



AGENDA

SPC ON UTILITIES AND CORPORATE SERVICES

January 29, 2020, 9:30 AM
IN THE COUNCIL CHAMBER
Members

Councillor W. Sutherland, Chair
Councillor P. Demong, Vice-Chair
Councillor G. Chahal
Councillor D. Colley-Urquhart
Councillor D. Farrell
Councillor R. Jones
Councillor S. Keating
Mayor N. Nenshi, Ex-Officio

1. CALL TO ORDER
2. OPENING REMARKS
3. CONFIRMATION OF AGENDA
4. CONFIRMATION OF MINUTES
 - 4.1 Minutes of the Regular Meeting of the Standing Policy Committee on Utilities and Corporate Services, 2019 December 18
5. CONSENT AGENDA
 - 5.1 DEFERRALS AND PROCEDURAL REQUESTS
 - 5.1.1 Report on Notice of Motion C2019-0129 (Extended Producer Responsibility), UCS2020-0150
Request for deferral of Report on Extended Producer Responsibility from 2020 January 29 Regular Meeting of the Standing Policy Committee on Utilities and Corporate Services to 2020 May 20.
 - 5.2 BRIEFINGS
None
6. POSTPONED REPORTS

(including related/supplemental reports)

None

7. ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

7.1 Waste Bylaw Rewrite, UCS2020-0052

7.2 Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy Update and Rescindment, UCS2020-0126

8. ITEMS DIRECTLY TO COMMITTEE

8.1 REFERRED REPORTS
None

8.2 NOTICE(S) OF MOTION
None

9. URGENT BUSINESS

10. CONFIDENTIAL ITEMS

10.1 ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

10.1.1 Amendment to Purchase and Sale, Option to Repurchase and Housing Agreements - 3500 17 AV SW, UCS2020-0119
Recommendations, Report and Attachments held confidential pursuant to Sections 23 (Local public body confidences), 24 (Advice from officials), and 25 (Disclosure harmful to economic and other interests of a public body) of the *Freedom of Information and Protection of Privacy Act*.

Review By: Do not release

10.1.2 Proposed Method of Disposition (North Glenmore Park) – Ward 11 (5101 19 ST SW), UCS2020-0121
Recommendations, Report and Attachments held confidential pursuant to Sections 23 (Local public body confidences), 24 (Advice from officials), and 25 (Disclosure harmful to economic and other interests of a public body) of the *Freedom of Information and Protection of Privacy Act*.

Review By: 2030 January 31, except for Attachments 4 and 5 which shall remain confidential

10.1.3 Proposed Sale (Bridgeland-Riverside) – Ward 09 (634 McDougall RD NE, UCS2020-0122
Recommendations, Report and Attachments held confidential pursuant to Sections 23 (Local public body confidences), 24 (Advice from officials), and 25 (Disclosure harmful to economic and other interests of a public body) of the *Freedom of Information and Protection of Privacy Act*.

Review By: 2030 January 31, except for Attachments 4 and 5b which shall remain

confidential

- 10.1.4 Proposed Lease Amendment (Sunalta) – Ward 08 (1920 Pumphouse RD SW), UCS2020-0128

Recommendations, Report and Attachments held confidential pursuant to Sections 23 (Local public body confidences), 24 (Advice from officials), and 25 (Disclosure harmful to economic and other interests of a public body) of the *Freedom of Information and Protection of Privacy Act*.

Review By: 2020 August 24

10.2 URGENT BUSINESS

11. ADJOURNMENT

Members of Council may participate remotely, if required.



MINUTES

SPC ON UTILITIES AND CORPORATE SERVICES

**December 18, 2019, 9:30 AM
IN THE COUNCIL CHAMBER**

PRESENT: Councillor W. Sutherland, Chair
Councillor G. Chahal
Councillor D. Farrell
Councillor R. Jones
Councillor J. Farkas

ABSENT Councillor P. Demong, Vice-Chair Council Business
Councillor D. Colley-Urquhart Personal
Councillor S. Keating Personal

ALSO PRESENT: A/General Manager C. Arthur
A/General Manager D. Limacher
A/City Clerk L. Gibb
Legislative Advisor D. Williams

1. CALL TO ORDER

Councillor Sutherland called the Meeting to order at 9:36 a.m.

2. OPENING REMARKS

No opening remarks were given.

3. CONFIRMATION OF AGENDA

Moved by Councillor Farrell

That the Agenda for the 2019 December 18 Regular Meeting of the Standing Policy Committee on Utilities and Corporate Services be confirmed.

MOTION CARRIED

4. CONFIRMATION OF MINUTES

Moved by Councillor Chahal

That the following Minutes be confirmed in an omnibus motion:

- 4.1 Minutes of the Regular Meeting of the Standing Policy Committee on Utilities and Corporate Services, 2019 October 16

- 4.2 Minutes of the Regular Meeting of the Standing Policy Committee on Utilities and Corporate Services, 2019 October 28

MOTION CARRIED

5. CONSENT AGENDA

Moved by Councillor Chahal

That the Committee Recommendations contained in the following reports be approved in an omnibus motion:

5.1 DEFERRALS AND PROCEDURAL REQUESTS

5.1.1 Deferral Request – Proposed Encroachment Bylaw, UCS2019-1555

5.1.2 Amendment to Purchase and Sale, Option to Repurchase and Housing Agreements (Roscarrock) 3500 17 AV SW, UCS2019-1587

MOTION CARRIED

5.2 BRIEFINGS

5.2.1 Status of Outstanding Motions and Directions – Q4 2019, UCS2019-1586

Moved by Councillor Farrell

That with respect to Report UCS2019-1586, the following be approved:

That the Standing Policy Committee on Utilities and Corporate Services receive this Report for the Corporate Record.

MOTION CARRIED

6. POSTPONED REPORTS

None

7. ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

7.1 City of Calgary Water Security, UCS2019-1539

A presentation entitled "Water Security Update" dated 2019 December 18, was distributed with respect to Report UCS2019-1539.

Moved by Councillor Farrell

That with respect to Report UCS2019-1539, the following be approved:

That the Standing Policy Committee on Utilities and Corporate Services recommend that Council direct Administration to:

1. Report on water security annually as part of the Water Utility update to the Standing Policy Committee on Utilities and Corporate Services, and;
2. Report on the Source Water Protection Plan and Policy by end of Q2 2020.

MOTION CARRIED

7.2 Plan for Piloting Variable Set-Out for the Black Cart Program, UCS2019-1142

Moved by Councillor Farrell

That with respect to Report UCS2019-1142, the following be approved:

That the Standing Policy Committee on Utilities and Corporate Services recommend that Council direct Administration to:

1. Explore customer behaviour in 2020 to develop a detailed plan for piloting variable set-out; and
2. Report back to the Standing Policy Committee on Utilities and Corporate Services no later than Q2 2021 with results from the review of customer behaviour and a detailed pilot plan including proposed pilot communities, rates that will be piloted, a detailed cost estimate, and a plan for funding the pilot.

MOTION CARRIED

7.3 Waste Management Storage Site Operational Practices - UCS2019-1502

A presentation entitled "Waste Management Storage Site Operational Practices" dated 2019 December 18, was distributed with respect to Report UCS2019-1502.

Moved by Councillor Chahal

That with respect to Report UCS2019-1502, the following be approved:

That the Standing Policy Committee on Utilities and Corporate Services recommends that Council direct Administration to:

1. Mitigate waste management storage sites risks by focusing The City's efforts on better utilizing existing controls exercised through the Alberta Fire Code and Land Use Bylaw 1P2007; and
2. Control the location of new waste management storage sites by ensuring Land Use Bylaw 1P2007 is consistently applied.

MOTION CARRIED

7.4 Corporate Land Strategy – Guiding Document, UCS2019-1579

A presentation entitled "Corporate Land Strategy - Guiding Document" dated 2019 December 18, was distributed with respect to Report UCS2019-1579.

Moved by Councillor Chahal

That with respect to Report UCS2019-1579, the following be approved:

That the Standing Policy Committee on Utilities and Corporate Services recommends that Council approve the *Corporate Land Strategy – Guiding Document* (Attachment 1) and direct Administration to deliver the Corporate Land

Strategy to the Standing Policy Committee on Utilities and Corporate Services by
2020 July 31.

MOTION CARRIED

8. ITEMS DIRECTLY TO COMMITTEE

8.1 REFERRED REPORTS

None

8.2 NOTICE(S) OF MOTION

None

9. URGENT BUSINESS

None

10. CONFIDENTIAL ITEMS

10.1 ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

10.1.1 Summary of Green Line Real Property Transactions for the Third Quarter
2019, UCS2019-1580

Moved by Councillor Farrell

That with respect to Report UCS2019-1580, the following be approved:

That the Standing Policy Committee on Utilities and Corporate Services
recommends that Council:

1. Receive this Report for the Corporate Record; and
2. Direct that the Recommendations, Report and Attachments remain confidential pursuant to Sections 23 (Local public body confidences), 24 (Advice from officials) and 25 (Disclosure harmful to economic and other interests of a public body) of the *Freedom of Information and Protection of Privacy Act* unless The City is required to disclose pursuant to the *Expropriation Act (Alberta)*, and review by 2029 February 12.

MOTION CARRIED

10.2 URGENT BUSINESS

None

11. ADJOURNMENT

Moved by Councillor Farrell

That this meeting adjourn at 11:25 a.m.

MOTION CARRIED

The following item has been forwarded to the 2020 January 13 Combined Meeting of Council:

CONSENT

- City of Calgary Water Security, UCS2019-1539
- Plan for Piloting Variable Set-Out for the Black Cart Program, UCS2019-1142
- Waste Management Storage Site Operational Practices - UCS2019-1502
- Corporate Land Strategy – Guiding Document, UCS2019-1579

CONFIDENTIAL CONSENT

- Summary of Green Line Real Property Transactions for the Third Quarter 2019, UCS2019-1580

The next Regular Meeting of the Standing Policy Committee on Utilities and Corporate Services is scheduled to be held 2020 January 29, at 9:30 a.m.

CONFIRMED BY COMMITTEE ON

CHAIR

ACTING CITY CLERK

Waste Bylaw Rewrite

EXECUTIVE SUMMARY

Waste & Recycling Services (WRS) is bringing forward Waste and Recycling Bylaw 20M2001 for repeal and replacement with the proposed, updated Waste Bylaw. Council approval is required to bring the new Waste Bylaw into effect.

Since its approval almost 20 years ago, Bylaw 20M2001 has been amended 13 times to allow for policy, program, and service changes, including automated cart collection, blue cart recycling, green cart food and yard waste collection, and requirements for multi-family and industrial, commercial and institutional (ICI) waste diversion. These amendments have created inconsistencies in language and requirements within the existing Bylaw, making it difficult for citizens and businesses to understand.

The proposed Waste Bylaw maintains substantially the same content as Bylaw 20M2001, and previous Council direction. Changes have been made to improve clarity and usefulness through simpler language, re-organizing and restructuring content, and removing sections and terms that have become obsolete due to the evolution of services.

The following are notable changes:

1. Incorporated Tag-a-bag program requirements for extra garbage, to come into effect 2020 June 1.
2. Added provisions for the provincially regulated Household Hazardous Waste (HHW) program to mitigate illegal dumping and use of these depots by commercial businesses.
3. Provided Director authority to enter into customer agreements that allow additional flexibility to modify the disposal discount rate structure.
4. Eliminated the commercial waste section and reference to condominiums, as these issues are now addressed in contracts where The City provides collection services to these customers.

ADMINISTRATION RECOMMENDATIONS

That the Standing Policy Committee (SPC) on Utilities and Corporate Services (UCS) recommend that Council:

1. Give three readings to the proposed Waste Bylaw (Attachment 1).

PREVIOUS COUNCIL DIRECTION / POLICY

Bylaw 20M2001 came into force 2001 March 19 and has undergone 13 amendments, including business cycle and budget adjustment rate changes. Attachment 2 provides a summary of previous Council direction for Bylaw 20M2001.

