

ORDINANCE G-5846

AN ORDINANCE AMENDING PORTIONS OF THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTIONS 202 (DEFINITIONS) AND 708 (TEMPORARY USES) REGARDING CHARITABLE DROP BOXES.

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as

follows:

SECTION 1. That Chapter 2, Section 202 (Definitions) is amended to

read as follows:

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Owner: A person recorded as such on the records of the City COUNTY Assessor, ~~including his duly authorized agent or attorney, a purchaser, devisee, fiduciary, and a person having a vested or contingent interest in the property in question.~~ OR A PERSON WHO HAS BEEN GRANTED WRITTEN AUTHORIZATION BY THE OWNER TO ACT ON HIS BEHALF.

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CHARITABLE DROP BOX: A CONTAINER USED FOR THE PURPOSES OF DONATING GOODS FOR REUSE BY OTHERS.

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SECTION 2. That Chapter 7, Section 708 (Temporary Uses) is amended

by adding new section "L" to read as follows:

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L. CHARITABLE DROP BOX CONTAINER PERMIT. A CHARITABLE DROP BOX CONTAINER PERMIT IS SUBJECT TO THE FOLLOWING:

1. AN ANNUAL PERMIT IS REQUIRED FOR THE FOLLOWING USES OR ANALOGOUS USES

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a. CHARITABLE DROP BOX CONTAINERS

- 1) CONTAINERS ARE PERMITTED IN C-0, C-1, C-2, C-3, AND COMMERCE PARK ZONING DISTRICTS. CONTAINERS ARE ALSO PERMITTED ON RESIDENTIALLY ZONED PROPERTIES WITH PUBLIC ASSEMBLY USES.
- 2) MUST BE A CONTAINER CONSTRUCTED OF PAINTED METAL, RUBBER, WOOD, OR PLASTIC, AND SHALL BE MAINTAINED IN A SAFE AND NON-BLIGHTED CONDITION. THE OWNER OR OPERATOR OF A CONTAINER SHALL REMOVE ANY MATERIAL LEFT IN AND AROUND THE CONTAINER WITHIN 24 HOURS OF RECEIVING WRITTEN NOTIFICATION FROM THE PROPERTY OWNER, OR CITY OF PHOENIX. IF MORE THAN 25% OF A CONTAINER IS DAMAGED OR VANDALIZED, IT MUST BE REMOVED WITHIN FIVE BUSINESS DAYS OF WRITTEN NOTIFICATION. IF THERE IS A PUBLIC HEALTH, SAFETY OR WELFARE CONCERN PURSUANT TO CHAPTER 27 OF THE CITY CODE THE CONTAINER MUST THEN BE REMOVED WITHIN 24 HOURS OF WRITTEN NOTIFICATION.
- 3) THE CONTAINER SHALL BE NO MORE THAN SIX CUBIC YARDS IN CAPACITY AND MUST HAVE A LOCKING LID OR A LATCH THAT MEETS THE REQUIREMENTS OF CHAPTER 27 OF THE CITY CODE. THERE SHALL BE NO MORE THAN TWO CONTAINERS ON ANY ONE PROPERTY OR

CENTER, WHICHEVER IS MOST RESTRICTIVE. A PROPERTY MAY CONTAIN ONE 12 CUBIC YARD CONTAINER IN LIEU OF TWO SIX CUBIC YARD CONTAINERS. THE PLANNING AND DEVELOPMENT DIRECTOR MAY APPROVE MORE THAN TWO CONTAINERS ON PROPERTIES THAT ARE GREATER THAN 10 ACRES IN SIZE IF THE ADDITIONAL CONTAINERS ARE LOCATED ON A DIFFERENT STREET FRONTAGE AND SPACED A MINIMUM OF 500 FEET FROM THE OTHER CONTAINERS.

