



City of
Peterborough

To: **Members of General Committee**

From: **W.H. Jackson,
Commissioner of Infrastructure and Planning**

Meeting Date: **September 17, 2018**

Subject: **IPSWM18-006
Amendments to Waste Collection By-Law 13-113**

Purpose

A report to present recommended amendments to Waste Collection By-law 13-113 to better define the terms and conditions related to waste collection within the City.

Recommendation

That Council approve the recommendation outlined in Report IPSWM18-006, dated September 17, 2018 of the Commissioner of Infrastructure and Planning as follows:

That By-law 13-113 be amended as proposed on Appendix 2 to Report IPSWM18-006.

Budget and Financial Implications

There are no budgetary or financial implications to the approval of this report.

Background

The current Waste Collection By-Law 13-113 came into effect on August 6, 2013. Since that time, through discussions with users of the By-law and evaluation of the effectiveness of the By-law, two areas of concern have arisen. This report will discuss these areas and proposes changes to the By-law to provide better guidance and operation of the By-law.

The timing of the proposed amendments to By-law 13-113 is significant because the City will shortly be issuing an RFP for the collection of recyclable material effective January 1, 2020. Although it seems like there is a lot of time until the new recycling collection contract takes effect, considering that the ordering and receiving of new vehicle can take anywhere from 8-12 months, now is the time to make any necessary amendments to By-law 13-113 so that the most up-to-date By-law can be included in the RFP.

Waste Collection in the Downtown Business Improvement Area

The existing By-law includes no details about the specifics of waste collection in the Downtown Business Improvement Area (DBIA), despite the fact the DBIA is unique in this regard. Of particular relevance is the fact that the residential population of the DBIA is constantly increasing and this has placed certain stresses on the collection of waste in this area.

For instance, with the City's interest in keeping litter and odour to a minimum in the downtown, and recognizing that the mainly historic buildings and congested streetscape affords very little storage for waste, businesses and residents in the DBIA have traditionally been permitted two collections of garbage each week.

The timing of collections is also unique to the DBIA because their waste is collected either late in the evening or very early in the morning to avoid traffic congestion and to ensure the garbage trucks are off the street when people arrive in the DBIA.

Without specifics within the By-law detailing these arrangements, it is not possible to enforce the City's policies regarding the placement of waste at the curb. Recently there has been an upturn in the number of occupants putting waste out too early, sometimes as much as days ahead. This impedes pedestrian traffic and could result in a messy, smelly atmosphere in the downtown. By stipulating requirements in the by-law, dictating, for example, set out times for garbage, better enforcement is possible. This is something that the DBIA administration has asked the City for assistance with, to improve the overall attractiveness and health of the downtown core.

To clarify the parameters around waste collection in the DBIA it is proposed that:

-
- Waste containers, after collection, should be removed by the occupant by 8:00 a.m. of the day following collection (if it is an overnight collection) or by 9:00 a.m. of the day of the collection (if it is an early morning collection);
 - With respect to Tuesday and Thursday evenings garbage collection for residents in the DBIA, garbage containers should be placed out for collection by the occupant not earlier than 5:00 p.m. and not later than 10:00 p.m. of the day of collection;
 - On the Wednesday recycling days, recycling containers should be placed out for collection by the occupant not later than 6:00 a.m. of the day of collection, and not earlier than 5:00 p.m. of the previous day.

Limitations on Collection of Recyclable Material from For-Profit Commercial Establishments

Today, City residential properties enjoy full recyclable collection. Regardless of the amount of recyclable material placed at the curb, the City picks this up for free with weekly collections. Typically this does not create a problem because individual households rarely create sufficient recyclable material within the week between collections to delay or overburden City collection vehicles.

However, there is no policy with respect to the amount of recyclable material that can be put out for pick-up by commercial establishments. This can be onerous for collecting because the volume of material can be large. Also, with newer, large developments, the usual requirement, through site-plan review, is for the individual commercial establishments to arrange to contract in the collection of their recyclable material. However, over the years, without a policy or by-law to provide direction in this matter, a situation has been created whereby some commercial establishments receive free pick-up service while others do not.

It is in the City's best interest to recover as much recyclable material as possible. However, it is cost prohibitive for the City to undertake to collect recyclable material from all commercial establishments. Comparable cities to Peterborough such as Barrie, Kingston and London do not collect recyclable material from any for-profit commercial establishments, whereas the City of Kawartha Lakes will collect up to four roll-out carts per week from their commercial establishments. Presently, the City of Peterborough provides unlimited recyclable collection, using roll-out carts purchased from the City, to 46 for-profit enterprises. Other commercial sites that only use blue boxes also receive this free service.

