

Bylaw Notice Enforcement Amendment & Ticket Information Utilization Amendment Bylaws (Solid Waste) - First Three Readings

RECOMMENDATION:


That Council give Bylaw Notice Enforcement Amendment Bylaw No. 4166 and Ticket Information Utilization Amendment Bylaw No. 4167 first three readings.

PREVIOUS COUNCIL / COMMITTEE ACTION

At the March 3, 2020, Committee of Council meeting, Committee recommended to Council:

That Council give first three readings to Bylaw Notice Enforcement Amendment Bylaw No.4166, and Ticket Information Utilization Amendment Bylaw No. 4167, which will increase the Solid Waste Bylaw infractions for unsecured waste from a \$150 fine per infraction to a \$500 fine per infraction.

OPTIONS (✓ = Staff Recommendation)

	#	Description
	1	Give first three readings to the bylaws.
	2	Delay first three readings and request staff to provide additional information.
	3	Deny first three readings of the bylaws.

BYLAW NOTICE ENFORCEMENT AMENDMENT BYLAW, 2020

The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw is cited as "Bylaw Notice Enforcement Bylaw, 2013, No. 3814, Amendment Bylaw, 2020, No. 4166".

2. ADMINISTRATION

That the "Bylaw Notice Enforcement Bylaw, 2013, No. 3814", be amended by replacing the existing Schedule "A" for "Solid Waste Bylaw No. 3900", with Schedule "A" for "Solid Waste Bylaw No. 3900", attached hereto and forming part of this Bylaw.

READ A FIRST TIME this _____ day of _____, 2020

READ A SECOND TIME this _____ day of _____, 2020

READ A THIRD TIME this _____ day of _____, 2020

Mayor

Corporate Officer

SCHEDULE “A”
Designated Bylaw Contraventions and Penalties

Solid Waste Bylaw No. 3900

Column 1	Column 2	Column 3	Column 4	Column 5
DESCRIPTION	SECTION NO. IN BYLAW	DISCOUNTED PENALTY IN \$ (within 14 days)	FULL PENALTY IN \$ (after 14 days)	COMPLIANCE AGREEMENT DISCOUNT ⁽¹⁾
Contaminants in recycling cart	6.1 (a)	250.00	300.00	n/a
Contaminants in green waste cart	6.1 (b)	250.00	300.00	n/a
Contaminants in garbage cart	6.1 (c)	250.00	300.00	n/a
Unlocked City container	6.1 (f)	450.00	500.00	n/a
Unpermitted private container	6.3 (a)	100.00	150.00	n/a
Unlocked private container	6.3 (b)	450.00	500.00	n/a
Unsecured wildlife attractants	6.4	450.00	500.00	n/a
Container set out when prohibited	8.1 (b)	100.00	150.00	n/a
Fail to unlatch container	8.1 (d)	50.00	75.00	n/a
Failure to secure container after collection	8.1 (e)	100.00	150.00	n/a

(1) Where compliance agreement entered in accordance with section 8 (a)(v) of this bylaw.

TICKET INFORMATION UTILIZATION AMENDMENT BYLAW, 2020

The Council of the Corporation of the City of Port Coquitlam enacts as follows:

That the Ticket Information Utilization Bylaw No. 2743 be amended by replacing Schedule 19 – “Solid Waste Bylaw No. 3900” with the Schedule 19 for “Solid Waste Bylaw No. 3900” attached hereto and forming part of this Bylaw.

READ A THIRD TIME this _____ day of _____, 2020

Corporate Officer

SCHEDULE 19

Solid Waste Bylaw No. 3900

SECTION

FINE

FINE

If paid within 30
Days of Service

Column 1

Column 2

Column 3

Column 4

• Unpermitted City container	6.1(a)	\$150.00	\$100.00
• Unlocked City container	6.1(d)	\$500.00	\$450.00
• Unpermitted private container	6.3(a)	\$150.00	\$100.00
• Unlocked private container	6.3(b)	\$500.00	\$450.00
• Unsecured wildlife attractants	6.4	\$500.00	\$450.00
• Container set out when prohibited	8.1(b)	\$150.00	\$100.00
• Fail to unlatch container	8.1(d)	\$ 75.00	\$50.00
• Fail to secure container after collection	8.1(e)	\$150.00	\$100.00

RECOMMENDATION:

That Committee of Council approve:

