

BILL NO. 14-03

ORDINANCE NO. 1732

AN ORDINANCE AMENDING CHAPTER 52, THE PROPERTY MAINTENANCE CODE OF THE CODE OF ORDINANCES OF THE CITY OF PLEASANT HILL, MISSOURI BY ADDING SECTION 47 TO ARTICLE III REGARDING THE PLACEMENT AND USE OF CLOTHING DROP BOXES AND PORTABLE STORAGE STRUCTURES ON PRIVATE PROPERTY WITHIN THE CITY OF PLEASANT HILL, WITH A PENALTY FOR VIOLATIONS.

WHEREAS, Clothing Drop Boxes and Portable Storage Structures have been proliferating on private property without any regulation, and

WHEREAS, the Council feels there is a public safety issue regarding such boxes that must be addressed, and

WHEREAS, due to the lack of safety requirements for such use, the City desires to enact additional Code provisions,

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLEASANT HILL, MISSOURI, as follows:

Section 1: Generally.

The City Council of the City of Pleasant Hill hereby amends Chapter 52 of the Code of Ordinances by adding a new Section 47 *CLOTHING DROP BOXES AND PORTABLE STORAGE STRUCTURES*.

Section 2: Definitions.

"Clothing Drop Box" means any portable receptacle or container made of metal, steel or other material designed or intended as a donation bin for the collection and temporary storage of donated clothing.

"Property Owner" means the person that has care and control of the area where the Clothing Drop Box is located.

"Operator" means a person who manages the organization for which the donations are solicited or the person who applies for the Clothing Drop Box Permit.

"Portable Storage Structure" is any container, storage unit or structure, other than an accessory building or shed complying with all City building codes and land use regulations, that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building.

Section 3: Clothing Drop Box Permit and Business Licenses Required.

1. Operators of Clothing Drop Boxes are prohibited from placing boxes on all public and private property in the City without first obtaining a City permit from the City Clerk.
2. A permit fee in the amount of \$25.00 per box is required at the time of the issuance of the permit. Upon adoption of this ordinance the fee will be placed in the City's fee schedule and will be updated accordingly as amendments to the fee schedule are deemed necessary.
3. To obtain a permit, applicants must provide a sketch indicating where the box will be placed, a description of the box including dimensions and signage, and evidence

that the Operator applying for the permit is the Property Owner or lessee of the entire lot.

4. Operators maintaining a physical clothing drop-off facility within Cass County requesting a permit for an off-premises location as allowed under Section 6 must also present written evidence of the consent of the owner of the off-premises location.
5. If the Operator is a for-profit entity, they are required to obtain a City Business License, and pay the appropriate fee, as a condition of obtaining a Clothing Drop Box permit.

Section 4: Removal of Non-Compliant Clothing Drop Boxes, Revocation of Permit.

1. Clothing Drop Boxes for which a permit has not been issued are in violation of this ordinance and must be removed by Operator and/or Property Owner.
2. The City may revoke the Clothing Drop Box Permit for failure of the Operator or Property Owner to comply with the requirements of this ordinance.
3. Clothing Drop Boxes must be removed by the Operator and/or Property Owner within thirty (30) days of the permit revocation or notification to remove boxes due to non-compliance with the provisions of this ordinance.

Section 5: Clothing Drop Box Construction.

1. Clothing Drop Boxes shall be constructed of a material that is defined in section two (2) of this ordinance and shall be secured at all times except when being emptied.
2. Boxes may not exceed six feet in height, four feet in width, and four feet in depth.
3. Boxes shall have a label or sign indicating the sponsoring organization, with address and phone number of Owner.
4. A "no dumping" sign or label shall be affixed to the box indicating that no donations are to be left on premises unless completely contained with the box.

Section 6: Clothing Drop Box Placement.

1. Clothing Drop Boxes may be placed in locations where the Operator of the box is also the Property Owner or lessee of the lot.
2. Boxes must be located on a paved surface.
3. Operators maintaining a physical clothing drop-off facility within Cass County may also have one box in an off-premises location with the written consent of the Property Owner of the off-premises location.
4. No more than two boxes may be placed on a lot.
5. Clothing Drop Boxes shall be located a minimum of 20 feet from any driveway curb-cut and outside any sight-distance triangle. Boxes shall not be located within any required street frontage buffer or landscape buffer, or front side or rear yard setback.
6. A Clothing Drop Box may not encroach on any minimum required parking spaces.
7. Boxes may only be placed on property with a commercial or industrial zoning classification, excluding those areas contained within an "H", or historic overlay district.

Section 7: Clothing Drop Box Maintenance.

1. The area around a Clothing Drop Box shall be kept free of debris and shall be emptied often enough so that the donations do not overflow.
2. Boxes shall not have structural damage, holes, visible rust or chipping in the paint.
3. Any sign or label affixed to the box shall pertain only to the box, the sponsoring organization, and the prohibition against overfilling/dumping.

Section 8: Portable Storage Structures.

1. The use of Portable Storage Structures is allowed provided there are no more than one (1) per property, and must be placed on a paved surface.
2. Portable Storage Structures must be no larger than ten (10) feet wide, twenty (20) feet long and ten (10) feet high.
3. Portable Storage Structures may not remain in any zoning district in excess of thirty (30) consecutive days in any calendar year.
4. Portable Storage Structures must be set back a minimum of five (5) feet from all property lines and the nearest wall of a building.
5. Portable Storage Structures associated with a construction site where a building permit has been issued, are permitted for the duration of construction and shall be removed from the site within fourteen (14) days of the end of construction. The limit of one (1) per property referred to above shall not apply to construction sites.

Section 9: Enforcement and Penalties.

1. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.
2. If any part of this ordinance shall be determined to be invalid or unconstitutional, such shall not affect or impair any remaining portions or provisions.
3. Penalties for violation of this ordinance, including failure to obtain licenses and permits, and failure to remove non-compliant boxes shall be as set forth in Section 1-11 of Pleasant Hill Code of Ordinances, including a possible fine up to \$500.00.

Section 10: Effective Date.

This ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the City Council of the City of Pleasant Hill,

Missouri this 14th day of April, 2014.

MAYOR

April 14, 2014
Date of Approval

ATTEST:

CITY CLERK