

The Waste Bylaw, 2022

ISSUE

This report submits Bylaw No. 9844, *The Waste Bylaw, 2022* (“Bylaw”) for City Council’s consideration. The Bylaw implements City Council’s decision to replace Bylaw No. 8310, *The Waste Bylaw, 2004* with a new waste bylaw.

RECOMMENDATION

That City Council consider Bylaw No. 9844, *The Waste Bylaw, 2022*.

BACKGROUND

At its [December 20, 2021 Regular Business Meeting](#), City Council considered a report of the General Manager, Utilities and Environment Department dated December 6, 2021 and resolved:

1. That Bylaw No. 8310, The Waste Bylaw, 2004, be replaced with a new waste bylaw as proposed in the report of the General Manager, Utilities and Environment dated December 6, 2021; and
2. That the City Solicitor be requested to prepare the new waste bylaw.

DISCUSSION/ANALYSIS

The Bylaw includes all provisions discussed in the above-mentioned report surrounding organics, home composting, bin enclosure construction standards, sharp object containment, and waste container covers. In addition, the Bylaw contains further changes as described below.

The following changes are housekeeping in nature:

- General changes to modernize, reorganize, reformat and reword provisions while maintaining the intent and functionality of the previous bylaw.
- Removal of outdated and unnecessary definitions and provisions.
- Addition of a table of contents.

The following changes are consequential in nature resulting from the direction to implement the organics program:

- The definition of “garbage” now excludes “organic material” similar to the exclusion of “recyclable material” (clause 2(m)).
 - This change makes it clear that, like recyclable material, organics should be separated from garbage that is headed to the landfill.

- Addition of a prohibition against placing non-organic material in an organic material container (clause 13(b)).
 - This includes the addition of a fine amount (Schedule H, section 1, clause (m)).
- Addition of a prohibition against depositing non-organic material at a compost depot (subsection 52(7)).
 - This includes the addition of a fine amount (Schedule H, section 1, clause (ii)).
- Addition of fine amounts related to home composting (Schedule H, section 1, clauses (e) to (k)).

The following changes, though not specified within City Council's direction, were made with a view to improve the new bylaw over the previous bylaw:

- Addition of a prohibition against all persons placing waste in a waste container that is not their container except with permission of the owner (section 12).
 - This prohibition previously only prohibited owners or occupants of property from placing waste in a waste container that was not their container (former section 10).
 - This change means that no one may place waste in a waste container that is not their container except with permission.
- Addition of a prohibition against providing false or misleading information at a waste disposal site (clause 55(d)).
 - This change was made at the request of landfill management to combat such behaviour.
- Revised and modernized enforcement provisions and addition of Schedule "H" which sets out the offences that have a specific penalty amount and identifies that specified penalty amount.
 - One change in particular was to make it clear that the early payment of a ticket resulting in a discount to \$75.00 for first offences or \$150.00 for second offences only applies to offences for which the normal first offence penalty is \$100.00, and the second offence penalty is \$200 (subsections 70(4) and (5)). This was not previously clear for ICI-related offences which start at \$500.00 for a first offence and climb to \$1,000.00 for a second offence.
- Addition of nuisance, noxious and prohibited weeds as prescribed by *The Weed Control Act*, to the list of materials not considered to be organic in Schedule "A".
 - This change was made to avoid contamination of organic compost material.
- Addition of elm trees to the list of material considered to be special waste in Schedule "C".
 - This change was made as elm requires special handling pursuant to Provincial legislation and cannot be placed in regular waste or organics bins.

- A further provision was added which sets the fee for delivering elm to the landfill to be the same as regular waste, rather than the heightened fee for special waste in Schedule “F”. This accords with current practice and encourages proper disposal of elm.

APPENDICES

1. Proposed Bylaw No. 9844, *The Waste Bylaw, 2022*.

Report Approval

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