



Clean Communities

Date	November 17, 2021
To	Operations and Community Services Committee
From	Citizen Services
Service Area	Water, Waste & Environment
Item No.	OCS21-37

RECOMMENDATION

The Operations and Community Services Committee recommends that City Council:

1. Approve Service Option 1, which continues to offer the same level of solid waste service to all residents of the city.
2. Approve Enforcement Option 2, which introduces a notice of violation tickets for actions in contravention of *The Waste Management Bylaw, 2012, Bylaw No. 2012-63* that lead to increased incidents of litter as outlined in this report.
3. Direct the City Solicitor to prepare the necessary bylaw amendments to the Waste Management Bylaw and *The Regina Community Standards Bylaw, Bylaw No. 2016-2* to be consistent with the recommendations outlined in Schedule A to this report.
4. Remove *MN21-3 Clean Communities* items 1 to 4 from the List of Outstanding Items for City Council.
5. Approve these recommendations at its meeting on November 24, 2021.

ISSUE

This report is in response to *MN21-3 Clean Communities* (Motion 21-3) which requested:

1. Identifies a strategy of increasing fines and prosecution efforts of landlords and offenders for illegal dumping and/or repeat violations of City of Regina (City) bylaws, and the introduction of proactive bylaw enforcement specific to litter, garbage, refuse and other waste material on private and public property.
2. Considers the cost and feasibility of introducing summary offense ticketing powers for bylaw enforcement officers.
3. Considers the feasibility of reducing the timeline provided to property owners to remove garbage and debris from their properties, in accordance with *The Regina Community Standards Bylaw*, Bylaw No. 2016-2 (Community Standards Bylaw).
4. Considers the costs and implications of the following based on bylaw enforcement and waste collection data:
 - a. Empowering waste-pickup crews with bylaw enforcement authority.
 - b. More frequent residential recycling and garbage pickup in areas with higher-than-average incidents of street and alley waste.
 - c. Community (dumpsters, etc.) garbage, composting, and recycling bins in areas with higher-than-average incidents of street and alley waste.
5. Increased financial and service support for community clean-up initiatives in high- need areas.

To address Motion 21-3, the Administration reviewed the City's processes and conducted jurisdictional scans to inform a review of City waste services, processes and enforcement practices to support the recommendations outlined in this report.

This report does not address point 5 of Motion 21-3 because that inquiry was addressed in *Report CR21-135 (In-kind Service and Community Clean Ups)* which was approved at the September 29, 2021 City Council meeting.

IMPACTS

Financial Impact

The Administration's focus for *The Waste Management Bylaw, 2012, Bylaw No. 2012-63 (Waste Management Bylaw)* has been education, not enforcement.

Introducing Notice of Violation ticketing, in addition to consistent and regular notification to residents of improper conduct through tagging for offences that lead to increased incidents of litter, will have resourcing impacts.

Currently, tagging is done by Solid Waste Operations on collection days or as a result of a Service Request being submitted. Outside of scheduled garbage collection days, which are weekly in the summer and bi-weekly in the winter, there is no proactive tagging of carts that are in violation of the Waste Management Bylaw which contribute to litter and debris in the alleys. At this time, it is unknown what the full financial impact will be of a comprehensive enforcement strategy involving Bylaw Enforcement Officers (BEOs), Solid Waste Operators (SWOs) and Waste Diversion Officers

(WDOs). If the enforcement demands exceed the available resources, a budget request will be brought forward in the 2023 budget process.

Administration does not have a software system that will support cost-effective management for Notice of Violation tickets. Currently, Notice of Violation tickets issued under the Community Standards Bylaw are manually entered and tracked in an Excel spreadsheet. Any Notice of Violation tickets issued under the Waste Management Bylaw, should the proposed recommendations be approved, would follow the existing manual process. As it is recommended that Notice of Violation tickets be issued in instances of continued non-compliance, the Administration will monitor the effort in tracking tickets and determine if there are efficiencies by investing in a software system which would be brought forward as part of the 2023 budget process.

Policy/Strategic Impact

The recommendations in the report contribute to the City's vision to be Canada's most vibrant, inclusive, attractive, sustainable community, where people live in harmony and thrive in opportunity. The recommendations in the report support the Community First principle by considering what's best for the whole over the needs of one or a few.

The recommendations support providing waste services to residents based on the needs of the overall community, offering options for residents with needs exceeding the curbside service through free depot services, ensuring affordable and cost-effective services in accordance with the available resources. Goals specific to *Design Regina: The Official Community Plan (OCP)* include:

B Financial Policies, Goal 2 – Sustainable Services and Amenities, 1.3.2

Ensure that the City of Regina services and amenities are financially sustainable.

1.3.1 Provide affordable and cost-effective services and amenities in accordance with available financial resources and capabilities.

Legal Impact

The Waste Management Bylaw will require amendments to add Notice of Violation tickets allowing an additional enforcement technique for the Waste Management Bylaw provisions that contribute to increased incidents of community litter. These proposed amendments to the Waste Management Bylaw are outlined in Appendix A of this report. Additional amendments are also being proposed to the Waste Management Bylaw to address items illegally dumped on private property when it cannot be determined who placed the items there.

Environmental Impact

City Council set a community goal for the City of Regina of achieving net zero emissions and sourcing of net zero renewable energy by 2050. In support of this goal, City Council asked Administration to provide energy and greenhouse gas implications of recommendations so that Council can evaluate the climate impacts of its decisions. The recommendations in this report may result in additional greenhouse gas emissions from increased use of enforcement vehicles however those impacts are expected to be limited.