In 2019, Council directed Administration to implement a Tag-a-bag program for extra residential garbage, starting no later than 2020 Q2, and established the garbage tag fee (UCS2019-0364).

BACKGROUND

Through Council's bylaw-making powers under the *Municipal Government Act*, The City of Calgary regulates and controls the storage, collection and disposal of waste within Calgary, by providing direction to citizens on requirements for participating in and supporting waste programs. The Bylaw, and the waste diversion programs described therein, support The City's

Waste Bylaw Rewrite

goal of diverting 70 per cent of Calgary's waste away from landfills by 2025. The Bylaw provides a clear and consistent foundation to support current WRS operations and enables citizens to support WRS waste programs.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The proposed Waste Bylaw includes changes to improve clarity and usefulness through simpler language, re-organizing and restructuring content, and removing sections and terms that have become obsolete due to the evolution of services. A summary of the changes in the proposed Waste Bylaw is provided in Attachment 3.

While the proposed Waste Bylaw maintains much of the content of Waste and Recycling Bylaw 20M2001, four notable changes have been made. The four changes and the rationale for their inclusion are described here.

1. New provisions in the Bylaw are required for the implementation of the Tag-a-bag program for extra garbage at residential dwellings. These provisions establish requirements for the size and weight of garbage bags, placement requirements, and attachment of the extra garbage tag. These changes come into effect 2020 June 1, to coincide with the commencement of the program.
2. Illegal dumping at residential Household Hazardous Waste (HHW) depots and use of these depots by commercial businesses is expensive to manage, and creates safety risks for City staff running the depots and for citizens using the depots. As a result, the proposed Waste Bylaw adds provisions for use of HHW depots and associated fines. The HHW program is regulated by the Government of Alberta.
3. The proposed Waste Bylaw provides the authority for the Director, Waste & Recycling Services, to enter into customer agreements for discounted waste disposal rates. The proposed Waste Bylaw maintains the Council-approved discounts for Waste Management Facility Account Customers, and provides WRS additional flexibility to modify the disposal discount rate structure to continue to attract customers, increase revenue and provide potential for increased hours of service.
4. The Commercial Garbage section and references to condominiums in Bylaw 20M2001, including the Collection from Condominiums section, are now obsolete due to changes to the services provided by The City. As a result, these sections have been eliminated and relevant provisions have been integrated into the Non-Residential Properties and Multi-Residential Developments sections. Where The City does provide collection services for ICI customers or multi-residential developments, additional collection provisions are included in the contract.

Modifications have also been made in the proposed Waste Bylaw to improve collector safety, and these changes will affect Calgarians participating in the Black, Blue, and Green Cart programs. In particular, additional space is now required between automated collection carts and obstacles. Extra food and yard waste placed outside of the green cart must be in securely

Waste Bylaw Rewrite

closed compostable bags that weigh less than 20 kilograms, since this extra waste is manually moved by collectors. Bundles of extra yard waste will no longer be collected.

Stakeholder Engagement, Research and Communication

WRS utilized data from citizen 3-1-1 calls, service requests, and operational experience gained through the implementation of diversion programs, to identify sections in Bylaw 20M2001 that lacked clarity and consistency. WRS, Law and Calgary Community Standards collaborated on the proposed Waste Bylaw.

Strategic Alignment

This report aligns with the 2019-2022 Citizen Priorities of A Healthy & Green City and A Well-Run City.

Social, Environmental, Economic (External)

The proposed Waste Bylaw supports waste programs that have a positive impact on the environment by reducing the use of natural resources by increasing the amount and type of materials collected for recycling and reducing materials sent to landfill; ensures the protection of the public health, customers, and WRS employees through safe waste management practices; and contributes to financial sustainability through more efficient and effective operations.

Financial Capacity

Current and Future Operating and Capital Budget:

There are no impacts to WRS' operating or capital budgets with this recommendation.

Risk Assessment

Risks associated with not approving this recommendation include continued lack of clarity for citizen requirements for participating with WRS in waste management programs, including the Tag-a-bag program for excess garbage that will be implemented in 2020. The Bylaw in its current form is difficult to enforce and to explain to customers.

There are no identified risks associated with approving this recommendation.

REASONS FOR RECOMMENDATIONS:

By providing clearer direction to citizens, WRS is able to provide customer-focused, efficient, safe and financially sustainable waste management services, and better support The City's goal of diverting 70 per cent of Calgary's waste away from landfills by 2025.

ATTACHMENTS

1. Attachment 1 – Proposed Waste Bylaw
2. Attachment 2 – Historical Council Direction for Bylaw 20M2001
3. Attachment 3 – Description of Changes in Proposed Waste Bylaw
4. Attachment 4 – Presentation

Proposed Wording for the Waste Bylaw

PART 1 – INTERPRETATION

SHORT TITLE

1. This *Bylaw* may be referred to as the “Waste Bylaw”.

DEFINITIONS AND INTERPRETATION

2. (1) In this *Bylaw*, the term:
- (a) “*alley*” means a lane intended primarily for access to the rear yard of adjacent premises;
 - (b) “*animal waste*” means all forms of *waste* from animals or the treatment of animals except animal carcasses or parts;
 - (c) “*automated collection*” means the *collection* of *waste* by means of a mechanical system into vehicles specially designed for such purposes;
 - (d) “*automated collection container*” means a container approved and provided by the *City* for *automated collection* of *waste* and includes a *black cart*, *blue cart*, and *green cart*;
 - (e) “*biomedical waste*” means medical *waste* that requires proper handling and disposal because of environmental, aesthetic, or health and safety concerns and includes:
 - (i) human anatomical *waste*;
 - (ii) infectious human *waste*;
 - (iii) infectious *animal waste*;
 - (iv) microbiological *waste*;
 - (v) blood and body fluid *waste*; and
 - (vi) *medical sharps*;
 - (f) “*black cart*” means a black *automated collection container* provided for the *collection* of *garbage*;
 - (g) “*blue cart*” means a blue *automated collection container* provided for the *collection* of *residential recyclable material*;
 - (h) “*Bylaw*” means this Bylaw as it may be amended from time to time and includes all Schedules attached to this Bylaw;

- (i) “*City*” means the municipal corporation of The City of Calgary or the area located within the boundaries of the city of Calgary, as the context requires;
- (j) “*City Manager*” means the *person* appointed by the Council of the *City* as its Chief Administrative Officer, or that *person’s* designate;
- (k) “*collection*” means picking up and gathering *waste*, including transport of the *waste* to a *disposal site*, *material recovery facility*, or a *food and yard waste material recovery facility*, as applicable;
- (l) “*collector*” means a *person* employed to collect *waste*;
- (m) “*commercial hauler*” means a *person* engaged in the business of collecting *waste* from premises for transport to a *disposal site* or *material recovery facility*;
- (n) “*community recycling depot*” means an area maintained by the *City* and accessible to the public that contains bins set aside for the *collection* of *recyclable material* by the *City*;
- (o) “*compostable bag*” means:
 - (i) a plastic bag, independently certified as compostable based on standards established by the American Society for Testing and Materials Standard Specification for Compostable Plastics (ASTM D6400);
 - (ii) a compostable paper bag; or
 - (iii) another acceptable bag as designated by the *Director, Waste & Recycling Services*;
- (p) “*construction and demolition waste*” means materials generated in the course of construction, demolition or renovation on a parcel;
- (q) “*Director, Waste & Recycling Services*” means the *City Manager* or that *person’s* designate;
- (r) “*disposal site*” means any premises designated by the *Director, Waste & Recycling Services* for the disposal of *waste* or any other premises which is approved by Alberta Environment for the disposal of *waste*;
- (s) “*dwelling unit*” means a residence of one or more persons that contains kitchen, living, sleeping and sanitary facilities;
- (t) “*food and yard waste material*” means the materials designated in Schedule E;

- (u) “*food and yard waste material recovery facility*” means one of the following:
 - (i) a facility that receives edible food donation;
 - (ii) a facility that receives agricultural food donation;
 - (iii) a composting facility;
 - (iv) an aerobic digestion facility;
 - (v) an anaerobic digestion facility;
 - (vi) a rendering plant facility;
 - (vii) a mulching facility;
 - (viii) a drying/pelletizing facility; or
 - (ix) any other facility that reuses, repurposes or processes *food and yard waste material* and is approved by the *Director, Waste & Recycling Services*;
- (v) “*garbage*” means material set out for *collection*, but does not include *recyclable material* or *food and yard waste material*;
- (w) “*garbage tag*” means a tag issued by the *City* to mark *plastic garbage bags* containing extra *garbage*;
- (x) “*general medical waste*” means non-hazardous medical *waste* and includes soiled dressings, sponges, surgery drapes, lavage tubes, casts, catheters, disposable pads, disposable gloves, specimen containers, lab coats and aprons, tubings, filters, towels and disposable sheets, but excludes *biomedical waste*;
- (y) “*green cart*” means a green *automated collection container* provided for the *collection* of *food and yard waste material*;
- (z) “*hazardous waste*” means *waste* that is generated from any premises and has one or more hazardous properties as described in the *Environmental Protection and Enhancement Act*, RSA 2000, c E-12, and *Waste Control Regulation*, AR 192/1996, Schedule 1;
- (aa) “*household hazardous waste depot*” means an area maintained by the *City* and accessible to the public that contains bins set aside for the *collection* of *hazardous waste*;

- (bb) “*industrial waste*” means *waste* generated by commercial or industrial activities that presents health, safety or environmental concerns, and includes, but is not limited to, lime, sulfur, asbestos, contaminated soils, empty chemical containers and drums, carbon, acids, caustics, sludge, and industrial sump water, but excludes *hazardous waste* and *biomedical waste*;
- (cc) “*material recovery facility*” means a facility that receives and prepares *recyclable material* for marketing;
- (dd) “*medical sharp*” means a needle device or any non-needle sharp used for withdrawing body fluids, accessing an artery or vein, administering medications or other fluids, or any other device that can reasonably be expected to penetrate the skin or any other part of the body;
- (ee) “*multi-residential development*” means a group of five or more *dwelling units* that:
 - (i) share a common parcel of land, whether or not any premises on the parcel are used for commercial purposes; or
 - (ii) share a private roadway that provides access to the *dwelling units*, notwithstanding that some of the *dwelling units* may be located adjacent to a public street; or
 - (iii) both (i) and (ii);
- (ff) “*non-residential parcel*” means a parcel of land that does not contain a *dwelling unit*;
- (gg) “*non-residential recyclable material*” means the material designated in Schedule D, but does not include *construction and demolition waste*;
- (hh) “*owner*” includes the *person* shown as the owner on the land title for a property, the occupant of a premises, the lessee or tenant of a premises, the condominium board of a condominium property, or the property management company that holds itself out as responsible for the maintenance of a premises, as applicable;
- (ii) “*person*” means an individual or a body corporate and includes a partnership, a group of *persons* acting in concert or an association unless the context explicitly or by necessary implication otherwise requires;
- (jj) “*plastic garbage bag*” means a plastic bag specifically marketed to store *garbage* for *collection*, and excludes plastic bags that are intended for other purposes;
- (kk) “*recyclable material*” means *residential recyclable material* and *non-residential recyclable material*;

- (ll) “*residential dwelling*” means any building containing four or fewer *dwelling units*;
- (mm) “*residential recyclable material*” means the materials designated in Schedule C;
- (nn) “*waste*” means anything that is set out for *collection* and includes *garbage, recyclable material, and food and yard waste material*.
- (2) All schedules attached to this *Bylaw* form part of this *Bylaw*.
- (3) Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this *Bylaw*.
- (4) Where this *Bylaw* cites or refers to any act, regulation, code or other *Bylaw*, the citation or reference is to the act, regulation, code or other *Bylaw* as amended, whether amended before or after the commencement of this *Bylaw*, and includes reference to any act, regulation, code or other *Bylaw* that may be substituted in its place.
- (5) Each provision of this *Bylaw* is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this *Bylaw* remain valid and enforceable.
- (6) Nothing in this *Bylaw* relieves a *person* from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or licence.

