



### 5.13. A Clothing Donation Containers

- 1) **Definition**—Any structure or container which has four walls, a roof and a floor, not to exceed the dimensions of six feet, one inch (6'1") 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.
- 2) **Permit Required** – It shall be unlawful for any person, organization or entity to place and/or operate a Clothing Donation Container within the City of Bedford without having first obtained a permit pursuant to this Section.
  - a. Any person, organization or entity seeking a permit under this Section shall file an application on a form to be furnished by the City containing the following information:
    1. Applicant's name, business/organization name, and business/organization address, phone number, website (if applicable), name of responsible party, and email address for responsible party;
    2. Proof that applicant is a registered 501(c)(3) nonprofit corporation or has been granted tax exempt status by the Texas Comptroller of Public Accounts or registration as a nonprofit organization with the Texas Secretary of State;
    3. Proof of current general liability insurance with coverage limits equal to or greater than ONE MILLION DOLLARS (\$1,000,000), which also adds the City of Bedford as an additional insured and agrees to indemnify and hold harmless the City of Bedford;
    4. Description of the Clothing Donation Container, including drawing(s), size, design, and construction material, to be covered by the permit;
    5. Copy of a site plan showing the proposed location of the Clothing Donation Container on the lot, including any screening or landscaping proposed;
    6. If the applicant is not the owner of the property upon which the Clothing Donation Container is to be placed, a notarized affidavit from the property owner indicating written consent for placement and operation of the Clothing Donation Container on the property, and acknowledgment that the property owner and Clothing Donation Container operator shall be joint and severally liable for any violations of this Section; and
    7. Annual permit fee of ONE HUNDRED DOLLARS (\$100.00).
  - b. The City shall either approve or deny the permit application within thirty (30) days of receipt of the completed application and payment of the annual permit fee. The City shall deny a permit application for one or more of the following reasons:
    1. Failure to provide all information required subsection 2(a) above;
    2. City determination that applicant has submitted inaccurate, erroneous or incomplete information;
    3. False statement(s) related to material matter(s) made in application for a permit;
    4. Refusal or failure to pay the annual permit fee; or

5. Revocation of a permit issued pursuant to this Section within two (2) years preceding the filing of the application.
  - c. Any permit issued pursuant to this Section shall be valid for one (1) calendar year from issuance, unless it is suspended or cancelled earlier. Applicants must re-apply for any renewal(s) of previously issued permits.
  - d. Any permit issued pursuant to this Section shall be valid only for the specific Clothing Donation Container described in the permit application. A permit is required for each individual Clothing Donation Container.
  - e. Any permit issued pursuant to this Section shall automatically expire if the permit holder removes the Clothing Donation Container from its permitted location, or the property owner(s) request that the Clothing Donation Container be removed from the property.
  - f. Any permit issued pursuant to this Section is not assignable or transferrable under any circumstances.
- 3) **Minimum Lot Requirements** – Clothing Donation Containers shall only be allowed as an ancillary use in any non-residential zoning district (“S”, “L”, “H”, and “I”) on lots greater than five hundred (500) square feet in size.
  - 4) **Physical Container Requirements** – A Clothing Donation Container shall have four walls, a roof and a floor, and not exceed seven feet (7”) in height, six feet, one inch (6’ – 1”) in width or depth, or exceed thirty-six (36) square feet in total area. Its content must be secured and not accessible to anyone other than those responsible for retrieval of its contents. It must be constructed of a weatherproof or weather resistant material, be of adequate weight to not be moved by wind, and built substantially enough as to not pose any public threat. It must be painted or finished of earth tones and in a manner that it visually coherent and conducive to its surrounding 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.
  - 5) **Posting Operator Contact Information** – A Clothing Donation Container shall contain upon the front side, in at least two-inch (2”) type, the name, address, phone number, email address and website (if applicable) of the Clothing Donation Container permit holder and/or operator.
  - 6) **On-Site Placement Requirements** – Clothing Donation Containers shall only be placed on a property subject to the following conditions:
    - a. Only one (1) Clothing Donation Container shall be placed on a single parcel of property.
    - b. A Clothing Donation Container shall be placed on a platted lot.
    - c. A Clothing Donation Container shall be placed behind all applicable setbacks as required by the Bedford Zoning Ordinance.
    - d. A Clothing Donation Container shall be placed on an improved surface.
    - e. A Clothing Donation Container shall be located in a manner that it does not impede vehicular or pedestrian traffic, nor visually impair any motor vehicle drivers from a public street.
    - f. A Clothing Donation Container shall be located in a manner that it does not interfere with vehicle entrances or exits, on-street parking, or off-street parking maneuvering area, such that the Clothing Donation Container may cause safety hazards and/or unnecessarily inconvenience vehicular or pedestrian traffic.
    - g. A Clothing Donation Container shall not be located in any parking space required to meet the minimum parking requirements for a site and may not be located in any platted or dedicated access easements or fire lanes.
    - h. A Clothing Donation Container shall not be located in any required landscaped area or buffer yard area, and shall not be located within fifty feet (50’) of a property being used for residential purposes.

i. A Clothing Donation Container shall be placed at least two hundred feet (200') away from another Clothing Donation Container located on adjacent lots.

j. A Clothing Donation Container shall be located in a manner that it does not pose a safety hazard with regards to a designated fire lane or building exit.

k. Clothing Donation Containers must comply with any other requirements imposed as part of the site plan approved for the property.

l. No specific landscaping, screening fences or walls are required around Clothing Donation Containers, but aesthetically pleasing site design considerations are encouraged.

**7) Service and Maintenance Requirements** - Clothing Donation Containers shall only be placed on a property subject to the following conditions:

a. A Clothing Donation Container shall be maintained in good condition and appearance, and be free of any structural damage or defects, holes, visible rust, or graffiti.

b. A Clothing Donation Container shall be serviced and emptied as necessary, but in no event, shall the Clothing Donation Container be serviced and emptied less than once every seven (7) days. A Clothing Donation Container operator and/or property owner shall have twenty-four (24) hours from receiving notice from the City to service and empty the Clothing Donation Container. Failure to service and empty the Clothing Donation Container within twenty-four (24) hours of receipt of notice from the City shall constitute a violation of this Section.

c. A Clothing Donation Container shall maintain, or cause to be maintained a ten (10) foot radius area surrounding the Clothing Donation Container free from any trash, debris or other material. A Clothing Donation Container operator and/or property owner shall have twenty-four (24) hours from receiving notice from the City to remove any trash, debris or other material from and around the Clothing Donation Container. If the Clothing Donation Container operator and/or property owner fail to do so, the City may remove or cause to be removed any such trash, debris or material at the Clothing Donation Container operator's and/or property owner's expense.

**8) Violations** – Any person who violates any provision of this Section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in accordance with Section 1-7 of the City of Bedford Code of Ordinances. Each day of violation shall constitute a separate offense. Both the Clothing Donation Container operator and property owner shall be jointly and severally liable for any violations under this Section.