



Clothing Drop Boxes By-law Review

Date: May 6, 2019

To: General Government and Licensing Committee

From: Executive Director, Municipal Licensing and Standards

Wards: All

SUMMARY

This report recommends amendments to the By-laws regulating clothing drop boxes. There are three By-laws that govern clothing drop boxes: the City of Toronto Municipal Code Chapter 545, Licensing, Chapter 629, Property Standards, and Chapter 395, Clothing Drop Boxes. This report recommends changes to the business licensing scheme, additional By-law requirements to improve the safety and maintenance of clothing drop boxes, as well as enhanced enforcement tools.

In 2007, provisions were added to the Licensing and Property Standards By-laws to address the misleading use of clothing drop boxes by for-profit businesses, as well as clothing drop box maintenance. In 2013, City Council enacted a standalone By-law for clothing drop boxes, requiring all operators to obtain location permits for each drop box. Since then, City Council has directed staff to undertake a review of the clothing drop boxes By-laws and identify ways in which they could be strengthened, including reviewing the licensing and permitting processes, rules guiding the location of clothing drop boxes, safety of boxes, and enforcement.

Staff consulted with members of the public and stakeholders, including licensed clothing drop box operators, organizations that hold clothing drop box permits, charities that benefit from clothing drop boxes, and a major manufacturer of clothing drop boxes. Some stakeholders consulted have taken action to address safety concerns with clothing drop boxes, including reviewing box designs and retrofitting existing boxes. This review was also informed by a jurisdictional scan and consultations with other municipalities.

This report was prepared in consultation with Legal Services. Staff also consulted Toronto Public Health, Toronto Building, Transportation Services, Toronto Parking Authority, Parks, Forestry and Recreation, Solid Waste Management Services, Toronto Fire Services, and Social Development, Finance and Administration.

RECOMMENDATIONS

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

Chapter 545, Licensing

1. City Council amend the City of Toronto Municipal Code Chapter 545, Licensing as follows:

1. Amend the definition of "operator" to include charities, religious institutions, and community organizations.
2. Add a provision requiring charities, religious institutions and community organizations to provide proof of organization status acceptable to the Executive Director, Municipal Licensing and Standards.
3. Add a provision exempting charities, religious institutions and community organizations from the requirement to display the words: "Not a Charity, Community Organization or Religious Institution" on the clothing drop box.

Chapter 395, Clothing Drop Boxes

2. City Council amend the City of Toronto Municipal Code Chapter 395, Clothing Drop Boxes as follows:

1. Add a definition for City property to mean "Any property owned, leased or under the control of the City not including a highway."
2. Amend Section 395-2D(4)(a) to read as follows: "Except as permitted by this chapter, on private property or City property and not closer than one metre from a municipal sidewalk."
3. Add a provision requiring an applicant to provide a signed declaration acknowledging that if the clothing drop box contravenes the City of Toronto Municipal Code Chapter 395, Clothing Drop Boxes, or any other applicable By-law or legislation, the clothing drop box may be removed and its contents disposed of and waiving any claim against the City for such removal and disposal.
4. Amend Section 395-4A and B to authorize the Executive Director, Municipal Licensing and Standards, or persons acting on the Executive Director's instructions, to enter land and remove clothing drop boxes and their contents and dispose of them both at the expense of the owner, either without notice if there is a permit, or no earlier than three days after posting a notice to this effect on the clothing drop box if there is no permit.
5. Delete Section 395-4C, which requires the City to store clothing drop boxes and their contents on removal.

6. Add a provision requiring applicants to provide 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.
7. Add a provision requiring clothing drop boxes to be placed in an area with lighting at all times to allow for the safe operation of clothing drop boxes.
8. Add a provision requiring clothing drop boxes to be labelled with the pick-up schedule.

Chapter 441, Fees and Charges

3. City Council amend the City of Toronto Municipal Code Chapter 441, Fees and Charges as follows:

1. Add a clothing drop box operator licence fee of \$439.96 and a licence renewal fee of \$185.78 to Appendix C - Schedule 12 for clothing drop box operators that are charities, community organizations or religious institutions.
2. Delete fee 419 (\$15.00), Storage of Illegal Clothing Drop Box, from Appendix C – Schedule 12.

