



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Environmental Services Division

and

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

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	April 30, 2018
SUBJECT/REPORT NO:	Staffing Changes to Address Solid Waste Management By-law Enforcement and Illegal Dumping (PW18033/PED18092) (City Wide)
WARD(S) AFFECTED:	City Wide
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SUBMITTED BY: SIGNATURE:	Craig Murdoch, B. Sc., Director, Environmental Services Public Works Department Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department

RECOMMENDATION

That three full-time equivalent (FTE) Municipal Law Enforcement Officer positions at the cost of \$305,780 be transferred from the Municipal Law Enforcement Section, Licensing and By-Law Services Division, Planning and Economic Development Department to the Waste Collection Section, Environmental Services Division, Public Works Department to provide enhanced enforcement of the Solid Waste Management By-law 09-067 and address illegal dumping activities on public property.

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EXECUTIVE SUMMARY

There are several initiatives including public education, clean-up activities, and proactive By-law enforcement that support the City's waste management programs and help keep the City's communities clean. The staffing requirements for these initiatives are currently provided by both the Environmental Services Division and Municipal Law Enforcement (MLE) Section. Waste Management staff in the Environmental Services Division is involved with providing public education on the City's waste programs, operating collection services for clean-up activities, as well as being the first point of contact for issues related to contravention of the City's Solid Waste Management By-law 09-067. The MLE Section is involved with By-law enforcement to deal with first offenders and serious offenders who do not comply with the City's waste management program requirements on a voluntary basis, as well as overseeing the City's illegal dumping monitoring program in parks, and on private and public property.

As part of finding operational efficiencies, staff is proposing an organizational change which will help to provide timely response to deal with the Solid Waste Management By-law 09-067 infractions and address illegal dumping on public property including parks, trails, public alleyways, and along road allowances. This proposed organizational change includes the transfer of three full-time equivalent (FTE) positions and the associated staffing costs of approximately \$305,780 from the MLE Section to the Waste Collection Section. The staffing change provides opportunities to improve the City's waste diversion programs which contribute to the City's goal of managing waste safely and responsibly. It is anticipated that this change will significantly reduce the amount of time required to respond to Waste Management By-law enforcement issues and will support the City's "clean and green" objectives.

The MLE Section will continue to be responsible for providing response to illegal dumping on private property, which typically relates to infractions under the City's By-laws for property and yard maintenance.

Alternatives for Consideration – See Page 8

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The recommendations included in this report will be accomplished within the existing budget. Since 2015, the Waste Collections Section has provided approximately \$305,780 from Dept. Id. 512510 to the MLE Section through a cost allocation to fund By-law enforcement services for the City's waste management programs and to support the illegal dumping enforcement program on public property. As part of the recommendations in this report, these funds will remain in the Waste Collections Section's operating budget

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to fund the staffing requirements for the enforcement of the Solid Waste Management By-law 09-067 and illegal dumping program on public property.

Staffing: The staffing implications include the transfer of three full-time equivalent (FTE) positions from the MLE Section to the Waste Collection Section. The staff transfer will take place in the second half of 2018 pending Council's approval of the recommendations in this report.

Legal: The recommendations outlined in this report do not have legal implications.

HISTORICAL BACKGROUND

By-law Staffing

As part of the development of the City's solid waste management programs, Waste Management staff has worked closely with the Municipal Law Enforcement staff to refine the enforcement strategy for the City's waste programs. Over time, incremental changes were made to staffing support for the City's Solid Waste Management By-law. In 2005, waste program education was completed with two Waste Management Customer Service Coordinators with the assistance of the equivalent of 0.5 FTE from the MLE Section for escalated enforcement. As part of the 2010 budget process, Council approved the increase of 0.5 FTE for the MLE Section for enhanced enforcement of the Solid Waste Management By-law 09-067 as outlined in Report PW07151(b). Since 2010, funding of approximately \$65,780 for the equivalent of one FTE has been provided to the MLE Section through cost allocation from the Waste Collection Section's annual operating budget Dept. Id. 512510. The City's Waste Management Customer Service Coordinators continue to assist with public education and addressing waste-related concerns from the public.

