

## **Regulating the Use of Clothing Drop Boxes**

<b>Date:</b>	November 2, 2012
<b>To:</b>	Licensing and Standards Committee
<b>From:</b>	Executive Director, Municipal Licensing and Standards
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2012\Cluster B\MLS\LS12020

### **SUMMARY**

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The purpose of this report is to recommend a new Clothing Drop Box By-law to govern the placement and operation of clothing drop boxes within the City. The By-law requires that all operators of clothing drop boxes, whether for profit or for charitable purposes, obtain a permit for each box, and such permit be issued pursuant to conditions specified in the permitting process, including authorization letters from property owners, and maintenance standards.

Transportation Services, Solid Waste Management, Real Estate Services, and Legal Services were consulted in the preparation of this report, as well as industry stakeholders.

### **RECOMMENDATIONS**

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**The Executive Director, Municipal Licensing and Standards recommends that:**

1. City Council adopt the proposed draft by-law in Appendix "A", respecting Clothing Drop Boxes.
2. City Council amend the following by-laws, in Appendix "A":
  - a. Article XLII Clothing Drop Boxes, of Toronto Municipal Code Chapter 545 Licensing to remove the licensing endorsement requirements;
  - b. Appendix C Schedule 12, of Toronto Municipal Code Chapter 441 Fees to include a permit fee per box;

- c. Section 629-10F, of Toronto Municipal Code Chapter 629 Property Standards to establish more stringent responsibilities for the property owner.
3. City Council, direct the Executive Director of Municipal Licensing and Standards to consult with City Divisions, Agencies, Boards and Commissions on the placement and operation of clothing drop boxes on public property and bring forward a report to a future Licensing and Standards Committee.
4. The City Solicitor be directed to prepare the necessary bill to make such by-law amendments as may be required to give effect to the recommendations in this report.

Public Notice has been given in the manner prescribed in the Toronto Municipal Code, Chapter 162, Notice, Public.

### **Financial Impact**

There are no implementation costs associated with the adoption of this report as it utilizes established processes within the Licensing and Permit Issuing Unit of Municipal Licensing and Standards (ML&S).

While clothing drop boxes operated by charitable and not-for-profit organizations will continue to be exempt from the business licensing provisions in Toronto Municipal Code Chapter 545 Licensing, the adoption of a standalone Clothing Drop Box By-law requiring all organizations to obtain location permits would generate estimated revenues of \$40,200 in 2013.

This estimation is based on \$100 per location permit fee for the current 42 location endorsements and an approximate 360 location permits which would be issued to charitable and not-for-profit organizations previously exempt from obtaining location permits.

Any clothing drop box removal costs associated with enforcement under the Clothing Drop Box By-law will be supported on a full cost recovery basis.

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

### **DECISION HISTORY**

At its meeting of June 24, 2002, the Planning and Transportation Committee recommended that the licensing of clothing drop box operators be the preferred option to deal with the problem of businesses misleading consumers. A report by the City Solicitor and Commissioner of Urban Development Services was received for information by the Planning and Transportation Committee, at its meeting of September 3, 2003.

<http://www.toronto.ca/legdocs/2002/agendas/council/cc020730/plt9rpt/cl006.pdf>

<http://www.toronto.ca/legdocs/2003/agendas/committees/plt/plt030903/it010.pdf>

At the April 2005 meeting, City Council adopted a motion reiterating previous motions before both the Planning and Transportation Committee and City Council, was and further reiterated at the May 25, 2005 Planning and Transportation meeting directing the Executive Director of Municipal Licensing and Standards, to bring forward a draft by-law. A report and draft By-law was considered at the June 2006 Planning and Transportation meeting.

<http://www.toronto.ca/legdocs/2005/agendas/council/cc050412/cofa.pdf>

<http://www.toronto.ca/legdocs/2006/agendas/committees/plt/plt060601/it013.pdf>

The Licensing and Standards Committee, at its January 25, 2012 meeting referred the report addressing a request at the July 11, 2011 meeting to review provisions regulating clothing drop boxes back to the Executive Director, Municipal Licensing and Standards to consider the feasibility of revising existing provisions regarding clothing drop boxes and enforcement policies.

