Agenda - Council – July 18, 2012

Report - Standing Policy Committee on Infrastructure Renewal and Public Works – July 3, 2012

Item No. 13 Enactment of Revised Solid Waste By-law to replace Solid Waste By-law No. 1340/76

STANDING COMMITTEE RECOMMENDATION:

On July 11, 2012, 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 a revised Solid Waste By-law, be enacted, to amend the Neighbourhood Liveability By-law No. 1/2008 and Streets By-law No. 1481/77 (Attachment "A") to:

   A. replace Solid Waste By-law No. 1340/76

   B. delegate to the Director broad authority to create service standards for solid waste services

   C. impose minimum fines of $300 plus court costs ($150 plus court costs for early payment) for violations of the Solid Waste By-law and Sections 53, 55 and 56 of the Neighbourhood Liveability By-law No. 1/2008; amounts double for corporations

   D. establish who fees apply to

   E. establish a permit for the installation of solid waste containers on a street, and

   F. come into force on August 1, 2012.

2. That the list of Solid Waste Fees and Charges (Attachment B), effective August 1, 2012, be adopted.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing.

Report - Standing Policy Committee on Infrastructure Renewal and Public Works – July 3, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 11, 2012, 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 July 3, 2012, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

Barry MacBride, BDM Projects Ltd. along with Eric Johnson and Jeff Johnson of Johnson Waste Management, submitted documentation and was heard with respect to the Enactment of the Revised Solid Waste By-law.

ADMINISTRATIVE REPORT

Title: **ENACTMENT OF REVISED SOLID WASTE BY-LAW TO REPLACE SOLID WASTE BY-LAW NO. 1340/76**

Critical Path: **Standing Policy Committee on Infrastructure Renewal and Public Works – Executive Policy Committee – Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Drohomerski, C.E.T. Manager, Solid Waste Services Division	D. P. Sacher, P. Eng. Director, Water and Waste Department	M Ruta	D. Joshi, COO

RECOMMENDATIONS

1. That Council approve and enact a revised Solid Waste By-law, and amend the *Neighbourhood Liveability By-law No. 1/2008* and *Streets By-Law No. 1481/77* (Attachment "A") to:

    - replace Solid Waste By-law No.1340/76,
    - delegate to the Director broad authority to create service standards for solid waste services,
    - impose minimum fines of $300 plus court costs ($150 plus court costs for early payment) for violations of the Solid Waste By-law and Sections 53, 55 and 56 of the *Neighbourhood Liveability By-law No. 1/2008*; amounts double for corporations,
    - establish who fees apply to
    - establish a permit for the installation of solid waste containers on a street, and
    - come into force on August 1, 2012.

2. That Council adopt the list of Solid Waste Fees and Charges in Attachment "B", effective August 1, 2012.

3. That the proper officers of the City be authorized to do all things necessary to implement the foregoing.

REASON FOR THE REPORT

Recommendation 26 of the Garbage and Recycling Master Plan Report, adopted by Council on October 19, 2011, states:

> That the *Solid Waste By-law No. 1340/76* be updated with recommendations from the master plan and be approved by City Council no later than September 2012.

The existing *Solid Waste By-law No. 1340/76* required updating in order to permit the services adopted in the Garbage and Recycling Master Plan. Garbage and recycling changes commence August 1, 2012, requiring the revised by-law to take effect on that day.

The changes to the *Solid Waste By-law No. 1340/76* identified the need for amendments to the *Neighbourhood Liveability By-law No. 1/2008* and *Streets By-Law No. 1481/77*.

