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HALIFAX
REGIONAL MUNICIPALITY

Halifax Regional Council
June 25, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Dan English, Deputy Chief Administrative Officer

DATE: June 10, 2002

SUBJECT: Shopping Carts and Scavenging of Recyclables

ORIGIN

Motions of Regional Council of May 14, 2002 (item 8.1) and April 16, 2002 (item 11.21) and September 26, 2000 (11.1.2) for staff to examine how to resolve the problem of stolen grocery carts and other vehicles, being used to scavenge curbside recyclables, resulting in lost revenue for the municipality and safety concerns for the residents. The motion of May 14, 2002 further suggested that staff undertake to meet with the appropriate representatives of major department stores and grocers to find an immediate solution to the problem of littering of shopping carts.

RECOMMENDATION

It is recommended that Regional Council approve staff's proposal to:

- a. enforce the Solid Waste Disposal and Collection By-Law prohibition on scavenging; and
- b. staff meet with representatives of the business community who utilize shopping carts to discuss solutions to reduce the number of carts leaving store property and consider this input in future recommendations on this issue;

BACKGROUND

Scavenging Issues

Legal Prohibitions on Scavenging

Scavenging, or the removal of unredeemed deposit beverage containers placed curbside for municipal pick-up, is a violation of By-Law S-600 *The Solid Waste Disposal and Collection By-Law*. Section 16.1 of by-law S-600 details that it is prohibited for individuals to

- (a) pick over, remove, disturb or otherwise interfere with any waste material that has been set out for municipal collection;
- (b) collect waste material placed for municipal collection; or
- (c) remove a container or organics collection cart placed at curbside.

The penalty for violating section 16 of the by-law, or scavenging, upon summary conviction is a maximum penalty of \$ 5,000. Staff is in the process of proposing an amendment to the Summary Offence Proceeding Act regulations that will authorize the issuance of Summary Offence Tickets (SOTs) for violations of the *The Solid Waste Disposal and Collection By-Law*.

Solid Waste Resource Advisory Committee (SWRAC)

At SWRAC on February 24, 2000 staff explained enforcing the scavenging section of the Solid Waste by-law enforcement action was approached from the following two perspectives:

1. scavengers who use vehicles; and
2. scavengers who use shopping carts.

It was explained that enforcement focus was placed upon the first category of scavengers. Focusing on individuals scavenging who use shopping carts was seen to be non-effective as they were often without a fixed address and issuing tickets was not productive. This activity was reflective of a wider social and community problem. SWRAC membership endorsed this enforcement method. These minutes are attached at Appendix A.

Court Action To Date

The HRM recently prosecuted a case of scavenging. The prosecution was of an individual who used his vehicle to scavenge though warned not to do so on numerous occasions by By-Law Enforcement staff. The prosecution was the first HRM case proceeding to the Court for scavenging. On May 15, 2002, the alleged scavenger plead guilty to six charges and was fined \$ 100.

Legal Services advises that there have been no other reported Canadian cases where a person was charged and convicted of unlawfully removing recyclables. There was a case in Toronto, in 1995, where the Courts granted an injunction to prevent a company from collecting recyclables.

Shopping Cart Issues

Shopping Carts Off Of Store Property

Staff believes that the problem of abandoned shopping carts off of store property is related the scavengers. These shopping carts are being removed from store property without permission of the owners. Staff contacted Zellers, Sobeys and Atlantic Superstores regarding abandoned shopping carts. They advise that shopping carts cost between \$ 150 and \$ 500 and are of value to the owners. Stores hire contractors to return shopping carts identified as belonging to them and pay in the range of \$ 3 - \$ 5 for the return of each cart. Beyond this "bounty" approach, stores have taken few steps to limit the theft of shopping carts.

Zellers at the Bayer's Road Shopping Centre has introduced a programme which prohibits the removal of the carts from the parking lot via an electronic wheel clamp system. This system is highly effective and cost Zeller's \$ 20,000. Stores in other Canadian municipalities utilize a deposit system, this approach has not been introduced widely in the HRM as it may not be popular with customers.

Representatives from the retailers have agreed to attend a meeting which staff will convene in the near future and we will formulate a course of action based upon this and other information.

DISCUSSION

Scavenging Issues

Loss of Revenue to HRM

Staff from Solid Waste Resources estimate that the HRM receives approximately \$ 150,000 net in revenue annually from unredeemed deposit beverage containers collected at curbside. It is

further estimated that scavenger activities reduce municipal revenue by \$ 200, 000 to \$ 300,000 net. These numbers are based on approximately 50 scavengers operating throughout the HRM primarily during the months of March through December.