OTHER OPTIONS

The options are separated into Service Options and Enforcement Options. When determining the elements of the recommended Service Options and Enforcement Options, Administration assessed the current operational strategies, as well as an examination of other municipalities' strategies for waste services and waste enforcement practices. The review of other municipalities is in Appendix B of this report.

SERVICE OPTIONS

Administration is recommending Service Option 1, which is maintaining the current level of curbside garbage and recycling service for all areas of the city. This level of service also includes proactive clean ups after the spring melt in addition to other debris pick-ups as needed through Service Requests or operational inspections.

The recommended Service Option aligns with services provided by other municipalities, like Saskatoon, which balances the community waste needs over individual area need. Below are the two other options that were explored:

Service Option 2 – More frequent residential recycling and garbage pickup in areas with higher-than-average incidents of street and alley waste.

On average, only 78 per cent of the capacity in the garbage cart is used by collection day. The benefits of increasing collection frequency would be limited and only benefit the few alleys that have debris issues at certain times of the year. Administration is planning to roll out a food and yard waste service (Green Cart Project) in 2023, meaning there will be implications to frequency and volume of waste collection for the entire city. At this time, the recommendation is to not alter the service until the Green Cart Project has been implemented and residents' behaviours are established.

To increase garbage cart collection frequency for the entire city prior to 2017 levels (all year weekly service) the cost increase would be approximately \$250,000. This reflects the labour and fuel cost savings associated with reduced collection frequency. There is no impact to capital costs. However, increasing service by neighbourhood would represent an increased cost proportional to the number of residences. For example, the Heritage and North Central neighbourhoods combined represent approximately 17 per cent of the residences that receive City waste service, which translates into approximately \$50,000 increase per year to switch to all-year weekly service.

Across all the services, the increased benefit would only be to a small number of residences due to the average cart only being 78 per cent full with a set-out rate of 84 per cent. Further, the City's current practice is to, upon request, collect a cart that is full regardless if the bin was missed on the normal pick-up process.

As stated above, this option is not recommended until after an assessment of the Green Cart Project deployment to the entire city.

Service Option 3 – Adding community waste bins for garbage, recycling and composting in areas with higher-than-average incidents of street and alley waste.

In 2012, the City switched from a community bin collection process for residential waste collection, to a curbside household cart collection system. The waste collection industry largely made this shift to place responsibility for waste disposal on individual households. Curbside service creates a natural limitation on the amount of waste disposed of per household. This encourages diversion to more environmentally friendly disposal methods (i.e., recycling and food and yard waste). Tracking of contamination is more difficult with a community bin system as well because it is more difficult to attribute improper disposal to an individual household.

The other primary reason for the shift to curbside service is the costs are lower for municipalities. Community bins are, by design, bigger and require specialized equipment to operate. If the City was to move back to this form of service, there would need to be an estimated initial capital cost of approximately \$2 million just for the neighbourhoods with high debris. The industry has, for the most part, switched to individual cart service meaning there is reduced competition for the larger equipment leading to higher risk and cost. Further, these bins are more expensive per capita and in addition to larger collection trucks, a crane truck will be needed to manage overfilled bins.

Other challenges with community bins include:

- More non-residential waste will end up in these bins. Residents may use these bins for construction and demolition material as well as landscaping materials. This will create issues with collection because the bins will be too heavy and will require specialized equipment to collect.
- If only one or two residential areas has community bin service, it will lead to people from other parts of the city dropping their waste off in these neighbourhoods at no cost instead of going to the landfill. The enforcement of this issue would be very difficult without extensive resourcing.
- When the bin is full, there is a higher chance of residents piling garbage around the bin which would need to be managed manually. This problem would be exacerbated by other neighbourhoods dropping off.

The community bin option is not recommended at this time due to the high cost and risk.

ENFORCEMENT OPTIONS

Administration is recommending Enforcement Option 2, which is introducing notice of violation tickets to the Waste Management Bylaw for violations that lead to increased incidents of litter and debris. This option also includes a more aggressive enforcement process for untidy and unsightly violations under the Community Standards Bylaw. Below is the other option that was considered.

Enforcement Option 1 – Focus on Education, not Enforcement

Enforcement of the Waste Management Bylaw would continue to focus on education with a consistent and focused education program. The SWOS and WDOs would continue to monitor compliance to waste and recycling requirements as outlined in the Waste Management Bylaw. Where the resident is not following the Waste Management Bylaw, the designated position (SWO or

WDO) would issue an information tag(s) identifying the violation. In some cases, the resident would be asked to correct the violation prior to the cart being collected. Repeated issuance of a tag would result in a letter to the property owner and billing client, informing them of the non-compliance at their property.

Educational tags would remain focused on informing property owners and occupants on proper cart usage for both garbage and recycling. Tags would be issued when the property violates any of the following:

- Garbage is not bagged, and recyclable material is bagged
- Excessive waste/overfilled carts (material does not fit in cart with the lid closed)
- Cart placement issues (too close to obstruction)
- Setting out waste that is not accepted in the garbage or the recycling cart (cart contents)

Cart tagging by SWOs already occurs as part of the collection duties. Since 2018, Administration has managed the CartSmart program to focus on recycling contents to educate residents on proper recycling practices.

In the case of a complaint, the City would investigate the complaint to see if the concern raised is in violation of the Waste Management Bylaw or other applicable bylaw. In cases where the complaint identifies a breach of the Waste Management Bylaw, the City would issue a letter to the resident identifying the violation and ask them to remedy it within a specified time. Where issues persist, the City would continue to follow up with the property owner to find a resolution. In the case of no resolution, the City would discontinue service or proceed to prosecution. If the complaint does not identify a violation of the Waste Management Bylaw or other applicable bylaw then, the City would speak with the complainant to explain the rules and why there is no violation.

