

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING TITLE XI OF THE MANSFIELD, TEXAS CODE OF ORDINANCES, ENTITLED "BUSINESS REGULATIONS" BY AMENDING SECTION 116.02, ENTITLED "PERMITS" OF SUBCHAPTER "DONATION BOX PERMITS"; AMENDING SECTION 116.03, ENTITLED "MAINTENANCE" OF SUBCHAPTER "DONATION BOX PERMITS" OF CHAPTER 116, ENTITLED "DONATION BOX PERMITS AND ENFORCEMENT"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield, Texas is a home-rule municipality located in Tarrant County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter; and

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Mansfield to amend Title XI of the Code of Ordinances of the City of Mansfield to regulate donation boxes as provided herein;

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

SECTION 1.

That Section 116.02, entitled "Permits" is hereby amended to read as follows:

§116.02 PERMITS.

A donation box permit must be obtained from the Department of Regulatory Compliance for all donation boxes to be located in the City of Mansfield, subject to the following requirements:

(A) ~~Donation boxes are only allowed as an accessory use as shown in Prior to the issuance of a donation box permit, the operator of a donation box shall obtain a specific use permit in accordance with § 155.080 of this code if required by~~ § 155.054(B), "Permitted Use Table," Table D. All donation boxes allowed under Ch. 155, ~~whether allowed by right, permitted under a specific use permit, or permitted~~ as an accessory use, require issuance of a permit under this chapter.

(B) A separate permit is required for each donation box located in the city.

(C) The property owner, property owner's designated agent, property manager, or property's lawful occupant, shall sign and notarize the donation box permit application authorizing the placement of a donation box on the property.

(D) A decal to allow a donation box to be placed and used at a designated location shall be issued by Regulatory Compliance at the time of the approval of the donation box permit. The

decal shall be placed on the donation box in a visible location to identify the donation box as an allowed use on the property.

(E) The operator of the donation box shall be the applicant on a donation box permit application. If the donation box operator changes, the new operator must obtain a new donation box permit prior to the change in operation.

(F) The donation box permit application shall detail a service plan for each donation box. The operator of each donation box shall be responsible for collecting the contents of the donation box to prevent overflow and littering and shall pick up all donated items at least once per week. The service plan shall include information regarding how many times a week donated items will be collected, the time of day the items will be collected, a vehicular circulation plan and a graffiti and litter abatement plan.

(G) Upon submission of a complete permit application meeting all the requirements of this Chapter, the Department of Regulatory Compliance shall issue a donation box permit to the applicant within twenty (20) business days.

SECTION 2.

That Section 116.03, entitled “Maintenance” is hereby amended to read as follows:

§116.03 MAINTENANCE.

(A) Donation boxes and drop-off collection areas shall be properly maintained and comply with the following regulations:

(1) The operator of each donation box shall keep the real property situated within twenty-five (25) feet of the location of a donation box clean and free of trash, debris, broken glass, clothes hangers, clothes, clothing accessories or excess donations.

(2) The donation box operator and the real property owner, property owner’s designated agent, property manager, or property’s lawful occupant listed on the permit application shall be jointly and severally liable and responsible for the maintenance, upkeep and servicing of the donation box and the cleanup and removal of any donations left on the property outside of the donation box.

(3). Each donation box shall clearly indicate in writing on the front side of each box that all donations must fit into and be placed within the donation box. The size of lettering for the notice shall not be less than one-half inch in height.

(4) A donation box operator or the real property owner, property owner’s designated agent, property manager, or property’s lawful occupant listed on the permit application that fails to maintain the cleanliness of the surrounding real property may receive a notice of violation from the City. If the City elects to send a notice of violation to the email address on file for the operator, the operator shall have forty-eight (48) hours to remedy the complaint. Failure to comply with a notice of violation may result in the issuance of a citation by the City. An operator who is issued

more than one (1) citation in a twelve (12) month period for the same offense on the same donation box is subject to revocation of the approval for such donation box.

(B) It shall be unlawful for any person who owns, leases, is in control of or is entitled to possession of real property within the City of Mansfield to authorize or allow any donation box to be placed on or remain on such real property without a valid Donation Box Permit in compliance with the provisions of this Subsection.

(C) A violation of any of the provisions of this Section 116.03(A) or (B) shall constitute a public nuisance, and the City shall have the authority to abate any such violation as such. This provision does not exclude or limit the use of any other remedy available to the City under this Subsection, the Code of Ordinances, or the laws of the State of Texas.

SECTION 3.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Zoning Ordinance as a whole.

SECTION 5.

Any person, firm or corporation violating any of the provisions of this ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6.

This ordinance shall take effect immediately from and after its passage on first and final reading and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED on the first and final reading by the City Council of the City of Mansfield, Texas, this 22nd day of January, 2024.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY

Ashley Dierker, City Attorney