Agenda – Council – January 27, 2010

Report - Standing Policy Committee on Infrastructure Renewal and Public Works – January 12, 2010

Item No. 1 Amendment to Solid Waste By-law No. 1340/76 to allow for Automated Garbage Cart Service
eFile WT-1

STANDING COMMITTEE RECOMMENDATION:

On January 20, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submits the following to Council:

1. That the draft by-law, Attachment "A" to the report of the Winnipeg Public Service dated January 7, 2010, amending the Solid Waste By-law No. 1340/76, to allow for the addition of automated garbage cart collection service effective February 1, 2010, be enacted, with the following amendment, namely:

   A. Delete Section 14 (b)(ii) in its entirety:

      "(ii) by striking out "1.5 cubic metres" and substituting "0.50 cubic meters".

2. That the Proper Officers of the City of Winnipeg do all things necessary to implement the intent of the foregoing.

Report - Standing Policy Committee on Infrastructure Renewal and Public Works – January 12, 201

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 12, 2010, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service, as amended, namely:

- Delete Section 14 (b)(ii) in its entirety:

  "(ii) by striking out "1.5 cubic metres" and substituting "0.50 cubic meters",

and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

ISSUE: AMENDMENT TO SOLID WASTE BY-LAW 1340/76 TO ALLOW FOR AUTOMATED GARBAGE CART SERVICE

Critical Path: The Standing Policy Committee on Infrastructure Renewal and Public Works – EPC - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Drohomerski. Manager, Solid Waste Services	B. D. MacBride, P. Eng. Director, Water and Waste Department	M. Ruta	A. Robinson, A/CAO

RECOMMENDATIONS

1. That Council enact an amending By-law (draft By-law attached as Attachment "A") which amends the Solid Waste By-law 1340/76 to allow for the addition of automated garbage cart collection service effective February 1, 2010.

2. That the proper officers of the City of Winnipeg do all things necessary to implement the intent of the foregoing.

IMPLICATIONS OF THE RECOMMENDATIONS

Automated garbage collection using 240 litre carts will commence in the North West sector of Winnipeg on February 1, 2010.

The Solid Waste By-law currently contains provisions for manual style garbage collection as well as automated collection using AutoBins™. There is currently no provision set out for automated cart collection. The attached draft amending By-law will make changes to the By-law that are necessary to clarify the rules in manual collection areas, AutoBin™ areas and automated cart collection.

In order for the City to implement this change in service, it is necessary to amend the Solid Waste By-law. The draft By-law, attached as Attachment "A" to this Report, sets out the proposed amendments.

In addition, the amending By-law makes incidental changes to the Solid Waste By-law that will better reflect current practice. For example, the By-law will now require that hazardous waste be deposited at a hazardous waste disposal facility. The By-law will also specify what has been the rule for some time - that containers must not be placed for manual collection earlier than the

evening before collection day. And the By-law will make it an offence to deposit items in an AutoBin™ that have been prohibited by the designated employee.

Finally, the amending By-law rearranges some provisions and uses plain language to make the By-law easier to understand without changing the substance of the provisions.

HISTORY

The current Solid Waste By-law 1340/76 was approved by City Council in 1976. In addition to a significant amendment when AutoBins™ were introduced, several minor administrative adjustments have been enacted by Council since that time.

In October 2009, Council approved an automated cart based collection program for garbage collection for the North West section of the city. This collection method allows the amount of garbage that can be set out by residents to 240 litres of volume per collection day. This amount is equivalent to about three normal sized garbage cans.

FINANCIAL IMPACT

Financial Impact Statement **Date: December 18, 2009**

Project Name:

AMENDMENT TO SOLID WASTE BY-LAW 1340/76 TO ALLOW FOR AUTOMATED GARBAGE CART SERVICE

COMMENTS:
There is no Financial Impact

"Original signed by L. Szkwarek, C.G.A."
Lucy Szkwarek, C.G.A
Acting Manager of Finance & Administration

CONSULTATION

In preparing this Report there was consultation with:

Corporate Support Services – Legal Services Division

SUBMITTED BY

Water and Waste Department
Solid Waste Services Division
Prepared by: D. Drohomerski
Date: January 7, 2010
File No. 011-11-01-25-00

Attachment A

DRAFT

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to amend the Solid Waste By-law.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Solid Waste By-law amended

1 *The Solid Waste By-law No. 1340/76 is amended by this By-law.*

Definitions amended

2(1) *Section 2 is amended by:*

(a) repealing the following definitions:

"apartment block"
"Designated Officer";
"Special Wastes";
"Container for Back Lane Collection"; and
"Container for Curb Collection".