In consideration of the burden this places on the City's collection program, and after reviewing the situation in comparable cities, it is reasonable to limit the number of bins to be collected for free by City forces to 2 roll-out carts or 10 blue boxes for any for-profit commercial location. The County of Peterborough has a 2 cart or 10 blue box limit for commercial operations, so there would be consistency if the City used the same limits.

Summary

A proposal has been submitted to provide some limitations around the time periods waste is placed at the curb within the DBIA and also to limit the amount of recyclable material the City will collect from for-profit commercial establishments. The proposed changes will require an amendment to By-law 13-113. Although it is not the intention to enforce these changes through the issuance of fines, with the inclusion of the specific items in the By-law, the enforcement option is enhanced and, hopefully, will result in better compliance.

Better compliance will create a better environment within the DBIA and also provide some clarity the City can use when crafting the upcoming RFP for the collection of recyclable material.

Submitted by,

W. H. Jackson, P. Eng
Commission of Infrastructure and Planning Services

Contact Name:
Virginia Swinson, B.SC.
Waste Diversion Section Manager,
Environmental Services Division
Phone 705-742-7777 ext 1725
Toll Free: 1-855-738-3755
Fax 705-876-4621
E-mail address: vswinson@peterborough.ca

Attachments:
Appendix 1: Waste Collection By-Law 13-113
Appendix 2: Proposed Changes to By-law 13-113

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 13-113

BEING A BY-LAW TO REGULATE THE COLLECTION OF SOLID WASTE IN THE CITY OF PETERBOROUGH

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

ARTICLE 1.0 – DEFINITIONS

1.1 In this By-law:

- a. **City** - means The Corporation of the City of Peterborough.
- b. **container** - means a garbage container, a green waste container, or a recyclable material container.
- c. **dwelling unit** - has the same meaning as that in the Zoning By-law of the City.
- d. **garbage** - means any dry waste other than green waste, recyclable material, building materials, automobile parts, hot, explosive or highly combustible material, hazardous waste, as defined in *Ontario Regulation 347, Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended, or waste resulting from industrial processes.
- e. **garbage container** - means:
 - i. a galvanized metal or rigid plastic container with a maximum capacity of 125 litres, being larger at the top than at the bottom, having a handle and fitted lid, and not exceeding 23 kg, including contents; and
 - ii. a polyethylene plastic bag of 1.5 gauge minimum thickness, fastened at the top and not weighing in excess of 23 kg, including contents
- f. **green waste** - means any plant material such as tree branches, shrub trimmings, grass clippings, bedding plants, weeds, or leaves.
- g. **green waste container** - means:
 - i. a galvanized metal or rigid plastic container with a maximum capacity of 120 litres, being larger at the top than at the bottom, having a handle and fitted lid, and having two clearly identifiable labels attached defining the contents as "Green Waste" and not exceeding 23 kg, including contents; and
 - ii. a wet strength kraft paper bag without ties, having a minimum total wall thickness of 0.23 mm, a flat base when unfolded, and not exceeding 23 kg, including contents; and

- iii. an open, circular wooden basket with handles and tapered sides having a volume of 1 bushel, more or less, and not exceeding 23 kg, including contents; and
- iv. tree branches or shrub trimmings, securely tied in bundles up to 1 m in length and 30 cm in diameter weighing no more than 23 kg
- h. **lodging house** - has the same meaning as that in the City's Business Licensing By-law governing the licensing and regulation of lodging houses
- i. **occupant** - means the person in possession of a building or unit, and includes an owner or tenant
- j. **person** - includes a corporation, partnership, or association.
- k. **recyclable material** - means any material designated by the City as being acceptable for collection by the City or its agent for the purpose of recovery. Without limiting the generality of the foregoing, it shall include newspaper, unwaxed corrugated cardboard, boxboard, magazines, household fine paper, soft cover books, aluminum foil, and containers made of metal, glass and plastics.
- l. **recyclable material container** - means:
 - i. a blue rigid plastic container without a lid, having suitable identification, being larger at the top than at the bottom and not exceeding 23 kg, including contents; and
 - ii. a secure bundle of corrugated cardboard not exceeding 76 cm x 76 cm x 20 cm in dimension and not exceeding 23 kg in weight.
- m. **solid waste** - includes garbage, green waste and recyclable material.
- n. **enforcement officer** - means such individual as appointed by resolution of Council.

ARTICLE 2.0 – GENERAL PROVISIONS

2.1 **Materials - prohibited**

No person shall place out for collection any material which is not solid waste.

2.2 **Solid waste - for collection - container required**

No person shall place solid waste out for collection except in a container.

