CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Operations and Waste Management Division

TO: Chair and Members
Public Works Committee

WARD(S) AFFECTED: CITY WIDE

COMMITTEE DATE: September 6, 2011

SUBJECT/REPORT NO:
Agreement for On-Site Collection of Municipal Solid Waste (PW11066) - (City Wide)

SUBMITTED BY:
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SIGNATURE:

RECOMMENDATION

(a) That the City of Hamilton adopts a standard Agreement for On-Site Collection of Municipal Solid Waste ("Agreement") in response to requests for municipal waste collection services on private property as described in Report PW11066;

(b) That the Agreement for On-Site Collection of Municipal Solid Waste be approved by the General Manager of Public Works and be in a form satisfactory to the City Solicitor;

(c) That the General Manager of Public Works be authorized and directed to take all necessary steps to terminate any existing agreements for municipal waste collection on private property and to discharge any agreements currently registered on title;

(d) That the City of Hamilton Solid Waste Management By-law 09-067 be amended to reflect the City’s requirements for on-site collection of municipal solid waste, including the requirement for a private property owner to enter into an Agreement.

EXECUTIVE SUMMARY

The purpose of the report is to propose a process of a standard Agreement for private eligible property owners requesting municipal waste collection services on private property. Over the years, the City has received requests for on-site waste collection on
private property. These requests include going onto private property to collect front-end garbage bins for apartment buildings and other eligible properties as well as door-to-door collection from multi-unit row housing. Approximately 700 properties currently receive on-site collection and there are two different forms of agreement used previously. In a number of cases, services are being provided without an agreement in place.

Staff have prepared a standard Agreement for On-Site Collection of Municipal Solid Waste to address the requirements for municipal collection of waste materials on private property. The purpose of the Agreement is to clarify the requirements for on-site waste collection services and to address potential risk management concerns with entering onto private property. The Agreement confirms the requirements and criteria for the collection of waste materials on private property and would facilitate the processing of requests for service in a manner which is consistent, objective and addresses associated liability exposure. Staff have also developed waste collection access criteria to define the requirements for providing on-site waste collection services.

Pending Council’s direction, staff is planning to amend the City’s Solid Waste Management By-Law 09-067 to include the City’s requirements for on-site waste collection services, including the requirement for a private property owner to enter into an Agreement.

Once the new standard Agreement is approved all affected property owners will be contacted in early 2012 to make arrangements to sign and execute an Agreement as well as discharge any existing agreements registered on title. The recommended approach will ensure that there is a standard throughout the City, which defines responsibilities for waste collection and manages potential risk concerns.

Alternatives for Consideration - See Page 7

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: Adapting the Agreement does not have financial implications since waste collection services are currently part of the Operations & Waste Management Division’s operating budget. There are no fees proposed at this time; however, there will be transitional costs associated with the discharge of existing agreements currently registered which can be accommodated through the City’s Waste Collection Operating Budget.

Staffing: The recommendations do not have any staffing implications or contractual implications since existing staff will be involved with contacting property owners to complete the Agreement.

Legal: The City’s Legal Services Division was involved with the development of the Agreement. The Agreement will help clarify responsibilities when collection services are being provided by City forces or a City contractor on private property in the event of any claims resulting from providing such waste collection services. The City’s Legal Services Division will also be assisting with the discharge of the existing agreements that are
Currently registered on title as they are being replaced with the new Agreement.

HISTORICAL BACKGROUND

In September 2001, Council approved the development of uniform waste collection service levels across the City. Prior to that time, the former municipalities had various waste collection services levels and policies concerning waste collection on private property. These policies sometimes required the property owner to enter into a garbage collection agreement with the municipality or to sign an indemnification agreement, and some of those agreements were registered on the title to the private property. In other cases, clauses in former municipal waste management by-laws provided the municipality with permission to enter onto private property. In some instances, some property management companies opted out of municipal collection and obtained waste collection services through the private sector.

