

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 23, 2015

Item 19, Report No. 24, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on June 23, 2015, as follows:

By approving that the recommendation contained in Communication C12 from the Director of By-Law & Compliance, dated June 15, 2015, be approved as follows:

1. That By-law No. 3-2004 (Littering & Dumping), as amended, be further amended by adding the following section under Section 2- General Provisions:
 - 2.(2.1) No Person shall discharge or permit the leaking of any engine oil, transmission fluid, petroleum products/fluids or any other fluids, liquids or similar materials onto the property of the City of Vaughan or any highway; and
2. That the appropriate concurrent amendments be made within the relevant sections of the aforementioned by-law, accordingly.

19 TECHNICAL AMENDMENTS TO LITTERING/ DUMPING AND DEBRIS BY-LAWS

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Interim Commissioner of Legal & Administrative Services/City Solicitor and the Director of By-law & Compliance, dated June 2, 2015:

Recommendation

The Interim Commissioner of Legal & Administrative Services/City Solicitor and the Director of By-law & Compliance recommend:

1. That the definition of “waste” under the Littering and Dumping By-law No. 3-2004 and the definition of “debris” under the Debris By-law No. 263-2001, both be amended to include “any article that is discarded or otherwise appears abandoned.”

Contribution to Sustainability

By clarifying the definitions of waste and debris and thus strengthening provisions of the subject By-laws to deal with discarded and abandoned articles, the recommendation in this Report reinforces the City’s ongoing commitment through Vaughan Vision 20/20 and the Vaughan Accord to, among other things, responsible stewardship of City assets, and public spaces and the natural environment.

Economic Impact

The change recommended is of a technical nature and does not involve any significant increase in work or changes in procedures. As such, there is no financial impact to the City as a result of the adoption of the recommendation in this Report.

Communications Plan

As part of its communication strategy, for the first three months that the new authority under the By-laws is in place, City enforcement staff will continue to contact the relevant businesses and, in addition to requesting that they collect their shopping carts, will inform them that in the future such carts will be deemed waste and be discarded accordingly.

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EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 23, 2015

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By-law & Compliance, in collaboration with Economic Development and Corporate Communications, will communicate with the head offices of the larger box-stores and supermarkets in the City to inform them of the By-law amendments.

Purpose

The purpose of this Report is to seek approval from City Council to make a technical amendment to the definition of waste in both the Littering and Dumping By-law (3-2004, as amended) and the Debris By-law (263-2001, as amended) to clearly give enforcement staff the authority to remove and dispose of discarded or abandoned items, such as shopping carts.

Background - Analysis and Options

The By-Law & Compliance Department has received complaints over the last year that described frequent instances of people removing shopping carts from store premises and then discarding or abandoning such carts on public property. The City's current by-laws do not clearly include shopping carts. Staff have been contacting the stores that own the carts to have them picked up.

The City of Vaughan has two by-laws that deal with illegal dumping. The Littering and Dumping By-law prohibits any person from dumping waste on public and private land. The Debris By-law regulates filling up, draining, cleaning and clearing of any grounds, yards and vacant lots and prohibits the dumping of debris on private land, making the owner of such land responsible for removing the debris.

Under these By-laws the definition of waste and debris are very similar:

"Waste" includes refuse, rubbish, junk or disused material of any kind whatsoever and, without limiting the generality of the foregoing, includes septic tank liquor, wet and dry sewage disposal sludge, contents of privy vaults, cesspools and holding tanks for human excrement, paper, handbills, an inoperative motor vehicle, appliances, carcass of any dead animal, disused furniture, old clothing, garden refuse, earth or rock fill, old or decayed lumber, material from construction or demolition projects and other vehicles, machinery, equipment, materials or structures apparently disused in their existing location.

"Debris" means refuse, rubbish, junk, or disused material of any kind whatsoever and without limiting the generality of the foregoing includes a motor vehicle that appears by reason of its age, appearance, mechanical condition or lack of license plates to be inoperative, inoperative mechanical equipment, automotive and mechanical parts, disused furniture, old clothing, garden refuse, earth or rock fill, old or decayed lumber, material from construction or demolition projects and other vehicles, machinery equipment, materials or structures apparently disused in their existing location.

In their common dictionary meaning, the terms "refuse", "rubbish" and "junk" refer to items that are unwanted, worthless or useless, which may not apply to misappropriated shopping carts. As such, staff recommend extending both definitions to cover anything that is either discarded or appears abandoned.

