

NO: R074

COUNCIL DATE: May 9, 2011

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## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **May 3, 2011**

FROM: **General Manager, Engineering  
General Manager, Planning & Development**

FILE: **5360-15**

SUBJECT: **Illegal Dumping Abatement Strategy**

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## RECOMMENDATION

The Engineering Department and Planning & Development Department recommend that Council:

1. Endorse the Illegal Dumping Abatement Strategy as outlined in this report;
2. Authorize the City Clerk to bring forward amendments to Surrey Sanitation By-law, 1969, No. 3052, that will act to increase the maximum fine for violations against the provisions of that By-law from the current \$2,000 maximum to a maximum of \$10,000 and to make the offender liable to the City for its costs of cleaning up the illegal dumping; and
3. Instruct staff to prepare and forward for Council's consideration a report and a related By-law and policies that if adopted will act to make mandatory recycling and enhanced waste management practices at construction, renovation, land clearing, land development and demolition work sites across the City.

## BACKGROUND

In 2010, the City spent \$830,000 (up from \$683,000 in 2009) cleaning up garbage that was illegally dumped on City-controlled properties including road allowances, ditches, road ends, laneways, rights-of way, etc.

The significant increase between 2009 and 2010 is attributed to the following:

- (a) An increase in illegal dumping activity across the City;
- (b) An increase in the tipping fees charged by Metro Vancouver at the Waste Transfer Station; and
- (c) The labour costs associated with City crews separating (in accordance with the regional waste diversion requirements) into various waste streams the illegally dumped materials that are picked up by City crews.

The following are some additional observations regarding illegal dumping activities in Surrey:

- Such dumping is becoming more wide-spread throughout the City in comparison to previous years where it was contained to some pockets;
- Many instances of illegal dumping occur in areas that have recently been developed but where building construction has either not started or is not complete (i.e., once neighbourhoods are occupied the prevalence of illegal dumping decreases dramatically);
- In many cases, the cleanliness of sites that are being developed is not acceptable with the effect being to encourage others to dump illegally on or near such properties;
- Because Surrey has only one Waste Drop-Off facility located in the Port Kells area, the travel time and distance of the round trip to the drop off station from most communities in Surrey is significant; and
- Reports from other cities in Metro Vancouver suggest that illegal dumping has recently escalated on a region-wide basis.

## DISCUSSION

With a view to reducing the prevalence of and costs associated with responding to illegal dumping occurrences throughout the City, staff has developed a three-pronged strategy, which is described in the following sections:

### 1. Reporting and Education

- (a) The Engineering Department has established a portal on the City's website by which anyone can directly report to the City occurrences of illegal dumping in Surrey. Appendix I to this report contains the information that is on the City's website in relation to this matter; and
- (b) The Engineering Department has initiated an anti-litter advertisement campaign in the local papers and on the digital media signs. This campaign began in the second week of March of this year and will continue through the summer. A copy of the typical advertisement is attached in Appendix II. The intention of these advertisements is to alert the public to the City's website where information is available relative to locations where waste can be disposed legally and about how to report instance(s) of illegal dumping.

### 2. Enforcement

#### (a) Sanitation By-law Amendment

The Surrey Sanitation By-law, 1969, No. 3052, provides for *the preservation of public health and for the maintenance and improvement of sanitary conditions within the City.*

Section 21 of this By-law contains a regulation which stipulates that:

*"No person shall drop or spill garbage or other refuse material as classified herein, upon any street, lane, or other public place within the City."*

As a penalty for violating the provisions of the By-law, Section 22 of the By-law stipulates that:

*“Every person who violates any of the provisions of this By-law or who suffers or permits anything to be done in violation of such provision shall, upon summary conviction, be liable to a penalty not exceeding Two Thousand Dollars (\$2000.00).”*

The \$2000 maximum fine was increased from \$500 to \$2000 in 2009 by way of a by-law amendment. However, since the City has the ability to provide for fines of up to \$10,000, it is recommended that Section 22 of the By-law be amended to read as follows:

*“Every person who violates any of the provisions of this By-law or who suffers or permits anything to be done in violation of such provision shall, upon summary conviction, be liable to a penalty not exceeding Ten Thousand Dollars (\$10,000.00), in addition to the costs of the prosecution.”*

The amount of the fine imposed is ultimately at the discretion of the Court that imposes the fine after an offender is convicted. However, raising the maximum fine amount gives the Court the ability to impose a fine higher than \$2000 and also serves as an indication to the Court that the City views violations of the By-law to be serious and worthy of significant penalties.

It is also recommended that a new Section 22.1 be added to the By-law to make the offender liable to the City for its costs of cleaning up the illegal dumping to read as follows:

*“In addition to the penalties imposed under Section 22, any person who violates any of the provisions of this By-law or who suffers or permits anything to be done in violation of such provision shall be liable for all costs incurred by the City to remedy the harm caused by the violation including, but not limited to, the City’s full cost of clean-up and disposal of any illegally dumped materials, all related administration, labour, equipment, material and disposal costs as well as any legal costs that are incurred in undertaking the clean up activities, or pursuing payment, or both.”*

b) Increased Surveillance

The Engineering Department has made arrangements on a pilot basis with a local private security firm for enhanced mobile surveillance at various locations throughout the City where illegal dumping is more prevalent with a view to determining if such expenditures will assist in quickly identifying and bringing to justice those involved in illegal dumping. Mobile cameras will be installed at problem locations and will be monitored on a 24-hour a day basis. If illegal dumping activity is observed there will be an immediate response by the Surrey RCMP to catch those involved in the illegal dumping “in the act”.

