

## **Clothing Drop Boxes – Final Comments**

<b>Date:</b>	March 4, 2013
<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:\2013\Cluster B\MLS\LS13006

### **SUMMARY**

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The purpose of this report is to address the impact of permitting clothing drop boxes on municipal property, including properties operated by agencies, boards, commissions and corporations (ABCCs) and divisions. It also responds to Council's request for additional information regarding distance requirements between boxes, Councillor objection to an application and a rapid removal process for unpermitted boxes.

In accordance with the Council approved Toronto Municipal Code, Chapter 395 Clothing Drop Boxes, clothing drop boxes are permitted on both private and municipal property if it displays a permit and the surrounding area is maintained free of litter and debris.

Transportation Services, Real Estate Services, Parks Forestry and Recreation (PF&R), Toronto Fire Services (TFS), and Legal Services were consulted in the preparation of this report.

### **RECOMMENDATIONS**

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

1. the changes to the new Clothing Drop Box By-law as adopted by City Council at its November 27, 28 and 29, 2012 meeting be implemented on September 1, 2013.

#### **Financial Impact**

There are no financial impacts beyond what has already been approved in the current year's budget.

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

## **DECISION HISTORY**

The report, *Regulating the Use of Clothing Drop Boxes* and the companion supplementary report was considered and adopted with amendments by Council at its November 27, 28 and 29, 2012 meeting. Council requested that the Executive Director, Municipal Licensing and Standards report back on the following:

- i. in cases where the Ward Councillor opposes an application for a clothing drop box location permit, the potential creation of a process to allow Community Council to review the decision;
- ii. the possibility of creating a distancing requirement between properties with two permitted clothing drop boxes be established, to ensure that minimum distance requirements are imposed;
- iii. in situations where Operators or owners are in contravention of the by-law or operators or owners who have not paid their fees and or fines in any location be required to pay these in full before obtaining a new permit for any other permit location; and
- iv. on the potential of the implementation of a rapid removal system for non-permitted operators.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.LS17.3>

## **ISSUE BACKGROUND**

In 2003, City Council adopted a resolution allowing for the installation of clothing drop boxes on municipal property so long as the operator(s):

- (a) Secure the permission of the City;
- (b) Agree to maintain and keep clean the area in and around the drop box; and
- (c) Produce a legally registered charitable number.

In 2006, Chapter 545 Licensing of the Toronto Municipal Code was amended to include provisions requiring Clothing Drop Box Operators to obtain a business licence and to receive endorsements for each box they operated. Registered charitable and not-for-profit organizations were exempt.

Since then, the proliferation of boxes within the City on private property and municipal property has resulted in concerns of litter and box blight. In response, Council adopted the draft By-law, Clothing Drop Boxes at its November 2012 meeting, requiring that all clothing drop box operators, irrespective of their charitable designation, be required to obtain location permits for each box placed on lands within the City.

## **COMMENTS**

### **Permissions Granted by some City Divisions and ABCCs**

As a result of the 2003 Council resolution, permissions are currently granted by some city divisions and ABCCs allowing the placement of clothing drop boxes on municipal property.

ML&S consulted with Real Estate Services, Transportation Services, Toronto Fire Services, and Parks, Forestry and Recreation, to determine if permissions are granted for the installation of clothing drop boxes on municipal property.

Toronto Fire Services and Parks, Forestry and Recreation consider requests on a case-by-case basis to place clothing drop boxes at fire halls and on park property. The PF&R division has experienced challenges with boxes being placed on park property by operators who have not received appropriate notifications or approval. In many instances it results in garbage and debris around the boxes on park land and at community recreation centres. Similarly, requests to the operator to remove these boxes are ignored.

35 ABCCs (listed in Appendix A) with potential space to permit the installation of clothing drop boxes were contacted to ascertain whether boxes are currently being permitted, and whether there is any policy or formal agreement established. All ABCCs contacted did not have a formal policy regarding clothing drop boxes. Many do not have plans to allow boxes to be located on their sites citing lack of space, and potential issues with litter and debris, graffiti, vandalism and public safety.

The Toronto Parking Authority (Green P) currently grants permission for charitable organizations to operate boxes on their surface lots. These informal agreements are administered with a rigorous policy for removal of any unauthorized boxes. Issues regarding litter and overflowing bins are addressed promptly.

The provisions in Chapter 395 Clothing Drop Boxes require all clothing drop boxes, irrespective of charitable designation, that are placed on lands within the City of Toronto to display a permit. Additionally, agencies, boards, commissions, corporations and divisions may wish to address the matter by developing their own internal policies.

### **Additional Information on the Regulation of Clothing Drop Boxes**

At its November 2012 meeting, City Council requested that the Executive Director report back on the following:

- a) *The potential for Community Council to review applications opposed by the Ward Councillor.*

Location permits for clothing drop boxes are issued when the application complies with the provisions within Chapter 395. Applications that do not meet the criteria set out in the By-law are refused permits. This process is currently not reviewable or appealable.

