



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Director of Public Works Services
Subject: Solid Waste Management Bylaw

File No.: 05360-02
Date: November 22, 2023

PURPOSE: To seek Council approval of the first, second and third readings of ***Solid Waste Management Bylaw No. 3113, 2023*** (Attachment 3), to seek Council direction to update ***Municipal Ticket Information Bylaw No. 2435, 2006***, and further to seek Council direction to draft a bylaw to repeal the ***Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002***.

BACKGROUND:

In June 2022 Council directed staff to award a ten-year contract commencing January 1, 2024 to Halton Recycling Ltd. (dba Emterra Environmental) for automated curbside collection creating a new solid waste service requiring an accompanying bylaw to outline the program's expectations and define the requirements of the automated curbside collection service.

Upon commencement of automated curbside collection, the existing ***Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002*** will no longer meet the needs of the solid waste collection service and is recommended to be formally repealed by bylaw. Furthermore, an update will be required to ***Municipal Ticket Information Bylaw No. 2435, 2006*** to define the penalties for offences related to the new bylaw as well removing penalties for offences related to the old bylaw. In addition, a Solid Waste Contamination Policy to define escalating enforcement steps for recycling contamination.

DISCUSSION:

The current solid waste bylaw (***Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002***) was originally adopted over twenty years ago for the purpose of requiring residents to use the waste disposal or recycling service provided by the City. Further amendments to this bylaw included:

- Redefining accepted recyclables (2022)
- Removing multi-family and industrial / commercial / institutional properties (2022)
- Including co-mingled organics and limiting organic collection to 360 L (2022)
- Purchasing additional yard waste tags (2023)

The recent amendments to the previous bylaw were all in preparation for the impending transition to automated service in 2024. The implementation of automated curbside collection creates a new solid waste collection service with significant changes to the existing service, including a shift to bi-weekly garbage collection, a limit on organics collection, the assignment of cart sets for each household, cart exchanges, options for additional carts, wildlife resistant carts, weight or volume limits, mandatory participation, serviceable properties, cart placement requirements on collection day, assisted set-out service, requirements for waste audits, contamination management, penalties and offences, and a change to fees and charges.

Bi-Weekly Garbage and Recycling, Weekly Organics Collection

The change to bi-weekly garbage collection is to align with the established goals as defined within the Regional Solid Waste Management Plan. The goal of waste reduction through diversion to recycling and organics is required to effectively achieve the Provincial target of 350 kg/person per year. The inclusion of co-mingled organics in curbside collection in 2023 has shifted behaviours away from a reliance on garbage and towards diversion through the organics stream. Responses from the public as well as 2023 tipping tonnages at the landfill do indicate a reduction in garbage output from most households. The proposed bylaw also stipulates the frequency of collection as the overall collection system will shift to a two stream per week collection style. Starting in January of 2024, organics will be collected every week, with garbage and recycling alternating on a bi-weekly basis.

Organics Limits

Single residential homes will be provided a 360 L organics cart for weekly organics collection, and residents in some areas of the City have voiced concern that seasonal leaf collection and yard waste may overwhelm the new carts that will be provided. Residents will be given the opportunity to acquire additional organics carts on a cost-recovery basis. The costs for additional organics carts are outlined in Attachment 1: Proposed Fees and Charges, which are subject to budget approval.

In March 2023, the ***Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002*** was amended to include the provision for residents to purchase additional yard waste tags at a cost of \$5 per bag (similar to garbage tags) for the remainder of the manual collection program in 2023. The transition to automated carts will eliminate the option for yard waste tag purchases, but will allow for residents to pay for additional organics carts on a cost-recovery basis, discussed below. Yard waste tag sales have been minimal throughout the first nine months of 2023. Staff understand that the CSWM Comox Valley Waste Management Centre saw a significant increase in residents dropping off yard waste during the spring clean-up period. While there is a need to dispose of yard waste, residents have shown they are willing to pay the user-fee themselves for the excess yard waste disposal.

Standard Cart Assignments

Two cart sets are based on housing type, and will be delivered to homes this fall.

Table 1. Cart sets by housing type

Housing Type	Recycling	Organics	Garbage
Single Residential Dwelling, Duplex	360 L	360 L	120 L
Secondary Suites, Carriage House	240 L	120 L	
Multi-residential Detached, Manufactured Homes in a Mobile Home Park, and Fourplex			

All households in the curbside collection service will receive a 120 L garbage cart with the emphasis on waste diversion to the recycling and organics streams.