PART 2 – GENERAL

AUTHORITY OF THE DIRECTOR, WASTE & RECYCLING SERVICES

3. The *Director, Waste & Recycling Services* is authorized to:
 - (a) approve or set specifications for *automated collection containers, compostable bags and plastic garbage bags*;
 - (b) specify the types of *waste* accepted at a *City disposal site, City material recovery facility, City composting facility, community recycling depot or household hazardous waste depot*;
 - (c) specify the quantities and types of *waste* eligible for *collection*;
 - (d) designate *City* premises to be used as *City disposal sites* and establish rules and procedures to be followed at these sites;
 - (e) determine the time and frequency of the *collection of waste*;

- (f) make and execute agreements on behalf of the *City* for the *collection* of *waste* and disposal services, including *collection* at a *multi-residential development* or *non-residential parcel*;
- (g) issue *industrial waste* permits for the disposal of *industrial waste*;
- (h) grant approvals and permissions as set out in this *Bylaw*;
- (i) establish systems for billing and collecting rates and fees; and
- (j) establish guidelines regarding:
 - (i) clear signage for the purposes of subsections 14(7), 14(8)(d) and 15(6)(a); and
 - (ii) adequate containers for the purposes of subsections 14(2), 14(3), 14(8)(a), 15(1) and 15(2).

RATES AND FEES

4. (1) Council shall set the following:
 - (a) the basic sanitary *waste* rate and the rate charged to Waste Management Facility account customers for *waste* disposed of at a *City disposal site*;
 - (b) the minimum charge for loads less than 250 kg disposed of at a *City disposal site*;
 - (c) the *black cart* program rate;
 - (d) the *blue cart* program rate;
 - (e) the *green cart* program rate; and
 - (f) the *garbage tag* fee.
- (2) Where *black cart* program services, *blue cart* program services and *green cart* program services are supplied by the *City* or its agent, the *owner* of a *residential dwelling* must pay to the *City* a monthly charge as set out in Schedule "B". *Black cart* program services, *blue cart* program services and *green cart* program services supplied by the *City* cannot be suspended at the request of an *owner*.
- (3) Rates for residential *black cart* program, the residential *blue cart* program and the residential *green cart* program will apply even where no material is set out for *collection*.
- (4) The *Director, Waste & Recycling Services*, may:

- (a) establish fees for products and services provided with respect to the *collection* and disposal of *waste* including the provision, delivery, maintenance, and replacement of *City-owned automated collection containers*;
- (b) except for the basic sanitary *waste* rate and the minimum charge for loads less than 250 kg as set by Council pursuant to subsection (1), set different rates for different types of *waste* disposed of at a *City disposal site*;
- (c) set temporary rates for basic sanitary *waste* and other types of *waste* that are generated in connection with an emergency or natural disaster and that are disposed of at a *City disposal site*; and
- (d) despite subsection (1)(a), enter into agreements with customers specifying rates and discounted rates for *waste* disposed of at a *City disposal site*;
- (e) despite subsection (1)(f), enter into agreements with *persons* for the consignment of *garbage tags* for re-sale to the public and may set a commission to be paid to such *persons*.

GENERAL RULES

- 5. A *person* must not scavenge *waste* from an *automated collection container*, waste container, *plastic garbage bag*, compostable bag, *community recycling depot* or *household hazardous waste depot*.
- 6. The *owner* of any premises must store *waste* on the premises from which it is generated, unless it is stored on other premises with the consent of the *owner* and occupant of those other premises.
- 7.
 - (1) A *person* must not deposit *waste* in or next to an *automated collection container* or waste container without the consent of:
 - (a) the *owner* of the container;
 - (b) the *owner* of the property where the container is located; or
 - (c) the occupant of the property where the container is located.
 - (2) A *person* may consent to the deposit of *waste* that has been generated off-site in an *automated collection container* only where it does not cause extra *waste* to be deposited outside the *automated collection container*.
- 8. An *owner* must ensure that *waste* stored or set out for *collection* on or adjacent to that *owner's* premises does not:
 - (a) create offensive odours; or

- (b) become untidy.

PART 3 – RESIDENTIAL COLLECTION

WASTE COLLECTION

9. (1) *Waste collection* service is provided by the *City* to all *residential dwellings*.
- (2) Despite subsection (1), the *Director, Waste & Recycling Services* may direct that *collection* services not be provided to any *residential dwelling* if it is operationally impractical to do so.

AUTOMATED COLLECTION CONTAINERS

10. (1) *Residential dwellings* will be assigned and delivered *automated collection containers*.
- (2) The number and size of the *automated collection containers* required at a residential dwelling will be determined by the *Director, Waste & Recycling Services*.
- (3) The *Director, Waste & Recycling Services* is authorized to determine where *automated collection containers* are to be placed for *collection*.
- (4) Where an *automated collection container* has been assigned to a *residential dwelling*, a person must not remove the container or allow the container to be removed from the *residential dwelling*.
- (5) *Automated collection containers* remain the property of the *City* and may be removed by the *City*, its contractors or agents at the direction of the *Director, Waste & Recycling Services*.
- (6) *Owners of residential dwellings* are responsible for all *automated collection containers* assigned to the *residential dwelling* and must ensure that the containers are:
- (a) kept clean;
 - (b) secured against loss or theft;
 - (c) maintained in good condition;
 - (d) not altered in any way, including any alteration of the exterior; and
 - (e) available to the *City*, its contractors or agents within a reasonable time frame for the purposes of inspection or maintenance.

- (7) An owner of a *residential dwelling* is responsible for all fees related to *automated collection containers* issued for the owner's premises including fees for the provision, delivery, maintenance or replacement of the *automated collection container*.

COLLECTION OF WASTE IN AUTOMATED COLLECTION CONTAINERS

11. (1) Waste set out for *collection* must be sorted as follows:
- (a) all *garbage* must be placed in a *black cart* with the lid closed;
 - (b) all *residential recyclable material* must be placed in a *blue cart* with the lid closed; and
 - (c) all *food and yard waste material* must be placed in a *green cart* with the lid closed.
- (2) An owner must ensure that any *automated collection containers* for waste used at the owner's premises are filled so that the total weight of the container and its contents does not exceed 60 kilograms.
- (3) Unless an owner has written approval from the *Director, Waste & Recycling Services* to set an *automated collection container* for waste out for *collection* at a specific location, the owner must ensure that an *automated collection container* filled with waste:
- (a) is located at least 1 metre from any object on either side of the container;
 - (b) is located at least 50 centimetres from any object behind the container;
 - (c) has an overhead clearance above the top of the *automated collection container* of 3 metres;
 - (d) for front street *collection*, is:
 - (i) located in front of the *residential dwelling* that generated the waste materials;
 - (ii) located on the street at the curb; or on the driveway at the street; and
 - (iii) placed in an upright position and the front of the container facing the street;
 - (e) for alley *collection*, is:
 - (i) located behind the *residential dwelling* that generated the waste materials;

- (ii) located adjacent to the *alley* on level ground and not on a step or raised platform of any kind;
 - (iii) placed in an upright position and the front of the container facing the *alley*;
- (f) is not obstructing traffic in the street or *alley*.
- (4) Where more than one *automated collection container* is set out for *automated collection*, the minimum amount of space between individual *automated collection containers* or *extra waste* must be 50 centimetres.
- (5) Despite section 18 and section 18.1 of the Street Bylaw 20M88, as amended, an *owner* may set out one or more *automated collection containers* for *waste* on the street or *alley* for *automated collection* in accordance with the requirements of subsections (3) and (4) of this section.
- (6) An *owner* must ensure that *waste* from the *owner's* premises is set out for *collection* no later than 7:00 a.m. on the day of *collection*.
- (7) An *owner* with front street *collection* must:
 - (a) set *waste* out for *collection* no earlier than 7:00 p.m. on the day before *collection*; and
 - (b) remove *automated collection containers* from the *collection* location before 7:00 p.m. on *collection* day.

EXTRA WASTE

- 12. (1) Despite subsection 11(1), *extra waste* may be set out in accordance with this section.
- (2) If a *black cart* is full, *extra garbage* may be set out for collection if it is contained in one or more *plastic garbage bags*:
 - (a) which measure no more than 66 centimetres wide and 90 centimetres long;
 - (b) which contain no more than 20 kilograms of *garbage* per bag;
 - (c) which are securely closed or tied at the top of the bag;
 - (d) which are placed adjacent to the *black cart* no closer than 50 centimetres from the *black cart*; and
 - (e) to which a *garbage tag* is attached in plain sight.
- (3) *Extra garbage* not set out in accordance with subsection (2) will not be collected.

- (4) *Recyclable material* and *food and yard waste material* must not be placed in a *plastic garbage bag* to which a *garbage tag* is attached.
- (5) *Residential recyclable material* not placed in a *blue cart* will not be collected.
- (6) If the *green cart* is full, extra *food and yard waste material* may be set out for *collection* if it is contained in one or more *compostable bags*:
 - (a) which contain no more than 20 kilograms of *food and yard waste material* per bag;
 - (b) which are securely closed or tied at the top of the bag; and
 - (c) which are placed adjacent to the *green cart* no closer than 50 centimetres from the *green cart*.
- (7) Extra *food and yard waste* not set out in accordance with subsection (6) will not be collected.

RESTRICTIONS ON WASTE

- 13. (1) Except as otherwise provided in this section, an *owner* must ensure that the following types of *waste* are not set out for *collection* by the *City* from the *owner's* premises:
 - (a) industrial or *hazardous waste*;
 - (b) *biomedical waste*;
 - (c) *general medical waste*;
 - (d) sharp objects such as glass, nails, knives, or metal;
 - (e) *animal waste*, dead animals or animal parts;
 - (f) sawdust and powdered materials;
 - (g) automobile *waste* including automobile parts, tires, and batteries;
 - (h) individual items that are larger than 1 metre in any dimension or items that weigh more than 20 kilograms;
 - (i) liquids; and
 - (j) *waste* that is unsafe for the *collector* to access or handle.

- (2) An owner may set *medical sharps* out for *collection* if the *medical sharps* are contained in a puncture resistant, non-breakable container with a tight fitting lid before they are set out for *collection*.
- (3) An owner may set sharp objects out for *collection* if the sharp objects are contained in a puncture resistant, non-breakable container with a tight fitting lid before they are set out for *collection*.
- (4) An owner may set *general medical waste*, *animal waste* and powdered materials out for *collection* if it is packaged in securely tied, double *plastic garbage bags*.
- (5) An owner may set out *animal waste* for *collection* in a *green cart* if the *animal waste* is secured in a *compostable bag* so as to ensure that the *animal waste* cannot be exposed when being collected.
- (6) An owner may set out sawdust for *collection* in:
 - (a) a *black cart*, if the sawdust is from finished or treated wood and secured in a suitable container or packaging so as to ensure that the sawdust cannot be exposed when being collected; or
 - (b) a *green cart*, if the sawdust is from unfinished or untreated wood and secured in a *compostable bag* so as to ensure that the sawdust cannot be exposed when being collected.
- (7) A person may set out liquid food waste for *collection* in a *green cart*, as long as it is sufficiently contained or absorbed so as not to spill when being collected.

