

Summary of Proposed Bylaw Changes

Overview

Waste Services has proposed changes¹ to the current waste collection program and to the way residents set out their waste for collection in the City of Edmonton. These changes include source separation and the introduction of automated collection. If approved, residents will start to transition from the current set out and collection program to using carts and separating their waste into garbage, organics, recycling, and leaf and yard waste. While there are substantial proposed changes for residents living in single unit dwellings, those residents living in apartments and condos that are serviced by bins will be following the status quo as there are no proposed changes for that sector at this time. Bylaw 18590 provides set out requirements to facilitate automatic cart collection services.

This document highlights the major changes from the current Waste Management Bylaw 17555 that have been incorporated in the new Waste Services Bylaw 18590.

1) Definition of Customer Classes

Discussion: The previous Bylaw 17555, defined customers based on the number of dwelling units on a single tax parcel which in turn determined the assessed rate. For example, a single dwelling unit on a single tax parcel was deemed a Single Unit Customer. Multiple dwelling units on a single tax parcel were deemed Multi-Unit Customers. Each customer type, Single Unit and Multi-Unit, were charged different Monthly Waste Utility Rates. This resulted in some customers being placed in the Multi-Unit customer class and paying the corresponding lower rate even though they received the waste collection service associated with the Single Unit customer class.

The new Bylaw 18590 defines customer class by service type. There are two service types: (1) Residential Curbside (customers who set out their waste in either bags or carts), and (2) Residential Bin Collection (customers who set out their waste in a bin). The change will allow the Waste Utility to charge the appropriate rate to all customers based on the service they receive rather than the number of dwelling units on a tax parcel.

¹ Single Unit Waste Set-Out Business Case CR_7173

Approximately 27,000 Multi-Unit customers, as previously defined in Bylaw 17555, will be transitioned from what was previously the multi-unit rate so that they pay the same rate as other customers who receive similar Residential Curbside service. This transition will be phased in over five years beginning in 2020.

The following table highlights the key changes from Bylaw 17555 to Bylaw 18590.

Bylaw 17555	Bylaw 18590												
<p>Part 1, Section 2 Definitions:</p> <p>(u) “multi-unit residential” means: (i) a class of building containing more than one dwelling unit, except for row housing where each dwelling unit is on a separate tax parcel; or (ii) a class of property containing more than one building with dwelling units on a single tax parcel; as determined from property assessment records, or other means including on site verification.</p> <p>(gg) “single unit residential” means: (i) a class of building containing no more than one dwelling unit; (ii) row housing where each dwelling unit is on a separate tax parcel; or (iii) a mobile home located in a trailer park; as determined from property assessment records or other means including on site verification.</p>	<p style="text-align: center;">—</p>												
<p>Schedule A- Waste service rates, fees & charges</p> <table border="1" data-bbox="253 1535 839 1837"> <thead> <tr> <th>Type of residential Premises</th> <th>Monthly rate</th> </tr> </thead> <tbody> <tr> <td>Single Unit Residential</td> <td>\$47.08</td> </tr> <tr> <td>Multi-Unit Residential</td> <td>\$30.60</td> </tr> </tbody> </table>	Type of residential Premises	Monthly rate	Single Unit Residential	\$47.08	Multi-Unit Residential	\$30.60	<p>Schedule C- Waste Service Rates</p> <p>Table 1 - Residential Waste Service Rates</p> <table border="1" data-bbox="865 1535 1408 1837"> <thead> <tr> <th>Type of service</th> <th>Monthly Waste Utility Rate (2019)</th> </tr> </thead> <tbody> <tr> <td>Residential Curbside (Large Garbage Cart)</td> <td>N/A</td> </tr> <tr> <td>Residential Curbside</td> <td>N/A</td> </tr> </tbody> </table>	Type of service	Monthly Waste Utility Rate (2019)	Residential Curbside (Large Garbage Cart)	N/A	Residential Curbside	N/A
Type of residential Premises	Monthly rate												
Single Unit Residential	\$47.08												
Multi-Unit Residential	\$30.60												
Type of service	Monthly Waste Utility Rate (2019)												
Residential Curbside (Large Garbage Cart)	N/A												
Residential Curbside	N/A												

