



City of
Los Banos
At the Crossroads of California

**Community & Economic
Development Department**
520 J St.

Los Banos, CA 93635
Phone: (209) 827-7000 ext. 2431
www.losbanos.org

DONATION BIN SUBMITTAL REQUIREMENTS

- ☐ Completed application, including the following information. *If additional space is needed please attach a separate sheet of paper to this application, as well as any supporting documentation necessary to verify the items listed below:*
 - Name, address, email, website (if available) and telephone number of the applicant
 - Name, address, email, website (if available) and telephone number of the operator of the unattended donation/collection box
 - Name, address, email, website (if available) and telephone number of the property owner of the parcel on which each donation/collection box is located
 - Name, address, email, website (if available) and telephone number of the person responsible for maintaining each donation/collection box
 - Signed notarized statement from the property owner or property owner's agent of the parcel consenting the placement of the unattended donation/collection box
 - If property owner agent, letter of authorization needed
 - Description of the manner in which the donated items will be utilized, whether it shall be used, sold, disposed of, or used for charitable purposes
 - If solicitation of donated item are for charitable purposes, written proof sufficient to establish that the operator who will utilize the unattended donation/collection box is qualified to solicit donations of salvageable personal property pursuant to California Welfare and Institutions Code Section 148.3, as amended
 - Outside dimensions of the unattended donation/collection box not to exceed four (4') feet by four (4') feet by six (6') feet
 - The text of the disclosures that will be made on the unattended donation/collection box as required by Section 9-3.4005(a)(4) and (5)
 - The physical address of the real property where the unattended donation/collection box shall be located
- ☐ Cost Recovery Contract
- ☐ Completed Environmental Checklist
- ☐ Site Plan
 - 8.5" x 11" format

- Depicting the proposed location of the unattended donation/collection box on the real property
- Depicting the size of the proposed unattended donation/collection box
- Application fee - \$432.81 Initial; \$163.24 Renewal

Note: *Staff may determine that supplemental information is necessary to verify compliance with the criteria specified in the submittal requirements referenced above.*

ARTICLE 40
REGULATION OF UNATTENDED DONATION/COLLECTION BOXES

§ 9-3.4001. Purpose and intent.

The purpose of this article is to regulate the placement of unattended donation/collection boxes within the City. The procedures and requirements of this article are enacted to:

- (a) Promote the community's health, safety, and welfare by regulating unattended donation/collection boxes for clothing or other salvageable personal property within the City;
- (b) Ensure that unattended donation/collection boxes do not pose a hazard to pedestrian and vehicular traffic;
- (c) Ensure that material is not allowed to accumulate outside of the unattended donation/collection boxes where it can be scattered by adverse weather conditions, animal contacts or human activities; and
- (d) Establish criteria that avoid attracting vermin, unsightliness, and public health hazard.

(§ 1, Ord. 1126, eff. February 21, 2015)

§ 9-3.4002. Definitions.

A "commercial fundraiser" is a person or corporation paid by a charity to raise money on the charity's behalf as defined in Government Code Section 12599(a).

"Director" means Director of the Community Development Department or designee.

"Nonprofit organization" means an organization that is exempt from taxation pursuant to Section 501(c)(3) or 501(c)(4) of the United States Internal Revenue Code.

"Operator" means a person, entity, association or organization who places, maintains or operates unattended donation/collection box(es) to solicit the donation or collection of salvageable personal property.

"Permittee" means the property owner or operator who is issued a permit authorizing the placement of unattended donation/collection box(es).

"Property owner" means the person, entity, association or organization who owns the real property where the unattended donation/collection boxes are or are proposed to be located.

"Residential district" includes residential zoning districts as established pursuant to Title 9 Chapter 3 of this Code.

"Unattended donation/collection box" means any unattended container, receptacle, or similar device that is located on any property within the City used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include recycle bins for the collection of recyclable materials governed or regulated by this Code.

(§ 1, Ord. 1126, eff. February 21, 2015)

§ 9-3.4003. Permits.

