



ADMINISTRATIVE REPORT

Report Date: January 8, 2016
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Meeting Date: February 2, 2016

TO: Vancouver City Council

FROM: General Manager of Engineering Services, in consultation with the Director of Legal Services

SUBJECT: Enhanced Solid Waste Management and Diversion By-law Authority

RECOMMENDATION

- A. THAT the Director of Legal Services be instructed to bring forward for enactment amendments to the Solid Waste By-law, Ticket Offences By-law, Impounding By-law, Street and Traffic By-Law, and License By-law to improve and streamline solid waste management enforcement procedures, to enable ticketing using the Municipal Ticketing Information (MTI) system, to establish mandatory recycling of various materials included in current waste diversion programs, and other amendments substantially as set out in Appendixes A and B.
- B. THAT Council direct staff to investigate and report back on regulatory options to address distribution, use, and recycling of commonly disposed items designed for single use, including coffee cups, plastic shopping bags and expanded polystyrene fast food packaging, including exploring options to restrict or ban the use of these products.

REPORT SUMMARY

Significant progress has been made towards the City's Zero Waste target of reducing solid waste going to landfill and incinerator by 50% from 2008 levels. However, achieving this target will require on-going focus and actions on a number of fronts, including updating the City's regulatory structure to align with current Provincial, Metro Vancouver and City programs and policies. In addition, two GCAP Zero Waste high priority actions, outlined in the Greenest City Action Plan (GCAP) 2015-2020 Strategy, speak to new and expanded regulatory measures to:

- Reduce street litter and abandoned garbage in public spaces;

- Assess opportunities to target the distribution, use and recycling of single use, difficult to recycle materials such as disposable coffee cups, plastic shopping bags and expanded polystyrene fast food packaging; and
- Support Metro Vancouver's Zero Waste Challenge through the development of education and enforcement strategies for all sectors.

This report discusses and recommends by-law amendments to ensure City by-laws pertaining to solid waste management are updated to match current programs and policies. Specifically, this report recommends:

- a by-law provision requiring all properties to have a recycling program in place, and that they must dispose of their recycling according to their program;
- by-law amendments to streamline enforcement through the Municipal Ticketing Information (MTI) system; and further
- an evaluation of regulatory options to address distribution, use, and recycling of single use items, such as coffee cups, plastic shopping bags, and expanded polystyrene fast food packaging, including exploring options to restrict or ban the use of these products.

The recommendations outlined in this report are intended to bring our regulatory structure in line with current programs and policies, streamline enforcement, improve street cleanliness, and support reaching the GCAP Zero Waste target.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

In July 2011, the Greenest City Action Plan was adopted by Council.

On October 14, 2014, Council enacted by-law amendments requiring all holders of business licenses and owners and occupiers of residential and non-residential properties in Vancouver to have a food waste diversion plan to comply with the Metro Vancouver ban on disposal which came into effect on January 1, 2015.

On November 3, 2015 Council adopted the Greenest City Action Plan 2015-2020 Strategy which includes actions focussed on increasing solid waste diversion through education and enforcement, reducing street litter and abandoned garbage in public spaces.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

Over the past many years the City has focussed efforts on providing infrastructure and services to facilitate waste diversion primarily from the residential waste stream. The City's solid waste regulatory structure now needs to be updated to align with current programs and policies.

A key step in moving towards the GCAP Zero Waste target is to incent proper solid waste diversion and disposal practices through the City's regulatory system. Bans on disposal of recyclable materials are currently in place at City and Metro Vancouver disposal facilities. In 2014, initial steps were taken to mandate the development of diversion programs through by-

law amendments focussed on food scraps. This report now recommends that a similar requirement be put in place for recyclables, yard waste and clean wood, items which are banned from disposal and/or are collected through curbside recycling programs.

The by-law amendments recommended in this report will also support improved street cleanliness and reduced litter. In the past, enforcement of by-law requirements has required prosecution, which is a time consuming and costly process. The amendments recommended within this report will help streamline enforcement of solid waste-related infractions using tickets.

