



City of Richmond

Report to Committee

To: Public Works and Transportation Committee Date: January 21, 2008
From: Dave Semple File: 10-6405-12-01/2007-Vol
Director of Parks & Public Works Operations 01
Re: Illegal Dumping on Commercial Properties

Staff Recommendation

1. That staff prepare information concerning guidelines for proper management of commercial garbage/recycling wastes.
2. That this information be made available to commercial developers at the development permit stage as well as made available on the City's website.

Dave Semple
Director of Parks and Public Works Operations
(3350)

Att. 1

FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Building Approvals		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
Business Licences		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
Community Bylaws		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
Law		Y	<input type="checkbox"/>	N	<input type="checkbox"/>
Development Applications		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
REVIEWED BY TAG		YES		NO	
		<input checked="" type="checkbox"/>	<i>3.2.</i>	<input type="checkbox"/>	
REVIEWED BY CAO		YES		NO	
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Staff Report

Origin

Provisions were added to Solid Waste & Recycling Regulation Bylaw 6803 in 2006 to increase the penalties for illegal dumping as well as provide the authority to recover costs associated with cleaning up illegally dumped materials on City property. Council has requested that staff investigate the feasibility of addressing illegal dumping on commercial properties. This report responds to that request.

Analysis

Challenges

In the context of this report, one of the principal issues for commercial property owners is the use of their dumpsters by others for disposal of garbage. Other issues center around inadequate frequency of disposal/improperly sized containers, resulting in overflow of garbage causing unsightliness issues and potential rodent and odour concerns.

Existing Legislation/Controls

The City has not traditionally regulated the unlawful dumping of garbage on privately owned land. As a matter of common law, an owner whose property has been used as a deposit site for garbage without his permission can bring an action in nuisance and trespass against the person responsible. The court is the traditional forum for resolving disputes of this nature. The low likelihood of identifying the offender's, the associated carrying legal costs and difficulty collecting on judgements make it difficult for private property owners to pursue this approach.

While the City does not directly regulate dumping on private lands, there are a number of provisions currently in place which are designed to ensure proper management of waste on commercial properties. The following two key guidelines help to **prevent problems** with commercial garbage containers:

- **B.C. Building Code** – Requires that all rooms for the temporary storage of combustible refuse, such as garbage or waste paper, be separated from the remainder of the building by a fire separation with a fire resistance rating of not less than 1 hour and be sprinklered. This provision does not require that commercial property owners provide rooms for garbage/recycling storage, rather it stipulates fire protection requirements should owners choose to construct a room for refuse storage. It is staff's view that separate rooms which meet this requirement are the single most effective way to minimize illegal dumping concerns. Rooms are separate, out of sight and inherently container access is limited to only those commercial properties/businesses.

- **Official Community Plan – Section 9.4.8 (development permit commercial guidelines)** states that "Garbage, recycling and pickup should be situated in areas which do not conflict with pedestrian traffic, and should either be fully enclosed or screened with solid walls higher than the bins". Where this occurs, it is effective in helping to prevent illegal dumping. Containers are out of sight, and therefore, there is less likelihood that others will dump their garbage around these screened areas.

This section has limited application in that it deals specifically with Development Permit Guidelines, which apply to properties where development requires the processing of a development permit application. As such, it only applies to new developments. The standard processing of a development permit application involves a staff review of areas of the site dedicated for garbage and recycling collection, in conjunction with the applicable guidelines identified in the OCP to address accessibility, collection service, security, appropriate screening and related urban design criteria. This provision would not address situations where there is commercial dumping occurring on an existing building or garbage area which had been established well after the building had been constructed.

Measures in place to help the City **regulate concerns** with garbage on private property follows:

- **Solid Waste & Recycling Regulation Bylaw 6803 – Section 1.7** – Requires that owners of residential and non-residential properties prevent garbage from accumulating on the property and remove any such accumulations, including from sidewalks and footpaths. Section 5.2 – requires occupiers to keep an adequate number of commercial garbage containers on the property and gives the General Manager of Engineering & Public Works the authority to require additional containers.
- **Traffic Bylaw 5870 – Section 6.2** -- includes language to ensure containers are not placed on the roadway.
- **Unightly Premises Bylaw 7162** – prohibits owners or occupiers from allowing the property to become unsightly, including accumulations of rubbish on the property.
- **Public Health Protection Bylaw 6989** – prohibits storage of waste products in such a manner as to provide shelter, refuge or food for rodents.
- **BC Health Act, Sanitary Regulation** – Includes provisions which prohibit any accumulation of materials which could endanger public health, as well as requires disposal of all garbage a minimum of once per week.

