

Exhibit A

Chapter 17.45 Collection Bins

17.45.010 Title.

This Chapter shall be known as the City of Lancaster's Collection Bins ordinance.

17.45.020 Findings and declaration.

The City Council finds and declares as follows:

A. The unregulated presence of collection bins, sometimes called donation bins, on private property often leads to bins encroaching on public rights-of-way, which poses a significant hazard to vehicular and pedestrian safety.

B. Additionally, many collection bins are not regularly maintained or monitored, which results in donated items overflowing out of the bins, creating a visual blight and providing a harborage for vermin. The presence of overflowing bins and/or a proliferation of bins in a concentrated area can create the appearance of an informal dumping area and attract unintended items such as couches, appliances, and electronics. Unattended and unmaintained bins are frequently targets for graffiti and other vandalism, which further leads to blight.

C. It is the purpose and intent of the City Council to protect public health, safety and general welfare by establishing narrowly tailored and reasonable time, place and manner regulations to ensure the proper, safe and sanitary location and maintenance of collection bins in the City.

17.45.030 Definitions.

As used in this Chapter, the following words and phrases have the meanings set forth below:

"City Manager" means the City Manager of the City of Lancaster, or his or her designee.

"Code" means the Lancaster Municipal Code.

"Collection bin" or "bin" means an unattended box, receptacle or similar device used for soliciting and collecting donations of salvageable personal property, whether for charitable purposes by a non-profit organization or for profit by a for-profit entity.

"Person" as used in this Chapter, means and includes any individual, partnership of any kind, corporation, limited liability company, association, joint venture or other organization or entity, however formed, as well as trustees, heirs, executors, administrators, or assigns, or any combination of such persons. "Person" also includes any public entity or agency that acts as an owner in the City.

“Responsible person” means any person, whether as an owner or tenant/lessee of private property or otherwise, that allows, causes, creates, maintains, or permits a nuisance collection bin to exist on or adjacent to their premises, by any act or the omission of any act or duty. The actions or inactions of a responsible person's agent, employee, representative or property manager may be attributed to that responsible person.

“Salvageable personal property” means new or used items such as clothing, shoes, books, and miscellaneous household items.

17.45.040 Director’s review and approval required.

It is unlawful for any person to store, maintain, or allow a collection bin without having first obtained a director’s review and approval. A person must have an approval in good standing at all times a collection bin is on a person’s premises.

17.45.050 Application for director’s review; Denial, revocation, conditioning; Obtaining approval for bins currently on property.

A. A person seeking to store, maintain or allow a collection bin on his/her property shall submit an application for a director’s review in accordance with the provisions set forth in Chapter 17.32, Article VI of this Code.

B. The application review and approval, denial, conditioning, suspension and/or revocation processes, and all administrative remedies, shall be in accordance with Chapter 17.32. An approval is also subject to modification or denial if the information submitted pursuant to Subsection C of this Section is incomplete or does not reflect that the placement or maintenance of the collection bin will comply with the standards set forth in this Chapter. Further, an approval may be denied or revoked in the event of any of the following conditions:

- 1) The property has contained graffiti within six months prior to the application submittal that has not been timely removed in accordance with this Code;
- 2) The property has had conditions or uses in violation of the Lancaster Municipal Code within six months prior to the application submittal which were not timely corrected or abated in accordance with a notice of violation, administrative citation, or compliance letter;
- 3) The applicant has been found to be in violation of the requirements of this Chapter within one year of the application submittal.

C. In addition to the requirements set forth in Chapter 17.32, Article VI, the applicant shall also submit the following information/documentation, which is subject to the approval, modification and/or denial of the City Manager:

- 1) The collection bin operator's contact information, including name, address, email, website (if available), and telephone number.
- 2) If the operator holds itself out as a non-profit organization, a statement that it meets the definition of nonprofit organization in Section 501(c)(3) of the United

States Internal Revenue Code or Section 150(c) of the California Welfare and Institutions Code.

- 3) If the operator holds itself out as a for-profit organization, a statement that it holds a valid Certificate of Good Standing issued by the California Secretary of State.
 - 4) If the operator and the owner of the lot on which the collection bin will be located are the same person or entity, written acknowledgment that the operator understands that they are liable for violations of this subdivision. If the operator and the owner of the lot on which the collection bin will be located are different persons or entities, written acknowledgment signed by both parties that both understand that they are jointly and severally liable for violations of this subdivision.
 - 5) A site plan identifying the following:
 - i. Boundaries of the parcel on which the bin will be located;
 - ii. Location of all structures on the parcel;
 - iii. Proposed bin location;
 - iv. Distance from the proposed bin location to the lot lines and the nearest structures on the parcel;
 - v. Locations and dimensions of all existing and proposed driveways, landscaped areas, easements, and parking space on the parcel.
 - 6) Diagram and/or description of the bin including the height, width, depth, and general appearance of the bin, and the materials of which the bin is fabricated.
 - 7) Diagram and/or description of the proposed locking mechanism.
 - 8) Description of the maintenance plan, including the pick-up schedule to be not less than weekly, and graffiti, litter and trash removal on and around the collection bin;
 - 9) Any other information regarding time, place and manner of the collection bin's operation, placement, and maintenance that the City Manager deems reasonably necessary to evaluate the proposal's consistency with the requirements of this Chapter.
- D. A person on whose property a collection bin is already located as of the effective date of this ordinance shall legalize the bin by applying for and obtaining director's review and approval as set forth in this Section, or shall remove the bin from the premises, within sixty (60) calendar days from the effective date of this ordinance.