(b) adding the following definitions in alphabetical order:

"AUTOBIN™" means an automated container for back lane garbage collection which the Council of the City of Winnipeg has approved for placement in back lanes under section 8;

"automated garbage cart" means a wheeled container provided free of charge or purchased from the City in which garbage, rubbish and ashes are eligible for collection by the City in accordance with section 9;

"back lane" means a street that has been designed, constructed and intended to provide access to and service at the rear of places of residence or business;

"collection day" means a day in which solid waste is collected and disposed of by the City of Winnipeg as determined in accordance with subsection 3(2) and section 14 of this By-law;

"designated employee" means the Director of Water and Waste for the City of Winnipeg and any employee of the City of Winnipeg to whom he or she has delegated the authority to administer or enforce all or part of this By-law;

"Director" means the Director of Water and Waste for the City of Winnipeg or delegate;

"hazardous waste" means any waste that could present a hazard to collection or disposal personnel or others or the environment and includes

(a) hazardous waste as defined in *The Dangerous Goods Handling and Transportation Act*, C.C.S.M. c. D12;

(b) wastes that contain pathogens, or explosive, highly flammable, radioactive or toxic material;

(c) electronic equipment and components, including televisions, computers and computer screens, and stereos;

(d) other hazardous wastes designated by the Director;

"hazardous waste facility" means a hazardous waste disposal facility as defined in *The Dangerous Goods Handling and Transportation Act*, C.C.S.M. c. D12 or any other facility authorized by the Province of Manitoba to collect hazardous waste**;**

"multi-family residential building" means a building which is zoned for residential occupancy which contains 8 or more dwelling units or suites, including rooms or living quarters in a nursing home or personal care home but not including a hospital;

"small commercial establishment" means a commercial establishment that produces for collection less than 1.5 cubic metres (1500 litres) of garbage, rubbish and ashes on two of three consecutive weeks in which it is monitored by a designated employee;

2(2) "Designated officer" *is struck out wherever it appears in the By-law and* "designated employee" *is substituted.*

2(3) "Special Wastes" *is struck out wherever it appears in the By-law and* "hazardous waste" *is substituted.*

Section 3 amended

3 *Section 3 is repealed and the following is substituted:*

ADMINISTRATION

3(1) The Director of Water and Waste for the City of Winnipeg is responsible for administering and enforcing this By-law. The Director and any designated employee to whom the Director has delegated the authority to administer or enforce all or part of this By-law may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law and to provide services or do work in accordance with *The City of Winnipeg Charter* and, for these purposes, have the powers of a "designated employee" under *The City of Winnipeg Charter*.

3(2) Without restricting the general powers granted in subsection (1), the Director may establish cycles for collection of garbage, rubbish and ashes and may designate areas of the City to be automated solid waste collection areas and automated garbage cart areas.

3(3) Where the Director is authorized by this By-law to establish or designate something, the establishment or designation is not effective until it is posted on the City of Winnipeg website.

3(4) Where an appeal from an order or decision under this By-law is authorized by *The City of Winnipeg Charter*, the appeal may be made to the Standing Policy Committee on Public Works in accordance with *The City of Winnipeg Charter*.

Section 4 amended

4 *Section 4 is amended by adding* "after providing reasonable notice or obtaining a warrant in compliance with *The City of Winnipeg Charter*" *at the end of the section.*

Section 5 amended

5 *Section 5 is amended by*

(a) *striking out* "the owner or occupant" *and substituting* "the owner and occupant"*;*

(b) *striking out the second sentence in the section and substituting the following:* "Where the owner or occupant fails to comply with this section, a designated employee may issue a compliance order under section 184 of *The City of Winnipeg Charter* and, if the order is not complied with, bring the property into compliance at the expense of the owner or occupant."

Sections 6, 7, 8 and 9 replaced

6 *Sections 6, 7, 8 and 9 are repealed and the following is substituted:*

MANUAL COLLECTION AREAS

6(1) This section applies to properties in areas of the City to which section 7 (AUTOBIN™ Areas) and section 8 (Automated Garbage Cart Areas) do not apply.