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

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.LS11.1>

## **ISSUE BACKGROUND**

In 2006, Toronto City Council identified two primary 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 also keeping the area around the boxes clear of litter and debris.

Provisions regulating clothing drop boxes were enacted within the Licensing and Property Standards By-laws to address these matters. At the time, the City was governed by the *Municipal Act, 2001* which gave the City the power to pass by-laws requiring businesses carried on within the City to be licensed. In operating clothing drop boxes to raise funds to support their charitable or not-for-profit activities, these organizations were deemed not to be operating a business, and were therefore exempt from the licensing requirements. As a result, the provisions adopted by Council with the limited application of permitting/licensing did not effectively address the licensing issues regarding clothing drop boxes.

## **COMMENTS**

The initial intent of the licensing provisions regulating for-profit clothing drop box operators was to ensure that the public was not misled that their clothing donation was going to a charitable cause. Further to the licensing requirement of the clothing drop box operator, businesses were also required to obtain location endorsements for the installation of each clothing drop box.

The *Municipal Act, 2001*, which was in effect at the time of the initial licensing provisions, and similarly The *City of Toronto Act, 2006* enables the City to pass by-laws requiring businesses carried on within the City to be licensed. Charitable and not-for-profit organizations were therefore neither regulated under this licensing provision nor

did there exist a permitting process. This resulted in the City regulating only a portion of the recycled clothing industry.

This has allowed for unlicensed clothing drop boxes to be operated by unlicensed operators, and to proliferate across the city, under the guise of being charitable. Misleading contact information advertised on the box made it difficult to successfully prosecute offenders. Further, some charitable and not-for-profit organizations contract out the operation of their clothing drop boxes, which has resulted in confusion as to whether or not businesses operating the boxes on behalf of exempt organizations were required to be licensed.

### **Feasibility of a Ban**

Consultations with the clothing drop box industry, and the BIAs indicated a lack of support for a ban on clothing drop boxes. A ban on clothing drop boxes would impact a charitable organization's ability to raise funds and meet the needs of the community they work to serve. Charitable organizations stated that their reliance on clothing drop boxes for revenues or for the used clothing ranged from 10 per cent to 80 per cent of their funding. The charitable organizations participating in the consultation process (including meetings, surveys, and written statements) stated their preference to be "licensed" to operate clothing drop boxes rather than have them banned.

Many licensed operators have partnered with charitable organizations, designate a portion of the revenue to their chosen charity. One such for-profit operator states that they designate 41 per cent of the revenue to their designated charity.

A city-wide ban on clothing drop boxes would negatively impact many organizations' ability to raise funds for charitable causes, and further could lead to an increase in waste going to landfills.

### **A New Clothing Drop Box By-law**

#### *The Use of Clothing Drop Boxes as a Means to Collect Donated Clothing*

As part of the consultation process which included meetings with several external stakeholders, a survey was prepared and completed by both charitable and not-for-profit organizations and for-profit operators.

One organization commented that while they did operate clothing drop boxes in the past, the boxes were phased out in lieu of a more effective system of Attended Donation Centres (ADC). While they did not believe clothing drop boxes effectively serve donors or the community particularly well, they do recognize that many charitable organizations currently rely on such boxes to fund their community work and therefore a well-regulated and effective by-law is necessary.

Many organizations also rely on other avenues to collect and recycle used clothing donated by the public. These include door-to-door solicitation, seasonal clothing drives, clothing depots, and thrift stores. However, recycled clothing collected through the use of clothing drop boxes remains a significant source of revenue for a number of charitable

organizations, and can represent anywhere from 10 per cent to 80 per cent of their donations/revenues. Requiring charities and not-for-profit organizations to obtain a permit for each box placed in the City may assist in the long term to limiting the number of boxes, and may encourage organizations to consider other means of clothing collection.

The proposed new Clothing Drop Box By-law would require that all organizations utilizing clothing drop boxes as a means to collect used clothing for re-sale or redistribution, irrespective of charitable designation, to apply for, and remit fees for location permits for every location where a clothing drop box installation is planned. For-profit operators will continue to be required to obtain a business licence under the provisions of Chapter 545 Licensing in addition to also obtaining a location permit.