Implementation

4. City Council authorize the City Solicitor and the Executive Director, Municipal Licensing and Standards to make such technical and stylistic amendments to the City of Toronto Municipal Code Chapter 545, Licensing and the City of Toronto Municipal Code Chapter 395, Clothing Drop Boxes as required to give effect to City Council's decision.
5. City Council direct that the amendments to the City of Toronto Municipal Code Chapter 545, Licensing, and the City of Toronto Municipal Code Chapter 395, Clothing Drop Boxes, come into force on October 1, 2019.

FINANCIAL IMPACT

If approved, the amended definition for "operator" in the City of Toronto Municipal Code Chapter 545, Licensing, would mean that all clothing drop box operators would be required to obtain a business licence. The additional business licence revenue from the seven charities, religious institutions and community organizations with clothing drop boxes would be \$3,079.72 in the first year, and \$1,300.46 annually thereafter (based on 2019 rates).

Deleting fee 419 (\$15.00), Storage of Illegal Clothing Drop Box is not expected to result in any significant foregone revenue as non-compliant boxes are rarely retrieved by the box owners or operators.

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

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

DECISION HISTORY

On January 14, 2019, General Government and Licensing Committee adopted GL1.9 City of Toronto's Clothing Drop Box Review (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.GL1.9>) and directed the Executive Director, Municipal Licensing and Standards, to accelerate the review of the City of Toronto Municipal Code Chapter 395, Clothing Drop Boxes, and bring this item forward to its May 21, 2019 meeting, exploring the following areas: improving the safety of clothing drop boxes; methods other than drop boxes that are used to collect donations, and the effectiveness of each option; rules that guide clothing drop box location; and enforcement.

On March 31, 2016, City Council adopted MM17.14 Amendment of the City of Toronto Municipal Code Chapter 395, Clothing Boxes (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.MM17.14>) and requested the Executive Director, Municipal Licensing and Standards, to consider as part of the review on clothing drop boxes: a) amending the City of Toronto Municipal Code Chapter 395, Clothing Boxes, which states refusal of an application will be "based on failure to comply with the provisions of the By-law", to allow for the right of a local Councillor to refuse a permit request for new clothing boxes in their Ward, or to have a minimal distance separation; and amending the City of Toronto Municipal Code Chapter 395, Clothing Boxes, to include annual or bi-annual reviews of the permit.

On November 3, 2015, City Council adopted MM10.7 Review of the Clothing Drop Box By-law (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.MM10.7>) and requested the Executive Director, Municipal Licensing and Standards, to undertake a review of the Clothing Drop Box By-law and report to the Licensing and Standards Committee on ways in which the By-law can be strengthened, including options for limiting the number of clothing drop box permits issued for locations in close proximity to one another.

COMMENTS

Background

In 2007, City Council added provisions to the Licensing and Property Standards By-laws (City of Toronto Municipal Code, Chapters 545 and 629) to address two primary concerns: the misleading use of clothing drop boxes by for-profit businesses; and the failure to maintain the drop boxes in good condition and to keep the area around the

boxes clear of litter and debris. The provisions in Chapter 545, Licensing, required clothing drop box operators to obtain a business licence. However, charities, religious institutions, and not-for-profit organizations (referred to in this report as "charitable operators") operating clothing drop boxes were not required to be licensed.

In 2013, City Council enacted the Clothing Drop Boxes By-law (City of Toronto Municipal Code Chapter 395), a standalone By-law requiring all clothing drop box operators to obtain location permits for each drop box. A permit fee of \$100 (with annual inflation adjustments) was established, with consideration of the financial impact to charitable organizations. The new By-law also:

- Required a permit label to be displayed on each permitted drop box;
- Required confirmation/permission from the property owner of the proposed site;
- Established a limit of two clothing drop boxes per property to help restrict the proliferation of boxes on any one property; and
- Introduced tools to allow for more expedient enforcement of non-compliant boxes (for example, 7 day notice for removal, ability to recover cost of removal through the property tax roll).

