

**CITY OF MIRAMAR  
PROPOSED CITY COMMISSION AGENDA ITEM**

**Meeting Date:** September 5, 2018

**Second Reading Date:** September 17, 2018

**Presenter's Name and Title:** Eric Silva, Director, on behalf of Community & Economic Development Department, and Bernard Buxton-Tetteh, Director, on behalf of Public Works Department

**Prepared By:** Michael Alpert, Principal Planner

**Temp. Ord. Number:** 1693

**Item Description:** **FIRST READING** of Temp. Ord. #1693, AMENDING LAND DEVELOPMENT CODE CHAPTER 4, ZONING, RELATING TO USE REGULATIONS, SPECIFICALLY REGULATING SECTIONS 405.8, CLOTHING DONATION BINS, RELATED TO PERMITTING TEXTILE RECYCLING; APPLICATION AND AMENDMENT PROCEDURES; RENUMBERING AND RELETTERING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Continued from 08/22/18) (Community and Economic Development Director Eric Silva and Public Works Director Bernard Buxton-Tetteh)

Consent ☐      Resolution ☐      Ordinance ☒      Quasi-Judicial ☐      Public Hearing ☐

**Instructions for the Office of the City Clerk:**

**Public Notice** – As Required by the Sec. \_\_\_\_\_ of the City Code and/or Sec. 166.041, Florida Statutes, public notice for this item was provided as follows: on 8/16/18, in a legal display ad in the Sun-Sentinel; by the posting the property on \_\_\_\_\_ and/or by sending mailed notice to property owners within \_\_\_\_\_ feet of the property on \_\_\_\_\_. (Fill in all that apply)

**Special Voting Requirement** – As required by Sec. \_\_\_\_\_, of the City Code and/or Sec. \_\_\_\_\_ Florida Statutes, approval of this item requires a \_\_\_\_\_ (unanimous 4/5ths etc. vote of the City Commission.

**Fiscal Impact:** Yes ☐ No ☒

**REMARKS:**

**Content:**

- **Agenda Item Memo from the City Manager to City Commission**
- **Ordinance TO 1693**
  - **Exhibit A: LDC Section 405.8 “Clothing Donation Bins”**



**CITY OF MIRAMAR  
INTEROFFICE MEMORANDUM**

**TO:** Mayor, Vice Mayor, & City Commissioners

**FROM:** Vernon E. Hargray, Interim City Manager *WH*

**BY:** Eric B. Silva, AICP, Community & Economic Development Director

**DATE:** August 30, 2018

**RE:** Temp. Ordinance No. 1693, amending Land Development Code Section 405.8, Pertaining to Textile Recycling

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**RECOMMENDATION:** The Interim City Manager recommends approval of Temp. Ord. 1693, amending Land Development Code ("LDC") Section 405.8, Clothing Donation Bins, pertaining to textile recycling.

**ISSUE:** City Commission approval is required for any amendments to the LDC.

**BACKGROUND:** The City Commission conducted a workshop related to textile recycling on October 4, 2017. The current LDC contains provisions in Section 405.8, related to clothing donation bins, which permitted various non-profit entities to obtain permits to install collection bins for the purpose of providing temporary storage of used clothing and shoes as charitable donations. This Ordinance would permit only one for-profit franchise to collect textile items in various locations in the City, exempting only previous permit-holders and public school properties.

On August 14, 2018, the Planning & Zoning Board recommended approval of this Ordinance, finding it consistent with the Comprehensive Plan, particularly with the primary goal of the Future Land Use Element to "maintain a long-range future land use pattern which promotes the orderly and well-managed growth and development of the community...".