2.3 **Garbage containers - maximum permissible**

Except as provided in Sections 2.4 and 2.5, not more than four (4) garbage containers will be collected from any building or unit on any collection date.

- 2.4 **Garbage containers - maximum permissible - dwelling unit**
Not more than two (2) garbage containers will be collected from a dwelling unit on any collection day, excepting the collection day next following December 25 in each calendar year, when not more than four (4) garbage containers will be collected.
- 2.5 **Garbage containers - maximum permissible - lodging house**
Not more than four (4) garbage containers will be collected from a lodging house licensed for less than ten (10) lodgers on any collection day, excepting the collection day next following December 25 in each calendar year, when not more than six (6) garbage containers will be collected.
- 2.6 **Containers - placement - permissible locations**
Containers shall be placed separately by the occupant in front of his or her building or unit, just off the travelled portion of the street so as not to interfere with traffic.
- 2.7 **Containers - removal after collection - time**
Any container not collected shall be removed by the occupant by eight o'clock in the afternoon (8:00 p.m.) of the day of collection.
- 2.8 **Containers - placed for collection - times**
Containers shall be placed out for collection by the occupant not later than seven o'clock in the forenoon (7:00 a.m.) of the day of collection and not earlier than six o'clock in the afternoon (6:00 p.m.) of the previous day.
- 2.9 **Scavenging - prohibited**
No person, other than the occupant, or the City or its agent, shall remove the contents of any container placed out for collection pursuant to the provisions of this Chapter.
- 2.10 **Collection - private property - conditions**
Notwithstanding anything else contained in this Chapter, the City, or its agent, may, under conditions satisfactory to the City Engineer and the City Solicitor respecting access, container locations, and the execution of an indemnification agreement, enter upon private property for the purpose of collecting garbage, green waste or recyclable material.

ARTICLE 3.0 – SEVERABILITY

- 3.1 If any section of this Chapter may be bound by any court of law to be illegal or beyond the power of Council to enact, such section shall be deemed to be severable and all other sections of this Chapter shall be deemed to be separate and independent therefrom.

ARTICLE 4.0 – ENFORCEMENT

- 4.1 Every Enforcement Officer shall have the authority to enforce the provisions of this Chapter.
- 4.2 Any person who contravenes this by-law is guilty of an offence and shall be liable upon conviction to a fine imposed by law, and the same shall be recoverable pursuant to the *Provincial Offences Act*.

ARTICLE 5.0 – EFFECTIVE DATE AND REPEAL

- 5.1 This by-law comes into effect on the day it receives third reading.
- 5.2 Chapter 594 of the *City of Peterborough Municipal Code* is repealed, effective the date this by-law comes into effect.
- 5.2 By-laws 90-32, 90-277, 91-118, 94-38, 94-54, 94-156, and 95-102 are repealed, effective the date this by-law comes into effect.

By-law read a first, second and third time this 6th day of August, 2013.

(Sgd.) Daryl Bennett, Mayor

(Sgd.) Natalie Garnett, Deputy Clerk

Report IPSWM18-006 Appendix 2

Proposed Changes to By-law 13-113,

That a definition of the Downtown Business Improvement Area be added under Definitions.

a) That Item 2.6 be amended as follows to recognize accessibility issues:

Containers – placement – permissible locations

Containers shall be placed separately by the occupant in front of their building or unit, just off the travelled portion of the street and sidewalk, so as not to interfere with vehicular or pedestrian traffic.

b) That the following new items be inserted:

i. **DBIA Garbage Containers – removal after collection – time**

Any container not collected shall be removed by the occupant by 8:00 o'clock in the forenoon (8:00 a.m.) of the day following collection.

ii. **DBIA Recycling Containers – removal after collection – time**

Any container not collected shall be removed by the occupant by 9:00 o'clock in the forenoon (9:00 a.m.) of the day of collection.

iii. **DBIA – Garbage Containers - placed for collection – times**

Residents of the DBIA are provided two garbage collection days each week: Tuesday and Thursday evenings. Garbage Containers shall be placed out for collection by the occupant not earlier than 5:00 o'clock in the afternoon (5:00 p.m.) and not later than 10:00 o'clock in the evening (10:00 p.m.) of the day of collection.

iv. **DBIA – Recycling Containers – placed for collection – times**

Residents of the DBIA are permitted one recycling collection per week: Wednesday mornings. Recycling Containers shall be placed out for collection by the occupant not later than 6:00 o'clock in the forenoon (6:00 a.m.) of the day of collection, and not earlier than 5:00 o'clock in the afternoon (5:00 p.m.) of the previous day.

c) That the maximum number of recyclable carts for any one commercial establishment be 2 or;

d) That the maximum number of blue boxes for any one commercial establishment be 10.