

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS, AMENDING THE CODE OF ORDINANCE BY AMENDING CHAPTER 6 ‘BUSINESS REGULATIONS’ BY ADDING NEW ARTICLE 6-19 ‘DONATION RECEPTACLES’; PROVIDING FOR DEFINITIONS, PURPOSE, APPLICABILITY, REGISTRATION, PERMIT REQUIREMENTS, APPLICATION REQUIREMENTS, DONATION RECEPTACLE REQUIREMENTS, TRANSFER OF PERMIT PROHIBITED, FEES AND PENALTIES; PROVIDING FOR A FINE OF UP TO \$500 FOR EACH VIOLATION; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the increase in the number of persons or entities desiring to collect clothing and household products for charitable purposes has led to the proliferation of donation receptacles in various areas of the City; and

WHEREAS, the inability of landowners to accurately identify the owners of said donation receptacles has resulted in decreased accountability on the part of donation receptacle owners; and

WHEREAS, the failure to properly empty and clean donation receptacles has resulted in an unsightly and littered appearance near said donation receptacles; and

WHEREAS, City Council finds that regulating the placement and use of donation receptacles is necessary for the health, safety and welfare of the general public, the promotion of consistent land uses and development, and the protection of landowners and residents of the City of Coppel;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF COPPELL, TEXAS, THAT:

SECTION 1. That the Code of Ordinances of the City of Coppel, Texas, be and the same is hereby amended by amending Chapter 6 ‘Business Regulations’ by adding new article 6-19 “Donation Receptacles”, which shall read as follows:

“CHAPTER 6 BUSINESS REGULATIONS

ARTICLE 6-1. - MESSAGE ESTABLISHMENTS

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ARTICLE 6-19. DONATION RECEPTACLES

Sec. 6-19-1. – Title.

This Article of the Code of the City of Coppell is hereby designated and shall be known and referred to as the “Donation Receptacles” Article of the City Code of Ordinances.

Sec. 6-19-2. – Purpose.

The purpose of this Article is to protect the public health, safety and welfare of Coppell residents by requiring the registration and permitting of donation receptacles on private property within the City limits of the City of Coppell. This Article further serves to protect the aesthetic well-being of the community and promote the tidy and ordered appearance of developed property. The provisions included herein are intended to provide efficient legal remedies for unpermitted or poorly maintained donation receptacles that threaten the orderly development of the City. These provisions are cumulative of all City ordinances.

Sec. 6-19-3. – Applicability.

- a. The requirements of this article shall apply to all donation receptacles regardless of whether said receptacles were placed prior to the effective date of these regulations. No previously placed donation receptacles shall be granted any legally non-conforming rights under this article.
- b. The operator of a donation receptacle in existence within the city limits at the time of adoption of this article and the owner of the property on which the existing receptacle is located shall be given written notice by the city that they have thirty (30) days to either obtain an annual permit for the existing donation receptacle or remove the donation receptacle from the property. The operator of an existing donation receptacle or the owner of the property on which the receptacle is located may, alternatively, within these thirty (30) day-time periods, give the city written permission to remove and dispose of the existing donation receptacle.
- c. The notice required by this section shall be mailed to the address of the property owner listed on the appraisal district records and the address posted on the donation receptacle, if any. The notice shall also be posted on the donation receptacle itself. The operator and property owner shall have thirty (30) days from the day the notice is placed in the U.S. mail or posted on the receptacle, whichever is later, to obtain a permit or otherwise comply with the requirements of this article.
- d. If the city removes and disposes of a donation receptacle under this article, the property owner and donation receptacle operator shall be responsible, jointly and severally, for payment to the city for the reasonable and necessary costs of removal and disposal.

Sec. 6-19-4. – Definitions

Administrator is the director of the department designated by the city manager to enforce and administer this article, and includes the director’s designees.

Donation receptacle is an enclosed structure, trailer, receptacle, container, or other similar free-standing structure located outside of an enclosed building in a place accessible by the public and designed or intended for the collection and temporary storage of donated personal property.

Operator is any person who owns, operates or is otherwise in control of a premises donation receptacle.

Permit holder means the person who was issued a donation receptacle permit.