Enforcement of the Community Standards Bylaw would continue for untidy and unsightly violations on private property with the City issuing an order to comply when violations are found. If the property owner does not comply with the order, the City would clean up the yard and apply the costs to the property tax account after the applicable appeal period has expired.

This approach, with a focus solely on education, has not reduced litter and debris in alleys where the incidents are high nor has this approach managed violations on private property in a timely manner or changed the behaviours of repeat offenders. For these reasons, this option is not being recommended.

COMMUNICATIONS

Administration will develop a communication strategy to inform and educate residents and support the implementation of any regulations resulting from the recommendations in this report. Part of this communication plan will involve updated content on Regina.ca informing residents of the Waste

Management Bylaw and the Community Standards Bylaw, how Service Requests for each bylaw are investigated and the length of time it may take to resolve an issue.

DISCUSSION

Current Curbside Waste Services

The City provides curbside waste services on a frequency and with a cart size that meets the needs of the community overall while recognizing some residents have waste needs above or below this service level. The City uses waste audit studies to determine the service levels that meet the needs for the overall community. The waste studies show:

- Garbage carts are 78 per cent full on collection day and 84 per cent of carts in service are set out for collection
- Recycling carts are 77 per cent full on collection day and 73 per cent of carts in service are set out for collection

Waste capacity can vary among residents due to age, number of people in household, number and type of pets and other lifestyle choices. For residents that have waste needs in excess of the curbside service level, the City offers free depot services such as the Big Blue Bins for recycling, or the Yard Waste Depot. Further, property owners can take additional garbage to the landfill or the residents can purchase an additional garbage cart for a fee.

Debris, Litter and Illegal Dumping

Spring Melt Clean-Up

The City currently has an operational program in the spring to both reactively and systematically undertake debris pickups in alleys. After the spring melt, there is often an increase in the number of debris requests in alleys due to litter being more visible once the snow melts. The Administration uses Service Request data and operator knowledge to establish locations for alley clean ups in the spring. The City will identify and remove debris in the first three to four weeks after most of the snow has melted.

General Debris Clean-Up

Beyond the spring program, the City responds to all debris Service Requests that may come in throughout the year. There is more detail in the next section of this report, but in general, if the debris is on public property, City crews will undertake the clean-up. If the debris is on private property, the Bylaw Enforcement Branch will take appropriate enforcement action with the property owner.

Education, Clean-Up and Enforcement within Specific Neighbourhoods or Locations

As part of the preparation of this report, Administration reviewed the Service Request data of instances of debris in the alleys. The data showed that, while there were neighbourhoods with a high number of Service Requests, the individual instances were localized to particular alleys.

This data further shows that debris problems are not widespread within these areas. Instead, it is a small proportion of the alleys within the area that are problematic. This means the problem is

significant for a relatively small, specific area of only certain neighbourhoods. Therefore, broad solutions for these neighbourhoods would be costly in comparison to the value brought to the small number of locations that have waste disposal issues.

As a result, the Administration recommends a more targeted approach to the few areas within a few neighbourhoods within the city as the most cost-efficient approach to resolve the problem of debris where it is occurring.

Illegal Dumping

Littering, or illegal dumping, is regulated by *The Regina Clean Property Bylaw, Bylaw No. 9881* (Clean Property Bylaw). In order to enforce the Clean Property Bylaw, the designated officer must observe a person littering in order to prove that a violation has occurred. The City often finds out about the situation after the material has been deposited and the person has left the area.

In situations where a witness provides the City with a license plate and photographic evidence of the littering occurring, the City can and has sent a letter informing the vehicle owner that a vehicle registered under their name was seen dumping items on public property in violation of The Clean Property Bylaw. In some instances, the City has been successful in getting the vehicle owner to remove the items.

The challenge of enforcing littering or illegal dumping is not a situation that is unique to Regina. In the jurisdictional scan attached as Appendix B, the municipalities researched dealt with loose litter in a similar manner by picking up debris on public property. Most municipalities did not have a dedicated or focused enforcement effort and rely on community clean-ups and systematic seasonal clean-ups instead.

Understanding the challenges associated with enforcing littering, but still recognizing the importance of ensuring that these matters are dealt with as discussed in the previous section, the City uses a debris matrix which is managed by Service Regina and dispatches Service Requests to the appropriate business area. The matrix identifies areas where litter or debris may be found, such as alleys, easements or highway ditches and the business area responsible for picking up and removing the debris.

In the case of alley litter, the current process in place for Service Requests is to assign it to a BEO who will go out to the location to try and determine who placed the items and if the items are located on private or public property. In situations where debris is on public property but the BEO cannot determine who placed the items there, the BEO will send a request to Solid Waste Operations who will dispatch a truck to come and remove the items. If the debris is found on private property and the property is found to be in violation of the untidy and unsightly regulations under the Community Standards Bylaw, the BEO will start enforcement action under that bylaw.

Bylaws and Enforcement

The Waste Management Bylaw, 2012, Bylaw No. 2012-63

The Waste Management Bylaw regulates the collection and disposal of waste for properties serviced by the City as well as properties that do not receive City service. The Waste Management Bylaw also levies the garbage and recycling fees.

Any person who contravenes any provision of the current Waste Management Bylaw is guilty of an offence and liable on summary conviction for an individual to a fine, not to exceed \$10,000 or imprisonment for not more than a year, or both. In the case of a corporation, a fine not to exceed \$25,000. These are the highest fines the City can set based on *The Cities Act*. In addition, the City Manager has the authority to suspend or discontinue collection of waste or recyclable material if the owner or occupant of a city serviced property where such person contravenes a provision of the Waste Management Bylaw.

Waste management crews are already enabled to enforce the Waste Management Bylaw during their day-to-day work by issuing a tag when they observe overflowing carts, inappropriate content and incorrect cart placement.