For installation of boxes on private property, the City does not get involved in the agreements or contracts. It would be difficult for the City to raise objections regarding a mutual agreement between two private entities, on private property, and meeting the criteria established in the By-law. A permit sticker must still be obtained, as per the By-law.

Recognizing that many Councillors have concerns regarding clothing drop boxes, the application review for box permits includes the Executive Director providing written notice to the ward Councillor of applications for permits in their ward, so that they may provide comments.

*b) The possibility of establishing distance requirements between properties.*

Chapter 395 has established distance requirements to address public safety concerns. Clothing drop boxes cannot be installed within three metres of a driveway entrance or exit; on private property not closer than one metre from a municipal sidewalk; and not closer than nine metres from the edge of the nearest traffic control device or the nearest paved portion of an intersection.

Establishing distance requirements between properties may not resolve concerns of litter and debris or concerns of proliferation. Rather provisions in the By-law limiting the number of boxes to two per municipal address, requiring shared responsibilities of the property owner and box operator, combined with an enforcement strategy to remove non-permitted boxes are more effective tools to address these concerns.

*c) Ensuring that operators/owners pay outstanding fees or fines prior to renewing their permit or obtaining additional location permits.*

It is the current practice of the Licensing and Permit Issuing Office to require that unpaid fees and/or fines are remitted prior to licence/permit renewals and or applications.

Additionally, section 395-2 C(5) states that, "The City may revoke a permit under this chapter, with no refund, where an owner has unpaid fees for the issuance of a permit under this chapter".

*d) The implementation of a rapid removal system for non-permitted boxes.*

The requirement for all boxes to visibly display a permit sticker assists with a rapid removal strategy. Enforcement staff will quickly be able to identify non-permitted boxes.

Clothing drop boxes located on the City's right-of-way without displaying a permit will be removed immediately.

A notice will be posted on boxes not displaying a valid permit located on other municipal or private property. Unless the box is removed voluntarily within seven days of the date on the notice, the City will remove the box and costs applied to the operator/property owner.

Clothing drop boxes removed by the City will be stored in a City facility for a maximum of 30 days. During this time, box owners may retrieve the boxes upon payment of removal and storage fees. After 30 days, the boxes become the property of the City of Toronto, and will be disposed of appropriately.

The Executive Director, Municipal Licensing and Standards recommends that the changes to the new Clothing Drop Box By-law as adopted by City Council at its November 27, 28 and 29, 2012 meeting be implemented on September 1, 2013 to allow staff the time to operationalize and communicate the changes to residents, clothing drop box operators, Members of Council and other stakeholders.

## **CONTACT**

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## **SIGNATURE**

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## **ATTACHMENT**

Appendix A: List of ABCCs and City Divisions

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<b>Agency, Board, Commission, Corporation and Division</b>	<b>Formal Policy</b>	<b>Number of Boxes</b>
519 Church Street Community Centre	No	0
Applegrove Community Complex	No	0
Build Toronto Corporation Board of Directors	No	0
Casa Loma Corporation Board of Directors	No	0
Cecil Street Community Centre	No	0
Community Centre 55	No	0
Eastview Neighbourhood Community Centre	No	0
Enwave Energy Corporation Board of Directors	No	0
Exhibition Place Board of Governors	No	0
George Bell Arena	No	0
Harbourfront Community Centre	No	0
Lakeshore Arena Corporation Board of Directors	No	0
Larry Grossman Forest Hill Memorial Arena	No	1
Leaside Memorial Community Gardens Arena	No	0
McCormick Playground Arena	No	0
Moss Park Arena	No	0
North Toronto Memorial Arena	No	0
Ralph Thornton Community Centre	No	0
Scadding Court Community Centre	No	0
Sony Centre for the Performing Arts Board of Directors	No	0
St Lawrence Centre for the Arts Board of Management	No	0
Swansea Town Hall	No	0
Ted Reeve Community Arena	No	0
Toronto Centre for the Arts Board of Directors	No	0
Toronto Community Housing Corporation Board of Directors	No	0
Toronto Hydro Corporation Board of Directors	No	0
Toronto Parking Authority Board of Directors	No	25
Toronto Police Services Board	No	0
Toronto Port Lands Company	No	0
Toronto Public Library Board	No	0
Toronto Transit Commission	No	0
Toronto Zoo Board of Management	No	0
Waterfront Toronto Board of Directors	No	0
Weston Lions Recreational Arena	No	0
Yonge-Dundas Square Board of Management	No	0
Facilities and Real Estate Services	No	0
Parks, Forestry and Recreation	No	36
Toronto Fire Services	No	12
Transportation Services, including Public Realm	No	0