

CITY OF ATWATER

COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

AGENDA

Council Chambers
750 Bellevue Road
Atwater, CA 95301

August 16, 2017

CALL TO ORDER: (Council Chambers)

6:00 PM



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

ROLL CALL:

Dash____, **Daugherty**____, **McWatters** _____, **Murphy III**____, **Reed**____,
Warchol____, **Brice**_____

SUBSEQUENT NEED ITEMS: (The Recording Secretary shall announce any requests for items requiring immediate action subsequent to the posting of the agenda. Subsequent need items require a two-thirds vote of the members of the Commission present at the meeting.)

APPROVAL OF AGENDA AS POSTED OR AMENDED: (This is the time for the Commission to remove items from the agenda or to change the order of the agenda.)

CEREMONIAL MATTERS: None

COMMENTS FROM THE PUBLIC:

NOTICE TO THE PUBLIC

At this time any person may comment on any item which is not on the agenda, that is within the jurisdiction of the Community Development and Resources Commission. Please state your name for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda.

To comment on an item that is **on** the agenda, please wait until the item is read for consideration; please limit comments to a maximum of three (3) minutes.

Civility is expected from members of the public during the meeting. For more efficient use of time, disruptive behavior will not be tolerated. While you may not agree with what an individual is saying, please treat everyone with courtesy and respect.

APPROVAL OF MINUTES:

1. Regular Meeting of June 21, 2017

Staff's Recommendation: Motion to approve minutes as listed.

2. Regular Meeting of July 19, 2017

Staff's Recommendation: Motion to approve minutes as listed.

PUBLIC HEARINGS: None

REPORTS AND PRESENTATIONS FROM STAFF:

3. Request from Atwater Chamber of Commerce for annual Fall Festival to be held on September 23, 2017 from 8:00 AM to 5:00 PM at Ralston Park

Staff's Recommendation: Review the request and make a recommendation to the City Council.

4. Request from LOVE ATWATER to hold Downtown Local Businesses & Volunteer Appreciation Day on October 14, 2017 from 9:00 AM to 4:00 PM between Third and Cedar

Staff's Recommendation: Review the request and make a recommendation to the City Council.

DISCUSSION ITEMS:

5. Discussion regarding Atwater Municipal Code Section 17.07 related to Garage Sales
6. Discussion regarding Atwater Municipal Code Section 5.62 related to Donation Bins

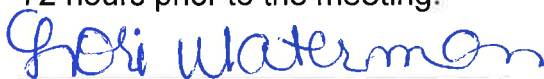
COMMISSIONER MATTERS:

7. Community Development and Resources Commissioners Comments

ADJOURNMENT:

CERTIFICATION:

I, Lori Waterman, Community Development and Resources Recording Secretary, do hereby certify that a copy of the foregoing Agenda was posted at City Hall a minimum of 72 hours prior to the meeting.



LORI WATERMAN, CMC
RECORDING SECRETARY

SB 343 NOTICE

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the office of the City Clerk at City Hall during normal business hours at 750 Bellevue Road.

If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda at 750 Bellevue Road.



In compliance with the Federal Americans with Disabilities Act of 1990, upon request, the agenda can be provided in an alternative format to accommodate special needs. If you require special accommodations to participate in a City Council, Commission, or Committee meeting due to a disability, please contact the City Clerk's Office a minimum of three (3) business days in advance of the meeting at 357-6205. You may also send the request by email to lwaterman@atwater.org.



COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

ACTION MINUTES

June 21, 2017

CALL TO ORDER:

The Community Development and Resources Commission of Atwater met in Regular Session this date at 6:00 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Chair Brice presiding.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Chair Brice.

INVOCATION: *The Invocation was given by Police Chaplain.*

ROLL CALL:

Present: Commissioners Murphy III, Reed Chair Brice
Absent: Commissioners Dash, Daugherty, McWatters
Staff Present: Community Development Director McBride, Deputy City Attorney Ruppel, Senior Planner Hendrix, Police Chief Joseph, Recording Secretary Waterman

SUBSEQUENT NEED ITEMS: *None*

APPROVAL OF AGENDA AS POSTED OR AMENDED:

MOTION: *Commissioner Warchol moved to approve the agenda as posted. The motion was seconded by Commissioner Murphy III, and the vote was: Ayes: Murphy III, Reed, Warchol, Brice; Noes: None; Absent: Dash, Daugherty, McWatters. The motion passed.*

CEREMONIAL MATTERS: *None*

PUBLIC COMMENT:

Notice to the public was read.