After amalgamation, staff developed an interim Agreement for On-Site Collection of Waste and Recyclables for properties which requested waste collection services on private property. The interim Agreement was used for new properties which were added onto the City’s municipal waste collection program. Staff has recently prepared a new Agreement and are proposing to implement it as a standard throughout the City as a means to define responsibilities and manage potential risk concerns. This Agreement would be used for all locations that receive municipal waste collection on private property including those which currently are being serviced by the City. The Agreement is applicable for all waste collection services currently provided by the City or its collection contractors including collection of garbage, organic waste, leaf and yard waste, bulk waste, and recyclables. Staff have received the support of its collection contractors to use the Agreement to address on-site collection requirements. Pending Council’s direction, staff will utilize the approved Agreement for new and existing properties which require waste collection services on private property.

POLICY IMPLICATIONS

Public Works Business Plan ‘Innovate Now’

The recommendations in this report support the vision drivers of Processes and People as they provide innovative solutions to creating a more efficient service delivery model to the citizens of Hamilton.

Solid Waste Management Master Plan

Recommendation #13 of SWMMP follows the principal of sustainable management, “The City of Hamilton is committed to continually improving its waste management system and will support annual investment in research and development.” Developing policies to systemize waste collection services on private property ensures that the City provides its services in an effective manner.
RELEVANT CONSULTATION

The Agreement was prepared in consultation with the Legal Services Division and the Risk Management Section.

Information on the Agreement and current practices related to on-site waste collection services was presented to the Solid Waste Management Master Plan Steering Committee who were supportive of this approach. Based on the feedback of the Steering Committee, an additional provision has been added to require the property owner to advise all tenants and unit owners of the existence of the Agreement.

Waste collection requests for private properties are a common concern among municipalities. As part of the review process, staff reviewed the practices in other Ontario municipalities. Municipalities including the Regional Municipality of Niagara, Halton Region, Region of Peel, and Simcoe County require owners to complete an indemnity agreement in order to receive waste collection services on private property. Certain municipalities including City of London have clauses in their waste management by-laws which describes the process for allowing waste collection on private property. In some cases, other municipalities do not provide collection on private property, and the property owner is required to utilize a private waste collection company to collect their waste materials.

ANALYSIS / RATIONALE FOR RECOMMENDATION

Property owners have a preference for waste collection services on private property to increase convenience for its residents and to ensure efficient collection. There are approximately seven-hundred locations across the City which require collection on private property as outlined in Table 1.

<table>
<thead>
<tr>
<th>Waste Collection Zone</th>
<th>Area</th>
<th>Approx. Number of Locations</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Hamilton – escarpment to waterfront</td>
<td>280</td>
</tr>
<tr>
<td>A2</td>
<td>West Hamilton and Dundas</td>
<td>70</td>
</tr>
<tr>
<td>A3</td>
<td>Flamborough</td>
<td>20</td>
</tr>
<tr>
<td>B1</td>
<td>Hamilton Mountain</td>
<td>220</td>
</tr>
<tr>
<td>B2</td>
<td>Stoney Creek</td>
<td>70</td>
</tr>
<tr>
<td>B3</td>
<td>Ancaster and Glanbrook</td>
<td>40</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>700</strong></td>
</tr>
</tbody>
</table>

The majority of these locations include multi-residential buildings with front-end bin garbage collection and multi-unit properties such as condominiums with internal roadways which are designed to allow door-to-door collection services in front of individual dwelling units. Front-end bin garbage collection for multi-residential buildings is a cost effective method to collect a large volume of waste. This collection method is preferred rather than having numerous waste containers placed at curbside which can be unsightly, more time consuming to collect, and may act as an invitation for illegal
dumping. Door-to-door collection, where feasible, offers several benefits since it encourages waste diversion and makes it easier to enforce the City’s garbage container limit.

City staff have developed the Agreement in part to address potential liability concerns with collecting waste materials on private property. The Agreement includes information on:

- the property owner responsibilities,
- the City’s responsibilities, and
- insurance requirements to be provided by the property owner.

