

SCHEDULE 15
to City of Guelph By-law Number (2009)-18855 as amended

[amended by By-law Number (2015)-19904]

DONATION BIN AND PUBLICATION DISPENSING BOX

The provisions of this Schedule shall apply in respect of Donation Bins and Publication Dispensing Boxes.

INTERPRETATION

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
 - (f) "Donation Bin" means a receptacle located outdoors, within the geographic area that is under the City's jurisdiction, 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;
 - (g) "Operator" means the Licensee under this Schedule who operates a Donation Bin or Publication Dispensing Box, or an agent of such Licensee;
 - (h) "Permitted Hours" means the hours of 7:00 a.m. to 9:00 p.m. Monday to Friday and 9:00 a.m. to 9:00 p.m. on Saturdays, Sundays and Holidays.
 - (i) "Property Owner" means the owner of the property on which a Donation Bin or Publication Dispensing Box is located, or an agent of such owner;
 - (j) "Publication Dispensing Box" means a container located outdoors, within the geographic area that is under the City's jurisdiction, and placed, installed, displayed, operated, used, altered or maintained for the purpose of dispensing publications to the public, either for financial consideration or free of charge, but does not include a container located within a Building or a container owned or operated by the City; and
 - (k) "Special Event" means an event approved in writing by the City.

CONDITIONS

2.
 - (a) No person shall locate, or permit to be located, any Donation Bin or Publication Dispensing Box within the City of Guelph without a licence to do so.
 - (b) Section 2(a) does not apply to a Donation Bin or Publication Dispensing Box that is temporarily located at a Special Event in the location authorized in writing by the City and the Special Event organizer.
3. No Person shall interfere with, vandalize or, without the written consent of the Operator or the City, move any licensed Donation Bin or Publication Dispensing Box.
4. The City may:
 - (a) If it discovers that a licensed Donation Bin or Publication Dispensing Box appears to be in contravention of this Schedule:

- i. Give notice to the Operator requiring the Operator to bring the said Donation Bin or Publication Dispensing Box into compliance with this Schedule within three (3) business days, and
 - ii. If the Operator fails to bring the said Donation Bin or Publication Dispensing Box into compliance with this Schedule within the said three (3) business days, remove, impound and store it, and impose the costs of such removal, impounding and storage upon the Operator;
 - (b) If it discovers an unlicensed Donation Bin or Publication Dispensing Box, immediately remove, impound and store it, and impose the costs of such removal, impounding and storage upon the owner of the Donation Bin or Publication Dispensing Box and any Person who caused or permitted its placement; and
 - (c) If a Donation Bin or Publication Dispensing Box has been removed, impounded and stored by the City for a period of more than thirty (30) days, immediately, and without notice, dispose of such Donation Bin or Publication Dispensing Box and the contents thereof, in a manner as may be determined by the City.
5. In no event shall the City be liable, or in any way responsible, for any loss, damage or cost incurred by any Operator or any other Person due to the removal, impounding, storage or disposal of any Donation Bin or Publication Dispensing Box by the City under this Schedule.

ADDITIONAL APPLICATION REQUIREMENTS

- 6. No Inspection or Floor Plan is required as part of an application for a Business Licence or renewal of a Business Licence under this Schedule.
- 7. If the Applicant for a Business Licence or renewal of a Business Licence under this Schedule is an individual, then the individual shall:
 - (a) Sign the application himself/herself; and
 - (b) Satisfy the same requirements regarding insurance and proof thereof, as apply to partnerships and corporations.
- 8. Every Person applying for a Business Licence or renewal of a Business Licence in respect of a Donation Bin shall submit as part of such application:
 - (a) A letter of permission from the Property Owner of each property where the Person intends to locate each Donation Bin; and
 - (b) A site plan indicating the location where the Person intends to locate each Donation Bin, with relation to all property lines of each such property.
- 9. Every Person applying for a Business Licence or renewal of a Business Licence in respect of a Publication Dispensing Box shall submit as part of such application:
 - (a) A letter of permission from the Property Owner of each property where the Person intends to locate each Publication Dispensing Box; and
 - (b) A list containing every location where the Person intends to locate a Publication Dispensing Box.

