

CITY OF TORONTO

BY-LAW 1098-2019

To amend City of Toronto Municipal Code Chapter 395, Clothing Drop Boxes, Chapter 441, Fees and Charges, and Chapter 545, Licensing.

Whereas the City of Toronto Act, 2006 grants the City of Toronto the authority to enact by-laws respecting matters related to Protection of persons and property, including consumer protection under subsection 8(2) of the Act; and

Whereas the City of Toronto Act, 2006 grants the City of Toronto the authority to enact by-laws for the licensing, regulating and governing of businesses wholly or partly carried on in the City of Toronto, including the ability to require the payment of fees; and

Whereas the City provides that the regulation of clothing drop boxes to the citizens of Toronto as a necessary and desirable service; and

Whereas Council has authorized increased enforcement services concerning the regulation of clothing drop boxes to alleviate the danger to the health and safety of the public created by improperly constructed, maintained, located and installed clothing drop boxes; and

Whereas Council has authorized regulations that will facilitate clothing drop boxes contributing positively to the quality of Toronto's appearance and its visual character to enhance the image and attractiveness of Toronto for its residents, business community, and visitors; and

Whereas Council has authorized regulations for clothing drop box that are consistent with Toronto's goals for the quality and character of the City's streets, public spaces, and buildings; and

Whereas notice of the intention to enact this by-law has been provided in accordance with the Act and its regulations;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 395, Clothing Drop Boxes, is amended as follows:
 - A. by adding the following as a new definition in § 395-1:

CITY PROPERTY – Any property owned, leased, or under the control of the City not including a highway.
 - B. by adding the following as new §§ 395-2B(3)(k) and (l):

- (k) A signed statement from a third-party professional engineer stating that the engineer has reviewed the design of the box, considered the potential safety risks, and determined that the box appropriately mitigates potential injury.
 - (l) A signed declaration acknowledging that if the clothing drop box contravenes this chapter, or any other applicable by-law or legislation:
 - [1] the clothing drop box will be removed and its contents disposed of at the owner's expense; and
 - [2] the owner waives any claim or right of action against the City for any removal or disposal of the clothing drop box and its contents.
- C. by adding the following as new § 395-2B.1:
- § 395-2B.1. Notice to Councillor; objection.
- A. The Executive Director shall issue a permit if:
 - (1) The Councillor(s) notified under § 395-2B(5) have either:
 - (a) Not responded within 14 days of the notice; or
 - (b) Responded indicating they have no objection to the application being approved.
 - B. If the Executive Director refuses to grant a permit under this section, the applicant shall be notified in writing and advised that they may appeal the decision to the community council which has jurisdiction for the location of the proposed event or activity by filing an appeal within 21 days of the date of the notice.
 - C. This section does not apply where the Executive Director has determined that an application shall be refused based on a failure to comply with any other provision of this chapter.
- D. by adding the words "or City property" immediately after the words "private property" in § 395-2D(4)(a).
- E. by adding the following as a new § 395-2D(4)(d):
- In an area with lighting at all times to allow for safe operation of the clothing drop box.
- F. by adding the following as a new § 395-2E(5):
- Display the pick-up schedule for the contents of the clothing drop box.

G. by deleting §§ 395-4A and replacing it with the following:

- A. If a clothing drop box is erected, displayed, located or placed in contravention of this chapter, the Executive Director, or persons acting upon his or her instructions, may enter the land and pull down or remove the clothing drop box at the expense of the owner:
- (1) without notice, in the case of a clothing drop box that has a permit under this chapter;
 - (2) without notice, in the case of a clothing drop box located on public property; or
 - (3) no earlier than three days after the posting of a notice on the clothing drop box, in the case of a clothing drop box that does not have a permit under this chapter.

H. by deleting § 395-4C.

2. Schedule 12, Municipal Licensing and Standards, of Appendix C of City of Toronto Municipal Code Chapter 441, Fees and Charges, is amended as follows:

A. by deleting item 419; and

B. by adding the following as a new item:

* (To unnumbered column for row numbers)

* (To Column I)	(To Column II)	(To Column III)	(To Column IV)	(To Column V)	To Column VI)
Business Permitting	Licence Fee: Clothing Drop Box licence for charities, community organization and religious institution	Full Cost Recovery	Per licence	\$439.96	Yes
Business Permitting	Annual renewal fee: Clothing Drop Box licence for charities, community organization and religious institution	Full Cost Recovery	Annual renewal	\$185.78	Yes

3. City of Toronto Municipal Code Chapter 545, Licensing, is amended as follows:

A. by adding the words ", including a charity, religious institution or community organization," immediately after the word "box" in the definition of Operator contained in § 545-500.

B. by adding the following as a new § 545-502A(3):

A charity, religious institution or community organization shall provide proof to the satisfaction of the Executive Director that the organization is a charity, religious institution or community organization.

C. by adding the following as a new § 545-505A(5):

A charity, religious institution or community organization is exempt from the requirements of subsection § 545-505A(2).

4. This by-law shall come into force on October 1, 2019.

Enacted and passed on July 18, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)