

BY-LAW NO. 2023–XXX

A by-law of the City of Ottawa respecting the permitting and regulation of clothing donation box owners and clothing donation boxes and to repeal By-law No. 2013-98.

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the “*Municipal Act, 2001*”), provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that the municipality may pass by-laws regarding the health, safety, and well-being of persons, as well as the protection of persons and property, including consumer protection, and the economic, social, and environmental well-being of the municipality;

AND WHEREAS Section 63 of the *Municipal Act, 2001* authorizes the municipality to remove and impound any object that is illegally placed on or near a highway;

AND WHEREAS subsection 127(c) of the *Municipal Act, 2001* provides that a municipality may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

AND WHEREAS section 128 of the *Municipal Act, 2001* provides that a municipality may prohibit and regulate with respect to public nuisances including matters that, in the opinion of Council, are or could become public nuisances;

AND WHEREAS the City of Ottawa deems it necessary to regulate clothing donation boxes to prevent public nuisances caused by the accumulation of refuse and debris in the vicinity of the clothing donation boxes, to ensure consumer protection and transparency for donations intended for charities and not-for-profit corporations, and to support the responsible operation of clothing donation boxes as an effective form of textile diversion;

THEREFORE the Council of the City of Ottawa enacts as follows:

DEFINITIONS

1. In this by-law:

“applicant” means a person applying for a permit under this by-law;

“By-law Officer” means a person appointed by Council to enforce the provisions of this by-law and who may be referred to as an officer, inspector or municipal law enforcement officer;

“charity” means a registered charity as defined in subsection 248(1) of the *Income Tax Act*, R.S.C. 1985 c. 1 (5th Supp), as amended, or successor legislation and that has a valid charity registration number assigned by the Canada Revenue Agency;

“City of Ottawa” means the municipal corporation of the City of Ottawa or the geographic area of the City of Ottawa as the context requires;

“City Solicitor” means the City Solicitor of the City of Ottawa, or an authorized representative;

“clothing donation box” means any outdoor receptacle used for the purpose of collecting clothing or textiles donated by the public on an ongoing basis as part of the regular activity of the owner;

“community organization” means a non-profit group of persons organized for the advancement of activities of a civic, cultural, or recreational nature;

“Director” means the Director of By-law and Regulatory Services of the City of Ottawa, or an authorized representative;

“General Manager, Planning, Real Estate and Economic Development” means the General Manager of the Planning, Real Estate and Economic Development department of the City of Ottawa, or an authorized representative;

“General Manager, Public Works” means the General Manager of the Public Works department of the City of Ottawa, or an authorized representative;

“General Manager, Recreation, Cultural and Facility Services” means the General Manager of the Recreation, Cultural and Facility Services department of the City of Ottawa, or an authorized representative;

“highway” means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of the highway;

“Municipal Act” means the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, and the regulations passed under it;

“municipal property” means any property owned by the City of Ottawa or the Ottawa Public Library Board;

“operator” means any person who installs, maintains, or services a clothing donation box, and includes any person who collects any item or items from a clothing donation box on behalf of the clothing donation box owner;

“owner” means any person who owns a clothing donation box, or an authorized representative;

“permit” means a clothing donation box permit issued under this by-law;

“private property” means any property not owned by the City of Ottawa;

“Property Maintenance By-law” means the Property Maintenance By-law of the City of Ottawa (By-law No. 2005-208), as amended, or any successor by-law thereto;

“property owner” means the owner or occupant of the property on which a clothing donation box is located, or an authorized representative, not including a clothing donation box which is located on municipal property;

“Property Standards By-law” means the Property Standards By-law of the City of Ottawa (By-law No. 2013-416), as amended, or any successor by-law thereto;

“Provincial Offences Act” means the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, and the regulations passed under it;

“religious institution” means an association of persons that is registered as a charity under the *Income Tax Act*, R.S.C. 1985, c. 1 (5th Supp), or successor legislation, and is organized for the advancement of religion and for the conduct of religious worship, services or rites;

“Statutory Powers Procedure Act” means the *Statutory Powers Procedures Act*, R.S.O. 1990, c.S.22, as amended, and the regulations passed under it;

“waste” means paper, bottles, broken glass, cans, cigarettes, cigars, garbage, rubbish, mattresses, and debris or refuse of any kind.