6(2) Garbage, rubbish and ashes produced by occupants of residential premises and by small commercial establishments are eligible for collection by the City if:

(a) they are set out for collection in one of the following types of containers:

(i) a container made of galvanized metallic material or other approved rust-resistant material, water-tight, not larger than 760 millimetres in height and 510 millimetres in width, or a capacity not exceeding 77 litres, weighing not more than 11 kilograms and equipped with close-fitting cover and handles;

(ii) a plastic garbage bag acceptable to a designated employee that is no smaller than 77 litres and no larger than 100 litres in volume and capable of being kept tightly closed with suitable ties while containing garbage or rubbish;

(b) the combined weight of the container which is set out for collection and its contents does not exceed 34 kilograms;

(c) for premises that are served by an adjacent back lane, the container is placed prior to the time of collection in a location immediately adjacent to and easily accessible from the back lane;

(d) for premises that are not served by an adjacent back lane, the container is placed prior to the time of collection in a location immediately adjacent to and easily accessible from the roadway.

6(3) The occupants of residential premises and small commercial establishments must ensure that:

(a) the container that is placed for collection does not interfere with or inconvenience pedestrian or vehicular traffic;

(b) the container is not placed for collection prior to 6:00 p.m. on the day before collection day and is removed from this location by the end of the collection day to a place of storage in compliance with subsection (4).

6(4) The owner and occupant of residential premises and small commercial establishments are each responsible for ensuring that the container(s) referred to in clause (2)(a):

(a) are maintained in a condition fit for storing solid waste;

(b) are kept clean and free of odour;

(c) are stored upright in a way that prevents animals from accessing the contents;

(d) are not located near harborage for rodents or other pests;

(e) are not located or stored in way that poses a nuisance or is aesthetically offensive to the neighbourhood.

AUTOBIN™ AREAS

7(1) This section applies to areas of the City in which the Council of the City of Winnipeg has approved the placement of AUTOBINS™.

7(2) Where the City has placed AUTOBINS™ in a back lane, only garbage, rubbish and ashes that has been deposited in an AUTOBIN™ by occupants of residential premises adjoining the back lane or by small commercial establishments are eligible for collection by the City. The Director may establish lists of items that are permitted or not permitted to be placed in an AUTOBIN™.

7(3) Where a residential premise or small commercial establishment does not adjoin a back lane, garbage, rubbish and ashes are eligible for collection by the City only if:

(a) they are deposited in no more than two containers approved by designated employee that have been provided by or purchased from the City; and

(b) the container is placed prior to the time of collection in a location immediately adjacent to and easily accessible from the roadway.

7(4) The occupant of a residential premise or a small commercial establishment that does not adjoin a back lane must ensure that:

(a) any container that is placed for collection does not interfere with or inconvenience pedestrian or vehicular traffic;

(b) a container is not placed for collection prior to 6:00 p.m. on the day before collection day and is removed from this location by the end of the collection day to a place of storage in compliance with subsection (5).

7(5) The owner of a residential premise or a small commercial establishment that does not adjoin a back lane must ensure that all approved containers are

(a) removed from the street by the end of the collection day;

(b) maintained in a condition fit for storing solid waste;

(b) kept clean and free of odour;

(c) stored upright in a way that prevents animals from accessing the contents;

(d) not located near harborage for rodents or other pests;

(e) not located or stored in way that poses a nuisance or is aesthetically offensive to the neighbourhood.

7(6) A person must not:

(a) deposit solid waste originating from outside an area designated by the Director or automated solid waste collection into an AUTOBIN™;

(b) move an AUTOBIN™ from the site designated by a designated employee, without first obtaining his written permission;

(c) damage or deface an AUTOBIN™;

(d) deposit solid waste originating from commercial establishments premises into an AUTOBIN™;

(e) deposit items in an AUTOBIN™ that have been prohibited by the Director under subsection (2).

7(7) Garbage, rubbish and ashes produced by a house of worship or charitable institution are eligible for collection by the City if placed in a container provided by the City that is not more than 0.45 cubic metres (450 litres) in volume. However, garbage, rubbish and ashes produced by a house of worship or charitable institution that exceeds 0.45 cubic metres (450 litres) in volume must be placed in a container referred to in subsection 6(2) in order to be eligible for collection by the City.

