



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: June 14, 2005
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CC File No.: 3756
Meeting Date: June 30, 2005

TO: Standing Committee on Planning and Environment

FROM: General Manager, Engineering Services

SUBJECT: Management of Commercial Garbage Containers in Vancouver

RECOMMENDATION

- A. THAT Council require lids on all commercial-size garbage and recycling containers, on the street or visible from the street, over 1 cubic yard in volume to be locked at all times (except when they are being loaded or unloaded).
- B. THAT enforcement of locked containers be a three step process that begins with education to encourage re-use, donation, and recycling over disposing of items of value and that ends with notices of By-law violation.
- C. THAT the user address or addresses of commercial garbage and recycling containers be prominently displayed on all containers on the street or visible from the street and that the responsibility for ensuring compliance with this requirement rest with the person who contracts for the service.
- D. THAT mandatory garbage and paper fibre recycling service be imposed on all non-residential properties unless the owners or occupiers thereof can demonstrate that they contract for removal of the waste generated from their property as required by the By-law.
- E. THAT the current maximum penalty of \$100 for violation of the Solid Waste and Recycling By-law be changed to a minimum penalty of \$50 up to a maximum of \$2,000.

- F. THAT the Director of Legal Services be instructed to bring forward the necessary amendments to the Solid Waste and Recycling By-law to give effect to the recommendations of the Policy Report dated June 14, 2005 entitled "Management of Commercial Garbage Containers in Vancouver".
- G. THAT the General Manager of Engineering Services, the General Manager of Fire and Rescue Services, and the Director of Legal Services look into necessary consequential amendments to the Fire By-law and, if appropriate, that the Director of Legal Services bring forward any necessary amendment.

GENERAL MANAGER'S COMMENTS

Engineering Services is unable to adequately address overflowing waste containers and illegal dumping in City lanes under current By-law provisions. The changes outlined in this report are expected to have minimal negative financial impact on those who depend upon the value of recyclables recovered from commercial waste containers, while still providing the enforcement tools needed to deal with poorly managed garbage containers.

COUNCIL POLICY

On September 13, 2004, Council directed Engineering Services, in consultation with Legal Services, to negotiate with the waste management industry to require current property addresses be displayed on commercial waste containers on City streets and lanes.

In 1992, Council authorized the execution of the licence agreements between the City and the participating companies which implemented the City's garbage container permit program.

SUMMARY

As part of our ongoing efforts to improve lane cleanliness and ensure the appropriate use of commercial garbage containers, Engineering Services conducted a pilot study of locking garbage containers in 7 downtown lanes. The lessons learned from the pilot study include:

- Unlocked containers are 3 times more likely to be a mess than locked containers;
- Education and enforcement of inappropriate container use is extremely difficult as the container user is not identified on the containers;
- Properties that choose to have overflowing containers prefer to remain anonymous;
- Approximately 20% of all fires causing damage in Vancouver begin in waste containers (205 fires in 2004);
- Some properties continue to not have adequate garbage or recycling service (some have no service at all), a problem that is currently very difficult to rectify.

Requiring that waste containers be locked is the only direct and effective tool that will address messy, overflowing containers and should significantly reduce the number of container fires in Vancouver. Staff believe that with education as part of the enforcement process the impact of locking containers on the marginalized community can be minimized.

Ensuring that the user's address is on their container will facilitate enforcement and eliminate the anonymity of irresponsible waste container use.

Key to keeping our lanes clean is to ensure that all properties have adequate waste disposal and recycling service. To provide a direct and effective tool to ensure that this occurs it is recommended that garbage and or paper fibre recycling service be imposed on all non-residential properties in Vancouver. Properties with waste collection contracts would be exempt. Garbage and recycling is already imposed on residential properties (unless they have a commercial garbage contract), a tool which has proven very effective in ensuring that residential properties have adequate waste removal services.

The Solid Waste and Recycling By-law currently has a maximum fine level of \$100. This is insufficient to deter violators of the By-law and it is not enough to recover City costs to clean up messy containers. It is recommended that the fine levels range from a \$50 minimum to \$2000.

PURPOSE

The purpose of this report is to present the findings of the pilot program of using secure commercial garbage containers and to recommend changes to the Solid Waste and Recycling By-law to provide staff the tools necessary to improve lane cleanliness and reduce the number of fires in waste containers.

