



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division
and
PUBLIC WORKS DEPARTMENT
Environmental Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	September 17, 2018
SUBJECT/REPORT NO:	Mandatory Waste Receptacles at Drive-Through Food Premises (PED18171/PW18067) (City Wide) (Outstanding Business List)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Luis Ferreira (905) 546-2424 Ext. 3087 Raffaella Morello (905) 546-2424 Ext. 3926
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department Craig Murdoch Director, Environmental Services Division Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That Schedule 21 of the Business Licensing By-law 07-170 relating to Food Premises be amended to require the installation and maintenance of waste and recycling receptacles at drive-through food premises as described in Report PED18171/PW18067;
- (b) That subject to approval of Recommendation (a) of Report PED18171/PW18067, the appropriate By-law be enacted by Council, with content acceptable to the General Manager of the Planning and Economic Development Department and in a form satisfactory to the City Solicitor;
- (c) That the item respecting Mandatory Drive-Thru Garbage Containers be identified as complete and removed from the Public Works Committee Outstanding Business List.

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EXECUTIVE SUMMARY

Concerns were raised regarding the increased amount of litter in neighbourhoods where food premises with drive-throughs exist. Observations were made that many of these drive-through food premises do not have waste receptacles located at the exterior of the premises to allow their customers to deposit waste while using the drive-through. This matter was brought to Council's attention in order to improve neighbourhood cleanliness in and around these locations.

Staff reviewed various City By-laws including the Waste Management By-law 09-067, Property Standards By-law 10-221 and the Licensing By-law 07-170 and identified several regulations which require premises to be maintained free and clear of waste, however no existing by-law provision requires drive-throughs to provide exterior waste receptacles for customers. Amendments to Schedule 21 of the Licensing By-law 07-170, relating to Food Premises, would achieve the desired legislative requirement to satisfy Council direction.

The proposed changes to the Licensing By-law would include the addition of a definition of "Drive-Through Facility" in section 1 of Schedule 21, the addition of the words "exterior waste and recycling receptacles" for inclusion on the premises plan required under section 3, and a new requirement for Food Premises with a Drive-Through Facility to install and maintain waste and recycling receptacles located so as to be accessible to customers remaining in their vehicles. Upon approval, an amending by-law in a form satisfactory to the City Solicitor will be enacted and incorporated in the corresponding by-law.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial / Staffing: N/A

Legal: Pursuant to section 10(2) of the *Municipal Act, 2001* (the "Act") the City has the legal authority to pass by-laws respecting business licensing and pursuant to section 151(1)(c) of the Act the City may impose conditions as a requirement of obtaining, continuing to hold or renewing a business licence.

HISTORICAL BACKGROUND

At its meeting of February 14, 2018, Council approved Item 9.1 of the Public Works Committee Report 18-002 directing staff to study the feasibility of enacting a by-law obligating all drive-through restaurants to have the proper number of waste disposal

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containers available to drive-through customers and report back to the appropriate Standing Committee.

On April 9, 2018, staff from the Environmental Services Division and Licensing and By-Law Services Division met with Councillor Merulla to explore various options to address the motion. As part of a comprehensive enforcement strategy discussed at this meeting, revisions to Schedule 21 (Food Premises) of the Licensing By-law to require the provision of waste receptacles at food premises with drive-through facilities was the preferred approach.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

In accordance with the requirements to give notice of the enactment of a Business Licensing By-law pursuant to the City of Hamilton's By-law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice, notice of this proposed amendment has been published in The Hamilton Spectator.

RELEVANT CONSULTATION

Staff from the Legal Services Division, Environmental Services Division, Municipal Law Enforcement Section, and Business Licensing Section was consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Food premises with a drive-through facility provide a quick and convenient method for customers to pick up food products. Food products from drive-through and fast food restaurants are generally packaged in non-recyclable and non-compostable packaging. Oftentimes this packaging ends up as litter in the neighbourhood surrounding these establishments if the customers fail to dispose of the packaging properly.

There is no empirical data to support whether having waste receptacles at drive-through facilities reduces the amount of litter found on and around these types of establishments. However, anecdotally it can be easily surmised that having waste receptacles in a convenient location would have positive benefits by encouraging customers to use them, thereby reducing the amount of litter on the property and the same litter being blown onto surrounding neighbourhood properties or the roadway. Staff's recommendation to require operators of food premises with a drive-through facility to install and maintain waste and recycling receptacles that are accessible from the customer's vehicle would provide an opportunity for waste to be disposed of in the receptacles, thereby providing an alternative for customers who may otherwise allow their waste to be disposed of on the establishment's property, adjoining properties or roadways.

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Staff contacted over 100 fast food restaurants with drive-throughs and several corporate head offices of major fast food chains and found that most of them do not have waste receptacles at their drive-throughs. Our research identified that in some cases, fast food restaurants did not have waste receptacles near their drive-through due to lack of space on their property or concerns that these waste receptacles would attract individuals to discard all garbage from their vehicles unrelated to the food premises.

Conversations with the Managers of the locations that have waste receptacles at the drive-through believe that the area is cleaner, which also supports staff's field observations of customers using the waste receptacles as they were utilizing the drive-through. The fact that most waste receptacles had waste in them supports the idea that customers use them to discard their waste which may be a contributing factor for why less litter was found in and around these properties.

Staff completed a scan of by-laws from other municipalities and found no examples of licensing or other by-laws mandating restaurants with drive-throughs to provide waste receptacles for their customers. Hamilton would be the first to include this requirement in the Licensing By-law for this type of establishment.

The anecdotal evidence collected through field observations of these facilities supports the fact that the lack of waste receptacles at drive-throughs contributes to the amount of litter found at these establishments and the surrounding neighbourhoods. It is also clear that these establishments need to do more to keep their property clean and free of litter. They need to be good corporate citizens and contain litter related to their products while contributing to a safe and clean environment for their customers and the community.

If this recommendation is approved, staff will develop a detailed marketing and educational plan for drive-through operators to ensure compliance with the new requirements.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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Clean and Green

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

APPENDICES AND SCHEDULES ATTACHED

N/A

LF:RM:st