- I. allocating \$125,000 from the Cart Reserve to 2020 Cart and Lock replacement capital project to facilitate the distribution of 120L locks; and*
- II. allocating \$225,000 from the Cart Reserve to 2020 Cart and Lock replacement capital project to facilitate the distribution of 240L & 360L locks; and*
- III. allocating \$13,600 from accumulated surplus for a direct mail out to remaining homes which have not received a cart lock, and*
- IV. allocating \$8,000 from accumulated surplus to complete a bear hazard assessment*

Amending the financial plan accordingly; and

That Committee of Council recommend Council give first three readings to Bylaw Notice Enforcement Amendment Bylaw No.4166, and Ticket Information Utilization Amendment Bylaw No. 4167, which will increase the Solid Waste Bylaw infractions for unsecured waste from a \$100 fine per infraction to \$300 fine for the first infraction and \$500 for subsequent infractions.

PREVIOUS COUNCIL/COMMITTEE ACTION

On October 22, 2019 Council passed a motion that staff prepare bylaw amendments to increase fines for unsecured garbage and green waste to \$300 and that this rate be implemented in the spring of 2020.

On November 26, 2019; Council received a presentation from the BC Conservation Office requesting the City give consideration to becoming a Bear Smart community.

REPORT SUMMARY

This report summarizes the City's current solid waste management practices relating to locking of solid waste containers and recommends additional lock deployment throughout the City for all cart sizes. It also reviews and recommends updates to the fine structure for unsecured containers, and outlines what would be required to become "Bear Smart" as recommended by BC Conservation. The report recommends the City undertake the first step in this process, by conducting a Bear Hazard Assessment in 2020.

BACKGROUND

Reducing bear-human conflicts has been a priority for the City of Port Coquitlam for more than a decade and the City is committed to continuing to work closely with our partners, to be proactive in protecting the safety of both bears and residents. The City's approach centres around the core elements of successful bear programs, including: engineering, education and enforcement.

Engineering

In 2009, the City introduced bear regulations that required property owners/occupiers to secure their garbage/green waste and other bear and wildlife attractants with either an approved lock or to store within an enclosure such as a garage, and to set out their carts at the curb only at designated times on collection day. For those that have the option, storing in an enclosure or garage is preferred, particularly in areas of high bear activity.

In 2015, the City created and introduced its own locks for 240L and 360L garbage and green carts, and the locks were certified by the BC Wildlife Conservation Foundation. Unfortunately the locks do not work for the 120L carts because the 120L carts lack the rigidity required for the City's lock design, and therefore a solution is still required for the 120L carts.

The 240L and 360L locks were distributed at no cost to all north-side homes receiving City waste services (approximately 6,500 homes), as well as south-side homes west of Shaughnessy Street (approximately 1,000 homes). The City's priority was to distribute locks to high bear prone areas.

Since the initial rollout, locks have been distributed to additional south side homes based on request. To date the numbers of locks distributed are as follows:

Cart Size	Total Number of Carts w/City service	Locks Distributed	Difference
120L	1,823	0	1,823
240L	19,676	12,141	7,535
360L	3,176	1,706	1,823
Total	24,675	13,847	10,828

Replacement locks (for lost locks) are also available at a fee of \$45.

In response to reported issues where bears were still able to breach the bins after repeated efforts, the City developed a third arm to enhance security, and distributed this on a pilot basis in 2019.

The third arm was successful in addressing the issues, and is now available for free by request, however has not been heavily promoted.

In addition, as part of the 2020 budget deliberations, Council approved a service level increase to transition green waste collection to year round weekly pickup. An anticipated benefit of this service level adjustment is improved odour control which will help in dealing with attraction issues.

Education and Enforcement:

Recognizing that changing human behaviour is the most effective way to keep bears away, public education on proper lock use, bear attractants and City regulations is an ongoing focus.

Education is the first step in the City's enforcement approach, which then escalates to warnings and penalties (such as fines or suspension of service) when necessary for repeat offences. To date, bylaw enforcement has operated with a compliance focus, with periodic blitzes to address emerging problems.