INTERPRETATION

2. (1) In this by-law:
 - (a) person may refer to a natural person, partnership, or corporation, as the context requires;
 - (b) any references to words in the plural include the singular, as applicable, unless used with a number modifying the term;
 - (c) the reference to a day in this by-law shall mean a calendar day, unless the by-law specifically indicates otherwise;
 - (d) Wherever this by-law refers to a person with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances;
 - (e) the Schedules annexed to the by-law are declared to form part of the by-law; and
 - (f) headings are for reference only and shall not affect the meaning or interpretation of this by-law.
- (2) The provisions of the by-law are severable. If any provision, Section, or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, Sections, or words.
- (3) Where notice is sent by registered mail pursuant to this by-law, the date of service is deemed to be two (2) business days following the date of mailing to any address within the City of Ottawa and five (5) business days for addresses in any other jurisdiction.
- (4) Any email sent in accordance with this by-law shall be deemed to have been received by the addressee on the day that it is sent.

GENERAL REGULATIONS

3. (1) No owner shall operate a clothing donation box, or allow a clothing donation box to be operated, on any property without first obtaining a permit issued under this by-law.
(2) Any permit issued under this by-law is non-transferrable.
4. No property owner shall allow a clothing donation box to be operated on their property without the owner first obtaining a permit issued under this by-law.
5. No owner shall fail to remove a clothing donation box for which consent has been withdrawn by the property owner.
6. No operator shall install, inspect, maintain, service, or collect any item or items from a clothing donation box unless the clothing donation box is associated with a valid permit issued under this by-law.
7. No person shall remove or cause to be removed any lawfully placed clothing donation box, other than the person authorized under this by-law or the owner of the clothing donation box.
8. (1) No person shall throw, place or deposit any item adjacent to a clothing donation box.
(2) No person shall use a clothing donation box for the dumping or disposal of waste.

EXEMPTIONS

9. (1) Subject to subsection (2), this by-law does not apply to any clothing donation box that is located on land which is primarily used for the activities or operations of the owner.
(2) A clothing donation box that is located on land which is primarily used for the activities or operations of the owner must comply with the requirements set out in Sections 12, 13, 14, 15, 17(1)(d), 18 and 19 of this by-law.

CONDITIONS OF ISSUANCE AND RENEWAL - CLOTHING DONATION BOX PERMIT

10. (1) Only an owner shall apply for an original or renewal of a permit.
- (2) No owner shall be issued or renewed a permit unless they provide the Director with the following:
 - (a) satisfactory proof that the applicant is at least eighteen (18) years of age;
 - (b) the name and contact information of the owner;
 - (c) the name and contact information of the operator, if different than the owner;
 - (d) the municipal address of each clothing donation box to be operated by the owner;
 - (e) a written letter of consent from the property owner of each property on which a clothing donation box is to be located, and such letter shall include the property owner's name and contact information;
 - (f) a site plan or sketch identifying the location of each clothing donation box on the property;
 - (g) if applicable, the owner's valid Canada Revenue Agency charity registration number or not-for-profit corporation number;
 - (h) if applicable, confirmation in writing that the owner has a valid agreement or partnership with a charity, community organization, or religious institution relating to revenue sharing or the operation of the clothing donation box, including the valid Canada Revenue Agency charity registration number or not-for-profit corporation number;
 - (i) proof of certification from the manufacturer of the clothing donation box or from a third-party professional engineer which confirms that the construction and design of the clothing donation box is safe and mitigates potential injury, to the satisfaction of the Director;
 - (j) proof of insurance as required by Section 36;

- (k) payment in full of the permit fee and all applicable fees required under this by-law; and,
 - (l) any other information the Director deems necessary in order to determine if the applicant is eligible for a permit under this by-law.
 - (3) A permit shall not be renewed until the permit holder submits the following information, in a readable and usable format, to the General Manager, Public Works:
 - (a) total tonnages collected in clothing donation boxes;
 - (b) total tonnages broken down by end use;
 - (c) total tonnages sold for recycling within Canada;
 - (d) total tonnages sold for recycling outside of Canada;
 - (e) total tonnages sold to be upcycled or downcycled into other textile products.
 - (4) The information in subsection (3) shall be provided in a format and method specified by the General Manager, Public Works.
 - (5) The General Manager, Public Works, is authorized to waive any of the information required under subsection (3) where the General Manager, Public Works, has been presented with satisfactory proof that the information cannot be provided by the permit holder.
 - (6) The applicant is responsible for obtaining the necessary information, plans, or specifications required by subsections (2), (3), and (4) at the applicant's costs.
- 11.
 - (1) The Director is authorized to receive and consider applications for a permit, to conduct all investigations necessary to ensure that a permit is issued in accordance with this by-law, and to issue a permit in accordance with this by-law.
 - (2) The Director is authorized to impose conditions on a permit at any time, including but not limited to conditions related to the health, safety and well-being of persons, the protection of persons or property, and the control of

