



Hamilton

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO: Mayor and Members General Issues Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: June 20, 2012	
SUBJECT/REPORT NO: Illegal Dumping, Litter and Escaped Waste (PED11127(c)) (City Wide)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Shawn De Jager (905) 546-2424 Ext. 4721
SIGNATURE:	

RECOMMENDATION

- (a) That the Yard Maintenance By-law No.10-118 be amended to require property owners and occupants to keep boulevards abutting their properties free and clear of waste;
- (b) That the draft by-law to amend Yard Maintenance By-law No. 10-118, attached as Appendix "A" to Report PED11127(c), prepared in a form satisfactory to the City Solicitor, be enacted.

EXECUTIVE SUMMARY

On April 18, 2012 the General Issues Committee dealt with Report PED11127(b) and directed staff to prepare comprehensive improvements for consideration to the Solid Waste Management By-law (09-067), the Streets By-law (86-077), the Parks By-law (01-219), and the Yard Maintenance By-law (10-118) to address illegal dumping.

This Report responds to that direction by recommending an amendment to the Yard Maintenance By-law to require property owners and occupants to keep boulevards abutting their properties free and clear of waste. The Yard Maintenance By-law, once

the recommended amendment is made, will comprehensively address illegal dumping on both private and public property.

Alternatives for Consideration – Page 3

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial/Staffing/Legal: N/A

HISTORICAL BACKGROUND (Chronology of events)

On April 18, 2012 the General Issues Committee dealt with Report PED11127(b) which recommended that staff “*prepare comprehensive amendments*” to several existing by-laws “*By updating and/or replacing the relevant sections in order to provide more effective enforcement, to ensure consistency in language and to identify specific roles for property owners and/or tenants on boulevards abutting residential properties;*” for consideration.

The approved recommendation also included “*increasing the penalties for illegal dumping to \$500.00*” and submitting the application for such fines to the Ministry of the Attorney General for approval by the Regional Senior Justice.

POLICY IMPLICATIONS

N/A

RELEVANT CONSULTATION

Legal Services

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Since the April 18, 2012 Planning Committee date, staff have been consulting with Legal Services and discussing the “*comprehensive amendments*” to the various by-laws impacting illegal dumping. Although the Solid Waste Management By-law (09-067) and the Streets By-law (86-077) also contain provisions prohibiting dumping including language concerning the responsibilities of the adjacent landowner, there continues to be situations of abusive dumping within the boulevard. These abuses are most often associated with rental properties where a tenant moves out of a rental unit and the property owner removes all the items left by the tenant and deposits them at the curb.

Although these by-laws could be updated and enhanced, it is staff's recommendation that the most practical way to provide effective enforcement, while ensuring consistency in language, is to amend only the Yard Maintenance By-law 10-118 and to use this by-law primarily for illegal dumping enforcement by Municipal Law Enforcement (MLE) staff.

This recommended amendment includes adding a definition of "boulevard" to the by-law and a new offence which requires property owners and occupants to keep boulevards abutting their properties free and clear of waste. This will allow MLE staff to enforce illegal dumping where the abutting property owner or occupant are purposefully dumping their waste within the boulevard and is not intended to penalize property owners or occupants of abutting properties who are being victimized by illegal dumping by others. MLE staff will create an internal standardized Policy and Procedure outlining clearly how and when this new offence will be enforced under the Yard Maintenance By-law 10-118.

The Illegal Dumping Enforcement Pilot, which will enforce the existing provisions of the Yard Maintenance By-law prohibiting dumping on private and public property, will commence enforcing this new offence once set fine approval is received from the Regional Senior Justice.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

The Solid Waste Management By-law (09-067), the Streets By-law (86-077) and the Parks By-law (01-219) also contain provisions prohibiting dumping which could be updated and enhanced. However, the Yard Maintenance By-law, with the recommended amendment, will comprehensively address illegal dumping on private and public property. Accordingly, the other by-laws need not be amended at this time. The provisions prohibiting dumping in the Solid Waste Management By-law, the Streets By-law and the Parks By-law can be dealt with when reviews of these by-laws are conducted by the lead Department, Public Works.

Should it be determined under this pilot project that the issues surrounding illegal dumping, effective enforcement and consistency of language are still of concern, staff will report back on:

- working with Public Works staff on updating the provisions of the Solid Waste Management By-law (09-067), the Streets By-law (86-077), the Parks By-law (01-219) as noted above; and/or,
- consolidating illegal dumping enforcement into one new by-law for all illegal dumping in the City of Hamilton.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability,
3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development,
6. Environmental Stewardship, 7. Healthy Community

- **Healthy Community** – an efficient and effective By-law Enforcement Program is critical to the health, safety and well being of the Community.

APPENDICES / SCHEDULES

Appendix “A” to Report PED11127(c) – Amending By-law No.10-118

SDJ/dt

Authority: Item , Committee
Report (Staff report number)
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend By-law No. 10-118, a By-law to Regulate Exterior Property
Maintenance**

WHEREAS Council enacted a by-law to regulate exterior property maintenance being City of Hamilton By-law No. 10-118;

AND WHEREAS Council wishes to amend City of Hamilton By-law No. 10-118 to require property owners and occupants to keep boulevards abutting their properties free and clear of waste;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 10-118 is amended by adding the following new definition, in alphabetical order, to subsection 2(1):

 "boulevard" means that portion of the road allowance which is not used as travelled roadway or shoulder;
2. By-law No. 10-118 is amended by adding the following new subsection 4(1.1) after subsection 4(1):

 4(1.1) Every owner or occupant of property shall keep the boulevard adjacent to their property free and clear of all waste.
3. This By-law comes into force on the day it is passed.

PASSED this day of , 20 .

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R. Bratina Mayor	R. Caterini City Clerk