Cart Exchanges

Supply-chain limitations in the production of the automated carts prevented the City the opportunity to offer a well-publicized and robust cart selection survey for residents ahead of the required cart order in the fall of 2022. In the absence of the survey, Courtenay used historical data and past experience to select the standard carts for different housing types in the City. The standard cart sizes are also based on industry best practices, regional waste reduction commitments, and contractual obligations through Recycle BC. Residents have been asked to use the supplied carts for all four seasons with an online cart exchange portal opening in the fall of 2024 for cart exchange requests to be made. A cart exchange is defined as the annual exchange of up to two collection streams, either recycling and/or organics carts as garbage carts will be considered additional carts. The first cart exchange for each owner will be free with each subsequent cart exchange in future years being subject to a cart exchange fee. The cart exchange fee is based on a cost recovery model to simply cover the cost of the pickup, drop-off, and administration by the contractor and City. In order to avoid multiple cart exchanges throughout the year, each household will be limited to one cart exchange annually. The fee for cart exchanges is outlined in Attachment 1: Proposed Fees and Charges, which are subject to budget approval. Cart exchanges will require residents to apply and pay in-person at City Hall, followed by a cart exchange by the contractor.

Additional Carts

Requests for additional garbage carts will be accommodated under two different categories: home health care waste requests or additional standard cart requests. For those households that generate Home Health Care Waste that results in a volume or weight of garbage that regularly exceeds the volume of garbage permitted under the bylaw, an additional 120L garbage cart will be provided for a proposed fee of \$56 as outlined in Attachment 1: Proposed Fees and Charges, which are subject to budget approval. The \$56 fee is based solely on the expected tipping fee (variable rate) for that cart volume, with the contractor fee (fixed rate), and administration charges per household not included.

Should a household request an additional cart because regular household volume or weight of garbage exceeds the volume or permitted gross tare weight of the garbage cart that the City supplied to the serviced property, an additional 120 L garbage cart fee will be based on a full cost recovery model of \$136.29 as outlined in Attachment 1: Proposed Fees and Charges, which are subject to budget approval. The \$136.29 fee represents the garbage component of the basic annual charge for solid waste collection. A waste audit, at the discretion of the Director, may be undertaken.

Wildlife Resistant Carts

A map of wildlife active neighbourhoods is in Schedule A of the bylaw and was chosen based on proximity to greenbelts and watercourses. The City will supply organics carts only that are wildlife resistant to serviced properties in the wildlife resistant cart areas based on the default sizes for organics carts for household type. For example, a single residential dwelling will receive a 360 L wildlife resistant cart while a townhouse or suite will receive the 120 L version. The bylaw stipulates that the City does not supply wildlife resistant carts to serviced properties that are not in the wildlife resistant cart area unless the owner submits a request for the wildlife resistant carts.

Weight or Volume Limits

The automated carts will allow for an increase to the more than double the current limit of the weight of the materials placed in the containers due to the automated nature of the new collection equipment and vehicles. These volumetric units are outlined for each cart size within the bylaw.

Mandatory Participation

The automated service will require all serviced properties to use the carts for curbside solid waste collection as manual collection will no longer be an option. No owner or occupier may opt out of the service. A residence may choose not to use every aspect of the service, such as organics collection, but they will be charged for the service nonetheless. In addition, fees and charges are payable by serviced properties whether or not the dwelling unit is occupied or the service is used, such as an uninhabited property or a seasonal dwelling. All dwelling units in the service will be required to keep the carts for each of the solid waste streams on-site, as such, the City will not collect carts or accept returned carts from residents that do not want to use the carts.

Serviceable Properties & Properties Excluded from Service

A serviceable property is defined as a dwelling unit that has a minimum unobstructed frontage of five (5) meters for the placement of collection carts and that is not otherwise an unserviceable property. A property is considered unserviceable if it is determined that the property, or any dwelling unit located at the property, cannot be serviced for a number of reasons related to road access, public safety, conflict with other regulations, operational constraints, presence of an unsafe person, animal or other hazard on the property or non-payment of all required fees and charges.

Should a property be excluded from the service, alternative arrangements will need to be made to ensure that all waste generated at the property, including garbage, organics, and/or recyclables, is disposed of in accordance with this bylaw and at an approved disposal site by a private collection service as to ensure that waste does not accumulate on the property.

