



PO Box 1749
Halifax, Nova Scotia
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Item No. 10.1.3

Halifax Regional Council
November 25, 2008

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in dark ink, appearing to read "Dan English", written over a horizontal line.

Dan English, Chief Administrative Officer

A handwritten signature in dark ink, appearing to read "G. Kaiser", written over a horizontal line.

Geri Kaiser, Deputy Chief Administrative Officer

DATE: November 13, 2008

SUBJECT: (Unwanted) Home Delivery of Flyers and Free Newspapers

ORIGIN

At the February 27, 2007 Regional Council meeting, Council passed a resolution asking staff for a report detailing measures that could be used to halt the unwanted delivery of flyers and free newspapers.

On May 4, 2007, staff submitted an Information Report to Council in regard to the above noted topic. Please see Attachment 1.

At the January 22, 2008, Regional Council Meeting, Council passed a resolution requesting a report based on the alternatives contained in the May 4, 2007 Report. Please see Attachment 2

RECOMMENDATIONS

It is recommended that the Mayor request that the Minister of the Environment devote the resources required to enforce the litter provisions of the *Environment Act of Nova Scotia* and that the Minister continue to issue Environmental Warning Reports to offenders, and further that HRM staff continue to support the Minister of the Environment in affecting successful prosecution.

BACKGROUND / DISCUSSION

Current Legislation

The Nova Scotia *Environment Act* states, “No person shall release or permit the release of litter into the environment, except as authorized by this Act or the regulations.” The Act defines “litter” as, “any material left or abandoned in a place other than a receptacle or place intended or approved for receiving such material.”

The definition of “litter” in the Act is very broad and includes nearly any form of release and deems the releases to be littering. HRM staff have met with staff from The Department of Environment in order to discuss this issue. The Department reports that it has been working with companies to address concerns raised in regard to placing flyers in driveways and ditches. It has issued environmental warning reports to some of these companies. The Department has concerns around the challenges of successfully enforcing the legislation including finding witnesses to the delivery of the flyers and concerns over who gets charged, the company or the delivery person. As a consequence, it has advised that it would prefer to work with HRM to pool resources to effect compliance with the legislation.

At the present time, staff understand that there is only one local company that continues to deliver flyers in contravention of the legislation. Although some members of Council have suggested that HRM should undertake the enforcement, given the Department of Environment’s current commitment to undertake enforcement, there would appear to be no reason for HRM to take on the province’s responsibility for enforcement of the Environment Act. However, given the expertise resident within HRM with respect to regulatory enforcement, HRM can provide assistance to the Environment Department in effecting successful prosecutions. HRM staff and the Department will continue to meet in an attempt to work jointly to ensure compliance.

The recommended option therefore is to encourage the Province to devote the resources required to enforce their legislation. In addition, it is recommended that HRM staff continue to explore ways to support the Department in their effort to achieve compliance.

ALTERNATIVE ONE

Another option is to seek authority from the Province for HRM By-Law Enforcement Officers to enforce this law. New staff would have to be hired or some current enforcement activities reduced or eliminated. This is not recommended.

ALTERNATIVE TWO

Cities across Canada deal with litter issues in a variety of ways. HRM can choose to adopt legislation similar to the “Voluntary Admail Reduction Program By-Law” (Attachment 3) currently used by the City of Ottawa. In Ottawa, citizens can purchase (at a very low cost) a sign that reads,

“No Junk Mail.” The sign is then displayed on the property to inform anyone delivering unaddressed advertising that the material is not wanted. The by-law prohibits delivery of unaddressed advertising to the property. Further, the by-law stipulates how unaddressed advertising is to be placed on the property (e.g. in a mailbox); how the delivery person must access the property; and during what time of day delivery is allowed. The City of Ottawa Legal Department reports that there have been no prosecutions under this by-law since it was enacted in 2003.

The status quo within HRM is that people who do not want admail delivered to their homes already display “no junk mail” signs and these signs are generally respected by the people who deliver flyers in some parts of HRM. In other parts of HRM, however, the “no junk mail” signs are frequently and repeatedly ignored, despite the efforts of the newspaper/flyer companies to have their contractors halt the undesired practice. Compounding the problem is that flyers and free newspapers left at a driveway entrance can end up in the road or in the ditch, causing litter and potential flooding by blocking storm water systems. HRM can adopt a modified Ottawa by-law. For example, the by-law could provide for what would constitute a valid sign, rather than requiring HRM to produce and sell the signs as in the Ottawa by-law.

The enforcement of a new by-law would require additional staff or a reduction in the enforcement of other by-laws. Adopting a new by-law is not recommended. It could be reconsidered at a future date if the current commitment to enforcement efforts by the Environment Department does not produce results.

BUDGET IMPLICATIONS

There are no budget implications associated with the staff recommendations. The limited assistance we would provide to the Department of Environment can be undertaken within current staff workload.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the use of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. One alternative, which is not recommended, is to seek authority from the Province for HRM By-Law Enforcement Officers to enforce the Provincial *Environment Act*. This is a resourcing issue and there appears to be no reason for HRM to assume the costs of this provincial responsibility.


2. The second alternative, which is not recommended, is to adopt a new By-Law to control the delivery of flyers and free newspapers. There are costs associated with this that would have to be assessed.