In 2015 and 2016, City Council directed staff to undertake a review of the Clothing Drop Boxes By-law, and identify ways in which it could be strengthened, including options for limiting the number of clothing drop box permits issued for locations in close proximity to one another; allowing for the local Councillor to refuse a permit request for new clothing drop boxes in their ward, or to have a minimal distance separation; and conducting annual or bi-annual reviews of the permits.

In January 2019, after the death of a woman in a clothing drop box, General Government and Licensing Committee directed staff to accelerate their review of the clothing drop boxes By-laws, considering four key issues: improving safety of clothing drop boxes, other methods to collect clothing donations, rules guiding the location of clothing drop boxes, and enforcement.

As of April 2019, there are 583 clothing drop box permits held by eight licensed operators and seven charitable organizations.

Regulation of clothing drop boxes in Toronto

Licensing of clothing drop box operators

The City of Toronto Municipal Code Chapter 545, Licensing, requires all clothing drop box operators to obtain a business licence, which must be renewed annually. In operating clothing drop boxes to raise funds to support their charitable or not-for-profit causes, however, charitable operators were deemed to not be operating a business, and were therefore exempt from the licensing requirements. Licensed operators are required to maintain and provide the City with a list of the number and location of their clothing drop boxes in the city, as well as proof that the operator has permission from the property owner to operate the clothing drop box at each location. The By-law also requires that operators ensure that the clothing drop box and immediately adjacent

areas are properly maintained (for example, that they are free of litter and debris). Applicants must pay an initial licence fee of \$549.95, with an annual renewal fee of \$232.23 (based on 2019 rates). In 2013, the By-law was amended to require all licensed clothing drop box operators to display a permit label on each box.

Clothing drop box location permits

The Clothing Drop Boxes By-law requires every clothing drop box in Toronto to display a location permit label, regardless of whether the operator requires a business licence. Permit applicants are required to provide the City with information, including a site plan or survey identifying the location of the clothing drop box, contact information for the individual responsible for the drop box, confirmation that the property owner or management company allows the placement of the clothing drop box, and demonstrate that the clothing drop box is insured for no less than two million dollars in liability insurance. Applicants must pay a permit fee of \$113.52 for each box (2019 rate), renewed annually. In the event of non-compliance, the City may revoke a permit issued under the Clothing Drop Boxes By-law.

Charities, religious institutions, and community organizations

Approximately 67% of current clothing drop box permits are held by charitable operators. Charitable operators are required to provide proof of their organization's charitable status as part of the permit application process. They are also required to display identification of their organization's status on the drop box (for example, a Charity Registration Number). Non-charitable operators are required to display a statement on the box that they are not a charity, community organization or religious institution.

Under the Clothing Drop Boxes By-law, charitable organizations are also allowed to operate one clothing drop box on land that is primarily used for the operations or activities of that organization without being required to obtain a clothing drop box permit.

Maintenance and safety

The Licensing, Clothing Drop Boxes and Property Standards By-laws hold operators, permit holders, and property owners responsible for ensuring that the boxes and the surrounding areas are properly maintained. This includes ensuring that boxes are clean, in good repair, free of graffiti, and that the surrounding areas are clean and free of litter, waste and other debris. Additionally, property owners are required to ensure that any clothing drop box located on their property is in compliance with the Clothing Drop Boxes By-law, with the box displaying a valid permit. Operators, permit holders, and property owners must take the necessary actions to remedy any contraventions, including removing the clothing drop box from the property.

Complaints

Since 2014, the City has received an average of 240 clothing drop box related complaints per year. In 2018, this number went down to 167. In almost all cases, complaints are related to waste, dumping, overflowing, and unpermitted clothing drop

boxes. A small number of the complaints addressed interference with the right-of-way and safety (usually by a box causing an obstruction to traffic or sight lines). The number of orders or notices of violations issued each year related to the Clothing Drop Boxes By-law is minimal. When the City receives a complaint, the first course of action is to contact the permit holder to make them aware of the violation and to gain compliance. If non-compliance continues to be an issue, then escalated enforcement measures are taken. In the last five years, 246 Notice of Violations and Orders have been issued.

