

**AGENDA SUMMARY**  
**PLANNING COMMISSION MEETING**  
Piedmont Civic Center – 314 Edmond Road Northwest  
Monday, March 3, 2014, 6:30 PM

1. **CALL TO ORDER** –Chairman
2. **ROLL CALL** – City Secretary
3. **CONSENT AGENDA** – All items on the consent agenda are non-controversial and may be approved by one motion for items. (Pg. 2)
  - a. Approval of the Minutes for the Special Planning Commission meeting on February 20, 2014. (Pgs. 3-7)
4. **CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**
5. **HEARING OF CITIZENS** -Topics to include those items *not listed in the agenda* (Pg. 8)
6. **BUSINESS ITEM**
  - MOTION TO OPEN PUBLIC HEARING
  - a. **PUBLIC HEARING TO DISCUSS AND CONSIDER AN ORDINANCE PROVIDING FOR DONATION BINS AND VENDING MACHINES.**
  - MOTION TO CLOSE PUBLIC HEARING
  - b. **DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON AN ORDINANCE PROVIDING FOR DONATION BINS AND VENDING MACHINES.** (Pgs. 9-19)
  - MOTION TO APPROVE OR REJECT \_\_\_\_\_
7. **NEW BUSINESS** - Unplanned Items (Pg. 20)
8. **ADMINISTRATION REPORT – (Oral) City Manager, Engineer, Community Development, and Attorney.**
9. **COMMISSIONER’S COMMENTS** – Oral Comments
10. **ADJOURN**- Chairman

This agenda was posted at Piedmont Civic Center – Front door, on February 28, 2014. The above Agenda is posted on the City of Piedmont Website, on February 28, 2014, at 5:00pm.

Posted by City Clerk \_\_\_\_\_

# PLANNING COMMISSION AGENDA ITEM COMMENTARY

**MEETING DATE:** March 3, 2014

**ITEM (s):** 3a & 4

**TITLES:** CONSENT AGENDA

3.

a. Approval of the Minutes for the Special Planning Commission meeting on February 20, 2014.

4. Consideration of Items removed from consent agenda.

**AGENDA PLACEMENT:** Consent Agenda

**DEPARTMENT:** Administration

**BACKGROUND:**

The item(s) on the Consent Agenda are non-controversial and may be approved by one motion. If there are any questions or concerns, the board is asked to pull those items.

**FINANCIAL IMPACT:** No impact.

**STAFF RECOMMENDATION:** "Approval of Minutes".

**PROPOSED MOTION (S):** "To be determined by Planning Commission".

**SPECIAL PLANNING COMMISSION MEETING**  
**Piedmont Civic Center – 314 Edmond Road Northwest**  
**Thursday, February 20, 2014, 6:30 PM**

**MEMBERS PRESENT:** Chairman Richard Felton, Commissioner Ron Cardwell, Commissioner Steve Morris, and Commissioner Eric Berger

**ABSENT:** Commissioner Mike Bell

**STAFF PRESENT:** Community Development Director Wade Harden, City Attorney Matt Wheatley, City Engineer Pat Garrett and Secretary Mary Ramsey

1. **CALL TO ORDER** – Chairman Richard Felton called the Special Planning Commission meeting to order at 6:30 p.m.
2. **ROLL CALL** – Community Development Director Wade Harden called roll. A quorum was present and approximately 8 people in the audience.
3. **CONSENT AGENDA** – All items on the consent agenda are non-controversial and may be approved by one motion for items.

**a. Approval of the Minutes for the Planning Commission meeting on January 6, 2014.**

Commissioner Eric Berger made a motion to approve Minutes for Planning Commission on January 6, 2014. Motion was **seconded** by Commissioner Ron Cardwell.

**The Vote was:**

**AYE:** Commissioner Ron Cardwell, Commissioner Steve Morris, and Commissioner Eric Berger

**NAYE:** None

**Abstain:** Chairman Richard Felton

4. **CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

None

5. **HEARING OF CITIZENS** -Topics to include those items **not listed in the agenda**

None

6. **BUSINESS ITEM**

**MOTION TO OPEN PUBLIC HEARING**

Commissioner Ron Cardwell made a motion to open the Public Hearing. Motion was **Seconded** by Commission Steve Morris.