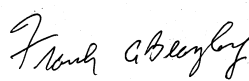
ATTACHMENTS

1. Attachment #1 - May 4, 2007, staff report entitled “(Unwanted) Home Delivery of Flyers and Free Newspapers - Litter”
2. Attachment #2 - Halifax Regional Municipality Regional Council Minutes - January 22, 2008, page 9.
3. Voluntary Admail Reduction Program, By-Law No. 2003 - 493, City of Ottawa.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Josh Judah, Chief Prosecutor, 490-4124

Report Approved by: 
M.E. Donovan, Director, Legal Services 490-4226

Report Approved by: 
Frank Beazley, Chief of Police, Halifax Regional Police, 490-6500




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Halifax Regional Council
May 15, 2007

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Brad Anguish, P.Eng., Director, Environmental Management Services

DATE: May 4, 2007

SUBJECT: (Unwanted) Home Delivery of Flyers and Free Newspapers - Litter

INFORMATION REPORT

ORIGIN

At the February 27, 2007 meeting of Regional Council, it was approved that staff provide a report detailing measures to halt the unwanted home delivery of flyers, and free home delivery of weekly community newspapers, which often are deposited at driveway entrances, at the side of the roads or in ditches, and which accumulate while residents are away. The staff report is to reference applicable legislation and existing enforcement responsibilities and whether an HRM by-law is required.

BACKGROUND

The issue of litter and littering has been before Regional Council on several occasions in recent years. The attached staff report entitled "Litter Prevention", dated August 3, 2005, was provided to members of Regional Council at the August 9, 2005 meeting. The report provided an overview of the following:

- ▶ the adequacy of existing legislation;
- ▶ enforcement opportunities;
- ▶ public education and awareness; and
- ▶ HRM's litter prevention infrastructure and services.

In 2006, the HRM "Can You Afford to Litter?" campaign was implemented. This campaign (which continues in 2007 as one component of a larger HRM beautification and civic pride initiative) raised public awareness of the consequences of littering:

- ▶ for the environment;
- ▶ for HRM - expended for litter maintenance services, in excess of \$2 million annually; and
- ▶ for individuals who are liable for a fine for violating specific Provincial and HRM legislation.

This report addresses the specific issue of unwanted home delivery of flyers and the common recent practise of the delivery of free weekly newspapers throughout HRM.

DISCUSSION

1. Legislation

1.1 Canadian Charter of Rights and Freedom

A law such as a By-Law that attempts to limit freedom of expression, i.e. prohibiting the distribution of flyers/free newspapers and/or interferes with commerce, may be subject to a Charter of Rights and Freedom challenge.

1.2 NS Environment Act, NS Motor Vehicle Act and HRM By-Law S-300

The NS Solid Waste Resource Regulations, the NS Motor Vehicle Act and HRM By-Law S-300 "Streets" all apply. Staff advised in the attached staff report (Attachment # 1) dated August 9, 2005, Section 1 "Legislation" (page 2) that:

"based upon the existing Provincial legislation (i.e. the NS Environment Act and the Provincial Motor Vehicle Act, which provides for a fine of \$387.50 and \$445.00 for littering respectively) and HRM's By-Law S-300 (where a resident could be issued a SOT of \$215.00 for failing to keep the area between the curb/edge of the travelled portion of the road and the property line free of waste and debris), the framework for

effective litter enforcement is available without the requirement for a new HRM by-law,...".

As specified in the Solid Waste/Resource Management Regulations, under the Environment Act, section 2 (s), the following is the definition of "litter":

"litter" means any material left or abandoned in a place other than a receptacle or place intended or approved for receiving such material and "littering" has a corresponding meaning."

The act of the placement of flyers and newspapers at the foot of driveways, on walkways, or at the side of the road, is considered littering and causing litter contrary to provincial legislation.

Although the practise of free home delivery of weekly newspapers is a recent occurrence in many communities, particularly in urban and suburban HRM, staff's view has not changed. The existing Provincial and HRM legislation can provide for effective litter enforcement - a new HRM by-law is not required.

Individuals who are charged by way of a Summary Offence Ticket (SOT) and who plead "not guilty" will be subject to prosecution in the Provincial Court. HRM also has the option to charge by way of a "Long Form" Information. Long Form charges also go before the Provincial Court and could result in a higher fine.

HRM By-Law S-300 requires residents, as good stewards of the environment - for the appearance of their property and neighbourhood, to keep storm drains from being clogged - to remove flyers and weekly community newspapers deposited in front of their property.

At the fall 2006 sitting of the Provincial legislature, the maximum fine for littering was increased to \$10,000 for an individual and \$100,000 for a company. This increase in the maximum fine indicates that littering is a priority for the Provincial government.

2. Education Opportunities

2.1 *Companies that Distribute Flyers and Free Weekly Newspapers*

One component of resolving the littering occurring from a flyer or newspaper being thrown at the side of the road/entrance to a driveway, is to engage the companies that produce and/or distribute flyers and the free weekly newspapers.

Staff has written to the two local companies who are providing the home delivery of flyers and free newspapers (the Chronicle Herald, and Transcontinental (The Daily News)) for the purpose of making them aware of the issue, and providing notification that they, and/or their contractors/carriers, are required to be compliant with Provincial legislation.

In 2006, staff changed the service provider who delivered the HRM Naturally Green Newsletter to 150,000 households three times a year, as incidents of HRM's newsletter being deposited at the end of driveways/side of the roads were regularly being reported.

The Chronicle Herald and the Daily News have responded (attachment # 2A and # 2B) advising that they have a similar concern when their product is delivered in a manner that is contrary to Provincial regulations. Both companies have implemented measures intended to effect a higher standard of performance for the delivery of flyers and community newspapers. Both companies have committed to the following:

- ▶ publish a telephone number in the flyer/community newspaper for residents to be added to the "Do Not Deliver" list;
- ▶ promptly follow up and take appropriate action (including dismissing of carriers) for inappropriate delivery;
- ▶ continue with the removal/clean up of their product along the sides of roads; and
- ▶ meet regularly with HRM staff and NSEL representatives to ensure a cleaner Region.