#### *Permit the Use; Not the Activity*

The majority of charitable organizations contacted recognized that consistent and effective regulation and enforcement of the industry requires the licensing and permitting for all organizations. The new Clothing Drop Box By-law continues to ensure that the public is aware to whom they are donating their used clothing while creating a registry of all permitted clothing drop boxes in the city to aid in enforcement activities.

#### *Permit Fee*

Factors considered in determining the permit fee was to ensure it is not cost prohibitive to charities and not-for-profit organizations, such that it would negatively impact their fundraising ability. Further this is balanced with ensuring restraint from organizations when acquiring permissions to place clothing drop boxes, thereby alleviating concerns from the public regarding drop box blight.

The licensing provisions governing for-profit operators currently required location endorsements for each box installed. It is being recommended to replace the requirement of location endorsements with a permit. In 2006, the fee was calculated to be \$60. In order for the permit fee to continue to reflect the administrative and field work required in a cost recovery manner, the location permit fee should be increased to \$100 with annual inflation adjustments.

#### *Responsibilities for Maintaining the Surrounding Area*

Amendments to the Property Standards By-law were previously made to address the issues of garbage, furniture, and household garbage being illegally dumped beside the boxes.

Additional amendments to the Property Standards provisions will ensure that any required remedial action regarding the maintenance of the area surrounding clothing drop boxes, would be recouped in a manner like taxes and placed on the property tax bill. Similar provisions are included in the new By-law to ensure that box operators are also held accountable for the maintenance of the area surrounding the box(es).

#### *Limiting the Number per Property*

Any property owner wishing to provide locations for the placement of clothing drop boxes would be limited to a maximum number of two (2) boxes per property. This will provide the public with opportunities to donate their used clothing, while restricting a proliferation of boxes on any one property as well as mitigating the accumulation of litter and debris.

#### *Removal of Unpermitted Boxes*

The City has the authority to issue notices requiring the removal of clothing drop boxes placed on public or private property without the appropriate permissions. It is the responsibility of the property owner, (and box operator) to maintain the area surrounding the clothing drop box free of litter and debris.

Additionally, any unidentifiable or unpermitted box must be removed by the property owner within a pre-determined compliance period. It is recommended that the number of days to achieve compliance be consistent with the Streets and Sidewalk By-law provision for removal from the ROW, which is 14 days. Costs associated with the removal of any boxes from private property by the City will be recouped in a manner like taxes.

#### **Conclusion**

The collection of used clothing through clothing drop boxes provides the public with a convenient opportunity to dispose of used clothing. It provides charities and not-for-profit organizations an avenue of accepting donated clothing to fund their causes. Equally important, it enables our communities with an opportunity to divert unwanted clothing from landfill. Diverting waste through community stewardship has a positive impact within the City of Toronto.

#### **CONTACT**

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#### **SIGNATURE**

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Tracey Cook  
Executive Director  
Municipal Licensing and Standards

#### **ATTACHMENTS**

Appendix A: Proposed draft Clothing Drop Box By-law and Amendments to Toronto Municipal Codes Chapter 545 Licensing, Chapter 629 Property Standards and Chapter 441 Fees and Charges.

**Appendix A: Proposed Amendments to Toronto Municipal Code Chapters 441 Fees and Charges; 545 Licensing; and 629 Property Standards; and Proposed Draft Clothing Drop Box By-law.**

Authority: Licensing and Standards Committee Item \_\_\_\_\_, adopted, by City of  
Toronto Council on November \_\_\_\_\_, 2012.  
Enacted by Council: November \_\_\_\_\_, 2012

**CITY OF TORONTO**

**BY-LAW No. \_\_\_\_\_ -2012**

**To adopt a new City of Toronto Municipal Code Chapter XXX, Clothing Drop Boxes and to amend Toronto Municipal Code Chapters 441, Fees and Charges, 545, Licensing and 629, Property Standards.**

WHEREAS under sections 7 and 8 of the *City of Toronto Act, 2006* (the "Act"), the City may pass by-laws in respect of the health, safety and well-being of persons and the economic, social and environmental well-being of the City; and