Public and stakeholder consultation

In February and March 2019, MLS held one public consultation and one stakeholder consultation meeting. The public consultation meeting was promoted to resident associations and business improvement areas, as well as to Shelter, Support and Housing Administration stakeholders, the Ontario Textile Diversion Collaborative, councillors, and by means of various City social media channels. The stakeholder consultation meeting information was sent directly to all licensed clothing drop box operators, and all permit holders. In addition, nearly 500 letters were sent to property owners of all locations with current clothing drop box permits. Approximately 40 people attended the meetings, representing the stakeholders noted above. Staff also received approximately 20 emailed comments, and additional feedback from social media.

The main issues explored during the consultations were the location and placement of clothing drop boxes, options for improving safety and maintenance, and improvements to the business licensing and permitting process. High-level summaries of the public and stakeholder feedback will be discussed in the sections below.

Recent concerns and related issues

Industry response to safety concerns

Following the recent fatalities involving clothing drop boxes in cities across Canada, including the death of a woman in Toronto in January 2019, the industry took actions to address safety issues with clothing drop boxes. Rangeview Fabricating Inc., a Canadian manufacturer of clothing drop boxes used by many charitable and for-profit operators, identified potential safety issues with two of the most commonly used models – the mailbox-style box and the rolling chute box (the box involved in the January fatality was mailbox-style). They revised the designs for both models, and worked with third-party engineers at York University to conduct safety assessments. The study team concluded that the updated designs pose no risk to the public when the boxes are used for their intended purpose, and appropriately mitigate potential injury. Rangeview Fabricating Inc. has worked with clothing drop box operators across Canada to retrofit existing boxes, and as of late February 2019, had retrofitted approximately 95% of their boxes across Canada.

In March 2019, the Canadian Standards Association (operating as CSA Group) consulted with the City of Toronto and the City of Vancouver, regarding the need for a national clothing drop box design standard to help address potential safety issues. If a need and support is identified, CSA Group would establish an expert committee to develop a standard. The average standards development process takes approximately 15 months. CSA Group standards are optional, and manufacturers may choose to seek independent third-party verification that their products meet the proposed standard.

Jurisdictional scan of regulations for clothing drop boxes

Staff conducted a jurisdictional scan of 21 Canadian cities, and identified three municipalities with dedicated clothing drop box By-laws, and four with clothing drop box regulations integrated within other By-laws (for example, business licensing or zoning). Most cities that regulate clothing drop boxes have provisions similar to Toronto's, including requiring property owner consent for placement of each box, annual renewal of a permit or licence, proof of charitable organization status, and permit/licence approval by the relevant municipal office.

In response to the recent fatalities involving clothing drop boxes, several cities in British Columbia, including Pitt Meadows, Burnaby, Richmond, Surrey, Delta, and the District of West Vancouver placed temporary bans on clothing drop boxes pending a safety review by City staff. Some cities asked operators to remove or prohibit access to all clothing drop boxes, while others requested that access to certain types of clothing drop boxes be prohibited. The City of Surrey, which does not have By-laws regulating clothing drop boxes, recently completed their safety review, and concluded that the boxes "do not pose a safety risk to the public if used as intended (and they pose a low risk otherwise), and they do not require additional oversight from the City". On March 11, their City Council adopted staff recommendation to lift the ban and return to regular operation of clothing drop boxes.

Textile and waste diversion

Clothing drop boxes support charitable organizations in their work and help divert items from landfill. Based on 2018 curbside single-family waste audits, the average Toronto household disposes of about 17 kilograms (37 pounds) of clothing and other textiles every year. This represented 2.5% of all waste by weight.