In addition, the bylaw also defines that multi-residential apartments and condominiums, dwelling units located on properties that also contain commercial, industrial or institutional uses, and industrial, commercial and/or institutional properties are excluded from the automated curbside collection service.

Cart Placement and Requirements on Collection Day

Based on the various road configurations that have been constructed or improved in the City over the years, a number of preferred guidelines are outlined for the various scenarios such as alleys, roadways with bicycle lanes, and properties with limited on-site parking. Guidelines for cart placement in cul-de-sacs or during snow and ice season are also included. In addition, the times that carts are set-out for collection and brought back onto the property are included. The guidelines for placement of carts and schedules for cart set-out are provided to bring clarity to residents in the service and reinforce the recommendations outlined in the Automated Curbside Cart Collection Guide. These guidelines will be enforceable with penalties should a dwelling unit regularly neglect the guidelines and create a situation that is unsafe or unserviceable.

Assisted Set-Out Service

The assisted set-out service includes having the contractor pull the carts from an agreed upon location at a dwelling unit to the curb, empty the carts, and return the carts to the same location on the property. The assisted set-out service is intended for those residents that are eligible, being physically unable to fulfil the resident responsibilities of setting out the automated carts on collection day and do not have an able-bodied person assisting them with their household activities. Inclusion in the assisted set-out service will require an application to the City and may also include a site-visit to the home to ensure the resident is unable to pull the carts to the curb and that the service is reasonably possible at the home. Upon approval for the assisted set-out service, the City and owner or owner on behalf of the occupier will enter into a signed agreement

confirming responsibilities and providing a release or waiver of claims against the City for any negligence by the City or the contractor.

The annual fee for this subsidised service will be \$100, outlined in Attachment 1: Proposed Fees and Charges, which are subject to budget approval.

Waste Audits & Right of Entry

In an effort to educate, reduce contamination, and increase diversion to other waste streams, the City will have the right to inspect collection carts on collection day. Considering recycling contamination in particular, an enhanced contamination management program (approved by Recycle BC) with the most visible component being contamination management staff (Ambassadors) who will be out in the community on a daily basis monitoring recycling bins for contamination. The inspection efforts will range from proactively lifting lids to look for contamination to a complete emptying of a recycling bin to inform and educate a dwelling unit that is regularly contributing contaminated recyclables.

Based on requests for additional garbage carts, the City or Contractor have the right to perform a waste audit, which will include inspection of the garbage cart, organics cart, or recycling cart in an effort to educate, reduce contamination and increase diversion to other waste streams.

The City will have the right to enter a property to determine whether garbage, recyclables, or organic waste is being stored in the appropriate designated collection cart as well as whether banned recyclables, special waste, prohibited waste, and/or hazardous waste are being stored in the collection carts.

In an effort to clarify cart exchange, cart return, or additional cart requests, the City, or the contractor will have the right to enter the property to determine the number of dwelling units on a property for both cart usage and utility billing.

Contamination Management

Contamination is defined as both the presence of prohibited waste as defined in the Comox Strathcona Waste Management Service Tipping Fee and Solid Waste Disposal Regulation Bylaw as well as:

- a. Garbage in the Organics Cart or Recycling Cart;
- b. Recyclables in the Organics Cart or Garbage Cart; or
- c. Organic Waste in the Garbage Cart or Recycling Cart

As discussed, the City has the right to inspect containers for contamination. As has been seen in numerous communities, the implementation of automated carts typically increases recycling contamination with the closed lids on the carts concealing the contents from view. The absence of manual loaders puts the reliance on the automated truck driver to monitor for contamination while the cart is being tipped into the truck.

Through the Master Services Agreement with Recycle BC, the City has committed to maintaining recycling contamination levels consistent during and after the transition to the automated cart system. While education has and will continue to be the first step in reducing contamination across the community, this bylaw will be accompanied by a Solid Waste Contamination Management Policy that includes a series of enforcement steps should a dwelling unit not be receptive to education efforts for reducing recycling contamination. A companion Solid Waste Contamination Management Policy is intended to be more discretionary in enforcement, providing the City some flexibility rather than including the enforcement steps in a formal bylaw. The Director may modify or impose changes to the Solid Waste Contamination

Management Policy as operationally necessary or required to uphold or maintain the requirements of the Master Services Agreement with Recycle BC.

