



City of Hamilton Report for Consideration

To: Chair and Members
Public Works Committee

Date: March 17, 2025

Report No: PW25010

Subject/Title: Amendment to Solid Waste Management By-law 20-221

Ward(s) Affected: City Wide

Recommendations

- 1) That the amending By-law, which amends By-law 20-221, being a By-law to Provide for and Regulate a Waste Management System for the City of Hamilton, attached as Appendix "A" to Report PW25010 and which has been prepared in a form satisfactory to the City Solicitor, **BE APPROVED**.
- 2) That the General Manager, Public Works, or designate **BE AUTHORIZED** and **DIRECTED** to work with Legal Services to obtain approval from the Ministry of the Attorney General of any additional set fines for offences under the amending By-law once the By-law has been passed.

Key Facts

- The purpose of this report is to seek approval for proposed amendments to the Solid Waste Management By-law No. 21-221 (Waste By-law) as detailed in the draft amending by-law in Appendix "A" attached to Report PW25010.
- The proposed amendments to the Waste By-law align with requirements under Ontario Regulation 391/21 (the Blue Box regulation) and the transition of the City of Hamilton's residential Blue Box program to producer responsibility on April 1, 2025.
- The proposed amendments also reflect new permitted waste containers provided by the City to residential properties including garbage carts for multi-residential properties and update the acceptable and unacceptable waste lists for Community Recycling Centres.

- The proposed amendments include additional housekeeping amendments and minor revisions that staff believe do not alter the intended meaning of the Waste By-law.

Financial Considerations

There are no financial implications associated with the recommendations in this report.

Background

Council previously approved the updated Solid Waste Management By-law No. 20-221 (Waste By-law) on October 28, 2020 (Solid Waste Management By-law Update PW20066). The Waste By-law was later revised through an amending By-law that was approved by Council on October 27, 2021 (Amendment to Solid Waste Management By-law 20-221 PW20066(a)). Since that time, the need for additional amendments have been identified by Staff.

Blue Box Transition

On February 5, 2025, the Mayor and Members of Council received Communication Update WM2501; the Communication Update provided an update on the transition of responsibility of Hamilton's Blue Box Program from the City to producers of packaging and paper products as part of Individual Producer Responsibility. Hamilton's transition period begins on April 1, 2025, and will last until December 31, 2025. The transition period is when producers have assumed responsibility for a municipalities' Blue Box Program but are not permitted to change components of the program such as collection days or acceptable materials. On January 1, 2026, producers of packaging and paper products will fully take over the operating responsibility and costs of an Ontario-wide Blue Box Program for eligible properties under the legislation and will then be permitted to make changes to the program.

As part of the new Blue Box Program, single family dwellings, multi-residential buildings, non-profit retirement homes, schools, and specific public spaces will receive recycling collection service and containers from Circular Materials, a Producer Responsibility Organization, or its contractors.

The City will maintain curbside collection of garbage, bulk garbage, organics and leaf and yard waste, including Christmas trees. Collection of recyclable material from properties deemed not eligible under the new framework will continue until at least December 31, 2025, as approved by Council through Report PW24021. This work will be carried out by Green For Life Environmental Inc.

Multi-Residential Garbage Carts

In 2021, during the most recent process to update the "City of Hamilton Waste Requirements for Design of New Developments and Collection", staff identified a need for additional waste management services for small multi-residential buildings with small footprints and lot sizes. It was identified at that time that these buildings are not provided with an alternative to provide loading spaces and access to loading spaces

which require a significant amount of space. Input from the Development Industry Liaison Group reinforced the need for adaptable solutions to support new developments, specifically infill developments such as small multi-residential buildings, as urban density increases. As a result, the option of using garbage carts for small multi-residential buildings was identified as a way to satisfy this need.

Housekeeping

Since the 2021 amendment of the Waste By-law, staff have identified a few items in the Waste By-law that require updating to remain consistent with current waste management practices. These include:

- Definitions;
- Waste items that present health and safety risks; and
- Acceptable waste containers.

These “housekeeping” changes create a more consistent by-law with greater clarity for staff that enforce the Waste By-law, and for residents that must comply with the Waste By-law.

Analysis

Blue Box Transition

Properties deemed eligible for blue box services under Ontario’s Blue Box regulation include single-family homes, seasonal dwellings, multi-unit residential buildings, public and private schools, non-profit retirement and long-term care homes, and specified public spaces.

Under the Blue Box regulation, the responsibility for blue box collection at these eligible properties shifts to producers of packaging and paper products and will no longer be managed by the City. As a result, the sections of the Waste By-law that enforce recycling compliance for these property types are no longer applicable and, therefore, have been removed in the proposed amendments to the Waste By-law. Hamilton currently has approximately 188,000 single-family households and 54,000 multi-residential households and it is imperative the Waste By-law that governs the waste management system for these households is accurate and as relevant as possible to allow City staff to properly enforce the City’s waste management program.

As previously approved by Council through Report PW24021, properties that are deemed non-eligible under the new Blue Box regulation, namely businesses, City facilities and special events on City property, will continue to be managed by the City until December 31, 2025, and as such, their recycling compliance requirements have remained unchanged in the proposed amendments to the Waste By-law.

Multi-Residential Garbage Carts

Many Ontario municipalities, such as the Cities of Barrie, Guelph and Toronto, Regions of Halton, Peel and Waterloo, as well as Simcoe County, have transitioned or are transitioning to the use of garbage carts for small multi-residential buildings, replacing garbage bags or front-end bins. This industry trend in garbage collection is being made to improve the efficiency, safety, and cleanliness of waste collection services.