The City's By-laws related to clothing drop boxes are aimed at providing regulations to ensure that clothing drop boxes are safe and maintained, and are not intended to address the use of the boxes, such as their role in supporting textile diversion. This connection is acknowledged as part of the City's Long Term Waste Management Strategy (Waste Strategy). Through the Waste Strategy, a Textile Collection and Diversion Strategy is being developed, and will involve the development of a textile diversion awareness campaign and encourage textile (e.g. clothing, shoes, curtains, sheets, towels) diversion opportunities that would enable textiles to follow the waste hierarchy (reduce, reuse, recycle) and potentially divert up to 15,000 tonnes/year of waste from landfill by Year 10 of the Waste Strategy. During the stakeholder consultation for this By-law review, clothing drop box operators and charities indicated a

willingness to share data on their clothing drop boxes, to further inform the Waste Strategy.

Other methods of collecting clothing and textile donations

Many organizations who operate clothing drop boxes use them as part of a comprehensive textile collection program that may include other methods of collecting donations such as home collection, curbside collection, clothing drives, and staffed donation centres. During consultations, although a minority of participants called for a ban on clothing drop boxes, most did not support a ban, as it would impact a charitable organization's ability to raise funds and meet the needs of the communities they serve. The degree of an organization's reliance on proceeds from items collected from the clothing drop boxes can vary greatly. Some stakeholders stated that approximately 5 percent of their proceeds come from clothing drop box collections, while others said that number could be up to 92 percent. Drastic changes to clothing drop box regulations, such as a ban, would have a significant negative impact on these organizations' abilities to serve their communities.

Many stakeholders prefer operating clothing drop boxes over other methods of donation/collection, as they are cost-effective, convenient, and accessible to the public. Focus groups conducted by the City of Markham in 2016 also found that many residents like using clothing drop boxes as they are convenient. Although other methods of clothing and textile collection can allow for a greater degree of supervision and oversight, stakeholders consulted for this review commented that methods like curbside collection (in which textiles and other reusable items are left at the curb for pick-up during designated dates) and home collection (through which residents can arrange a time for an organization to pick up clothing from their home), can be cost-prohibitive and are less efficient for organizations soliciting textile donations. Other options, like clothing drives and staffed donation centres, are also used by some stakeholders as part of a comprehensive program, but are more resource-intensive than clothing drop boxes.

Enforcement of clothing drop boxes

MLS By-law enforcement officers (BEOs) enforce the By-laws regulating clothing drop boxes, with support from the Transportation Services division for removal of clothing drop boxes placed on the public right-of-way. When a complaint is received by 311, a service request is generated and a BEO is assigned to investigate the complaint. If a complaint is about a permitted clothing drop box, the BEO can work with the permit holder to resolve the issue and bring it into compliance.

Unpermitted clothing drop boxes

One of the main challenges for enforcement is unpermitted clothing drop boxes. These boxes may not have any identification or contact information posted on the exterior of the box, or the information may be misleading, making it difficult or impossible to contact the owner or operator of the unpermitted boxes for removal, or to collect fees or lay a charge. During the stakeholder consultations, staff explored ways to improve enforcement of unpermitted clothing drop boxes, including factoring the cost of

enforcing unpermitted boxes into the operator licence and location permit fees. Clothing drop box operators with permitted boxes indicated that they believe the burden should not be shifted to them, as doing so would negatively impact their operations, and would penalize the wrong stakeholders.

In March 2019, MLS enforcement teams conducted sample site inspections to estimate the number of unpermitted clothing drop boxes across the city and inform a recommended strategy to improve enforcement. A By-law enforcement team scanned main streets in the Toronto and East York District and identified 57 permitted and 21 unpermitted clothing drop boxes on those streets. Extrapolated across the whole city, MLS believes that there may be approximately 200 unpermitted clothing drop boxes.

Since clothing drop boxes are located across the city, there are logistical challenges with identifying unpermitted boxes on an ongoing basis, and cost-challenges with securing contracted removal services on an as-needed basis. Staff will pursue an enforcement strategy that would strategically address unpermitted clothing drop boxes in priority areas once or twice a year through targeted enforcement blitzes. Priority areas would be identified using a combination of complaint data and BEO insight.