PART 4 – MULTI-RESIDENTIAL DEVELOPMENTS

GARBAGE, RECYCLING AND DIVERSION OF FOOD AND YARD WASTE MATERIAL AT MULTI-RESIDENTIAL DEVELOPMENTS

14. (1) In this section, “owner” means:
 - (a) the person shown as the owner on a land title for *multi-residential development*;
 - (b) the condominium corporation, in the case of a *multi-residential development* registered under the *Condominium Property Act*, RSA 2000, c C-22; or
 - (c) the housing association, in the case of a *multi-residential development* operated by a housing association registered under the *Cooperatives Act*, SA 2001, c C-28.1.
- (2) The owner of a *multi-residential development* must ensure adequate containers are available for the separate storage of:

- (a) *garbage*;
 - (b) *residential recyclable material*;
 - (c) *food and yard waste material*;
- generated on-site.
- (3) For the purposes of subsections (2) and (8)(a), “adequate containers” means one or more containers which are:
- (a) maintained in good condition; and
 - (b) provided in:
 - (i) sufficient numbers and locations; and
 - (ii) of sufficient capacity;
- to contain the volume of *garbage*, *residential recyclable material* and *food and yard waste material* generated at the *multi-residential development*.
- (4) The occupants of a *multi-residential development* must deposit *garbage*, *residential recyclable material* and *food and yard waste material* generated at their *dwelling unit* in the containers provided pursuant to subsection (2).
- (5) The owner of a *multi-residential development* must ensure that the containers provided pursuant to subsection (2) are emptied as necessary and that:
- (a) *garbage* on the parcel is taken to a *waste disposal site*;
 - (b) *residential recyclable material* generated on the parcel is taken to and deposited at a *material recovery facility*; and
 - (c) *food and yard waste material* generated on the parcel is taken to a *food and yard waste material recovery facility*.
- (6) Despite subsections (5)(a) and (8)(c)(ii), occupants of a *multi-residential development* may conduct their own on-site composting of *food and yard waste material* generated at the parcel.
- (7) The owner of a *multi-residential development* must:
- (a) ensure clear signage is posted on all *waste collection* containers, indicating what type of *waste materials* can be disposed of in each *collection* container; and

- (b) on an annual basis, and on commencement of a new tenancy, provide information as prescribed by the *Director, Waste & Recycling Services*, to all occupants detailing what *waste* materials can be collected and the proper method for preparing and sorting *waste* materials for *collection*.
- (8) The occupant of a premises, within a *multi-residential development*, that is used for commercial purposes must:
 - (a) provide adequate containers for the separate storage of:
 - (i) *garbage*;
 - (ii) *non-residential recyclable material*; and
 - (iii) *food and yard waste material*;
 generated on-site.
 - (b) deposit *non-residential recyclable material* and *food and yard waste material* in the containers provided pursuant to subsection (a);
 - (c) ensure that the containers provided pursuant to subsection (a) are emptied as necessary and that:
 - (i) *garbage* on the parcel is taken to a *waste disposal site*;
 - (ii) *non-residential recyclable material* generated on the parcel is taken to and deposited at a *material recovery facility*; and
 - (iii) *food and yard waste material* generated on the parcel is taken to and deposited at a *food and yard waste material recovery facility*;
 and
 - (d) ensure clear signage is posted on all *waste collection* containers, indicating what type of *waste* materials can be disposed of in each *collection* container.

PART 5 – NON-RESIDENTIAL PROPERTIES

GARBAGE, RECYCLING AND DIVERSION OF FOOD AND YARD WASTE MATERIAL AT NON-RESIDENTIAL PARCELS

- 15. (1) The *owner* of a *non-residential parcel* must ensure adequate containers are available for the separate storage of:
 - (a) *garbage*;

- (b) *non-residential recyclable material*;
 - (c) *food and yard waste material*;
- generated on-site.
- (2) For the purposes of subsection (1), “adequate containers” means one or more containers which are:
- (a) maintained in good condition; and
 - (b) provided in:
 - (i) sufficient number and locations; and
 - (ii) of sufficient capacity;

to contain the volume of *garbage, non-residential recyclable material and food and yard waste material* generated at the *non-residential parcel*.
- (3) The occupants of a *non-residential parcel* must deposit *non-residential recyclable material* and *food and yard waste material* generated on-site in the containers provided pursuant to subsection (1).
- (4) The *owner* of a *non-residential parcel* must ensure that the containers provided pursuant to subsection (1) are emptied as necessary and that:
- (a) *garbage* on the parcel is taken to a *waste disposal site*;
 - (b) *non-residential recyclable material* generated on the parcel is taken to and deposited at a *material recovery facility*; and
 - (c) *food and yard waste material* generated on the parcel is taken to and deposited at a *food and yard waste material recovery facility*.
- (5) Despite subsection 4(b), occupants of a *non-residential parcel* may conduct their own on-site composting of *food and yard waste material* generated at the parcel.
- (6) The *owner* of a *non-residential parcel* must:
- (a) ensure clear signage is posted on all *waste collection* containers, indicating what type of *waste materials* can be disposed of in each *collection* container; and
 - (b) on an annual basis, and on commencement of a new tenancy, provide information as prescribed by the *Director, Waste & Recycling Services*, to all occupants detailing what *waste materials* can be collected and the proper method for preparing and sorting *waste materials* for *collection*.

16. (1) An owner or occupant of a *non-residential parcel* may apply to the *Director, Waste & Recycling Services* to be exempted from the requirements of section 15 with respect to *non-residential recyclable material, food and yard waste material*, or both.
- (2) The *Director* may grant an exemption pursuant to subsection (1) if the *Director* is satisfied that the parcel does not routinely generate:
- (a) *non-residential recyclable material*;
 - (b) *food and yard waste material*;
- or both.

PART 6 – WASTE DISPOSAL AT CITY DISPOSAL SITES

17. A person must not:
- (a) dispose of any *waste* at a *City disposal site* other than the types of *waste* specified by the *Director, Waste & Recycling Services*;
 - (b) dispose of *waste* at a *City disposal site* unless it is packaged to prevent litter once deposited; or
 - (c) scavenge at a *City disposal site*.
18. A person must not dispose of *industrial waste* at a *City disposal site* without an *industrial waste* permit issued by the *Director, Waste & Recycling Services*.
19. A person to whom an *industrial waste* permit has been issued must comply with all conditions of that permit.

PART 7 – OTHER

COMMUNITY RECYCLING DEPOTS

20. (1) A person must not deposit or dispose of materials at a *community recycling depot* other than those materials described as permitted materials by signage located at the depot.
- (2) A person must not deposit materials of any kind at a *community recycling depot* except in the receptacles or bins provided.
- (3) A person must not deposit permitted materials in a receptacle or bin at a *community recycling depot* except via the openings provided for that purpose.

- (4) A *person* must not tamper with, interfere with or damage a receptacle or bin at a *community recycling depot*.
- (5) A *commercial hauler* must not deposit at a *community recycling depot*:
 - (a) *garbage*;
 - (b) *recyclable material*; or
 - (c) *food and yard waste material*;

that were collected in the course of the *commercial hauler's* business.

HOUSEHOLD HAZARDOUS WASTE DEPOTS

- 21. (1) A *person* must not deposit materials at a *household hazardous waste depot* other than those materials described as permitted materials by signage located at a depot.
- (2) A *person* must not deposit at a *household hazardous waste depot* any *hazardous waste* that was generated from a commercial business.

PART 8 – ENFORCEMENT

ENFORCEMENT

- 22. The *Director, Waste & Recycling Services*, may suspend the *collection of waste* if the *owner of a residential dwelling*:
 - (a) contravenes a provision of this *Bylaw*; or
 - (b) engages in harassing, abusive or threatening conduct towards a *City collector*.
- 23. The owner of a vehicle involved in an offence set out in this *Bylaw* is guilty of the offence, unless that vehicle *owner* satisfies the Court that the vehicle was:
 - (a) not being operated by the owner; and
 - (b) that the *person* operating the vehicle at the time of the offence did so without the vehicle owner's express or implied consent.
- 24. Where a Bylaw Enforcement Officer, believes a *person* has contravened any provision of this *Bylaw*, the Bylaw Enforcement Officer may:
 - (a) issue to the *person* an order in accordance with section 545 of the *Municipal Government Act* to remedy the contravention;

- (b) issue to the *person* a violation ticket in accordance with the *Provincial Offences Procedures Act*, RSA 2000, c P-34; or
 - (c) do both (a) and (b) above.
25. If the *person* to whom an order has been issued pursuant to section 24 fails to comply with the order within the time specified in the order:
- (a) that *person* commits an offence under this section and a Bylaw Enforcement Officer may issue a violation ticket pursuant to the *Provincial Offences Procedures Act*; and
 - (b) the *City* may take whatever steps are necessary to remedy the breach of this *Bylaw* and the cost of doing so becomes a debt owing to the *City* by the *person* to whom the order was issued in accordance with the *Municipal Government Act*.
26. Any *person* who contravenes a provision of this *Bylaw* is guilty of an offence and is liable on conviction:
- (a) for a first offence, to the specified penalty shown in Schedule “A” of this *Bylaw* in respect of that provision; and
 - (b) for a second offence of the same provision within a twenty-four month period, to a fine of twice the amount of the specified penalty shown in Schedule “A” of this *Bylaw* in respect of that provision.
27. Where, on a prosecution of an offence pursuant to this *Bylaw*, a *person* believes a written approval or permission of the *Director, Waste & Recycling Services* provides that *person* with a defence, the onus of proving that approval or permission was given rests with the *person* relying on the permission or approval.
28. The levying and payment of any fine or the imprisonment for any period provided in the *Bylaw* does not relieve a *person* from the necessity of paying any fees, charges or costs for which he or she is liable under the provisions of this *Bylaw*.

REPEAL

29. Bylaw 20M2001 is hereby repealed.

EFFECTIVE DATE

30. (1) This *Bylaw* comes into force on the day it is passed.
- (2) Despite subsection (1), section 12 comes into force on June 1, 2020.

SCHEDULE "A"
SPECIFIED PENALTIES

<u>Section</u>	<u>Offence</u>	<u>Specified Penalty</u>
5	Scavenge waste	\$125.00
6	Store waste on other's premises	\$250.00
7(1)	Deposit waste without consent	\$250.00
8	Allow offensive odours or untidy waste	\$125.00
10(4)	Remove <i>automated collection containers</i> from <i>residential dwelling</i>	\$125.00
11(1)	Fail to appropriately sort waste materials set out for <i>collection</i>	\$125.00
11(2)	Filled <i>automated collection container</i> exceeds 60 kilograms	\$125.00
11(3)	Fail to properly place <i>automated collection containers</i> for <i>collection</i>	\$125.00
11(4)	Fail to properly separate <i>automated collection containers</i> for <i>collection</i>	\$125.00
11(7)(a)	Set <i>automated collection containers</i> out before 7:00 p.m. on the day before <i>collection</i>	\$125.00
11(7)(b)	Fail to remove <i>automated collection containers</i> from front street by 7:00 p.m. on <i>collection day</i>	\$125.00
13(1)	Set out restricted waste for <i>collection</i>	\$250.00
14(2)	Fail to provide adequate containers at a <i>multi-residential development</i>	\$250.00

14(4)	Fail to deposit <i>residential recyclable material</i> and <i>food and yard waste material</i> in containers at <i>multi-residential development</i>	\$250.00
14(5)	Fail to empty containers at <i>multi-residential development</i>	\$250.00
14(7)(a)	Fail to ensure clear signage posted on <i>waste collection</i> containers	\$250.00
14(7)(b)	Fail to provide information to residents and occupants on proper preparation and storage of <i>waste</i>	\$250.00
14(8)(a)	Occupant of commercial premises fail to provide adequate containers at a <i>multi-residential development</i>	\$250.00
14(8)(b)	Occupant of commercial premises fail to deposit <i>non-residential recyclable material</i> and <i>food and yard waste material</i> in containers at <i>multi-residential development</i>	\$250.00
14(8)(c)	Occupant of commercial premises fail to empty containers at <i>multi-residential development</i> or to ensure <i>recyclable material</i> and <i>food and yard waste material</i> taken to and deposited at designated facility	\$250.00
14(8)(d)	Occupant of commercial premises fail to ensure clear signage posted on <i>waste collection</i> containers	\$250.00
15(1)	Fail to provide adequate containers at a <i>non-residential parcel</i>	\$250.00
15(3)	Fail to deposit <i>non-residential recyclable material</i> and <i>food and yard waste material</i> in containers at <i>non-residential parcel</i>	\$250.00

15(4)	Fail to empty containers at <i>non-residential parcel</i> or fail to ensure <i>non-residential recyclable material</i> and <i>food and yard waste material</i> taken to and deposited at designated facility	\$250.00
15(6)(a)	Fail to ensure clear signage posted on <i>waste collection</i> containers	\$250.00
15(6)(b)	Fail to provide information to occupants on proper preparation and storage of <i>waste</i>	\$250.00
17(a)	Dispose of improper <i>waste</i> at <i>City disposal site</i>	\$250.00
17(b)	Dispose of improperly packaged <i>waste</i> at <i>City disposal site</i>	\$125.00
17(c)	Scavenge <i>waste</i> at <i>City disposal site</i>	\$125.00
18	Dispose of <i>industrial waste</i> without a permit	\$400.00
19	Fail to comply with permit	\$400.00
20(1)	Deposit improper materials at <i>community recycling depot</i>	\$250.00
20(2)	Deposit material beside or around bins at <i>community recycling depot</i>	\$250.00
20(3)	Improperly deposit permitted material at <i>community recycling depot</i>	\$250.00
20(4)	Tamper with, interfere with or damage receptacle or bin at <i>community recycling depot</i>	\$250.00
20(5)	<i>Commercial hauler</i> deposit <i>waste</i> at <i>community recycling depot</i>	\$250.00
21(1)	Deposit improper materials at <i>household hazardous waste depot</i>	\$250.00

21(2)	Deposit <i>hazardous waste</i> generated from a commercial business at <i>household hazardous waste depot</i>	\$1000.00
25	Fail to comply with order	\$1000.00

Text for Discussion

SCHEDULE "B"

WASTE RATES

The rates and charges described in this Schedule are shown for the years 2020, 2021 and 2022, and shall apply in the calendar year indicated (from January 1 to December 31, inclusive).