**The Vote was:**

**AYE:** Commissioner Ron Cardwell, Commissioner Steve Morris, Commissioner Eric Berger and Chairman Richard Felton

**NAYE:** None

a. **PUBLIC HEARING ON A PRELIMINARY PLAT FOR AUTUMN CHASE AND HAWKS LANDING OF TOWN CENTRAL, A 45 LOT SUBDIVISION THE PROPERTY IS OWNED BY SBS, LLC. (Pgs. 8-36) AND IS DESCRIBED AS FOLLOWS:**

A tract of land in the Northwest Quarter (NW/4) of Section Thirty-three (33), Township Fourteen (14) North, Range Five (5) West of the Indian Meridian, Canadian County, Oklahoma, more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter (NW/4); Thence South 00°00'12" East along the West line of said Northwest Quarter (NW/4), distance of 880.00 feet; Thence North 89°59'48" East a distance of 520.00 feet to the POINT OF BEGINNING, said point being the Southeast corner of a tract of land described in Warranty Deed recorded in Book 3131, Page 235; Thence North 00°00'12" West along the East line of said Warranty Deed, a distance of 50.00 feet; Thence North 89°59'48" East a distance of 523.51 feet; Thence North 00°00'12" West a distance of 507.19 feet to a point on the South line of the recorded plat of CORNMAN PROPERTIES NUMBER 1; Thence North 89°36'07" East along the South line of said recorded plat, a distance of 276.43 feet to the Southeast corner of said recorded plat; Thence North 00°00'12" West along the East line of said recorded plat, a distance of 7.50 feet; Thence North 89°59'48" East a distance of 697.98 feet; Thence South 00°00'12" East a distance of 478.79 feet; Thence South 41°16'53" West a distance of 37.57 feet; Thence on a curve to the right with an arc length of 159.42 feet, a radius of 1325.65 feet, a chord bearing of South 86°33'06" West and a chord length of 159.33 feet; Thence South 89°59'48" West a distance of 595.63 feet; Thence South 00°00'12" East a distance of 100.00 feet; Thence North 89°59'48" East a distance of 95.00 feet; Thence South 00°00'12" East a distance of 335.93 feet; Thence South 89°59'48" West a distance of 120.00 feet; Thence South 85°58'33" West a distance of 50.12 feet; Thence South 89°59'48" West a distance of 124.40 feet; Thence North 00°00'12" West a distance of 339.45 feet; Thence South 89°59'48" West a distance of 518.45 feet to a point on the East line of a tract of land described in Warranty Deed recorded in Book 2907, Page 788; Thence North 00°00'12" West along the East line of said Warranty Deed, a distance of 50.00 feet to the Northeast corner of said Warranty Deed; Thence South 89°59'48" West along the North line of said Warranty Deed, a distance of 0.60 feet to the POINT OF BEGINNING.

(Basis of bearing is South 00°00'12" East along the West line of the Northwest Quarter (NW/4) of Section

Thirty- three (33), Township Fourteen (14) North, Range Five (5) West of the Indian Meridian, Canadian County, Oklahoma.)

**This property is more commonly known to be located South of Edmond Road Northeast and East of Piedmont Road N with access to the site provided by Gooder Simpson Boulevard, approximately 835 feet south of Edmond Road Northeast off the east side of Piedmont Road North.**

**MOTION TO CLOSE PUBLIC HEARING**

Hearing no comments from the Public, Chairman Richard Felton closed Public hearing.

- b. **DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON A PRELIMINARY PLAT FOR AUTUMN CHASE AND HAWKS LANDING OF TOWN CENTRAL, A 45 LOT SUBDIVISION. THE PROPERTY IS OWNED BY SBS, LLC.**

*REFERENCE THE ABOVE LEGAL DESCRIPTION*

Community Development Director Wade Harden gave a detailed presentation of the PUD, and discussed changes from original PUD to current presentation today.

Discussion occurred among Commission.

Commissioner Ron Cardwell asked about the width of Gooder Simpson Bld. Suggesting 16 feet lanes and 18 feet for the Medians. Narrower lanes keeps speeding down, wider median provides for more landscaping, can provide for left turn lane in the further.