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**CITY OF MIRAMAR  
MIRAMAR, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING LAND DEVELOPMENT CODE CHAPTER 4, ZONING, RELATING TO USE REGULATIONS, SPECIFICALLY REGULATING SECTION 405.8, CLOTHING DONATION BINS, RELATED TO PERMITTING TEXTILE RECYCLING; APPLICATION AND AMENDMENT PROCEDURES; RENUMBERING AND RELETTERING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE;**

**WHEREAS**, the City desires to amend the Land Development Code (“LDC”) to permit textile recycling in various locations in the City; and

**WHEREAS**, this phase of LDC revision modifies Chapter 4, entitled “Zoning”, specifically Section 405.8, entitled “Clothing Donation Bins”, which amends the provisions to allow textile recycling by a for-profit entity; and

**WHEREAS**, the Planning & Zoning Board, sitting as the Local Planning Agency, has found this Ordinance to be consistent with the Comprehensive Plan; and

**WHEREAS**, the Interim City Manager recommends amending LDC Section 405.8 “Clothing Donation Bins” (attached hereto as Exhibit “A”); as shown herein, to update and clarify certain regulatory requirements and procedures of the LDC; and

**WHEREAS**, pursuant to Section 302.6 of the existing LDC, the City Commission has reviewed this proposed amendment to the LDC, considered the general purpose and standards set forth in Chapter 3 of the LDC, and considered the recommendation of the Planning and Zoning Board; and

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**WHEREAS**, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment is legally required; and

**WHEREAS**, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment is consistent with the goals, objectives, and policies of the City's Comprehensive Plan; and

**WHEREAS**, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment is consistent with the authority and purpose of the LDC, because the LDC revisions will aid in the harmonious, orderly, and progressive development of the City by simplifying development requirements and assuring that the standards are consistent with the Comprehensive Plan; and

**WHEREAS**, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment furthers the orderly development of the City by assuring development consistent with the Comprehensive Plan; and

**WHEREAS**, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment improves the administration or execution of the development process, because the LDC revision simplifies the LDC; and

**WHEREAS**, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to amend Chapter 4 "Zoning", Section 405.8, "Clothing Donation Bins", as shown herein, to enhance usability, incorporate best practices and modernize the City's LDC.

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**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF  
MIRAMAR, FLORIDA, AS FOLLOWS:**

**Section 1:** That the foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2:** That Chapter 4, Section 405.8 of the LDC of the City of Miramar, Florida, is hereby amended to read as follows:

*405.8. ~~Clothing Donation~~ Textile Recycling Bins.*

*405.8.1. ~~Limitation on Donation~~ Textile Recycling Bins.*

(a) *Purpose.* The purpose of this section shall be to provide rules, regulations and standards for the limited placement and use of ~~clothing donation~~ textile recycling bins in the city in order to promote the public health, safety, aesthetics, and welfare of the city. City-owned recycling bins are not subject to the limitations set forth herein.

(b) *Definitions.*

Charitable organization means any person determined by the federal Internal Revenue Service to be a tax-exempt organization pursuant to Section 501(c)(3) that is established for any benevolent, philanthropic, humane, social welfare, public health, or other eleemosynary purpose.

Franchisee means a person or entity who has been awarded or granted an Exclusive Franchise Agreement for the provision and operation of Textile Recycling Program Services, including the ownership of all textile recycling bins, as well as all cost associated with providing the necessary labor and equipment for the maintenance, collection, and transportation of textile recycling bins within the City.

Shopping center means five (5) or more commercial establishments, planned, developed, owned and managed as an integral unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area that the unit serves.

Textile recycling bin or “bins” means a receptacle or container made of metal or other fire-resistant material designed or intended for the collection and temporary storage of textile items such as, but not limited to; shoes, clothes, backpacks, soft covered books, linens and draperies deposited by the general public.