The companies have advised that their number one priority is customer complaints, and ensuring their systems resolution is effective. They also advised that they will focus on deliveries in HRM where subdivisions have a Canada Post communal mail box and where homes do not have a mail box/slot or tube. The Chronicle Herald provides the free installation of a tube into which flyers and newspapers can be placed. Residents desiring the installation of a mail tube at the foot of their driveway can contact the Chronicle Herald at the below telephone numbers.

The contacts for residents to be placed on the "Do Not Deliver" list are:

- ▶ For the Daily News, 444-4444 - ask for the Circulation Dept.;
- ▶ For the Chronicle Herald, 426-2811 ext 3350, or 1-888-766-6444, or via email at emc@herald.ca, or by fax at 426-0422.

2.2 Residents of HRM

Many residents of HRM have placed a "No Flyers!" sign on their door advising that they do not want flyers/free newspapers delivered to their home. This approach is generally more effective in urban and suburban HRM, where the front door is close to the sidewalk/roadway. For rural HRM, a sign on the front door is not as effective, as it often cannot be seen from the roadway. Both companies are aware and have taken measures to address the problem of the delivery of their product in more rural subdivisions that have long driveways and do not have a mailbox, slot, or tube at the residence.

2.3 Tracking Reports of Litter from Home Delivery of Flyers & Community Newspapers

Reports of litter caused by flyers and community newspapers are recorded in Hansen. Multiple Reports of incidents in a specific area (i.e. Hot Spots) will be investigated by the HRM Police and RCMP for appropriate action with the company/carrier responsible. If no

improvement is forthcoming, EMS/Solid Waste Resource staff will meet with the company and officials from NSEL to effect higher compliance.

3. **Enforcement**

3.1 ***HRM/RCMPolice***

For 2007, the HRM Police and RCMP will continue to include littering as a regular component of their patrol strategy. Once the locations (hot spots) are identified and reported to the HRM 490-4000 line, the information will be passed to the HRM and RCMPolice for inclusion in their daily patrol briefings.

3.2 ***Nova Scotia Department of Environment and Labour***

The Nova Scotia Department of Environment and Labour (NSEL) has the responsibility to ensure compliance with Provincial legislation for incidents of littering. NSEL Inspectors have the authority to issue a SOT and, if determined appropriate (i.e. a repeat offense), to charge by Long Form an individual or a company for violation of the Environment Act.

HRM staff has written to senior NSEL staff advising of Council's concern respecting littering caused by home delivery of flyers and free community newspapers. NSEL has responded advising that:

- ▶ the placement of a flyer or newspaper on the ground is an act of littering;
- ▶ that NSEL, with HRM staff, are prepared to meet with the companies that are the source of the litter problem; and
- ▶ that Provincial Inspectors have and will investigate reports of littering and will take appropriate enforcement actions.

Summary:

Staff will inform residents of the measures they can take to halt the delivery of unwanted flyers and free newspapers to their homes. Communication will be via the HRM website, the Corporate Call Centre, and the Naturally Green Newsletters. Another venue is in Councillors' newsletters. HRM and RCMPolice will include littering in daily patrol briefings. Staff have initiated a process with both newspaper companies to effect an improvement in the delivery of their product, to reduce the number of incidents reported of flyers and free community newspapers placed at the side of the road and foot of driveways.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. One alternative, which is not recommended, is for HRM to adopt a By-Law to prevent the distribution of flyers and free newspapers. Such a By-Law would likely be subject to a Charter of Rights and Freedom challenge.
2. Another alternative, which is not recommended, is for HRM to adopt a By-Law to prohibit littering. Existing Provincial and HRM legislation provides for effective litter enforcement. HRM staff will monitor the results of the positive response by both newspaper companies and NSEL to jointly work together to resolve the incidents of flyers and free newspapers being placed at the side of roads and foot of driveways.

ATTACHMENTS

1. Attachment # 1 - August 3, 2005, staff report entitled "Litter Prevention" (without attachments);
2. Attachment # 2A - Letter dated April 27, 2007, from the Chronicle Herald; and
3. Attachment # 2B- Letter dated April 25, 2007, from the Daily News.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Jim Bauld, Manager, Solid Waste Resources 490-6606

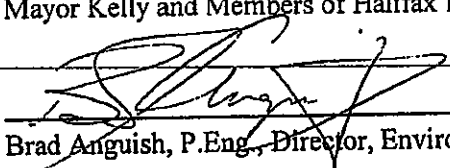


PO Box 1749
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Halifax Regional Council
August 9, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


Brad Anguish, P.Eng., Director, Environmental Management Services

DATE:

August 3, 2005

SUBJECT:

Litter Prevention

INFORMATION REPORT

ORIGIN

Regional Council, at the May 10, 2005 meeting, directed staff to:

- provide an updated By-Law to prohibit littering;
- review of the former City of Dartmouth By-Law 400;
- assess increasing the fine for a summary offense ticket for littering; and
- assess implementing a program that encourages citizen participation in keeping HRM litter free.

BACKGROUND

Litter has been previously discussed at Regional Council. Staff's report(Attachment #1) dated August 19, 2003, provides information regarding litter from the aspect of existing legislation, enforcement, public education, community clean up initiatives, and services provided by HRM business units.

This report updates members of Regional Council of the various elements of the existing HRM litter abatement program, including enhanced services for 2005/06. Although HRM's litter abatement program, supported by various communities and provincial programs, is quite comprehensive, staff will continue to seek opportunities for improved service delivery, stewardship and residents and partnerships.

DISCUSSION

As per Council's direction, staff has assessed the four issues, which are:

- 1) the adequacy of existing legislation;
- 2) enforcement opportunities;
- 3) public education awareness and clean-up campaign provided by the Region, and other agencies; and
- 4) HRM's litter prevention infrastructure and services.

