows:

“DONATION BIN

~~**An unattended receptacle designed with a door, slot, or other opening intended to accept donated items, usually for charity.**~~

An unattended portable receptacle or container designed with a door, slot, or other opening made of metal, steel or any other material designed or intended for the collection and temporary storage of donated clothing or other salvageable personal property usually for charity. This term does not include solid waste collection or processing facilities or recycling collections bins for the collection of recyclable materials.”

SECTION 5. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

SECTION 6. That correction of any scrivener's errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS _____ DAY OF _____, 2020, BY THE CITY COUNCIL OF
THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Words struck through and bolded are being removed by this ordinance and words underscored and bolded are being added by this ordinance.