

**PROVINCE OF QUÉBEC
TOWN DE HAMPSTEAD**

BY-LAW NO. 815

**BY-LAW NO. 815 REGULATING THE
AUTHORIZATION, MANAGEMENT,
INSTALLATION AND MAINTENANCE OF
COLLECTION BOXES, CONTAINERS,
SERVICE LOCKERS ON THE TERRITORY
OF THE TOWN OF HAMPSTEAD**

WHEREAS notice of motion of the present By-law was given at the Regular Council Meeting held on June 15th, 2015;

WHEREAS according to the Municipal Powers Act RLRQ, c. C-47.1, the Town of Hampstead has jurisdiction in the following fields: culture, recreation, community activities and parks, the environment, sanitation, nuisances, safety; and transportation;

WHEREAS In exercising a regulatory power under this Act, the Town of Hampstead may, in particular:

- (1) prescribe prohibitions;
- (2) specify the cases where a permit is required, limit the number of permits and prescribe the cost, conditions and terms of issue and the rules governing the suspension or revocation of a permit;
- (3) provide that one or more provisions of a by-law apply to part or all of its territory;
- (4) create classes and make specific rules for each of them;
- (5) establish the obligation to furnish security to ensure that premises are restored to their original state when a person carries on an activity or carries out work in the public domain; and
- (6) prescribe rules that refer to standards made or approved by a third person. These rules may provide that changes made to the standards form part of the standards as if they had been adopted by the Town.

Such changes come into force on the date set by the Town under a resolution; the adoption of which must be the subject of a public notice in accordance with the Act governing that municipality.

WHEREAS some cities face problems caused by unwanted, non-authorized, and disorderly presence of different kinds of collection boxes, distribution bins or storage containers on their territory;

WHEREAS the Town of Hampstead wishes for the welfare of its citizens, to prevent this situation on its territory;

ON JULY 6TH 2015, THE COUNCIL DECREES AS FOLLOWS:

1. Section 1: Preamble

The preamble is an integral part of this By-Law;

2. Section 2: Definition

Town (Ville): The Town of Hampstead;

Collection boxes (Boîtes de collecte):

Box for receipt of new or used items donated for charitable purposes to a recognized charity organization;

Recognized charity organization (Organisme de charité reconnu):

Organization with a valid charity registration number from the Government of Canada;

Containers (Conteneurs):

Having standardized dimensions, of different materials and constructions, intended to be used for handling, storage or transportation of materials or objects or packages;

Service lockers (Casiers de service):

Container or furniture to hold mail, documents, flyers and parcels designed for the use of specific individuals or the general public;

Ancillary Use (Usage complémentaire) – The use generally related to the primary use and contributing to the improvement of the usefulness, convenience and enjoyment of such primary usage;

3. Section 3: Acquired rights

No acquired rights will be recognized for collection boxes, containers, service lockers installed before the date of the entry into force of this regulation;

4. Section 4: Collection boxes

4.1 Collection boxes will not be allowed on public property;

4.2 A collection box will be allowed on private land as a complementary use for the class of following use:

R - *Places of worship;*

4.3 The Town requires that the operator of a collection box is a recognized charity organization and is associated with an institution whose activities are ongoing on the Town territory. The ancillary use must be added to the certificate of occupation of the institution carrying the main use.

4.4 No collection boxes may be located on a vacant lot.

4.5 Only one collection box will be allowed per lot

4.6 The overall maximum dimensions of the collection box are:

- 170 centimeters wide;
- 170 centimeters in length;
- 200 centimeters in height.

- 4.7** The collection box must be secured to a hard surface;
- 4.8** The collection box must not impede pedestrian access to a building door or vehicular access to a parking unit, an aisle or a loading area, a sidewalk or a bus stop;
- 4.9** Only texts related to the collection service may be affixed to the collection box;
- 4.10** The issuance of the certificate of occupancy with the addition of a complementary use "collection box", is conditional on the issuance of a permit;
- 4.11** Permission to install a collection box for complementary usage will expire in one or other of the following cases
- Collection box is relocated, is removed or is replaced by another format;
 - The certificate of occupancy with which the complementary use is linked has expired;
 - The installation of the collection box covered by an authorization is not completed within six months following the issuance of this authorization.
- 4.12** An occupancy certificate for the addition of a complementary use "collection box" must be requested by the operator of the institution holding the certificate of occupancy for which the complementary use will be attached or a person authorized in writing to this end;
- 4.13** The request mentioned in the preceding paragraph must be accompanied by:
- A scale plan of the site;
 - Photos of the premises where the collection box will be installed;
 - A certificate of location or a location plan showing the property lines, the main building and outbuildings as well as the parking area.
- 4.14** The operator of the establishment and the collection box holder are jointly responsible for the maintenance and cleanliness of the collection box and its surroundings. The land must be free of messy or harmful material;
- 4.15** No collection box may be placed in front of a building;
- 4.16** No box can be installed within 30 feet of a street intersection;

5.0 Section 5 : Containers

- 5.1** A container can be used and located on private property by a citizen or his contractor for the duration of construction, demolition or renovation and conditional to a permit having been issued in connection with this work;
- 5.2** It is forbidden to have more than one container on private land;
- 5.3** No container can be installed on public roads except for the implementation of municipal work;

6.0 Section 6 : Service lockers

- 6.1** Service lockers cannot be installed on municipal land or private land without a written agreement with the Town, such agreement cannot be unreasonably withheld;

6.2 The Town will agree to the installation of Service lockers subject to the following guidelines:

- a) The request must be accompanied by:
 - i- A scale plan of the site;
 - ii- Photos of the area where the Service lockers will be installed;
- b) Service lockers may be installed only on municipal park and municipal green space;
- c) No Service locker can be installed within 30 feet of a street intersection;
- d) No Service locker can be installed along a bus route;
- e) The Service lockers must not impede pedestrian access to a building door or vehicular access to a parking unit, an aisle or a loading area, a sidewalk or a bus stop;
- f) The operator of the Service lockers is responsible for the maintenance and cleanliness of the Service lockers and its surroundings. The land must be free of messy or harmful material, this means also that the area must be free of snow during winter and the cleaning of all graffiti on the said lockers.

6.3 Chapter 4 of this bylaw shall apply *mutatis mutandis* (when applicable) to service lockers;

7.0 **Sections 7: Costs and permit**

Collection box:	A permit is needed, no fee;
Container:	A permit is needed, no fee;
Service locker:	See section 6.1;

8.0 **Section 8: Penalties and fines**

8.1 The provisions of the By-Law on nuisance of the Town apply *mutatis mutandis* to this by-law;

8.2

- a) The Town may at any time request the removal of any bin, service locker, container or collection box that does not comply with this By-law;
- b) The request shall be made by notice to the operator or owner of the containers, service lockers, collection boxes or bins referred to in the previous paragraph;
- c) The Town may 48 hours after sending the notice mentioned in the previous paragraph, proceed with the removal of the subject property at the operator or owner's expense;
- d) In the case of a container, locker or collection boxes on the street, no notice is required and the Town may proceed with the removal without notice or delay; at the owner's expense;

9.0 Section 9: Final provisions

- 9.1** The invalidity or unenforceability of any provisions of this by-law shall not affect the validity or enforceability of any other provision of this by-law, which shall remain in full force and effect.
- 9.2** This By-law will come into force in accordance with the law.

Dr. William Steinberg, Mayor

M^e Pierre Tapp, Town Clerk