Education and enforcement efforts have included:

- Working with the provincial Conservation Office to identify hotspots for high bear activity and target for proactive joint enforcement efforts.
- Introduction of the ambassador outreach program in 2016, with public education and enforcement as a key element, including how to properly install the locks and waste stream education.
- Consistent annual campaigns that distribute information to residents through avenues such as the City website, videos, frequent social media messaging, media coverage, print and online advertising, City publications including the calendar, booths at community events, pop-up education stands, door-to-door distribution and by mail.
- Periodic enforcement and education blitzes, with a focus on problem neighbourhoods that have low bylaw compliance and high bear activity. This includes waste cart audits, providing information and warning notices when necessary by mail or door-to-door, and fines for repeat offences.
- Involvement in the Northeast Sector Bear Committee that meets several times a year and includes the Conservation Office, RCMP, various cities and Wildlife BC.

The table below summarizes the numbers of tickets issued for unsecured carts or failure to manage bear attractants:

Year	Tickets Issued
2016	129
2017	96
2018	20
2019	45*
2020	18

*Joint and targeted enforcement in 2019 resulted in lower bylaw tickets being issued, as tickets were issued by conservation as they had higher fine amounts.

DISCUSSION

In 2019, the City of Port Coquitlam experienced a spike in bear interactions, culminating in the destruction of six bears on November 30, 2019 who had become habituated to human food sources.

In this case, euthanizing the animals was a necessary last resort because the bears had lost their fear of humans and posed a threat to the safety of residents. However, this is a reactive approach and the City does not consider this to be a desirable or effective method of addressing human-bear conflicts.

Given the increase of bear activity across Port Coquitlam over the past year, this report considers a number of additional measures that the City could take, based on best practices, including:

- 1) Providing locks for 120L waste carts.
- 2) Providing additional locks for remaining 240L and 360L carts.
- 3) Increasing fines for unsecured waste
- 4) Evaluation of the Bear Smart Program.

Provide locks for 120L carts

While the majority of solid waste carts within Port Coquitlam are 240L or 360L carts, there are 1,823 120L carts utilized across the city. The majority of the 120L users live in strata complexes where storage of larger bins is impractical. 120L carts are also used as a waste reduction method to encourage residents to produce less waste. Since the City developed lock is not suitable for the 120L bins, staff has researched a number of other locking mechanisms for the 120L bins, and recommend the Rollins Bear-Resistant Cart Kit (which is certified) as shown below:



The cost to retrofit all 1,823 units to this lock is estimated to cost \$225,000, equivalent to approximately \$122/lock.

Staff recommends offering these locks at no cost, on request, to all customers. A blanket roll out is not recommended as many residents with 120L containers may be storing their containers in a bear proof structure such as a garage and would have no need for a locking mechanism. Accordingly, it is recommended that the funds for 1,000 carts (~50%) be budgeted in 2020 (\$125,000) from the cart reserve to accommodate this initial deployment strategy. Staff would monitor inventory/uptake, and report back to Council if additional inventory, and thus funds, are required.

In terms of offering the locks, staff propose a targeted mail out to all 1,823 units to advise residents/tenants of the City's bylaw requirements, and requesting they contact the City to receive their locks if they are not already securing their carts in another way. The cost for the direct mail out is approximately \$2,300, and is recommended to be funded from accumulated surplus. Because the City needs to physically install the locks on the 120L carts, delivery and installation is included in the pricing and budget.

Provide additional 240L & 360L locks to remaining South side residents

There are approximately 9,005 carts which have yet to be issued a lock on the south side of Port Coquitlam. Locks for 240L and 360L carts cost \$45/lock; including a third arm the cost increases to \$55/lock. The material cost to provide all 9,005 units a lock (no third arm) would be approximately \$405,000. This does not include delivery.

Similar to the 120L carts, staff recommend the City continue to offer these at no cost, on request to all residents (for the first lock). Similar to previous practice and as noted above, providing locks as they are requested reduces cost as those who have alternate storage options do not require the locks. It is recommended that the funds for 2,000 carts and 2,000 third arms be budgeted in 2020 (\$110,000) from the cart reserve. Staff would monitor inventory/uptake, and report back to Council if additional inventory, and thus funds, are required.

Bear Management

In terms of offering the locks, staff recommend the same approach outlined above, staff propose a targeted mail out to all remaining units to advise residents/tenants of the City's bylaw requirements, and requesting they contact the City to receive their locks if they are not already securing their carts in another way. Locks would continue to be available for pick up at the public works yard, or through a scheduled delivery if required. The cost for the direct mail out is approximately \$11,300, and is recommended to be funded from accumulated surplus.