1. Legislation

A review of the existing legislation applicable to the act of littering has been completed by the By-Law Rationalization Committee. In this review, it is important to make the distinction between the act of littering (e.g. tossing debris/garbage to the ground) and the responsibility for cleaning up of litter once on the ground. Regarding the act of littering, the NS Environment Act enables the issuance of a Summary Offense Ticket for littering of \$387.50, while the Provincial Motor Vehicle Act, for littering from a vehicle on a road or highway, provides for a fine of \$445.00. Regarding the clean up of litter, the HRM Streets By-Law S-300, Part 2, "Littering" Section 10, requires residents to keep the area between the curb and the property line free from waste and debris. The fine for failing to maintain the sidewalk area is a SOT of \$215.00.

The By-Law Rationalization Committee has determined that, based upon the existing Provincial legislation and HRM's By-Law S-300, the framework for effective litter enforcement is available without the requirement for a new HRM by-law or amending the former City of Dartmouth By-Law 400, which staff will be recommending for repeal.

2. Enforcement

HRM Police and the RCMP have the authority to issue a SOT for littering as a violation of the Environment Act, the Motor Vehicle Act, and for failing to maintain the sidewalk area. HRM By-Law Enforcement Officers can issue a SOT for failing to maintain the sidewalk area. If litter and other debris remain for long periods on private property, the Dangerous and Unsightly Premises By-Law can be used as a remedy.

As directed by Regional Council, the RCMP, HRM Police and Bylaw Enforcement will provide, as a priority, selective enforcement of littering during critical times of the year (i.e. during the spring and summer) with ongoing enforcement of the more flagrant violations when reported and/or observed. Police and Bylaw Services can best profile the problem of litter and its impacts on the environment and quality of life in communities by launching a spring initiative (through media) of enforcement coupled with HRM public education and awareness campaigns. Enhanced enforcement and education campaign launched together could highlight the negative impacts of litter on communities.

3. Public Education, Awareness and Clean-up Campaign

Public awareness of the negative impact of littering is one of the key components for the achievement of a litter free HRM. Although many residents are environmentally responsible and do not litter, others are not concerned for the environment and continue to litter. To reach those residents who are not aware of the impact of littering and who are not aware of the fine they could receive, a successful public awareness campaign must go hand in hand with effective enforcement, including profiling (as a deterrent to others) those who plead or who are found guilty.

Since the introduction of a deposit/refund system on most beverage containers in Nova Scotia in 1996, and the very highly successful waste/resource management programs across Nova Scotia (including HRMs), litter has been mainly limited to products from the quick service/fast food sector and/or tobacco products.

The increase in the number of quick service/fast food restaurants who utilize non-environmentally friendly disposable containers, and whose patrons often consume their products in a vehicle, have contributed to the prevalence of litter in society today.

Attachment # 2 provides a brief description of the various Provincial, and community based anti litter campaigns in HRM, including the Executive Summary of the NS Youth Corps. and NSDEL 2004 Litter Survey which revealed that the most common source of litter continues to be from the fast food/quick service, grocery, tobacco and confectionary sectors.

3.1 Existing HRM Litter Awareness and Clean Up Programs:

In 2004, in partnership with Clean Nova Scotia Foundation residents of HRM were encouraged to participate in the "Put Litter In Its Place" campaign. Last year 171 community/youth/sport groups in HRM registered with Clean Nova Scotia and conducted a clean up. The goal for the 2005 campaign, which was officially launched on May 12, 2005 by Mayor Kelly at St. Mary's Elementary School in Halifax, is to increase the number of events to 200. Residents can register for the HRM 2005 campaign by contacting Clean Nova Scotia at 420-3474. Those that register will receive a free "Pick Me Up Kit" consisting of a guide book, recycling and garbage bags, gloves, and a data sheet, to help keep track of the materials collected.

The slogan "Put Litter In Its Place" has been used for many years in the former City of Halifax. Most of the (more than 850) HRM litter baskets have a sign attached with this slogan. The slogan "Slam Dunk Your Junk", which was adopted by the former City of Halifax, is attached to many of the larger litter barrels located at HRM parks and playgrounds.

3.2 Capital District - Multi Compartment Containers and Enhanced Litter Maintenance:

This spring, new four stream containers were installed (Attachment # 3) at eleven high profile/pedestrian traffic locations within the Capital District. The containers have clearly identified openings for garbage, organics, beverage containers, paper and have a receptacle for cigarette butts affixed to the side. Additional four stream containers will be installed at other locations within the Capital District and other areas of HRM in 2005 and 2006. The funds approved by Regional Council have enabled the Capital District, in partnership with T&PW, to enhance litter maintenance by two months (April and December) and 24-7 from May to November, plus the installation of fifty (50) additional litter receptacles along main streets in the Capital District.

Surveys conducted by the Capital District revealed a requirement for more resources dedicated to litter, which has been incorporated into an enhanced litter maintenance plan. Capital District has developed an information flyer (Attachment # 4) that outlines the roles and responsibilities of citizens who work and own property in the Capital District. The flyer is posted on the Capital District web site, a newsletter and is distributed throughout to the Business Improvement Districts. The Capital District has incorporated a Civic Pride Award into the Urban Design Awards program to positively reinforce those who commit to good property maintenance practices.

Both the Downtown Halifax and Downtown Dartmouth Business Commissions conducted clean ups in June, both reporting less litter than in previous years.

3.3 HRM Community Response Team:

HRM's Community Response Team assists residents and the business community to be good stewards of the environment by keeping their community clean through active litter prevention and participating in clean ups.

3.4 HRM Publications/Mailouts:

Publications such as Councillor's newsletters, the "Naturally Green", the HRWC "Water Talk" newsletter, as well as inserts in the tax bills and HRM notices issued from time to time, provide opportunities to raise the awareness and importance of litter prevention and the potential fine for littering.