	(Small garbage cart)	
	Residential Curbside (no Garbage Cart Provided)	\$47.08
	Residential Curbside (Multi-Unit Transition Rate)	\$30.60
	Residential Bin Collection	\$30.60

2) Automated Collection and Source Separation

Discussion: Waste Services Bylaw 18590 will transition the current curbside waste collection program to the new program where carts are provided to customers. This includes provisions to implement source separation requirements. Because the new waste collection program will be introduced over time in phases, the new Bylaw maintains provisions to generally continue and maintain the current set out requirements for customers who have not received carts.

The following sections highlight key additional provisions in Bylaw 18590 to implement the new program.

Part III- Source Separation of Waste and Container Specifications:

a) *Sections 12-16* address the separation of garbage, organics, recycling, and leaf and yard waste for those who have transitioned to the new set out and have been provided a cart by the City. Sub-sections within each of these provisions allow the current program to continue for customers who have not yet received carts.

b) *Sections 17-19* outline the various containers that may be used for those who have transitioned as well as those who have not. Once the transition to the new waste collection program is complete, the sections pertaining to the old set out will be removed.

3) Schedules and the Addition of Guidelines

Discussion: Bylaw 18590 provides the broad Waste Utility framework by dealing with core subject matter. Schedules in the Bylaw address aspects that will require amendments (for example Waste Service Rates) and subject matter that is unlikely to change frequently (for example Prohibited Waste and Restricted Waste). Schedules have been proposed for Prohibited Waste and Restricted Waste to easily facilitate amendments. Changes to the Bylaw and Schedules will require Council approval through amendments.

Guidelines are stand-alone documents that address topic-specific information. Council approval will not be required to update or change Guidelines but they will be published alongside the Bylaw 18590.² They are intended to address subject matter where Waste Services anticipates a need for flexibility. For example, a Set Out Guideline can be created to vary cart or bin set out requirements for a subset of homes where difficulties with collections are encountered. The Recyclable Materials Guideline can be updated in response to changing market conditions for products. Guidelines include Waste Facility Fees (these fees were previously included in Bylaw 17555 Schedule A), Excluded Organic Materials, Recyclable Material, Yard and Leaf Waste, Special Handling, and Excess Waste Collection.

The Schedules to Bylaw 18590 include:

Schedule A - Prohibited Waste

This schedule defines waste that cannot be collected by the City or accepted at any City Facility (i.e. ammunition, nuclear materials, etc.).

Schedule B - Restricted Waste

This schedule defines waste that will not be collected, but which will be accepted at an appropriate City Waste Facility (i.e. paint, solvents, etc.).

Schedule C - Waste Service Rates

This schedule establishes the Monthly Waste Utility Rates assessed to each residential premises based on the service provided.

² The Guidelines will be published in a similar manner to the Guidelines authorized under Traffic Bylaw 5590

https://www.edmonton.ca/city_government/bylaws/bylaws-t.aspx

The Guidelines to Bylaw 18590 include:

Waste Facility Fees

User fees for Waste Facilities such as the Edmonton Waste Management Centre and Eco Stations. These fees were previously included in Bylaw 17555 - Schedule A.

Excluded Organic Materials

Materials that are organic in nature, but may not be set out for collection in an organics cart. Flexibility will be useful to allow an optimized waste stream for organic waste processing.

Recyclable Material

Recyclable materials that are accepted for collection. Flexibility will allow the City to make changes to reflect fluctuating market conditions for recyclable materials.

Yard and Leaf Waste

Yard waste materials that are accepted for collection.