Richmond's practise (as above) is relatively consistent with that of other jurisdictions. The City of Vancouver, however, has some different practices/requirements. For example, Vancouver allows storage of bins on City property under permit (permit fee \$157 each for approximately 2,000 containers). They have two inspectors which monitor their requirements which include items such as:

- lids on commercial containers that are on or visible from the street
- lid closed at all times
- containers over 1 cubic yard must be locked
- user address must be prominently displayed if bin is on or visible from the street
- must keep area around bin clean

Vancouver's approach provides a funding source and resources to help administer these requirements. Note, however, that permits are only required for those containers stored on City streets and not for containers stored on private property. The City of Richmond does not currently permit storage on City streets via Traffic Bylaw 5870.

Potential Solutions

It is staff's view that there are opportunities for commercial property owners to employ prevention measures to deter illegal dumping on commercial properties, i.e. designated rooms, enclosures or solid screening of containers. The associated costs and/or oversight at the design stage could be reasons why these best practices are not implemented or considered. It is also possible that developers of commercial properties and/or property owners may not be aware of or consider the benefits or pre-planning for proper management of waste.

A summary of options for addressing this issue follow.

Option 1 – Make Information Available to Businesses (Recommended)

Information packages could be prepared and provided to commercial developers at the development permit stage. This would, however, only encapsulate properties involving new commercial buildings, and not all properties (older commercial buildings). This process is currently done for multi-family residential developments (see Attachment 1). Planning staff review submitted drawings to ensure proper provisions are made, with technical support provided by Environmental Programs staff, where required. This helps to ensure prevention measures for proper management of waste and recycling. To broaden outreach to commercial property owners, this information could also be made available on the City's website, as well as provided at the information kiosk at the City Hall Front of House. These information packages could include other guidelines, such as ensuring all containers have lids which remain locked, containers have the user identification clearly denoted, etc.

Option 2 – Add Siting and Screening Requirements for Waste Containers to the Zoning Bylaw (Not Recommended)

Under Section 909 of the Local Government Act, the City can adopt bylaws to set standards for and regulate screening or landscaping for masking or separating uses, preserving and protection the natural environment, and preventing hazardous conditions. The Zoning and Development Bylaw would generally be where this type of requirement would be identified. Zoning and Development Bylaw No. 5300 currently includes screening and landscaping provisions within Division 500 of the Bylaw. As part of the ongoing review and update of the Zoning and Development bylaw, staff are investigating the inclusion of additional screening and landscaping requirements for garbage and recycling containers. Should new screening and landscaping requirements be added to the Zoning and Development Bylaw, these new regulations would not apply to existing garbage and recycling container locations as existing conditions prior to any bylaw amendment would be considered "legal non-conforming". Furthermore, any new zoning regulations with respect to garbage and recycling enclosures would place additional demand on enforcement requirements and resources to ensure a regime is in place to support the new regulations. For these reasons, this option is not recommended at this time, as it will be investigated as part of the Zoning Bylaw review process.

Staff will identify any additional screening and landscaping requirements that may be introduced as part of the update to the Zoning and Development Bylaw when the bylaw review is in order for Council consideration.

Option 3 – Implement Permit System (Not Recommended)

A third option would be to implement a permit system, similar to the City of Vancouver, for commercial garbage containers. This could help to generate a revenue source for funding staff resources to manage garbage containers on City streets. This would require amendments to the Traffic and Solid Waste & Recycling Regulation Bylaws to permit storage of containers on City property. These new staff resources could also help to address concerns with commercial containers on private property. This option is not recommended, as storage of containers on City property is not supported for a number of reasons (impact to driveway clearance zones, impact to on-street parking, container insurance concerns, etc.).

Option 4 – Maintain Current Approach (Not Recommended)

The City could take no further action, recognizing that current prevention and enforcement strategies are sufficient to manage the issue.

Option 5 – City Assume Responsibility for Commercial Collection Services (Not Recommended)

The City could take on responsibility for collecting waste from commercial properties, and implement charges to recover associated costs. This would give the City greater control over commercial waste management, where we could institute adequate container sizes, frequency of pick-up, etc. to ensure proper management of waste. This would require additional City resources to manage and would likely not be well-received by all commercial property owners or private sector service providers. This option is not recommended.

