



City of Richmond

Report to Committee

To: General Purposes Committee
From: Tom Stewart, ASCT.
 Director, Public Works Operations
Re: Donation Bins within the City of Richmond

Date: August 21, 2015
File:

Staff Recommendation

That:

1. a fee and permit structure for donation bins on City property, as outlined in Option B of the staff report titled, "Donation Bins within the City of Richmond", dated August 21, 2015 from the Director, Public Works Operations, be endorsed; and
2. staff prepare the required bylaws and bylaw amendments to implement the proposed fee and permit structure.

Tom Stewart, ASCT.
 Director, Public Works Operations
 (604-233-3301)

Att. 1

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Business Licences	<input checked="" type="checkbox"/>	
Roads & Construction Services	<input checked="" type="checkbox"/>	
Sustainability	<input checked="" type="checkbox"/>	
Community Bylaws	<input checked="" type="checkbox"/>	
Law	<input checked="" type="checkbox"/>	
Finance	<input checked="" type="checkbox"/>	
Transportation	<input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: 	APPROVED BY CAO FOR

Staff Report

Origin

There has been an increasing number of donation bins appearing throughout the City, including on City property. This has led to increased illegal dumping around donation bins and increased complaints to the City about resulting unsightliness (Attachment 1). To address the issue, this report discusses alternatives and proposes regulatory requirements for a fee and permit structure to allow donation bins from charitable organizations only at a limited number of City-designated locations.

This report supports Council's 2014-2018 Term Goal #4 Leadership in Sustainability:

Continue advancement of the City's sustainability framework and initiatives to improve the short and long term livability of our City, and that maintain Richmond's position as a leader in sustainable programs, practices and innovations.

Analysis

Current Practise

Currently, there is no formal approval process for placement of donation bins on City property, nor do existing City bylaws permit these bins to be placed on City property. Donation bins simply appear at certain locations at any time without prior notice to the City. Staff estimate there are currently up to 100 bins located on both City and private property. The location of donation bins on private property is likely the result of discussions between the bin operator and property owner.

When complaints are received, various departments are involved, including Engineering, Community Bylaws and Public Works Operations. City staff undertake clean-up activities to address concerns in a timely manner in order to mitigate the potential for further increased illegal dumping. Where continued concerns are present, staff request that bin operators remove their donation bins. There has generally been good voluntary compliance by bin operators in removing containers when requested to do so by the City.

The issue relating to donation bins is not unique to Richmond. After contacting several lower mainland cities regarding donation bins, there is general consensus that increased emphasis on recycling in the Lower Mainland could lead to higher utilization and increasing numbers of bins. On April 1, 2015, the City of Burnaby banned donation bins from public property and as a direct result of this action staff from other cities reported an immediate increase in bins. Staff expect that this is also why more donation bins have appeared in Richmond.

Both for-profit and charitable organizations utilize this form of collection to generate revenues for their respective organizations. Most municipalities do not have a mechanism in place to deal with these problems; however given the growing prevalence of the bins, several are in the process of regulating this activity by way of by-laws, permits and/or business licensing.

Issues and Challenges

A number of concerns have been identified in regard to donation bins:

- Placement of bins on public and private property without prior consent from the City.
- Bins often attracting illegal dumping of unwanted waste.
- The increasing cost to manage and clean unsightly areas.
- Vandalism, graffiti and tipping over of bins.
- Scavenging from items located in donation bins, with unwanted items often left dumped on City land.
- Sightline issues for traffic flow and safety of residents.
- Bin locations can cause potential traffic hazards.
- Staff time and resources for cleaning up areas and addressing resident concerns.
- Reduction of parking and extra traffic volumes.
- The concern that for-profit bin operators are giving consumers the false impression that they are donating their clothes to charity, when the clothes are in fact being sold for profit.
- The need to regulate donation bins by policies, bylaws and/or licensing requirements.

Benefits

The benefits of these donation bins include:

- Keeps materials out of the landfill/waste disposal network.
- Helps to promote reuse and recycling.
- Donations of clothing to charitable organizations that use the proceeds to fund programs and services.
- Some of the donations go directly to families and individuals in the community in need.
- The processing of the donations directly employs and trains individuals in the community, such as the Developmental Disabilities Association.
- Purchasing used clothing reduces energy and raw material consumption.
- Provides affordable clothing.
- Residents appreciate the convenience of drop off bins, but not always in their neighbourhoods.

Regulatory Authority

To address this issue, staff reviewed the City's regulatory authority. Section 8 of the *Community Charter* gives municipalities the authority by bylaw to regulate, prohibit and impose requirements in relation to many matters including in relation to public places and the protection and enhancement of the well-being of its community in relation to the matters referred to in section 64 (nuisances, disturbances and other objectionable situations).

In reviewing bylaws currently in force in other Canadian municipalities, staff found there were six municipalities that licensed/permitted clothing donation bins with fees ranging from \$0 to \$517.61 annually. Also of note is that four of the six municipalities limit this activity to charitable organizations, and two allowed for-profit organizations/businesses.