Person is an individual, partnership, association, firm, company, organization, corporation, or entity of any kind.

Property owner is the person or entity that is the legal owner of the real property or includes any manager or property manager that has custody or control of the real property upon which the donation receptacle is located.

Sec. 6-19-5. – Donation Receptacle – General Provisions

- a. It shall be unlawful for any person to place or maintain, or allow to be placed or maintained, any donation receptacle within the City of Coppell, without having first secured a permit and decal in compliance with the provisions of this Article.
- b. Any donation receptacle located within the jurisdiction of the City of Coppell that does not have a current, valid permit (or any permitted donation receptacle that has received more than two (2) notices of violation from the City in the past 12 months) shall be subject to impoundment by the City. Any donation receptacle impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees.
- c. Donation receptacles shall only be permitted to be placed on real property located within the following zoning use districts: (C) Commercial District, (R) Retail, (HC) Highway Commercial, and (LI) Light Industrial District, or any zoned property owned by Coppell Independent School District or Carrollton Farmers Branch Independent School District, See Section 6-19-9(2). Donation receptacles shall not be permitted to be placed on real property located within any other zoning use districts.

Sec. 6-19-6. – Donation Receptacle Permit and Decal Required to be Displayed

It shall be unlawful for any person that owns, leases, is in control of, or is entitled to possession of real property within the City of Coppell, to cause, permit, suffer or allow any donation receptacle to be placed on or remain on such real property without first obtaining a valid permit as provided in this Article. The decal must be attached to the donation receptacle at all times.

Sec. 6-19-7. – Permit Requirements

A permit and decal to allow a donation receptacle to be placed and used on designated real property shall be issued by the Administrator after inspection and verification that the following conditions are satisfied:

- a. The person receiving a permit to place or maintain a donation receptacle is registered to operate in the State of Texas as a non-profit corporation *or* has proof of a written agreement to solicit on behalf of such a non-profit corporation.
- b. Contact information which can be used to contact the operator twenty-four (24) hours a day, seven (7) days a week if the premises surrounding the donation receptacle is unkempt or another issue related to the donation receptacle needs immediate attention;
- c. An address where official notices can be sent;
- d. The real property owner provides written authorization allowing the donation receptacle on the property.
- e. The permit holder agrees to be responsible for collecting the contents of the donation receptacle on a weekly basis in order to prevent overflow and littering.
- f. No more than one (1) donation receptacle may be permitted for placement on any one lot. In the case of a commercial or industrial development that consists of multiple platted lots, the Administrator shall treat the commercial or industrial development as if it is only one contiguous lot.
- g. No donation receptacle shall exceed 50 square feet in size.
- h. Each donation receptacle shall clearly indicate in writing on the side of each receptacle that all donations must fit into and be placed within the donation receptacle.
- i. The permit holder placing or maintaining the donation receptacle shall permanently display current contact information including street address and phone number on the donation receptacle. Said information must be readable and clearly visible to the public.
- j. Each donation receptacle shall be constructed from a metal or weather resistant materials.

Sec. 6-19-8. – Permit application requirements

An application for a donation receptacle permit under this article shall be submitted annually upon a form provided by the City and shall include:

- a. The address or other identification of the property where the donation receptacle would be situated;
- b. A site plan showing where on the property the donation receptacle will be located and specifically containing:
 1. Location and dimensions of all parcel boundaries;
 2. Location of all buildings;
 3. Proposed donation receptacle location;
 4. Distance between the proposed donation receptacle and parcel lines and buildings;and

5. Location and dimensions of all existing and proposed driveways, garages, carports, parking spaces, maneuvering fire lanes ingress/egress, pavement and striping/markings.
- c. An elevation of the donation receptacle showing the appearance, materials, and dimensions of all sides of the donation receptacle;
- d. A description and/or diagram of the proposed locking or security mechanism of the donation receptacle;
- e. The name, physical address, mailing address, and telephone number of the applicant and all owners of the donation receptacle as well as identify the persons who will benefit or profit from any donations generated by collecting from the donation receptacle;
- f. Written consent from the property owner and Lessee, if any, to place the donation receptacle on the property;
- g. A detailed maintenance and collection schedule for the donation receptacle which collection will include removal of items and debris on and around the donation receptacle on a weekly schedule; and
- h. Evidence of compliance with section Article 6-19-9 of this article.