IMPLICATIONS OF THE RECOMMENDATIONS

The current Solid Waste By-law, adopted in 1976, required a revision to reflect the significant changes resulting from implementing the Garbage and Recycling Master Plan,

The revised by-law will:

1. Separate the regulatory nature of the by-law from operations,
2. Align with current and future programs and the Garbage and Recycling Master Plan,
3. Not contain fees, and instead the fees will be approved by Council resolution,
4. Establish who fees apply to
5. Make enforcement easier by:
    a. making owners of vehicles responsible for any offences committed by the vehicle, and
    b. imposing a minimum fine of $300 plus court costs ($150 plus court costs for early payment) in addition to cleanup costs for any violation of the by-law,
6. Prohibit blocking a collection vehicle with a parked vehicle or other object, and
7. Establish a permit process for solid waste containers on a street.

As part of the review for the revised Solid Waste By-law, by-laws from various Canadian jurisdictions were examined, including Calgary, Edmonton, Vancouver, Brandon, Hamilton, Toronto and Halifax.

Impacts of the Revised By-law on Residents

- Residents will now receive the new, improved services adopted in the Garbage and Recycling Master Plan.
- 'Rules' for the new services will be provided in a consistent and easier to understand format through service standards.
- The user fee of $4.17 per single-family dwelling unit per month, adopted by Council on October 19, 2011, is reflected as a charge of $0.14 per dwelling unit per day for residential premises with 1-7 dwelling units.
- Property managers and developers will be provided with clearer standards for solid waste enclosures and service delivery through service standards.
- Responsibilities of property owners for the care of the carts have been clarified.
- The City will be able to respond more effectively to residents' reports of illegal dumping if licence plate numbers are provided.
- Individuals may be denied service if they are in violation of the by-law. For example:
    - individuals that scavenge material from a disposal site may be banned from entering the disposal site in the future;

    - residents who do not pay the garbage and recycling charges may have their collection services discontinued after appropriate procedures are followed, similar to other utilities;
- A simplified fine structure with an early-payment option will aide in enforcement, however, by-law enforcement will focus on communication and education first.
- An appeal fee now applies. It is refundable if the appeal is successful.

1 Separates Regulatory Nature of the By-law from Operations

The revised by-law focuses on its regulatory role. Rules for solid waste operations will be delegated to the Director. This follows a general trend in Winnipeg and in other cities towards greater flexibility by delegating administrative and operational matters to the Public Service rather than specifying details in the by-law.

This allows the by-law to focus on the 'core' by-law functions of obligations and enforcement. For example, the by-law is concerned that a resident follows the rules for placing their cart out for collection properly, not the specifics of those rules.

The Director will be responsible for creating service standards for the different solid waste programs. The standards will be more flexible in responding to technological and program changes in the solid waste industries.

1.1 Service Standards

The standards will address program eligibility, accepted materials, services offered, design of waste enclosures, rules for collection, storage and care of carts, and billing policies and procedures.

Service standards for programs and services offered by the City of Winnipeg will encompass:

- residential premise (single-family) collection,
- multi-family residential premise collection,
- non-residential collection,
- use of disposal sites (e.g., depots, landfill), and
- new programs as they are developed.

2 Alignment with Current/Future Programs and the Garbage and Recycling Master Plan

The by-law has been written to focus on enabling rather than prescriptive language. The Garbage and Recycling Master Plan adopted by Council in October 2011, includes a 20-year timeline with recommendations for future programs. The flexibility of the by-law will allow for future changes related to programs offered to, but not limited to, multi-family dwellings, institutional, commercial and industrial, and construction and demolition.

2.1 Definitions

Solid waste will be defined, generally, as all discarded or unwanted solid items. Within the definition of solid waste are different categories of waste which include:

- garbage,
- compostable waste,
- recyclable waste,
- special waste,
- bulky waste, and

- non-collectible waste.

Material accepted under these categories will be delegated to the Director so they can be specific to the programs offered by the City. This allows the definitions to be more adaptable as more diversion programs are offered in the future.

2.2 Cart Ownership

Responsibilities of property owners for the care of the carts have been clarified in the revised by-law. The by-law will require that carts be replaced if destroyed or lost, and that owners make carts available to occupants. Replacement carts will be provided at cost to residents per the Garbage and Recycling Master Plan report adopted by Council October 2011.