Increase fines for unsecured waste

The current fine for failure to secure waste in Port Coquitlam is \$150. The fine drops to \$100 if paid within 14 days. Neighbouring municipality's fines for unsecured containers are as follows:

Municipality	Fine
Port Coquitlam	\$150 (current)
Coquitlam	\$500
Port Moody	\$500 / \$750 / \$1000 (First / Second / Third offence)
Maple Ridge	\$500
City of North Vancouver	\$80 to \$100
City of Pitt Meadows	\$80 to \$100

On October 22, 2019 Council passed a motion that staff prepare bylaw amendments to increase fines for unsecured garbage and green waste to \$300 and that this rate be implemented in the spring of 2020. Based on the review of neighboring municipalities, particularly the Tri-Cities, staff recommend increasing the fine to \$300 for the first offense, and \$500 for repeat offences, and the draft bylaw amendments reflect this recommendation.

Evaluation of the Bear Smart Program

The Bear Smart community program is designed and run by the Ministry of Forests Lands and Natural Resources operations in partnership with British Columbia Conservation Foundation and the Union of British Columbia Municipalities. As noted on their website, it is a voluntary, preventative conservation measure that encourages communities, businesses and individuals to work together. The goal is to address the root causes of human/bear conflicts, thereby reducing the risks to human safety and private property, as well as the number of bears that have to be destroyed each year.

This program is based on a series of criteria that communities must achieve in order to be recognized as "Bear Smart".

Bear Management

These criteria include:

1. Preparation of a bear hazard assessment
2. Preparation of a bear-human conflict management plan
3. Revise planning and decision-making
4. Implementation of a continuing education program
5. Development of a bear-proof municipal solid waste management system
6. Implementation of "Bear Smart" bylaws

Considering the solid waste management practices currently implemented by the City of Port Coquitlam, the first step required to be certified as a "Bear Smart" community would be the preparation of a bear hazard assessment. The objective of the bear hazard assessment is to establish a general overview of human-bear conflict across the community. This includes identifying locations of the community which are at greater risk to interaction and provide recommendations to mitigate these concerns.

Where some bear hazard assessments are quite technical (typically prepared by a Registered Professional Biologist at an estimated cost of \$25,000), staff believes a modified version can be accomplished in house, while still providing a list of meaningful mitigation actions to be implemented in Port Coquitlam, at an estimated cost of \$8,000. Accordingly, staff recommends this project form part of the corporate business plan for 2020, and that \$8,000 be allocated from accumulated surplus for the study.

Alternative Option:

In the past, the City has deployed cart locks to all customers in a geographical area. The disadvantage to this distribution method is that locks may be distributed to homes which already have a secured cart storage solution. If Council wished to pursue this same strategy for all remaining customers, the estimated cost would be approximately \$630,000 plus delivery.

FINANCIAL IMPLICATIONS

As part of a periodic review of reserve balances during the 2020 capital planning process, staff determined that the balance in the cart reserve exceeds what is required for the foreseeable future. Whereas initial estimates suggested carts would only last 7-10 years, it was determined that the lifespan could be extended. Due to the extended life of the carts, Council approved transferring \$1,930,000 from the cart reserve to the general capital reserve. The annual contributions to the cart reserve were also reduced from \$203,600 to \$120,000 in the 2020 budget.


This report recommends allocating \$125,000 from the cart reserve in 2020 to facilitate distribution of 120L locks, and \$110,000 from the cart reserve to facilitate distribution of 240L & 360L locks. If the recommendations are approved, the projected cart reserve balance at the end of 2020 would

Bear Management

be \$1,214,000. Taking into account the annual contributions of \$120,000, it is anticipated that the reserve will be sufficient to fund replacement carts in the future.

Should Council wish to proceed with the alternative option of distribution to all remaining customers, approximately \$630,000 would be required from the cart reserve, and staff would undertake additional review of the cart reserve as part of the 2021 budget process to ensure there are sufficient future funds for cart replacements.

OPTIONS (✓ = Staff Recommendation)

	#	Description
	1	Approve the recommendations in the report as described, including additional cart locks roll out, increased fines, and conducting a bear hazard assessment
	2	Proceed with a full rollout of all 10,828 locks at a cost of \$630,000 plus delivery costs.
	3	Other

ATTACHMENTS

Att#1: Draft BEN Amendment Bylaw No. 4166

Att#2: Draft MTI Amendment Bylaw No. 4167

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