



TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE MEETING ON APRIL 28, 2014
FROM:	GEORGE KOTSIFAS, P.ENG., MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT	AMENDMENTS TO VARIOUS FEES & CHARGES BY-LAW AND THE YARD AND LOT MAINTENANCE BY-LAW TO ADD A FEE TO THE RETRIEVE ABANDONDED SHOPPING CARTS

RECOMMENDATION

That, on the recommendation of the Managing Director, Development & Compliance Services and Chief Building Official, the attached proposed by-laws (Appendices “A” & “B”) **BE INTRODUCED** at the Municipal Council meeting to be held on May 6, 2014 for the purpose of amending the Yard and Lot Maintenance By-law (PW-9) and the Various Fees and Charges By-law (A-47), in order to add a fee for the retrieval of shopping carts.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

Item #14 – Public Safety Committee – March 6, 2012

Item #16 – Community and Protective Services Committee – April 22, 2013

BACKGROUND

Municipal Council at its meeting of April 22, 2013 referred a request from Councillor S. Orser, with respect to consideration of a by-law for abandoned shopping carts, to the Civic Administration to report back with respect to the feasibility of this proposal, including details regarding fees and practices currently being used in the City and best practices of other municipalities.

Municipal Law Enforcement Services (MLES) continuously monitor emerging quality of life issues through communications with the public and through professional municipal law enforcement associations. The issue of abandoned shopping carts was identified as an emerging issue several years ago and Ontario municipalities responded in a variety of ways. Several municipalities passed independent shopping cart by-laws (Guelph, Mississauga, Ottawa and Markham) that included fees charged to retailers who wish to retrieve abandoned shopping carts.

On March 6, 2012 a public participation meeting was held before the Public Safety Committee to receive comments on amendments to the City’s Yard and Lot Maintenance By-law. One of the proposed amendments was to include commercial shopping carts within the definition of “domestic waste”. This amendment was enacted by Council.



On an annual basis, the clean up of over 600 properties is undertaken, with the related cost of the clean up, plus administration and inspection fees, being charged back to the property owner. Many of the clean ups include the removal of abandoned shopping carts, which are intermixed amongst other debris. All debris removed from property is either disposed of or recycled. Abandoned shopping carts on public property are removed by City staff/City contractors and are recycled. In addition, many retailers employ cart recovery firms who assist City staff in recovering carts and delivering them back to retail stores.

Abandoned shopping carts are included in the definition of “Domestic Waste” within the Yard and Lot Maintenance By-law to address this issue. The process currently employed is efficient and effective in addressing the problem. However, should Council wish to introduce a program of retaining shopping carts for a period of time and charging a retrieval fee, an amendment to the fees and services by-law (A-47) and the Yard and Lot Maintenance By-law (PW-9) would be required.

Based on the cost of inspections and contractor clean up fees, a reasonable and defensible fee of \$40 per cart is recommended. It is recommended that carts be recycled after 30 days storage. MLES currently have similar programs in place where items are removed and can be retrieved for a fee (i.e. Sign By-law, Streets By-law). It is not expected that many retailers will want to retrieve their carts as many are damage beyond repair. These amendments should have little or no impact on staffing resources in MLES.

PREPARED AND REVIEWED BY:	RECOMMENDED BY:
OREST KATOLYK CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

Appendix “A”
Appendix “B”



APPENDIX “A”

Bill No.
2014

By-law No.

A by-law to amend By-law PW-9, entitled “A by-law to provide for the filling up, draining, cleaning and clearing of land, and clearing of refuse from land”.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 7, services and things that the municipality is authorized to provide under subsection 10(1);

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law No. PW-9 entitled “A by-law to provide for the filling up, draining, cleaning and clearing of land, and clearing of refuse from land” is amended by adding the following new section 2.12 as follows:

“2.12 – Commercial Shopping Cart – Retrieval Fee

A commercial shopping cart that is removed pursuant to Part 2 shall be stored by the City for a period not less than 30 days, during which 30-day period, and the owner may be entitled to redeem the commercial shopping cart producing appropriate identification, upon signing an acknowledgement a release on a required form and upon payment satisfactory to the City Treasurer those fees and charges as set out in Schedule 1 of the City of London’s Various Fees and Charge By-law.”

2. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on May 6, 2014

Joe Fontana
Mayor

Catharine Saunders
City Clerk



APPENDIX “B”

Bill No.
2014

By-law No.

A by-law to amend By-law A-47 being “A by-Law to provide for Various Fees and Charges” as it relates to the retrieval of commercial shopping carts.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1);

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees or charges on persons:

- (a) for services and activities provided or done by or on behalf of it;
- (b) for costs payable by it for services and activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property or property under its control;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law A-47, entitled “A by-law to provide for Various Fees and Charges” is hereby amended in Schedule 1 “Development & Compliance Services” “Service Grouping: By-law Enforcement” by adding the following new fee: “commercial shopping cart retrieval fee - \$40.00”.
2. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on May 6, 2014

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – May 6, 2014
Second Reading – May 6, 2014
Third Reading – May 6, 2014