

Clothing Drop Boxes

Date:	October 27, 2011
To:	Licensing and Standards Committee
From:	Acting Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	P:\2011\Cluster B\MLS\Ls11022

SUMMARY

The purpose of this report is to update the Licensing and Standards Committee on the effectiveness of existing by-laws governing the licensing and maintenance of clothing drop boxes as well as the effectiveness of the City's enforcement practices.

On January 1, 2007 the City of Toronto enacted by-laws regarding the licensing of clothing drop box operators (Toronto Municipal Code, Chapter 545), and the standards to which these clothing drop boxes and the surrounding area are to be maintained (Toronto Municipal Code, Chapter 629).

Municipal Licensing and Standards (ML&S) enforces the regulations surrounding clothing drop boxes used by both for-profit and non-profit organizations for the purpose of collecting clothing donated by the public on an on-going basis.

It is the intention of the Division to consider changes to the Clothing Drop Box Bylaw within the parameters of reviewing the Licensing Bylaw in 2012.

Financial Impact

There are no financial impacts as a result of this report beyond what has already been approved in the current year's budget. To date \$21,709.88 of the 2011 Operating Budget for ML&S has been dedicated towards the enforcement of clothing drop boxes.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At the September 9, 2011 Licensing and Standards Committee meeting, the Executive Director, Municipal Licensing and Standards was requested to "Review the sections of the Municipal Code regulating the licensing and maintenance of donation drop boxes and report back to the committee with an update as to the effectiveness of the existing by-laws and on the effective enforcement of these by-laws."

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.LS7.3>

ISSUE BACKGROUND

Clothing drop boxes have been regulated by the City of Toronto since January 1, 2007. Since then ML&S staff has worked co-operatively with property owners, registered charitable and non-profit organizations as well as for-profit operators of clothing drop boxes to ensure that these regulations are understood and observed. For the most part, there has been compliance.

However, there have been instances whereby ML&S has received complaints regarding the placement of unlicensed clothing drop boxes on public and private property.

COMMENTS

In 2006, Toronto City Council identified two main concerns regarding the matter of clothing drop boxes: the misleading use of clothing drop boxes by for-profit businesses; and the failure to maintain the drop boxes in good condition and repair, while keeping the area immediately around such boxes clear of discarded items and other potential hazards or obstructions.

Toronto Municipal Code, Chapter 545, Licensing

The creation of Article XLII to Toronto Municipal Code, Chapter 545, Licensing, was intended to regulate the use of clothing drop boxes by businesses in order to abate practices that were believed to mislead the donating public. Under the current by-law provisions, any business operating a clothing drop box must:

- 1) Take out a licence for each clothing drop box, providing its location and proof that the owner of the property on which it is to reside has given permission for its placement;

- 2) Indicate on the box itself that it is operated by an organization that is not a charity, community organization or religious institution; and
- 3) Indicate, if applicable, any amounts designated for a charity, community organization, or religious institution (as a percentage of sales).

Toronto Municipal Code, Chapter 629, Property Standards

Amendments to the Property Standards By-law were to address instances where garbage was left at the boxes, including stained furniture, debris from worksites, household garage and even lawn cuttings. Some organizations at the time were found to be reluctant to taking the necessary steps to ensure that their drop boxes and the area immediately around them kept clean and in good condition.

The provisions under Toronto Municipal Code, Chapter 545, Licensing, can only apply to business operators and therefore, amendments to Toronto Municipal Code, Chapter 629 Property Standards, were made and enacted by Toronto City Council in 2006 to ensure that property owners maintained the area surrounding the clothing drop box in a state of cleanliness.

Under the Property Standards By-law, clothing drop boxes are required to be:

- 1) Maintained in good repair and condition;
- 2) Kept free of any graffiti; and
- 3) Have the area around it free of litter or obstructions.

Licensing and Enforcement

Since the enactment of the clothing drop box regulations, there have only been one licensee in 2007 and one licensee in 2010. In 2008, 2009, and 2011, there have been no applications received by the Licence and Permit Issuing Office. With respect to the number of clothing drop box location permits, in 2007 only one permit was issued. In 2010, 12 location permits were issued. In 2008, 2009 and 2011, no applications for location permits were received.

Municipal Licensing and Standards staff respond to complaints regarding clothing drop boxes. Investigation procedures include identifying the presence of a City of Toronto permit sticker on the box, and recording other pertinent details (for example, location, wording displayed on the box, presence of graffiti, cleanliness, condition of the box as well as any surrounding debris). The grading is also assessed to ensure there is no pooling of water and that proper drainage is occurring.

The information collected is utilized to determine the operator of the box and the licence status. Extensive business name searches are completed to identify proper company names. Charitable organizations, non-profit organizations and religious organizations are exempt from obtaining a permit however must provide a copy of the Confirmation of Registration from the Canada Revenue Agency – Charities Directorate. Whatever their status, they are expected to maintain the boxes free of graffiti and the surrounding area free of debris and obstructions. When contacted to address issues such as litter surrounding the box, these organizations are quick to redress the issue.

If clothing drop boxes are determined to be placed on the right-of-way (ROW) without authorization by way of a permit from the General Manager of Transportation Services, the file is referred to Transportation Services and a request made for removal.

Boxes placed on private property without a licence or permit, and without the property owner's knowledge tend to be identified with some frequency. Recognizing that in many cases the property owner is unaware of their existence until a complaint is investigated, ML&S staff work co-operatively with the property owner to resolve the situation. This includes using the various tools and resources at their disposal to identify and locate the illegal operator so that charges may be laid.

When an operator is identified and located, appropriate charges are laid, and it is the operator's responsibility to remove the box. In instances where the operator can not be identified due to a lack of identifying information or misleading information, it becomes the property owner's responsibility for removal of the box and to ensure that the surrounding area is free of litter and debris.

There have been 320 investigations conducted as a result of complaints regarding clothing drop boxes. To date, there have been 75 charges laid. Initially, the enforcement of clothing drop boxes was complaints-driven. Staff responded to complaints and took appropriate action. This past summer, staff took a more pro-active approach in an effort to address public concern regarding unlicensed clothing drop boxes.

The licensing and enforcement of clothing drop operators is a challenging endeavour. While there are constraints to enforcement as a result of deficient or misleading information on some clothing drop boxes, staff are working co-operatively with property owners to resolve each matter successfully.

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SIGNATURE

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