Drainage locations and a long term drainage plan discussed. Plan currently shows detention in temporary locations. Provisions with the current storm water ordinance need to be taken into account with the future development phases of this development. Drainage easement needs to be platted out now for the future development phases.

Commissioner Ron Cardwell asked for drainage ponds to be built into final location rather than in temporary locations as shown currently. Needs to be placed in a common area and its final location.

Warren Peacock explained the drainage plan was designed to reduce the impact of the structure under 178 / Edmond Rd. There is a 3 x 4 RCB under 178<sup>th</sup> / Edmond Rd. No objection to move the drainage to the North now. The future plan is to 3 or 4 larger ponds to service the entire area. Current thoughts are to prevent and damage to Edmond Rd.

Commission feels things need to be changed to be current with Piedmonts 2030 plan. Does not like how the amendment took place and would like it asked to.

Community Development Wade Harden explained that the PUD was approved in 2008 and current plans and ordinance are not applicable.

Commissioner Eric Berger commented that he sees developments as a give and take within the community and he does not see this as a benefit to Piedmont. Feels the road lay out is problematic and the park size is too small for all of the children that will be living in this development. Feels the lot sizes are too small, current master plan for city does not call for this area to be high density lots. Road layout is problematic. Cannot support this map due to lack of improvement.

Commissioner Ron Cardwell has some concerns about the amendment, would like to see a development occur, like the lots sizes, road networks and layouts, street angles are not desirable, intersection are not desirable and are not common good engineering practices. Things can get started here but things are going to have to be changed in the future. The Commercial lot between the residential does not apply for our current 2030 plan. Commercial on Edmond road does not need to be there. Would like to make this development work and move forward. Do not like how the amendment took place.

Community Development Director Wade Harden explained that this PUD is not evaluated on the current 2030 Comp plan because the Developer was vested in 2008.

Commissioner Steve Morris agreed with concerns of the other Commissioners. Originally had some concerns about lot size but it happy with the lot size currently shown.

Chairman Richard Felton restated that the developer is vested and not held to 2030 Comp plan. The remainder of the development does not show a similar the road network, 12" water line, will the 12" water line be carried throughout the development? Yes

City Engineer has run water model for water pressure. DEQ will require this test and it has already been completed.

Chairman Richard Felton recapped the Commissioner comments, understands two items need to be added to staff recommendation. Retention ponds need to be in permanent locations and change the width of Gooder Simpson Blvd. to 16 feet lanes and 18 feet median.

Commissioner Ron Cardwell made a motion to approve the PUD with the following changes.

1. Plans for the offsite sanitary sewer improvements are submitted to the City within six (6) months of the Council approval date of the preliminary plat.
2. The offsite sanitary sewer improvement plans be approved by the City.
3. The temporary emergency turn around provided be constructed with 6" stabilized sub grade and 2" of asphalt.
4. 16 feet land and 18 feet median on Gooder Simpson.

Motion was **seconded** by Commissioner Steve Morris.

**The Vote was:**

**AYE:** Commissioner Ron Cardwell, Commissioner Steve Morris, and Chairman Richard Felton

**NAYE:** None

**Abstain:** Commissioner Eric Berger

8. **NEW BUSINESS - Unplanned Items**

None

9. **ADMINISTRATION REPORT – (Oral) City Manager, Engineer, Community Development, and Attorney.**

None

10. **COMMISSIONER’S COMMENTS – Oral Comments**

Commissioner Eric Berger commented that the Developer has provided the community with some good developments and he just wants to make sure this development is equally as good.

Commissioner Ron Cardwell commented got to have a plan to deviate from. We have a plan...

Commissioner Steve Morris – commented that Community Development Director Wade Harden did an excellent job on his presentation.

Chairman Richard Felton – commented on the presentation as well, noting that this is the best presentation that has ever been presented for a PUD. He did mention that this PUD was approved in 2008, market fell and excited that something might get built.

11. **ADJOURN- Chairman**

Chairman Richard Felton adjourned Special Planning Commission Meeting at 7:34 p.m.