It is anticipated that apprehending the violators in combination with increased fines and cost recovery and media reports of arrests will act to significantly deter illegal dumping.

3. **Mandatory Recycling and Waste Management at Construction, Land Development, Land Clearing and Demolition Work Sites**

Many instances of illegal dumping occur in the vicinity of construction and demolition (“C&D”) sites. Based on staff observations, there are many instances where work sites are not properly maintained with debris scattered throughout the site and on adjacent City roads and parks. These construction and demolition sites attract illegal dumping during times when activities on the sites have ceased (i.e., non-business hours).

Metro Vancouver has targeted a 70% reduction in waste sent to disposal by 2015. C&D debris is a significant part of Metro Vancouver’s waste disposal stream; however, most C&D debris can be recycled. To achieve the Region’s waste diversion goal C&D waste must be diverted. In this regard, the Regional Integrated Solid Waste Resource Management Plan (“ISWRMP”) stipulates that Metro Vancouver, municipalities, and industry groups must collaborate to develop a policy to mandate recycling of demolition, land clearing, and construction (“DLC”) waste at job sites.

Some cities in the Region have already begun to move towards this objective. Port Moody and the City of North Vancouver have adopted by-laws requiring recycling on construction or demolition sites. Other cities in the Region are considering similar by-laws. C&D recycling has been mandated in other jurisdictions, including most Californian municipalities, Chicago, IL, and Boulder, CO.

It is proposed that a by-law and related policies be developed that if adopted will make mandatory recycling and enhanced waste management requirements for construction, renovation, demolition, land development and land clearing sites. In this regard, staff will be consulting with the industry on the best approach to achieve these goals and incorporate them in a new By-law and policies, which subject to Council approval of the recommendations of this report will be forwarded to Council along with a Corporate report later this summer. In parallel with the by-law and policies, staff will prepare education materials for distribution to land development and building permit applicants. The same information will be posted on the City’s website.

**Legal Services Review:**

Legal Services has reviewed this report and has no concerns.

## SUSTAINABILITY CONSIDERATIONS

The City's Illegal Dumping Abatement Strategy outlined in this report supports the Socio-cultural, Economic and Environmental Pillars of the City's Sustainability Charter; particularly in relation to the following goals:

- SC8: Municipal Outreach, Public Education and Awareness;
- SC11: Public Safety and Security;
- EC1: Corporate Economic Sustainability;
- EC7: Sustainable Building and Development Practices; and
- EN2: Waste Reduction.

## CONCLUSION

Based on the above discussion, it is recommended that Council:

- Endorse the Illegal Dumping Abatement Strategy as outlined in this report;
- Authorize the City Clerk to bring forward amendments to Surrey Sanitation By-law, 1969, No. 3052, that will act to increase the maximum fine for violations against the provisions of that By-law from the current \$2,000 maximum to a maximum of \$10,000 and to make the offender liable to the City for its costs of cleaning up the illegal dumping; and
- Instruct staff to prepare and forward for Council's consideration a report and a related By-law and policies that if adopted will act to make mandatory recycling and enhanced waste management practices at construction, renovation, land clearing, land development and demolition work sites across the City.

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Appendix I - Excerpt from City of Surrey Website  
Appendix II - Surrey Anti-Litter Advertisement

## Excerpt from City of Surrey Website



### Abandoned Waste/Illegal Dumping

Illegal dumping is a serious and growing problem in Surrey. Abandoned garbage is not only an eyesore but it impacts our City in many negative ways: Although it represents only 0.012% of the total annual solid waste generated in the City, illegally dumped material can have serious effects on the environment, wildlife habitat and the ability of others to use and enjoy outdoor recreational areas:

- **Increases health risks** - Abandoned and decaying garbage attracts rats and other disease-carrying creatures.
- **Increases environmental risks** - Illegal dumping of hazardous waste will contaminate soil and water. Harmful chemicals are produced as rainfall percolates through garbage, potentially damaging ground and surface water and fish habitat.
- **Increases costs** - Collecting abandoned garbage costs money which is passed onto taxpayers.
- **Encourages more dumping** - Abandoned garbage, even small amounts, will become full-scale dumpsites in only a few days. Allowing garbage to accumulate on vacant lots, in front and backyards and green spaces only makes the problem worse.
- **Contributes to other illegal activity** - By tolerating illegal dumping you send a message to violators that these and other types of non-desirable activities are okay in your neighborhood.