3.5. Potential Future HRM Enhanced Litter Prevention Campaign:

Solid Waste Resources staff will be leading the development of a revised litter prevention campaign for Council's consideration for Spring 2006 that will increase public awareness/education and provide effective selective enforcement and enhanced litter maintenance services. At this time it is felt that the revised campaign can be completed through reallocation of existing resources.

4 Current HRM Infrastructure/Services - Litter Management

4.1 Transportation and Public Works:

HRM dedicates significant resources for the management of litter. Attachment # 1, staff report dated August 11, 2003, page two, section entitled "Litter", details the level of litter service provided by T&PW (which includes approximately 850 litter baskets located at high demand locations throughout HRM) and Appendix A details "Street Sweeping Service Standards" in the East, Central and West Region. The recent organizational realignment of Transportation and Public Works, with the ongoing duty assignment review, continues to focus on the optimum delivery approach for all services including litter and street sweeping.

It is staff's intention to review the delivery of litter management services within Transportation & Public Works and provide an update to Council with respect to improvements in efficiency and methods of delivery for the services. The review of T&PW services will include the relationship of litter services provided by RPAM, for the purpose of identifying future efficiencies and opportunities for enhanced service delivery.

The 2005 T&PW street sweeping and litter basket service commenced on April 1, 2005, four weeks earlier than in previous years. This early start has resulted in street sweeping services (i.e. removal of litter from the gutter) being provided along HRM streets. T&PW administers requests for litter baskets, which are installed where warranted. If a litter basket is used for a purpose other than intended, (eg, it is used by an adjacent property owner for the disposal of garbage generated from a business), the basket will be removed.

The 2005/06 Transportation and Public Works budget for street sweeping is \$653,000 and for litter management is \$974,000.

The 2004 Capital District Streetscape Study identified a need to improve the service level. Improvements to the litter service level by T&PW for 2005 includes:

- 50 additional pole mounted litter baskets at strategic locations in the Capital District;
- extending the street sweeping operations to include April and December (weather dependent), plus 24-7 from May to November;
- two students dedicated to litter maintenance in the Capital District this summer.

4.2 Real Property and Asset Management (RPAM):

Attachment # 5 is a detailed list of litter/clean up programs provided by RPAM at HRM parks, playgrounds, and in the Capital District. The 05/06 RPAM's budget for litter management is approximately \$1,060,541 (see Attachment # 6 for breakdown). An assessment in 2004/05 identified the need for improved service levels.

Enhanced litter services for RPAM in 2005/06 includes:

- expand weekend shifts to include seven days per week servicing of some of the major Parks such as Point Pleasant Park, Fleming Park, Hemlock Ravine Park, and Linear Park;
- assign staff to Shubie Park on a full-time basis for summer seasons, dedicated maintenance to the park Monday through Friday;
- purchase an additional mechanical pickup broom for a skid steer unit to enhance sweeping within Capital District;
- continue enhanced maintenance season of Capital District to a year round program, with staff exempt from snow and ice duties; and
- four stream containers were added to 20 major parks and green spaces late in July 2005. For a complete list of locations please see Attachment # 7.

Summary:

Four issues were explored in order to improve the effectiveness of HRM's litter prevention program:

- 1) legislation;
- 2) enforcement;
- 3) public education;
- 4) infrastructure and services.

The current legislative framework provides a sufficient foundation for effective litter enforcement.

The 2005/06 enhanced litter prevention program activity (above regular program activity) includes:

- installation of new four stream containers at eleven high profile traffic locations within the Capital District with extended litter maintenance and street sweeping operations
- installation of new four stream containers at 20 major parks, sports fields or beaches
- commencement of street sweeping and litter basket service four weeks earlier and continued one month longer (subject to weather conditions) than in previous years
- enhanced litter maintenance at major parks
- launch of a spring 2006 Police and By-Law enforcement campaign (with media

coverage), coupled with an enhanced public education and awareness campaign.

Staff will use the 2005/06 program year as a baseline with which to measure the full impact of the enhanced litter management program. 2005/06 baseline efforts will include:

- assessment of service levels including the number and locations of litter baskets on HRM sidewalks, containers at parks, playgrounds and open spaces, and street sweeping services.
- assessment of the impact of the new litter maintenance program by T&PW, RPAM, and Capital District.
- assessment of impact of RCMP and HRM Police litter enforcement.
- review of cross-business unit collaboration for litter management.
- seeking business sector partnerships in order to minimize program costs and raise community/stakeholder involvement.

As a result of this effort it is staff's intention to further improve litter management in HRM with no net increase to the 2006/07 operating budget. Staff will advise Regional Council if any additional requirements for increased litter management are recommended, as part of the 2006/07 budget approval process.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

One alternative, which is not recommended, is to increase the service level of litter maintenance along HRM streets and in HRM parks, playgrounds and open spaces beyond the enhanced services provided in 2005/06. This is not recommended, as funds are not available in the 05/06 budget and the effectiveness of the 2005/06 enhanced litter maintenance program and enforcement campaign, if desired by Regional Council, should be measured as the first step for an overall assessment of an enhanced, more comprehensive HRM litter campaign in future years.

ATTACHMENTS

1. Council Report dated August 19, 2003
2. External Anti Litter Campaigns in HRM and Executive Summary, 2004 Litter Survey
3. HRM Four Stream Source Separation Parks/Public Spaces
4. Capital District Information Flyer
5. RPAM Detailed List of Litter/Clean up Programs

**Litter Prevention
Council Report**

August 9, 2005.

