

NO: R039

COUNCIL DATE: March 11, 2019

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## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **March 7, 2019**

FROM: **General Manager, Corporate Services**

FILE: **3900-01**

SUBJECT: **Donation Bin Update**

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## RECOMMENDATION

The Corporate Services Department recommends that Council:

1. Receive this report for information; and
2. Support the City of Surrey's existing approach to handling donation bins, as contained in this report.

## INTENT

The purpose of this report is to apprise Council on the current handling of donation bins within the City of Surrey and to provide options for Council's consideration.

## BACKGROUND

On December 30, 2018 in West Vancouver, BC, a man was found deceased, trapped part way in the opening of a donation bin hatch door. While these types of deaths are rare, this recent unfortunate death generated both significant media attention at the time of the event and questions regarding local government policies and regulations surrounding donation bins.

In August 2016, a similar death occurred in Surrey involving a donation bin located on a vacant lot owned by the City at 10307 - 150 Street. This particular donation bin was owned by a non-profit organization that had placed this donation bin at the noted location without the City's knowledge or consent. It is unknown how long the donation bin was on City property prior to the death; however, City staff removed the donation bin immediately following the incident.

The City does not permit the placement of donation bins on City property, with the exception of Surrey Fire Halls as arranged by the Surrey Fire Service.

## **DISCUSSION**

In general, donation bins do not pose a risk to those using the bins for its intended operation. One of the most prevalent models of donation bins contains a hatch door and an access prevention flap designed to keep goods inside the donation bin and protected. However, if a person attempts to misuse the donation bin by accessing its contents through the hatch door, there is a risk that they may become trapped and constricted in the prevention flap mechanism, resulting in serious injury or death.

As a result of the recent fatality described above in West Vancouver, the major manufacturer of this style of donation bin has provided modifications to remove the access prevention flaps inside the bin. Once these modifications have been made, the pinch points and entry constraints of the bins will be alleviated, eliminating the possibility of a similar fatality.

Despite the above, a number of municipalities within the Metro Vancouver region have imposed a total ban on the operation of these bins within their respective municipalities, both on municipal and private property, while other municipalities are allowing the bins to continue operating within their jurisdictions given the goodwill benefit they derive versus the relative low risk associated with their operation.

### **Assessment of Donation Bins in Surrey**

Following the recent death in West Vancouver, staff in the City's Bylaw Enforcement, Compliance & Licensing division determined that 147 donation bins are presently located throughout Surrey. A majority of these bins are of a similar model as described above and contain access prevention flaps.

Most of the 147 donation bins in Surrey are located in private parking lots including shopping/strip malls, Save-On Foods stores, Surrey School District schools, and various temples and churches. These donation bins are owned and operated by several different organizations, including but not limited to: the Autism Society of BC; BC Children's Hospital; Big Brothers of Canada; Diabetes Canada; Canuck Place Children's Hospice; Children's Wish Foundation; Clothing Bank; Community Living Society; Developmental Disabilities Association; Discover Books, Green Inspiration BC; Legion/Boys & Girls Club of BC; Love Corps; and the Surrey Hospice Society.

Of the 147 donation bins located throughout the City, 24 are located at Surrey Fire Halls, which are operated by the Surrey Fire Fighters Charitable Society and are monitored on a 24-hour, 7-day per week basis by Surrey Fire Services staff. In the 16 years since the introduction of these donation bins at Surrey Fire Halls, the City has not experienced any issues.

All donation bins located throughout the City are operated by non-profit charity groups which rely on public donations dropped off within the bins. The benefits of these bins include charitable donations and the reuse of materials that may have otherwise been discarded.

## Existing City Regulation of Donation Bins

At present, a Surrey bylaw that either bans, or explicitly regulates, donation bins does not exist. Accordingly, property owners hosting these bins and the non-profit organizations that own the bins are not required to obtain a license from the City to operate these bins.