- any nuisances, and any such conditions are deemed to form part of the permit.
- (3) Every permit holder and operator shall comply with this by-law and with any conditions specified in the permit.
 - (4) The Director shall refuse to issue a permit or permit renewal if the application requirements in Section 10 have not been met.
 - (5) The Director shall refuse to issue a permit or permit renewal to any applicant who has a record of unpaid user fees with the City of Ottawa or unpaid fines imposed under the Provincial Offences Act.
 - (6) A permit issued under this by-law shall specify:
 - (a) the name of the permit holder;
 - (b) the name of the operator, if different than permit holder;
 - (c) the permit holder's valid Canada Revenue Agency charity registration number or not-for-profit corporation number, if applicable;
 - (d) the municipal address(es) of each clothing donation box to which the permit relates;
 - (e) the permit serial number;
 - (f) the expiry date of the permit;
 - (g) any conditions imposed on the permit by the Director; and
 - (h) any other information deemed necessary by the Director.
 - (7) A permit is valid for one (1) year from the date of issuance.
 - (8) A permit holder may renew a permit within thirty (30) days prior to the expiry date by applying for a permit in the same manner as if it was an original application made under this by-law.
 - (9) A permit holder may receive a replacement copy of their permit by submitting a written request to the Director and paying the fee prescribed in Schedule A.

- (10) A permit holder may apply to the Director to add or remove the location of a clothing donation box on the permit by complying with the issuance and renewal requirements set out in clauses (e), (f), (i), and (k) of subsection 10(2).
- (11) Subject to Schedule C of this by-law, a permit holder may apply to the Director to add or remove an authorized municipal property location on the permit by complying with the issuance or renewal requirement set out in clauses (g), (i) and (k) of subsection 10(2).

CLOTHING DONATION BOX LOCATION REQUIREMENTS

- 12. A clothing donation box shall not be located:
 - (a) in any location other than the location specified in the relevant permit;
 - (b) on any property zoned residential;
 - (c) in any area that creates an obstruction, including a visual obstruction, for vehicular traffic, pedestrians, or other users of the property;
 - (d) in any area that is within three (3) metres of an access or egress to any property;
 - (e) on a highway;
 - (f) on or affixed in any way to any utility apparatus, including any traffic signal, traffic control device, street light, hydro or telephone pole or signpost, fire hydrant, parking meter, bus shelter, telephone booth, post box, bench, tree, or any other municipal property unless otherwise approved by the City.
- 13. A clothing donation box shall be located in an area that is safe and has adequate lighting at all times to allow for the safe operation of the clothing donation box.
- 14. The property owner shall ensure that all areas immediately adjacent to the clothing donation box are maintained in accordance with the Property Standards By-law and the Property Maintenance By-law.

CLOTHING DONATION BOX REQUIREMENTS

15. Every clothing donation box shall be of metal construction.
16. Every permit holder shall ensure that an appropriate yearly validation sticker issued by the Director is securely affixed in a prominently visible location on each clothing donation box referenced under their permit.
17. (1) Every clothing donation box shall display, in a prominently visible area on its surface, the following information in lettering not less than fifteen (15) centimetres in height in a colour contrast ratio of at least 2:1 with the clothing donation box's colour and in an Arial font:
 - (a) the name, contact telephone number, and email address of the owner;
 - (b) the valid Canada Revenue Agency charity registration number or not-for-profit corporation number of the owner, if applicable;
 - (c) if the owner does not have a valid Canada Revenue Agency charity registration number or not-for-profit corporation number, the words "NOT a Registered Charity or Not-For-Profit Corporation";
 - (d) a notice in writing or in pictorial form:
 - (i) indicating that all donation articles must fit into the clothing donation box,
 - (ii) prohibiting any items to be left outside, around or near the clothing donation box, and
 - (iii) prohibiting the donation of hazardous items and items not accepted by the operator.
- (2) Where the clothing donation box is located at an authorized municipal property set out in Schedule B, the information required under subsection (1) shall be in English and French.
18. No permit holder or owner shall fail to ensure that all information displayed on a clothing donation box is accurate and current at all times.