- 7 -

6. Real Property Operation's Litter/Clean up Programs for 2005/06
7. RPAM- List of Four Stream Source Separation containers that have been installed in Major Parks/ Sports fields / Beaches (Revised - July 26, 2005)

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Jim Bauld, Manager, Solid Waste Resources 490-6606

Financial Review by: Marlies van der Horst, Acting Financial Consultant, Environmental Management Services 490-4480

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Our Lives, Fresh Daily. Since 1824.

RECEIVED
APR 30 2007

April 27, 2007

Halifax Regional Municipality
Solid Waste Resources Environmental
Management Services
P.O. Box 1749
Halifax, N.S.
B3J 3A5

Attention: Mr. Jim Bauld, Manager

Dear Sirs:

Thank you for meeting with our group on Monday, April 23, 2007.

As you have informed us, staff was directed to provide a report advising of measures to prevent the undesired and inappropriate delivery of flyers. We at The Halifax Herald Limited are committed to assisting you with this task.

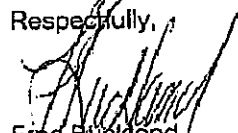
To recap our meeting we discussed the following:

1. Our commitment to a cleaner HRM;
2. Proposed monthly meetings with HRM to be updated on our efforts to ensure a cleaner HRM;
3. To provide councillors with area distributor telephone numbers;
4. To reinforce our existing procedures (attached); and
5. To explore marketing opportunities.

I hope this assists with your report to HRM councillors in this regard.

Jim, I look forward to continuing our dialogue and efforts to bring about a cleaner HRM.

Respectfully,


Fred Buckland
Senior Vice President &
General Manager

/shm
Enc.

April 26, 2007

To: Jim Bauld

Re: Home Delivery of Flyers - Litter

I would like to thank you and Bill for taking the time to meet with us on Monday to discuss our collective littering concerns as it pertains to our delivery of flyer products in HRM.

As discussed at our meeting and requested, the following are procedures followed by The Herald to make every effort to provide a clean and environmentally friendly service to all of the households that receives the weekend Out & About product as well as our midweek package where available:

1. All Independent Delivery Contractors are instructed and contracted to follow delivery directions, which indicate tube, mailbox, veranda, or where driveways are long, the product is to be bagged and placed on left side of driveway 35+ ft in from the center of the road.
2. Instructions to Independent Contractors (over 300 in HRM) that if product is left for 2 weeks and not taken in, the product is to be removed from the property and delivery cancelled.
3. The Herald has implemented a program in rural HRM and urban subdivisions where very large lots and long driveways exist, to personally inform each householder that tubes are available free of charge for Herald product. A call to our office gets them a tube installed. This program was carried out in 2006 and continues in 2007 on a route-by-route basis.

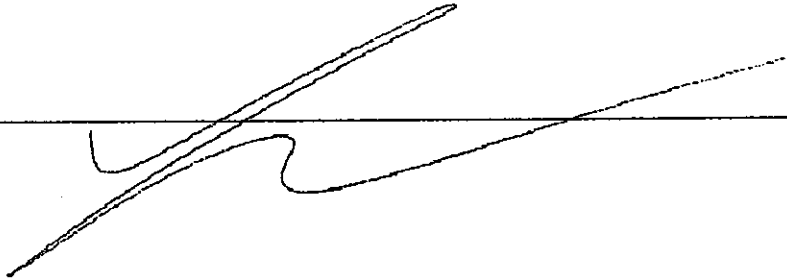
weekend flyer package each week and has been for the past 15 years. We vary the ad periodically to draw attention to the information.

6. We have a very effective Start/Stop program in place and will continue to enhance this system on a go forward basis.

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7. Independent Delivery Contractors are continuously provided with delivery direction information, both written and verbal. This information involves procedure, location, responsibility, clean community and environmental awareness.
 8. Delivery Contractors are replaced after 1 warning of incorrect delivery. For example, thrown or damaged product, failure to start or stop a customer as directed, etc.
 9. Over 600 individual phone surveys are done weekly to check on receipt of product at which time delivery satisfaction issues are also recorded and dealt with by staff in the required manner.
 10. We have had in place for a number of years, a visual monitoring system during each delivery. This year, we have enhanced this program to include a wider area as well as a monthly clean up program. This program will continue on a regular basis covering over 1,000 km per week. This represents over 500 streets per week.
 11. We have once again provided HRM and the Councilors with our flyer services contact information. We have also provided the Councilors with the contact information for our Supervisory Staff by Area in HRM. This was sent to Cathie Barrington April 23, 2007 to be distributed to individual Councilors.

12. We are currently speaking with other delivery systems throughout North America as well as Europe to get a consensus on how they are dealing with the environmental issues. We will speak with Mr. Bauld and Mr. Karslen when this research is compiled.
13. We would like to note that in 2006, 0013 of the calls we received and processed were regarding the way in which delivery was provided. These calls were dealt with by our very experienced supervisory staff resulting in resolution through installation of a tube specific to The Herald product only, Independent Delivery Contractors receiving a Letter of Warning, contract cancellation (approximately 123 in HRM in 2006) or stopping service to the customer at their request.
14. There was agreement at our meeting that we explore the possibility of meeting with HRM on a regular basis to evaluate the littering issue as it pertains to our products.
15. I would like to note that in HRM there are currently 6 Companies that deliver flyer/weekly publications/newspapers/phone directories. As the longest standing and most recognizable Delivery System, we get a large majority of the calls. Those that are not our product are passed on to the appropriate group as best we can. The point here is that the general public assumes that all delivery is done by The Herald and reports to all who will listen that the product is the Herald's.
16. Please note that The Herald product is in the pink bag when and where required or requested. All other bags (white, blue, gray, etc) are product delivered by other Companies. When determining who is responsible or whose product, the question should be asked to determine responsibility.