BACKGROUND

Engineering Services currently has a program to regulate commercial garbage containers that are located on city property. At present there are approximately 2,000 containers on City streets (generally lanes). All waste recycling and disposal companies that want to store containers on City street are required to have a licence agreement with the City and pay a fee for the space occupied by the container. A number of changes have been implemented to help improve container management and improve lane cleanliness. However, the City continues to face the following challenges:

- Overflowing containers and/or accumulation of garbage around containers from users who do not have adequate service, or from nearby properties who do not pay for garbage service and try to use others' containers.
- Removal and scattering of garbage from containers by birds or by people looking through containers, both locked and unlocked, for anything of value.
- Identifying users of containers if there happens to be a fire, a hazardous situation, or if the cleanliness of the container and the area around it is unacceptable.

Vancouver Fire and Rescue regularly responds to fires that originate in waste containers. These fires are often started by people lighting easily accessible materials in the containers. With open lids, a small container fire will have plenty of oxygen and grow rapidly. Statistics from Vancouver Fire & Rescue show that 20% of all fires causing damage in Vancouver start in waste containers (205 fires in 2004). Fire apparatus have been involved in accidents on the way to fire calls and once at a fire scene, Fire Fighters are put at some risk. A reduction in

the number of containers fires will not only reduce damage to adjoining properties but will also reduce risk of injury to Fire Fighters as well as the general public.

Various initiatives by staff have been taken to address these challenges. Previous actions include:

- amending the Solid Waste and Recycling By-law to require that all properties have waste removal service at least twice a month,
- allocating garbage and recycling service to all residential properties.

No major changes have been implemented with regards to commercial garbage and recycling service. Council was updated via memo on June 2, 2004, regarding options being evaluated to improve commercial garbage container management.

In 2004, staff initiated a pilot program to evaluate the effectiveness of using 'secure locking containers' (containers with much stronger locking systems than a regular container) on the overall cleanliness of containers and lanes. Secure containers, provided by the garbage companies, were placed in seven city lanes for evaluation. A list and location map of these lanes is attached as Appendix A. The design of the secure containers was approved by staff.

The seven lanes selected for the pilot program were among the worst lanes for overflowing and messy containers. Prior to the pilot program the container lids in these lanes were regularly left open allowing easy access to the waste.

Most of the lanes in the pilot program are regularly cleaned by staff from United We Can. United We Can is a non-profit organisation that aims to establish self-sustaining urban enterprises and create jobs for inner city residents, mainly in the downtown eastside. In addition, Sanitation Operations regularly cleans the worst lanes in the downtown eastside at night.

Depending on their cleanliness, United We Can cleaned the pilot lanes from 3 times a week to twice a day. To assist in the evaluation, Engineering Services provided United We Can with survey forms to record the cleanliness around each container before lane cleaning began. Observations were made in 6 of the 7 pilot lanes and 2 'control' lanes outside of the pilot area, for the months of August, September and November 2004. The data was forwarded to Engineering Services for analysis. A total of 110 containers were surveyed in the three month period.

DISCUSSION

Some of the challenges faced in evaluating the effectiveness of the secure containers were:

- ensuring that all properties in the monitored lanes had adequate garbage service,
- identifying the container users,
- ensuring that the containers remained locked at all times.

To try and address these challenges, staff visited each individual business owner bordering four of the seven pilot lanes to ascertain if they had adequate garbage service. Some businesses with inadequate garbage service (and some with no service at all) were identified and were convinced to acquire a level of service to meet their needs. To help identify

container users in some lanes staff placed labels on containers with the user's address. Users were then asked, but not forced, to keep their containers locked at all times.

It was observed that some businesses did not want their address to be displayed on the container and regularly removed the address. These were the businesses that tended to have containers which were frequently messy and overflowing.

Comparisons were made between lanes with secure containers (pilot lanes) and lanes without secure containers (control lanes) in an effort to evaluate the effectiveness of the secure containers. A summary of the findings can be found in Appendix B. The two key findings of the study are:

1. The area surrounding an unlocked garbage container is 3 times more likely to be messy than the area surrounding a locked container.
2. The secure container design is more effective at remaining clean when locked. The reason for this is that waste can still be removed from most regular containers, even when locked.

Overall, locked secure containers are most effective in helping to keep lanes clean. They will also be most effective in reducing container fires.