TABLE 1 DISPOSAL RATES AND CHARGES
(Sections 4(1)(a) and (b))

For waste disposed at a City disposal site	2020	2021	2022
Basic Sanitary Waste	\$113/tonne	\$115/tonne	\$115/tonne
Minimum charge for loads less than 250 kilograms	\$25/load	\$25/load	\$25/load

TABLE 2 DISPOSAL RATES FOR WASTE MANAGEMENT FACILITY ACCOUNT CUSTOMERS
(Section 4(1)(a))

For waste disposed at a City Disposal site (Waste Management Facility)	2020	2021	2022
For less than 1,000 tonnes per month	\$108/tonne	\$108/tonne	\$108/tonne
For 1,000 tonnes or more per month	\$100/tonne	\$100/tonne	\$100/tonne
For 2,000 tonnes or more per month	\$90/tonne	\$90/tonne	\$90/tonne
For 3,500 tonnes or more per month	\$80/tonne	\$80/tonne	\$80/tonne

TABLE 3 BLACK CART PROGRAM RATE
(Section 4(1)(c))

Monthly rates described in Table 3 are based on a thirty (30) day period. The amount billed shall be established by dividing the applicable monthly rate by thirty (30) to derive a daily rate and multiplying the daily rate by the actual number of days in the billing period.

Monthly Rate	2020	2021	2022
Residential <i>Black Cart</i> Program (\$ per 30 days)	\$6.85	\$7.05	\$7.15

TABLE 4 BLUE CART PROGRAM RATE
(Section 4(1)(d))

Monthly rates described in Table 4 are based on a thirty (30) day period. The amount billed shall be established by dividing the applicable monthly rate by thirty (30) to derive a daily rate and multiplying the daily rate by the actual number of days in the billing period.

Monthly Rate	2020	2021	2022
Residential <i>Blue Cart</i> Program (\$ per 30 days)	\$8.80	\$9.10	\$9.25

TABLE 5 GREEN CART PROGRAM RATE
(Section 4(1)(e))

Monthly rates described in Table 5 are based on a thirty (30) day period. The amount billed shall be established by dividing the applicable monthly rate by thirty (30) to derive a daily rate and multiplying the daily rate by the actual number of days in the billing period.

Monthly Rate	2020	2021	2022
Residential <i>Green Cart</i> Program (\$ per 30 days)	\$8.65	\$8.95	\$9.10

TABLE 6 GARBAGE TAG FEE
(Section 4(1)(d))

	2020	2021	2022
<i>Garbage Tag fee</i>	\$3.00	\$3.00	\$3.00

SCHEDULE "C"

RESIDENTIAL RECYCLABLE MATERIAL

The following materials are designated as *residential recyclable material*:

1. Newspaper
2. Catalogues and magazines
3. Mixed paper
4. Shredded paper
5. Telephone books
6. Boxboard and corrugated cardboard
7. Glass food and beverage containers
8. Metal food and beverage containers
9. Aluminum cans, aluminum foil and aluminum foil plates
10. Refundable beverage containers
11. Plastic containers with the recycling symbols from 1-7, except polystyrene foam (including Styrofoam™)
12. Plastic bags
13. Polycoat and aseptic containers (including Tetra Pak®).

SCHEDULE "D"

NON-RESIDENTIAL RECYCLABLE MATERIAL

The following materials are designated as *non-residential recyclable material*:

1. Newspaper
2. Catalogues and magazines
3. Mixed paper
4. Shredded paper
5. Telephone books
6. Boxboard and corrugated cardboard
7. Glass food and beverage containers
8. Metal food and beverage containers
9. Aluminum cans, aluminum foil and aluminum foil plates
10. Refundable beverage containers
11. Plastic containers with the recycling symbols from 1-7, except polystyrene foam (including Styrofoam™)
12. Plastic bags
13. Polycoat and aseptic containers (including Tetra Pak®)
14. Ferrous and non-ferrous scrap metals
15. Clear polyethylene film
16. Dimensional lumber, wooden pallets and other items made of raw and unprocessed wood

SCHEDULE “E”

FOOD AND YARD WASTE MATERIAL

The following materials are designated as *food and yard waste material*:

FOOD WASTE

1. Fruits and vegetables
2. Meat, fish, shellfish, poultry, bones
3. Dairy products (cheese, sour cream)
4. Eggs and egg shells
5. Bread, cereal, crackers and grains
6. Pasta, beans, rice, couscous
7. Cookies, cakes, muffins and pastries
8. Salad dressing, mayonnaise, sauces, dips, gravy
9. Jams, marmalades, chutneys and peanut butter
10. Cooking oils, lard, shortening, butter
11. Coffee grounds, filters and tea bags
12. Chips, popcorn and candy
13. Seeds, pits, nuts and shells

FOOD SOILED PAPER

1. Food-soiled paper towels, napkins and tissues
2. Paper plates

YARD WASTE

1. Plants, flowers and weeds
2. Leaves
3. Grass clippings

4. Branches (up to 15 cm in diameter), twigs and hedge trimmings
5. Sod
6. Household plants, including soil

Text for Discussion

Historical Council Direction for Bylaw 20M2001

Bylaw 20M2001 Amended By	Council Report	Bylaw 20M2001 Amendments
N/A	OE2001-17	<ul style="list-style-type: none"> Bylaw 20M2001 into effect 2001 March 19
38M2003	APA2003-53 b)	<ul style="list-style-type: none"> Changed terminology from General Manager of Solid Waste Services to Director, Waste & Recycling Services (WRS) resulting from the implementation of the Management Accountability Enhancement Project (MAEP) new titles and reporting structure
65M2008	NM2008-21 UE2008-23 UE2008-36	<ul style="list-style-type: none"> Delineated Council and Director authorities for establishing rates, fees, and means for collection Updated WRS 2009-2011 rates for landfill disposal rates, residential recycling rate, and introducing a residential waste management charge as part of financial sustainability review
55M2009	UE2009-28	<ul style="list-style-type: none"> Renamed Bylaw to "Waste and Recycling Bylaw" to delineate the services provided by WRS Updated to include provisions for black cart pilot and blue cart automated collection Moved Community Recycling Depot (CRD) clauses and fines from Community Standards Bylaw to consolidate enforcement of recycling into one bylaw
69M2011	C2011-73	<ul style="list-style-type: none"> Updated WRS 2012-2014 rates for landfill disposal rates, curbside recycling rate, and waste management rate
69M2014	UCS2014-0649	<ul style="list-style-type: none"> Prevented use of CRDs by commercial haulers Established requirements for recycling at multi-residential complexes, as part of the Multi-family Recycling Strategy
70M2014	C2014-0102 C2014-0863	<ul style="list-style-type: none"> Updated WRS 2015-2018 rates for landfill disposal rate, curbside recycling rate, and waste management rate
39M2015	UCS2015-0691	<ul style="list-style-type: none"> Added new sections to implement Industrial, Commercial and Institutional (ICI) waste diversion strategy
40M2016	UCS2016-0692	<ul style="list-style-type: none"> Added new sections to require food and yard waste diversion in the Single Family (SF), Multi-family (MF), and Industrial, Commercial and Institutional (ICI) sectors and enable enforcement of fines
48M2016	C2016-0440 C2016-0863	<ul style="list-style-type: none"> Updated WRS 2017 and 2018 rates for landfill disposal rates and green cart management rate

Bylaw 20M2001 Amended By	Council Report	Bylaw 20M2001 Amendments
45M2017	C2017-1123	<ul style="list-style-type: none"> • Delineated authority to establish rates. Council to continue to set basic sanitary waste rate for waste disposal and minimum charge for loads less than 250 kg. The Director WRS may set rates for disposal of different materials and temporary rates for basic sanitary waste and other types of waste generated during an emergency or natural disaster • Updated WRS 2018 basic sanitary waste rate
47M2018	C2018-0489	<ul style="list-style-type: none"> • Updated WRS 2019-2022 rates for disposal and black, blue, and green cart programs
23M2019	UCS2019-0552	<ul style="list-style-type: none"> • Implemented new Waste Management Facility Account Customer Monthly Weight discount
43M2019	C2019-1052	<ul style="list-style-type: none"> • Updated WRS 2020 rates for black, blue and green cart programs

Description of Changes in Proposed Waste Bylaw

CURRENT Bylaw 20M2001 Section	NEW Proposed Waste Bylaw Section	Change	Rationale
	Throughout	Add headings: Part 1 – Interpretation Part 2 – General Part 3 – Residential Collection Part 4 – Multi-Residential Developments Part 5 – Non-Residential Properties Part 6 – Waste Disposal at City Disposal Sites Part 7 – Other Part 8 – Enforcement	Ease of reference and guidance to content.
	Throughout	<i>Italicize</i> section 2 defined terms throughout the Bylaw.	Identify defined terms throughout.
	Throughout	Change “Waste and Recycling Services” to “Waste & Recycling Services”.	Update spelling of business unit name.
	Throughout	Update language from “no person shall” to “a person must not”.	Clearer language.
	Throughout	Distinguish between “person” and “owner” roles.	Clarify accountabilities and responsibilities of the two parties.
	Throughout	Remove definition and references to commercial bins, and replace with general (undefined) term of waste container.	Changes to service mean that commercial bin is not required as a defined term. However, want to retain provisions related to general waste containers: scavenging and prohibition of depositing waste in a waste container without consent.
1	1	Change Bylaw name from “Waste and Recycling Bylaw” to “Waste Bylaw”.	Align with Bylaw definition of waste, which is inclusive of garbage, recyclables and food and yard waste.

CURRENT Bylaw 20M2001 Section	NEW Proposed Waste Bylaw Section	Change	Rationale
2	2	Remove terms: apartment building, collection services, commercial premises, condominium, duplex, fourplex, litter receptacle, multiplex, rowhouse, single detached dwelling, townhouse, triplex, waste container, waste management, and waste management facility account customer. Modify term definitions for <i>multi-residential development</i> .	Dwelling terms no longer required due to simplification of which customers receive City collection services (section 9). Other terms no longer required. Align term with Land Use Bylaw.
49 to 50.1	2(4) to 2(6)	Move and update wording related to references to other acts, regulations, codes, or Bylaws; independence of Bylaw provisions; and compliance with other laws, regulations, or requirements.	Ease of interpretation.
3(d) 39 to 42	3(d) 17 to 19	Clarify Director authority to establish rules and procedures at City disposal sites. Clarify section requirements applied to waste disposed at City disposal sites.	Clarify WRS ability to address operational requirements and to protect public and employee safety at City disposal sites.
3(f)	3(f)	Amend 3(f) to clarify Director WRS authority to execute agreements, including for collection at multi-residential developments (5 or more dwelling units) and at non-residential parcels.	Clarify existing authority.
42.4(2),(3),(7),(8) and 42.5(1),(2),(6)	3 (j)	Add Director WRS authority to establish guidelines for specification of clear signage and adequate containers 3(j), which had previously been included in the Bylaw provisions.	Improve interpretation and enforcement of bylaw provisions related to signage and adequate containers.
3.1(2)	4(2)	Clarify citizens cannot suspend cart collection service at residential dwellings.	Clarify existing service for ease of interpretation.