3 Remove Fees from the By-law

Solid waste fees will now be contained in the Fees and Charges Manual consistent with many other City by-laws.

4 Establish who fees apply to

The user fee charge of $0.14 per dwelling unit per day will apply to residential premises with 1-7 units, including mobile homes and rooming houses.

5 Make Enforcement Easier

5.1 Vehicle Owners

Registered owners of vehicles will now be responsible for activities committed by the person(s) operating that vehicle. Previously, only the driver of the vehicle would be prosecuted if they were caught violating the Solid Waste By-law. This requires an amendment to the *Neighbourhood Liveability By-law No. 1/2008* and will greatly support enforcement.

5.2 Minimum Fine

A minimum fine of $300 plus court costs for contravening the Solid Waste By-law will help simplify the enforcement process. An early payment option of $150 plus court costs will be an option if the fine is paid within 15 days. For corporations, the minimum fine and early payment option will double. This is consistent with other City by-laws, including *Streets By-Law No. 1481/77* and *The Fire Prevention By-law No. 150/2004.* A monetary penalty will also be assessed to recover the cost of any cleanup associated with the By-law infraction.

6 Prohibit the Blocking of Collection Vehicles

Blocking the passage of a collection vehicle in a street or back lane with an object or another vehicle will be prohibited.

7 Establish a Permit Process for Solid Waste Bins on a Street or Boulevard

Some properties in Winnipeg, especially in older neighbourhoods, cannot accommodate a solid waste container on their property. An amendment to the *Streets By-law No. 1481/77* will establish a specific permit for the placement of these containers onto a street or boulevard. This permit would only apply to existing buildings and be exempt from the *Encroachment By-Law No.692/74.*

HISTORY

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

In October 2011, Council adopted the Garbage and Recycling Master Plan, which approved major changes to the collection, processing and disposal of solid waste in Winnipeg. The recommendations in this plan are designed to increase the diversion rate to 35% by 2016 and greater than 50% by 2020 and thereafter.

The Garbage and Recycling Master Plan used an extensive public consultation process that more than 2,500 people participated in. The process identified the need for stronger by-law enforcement.

The *Neighbourhood Liveability By-law No. 1/2008*, was adopted by City Council in 2008. It brings broad aspects of city life together, incorporating them into a single by-law. It includes sections on Littering and Garbage, and Open Air Burning which complement the *Solid Waste By-law*. The *Neighbourhood Liveability By-law* is administered by the Community Services Department.

The *Streets By-law No. 1481/77* administers the safe operation of City streets, including prohibitions, licences and permits. Section 4.01.05 requires that a permit is issued for street furniture not installed by or on behalf of the City, including garbage and recycling bins. These subsections were last amended in 2010.

FINANCIAL IMPACT

Financial Impact Statement **Date:** 31-May-12

Project Name:

ENACTMENT OF REVISED SOLID WASTE BY-LAW TO REPLACE SOLID WASTE BY-LAW NO. 1340/76

COMMENTS:

There is no financial impact associated with the recommendations of the report.

"Original signed by M. L. Geer, C. A."

Moira L. Geer, C. A.

Manager of Finance & Administration

CONSULTATION

In preparing this report there was consultation with:

Legal Services
Assessment and Taxation
Community Services – Community By-Law Services
Planning, Property and Development – Planning and Land Use Division
Planning, Property and Development – Permits and Zoning
Winnipeg Fire Paramedic Service - Fire Prevention Branch
Public Works – Engineering
Public Works – Streets Maintenance Division
Public Works – Traffic
Public Works – Underground Structures

Province of Manitoba – Residential Tenancies Branch

SUBMITTED BY

Water and Waste Department
Division
Prepared by: J. Lee, Technical Assistant and H. Dick, Solicitor, Legal Services
Date: June 20, 2012
File No.: 011-11-01-07-01

c: H. Dick, Solicitor, Legal Services

Appendices


Appendix A - Solid Waste bylaw


Appendix B - Solid Waste Charges and F