No one came forward to speak at this time.

PETITIONS AND COMMUNICATIONS: ***None***

APPROVAL OF MINUTES:

Special Meeting of April 5, 2017

MOTION: Commissioner Warchol moved to approve the minutes as listed. The motion was seconded by Commissioner Murphy III, and the vote was: Ayes: Murphy III, Reed, Warchol, Brice; Noes: None; Absent: Dash, Daugherty, McWatters. The motion passed.

Commissioner Dash arrived at 6:04 PM

Commissioner McWatters arrived at 6:10 PM

PUBLIC HEARINGS:

Resolution CDRC 038-17 recommending that the Atwater City Council approve Ordinance No. CS 982 Amending Title 8, Chapter 8.52, Pertaining to Medical Marijuana; Amending the Definitions Section of Title 17, Chapter 17.06, to address Commercial Marijuana Operations in the context of Crop Cultivation and Industry, Industrial Operation; and Amending Title 17, Chapter 17.75 specific uses, adding Section 17.75.120 pertaining to Standards for Commercial Marijuana Operations in the City

Chair Brice opened the Public Hearing.

SHAWN ARNOLD, Atwater, spoke in favor of approving the Ordinance and stated as a neighbor he did not see a need for armed security guards.

DWIGHT LARKS, spoke in favor of moving the Ordinance forward and discussed the different types of permits and licensures issued by different departments other than the City.

ZACK DRIVON, Attorney from Stockton answered questions from the Commission as well as the public. He also addressed different license types and permitting.

No one else came forward to speak, and Chair Brice closed the Public Hearing for this item.

The Commission requested changes to the Ordinance and present a verbal update to the City Council with additional recommendations to include 24 hour security, an educational component, and a cap of 2 permits issued.

This item will be brought back for approval at a later date and a public hearing will be held to review the changes.

REPORTS AND PRESENTATIONS FROM STAFF:

Proposed Vehicle Displays by Western Motors in front of Wal-Mart

Clarification was made that there will be minimal impact on the community it is not a car lot, just a display.

The Commission had no opposition to allowing the vehicle display in front of Wal-Mart.

COMMISSIONER MATTERS:

Comments from Community Development and Resources Commissioners

Commissioner Dash questioned the construction being done in the old K Mart building to prepare for the fitness center.

Commissioner Reed had no comments.

Vice Chair Murphy questioned the 5th Street and Atwater Boulevard conditions for the business.

Commissioner McWatters asked if there was another fitness center going into the old Block Buster building as well as the old K Mart building.

Commissioner Warchol expressed his concerns with the City website, stating it is stark, outdated and contains old information.

Chair Brice thanked everyone for attending and wished them a Happy 4th of July.

ADJOURNMENT:

MOTION: Commissioner McWatters moved to adjourn the meeting. The motion was seconded by Vice Chair Murphy III and the vote was unanimous.

The meeting adjourned at 7:32 PM.

Gary Brice, Chairperson

Lori Waterman, CMC
Recording Secretary



COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

ACTION MINUTES

July 19, 2017

CALL TO ORDER:

The Community Development and Resources Commission of Atwater met in Regular Session this date at 6:00 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Chair Brice presiding.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Chair Brice.

INVOCATION: *The Invocation was given by Police Chaplain Mead.*

ROLL CALL:

Present: Commissioners Dash, Daugherty, Murphy III, Reed, Warchol,
Chair Brice
Absent: Commissioner McWatters
Staff Present: Community Development Director McBride, Senior Planner
Hendrix, Recording Secretary Waterman

SUBSEQUENT NEED ITEMS: *None*

APPROVAL OF AGENDA AS POSTED OR AMENDED:

MOTION: *Commissioner Reed moved to approve the agenda as posted. The motion was seconded by Commissioner Dash, and the vote was: Ayes: Dash, Daugherty, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: McWatters. The motion passed.*

CEREMONIAL MATTERS: *None*

PUBLIC COMMENT:

Notice to the public was read.