- 4) THE CONTAINER SHALL BE CLEARLY MARKED TO IDENTIFY THE SPECIFIC ITEMS AND MATERIALS REQUESTED TO BE LEFT FOR DONATIONS, THE NAME, TELEPHONE NUMBER AND EMAIL ADDRESS OF THE OWNER OR OPERATOR OF THE CONTAINER THAT MAY BE USED FOR CONTACT AT ANYTIME. A NOTICE SHALL ALSO BE ON THE CONTAINER THAT ITEMS SHALL NOT BE LEFT OUTSIDE OF THE CONTAINER AND A STATEMENT THAT NO HAZARDOUS MATERIALS MAY BE PLACED INSIDE THE CONTAINERS PURSUANT TO CHAPTER 27 OF THE CITY CODE. THE CONTAINER SHALL ALSO LIST THE NAME OF THE NON-PROFIT ENTITY THAT SHARES THE DONATED ITEM PROFITS.
- 5) CONTAINERS SHALL NOT BE PERMITTED IN A LOCATION THAT IMPACTS REQUIRED PARKING VEHICULAR CIRCULATION, LOADING ZONES, OR LANDSCAPING.
- 6) EACH CONTAINER MAY BE PERMITTED FOR UP TO ONE YEAR. EACH CONTAINER PERMIT MAY BE RENEWED ON AN ANNUAL BASIS PURSUANT TO COMPLIANCE WITH SECTION 708.C.3

- 7) THE CITY MAY CONSIDER PRIOR PERMIT REVOCATIONS DUE TO FRAUDULENT APPLICATION INFORMATION WHEN GRANTING NEW CHARITABLE DROP BOX PERMITS.
- 8) A PROPERTY OWNER SHALL CONTROL THE PERMIT NOT THE PERMITEE. AS SUCH, THE OWNER OR AUTHORIZED AGENT MAY RESCIND THEIR AUTHORIZATION FOR THE CONTAINER AT ANY TIME AND THE PERMIT SHALL BE REVOKED.
- 9) PERMITS ARE NOT REQUIRED WHEN THE CONTAINER IS IN COMPLIANCE PURSUANT TO SECTION 608.E.1.

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SECTION 3. That Chapter 7, Section 708.C.2 (Temporary Uses) is amended by adding new paragraph "c" to read as follows:

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2. Applicants shall submit the following:

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- c. NOTARIZED Letter of authorization from the property owner OF RECORD OR A PERSON WHO HAS BEEN GRANTED WRITTEN AUTHORIZATION BY THE OWNER TO ACT ON HIS BEHALF giving permission to HAVE THE SPECIFIED USE ON THE PROPERTY ~~hold the event on specified days and times.~~ IF A NOTARIZED LETTER FROM THE PROPERTY OWNER IS NOT PROVIDED THEN A NOTARIZED LETTER FROM THE PERSON WHO HAS BEEN GRANTED WRITTEN AUTHORIZATION BY THE PROPERTY OWNER TO ACT ON HIS BEHALF SHALL BE PROVIDED AT THE TIME OF APPLICATION. THE AGENT MUST BE APPROVED TO AUTHORIZE AND LOCATE A CONTAINER ON THE PARCEL. A PERMIT MAY BE REVOKED IF FRAUDULENT MATERIALS ARE SUBMITTED AS PART OF THE APPLICATION PROCESS.

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SECTION 5. The amendments to Chapter 7 of the City of Phoenix Zoning Ordinance as set forth in this ordinance shall be effective and enforceable on January 1, 2014.

PASSED by the Council of the City of Phoenix this 2nd day of October, 2013.



MAYOR

ATTEST:

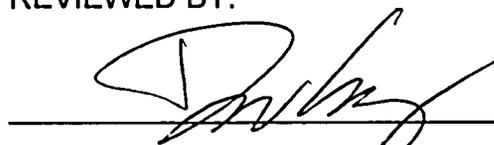
 City Clerk



APPROVED AS TO FORM:

 Acting City Attorney

REVIEWED BY:

 City Manager

MLW:tml:1086245v1 (CM #52) (Item 62) 10/2/13