### How do I report illegal dumping?

There are two ways to report incidents of illegal dumping on public property:

1. Call the Engineering Service Request Line at 604-591-4152; or
2. [Click here to Report the problem.](#)

A City representative will investigate the complaint and if appropriate, will enforce City by-laws relating to the unlawful dumping, or the accumulation of garbage. In many cases the inspector is able to track down the person responsible for the dumping. The inspector will then take all of or some of the following actions:

## **Edits to be made to the website once the new by-law is approved:**

- Send the offender a warning letter.
- Issue the offender a municipal ticket information under the Surrey Sanitation By-law, 1969, No. 3052 in the amount of \$1000.00
- Give the offender a \$100.00 fine (~~up to~~ under the Highway and Traffic By-law, 1997, No. 13007)
- Initiate a prosecution against the offender for violations under the Surrey Sanitation By-law, 1969, No. 3052, with a maximum penalty of \$10,000.00, or under the Highway and Traffic By-law, 1997, No. 13007, with a maximum penalty of \$2000.00
- Initiate legal action by the City of Surrey to ~~reecoup~~ recover the cost of the clean up.

## **What about garbage dumped illegally on private property or vacant lots?**

### **Unightly Properties**

Properties within the City of Surrey are required to be maintained at an acceptable level. [The Surrey Property Maintenance and Unightly Premises By-law, 2007, No. 16393](#) sets acceptable levels of maintenance and defines what is considered unightly. Accumulation of junk, discarded materials and garbage, dead landscaping, uncontrolled growth of landscaping, and deterioration of fences, buildings or other structures are examples of items contained within the definition of unightly in the by-law.

### **Enforcement Procedures:**

Once a complaint is received, an inspection is conducted by a By-law Enforcement Officer. If the By-law Enforcement Officer determines the property falls within the definition of an unightly property, the by-law is explained to the property owner, as well as what must be done to clean up the property. A deadline for the clean-up is set by the By-law Enforcement Officer after the property owner has been notified of the problem.

If sufficient clean up of the property has not taken place after the deadline has lapsed, the City may have the property cleaned up at the expense of the property owner. The cost of the clean-up will form a part of the property taxes of the property if the property owner does not pay.



[Make a complaint online](#) or contact us at 604-591-4370.

### **How do I dispose of a large item like furniture or fridge, or old clothing and household items?**

#### **Consider these options:**

- If the item is in good condition, consider giving it away to someone else to reuse. The City offers an easy to use

website, [SurreyReuses.com](http://SurreyReuses.com) where residents and small businesses can post any item to give away for free, or sell at a maximum price of \$99 dollars. Participation is free. For more info, visit [www.SurreyReuses.com](http://www.SurreyReuses.com);

- Donate the item to a charity. Check the yellow pages under “Second-hand dealers” or get a list of charities in your area by calling the Recycling Council of BC's hotline at 604.732.9253 or visit [www.MetroVancouverRecycles.org](http://www.MetroVancouverRecycles.org);
- Dispose of the item at the Surrey Transfer Station located in Port Kells. [Please click here for location, hours of operation and disposal costs](#);
- If you live in a single-family household, you may place up to 4 large items at curbside per year for collection. The cost to participate is included with your annual waste collection fee. For more information, please refer to your annual waste collection calendar, or [click here to be directed to the Large Item Pickup Program](#);
- Purchase Extra Garbage Stickers for any items exceeding your weekly 2 garbage can limit. Extra Garbage Stickers are sold at 2.50 per sticker and can be purchased at City recreation facilities ([click here for a listing](#));
- Contact a private company to pickup the item if you aren't able to transport it yourself. Check the yellow pages under “Garbage collectors”;

### **What about household items that are banned for disposal at the Surrey Transfer Station?**

Consider using the [MetroVancouverRecycles.org](http://MetroVancouverRecycles.org) website. The website provides a one-stop search engine for disposal locations located throughout Surrey and the lower mainland for just about any item.

### **How can I volunteer my efforts to reduce illegal dumping and litter?**

Get involved in the City's [Adopt-A-Street program](#). Participation is free and it's a great way to show your civic pride while making the City of Surrey an even better community in which to live.

The Adopt-A-Street program is a litter clean-up program designed to encourage businesses, community groups, schools, block clubs and other segments of the community to work in concert with the City of Surrey to help keep our City clean and beautiful.

The program works by having participating groups “adopt” a specific site or section of road, pledging to keep it free of trash and debris. Adopt-A-Street information kits, including safety guidelines will be provided to participants along with basic litter pick up equipment. The City also acknowledges the efforts of all volunteer groups through the placement of a personalized Adopt-A-Street sign along their adopted street.

Find out more about this program by contacting us by phone at 604-590-7200 or [click here](#).



# CITY OF SURREY

## ILLEGAL DUMPING / ABANDONED WASTE

### Illegal dumping is a serious and growing problem in Surrey.

Abandoned garbage is not only an eyesore but it impacts our City in many negative ways. Illegally dumped material makes neighbourhoods look filthy and unsanitary and also has serious effects on the environment, wildlife habitat and the ability of others to use and enjoy outdoor recreational areas.

Let's respect each other and dispose of waste properly. To find disposal locations, or report illegal dumping incidents, please visit [www.surrey.ca](http://www.surrey.ca) or call Surrey's Engineering Service Request Line at 604-591-4152.



[www.surrey.ca](http://www.surrey.ca)