

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 109 OF THE CODE OF ORDINANCES TITLED "CHARITABLE DONATION CLOTHING BINS" TO REPEAL THE CURRENT REGULATIONS AND ESTABLISH A TEXTILE RECYCLING COLLECTION BIN PROGRAM; PROVIDING FOR A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 109 of the Hollywood Code of Ordinances establishes regulations for the limited placement and use of charitable donation clothing bins owned and operated by a charitable organization; and

WHEREAS, currently the City has only issued one permit to a charitable organization for the placement of a clothing bin within the City under the current program; and

WHEREAS, the City has various grant funding programs which assist charitable organizations that support programs and citizens within the City of Hollywood; and

WHEREAS, as funding for such grant programs is limited, the Police Department evaluated other programs to enhance the revenue streams and determined that the establishment of a textile recycling collection bin program, which is being utilized in the Town of Davie, would be more beneficial to the City than the current regulations; and

WHEREAS, the City Commission deems it in the best interest of the citizens and residents of the City of Hollywood to adopt additional regulations concerning the use and placement of textile recycling collection bins in the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Chapter 109 entitled "Charitable Donation Clothing Bins" is hereby repealed in its entirety.

Section 2: That Chapter 109 entitled "Textile Recycling Collection Bin Program" is hereby created as follows:

(Coding: words in underscoring type are additions to existing text, and words in ~~struck-through~~ type are deletions)

CHAPTER 109: TEXTILE RECYCLING COLLECTION BIN PROGRAM.

§ 109.01 DEFINITIONS.

The following words, terms and phrases, when used in this Chapter, shall have the meanings as ascribed to them in this section, except where the context clearly indicates a different meaning:

TEXTILE RECYCLING COLLECTION BIN. A receptacle or container designed to allow members of the general public to deposit used textile items such as shoes, clothing, linens and draperies.

TEXTILE RECYCLING COLLECTION. The gathering and transportation of textile items such as shoes, clothing, linens and draperies either for the purpose of resale or re-use for other purposes.

§ 109.02 TEXTILE RECYCLING PROGRAM

(A) Purpose. Unlike other recyclables, such as bottles, cans and papers, textiles have not typically been collected through regularly scheduled household pick-ups but instead have been collected through donations to thrift stores (both for profit and not-for-profit) or to charitable organizations, often by way of unsupervised textile recycling collection bins placed throughout the community. If not properly regulated, textile recycling operations and textile recycling collection bins can conflict with parking, traffic circulation, and tree preservation, and can lead to nuisance situations such as abandoned property and graffiti. When properly regulated, textile recycling collection bins can provide a cost-effective and convenient method of textile recycling, thereby reducing waste. The purpose of this section is to set forth the conditions under which textile recycling collection bins may be placed on public and private property and to provide minimum standards as to how they are operated and maintained, as necessary to protect the public health, safety, and welfare.

(B) General provisions.

(1) Authorized textile recycling collection bins. No person or entity shall place or maintain a textile recycling collection bin within the city except in conformance with this section and as authorized through a franchise agreement as set forth herein.

(2) Collection from stationary vehicles. Collection of textiles for recycling by a stationary truck, wagon, trailer or similar vehicle is prohibited within the city except as authorized through a franchise agreement. This is not intended to prohibit textile recycling collections taken directly from homes, businesses or

institutions, whether through regularly scheduled pickups or through pickups based upon a special request of the donor.

(C) Placement, operation, and maintenance of textile recycling collection bins. Unless otherwise provided by the city pursuant to a franchise agreement, Textile recycling collection bins shall adhere to the following:

(1) Textile recycling collection bins shall only be placed in the following areas:

(a) City owned property, excluding public rights-of-way, on parcels approved by the city either through a franchise agreement or resolution adopted by the city commission; or

(b) Developed parcels which are zoned and approved for commercial retail, industrial, or institutional use, with written permission of the property owner. Permission of a tenant is not sufficient.

(2) Textile recycling collection bins shall be placed in a manner which does not impair pedestrian or vehicle traffic, including emergency service vehicle movement, within the site and which does not negatively affect protected trees or utility services. The placement of textile recycling collection bins shall not require site plan approval unless such placement would be inconsistent with site plan conditions imposed by the city's Development Services Department.

(3) Textile recycling collection bins shall be no larger than seven (7) feet in any dimension.

(4) A textile recycling collection bin shall be placed no less than 500 feet from any other textile recycling collection bin unless located at least 200 feet from any public street or right-of-way and not readily visible from any residential use. In no case shall more than three (3) textile recycling collection bins be placed on a single parcel and such bins may be placed together or apart within the subject parcel.

(5) Textile recycling collection bins shall not be located within twenty-five (25) feet of any public street or right-of-way.

(6) Textile recycling collection bins shall be constructed of steel with a rust-resistant coating and weigh at least 500 pounds empty.

(7) Each textile recycling collection bin shall provide the name, address and telephone number of the franchisee responsible for the maintenance of the bin and regular textile recycling collection in weather resistant lettering no smaller than one (1) inch high. Textile recycling collection bins shall contain no advertising other than as related to the franchised textile recycling collection organization or business. The

placement of any logos and lettering on the textile recycling collection bins shall be approved by the city.

(8) Textile recycling collection bins shall be painted and designed in accordance with the textile recycling bin design set forth in the Appendix to this chapter, maintained in good appearance, and be emptied no less than once per 14 days.

(9) The franchisee shall be responsible for ensuring that the area within twenty (20) feet of any bin shall be kept free of trash, debris and discarded items.

(D) Exemptions.

(1) Textile recycling collection bins that are placed on school property with the consent of the School Board of Broward County, Florida, are exempt from the regulations of this chapter.

(2) Any charitable organization which obtained a clothing bin permit prior to November 15, 2017, shall be permitted to continue to keep its clothing bin at the approved location under the permit, however, the charitable organization shall be required to operate and maintain its clothing bin in accordance with the regulations set forth herein.

(E) Implementation. The provisions of this section shall take effect on November 15, 2017, except that all textile recycling collection bins, stationary trucks, wagons, trailers or similar vehicles placed, operated, or maintained prior to November 15, 2017 shall be removed or brought into compliance no later than December 1, 2017.

(F) Community Endowment Trust Fund. A Community Endowment Trust Fund will be established by resolution of the city commission to set forth the parameters for expending the revenue received by this program.

Section 3: That it is the intention of the City Commission and it is hereby ordained that the provisions of this section shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of this Code may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

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Section 6: Except as otherwise provided in Section 109.11(E), this ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on _____, 2017.

PASSED on first reading this ____ day of _____, 2017.

PASSED AND ADOPTED on second reading this _____ day of _____, 2017.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the City of
Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY

APPENDIX

CLOTHING & SHOES RECYCLING BIN



CITY OF
Hollywood
FLORIDA

YOUR GENEROUS CONTRIBUTION SUPPORTS  THE HOLLYWOOD POLICE ATHLETIC LEAGUE.





TextilePrograms.com | 888.325.3877
FLSC, LLC 8930 State Rd 84 • Suite 211 Davie, FL 33324

This bin is operated by Florida Textile Recycling Programs for the benefit of the Hollywood Police Athletic League and other community involvement programs.

This is not a charity. Textile recycling contributions made here are not tax deductible.



TEXTILE RECYCLING BIN DESIGN		PRESENTED BY FLORIDA TEXTILE RECYCLING PROGRAMS		PHONE: 888 325 3877	FAX: 855 420 6104
PRESENTED TO THE CITY OF HOLLYWOOD		OPTION #2		WEB: TEXTILEPROGRAMS.COM	