By-law & Compliance proposes to initially work with local businesses, through outreach, education and a co-operative approach to dealing with the problem. During this phase, it is hoped that businesses prone to having their carts taken off-premises will develop a plan for preventing this from happening. Misappropriation-prevention measures are already in common use in many jurisdictions. However, such asset protection is a private business decision best left to the corresponding businesses. After a three-month period, By-law & Compliance proposes to deal with discarded or apparently abandoned shopping carts in the same manner as it deals with any other waste or debris under the subject By-laws.

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EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 23, 2015

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Relationship to Vaughan Vision 2020/Strategic Plan

By expanding the regulatory purview of the subject By-laws, City staff will be better able to deal with matters pertaining to the discarding or abandoning of articles. This represents improved service delivery, the promotion of safety, health and wellness, as well as environmental sustainability.

Regional Implications

Since the Littering and Dumping By-law extends the authority for enforcement to York Regional Police and the Ontario Provincial Police, the expanded authority will also extend to them. As such, By-law & Compliance will notify both agencies of the amendment to the By-laws.

Conclusion

In order to clarify the authority of City staff to deal with discarded or otherwise apparently abandoned articles, whether they are still useful or wanted, or not, staff are recommending a change to the definitions of “waste” and “debris” in the Littering and Dumping, and Debris By-laws. This will enable staff to respond better to community nuisances, such as the unlawful discarding of shopping carts on public land, vacant lots or the right-of-way. By-law & Compliance proposes to work collaboratively with local businesses to achieve effective compliance before escalating to enforcement measures. Staff believe that this approach will be the most effective in meeting the needs of both residents and businesses.

Report prepared by:

Rudi Czekalla-Martinez,
Manager, By-law Policy

memorandum

DATE: JUNE 15, 2015
TO: HON. MAYOR & MEMBERS OF CITY COUNCIL
FROM: GUS MICHAELS, DIRECTOR BY-LAW & COMPLIANCE
RE: COMMUNICATION – COUNCIL MEETING OF JUNE 23, 2015

| | |
|-----------------------------|----------------|
| C | <u>12</u> |
| Item # | <u>19</u> |
| Report No. | <u>24 (CW)</u> |
| <u>Council - June 23/15</u> | |

**COMMITTEE OF THE WHOLE ITEM #19, REPORT NO. 24
TECHNICAL AMENDMENT TO LITTERING/DUMPING AND DEBRIS BY-LAWS**

Recommendation:

The Director By-Law & Compliance recommends:

1. That By-law No. 3-2004 (Littering & Dumping), as amended, be further amended by adding the following section under Section 2 – General Provisions:

2.(2.1) No Person shall discharge or permit the leaking of any engine oil, transmission fluid, petroleum products/fluids or any other fluids, liquids or similar materials onto the property of the City of Vaughan or any highway.
2. That the appropriate concurrent amendments be made within the relevant sections of the aforementioned by-law, accordingly.

Purpose

The purpose of this communication is to seek approval from City Council to make a further minor amendment to the City's Litter & Dumping By-law, No. 3-2004.

On June 2, 2015, at its meeting of the Committee of the Whole, Item #19, Committee considered a report from the Interim Commissioner of Legal & Administrative Services/City Solicitor and the Director of By-law & Compliance recommending two technical amendments to City By-laws that govern waste, litter and debris on lands, property and highways within the City of Vaughan. The proposed amendments specifically revised the definition of the terms "Waste" and "Debris", to include "any article that is discarded or otherwise appears abandoned." The intended purpose of these proposed amendments was to provide an avenue for effectively removing and discarding abandoned shopping carts, or any other items found on private and public property currently not included.

A further review by By-law & Compliance staff, along with communications with a member of the public, identified the need for a further amendment to include a section in the General Provision Section of By-Law No. 3-2004 Littering & Dumping, for the authority to address unwanted discharge of fluids, oils and like material onto municipal property and highways within the City. There are no identified financial or resource implications associated with the proposed further amendment.

The following minor amendment has been included in the draft By-law on the Council agenda of June 23, 2015, for enactment.

In order to clarify/grant the authority for City staff to deal with unwanted leaking and discharge of fluids on properties and highways within the City, the inclusion of the above noted amendment will effectively satisfy this identified need.



memorandum

Respectfully, Submitted

A handwritten signature in black ink, appearing to read "Gus Michaels".