The Solid Waste Contamination Management Policy included as Attachment 2 is intended to afford residents with educational opportunities about recycling contamination through a series of escalating steps before enforcement is used as a compliance tool. Understanding that the process will be resource intensive and managed through the Solid Waste department of Public Works Services, the goal is to be consistent through enforcement while not overwhelming the resources available.

Upon first identification of contamination from the collection driver (as carts are emptied into the truck), an “OOPS!” sticker will be left on the cart and the City will be notified of contamination via the RFID tracking system. This is considered Step 1. If the collection driver finds contamination on one of the next four collection days (up to two months), the dwelling unit moves to Step 2. The process can continue to escalate through steps outlined in the Solid Waste Contamination Management Policy. If four consecutive collection cycles pass with no contamination, the dwelling unit de-escalates to the next step down.

Penalties and Offences

Municipal Ticket Information Bylaw No. 2435, 2006 includes fines related to the current solid waste bylaw and enforces failures to provide appropriate garbage receptacles or the improper placement of receptacles which will need to be replaced and altered to align with the new automated cart system.

There are a number of sections to the proposed Solid Waste Management Bylaw that will require enforcement, listed below. Proposed fines are intended to act as a deterrent and are in alignment with current fine amounts in the ***Municipal Ticket Information Bylaw No. 2435, 2006***.

The bylaw stipulates that where there is an offence that continues for more than one day, separate fines may be issued for each day in respect of which the offence occurs or continues. For example, if an organic cart is regularly placed out the night before collection, a fine may be issued for each offence.

In addition to enforcement for infractions related to the automated collection system, the fines listed below also include infractions for properties excluded from the collection service to deter waste spillage or accumulation.

Table 2. Proposed Infractions and Fines for Solid Waste

Infraction	Proposed Fine
Improper placement of collection carts on roadway, bicycle lane, sidewalk, parking lane or during snow event on collection day.	\$100.00
Collection carts set out before 5AM on Collection Day or Collection Carts left at collection point after 10PM on collection day.	\$100.00
Over-loading of carts on collection day – by weight or volume.	\$100.00
Failure to maintain the Collection Cart in a clean and sanitary condition	\$100.00
Failure to clean any spillage from a Collection Cart before or after collection.	\$200.00
Failure to store collection cart in a manner that is Wildlife Resistant and which otherwise avoids attracting wildlife.	\$200.00
Removal of any Garbage, Recyclables, or Organic Waste from the Collection Carts prior to collection by the City by any person except the Owner or Occupier of the dwelling unit.	\$200.00
Addition of any Garbage, Recyclables, or Organic Waste from the Collection Carts prior to collection by the City by any person except the Owner or Occupier of the dwelling unit unless agreed to by the Owner or Occupier of the dwelling unit.	\$200.00
Improper use of collection cart – related to storing hazardous materials in Contractor/City owned carts.	\$200.00
For properties excluded from the collection service, failure to arrange for a private collection service.	\$200.00 per week
Disposal of Prohibited Waste, Special Waste and/or Hazardous Waste in any Collection Cart.	\$500.00
For properties excluded from the collection service, accumulation of garbage, organic waste, or recyclables on the property or public property.	\$500.00
Obstructing or interfering with the Contractor, Bylaw Enforcement Officer or other representative of the City from carrying out their functions pursuant to this Bylaw, including on any inspection by the City.	\$500.00
Solid Waste Contamination Management Policy Step 5 for each collection cycle infraction	\$200.00

Aside from the incremental enforcement steps outlined in the Solid Waste Contamination Management Policy, the standard policies and procedures for bylaw enforcement will be relied upon for stepped enforcement of Solid Waste Management Bylaw infractions.

Fees and Charges

The proposed costs for collection carts (“Basic Annual Fee”), additional carts, cart exchanges, assisted set-out service are outlined in Attachment 1: Proposed Fees and Charges. These fees and charges as represented are considered **as proposed**, in anticipation of the 2024 solid waste budget presentation and until the 2024 Fees & Charges bylaw amendment is adopted by Council.

POLICY ANALYSIS:

A Solid Waste Contamination Management Policy is included as a companion document to the Solid Waste Management Bylaw allowing discretionary enforcement for contamination management as different situations arise and lessons are learned in the implementation of the automated collection system. Should the policy require modifications due to operations needs, a policy offers a simpler amendment process than if the contamination management steps were included in the bylaw.