Another significant concern is the amount of single use packaging, such as coffee cups, plastic bags, and fast food containers that end up as litter on public streets. This report also recommends staff investigate potential regulatory options targeting these commonly disposed and difficult to recycle materials, including assessing opportunities to limit their distribution and use, exploring options to restrict or ban the use of these products, as well as opportunities to increase recycling - a GCAP Zero Waste priority area of focus.

The recommendations outlined in this report are intended to match regulations with current policies and programs, streamline enforcement, improve street cleanliness, and support reaching the GCAP Zero Waste target.

The Acting City Manager and General Manager of Engineering Services support this approach and recommend approval of Recommendations A and B.

REPORT

Background/Context

In recent years a number of advancements have been made concerning how the City manages and regulates solid waste collection activities on streets and lanes. Significant progress is also being made with respect to achieving the City's GCAP Zero Waste 2020 target of reducing solid waste going to landfill or incineration by 50% from 2008 levels. Improved data tracking, business practices and inspection processes in our Clean Streets operations, and the reduction of over 85,000 tonnes of waste disposed are examples of recent successes.

The City's solid waste regulatory structure now needs to be updated to align with current programs and policies, and to address changes in enforcement processes designed to improve program efficiency and public response. Three GCAP Zero Waste high priority actions, outlined in the Greenest City Action Plan (GCAP) 2015-2020 Strategy and adopted by Council on November 3, 2015, speak to new and expanded regulatory measures:

- Reduce street litter and abandoned garbage in public spaces;
- Assessing opportunities to target distribution and recycling of single use, difficult to recycle materials such as disposable coffee cups, plastic shopping bags and expanded polystyrene fast food packaging; and
- Support Metro Vancouver's Zero Waste Challenge.

Strategic Analysis

Staff respond to about 9,000 solid waste-related infractions annually. Violations are typically associated with inadequate care and maintenance of commercial waste containers (dumpsters), inappropriate/banned items in garbage carts and Green Bins, littering, illegal dumping, unsecured loads and leaking commercial waste collection trucks.

The process for managing Solid Waste By-law offenses typically involves three steps: (1) education, (2) warning, (3) enforcement. Currently, enforcement is primarily limited to prosecution through the Long Form Information (LFI) process, which is cumbersome, and requires a significant amount of staff and court time in order to be effective. The Municipal Ticketing Information (MTI) system (the system used to enforce several other City by-laws) is recommended to improve processes and increase efficiency of enforcement.

The total time involved with the current prosecution approach, from preparing the initial notice and case file to completion of a court hearing can span 6 to 12 months, or longer. The MTI system streamlines the process requiring resolution within 14 days of receiving the MTI.

The type of solid waste offences recommended for enforcement using the MTI process are those that would have required prosecution through the LFI process previously. These offences are summarized as follows with details in Appendices:

- Messy, noxious, overflowing, unlocked, or leaking commercial waste containers;
- Unpermitted commercial waste containers stored on street or lane;
- Littering, illegally dumped and abandoned waste materials;
- Unsecured loads and failure to clean up litter resulting from unsecured loads;
- Disposal of banned items in garbage and contamination in green bins;
- Failure to obey an order issued under the Solid Waste By-law.

With the introduction of the MTI system for improved Solid Waste By-law enforcement, staff will continue to focus their efforts on education and warnings as the primary tactic. Ticketing will be reserved for more serious, deliberate or repeated offences, and when education and warnings fail to achieve the required results, which is the approach currently taken under the existing prosecution process. The intent is not to go through garbage set out at properties, but rather to address large volumes of visible recyclables set out as garbage. MTI fines will be generally set at \$100, which is considered to be sufficient to be a deterrent in most cases, and the primary objective of the fine is to motivate compliance. The exceptions to this are the fines for the following offences:

- Leaking collection vehicles, which is recommended to be set at \$250 as it typically impacts a larger area;
- Unsecured loads and loads spilling from a vehicle, which are recommended to be set at \$250 also as violations typically impact a larger area;
- Not Obeying an Order issued under Solid Waste By-law No.8417, which is recommended to be set at \$500, to be consistent with the existing minimum fine for this offence when enforced under the prosecution process.

