

12-12-23

32608

ORDINANCE NO. _____

An ordinance amending Chapter 7A, “Anti-Litter Regulations,” of the Dallas City Code by adding Section 7A-4.1; providing an application process for unattended drop box permits; providing regulations for unattended drop boxes; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Chapter 7A, “Anti-Litter Regulations,” of the Dallas City Code is amended by adding a new Section 7A-4.1, “Unattended Drop Boxes,” to read as follows:

“SEC. 7A-4.1. UNATTENDED DROP BOXES.

(a) Purpose. The purpose of this section is to eliminate nuisance, blight, and safety issues associated with unattended drop boxes by establishing operator and property owner accountability through a permitting and application process and time, place, and manner restrictions.

(b) Applicability. Except as provided in this section, the requirements of this section apply to all unattended drop boxes regardless of whether the unattended drop boxes were placed prior to the effective date of these regulations.

(c) Definitions. For purposes of this section,

(1) DEPARTMENT means the department of code compliance.

(2) DIRECTOR means the director of the department of code compliance or the director’s representative.

(3) OPERATOR means a person who maintains an unattended drop box to solicit collections of salvageable personal property.

(4) PROPERTY means a lot, plot, or parcel of land, including any structures on the land.

(5) UNATTENDED DROP BOX (UDB) means any unattended or unstaffed outdoor container, box, receptacle, or similar device or facility, designed with a door, slot, or other

opening that is used for soliciting and collecting donations of textiles, clothing, shoes, books, toys, dishes, and other salvageable items of personal property to be used by the operator for distribution, resale, or recycling. This term does not include unattended boxes intended for the collection of mail or parcels conveyed by the United States Postal Service or private shipping companies. A drop box is considered “unattended” for purposes of this section if a person dropping any of the above-listed items may do so while there is no representative or employee of the operator present to receive the items.

(d) Application.

(1) Applications for UDB permits must be made on a form provided by the department and must include the following information:

(A) The legal name, street address, mailing address, e-mail address, and telephone number of the operator and property owner who can be reached 24 hours a day, seven days a week, in the event of an emergency condition involving the UDB.

(B) A signed authorization from the property owner, property manager, or an authorized agent where the proposed unattended box is to be placed if the property owner is not the operator.

(C) A non-refundable application fee of \$248.

(D) A site plan showing:

(i) location and dimensions of property boundaries;

(ii) location of all buildings located on the property;

(iii) proposed UDB location; and

(iv) distance between the proposed UDB and any structures located on adjacent properties.

(E) Elevations showing the appearance, graphics or designs, materials, and dimensions of the UDB.

(F) A description of the proposed locking mechanism for the UDB.

(G) A maintenance plan, including graffiti removal, weekly pick-up schedule, and litter and trash removal on and around the UDB, that is sufficient to prevent and eliminate blight-related conditions.

(H) Any other information regarding time, place, and manner of the UDB operation, placement, or maintenance that the director requires to evaluate the operator’s application consistent with the requirements of this chapter.

(2) An applicant shall notify the director within 10 days after any change in the information provided to the director.

(3) Each UDB must comply with all applicable state and federal laws, including, but not limited to, Section 17.922 of the Texas Business and Commerce Code.

(e) Permit expiration and renewals.

(1) A permit for a UDB expires one year after the date of issuance.

(2) A permit may be renewed by making an application in accordance with Section 7A-4.1(d). An applicant shall apply for renewal at least 30 days before the expiration of the permit.

(f) Permit issuance.

(1) The director shall issue a permit for a UDB, along with a permit decal, within 60 calendar days of receipt of a complete application, if the director determines that:

(A) the applicant has complied with all of the application requirements for issuance of the permit and decal listed in subsection (d) and the proposed UDB is in compliance with all of the regulations listed in subsection (1); and

(B) the applicant has not made a false statement as to a material matter in an application for a permit.

(2) Permits may not be transferred, conveyed, or assigned to another operator.

(3) The fee for issuing a replacement UDB permit decal for one that is lost, stolen, damaged, or destroyed is \$101.

(g) Application denial.

(1) The director shall deny, within 60 calendar days of receipt of a complete application, an application if the director determines:

(A) the operator has had a UDB permit revoked within the preceding 12-month period or the property owner has had a UDB permit revoked on the subject property within the preceding 12-month period;

(B) the applicant, property owner, or operator intentionally made a false statement as to a material fact in the application for a UDB permit; or

(C) the operation or location of the UDB would violate the regulations in paragraph (1) of this subsection.

(2) If the director determines that an applicant's application should be denied, the director shall issue by personal service or mailed via United States certified mail and first class

mail to the operator's last known address that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.