CLOTHING DONATION BOX MAINTENANCE

19. (1) Every permit holder shall ensure that each clothing donation box is:
- (a) emptied of all contents in and around the clothing donation box and that all contents are collected by the operator on a regular basis;
 - (b) safe for all users and does not create a hazard;
 - (c) kept clean and free of damage or disrepair; and
 - (d) free of overflow and accumulation of items adjacent to the clothing donation box.
- (2) A clothing donation box that does not comply with subsection (1) may be remediated or removed by the Director without notice and at the expense of the owner, the permit holder, or the property owner.
- (3) The Director may require that a permit holder provide the Director with a collection schedule if deemed necessary to ensure compliance with the requirements set out in subsection (1).
20. Every permit holder shall ensure that a written log is kept of all servicing, maintenance, and collections conducted for each clothing donation box and shall make this information available to the Director upon request.

CLOTHING DONATION BOXES ON MUNICIPAL PROPERTY

21. (1) No person shall place a clothing donation box on any municipal property unless it is located at an authorized municipal property location set out in Schedule B.
- (2) No person shall place a clothing donation box on municipal property without first having obtained a valid permit under this by-law.
- (3) The size of a clothing donation box to be placed on municipal property must be to the satisfaction of the Director.
- (4) A permit holder may operate a clothing donation box at a maximum of three (3) authorized municipal property locations set out in Schedule B.

Recommended Clothing Donation Box By-law

- (5) Despite subsection (4), the Director may authorize a permit holder to operate at more than three (3) authorized municipal property locations in accordance with the allocation process set out in Schedule C.
- (6) A maximum of one (1) clothing donation box is allowed at each authorized municipal property location set out in Schedule B, unless the Director has authorized a permit holder to place an additional clothing donation box if there is concurrence from the General Manager of the department responsible for the municipal property in question.
- (7) A permit holder shall not operate a clothing donation box on municipal property unless they possess a valid Canada Revenue Agency charity registration number.
- (8) The Director has the authority to temporarily or permanently remove or relocate any clothing donation box located on municipal property:
 - (a) if the Director considers the clothing donation box to be a safety hazard;
 - (b) due to a special event;
 - (c) due to any work required by the City on the property; or
 - (d) if the clothing donation box does not comply with any provisions of this by-law, or any conditions set out in the permit.
- (9) The Director has the authority to temporarily or permanently remove any municipal property location from the authorized list set out in Schedule B:
 - (a) if the Director determines that the placement of a clothing donation box on the property poses a risk to the health or safety of the public;
 - (b) due to any redevelopment of the municipal property;
 - (c) due to any work required by the City on the municipal property;
 - (d) due to a special event; or
 - (e) if deemed necessary by the Director following consultation with the General Manager, Planning, Real Estate and Economic

Development or the General Manager, Recreation, Cultural and Facility Services.

- (10) The Director has the authority to temporarily or permanently add any municipal property to the authorized list of properties set out in Schedule B:
- (a) if the redevelopment of the municipal property has made it suitable for the placement of a clothing donation box;
 - (b) due to the construction of a new municipal facility that is suitable for the placement of a clothing donation box; or
 - (c) following consultation with the General Manager of Planning, Real Estate and Economic Development or the General Manager of Recreation, Cultural and Facility Services.
- (11) When a clothing donation box is removed from an authorized municipal property location by the permit holder or the Director, the permit holder is responsible for reinstating the area following the removal, to the satisfaction of the Director and at the permit holder's expense, including but not limited to replacing any damaged sod and removing any debris or donations from the area.

NOTICE OF VIOLATION

22. (1) Where the Director determines that a contravention of this by-law has occurred, the Director may issue a notice to the owner, the permit holder, the operator, or the property owner requiring them to jointly or severally rectify the contravention at their expense.
- (2) A notice issued under subsection (1) shall:
- (a) be served personally or be sent by registered mail to the last known address of the permit holder, the owner, the operator, or the property owner, as the case may be;
 - (b) include the reasonable particulars of the contravention; and,
 - (c) set out the work required to rectify the contravention and the date by which the work must be done.