Additional proposed bylaw changes are summarized as follows:

- All properties will require mandatory recycling programs for any clean wood, yard trimmings, recyclables and materials covered under product stewardship programs that they produce, and they will need to dispose of these items according to their programs;
- Requiring appropriate communication and signage about recycling programs in multi-family and commercial buildings;
- Increase the maximum fine that can be applied by the courts for illegal dumping, from \$2,000 to \$10,000, to reflect offenses that are more significant, such as situations where there is a significant cost of clean-up, the dumped materials pose a risk to public safety, and for repeat offenders;
- Introduce a storage fee of \$8 per day for impounded commercial waste containers, consistent with what is charged for towed vehicles;
- Permit only authorized users of waste containers to dispose materials in those containers, and prevent the disposal of household or commercial garbage into public receptacles;
- Hold registered owners of vehicles responsible when those vehicles are used for the illegal disposal/abandonment of waste materials on City property.

Two additional areas are proposed for review and report back to Council in the coming months:

1. **Options for reducing the distribution of commonly disposed items designed for single use, including coffee cups, plastic shopping bags and expanded polystyrene fast food packaging:** These items can now be recycled by Vancouver residents through the MMBC recycling program; disposable coffee cups can be recycled through the curbside program, and plastic bags and expanded polystyrene fast food packaging can be recycled at depots. Some retailers also take back some of these items or have recycling facilities on their premises for their customers. Nevertheless, a significant amount of these materials are disposed in the City's litter and garbage collection program, and reducing their distribution at the point of sale, if possible, is preferable from a waste management and environmental protection perspective. Accordingly, this report recommends that staff review options to target the distribution, use, and recycling of these items, including exploring options to restrict or ban their use, and report back to Council. Staff will also investigate potential options requiring producers, distributors, and retailers to take responsibility for the recovery of these materials, including possible take-back programs.
2. **Clean-up of litter adjacent to private property:** Staff will investigate the potential for an amendment to the Vancouver Charter by the Province, to enable Council's consideration of a future by-law requiring owners/occupiers of property to remove litter from the sidewalk and boulevard immediately adjacent to their property. This authority is currently provided to other municipalities under the Community Charter, but not to the City in the Vancouver Charter (the City of Coquitlam currently requires adjacent property owners and/or occupiers to remove rubbish from adjacent sidewalks). If the Province grants this authority to Council under the Vancouver Charter, staff would obtain stakeholder feedback prior to bringing a recommendation to Council.

Implications/Related Issues/Risk (if applicable)***Financial***

Staff expect to issue in the order of 100 tickets in the first year and therefore a small amount of revenue for the City may be generated. This revenue will likely be offset by costs incurred to serve the tickets and defend against disputed tickets. Overall, the recommendations set out in this report are not expected to result in any material costs or revenue impacts.

Environmental

The recommendations described in this report are expected to result in increased waste diversion, and cleaner streets and lanes.

Legal

Upon Council's approval of the recommendations contained in this report, the Director of Legal Services will bring forward the necessary by-law changes for enactment.

CONCLUSION

The by-law amendments recommended in this report will support existing solid waste programs and new action towards our GCAP Zero Waste commitments. They are intended to bring our regulatory structure in line with current programs and policies, and to improve regulatory compliance and street cleanliness. If approved by Council, work will also be initiated to explore regulatory options targeting the distribution and recycling of commonly disposed and difficult to recycle single-use materials, such as coffee cups, plastic shopping bags and expanded polystyrene fast food packaging, including exploring options to restrict or ban the use of these products.

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BY-LAW NO. _____

**A By-law to amend Ticket Offences By-law No. 9360
regarding certain offences pursuant to the Solid Waste By-law
and the Street and Traffic By-law**

The Council of the City of Vancouver, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions and schedules of By-law No. 9360.
2. Council strikes Table 5.2 and replaces it as follows:

**“Table 5.2
Street and Traffic By-law**

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
City Engineer or Police Officer	Failure to remove snow or ice from sidewalk	s. 76	\$250.00
	Deposit refuse on street	s. 84(1)	\$100.00
	Vehicle used to deposit refuse on street	s. 84(2)	\$100.00
	Fail to clean spilled load	s. 99(1)(b)	\$250.00
	Load not secured	s. 99(2)(a)	\$250.00