WHEREAS under sections 7 and 8 of the Act and the specific power in section 259, the City may pass a by-law imposing fees or charges on persons for services and activities provided or done by or on behalf of it; and

WHEREAS under sections 7 and 8 of the Act and the specific powers and restrictions respecting delegation in sections 20 to 24, the City may delegate its powers and duties under the Act to an officer or employee of the City, including administrative and quasi-judicial powers and legislative powers of a minor nature as provided in section 21; and

WHEREAS under section 366 of the Act, the City may pass by-laws providing that a person who contravenes a by-law of the City passed under this Act is guilty of an offence, and under section 370 may establish a system of fines for offences including special fines, in addition to the regular fine for an offence, that are designed to eliminate or reduce any economic advantage or gain from contravening the by-law; and

WHEREAS under subsections 384(3) and 385(4) of the Act, a by-law under section 366 may also provide that a person who contravenes an order (to discontinue the contravening activity) under subsection 384(1) or an order (requiring certain work to be done) under subsection 385(1) is guilty of an offence; and

WHEREAS subsection 8(1) of the Act, provides the City with broad authority to provide any service or thing the City considers necessary or desirable for the public; and

WHEREAS the City has the authority to pass by-laws respecting matters related to Structures, including fences and signs under subsection 8(2) of the Act; and

WHEREAS the City has the authority to pass 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 licence fees; and

WHEREAS the City provides that the regulation of clothing drop box 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 box to alleviate the danger to the health and safety of the public created by improperly constructed, maintained, located and installed clothing drop box; and

WHEREAS Council has authorized regulations that will facilitate clothing drop box 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 HEREBY ENACTS as follows:

1. The City of Toronto Municipal Code is amended by adding the chapter set out in Schedule "1" to this by-law as Chapter XXX, Clothing Drop Boxes.
2. Chapter 545, Licensing, of the City of Toronto Municipal Code is amended as follows:
  - A. Section 545-501 is deleted.
  - B. Chapter 545, Licensing, of the City of Toronto Municipal Code is amended by deleting the semicolon and the word "endorsement" from the



title of § 545-502 and deleting the words “or for an endorsement of an operator’s licence” from §§ 545-502A.

- C. Chapter 545, Licensing, of the City of Toronto Municipal Code is amended by deleting all instances of the words “or endorsement” contained within § 545-503, § 545-504.
  - D. Subsection 545-503A(1) of Chapter 545, Licensing, is amended by inserting the words “a contact phone number” after the words “has been approved”.
  - E. Chapter 545, Licensing, of the City of Toronto Municipal Code is amended by deleting “, or who applies for an endorsement to permit him or her to operate an additional clothing drop box, shall pay a fee of \$60” and inserting, "shall pay a fee set out in Chapter 441 Fees and Charges" from §§ 545-507A.
  - F. Chapter 545, Licensing, of the City of Toronto Municipal Code is amended by deleting §§ 545-507B and C.
3. Schedule 12, Municipal Licensing and Standards, of Appendix C of Chapter 441, Fees and Charges, of The City of Toronto Municipal Code is amended as follows:

A. By adding the following:

\* (To unnumbered column for row numbers)

* (To Column I)	(To Column II)	(To Column III)	(To Column IV)	(To Column V)	To Column VI)	
404	Property Standards & Maintenance Enforcement	Permit Application Fee – Clothing Drop Boxes	Full Cost Recovery	Per application	\$100.00	No
405	Property Standards & Maintenance Enforcement	Removal Fee of Illegal Clothing Drop Box	Full Cost Recovery	Per removal	\$100.00	No
406	Property Standards & Maintenance Enforcement	Retrieval of Illegal Clothing Drop Box	Full Cost Recovery	Per Clothing Drop Box	\$200.00	No
407	Property Standards &	Storage of Illegal	Full Cost Recovery	Per day	\$15.00	No

	Maintenance Enforcement	Clothing Drop Box				
408	Property Standards & Maintenance Enforcement	Disposal Fee for Illegal Clothing Drop Box	Full Cost Recovery	Per Disposal	\$80.00	No

