



## **Clothing Donation Box By-law**

### **By-law No. 2013-98**

A by-law of the City of Ottawa to regulate the location and use of clothing donation boxes on private property.

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Updated February 2016

Prepared by By-law & Regulatory Services

WHEREAS section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended (the Municipal Act”) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

AND WHEREAS subsection 10(2) of the Municipal Act provides that the municipality may pass by-laws regarding the health, safety and well being of persons;

AND WHEREAS section 128 of the Municipal Act provides that a municipality may prohibit and regulate with respect to public nuisances including matters that, in the opinion of Council, are or could become public nuisances;

AND WHEREAS the City of Ottawa deems it necessary to regulate clothing donation boxes to prevent public nuisances caused by the accumulation of debris in the vicinity of the clothing donation bins;

THEREFORE the Council of the City of Ottawa enacts as follows:

## DEFINITIONS

### 1.

“charity” means a registered charity as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985 (5th Supp) or successor legislation that has a registration number issued by the Canada Revenue Agency or successor agency.

“clothing donation box” means any receptacle used for the purpose of collecting clothing donations from the public;

“Chief” means the Chief, By-law and Regulatory Services or a designate;

“City” means the municipal corporation of the City of Ottawa;

“operator” means the operator of the clothing donation box;

“owner” means the owner or occupant of the private property on which the clothing donation box is located;

“private property” means any property not owned by the municipality;

## REGULATIONS

### 2.

No operator shall place a clothing donation box on private property without the consent of the owner.

### 3.

No operator shall fail to place the following information in a conspicuous place on the clothing donation box in lettering no smaller than Arial 150 font or other fonts of similar dimensions and in a contrasting colour:

- a) name and address of the owner;
- b) business name of the owner and operator, if applicable;
- c) type of organization if the operator not a charity;
- d) the Canada Revenue Agency registration number if the operator is a charity;
- e) the name, address and telephone number of the operator;
- f) schedule of times for pick up of donated clothing; and
- g) location of any alternative clothing donation boxes of the same operator.

### 4.

The operator shall ensure that the information contained in Section 3 is maintained current at all times.

### 5.

No owner shall fail to ensure that,

- a) the information required pursuant to Section 3 is provided on the clothing donation box;  
and
- b) the information required by Section 3 is kept current.

### 6.

No operator shall place a clothing donation box on property zoned residential.

**7.**

No owner shall permit a clothing donation box to be located on the property if the property is zoned residential.

**8.**

No owner shall permit a clothing donation box to be placed on the property in a location that creates a visual obstruction for vehicular traffic or pedestrians.

**9.**

No owner shall permit a clothing donation box to be placed on the property in a location that is within three metres of an access or egress to any property.

**10.**

The owner shall ensure that all areas immediately adjacent to the clothing donation box are maintained in accordance with the Property Standards By-law and the Property Maintenance By-law of the City.

## NOTICE

**11.**

- 1) When any clothing donation box and the area immediately adjacent to the clothing donation box are not maintained pursuant to the requirements of this by-law, the Chief shall send a Notice, by registered mail or direct delivery of the Notice by hand to the owner or occupant's last known address, requiring the owner or occupant as the case may be to make the clothing donation box and the surrounding land conform to the requirements of this by-law and the Notice shall specify the time allowed for compliance.
- 2) The Notice contained in subsection (1) shall be deemed to have been given on the fifth day after it was mailed if it is sent by registered mail.
- 3) No person shall fail to comply with a Notice sent pursuant to subsection (1).

## DEFAULT

**12.**

- 1) Where a notice has been sent by the Chief pursuant to Section 11, and the requirements of the notice have not been complied with, the City may remove the clothing donation

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box or undertake work to bring the clothing donation box and the surrounding area into compliance with the by-law at the expense of the owner.

- 2) The costs of the work or the removal pursuant to subsection (1) may be recovered from the owner by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

**13.**

Every person who contravenes any provision of this by-law is guilty of an offence as provided for in subsection 429(1) of the Municipal Act, 2001.

**14.**

A person who is convicted of an offence under Section 13 of this by-law is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00 as provided for in subsection 429(3)1. of the Municipal Act, 2001.

**EFFECTIVE DATE**

**15.**

This by-law shall be deemed to come into force and take effect on June 3, 2013.

ENACTED AND PASSED this 10<sup>th</sup> day of April, 2013.

CITY CLERK | MAYOR

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A by-law of the City of Ottawa to regulate the location and use of clothing donation boxes on private property.

Enacted by City Council at its meeting of April 10, 2013.

LEGAL SERVICES

AMP

COUNCIL AUTHORITY:

City Council March 27, 2013

Bulk Consent Agenda Item B

(CPSC Report No. 21)