3. Council strikes Table 9 and replaces it as follows:

**“Table 9
Solid Waste By-Law**

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
City Engineer or Chief License Inspector	Garbage cart cannot close	s. 4.2(5)(e)	\$100.00
	Garbage cart overflow	s. 4.2(5)(g)	\$100.00
	Dispose of garbage in unauthorized cart	s. 4.2(5)(i)	\$100.00
	Non-recyclables in public receptacle	s. 5.9	\$100.00

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
	No recycling program (non-residence)	s. 5.12(1)	\$100.00
	Dispose contrary to recycling program (non-residence)	s. 5.12(2)	\$100.00
	No recycling program (residence)	s. 5.13(1)	\$100.00
	Dispose contrary to recycling program (residence)	s. 5.13(2)	\$100.00
	Fail to provide recycling plan	s. 5.14(1)	\$100.00
	Non-compliant recycling plan	s. 5.14(2)	\$100.00
	Non organics in green cart	s. 6.6(b)	\$100.00
	Green cart cannot close	s. 6.6(f)	\$100.00
	No organic plan (non-residence)	s. 6.7A.1(1)	\$100.00
	Dispose contrary to organic plan (non-residence)	s. 6.7A.1(2)	\$100.00
	No organic plan (residence)	s. 6.7A.2(1)	\$100.00
	Dispose contrary to plan (residence)	s. 6.7A.2(2)	\$100.00
	Fail to provide organics plan	s. 6.7A.3(1)	\$100.00
	Non-compliant organics plan	s. 6.7A.3(2)	\$100.00
	Prohibited material in garbage	s. 7.4	\$100.00
	Garbage in public receptacle	s. 8.8	\$100.00
	Waste in public receptacle	s. 8.9	\$100.00
	Unlawful waste in private container	s. 9.1(1)	\$100.00
	Container unclean	s. 9.1(2)(a)	\$100.00
	Container overflow	s. 9.1(2)(b)	\$100.00

BY-LAW NO. _____

**A By-law to amend
Solid Waste By-law No. 8417**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Solid Waste By-law No. 8417.

2. Council adds to section 2, the following definitions in correct alphabetical order:

““non-residential recyclable materials” means all materials listed in Schedules G and H of this By-law,”

““non-residential recyclable materials diversion program” means a program to divert non-residential recyclable material from disposal at a landfill or incinerator site, and includes:

- (a) producing no non-residential recyclable materials;
- (b) use of a licensed hauler who lawfully brings the non-residential recyclable material to a Material Recovery Facility or otherwise disposes of the non-residential recyclables in accordance with this By-law; and
- (c) disposing of the non-residential recyclable materials directly at an approved private or public recycling facility in accordance with this By-law; or
- (d) any combination of the above,”

““public garbage receptacle” means any garbage receptacle placed in a public place by the City or another public body,”

““public recycling receptacle” means any recycling receptacle placed in a public place by the City or another public body,”

““private container” means a solid waste container used by a private contractor in the course of business,”

““private contractor” means a provider of private solid waste services,”

““residential recyclable materials” means all means all materials listed in Schedules C and G to this By-law,” and

“residential recyclable materials diversion program” means a program to divert residential recyclable material from disposal at a landfill or incinerator site, and includes:

- (a) producing no residential recyclable materials;

- (b) use of the City’s recycling services;
 - (c) use of a licensed hauler who lawfully brings the material to a Material Recovery Facility or otherwise disposes of the residential recyclables in accordance with this By-law; and
 - (d) disposing of the residential recyclable materials directly at an approved private or public recycling facility in accordance with this By-law; or
 - (e) any combination of the above,”
3. Council replaces the definition of yard waste in section 2 with the following:
- ““yard waste” includes vegetative trimmings from flowers, house plants, yards, or other landscaped areas consisting only of leaves, grass clipping, plants, small brush, hedge clippings, Christmas Trees, small limbs and dry seed pods.”
4. Council strikes the definition of “food waste diversion plan” in section 2.
5. Council inserts a new definition of “organic waste diversion plan” in correct alphabetical order as follows:
- ““organic waste diversion plan” means a plan describing the methods to be used to divert food waste, yard waste and clean wood waste from disposal at a landfill or incinerator site, and includes:
- (a) producing no food waste, yard waste or clean wood waste;
 - (b) use of the City’s green cart service;
 - (c) use of a licensed hauler who lawfully brings the material to a Material Recovery Facility or otherwise disposes of the food waste, yard waste or clean wood waste in accordance with this By-law;
 - (d) composting or anaerobic digestion; and
 - (e) dropping off material directly at an approved private facility or at a regional disposal facility in accordance with this By-law; or
 - (f) any combination of the above,”
6. Council strikes the words “food waste diversion plan” everywhere they occur in the by-law, and replace them with “organic waste diversion plan”.
7. Council adds to section 3.1, the following as 3.1(6):
- “The City Engineer may stipulate the materials that are suitable for any receptacles or other containers used in the provision of any service under this By-law”.