Special Handling

Some waste can be collected but must be prepared in a specific manner first, due to safety concerns or other issues. The Special Handling Guideline deals with animal waste, dusty waste, medical waste, and sharp objects. These provisions were previously included in Bylaw 17555 under Part II-Residential Waste, sections 21-26. Using a Guideline will give Waste Services the ability to update it quickly if it is necessary to deal with other types of waste.

Excess Waste Collection

Specifies the conditions under which residents are permitted to set out additional garbage for collection.

Set Out

Bylaw 18590 includes provisions to prescribe the location where customers will need to place carts on collection days. The set out rules in the Bylaw should be sufficient to cover the majority of homes in Edmonton. However, Waste Services expects to encounter difficulties collecting waste in carts and bins from some types of homes and properties. The exact nature of problems cannot be predicted in advance. To avoid revisions to the Bylaw in the future and to avoid creating extensive sets of rules in the Bylaw, each of which would be specific to a subclass of homes, the Bylaw allows Waste Services to issue Set Out Guidelines. Set Out Guidelines may modify, alter, waive or impose additional obligations with respect to set out and storage for specific customers.

Removed Provisions

1) Base Level of Service

Discussion: This section was determined to be unnecessary as under the MGA the City already has the power to provide a utility. The City will provide waste collection service to all residents whether they choose to put waste out for collection by the City or not. All residents are required to pay the designated rate for service. If they choose to contract another service provider to handle their waste, it would not replace the City service.

Other municipalities require that citizens use the provided waste utility service because revenue is generated from the waste collected. The City does not generate revenue in the same manner, and therefore does not require residents to use the collection service. However, to fund the waste utility service, the City requires all residents to pay rates. Therefore, the rates are mandatory, but the use of the service itself is not.

Bylaw 17555	Bylaw 18590
<p>Part 1 - Section 2 Definitions:</p> <p><i>(b) "base level of service" means the collection, processing and disposal of waste from residential premises in accordance with the requirements and within the volume limits outlined in this Bylaw;</i></p>	<p>—</p>
<p>Part II - Residential Waste, Base Level of Service:</p> <p><i>4 The City shall provide the base level of service for all residential premises located within the collection area.</i></p> <p><i>5 No person shall provide the base level of service for residential premises in the collection area unless authorized to do so by the City Manager.</i></p>	<p>—</p>

2) Waste Limits

Discussion: In Bylaw 17555, section 10, “Waste Limits” refer to base level of service average amounts descriptive of an average capacity accounted for when formulating the single and multi-unit utility rate, rather than prescribing a maximum volume limit. These provisions were removed as an average amount is difficult to monitor and enforce and there were no provisions to address residents who do set out more than the base level or “limit” as described in section 10.

In alignment with the new program changes, the introduction of carts and utility rates that are tied to the size of cart provided to the customer will provide volume limits as residents will be limited to the size and number of carts they are provided with by the City.

Additionally, section 26 (1) of Part IV- Container set out and Storage, instructs residents to only fill containers in a way that allows the lid to close, for materials to flow loosely from containers (not overly packed) and the waste and container must not exceed the maximum weight. These provisions provide limits to the preparation and amount of waste that may be set out for collection.

Bylaw 17555	Bylaw 18590
<p>Part II - Residential Waste, Section 10 Waste Limits:</p> <p><i>The base level of service provides collection, processing and disposal for an annual average amount of four (4) 100 litre containers per week for single unit residential premises and two (2) 100 litre containers per week for multi-unit residential premises that receive hand collection</i></p>	<p>—</p>

3) Right of Entry and Ownership of Waste

Discussion: Bylaw 17555, Section 34, Right of Entry was removed as the common law allows all persons to take possession (and therefore inspect) abandoned possessions. Waste set out for collection is abandoned under the common law. For example, this common law right allows the Edmonton Police Service to inspect garbage for evidence of criminal activity.

In Bylaw 18590, the ability to enter a property for the purposes of inspection is part of the City Manager's Powers in Part IX.