Nuisance Issue

In addition to the loss of revenue, Solid Waste Resources staff advises that the objective of the by-law is to provide a regular, controlled, tidy collection service on a dependable schedule. The prohibition on scavenging safeguards the community from the nuisance of litter and debris caused by scavengers.

The scope of the problem, and the increasing number of scavengers, has prompted staff to revisit the current enforcement method approved by SWRAC.

New Approach to Enforcement of Scavengers

Staff proposes:

- a) Solid Waste Resources lead a public awareness initiative that scavenging is an unlawful activity that is costing the HRM significant amounts of money; and
- b) By-Law Enforcement Services collect evidence of those operating in violation of section 16.1 of the Solid Waste By-Law and prosecute offenders.

Shopping Cart Issue

The use of stolen shopping carts provides the means for scavengers to collect and return unredeemed deposit beverage containers. If staff efforts reduce the ability of scavengers to obtain access to shopping carts, their activities will be curtailed. Staff proposes that the abandoned shopping cart issue be addressed by:

- a) continuing further dialogue with representatives of the business community who utilize shopping carts to discuss solutions to reduce the number of carts leaving store property; and
- b) having municipal work crews impound abandoned shopping carts and placing onus upon the owners to retrieve them after paying impound fees.

BUDGET IMPLICATIONS

It is estimated that revenues of \$ 200,000 to \$ 300,000 are lost as a direct result of scavenging of recyclables. Focussed enforcement on scavengers will increase the revenues generated for the HRM through collection of unredeemed deposit beverage containers. Discussions will take place between Solid Waste Resources and Community Projects staffs to address increased facility, staff and vehicle costs.

MULTI-YEAR FINANCIAL STRATEGY IMPACTS

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

Council has numerous alternatives which include:

- a. amending the Solid Waste Collection and Disposal By-Law to allow scavenging;
- b. the licensing of scavengers; or
- c. maintaining the status quo of focussing on individuals using vehicles to scavenge.

None of the aforementioned alternatives is recommended for the reasons outlined in this Report.

ATTACHMENTS

Attachment A: Excerpt from minutes of SWRAC meeting of February 24, 2000

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: Peter James, Regional Co-Ordinator By-Law Enforcement, 490-5641
Approved by: Allan Waye, General Manager, Community Projects, 490-6484 

Excerpt from Minutes from

Solid Waste Resource Advisory Committee (SWRAC) Minutes

February 24, 2000

8. SCAVENGING

Mr. James gave a brief review of enforcement re scavenging as detailed in Section 16 of By-Law S-600 which prohibits people picking over or removing solid waste from properties.

Mr. James reported that when it comes to enforcing the scavenging section of By-Law S-600, it had been broken down into two types of scavenging. The first one applies to persons using vehicles to scavage recyclables, and the second category applies to individuals using grocery carts. Mr. James said since the by-law had come into effect on January 30th, 1999, staff received 32 complaints about persons using vehicles to scavage recyclables. Staff followed up on these complaints issuing 4 verbal warnings to operators and 14 warning letters, as well as issuing tickets to 3 operators that were caught scavenging, but there were no actual witnesses to proceed further on 11 complaints.

Mr. James stated that when it came to the second category of scavaging by individuals, staff had spoken to 60 individuals about the violation of the municipal by-law. He said he hesitated to issue them tickets because they had no fixed address, and if the ticket is not paid, there is a \$50.00 fine. Staff are hesitant about going this route, and Mr. James suggested that this is more of a social or community problem.

Councillor Walker suggested the By-Law should be changed if no charges are going to be laid against individuals. The Councillor stated that rules should be followed and there should not be a distinction made between persons using vehicles to scavage and persons using grocery carts to scavage.

Mr. James agreed with Councillor Walker, but stated that if a \$50.00 ticket was issued to an individual, it is unlikely payment would be received. If HRM pursued it to court, he did not believe this would solve the problem. Mr. James reiterated his earlier comments that he believes this is a social issue that cannot be solved by issuing tickets.

Deputy Mayor Cunningham stated that he believes the By-Law Enforcement Officers are doing what can be done. Using a truck to pick up recyclables, he believes, is a serious violation of the by-law. But, he agreed with Mr. James' comments that it is a social issue where individuals are concerned. Councillor Fougere agreed with Councillor Cunningham and felt it was a waste of time and energy for staff to pursue this with individuals. The Committee agreed not to proceed any further with this issue.