




CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Waste Management Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	October 18, 2021
SUBJECT/REPORT NO:	Amendment to Solid Waste Management By-Law 20-221 (PW20066(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Ryan Kent (905) 546-2424 Ext. 7686
SUBMITTED BY:	Angela Storey Director, Waste Management Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That the amending By-law attached as Appendix “A” to Report PW20066(a) amending By-law 20-221, being a By-law to Provide for and Regulate a Waste Management System for the City of Hamilton, and which has been prepared in a form satisfactory to the City Solicitor, be enacted and effective immediately by Council; and
- (b) That Staff take all steps necessary to update set fines for By-law 20-221 attached as Appendix “B” to Report PW20066(a), being a By-law to Provide for and Regulate a Waste Management System for the City of Hamilton.

EXECUTIVE SUMMARY

The updated Solid Waste Management By-law 20-221 (Waste By-law) was approved by Council in the Fall of 2020. Since that time, staff has been advised by the Ontario Ministry of the Attorney General (MAG) that amendments to the Waste By-law are required to enable the City of Hamilton (City) to update and issue fines for offences related to the Waste By-law. Waste Management By-law enforcement Staff issue notices and associated fines for violations of the Waste By-law.

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In addition to the amendment requested by the MAG, staff is taking this opportunity to update the Waste By-law to include alignment with proposed revisions to the Solid Waste Collection Design Guidelines for Developments (Design Guidelines), addressing operational challenges experienced by staff. In addition, minor housekeeping revisions have been made. Proposed revisions to the Design Guidelines include allowing recycling and organics to be collected with front-end containers from multi-residential buildings. It is important to note that by approving the updated acceptable containers listing in the Waste By-law this does not approve the updated Design Guidelines, rather it aligns the Waste By-law with proposed changes to the Design Guidelines that will be presented to Public Works Committee at an upcoming meeting. Operational challenges include residents setting out containers for collection that are too large for Staff to safely collect them and minor housekeeping revisions include updates to section numbering.

The purpose of Report PW20066(a) is to seek approval for proposed amendments to the Solid Waste By-law as detailed in Appendix "A" attached to Report PW20066(a).

Alternatives for Consideration – See page 6 of this document

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Approving the recommendations in Report PW20066(a) would enable staff to issue fines under the Waste By-law and update said fines.

HISTORICAL BACKGROUND

At its meeting on October 28, 2020, City Council approved the current version of the Waste By-law. The recommendations included in this report are seeking approval to update set fines under the Waste By-Law, to align the acceptable container portion of the bylaw with the proposed Design Guidelines coming to Public Works Committee later this year and to perform some housekeeping related to operational challenges and section numbering.

Issuing Fines

As part of the update to the Waste By-law, staff determined it necessary to update the set fines associated with the Waste By-law as the set fines had not been updated since 2005. Following Council approval of the Waste By-law, City staff provided the updated Waste By-law to the MAG with the intent to update the set fines. The MAG advised Staff that amendments to the Waste By-law are necessary to enforce fines. Currently,

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for staff to issue fines under the Waste By-law a formal process must be followed. First, the City receives a complaint in violation of the Waste By-law and staff investigate the complaint. If the investigation finds a violation, and it is a first offence, staff issue a warning (either written or verbal) and provide educational material. If a warning had been previously issued, an offence will be issued with the associated fine. The offender then has the option to pay the set fine or dispute it. The Set Fine Schedule is included as Appendix "B" attached to Report PW20066(a)

Expanded Services to Multi-Residential Buildings

Waste Management staff has been working on a comprehensive update to the current Design Guidelines. One of the proposed revisions to the Design Guidelines includes requiring multi-residential buildings of a certain size to include waste chutes for residents to dispose of organics and recycling. Currently, the Design Guidelines only permit garbage to be disposed through chutes. To accommodate this change, the acceptable containers listing for multi-residential buildings set out in the Solid Waste By-law must be expanded to include collecting recycling and organics in front-end containers. Staff have included in Appendix "A" attached to Report PW20066(a) the amendments necessary for the Solid Waste By-law to permit this change. By approving the updated acceptable containers listing in the Waste By-law this does not approve the updated Design Guidelines, rather it aligns the Waste By-law with proposed changes to the Design Guidelines that will be presented to Public Works Committee for approval at an upcoming meeting.

Operational Challenges

Operational challenges experienced by staff since the Waste By-law update in 2020 include residents setting out containers for collection that are too large for staff to safely collect. Specifically, this has been observed with garbage and yard waste containers that are either too wide or too tall to be handled safely. Other operational challenges include staff having to open lids and latches before being able to collect material in containers. This can result in safety concerns and additional time per stop for staff to collect material.

Housekeeping Items

Housekeeping amendments to the Waste By-law include revisions that staff consider minor as they do not change the designed meaning of the Waste By-law, and include updates to section numbering.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Solid Waste By-law will be amended to include changes recommended by the MAG to allow the City to issue set fines under the By-law in addition to other minor amendments. The amendments included in Appendix "A" attached to Report PW20066(a) are consistent with proposed changes to the Design Guidelines to allow

the expansion of services to multi-residential buildings. This expansion of service supports the guiding principles of the City's Solid Waste Management Master Plan and the Strategic Plan's clean and green priority.

