

TO:	CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON NOVEMBER 29, 2016
FROM:	KELLY SCHERR, P.ENG., MBA, FEC MANAGING DIRECTOR - ENVIRONMENTAL & ENGINEERING SERVICES & CITY ENGINEER
SUBJECT	MUNICIPAL WASTE & RESOURCE MATERIALS COLLECTION BY-LAW AMENDMENTS

RECOMMENDATION

That, on the recommendation of the Managing Director, Environmental & Engineering Services & City Engineer, the attached proposed by-law (Appendix A) **BE INTRODUCED** at the Municipal Council meeting to be held on December 6, 2016 to amend the Municipal Waste & Resource Collection By-law (WM-12) to:

- a) designate Christmas trees as a Resource Material, to facilitate collection of Christmas trees for composting on designated days within the month of January to accommodate the Council-approved one-year Pilot Project for curbside collection of Christmas trees (January 7 and January 14, 2017);
- b) change the maximum permitted number of garbage receptacles (containers) to be set out for collection on public and private property to 3 receptacles per collection effective January 1, 2017 with the ability to place 4 receptacles out for collection until January 13, 2017; and
- c) allow the use of purchased garbage tags for receptacles of garbage above the 3 receptacle limit, effective January 16, 2017.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

Relevant reports that can be found at www.london.ca under City Hall (Meetings) include:

- Amendments to Consolidated Fees and Charges By-Law (October 24, 2016 meeting of the Strategic Priorities and Policy Committee (SPPC) Item # 2)
- Municipal Waste & Resource Materials Collection By-law Amendment (September 7, 2016 meeting of the Civic Works Committee (CWC) Item # 6)
- Proposed Changes to Garbage Container Limits (June 8, 2016 meeting of the CWC Item # 15)
- Garbage Container Limits (Waste Diversion) (May 10, 2015 meeting of the CWC Item # 6)
- Update: Interim Waste Diversion Plan (2014-2015) and Additions for 2016 (February 2, 2016 meeting of the CWC Item #15)

STRATEGIC PLAN 2015-2019

Municipal Council has recognized the importance of solid waste management including waste diversion, climate change and other related environmental issues in its 2015-2019 - Strategic Plan for the City of London ([2015 – 2019 Strategic Plan](#)). Implementing a separate collection program for Christmas trees for composting and garbage container limits supports two of the four Areas of Focus:

Building a Sustainable City

- Strong and healthy environment

Leading in Public Service

- Collaborative, engaged leadership
- Excellent service delivery

BACKGROUND

PURPOSE:

The purpose of this report is to provide Civic Works Committee (CWC) and Council with amendments to the Municipal Waste & Resource Collection By-law (WM-12) for the following:

- In accordance with the Council approved one year Pilot Project for curbside collection of Christmas trees, designate Christmas trees as a resource material with dedicated days for collection, noting that designated days within the month of January 2017 have been established and indicated in the 2016/2017 Waste Reduction & Conservation Calendar.
- To change the maximum permitted number of garbage receptacles (containers) to be set out for collection on public and private property from 4 receptacles per collection to 3 receptacles per collection effective January 1, 2017 but with the ability to place 4 receptacles out for collection until January 13, 2017.
- Allow for the use of purchased garbage tags for garbage receptacles set out for collection above the maximum permitted on public and private property, effective January 16, 2017 (i.e., this is when the enforcement of the 3 Container Limit begins).

CONTEXT:

At the May 17, 2016 and June 14, 2016 meetings of Municipal Council, Civic Administration was directed to make changes to the Municipal Waste & Resource Collection By-law to allow for Christmas trees to be collected from the curbside on designated days for composting and to accommodate the 3 Container Limit being fully implemented in January 2017. The directions provided at the respective meetings were:

May 17, 2016 Council Meeting:

- c) *the Civic Administration BE DIRECTED to prepare amendments to the Municipal Waste & Resource Materials Collection By-law (WM-12) to allow for the separate collection of Christmas trees as a pilot project and deem Christmas trees as a non-collectable material for garbage pickup, for Council's consideration;*

June 14, 2016 Council Meeting:

- c) *the Civic Administration BE DIRECTED to permit Londoners to place a garbage tag on each container that is over the 3 container limit per pickup;*
- d) *the Civic Administration BE DIRECTED to report back with a proposed by-law to amend the Fees and Charges By-law in order to incorporate a fee of \$1.50 per garbage tag effective January 16, 2017; (part of a previous report brought by the City Clerk for approval by the Strategic Priorities and Policy Committee and Council)*
- e) *the Civic Administration BE DIRECTED to report back with a proposed by-law to amend the Municipal Waste & Resource Materials Collection By-law (WM-12) to lower the container limit from 4 to 3, effective January 1, 2017.*

DISCUSSION

Curbside Collection Christmas Trees, One Year Pilot Project

In accordance with Council direction, Christmas trees will be collected curbside for composting on designated days in January 2017 (January 7 for half the City and January 14 for the other half). The designated days have been identified in the 2016/2017 Waste Reduction & Conservation Calendar. Amendments to By-law WM-12 are required to designate Christmas trees as a resource material for collection and to facilitate the collection of Christmas trees on the designated days outlined above. The results of the Pilot Project will be the subject of a future CWC report.