OPERATIONAL REQUIREMENTS

Physical Condition

10. Every Operator shall ensure that:
 - (a) Every one of the Operator's Donation Bins and Publication Dispensing Boxes is clean, rust free, in good repair, and free of graffiti and any other form of vandalism;
 - (b) All areas immediately adjacent to every one of the Operator's Donation Bins and Publication Dispensing Boxes is clean and free of litter, refuse and debris at all times and in full compliance with the City's Property Standards, Lot Maintenance and Waste by-laws;
 - (c) Every one of the Operator's Donation Bins is of metal construction;
 - (d) Every one of the Operator's Donation Bins that is used for collecting clothing, household items, paper or toys has a self-closing deposit door/hatch, and, if it has any other point of entry, each such other point of entry is locked at all times when the Donation Bin is unattended; and
 - (e) Every one of the Operator's Publication Dispensing Boxes located on a Highway is not left un-stocked with current publications for a period greater than twenty-one (21) consecutive days.
11. No person shall pick up, drop off or remove a Donation Bin outside of Permitted Hours, unless authorized to do so in writing by the Issuer of Licences.
12. Every Operator shall ensure that the information that is required by this Bylaw to be affixed to the Operator's Donation Bin is in place at all times in the manner indicated.
13. The following information is required to be affixed to every Donation Bin in wording not less than 150 Font in size and in contrasting colour to the Bin:
 - (a) Name and address of the owner;
 - (b) Name, address and valid telephone number of the Operator;
 - (c) If the Operator is a registered charity, the Canada Revenue Agency registration number and the words "Not For Profit";
 - (d) If the Operator is a registered not-for-profit business, the business registration number and the words "Not For Profit"; and
 - (e) If the Operator is neither a registered charity nor a registered not-for-profit business, the business registration number and the words "For Profit".
14. Every Operator of a Public Dispensing Box shall ensure that a valid identification decal issued by the City is affixed to such Publication Dispensing Box in a conspicuous place clearly visible to the public.

Location

15. Every Operator shall ensure that such Operator's Donation Bin is located:
 - (a) In the location designated on the Operator's approved site plan;
 - (b) In the location identified on the Operator's Business Licence; and
 - (c) In compliance with the provisions of this By-law.

16. Every Operator shall ensure that the location or placement of such Operator's Donation Bin does not create a visual obstruction for vehicular or pedestrian traffic.
17. Every Operator shall ensure that such Operator's Publication Dispensing Box is located or placed at a location that is:
 - (a) Designated in the Operator's approved list of locations;
 - (b) Identified on the Operator's Business Licence; and
 - (c) In compliance with the provisions of this By-law.
18. Every Operator shall ensure that such Operator's Publication Dispensing Box is not located or placed at a location:
 - (a) In such a manner as to obstruct or interfere with pedestrian traffic;
 - (b) On a sidewalk having a width of 2 metres or less;
 - (c) At a bus stop in such a manner as to obstruct or interfere with passenger movements;
 - (d) In such a manner as to interfere with vehicular traffic;
 - (e) In front of any single-family dwelling;
 - (f) Within 3 metres of a driveway;
 - (g) Within any curb radius;
 - (h) Partially or wholly in front of an accessibility ramp;
 - (i) In such a manner as to make entrance/exit from adjacently parked vehicles difficult;
 - (j) On top of or blocking access to a sewer, hydro, or other utility access cover or valve; or
 - (k) Within 3 metres of a fire hydrant.
19. Notwithstanding the foregoing, an Operator may temporarily locate a Publication Dispensing Box at a Special Event, provided that the Operator locates the Publication Dispensing Box at a location which the City and the Organizer of the Special Event have authorized in writing.
20. The City may:
 - (a) At any time require the temporary relocation or suspension of a Donation Bin or Publication Dispensing Box if such temporary relocation or suspension is necessary for:
 - i. Pedestrian, vehicular or public safety;
 - ii. Construction, maintenance or repair of a Highway, transit facility, public utility or public service;
 - iii. A Special Event, or
 - iv. A film shoot; and
 - (b) If an Operator fails to carry out such a temporary relocation or suspension of a Donation Bin or Publication Dispensing Box, as requested

by, and within the time specified by, the City, carry out such temporary relocation or suspension.

21. In no event shall the City be liable, or in any way responsible, for any loss, damage or cost incurred by any Operator or any other Person due to the temporary relocation or suspension of any Donation Bin or Publication Dispensing Box by the City under this Schedule.