No one came forward to speak at this time.

APPROVAL OF MINUTES:

Regular Meeting of May 17, 2017

MOTION: Commissioner Dash moved to approve the minutes as listed. The motion was seconded by Commissioner Murphy III, and the vote was: Ayes: Dash, Murphy III, Reed, Warchol, Brice; Noes: None; Abstain: Daugherty; Absent: McWatters. The motion passed.

PUBLIC HEARINGS:

Resolution No. CDRC 039-17 recommending the Atwater City Council approve Planned Development Final Development Plan No. 03-3, Amendment No. 3 by adopting City Council Resolution No. 2974-17

Chair Brice opened the Public Hearing.

WAYNE BRUNS, resident of Atwater and long time builder in this area with plenty of experience, spoke on behalf of the project representing Steiner Development. Project should be considered an infill project and houses will be compatible with surrounding homes.

ANDY KROTIK, thanked Mr. Hendrix and Mr. McBride for getting this item on the agenda as quickly as they did, so the project could move forward during the busy building season. He also stated that local subs would be used whenever possible as well.

No one else came forward to speak, and Chair Brice closed the Public Hearing for this item.

MOTION: Commissioner Murphy III moved to adopt Resolution CDRC No. 039-17 recommending the Atwater City Council approve Planned Development Plan No. 03-3, Amendment No. 3 by adopting City Council Resolution No. 2974-17. The motion was seconded by Commissioner Warchol, and the vote was: Ayes: Dash, Daugherty, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: McWatters. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

Complaint regarding a Condition of Approval for the First Church of God located at 2100 Fruitland Avenue

Commissioner Reed clarified that he brought this item to Community Development Director McBride as an observation, not a complaint.

BILL BARKMAN, representing First Church of God, spoke regarding conditions of approval of the project. Plans were submitted with the trash enclosure as presented and were approved by the City's sub-contractor Golden Valley, and once constructed was approved by the City Inspector. They are proposing a compromise by using a fabric netting on the inside of the enclosure, to detour children from climbing on it. The trash enclosure is back behind the church and out of view.

DUSTIN SMITH, Project Manager representing Briggs Construction was available to answer questions, and clarified that he only followed directions as the contractor. He also proposed a compromise rather than remove the trash enclosure and begin over.

MOTION: Commissioner Daugherty moved to recommend the Church install gates and a 6" curb with fabric mesh on the inside of the trash enclosure, and to be completed within 90 days. The motion was seconded by Commissioner Reed, and the vote was: Ayes: Dash, Daugherty, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: McWatters. The motion passed.

COMMISSIONER MATTERS:

Comments from Community Development and Resources Commissioners

Commissioner Reed thanked Scott McBride for his years of service with the City, stating he will be missed.

Vice Chair Murphy III asked if the City still uses Golden Valley Engineering for Plan Checking and asked if there was a potential of this type of error happening again. He reiterated what Commissioner Reed stated about Scott, and added that the City was foolish to let him go. He asked what, if anything is going to be done regarding the Welcome to Atwater sign located at Atwater Boulevard.

Commissioner Warchol noticed on Atwater Boulevard the new furniture store's signs and others throughout the City, and asked if they are violating the City's Sign Ordinance. He also thanked Scott for his service to the Community, and made a prediction, that City Hall would soon be saying "we never knew what we had until we lost it".

Commissioner Dash asked to see the Sign Ordinance on a future agenda, as well as yard sales, and the General Plan. She also echoed the other Commissioner comments regarding Scott McBride, and he will be missed.

Commissioner Daugherty asked who was in charge of Public Works, and asked about non-working street lights.

Chair Brice commented that working with Scott has been a learning experience, stating that he has always been available with information and a compliment to the City. He went on to say he will miss him and his dedication to the City and wished him the best of luck.

ADJOURNMENT:

The meeting adjourned at 6:53 PM.

Gary Brice, Chairperson

Lori Waterman, CMC
Recording Secretary



1181 Third St, Atwater, CA. 95301
info@atwaterchamberofcommerce.com
209-358-4251

Atwater Fall Festival

To Whom it may concern,

The Atwater Chamber of Commerce is starting to put together the Fall Festival that has been shared with Atwater for 41 year's now. We cherish the relationship and cooperation the Chamber & the City have always shared at this event.