We would like to thank all involved for your willingness to include the Herald as part of this very important environmental issue. We look forward to working with you as we move forward.

A handwritten signature in black ink, appearing to read 'J. Len MacKean', is written over a horizontal line. The signature is stylized with a large, sweeping 'J' and a long, horizontal stroke extending to the right.

J. Len MacKean
Herald Distribution Services Manager



April 25, 2007

RECEIVED
APR 25 2007

Jim Bauld
Manager Solid Waste Resources
Environmental Management Services
PO Box 1749
Halifax, NS
B3J 3A5

Dear Jim,

Re: Home Delivery of Community Newspapers

Further to Brad Anguish's letter of March 16 and our meeting of April 20 with you and Councillor Bill Karsten, I would like to summarize our conversation concerning the above noted issue. To clarify:

1. We delivery three community weekly newspapers (Bedford Sackville Weekly News, Dartmouth Cole Harbour Weekly News, & Halifax West Clayton Park Weekly News) every Friday. Approximately 91,000 copies are delivered: 18,000 by mail (Halifax West apartments and condominiums only), 63,000 delivered to the doorstep/mailbox via carrier force, and 10,000 delivered to the laneway via carrier force primarily to RR #'s (rural routes). We do not deliver to apartments or condominiums in Dartmouth Cole Harbour or Bedford Sackville.
2. Newspapers are wrapped in poly or bagged in inclement weather, and always wrapped with an elastic band for mailbox/doorstep delivery, if not bagged.
3. Our community weeklies are managed by a Distribution Manager. Each weekly newspaper has a Local Distribution Manager responsible for :
 - Follow up complaints. See attached procedure.
 - Quality of carrier delivery
 - Timeliness of delivery.
 - Hiring/terminating carriers
 - Filling down routes.

A Division of Transcontinental
Nova Scotia Media Inc.
1601 Lower Water Street
Halifax, NS B3J 3P6

Telephone: (902) 444-4444
Fax: (902) 427-5610
www.nsnews.ca



4. We have DND (Do Not Deliver) lists for each community weekly newspaper. If the household resident does not want the product delivered, then they can call 444-4444 and ask for circulation. Their name is added to a list and the product delivery is discontinued. See attached example.
5. We audit deliver every Monday. 300 random households contacts are required, 100 from each community weekly. We want to find out:
 - Timeliness of delivery.
 - If delivery standards are followed, or if resident specific requests can be accommodated.
 - Did you receive the product?
 - Identify any problem areas.
6. We initiated a spring clean up campaign in areas of HRM where we received complaints concerning weeklies founding in ditches, and public areas. This service started on March 31 and will continue until the problem areas are resolved. See attached list.
7. We have been part of the "NS Daily Newspaper Group" since 2001, which have an agreement with RRFB, committing to a reduction in waste and the recovery of newsprint through recycling. We contribute an advertising credit of \$10/tonne of newsprint consumed to RRFB to promote recycling and responsible waste management.

Our goal is to delivery our product in a timely and responsible manner with minimal complaints. Within the industry 95% on time complaint free delivery is considered to very good. This would translate into 86,450 of the 91,000 newspaper complaint free or conversely 4,550 to be potentially problematic. A complaint could be anything from: did not receive, did not like method of delivery, do not want, did not receive timely, etc.

A common complaint we receive is the method delivery in RR areas of HRM. We have followed our competitor's lead and used laneway as the preferred method. Cost, ability to recruit carriers, and timeliness of delivery, currently prevents us from having a carrier delivery to a doorstep/mailbox in these rural areas. If there are changes contemplated, we would respectful request that these changes be applied consistently to all parties who distribute flyer bags or community newspapers in these areas.

We also receive a number of complaints from residents who confuse our product with our competitor's product. Sometimes the residents understand the mix up, other times they complain to their Councillor without full knowledge of the problem, creating an incorrect perception of our product(s).

To continue to be pro-active in this area of quality distribution, we will:

1. Publish a number of house ads in our weekly products for residents who want to be added to a Do Not Deliver list.
2. Make available myself or other staff member to meet and discuss these issues in more detail with a municipal staff or a committee.
3. Ensure that delivery complaints are followed up timely.
4. Continue our spring clean up in problem areas.

Should you wish to discuss this matter in more detail, please do not hesitate to contact me at 121-5838.

Yours truly,



Jamie Thomson
Publisher
The Daily News

Cc. Councillor Bill Karsten

Brad Anguish, Director Environmental Management Services, HRM
Janet Lucas, Distribution Manager, The Daily News
Irma Moore, Circulation Manager, The Daily News
Gavin Beer, Advertising Director, The Daily News

AREAS SPRING CLEANED:

BEDFORD SACKVILLE WEEKLY:

March 31, 2007 - Wilson Lake Road
 Snowberry Court
 ~~Chani Drive~~
 Fenerty Road
 Part of Lakecrest
 Cedar Court
 Elmwood Court
 Part of Rhodara Dr
 Part of Rosemary - down to playground

April 6th, 2007 - Rechecked Fenerty
 Lylewood Dr
 Ashley Drive
 Birchill Court
 Hamilton Dr
 Strathmore Ave
 Woodys Lane

April 7th, 2007 Finished Lakecrest Dr
 Finished Rhodara
 Meadowsweet Rd
 Rest of Rosemary
 Lakeview Ave to #465

Because of Snow on Easter Sunday and then Heavy rain the clean up has been postponed until April 23rd, 2007. Contractors have been hired to finish up the Bedford Sackville area. They will then move into the Hammonds Plains, St. Margaret Bay areas.

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**HALIFAX REGIONAL MUNICIPALITY
REGIONAL COUNCIL MINUTES**

9

January 22, 2008

10.3 MEMBERS OF COUNCIL

10.3.1 Councillor Snow - Request for Report re: Flyer Delivery Litter

- An information report dated May 4, 2007 on the above noted was before Council.
- An information report dated August 3, 2005 on the above noted was before Council.