4. Subsection 629-10F of Chapter 629, Property Standards, is amended as follows:
- A. By adding Subsection “A.” to the first paragraph.
  - B. By adding the following after the first paragraph:
    - B. Subject to § XXX-3, Chapter XXX, Clothing Drop Boxes, an owner of property shall not erect, display, locate or place or allow to be erected, displayed, located or placed on his or her property unless:
      - (1) A permit has been obtained under Chapter XXX;
      - (2) The permit number or permit is displayed on the clothing drop box;
      - (3) The clothing drop box is erected, displayed, located or placed in compliance with Chapter XXX or any other applicable by-law; and
      - (4) The clothing drop box is placed in the location for which the permit was granted.
    - C. An owner of property upon which a clothing drop box is placed that is in contravention of this Subsection or Chapter XXX may be ordered to take any necessary to remedy the contravention, including the removal of the clothing drop box from the property.
5. This by-law comes into force on \_\_\_\_\_, 2013.

ENACTED AND PASSED this \_\_\_\_\_ day of November, 2012.

**SCHEDULE “1” TO BY-LAW No. -2012**

**Chapter**  
**Clothing Drop Boxes**

**§ XXX-1. Definitions.**

**§ XXX-2. Clothing drop boxes; general requirements.**

**§ XXX-3. Charity; religious institution; community organization.**

**§ XXX-4. Removal of unlawful clothing drop boxes; costs of City removal.**

**§ XXX-5. Offences and penalties.**

**§ XXX-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

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

**CLOTHING DROP BOX** — Any receptacle used for the purpose of collecting donated clothing.

**CLOTHING DROP BOX PERMIT** — A clothing drop box permit issued under this chapter for the legal placement of a clothing box.

**COMMUNITY ORGANIZATION** — A non-profit group of persons organized for the advancement of activities of a civic, cultural or recreational nature.

**EXECUTIVE DIRECTOR** — The Executive Director, Municipal Licensing and Standards, or his or her designate.

**LICENSED** — Licensed under the provisions of any by-law licensing clothing drop box businesses, companies or operators in the City, in particular under Chapter 545, Licensing.

**OPERATOR** — An operator of a clothing drop box who is licensed as such or required to be licensed as such under Chapter 545, Licensing.

OWNER – An owner or operator of a clothing drop box.

RELIGIOUS INSTITUTION — An association of persons that is registered as a charity under the federal *Income Tax Act*, R.S.C. 1985, c. 1 (5<sup>th</sup> Supp.), or successor legislation, and is organized for the advancement of religion and for the conduct of religious worship, services or rites.

STREET — A highway as defined by the *City of Toronto Act, 2006*.

**§ XXX-2. Clothing drop boxes; general requirements.**

A. General.

- (1) No person shall erect, display, locate, place or maintain a clothing drop box except as permitted by this chapter.
- (2) Clothing drop boxes shall comply with all other applicable City by-laws.
- (3) Where the provisions of this chapter are in conflict with any other by-law applicable to clothing drop boxes, this chapter shall prevail to the extent of the conflict.

B. Clothing drop box permit

- (1) No person shall display, place, locate, alter or erect or cause to be displayed, placed, located altered or erected, any clothing drop box on any lands, without obtaining a permit from the Municipal Licensing and Standards Division.
- (2) Despite Subsection B(1), a charity, religious institution or community organization may erect, display, locate, place or maintain one clothing drop box on land which is primarily used for the operations or activities of the charity, religious institution or community organization.
- (3) An applicant for a clothing drop box permit shall furnish to the City the information required by the City to process the permit, including:
  - (a) The name and address of the owner of the clothing drop box;
  - (b) The name and address of the owner or business applying for the permit;

- (c) The municipal address of the premise upon which the clothing drop box is to be located;
  - (d) A site plan or survey, identifying the location of the clothing drop box on the premises;
  - (e) The commencement and termination dates for the placement of the clothing drop box;
  - (f) A contact name and number for the individual responsible for the clothing drop box;
  - (g) Written authorization from the property owner or management company to permit the applicant to have the clothing drop box located and placed on the premises;
  - (h) Provide proof of insurance in accordance with Subsection §§ XXX-2B(4);
  - (i) The completed application in a form satisfactory to the Executive Director; and
  - (j) The permit fee for the clothing drop box set out in Chapter 441, Fees and Charges.
- (4) Applicants for a clothing drop box permit shall provide the City with a general liability insurance certificate in the amount of no less than \$2,000,000.00 per event, naming the City as an additional insured and having provisions for cross-liability and severability of interest and the insurer or an authorized agent of the insurer must advise the City in writing in advance of a policy cancellation.
  - (5) The refusal of an application for a clothing drop box permit based on failure to comply with any provision of this chapter is not appealable or reviewable.
  - (6) Where the City has refused an application for a clothing drop box permit based on failure to comply with any provision of this chapter, there shall be no refund of any permit fee paid.

