

## **BY-LAW NO. 56-2014**

### **A BY-LAW OF THE CORPORATION OF THE COUNCIL OF THE TOWN OF CARLETON PLACE TO REGULATE THE LOCATION AND MAINTENANCE OF CLOTHING DONATION BINS ON PRIVATE PROPERTY**

**WHEREAS**, pursuant to Section 128 of the Municipal Act 2001 a municipality may pass by-laws prohibiting or regulating with respect to public nuisances including matters that, in the opinion of Council, are or could become public nuisances;

**AND WHEREAS** the Town of Carleton Place deems it necessary to regulate clothing donation bins to prevent public nuisances caused by the accumulation of debris in the vicinity of said clothing donation bins;

**NOW THEREFORE** the Council of The Corporation of the Town of Carleton Place hereby enacts as follows:

#### **1. SCOPE**

1.1 Within the Town of Carleton Place, no clothing donation bin shall be erected, enlarged, placed or allowed to remain for any purpose except as permitted by this by-law.

#### **2. DEFINITIONS**

2.1 In this By-law:

"charity" means a registered charity as defined in subsection 248(1) of the Income Tax Act, R.S. c. 1985 (5 1h Supp) or successor legislation that has a registration number issued by the Canada Revenue Agency or successor agency.

"clothing donation bin" means any receptacle used for the purpose of collecting clothing donations from the public;

"operator" means the operator of the clothing donation box;

"owner" means the owner or occupant of the private property on which the clothing donation box is located;

"private property" means any property not owned by the municipality;

#### **3. PERMITS**

3.1 No permit shall be required for the placement of a clothing donation bin on private property.

#### **4. GENERAL REGULATIONS**

4.1 (1) No operator shall place a clothing donation bin on private property without the written consent of the owner.

(2) No operator shall place a clothing donation bin on municipally owned property.

4.2 No operator shall fail to place the following information in a conspicuous place on the clothing donation bin:

a) business name of the owner and operator;

b) type of organization if the operator not a charity;

c) the Canada Revenue Agency registration number if the operator is a charity;

d) the name, address and telephone number of the operator;

e) the schedule of times for pickup of donated clothing

4.3 The operator shall ensure that the information contained in Section 3 is maintained current at all times.

4.4 No owner shall fail to ensure that,

a) the information required pursuant to Section 4.2 is provided on the clothing donation box; and

b) the information required by Section 4.2 is kept current.

4.5 No operator shall place a clothing donation bin on property designated as residential

4.6 No owner shall permit a clothing donation bin to be located on their property if the property is designated residential.

4.7 No operator shall place a clothing donation bin at more than two (2) locations within the Town.

4.8 No owner shall permit a clothing donation bin to be placed on the property in a location that creates a visual obstruction for vehicular traffic or pedestrians

4.9 No owner shall permit a clothing donation bin to be placed on the property in a location that is within three metres of an access or egress to any property.

4.10 The owner shall ensure that all areas immediately adjacent to the clothing donation bin are maintained in accordance with the Property Standards By-law (64-2008)

4.11 (1) When any clothing donation bin and the area immediately adjacent to the clothing donation bin are not maintained pursuant to the requirements of this by-law, a Notice shall be sent, by registered mail or direct delivery by hand to the owner or occupant's last known address, requiring the owner or occupant as the

case may be to make the clothing donation bin and the surrounding area conform to the requirements of this by-law and the Notice shall specify the time allowed for compliance.

(2) The Notice referenced in subsection ( 1) shall be deemed to have been given on the fifth day after it was mailed if it is sent by registered mail.

(3) No person shall fail to comply with a Notice sent pursuant to subsection (1 ).

## **5. REMEDY**

5.1 Where a Notice has been sent pursuant to Section 4.11, and the requirements of the Notice have not been complied with, the Town may remove the clothing donation bin or undertake work to bring the clothing donation bin and the surrounding area into compliance with the by-law at the expense of the owner.

5.2 The costs of the work or the removal pursuant to subsection 5.1 may be recovered from the owner by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

## **6. CONFLICT**

6.1 Notwithstanding the provisions of any other by-law to the contrary, in the event of a conflict between the provisions of this By-law and other by-laws, the provisions of the most restrictive bylaw shall prevail.

## **7. PENALTY**

7.1 Any person who contravenes any of the provisions of this By-law and the procedures with respect thereto is guilty of an offence and the penalty upon conviction therefore shall be as provided for in The Provincial Offences Act, R.S.O. 1990, Chapter P. 33 and amendments thereto.

## **8. ENFORCEMENT**

8.1 This By-law shall be enforced by a Municipal By-law Enforcement Officer and/or an Officer of the OPP.

## **9. SHORT TITLE**

9.1 This By-law may be referred to as The Clothing Donation Bin By-law.

## **10. EFFECTIVE DATE**

This By-law shall come into effect on the 1st day of January 2015.

READ A FIRST TIME, SECOND TIME AND THIRD TIME AND FINALLY PASSED  
THIS 23rd DAY OF DECEMBER, 2014.