We need permission to continue on getting all the City and County requirements met. May we please have a letter from the City of Atwater giving us permission to use Ralston Park on September 23rd from 8am till 5pm. Please let us know ASAP if we need to present this to City Council and if so, can you schedule us in on the Agenda.

Thank you very much and thank you for all your hard work keeping our City of Atwater one of the most wonderful towns in California,

**Greg McDaniel
Director at Large
Atwater Chamber of Commerce
Fall Festival
209-756-3331**

Love on our **Downdown Local Businesses
& Volunteer Appreciation Day !!**

**Saturday
October 14, 2017**

**Rally Starts @
9AM – 4 PM**

Third and Cedar

-ACTIVITIES -

Farmers Market

Car Show

Fashion Show

Sidewalk Sales (Our Local Businesses Only)

Raffle/Prices

LIVE MUSIC

**For more information email Gloria Perez @
iloveatwater.123@gmail.com**

Love on our Downtown Local Businesses & Volunteers Appreciation Day!

LOCAL BUSINESS OWNERS RESPONSIBILITIES:

- Setting up booth the day of the event @ 7:00 am
- Designate an **ADULT** to monitor booth
- Preparing gift baskets and or Gift Certificates
- Provide Business cards, flyers and or any other marketing items
- Leave area clean after event
- Each Business Owner will be responsible in promoting their own business prior to the event
- **NO ALCHOLIC BEVERAGES** allowed in booth

LOVE ATWATER will promote event through the LOCAL MEDIA

Chairperson and Members
the Community Development
and Resources Commission

CD&R Commission meeting of
of August 16, 2017

**RECOMMENDATION TO DISCUSS AMC SECTION 17.07
RELATED TO GARAGE SALES**

RECOMMENDATION:

It is recommended that the Community Development and Resources Commission take the following actions:

1. Discuss AMC Section 17.07 "Garage Sales" and provide Staff with any potential input regarding the municipal code section.

BACKGROUND:

Staff received a request from Chairperson Brice asking that "Garage Sales" be placed on the CDRC agenda for discussion. Staff is looking for Commissioners input on this section of the Municipal Code. Any requests for changes to the Municipal Code will be discussed by Staff with the Interim City Manager and he will decide if Staff's time and resources should be used on this matter.

CONCLUSION:

This report is submitted for Community Development and Resources Commission review and input.

Respectfully submitted,

Justin D. Hendrix

Justin D. Hendrix
Senior Planner
City of Atwater

CHAPTER 17.07 - GARAGE SALES^[1]

Footnotes:

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Editor's note— Ord. CS 926, adopted May 29, 2012, in effect repealed the former ch. 17.07, §§ 17.07.010—17.07.130, and enacted a new ch. 17.07 as set out herein. The former ch. 17.07 pertained to similar subject matter and derived from Ord. CS 776, adopted Sep. 27, 1999.

17.07.010 - Intent and purpose.

It is the intent and purpose of the City Council in adopting the ordinance codified in this chapter to regulate those activities which in the most technical sense have business or commercial characteristics, but which, because of the manner in which they are conducted or the purposes for which they are being operated are truly noncommercial in nature. These regulations are intended to prevent the expansion of such noncommercial operations into truly commercial operations and to regulate the method of conducting the activity so that it will be confined to a noncommercial type of operation. It is the purpose of this chapter to prevent such activities from unfairly competing with licensed revenue-producing commercial and business enterprises; to prevent the conduct of commercial enterprises upon other than commercially-zoned property; and to curb the evasion of business license fees.

(Ord. CS 926, § 1, 5-29-2012)

17.07.020 - Garage sale defined.