FINANCIAL IMPLICATIONS:

The cost of the new automated curbside collection service will be reflective of the true costs of the contracted service consisting of contracted collection fixed fees, cart and administration fixed costs, as well as variable costs (tipping fees). The cost of the service has been included in the 2024 Financial Plan, subject to budget approval.

ADMINISTRATIVE IMPLICATIONS:

The largest administrative burdens on City staff will be contamination management and cart exchange requests in late 2024. Contamination management tracking through stepped enforcement will be a new administrative function. The proposed solid waste budget includes temporary staff to monitor the contamination management program. The delivery of automated carts has revealed some idiosyncrasies in the addressing of dwelling units throughout the City, but has made the system more robust than before. Working with the new technology available for contamination monitoring on the contractor's fleet in combination with the updated and mapped addresses, the City is well-positioned to use the tools and software available to track and manage contamination systematically.

As supply-chain constraints prevented a cart selection survey, the first cart exchange per owner will be free of charge. In an effort to mitigate this burden and offset the inherited costs associated with the administration and coordination of cart exchanges, fees will be administered for all future cart exchanges – and limited to one exchange annually.

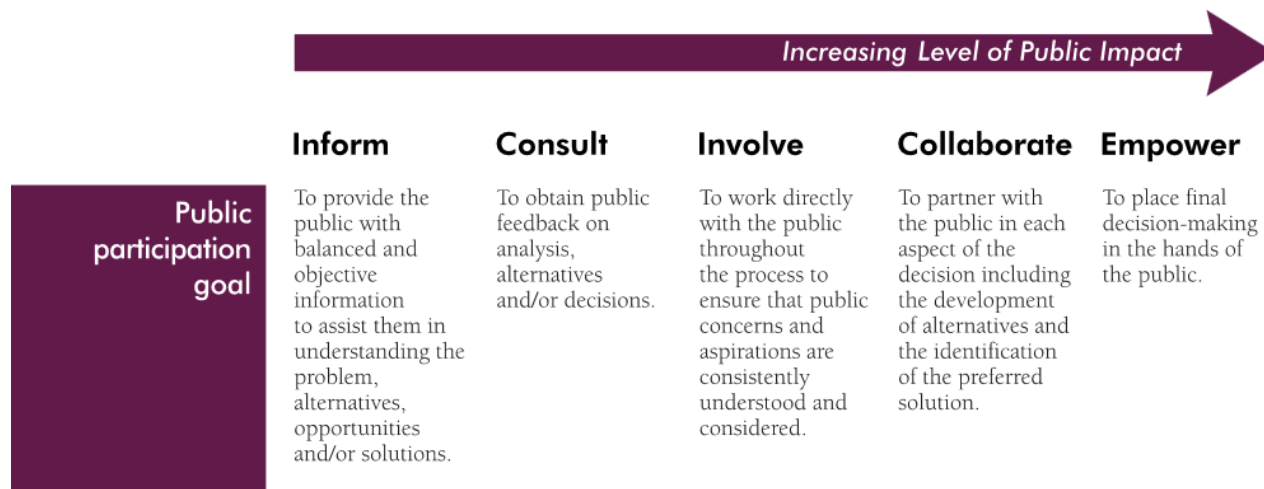
STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Municipal Infrastructure - Continued regional collaboration: Regional Growth Strategy, Liquid Waste Management Plan, South Sewer Conveyance, organics/solid waste, air quality, and regional parks

PUBLIC ENGAGEMENT:

Staff would inform the public based on the IAP2 Spectrum of Public Participation:



OPTIONS:

1. TO BE MADE AS SEPARATE RESOLUTIONS

THAT based on the November 22, 2023 staff report “Solid Waste Management Bylaw”, that Council give first, second and third readings to ***Solid Waste Management Bylaw No. 3113, 2023***; and,

THAT Council direct staff to update the ***Municipal Ticket Information Bylaw No. 2435, 2006***, to include a section for infractions related to ***Solid Waste Management Bylaw No. 3113, 2023***; and,

THAT Council direct staff to draft a bylaw to repeal the ***Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002*** and update the ***Municipal Ticket Information Bylaw No. 2435, 2006*** to remove the section related to infractions related to the ***Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002***; and

FURTHER THAT Council adopt the Solid Waste Contamination Policy (**Recommended**)

2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. Proposed Fees and Charges, which are subject to budget approval
2. Solid Waste Contamination Management Policy
3. Solid Waste Management Bylaw No. 3113, 2023

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