Recommended Clothing Donation Box By-law

- (3) A notice issued under subsection (1) shall be deemed to have been given on the fifth day after it was mailed if it is sent by registered mail.
 - (4) A notice issued under subsection (1) shall indicate that upon non-compliance with the notice, the Director may enter the property and remediate or remove the clothing donation at the expense of the owner, the permit holder, or the property owner.
 - (5) No person shall fail to comply with a notice issued pursuant to subsection (1).
 - (6) Despite subsection (1), a clothing donation box being operated without a valid permit may be remediated or removed by the Director without notice and at the expense of the owner or the property owner.
23. (1) Where a notice has been sent by the Director pursuant to Section 22, and there is non-compliance with the requirements of the notice, the Director may remove the clothing donation box or undertake work required to rectify the contravention at the expense of the owner, the permit holder, or the property owner.
- (2) The costs of the work or the removal pursuant to subsection (1) may be recovered from the property owner by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

CLOTHING DONATION BOX REMOVAL AND STORAGE

24. (1) Any clothing donation box that is removed by the Director pursuant to the provisions of this by-law shall be stored by the City for a period of sixty (60) days, during which time the owner may claim and retrieve the clothing donation box upon payment to the City of Ottawa of all costs and fees incurred, including the storage and administrative fees set out in Schedule A.
- (2) If a clothing donation box that is removed pursuant to this by-law is not claimed and retrieved by the owner within sixty (60) days of its removal, the Director is authorized to destroy or otherwise dispose of the clothing donation box and its contents without any notice or compensation to the owner.

Recommended Clothing Donation Box By-law

- (3) The City shall not be liable and is not responsible in any way for any loss, damage, costs, or loss of revenue resulting from the removal, storage, or disposal a clothing donation box and its contents pursuant to the provisions of this by-law.
25.
 - (1) Where a clothing donation box has been removed by the Director under this by-law, the Director may authorize the immediate destruction or disposal of the clothing donation box and any of its contents due to:
 - (a) the degradation of clothing donation box, or its contents;
 - (b) the general disrepair of the box; or
 - (c) a risk to the health and safety of the public.
 - (2) The Director may recover the costs of any destruction or disposal pursuant to subsection (1) from the property owner in the same manner as property taxes.

GENERAL ADMINSTRATIVE AND REGULATORY PROVISIONS

26.
 - (1) No person shall give false or incorrect information for the purposes of obtaining a permit under this by-law.
 - (2) No permit holder shall fail to notify the Director in writing of any change in any of the information provided with or contained in an application for a permit within two (2) calendar days of the change.
 - (3) Every permit holder and operator under this by-law shall be governed by this by-law and comply with all other municipal by-laws and provincial and federal statutes and regulations.
 - (4) No person shall publish or cause to be published any representation that they are the holder of a valid permit under this by-law if they do not hold a valid permit under the by-law.
 - (5) No person to whom a permit has been issued under this by-law shall alter, erase, or modify the permit, or allow the alteration, erasing or modification of the permit.

REFUSAL OF PERMIT

27. (1) The Director may refuse to issue or renew a permit if the investigations undertaken pursuant to Section 11 disclose any reason to believe that the issuance or renewal may result in a breach of this by-law or another by-law, or be adverse to the public interest or to public health or safety.
- (2) The Director shall inform the applicant either orally or in writing of the reasons for a refusal to issue or to renew a permit.

SUSPENSION OF PERMIT

28. (1) In addition to any other penalty that may be imposed under this by-law, the Director may at any time suspend a permit in the case of a violation of this by-law.
- (2) The Director shall inform the permit holder orally or in writing of the reasons for suspension under subsection (1).
- (3) The Director may reinstate the permit upon determining that the violation has been corrected.
- (4) No person shall operate a clothing donation box while his or her permit is suspended under this Section.

REVOCAION OF PERMIT

29. (1) In addition to any other penalty under this by-law, the Director may at anytime revoke without notice a permit under this by-law if:
- (a) the permit holder has not complied with the requirements of this by-law;
 - (b) the permit was issued or renewed due to a technical or clerical error;
 - (c) the permit holder provided incorrect, false, or misleading information to the Director;
 - (d) the Director is of the opinion that the continued operation a clothing donation box is:

- (i) adverse to the public interest;
 - (ii) poses a risk for the health or safety of the public; or
 - (iii) is likely to cause a significant public nuisance; or
- (e) the Director is of the opinion that the conduct of the permit holder or any of their directors, officers or partners, or of the operator:
 - (i) has resulted in or will result in the breach of this by-law, another by-law, or any law; or
 - (ii) has or will endanger the health or safety of the public.
- (2) In the case of a revocation pursuant to subsection (1), the Director shall immediately provide notice with reasons of the revocation orally or in writing to the permit holder or their designated representative at the address or at the coordinates provided in the permit application.
- (3) No owner shall continue to operate a clothing donation box, or allow a clothing donation box to be operated after their permit has been revoked under this Section.
- (4) Upon the revocation of a permit, the owner shall remove all clothing donation boxes associated with the permit within seven (7) days.
- (5) No owner shall fail to remove a clothing donation box following the revocation of a permit.