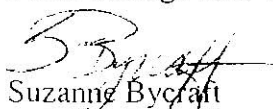
Financial Impact

Costs associated with developing information packages would be limited to staff time as well as outside consultant assistance. Costs would be minimal (under \$5,000) and would be funded from existing budgets.

Conclusion

Staff do not recommend the implementation of a bylaw to impose restrictions on commercial garbage containers on private property. Such a bylaw would only capture new developments and not address existing conditions. Furthermore, new regulations would require additional staff time and resources to manage and enforce.

Staff recommend Option 1. Requirements and guidelines currently exist to provide measures to prevent problems with illegal dumping on commercial properties. Further, sufficient regulatory measures are in place to manage issues and concerns. These requirements and guidelines could be made more readily available to commercial developers and/or business owners to help them better manage their commercial waste.



Suzanne Bycraft
Manager, Fleet & Environmental Programs
(3338)

Attachment 1 Waste Management Guidelines for Multi-Family Residential and Mixed-Use Buildings



City of Richmond
Environmental Programs
5594 Lynnhurst Lane
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Waste Management Guidelines for Multiple-Family Residential and Mixed-Use Buildings

The City of Richmond requires all multi-family residential and mixed-use buildings to have adequate storage for garbage and recycling. These storage areas must meet Building Code Regulations section 3.5.2.

The following guidelines have been compiled from various sources from the information of Richmond residents, and may not be complete and accurate in every detail. This is not a legal document. Anyone planning to build or renovate should consult original sources.

Extract from Building Code

3.6.2.6. Combustible Refuse Storage

- 1)** Except as required by Sentence 3.6.3.3.(9), a room for the storage of *combustible* refuse shall be
 - a) separated from the remainder of the building by a *fire separation* with a *fire-resistance rating* not less than 1 h, and
 - b) *sprinklered*.(See Appendix A.)

Garbage

1.0 Collection

Garbage collection facilities are required to be in place prior to occupancy.

1.1 Basic requirements

Minimum of one (1) garbage container, serviced once per week. General guideline is one (1) container for every 15 to 20 units.

Attachment 1
Waste Management Guidelines for
Multi-Family Residential and Mixed-Use Buildings
(cont'd)

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1.2 Container sizes *(Reference: Figure 1)*

The container size and inside measurement are

Size (cu. yd.)	Measurement		
	Height	Length	Width
3	1.22 m (4')	1.07 m (3.5')	1.83 m (6')
4	1.22 m (4')	1.37 m (4.5')	1.83 m (6')
5	1.52 m (5')	1.68 m (5.5')	1.83 m (6')

Add 15.2 cm (8") to the width for the metal brackets. If container is on wheels, an additional height of 12.7 cm to 15.24 cm (5" to 6") is required.

1.3 Container access *(Reference: Figure 1)*

Loaded from top. Resident is responsible for placing garbage in container. Minimum added clearance height of 1.02 m (3.3') is required for container lid opening (3 cu. yd. container).

1.4 Collection access

Collector will retrieve container from storage location where access is provided. If container is located within a secured parking area, provide security access codes or a lock box to the collection company.

1.5 Truck access *(Reference: Figure 2 and Figure 3)*

Collection vehicles are:

Measurement		
Height	Length	Width
4.27 m (14')	10.67 m (25')	2.74 m (9')

and require a turning radius of 18.3 m (60'). A minimum added clearance height of 2.44 m (8') from front to middle of vehicle is required for emptying the container.

Attachment 1
Waste Management Guidelines for
Multi-Family Residential and Mixed-Use Buildings
(cont'd)

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1.6 Container weight (reference Figure 1)

The container weight is

Size (cu yd)	Weight
3	204 kg (450 lbs)
4	227 kg (500 lbs)
6	318 kg (700 lbs)

1.7 Garbage weight

Approximately 61-24 kg (135 lbs) per cu. yd. (exclusive of container weight)

1.8 Cost

Private arrangement between building management and collector (if over 20 units). If 20 units and under, curbside collection is provided by the City (if collection is possible) and the cost is recovered on the water, sewer and garbage utility.

Recycling (Blue Cart)

2.0 Collection

Building management is responsible for contacting City's Environmental Programs Department at 604-233-3318 or email Emy Lai at elai@richmond.ca upon occupancy to install recycling depot.

2.1 Basic requirements

Minimum of one (1) recycling depot area per building, serviced once per week. Each depot area requires one (1) container for every 10 units, with a minimum of three (3) carts per depot area.

2.2 Depot location

In garbage area (room), within a reasonable distance (suggested 1.5 m (5')) from garbage container for loading purposes.