However, the City has the authority to take measures for the proper upkeep of these bins as follows:

1. The area surrounding a donation bin, and in close proximity of a bin, must be free of litter and discarded materials. A host property owner found in contravention of this requirement will be required to clean the site within 48 hours of a citation or otherwise face fines for unsightly premises under the *Surrey Property Maintenance and Unsightly Premises By-law, 2007, No. 16393* (the "Unsightly Premises By-law"), and bear the full cost for cleanup of the site by City crews. If the matter persists, the City will arrange for the removal of the bin at the full cost of the host property owner;
2. The donation bin must be free of any graffiti. As per the Unsightly Premises By-law, graffiti must be removed within 48 hours of the receipt of a compliance order by the City. Failure to comply may result in the removal of graffiti performed by City forces, with the full cost borne by the host property owner;
3. All donation bins must be placed on private property. Bins are not permitted to be placed on City property, with the exception of Fire Halls where their placement must be approved by Surrey Fire Services staff. Any unauthorized bin found on City property will be immediately removed by the City at the full cost of the offending party(ies).

Notwithstanding the above, in early January 2019, Bylaw Enforcement, Compliance & Licensing staff advised owners of these donation bins to voluntarily modify their respective bins to either remove the pinch points and entry constraints, thereby eliminating the possibility of a person becoming stuck or trapped inside the bin; or to have the bins replaced with models that are designed with no entry constraints to begin with. Staff found both the property owners hosting these bins and the non-profit organizations that own the bins to be very responsive and cooperative in this regard.

It should be noted that as of late February 2019, staff has discovered that 64 of the noted 147 donation bins identified across the City appear to have been removed by the property owners and/or owners of the bins, leaving a current inventory of 83 operational donation bins in the City. At this time, it is not clear if the removal of these 64 bins is of a permanent nature, or if some (or all) of the bins have been temporarily removed to receive modifications as described above with the intent of being reinstated. In addition, staff has not yet determined if the remaining 83 donation bins have received (or required) modifications.

It is the position of staff that donation bins do not pose a safety risk to the public if used as intended (and they pose a low risk otherwise), and they do not require additional oversight from the City beyond what is reflected above. Nevertheless, given the latest discussion surrounding their operation, staff suggest the following three options for Council's consideration:

## **Recommended Approach – City’s Existing Approach to Donation Bins in Surrey**

Staff recommend that donation bins continue to operate within the City in the existing manner reflected in this report. No additional oversight will be provided by the City, including inspection of the voluntary bin retrofits, given the relatively low level of risk exposure to the public versus the charitable and reuse benefits that are derived from the operation of donation bins.

### **ALTERNATIVES**

#### **1. Total Ban of Donation Bins in Surrey**

Under Alternative 1, Council would consider a total ban on donation bins similar to the approach taken by a number of municipalities within the region, BC, and across Canada.

Under this scenario, the City would be required to introduce a bylaw that prohibits donation bins in Surrey and permits the City access onto private property to remove a bin in the event of non-compliance. As per existing legislation, the introduction of such a bylaw would require the City to provide the owners of the donation bins an opportunity to be heard by Council prior to the adoption of a pertinent bylaw(s).

Should a total ban on donation bins be adopted by Council, the City would be required to provide the owners of donation bins and the host property owners a period of time to remove the bins from operation or otherwise have the bin removed by City forces at the cost of the owner and/or host property owner.

As an alternative to donation bins, there are a number of existing non-profit outlets located throughout the City and region that allow for the public’s charitable donation of clothing, books, etc. Examples include Salvation Army outlets, Big Brother and other charity pick up, thrift shops, etc. However, from a public convenience perspective, drop off options in this regard are far fewer than those provided via the donation bins in terms of number of locations and hours of operation.

#### **2. City Regulation of Donation Bins (Not Recommended)**

Alternative 2 would require the City to allocate additional resources, at an increased cost, to provide administrative and operational oversight in the management of donation bins. It would also require the creation and adoption of pertinent Surrey bylaws that would provide the City the authority required to manage donation bins which are exclusively located on private properties throughout the City.

Given the low risk associated with donation bins as provided in this report, this approach is not recommended.

### **SUSTAINABILITY CONSIDERATIONS**

The work of this report supports the objectives of the City’s Sustainability Charter 2.0. In particular, this work relates to Sustainability Charter 2.0 theme of Public Safety. Specifically, this project supports the following Desired Outcomes (“DO”):

- Community Safety and Emergency Services Do1: Residents are safe and have a strong sense of security in all neighbourhoods and throughout the City.

## CONCLUSION

Based on the above discussion, it is recommended that Council support the City's existing approach to handling donation bins located in the City of Surrey.

Rob Costanzo  
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