CURRENT Bylaw 20M2001 Section	NEW Proposed Waste Bylaw Section	Change	Rationale
Schedule "B" Table 1.a	4(4)(d) Schedule "B" Table 2	Add authority for the Director WRS to enter into customer agreements for discounted waste disposal rates.	Provide WRS additional flexibility to modify the disposal discount rate structure to attract larger customers.
7 to 9.2 and 23 to 25	10 to 12	<p><u>Residential Collection and Collector Safety Changes</u></p> <p>Consolidate requirements for automated collection containers (black cart, blue cart, green cart), rules for collection of waste, and extra waste.</p> <p>Increase space required between carts, behind carts, and between a cart and extra waste from 30 to 50 centimetres.</p> <p>Remove ability to place extra yard waste in bundles outside of the green cart.</p> <p>Remove obsolete references to garbage can specifications, setout location, and placement for garbage hand collection.</p>	<p>Simplify requirements for ease of interpretation and enforcement. Extra waste section includes Tag-a-bag program requirements.</p> <p>Improvements to collector safety.</p> <p>Improvements to collector safety, since extra waste is moved manually.</p> <p>Obsolete requirements due to service change to use of automated collection containers.</p>
16.1 and 42.2 all 42.2(1) to 42.2(1)(b)	9	<p>Delete 42.2.</p> <p>New wording: "(1) Waste collection service is provided to all residential dwellings.</p> <p>(2) Despite subsection (1), the Director, Waste & Recycling Services may direct that collection services not be provided to any residential dwelling if it is operationally impractical to do so."</p>	Clarify customers who are eligible to receive collection services from The City of Calgary.

CURRENT Bylaw 20M2001 Section	NEW Proposed Waste Bylaw Section	Change	Rationale
N/A	2(1)(w), 4(1)(f), 4(4)(e), 12 Schedule "B" Table 6	<p><u>Tag-a-bag Program for Extra Garbage</u> Add defined term <i>garbage tag</i>.</p> <p>Add 4(1)(f) Council authority to set garbage tag fee, and fee in Schedule "B" Table 6.</p> <p>Add Director WRS authority for entering into agreements for consignment of garbage tags. Add requirements for extra garbage.</p>	Support implementation of Tag-a-bag program in June 2020.
42.4(1) to 42.4(8)(d)	14(1) to 14(8)(d)	<p>Modify term from "multi-residential complex" to "multi-residential development".</p> <p>Clarify requirements for source separation, adequate containers and signage, and proper disposal at multi-residential developments.</p>	<p>Align with term in Land Use Bylaw.</p> <p>Ease of interpretation and enforcement.</p>
42.5(1) to 42.6(2)(b)	15 to 16(2)(b)	Clarify requirements for source separation, adequate containers and signage, and proper disposal at non-residential properties.	Ease of interpretation and enforcement.
26 to 38	N/A	<p><u>Commercial Waste and Condominiums</u> Remove Collection from Condominiums and Commercial Garbage sections.</p>	These services are obsolete. Where The City does provide collection services to multi-family developments or commercial customers, collection provisions are specified in the contract.
37 to 38(d)	N/A	Remove references to litter.	Litter is covered by other City Bylaws: Street Bylaw and Parks and Pathways Bylaw.

CURRENT Bylaw 20M2001 Section	NEW Proposed Waste Bylaw Section	Change	Rationale
N/A	2(1)(bb) 3(b) 21(1) to (2) Schedule "A" penalty addition 5	<p><u>Household Hazardous Waste Depots</u> Add defined term for <i>household hazardous waste depot</i>.</p> <p>Add Director WRS authority to specify types of waste accepted, and requirements for use.</p> <p>Add specified penalty amounts of \$250.00 for disposing of improper materials, and \$1000.00 for depositing hazardous waste generated from a commercial business.</p> <p>Add household hazardous waste depot to prohibited location for scavenging (section 5).</p>	<p>Provide rules for use of household hazardous waste depots.</p> <p>Allow for enforcement of illegal dumping, including by commercial businesses at household hazardous waste depots, which is expensive to manage and creates safety risks for City employees managing the depot and citizens using the depot.</p>
3.2	22(b)	Provide Director WRS authority to suspend residential collection services for owner misconduct towards City collectors.	Enhance ability to address unsafe working conditions of employees.
4(2) and 39 to 40.1	23	Consolidate references to vehicles involved in offences in the Enforcement section.	Clarify requirements for owners of vehicles involved in an offence.
Schedule "A"	Schedule "A"	Update to include offence and specified penalty for each relevant Bylaw section.	Some offences in the Bylaw did not previously have an associated penalty in Schedule "A". These have been assigned a specified penalty of \$125.00.



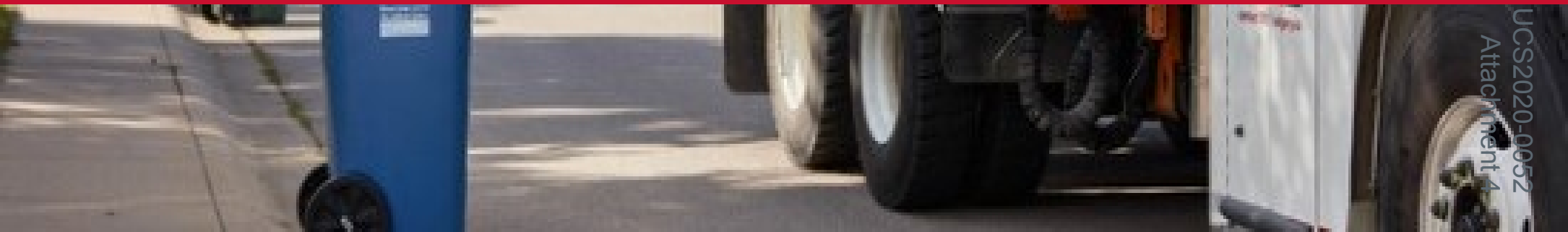
Waste Bylaw Rewrite

UCS2020-0052

ISC: Unrestricted

Standing Policy Committee on Utilities and Corporate Services

29 January 2020





Previous Council Direction

Bylaw 20M2001 came into force March 19, 2001 and has undergone 13 amendments, including for business cycle and budget adjustment rate changes.



Purpose of Bylaw Rewrite

1. Fix inconsistencies in language and requirements created by the series of amendments since 2001
2. Improve clarity and usefulness for citizens and businesses
3. Add requirements for Tag-a-bag program for extra garbage



Notable Changes

1. Incorporated Tag-a-bag program requirements for extra garbage, to come into effect June 1, 2020
2. Added provisions for the provincially regulated Household Hazardous Waste (HHW) program to mitigate illegal dumping and use of these depots by commercial businesses



Notable Changes

3. Provided Director authority to modify the discounted waste disposal rate structure.
4. Eliminated the commercial waste section and reference to condominiums, as these issues are now addressed in contracts where The City provides collection services to these customers.



Risks

Risks associated with not approving this recommendation:

- Tag-a-bag program requirements for excess garbage will not be in place for program implementation in June 2020.
- Continued challenges in enforcing the Bylaw and explaining it to customers.

Risks associated with approving this recommendation:

- There are no identified risks associated with approving this recommendation.



Recommendation

That the SPC on Utilities and Corporate Services recommend that Council:

1. Give three readings to the proposed Waste Bylaw (Attachment 1).

**Deputy City Manager's Office Report to
SPC on Utilities and Corporate Services
2020 January 29**

**ISC: UNRESTRICTED
UCS2020-0126**

**Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy Update and
Rescindment**

EXECUTIVE SUMMARY

The purpose of this report is to notify Council on the updated Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy (the "Updated Policy") that was recently approved by the Administrative Leadership Team (ALT). The purpose of the Updated Policy is to address the recommendations set forth in Recommendation 4 of the Real Estate Acquisitions (Green Line LRT Stage 1) Audit Report (2018-AP04) and to improve how The City of Calgary exercises environmental due diligence when transacting on real property.

In addition to addressing the recommendations contained in 2018-AP04, a recommendation was also made as a result of a collaborative decision between members of City Clerks, Corporate Governance, the Deputy City Manager's Office and Real Estate & Development Services to have the Updated Policy in the form of an administration policy rather than a Council policy. This recommendation was also presented and endorsed at Administration's Corporate Governance Committee.

With the ALT's approval of the Updated Policy as an administration policy, a rescindment of the Council-approved CS004, Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy (the "Policy") is required.

ADMINISTRATION RECOMMENDATION:

That the Standing Policy Committee on Utilities and Corporate Services recommends that Council:

1. Receive for information the updated Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy, as provided in Attachment 1; and
2. Rescind the Council-approved CS004, Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy, as provided in Attachment 2.

PREVIOUS COUNCIL DIRECTION / POLICY

On 2002 April 29, Council approved CS004, the Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy.

On 2009 November 02, Council approved LAS2009-84, Real Property Bylaw 52M2009. The purpose of the Real Property Bylaw is limited to the authorization of transactions and the administration and management of The City's real property undertaken by Real Estate & Development Services.

On 2017 September 13, Council approved UCS2017-0606, Proposed Amendment to Real Property Bylaw 52M2009 – Stage 1.

On 2018 October 10, the City Auditor's Office issued 2018-AP04, Real Estate Acquisitions (Green Line LRT Stage 1) Audit Report. The report included Administration's response to five recommendations set forth by the City Auditor's Office. One of the recommendations was for Administration to update the Policy.

**Deputy City Manager's Office Report to
SPC on Utilities and Corporate Services
2020 January 29**

**ISC: UNRESTRICTED
UCS2020-0126**

**Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy Update and
Rescindment**

BACKGROUND

On 2002 April 29, Council approved the Policy. The Policy was established for the following purposes:

- To ensure that Administration is knowledgeable and informed about any contamination of property that they deal with;
- Provide environmental assessment information to help manage and allocate liability for contamination; and
- To exercise environmental due diligence in property transactions.

Since its approval, the Policy has been subject to two minor revisions. The revisions were to reflect updates to the *Environmental Protection and Enhancement Act RSA 2000 c E-12* in 2002 and general organizational changes to The City of Calgary in 2005.

On 2018 October 10, the City Auditor's Office issued 2018-AP04, Real Estate Acquisitions (Green Line LRT Stage 1) Audit Report. The report includes Administration's response to five recommendations raised by the City Auditor's Office. The real estate team within the Green Line business unit and Real Estate & Development Services ("RE&DS") agreed to implement all five recommendations. Recommendation 4 directed RE&DS to review and update the Policy to include an up-to-date City organizational structure and identify process improvements for large scale projects such as the Green Line LRT.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The Policy was originally approved in 2002 as a Council policy as the need for an environmental liability policy was directed from Council. A Council policy contains policy statements that: are approved by City Council; provide strategic direction on programs and services delivered by The City of Calgary; primarily impact and address residents of Calgary; provide an official position on plans to govern the people of Calgary; and are within Council's jurisdiction under the Municipal Government Act.

In response to Real Estate Acquisitions (Green Line LRT Stage 1) Audit Report (2018-AP04) recommendation, the review of the Policy began in early 2019. During the review process, Administration identified that the Updated Policy aligned more appropriately as an administration policy rather than a Council policy.

An administration policy differs from a Council policy as an administration policy is a policy statement that is approved by ALT focusing on the internal standards of The City of Calgary as a corporation, and primarily impacts and addresses Administration and contractors. As the Policy primarily impacts City employees and contractors rather than residents of Calgary, it was determined that the Updated Policy more suited in the form of an administration policy.

While the Real Property Bylaw provides direction in regards to real estate transactions, the Updated Policy, as an administration policy, will achieve the purposes of the Policy and govern Administration's practices in executing environmental due diligence in real estate transactions.