RELEVANT CONSULTATION

The following groups have been consulted and are supportive of the recommendations included in this report:

Corporate Services Department – Legal and Risk Management Services Division
Public Works Department – Waste Management Division – Waste Collections
Planning and Economic Development Department – Licensing and By-Law Enforcement Division
Ontario Ministry of the Attorney General

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Issuing Fines

Waste Management By-law enforcement staff issue notices and associated fines for violations of the Waste By-law. Where education and warnings are not successful, this is an important tool to correct resident behaviour and the way they prepare and set out their waste for collection. The fine amounts for violations of the Solid Waste By-law are included in the Set Fine Schedule and the Set Fine Schedule has not been updated since 2005. Staff have proposed updated fine amounts and the revised Set Fine Schedule is included as Appendix "B" attached to Report PW20066(a). There is a total of fifty-seven fines included in Appendix "B" attached to Report PW20066(a) with eight fines being new, and the balance being updates to existing fines. The updated dollar amounts were determined by comparing the set fines to those of Niagara Region and Peel Region. The rationale for new fines is that new prohibitions were created by the 2020 update to the Waste By-law and these new fines are associated with the new prohibitions. Appendix "C" attached to Report PW20066(a) is a comparison between the existing fines and the proposed updated fines and identifies new fines.

When staff reached out to the MAG to update the Set Fine Schedule, the MAG responded with direction that the Waste By-law needed additional language to allow notices and fines to be issued for violations. This additional language has been added to the General Prohibitions section of the Waste By-law and reads "Every person who contravenes any provision of the By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended".

Expanded Services to Multi-Residential Buildings

Staff recently completed a review of the City's Solid Waste Collection Design Guidelines for Developments (Design Guidelines). The purpose of the Design Guidelines is to ensure that new developments within the City are designed to permit safe and efficient waste collection and to provide residents with uniform access to waste collection services and diversion programs provided by the City. This review is now complete and revised Design Guidelines will be provided to the Public Works Committee for approval at an upcoming meeting. The revised Design Guidelines include a new requirement that all new multi-residential buildings with 30 or more dwelling units, and 7 or more storeys, be designed so the separation of organics and recycling can occur through chutes on each floor. For chutes to be used for the disposal of recycling and organics, multi-residential buildings must use front-end containers at the bottom of chutes. The current Solid Waste By-law does not allow in Schedule "D" Permitted Waste Containers, for multi-residential buildings to use front-end containers to dispose of organics and recycling containers.

It is important to note that by approving the updated acceptable containers listing in the Waste By-law this does not approve the updated Design Guidelines, rather it aligns the Waste By-law with proposed changes to the Design Guidelines that will be presented to the Public Works Committee for approval at an upcoming meeting.

Operational Challenges

Since the update to the Waste By-law in 2020, staff have dealt with operational challenges that can be rectified with minor amendments to the By-law. These amendments are detailed in Appendix "A" attached to Report PW20066(a) and focus on containers used to set out garbage and yard waste. The Solid Waste By-law currently includes a 23kg weight limit and a 135-litre volume limit for garbage and yard waste containers, however, the Solid Waste By-law does not currently include limits on the dimensions of garbage and yard waste containers for single-family homes. This has created situations where containers that are either impossible or extremely difficult for the City and its contractors to collect are set out by residents. Appendix "A" attached to Report PW20066(a) proposes to limit the height of garbage and yard waste containers to 91cm and the diameter of garbage and yard waste containers to 61cm to eliminate these situations. Appendix "A" attached to Report PW20066(a) also includes if any container has a lid, the lid must be readily separable from the container, and any devices used to tie down or secure any lids must be removed by the resident prior to collection.

Housekeeping Items

There are several proposed amendments to the Solid Waste By-law that are housekeeping in nature requiring updating. An example of one of these amendments is updating the definition of the Waste Management Advisory Committee from a sub-committee of Council to accurately describe this committee as a volunteer advisory

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committee. These minor amendments have been included in Appendix “A” attached to Report PW20066(a).

ALTERNATIVES FOR CONSIDERATION

Council could approve recommendation (a) but not approve recommendation (b), and the set fines for existing prohibitions would remain unchanged from the current set fines established in 2005. Additionally, any new prohibitions established in the 2020 update to the Waste By-law would be assigned a set fine of \$100 to be consistent with the current set fines. These new prohibitions are identified in Appendix “C” to Report PW20066(a).

There are no financial, legal or staffing implications associated with this alternative.

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

Appendix “A” to Report PW20066(a) – Amending By-law to Solid Waste Management By-law 20-221

Appendix “B” to Report PW20066(a) – Amended Set Fine Schedule

Appendix “C” to Report PW20066(a) – Set Fine Schedule Comparison