8. Council strikes 4.2(5) (e), (f), (g) and (h) and replaces them with the following:
- “(e) must not cause, permit, suffer or allow a garbage cart to be filled so that the cover cannot be completely closed;
 - (f) must not cause, permit, suffer or allow a garbage cart to be filled so that the contents cannot be completely emptied;
 - (g) must not cause, permit, suffer or allow the contents to overflow, fall out of or leak from a garbage cart;
 - (h) must return a garbage cart to the city upon request; and”
 - (i) must not cause, permit, suffer or allow any garbage produced or resulting from their property to be deposited into a garbage cart located on any other property unless the owner or occupier has:
 - i. the permission of the owner or occupier of the real property where a different garbage container is located; or
 - ii. otherwise directly disposes of the garbage generated on their property at a transfer station in accordance with this by-law.”

9. Council inserts after section 5.8, the following sections as 5.9, 5.10, 5.11, 5.12, 5.13, 5.14 and 5.15:

“5.9 Public recycling containers

No person shall deposit into a public recycling receptacle anything other than the recyclable materials set out in Schedule C that are stipulated on the receptacle by the City Engineer.

5.10 Residential recyclable materials

Every owner or occupier of residential premises where residential recyclable materials are produced or results must not cause, permit, suffer or allow that recyclable material to be unlawfully disposed of:

- (1) at a landfill site;
- (2) at an incinerator; or
- (3) in a garbage can or commercial-size garbage container, unless the contents of the garbage can or commercial-size garbage container will be lawfully disposed of by a licensed hauler.

5.11 Non-residential recyclable materials

Every owner or occupier of non-residential premises where non-residential recyclable materials are produced or results must not cause,

permit, suffer or allow the non-residential recyclable material to be unlawfully disposed of:

- (1) at a landfill site;
- (2) at an incinerator; or
- (3) in a garbage can or commercial-size garbage container, unless the contents of the garbage can or commercial-size garbage container will be lawfully disposed of by a licensed hauler.

Recyclable Material Diversion Programs

- 5.12 (1) Every owner or occupier of non-residential property where non-residential recyclable material is produced or results must have a non-residential recyclable materials diversion program for non-residential recyclable materials produced or resulting on the property.
- (2) Every owner or occupier of non-residential property where non-residential recyclable material is produced or results must not cause, permit, suffer or allow the non-residential recyclable material to be disposed in any manner other than in accordance with their non-residential recyclable materials diversion program.
- (3) If the owner or occupier of non-residential property required to have a non-residential recyclable material diversion program under s. 5.12 (1) is a member of a strata corporation, then members of the associated strata corporation may develop a common non-residential recyclable materials diversion program.
- 5.13 (1) Every owner or occupier of residential property must have a residential recyclable materials diversion program for residential recyclable materials produced or resulting on the property.
- (2) Every owner or occupier of residential property must not cause, permit, suffer or allow any residential recyclable material produced or resulting on the property to be disposed in any manner other than in accordance with their residential recyclable materials diversion program.
- (3) If the owner or occupier of residential property required to have a residential recyclable materials diversion program plan under s. 5.13(1) is a member of a strata corporation, then members of the associated strata corporation may develop a common residential recyclable materials diversion program.
- (4) If the owner or occupier of residential property required to have a residential recyclable materials diversion program under s. 5.13(1) is the owner or occupier of a rental apartment, then the

owner of the rental apartment may develop a common residential recyclable materials diversion program for all occupants.

