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Halifax Regional Council
February 3, 2004

TO: Mayor Kelly and Members of Regional Council

SUBMITTED BY:


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DATE: January 15, 2004

SUBJECT: Solid Waste Resource Collection and Disposal By-Law S-600,
Section 16 - Scavenging

INFORMATION REPORT

ORIGIN

Discussion at Council with regards to Solid Waste Resource Collection and Disposal By-Law Section 16, Prohibitions of By-Law S-600 and the amending of Section 16.2. Staff are providing background information on the purpose of this Section and how it links with HRM's responsibilities to residents and its commitments in HRM's contracts with municipal collectors and facility operators.

BACKGROUND

Section 16, Prohibitions of By-Law S-600 generally relates to prohibiting persons (other than the resident who placed it, HRM, its contractors or authorized Municipal collectors) from picking over, removing or collecting material placed for municipal collection and prohibits removal of containers (i.e., garbage cans) and organics collection carts.

One group of municipal services HRM provides under its mandate are solid waste collection, processing and disposal. In order to do this reasonably efficiently, the municipality requires residents to place material for collection on a particular day of the week, to source-separate the material and prepare it in a specified manner and to the outlined limits. The same requirements are contained in HRM's contracts with municipal collectors and facility operators and are generally detailed in HRM's "Householders Guide to Waste Management".

DISCUSSION

By-Law S600 and HRM Residential Collection Services

I) Section 16.1(a): states that no person shall “pick over, remove, disturb or otherwise interfere with any waste material that has been set out for municipal collection;”.

The purpose of this section is to prevent individuals from sorting through material that residents have prepared and placed at curbside for municipal collection and to ensure that the material remains intact to allow reasonably efficient collection and to facilitate processing and/or disposal.

II) Section 16.1(b): states that no person shall “collect waste material placed for municipal collection . . .”.

The general intent of this section is to delineate that, as it is the resident’s responsibility to put out material properly sorted on the correct day for collection by the Municipality/its contractors, then it is the Municipality’s responsibility to collect the material. Many municipalities put a similar provision in their by-laws to make this transfer of responsibility clear. An anti-scavenging clause for waste material is not only included in the HRM collection contracts but also applies to contracts/agreements with facility operator’s employees.

III) Section 16.1(c): states that no person shall “remove a container or organics collection cart placed at curbside.”

The purpose of this section is to prevent anyone from taking or moving a resident’s garbage can and/or removal of the green cart assigned to the property. HRM has contractual commitments to provide green carts to eligible residential properties and provide source-separated material to its facilities.

IV) Section 16.2: outlines who can handle material placed for municipal collection which includes the resident who placed it, the Municipality, its contractors or authorized municipal collectors.

When someone other than an unauthorized agent of HRM interferes with the material, complaints from residents generally fall in the following three categories and are problematic for HRM:

- (a) that a mess has been left behind;
- (b) that someone has taken material that was meant for HRM’s collection (e.g., refuse or recyclables); and/or
- (c) the material was not collected by the municipal collector as it is no longer prepared properly.

Residents are accustomed to and expect the municipal contractor to collect their material and have it processed at its intended destination.

Frequently, loose items (non-deposit bearing containers, e.g., milk cartons, cans, bottles, etc.) when removed from the blue bags end up scattered, creating an unsightly mess on city streets and/or the resident's property necessitating clean up by the resident. Residents have expressed displeasure with the requirement of picking up and re-bagging recyclables they originally properly prepared for municipal collection. To allow the scavenging of deposit bearing containers has the potential to increase littering and unsightly property requiring residents and/or HRM to provide clean up.

Another concern with increased activity of unauthorized agents interfering with municipal waste at curbside is the safety of the collection Contractors who in the past have been threatened with physical assault by the unauthorized agent (to be left alone to rummage through the material). To avoid assaults, HRM collection contractors have had to adjust their operations which can result in delays in collection and additional operating costs for the contractor.

Analysis

1. *Response By the Public:*

Staff regularly (almost daily) receive complaints from residents expressing displeasure and frustration with scavenging. The majority of the complaints concern the scattering of non-deposit bearing containers on the sidewalk area or resident's property. Should HRM amend Section 16.2 of By-Law S600, there would likely be an increase in complaints of litter and unsightliness. Should scavenging be permitted and should Council wish to reverse the decision in future, enforcement in the future would be an even greater challenge.

It is reasonable to expect that amending Section 16.2 has the potential of extensive media coverage, increasing the potential for even higher level of activity by prompting others to commence scavenging on HRM streets (and potential conflicts between individuals wanting the blue bag materials; some scavengers may not see it as "first come-first served").

2. *Illegal Dumping:*

One outcome of scavenging is the dumping of milk cartons, food cans, detergent bottles, ice-cream containers, etc., after the deposit bearing containers have been removed. This illegal activity is presently occurring, often resulting in large quantities of blue bags and non-deposit bearing containers being discarded in large quantities (i.e., 50 to 100 bags) in both the rural and urban areas of HRM. With the amending of Section 16.2, this activity has the potential of increasing.

3. *Enforcement of Scavenging:*

Staff recently revisited the enforcement strategy for scavenging. It was determined that Police Services and the RCMP are the appropriate enforcement arm to address the various issues associated with this activity. Police Services is the only enforcement service within HRM that have the training, authority and 24/7 accessibility.

It is recognized that scavenging may prevent citizens from feeling safe in their community. In an effort to provide the best possible customer service to the residents of HRM, scavenging complaints will be handled the same way as any other complaint enforced through Police Services. If the offence is in progress, a Police unit will be dispatched. If a citizen requests to see an officer, a unit will be dispatched as soon as one is available. A complaint after the fact will be referred to the respective Divisional Office.

BUDGET IMPLICATIONS

The amending of Section 16.2 has the potential for an increase in revenue loss for the municipality. Staff has previously advised the estimated revenue loss to the solid waste system by scavenging is between \$200,000 to \$300,000 annually. HRM receives approximately \$167,500 annually from unredeemed deposit bearing containers, which would be at risk if scavenging of blue bag material is permitted.

Although not a blue bag recyclable as defined in By-Law S-600, should the price of newspaper and corrugated cardboard increase to the level in the early 1990's, the scavenging of these additional materials could once again be experienced. The marketing of newspapers and corrugated cardboard represent more than 50% of the \$1,050,000 in revenue HRM receives annually.

Staff at this time are not able to quantify the potential financial impact of increased litter clean up for unsightly streets and property that could result from the proposed amendment to the by-law.

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

The alternative is not to proceed with the amendment of Section 16.2 of By-Law S-600, but rather to proceed with proactive enforcement by HRM Police in those areas where incidents of scavenging reports are most frequent.

ATTACHMENTS

N/A.

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.

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