

**CITY OF HUMBLE**

**ORDINANCE NO. 17-802**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUMBLE, TEXAS AMENDING CHAPTER 16 “ENVIRONMENT”, BY CREATING ARTICLE IX “UNATTENDED DONATION DUMPSTERS”; ESTABLISHING A PERMIT; ESTABLISHING REGULATIONS AND OTHER PROVISIONS RELATED THERETO; MAKING CERTAIN FINDINGS; PROVIDING FOR A PENALTY; AND PROVIDING FOR SEVERABILITY.**

WHEREAS, the City Council finds that it is in the best interest of the health, safety and the general welfare of the citizens of the City of Humble that a new ordinance be adopted providing standards for the location and maintaining of unattended donation dumpsters (hereinafter referred to as “UDDs”); and

WHEREAS, city staff is recommending the adoption of standards for the placement and maintenance of UDDs due to the growing proliferation of unmanned donation boxes, containers and dumpsters within the City; and

WHEREAS, UDDs are detrimental to the overall appearance of the city, diminish adjacent property values, and may result in the prevalence of rodents and other public health risks due to illegal dumping of garbage and trash at UDDs; and

WHEREAS, the City Council desires to enact regulations to address and mitigate the negative effects set forth in the preceding recitals;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUMBLE, TEXAS, THAT.

Section 1 The Code of Ordinances of the City of Humble, Texas, is hereby amended by creating Chapter 16 “Environment”, Article IX “Unattended Donation Dumpsters” to read as follows.

**Chapter 16 – ENVIRONMENT**

**ARTICLE IX. – UNATTENDED DONATION DUMPSTERS.**

**Sec. 16-320. – Purpose.**

It shall be the purpose of this article to promote the public health, safety, general welfare, and appearance of the City and to minimize the potential for public and private losses by adopting regulations to control the placement and maintenance of unattended donation dumpsters.

**Sec. 16-321. – Definitions.**

*Donation Dumpster (“UDD”)* shall mean a bin, container, or dumpster or similar receptacle or structure that is located outside and that is intended for the collection of donated items and that is unattended.

*Unattended Donation Dumpster Operator (“UDD Operator”)* shall mean any company, organization or person that owns and/or operates one or more UDDs in the City

*Residential Area* shall mean an area in which the principal land use is for one or more private residences including single family homes, duplexes and apartment complexes or as defined by Section 12-350 of this Code.

*Unattended* shall mean without attendant on duty and on premises at all times.

**Sec. 16-322. – Permit Required.**

A UDD Operator shall obtain a permit from the City to place a UDD within the city limits. Each UDD shall require a separate and individual permit. No permit shall be issued until the applicable UDD Permit fee has been paid and the permit application is approved by the City Manager or his or her designee.

**A. Term of Permit; Jurisdiction; and Scope.**

A permit issued for a UDD under this article:

- (1) Is an annual permit that expires December 31<sup>st</sup> of each year unless it is suspended or canceled earlier;
- (2) Is effective for a single location only;
- (3) Vests no property right in the permittee except to place and maintain a donation bin in accordance with the terms and conditions of this article;
- (4) Shall automatically expire if the permittee removes the donation bin from its permitted location or should the property owner request that the donation bin be removed from the property; and
- (5) Is not assignable or transferable.

**B Payment of Permit Fee.**

A UDD Operator shall submit with the permit application a fee as currently established or as hereafter adopted by resolution of the City Council from time to time. The City shall not refund any portion of a permit fee after the permit is issued or rejected nor shall it prorate or reduce any fee due to the city

C Permit Application.

The permit application for a donation bin shall include:

- (1) UDD Operator's name, local address and phone number, website and name of the responsible party, and the email address of the responsible party
- (2) Location address, name of business (if applicable), location/business' primary contact and site map of the proposed location of the donation bin.
- (3) Signed affidavit acknowledging that a City UDD permit does not entitle the UDD Operator to place a UDD on private or public property without notarized written consent of the property owner, a copy of which shall be provided to the city

D Grounds for denial of permit or permit renewal

The City shall refuse to approve issuance or renewal of a permit for one or more of the following reasons.

- (1) Any failure to provide the information required by this article;
- (2) A determination by the City that inaccurate, erroneous or incomplete information has been submitted,
- (3) A false statement as to a material matter made in an application for a permit;
- (4) Revocation of a permit, pursuant to this article, of the UDD Operator within two years preceding the filing of the application,
- (5) Refusal or failure to pay the correct permit fee amount;

**Sec. 16-323. – Regulations.**

The following regulations shall apply to all UDDs located within the city limits.