17.45.060 Location, distance requirements of collection bins.

- A. Collection bins are permissible only Commercially zoned property on which at least one currently licensed business is operating.
- B. No collection bin shall be located within the following distances:
 - 1) 20 feet of any public right-of-way;
 - 2) 10 feet of any lot line adjoining another lot;
 - 3) 100 feet of a residentially zoned parcel.
- C. No collection bin shall be located on or within the following:
 - 1) The public right-of-way, including alleys and sidewalks;
 - 2) Any area designated for landscaping.
- D. No collection bin shall be located in, or block or impede access to any of the following:
 - 1) Required parking or driveway areas;
 - 2) Pedestrian routes;
 - 3) Emergency vehicle routes;
 - 4) Building ingress and egress;
 - 5) Required accessibility routes;
 - 6) Required easements;
 - 7) Trash enclosure areas or access to trash bins or trash enclosures;
 - 8) Any place that would impede the functioning of exhaust, ventilation or fire extinguishing systems.
- E. No more than one collection bin shall be located on any lot.

17.45.070 Physical Attributes.

- A. Collection bins shall be fabricated of durable and waterproof materials.
- B. Bins shall be placed on a paved, non-sloping surface.
- C. Bins shall have a tamper-resistant locking mechanism.
- D. Bins shall not exceed dimensions of 80 inches in height, 50 inches in depth, and 60 inches in width.
- E. Collection bins shall be provided a light source to provide illumination between sunset and sunrise.
- F. Bins shall have the following information conspicuously displayed in at least two-inch type visible from the front of the collection bin:
 - 1) Bin operator's name, 24-hour telephone number, and address of the lot on which the bin is licensed to be located;
 - 2) A statement that no material shall be left outside the collection bin;
 - 3) A statement that either reads "this collection bin is owned and operated by a for-profit organization" and that clearly describes the charitable cause that will benefit from the donations, or "this collection bin is owned and operated by a

nonprofit organization” and that clearly states “this donation is not tax deductible.”

17.45.080 Operational and maintenance standards.

- A. Collection bins shall be maintained in good working order, and free from graffiti, removed or damaged requisite signs and notifications, peeling paint, rust, and broken collection operating mechanisms.
- B. No overflow collection items, litter, debris or dumped materials shall be allowed to accumulate within twenty feet of any collection bin.
- C. Collection bins shall be serviced not less than weekly. Servicing includes removal of the collected items, maintenance of the bin, and abatement of any graffiti, litter or other nuisance conditions in, on or around the collection bin.
- D. The operator shall maintain an active email address and a telephone with 24-hour recording capability for the public to register complaints.
- E. Any conditions that are in violation of this Chapter must be abated or corrected within 48 hours of being reported to bin operator and/or property owner.

17.45.090 Violation; public nuisance; penalty; administrative citations.

A. The City Council finds and declares that it is unlawful for any responsible person, as defined in this Chapter, to allow, cause, create, suffer or permit the presence of a collection bin on or around his or her property in a location or manner that is in violation of this Chapter.

B. The City Council finds and declares that a collection bin that does not fully comply with this Chapter constitutes a public nuisance subject to abatement.

C. Any person violating the provisions of this Chapter is subject to the penalty provisions set forth in Chapter 1.12.

D. A responsible person violating the provisions of this Chapter may additionally be issued an administrative citation in accordance with the provisions set forth in Chapter 1.16.

17.45.100 Abatement; emergency abatement of an imminently hazardous collection bin.

A. The City Manager may cause a nuisance collection bin to be abated, in accordance with the procedures set forth in Chapter 8.28 of this Code.

B. The City Council finds and declares that a collection bin that has encroached into the public right-of-way, including alleys and sidewalks, constitutes a significant hazard to pedestrians and vehicles and therefore is deemed an imminent public safety hazard. The City Manager is authorized to utilize the procedures set forth in section 8.28.170 of this Code for the emergency abatement of such a bin.

17.45.110 Remedies not exclusive.

A. Any administrative citation pursuant to this Chapter shall not prejudice or adversely affect any other civil, administrative or criminal action that may be brought to abate a nuisance collection bin or to seek compensation for damages suffered. A criminal or civil action may be brought concurrently with any other process regarding the same violation.

B. A nuisance collection bin may be abated through the revocation or suspension of the director's review approval, in accordance with the provisions set forth in Chapter 17.32, Article VIII of this Code.

17.45.120 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council declares that it would have adopted this Chapter, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.