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~~(c)(b)~~ Requirements for Use of Clothing Donation Textile Recycling Bins. Clothing donation Textile recycling bins ("bins") shall be permitted on a limited basis only, and only in compliance with all of the provisions of this section, including the following requirements:

- (1) The person/entity operating the ~~clothing donation~~ bin has obtained a valid permit franchise agreement from the city; ~~as set forth in section 320;~~
- (2) A ~~clothing donation~~ bin shall only be owned and operated by a ~~charitable organization~~ city franchisee;
- (3) The information required in sub-section (f) ~~(e)(6)~~ below is clearly and conspicuously displayed, in weather resistant lettering no smaller than one (1) inch high, on a sign no greater than 2' x 2' in size fastened to the exterior of the ~~clothing donation~~ bin;
- (4) The ~~materials clothing donated~~ contributed shall be ~~provided to others as part of a bona fide, charitable endeavor, and any proceeds from collected donations must be used by the charitable organization for its charitable purposes~~ for re-sale, re-use or other purposes provided in the franchise agreement;
- (5) The contents of the ~~clothing donation~~ bin shall be ~~clothing~~ textile items only and shall be regularly emptied at least every fourteen (14) consecutive days, and at all times not permitted to overflow to the point where the contents are visible from the outside, and the ground area immediately adjacent to the ~~clothing donation~~ bin (within three (3) feet of the ~~clothing donation~~ bin on all sides) shall be kept free of ~~donated items clothing~~ or other debris; the Franchisee shall be responsible for all costs related to the collection and removal of items placed in the area surrounding a Bin within 24 hours of notification by the City;
- (6) The ~~clothing donation~~ bin shall be kept free of signs, advertising (except as specifically permitted or required herein), graffiti and other markings and shall be maintained in a structurally sound, clean and sanitary condition; and
- (7) All other conditions of this ordinance are satisfied and there is continuing compliance with the provisions of this LDC.

~~(c) — Donation Bins. Donation bins are prohibited.~~

(d) Placement of and Restrictions for Clothing Donation Textile Recycling Bins. The following criteria shall be applied in granting a permit and in determining if a ~~clothing donation~~ bin is placed in conformity with this ordinance:

- (1) The location of the bins must be reviewed and approved by the city. must ~~Such review shall evaluate determine that the placement of the clothing donation bin will~~ and ensure the location does not impair pedestrian or

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- vehicular traffic, including emergency service vehicle movement, within the property, does not negatively affect protected trees or utility services, and does not otherwise constitute a safety hazard to pedestrians or vehicles or otherwise. Such hazards include, but are not limited to: the placement of a clothing donation bin within 100 yards of any place that stores or sells large amounts of fuel or other flammable liquids or gases, and placement of a clothing donation bin that interferes with vehicular or pedestrian circulation. Such approval will not be unreasonably withheld.
- (2) Bins shall not be placed within any required parking space for the property. If a bin is proposed for location in a surplus parking space, it is the responsibility of the franchisee to provide documentation, to the satisfaction of the City, that the bins are not utilizing spaces which are required parking spaces for any use on the property.
- (3) Bins shall not be placed in landscaped areas.
- (4) No more than one bin may be located on a property less than one acre; for properties over one acre, no more than one bin per acre up to a maximum of four bins per parcel.
- (5) Where more than one bin is permitted on a property, up to 3 bins may be placed immediately adjacent to each other. If not placed immediately adjacent to each other, then no bin shall be placed within 300 feet of any other bin.
- (6) Bins shall not be located within twenty-five (25) feet of any public street or right-of-way.
- (72) Clothing donation Bins shall be secured or removed in such a manner as to minimize the danger of such units causing damage to persons or property from high winds or severe weather conditions, and bins shall meet the wind-loading requirements of the Florida Building Code.
- (83) It shall be the responsibility of the owner of the property upon which the clothing donation bin is located and the person or legal entity that obtains the permit franchisee to remove or properly secure the clothing donation bin in the event of any hurricane warning in effect for the city. If such action is not taken, the city reserves the right to remove the clothing donation bin and to revoke the permit charge the franchisee for all costs incurred by the City to remove, transport and store the bins. The City shall not be obligated to remove Textile Recycling bins from any location within the City. In no event shall the city be responsible or liable for any damages as a result of securing or removing, or omitting to secure or remove the bin.
- (94) Clothing donation Bins shall not be located in rights-of-way.