3 Container Limit Amendments

The 3 Container Limit was implemented on October 1, 2016. An Adjustment Period is in effect between October 1 and January 13, 2017, during which time up to 4 containers will be collected and residents will be informed about the new program. The use of 3 containers has been promoted.

Enforcement of the 3 Container Limit will begin on January 16, 2017, and extra containers of garbage without a garbage tag will not be collected. An amendment to By-law WM-12 is required to reflect the new container limit.

Use of Curbside Garbage Tags

Effective January 16, 2017 each garbage container in excess of the 3 Container Limit must display a garbage tag (\$1.50 per tag). Garbage tags are to be affixed directly to the outside of each extra bag in a visible location. If a garbage can is used, garbage tags are to be affixed in a visible location to the top bag or item in the can. An amendment to the Fees and Charges By-law to incorporate the fee for garbage tags (among other items) was the subject of a recent report brought by the City Clerk for approval by the Strategic Priorities and Policy Committee and Council (October 24, 2016 meeting).

It is required to amend By-law WM-12 to define what a garbage tag is and allow for and describe how they are to be used for garbage receptacles set out for collection on public and private property above the maximum permitted amount.

The locations to purchase garbage tags are being finalized and will be announced in mid to late December. To start the program about 10 City locations will be identified.

ACKNOWLEDGEMENTS

This report was prepared with the assistance of Anne Boyd, Manager, Waste Diversion Programs. The by-law amendments have been reviewed by Legal Services.

PREPARED BY:	PREPARED BY:
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PREPARED AND SUBMITTED BY:	RECOMMENDED BY:
JAY STANFORD, M.A., M.P.A. DIRECTOR, ENVIRONMENT, FLEET & SOLID WASTE	KELLY SCHERR, P.ENG., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL & ENGINEERING SERVICES & CITY ENGINEER

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Appendix A A By-law to amend the Municipal Waste & Resources Collection By-law WM-12

Appendix A

Bill No.
2017

By-law No.

A by-law to amend the By-law No. WM-12 being “A by-law to provide for the Collection of Municipal Waste and Resource Materials in the City of London”.

WHEREAS section 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* S.O. 2001, c.25, as amended, 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 of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public, and may pass by-laws respecting the economic, social and environmental well-being of the municipality, and the health, safety and well-being of persons;

AND WHEREAS the Municipal Council wishes to amend By-law No. WM-12, being “A by-law to provide for the Collection of Municipal Waste and Resource Materials in the City of London” to define Christmas trees, garbage tags and General Manager, include Christmas trees in the definition of Resource Materials, change the maximum permitted number of garbage receptacles to be set out for collection on public and private property from 4 receptacles per collection to 3 receptacles per collection, and to allow for the use of a purchased garbage tag for receptacles placed out for collection above the maximum permitted on public or private property.

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

1. By-law WM-12 is hereby amended by adding the following new definitions to Part 1 Definitions Section 1.1;

Christmas tree(s) – defined

“Christmas trees” shall mean natural (as opposed to artificial) coniferous trees less than 3 metres (10 feet) in height, and free of all decorations and coverings.

Garbage tag – defined

“garbage tag” shall mean a purchased sticker, tab, tie or label approved by the City Engineer for the purpose of identifying a garbage receptacle set out for collection in accordance with Sections 4.1.3 and 5.1.3.

2. WM-12 is hereby amended by deleting all references to “General Manager” and by replacing them with the term “City Engineer”
3. By-law WM-12 is hereby amended by deleting the definition of Resource materials and by replacing it with the following new definition;

Resource materials - defined

“resource materials” shall include recyclable material, yard material and Christmas trees collected from residential curbside premises.

4. By-law WM-12 is hereby amended by adding a new section, section 2.6 to Part 2 General Provisions – Administrative Matters as follows:

2.6 Garbage tag form – as approved by City Engineer

The form of the garbage tag used to identify garbage receptacles set out for collection that exceed the maximum permitted in sections 4.1.1 (a) and 5.1.1 (a) shall be approved by the City Engineer. Use of an item to identify a garbage receptacle set out for collection that exceeds the maximum permitted in sections 4.1.1 (a) and 5.1.1 (a) other than a garbage tag in the form approved by the City Engineer is prohibited. The City Engineer may change the approved form of garbage tag as required.