Bylaw 17555 section 84 and 85 were removed as this information is now covered by Part I- Purpose, Definitions & Rules for Interpretation, where the definition of owner as been updated to say *“includes the person shown as owner on the land title for a property, the occupant of a premises, the lessee or tenant of a premises, or the condominium board of a condominium property; as applicable”*

Owners are responsible for properly setting out waste for collection under Bylaw 18590, as well as taking their containers back from front street or back alley set out locations (Part IV-Container Set Out and Storage, sections 25 (2) (3)).

An owner continues to be responsible for waste they set out until the City takes possession of it. If it is not collected by the City due to non-compliance with the Bylaw, the owner must remove it from the set out location as it is unlawful to dispose of waste on public property. The Bylaw provides a limited right to put waste on public property for a limited period of time on collection days.

Bylaw 17555	Bylaw 18590
<p>Part II - Residential Waste, Section 34 Right of Entry:</p> <p><i>Collectors, assessors and inspectors may enter upon residential premises at all reasonable times for the purpose of collecting and inspecting waste that is set out for collection, inspecting set out locations and assessing residential</i></p>	<p>Part IX- Powers of the City Manager, Section 37 City Manager Role:</p> <p><i>(j) enter upon any property, residential premises or mixed-use site to inspect waste, set-out locations, City-owned containers, or for any other reason in furtherance of the purposes of this Bylaw; and,</i></p>

<p><i>premises for applicable base level of service to be provided.</i></p>	<p><i>(k) delegate any powers, duties or functions under this Bylaw to an employee or agent of the City.</i></p>
<p>Part VII - General, Section 84 and 85 Ownership of Waste:</p> <p><i>All waste set out for collection remains the property of the person placing the waste until accepted by the City at the time of collection.</i></p> <p><i>The City retains ownership of all environmental attributes resulting from waste knowingly accepted and processed through its facilities.</i></p>	<p>—</p>

4) Liability and Safety

Discussion: Bylaw 17555 , Part II, section 35 was replaced with a more comprehensive section in Part V - General Set Out section 32. The power to withhold service is included as part of the City Manager’s powers.

Bylaw 17555, Part II, sections 36 and 37 were removed as they do not award any additional powers that aren’t granted under the MGA and were therefore not useful to include in Bylaw provisions. If the City collectors believe it is too dangerous to collect the waste, or too difficult to collect the waste without damaging property, they are not obligated to do so. Other claims will have to be dealt with by the Law Branch after a determination of liability is completed.

Bylaw 17555	Bylaw 18590
<p>Part II - Residential Waste</p> <p>Section 35 - Withhold Collection Section 36 - Damage to Containers Section 37 - Damage to Roads</p>	<p>Part V - General Set Out, Section 32</p> <p><i>The City may suspend or terminate collection at a residential premises or mixed-use site, in whole or in part, for</i></p>

<p><i>The City may withhold collection service for residential premises where waste is not set out in accordance with this Bylaw</i></p> <p><i>The City will not be responsible for damage to containers resulting from normal, repetitive collection activity.</i></p> <p><i>The City will not be responsible for damage to roads or infrastructure on residential premises resulting from normal operation of collection vehicles.</i></p>	<p><i>any duration of time deemed appropriate by the City Manager where:</i></p> <ul style="list-style-type: none"> <i>(a) an owner is in default of payment of the residential rate, the non-residential rate or any fine under this Bylaw;</i> <i>(b) an owner has failed to use a container or containers in accordance with this Bylaw including a failure to source-separate waste into the required container;</i> <i>(c) containers and waste have not been set out for collection in accordance with this Bylaw;</i> <i>(d) waste is unsafe to collect due to a failure of an owner to construct and maintain a suitable set out location;</i> <i>(e) waste poses a health hazard or environmental hazard; or</i> <i>(f) the City has given reasonable notice of its intention to do so.</i> <p>Part IX - Powers of the City Manager, Section 37 City Manager Role:</p> <ul style="list-style-type: none"> <i>(h) suspend or terminate the collection of waste from residential premises and mixed-use site;</i>
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