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Chairman, Richard Felton

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Secretary, Mary Ramsey

**PLANNING COMMISSION  
AGENDA ITEM COMMENTARY**

**MEETING DATE:** March 3, 2014

**ITEM:** 5

**TITLE:** Hearing of Citizens

**AGENDA PLACEMENT:** Hearing of Citizens

**DEPARTMENT:** General Government

**BACKGROUND:** This agenda item provides an opportunity for the general public to comment and address the Planning Commission on matters not scheduled for action. Matters brought up under Hearing of Citizens cannot be acted upon. The Planning Commission may wish to refer a matter to staff for follow up action at a future Planning Commission meeting or direct staff to handle the complaint/inquiry.

**FINANCIAL IMPACT:** None

**STAFF RECOMMENDATION:** Refer to staff for action as deemed appropriate by the Planning Commission.

**PROPOSED MOTION:** No action can be taken on unscheduled matters but Planning Commission may direct staff to take appropriate action without a motion.

## PLANNING COMMISSION AGENDA ITEM COMMENTARY

MEETING DATE: March 3, 2014

ITEM: 6a & b

**TITLE:**

- a. PUBLIC HEARING TO DISCUSS AND CONSIDER AN ORDINANCE PROVIDING FOR DONATION BINS AND VENDING MACHINES.
- b. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON AN ORDINANCE PROVIDING FOR DONATION BINS AND VENDING MACHINES.

**AGENDA PLACEMENT:** Business Item

**DEPARTMENT:** Community Development

**PROPOSED MOTION:** "To Be Determined by Planning Commission"

**BRIEF:**

City staff presented a draft Ordinance related to the use of donation bins to the Commission during the January 6, 2014 meeting. The Commission discussed the draft and requested City staff makes the following revisions to the draft ordinance:

1. A maximum of 2 donation bins per lot;
2. Donation bins must have a 501C3 sticker clearly identifying the nonprofit benefiting from donations; and
3. Donation bins should be set back with building.

Revisions reflecting the requested changes have been made to the proposed ordinance (see attached).

As a courtesy to Julie Henry of American Textile Recycling Services (ATRS), City staff did contact her to make her aware of the ordinance proposal and provide the City meeting dates when the proposed ordinance will be discussed.

**ATTACHMENTS:**

1. Draft Ordinance
2. January 6<sup>th</sup> Commission Meeting Minutes
3. Sample Legislation (provided by ATRS affiliate)

**PLANNING COMMISSION  
AGENDA ITEM COMMENTARY**

**STAFF RECOMMENDATION:**

City staff recommends the Commission take action on the proposed ordinance in the form of a recommendation to the City Council.

## Chapter 1 Section 1-6

**DONATION BIN** -- A receptacle or container made of metal, steel or other material designed or intended for the collection and temporary storage of donated clothing or other items.

**VENDING MACHINE** -- A device which dispenses a product or service for sale and which is activated entirely by the receiver of the product or service, including machines dispensing food, drinks, digital video disks (DVD's), and the like. Vending machines do not include ice machines or storage, newspaper racks, motor fuel pumps and air compressors, or retail propane distribution.

## Chapter 4 Section 4-1

Donation bins and vending machines are hereby a permitted use within the Local Commercial District (C-1), the General Commercial District (C-2), the Restricted Light Industrial District (I-1), the General Industrial District (I-2), and the Heavy Industrial District (I-3) with special conditions as provided in Section 5-13.24 and 5-13.25.

## Chapter 4 Section 5-13.24

No entity shall place, use, or employ a donation bin, for solicitation purposes, unless all of the following requirements are met:

1. The entity has obtained a valid permit from the City of Piedmont.
2. Any entity, which may share or profit from any clothing or other donations collected via the bin, maintain a bona fide office where a representative of the entity can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the entity. For the purposes of this section, an answering machine or service unrelated to the entity does not constitute a bona fide office.
3. The following information is clearly and conspicuously displayed on the exterior of the donation bin:
  - a. The name and address of the registered entity that owns the bin, and the name of the Internal Revenue Service (IRS) certified charitable non-profit organization benefitting from the donated items; and
  - b. The telephone number of the owner's bona fide office and the telephone number of the charitable non-profit organization.
4. An annual permit fee of \$75.00 per bin is required or a fee as later established by resolution adopted by the City Council.