In 2008, the City adopted a Comprehensive By-law Enforcement Strategy which includes a team-based approach for By-law enforcement and enforcement priorities. By-law enforcement is provided through four enforcement teams including Environmental, Property Standards and Zoning, Licensing and Permits and a Special Enforcement team. Historically, the Environmental MLE team has been involved with enforcement of the Solid Waste Management By-law 09-067 and for coordinating the illegal dumping enforcement program. In April 2017, Licensing and By-law Services Division introduced changes which allowed all By-laws enforced by the Environmental, Property Standards and Zoning, and Special Enforcement teams to be combined into one MLE By-law Officer job classification so that MLE By-law Officers can respond to enforcement requirements for any City By-law. The MLE Section currently has three MLE By-law Officers dedicated to waste management By-law concerns and illegal dumping complaints throughout the entire City; however, when public safety priorities arise such as heat related concerns, snow and ice on sidewalks, Albion Falls safety

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concerns, along with lower staffing levels, these officers may be pulled away to assist with these urgent issues.

Illegal Dumping, Litter and Escaped Waste

At the Public Works Committee meeting held on April 20, 2017, Committee members posed questions concerning current activities to deal with illegal dumping and littering in the City. This report includes a summary of the City's current actions to address this issue. Council members, staff, and citizens have expressed interest in reducing the amount of illegal dumping, litter and escaped waste within the community. Through Report PW11052/PED11127 (date June 20, 2011), Council directed staff to undertake investigations and to provide actions towards educational efforts, By-law improvements, and enforcement strategies to deal with this issue. Since that time, the City has used several tactics to tackle illegal dumping, litter and escaped waste. One of these tactics includes initiating a pilot in 2012 to enforce illegal dumping activities as approved through Report PED11127(b) (date April 18, 2012), which was later adopted as a permanent program through Report PED11127(g) (date December 2, 2015). This permanent program included the approval of three FTE positions and the estimated annual program cost of \$240,000 funded from the Waste Collection Section's operating budget and Parking and By-law Services.

Additional information on the actions to address illegal dumping, litter and escaped waste is included in the 'Analysis and Rationale' section of this report.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Proactive enforcement of the City's Solid Waste Management By-law 09-067 supports the City's Solid Waste Management Master Plan's (SWMMP) recommendations, including:

- Guiding Principle - The City of Hamilton must lead and encourage the changes necessary to adopt the principle of Waste Reduction.
- For the implementation of SWMMP Recommendations 1 to 7, consideration will be given to the potential impacts on illegal dumping.

RELEVANT CONSULTATION

The information presented in this report has been undertaken in consultation with the following groups:

- Waste Collection Section and Municipal Law Enforcement Section staff agree that the proposed changes identified in the report can be accommodated within the existing complement and existing operating budgets. As part of the next

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steps, staff from both Sections will work together to ensure there is a smooth transition of responsibilities and resources.

- Legal Services Division staff indicated that the proposed staffing changes will not impact the provisions with the City's Solid Waste Management By-law 09-067.
- The Parks & Cemeteries Section within the Environmental Services Division is supportive of the proposed changes in order to provide timely response to illegal dumping activities in the City's parks.
- Information on this report was shared with the Waste Management Advisory Committee on March 28, 2018 and the recommendations received their support.

There is an overall consensus that the proposed changes will have positive benefits to promote waste diversion and to maintain cleanliness in the City's communities.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Overview

Hamilton along with many other municipalities have the goal of providing efficient and cost-effective waste management services for their residents, while maintaining a clean community. In many cases, municipalities use a blend of program communications, public education, and waste By-law enforcement as tools to encourage proper participation in their waste management programs and to reduce cases of illegal dumping. While promotion and education can be effective at encouraging proper participation, some residents may be reluctant or not interested in complying with municipal waste management programs.

If public education is found not to work, municipalities may use enforcement of their waste management by-law to encourage compliance with their waste management programs and to prevent illegal dumping.

Illegal Dumping

Most communities, including the City of Hamilton, face the challenge of 'waste in the wrong place' which includes intentional depositing of waste materials in incorrect or inappropriate areas. Council, staff, and citizens have indicated that illegal dumping causes negative impacts in the community. Based on the City's waste management public survey completed in November 2016, approximately 70% of respondents reported there is a concern with illegal dumping with people leaving garbage in the wrong places. In the survey, the main reasons cited for illegal dumping include disrespectful behaviour (53%), and not wanting to pay fees (38%). Historically, illegally dumped material includes construction and demolition debris, commercial waste, bulk waste such as furniture, and other garbage.

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The City has used several methods to address and mitigate illegal dumping in the community, including:

- Revisions to the City's waste collection programs as part of a new waste collection system that began in 2013 including weekly collection of all waste streams, and supplying trash tags for household garbage;
- Amendments to the Solid Waste Management By-law 09-067 to reflect changes in the City's waste collection system starting in 2013;
- Amendments to the Yard Maintenance By-law 10-118 requiring property owners and occupants to keep boulevards abutting their properties free and clear of waste;
- Preparing an annual Clean City Strategy report for "clean and green" activities including neighbourhood clean-ups;
- Continued support for citizen engagement litter remediation programs including "Team up to Clean-Up", Adopt-a-Park, Beautiful Alleys program, and Neighbourhood Clean Team activities;
- Launching a proactive enforcement pilot in 2012 to monitor illegal dumping activities which was later adopted as a permanent program through Report PED11127(g) in December 2015.