The City has not discontinued service or prosecuted anyone for a contravention of the Waste Management Bylaw because the property owner has generally handled and resolved the problem without the City needing to take further action.

Incidents of litter in alleys can be attributed to overfilled carts, carts left in alleys and not secured on the property after collection, broken carts (holes in the sides, etc.) and scavenging.

The Regina Community Standards Bylaw, Bylaw No. 2016-2

The Community Standards Bylaw regulates select matters on private property which may affect the amenity of a neighbourhood, including untidy and unsightly yards. The regulations under the Community Standards Bylaw prohibit a person from allowing any land, building, structure or yard from becoming untidy or unsightly due to serious disregard for general maintenance or upkeep.

When there is a general law and a specific law, the specific law is intended to take precedence over the general law. While there can be similarities and overlap between the Community Standards Bylaw and the Waste Management Bylaw, The Waste Management Bylaw would be used when dealing with litter and debris situations created as a result of overflowing waste containers, waste not being properly bagged and containers being left in the alley because the Waste Management Bylaw would be considered the specific law. The Community Standards Bylaw would be the enforcement tool for violations on private property resulting from an excessive accumulation of debris considered to be a violation of the Community Standards Bylaw.

In the event a property is not in compliance with the standards established by the Community Standards Bylaw for untidy and unsightly properties, BEOs may use the enforcement tools provided by *The Cities Act* to seek remediation of the contravention. The most effective tool granted by *The Cities Act* is the ability for the City to enter private property and conduct the work necessary to bring the property into compliance with the Bylaw and apply the cost of doing so to the property tax account of the registered owner.

However, there are conditions on the exercise of this authority. If the City wishes to recover the costs of doing the work, the City must follow the process established by s. 328-330 of *The Cities Act*. The process requires that following an inspection during which a contravention of the Community Standards Bylaw is discovered, the Bylaw Enforcement Officer must issue a formal written order to the property owner. Since 2018, the Bylaw Enforcement Branch had an average of 1493 untidy and unsightly yard cases per year. During this same period, the average voluntary compliance rate was 93 per cent (approximately 1068 cases) and 7 per cent (approximately 108) cases requiring remedy by the City.

During the spring, summer and fall, the City conducts yard clean-ups on a weekly basis for properties that do not comply with an order. Yard clean-ups are planned at least a week in advance in order to schedule resources and provide a final five-day clean-up notice in order to gain compliance. The clean-ups are completed by a contractor. However, they are led onsite by BEOs who document the items that are removed, the items that are left and the time that was spent at the property remedying the violation. The costs of remedying an untidy and unsightly violation also includes at least one Regina Police Service officer who is onsite for the duration of the clean-up to provide protection to the BEOs and the contractor while the work is being performed.

Given the complexity and follow-up associated with untidy and unsightly violations under the Community Standards Bylaw, it is not practical to have SWOs enforce these violations. The operational areas will improve communications to provide addresses that are observed during collection and require follow-up by Bylaw Enforcement.

A housekeeping amendment to Schedule B of the Community Standards Bylaw is required to allow for additional notice of violation tickets to be issued after the third ticket.

Summary Offence Ticketing Information

Summary Offence Ticket Information (SOTI) is a type of court document used by the Province to lay charges for summary conviction offences and summon people to court. SOTIs are rarely used to charge bylaw offences, though members of Regina Police Service occasionally use a SOTI to lay a charge for a bylaw offence typically under *The Noise Abatement Bylaw, Bylaw No. 6980*. It is an order issued under *The Cities Act* that allows the City to remedy a violation and apply costs of doing so to the tax account.

When a Regina Police Service member uses a SOTI to lay a bylaw enforcement charge, the City must engage in a manual process to track administration of the SOTI and must apply to the Province to have the funds transferred to the City if a fine is collected on a SOTI for a bylaw enforcement charge.

BEOs cannot access SOTIs. Even if they could, it would not aid the enforcement process in terms of remediating a violation because the issuance of a SOTI would only summon the owner to court while allowing the violation to persist on the property. It can take months for the matter to work its

way through the necessary legal proceedings. It is an order issued under *The Cities Act* that allows the City to remedy a violation and apply costs of doing so to the tax account.

While BEOs cannot access SOTIs, SOTIS are not the only kind of court document that can be used to lay a charge. The City can, and does, initiate charges for contraventions of bylaws and of provincial legislation administered by the City (other than parking tickets) by swearing an Information before a Justice of the Peace and having a summons to court issued for an accused.

Outside the formal criminal court process, the City has the authority, through bylaws, to establish voluntary payment regimes whereby a person who has contravened a bylaw may make payment in an amount established by the bylaw to avoid prosecution. The City calls its voluntary payment regimes Notices of Violation. The Community Standards Bylaw is one bylaw that provides for issuance of Notices of Violation for offences of that bylaw and the proposed amendments contained within Appendix A to this report include a Notice of Violation option to be added for specific sections of the Waste Management Bylaw. In the event an offender does not make the voluntary payment stated in the Notice of Violation, then the City can proceed, if deemed appropriate, to lay a formal charge against the offender using the Information/Summons process.

Recommendations

Administration recommends the following options:

Service Option 1 - Providing the same level of service to all residents, regardless of their neighbourhood. The City will maintain weekly garbage collection from April to October and biweekly collection November to March, along with a biweekly recycling collection service until the Food and Yard Waste service is deployed Citywide. Once the Citywide Food and Yard Waste service is deployed garbage collection will be bi-weekly year round.