5. By-law WM-12 is hereby amended by deleting section 4.1 (a) in its entirety and by replacing it with the following new section 4.1 (a);

(a) Effective January 1, 2017 and subject to sections 4.1.2, 4.1.3 and 4.1.4, the total amount of garbage that will be collected from any residential curbside premises shall be limited to:

- (i) three receptacles of garbage per Dwelling Unit per collection; or
- (ii) one receptacle of garbage per Lodging Unit per collection.

6. By-law WM-12 is hereby amended by deleting section 4.1.1 (a) in its entirety and by replacing it with the following new section 4.1.1 (a);

(a) Effective January 1, 2017 and subject to sections 4.1.2, 4.1.3 and 4.1.4 no occupant of residential curbside premises shall set out more than:

- (i) three receptacles of garbage per Dwelling Unit per collection; or
- (ii) one receptacle of garbage per Lodging Unit per collection.

7. By-law WM-12 is hereby amended by adding a new section 4.1.3 as follows:

4.1.3 Collection – maximum permitted – use of garbage tag

Effective January 16, 2017, garbage receptacles set out for collection above the limits outlined in subsection 4.1.1 (a) shall be collected if a purchased garbage tag, of a form approved by the City Engineer, is used for each garbage receptacle set out for collection above the limits described in subsections 4.1.1 (a) and in the following way:

- (1) Where receptacles as defined in section 3.1 are used, the garbage tag shall be affixed in a visible location to the top item in the receptacle;
- (2) Where receptacles as defined in Section 3.2 are used, the garbage tag shall be affixed in a visible location on the receptacle.

8. By-law WM-12 is hereby amended by adding a new section 4.1.4 as follows:

4.1.4 Collection – maximum permitted – phased-in compliance period

Subject to section 4.1.2, the phased-in compliance period shall end January 16, 2017. During the phased-in compliance period one additional garbage receptacle set out for collection above the limits outlined in subsection 4.1.1 (a) shall be collected.

9. By-law WM-12 is hereby amended by adding a new section 4.9 as follows:

4.9 Placement for collection – Christmas trees – times – restrictions

Occupants shall ensure that Christmas trees for removal by the collector, shall be placed to the edge of the roadway for collection before 7:00 a.m. local time of the designated collection day for Christmas trees as identified by the City Engineer.

10. By-law WM-12 is hereby amended by adding a new section 4.10 as follows:

4.10 Placement for collection – Christmas trees – late – City not responsible

The City is not responsible for the collection of Christmas trees placed at the edge of the roadway after 7:00 a.m. local time on the designated collection day for Christmas trees as identified by the City Engineer.

11. By-law WM-12 is hereby amended by deleting section 5.1.1 (a) in its entirety and by replacing it with the following new section 5.1.1 (a);

- (a) Subject to sections 5.1.2, 5.1.3 and 5.1.4, no occupant of a townhouse complex or condominium complex shall set out more than three receptacles of garbage per Dwelling Unit per collection.

12. By-law WM-12 is hereby amended by adding a new section 5.1.3 as follows:

5.1.3 Collection – maximum permitted – use of garbage tag

Effective January 16, 2017, garbage receptacles set out for collection above the limits outlined in subsection 5.1.1 (a) shall be collected if a purchased garbage tag in a form approved by the City Engineer is used for each garbage receptacle set out for collection above the limits described in subsection 5.1.1 (a) and in the following way:

- (1) Where Receptacles as defined in section 3.1 are used, the garbage tag shall be affixed in a visible location to the top item in the receptacle;
- (2) Where Receptacles as defined in Section 3.2 are used, the garbage tag shall be affixed in a visible location on the receptacle.

13. By-law WM-12 is hereby amended by adding a new section 5.1.4 as follows:

5.1.4 Collection – maximum permitted – phased-in compliance period

Subject to section 5.1.2, the phased-in compliance period shall end January 16, 2017. During the phased-in compliance period one additional garbage receptacle set out for collection above the limits outlined in subsection 5.1.1 (a) shall be collected.

14. By-law WM-12 is hereby amended by adding a new section, section 5.15 as follows:

5.15 Placement of Christmas trees at collection point – times – restrictions

Occupants shall ensure that Christmas trees for removal by the collector, shall be placed at the collection point for collection before 7:00 a.m. local time of the designated collection day for Christmas trees as identified by the City Engineer.

15. By-law WM-12 is hereby amended by adding a new subsection 8.3 (m) as follows:

- (m) Christmas trees placed for collection on a date other than the day designated by the City Engineer for Christmas tree collection.

16. By-law WM-12 is hereby amended by adding a new section 10.16 as follows:

10.16 Christmas Trees – placement for collection – in advance

No person shall place or cause to be placed Christmas trees for collection by the collector at a collection point or at the edge of the roadway before 6:00 p.m. local time on the day prior to the fixed day for collection by the City Engineer.

17. This by-law shall come into force and effect on the day it is passed.

Passed in Open Council on December 6, 2016.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – December 6, 2016
Second Reading – December 6, 2016
Third Reading – December 6, 2016