C. Revocation of permit.

The City may revoke a permit issued under this chapter, with no refund, where:

- (1) The clothing drop box does not comply with this chapter or any other applicable by-law or legislation;

- (2) The permit has been issued in error by the City;
- (3) The permit has been issued under false, mistaken, incorrect, or misleading information; or
- (4) An owner has unpaid fees for the issuance of a permit under this chapter.

D. Location.

- (1) No more than two clothing drop box shall be erected, displayed, located or placed at each municipal address or business location.
- (2) Clothing drop boxes shall not obstruct or be located within 1 metre of a required parking space.
- (3) Clothing drop boxes shall not be erected, displayed, located or placed:
  - (a) On any centre median, traffic island or centre boulevard or otherwise within the road allowance unless it is in accordance with Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of;
  - (b) Affixed in any way to a utility pole, tree or other public property;
  - (c) Within three metres of a driveway entrance or exit or a side property line.
- (4) Clothing drop boxes shall be located as follows:
  - (a) Except as permitted by this chapter, on private property and not closer than one metre from a municipal sidewalk;
  - (b) No closer than nine metres from the edge of the nearest traffic control device and shall not pose a line of sight issue by impeding a pedestrian's or driver's view of the traffic control device; and
  - (c) No closer than nine metres from the closest edge of the nearest paved portion of an intersection and shall not pose a line of sight issue by impeding a pedestrian's or driver's view of the intersection.

E. Identification.

A clothing drop box shall:

- (1) Display the name of the operator and the owner in a conspicuous place on the clothing drop box, in lettering no smaller than 100 millimetres x 75 millimetres, and of a contrasting colour;
- (2) If any of the clothing collected by means of the clothing drop box is used to benefit a charity, community organization or religious institution, immediately below the message described in § XXX-2E(1), in lettering no smaller than 80 millimetres x 60 millimetres, and of a contrasting colour, state the amount (as a percentage of sales) dedicated to charities, community organizations or religious institutions; and
- (3) Display the permit number or other permit identifier issued under this chapter in a conspicuous place on the clothing drop box.

F. Maintenance and safety.

- (1) Every clothing drop box shall be erected, displayed, located placed or maintained in a good state of repair and shall not become, and shall not be altered to become, in the opinion of the Executive Director, deteriorated, damaged, unsafe, defective, upset, dislodged or inoperative.
- (2) No clothing drop box shall be located in an area that has tall grass or weeds, litter, trash or is generally unkempt, and it shall be the responsibility of the owner or operator of the clothing drop box to keep the property free of such conditions.
- (3) A clothing drop box that does not comply with Subsection F(2) shall be removed immediately.

**§ XXX-3. Charity; religious institution; community organization.**

- A. Despite Subsection § XXX-2B(1), a charity, religious institution or community organization may erect, display, locate, place or maintain one clothing drop box on land which is primarily used for the operations or activities of the charity, religious institution, or community organization without obtaining a permit.
- B. A charity, religious institution or community organization shall obtain a permit and comply with this chapter for any additional clothing drop boxes that are erected, displayed, located, placed or maintained on land which is primarily used for the operations or activities of the charity, religious institution or community organization.
- C. The physical criteria in this chapter that is applicable to clothing drop boxes being utilised shall apply to clothing drop boxes erected, displayed, located, placed or

maintained by charities, religious institutions or community organizations, including § XXX-2A, D, E and F and § XXX-4.

**§ XXX-4. Removal of unlawful clothing drop boxes; costs of City removal.**

- 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, without notice, enter the land and pull down or remove the clothing drop box at the expense of the owner.
  