Councillor Snow indicated that she has been receiving numerous phone calls and emails from residents who are frustrated with litter generated from advertising flyers. She noted that calls to newspaper/flyer distributors do not seem to be effective in ratifying the issue.

MOVED by Councillor Snow, seconded by Councillor Murphy, that Regional Council request a recommendation report based on the alternatives set out in the May 4, 2007 information report on this matter.

Members of Council discussed the matter, with the following comments, concerns and suggestions noted:

- There are potential legal difficulties with the alternatives set out in the May 4, 2007 information report;
- The distributors of the flyers should be researching solutions;
- HRM needs the support of the Province on this issue;
- HRM could engage Canada Post to assist with this problem.

Councillors McInroy and Karsten left at 6:30 p.m.

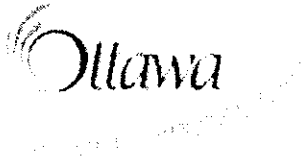
MOTION PUT AND PASSED.

10.3.2 Councillor Streach - Request for Report re: HRM's Use of 15 Passenger Vans

Councillor Streach indicated that recent events have led to banning these vans in several jurisdictions. He advised that HRM staff have temporarily pulled HRM owned 15 passenger vans from use, pending a meeting with insurance departments and senior staff later this week.

MOVED by Councillor Streach, seconded by Councillor Barkhouse, that:

1. **Regional Council direct staff to permanently remove the 15 passenger van, owned by HRM recreation and operated in District 1, Eastern Shore/Musquodoboit Valley, and prepare options to replace it with a more appropriate mini-bus type of vehicle; and**


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Voluntary Admail Reduction Program BY-LAW NO. 2003 - 493

A by-law of the City of Ottawa to establish a program for the regulation of the distribution of unaddressed advertising material.

The Council of the City of Ottawa enacts as follows:

DEFINITIONS

1. In this by-law,

"advertising material" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, flyer, paper, booklet, or any other printed or otherwise reproduced matter or literature, that:

- i. advertises or otherwise promotes any merchandise, product, commodity or thing, or
- ii. directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interests thereof; or
- iii. directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission is charged for the purpose of commercial gain or profit;

"General Manager" means the General Manager of the Emergency and Protective Services of the City of Ottawa or authorized representative;

"City" means the municipal corporation of the City of Ottawa, or the geographic area as the context requires;

"distributor" means any person, owner of a business, company, or organization which distributes, permits to be distributed or causes to be distributed any bill for profit; and

"private property" means any dwelling, house, building, or other structure, designed or used either wholly or in part for residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard, grounds, walkway, driveway, porch steps, vestibule or mail box belonging or appurtenant to such dwelling, house, building, or other structure.

PROGRAM ESTABLISHMENT

- 2. The City hereby establishes a voluntary program for the regulation of the distribution of unaddressed advertising material in the City of Ottawa.
- 3. The General Manager is responsible for the administration of this program.
- 4. Any owner or occupant of property may participate in the program and indicate their desire not to receive unaddressed advertising material by purchasing the sign as prescribed in accordance with Schedule "A" to

this by-law from the City for a fee of two (\$2.00) dollars.

5. The owner or occupant of the property may affix the sign referred to in Section 4 to a mail box or mail slot in a conspicuous way on his or her property, indicating that he or she does not wish to receive any unaddressed advertising material.

GENERAL REGULATIONS

6. No distributor shall distribute or cause to be distributed any unaddressed advertising material on private property if the owner or occupant of the property has affixed a sign in a conspicuous way on his or her own property, as prescribed in accordance with Schedule "A" to this by-law indicating that he or she does not wish to receive any unaddressed advertising material.
7. Subject to Section 6, no distributor shall distribute or cause to be distributed any unaddressed advertising material on private property other than,
 - a. in a mail box;
 - b. in a mail slot;
 - c. in a receptacle identified for this purpose;
 - d. on a newspaper rack or hooked to it;
 - e. in an apartment building lobby; or
 - f. on the door handle if the junk mail is delivered in a bag.
8. Subject to Section 6, no distributor shall distribute or cause to be distributed any unaddressed advertising material on private property other than by using the driveway and sidewalks of private residences and apartment dwellings.
9. Subject to Section 6, no distributor shall distribute or cause to be distributed any unaddressed advertising material on private property between the hours of 9:00 o'clock in the afternoon (9:00 p.m.) and 8 o'clock in the forenoon (8:00 a.m.) of the next following day.

BY-LAW NOT APPLICABLE

10. The affixing of a sign in a conspicuous way on his or her own property, as prescribed in accordance with Schedule "A" to this by-law indicating that he or she does not wish to receive any unaddressed advertising material does not apply to prevent the distribution of,
 - a. newspapers delivered to paid subscribers;
 - b. community newspapers;
 - c. material produced in the context of a campaign for elected office; or
 - d. information circulars produced by governments or their agencies.

SHORT TITLE

11. This by-law may be referred to as the "Voluntary Admail Reduction Program By-law".

ENACTED AND PASSED this 8th day of October, 2003.

CITY CLERK

MAYOR

SCHEDULE "A"

VOLUNTARY ADMAIL REDUCTION PROGRAM

**Disclaimer**

By-laws contained in this section have been prepared for reference purposes only. Every effort is made to ensure the accuracy of this information, however it is not to be used in place of actual by-laws.

Actual by-laws can be obtained at the following locations:

City Archives
111 Sussex Drive
613-580-2424, ext. 13333

Ottawa Public Library
120 Metcalfe, Ottawa Room
613-580-2945

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