Sec. 6-19-9. Donation receptacle requirements

All donation receptacles located within the city limits must meet the following requirements:

- a. A donation receptacle shall only be placed on a lot which contains a building that is an ongoing business.
- b. Donation receptacles shall only be permitted to be placed on real property located within the following zoning use districts: (C) Commercial District, (R) Retail, (HC) Highway Commercial, and (LI) Light Industrial District, or any zoned property owned by Coppell Independent School District or Carrollton Farmers Branch Independent School District, See Section 6-19-9(2). Donation receptacles shall not be permitted to be placed on real property located within any other zoning use districts.
- c. No more than one (1) donation receptacle may be permitted for placement on any one (1) lot. In the case of shopping center or office development that consists of multiple platted lots, the administrator shall treat the shopping center or office development as if it is one contiguous lot.
- d. A donation receptacle shall be located so as not to interfere with visibility triangles, on-site vehicle or pedestrian circulation, landscaping, and required parking.
- e. A donation receptacle shall be placed on a concrete surface.
- f. A donation receptacle shall not be placed in a required building setbacks, access easement, drainage easement, floodplain, utility easement or fire lane.
- g. Donation receptacle shall not be located in or impede access to any required parking or driveways, pedestrian routes, emergency vehicle routes, building ingress or egress, required disabled access routes, required easements, trash enclosure areas or access to trash bins or trash enclosures, or any place that would impede the functioning of exhaust, ventilation or fire extinguishing systems.

- h. A donation receptacle shall not be placed within two hundred (200) feet of any residentially zoned property, said distance to be measured from residential lot line to donation receptacle.
- i. Donation receptacle shall not be located closer than two hundred (200) feet from any other receptacle even if located on different tracts of land or lots.
- j. At least one (1) dedicated parking space also shall be required for use of persons accessing the donation receptacle.
- k. A donation receptacle shall be enclosed by use of a receiving door and locked so that the contents of the donation receptacle may not be accessed by anyone other than those responsible for the retrieval of the contents.
- l. A donation receptacle shall not cover a ground surface area of more than fifty square feet, and shall not exceed seven (7) feet in height.
- m. Each donation receptacle shall be screened from view from the nearest public street or right-of-way. Each donation receptacle must be screened on three sides with materials that match the main building of the lot where it is located. Minimum screening shall consist of a seven (7) foot masonry wall. All screening shall be constructed to prevent the storage or placement of donations outside the donation receptacle, with the screening wall itself being no more than two feet (2') from the screened donation receptacle.
- n. A donation receptacle shall be constructed from metal material and be painted a solid color. No high-intensity or fluorescent colors shall be used for the receptacle or associated signage which shall be maintained in good and working order as provided in Section 6-9-1.
- o. Each donation receptacle shall clearly indicate in writing on the side of each receptacle that all donations must fit into and be placed within the receptacle.
- p. The donation receptacle shall not take up any required parking spaces and must be on an concrete surface.

Sec. 6-19-10. Transfer of permit prohibited

Permits issued under the provisions of this Article shall be non-transferable and the authority a permit confers shall be conferred only on the permit holder named therein.

Sec. 6-19-11. Maintenance and upkeep

- a. The operator and the property owner shall be held jointly and severally liable and responsible for compliance with this section, for the maintenance, upkeep and servicing of the donation receptacle, and for clean-up and removal of any donations left on the property outside of the receptacle.
- b. Each donation receptacle shall be maintained in good working order and free from graffiti, damaged signs and notifications, peeling paint, rust, and broken parts or operating mechanisms.
- c. The visual and structural integrity of the donation receptacle must be in a good and clean appearance and structural integrity.