The Update Policy is comprised of:

- Purpose
- Policy Statements

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2020 January 29**

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UCS2020-0126**

**Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy Update and
Rescindment**

- Definitions
- Applicability
- Legislative Authority
- Roles and Responsibilities
- Consequences of Non-Compliance
- Associated Procedures and Standards
- Amendments
- Reviews

Other amendments were made to the Updated Policy to address Recommendation 4 in 2018-AP04. Process improvements for large scale projects are addressed through the addition of a policy statement and an item to the roles and responsibilities section where Administration will convene a working group to ensure that all transactions for large scale projects will be completed in accordance with the Updated Policy. The Updated Policy reflects the current organizational structures at The City, City business units were changed to One Calgary lines of service and the addition of bylaws and acts were added to the Applicability and Legislative Authority sections in the Updated Policy. Given the approval of the Updated Policy, a rescindment of the Policy is required.

In addition to the Updated Policy, Administration will also develop and implement a Sales, Acquisitions and Leases Environmental (S.A.L.E.) Procedures (the "Procedures") that will be supplementary to the Updated Policy. The Procedures will establish a detailed process and provide additional clarity of roles and responsibilities of RE&DS, ESM and working groups when implementing, exercising the Updated Policy in real property transactions. The Procedures are expected to be completed in early 2020.

Stakeholder Engagement, Research and Communication

Business units including RE&DS, ESM, City Clerk's Office, City Manager's Office (CMO), Law and the Green Line were consulted on the Updated Policy. The Updated Policy presented and endorsed at Administration's Corporate Governance Committee. Business units with projects where RE&DS regularly undertakes property transactions were also consulted on amendments to the Updated Policy. Through this consultation, it was determined that efficiencies can be achieved as certain projects could be undertaking environmental investigations within their project scope. The resulting information can be then reviewed by Administration to determine if any additional environmental work to ensure compliance to the Updated Policy.

Upon approval of the proposed rescindment of the Policy and completion of the Procedures, information sessions will be given to various sections within RE&DS and ESM. These sessions will detail the purpose, policy statements, process and roles and responsibilities associated with exercising environmental due diligence in real estate transactions. These information sessions will help to promote compliance to the Updated Policy and Procedures.

Strategic Alignment

The Updated Policy strategically aligns with and references:

- *Municipal Government Act RSA c M-26*

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Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy Update and Rescindment

- *Environmental Protection and Enhancement Act RSA 2000 c E-12*
- Real Property Bylaw 52M2009 as amended by 32M2017

Social, Environmental, Economic (External)

Social

No implications were identified.

Environmental

The Updated Policy may improve Administration's ability to be knowledgeable of environmental conditions of all properties identified in property transactions which will result in better management and allocation of environmental liability.

Economic

For certain transactions under the Updated Policy, additional environmental testing may be required. This testing may increase costs that are associated with the land transaction. Additional resourcing requirements may also be required by Administration to promptly review the environmental testing results and avoid any delays to the land transaction. However, these additional costs would be considered small compared to the potential environmental liabilities that could be encountered if Administration was not knowledgeable and informed of the environmental condition of the properties on which it transacts.

Financial Capacity

Current and Future Operating Budget:

Not applicable.

Current and Future Capital Budget:

The Updated Policy may increase due diligence costs for capital funded projects, therefore a reallocation of funds may be required to current budgets.

Risk Assessment

If the out of date Policy is not rescinded allowing the Updated Policy to be implemented, Administration is exposed to operational risks and may not be able to exercise proper environmental due diligence in various property transactions resulting in inadequate and/or inaccurate information on the environmental condition of real property. This could lead to financial and liability risks as Administration could be responsible for conducting and funding remediation of previously unknown contamination caused by another party. Improper management of contamination in property transactions could also result in reputational risks. The likelihood of the risks are all considered low but the impact is considered medium.

REASON(S) FOR RECOMMENDATION(S):

The Updated Policy addresses a recommendation set forth in 2018-AP04, Real Estate Acquisitions (Green Line LRT Stage 1) Audit Report. The Updated Policy contains amendments

Deputy City Manager's Office Report to
SPC on Utilities and Corporate Services
2020 January 29

ISC: UNRESTRICTED
UCS2020-0126

Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy Update and Rescindment

that will improve Administration's process in exercising environmental due diligence in real property transactions.

With the ALT approval of the Updated Policy as an administration policy, a rescindment of the Council approved CS004, Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy from 2002 (the "Policy") is required.

ATTACHMENT(S)

1. Attachment 1 – Updated Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy
2. Attachment 2 – Sales, Acquisitions and Leases Environment (S.A.L.E.) Policy (CS004)
3. Attachment 3 – ALT2020-0063, Sales, Acquisitions & Leases Environmental (S.A.L.E.) Policy Update Decision Memo

Category: Administration Policy

Policy Title: Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy
Policy Number: TBD
Report Number: TBD
Adopted by: Administrative Leadership Team
Effective Date: TBD
Last Amended: Not Applicable
Policy Owner(s): Real Estate Services

1. POLICY STATEMENTS

- 1.1 The City may, under certain conditions, sell, acquire, lease or license a Contaminated Site to or from third parties.
- 1.2 The City will review the following Contamination information as part of a Transaction:
 - a. Environmental Review; and/or
 - b. Environmental Assessments.
- 1.3 The City may commission further Environmental Assessments of a Property where it considers it to be warranted.
- 1.4 The City may disclose Environmental Assessments in its possession about a Property provided the environmental consultant that prepared the Environmental Assessment or the owner of the Environmental Assessment has authorized The City to do so.
- 1.5 The City will negotiate the allocation of Liabilities for any Contamination within its Transactions.
- 1.6 The City will negotiate all costs associated with conducting Environmental Assessments for any Transactions with the purchaser, vendor and/or tenant or licensee, as applicable.
- 1.7 The City will convene a Working Group to ensure that all Transactions for Large Scale Projects will be completed in accordance with this administration policy.
- 1.8 The City will implement this administration policy in accordance to the Sales, Acquisitions, and Leases Environmental Procedure.

2. PURPOSE

- 2.1 The purpose of this administration policy is to:

- a. Ensure that The City is knowledgeable and informed about any Contamination of a Property associated with Transactions;
- b. Obtain Contamination information with respect to a Property that will allow The City to manage and allocate Liability through business-case-based real estate recommendations and Transactions; and
- c. To exercise environmental due diligence in Transactions.

3. **DEFINITIONS**

3.1 In this administration policy:

- a. **“Applicable Law”** means all statutes, regulations and bylaws, together with any permits, licenses, approvals, authorizations, consents, directives, orders, policies, guidelines, standards, rules, interpretations and other requirements of any federal, provincial, municipal or other governmental or quasi-governmental body, agency, commission, court, tribunal or authority having jurisdiction and lawfully empowered to make, issue, impose or enforce laws with respect to Contamination or a Contaminated Site;
- b. **“Contaminated Site”** means a Property where Substances occur in concentrations exceeding the maximum acceptable amounts under an Environmental Standard are present in, on or under the site;
- c. **“Contamination”** means the presence of a Substance, as defined in the *Environmental Protection and Enhancement Act* (Alberta), in land or water that exceeds an Environmental Standard, but does not include airborne substances in the atmosphere that have not been introduced into land or water;
- d. **“Easement” or “Easements”** means an agreement granting an interest in land owned by another person, consisting of the right to use such land, for a specific purpose or to prevent it from being used for specific purposes;
- e. **“Environmental Assessment”** means an investigation of the environmental condition of a site and may include, but is not limited to, Phase I Environmental Site Assessment, Phase II Environmental Site Assessment, remedial action plan and report, risk assessment, risk management plan, and other pertinent contamination related records; This does not include a hazardous building materials or pre-demolition assessment or an Environment Review;
- f. **“Environmental Review” or “Environmental Reviews”** means a review and summary of information available to The City of Calgary to identify actual or potential Contamination concerns for a Property and includes recommendations for follow-up; Environmental Reviews are conducted by Environmental Management and are for internal use only;

- g. **“Environmental Management”** means The City of Calgary’s Environmental Management Service;
- h. **“Environmental Standard”** means any regulatory requirement under Applicable Law which prohibits Contamination or establishes a qualitative or quantitative limit on the presence of Contamination;
- i. **“Expropriation”** means the taking of land without the consent of the owner by an expropriating authority in the exercise of its statutory powers;
- j. **“Large Scale Projects”** means any project that requires the coordination of stakeholder services or business units to negotiate and execute one or more Transactions;
- k. **“Lease” or “Leases”** means an agreement between The City of Calgary and a tenant or landlord granting the exclusive use or occupation of a Property during a period of time in exchange for a specified rent;
- l. **“Liability” or “Liabilities”** means any claim, loss, cost, expense, liability, fine, penalty, interest, payment or damage or any government enforcement protection, stop, control or abatement order or any other order or direction from a governmental authority (including reasonable legal and consulting fees and disbursements) associated with or arising from the Contamination of a Property;
- m. **“License” or “Licenses”** means an agreement between The City of Calgary and a licensee or licensor granting non-exclusive use and occupation of a Property during a specific period of time in exchange for a specified license fee;
- n. **“Policy”** means this Sales, Acquisitions, and Leases Environmental (S.A.L.E.) policy, as may be amended from time to time;
- o. **“Property”** means land that is either vacant or improved with buildings and/or other structural improvements;
- p. **“Real Estate Services”** means The City of Calgary’s Real Estate Service that is responsible for the administration of this policy;
- q. **“Right of Way”** means the right to carry pipes, wires, conductors or transmission lines on, over or under land and for other purposes that are registrable under the Land Titles Act (Alberta), but does not include a road right of way;
- r. **“Substances”** means any matter that is capable of being transformed and/or dispersed in the environment, along with any sound, vibration, heat, radiation or other form of energy and any combination thereof;
- s. **“The City”** means The City of Calgary;

- t. **“Transaction” or “Transactions”** means a purchase, repurchase, sale, exchange, Expropriation, gift, tax forfeiture, Lease, License, land dedication, right of first refusal, Easement and Right of Way; and
- u. **“Working Group”** means a team of representatives from stakeholders involved in Large Scale Projects.

4. APPLICABILITY

4.1 This administration policy applies to all Transactions administered by The City in accordance with The City’s Real Property Bylaw 52M2009, as may be amended from time to time.

5. LEGISLATIVE AUTHORITY

5.1 This administration policy is established in accordance to the *Municipal Government Act* (Alberta), the *Environmental Protection and Enhancement Act* (Alberta), and The City’s Real Property Bylaw 52M2009.

6. ROLES AND RESPONSIBILITIES

6.1 *Real Estate Services is responsible for:*

- 6.1.1 Conducting all Transactions on behalf of The City;
- 6.1.2 Administering budget on behalf of The City services and business units to conduct Environmental Reviews and Environmental Assessments;
- 6.1.3 Requesting Environmental Management to conduct Environmental Reviews and Environmental Assessments of Property;
- 6.1.4 Negotiating the allocation of Liabilities for any Contamination within Transactions;
- 6.1.5 Disclosing any Contamination information on a Property to third parties, provided proper authorization has been obtained as outlined in Section 1.5;
- 6.1.6 Convening a Working Group for Large Scale Projects;
- 6.1.7 Reporting the outcomes of any Environmental Reviews and/or Environmental Assessments in its transactional land report to Council through the Standing Policy Committee on Utilities and Corporate Services or to the Management Real Estate Review Committee, through delegated authority; and
- 6.1.8 Developing and implementing the Sales, Acquisitions and Leases Environmental (S.A.L.E.) Procedure.

6.2 *Environmental Management is responsible for:*

- 6.2.1 Providing Environmental Management services in support of Transactions and Working Groups;
- 6.2.2 Conducting Environmental Reviews of Property;
- 6.2.3 Commissioning and overseeing Environmental Assessments of Property; and
- 6.2.4 Developing and implementing the Sales, Acquisitions and Leases Environmental (S.A.L.E.) Procedure.

7. CONSEQUENCES OF NON-COMPLIANCE

- 7.1 Employees that fail to adhere to this administration policy may be subject to disciplinary action up to and including dismissal.

