

2. SOLID WASTE BY- LAW AMENDMENT

**MODIFICATION DU RÈGLEMENT SUR LA GESTION DES DÉCHETS
SOLIDES**

COMMITTEE RECOMMENDATION

That Council adopt the enactment of By-Law 2015- xxx, as an amendment to By-Law 2012-370.

RECOMMANDATION DU COMITÉ

Que le Conseil adopte le Règlement n° 2015-XXX modifiant le Règlement n° 2012-370.

DOCUMENTATION / DOCUMENTATION

1. Acting Deputy City Manager's report, City Operations, dated 28 September 2015 (ACS2015-COS-ESD-0005).

Rapport de la Directrice municipale adjointe par intérim, Opérations municipales, daté le 28 septembre 2015 (ACS2015-COS-ESD-0005).

2. Extract of Draft Minute, 5 October 2015 (follows French version of report - currently available in English only).

Extrait de l'ébauche du procès-verbal, le 5 octobre 2015 (suit la version française du rapport - en ce moment, disponible uniquement en anglais).

**Report to
Rapport au:**

**Environment Committee
Comité de l'environnement
5 October 2015 / 5 octobre 2015**

**and Council
et au Conseil
14 October 2015 / 14 octobre 2015**

**Submitted on September 28, 2015
Soumis le 28 septembre 2015**

**Submitted by
Soumis par:
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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2015-COS-ESD-0005

SUBJECT: Solid Waste By- Law Amendment

OBJET: Modification du *Règlement sur la gestion des déchets solides*

REPORT RECOMMENDATIONS

That the Environment Committee recommend to Council the enactment of By-Law 2015- xxx, as an amendment to By-Law 2012-370.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'environnement recommande au Conseil d'adopter le Règlement n° 2015-XXX modifiant le Règlement n° 2012-370.

BACKGROUND

Solid Waste By-Law 2012-370 was enacted on October 24, 2012. Enforcement of this By-Law has shown that in some instances the wording of the By-Law may not effectively reflect that property owners and building owners should be responsible for ensuring compliance with the By-Law. As a result, several sections of the By-Law require amendment to effectively hold owners and building owners responsible for ensuring compliance with the By-Law.

In addition, a proposed amendment is recommended to Section 72 of the By-Law in order to clarify the right of entry onto private property in order to enforce the By-Law in accordance with the *Municipal Act, 2001*.

Finally, changes in the types of garbage containers available in the retail marketplace also necessitate minor changes to the descriptions of acceptable containers under Schedule "H" of this By-Law. This will ensure that residents are able to purchase garbage containers that conform to the By-Law.

DISCUSSION

Sections 17(3), 24(1), 26, 27, 36, 37, and 38 of the By-Law provides that owners and building owners shall not place specific items for collection. The proposed amendments to these Sections seek to better clarify that owners and building owners should be responsible for ensuring compliance with the By-Law and that they not permit the placement of specific items for collection. By including a provision that the owners and building owners not permit the placement of specific items for collection it clarifies that such owners have a responsibility to ensure that materials are appropriately packaged and placed for collection irrespective of who may have packaged or placed the

materials for collection. Examples of inappropriate items include needles, sharps and hazardous waste that may cause harm to the public and waste collection staff. The proposed amendments seek to clarify that building owners and owners are to be duly diligent with respect to how materials are packaged and placed out for collection at their properties.

A proposed amendment is recommended to Section 72 of the By-Law in order to clarify the right of entry onto private property in order to inspect and enforce the By-Law in accordance with Section 436 of the *Municipal Act, 2001*.

The proposed amendments to Schedule "H" 1(b) of the By-Law seek to permit the use of containers with one handle. The proposed amendments to Schedule "H" 1(c) of the By-Law seek to allow garbage containers up to 140 Litres in size.

RURAL IMPLICATIONS

There are no rural implications in this report.

CONSULTATION

John Dickie, Chair and representative of the Eastern Ontario Landlord Organization was consulted on January 26, 2015. Mr. Dickie had a positive response to the proposed amendments to the By-Law. The City of Ottawa Rooming House Response Team was also consulted on May 27, 2015 and reported no concerns with the amendments.

There is no anticipated opposition to these changes and no further consultations are planned.

COMMENTS BY THE WARD COUNCILLOR(S)

Not applicable, as this is a City-Wide report.

LEGAL IMPLICATIONS

The proposed amendments seek to clarify that owners and building owners (as defined by the By-Law), have responsibilities to be duly diligent to ensure compliance with the By-Law. The proposed amendments seek to better clarify that such owners may be strictly liable in the event that items are placed for collection not in accordance with the

By-Law irrespective of who packaged the material or placed the material for collection. The proposed amendment relating to Section 72 of the By-Law (right of entry) is consistent with legislative authority provided under Section 436 of the *Municipal Act, 2001*.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

There are no accessibility impacts.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

TECHNOLOGY IMPLICATIONS

There are no technological implications.

TERM OF COUNCIL PRIORITIES

There are no impacts on Term of Council Priorities.

SUPPORTING DOCUMENTATION

Document 1: Amended By-law No. 2012-370 (Previously distributed to all Members of Council and held on file with the City Clerk)

DISPOSITION

Staff will continue to enforce the amended By-law No. 2012-370 and will follow any directions from Committee and Council received as a result of considering this report.