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- (105) ~~No clothing donation bin~~ Bins shall not be permitted in a single family residentially zoned district, or district that receives curbside collection services, or within 150 25 feet of a single-family residentially zoned district, as described in section 401.1 of this LDC, ~~unless the building is devoted solely to a not-for-profit organization.~~
- (116) ~~No clothing donation bins~~ Bins shall not be located on a vacant lot.
- (127) ~~Clothing donation~~ Bins may be located on city-owned property, excluding public right of ways or on private property with written permission from the property owner, and/or their designee. Permission of a tenant is not sufficient. shall only be permitted in the following commercial settings:
- a. ~~on the property of a retail or professional building of at least 30,000 square feet in interior space, and which is not part of a shopping center. In such case, only one clothing donation bin shall be permitted, or~~
  - b. ~~on the property of a shopping center of at least 100,000 square feet in interior building size. One clothing donation bin shall be allowed for each 100,000 square feet of building size, or~~
  - c. ~~on the premises of a not-for-profit entity for that not-for-profit entity; or provided, that only one clothing donation bin shall be permitted on the property.~~
- (e) *Bin structure.*
- (1) ~~The clothing donation bin(s) shall be of the type that are enclosed by use of a one-way receiving door so that the contents of the clothing donation bin(s) may not be accessed by anyone other than those responsible for the retrieval of the contents.~~
  - (2) Bins shall be fire resistant and constructed of steel with a rust inhibitor.
  - (32) Each clothing donation bin shall not cover a ground surface area in excess of six (6) feet by six (6) five (5) feet by five (5) feet, nor be more than six (6) seven (7) feet in height. The primary color of the clothing donation bin(s) shall be white determined by the city.
  - (4) Electrical connections to the bins shall be prohibited.
  - (53) Bins shall not contain any advertising, logos and lettering except **as** approved by the City. The City reserves the right to promote and/or advertise City events and or functions as it deems in the best interest of the City. There shall be no advertisement of any kind on the clothing donation bin except for the identity of the charitable organization and the purpose of the donation effort.
  - (6)(f) ~~Display of permits bin.~~ The following information shall be clearly and conspicuously displayed on the exterior of each ~~the clothing donation bin~~:



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- ~~(1) The permit number and its date of expiration, along with a statement that a copy of the permit application is on file with the department;~~
- ~~(a)(2) The name and address contact information of a) the registered person franchisee who owns the clothing donation bin; and, and b) any other entity which may share or profit from any clothing or other donations collected from the bin;~~
- ~~(b) such other information as the City directs or deems acceptable.~~
- ~~(3) The telephone number and email address of the owner's bona fide office, and, if applicable, the telephone number and email address of any other entity that shared or profited from any clothing collected from the bin;~~
- (7) Bins shall not be repaired or overhauled on the property on which the bin is located, (or any other work performed thereon which would constitute a nuisance under existing ordinances);
- ~~(f)(g) Property owner responsibility. The owner of the property and permittee of the clothing donation bin upon which the bin(s) is are located shall share joint and several responsibility for compliance with all conditions set forth in this LDC with the entity that owns or is in custody of the clothing donation bin(s). The failure of the person who owns or is in custody of the bin to comply with the provisions of this LDC shall not be a defense by the property owner should a violation be found to exist.~~

The registered owner or legal entity of the clothing donation bin shall report to the city department any change of entity or entities, as set forth in [section 320](#) that may share or profit from any clothing collected from the clothing donation bin no later than thirty (30) consecutive days from any changes. Failure to provide the community development department city with such report within the 30-day period shall result in revocation of the permit a daily fine of \$50.00.
- (g) Exemptions
  - 1. Bins that are placed on school property with the consent of the Broward County School Board of Broward County, Florida, are exempt from the requirements of this chapter.
  - 2. Any Charitable Organization that had obtained a proper permit prior to September 17, 2018, shall be permitted to continue to keep its previously approved donation bin at the location approved under the permit.

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**Section 3: Intent; Inclusion in the Code of Ordinances.**

(a) That it is the intention of the City Commission of the City of Miramar that the provisions of this Ordinance shall become and be made a part of the Code of the City of Miramar, and that the word "ordinance" may be changed to "section," article," or such other appropriate word or phrase in order to accomplish such intention.