- (a) Unless otherwise exempt, it is unlawful and a public nuisance for any property owner or operator to place, operate, maintain or allow unattended donation/collection box(es) on real property unless the property owner or operator first obtains a permit pursuant to this article and the unattended donation/collection box is placed, operated and maintained in accordance with all provisions in this article.
- (b) One permit application per parcel shall be completed and filed, listing all unattended donation/collection box locations on the parcel. The permit application shall be made on a form provided by the Director and shall include the following information:
 - (1) The name, address, email, website (if available) and telephone number of the applicant;
 - (2) The name, address, email, website (if available) and telephone number of the operator of the unattended donation/collection box;
 - (3) The name, address, email, website (if available) and telephone number of the property owner of the parcel on which each unattended donation/collection box is located;
 - (4) The name, address, email, website (if available) and telephone number of the person who is responsible for maintaining each unattended donation/collection box;
 - (5) A signed notarized statement from the property owner or the property owner's agent of the parcel consenting to the placement of the unattended donation/collection box on the property;
 - (6) The manner in which the donated items will be used, sold, disposed of; whether the donated items will be used for charitable purposes and if so, a description of those charitable purposes;
 - (7) If the operator will be soliciting donations for charitable purposes written proof sufficient to establish that the operator who will utilize the unattended donation/collection box is qualified to solicit donations of salvageable personal property pursuant to California Welfare and Institutions Code Section 148.3, as amended;
 - (8) The outside dimensions of the unattended donation/collection box not to exceed four (4') feet by four (4') feet by six (6') feet;
 - (9) The text of the disclosures that will be made on the unattended donation/collection box as required by Section 9-3.4005(a)(4) and (5); and
 - (10) The physical address of the real property and a drawing sufficient to indicate the proposed location of the unattended donation/collection box on the real property, as well as the size of the proposed unattended donation/collection box(es).

- (c) Each application shall be accompanied by a nonrefundable fee in the amount established by resolution of the City Council. This fee shall be in addition to any fee or tax imposed by the City pursuant to any other provision of this Code.
 - (d) Applications shall be filed with the Director.
 - (e) Within 30 days of receiving a completed application, the Director shall issue a permit or deny the issuance of a permit.
 - (f) The Director shall not issue a permit unless:
 - (1) The property owner has submitted a complete and accurate application accompanied by the applicable fee;
 - (2) The proposed unattended donation/collection box is in compliance with all the requirements of this article; and
 - (3) The proposed location and placement of the unattended donation/collection box on the real property is in compliance with all applicable zoning and building regulations; this Code; State laws; and will not impede pedestrian, bicycle, site distances on to adjacent streets or vehicular traffic.
 - (g) If the Director denies an application the Director shall provide the applicant, in writing, the specific reasons for denial.
 - (h) A permit issued hereunder shall be valid for a maximum of three unattended donation/collection boxes per parcel of property. Each parcel of property where an unattended donation/collection box is located shall have its own individual permit.
 - (i) The term of the permit shall expire one year from the date of issuance.
 - (j) No person or operator to whom a permit has been issued shall transfer, assign, or convey such permit to another person or operator.
 - (k) Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the Director in writing of the intent to cancel the permit. The permit shall become void upon the Director's receipt of a written notice of intent to cancel the permit.
- (§ 1, Ord. 1126, eff. February 21, 2015)

§ 9-3.4004. Renewal of permits.

- (a) A permittee may apply for permit renewal by submitting to the Director, before the expiration of the permit, a renewal application and a non-refundable renewal fee in an amount set by resolution of the City Council.
- (b) The Director shall either approve or deny the renewal of a permit within 30 days of receipt of the complete renewal application and payment of the renewal fee.
- (c) The Director shall approve the renewal of a permit if he or she finds that no circumstances existed during the term of the permit, existed at the time of

submission of an application for renewal, or existed at any time during the review of the application for renewal, that are inconsistent with any finding required for approval of a new permit as specified in Section 9-3.4003, or that would justify the revocation of the permit as specified in Section 9-3.4006.

(§ 1, Ord. 1126, eff. February 21, 2015)

§ 9-3.4005. Requirements and maintenance.