In general, there have been constructive outcomes resulting from the above noted initiatives. For example, the number of bulk waste bookings has increased steadily since 2013, and charges have been laid from illegal dumping activities as part of the enforcement pilot.

Proposed Changes for By-law Responsibilities

The MLE Section is currently responsible for the enforcement of the City's Solid Waste Management By-Law 09-067 for escalated cases and oversight of the City's illegal dumping enforcement program. The proposed staffing and resource change involves the Waste Collection Section being responsible for Waste Management By-law enforcement and for handling the illegal dumping program on public property including parks, trails, public alleyways, and road allowances. The MLE Section will continue to provide enforcement of illegal dumping on private property.

At present, the City uses a four-step enforcement process for waste collection program related infractions. This four-step process applies to a property with the same repeated offence, as follows:

- First Offence (Step 1) – Waste Management staff will label the material identifying the contravention of the Solid Waste Management By-law 09-067 to inform the

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property owner/occupant of the correct procedure(s). The addresses of these properties are recorded in a City software system to monitor the occurrence.

- Second Offence (Step 2) – Waste Management staff will complete the actions noted in Step 1, i.e. label the waste, and Waste Management staff will send a written notice to the property owner/occupant to provide further information on the corrective procedure(s). The addresses of these properties are recorded in the City’s software system to monitor the occurrence.
- Third Offence (Step 3) – Waste Management staff will complete the actions noted in Step 1, i.e. label the waste, and Waste Management Customer Service staff will either contact the property owner/occupant directly or complete a site visit to provide information on the City’s waste management program requirements. The addresses of these properties are recorded in the City’s software system to monitor the occurrence.
- Fourth Offence (Step 4) – Repeated offences will be assigned to a MLE Officer for investigation. The addresses of these properties are recorded in the City’s software system to monitor the occurrence. The MLE Officer will visit the property owner/occupant and may issue a “Notice to Comply” advising of the infraction. Failure to comply may result in the issuance of a Provincial Offences Notice and/or Fees for Inspection.

The proposed staffing change allows Waste Management staff to be responsible for all steps in the enforcement process which helps to provide continuity and streamlines the process with handling Waste Management By-law infractions. Waste Management staff anticipates that the response time to deal with Solid Waste Management By-law concerns will be significantly reduced through administrative efficiencies. Additional benefits of the proposed change include the following:

- Timely collection of illegally dumped material will improve the cleanliness on City property and in neighbourhoods and reduce complaints; and
- Waste Management By-law Officers can focus on educating property owners to encourage participation in the City’s waste diversion programs which can assist the City to increase its waste diversion rate and potentially increase revenues associated with the City’s recycling program. This will be particularly helpful for property owners of multi-residential buildings which have unacceptably high levels of contamination in their recycling carts or green carts, or have previously refused to participate in the City’s waste diversion programs.

The Waste Collections Section plans to convert the three FTE MLE By-law Officer positions into Waste Management By-law Officer positions which would be focused on handling Solid Waste Management By-law concerns and providing response to illegal

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dumping on public property such as in City parks and along City roadways. The MLE Section will continue to be responsible for providing response to illegal dumping on private property, which typically relates to infractions under the City's By-laws for property and yard maintenance.

Municipal Scan on By-law Staffing Practices

Staff undertook a scan of other municipalities to review their practices for solid waste by-law enforcement. Several municipalities and regional governments have dedicated staff for waste by-law enforcement as part of their Waste Management Division complement, rather than through Municipal Law Enforcement operations. Municipalities using this by-law enforcement model include the City of Guelph, City of Ottawa, Region of Peel, Niagara Region, and Durham Region. Based on information shared from other municipalities, integrating solid waste by-law enforcement with waste management operations is an effective method to support compliance with the municipality's waste program requirements in a timely manner.

ALTERNATIVES FOR CONSIDERATION

As an alternative to the recommendations in this report, the existing MLE By-law Officers could remain in the MLE Section and the Waste Collection Section could increase its complement to create one or more Waste Management By-law Officer positions. This option is possible; however, it is not preferred as it may require the creation of new FTE positions which could lead to increased staffing costs.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Not Applicable