Options Considered

Following an examination of practices used in other municipalities and discussion with internal departments/agencies, the following options were considered:

Option A: Prohibition (Not Recommended)

The use of donation bins on public property would not be permitted in the City of Richmond. This option would virtually eliminate all issues related to donation bins on public property, and would require enforcement efforts to ensure bins are removed. This would help to avoid complaints about unsightliness around donation bins and reduce resource requirements for cleaning up illegal dumping around donation bins.

The downside of this option is that it would reduce or eliminate viable alternatives for fundraising activities by some charitable organizations. It would also increase the amount of these types of items being disposed of in the landfill and could increase illegal dumping in other areas.

Option B: Eligible Permittees (Recommended)

Adopt a new bylaw and amend appropriate existing bylaws to limit this activity on City property to only those entities which have been approved for registration as a charity by the Canada Revenue Agency (CRA) and have been issued a charitable registration number by the CRA (“Eligible Permittees”). Such organizations must be established and operate exclusively for charitable purposes and must be designated by the CRA as a charitable organization, a public foundation or a private foundation.

The CRA website¹ states that examples of the four categories of registered charities generally include:

1. relief of poverty (food banks, soup kitchens, low-cost housing units)
2. advancement of education (colleges, universities, research institutes)
3. advancement of religion (places of worship, missionary organizations)
4. purposes beneficial to the community (animal shelters, libraries, volunteer fire departments).

All for-profit and other donation bin operators will continue to be able to negotiate separate arrangements for locations on private property.

Under Option B, staff propose that the City approve approximately 50 bins throughout the City at locations designated by the City. Eligible Permittees would be able to respond to the City’s request for Expression of Interest (EOI) for the use of designated locations for a set term (three years) and on such other terms and conditions as set out in the EOI.

Staff recommend a maximum limit of three bins per site, with a maximum of up to 50 bins allowed throughout the City on City property. Provisions would also be included to limit the

¹ <http://www.cra-arc.gc.ca/chrts-gvng/chrts/pplyng/rgstrtn/rght-eng.html>

number of bins per eligible Permittee to help decrease the extensive influx of any one organization's bins throughout the City. A suggested fee structure is outlined below.

	PERMIT FEE
Annual permit application fee	\$100
Permit fee for each location	\$25 – one time per bin, plus changes or additional bins
Damage and cleanup deposit*	\$1000 per location to a maximum of \$3000 per permittee
Bin removal fee	\$100
Bin retrieval fee	\$200
Storage of bin	\$15 per day
Disposal fee for bin	\$80 per disposal

*Should these funds be used to reimburse the City for clean up, the permittee will be required to fully reinstate the deposit within thirty (30) days or remove all permitted bins.

If Option B is approved by Council, staff will take steps to educate the public and bin operators about the new requirements. Detailed information could be posted on the City's website and Community Bylaws will work closely with the various operators to ensure a smooth transition during the implementation of the new bylaw and bylaw amendments. Staff will monitor the activity in the course of their regular duties which includes site visits throughout the year.

The enforcement of these bylaws will be incorporated into the daily work of the City's Bylaw enforcement officers. It is intended that the bylaws will provide the officers the tools they need to be able to respond and act on any bylaw violations. The bin operators will be given a short time (e.g. 24 hours) to clean up any unsightly or illegal dumping around donation bins. If they fail to comply, the City will undertake the clean up, drawing from the damage deposit collected.

Staff will notify and work with the existing operators in anticipation of the new requirements. As part of this process, operators would need to review their donation bin program, remove bins no longer eligible for permitting, and submit an Expression of Interest to the City once the City issues a request.

Staff recommend this option as it provides a mechanism for appropriate entities to benefit from this service in a managed approach.

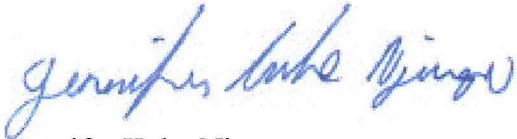
Financial Impact

Revenue from annual permit fees are estimated at \$5,000 annually (50 bins x \$100 permit fee). These revenues would be applied to offset the cost of managing the permit scheme and enforcement activities by Community Bylaws.

Overall there should be a reduction in dumping as related cleanup around the donation bins will be the responsibility of the bin Permittees. If the bin Permittees do not respond to the clean up request within the timeframe (e.g. 24 hour) then the damage and cleanup deposit will be used to reimburse the costs to the City to clean up the site.

Conclusion

Staff recommend that Option B, which outlines a fee and permit structure to allow donation bins from eligible Permittees only at a limited number of City-designated locations, be approved and further, that staff report back with the required regulatory bylaws to implement this option.



Jennifer Kube-Njenga
Public Works Program Manager
(604-244-1260)

JKN:jkn

Att. 1 Photographs of illegal dumping around donation bins



Ongoing illegal dumping around donation bins on Capstan Way just west of Garden City Road (June, 2015)



Ongoing illegal dumping around donation bins at Steveston Hwy and No. 3 Road (July 22, 2015)



Steveston Hwy and No. 3 Road donation bin site after City litter staff cleaned up for one hour (July 22, 2015)