- 5.14 (1) Any owner or occupier of premises or property required to have a residential or non-residential recyclable materials diversion program by this By-law must provide details of the recyclable materials diversion program to the City Engineer within 7 days of being requested, in writing, to do so.
- (2) If requested to provide details of a residential or non-residential recyclable materials diversion program under section 5.14 (1), the owner or occupier must provide the details of the recyclable materials diversion program that complies with this By-law to the City Engineer.”
- 5.15 Any owner or occupier of premises or property, other than a one family dwelling, required to have a residential or non-residential recyclable materials diversion program by this By-law, or a strata corporation that adopts a common recyclable materials diversion program, must:
- (a) provide to new residents and new occupants, and at least annually to all existing residents or occupants, written information on recyclable materials disposal practices for any such waste produced on the premises; and
- (b) post information regarding the recyclable materials disposal practices for any such waste produced on the premises.
10. Council strikes 6.6(f) and (g) and replaces them with the following:
- “(f) must not cause, permit, suffer or allow a green cart to be filled so that the cover cannot be completely closed;
- (g) must not cause, permit, suffer or allow a green cart to be filled so that the contents cannot be completely emptied;”
11. Council strikes 6.7 and replaces it with the following:
- “6.7 Every owner or occupier of premises where food waste, yard waste, or clean wood waste is produced or results must not cause, permit, suffer or allow that food waste, yard waste, or clean wood waste to be unlawfully disposed of:
- (1) At a landfill site;
- (2) At an incinerator; or

- (3) In a garbage can or commercial-size garbage container, unless the contents of the garbage can or commercial-size garbage container will be lawfully disposed of by a licenced hauler.”

12. Council strikes s.6.7A.1 (1) and (2) and replaces them with:

“6.7A.1 (1) Every owner or occupier of a non-residential property where food waste, yard waste, or clean wood waste is produced must have an organic waste diversion plan for any food waste, yard waste, or clean wood waste produced on the property.

- (2) Every owner or occupier of non-residential property where food waste, yard waste or clean wood waste is produced must not cause, permit, suffer or allow the food waste, yard waste, or clean wood waste to be disposed in any other manner than in accordance with their organic waste diversion plan.

13. Council strikes s.6.7A.2 (1) and (2) and replaces them with:

“6.7A.2 (1) Every owner or occupier of a residential property where food waste, yard waste, or clean wood waste is produced must have an organic waste diversion plan for any food waste, yard waste, or clean wood waste produced on the property.

- (2) Every owner or occupier of residential property where food waste, yard waste or clean wood waste is produced must not cause, permit, suffer or allow the food waste, yard waste, or clean wood waste to be disposed in any other manner than in accordance with their organic waste diversion plan.

14. Council strikes s. 6.7A.3 (2) and replaces it with:

“(2) If requested to provide details of an organic waste diversion plan under section 6.7A.3 (1), the owner or occupier must provide details to the City Engineer of an organic waste diversion plan that complies with this By-law.”

15. Council inserts a new section 6.7A.4 as follows:

“6.7A.4 Any owner or occupier of premises or property, other than a one family dwelling, required to have a organic waste diversion program by this By-law, or a strata corporation that adopts a common organic waste diversion program, must:

- (a) provide to new residents and new occupants, and at least annually to all existing residents or occupants, written information on food waste, yard waste and clean wood waste disposal practices for any such waste produced on the premises; and

- (b) post information regarding food waste, yard waste or clean wood waste materials disposal practices for any such waste produced on the premises.”

16. Council strikes section 7.4 and replaces it as follows:

“7.4 Materials Banned from Garbage Containers

Every owner or occupier of premises to which the City provides garbage collection service shall not cause, permit, or allow to be placed in a garbage cart or garbage can any food waste, clean wood waste or yard waste and anything described in Schedules C, D and G of this By-law.”

17. Council inserts after section 8.7, the following:

“8.8 Public garbage receptacles

No person shall cause, permit, suffer or allow any garbage to be placed in a public garbage receptacle other than garbage generated in a public place.

- 8.9 No owner or occupier of real property shall cause, permit, suffer or allow any solid waste generated on that property to be placed in a public garbage receptacle.”