This option provides a level of service to residents that meets the overall needs of the city-wide community, based on cart set out rates and cart utilization and supports the residents in taking accountability for the litter in their own neighbourhoods. This level of service also includes proactive clean ups after the spring melt in addition to other debris pick-ups as needed through Service Requests or operational inspections

Enforcement Option 2 – Introduce Notice of Violation ticketing within the Waste Management Bylaw and use ticketing for repeat offenders under the Community Standards Bylaw.

The Waste Management Bylaw – This option requires amendments to the Waste Management Bylaw to introduce a Notice of Violation ticket option for violations that contribute to increased incidents of litter. The proposed Notice of Violation schedule would see increasing voluntary payment amounts for the first, second and third Notice of Violation ticket. The proposed voluntary payment amounts would be \$100 for the first violation ticket, \$150 for the second violation ticket and \$200 for the third and subsequent violation tickets. The Notice of Violation tickets would be issued to the property owner and not to the tenants.

As part of this option, BEOs would be equipped with tags to notify residents of carts that are left out in the alley following the collection day. The tagging done by BEOs would be provided to the program area for tracking and further enforcement action, as deemed necessary. This collaborative response allows the City to be proactive on matters that contribute to debris and litter in alleys.

In this option, a Notice of Violation ticket would be issued as part of an escalated enforcement program that is focused first on achieving compliance through education, specifically, tagging of bins followed by a letter to the property owner and the client in billing. If non-compliance continues, the City would use escalated enforcement tools, such as a violation ticket or a prosecution. In extreme situations where ticketing or a prosecution does not result in the property owner complying with the requirements in the Waste Management Bylaw, the City would look to suspend or cancel services.

In the event the person does not pay the voluntary payment or if the City chooses to proceed directly to prosecution, the Administration recommends amendments to the Waste Management Bylaw to introduce specific fines for violations that contribute to increased incidents of litter. The proposed fine schedule would see increasing fine amounts for the first, second and third convictions. The fine amounts would be \$200 for the first conviction, \$250 for the second conviction and \$300 for the third conviction. For the fourth and subsequent convictions, the court will establish an appropriate fine up to the maximums permitted under *The Cities Act*. The offence notice would be issued to the property owner and not the tenants.

The Regina Community Standards Bylaw – In this option, a Notice of Violation ticket would be issued for any repeat offender of the untidy and unsightly regulations within a calendar year. A repeat offender occurs when the same violation occurs at the same location with the same owner. In these situations, a Notice of Violation ticket would be issued for a second or subsequent violation. Notice of Violation ticketing is already an option within the Bylaw, with a fine amount for \$500 for a first violation ticket, \$1,000 for a second violation ticket and \$1500 for a third violation ticket. Therefore, an amendment to the Community Standards Bylaw is not required.

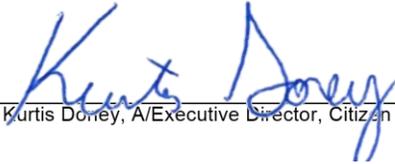
To reduce enforcement times, the Bylaw Enforcement Branch will no longer issue informal notices to property owners as part of their process and issue an order under *The Cities Act* for all violations instead. This administrative change in process is estimated to reduce compliance times by up to 14 days depending on enforcement demands, whether compliance is achieved voluntarily and when the remedy by the City is scheduled to be completed.

DECISION HISTORY

At its meeting on April 29, 2021, City Council passed Motion 21-3, which directed Administration to bring back a report to the Operations and Community Services Committee in Q4 of 2021 providing recommendations on enforcement of litter and garbage on private and public property, as well as service level options related to garbage and recycling services.

Respectfully Submitted,

Respectfully Submitted,



Kurtis Doney, A/Executive Director, Citizen Services

11/3/2021



Kim Ohra, Executive Director, Citizen Services

11/10/2021

Prepared by: Janet Aird, Manager, Waste Diversion

ATTACHMENTS

Appendix B - Municipal Scan Waste Services Enforcement

Appendix A - Proposed Notice of Violation Schedule For The Waste Management Bylaw, 2012

Municipality	Are additional services provided for low income areas?
Saskatoon	Same services for whole city. City does have litter issues in low income areas but doesn't have any special programs to control other than cleanup activities.
Prince Albert	No service differences identified.
Kelowna	No service differences identified.
Portland, Oregon	Metro(Directly elected Regional Government serves Portland, Oregon and 23 other cities) provides some support for homeless campsites. RID Patrol (Regional Illegal Dumping Patrol) cleans up dumped or abandoned garbage sites near homeless campsites. Metro's bag program offers a free pickup and disposal service for those experiencing homelessness. Low income families generating Health condition related waste, may apply for financial assistance from the City. Eligible Customers will be allowed a garbage service level upgrade for health condition related waste for no additional charge.

Regional District of Nanaimo	No service differences identified.
Calgary	No. All areas receive same service. City does have litter issue throughout the city and perform cleanups based on complaint basis. The City of Calgary Parks host an annual litter clean up across the city.
Denver (American equivalent to Calgary)	No service differences identified.
Edmonton	No service differences identified.

Minneapolis (American equivalent to Edmonton)	No service difference identified. All areas receive same services.
Winnipeg	No additional services are offered but they will offer services for charity for reduced cost.
Region of Peel	No service differences identified.

Guelph	No service level differences identified.
Thunder Bay	No service level differences identified.
Halifax	No service level differences noted.