For the purpose of this chapter, a "garage sale" means a sale conducted by an individual homeowner or occupant of a home, or apartment owner, or an occupant of an apartment unit, or owner or occupant of any other residential or dwelling unit, for the purpose of selling, trading, bargaining, exchanging or otherwise disposing of unwanted or surplus household furnishings, or goods, or other tangible personality, usually conducted in a garage, on a patio, upon a driveway, or on or in any portion of premises in a residential zone, and for which no inventory or permanent or detailed records are kept on the transactions thus carried out. It may, at times, be conducted by a combination of residential dwellers at a single location. All sales designated "lawn sale," "attic sale," "moving sale," "flea market sale," or other terms of similar or like intent and having the foregoing characteristics and purposes are garage sales, excluding those sales held by charitable institutions on property owned and maintained by said organizations, and, excluding those areas sponsored by bona fide service clubs.

(Ord. CS 926, § 1, 5-29-2012)

17.07.030 - Date and time of garage sales.

Garage sales events conducted at any residential dwelling unit, apartment complex, or residentially zoned property may only be held on the first and third Friday, and/or Saturday, and/or Sunday of each month. The time period for conducting the garage sale shall be between the hours of dawn and 4:00 p.m., including the time for setup and takedown. The driveway, yard area, or other space used for the purposes of the garage sale shall be restored to its normal residential character at the conclusion of the garage sale.

(Ord. CS 926, § 1, 5-29-2012)

17.07.040 - Limitations on items for sale.

Goods offered for sale shall be the personal property of the person conducting the garage sale, or persons participating in the garage sale. All of the goods must be used or secondhand. Selling goods which have been acquired specifically for the purpose of resale is prohibited. The sale of the goods shall not violate any Federal, State, or local laws.

(Ord. CS 926, § 1, 5-29-2012)

17.07.050 - Display of property.

Except where an encroachment permit has been issued, the display of personal property offered for sale shall not be displayed on any public right-of-way, including, but not limited to, sidewalks, parkways, streets and/or alleys, or on any other residentially zoned property other than that owned or rented by the person conducting the sale.

(Ord. CS 926, § 1, 5-29-2012)

17.07.060 - Sign displays.

Garage sale signs shall be consistent with Section 17.69.420 of this Code.

(Ord. CS 926, § 1, 5-29-2012)

17.07.070 - Violation—Penalty.

Any person violating any of the provisions of this chapter is guilty of an infraction.

(Ord. CS 926, § 1, 5-29-2012)

17.69.420 - Garage sale signs.

Two unlighted garage sale signs not exceeding three feet each in area and maximum of three feet in height measured from the finished grade to the top of the sign and may be displayed as follows:

- A. Said signs may be displayed only at times when the garage sale is actually being held or conducted.
- B. Said signs may only be erected and displayed on private property with the consent of the owner thereof.
- C. No sign shall be attached or placed on any utility poles, traffic signal poles, or within the public right-of-way.

(Ord. CS 711, 1994; Ord. CS 744, 10-13-1997)

Chairperson and Members
the Community Development
and Resources Commission

CD&R Commission meeting of
of August 16, 2017

**RECOMMENDATION TO DISCUSS AMC SECTION 5.62
RELATED TO DONATION BINS**

RECOMMENDATION:

It is recommended that the Community Development and Resources Commission take the following actions:

1. Discuss AMC Section 5.62 "Donation Bins" and provide Staff with any potential input regarding the municipal code section.

BACKGROUND:

Staff received a request from Chairperson Brice asking that "Donation Bins" be placed on the CDRC agenda for discussion. Staff is looking for Commissioners input on this section of the Municipal Code. Any requests for changes to the Municipal Code will be discussed by Staff with the Interim City Manager and he will decide if Staff's time and resources should be used on this matter.

CONCLUSION:

This report is submitted for Community Development and Resources Commission review and input.

Respectfully submitted,

Justin D. Hendrix

Justin D. Hendrix
Senior Planner
City of Atwater

CHAPTER 5.62 - DONATION BINS

5.62.010 - Purpose.

The purpose of this chapter shall be to provide rules, regulations, and standards for the placement and use of donation bins in the City of Atwater in order to, among others, ensure that donation bins do not pose a hazard to pedestrian or vehicular traffic, ensure that material is not allowed to accumulate outside of donation bins, avoid conditions that may attract vermin, and promote the public health, safety, convenience, and welfare of the City.

(Ord. CS 971, § 1, 1-11-2016)

5.62.020 - Definitions.