- B. Despite Subsection A, if a clothing drop box has been erected, displayed, located or placed in contravention of this chapter, the Executive Director, or persons acting upon his or her instructions, may:
  - (1) Notify the owner to:
    - (a) Repair the clothing drop box;
    - (b) Pull down or remove the clothing drop box; or
    - (c) Correct the contravention so the clothing drop box complies with this chapter.
  - (2) An owner who receives notice under § XXX-4B(1) shall be required to comply with the notice and this chapter, at no cost to the City, within 14 days of the date indicated on the notice.
  - (3) If a person, including an owner, fails to comply with a notice issued under § XXX-4B(1), then the Executive Director may, or any person acting under the Executive Director's direction, undertake any remedial work, including any removal, restoration, repair, renovation or modification that is required to ensure compliance with this chapter.
  
- C. Storage of clothing drop boxes.
  - (1) Clothing drop boxes that have been removed under § XXX-4A or B shall be stored by the City for a minimum of 30 days, during which time the clothing drop box owner may retrieve the clothing drop box by:
    - (a) Paying any amounts owing to the City under this chapter, including the fee for retrieving and storing an illegal clothing drop box as set out in Chapter 441, Fees and Charges; and
    - (b) Providing the City with a signed acknowledgement and release in a form acceptable to the City.



- (2) A clothing drop box that has been removed by the City and stored for more than 30 days may be destroyed or otherwise disposed of by the City without notice and without compensation to the clothing drop box owner or operator.

D. Fees for storage and removal of clothing drop boxes.

- (1) If a clothing drop box is removed under § XXX-4A or B, in addition to any fine or other penalty that may be imposed for an offence under this chapter, the clothing drop box owner shall pay to the City the following fees as set out in Chapter 441, Fees and Charges:
  - (a) The fee for removing an illegal clothing drop box;
  - (b) If a clothing drop box has been stored, the fee for storing an illegal clothing drop box; and
  - (c) If a clothing drop box has been destroyed or otherwise disposed of by the City, the fee for disposal of an illegal clothing drop box.
- (2) If a clothing drop box is not retrieved, the fee for removing an illegal clothing drop box and the fees for storing and disposing of an illegal clothing drop box as set out in Chapter 441, Fees and Charges, shall be added to the subsequent year's permit fee.
- (3) The fee for removing an illegal clothing drop box as well as the fees for storing and disposing of an illegal clothing drop box, as set out in Chapter 441, Fees and Charges, may also be recovered by action or adding the charge to the tax roll and collecting the charge in the same manner as taxes.

**§ XXX-5. Offences and penalties.**

- A. Every person who contravenes any provision of this chapter is guilty of an offence and on conviction is liable to a fine of not less than \$500 and no more than \$100,000.
- B. Every person who contravenes any provision of this chapter may be liable, in addition to the fine provided for in Subsections A or D, to a special fine of not less than \$500 designed to eliminate or reduce any economic advantage or gain from contravening this chapter.
- C. In addition to offences referred to in Subsection A, every person is guilty of an offence under this chapter who:

- (1) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this chapter;
- (2) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 378 of the *City of Toronto Act, 2006*;
- (3) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this chapter;
- (4) Erects, displays, locates, places, modifies or restores or causes to be erected, displayed, located, placed, modified or restored any clothing drop box for which a clothing drop box permit is required by this chapter without first obtaining a clothing drop box permit from the Executive Director;
- (5) Erects, displays, locates, places, modifies, restores or causes to be erected, displayed, located, placed, modified or restored any clothing drop box prohibited by this chapter;
- (6) Erects, displays, locates, places, modifies or restores or causes to be erected, displayed, modified or restored a sign contrary to a clothing drop box permit issued by the Executive Director;
- (7) Erects, displays, locates or places or causes to be erected, displayed, placed or located a clothing drop box without displaying the identifier required by this chapter; or
- (8) Is a director or officer of a corporation and knowingly concurs with actions taken by or on behalf of the corporation in relation to an offence described in Subsections C(1) to (7).

Each offence in Subsection C is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues, a minimum fine of no less than \$500 and a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence in Subsection C may exceed \$100,000.