18. Council strikes section 9.1 and replaces it as follows:

“9.1 Private Containers

- (1) Every owner or occupier of real property who uses private solid waste services must only use the private container supplied by the private contractor to dispose of garbage generated on that property unless the owner or occupier:

- (a) has the permission of the owner or occupier of the real property where a different private container is located; or
- (b) otherwise directly disposes of garbage generated on that property at a transfer station in accordance with this by-law.

- (2) If an owner or occupier of real property uses a private solid waste service involving a private container, the owner or occupier must:

- (a) maintain the private container and the area within 1.5 meters of the container in a clean and sanitary condition

and in a condition that is not noxious, offensive or dangerous to public health ;

- (b) not cause, permit, suffer or allow the private container to overflow onto the street or lane, or otherwise cause a nuisance;
- (c) keep each private container locked, except for the purposes of putting solid waste into the container, unless the container is less than 1 cubic yard and is not visible from a street or lane, and
- (d) at all times and in letters and numbers at least 5 centimeters in height, display on all private containers visible from a street or lane, the address or addresses of the property the private contractor serves.”

19. Council strikes section 9.2 and replaces it as follows:

“9.2 Remedies for non-compliance with order

- (1) If an owner of occupier or real property fails to comply with an order issued under section 11.1 of this By-law concerning a violation of sections 9.1(2), 9.2A(1)(d) or 9.2A(5) within the time stipulated in the order or, if the order does not stipulate a time, within 48 hours of receipt of the order, then the city, by its workers or others may:
 - (a) if the order is issued for a breach of 9.1(2) or 9.2A(1)(d), remedy the default at the cost of the person so defaulting; and
 - (b) if the order is issued for a breach of 9.1(2) or 9.2A(1)(d) or 9.2A(5), remove the container from the street in accordance with the Impounding By-law, and the charges imposed by that By-law.”

20. Council strikes subsections 9.2A and replaces it as follows:

“9.2A Responsibilities of Private Contractors

- (1) All private contractors must:
 - a. not cause, permit, suffer or allow liquids to escape or leak from any private container during the storage, collection or transport of solid waste;
 - b. not cause, permit, suffer or allow rain or pests to enter a private container;

- c. maintain every private container in good condition;
 - d. if the container is located on a street or lane, maintain the private container in a clean and sanitary condition that is not noxious, offensive or dangerous to public health;
 - e. at all times and in letters and numbers at least 5 centimeters in height , display on all private containers visible from a street or lane the name and telephone number of the private contractor;
 - f. if the container is located on a street or lane, at all times and in letters and numbers at least 5 centimeters in height, display the address or addresses of the property the private contractor serves; and
 - g. provide each private container that is visible from a street or lane and greater than one cubic meter in size with a secure, functioning lockable lid and lock and maintain the lock in working order.
- (2) All private contractors must not cause, permit, suffer or allow any vehicles used in the course of business to allow liquids to escape or leak from the vehicle during the collection or transport of solid waste.
- (3) All collecting, transporting, processing, converting or salvaging of any solid waste, must be carried out so as not to be offensive or objectionable.
- (4) Any solid waste which will not immediately be processed, converted or salvaged must be removed as directly as possible on the day of collection to a place of disposal.
- (5) No private contractor may cause, permit, suffer or allow a private container to be placed on a lane or street unless authorized to do so pursuant to a license agreement with the City.”

21. Council strikes sections 11.1 and 11.2 and replaces them with the following:

“11.1 Requirement to discontinue or carry out work

Council empowers any inspector or other employee of the city to order or direct any person to:

- (a) discontinue or refrain from proceeding with any work or doing anything that is in contravention of this By-law; and
- (b) carry out any work or do anything required by this By-law or any permit.

11.2 Failure to comply with order

No person shall fail to comply with an order or direction issued pursuant to section 11.1(a) or (b).

11.3 Service of notice

An inspector or official of the city, or a by-law enforcement officer, may serve an order, direction, or notice under this By-law:

- (a) by mailing it by registered post to the owner or occupier of the applicable real property at the address shown on the assessment roll;
- (b) by handing it to the owner or occupier of the applicable real property;
- (c) by mailing it by registered post to the address of the user shown on the container as required by section 9.1(2);
- (d) by mailing it by registered post to the private contractor;
- (e) by handing it to a person at the address of the user shown on the container as required by section 9.1(2); or
- (f) if a container is on a street or lane, by posting the notice on the container.”