At the beginning of each blitz, BEOs would scan priority areas and identify unpermitted clothing drop boxes, or boxes that otherwise violate the clothing drop box By-laws. Boxes would be labelled with a notice advising the operator, permit holder and/or property owner that if a clothing drop box is not removed or it does not come into compliance within the required notice period, the City will remove the box at the cost of the clothing drop box operator, permit holder, or property owner. If the unpermitted or non-compliant box is not in compliance after the notice period is up, a third-party contracted company would remove the box and its contents.

Removal and storage

Currently, clothing drop box operators, permit holders, and property owners with clothing drop boxes that are not in compliance with the By-laws may receive notice requiring them to comply within seven days of the date indicated on the notice. If there continues to be non-compliance, the City may remove the box at the cost of the clothing drop box operator, permit holder, or property owner. Clothing drop boxes on the public right-of-way may be removed by Transportation Services and placed into storage for 30 days; however, boxes on private property can only be removed by a privately contracted service.

During the 30 days, the owner/operator may pay the required fees to retrieve the clothing drop box. After 30 days, the City may destroy and/or dispose of the boxes and contents. BEOs have found that in many cases, the clothing drop boxes that are left for City removal (where the owner/operator does not respond) are poorly constructed and are often inadvertently destroyed during the removal process. Many of these anonymous operators also consider removal or confiscation of their boxes as a cost of doing business, and rarely claim boxes that have been removed.

Staff recommend reducing the notice period to three days to facilitate more expedient removal of boxes and minimize any risks to public safety (for example, from boxes that are obstructing views or movement of traffic). Staff also recommend removing the requirement for the City to store the boxes for 30 days, allowing BEOs to remove and dispose of the box and its contents after providing the required notice. To recover the cost of removing unpermitted boxes in cases where the fees cannot be recovered from the owner/operator of the box, staff propose using the existing enforcement tool of adding the cost to the property tax roll of the property owner.

Administration of clothing drop boxes

New Licensing Requirement for Charitable Organizations

The licensing provisions enacted in Chapter 545, Licensing, in 2007, did not require charitable organizations operating clothing drop boxes to obtain a licence, which resulted in the City regulating only a portion of the industry. The introduction of clothing drop box location permits in 2013 (through the Clothing Drop Boxes By-law) were intended to fill this gap by requiring all operators utilizing clothing drop boxes as 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 is installed.

Although the location permitting approach allows for consistent regulation of clothing drop boxes, regardless of whether the operator is for-profit or not-for-profit, the inconsistent licensing approach presents challenges for enforcement. Chapter 545, Licensing, provides MLS with certain tools to address issues with licensed operators, including the ability to deny the issuance or renewal of a licence under certain conditions, to temporarily suspend a business licence for up to 14 days, and to lay a charge against an operator.

Staff consulted with stakeholders on whether business licences should be required for all operators. Some stakeholders supported extending the business licensing requirement to all operators, citing the importance of holding all clothing drop box operators accountable for issues like safety and maintenance. Some charitable organizations expressed concerns that licensing costs would negatively impact their ability to serve those in need.

Based on the consultations and staff assessments, MLS recommends licensing charitable organizations, requiring all clothing drop box operators to obtain a licence in accordance with Chapter 545, Licensing. This amendment would not only support a consistent licensing regime for all clothing drop box operators, but it is also aligned with the City's general powers over health, safety, and welfare of the public, and would promote a greater level of accountability across all operators. It would also simplify enforcement and allow the City to more effectively address issues by using enforcement tools available through Chapter 545, described above. Importantly, this amendment is not being proposed as a revenue generating tool.