(h) Permit revocation.

(1) A permit issued under this section may be revoked by the director if the operator or property owner:

(A) has received one or more citations for a violation of this section within the preceding 12 months;

(B) intentionally made a false statement as to a material fact in the application for a UDB permit; or

(C) has failed to notify the director of any material change of information in the permit application as required in Section 7A-4.1(d)(2).

(2) Before revoking a permit, the director shall deliver written notice to the permit holder that the permit is being considered for revocation. The notice must include the reason for the proposed revocation, action the permit holder must take to prevent the revocation, and a statement that the registrant has 10 days after the notice is mailed to comply with the notice. Notice must be mailed via United States certified mail and first class mail to the operator's address that is on file.

(3) If, after 10 days from the date the notice is mailed, the permit holder has not complied with the notice, the director shall revoke the permit and deliver written notice of the revocation to the permit holder via United States certified mail and first class mail. The notice must include the reason for the revocation, and a statement informing the permit holder of the right of appeal.

(i) Appeals. If the director denies issuance or renewal of a permit or revokes a permit, this action is final unless the applicant or operator files an appeal with the permit and license appeal board in accordance with Section 2-96 of this code.

(j) Removal of UDB. The operator or property owner must remove the UDB no more than 10 days after the revocation or 10 days after the final resolution of the appeal hearing. Failure to timely remove a UDB in compliance with this subsection is a violation of this section.

(k) One-year waiting period. If a permit is revoked, no additional permit must be issued to that operator or property owner within one year after the revocation date.

(l) UDB regulations.

(1) Violation. A person commits an offense if the person violates a provision of this section or places, maintains, or allows to be placed, or maintained, a UDB at any location without a valid permit issued in accordance with this section.

(2) Maximum number. Only two UDBs are allowed at any building site. A separate permit is required for each UDB.

(3) Location.

(A) UDBs are prohibited on a building site that has a residential use and the following areas:

- (i) Within required zoning and building line setbacks.
- (ii) Visibility triangles as defined in Section 51A-4.602.
- (iii) Required parking areas.
- (iv) Driveways.
- (v) Sidewalks.
- (vi) Easements.
- (vii) Fire lanes.
- (viii) Floodplains.
- (ix) City rights-of-way.
- (x) Vacant lots as defined in Chapter 48B.
- (xi) City owned or controlled property.
- (xii) Any location that will impede traffic; impair motor vehicle operation within a parking lot, driveway, street or alley; or block access to off-street parking spaces, access easements, fire lanes, fire hydrants, or dumpsters.

(B) UDBs may not be located within 1,100 feet of any other property where UDBs are located.

(C) UDBs may only be placed on concrete or asphalt surfaces.

(4) Permit decal display. Each permitted UDB must display a clearly visible decal on the outside of the UDB, adjacent to where goods are being placed in the box, that contains the following information:

- (A) UDB permit number.
- (B) Dates the permit is valid.
- (C) Permit issuance date.
- (D) ISO form number.
- (E) Service request number.
- (F) Revision number.

(5) Maximum dimensions. A UDB may not exceed 84 inches in height, 48 inches in depth, 48 inches in width, and a total volume of 112 cubic feet. This paragraph does not apply to UDBs placed prior to the effective date of this section.

(6) UDB construction material. Each UDB must be constructed of metal material.

(7) Operator name and contact information display. Each UDB must display the UDB operator's name and a current phone number at which the operator can be reached. The operator's name and phone number must be in reasonably visible font on one of the UDB's sides.

(8) Item removal. The operator and property owner must remove all items placed within the UDB at least one time per week.

(9) Operation and maintenance.

(A) The operator and property owner are responsible for the maintenance, upkeep, and servicing of the UDB and cleanup and removal of any graffiti, items left outside of the UDB, and any other detractors.

(B) The city is authorized to abate any property in violation of this section that is deemed a public nuisance under the procedures in Section 31-10.

(C) The structural integrity of the UDB must be maintained at all times.

(D) The operator and property owner shall keep the property within 25 feet of the location of a UDB clean and free of trash, debris, broken glass, coat hangers, clothes, clothing accessories, or other items.

(E) UDBs must have a collection opening with a tamper resistant locking mechanism.

(F) UDBs may not be electronically or hydraulically powered or otherwise mechanized.

(G) UDBs may not be a fixture to the site or considered an improvement to real property.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 3. That Chapter 7A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or

part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect 90 days after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, City Attorney

By Matthew Green
Assistant City Attorney

Passed DEC 13 2023



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL DEC 13 2023

ORDINANCE NUMBER 32608

DATE PUBLISHED DEC 13 2023

ATTESTED BY: