

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: September 18, 2012	
SUBJECT/REPORT NO: Donation Boxes (PED12175) (City Wide)	
SUBMITTED BY: Tim McCabe, General Manager Planning and Economic Development Department	PREPARED BY: Kelly Barnett (905) 546-2424 Ext 1344 Marty Hazell (905) 546-2424 Ext 4588
SIGNATURE:	

RECOMMENDATION

- (a) That the 12 month pilot project approved by City Council on April 25, 2012, to address illegal dumping across the City be expanded to include monitoring and progressive enforcement of illegal dumping around donation boxes;
- (b) That an educational and awareness campaign with respect to donation boxes be approved which includes:
 - (i) development of a webpage and Cable 14 video providing to the public:
 - (1) advice on how to report box locations and illegal dumping around donation boxes;
 - (2) a list of known donation box locations; and,
 - (3) information about donation boxes including that they may not always be operated by charitable organizations and that any/all proceeds from donations may not be going to charities.

- (ii) delivering letters to all known private properties owners who permit donation boxes on their property informing them of possible consequences to them, including charges, for not complying with all applicable by-laws.
 - (iii) delivering letters to all donation box operators informing them of their responsibilities and the consequences, including charges, of not complying with City by-laws.
- (c) That staff report back on the results of the additional monitoring and enforcement of donation boxes as part of the illegal dumping pilot project.

EXECUTIVE SUMMARY

At its April 3, 2012 meeting, the Planning Committee directed staff “...to conduct a detailed and comprehensive investigation into the feasibility of creating a licensing/permit system for charitable donation boxes, and report back to the Planning Committee at the earliest convenience.”

Rather than a licensing/permit system to control illegal dumping around donation boxes, this Report recommends using the temporary staff resources from the 12 month illegal dumping pilot project to undertake progressive enforcement measures and an education campaign to address issues related to illegal dumping around donation boxes.

Alternatives for Consideration – See Page 6

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial/ Legal: N/A

Staffing: It is recommended that the temporary staff assigned to the 12 month illegal dumping pilot project be utilized to manage the website, monitor and progressively enforce illegal dumping around donation boxes. However, once the pilot project ceases, no staff resources would be available.

HISTORICAL BACKGROUND (Chronology of events)

The Planning Committee, at its April 19, 2011 meeting, discussed concerns respecting the proliferation of donation boxes throughout the City and problems associated with illegal dumping around them. Similar concerns were also previously raised at the Audit and Administration Committee on January 16, 2008, and at the City’s Solid Waste Management Master Plan Steering Committee on November 11, 2007.

Staff reported to Mayor and Members of City Council in an Information Update dated November 9, 2011, and expressed the opinion that there was no need to introduce a

licence/permit system to regulate donation boxes because better compliance was being achieved through enforcement of existing by-laws.

At the April 3, 2012 Planning Committee meeting, concerns were again raised regarding illegal dumping around donation boxes and the fact that, while they appear to be operated by registered charities, some are not. The Planning Committee approved the following motion:

“9.1 Charitable Donations Boxes

Whereas the enforcement staff conducted a proactive enforcement blitz of donation boxes across the City in 2011, to determine if existing by-laws combined with proactive enforcement could control the proliferation of donation boxes throughout the City and the problems associated with illegal dumping around them;

And whereas temporary compliance was achieved in most cases, but additional staff resources would be required to ensure continual compliance with City By-laws;

And whereas other Cities are exploring Licensing/Permit systems to control the proliferation of donation boxes and to ensure that they are associated with registered charitable organizations;

Therefore be it resolved that Staff be directed to conduct a detailed and comprehensive investigation into the feasibility of creating a licensing/permit system for charitable donation boxes, and report back to the Planning Committee at the earliest convenience.”

POLICY IMPLICATIONS

N/A

RELEVANT CONSULTATION

Legal Services was consulted in the preparation of this Report as were 11 other municipalities, donation box operators and charitable organizations.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Donation boxes assist in diverting clothing, household items, etc. from landfills and assist charitable efforts. However, the issue of illegal dumping and upkeep of donation boxes is not unique to Hamilton, and not a new problem. Hamilton and all municipalities surveyed generally address the issues through enforcement of applicable by-laws.

Eleven municipalities surveyed (Barrie, Brampton, Kitchener, Oshawa, Thunder Bay, Toronto, Vaughan, Region and City of Waterloo, Windsor and Winnipeg) report that they do not allow donation boxes on municipal property and that they take appropriate measures to have the boxes removed.

While all municipalities surveyed use applicable by-laws to deal with issues of waste left around donation drop boxes, only three of the 11 municipalities have a licensing/permit system; Brampton, Toronto and Vaughan:

- Brampton is in the process of removing donation boxes from their by-law as operators are registered charities which are exempt from the licensing requirements and there are no other operators to regulate;
- Toronto requires licences for donation boxes except for those being operated by a charitable organization. The current fees are an initial licence fee of \$488.31, and \$206.98 for renewals as well as a \$60 permit fee for each box location. However, no licences have been issued to-date although one application has been submitted for processing. Toronto has indicated that requiring licences for donation boxes has not provided any assistance in keeping the area around donation boxes clean and they still have challenges with unlicensed/un-permitted boxes on City and private property. Toronto staff is reviewing their by-law and expect to report back to their Licensing and Standards Committee in October, 2012 on the feasibility of banning all boxes, or expanding licensing to include all boxes with no exemptions for registered charities; and,
- Vaughan prohibits all donation boxes, except those operated by charities, but they are currently considering allowing all donation boxes. Vaughan also indicated that their fee of \$50 per box/per location and \$25 administration fee will have to be greatly increased as currently it does not cover their administration costs.

In Hamilton, donation boxes are not allowed on City property or road allowance and staff take the appropriate measures to have them removed on a reactive, complaint basis. The general concerns and issues related to donation boxes are: items left outside the boxes, that the public may not be aware that donation boxes are not always operated by charitable organizations, and that proceeds from donations may not be going to charities. The City's Yard Maintenance By-law is used to deal with issues of waste left around donation boxes on private property.

Over the past two months, staff has proactively inspected and created an inventory of 68 donation boxes throughout the City. During the investigation staff found that the donation boxes in Hamilton are generally operated by charitable organizations, non profit or for profit operations. In the case of non profit or for profit operations, it is unclear if any profits or a percentage thereof are donated to charitable organizations.

There were problems found during the inspections as some boxes were over their capacity such that items were being deposited outside the boxes. Operators were quick to respond to the problems when brought to their attention by staff, and they stated their intent to provide more frequent box clearing so as to avoid problems with items being left outside the box in the future. Upon re-inspection of all boxes, staff identified only a few continuing problems and took appropriate action to resolve the issues. Operators advised that they understand the illegal dumping concerns and expressed an interest in working with the City to promote a clean and positive image. While operators were understanding and cooperative when contacted, staff acknowledges that continuous and on-going monitoring is required to most effectively deal with the problems of illegal dumping around donation boxes across the City, and to ensure long-lasting compliance.

Staff believe that an educational campaign for private property owners, donation box operators and the public, combined with progressive enforcement of applicable by-laws, is the most prudent and effective means of dealing with the illegal dumping problem. Such an educational and awareness campaign could include:

- private property owners and operators being informed of their responsibilities and the consequences, including charges and fee for inspection costs for not complying with City by-laws. This includes being informed that the City can hold a private property owner responsible for non-compliance with applicable by-laws, therefore, they will be more diligent in correcting problems occurring on their properties, rather than assuming that the donation box operator is solely responsible; and,
- a Cable 14 video and a webpage providing instructions on reporting illegal dumping around donation boxes, information on the operation of donation boxes and a list of known donation box locations, encouraging both the public and operators to provide updates.

While a database identifying location and operator contact information for all known donation box locations has been created, current by-law enforcement resources will not allow effective proactive monitoring of all locations. Staff could continue to address issues on a complaint basis or Council could adjust the November 2008 approved by-law enforcement priorities to provide for more attention to donation boxes at the expense of other priorities.

Because the problem is related to illegal dumping, staff recommends expanding the scope of the Council approved (April 25, 2012) 12 month illegal dumping pilot project to address illegal dumping across the City. The temporary staff assigned to illegal dumping across the City could, as time permits, be used to provide more monitoring of donation boxes, and to take appropriate progressive enforcement against donation box operators and private property owners responsible for non-compliance. Staff will report back on the efforts as part of the illegal dumping pilot project. However, once that pilot project

ceases, no staff resources would be available for donation boxes, and efforts would return to complaint based, reactive enforcement only.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

A total ban on donation boxes could be considered but this would have a significant negative impact on charitable organizations. Banning donation boxes, except for those operated by registered charitable organizations, might not be legally defensible.

A licensing/permit system could be developed to regulate donation boxes. However, other municipalities report that licensing/permit systems do not assist in curtailing illegal dumping around boxes, and that licensing/permit systems which exempt charities are not effective because most operators are registered charitable organizations, or may have business relationships with registered charitable organizations donating all or some of their profits.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Healthy Community

- Promotes quality of life for all residents of the City

APPENDICES / SCHEDULES

KB/dt