To help minimize the financial impact to charitable operators and ensure that the fees are not cost-prohibitive, MLS recommends providing a 20 percent discount on the licence and renewal fees for charitable operators, for a licence fee of \$439.96 and annual renewal fee of \$185.78, with annual inflation adjustments. Based on current data which shows that each charitable organization currently holds an average of more than 50 location permits (\$113.52 per permit, renewed annually, with an average total annual cost of \$5,676 for each charitable operator), the proposed licence fee would represent approximately 8 percent of the current total permit cost for each charitable operator, and the proposed annual renewal fee would represent 4 percent of the current total permit cost for each charitable operator.

Permit review process

MLS was also directed to explore a permit review process. Permit applicants are required to submit certain documentation, such as site plans and proof of property owner approval for placement of a clothing drop box on a site. The current permit renewal process does not require resubmission of this documentation on renewal. As a result, some information may be out of date. Staff consulted with stakeholders on the licensing and permit review process, including potentially requiring annual resubmission of some documentation. Stakeholders were concerned that annual resubmission of documentation would be unnecessarily burdensome, as many operators hold dozens of permits (for example, one operator holds more than 150 permits). However, since licensed operators are required to maintain a current list of clothing drop boxes as well as proof of permission from each property owner at all times, the proposal for all clothing drop box operators to obtain a licence would make it unnecessary to amend the permit review process.

Permit approval process

City Council requested MLS to review the permit approval process, and consider allowing the local Councillor to refuse permit requests for new clothing drop boxes. Staff looked at the permit review process in seven municipalities across Canada that regulate clothing drop boxes, and found that they all utilize an approval process similar to what is currently in place in Toronto (permit/licence office reviews, evaluates and approves permit applications). This issue was also explored during stakeholder consultations. Some stakeholders expressed concerns that the existing permit approval process can already be lengthy, and that it should not be delayed by requiring additional documentation or levels of approval. Improved enforcement of unpermitted clothing drop boxes, combined with other recommended By-law amendments, would more sufficiently address current concerns with clothing drop boxes.

Location – placement on a site

The Clothing Drop Boxes By-law includes rules to guide placement on a site to manage safety issues and potential interference with pedestrian and driver sight lines. This includes prohibiting boxes from obstructing or being located within one metre of a required parking space. Boxes may not be placed on any centre median, traffic island, centre boulevard or otherwise within the road allowance. Clothing drop boxes also may not be affixed to any public property (for example a utility pole or a tree), or be within

three metres of a driveway entrance or exit, or a side property line. All boxes must not be within one metre of a municipal sidewalk, as well as certain distances from traffic control devices and intersections. Although the Clothing Drop Boxes By-law requires clothing drop boxes to be located on private property, a 2003 City Council resolution allows for clothing drop boxes to be placed on municipal property. This has meant that clothing drop box permits are issued for all property other than the public right-of-way, as long as all requirements and conditions are met. Staff recommend clarifying the language in the By-law to avoid confusion about where clothing drop boxes may be placed.

During the public and stakeholder consultations, there were conflicting views on ideal placement of clothing drop boxes. Some suggested that clothing drop boxes should be located on a site that is clearly visible from the public right-of-way to ensure safety of people who use the boxes, as well as provide for easier access and maintenance. Others believe that the boxes can be unsightly, and should not be in public view. Additionally, some boxes are intended for use by a particular community (for example, an apartment building or group of buildings) and are placed to be most accessible to those communities.

Staff recommend adding one additional requirement for the placement of clothing drop boxes – that the boxes be placed on a site that has lighting at all times, for the safety of residents who use the boxes. Additionally, to share knowledge and to encourage operators to consider unique site-specific conditions and criteria, MLS could compile information such as safety and accessibility best practices (for example, if possible, positioning a box so that the opening does not face a right-of-way), and provide this information to permit applicants.

Location - minimum distance requirements

As directed by City Council, MLS explored whether minimum distance requirements should be established for clothing drop boxes. The current regulations guiding location of clothing drop boxes are fairly comprehensive, include distance requirements within a site (for example, boxes may not be placed within three metres of a driveway entrance or exit), and help ensure that placement of the boxes considers public safety. Staff do not recommend establishing distance requirements between properties, as other provisions within the By-laws (such as the limit of two boxes per municipal address, shared responsibility for maintenance, and the proposed amendments to the licensing requirements) would be more effective tools to address concerns of litter, debris, and proliferation.