5. The permit application shall include:
  - a. The site where the bin would be situated,
  - b. The name and telephone number of the bona fide office of any entity which may share or profit from any clothing or other donations collected via the bin at which such entity can be reached during normal business hours. For the purposes of this ordinance, an answering machine or service unrelated to the person or entity does not constitute a bona fide office, and
  - c. Written consent from the property owner to place the bin on their property.
6. All donation bins shall conform to the following requirements:
  - a. Placement of all donation bins shall be located so that one side of the bin is at the existing setback line of the primary structure and outside of all required minimum yard setbacks and sight triangles,
  - b. Donation bins shall be placed on an impervious surface and shall not utilize a required parking stall,
  - c. Donation bins shall not obstruct walkways reducing the walk by less than forty four (44) inches for clear pedestrian passage,
  - d. Donation bins are not permitted on unimproved lots,
  - e. Where a bin is located on a parcel of land abutting a residential use, a forty-five (45) foot setback is required from the closest residential property line,
  - f. In no case shall City staff grant a permit to a location for a donation bin if it determines the placement of the bin could constitute a safety hazard,
  - g. Donation bins may occupy no more than ten percent (10%) of the building frontage or twenty (20) feet, whichever is less,
  - h. A maximum of two (2) donation bins are permitted per lot,
  - i. The maximum size of a donation bin shall be 6'x6'x6' with a chute entry that closes upon the donation being received,
  - j. Donation bins shall be of earth tone colors or match the exterior of the primary building on site, and
  - k. At no time shall donations remain outside the surroundings of a donation bin.
7. Should the City determine any entity is engaging in any act or practice which violates this ordinance, the City may issue one or all of the following corrective actions:
  - a. A written warning to the entity that placed and/or owns the donation bin,
  - b. Seize and remove the donation bin at the expense of the entity which placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of, and
  - c. Fine the entity which placed the bin a maximum of \$500.00 for each violation.

#### Chapter 4 Section 5-13.25

No entity shall locate a vending machine located on the exterior of a commercial structure or outside unless all of the following requirements are met:

1. The entity has obtained a valid permit from the City of Piedmont.
2. An annual permit fee of \$75.00 per vending machine is required or a fee as later established by resolution adopted by the City Council.
3. The permit application shall include:
  - a. The site where the vending machine would be situated.
4. All vending machines shall conform to the following requirements:
  - a. Placement of all outdoor vending machines shall be located so that one side of the machine is at the existing setback line of the primary structure and outside of all required minimum yard setbacks and sight triangles,
  - b. Vending machines shall be placed on an impervious surface and shall not utilize a required parking stall,
  - c. Vending machines shall not obstruct walkways reducing the walk by less than forty four (44) inches for clear pedestrian passage,
  - d. Where a vending machine is located on a parcel of land abutting a residential use, a forty-five (45) foot setback is required from the closest residential property line,
  - e. In no case shall City staff grant a permit to a location for a vending machine if it determines the placement of the machine could constitute a safety hazard, and
  - f. Vending Machines may occupy no more than eighteen percent (18%) of the building frontage or twenty (25) feet, whichever is less.
5. Should the City determine any entity is engaging in any act or practice which violates this ordinance, the City may issue one or all of the following corrective actions:
  - a. Fine the entity which placed the vending machine a maximum of \$500.00 for each violation.

**PLANNING COMMISSION MEETING**  
**Piedmont Civic Center – 314 Edmond Road Northwest**  
**Monday, January 6, 2014, 6:30 PM**

**MEMBERS PRESENT:** Commissioner Ron Cardwell, Commissioner Steve Morris, Commissioner Mike Bell, and Commissioner Eric Berger

**ABSENT:** Chairman Richard Felton

**STAFF PRESENT:** Community Development Director Wade Harden, City Attorney Matt Wheatley and Secretary Mary Ramsey

1. **CALL TO ORDER** – Chairman Ron Cardwell called the Planning Commission meeting to order at 6:33 pm.
2. **ROLL CALL** – Secretary Mary Ramsey called roll. A quorum was present.
3. **CONSENT AGENDA** – All items on the consent agenda are non-controversial and may be approved by one motion for items.
  - a. **Approval of the Minutes for the Planning Commission meeting on November 4, 2013.**

Commissioner Steve Morris made a motion to approve item 3a meeting minutes from Planning Commission meeting on November 4,, 2013. Motion was **seconded** by Commissioner Mike Bell.

