



BY-LAW 43 - 17

of

THE CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge to amend By-law 189-13 (Lot Maintenance By-law) in regard to Donation Collection Boxes.

WHEREAS By-law 189-13 (Lot Maintenance By-law) provides that every owner of land and property in the City of Cambridge shall maintain their exterior yard free and clear of any refuse;

AND WHEREAS the Council for the Corporation of the City of Cambridge deems it desirable in the public interest to regulate the location, condition and maintenance of donation collection boxes to prevent the accumulation of refuse and debris in the vicinity of donation collection boxes and to prevent the deterioration of donation collection boxes;

AND WHEREAS the *Municipal Act, 2001* provides that the council of a municipality may pass by-laws regarding the health, safety and well-being of persons in the municipality;

NOW THEREFORE BE IT RESOLVED THAT the Corporation of the City of Cambridge enacts as follows:

1. That section 1.1 of By-law 189-13 be amended by the insertion of the following definition:

“(cc)“Donation Collection Box” includes any receptacle located outdoors, within the geographic area under the jurisdiction of the City of Cambridge, and placed, installed, displayed, operated, used, altered or maintained for the

purpose of collecting donated items from the public, including but not limited to appliances, clothing, household items, metal, paper, recyclables and toys but does not include a receptacle located within a building or a receptacle owned or operated by the City of Cambridge, or a publication distribution box”

2. THAT section 1.1 of By-law 189-13 be amended by deleting the definition of “Owner” and substituting therefor the following definition:

“Owner” means

- (i) in regard to real property or land, the lawful owner of real property or land, or a lessee, tenant, mortgagee in possession of real property or land or the occupant of real property or land, and
- (ii) in regard to a donation collection box, the owner or operator of the donation collection box.”

3. THAT By-law 189-13 be amended by inserting the following sections:

11A DONATION COLLECTION BOXES

11A.1 The owner of a donation collection box and the owner of land shall locate, install or place, or permit to be located, installed or placed, or cause to be located, installed or placed, a donation collection box only if the donation collection box is located, installed or placed in accordance with the following conditions:

- (a) on land with the prior written consent of the owner of the land,
- (b) on land that is not owned by the City of Cambridge,
- (c) on land which is used for residential purposes, and
- (d) in a location that does not create any obstruction for vehicular or pedestrian traffic, including but not limited to, a visual obstruction.

11A.2 (a) The owner of a donation collection box shall place on the front of the donation collection box all of the following information in lettering no smaller than Arial 150 font or other fonts of similar dimensions and in a contrasting colour,

- (i) the correct legal name and address and telephone number of the owner,
- (ii) the correct legal business name of the owner, if applicable,
- (iii) the type of organization if the owner is not a charity,

- (iv) the Canada Revenue Agency charity registration number if the owner is a charity,
- (v) the schedule of times for the pick-up of the donations, and
- (vi) the locations of five close-by alternative donation collection boxes of the same owner.

- (b) The owner of the donation collection box shall maintain the information set out on the donation collection box to ensure that the information remains accurate, current and legible.
- (c) The owner of land shall ensure that a donation collection box located, installed or placed on land owned by him displays the information required by this by-law.

11A.3 The owner of a donation collection box and the owner of the land where a donation collection box is located shall maintain

- (a) the collection box in a clean, tidy condition and in good repair, and
- (b) all the areas immediately adjacent to the donation collection box free and clear of debris and refuse.”

- 4. THAT section 14.1 of By-law 189-13 be amended by deleting the word “City” and substituting the words “Municipal Law Enforcement Officer”.
- 5. THAT section 14 of By-law 189-13 be amended by inserting the following sections;
 - “14.5 Notwithstanding any other provision in this by-law and in addition thereto, the following provisions shall apply in regard to donation collection boxes;
 - (a) Where the owner of a donation collection box or the owner of land upon which is located a donation collection box to whom a Municipal Law Enforcement Officer’s notice has been delivered fails to comply with the notice of the officer, the Municipal Law Enforcement Officer may remove the donation collection box and perform any other restoration work deemed necessary at the cost of the owner of the donation collection box and/or of the owner of the land where the donation collection box is located.

- (b) The Municipal Law Enforcement officer shall store the donation collection box for 30 days at the cost of the owner of the box or the owner of the land where the donation collection box was located.
- (c) The owner of the donation collection box or the owner of land upon which the box was located shall retrieve the box and pay the removal, restoration and storage costs incurred by the Municipal Law Enforcement Officer.
- (d) The Municipal Law Enforcement Officer shall return the donation collection box to the owner of the box or to the owner of the land where the box is located upon payment by owner of the box or by the owner of the land of the removal, restoration and storage costs incurred by the officer.
- (e) Upon the failure of the owner of the donation collection box or the owner of the land to retrieve the donation collection box from storage and to pay the costs of the work performed by the Municipal Law Enforcement Officer and of the storage costs, the officer may dispose of the donation collection box and may recover any and all the costs incurred by the officer in regard to the donation collection box by adding the costs to the tax roll of the land where the collection box was located and collecting the costs in the same manner and with the same priority as municipal taxes.”

6. This by-law will come into force and effect on Monday 1 May 2017.

Enacted and passed this 28th day of March 2017

MAYOR

CLERK