- (a) The permittee and operator shall be individually and severally responsible for operating and maintaining, or causing to be operated and maintained, all unattended donation/collection boxes located in the City as follows:
 - (1) Unattended donation/collection boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti;
 - (2) Unattended donation/collection boxes shall be no more than four (4') feet by four (4') feet by six (6') feet;
 - (3) Unattended donation/collection boxes shall be locked or otherwise secured;
 - (4) Unattended donation/collection boxes shall contain the following contact information in two (2") inch type visible from the front of each unattended donation/collection box: the name, address, email, and phone number of both the permittee and operator;
 - (5) The front of every unattended donation/collection box shall display conspicuously a statement in at least two (2") inch font that either reads: "This collection box is owned and operated by a for-profit organization," or "This collection box is owned and operated by a nonprofit organization." For purposes of this article, a commercial fundraiser shall be classified as a for-profit organization. The unattended donation/collection box shall be marked clearly to identify the type of salvageable materials to be deposited.
 - (A) If the unattended donation/collection box is owned by a nonprofit organization, the front of the unattended donation/collection box shall also conspicuously display a statement describing the charitable cause that will benefit from the items donated.
 - (B) If the unattended donation/collection box is owned by a for-profit entity, the front of the unattended donation/collection box shall also conspicuously display a statement that reads "This collection is not tax deductible." If the unattended collection box is owned and operated by a commercial fundraiser, the commercial fundraiser may post notice of collections to a charitable cause only on the sides of the box. This notice shall always be smaller in size than the for-profit entity's name and address and shall constitute only 25% of the notice space of the box.
- (6) The permittee and operator shall place a copy of the permit in a prominent and visible location in the front of the box in plain view for inspection by the public

and City officials.

- (7) Unattended donation/collection boxes shall be serviced and emptied as needed, but at least once per month, or within five business days of a request by the Director.
- (b) The permittee and operator shall be individually and severally responsible for maintaining, or causing to be maintained, the area surrounding the unattended donation/collection boxes free of any junk, garbage, trash, debris or other refuse material.
- (c) The permittee and operator shall be individually and severally responsible for abating and removing all junk, garbage, trash, debris and other refuse material in the area surrounding the unattended donation/collection boxes within 24 hours of written or verbal notice from the City.
- (d) The permittee and operator shall be individually and severally responsible for all costs for abating and removing any junk, garbage, trash, debris and other refuse material from the area surrounding the unattended donation/collection boxes.
- (e) It is unlawful for any property owner or operator to place an unattended donation/collection box in any residential district.
- (f) No unattended donation/collection box location shall be placed within four hundred (400') feet from another unattended donation/collection box location.
- (g) No unattended donation/collection box shall be placed on required parking spaces, or within five (5') feet of the public right-of-way, or within any corner vision triangle, and shall not constitute a traffic hazard.
- (h) No more than three unattended donation/collection boxes shall be placed on each parcel of real property.
- (i) Failure to maintain an unattended donation/collection box in accordance with this section is a public nuisance.
- (§ 1, Ord. 1126, eff. February 21, 2015)

§ 9-3.4006. Revocation of permit, removal of unattended donation/collection boxes and liability.

The Director shall have the right to revoke any permit issued hereunder if any of the grounds to refuse issuance of the initial permit exists. In addition, the failure of the permittee 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. The Director shall provide a written notification to the permittee stating the specific grounds for revocation. Upon revocation, the unattended donation/collection box shall be removed from the permittee's real property within 30 calendar days and, if not removed within this time period, the City may remove, store and dispose of the unattended donation/collection box at the permittee's sole cost and expense. Upon revocation, a permittee shall be prohibited from applying for a permit for a period of one year. Any violation of

the provisions of this article is a public nuisance subject to abatement pursuant to this Code or as otherwise permitted by law.
(§ 1, Ord. 1126, eff. February 21, 2015)

§ 9-3.4007. Violation—Penalty.

In addition to any other remedy or penalty set forth in this article or this Code, administrative penalties may be imposed pursuant to applicable provisions of Chapter 11 Title 4 of this Code against any responsible party, in violation of any of the provisions of this article. Imposition, enforcement, collection and administrative review of administrative penalties imposed shall be conducted pursuant to Chapter 11 Title 4 of this Code. Nothing in this article shall limit the City from using any remedy legally available for violations of this article.
(§ 1, Ord. 1126, eff. February 21, 2015)

§ 9-3.4008. Appeals.

The decision of the Community and Economic Development Director or designee may be appealed as provided by the appeal procedure provided in Part 6 of Article 23 of this chapter.
(§ 1, Ord. 1126, eff. February 21, 2015, as amended by § 17, Ord. 1137, eff. October 2, 2015)

§ 9-3.4009. Administrative fees.

The City Council may by resolution establish reasonable fees and deposits to defray the cost of processing applications, proposals and for the administration of this article.
(§ 1, Ord. 1126, eff. February 21, 2015)

§ 9-3.4010. Exemption.

Unattended donation/collection boxes located entirely within the interior of a building are exempt from the requirements of this article.
(§ 1, Ord. 1126, eff. February 21, 2015)