**The Vote was:**

**AYE:** Commissioner Ron Cardwell, Commissioner Mike Bell, Commissioner Steve Morris, and Commissioner Eric Berger

**NAYE:** None

4. **CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

None

5. **HEARING OF CITIZENS -Topics to include those items *not listed in the agenda***

None

6. **BUSINESS ITEM**

a. **DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON AUTUMN CHASE AT TOWN CENTRAL AND HAWKS LANDING AT TOWN CENTRAL PRELIMINARY PLATS.**

Community Development Director Wade Harden gave a detailed presentation of the preliminary plat and discussion followed from commission.

Commission discussed limited access points and the layout of lots.

Applicant has requested for item to be continued onto next Planning Commission meeting.

Commissioner Mike Bell made a motion to continue item onto next Planning Commission meeting. Motion was **seconded** by Commissioner Eric Berger.

**The Vote was:**

**AYE:** Commissioner Ron Cardwell, Commissioner Mike Bell, Commissioner Steve Morris, and Commissioner Eric Berger

**NAYE:** None

b. **DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON AN ORDINANCE PROVIDING FOR DONATION BINS.**

Community Development Director Wade Harden provided a presentation with information on current donation bins with the Piedmont community.

Commission discussed changes to ordinance should be no more than 2 bins per lot, donation bin must have a 50C3 sticker clearly identified nonprofit benefiting from donation and bin should be set back with building.

Commissioner Eric Berger made a motion for changes to be made to ordinance and public hearing to be put into place. Motion was **seconded** by Commissioner Steve Morris.

**The Vote was:**

**AYE:** Commissioner Ron Cardwell, Commissioner Mike Bell, Commissioner Steve Morris, and Commissioner Eric Berger

**NAYE:** None

c. **DISCUSSION REGARDING THE CITY ZONING ORDINANCE AND VISUAL PREFERENCE SURVEY.**

Community Development Wade Haden provided an update on the Preference Survey. Commission discussed a need to increase the number of citizens taking the survey. Commission asked if the CTY system could be used to educate people about the survey.

7. **NEW BUSINESS - Unplanned Items**

None

8. **ADMINISTRATION REPORT – (Oral) City Manager, Engineer, Community Development, and Attorney.**

None

9. **COMMISSIONER'S COMMENTS – Oral Comments**

None

10. **ADJOURN- Chairman**

Commissioner Ron Cardwell adjourned meeting at 8:00pm.

## ORDINANCE NO. [INSERT HERE]

### AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF [INSERT HERE] CLOTHING COLLECTION BINS

#### SUMMARY

An Ordinance amending the Municipal Code of the City of [INSERT HERE] clothing collection bin establishing rules, regulations and registrations of said clothing collection bins.

#### LEGISLATIVE INTENT

It is the intent of this ordinance to encourage the proper, transparent and community beneficial use of clothing collection bins that contribute to reducing the amount of textile and household waste going to landfills by entities that also support charitable organizations and local economies.

#### Chapter [INSERT HERE] Clothing Collection Bin

##### § Definitions relative to clothing collection bin(s)

###### Clothing collection bin (herein referred to as "collection bins")

A closed receptacle or container made of metal, wood, steel or similar material designed or intended for the collection of unwanted clothing, shoes, textiles and other household items.

###### Property Owner

The person or entity having legal title to property and/or the person shown as the owner of the property on the current assessment rolls of the City.

###### Property Owner's Agent

Party that has express (oral or written) or implied authority through employment, by contract or apparent authority to act for the owner so as to bring the owner into contractual relationships with other parties.

###### Permittee

Any person, business entity or corporation that receives a permit to operate the bin pursuant to this chapter.