Do they have enforcement provisions related to waste?	Do they actively enforce?
<p>Yes. 1. Tickets can be issue for waste bylaw infractions 1st Offence - \$100, 2nd - \$200, 3rd or subsequent - not less than \$200 and not more than \$10,000 for individuals. For corporations, can be up to \$25,000. 2. Disposing garbage & recycling other than permitted in bylaw may be ticked 1st offence-\$500, 2nd- \$1000, 3rd or subsequent -\$2,000-\$10,000.</p>	<p>Cart-related offences as follows: 1st offence - Warning 2nd offence - Letter 3rd offence - Ticket Not all offences are eligible for tickets.</p>
<p>Bylaw infractions can be fined as, 1st offence - \$100, 2nd - \$200, 3rd & subsequent - \$300. If penalty paid within 10 days of notice of violation shall be 25% discounted for 1st & 2nd offence.</p>	
<p>Every person who violates any provision of bylaw, or who permits any act or thing to be done in violation of bylaw, or who fails to do any act or thing required by bylaw, shall be deemed to have committed an offence against this bylaw and shall be liable to a fine up to \$150 per offence.</p>	<p>They generally don't enforce.</p>
<p>Any person violating any provision of this chapter shall be subject to: (1) A civil fine of not more than US\$500 for each violation; and (2) An award of costs to reimburse Metro for the administrative costs of investigation and collection; and cleanup, management, and disposal costs incurred.</p>	<p>No active enforcement noted.</p>

<p>Any person who contravenes the bylaw, by doing any act which the bylaw forbids, or omitting to do any act which the bylaw requires is guilty of an Offence and is liable, on summary conviction, to a fine of not less than \$200 and not more than \$2,000.</p>	<p>No active enforcement noted.</p>
<p>A person who commits an offence under waste bylaw may be issued a violation ticket by a Bylaw Enforcement Officer. If the person to whom an order has been issued pursuant to the Bylaw sections, fails to comply with the order within the time specified the City may take whatever steps are necessary to remedy the breach of this Bylaw and the cost of doing so becomes a debt owing to the City by the person to whom the order was issued. Any person who contravenes a provision of waste Bylaw is guilty of an offence and is liable to the penalty on conviction as follow, for a first offence- between \$125-\$250, for repeated offence within 24 months will be \$250-\$500</p>	<p>First and second violations - Verbal Warning or Warning letter, repeated violations may be ticketed. Mostly the City doesn't enforce ticketing as have some limitations.</p>
<p>Each manager and director authorized to enforce the provisions of this article shall coordinate with the manager of transportation and infrastructure to establish policies to assist in the assessment of civil penalties for administrative citations issued for illegal dumping or unlawful disposal. First citation: US\$150. Second citation: US\$500. Third and each subsequent citation: \$999.</p>	
<p>A person or owner found guilty of an offence under Waste Bylaw is liable to a fine in an amount not less than \$250. If a person or owner is guilty of a subsequent offence, the fine amounts are doubled.</p>	

<p>Enforcement may include the abatement of overflowing dumpsters upon failure of the owner to respond to written orders with the resultant cost assessed against the property. The director of regulatory services or any authorized representative may order to clean up and charge for the cleanup or other abatement of overflowing dumpsters or any other solid waste collection device or solid waste collection point throughout the city, whether or not the city provides solid waste and recycling services for the property involved. Any building owner or operator who fails, omits, neglects, or refuses to comply with the provisions of separation and collection of recyclable material requirement after any period of compliance provided for in the notice, shall be subject to a fine of US\$100 for a first offense within 12 months and a fine of US\$200 for a second offense within 12 months. A third offense within 12 months shall subject the party to a fine of US\$450 and a US\$700 fine shall be imposed for the fourth and any subsequent violation within any 12 months period.</p>	
<p>Upon summary conviction for the contravention of bylaw provision, to a fine of not less than \$300 for individuals or \$600 for corporations plus mandatory court costs as provided by The Summary Convictions Act. In addition to his or her powers of enforcement as a designated employee, the Director may refuse to provide solid waste collection services if appropriate fees not paid or not in compliance with waste by-law or another by-law of the City.</p>	<p>Truck driver has tags but they are not used often. Bylaw officers have authority to issue tickets but don't right now unless it's a very large infraction. They are currently working on training programs for future tagging/ticketing.</p>
<p>Where any person contravenes any provision of Waste Bylaw, the Commissioner, or any Officer may, by written notice delivered by personal service, require such person to comply with this Bylaw within the time specified in the notice. Where a person does not comply with a notice issued, the Commissioner may perform or carry out that which is required to be done or cause it to be performed or carried out at that person's expense.</p>	

<p>If an Officer finds waste which is either not stored or not set out in accordance with the provisions of waste By-law, the Officer may issue an Order to the responsible Waste Generator or Property Owner, requiring the waste described in the Order to be removed at the expense of the Waste Generator or Property Owner, or to be properly stored or set out in accordance with the provisions of waste By-law. If a Waste Generator or Property Owner has not complied with any applicable provision of this By-law, and the applicable property receives City Waste Collection Service, then the City may discontinue the City Waste Collection Service to that property</p>	
<p>Based on complaint.</p>	
<p>Every person who violates any provision of Waste Bylaw is guilty of an offence and is liable on summary conviction to a penalty of not less than \$200 and not more than \$10,000 and in default of payment thereof to a term of imprisonment for not more than 60 days.</p>	

For what infractions can they issue a waste related ticket?

Waste accumulation on property other than as permitted; Not covering waste while transporting; Owner/operator of vehicle involved in illegal waste disposal (Illegal dumping of waste); Placing carts in public right-of-way 24 hrs before collection day; Leaving carts in public right-of-way after 24hrs of collection day; Disposing garbage in recycle cart; Dispose recyclable materials other than as permitted; Not maintaining carts in a sanitary state; Causes any loss of or damage to city owned waste containers.

