



THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 066-2013

**A BY-LAW TO LICENCE, REGULATE AND GOVERN
DONATION COLLECTION BINS IN THE TOWN OF COBOURG**

WHEREAS pursuant to Section 150 of the *Municipal Act, S.O. 2001 c.25* which permits a municipality to licence, regulate and govern any business wholly or partly carried on within the municipality;

AND WHEREAS pursuant to Section 151 (1) of the *Municipal Act S.O. 2001 c. 25*, a municipality may provide for a system of licences with respect to a business and may, (1) (a) prohibit the carrying on or engaging in the business without a licence and may refuse to grant or to revoke or suspend a licence;

AND WHEREAS pursuant to Section 151 (1) of the *Municipal Act, S.O. 2001 c.25* a municipality may: impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and to licence regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

AND WHEREAS Council deems it advisable, having regard among other matters to the health and safety of the public, the protection of consumers, and the potential for public nuisance, to enact a by-law to licence and regulate the collection of clothing by agencies using donation collection bins.

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

1 INTERPRETATION

In this By-law:

“Applicant” shall mean a person applying for a licence pursuant to this by-law;

“By-law Enforcement Officer” shall mean any person appointed by the Town to enforce its by-laws;

“Charitable work” shall mean any work for the relief of poverty; education, not-for-profit and any purpose beneficial to the community.

“Charitable Organization” shall mean a corporation, organization or partnership created primarily for a charitable object or purpose in Ontario and is a Registered Charity in accordance with the Canada Revenue Agency (CRA) designation. Under the *Income Tax Act*, there are three types of designations for registered charities: charitable organization, public foundation and private foundation. The designation of a charity depends on its structure, its source of funding and the charity's mode of operation.

“Donation Collection Bin” shall mean a container designed or intended for the receiving of clothing or other items and shall include but not be limited to a metal bin, wooden bin, box, trailer or other vehicle.

“Licence” shall mean a licence/permit obtained and authorized by the Town of Cobourg under this by-law to carry on the trade, business or activity specified therein.

“Licenced” shall mean licenced under this by-law and not in breach of the provisions hereof;

“Licensing Officer” shall mean the Licensing Officer of the Corporation together with such persons as may be designated by the Clerk to administer and enforce this By-law;

“Municipal Clerk” shall mean the person within the administration of the Corporation of the Town of Cobourg that fulfils the function of the Clerk or designate as required by the *Municipal Act* 2001, S.O. 2001 c. 25.

“Person” shall include a natural individual and their heirs, executors, administrators or other legally appointed representatives, a corporation, partnership or other form of business association.

2.0 ADMINISTRATION

2.1 No property owner or occupant of any property shall permit any Donation Collection Bin to be left on a property they own or occupy without a valid Donation Collection Bin Licence being issued and site approval obtained from the Municipal Clerk or designate.

2.2 Every Licence applicant shall provide the following information to obtain a Donation Collection Bin Licence:

- a) name, address, telephone number of applicant;
- b) proof of property ownership or authorization for the property owner to permit installation of a Donation Collection Bin on their property;
- c) name, address and contact telephone number of the Donation Collection Bin owner and the Charitable Organization being represented;
- d) provide an accurate plan which illustrates precisely where the bin is to be located on the property, including setbacks, dimensions and key landmarks/features;
- e) applicable Licence fee as determined by the Fees and Charges By-law.

2.3 Administration of this by-law shall be the responsibility of the Clerk and/or designate who is hereby authorized to issue licences in accordance with the provisions of this by-law.

2.4 The Municipal Clerk is authorized to delegate enforcement of the by-law to the By-law Enforcement Officers and Cobourg Police Service Officers as necessary.

2.5 The Municipal Clerk will keep appropriate records of all licences issued.

2.6 The Municipal Clerk renews, reviews and responds to any complaints or non-compliance issues in respect to this by-law.

3.0 REGULATIONS

3.1 Every Donation Collection Bin shall have printed in legible lettering the name and telephone number of the Donation Collection Bin owner or organization.

3.2 No Donation Collection Bin shall be placed on any property owned by the Town of Cobourg including any road allowance.

3.3 No Donation Collection Bin shall be placed in the Town of Cobourg that does not belong to or represent a recognized Charitable or Not-for-Profit organization as may be determined by the Municipal Clerk.

3.4 Notwithstanding any provision of this By-law, no Donation Collection Bin will be situated in any part of the Downtown Business Improvement Area in the Town of Cobourg.

3.5 Donation Collection Bins shall not be located on any property not zoned 'Residential' in the Municipality's Zoning By-law, as amended from time to time.

3.6 No Donation Collection Bin is to be located closer than 6 metres (20 feet) from any lot line fronting any highway.

3.7 No Donation Collection Bin shall be situated closer than 7.0 metres (23 feet) from any lot line abutting any residential property.

3.8 No Donation Collection Bin shall be located near any egress or ingress from any property which may cause a visual obstruction to any person using such ingress or egress.

3.9 No item left for donation at the site of a Donation Collection Bin will be permitted to remain outside of the Donation Collection Bin or protruding from it for any longer than one hour after opening of the business of the Licence Holder or by 7:00 a.m. for businesses that are open 24 hours.

3.10 It shall be the Licence Holder and/or the Donation Collection Bin Owner's responsibility to ensure the area around the Donation Collection Bin is kept in a clean and clear condition and not become unsightly or a nuisance to any person or attraction to any animals or wildlife.

4.0 CONTRAVENTION

4.1 Any Donation Collection Bin found in contravention of this By-law shall be subject to immediate removal and impounding by the Town and all costs will be subject to the Town's Fees and Charges By-law.

- 4.2 All incurred costs including impound and storage fees by the Town shall be the responsibility of the Licence Holder where a licence has been issued.
- 4.3 All incurred costs including impound and storage fees by the Town shall be the responsibility of the Donation Collection Bin owner where no licence has been obtained and/or no authorization has been granted by the property owner.
- 4.4 Any impounded Donation Collection Bin will be stored for a period of no more than 10 days and may be disposed of in a manner as may be determined by the Town of Cobourg.

5.0 **TERM OF LICENCE**

The term of each licence shall, unless otherwise expressed in the licence, be valid for a period of three years from the first day of January in the year of issuance or renewal up to and including the 31st day of December of the end of the third year, unless said licence is revoked, amended, suspended or voluntarily relinquished to the Corporation sooner.

6.0 **SURRENDER OF LICENCE**

When a licence has been revoked or cancelled or suspended, the holder of the licence shall return the licence to the Licensing Officer within forty – eight (48) hours of service of written notice of decision.

7.0 **NOTICE OF CHANGE OF INFORMATION**

When a licensee changes their name, address or any information relating to the licence, the licensee shall notify the Licensing Officer within forty-eight (48) hours after the change of information relating to the licence and shall return the licence immediately to the Licensing Officer for amendment.


8.0 **SEVERABILITY**

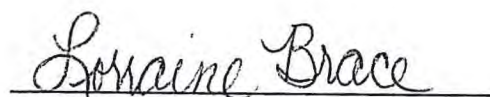
If any section, clause or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council for the Town that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.

9.0 **EFFECTIVE DATE**

This By-law shall come into full force and effect upon the date of its passing.

READ a first, second and third time and finally passed in Open Council
this 12th day of August, 2013.


MAYOR


MUNICIPAL CLERK