Attachment 1 **Waste Management Guidelines for** **Multi-Family Residential and Mixed-Use Buildings** *(cont'd)*

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2.3 Container size *(Reference: Figure 4)*

The container size and measurement are

Recycling Carts Size	Measurement		
	Height	Width	Diameter
360 litres (95 gallon)	118.11 cm (46.5")	71.12 cm (28")	78.74 cm (31")

2.4 Container access *(Reference: Figure 4)*

Loaded from top. Resident is responsible for placing recyclables in container. Minimum added clearance height of 81.3 cm (32") is required for container lid opening.

2.5 Unit containers *(Reference: Figure 4)*

Individual units have a

Receptacle	Measurement		
	Height	Width	Diameter
Blue canvas bag	43.18 cm (17")	48.26 (19")	15.24 cm (6")

for temporary storage of recyclables in the unit prior to transporting to the recycling depot area.

2.6 Collection access

Collector will retrieve container from storage location where access is provided. If container is located within a secured parking area, provide security access codes or device to the collection company.

2.7 Truck access *(Reference: Figure 5 and Figure 3)*

Collection vehicles are

Measurement		
Height	Length	Width
4.27 m (14')	10.67 m (25')	2.74 m (9')

and require a turning radius of 18.3 (60'). A minimum added clearance width of 1.52 m (5') and height of 1.52 m (5') from vehicle side to top is required for emptying the containers.

Attachment 1
Waste Management Guidelines for
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2.8 Cost

Cost is assessed by the City to individual unit owners as part of the water, sewer and garbage utility

2.9 Recyclables banned from garbage

Corrugated cardboard, newspapers and office papers are banned from garbage. Cardboard is accepted for recycling at the City's Recycling Depot, however, large quantities may require a container. Newspapers can be recycled in the "Newsprint" recycling cart and office papers can be recycled in the "Paper Products" cart

Cardboard**3.0 Collection**

Cardboard collection facilities are required to be in place prior to occupancy.

3.1 Basic requirements

Minimum of one (1) cardboard container, serviced once per week. General guideline is one (1) container for every 30 to 40 units

3.2 Container size *(Reference: Figure 1)*

The container size and inside measurement are

Size (cu yd)	Measurement		
	Height	Length	Width
3	1.22 m (4')	1.07 m (3.5')	1.83 m (6')
4	1.22 m (4')	1.37 m (4.5')	1.83 m (6')
5	1.52 m (5')	1.68 m (5.5')	1.83 m (6')

Add 15.2 cm (8") to the width for the metal brackets. If container is on wheels, an additional height of 12.7 cm to 15.24 cm (5" to 6") is required.

3.3 Container access *(Reference: Figure 1)*

Loaded from top. Resident is responsible for placing cardboard in container. Minimum added clearance height of 1.02 m (3.3') is required for container lid opening (3 cu. yd. container)

Attachment 1
Waste Management Guidelines for
Multi-Family Residential and Mixed-Use Buildings
(cont'd)

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3.4 Collection access

Collector will retrieve container from storage location where access is provided. If container is located within a secured parking area, provide security access codes or device to the collection company.

3.5 Truck access *(Reference: Figure 2 and Figure 3)*

Collection vehicles are:

Measurement		
Height	Length	Width
4.27 m (14')	10.67 m (25')	2.74 m (9')

and require a turning radius of 18.3 m (60'). A minimum added clearance height of 2.44 m (8') from front to middle of vehicle is required for emptying the container.

3.6 Container weight *(Reference: Figure 1)*

The container weight is

Size (cu. yd.)	Weight
3	135 kg (300 lbs)
4	180 kg (400 lbs)
6	270 kg (600 lbs)