Starting in 2012, staff will contact property owners of locations that receive on-site collection to notify them of the requirement to complete the Agreement. The property owners will need to provide the City with a completed application form, a signed copy of the Agreement, and proof of insurance as outlined in the Agreement. The Agreement will be applicable for new as well as existing locations which currently receive on-site collection services.

In the event that a property owner does not complete the Agreement, the City may discontinue providing waste collection services on private property after providing reasonable notice to the property owner. For these circumstances, the property owner may be required to place waste materials at a public roadway adjacent to the property in order to receive municipal waste collection services or continue services on private property through a private waste management company.

As part of the introduction of this new Agreement, the City is planning to discharge former municipal agreements from title since the former agreements will be replaced with the new Agreement. Approximately 140 locations in the former City of Hamilton have garbage collection agreements registered on title. The Land Registry Office no longer permits this type of agreement to be registered on title. The cost to discharge the former agreements is approximately $12,000 which can be accommodated through the City’s Waste Collection Operating Budget.

The Operations & Waste Management Division has developed waste collection design standards which includes criteria to determine the eligibility for on-site collection services for new properties. Staff carry out an on-site assessment on a case-by-case basis to determine if the property is suitable for on-site collection. Waste collection on private property is based on the ability of the waste collection vehicles to safely travel through the proposed location. The criteria include the following items:

- The private roadways need to be designed with vehicular access to allow unobstructed entry to the waste collection area(s). The internal roadways need to have adequate driving platform width and corner turning radii width that is large enough to accommodate access by large waste collection vehicles.
- The property owner is required to ensure that the private roadways are maintained in a safe condition and that there is reasonable snow and ice removal.
The internal roadways need to be free from obstructions such as parked cars on the waste collection day. If at any time, the above conditions are not met, the City and its contractor would have the option to suspend the waste collection services until the conditions are met.

Collection on private roadways is not proposed for locations which require the collection vehicles to perform unsafe manoeuvres such as backing onto adjacent areas. Many properties with dead end roadways are unsafe since there is insufficient space for the vehicle to turn around.

The City and its contractor’s waste collection fleet will be used for on-site collection activities. At present, the City is not planning to obtain alternate types of vehicles to collect materials on private roadways such as smaller vehicles. Using smaller vehicles will increase the City’s capital costs and reduce efficiency since fewer stops can be completed per route, and the vehicles will need to unload materials more frequently at the disposal facilities.

Pending direction from Council, staff will amend the City of Hamilton Solid Waste Management By-law 09-067 (“By-Law”) to clarify the requirements for on-site collection of municipal solid waste. Information will be added to the By-Law concerning the requirement to enter into the Agreement in the event that a location wishes to receive municipal waste collection on private property.

In conclusion, adopting the use of the Agreement will facilitate a consistent, objective and effective process for the collection of waste materials from private property as well as addressing associated liability exposures.

**ALTERNATIVES FOR CONSIDERATION**

The City could eliminate waste collection on private property and waste collection would be accomplished through several alternatives:

- **Collection on public property:** As one option, the property owners could place their waste materials at the public road if they wish to receive municipal waste collection. This option may not be favoured by the public in some cases since residents would need to travel further to set out their waste materials. In addition, staff does not recommend this option particularly for multi-residential apartment buildings currently receiving front-end garbage bin collection. This service would need to be replaced with curbside collection which would be more costly for the City, more time consuming to collect and unsightly for local neighbourhoods.

- **Private waste collection:** The property owner could retain a private company to collect the waste materials on private property. This alternative may not be well-received by the public since private waste collection would be an added cost to the property owner.
CORPORATE STRATEGIC PLAN


Skilled, Innovative & Respectful Organization

• More innovation, greater teamwork, better client focus

Financial Sustainability

• Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative and cost effective manner

Growing Our Economy

• An improved customer service

APPENDICES / SCHEDULES

None