In January of 2025, the Waste Management Division initiated a multi-residential garbage cart pilot program that will continue until the summer of 2025. The goal of the pilot program is to evaluate the benefits and challenges of using wheeled carts for garbage collection at small multi-residential buildings with small lot sizes or those with smaller unit counts, testing the feasibility of implementing this program City-wide in the future and identifying what revisions need to be made to the “City of Hamilton Waste Requirements for Design of New Developments and Collection” to support such a change. The pilot program provides 360-litre, wheeled garbage carts to participating apartment buildings at no cost, to replace garbage bags or front-end bin collection. The pilot currently includes twelve properties, ranging from seven to twenty-five units, with the ability to add additional eligible properties. Currently, these buildings often set out multiple bags at the curb each week, which can create health and safety risks for workers, cause pest issues, and negatively impact the appearance of neighbourhoods. Additionally, some buildings receiving front-end bin collection, require waste collection vehicles to manoeuvre through narrow spaces and/or reverse onto the public roadway, increasing safety risks to pedestrians, cyclists, and motorists. Garbage carts will allow for curbside collection from these buildings, providing a tidy curbside set out and reducing safety related risks to the public.

The proposed amendments to the Waste By-law support the use of garbage carts for multi-residential properties and enforce compliance with waste set-out limits. These amendments add garbage carts as an acceptable container for multi-residential properties and establishes size and weight limits for their use. The proposed amendments will also allow for the enforcement of noncompliant use, ensuring that residents and property managers adhere to the set-out limits and proper use of the garbage carts.

Housekeeping

As part of the ongoing review and maintenance of the Waste By-law, several housekeeping amendments are recommended to ensure its continued effectiveness and clarity.

The proposed amendments to the Waste By-law require all mattresses and boxsprings set out for bulk collection be wrapped and sealed in plastic to the satisfaction of the City. The plastic wrap is intended to protect the health and safety of collection crews from potentially contaminated waste as well as to mitigate the potential spread of bed bugs to staff, City waste infrastructure, and equipment.

Appendix “C” of the Waste By-law, which outlines the list of acceptable and unacceptable waste materials at the Community Recycling Centres, is also being

updated. Proposed amendments to this list are necessary to ensure clarity for residents and reflect changes under the new Blue Box regulation. Notably, bulky rigid plastics have been removed from the list of acceptable materials, as they are no longer included in the acceptable list in the Blue Box regulation.

The list of unacceptable materials has also been updated to include soil and similar materials as well as mercury not contained in thermometers or thermostats, as the City has no methods to dispose of these materials if dropped off at the Community Recycling Centres. These revisions aim to help streamline waste management practices and ensure proper disposal of hazardous or non-recyclable material.

Appendix "D" of the Waste By-law, titled "Permitted Waste Containers," is to be amended to align with changes under the new regulations. Specifically, the list has been revised to remove recycling containers as permitted waste containers for eligible properties. These recycling containers will no longer be provided by the City, nor will they be enforced under the Waste By-law. The update also includes the addition of garbage carts, as previously mentioned, and provides more specific details on organics carts by including 45 litres carts as acceptable waste containers. This update ensures that all permitted relevant containers are captured and included, promoting consistency in waste management practices and compliance with enforcement efforts across the City.

During the Waste By-law review, staff identified a single new fine that is to be established as part of this amendment. Currently, the set fine list related to the Waste By-law includes fines of \$200 for failing to double-bag home healthcare waste and for failing to double-bag household pet waste. The amendment includes requiring residents to double-bag diapers and as such, a set fine of \$200 will be included in the set fine list for failing to comply with this requirement.

The remaining updates are administrative and do not involve changes to the substance or intent of the Waste By-law. The proposed housekeeping revisions include formatting updates, such as correcting bullets and numbering, updates to definitions to ensure consistency with current language and terminology used in other by-laws and minor corrections, such as the removal or update to outdated or redundant language.

The City is required to have and maintain a Waste By-law to regulate the waste management system it has control over. The recommendation in this report supports this requirement.

Alternatives

Council could choose to accept the updates related to the Blue Box transition but not adopt the remaining changes concerning acceptable containers, acceptable and unacceptable waste, and minor administrative updates. At the Waste Management Sub-Committee meeting on May 30, 2024, the multi-residential garbage cart program was introduced including the concept of a pilot program. This Waste By-law amendment supports this new program and allows staff to enforce the use of garbage carts during both a pilot and permanent program. Not approving these amendments would result in staff not having the tools required to enforce the proper use of the garbage carts.

Delays in including garbage carts as an option for waste collection from multi-residential buildings would create enforcement issues for staff should issues arise once the program is implemented.

Relationship to Council Strategic Priorities

This report relates to 2022-2026 Council Priorities:

1. Sustainable Economic & Ecological Development
 - 1.1. Reduce the burden on residential taxpayers as it transitions responsibility of the Blue Box program to producers.
3. Responsiveness & Transparency
 - 3.4. Modernize City systems as it is related to providing a new garbage collection system for small multi-residential buildings.

Previous Reports Submitted

- [PW24021](#), Recycling Services for Non-Eligible Properties Following the Transition of the Blue Box Program, April 2, 2024
- [PW24066](#), Blue Box Service Agreement with Circular Materials Ontario for Community Recycling Centres, October 15, 2024
- [PW20066\(a\)](#), Amendment to Solid Waste Management By-Law 20-221, October 18, 2021
- [PW20066](#), Solid Waste Management By-Law Update, October 19, 2020

Consultation

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

Patricia D'Souza, Solicitor, Legal and Risk Management Services, Corporate Services

Appendices and Schedules Attached

Appendix A: Amending By-law which amends By-law No. 20-221, being a By-law to Provide for and Regulate a Waste Management System for the City of Hamilton

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