8. ASSOCIATED PROCEDURES AND STANDARDS

- 8.1 Sales, Acquisitions and Leases Environmental (S.A.L.E.) Procedure

9. AMENDMENT(S)

Date	Report Number	Description

10. REVIEW(S)

Date	Description

Policy Title: Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy
Policy Number: CS004
Report Number: N/A
Approved by: City Council
Effective Date: 2002 April 29
Business Unit: Corporate Properties & Buildings

BACKGROUND

- The City of Calgary buys, sells and leases property to support City operations, including strategic planning initiatives. Through these property transactions The City can be exposed to environmental liability due to contamination.
- It is The City's intention to limit its environmental liability associated with contamination, as well as manage the contamination impacts on the environment by identifying and managing existing problems.
- In order to do this, The City must be knowledgeable about the environmental condition of properties it manages. The Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy provides information on property contamination to the relevant stakeholders.
- Corporate Properties & Buildings acts as The City's real estate asset manager and applies the S.A.L.E. Policy to property transactions within their mandate.

PURPOSE

The S.A.L.E. Policy was established to:

- Ensure Corporate Properties & Buildings is knowledgeable about the environmental condition of the properties with which the business unit deals.
- Provide environmental assessment information to help manage and allocate liability for contamination.
- Enable Corporate Properties & Buildings to exercise due diligence in property transactions.

POLICY

- This Policy outlines the environmental assessments or investigations necessary before Corporate Properties & Buildings acquires, disposes of, or leases property.

- This Policy applies only to property transactions within Corporate Properties & Buildings' mandate.

[Please see attached Policy Document](#)

PROCEDURE

- Corporate Properties & Buildings ensures the environmental assessments defined in the Policy are conducted for each type of property transaction. Environmental assessments are managed by the Environmental Management business unit
- Council is advised of the outcomes of the environmental assessments and the allocation of liability through the land reports submitted by Corporate Properties & Buildings to Land and Asset Strategy Committee.

[Please see attached Policy Document](#)

AMENDMENTS

None

2010 revision-policy number change from AMCW004 to CS004 due to department reorganization



Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy

**Issue Date:
2002 March 28**

**Revision #3:
2005 January 13**

 <p>THE CITY OF CALGARY CORPORATE PROPERTIES & BUILDINGS</p>	<p>Corporate Properties & Buildings EnviroSystem Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy</p>	
<p>Document: CPES 446-SALE</p>	<p>Owned By: Corporate Properties & Buildings</p>	<p>Revision #: 3</p>
<p>Issue Date: 2002 March 28</p>	<p>Approved By: Calgary City Council (2002 April 29)</p>	<p>Last Review: 2005 January 13</p>

CORPORATE PROPERTIES & BUILDINGS

Mandate

Corporate Properties & Buildings acts as the City's Landlord, Project Manager, Developer and Real Estate Asset Manager. In those capacities, it acquires and holds all City land for municipal purposes, including strategic planning initiatives. Either on its own or through private public joint ventures, it plans, improves and sells land to support those initiatives and promote economic growth. Real Estate activities are intended to be self-supporting. It provides project management, environmental and property management services to other City departments on a "Client/Service Provider" basis. It seeks to provide Business Unit Clients with viable Real Estate solutions or options.

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1.0 PURPOSE

- 1.1 To ensure that Corporate Properties & Buildings is knowledgeable and informed about any Contamination of Property that they deal with.
- 1.2 To obtain Environmental Assessment information on Property that will allow Corporate Properties & Buildings to manage and allocate Liability through business case based real estate recommendations and Transaction agreements.
- 1.3 To exercise environmental due diligence in Property Transactions.

2.0 SCOPE

This policy applies to Property Transactions within Corporate Properties & Buildings' mandate.

3.0 DEFINITIONS

The following definitions apply to this policy:

"Baseline assessment" means a Phase II ESA, conducted by an external consultant, according to the Canadian Standards Association standard Z769-00.

"Contamination" means the existence of any hazardous or potentially hazardous waste, contaminant, substance or other condition in or on a Property, or emanating to or from a Property, resulting from previous or current human activity, use or occupation which has or could impair the quality of air, land or water, adversely affect human health or damage any plant or animal.

"ESA" means Environmental Site Assessment.

"Environmental assessment" means ESA or environmental review.

"Environmental review" means an internal historical use and database review conducted by Environmental Management.

"Expropriation" means the taking of land without the consent of the owner by an expropriating authority in the exercise of its statutory powers.

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“General land sales” means land that is surplus to The City of Calgary’s needs, developed or undeveloped.

“Lease” means a contract between the property owner and a tenant granting use or occupation of Property during a specified period in exchange for a specified rent.

"Liability" means any claim, loss, cost, expense, liability, fine, penalty, interest, payment or damage or any governmental enforcement protection, stop, control or abatement order or any other order or direction from a governmental authority (including reasonable legal and consulting fees and disbursements) associated with or arising from the Contamination of Property.

“License” means a contract between the property owner and a tenant granting occupation of the Property.

“Phase I ESA” means an environmental site investigation conducted by an external consultant according to Canadian Standards Association standard Z768-01.

“Property” means land that is vacant or improved with buildings and other structural improvements.

“Remnant” means a residual piece of land that is not developable in its own right that is to be consolidated with an adjacent parcel.

“Right of way” means the right to carry pipes, wires, conductors or transmission lines on, over or under land and that is registrable under the Land Titles Act.

“Transaction” means purchase, sale, exchange, expropriation, gifts, tax forfeiture, lease and license agreements; but, excludes statutory land dedication, easements and right of way agreements.

4.0 POLICY

4.1 Sales

4.1.1 Corporate Properties & Buildings may, under certain conditions, dispose of contaminated Property.

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4.1.2 Corporate Properties & Buildings will commission a Phase I ESA on sales of:

- Industrial land;
- General land; and,
- Developable road right of way or road allowances.

Unless a prior Phase I ESA report exists and is deemed to be representative of the current condition of the Property.

4.1.3 Corporate Properties & Buildings will not conduct any Environmental Assessment on Remnant Property.

4.1.4 Corporate Properties & Buildings will disclose any Phase I ESA and other environmental information in its possession about a Property to potential purchasers.

4.1.5 Corporate Properties & Buildings will allow potential purchasers to conduct their own Environmental Assessments on Property.

4.1.6 Purchasers will be responsible for any unidentified Liabilities after completion of the Transaction.

4.2 Acquisitions

4.2.1 Corporate Properties & Buildings may, under certain conditions, acquire contaminated Property.

4.2.2 Corporate Properties & Buildings will have an Environmental Review conducted for each of the following Transactions:

- Purchase or exchange;
- Expropriation;
- Gifts;
- Leases where The City of Calgary is the tenant; and,

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- Tax forfeiture.

4.2.3 Corporate Properties & Buildings will not conduct any Environmental Reviews for the following Transactions:

- Statutory land dedication;
- Easements; and,
- Right of ways.

4.2.4 Corporate Properties & Buildings will, where warranted, commission further Environmental Assessments of Property based on the results of the Environmental Review.

4.3 Leases and Licenses

4.3.1 Corporate Properties & Buildings may, under certain conditions, lease or license contaminated Property.

4.3.2 Baseline Assessments will be conducted prior to leasing or licensing a Property, where the previous use or intended use has been identified as having the potential for Contamination.

4.3.3 Corporate Properties & Buildings will disclose the Baseline Assessment and any environmental information in its possession about a Property to the potential tenant.

4.3.4 Upon expiry of the Lease or License and the tenant vacating the site, an Environmental Assessment will be conducted to verify that the Property remains at its environmental baseline condition.

4.3.5 Corporate Properties & Buildings will not knowingly lease or license Property where the Contamination is inappropriate for the intended use.

4.4 Future Interests

Corporate Properties & Buildings will ensure that its exercise of the option to repurchase or right of first refusal is subject to satisfactory ESAs.

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5.0 RESPONSIBILITIES

- 5.1 Corporate Properties & Buildings has a duty to report releases according to Section 110 of the *Environmental Protection and Enhancement Act*, or the appropriate section as the Act is amended from time to time, and The City of Calgary's *Substance Release Reporting Policy and Procedures*.
- 5.2 Corporate Properties & Buildings will cause to be undertaken remediation or risk management as specified in Section 112 of the *Environmental Protection and Enhancement Act*, or the appropriate section as the Act is amended from time to time.
- 5.3 Corporate Properties & Buildings will negotiate the allocation of Liabilities for Contamination within its Transactions.
- 5.4 Corporate Properties & Buildings will document all Environmental Assessments, disclosure of environmental information and allocations of Liabilities.
- 5.5 Corporate Properties & Buildings will include in its land report to Council through Land and Asset Strategy Committee the outcomes of the Environmental Assessments and the allocation of Liability for all Transactions.

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TABLE OF REVISIONS

Revision #	Completed by	Date (yy/mm/dd)	Revision Description/Comments
Initial Release	-	02/03/28	Business unit issue date.
1	T. Moll	02/04/29	Date SALE Policy approved by Calgary City Council.
2	T. Moll	02/09/16	Update references to EPEA. EPEA revised 2002 May 14.
3	T. Moll	05/01/13	Changes to business unit name, header and footer information, location of controlled copy, CSA standard numbering, and Land Committee name.

2020 January 20

MEMO

SUBJECT: **ALT2020-0063 Sales, Acquisitions & Leases Environmental (S.A.L.E.)
Policy Update**

Please be advised that the Administrative Leadership Team dealt with the above-noted item at its meeting of 2020 January 14. The following is the confirmed decision contained in the minutes:

DECISION OF THE ADMINISTRATIVE LEADERSHIP TEAM

EXECUTIVE SUMMARY

The purpose of this report is to seek authorization of the updated Sales, Acquisitions, Leases Environmental (S.A.L.E.) Policy (the "Updated Policy") by the Administrative Leadership Team (ALT). The purpose of the Updated Policy is to address the recommendations set forth in Recommendation 4 of the Real Estate Acquisitions (Green Line LRT Stage 1) Audit Report (2018-AP04) and to improve how The City of Calgary exercises environmental due diligence when transacting on real property.

With the ALT approval of the Updated Policy as an Administration Policy, a rescindment of the Council approved CS004, Sales, Acquisitions, Leases Environmental (S.A.L.E.) Policy from 2002 (the "Policy") is required.

PROPOSED RECOMMENDATIONS:

That the Administrative Leadership Team:

1. Adopt the proposed amendments to the updated Sales, Acquisitions, Leases Environmental (S.A.L.E.) Policy as provided in Attachment 1;
2. Direct Administration to develop a Sales, Acquisitions, Leases Environmental (S.A.L.E.) Procedures document to supplement the Updated Policy; and
3. Endorse the rescindment of the current Sales, Acquisitions, Leases Environmental (S.A.L.E.) Policy (CS004) by Council.

DISCUSSION

Chris Gusa, Kenneth Tran and Paul Leong were in attendance for this item.

The ALT discussed whether contamination of a City property would be addressed under the SALE policy.

APPROVED RECOMMENDATIONS:

That the Administrative Leadership Team:

1. Adopt the proposed amendments to the updated Sales, Acquisitions, Leases Environmental (S.A.L.E.) Policy as provided in Attachment 1;

Chris Arthurs

2. Direct Administration to develop a Sales, Acquisitions, Leases Environmental (S.A.L.E.) Procedures document to supplement the Updated Policy; and	
3. Endorse the rescindment of the current Sales, Acquisitions, Leases Environmental (S.A.L.E.) Policy (CS004) by Council.	

COMMUNICATING THE DECISION

Upon approval of the Updated Policy, rescindment of the Policy and completion of the Procedure, additional information sessions will be given to various sections within RE&DS and ESM. These sessions will communicate the purpose, policy statements, process and roles and responsibilities associated with exercising environmental due diligence in real estate transactions. These information sessions will help to promote compliance to the Updated Policy and Procedure.

APPROVED

Please contact me if you require further information.

Cheryl Mayberry

Cheryl Mayberry

Office Manager

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