Gus Michaels, Director
By-law & Compliance

CC: Steve Kanellakos, City Manager
Heather Wilson, Interim Commissioner Legal & Administrative Services/City Solicitor

COMMITTEE OF THE WHOLE - JUNE 2, 2015

TECHNICAL AMENDMENTS TO LITTERING/ DUMPING AND DEBRIS BY-LAWS

Recommendation

The Interim Commissioner of Legal & Administrative Services/City Solicitor and the Director of By-law & Compliance recommend:

1. That the definition of “waste” under the Littering and Dumping By-law No. 3-2004 and the definition of “debris” under the Debris By-law No. 263-2001, both be amended to include “any article that is discarded or otherwise appears abandoned.”

Contribution to Sustainability

By clarifying the definitions of waste and debris and thus strengthening provisions of the subject By-laws to deal with discarded and abandoned articles, the recommendation in this Report reinforces the City’s ongoing commitment through Vaughan Vision 20/20 and the Vaughan Accord to, among other things, responsible stewardship of City assets, and public spaces and the natural environment.

Economic Impact

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Communications Plan

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Relationship to Vaughan Vision 2020/Strategic Plan

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Regional Implications

Since the Littering and Dumping By-law extends the authority for enforcement to York Regional Police and the Ontario Provincial Police, the expanded authority will also extend to them. As such, By-law & Compliance will notify both agencies of the amendment to the By-laws.

Conclusion

In order to clarify the authority of City staff to deal with discarded or otherwise apparently abandoned articles, whether they are still useful or wanted, or not, staff are recommending a change to the definitions of “waste” and “debris” in the Littering and Dumping, and Debris By-laws. This will enable staff to respond better to community nuisances, such as the unlawful discarding of shopping carts on public land, vacant lots or the right-of-way. By-law & Compliance proposes to work collaboratively with local businesses to achieve effective compliance before escalating to enforcement measures. Staff believe that this approach will be the most effective in meeting the needs of both residents and businesses.

Report prepared by:

Rudi Czekalla-Martinez,
Manager, By-law Policy

Respectfully submitted,

Heather Wilson,
Interim Commissioner of Legal &
Administrative Services/City Solicitor

Gus Michaels,
Director, By-law & Compliance

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 122-2015

A By-law to amend City of Vaughan By-law Number 3-2004 (Littering and Dumping), as amended, and City of Vaughan By-law Number 263-2001 (Debris), as amended.

WHEREAS on June 23, 2015 the Council of The Corporation of the City of Vaughan adopted Item #19, Report 24 to amend City of Vaughan Littering and Dumping By-law 3-2004, as amended and City of Vaughan Debris By-law 263-2001, as amended.

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. By-law Number 3-2004, as amended, is hereby further amended by adding “any article that is discarded or otherwise appears abandoned” to the definition for “Waste”, so that the definition now reads as follows:

“Waste” includes refuse, rubbish, junk or disused material of any kind whatsoever and, without limiting the generality of the foregoing, includes septic tank liquor, wet and dry sewage disposal sludge, contents of privy vaults, cesspools and holding tanks for human excrement, paper, handbills, an inoperative motor vehicle, appliances, carcass of any dead animal, disused furniture, old clothing, garden refuse, earth or rock fill, old or decayed lumber, material from construction or demolition projects, other vehicles, machinery, equipment, materials or structures apparently disused in their existing location and any article that is discarded or otherwise appears abandoned.

2. By-law Number 3-2004, as amended, is further amended by adding the following section under General Provisions:

2.(2.1) No person shall discharge or permit the leaking/discharge of any engine, transmission fluid, petroleum products/fluids or any other fluids, liquids or similar materials onto City of Vaughan property or any highway.

3. By-law Number 263-2001, as amended, is hereby further amended by adding “any article that is discarded or otherwise appears abandoned” to the definition for “Debris”, so that the definition now reads as follows:

“Debris” means refuse, rubbish, junk, or disused material of any kind whatsoever and without limiting the generality of the foregoing includes a motor vehicle that appears by reason of its age, appearance, mechanical condition or lack of license plates to be inoperative, inoperative mechanical equipment, automotive and mechanical parts, disused furniture, old clothing, garden refuse, earth or rock fill, old or decayed lumber, material from construction or demolition projects, other vehicles, machinery equipment, materials or structures apparently disused in their existing location and any article that is discarded or otherwise appears abandoned.

4. This By-law shall come into force and effect on the date it is enacted by City Council.

Enacted by City of Vaughan Council this 23rd day of June, 2015.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk