

Bylaw 19362

Amendments to Fines for Dumping Commercial and Construction Waste

Purpose

To amend the Community Standards Bylaw 14600 and the Public Places Bylaw 14614 to create a section and increase the fine for dumping or placing of large items, construction material, and commercial waste on private or public property without permission.

Readings

Bylaw 19362 is ready for three readings.

A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree “That Bylaw 19362 be considered for third reading.”

Position of Administration

Administration supports this Bylaw.

Previous Council/Committee Action

At the February 26, 2020, Community and Public Services Committee meeting, the following motion was passed:

That Administration prepare bylaw amendments to increase the fine amount for dumping commercial and construction waste to \$1,000 and return it to Council.

Report Summary

The current fine amounts of \$250 under the Community Standards Bylaw and the Public Places Bylaw for dumping large items, construction material, and commercial waste are not an effective deterrent, as the fines are not proportionate for the type of violation. In the last five years, Administration has received or investigated 1,063 dumping complaints that led to significant clean up and removal costs. Of these complaints, 401 violations resulted in fines and 164 warnings were issued.

Report

The City of Edmonton and the Government of Alberta have laws that prohibit littering and dumping. In February 2020, Administration provided Community and Public Services Committee information on the City's current litter programs and the potential to increase the fine for dumping on private land because the current fine is not proportionate to the infraction taking place.

Fines are generally set based on the principles that any fine amount should be proportionate to the severity of the offence and act as a deterrent or sanction. In some cases, lower fine amounts can be seen to be insufficient to act as deterrents or be a suitable punishment. Conversely, excessive fine amounts may cause reluctance to issue tickets or convict violators, create increased court challenges, or a perception of heavy-handedness.

Dumping of construction and commercial waste is currently enforced under the littering section of Bylaw 14600 - Community Standards Bylaw. The type and size of construction and commercial waste can vary and the cost of clean-up for these items can be significant.

Given these considerations, Administration recommends that a new section be added to the Community Standards Bylaw and the Public Places Bylaw to specifically deal with this type of waste, and that the fine for this specific type of violation be set at \$1,000. This amount would be both proportional to the offence and consistent with other jurisdictions.

Corporate Outcomes and Performance Management

Corporate Outcome(s): Edmonton is Attractive			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Reduction in illegal dumping	Number of complaints received	2019 - 133 2018 - 204 2017 - 251 2016 - 249 2015 - 196	10 percent reduction

Public Engagement

Public engagement was not conducted as no decision was needed to update this amendment.

Budget/Financial Implications

No budget implications.

Legal Implications

Authority for these bylaw amendments is granted by Section 191 of the *Municipal Government Act*, RSA 2000, c M-26.

Attachments

1. Bylaw 19632

Others Reviewing this Report

- B. Andriachuk, City Solicitor
- C. Owen, Deputy City Manager, Communications and Engagement
- G. Cebryk, Deputy City Manager, City Operations