3.7 Cardboard weight

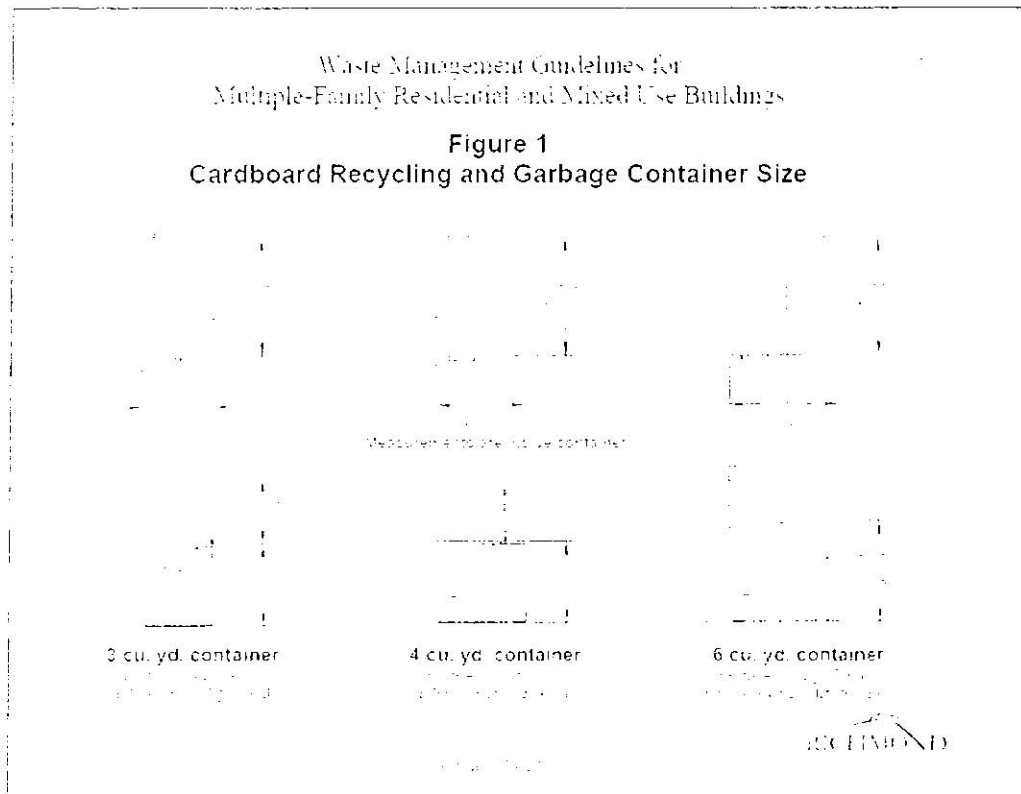
Approximately 45 kg (100 lbs) per cu. yd. (exclusive of container weight)

3.8 Cost

Private arrangement between building management and collector

Attachment 1
Waste Management Guidelines for
Multi-Family Residential and Mixed-Use Buildings
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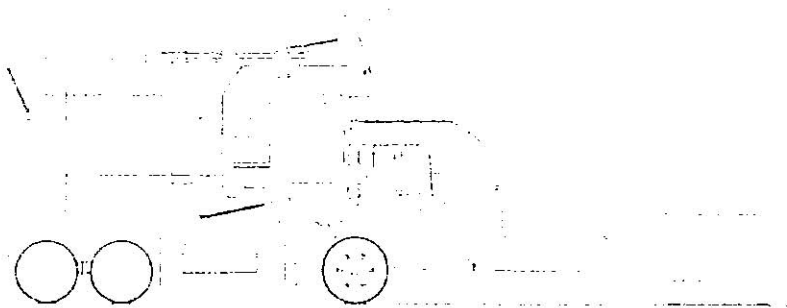
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 Island City, by Nature

Attachment 1
Waste Management Guidelines for
Multi-Family Residential and Mixed-Use Buildings
(cont'd)

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Waste Management Guidelines for
Multiple-Family Residential and Mixed Use Buildings

Figure 2
Cardboard Recycling and Garbage Collection Truck Measurement



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FIGURE 20-10-1

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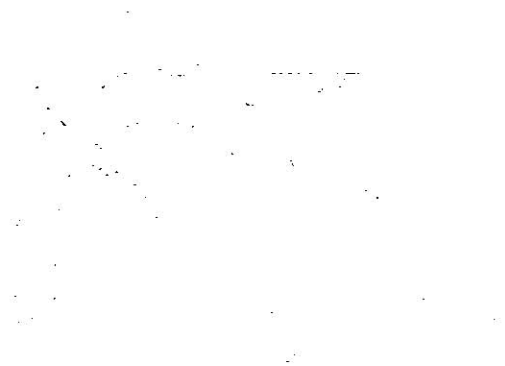
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Attachment 1
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Waste Management Guidelines for
Multiple-Family Residential and Mixed Use Buildings

Figure 3
Minimum Turning Radius for Garbage and Recycling Collection Trucks



Minimum 12.8 m. Radius (42')

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Attachment 1
Waste Management Guidelines for
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Waste Management Guidelines for
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Figure 4
Recycling Bag and Cart Measurement



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Figure 5
Recycling Collection Truck Measurement