- A. "Director" means Finance Director for the City of Atwater or his/her designee.
- B. "Donation bin" means a bin, box, receptacle or container made of metal, steel, or other material which is designed or intended for the collection and temporary storage of donated items such as clothing, shoes, textiles, books, household goods, and other similar items. Donation bins may be either attended or unattended. The definition of Donation bin does not include recycle bins used for the collection of recyclable material such as aluminum, plastic, glass, metal, and other such materials.
- C. "Operator" means the person, entity, association, or organization who places, maintains, operates, and is responsible for a donation bin pursuant to a lawfully issued donation bin permit.
- D. "Property owner" means the person, entity, association, or organization who owns the real property where the donation bin is proposed to be located.

(Ord. CS 971, § 1, 1-11-2016)

5.62.030 - Donation bin permit.

- A. No person, entity, or organization shall place or maintain any donation bin on any premises or property within the City limits of the City of Atwater without first obtaining a donation bin permit. A separate donation bin permit shall be required for each donation bin, regardless of whether an operator operates more than one donation bin.
- B. A donation bin permit may be obtained by submitting a complete donation bin permit application with the City of Atwater and paying the processing fee set by resolution of the City Council. The donation bin permit application shall include all of the following:
 - 1. The name, address, and telephone number of the person, entity, association, or organization applying for the donation bin permit.
 - 2. The name, address, and telephone number of the operator of the donation bin.
 - 3.

The location and address of where the donation bin is proposed to be placed. A separate donation bin permit shall be required for each location. An operator may submit one donation bin permit application for multiple donation bins provided that all information regarding each proposed donation bin is the same.

4. The name, telephone number, and written consent letter from the property owner of the location at which the donation bin is proposed to be located.
 5. A site plan showing the site and location of where the donation bin is proposed to be located.
 6. A photo, drawing or other image of the donation bin showing dimensions for size and a photo, drawing or other image showing how the donation bin will comply with the required markings described in Section 5.62.50 of this chapter.
 7. A description of the manner and schedule for maintenance and emptying of the donation bin.
- C. Applications for donation bin permits will be reviewed and approved or denied by the director within 30 days of the date on which the application is submitted. Denial of a request for a donation bin permit may be appealed to the City Council in accordance with the procedures set forth in Chapter 1.12.
- D. Donation bin permits shall be valid for a period of one year, unless revoked by the director as a result of any violation of this chapter. Donation bin permits may be renewed annually by submitting a renewal application and paying a processing fee of \$50.00.
- E. A donation bin permit sticker shall be placed and maintained on the front of the donation bin and readily visible. Replacement donation bin stickers may be purchased from the City of Atwater for a charge of \$10.00.
- F. Donation bins shall be removed within 24 hours of expiration of the donation bin permit.

(Ord. CS 971, § 1, 1-11-2016)

5.62.040 - Permitted zones.

Applications for donation bin permit, which meet the requirements of this chapter, may be accepted for all districts within Title 17, Zoning, except for residential zoning districts.

(Ord. CS 971, § 1, 1-11-2016)

5.62.050 - Donation bin design standards.

Donation bins shall meet all of the following design requirements:

- A. Size: Donation bins shall not cover a ground surface area in excess of five feet by five feet, nor be more than six feet in height.
- B. Material: Donation bins shall be made of material that is durable and waterproof. Donation bins shall not be electrically or hydraulically powered by an external source.
- C.

Bin Design: Donation bins shall be of the type that are enclosed by use of a receiving door and a tamper resistant locking mechanism so the contents may not be accessed by anyone other than the operator.

- D. Emergency Access: Donation bins shall be designed/keyed to allow for emergency access by the Police Department and/or Fire Department.
- E. Required Identification Markings: The front of each donation bin shall have a conspicuously placed display with dimensions of at least two feet high by two feet wide, with font on the display that is a minimum of two inches in height showing all of the following:
 - 1. The name, address, telephone number, and internet address (if available) of the operator.
 - 2. A statement that either reads, "This collection box is owned and operated by a for-profit organization." or "This collection box is owned and operated by a nonprofit organization." For purposes of this chapter, a commercial fundraiser shall be classified as a for-profit organization. If the donation bin is owned by a nonprofit organization, the front of the donation bin shall also conspicuously display a statement describing the charitable cause that will benefit from the donations. If the donation bin is owned by a for-profit entity, the front of the donation bin shall also conspicuously display a statement that reads "this donation is not tax deductible." If the donation bin is owned and operated by a commercial fundraiser, the commercial fundraiser may post notice of donations to a charitable cause only on the sides of the bin. This notice shall always be smaller in size than the for-profit entity's name and address and shall constitute only 25 percent of the notice space of the box.