AUTOMATED GARBAGE CARTS AREAS

8(1) This section applies to areas of the City where the Council of the City of Winnipeg has approved the use of automated garbage cart.

8(2) Garbage, rubbish and ashes produced by occupants of residential premises and small commercial establishments that are served by an adjacent back lane are eligible for collection by the City if:

(a) they are placed in an automated garbage cart provided by or purchased from the City; and

(b) unless otherwise authorized or directed by a designated employee, the automated garbage cart is placed prior to the time of collection in a location

(i) on the same side of the back lane as the telephone poles; and

(ii) immediately adjacent to and easily accessible from the back lane.

8(3) Garbage, rubbish and ashes produced by occupants of residential premises and small commercial establishments that are not served by an adjacent back lane are eligible for collection by the City if:

(a) they are placed in an automated garbage cart provided by or purchased from the City; and

(b) unless otherwise authorized or directed by a designated employee, the cart is placed prior to the time of collection in a location that is immediately adjacent to and easily accessible from the roadway.

8(4) The occupants of residential premises and small commercial establishments must ensure that:

(a) the container that is placed for collection does not interfere with or inconvenience pedestrian or vehicular traffic;

(b) the container is not placed for collection prior to 6:00 p.m. on the day before collection day and is removed from this location by the end of the collection day to a place of storage in compliance with subsection (5).

8(5) The owner and occupant of premises are each responsible for ensuring that the automated garbage cart:

(a) is removed from a location adjacent to the roadway or back lane by the end of the collection day;

(b) is maintained in a condition fit for storing solid waste;

(c) is kept clean and free of odour;

(d) is stored upright in a way that prevents animals from accessing the contents;

(e) is not located near harborage for rodents or other pests;

(f) is not located or stored in way that poses a nuisance or is aesthetically offensive to the neighbourhood.

8(6) Only Only automated garbage carts provided by or purchased from the City are eligible for collection by the City. The Director may determine the maximum number of automated garbage carts that are eligible for collection for per premise and no additional garbage, rubbish and ashes are eligible for collection by the City.

BULKY WASTES

9(1) Bulky wastes produced by occupants of residential premises and multi-family residential buildings are eligible for collection by the City if

(a) the person producing the bulky wastes requests the removal from a designated employee;

(b) undertakes to pay the fee for the removal set out in Schedule A; and

(c) places the bulky waste on collection day on the residential premises adjacent to the back lane or, where the premises are not served by an adjacent back lane, the street.

9(2) Bulky wastes that are not eligible for collection by the City must be collected and disposed of at the expense of the person producing the bulky wastes.

9(3) A designated employee may determine appropriate times for collection of bulky wastes that are eligible for collection by the City.

9(4) The fee set out in Schedule "A" for the removal of bulky waste is payable by the person who requested the removal unless the request is cancelled 24 hours or more prior to the removal.

9(5) No person may place for collection an appliance or other container that has a door that cannot be opened from inside the container unless the door is removed.

Section 12 replaced

7 *Section 12 is repealed and the following is substituted:*

HAZARDOUS WASTES

12. Hazardous waste is not eligible for collection by the City. The producer of hazardous waste must ensure that it is taken to a hazardous waste disposal facility for disposal.

Section 14 amended

8 *Section 14 is amended*

(a) in clause 14(b) by striking out "churches" *and substituting* "houses of worship"*;*

(b) in clause 14(c)(ii)

(i) by striking out "Subject to section 24, where" *and substituting* "Where"*; and*

(ii) by striking out "1.5 cubic metres" *and substituting* "0.50 cubic meters"*;*

(c) by repealing subsections(d) and (e).

Sections repealed
9(1) *Section 15 is repealed.*

9(2) *Section 21 is repealed and the following is substituted:*

SCHEDULE A

21. Schedule A, which is attached hereto, forms part of this By-law and the fees set out in it are imposed by this By-law.

9(3) *Section 24 is repealed.*

Coming into force
10 *This By-law comes into force on February 1, 2010.*

DONE AND PASSED, this day of , 2010.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Water and Waste

Approved as to form:

_____
For Acting City Solicitor/Manager of
Legal Services