



Report to: General Committee

Date Report Authored: May 7, 2012

SUBJECT: Licensing of Clothing Donation Bins
PREPARED BY: Bill Wiles
Manager By-law and Licensing Enforcement ext. 4851

RECOMMENDATION:

- 1) THAT the report titled "Licensing of Clothing Donation Bins" be received for information purposes; and,
- 2) THAT the Corporation of the Town of Markham adopt the proposed licensing requirements for clothing drop boxes contained in Attachment "A" of this report and, these requirements be included in the forthcoming Consolidated Stationary Business Licensing By-law; and,
- 3) THAT only registered charities be eligible to obtain a licence for clothing donation bins in Markham; and,
- 4) THAT clothing donation bin locations in Markham be restricted to private property on commercially zoned land, with the written consent of the landowner; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To respond to requests to report on the feasibility of licensing clothing donation bins located in Markham.

BACKGROUND:

Due to a number of resident complaints concerning clothing donation bins, staff were requested to look into the feasibility of licensing and regulating clothing donation bins in Markham.

The Town's current by-laws do not require licences for clothing donation bins. In recent months, residents have raised a number of concerns surrounding clothing donation bins as a public nuisance including:

- safety hazards for children;
- attracting illegal dumping of a variety of products including; household garbage, unwanted furniture, debris from worksites and environmentally hazardous products such as paint cans and batteries;
- attracting vandalism and graffiti; and
- concerns that while clothing bins appear to be for charitable purposes, they are instead operated by for-profit organizations.

Currently, concerns about clothing donation bins are reported to the Contact Centre where a complaint is created and assigned to By-law Enforcement for investigation. As there is no by-law in place at this time, only bins on municipal property can be removed. Those on private property are addressed under the Town's Dumping By-law – but only in cases where the bin is over-flowing and become an eyesore.

To-date in 2012, the Contact Centre has received 43 complaints regarding clothing donation bins. The majority of the complaints have originated in Thornhill (25) with the remaining complaints (18) originating in other areas of Markham. By-law staff removed 17 bins from municipal property in 2011. Bins that have been removed by the Town can be retrieved by the owner at a cost of \$200 each. Owners rarely come forward to claim the bins. In the past, bins that have not been claimed by the owners have been sold by the Town at auction. In 2010, 18 bins were sold for \$100 each, however, in 2012, staff has been advised by members of the public attending this same auction that the requested price of \$100 was too high.

The current practice amongst other G.T.A. municipalities regarding these bins varies, with the majority of municipalities not currently licensing clothing donation bins. The cities of Vaughan and Toronto are the only G.T.A. municipalities that currently require licences for clothing donation bins – although their programs differ with respect to who is eligible for a licence and who has to pay for a licence.

The City of Vaughan only allows organizations that are registered as a charity under the federal Income Tax Act to apply for a licence for a clothing donation bin. Vaughan does not allow bins to be placed on municipal property and provides guidelines with respect to where on private property the bins can be located. Where clothing bins are found to be in contravention of any part of the by-law, a notice is issued to the property owner to bring the bin into compliance. If the violation is not corrected the licensees can be fined. Failure to remove a bin from City property within the prescribed timeframe will also result in the licensee being fined as well as the City seizing the bin and storing it at a City facility for 30 days. If it is not claimed, the City will dispose of it with no further notice provided to the licensee.

The City of Toronto initially licensed for-profit organizations and did not require not-for-profit organizations to obtain licences. The decision to license clothing donation bins was motivated by the misleading use of clothing donation bins by for-profit businesses and their failure to maintain the bins and the area immediately surrounding them. Toronto has since modified their program and now requires not-for-profit organizations to obtain a licence, but exempt them from paying the licence fee. The clothing donation bins are also only permitted on private property with the permission of the property owner. The owners of clothing donation bins that are not in compliance can be fined for the contravention.

Toronto has received a small number of licence applications since enacting their by-law in 2007. Enforcement of this by-law has previously been complaint driven, resulting in 320 investigations since 2007 and 75 charges being laid. In 2011, staff took a proactive

approach to address public concerns, resulting in 58 charges being laid. The financial cost of maintaining this program is \$21,709.88 a year, as per the 2011 operating budget. City staff has been requested to review the effectiveness of the current by-law, as well as the effectiveness of the City's enforcement practices.

OPTIONS/ DISCUSSION:

The main concerns of Markham residents regarding clothing donation bins has been the misleading use of clothing donation bins by for-profit companies and the failure of these companies to maintain their donation bins. In order to address both of these concerns, it is suggested that Markham enact a system of licensing similar to the City of Vaughan's that only allows registered charities to obtain a licence for the placement of clothing donation bins on private property. All other organizations will be prohibited from placing clothing donation bins in Markham. This would allow residents an opportunity to continue to donate their used clothing and provide them with peace of mind of knowing the donated clothing items are benefiting a registered charity. This will also allow used clothing to be diverted from landfills.

The bin locations should be restricted to commercially zoned areas so as not to interfere with residential areas. Bins will not be permitted in industrial areas as they have less pedestrian and vehicle traffic and could attract illegal dumping. The bin operator would have to provide written consent from the property owner before obtaining a license for the bin. The bins would also have to have the following information clearly printed on the bins; the name of the registered charity, contact information for the charity, a notice requiring all donated items to fit in the bin, a listing all prohibited items (ex. paint, garbage, propane tanks etc.) and display a pick-up schedule for the donations.

The licensing of clothing donation bins is the preferred option for controlling their indiscriminate use and enforcing standards of maintenance. By restricting the placement of bins to commercially zones areas and only allowing registered charities to obtain a license the majority of resident concerns will be addressed. If the report is adopted, the attached by-law will be incorporated in the forthcoming Consolidated Stationary Licensing By-law (which is scheduled to appear on the May 23, 2012 General Committee Meeting agenda).

The new licensing requirements for clothing donation bins will be advertised on Markham's portal as well as through the Markham page in the Economist and Sun newspaper.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

No additional costs are anticipated should the licensing of clothing donation bins be adopted. Enforcement of these regulations will be incorporated into the daily work of Markham's By-law Enforcement Officers. The proposed clothing donation bin licence fee is \$222 and staff anticipates four (4) applications which represents \$888.00 in additional annual licensing revenue

HUMAN RESOURCES CONSIDERATIONS

None

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed licensing of clothing donation bins address the concerns of residents and will assist staff in developing and enforcing appropriate controls and accountability.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Legal Services and the Operations Departments were consulted in the preparation of this report.

RECOMMENDED BY:

15/05/2012

5/15/2012

X



Kimberley Kitteringham
Town Clerk

X



Nasir Kenea
Acting Commissioner, Corporate Services

ATTACHMENTS:

Attachment "A" - Clothing Donation Bin Licensing By-law