- d. Donation receptacles shall be serviced weekly between 7:00 a.m. and 6:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This service includes the maintenance of the donation receptacle, the removal of collected material, and the abatement of any graffiti, litter, unsanitary or accumulation of material outside the receptacles or otherwise in a nuisance condition in, on or around the donation receptacle.
- e. The operator and property owner of each donation receptacle shall ensure that each receptacle is emptied of its contents on a weekly basis, in accordance with the maintenance and collection schedule submitted with the permit application for the donation receptacle and more frequently, if necessary, to prevent overflow of donated items into the area surrounding the donation receptacle. In cases where items are found outside the donation receptacle, whether on the ground around the donation receptacle or on top of the donation receptacle, the operator and property owner shall be found to be in violation of this article.
- f. The operator and property owner shall maintain, or cause to be maintained, the area within twenty (20) feet of the donation receptacle free from any junk, debris, overflow items, dumped materials, or other materials. The property owner and operator shall be responsible to the extent provided by law for the city's cost to abate any nuisance.
- g. The visual and structural integrity of the donation receptacle must be maintained continuously.
- h. Each donation receptacle shall at all times clearly and conspicuously display on the exterior of the donation receptacle the name, address, and telephone number of the operator of the donation receptacle and the permit number and its date of expiration as well as a statement that a copy of the permit application is on file with the city secretary.
- i. The operator shall maintain on file with the city an active email address and a 24-hour telephone service with recording capability for the public to register complaints. If the official notice information for the permit holder changes, the permit holder shall provide updated notice information to the director within twenty-four (24) hours.
- j. Any conditions that are in violation of this section must be remediated or abated within forty-eight (48) hours of being reported to the operator or property owner.
- k. The current permit decal for the specific receptacle must be affixed and displayed at all times on the outside of the donation receptacle.
- l. The donation receptacle shall only be used for the solicitation and collection of clothing and household materials only. All donation materials must fit into and be placed inside the donation receptacle. The placement, accumulation or collection of any materials outside the container is strictly prohibited.
- m. The City shall have the authority to abate any property or revoke any permit in violation of this article that is deemed a public nuisance under the procedures contained in the Code of Ordinances.

Sec. 6-19-12. Fees

Nonrefundable annual application fees set for in this article shall be set by resolution of the City Council. The fee must be paid at the time of submission of the permit or renewal

application. To the extent that any person may be exempt from paying this annual permit fee pursuant to any other law, that person must still annually apply for and secure a permit.

Sec. 6-19-13. Revocation of Permit; removal of donation receptacles and liability

- a. The operator and property owner shall be given written notice of any conditions constituting a violation of this article. Any conditions that are in violation of this article and not remedied within forty-eight (48) hours of receipt of written notice thereof shall result in revocation of the permit for the donation receptacle at issue.
- b. (1) The administrator shall have the right to revoke any permit issued hereunder if any of the grounds upon which the administrator may refuse to issue a permit is found by the administrator to exist. In addition, the failure of the operator or property owner to comply with the provisions of this article or other provisions of this code or other law shall also constitute grounds for revocation of the permit. (2) The administrator shall provide written notice to the operator, and property owner stating the specific grounds for revocation. (3) Upon revocation, the donation receptacle shall be removed from the property within thirty (30) calendar days and if not removed within this time period, the city may remove and dispose of the donation receptacle and the operator and property owner will be jointly and severally liable for payment to the city of the reasonable and necessary costs of such removal and disposal. (4) Upon revocation, the affected operator and property owner shall be prohibited from applying for a permit for a period of two years. (5) any revocation of a permit may be appealed to the Board of Adjustment within ten (10) days after notice of revocation is issued by the City. Upon a finding that the permit is operating a nuisance it shall uphold the revocation. All decisions of the Board of Adjustment shall be final.

Sec. 6-19-14. Offense/Penalty

1. A person who violates any provision of this Article by performing an act prohibited or by failing to perform an act required is guilty of a Class C misdemeanor punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00) per day. Each day the violation continues shall be a separate offense.
2. A culpable mental state is not required for the commission of an offense under this Article.
3. Nothing in Article shall limit the remedies available to the City in seeking to enforce the provisions of this Article.
4. All other legal remedies are reserved by the City if necessary to enforce the provisions of this Article. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this Article.”

SECTION 2. That all provisions of the Ordinances of the City of Coppell, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other

provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 4. That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Coppell, Texas, this the _____ day of _____, 2025

APPROVED:

Wes Mays, MAYOR

ATTEST:

Ashley Owens, CITY SECRETARY

APPROVED AS TO FORM:

Robert E. Hager, CITY ATTORNEY