REQUEST FOR REVIEW

- 30. (1) The owner, permit holder, or property owner may request a review by the Property Standards and License Appeals Committee of a decision of the Director to refuse or renew a permit, to impose a condition on a permit, or to suspend or revoke a permit under this by-law by filing a request for review in writing with the Director within fourteen (14) days of having received the Director's notice of refusal, suspension or revocation, as the case may be.
- (2) Upon receipt of a request for review pursuant to subsection (1), the Director shall determine a date with the Committee Coordinator of the

Property Standards and License Appeals Committee for the review hearing by the Property Standards and License Appeals Committee, which shall be at least fourteen (14) days from the receipt of the request.

- (3) Upon determination of the review hearing date, the Director shall give notice in writing to the applicant, which shall:
 - (a) include a statement,
 - (i) as to the time, date, place, and purpose of the review hearing, and
 - (ii) that, if the applicant does not attend the review hearing, the Property Standards and License Appeals Committee may proceed in the absence of the applicant and the applicant will not be entitled to any further notice, and,
 - (b) be served personally or by registered mail to the applicant at the address last on file with the Director.

REVIEW HEARING

31.
 - (1) The Property Standards and License Appeals Committee shall hold the review hearing at the time, place, and date set out in the notice referred to in subsection (3) of Section 30.
 - (2) A majority of three (3) members of the Property Standards and License Appeals Committee constitutes a quorum.
 - (3) The applicant may be represented at the review hearing by counsel, and the applicant or the counsel shall have the right to adduce evidence, submit argument in support of the application for a host permit or registration or the status quo of the host permit or registration, and cross-examine witnesses adverse in interest.
 - (4) The City may be represented at the review hearing by either the Director or the City Solicitor, or duly authorized assistant who is entitled to adduce evidence and submit arguments in reply to evidence and argument on behalf of the applicant.

Recommended Clothing Donation Box By-law

- (5) At the review hearing, the onus shall be upon the applicant to show cause why,
 - (a) the permit applied for should be granted,
 - (b) the permit should not be suspended or revoked, or
 - (c) the condition should not be placed on the permit
- (6) All review hearings shall be public hearings unless the applicant requests that the hearing be held in camera and the Property Standards and License Appeals Committee may approve the request by a simple majority in accordance with the *Statutory Powers Procedure Act*.
- (7) The Property Standards and License Appeals Committee is authorized to make the final decision in respect of the revocation or suspension of any permit under this by-law, or the imposition of any conditions on a permit.
- (8) The Property Standards and License Appeals Committee, after a hearing, may revoke a permit under this by-law for cause and without limiting the generality of the foregoing for:
 - (a) a breach of the law,
 - (b) anything which may be in any way adverse to the public interest,
 - (c) any other matter which the Property Standards and License Appeals Committee is authorized by law to consider, or
 - (d) any violation of the provisions of this by-law.
- (9) The Property Standards and License Appeals Committee may suspend a permit under this by-law for cause for any period that is less than the unexpired part of the period for which it was issued in lieu of revocation as provided in subsection (8).
- (10) The Property Standards and License Appeals Committee may impose conditions as a requirement of obtaining, continuing to hold or renewing a permit, including special conditions.
- (11) The Property Standards and License Appeals Committee's decision shall be final and binding.

PROPERTY STANDARDS AND LICENSE APPEALS COMMITTEE DECISION

32. The Property Standards and License Appeals Committee shall give its decision in writing to the Director within seven (7) days of the date of the completion of the review hearing.

WAIVER OF HEARING

33. Despite any of the provisions of this by-law, where the applicant has waived such hearing or compliance, any proceedings may be disposed of by a decision of the Property Standards and License Appeals Committee given:

- (a) without a hearing; or
- (b) without compliance with any other requirements of the *Statutory Powers Procedure Act*, or of this by-law incorporating such requirements.