- A. Under no circumstances shall more than one (1) UDD be located on a single parcel of private or public property
- B. The location of a UDD in a parking lot shall not reduce the number of off-street parking spaces below the minimum required for the particular use of that property as set forth in Chapter 38 Section 29 of the Code of Ordinances.
- C. The UDD shall not be located within a residential area.
- D. The UDD shall not cause a visual obstruction to vehicular or pedestrian traffic.

- E. The UDD shall not exceed six (6) feet in height, six (6) feet in width, and six (6) feet in depth, or otherwise exceed 36 square feet in area or 216 cubic feet in volume.
- F. The UDD shall maintain all applicable setback restrictions as set forth in Chapter 12 Section 131 and Chapter 38 Section 23 of the Code of Ordinances.
- G. The UDD shall not cause safety hazards with regard to a designated fire lane or building exit.
- H. The UDD shall not interfere with an access drive, off-street parking lot maneuvering area and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic.
- I. The UDD shall be constructed of an appropriate material as approved by the Chief Building Official or their designee, and shall further be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.
- J. The UDD shall be constructed and secured as to not be accessed by anyone other than those responsible for the retrieval of the contents.
- K. The UDD shall contain upon the front side of the bin the name, phone number and website of the UDD Operator
- L. The UDD shall be serviced and emptied as needed, but no less than once every seven (7) days.
- M. The UDD Operator shall maintain, or cause to be maintained a ten (10) foot radius area surrounding the UDD free from any junk, debris or other material. The UDD Operator shall have 24 hours from the time they receive notice from the City to remove any junk, debris or other material from and around the UDD. If junk, debris or other material is not removed within 24 hours, the City reserves the right to mitigate or otherwise cause for the removal of junk, debris, or other material at the UDD Operator's expense.
- N. The UDD Operator shall be responsible to the extent provided by law for the City's cost to abate any unmitigated violation.
- O. A UDD Operator maintaining an existing UDD(s) located within the City Limits as of June 1, 2017 shall have 90 days from the effective date of this article to obtain a UDD Permit and be in full compliance of this article.

**Sec. 16-324. – Penalty.**

Any person who shall willfully, intentionally, or with criminal negligence violate any provision of this article shall be deemed guilty of a misdemeanor and, upon

conviction shall be fined in accordance with Section 1-11 of the City Code. Each day of violation shall constitute a separate offense.

Section 2. Severability In the event any clause, phrase provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect impair, or invalidate this Ordinance as a whole or any part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 3. This ordinance supersedes all ordinances or parts of ordinances in conflict with the provisions stated herein.

Section 4. This ordinance shall become effective upon final reading and adoption of this Ordinance when the caption hereof is published once in the official newspaper of the City, by the City Secretary, within ten days after the passage of the Ordinance, as required by law and Article II, Section 13 of the City Charter.

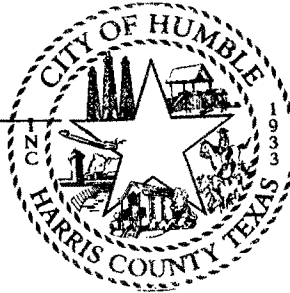
PASSED, APPROVED, AND ADOPTED this 11<sup>th</sup> day of May 2017

*Merle Aaron*

Merle Aaron  
Mayor

ATTEST

*Jason Stuebe*  
Jason Stuebe  
City Secretary



**PUBLICATION CERTIFICATION**

**THIS ORDINANCE WAS PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY OF HUMBLE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 13 OF THE CHARTER OF THE CITY OF HUMBLE TEXAS ON:**

ATTEST

*Jason Stuebe*

THE TRIBUNE

MAY 17, 2017

**CITY OF HUMBLE  
ORDINANCE NO. 17-862**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUMBLE, TEXAS AMENDING CHAPTER 16 "ENVIRONMENT", BY CREATING ARTICLE IX "UNATTENDED DONATION DUMPSTERS"; ESTABLISHING A PERMIT, ESTABLISHING REGULATIONS AND OTHER PROVISIONS RELATED THERETO; MAKING CERTAIN FINDINGS, PROVIDING FOR A PENALTY, AND PROVIDING FOR SEVERABILITY

Jason Stuebe  
City Secretary