

The Corporation of the Township of Springwater

By-law 2020-073

Being a By-law to regulate Donation/Collection Bins within the Township of Springwater

(Donation/Collection Bin By-law)

Whereas Sections 10 and 11 of the Municipal Act, as amended, states that municipalities may pass a by-law to address matters related to the well being of the municipality and its inhabitants including health, safety and the protection of property;

And Whereas the use and operation of donation and collection bins can have impacts on the Township of Springwater and its residents including: accumulation of litter, dirt, debris, graffiti in the vicinity of donation/collection bins;

And Whereas the Township of Springwater wishes to regulate the placing of donation/collection bins within the Township;

Now Therefore the Council of the Corporation of the Township of Springwater enacts as follows:

1. Definitions

1.1 For the purpose of this By-law the following definitions shall apply:

"Charitable Organization" means a not for profit organization or a registered charity pursuant to the Income Tax Act.

"Clerk" means the Clerk, Deputy Clerk or Acting Clerk who may be appointed by Council from time to time or such person designated as Clerk under Section 228 of the Municipal Act to perform the duties of the Clerk.

"Donation/Collection Bin" also referred to as bin, means any receptacle used for the purpose of collecting donations by the public, on an ongoing basis and as part of the regular activity of the Charitable Organization.

"Municipal Law Enforcement Officer" means a person duly appointed by the Corporation of the Township of Springwater for the purpose of enforcing the provisions of this By-law;

"Operator" means the Person under this By-law who operates a donation/collection Bin.

"Owner" means the registered Person, occupier or tenant of a property, or a person who, for the time being or permanently, is managing or receiving the rent from a property, whether on his or her own account or on account of an agent or trustee of any other person, or anyone of the aforesaid.

"Township" means The Corporation of the Township of Springwater or the geographic limits of the Township of Springwater as the context requires.

2. Interpretation

2.1 When reading and interpreting this By-law:

- a) unless otherwise specified, references in this By-law to parts, sections, subsections, clauses and schedules are references to parts, sections, subsections, clauses and schedules in this By-law;
- b) references in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted;
- c) references in this By-law to items in the plural include the singular, and references to the singular include the plural, as applicable; and
- d) the words "include", "includes" or "including" are not to be read or interpreted as limiting the words, phrases or descriptions that precede them.

3. General Provisions

- 3.1 That only donation/collection bins belonging to a charitable organization registered as a charity be permitted to be placed in the Township.
- 3.2 No person shall carry on the activity of placing a donation/collection bin within the Township, unless he or she has approval from the property owner.
- 3.3 That all existing and new donation/collection bins be registered with the Township.
- 3.4 That donation/collection bins not be permitted on a property zoned to permit stand alone residential uses.
- 3.5 That donation/collection bins not be permitted on Township property.

4. Administration

- 4.1 The Clerk for the Township of Springwater and/or designate is authorized to administer the provisions of this By-law on behalf of the Township.
- 4.2 The following persons are authorized to enforce the provisions of this By-law on behalf of the Township:
- a) Clerk or designate;
 - b) Police;
 - c) Any persons appointed by the Township as a Municipal Law Enforcement Officer.

5. Regulations

- 5.1 Every owner of property on which a donation/collection bin is used or located, and operator shall ensure that the donation/collection bin is clean, rust-free, in good repair and free of graffiti.
- 5.2 Every owner of property on which a donation/collection bin is used or located and operator shall ensure that all areas immediately adjacent to the bin are clean and free of litter, refuse and debris.
- 5.3 No donation/collection bin shall be placed on any street or property owned or maintained by the Township.
- 5.4 Donation/collection bins shall not be located to the rear of any building and shall be street facing.
- 5.5 Placement of the donation/collection bins shall be in a well-lit visible area.
- 5.6 Donation/collection bin shall comply with accessory structure interior and exterior yard setback provisions outlined in Zoning By-law 5000, as amended, to mitigate impacts to neighbouring properties.
- 5.7 The Sight Triangle requirements under the General Provisions Section of the Zoning By-law 5000 shall also apply at corner intersections

6. Enforcement and Penalties

- 6.1 Anyone who breaches a section of this By-law is guilty of an offence and subject to a penalty provided for under the Provincial Offences Act.

- 6.2 When a person has been convicted of an offence under this By-law, the Provincial Offences Court or any Court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted issue an Order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.
- 6.3 In the event that donation/collection bins are not maintained in accordance with this By-law, the Township may issue a notice to the operator and owner of the property on which the donation/collection box is located to rectify same, failure of which may lead to the removal of the donation/collection bin and fines.
- 6.4 Costs incurred by the Township in removing the donation/collection bin and any waste, or matters of the property on which the donation/collection bin is located ancillary thereto, may be recovered by action or adding the costs to the tax roll and collecting them in the same manner as taxes.

7. Severability

- 7.1 If a court of competent jurisdiction declares any section, or any part of any section of this By-law to be invalid, or to be of no force or effect, it is the intention of the Township that every other provision of this By-law be applied and enforced in accordance with its terms to the extent possible according to law. This By-law and the provisions contained within are intended to be complimentary to Provincial statutes and other by-laws passed by the Township, in the event that any other applicable law requires a higher standard than this By-law requires, the higher standard shall apply.
- 7.2 That any current by-laws and any other by-laws or resolution or parts of by-laws or resolutions inconsistent with this By-law are hereby repealed.

8. Force and Effect

- 8.1 That this By-law shall take force and effect upon final passage hereof.

Read a First, Second and Third Time and Finally Passed this 7th day of October, 2020.

Original signed by:

Don Allen, Mayor

Original signed by:

Renée Ainsworth, Clerk

The Corporation of the Township of Springwater

By-law 2020-073

To Regulate Donation/Collection Bins within the Township of Springwater

Schedule "A"

Part I Provincial Offences Act Fines

Item	Short Form Wording	Provisions Creating or Defining Offence	Set Fine
1	Fail to keep bin clean, rust-free, in good repair and free of graffiti.	s.5.1	\$205.00
2	Fail to keep areas clean and free of litter, refuse and debris	s.5.2	\$205.00
3	Place donation/collection bin on Township property	s.5.3	\$205.00
4	Place donation/collection bin at rear of building	s.5.4	\$205.00
5	Fail to locate donation/collection bin in well-lit area	s. 5.5	\$205.00

Note: The set fines set out in Schedule "A" shall be approved by the Chief Justice before coming into force and effect.