Maintenance and safety

The current Clothing Drop Boxes By-law includes provisions for maintenance and safety, including requiring that boxes be maintained in a good state of repair. The boxes must also not be located in areas that have tall grass or weeds, litter, trash or that is generally unkempt, and their locations must be kept free of these conditions. The By-

law does not set out specific design or physical requirements for the clothing drop boxes themselves. Of the seven municipalities that have regulations for clothing drop boxes, only Richmond, B.C. specifies design criteria (boxes may not exceed certain dimensions).

Out of the total of 1,234 complaints about clothing drop boxes, around 3 percent describe a concern related to safety. Usually, the safety concerns are related to property standards or maintenance, or placement of a box (for example, a box might be close to traffic or blocking the line of sight).

As mentioned above, the industry has already taken proactive measures to identify and mitigate potential safety concerns. Many operators indicated that they already include warning signage on the exterior of their boxes. Engineers from York University conducted safety tests on revised designs of two popular clothing drop box styles, and provided a letter expressing their satisfaction that appropriate measures have been implemented to mitigate against potential for injury and to discourage improper use of clothing drop boxes.

Clothing drop box owners and operators should be responsible for ensuring that the boxes they procure and use consider potential safety risks. Staff recommend amending the permit application process to require applicants to provide a signed statement from a third-party professional engineer stating that the engineer has reviewed the design of the box and considered the potential safety risks, including determining that the box appropriately mitigates potential injury. In the future, this statement could include reference to any applicable design standard (for example, if CSA Group moves forward with developing a design standard for clothing drop boxes). This approach is consistent with the direction that some other municipalities are exploring.

Clothing drop box operators provide regular maintenance for their boxes, with schedules varying depending on their experience with each location. This means that clothing drop boxes in busier locations are visited and maintained more frequently than boxes located in quieter areas. Staff reviewed By-laws for seven Canadian municipalities that regulate clothing drop boxes and found that five include a requirement for each box to be labelled with the clothing pick-up schedule. Staff recommend introducing this requirement for clothing drop boxes in Toronto, to ensure residents are aware of the maintenance schedule for each box, which will help manage potential issues such as overflowing.

Communications and public awareness

During previous consultations, as well as the consultations conducted for this By-law review, members of the public expressed concerns about the misleading use of clothing drop boxes by some for-profit businesses. Residents would like to understand where their donated clothing and textiles go, and who it benefits. Currently, charitable organizations are required to indicate clearly on a conspicuous place on the box, the organization's status (including Charity Registration Number or other proof of status). All other operators must display the words "Not a Charity, Community Organization or Religious Institution" on a conspicuous place on the box. Additionally, if any clothing

collected by means of the clothing drop box is used to benefit a charitable organization, the box must indicate that amount (as a percentage of sales) dedicated to those organizations.

During the public and stakeholder consultations, different ideas to improve clarity of where donations are going were explored, including suggestions that clothing drop boxes operated by licensed for-profit operators could have a different coloured permit label than boxes operated by charitable organizations. Given the existing challenges with unpermitted clothing drop boxes, staff recommend maintaining the existing permit label to easily discern which boxes have valid permits. As part of the regular communication updates and improvements, MLS will also explore opportunities to enhance online communications to increase public awareness of the clothing drop box regulations (for example, that each box needs to display a permit), and to maintain a list of clothing drop box operators on the web site, clearly indicating each operator's status.

Next Steps

MLS will develop an implementation plan to support the recommendations outlined in this report. The plan will include procuring a third-party company to facilitate the removal of unpermitted clothing drop boxes during the annual or bi-annual enforcement blitzes, conducting additional data analysis and research to identify priority areas and timing for the blitzes, and identifying any other resources required.

If adopted by City Council, proposed changes will come into force on October 1, 2019.

CONTACT

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SIGNATURE

Carleton Grant
Executive Director, Municipal Licensing and Standards