(Ord. CS 971, § 1, 1-11-2016)

5.62.060 - Donation bin site placement requirements.

Donation bins shall meet the following site placement requirements:

- A. Donation bins shall not be placed on property owned by the City.
- B. Donation bins shall only be placed on property with the written consent of the property owner.
- C. All donation bin(s) shall be appropriately located so as not to interfere with sight triangles, on-site circulation, vehicular, bicycle or other access, ADA or pedestrian pathways of a minimum of five feet in width, emergency access, fire lanes or access, drive aisles, required setbacks, landscaping requirements, parking, or any other requirements that have been imposed as part of the site plan approval for the premises or property on which the donation bin is located, and shall be located in a manner that will not constitute a safety hazard.
- D. Donation bin(s) shall be placed on a concrete surface, or an approved equivalent.
- E. No donation bin(s) shall be placed in any on-site parking stall in a manner that would violate requirements that have been imposed as part of the site plan approval for the premises or property on which the donation bin is located.

- F. No donation bin(s) shall be placed within 500 feet of any other donation bin.
- G. The Director shall not approve an application for donation bin permit if it determines that the placement of the bin could constitute a safety hazard.

(Ord. CS 971, § 1, 1-11-2016)

5.62.070 - Donation bin maintenance.

All donation bins shall be maintained in good, clean, and sanitary condition and appearance as determined in the sole reasonable discretion of the Director. The following maintenance requirements shall be satisfied at all times:

- A. Donation bins shall be free of structural damage, holes, rust, peeling paint, graffiti, vandalism, or other deleterious effects.
- B. Donation bins shall not overflow at any time. All contents of the donation bins shall be fully contained within the bins. Placement of any material outside of the donation bin is expressly prohibited, is deemed a public nuisance, and shall be subject to removal by the City of Atwater at the operator and/or owner's expense.
- C. Donation bins shall be free of litter, junk, garbage, trash, debris, refuse material, and any illegal material or substance.
- D. Donation bins shall be emptied regularly to avoid overflow or accumulation of materials outside of the bins. All contents of the donation bins shall be used and disposed of in accordance with all applicable federal, state, and local laws and regulations.
- E. The donation bin operator shall maintain the bin such that the bin is free of rust, peeling paint, or other deleterious effects.

(Ord. CS 971, § 1, 1-11-2016)

5.62.080 - Enforcement.

- A. The operator and owner shall respond within 24 hours to any notice by the City of Atwater that a violation of any provision of this chapter exists and shall remedy any such violation within 48 hours of receipt of said notice.
- B. Failure to respond to and/or correct any violation of this chapter shall result in the following fines and penalties:
 - 1. First violation: The operator and property owner shall be jointly and severally liable for a fine in the amount of \$250.00.
 - 2. Second violation within 12 months of the first violation: The operator and property owner shall be jointly and severally liable for a fine in the amount of \$500.00.
 - 3.

Third and all subsequent violations within 12 months of the first violation: The operator and property owner shall be jointly and severally liable for a fine in the amount of \$1,000.00 and the donation bin permit may be revoked.

- C. If a donation bin permit is revoked, the operator and/or property owner shall ensure that the donation bin(s) is removed within seven days of the effective date of the revocation. If the operator and/or property owner fails to remove the donation bin as required by this chapter, the City may remove or have the donation bin removed, at the expense of the operator and/or property owner, and sell the donation bin at public auction or otherwise dispose of any clothing or donations collected in the donation bin. Any proceeds from any such sale shall be paid to the City of Atwater, which may deduct from the proceeds all costs incurred by the City to enforce the provisions of this chapter and send the remainder of the proceeds to the donation bin operator.
- D. Violation of any provision of this chapter shall be deemed a public nuisance subject to abatement of pursuant to the Atwater Municipal Code.

(Ord. CS 971, § 1, 1-11-2016)