IMPLEMENTATION OF PROPERTY STANDARDS AND LICENSE APPEALS COMMITTEE DECISION

34. (1) The Director shall notify the applicant of the decision of the Property Standards and License Appeals Committee by serving a copy personally or by registered mail to:
- (a) the applicant at the address shown on the application, or last on file with the Director, or
 - (b) the counsel or agent of the applicant, if any, at the address as stated to the Property Standards and License Appeals Committee.
- (2) If the decision rendered by the Property Standards and License Appeals Committee is to grant the applicant the permit, the clothing donation box operator's permit shall be issued.

INDEMNIFICATION AND INSURANCE

35. Every permit holder shall indemnify and save harmless the City of Ottawa from any and all claims, demands, cause of action, loss, costs, or damages that the City of Ottawa may suffer, incur or be liable for resulting from the performance of the permit holder as set out in the by-law whether with or without negligence on the part of the permit holder, the permit holder's employees, directors and agents.

36. (1) Prior to the issuance of a permit, every applicant shall file with the Director proof of the following insurance coverage in a form acceptable to the City:
- (a) Commercial General Liability insurance subject to a limit of not less than two million dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death, and damage to property including loss of use thereof. The policy shall also include, but not be limited to the following:
 - (i) products and completed operations liability, cross liability and severability of interest clauses, employees and volunteers as insureds, contingent employer's liability, personal injury liability, owner's and contractor's protective coverage, contractual liability, and non-owned automobile liability,
 - (ii) the City of Ottawa as an additional insured with respect to the liability arising out of the aforementioned operations of the permit holder (named insured);
 - (iii) coverage shall be non-contributing with, and apply as primary and not as excess of, any insurance available to the City of Ottawa; and
 - (iv) a provision that the City of Ottawa shall receive thirty (30) days' prior written of cancellation.
- (2) The City Solicitor is authorized to approve alternative but equivalent insurance coverage to what is required in this Section.

INSPECTIONS

37. The Director is authorized to enter on any land at any reasonable time for the purposes of conducting an inspection of a clothing donation box, including during the set-up or dismantling of the clothing donation box, in order to ensure compliance with this by-law and any conditions of a permit.

38. During an inspection conducted under Section 37, the Director may alone or with the assistance of any other person:

- (a) require the production for inspection of any document or thing relevant to the inspection;
- (b) require the production of information relevant to the inspection; and,
- (c) make examinations or take tests, samples or photographs necessary for the inspection.

39. No person shall hinder or obstruct the Director, a By-law Officer, or any person assisting them during an inspection or any activities conducted under Section 37.

OFFENCES AND PENALTIES

40. (1) This by-law may be enforced by a By-law Officer.
- (2) Any person who contravenes any of the provisions of this by-law is guilty of an offence.
- (3) Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences Act.
- (4) Every person who is convicted of an offence under this by-law is liable to a minimum fine not exceeding \$500.00 and to a maximum fine not exceeding \$100,000 for each day or part of a day that the offence occurs or continues pursuant to subsection 429(3) of the Municipal Act and all such offences are designated as continuing offences as provided for in subsection 429(2), paragraph (a), of the Municipal Act.
- (5) In addition to subsection (3), the total of all daily fines for continuing offence is not limited to \$100,000 as provided for in subsection 429(3), paragraph 2, of the Municipal Act.
- (6) When a person has been convicted of an offence under this by-law, the Ontario Court of Justice or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

REPEAL BY-LAW 2013-98 AND TRANSITION

41. (1) By-law 2013-98 entitled “A by-law of the City of Ottawa to regulate the location and use of clothing donation boxes on private property” is repealed.
- (2) The repeal of By-law 2013-98 shall not affect any offence committed against any provision of the by-law or any penalty incurred under it or any investigative proceeding or prosecution commenced pursuant to it.

SHORT TITLE

42. This by-law may be referred to as the “Clothing Donation Box By-law”.

EFFECTIVE DATE

43. This by-law shall come into force and effect on January 31, 2024.

ENACTED AND PASSED this day of 2023.