##### §. Permit required; dates of issuance, expiration, response

- A. It shall be unlawful for any person, firm, or corporation to erect, place, maintain or operate any collection bin without first obtaining a permit issued by the City Clerk.
- B. A permit issued under this chapter shall be valid for one year and renewable for one-year periods thereafter.
- C. A permitting agency must respond to permittee's application for a permit within (*specify time frame*) and must provide adequate justification if the permit request is denied.

**§. Fee required.**

Initial Application (one-year period) \$25.00

Renewal Applications (one-year period) \$25.00

Permit Fee (one year period) \$10.00

**§ Form of application.**

The application for a collection bin permit shall require the following information from the permittee:

- A. Name, address, telephone number, name of contact person of the organization that is applying for the permit.
- B. Written consent from the property owner or owner's agent to place the bin on the property, including name, address and telephone number of owner or owner's agent.
- C. Name and telephone of any entity which may share or profit from any clothing or other items collected via the bin.
- D. Information pertaining to the permittee's status with the State corporation regulatory agency.

**§ 109-6. Location restriction.**

The City shall not grant an application for a permit to place, use, or employ a collection bin if it determines that the placement of the bin could constitute a safety hazard.

**§ Management, Maintenance; Requirements**

- A. Permittees must provide proof to the City Clerk of a Certificate of Liability Insurance of at least \$1 million for each permitted bin.
- B. Permittees must maintain the aesthetic presentation of the bin including fresh paint, readable signage and general upkeep.
- C. Permittees must provide the property owner or owner's agent with a telephone number for requests to respond to bin maintenance complaints.
- D. Permittees must respond to bin maintenance complaints within 24 hours of receiving notification during regular business hours.
- E. Permittees must remove graffiti within 72 hours following notice of its existence
- F. If a bin becomes damaged or vandalized, it shall be repaired, replaced or removed within five days of receipt of notice of such condition, unless damage is such as to constitute a danger to persons or property in which case it shall be made safe within 24 hours of notice of such condition.
- G. No collection bin shall be used for advertising or promotional purposes other than the information required pursuant to this chapter.

**§ Liability; protections**

- A. A property owner or owner's agent shall have the right to rescind consent for a collection bin to be placed on the property, provided written notice of the rescission is provided to the permittee no less than 5 days prior to the bin being removed.
- B. The property owner or owner's agent will be held harmless by the permittee for the removal of an unauthorized bin or where removal is necessary to comply with local zoning ordinances.

- C. A property owner, owner's agent or other entity that causes the unauthorized removal of a permitted bin pursuant to this chapter is civilly liable to the permittee of that bin.

**§ 109-9. Violations and penalties.**

- A. In addition to any other penalties or remedies authorized by the laws of this State, County or Municipality, any person who violates any provision of this Chapter shall be subject to a penalty of *(insert amount)* for each violation which includes:
  - a. Unpermitted placement of a collection bin
  - b. Failure to respond to maintenance request pursuant to this chapter
  - c. Failure to maintain collection bins pursuant to this chapter
  - d. Failure to adhere to placement and removal of provision pursuant to this chapter
  - e. Failure to adhere to all permit requirements pursuant to this chapter
- B. If a permittee is found to have willfully violated or ignored the provisions of this chapter, or is found to have perpetrated fraud regarding the operation and use of the collection bin, the permittee shall be fined and will be deemed ineligible to place, use or employ a collection bin pursuant to this chapter, and may have any or all bins removed by the City.

**PLANNING COMMISSION  
AGENDA ITEM COMMENTARY**

**MEETING DATE:** March 3, 2014

**ITEM: 7**

**TITLE:** Unplanned Items

**AGENDA PLACEMENT:** New Business

**DEPARTMENT:** Administration

**REQUESTED/SUBMITTED BY:** Planning Commission Chairman

**BACKGROUND:** The Planning Commission can consider items for new business if declared as unplanned items. Consideration of such items could not have been anticipated at the time of the preparation of the agenda. To consider an unplanned item for new business it must be declared by a motion of the Planning Commission.

**FINANCIAL IMPACT:** None

**STAFF RECOMMENDATION:** Consideration of an unplanned business item is at the discretion of the Planning Commission.

**PROPOSED MOTION:** "To declare the subject of \_\_\_\_\_  
\_\_\_\_\_ as an unplanned item of new business  
and take up consideration of \_\_\_\_\_."