Problem Containers

To provide effective tools that will allow staff to address problem waste containers it is recommended that the city amend the Solid Waste and Recycling By-law to require that:

1. Commercial-size waste containers on the street or visible from the street and over one cubic yard in volume be locked at all times (unless being loaded or unloaded).
2. All non-residential waste containers, on the street or visible from the street, display the user address(es) on the container and that the responsibility for ensuring compliance with this requirement rest with the person that contracts for the service.

Requiring that containers be locked is the only direct and effective tool that will address overflowing containers and should significantly reduce the number of container fires in Vancouver. Advice from Legal Services indicates that a By-law requiring that containers be closed (i.e. not locked) would be very difficult to enforce and prosecute and will likely be ineffective.

Requiring that containers be locked has significant social implications as described in the section titled Social Implications (below).

Ensuring that the user's address is on their container will facilitate enforcement and eliminate the anonymity of irresponsible waste container use. The waste hauler will be responsible for initially applying the user address to each container (as Council directed staff to amend the garbage container licence agreements). However, the user is in most frequent contact with the container and therefore is most able to ensure that the label is always visible. Furthermore, the pilot program demonstrated that some problem container users will try to remove the label to remain anonymous and to avoid prosecution. Staff are of the opinion that it is most appropriate that the users be responsible for ensuring that their address is clearly labelled on their waste containers. It is anticipated that once the addresses

are on the containers there will be peer pressure from neighbours and the Business Improvement Associations to keep the container clean as everyone will know who is responsible for a messy container.

Problem Lanes

Much of the waste found around containers in some of the worst lanes comes from neighbouring properties without adequate waste disposal services. Some properties have no waste disposal contracts at all and simply throw their waste into, or adjacent to, others' containers.

To address problem lanes the Solid Waste and Recycling By-law needs to be amended to ensure that all properties have adequate waste management (garbage and recycling) services. Since it is extremely difficult to prove that a property does not have adequate service it is recommended that the City first impose service and require properties or users to prove that they have contract service which would then allow for exemption from City allocation. This is the approach that was taken for residential properties to ensure that all residential properties have service. The result is very effective at ensuring adequate service and avoids the cost and effort of using the Courts for prosecution.

Penalties

The existing Solid Waste and Recycling By-law has a maximum fine of \$100 against persons who commit an offence against the By-law. This amount is insufficient to deter violators of the By-law and it is not enough to recover City costs to clean up messy containers. As an example, one extra pick up of a commercial container can cost from \$25 to \$50. Unless the fine for violating the By-law (overflowing container) is at least this cost there is no deterrent. Paying the fine would likely be cheaper than compliance.

Staff recommend that the Solid Waste and Recycling By-law be amended to reflect a minimum fine of \$50 up to a maximum of \$ 2,000.

SOCIAL IMPLICATIONS

Cleaner lanes will reduce odours and improve the image of the City for visitors and residents alike. However, there are some negative impacts to locking containers. These include:

- A reduction in the amount of recyclables and other valuables recovered by people searching through the containers which would result in a loss of revenue from the sale of those recyclables. United We Can estimates that about half of the beverage deposit containers brought in by binners are recovered from commercial size garbage containers.
- An inconvenience to container users which could result in more work for property managers as garbage might be left outside the containers by users who forget their key. The greatest impact would be to multi-family residential properties with on-street containers that do not use managers to consolidate their garbage and place it in their container.

Consultation with the binning community at United We Can indicated that most of the beverage containers and valuables were recovered from waste containers at residential properties in the West End, Yaletown, etc. and that few recyclables were recovered from garbage containers in the most problematic lanes. Problem waste containers tend to be localized and originate in lanes where there are a number of properties without adequate service or where there is a high level of drug activity in the lane. The binners consulted indicated that they felt the most problematic lanes were often unsafe for them to work in.

Education and Enforcement Plan

Users of problem containers will be first educated about the negative impact their container management has on the surrounding community and the increased risk of fire that coincides with open and overflowing waste containers. Users will be reminded of the value and importance of reusing, donating, or recycling items of value instead of throwing them into garbage containers and that making these items available to the marginalized community reduces their incentive to remove waste from containers. Donating items of value, including beverage containers, can help some people meet their basic day to day needs. Education will gradually turn to enforcement over a three step process for the users of overflowing and messy waste containers. Staff will consult with the local downtown community (from BIA's to United We Can) to develop these messages.