(b) That Sections 1. and 3. through 7. shall not be codified but shall be an effective part of this enactment.

**Section 4: Severability.** That should this Ordinance or any part thereof be declared invalid by a court of competent jurisdiction, the invalidity of any part of this Ordinance shall not otherwise affect the validity of the remaining provisions of this Ordinance, which shall be deemed to have been enacted without the invalid provision.

**Section 5: Interpretation.** In interpreting the provisions of this Ordinance, the following rules and symbols shall apply:

- (1) Words underlined are additions to existing text;
- (2) Words ~~stricken through~~ are deletions from existing text;
- (3) Asterisks ( \* \* \* ) indicate a deletion from the Ordinance of text existing in the code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in the Ordinance shall remain unchanged from the language existing prior to the adoption of this Ordinance; and
- (4) changes between first and second reading are shown in **highlighted text**.

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**Section 6:**    **City Officials Authorized to take Action.** That the appropriate City officials are authorized to do all things necessary and expedient to carry out the aims of this Ordinance.

**Section 7:**    **Effective Date.** That this Ordinance shall take effect immediately upon adoption on second reading.

**PASSED FIRST READING:** \_\_\_\_\_

**PASSED AND ADOPTED ON SECOND READING:** \_\_\_\_\_

\_\_\_\_\_  
Mayor, Wayne M. Messam

ATTEST:

\_\_\_\_\_  
Vice Mayor, Yvette Colbourne

\_\_\_\_\_  
City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved  
this ORDINANCE as to form:

\_\_\_\_\_  
City Attorney  
Weiss Serota Helfman  
Cole & Bierman, P.L.

<b><u>Requested by Administration</u></b>	<b><u>Voted</u></b>
Commissioner Winston F. Barnes	_____
Commissioner Maxwell B. Chambers	_____
Vice Mayor Yvette Colbourne	_____
Commissioner Darline B. Riggs	_____
Mayor Wayne M. Messam	_____

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405.8. ~~Clothing-Donation~~ Textile Recycling Bins.

405.8.1. ~~Limitation on Donation~~ Textile Recycling Bins.

- (a) *Purpose.* The purpose of this section shall be to provide rules, regulations and standards for the limited placement and use of ~~clothing-donation~~ textile recycling bins in the city in order to promote the public health, safety, aesthetics, and welfare of the city. City-owned recycling bins are not subject to the limitations set forth herein.

(b) Definitions.

Charitable organization means any person determined by the federal Internal Revenue Service to be a tax-exempt organization pursuant to Section 501(c)(3) that is established for any benevolent, philanthropic, humane, social welfare, public health, or other eleemosynary purpose.

Franchisee means a person or entity who has been awarded or granted an Exclusive Franchise Agreement for the provision and operation of Textile Recycling Program Services, including the ownership of all textile recycling bins, as well as all cost associated with providing the necessary labor and equipment for the maintenance, collection, and transportation of textile recycling bins within the City.

Shopping center means five (5) or more commercial establishments, planned, developed, owned and managed as an integral unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area that the unit serves.

Textile recycling bin or “bins” means a receptacle or container made of metal or other fire-resistant material designed or intended for the collection and temporary storage of textile items such as, but not limited to; shoes, clothes, backpacks, soft covered books, linens and draperies deposited by the general public.

- (c)(b) *Requirements for Use of ~~Clothing-Donation~~ Textile Recycling Bins.* ~~Clothing-donation~~ Textile recycling bins (“bins”) shall be permitted on a limited basis only, and only in compliance with all of the provisions of this section, including the following requirements:

- (1) The person/entity operating the ~~clothing-donation~~ bin has obtained a ~~valid permit franchise agreement~~ from the city; ~~as set forth in section 320;~~
- (2) A ~~clothing-donation~~ bin shall only be owned and operated by a ~~charitable organization city franchisee;~~
- (3) The information required in sub-section (f) ~~(e)~~(6) below is clearly and conspicuously displayed, in weather resistant lettering no smaller than one (1) inch high, on a sign no greater than 2' x 2' in size fastened to the exterior of the ~~clothing-donation~~ bin;
- (4) The ~~materials clothing donated~~ contributed shall be ~~provided to others as part of a bona fide, charitable endeavor, and any proceeds from collected donations must be used by the charitable organization for its charitable purposes~~ for re-sale, re-use or other purposes provided in the franchise agreement;