CITY CLERK

MAYOR

Schedule A

FEES

Category	Fee
Annual permit fee (original or renewal)	\$500
Annual box fee	\$150 per box
Replacement permit fee	\$31
Daily Storage Fee	\$50 per day
Administrative Fee	\$57
Replacement Sticker Fee	\$10
HST. Tax	the above flat rates subject to applicable HST

Schedule B

AUTHORIZED MUNICIPAL PROPERTIES

	Facility	Address
1.	Bob MacQuarrie Recreation Complex – Orléans	1490 Youville Dr.
2.	Richcraft Recreation Complex – Kanata	4101 Innovation Dr.
3.	Ben Franklin Place	101 Centrepointe Dr.
4.	Splash Wave Pool	2040 Ogilvie Rd.
5.	Lowertown Complex	40 Cobourg St.
6.	Fred Barrett Arena	3280 Leitrim Rd.
7.	Minto Recreation Complex – Barrhaven	3500 Cambrian Rd.
8.	Belltown Dome	2915 Haughton Ave.

Schedule C

ALLOCATION OF AUTHORIZED MUNICIPAL PROPERTIES

1. When a municipal property has been approved to host a clothing donation box in accordance with this by-law, the Director of By-Law and Regulatory Services will provide notice to the public and to clothing donation box permit holders of the intent to hold a lottery to allocate the available municipal property and to invite expressions of interest from parties who are interested in operating at the municipal property, in accordance with this process.
2. Notice from the Director shall include the following:
 - (a) the name and address of the municipal property that is available for allocation;
 - (b) contact information of the appropriate City staff person to respond to questions;
 - (c) deadline for interested parties to respond indicating their interest to operate a clothing donation box at the available municipal property;
 - (d) date that the lottery will occur;
 - (e) date by which the clothing donation box must be installed at the municipal property;
 - (f) the location of where the box must be installed on the property; and
 - (g) the requirement for interested parties:
 - i. if there is more than one municipal property available, to confirm which property or properties they are interested in; and,
 - ii. to hold or obtain a valid clothing donation box permit under this by-law from the City by the deadline date.
3. Notice in accordance with Section 2 will be provided through the City's website, social media platforms, and by email to existing permit holders.
4. A successful candidate for an available municipal property shall be chosen as follows:

Recommended Clothing Donation Box By-law

- (a) If only one municipal property is available and only one eligible permit holder has indicated interest in operating a clothing donation box at the municipal property, then there is no lottery, and the eligible permit holder is allocated the available municipal property.
- (b) If only one municipal property is available and there is more than one eligible permit holder interested, a lottery will be held to allocate the available municipal property. The Director will allocate the available municipal property to the eligible permit holder whose name is first selected through the lottery.
- (c) If more than one municipal property is available and there is only one eligible permit holder interested, then there is no lottery, and the eligible permit holder can select from the available municipal properties up to a maximum of three (3) properties, in accordance with Section 21 of this by-law.
- (d) If more than one municipal property is available and there is more than one eligible permit holder interested, then a lottery will be held as follows:
 - i. The Director will choose a municipal property to be allocated.
 - ii. Only the names of the eligible permit holders who expressed interest in the municipal property will be included in the lottery for the allocation of that property.
 - iii. The eligible permit holder whose name is first selected will be allocated the available municipal property indicated by the Director.
 - iv. The same process will be applied until all available municipal properties for which interest has been expressed have been allocated.
 - v. When an eligible permit holder has been allocated three (3) municipal properties, their name will be removed from any subsequent allocations.
 - vi. If an eligible permit holder who has already been allocated three (3) municipal properties has expressed interest in an available municipal property for which no other eligible permit holder has

expressed interest, then the Director may allocate that property to the eligible permit holder.

- vii. If two or more eligible permit holders who have already been allocated three (3) municipal properties have expressed interest in an available municipal property for which there is no other interested eligible permit holder who has been allocated less than three (3) municipal properties, then a lottery shall be held to allocate the available municipal property. The Director will allocate the available municipal property to the eligible permit holder whose name is first selected by the lottery.
5. If no interest has been expressed for an available municipal property, the Director will allocate that property at a subsequent time on a first come-first-serve basis or through a subsequent lottery process at the discretion of the Director to an eligible permit holder who indicates an interest to the Director.
6. If a permit holder's clothing donation box is removed from an approved municipal property for any reason, a subsequent lottery will be held for that property using the same process noted above.
7. In all cases, the lottery shall occur by means of an electronic random name generator software approved by the Director. Eligible permit holders will be invited to attend the lottery virtually or in-person at the Director's discretion. The Director or his or her delegate shall be responsible for the administration of the lottery.