Where waste in lanes continues to be a problem, or where staff have evidence that properties without service are contributing to messy lanes, staff will approach adjoining property managers or local businesses to verify that they are appropriately managing their waste. Businesses or residents without adequate waste disposal will be notified to obtain waste disposal services within 14 days or have garbage and or recycling service imposed by the City.

ALTERNATIVES/OPTIONS

Council may not wish to implement a By-law that requires waste containers be locked at all times. An alternative available to Council is to require locked containers in a more local geographic area with boundaries set by Council. This would potentially reduce the negative social impact on marginalized communities but would also limit the ability of staff to address problem containers outside the predefined area and limit staff ability to deal with new problem areas that might arise.

FINANCIAL IMPLICATIONS

At this time we are not requesting additional funds for enforcement, only an improvement in the tools available to staff. We do not expect significant revenue from fines as we anticipate high compliance with focussed enforcement. Should additional resources for education and enforcement be required they could be funded from the garbage container licence fees.

ENVIRONMENTAL IMPLICATIONS

Requiring waste containers to be locked will improve the cleanliness of lanes and greatly reduce the incidence of container fires causing damage.

PERSONNEL IMPLICATIONS

There are no personnel implications.

COMMUNICATIONS PLAN

All changes to user requirements for containers on City streets will be outlined in the Licence Application form that is signed by the user and the waste collection company for all containers on City property. It is expected that the garbage container companies will also inform their users of new By-law requirements for locked containers.

As discussed above, identified properties without waste collection service will be notified of the new requirement to have contracted service, or receive service by the City. They will be given two weeks to demonstrate that they have contracted service prior to service being allocated by the City.

There is a significant interest in this issue from many of the Business Improvement Associations. Staff will ask these associations to inform their membership of the requirements to have adequate service, of the value and importance of reusing, donating, or recycling items of value, and the requirements to ensure that their containers are appropriately managed.

CONCLUSION

Staff are of the opinion that the significant benefits of requiring locked containers should be pursued and that there are ways to minimize the negative impacts of locked containers on marginalized communities.

To provide effective tools that will allow staff to address problem waste containers it is recommended that Council amend the Solid Waste and Recycling By-law to require that:

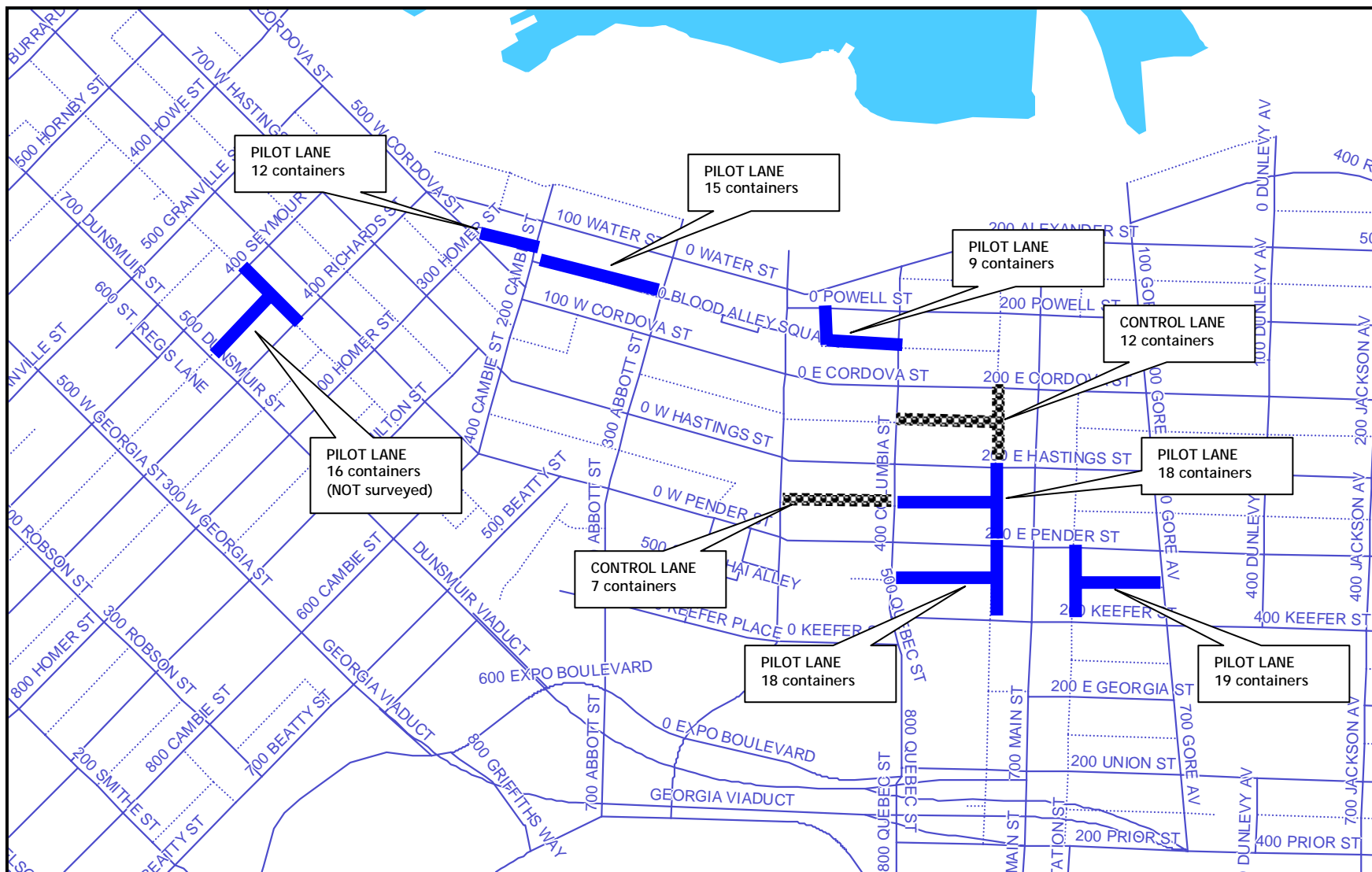
1. Waste containers on the street or visible from the street with over one cubic yard in volume be locked at all times.
2. Enforcement of locked containers be a three step process that begins with education to encourage re-use, donation and recycling over disposing of items of value and that ends with notices of By-law infraction.
3. All commercial garbage containers on the street or visible from the street display the user address(es) on the container and that responsibility for ensuring that the user address is on the container rest with the person who contracts for the service.

To address problem lanes it is recommended that:

4. the City impose garbage and paper recycling service and require properties or users to prove that they have service allowing for exemption from City service.

To improve compliance with the Solid Waste and Recycling By-law it is recommended that:

5. the Solid Waste and Recycling By-law be amended to reflect a minimum fine of \$50 up to a maximum of \$ 2,000.



Summary of results - Secure Garbage Containers on City Property.

- (A) *Locked containers:*
On average 16% of containers in the pilot lanes were left unlocked as compared to 8% of containers left unlocked in the control lanes. It was also found that only 37% of users locked their containers at all times. This demonstrated that some of the businesses in the pilot lanes did not want to keep their container lids closed or keep them from overflowing, which was one of the reasons why the pilot lanes were among the messiest lanes. This statistic might also suggest that the secure containers take more effort to use and therefore may be locked less.
- (B) *Overall messy:*
15% of the containers in the pilot lanes were messy at all times compared to 30% of containers in the control lanes. This could be attributed to the fact that almost all businesses bordering at least four of the pilot lanes had some sort of garbage collection service. It is unlikely that all properties surrounding the control lanes had an adequate level of garbage service. Properties without garbage service tend to abandon their garbage in, on, or next to, any container.
- (C) *Messy and locked - secure vs. regular:*
17% of the time the area surrounding locked secure containers were messy. In comparison 27% of the time the area surrounding locked regular containers in the control lanes were messy. The frequency of messy regular locked containers was higher because the contents in the regular containers were still accessible as the lids could be lifted from the corners and people could get inside the bin. On the other hand it was very hard to get access to the materials inside a secure locked container. The garbage strewn around a secure locked container generally came from users that abandoned their garbage next to the container.
- (D) *Messy - locked vs. unlocked:*
62% of the time unlocked containers in the pilot lanes were messy as compared to 17% when they were locked (a ratio of about 3.5:1). The control lanes also had a similar ratio: 76% of the time the containers were messy when unlocked compared to 26% when they were locked (3:1). This shows that the area surrounding an unlocked container is 3 times more likely to be messy than the area surrounding a locked container.

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