- (5) The contents of the ~~clothing donation~~ bin shall be ~~clothing~~ textile items only and shall be regularly emptied at least every fourteen (14) consecutive days, and at all times not permitted to overflow to the point where the contents are visible from the outside, and the ground area immediately adjacent to the ~~clothing donation~~ bin (within three (3) feet of the ~~clothing donation~~ bin on all sides) shall be kept free of donated items ~~clothing~~ or other debris; the Franchisee shall be responsible for all costs related to the collection and removal of items placed in the area surrounding a Bin within 24 hours of notification by the City;
- (6) The ~~clothing donation~~ bin shall be kept free of signs, advertising (except as specifically permitted or required herein), graffiti and other markings and shall be maintained in a structurally sound, clean and sanitary condition; and
- (7) All other conditions of this ordinance are satisfied and there is continuing compliance with the provisions of this LDC.

~~(c) — Donation Bins. Donation bins are prohibited.~~

(d) *Placement of and Restrictions for ~~Clothing Donation~~ Textile Recycling Bins.* The following criteria shall be applied in granting a permit and in determining if a ~~clothing donation~~ bin is placed in conformity with this ordinance:

- (1) The location of the bins must be reviewed and approved by the city. must Such review shall evaluate ~~determine that~~ the placement of the ~~clothing donation~~ bin will and ensure the location does not impair pedestrian or vehicular traffic, including emergency service vehicle movement, within the property, does not negatively affect protected trees or utility services, and does not otherwise constitute a safety hazard to pedestrians or vehicles or otherwise ~~Such hazards include, but are not limited to: the placement of a clothing donation bin within 100 yards of any place that stores or sells large amounts of fuel or other flammable liquids or gases, and placement of a clothing donation bin that interferes with vehicular or pedestrian circulation.~~ Such approval will not be unreasonably withheld.
- (2) Bins shall not be placed within any required parking space for the property. If a bin is proposed for location in a surplus parking space, it is the responsibility of the franchisee to provide documentation, to the satisfaction of the City, that the bins are not utilizing spaces which are required parking spaces for any use on the property.
- (3) Bins shall not be placed in landscaped areas.
- (4) No more than one bin may be located on a property less than one acre; for properties over one acre, no more than one bin per acre up to a maximum of four bins per parcel.
- (5) Where more than one bin is permitted on a property, up to 3 bins may be placed immediately adjacent to each other. If not placed immediately adjacent to each other, then no bin shall be placed within 300 feet of any other bin.
- (6) Bins shall not be located within twenty-five (25) feet of any public street or right-of-way.

- (~~72~~) ~~Clothing donation~~ Bins shall be secured or removed in such a manner as to minimize the danger of such units causing damage to persons or property from high winds or severe weather conditions, ~~and bins shall meet the wind-loading requirements of the Florida Building Code.~~
- (~~83~~) It shall be the responsibility of the ~~owner of the property upon which the clothing donation bin is located and the person or legal entity that obtains the permit~~ franchisee to remove ~~or properly secure~~ the clothing donation bin in the event of any hurricane warning in effect for the city. If such action is not taken, the city reserves the right to remove the clothing donation bin and to ~~revoke the permit~~ charge the franchisee for all costs incurred by the City to remove, transport and store the bins. The City shall not be obligated to remove Textile Recycling bins from any location within the City. In no event shall the city be responsible or liable for any damages as a result of securing or removing, or omitting to secure or remove the bin.
- (~~94~~) ~~Clothing donation~~ Bins shall not be located in rights-of-way.
- (~~105~~) ~~No clothing donation bin~~ Bins shall not be permitted in a single family residentially zoned district, or district that receives curb-side collection services, or within ~~150~~ 25 feet of a single-family residentially zoned district, as described in section 401.1 of this LDC, ~~unless the building is devoted solely to a not for profit organization.~~
- (~~116~~) ~~No clothing donation bins~~ Bins shall not be located on a vacant lot.
- (~~127~~) ~~Clothing donation~~ Bins may be located on city-owned property, excluding public right of ways or on private property with written permission from the property owner, and/or their designee. Permission of a tenant is not sufficient. ~~shall only be permitted in the following commercial settings:~~
- a. ~~on the property of a retail or professional building of at least 30,000 square feet in interior space, and which is not part of a shopping center. In such case, only one clothing donation bin shall be permitted, or~~
  - b. ~~on the property of a shopping center of at least 100,000 square feet in interior building size. One clothing donation bin shall be allowed for each 100,000 square feet of building size, or~~
  - c. ~~on the premises of a not-for-profit entity for that not-for-profit entity; or provided, that only one clothing donation bin shall be permitted on the property.~~

