

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY ADDING CHAPTER 9.112 “PROHIBITION OF THE INSTALLATION OF ATTENDED AND UNATTENDED COLLECTION DONATION BINS” TO TITLE 9 OF THE CATHEDRAL CITY MUNICIPAL CODE.

WHEREAS, on May 13, 2015 the City Council of the City of Cathedral City (the “City”) imposed a temporary 45-day moratorium (“Moratorium”) to prohibit the establishment, installation, placement, construction, and/or expansion (collectively called “installation”) of attended and unattended collection donation bins (“CDBs”) after finding that the negative effects of the installation of CDBs pose a current and immediate threat to the public health, safety and welfare of the community; and

WHEREAS, the Moratorium allowed the City to study of the effects of CDBs and review the regulatory mechanisms available to regulate CDBs, including changes to the Municipal Code, to protect the public health, safety, and/or welfare from the negative effects of CDBs; and

WHEREAS, CDBs are proliferating in the City and this trend is anticipated to continue if restriction of CDBs in the City is not taken; and

WHEREAS, the installation of new CDBs is incompatible with the established uses due to the visual blight that jeopardizes residents’ quiet enjoyment of their homes and property and also the potential CDBs have to devalue their homes and property; and

WHEREAS, the aforementioned disturbances are likely to have a negative effect on the peaceful atmosphere that characterizes the City; and

WHEREAS, CDBs are likely to continue to become a public nuisance if they remain unrestricted in the City since they have become a target for scavenging, graffiti and illegal dumping if they are unattended, or during off hours and/or weekends if they are attended; and

WHEREAS, CDBs have been and are likely to continue to be placed in inappropriate or illegal locations, such as code-required parking spaces, code-required setbacks, or City rights-of-ways, thus restricting sight-lines and affect vehicle circulation and safety, including pedestrian safety; and

WHEREAS, Title 9 of the Cathedral City Municipal Code currently does not regulate the installation of CDBs; and

WHEREAS, as a result of the aforementioned findings and to prevent the negative effects of CDBs from continuing in the City, the City Council desires to prohibit the installation of CDBs in order to afford more protection to the City and its residents by preventing further blight, public nuisance and threats to the public safety, health and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES ORDAIN AS FOLLOWS:

SECTION 1. ADDITION OF CHAPTER 9.112 “PROHIBITION OF ATTENDED AND UNATTENDED COLLECTION DONATION BINS” TO THE CATHEDRAL CITY MUNICIPAL CODE.

A new Chapter 9.112 “Prohibition of Attended and Unattended Collection Donation Bins” shall be added to Title 9 of the Cathedral City Municipal Code to read as follows:

Chapter 9.112 Prohibition of Attended and Unattended Collection Donation Bins

9.112.010. Collection donation bins defined

As used in this chapter, “collection donation bins” shall mean any attended or unattended container, bin, storage pod, box, bag, or similar receptacle that is located on any lot, public or private, within the City that is used for soliciting and collecting of or reverse vending of donation collections of any kind, including but not limited to furniture, household items, appliances, books, clothing, shoes, or other salvageable personal property.

9.112.020. Collection donation bins prohibited

The installation, establishment and/or operation of attended and unattended collection donation bins shall be strictly prohibited in all zone classifications. No permit or any other applicable license or entitlement for use, including, but not limited to, the issuance of a business license, shall be approved or issued for the establishment or operation of attended or unattended collection donation bins within city limits.

SECTION 2. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the

remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

SECTION 3. REPEAL OF CONFLICTING PROVISIONS

All the provisions of the Cathedral City Municipal Code adopted by the City of Cathedral City that are in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. AMENDING OF BAIL SCHEDULE

The City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after its adoption by the City Council of the City of Cathedral City.

SECTION 6. CITY ATTORNEY REVIEW

The City Attorney prepared and framed this ordinance pursuant to Section 1.04.010 of the Municipal Code and finds that the City Council has the authority to adopt this ordinance, that the ordinance is constitutionally valid and that the ordinance is consistent with the general powers and purposes of the City as set forth in Section 1.04.031 of the Municipal Code.

SECTION 7. EXECUTION AND CERTIFICATION

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on _____, 2015 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Stan Henry, Mayor

ATTEST:

APPROVED AS TO FORM:

Gary F. Howell, City Clerk

Charles R. Green, City Attorney

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