22. Council renumbers sections 11.3, 11.4 and 11.5 as 11.4, 11.5 and 11.6 respectively.

23. Council inserts as a new Appendix “H”, the Appendix “H” attached to this by-law.

24. A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.

SCHEDULE H

NON-RESIDENTIAL RECYCLABLE MATERIALS

1. Recyclable Paper
2. Corrugated Cardboard.
3. Plastic Packaging including:
Rigid plastic bottles (non-beverage), jugs, jars, clamshells, trays, pails, tubs, cold drink cups and planter pots, identified by the SPI Code #1 (Polyethylene Terephthalate or PET) or SPI Code #2 (High Density Polyethylene or HDPE) or SPI Code #4 (Low Density Polyethylene or LDPE) or SPI Code #5 (Polypropylene or PP).
4. Metal Packaging including:
 - i) Ferrous and non-ferrous metal cans (non-beverage), and
 - ii) Aluminum foil and foil containers.
5. Glass Packaging including:
 - i) Glass bottles and jars (non-deposit).
6. Beverage containers identified in “Schedule 1 – Beverage Container Product Category” to the Recycling Regulation (B.C. Reg. 449/2004) of the Environmental Management Act.”

BY-LAW NO. _____

**A By-law to amend License By-law 4450
regarding organic waste and recycling**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the License By-law.
2. Council strikes the definition of “Food Waste Diversion Plan” from section 2.
3. Council inserts in section 2, the following definitions in the correct alphabetical order:

““Clean Wood Waste” has the same meaning as in the Solid Waste By-law.”;

“Non-residential Recyclable Materials” has the same meaning as in the Solid Waste By-law.”;

“Non-residential Recyclable Materials Diversion Program” has the same meaning as in the Solid Waste By-law.”;

“Organic Waste Diversion Plan” has the same meaning as in the Solid Waste By-law.”;

“Residential Recyclable Materials” has the same meaning as in the Solid Waste By-law.”;

“Residential Recyclable Materials Diversion Program” has the same meaning as in the Solid Waste By-law.”;

and

“Yard Waste” has the same meaning as in the Solid Waste By-law.”

4. Council strikes section 15.4 and replaces it as follows:

“ORGANIC WASTE AND RECYCLABLE MATERIALS DIVERSION

- 15.4 (1) Every holder of a license issued under this By-law must have an organic waste diversion plan for the licensed business.
- (2) No holder of a business license may dispose of food waste, yard waste or clean wood waste in any manner other than in accordance with their organic waste diversion plan.
- (3) Every holder of a license issued under this By-law, other than a license to operate a residential property, must have a non-

BY-LAW NO. _____

**A By-law to amend
Street and Traffic By-law No. 2849
regarding litter and fines**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This by-law amends the indicated provisions of By-law No. 2849.
2. Council strikes section 84 and replaces it as follows:

“84. Depositing Rubbish or Refuse

 - (1) No person shall deposit upon any street or other public place, any rubbish, sweepings, leaves, construction or demolition debris, paper, handbills, refuse or other discarded materials or things.
 - (2) An owner, registered owner, lessee or operator of a vehicle must not cause, permit, suffer or allow that vehicle to be used in the depositing of any rubbish, sweepings, leaves, construction or demolition debris, paper, handbills, refuse or other discarded materials or things upon a street.”
3. Council strikes section 99(1)(b) and replaces it as follows:

“(b) If any article, substance or material blows, drops, spills or falls from a vehicle onto a street, the driver of the vehicle must immediately take all reasonable precautions to safeguard traffic and remove the article, substance or material from the street.”
4. In section 99 (2) (a), Council adds “,” immediately after “liquid waste”, both times those words appear.
5. Council adds a new section 103 (9) as follows:

“(9) Every person who commits an offence against section 84 of this by-law is liable to a minimum fine of \$100.00 and a maximum fine of \$10,000.00”.
6. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