(e) *Bin structure.*

- (1) The ~~clothing donation~~ bin(s) shall be of the type that are enclosed by use of a one-way receiving door so that the contents of the ~~clothing donation bin(s)~~ may not be accessed by anyone other than those responsible for the retrieval of the contents.
- (2) Bins shall be fire resistant and constructed of steel with a rust inhibitor.

~~(32)~~ Each ~~clothing donation~~ bin shall not cover a ground surface area in excess of ~~six (6) feet by six (6) five (5) feet by five (5) feet~~, nor be more than ~~six (6) seven (7) feet~~ in height. The primary color of the ~~clothing donation~~ bin(s) shall be ~~white~~ determined by the city.

(4) Electrical connections to the bins shall be prohibited.

~~(53)~~ Bins shall not contain any advertising, logos and lettering except as approved by the City. The City reserves the right to promote and/or advertise City events and or functions as it deems in the best interest of the City. There shall be no advertisement of any kind on the clothing donation bin except for the identity of the charitable organization and the purpose of the donation effort.

~~(6)(f)~~ Display of permits bin. The following information shall be clearly and conspicuously displayed on the exterior of each the clothing donation bin:

~~(1)~~ The permit number and its date of expiration, along with a statement that a copy of the permit application is on file with the department;

~~(a)(2)~~ The name and address contact information of a) the registered person franchisee who owns the clothing donation bin; and, and b) any other entity which may share or profit from any clothing or other donations collected from the bin;

~~(b)~~ such other information as the City directs or deems acceptable.

~~(3)~~ The telephone number and email address of the owner's bona fide office, and, if applicable, the telephone number and email address of any other entity that shared or profited from any clothing collected from the bin;

(7) Bins shall not be repaired or overhauled on the property on which the bin is located, (or any other work performed thereon which would constitute a nuisance under existing ordinances);

~~(f)(g)~~ Property owner responsibility. The owner of the property and ~~permittee of the clothing donation bin~~ upon which the bin(s) is are located shall share joint and several responsibility for compliance with all conditions set forth in this LDC with the entity that owns or is in custody of the ~~clothing donation bin(s)~~. The failure of the person who owns or is in custody of the bin to comply with the provisions of this LDC shall not be a defense by the property owner should a violation be found to exist.

The registered owner or legal entity of the ~~clothing donation~~ bin shall report to the city department any change of entity or entities, ~~as set forth in section 320~~ that may share or profit from any clothing collected from the ~~clothing donation~~ bin no later than thirty (30) consecutive days from any changes. Failure to provide the ~~community development department~~ city with such report within the 30-day period shall result in ~~revocation of the permit~~ a daily fine of \$50.00.

(g) Exemptions

1. Bins that are placed on school property with the consent of the Broward County School Board of Broward County, Florida, are exempt from the requirements of this chapter.

2. Any Charitable Organization that had obtained a proper permit prior to September 17, 2018, shall be permitted to continue to keep its previously approved donation bin at the location approved under the permit.