Disposes of garbage or recyclable material other than as permitted in Bylaw; Not securing waste loads while transporting; illegal dumping; causes any loss of or damage to a City-owned waste containers; Failing to maintain waste containers in sanitary state; Leaving carts in public right-of-way for more than 24 hrs; Disposing commercial recyclables in recycling depots; Disposing non recyclable materials in recycling depots

Accumulation of rubbish on premises; Illegal waste dumping in public place; Disposing garbage or recyclable in prohibited places; dispose imported materials; Use of landfill/depots after hours; Fail to cover load while transporting; dispose of Garbage any place other than a Garbage Cart for collection as part of the City's collection system; Dispose of Mandatory Recyclable Material any place other than a Recyclables Cart or directly at a Recycling depot; Deposit Garbage or Yard Waste to a Recycling Depot; Place Garbage for pick-up with the Garbage of others or place Garbage in Garbage Carts owned by others without that Owner's permission; Scavenge Garbage or Recyclable Materials, whether placed out for collection at Residential Dwelling Premises or deposited at a Recycling Depot or the Landfill; Contamination of garbage, recycle or yard waste cart.

Throw or place any solid waste, upon the private land or waters of another person, into a solid waste receptacle of another person without the permission of the owner, upon public lands or waters, or upon any public place other than at a solid waste facility authorized to accept; Vehicles with uncovered load of waste or recyclable while transporting; delivering to a Metro household hazardous waste facility or collection event any hazardous waste other than household hazardous waste; Disposing hazardous waste in transfer station.

Deposit or dispose of refuse in places other than designated place or authorized collection container; Contamination of recycling cart or food waste cart; disposing banned Recyclables; exceed the weight limit or capacity specified on the Collection Cart; setting out carts for collection earlier than 5 AM on collection day and not removing cart 10 PM on collection day; Not maintaining carts in good, clean and sanitary condition; disposing waste on public property.

Not storing waste where it was generated or storing waste in others property without concern of that property owner; A person depositing waste in automated container or next to container without consent of the container's owner; Not storing waste properly on property; A person setting out containers creating offensive odour or untidy to adjacent premises; Not keeping automated collection containers clean; Fail to appropriately sort waste materials; setting out collection containers with more than 60 kg in total weight; Fail to set out containers for collection without obstructing traffic in street or alley; Set out collection containers earlier than 7 p.m. on the day before collection day or fail to remove containers from collection location before 7 p.m. on collection day.

Dispose of or remove any trash to dump, litter, deposit or cause to be deposited on any public or private property other than those premises lawfully designated for waste storage; deposit any trash in city-owned trash containers which are designated by the department of transportation and infrastructure for residential use only; Any commercial user to deposit any trash in city-owned trash containers; Deposit any trash in privately owned trash containers without the owner's permission;

Any person who disturbs, or remove the contents of a container; scavenging City waste facility or waste containers; Damaging or tamper with or vandalize waste containers; disposing of waste produced at residential premises or non-residential premises into a public litter receptacle; depositing waste into a container without the consent of an owner of the premises where the container is located; fail to properly sort and segregate recyclable materials before disposal into a blue bin designated at a community recycling depot; residents fail to source-separate and place within the correct type of container for curbside collection; Residents using plastic liner or plastic bag or uncertified compostable bag as a liner in an organic cart; set out carts with contamination

Illegal dumping in public or private property; Depositing wastes or recyclables in any other containers without the permission of owner or occupier; Littering park and parkways.

Remove solid waste from one property and deposit it on another property with out concern of property owner; place solid waste into any container in others property without the concern of an owner of the container or property; placing unacceptable waste in recycle waste container and compostable waste container; scavenge or pick through or remove solid waste that is located at a solid waste disposal site and from collection container; fail to maintain collection cart in clean and odour-free state; fail to store collection carts in private property unless set out for collection;

Set out collection carts obstructing the travelled portion of the roadway or sidewalk or footpath; Set Out Residential Waste prior to 7:00 p.m. on a day immediately preceding a Scheduled Collection Day and not removed from the Collection Point at which it was Set Out no later than 8:00 p.m. on the Scheduled Collection Day; Set Out Residential Waste which is not contained in a Proper Receptacle; Set Out Waste in a Proper Receptacle which is emitting a foul or offensive odour; set out containers packed in such a manner that Waste exceeds the height of the receptacle; fail to keep Cart in good condition, and not in a condition that is noxious, offensive or dangerous to public health; set out containers with contamination; Fail to source-separate Waste as described in By-law; Set Out, place, discard or cause Waste to be placed on Public Property other than as provided for herein; Scavenge any Waste that has been Set Out for collection;

Fail to ensure Cart or Front-end Bin in good condition, and not in a condition that is noxious, offensive or dangerous to public health; Fail to separate Organics, Recyclables and Garbage from any Non-collectable Waste before set out for collection; Set out carts for collection before 5:00 p.m. on the day preceding the day scheduled for collection and all Containers, and any waste not collected, are removed from the Collection Point before 7:00 p.m. on the day of collection; scattering any waste set out for collection pursuant to waste Bylaw, whether on public or private property; Fail to set out for collection without impede or obstruct pedestrian or vehicular traffic or as to endanger the safety of the public; Deposit refuse generated on private property, into public street or park containers.

No Waste Bylaw.

The owner or occupier who fail to utilize regulation containers for the storing and collection of mixed waste or recyclable materials and organic materials; fail to maintain such regulation containers in good repair and in a sanitary condition; fail to source-separate all collectible waste generated from eligible premises at the point of generation so as to comply with the provincial disposal bans and to facilitate; deposit or cause the deposit of illegally dumped material.

APPENDIX A

PROPOSED NOTICE OF VIOLATION SCHEDULE FOR *THE WASTE MANAGEMENT BYLAW, 2012*

Repeal section 2 and replace with the following:

2. The authority for this Bylaw is sections 8, 324, 330, 333, and 355 of *The Cities Act*,

Repeal section 13 and replace with the following:

13. No person shall cause, permit or allow waste to be:
 - (a) placed anywhere other than a container, commercial bin or specified location at the landfill; or
 - (b) as otherwise specified in this or any other applicable bylaw.

Add a new section 13.1 as follows:

- 13.1 If the identity of the person who has caused, permitted, allowed or disposed of or placed waste on land contrary to this Bylaw cannot reasonably be ascertained, then the owner or occupant of the land shall remove the waste or cause the waste to be removed.

Add the following provisions to Part IX OFFENCES AND PENALTIES:

- 56.2(1) When a Bylaw Enforcement Officer has reason to believe that a person has contravened any provision of this Bylaw specified in Schedule "F", the Bylaw Enforcement Officer may issue a Notice of Violation to the person in contravention.

- (2) A Notice of Violation issued pursuant to subsection (1) shall contain a voluntary payment amount, determined by the nature of the contravention and the number of times a notice of violation has been issued for a contravention of the same nature, at the same property, to the same owner, as prescribed in Schedule "F".
- (3) Where a Notice of Violation is issued, a person may make voluntary payment of the amount shown on the Notice of Violation, if the person does so before the date specified as the payment date set out in the Notice of Violation.
- (4) A Notice of Violation shall be served by any method available to the City pursuant to section 347 of *The Cities Act*.
- (5) Where the City receives a voluntary payment of the prescribed amount in Schedule "F" before a court summons is issued, the person receiving the Notice of Violation shall not be liable to prosecution for the contravention.
- (6) Payment of a voluntary payment amount specified in a Notice of Violation does not relieve the owner of the property from compliance with an order issued pursuant to *The Cities Act* and this Bylaw.

Section 57 is repealed and replaced with:

- 57 (1) Notwithstanding section 56.2, every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to:
- (a) a fine in the amount set out in Schedule "G";
 - (b) in the case of an individual, a fine of not more than \$10,000, or imprisonment for not more than 1 year, or to both;
 - (c) in the case of a corporation, a fine of not more than \$25,000; and

- (d) in the case of a continuing offence by an individual or a corporation, to a maximum daily fine of not more than \$2,500 for each day or part of a day during which the offence continues.

57.1(1) For the purpose of determining the applicable Notice of Violation or fine required by clauses 56.2(1) or 57(1)(a), respectively, the number of offences shall be determined by the number of previous Notices of Violation, that are not the subject of an appeal, issued in relation to that particular person.

- (2) For offences relating to carts, the applicable Notice of Violation or fine required by clauses 56.2(1) or 57(1)(a) respectively shall be determined by the number of Notices of Violation issued in relation to the same address.
- (3) A Notice of Violation issued in the previous calendar year shall not be used to calculate the number of offences for the purpose of clauses 56.2(1) or 57(1)(a).
- (4) The failure of any person to remedy a breach of this bylaw within twenty-four hours after receipt of a Notice of Violation shall be deemed to constitute a separate offence for which an additional Notice of Violation may be issued or a prosecution initiated.
- (5) Nothing in this section shall be construed to prevent any person from exercising his right to defend a charge of contravention of this Bylaw.

Sections 58 and 59 are repealed.

The following schedules be added to the Bylaw:

Schedule "F"
Notices of Violation

BYLAW SECTION	CONTRAVENTION	1ST NOTICE OF VIOLATION	2ND NOTICE OF VIOLATION	3RD and Subsequent NOTICES
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				OF VIOLATION
14(a)	The owner or occupant of a designated property shall ensure that containers assigned to that designated property are: (a) stored in a location at the designated property that is under the care and control of the owner or occupant of that designated property	\$100	\$150	\$200
19(a)	Every person receiving city waste services shall ensure his or her waste meets the following requirements: (a) all garbage shall be bagged or bundled in the container	\$100	\$150	\$200
19(c)	Every person receiving city waste services shall ensure his or her waste meets the following requirements: (c) where city waste service is automated collection or semi-automated collection, all waste shall fit in the cart with the cart's lid closed	\$100	\$150	\$200
22	No person shall set out a container for city waste service at a set out location before 6:00 p.m. on the day before the collection day.	\$100	\$150	\$200

24	No person shall cause or permit a container or uncollected waste to remain at the set-out location after 12:01 a.m. of the day following the collection day	\$100	\$150	\$200
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Schedule "G"

Fines

BYLAW SECTION	CONTRAVENTION	FINE ON 1ST CONVICTION	FINE ON 2ND CONVICTION	FINE ON 3RD CONVISIONS	FINE ON 4TH AND SUBSQURNT CONVICTION
14(a)	The owner or occupant of a designated property shall ensure that containers assigned to that designated property are: (a) stored in a location at the designated property that is under the care and control of the owner or occupant of that designated property	\$200	\$250	\$300	Established by the Court

19(a)	Every person receiving city waste services shall ensure his or her waste meets the following requirements: (a) all garbage shall be bagged or bundled in the container	\$200	\$250	\$300	Established by the Court
19(c)	Every person receiving city waste services shall ensure his or her waste meets the following requirements: (c) where city waste service is automated collection or semi automated collection, all waste shall fit in the cart with the cart's lid closed	\$200	\$250	\$300	Established by the Court
22	No person shall set out a container for city waste service at a set out location before 6:00 p.m. on	\$200	\$250	\$300	Established by the Court

	the day before the collection day.				
24	No person shall cause or permit a container or uncollected waste to remain at the set-out location after 12:01 a.m. of the day following the collection day	\$200	\$250	\$300	Established by the Court

Consequential Amendment to *The Regina Community Standards Bylaw*

Delete the column heading :**3RD NOTICE OF VIOLATION**” and replace with **“3RD and Subsequent NOTICES OF VIOLATION”**.