

DATE OF MEETING JUNE 23, 2021

AUTHORED BY JAMIE ROSE, MANAGER, TRANSPORTATION

SUBJECT REMOVAL OF GARBAGE AND RECYCLING CANS FROM SIDEWALKS

OVERVIEW

Purpose of Report:

To provide a response to the motion passed at the September 30th, 2020 Advisory Committee on Accessibility and Inclusiveness:

“that the Advisory Committee on Accessibility and Inclusiveness recommend that Council direct Staff to prepare a bylaw which prevents garbage cans and recycling cans from being placed on sidewalks, in order to improve accessibility in the City of Nanaimo.”

BACKGROUND

At the September 30th, 2020 Advisory Committee on Accessibility and Inclusiveness (ACAI) the following motion was passed:

“It was moved and seconded that the Advisory Committee on Accessibility and Inclusiveness recommend that Council direct Staff to prepare a bylaw which prevents garbage cans and recycling cans from being placed on sidewalks, in order to improve accessibility in the City of Nanaimo. The motion carried unanimously.”

DISCUSSION

Understanding that garbage or waste receptacles on sidewalks represents a significant barrier to those with vision or mobility challenges, staff reviewed the current process for addressing the matter.

Through a review of the current library of Bylaws, Staff identified multiple options to address the primary concern of garbage or waste receptacles on sidewalks. Depending on the situation either the “Traffic and Highway Regulation Bylaw 1993 No. 5000” or the “Municipal Solid Waste Collection Bylaw 2011 No. 7128” could be applied.

“Traffic and Highway Regulation Bylaw 1993 No. 5000”:

“18. Removal of Chattel, Obstruction, Earth, Mud, Rocks, Stones, Logs, Stumps, Branches, Garden Clippings or Other Things

Except as permitted in this Bylaw or under the Business Licencing Bylaw, no person shall place, deposit or leave upon, above, or in any highway, **sidewalk or other public place** any chattel, obstruction, or other thing which is or is likely to cause a nuisance and no person having the ownership, control or custody of a chattel, obstruction or thing shall permit or suffer it to remain upon, above or in any such highway, sidewalk or other public place.”

or;

“Municipal Solid Waste Collection Bylaw 2011 No. 7128”:

“11. Owner/Occupant Responsibilities

(1) Every owner or occupier of a Dwelling Unit or Commercial or other premises served by the Automated Collection Service shall;

(g) place all wheeled carts as close as possible to the edge of the Street adjoining their Dwelling Unit in a location clearly visible to collection workers, **but not placed so as to obstruct vehicles or pedestrians**; The Director may designate an alternate collection point for the use of specific Dwelling Units.”

With Bylaws in place, it then becomes a question of enforcing them. As with most bylaws within the City of Nanaimo, enforcement is primarily complaint driven so if residents encounter obstructions on a sidewalk, such as garbage or waste receptacles, they would need to contact the Bylaw Enforcement group by phone at 250-755-4422 or email at Bylaw.Info@nanaimo.ca |

CONCLUSION

Based on a Staff review of the motion, it appears that a new bylaw is not needed. The issue is enforceable under existing bylaws and that residents have the ability to request enforcement through the typical Bylaw system. |

SUMMARY POINTS

- “Traffic and Highways Regulation Bylaw 1993 No. 5000” prohibits the placement of unauthorized materials in a public highway or sidewalk.
- “Municipal Solid Waste Collection Bylaw 2011 No. 7128” prohibits the placement of all wheeled carts so as to not obstruct vehicles or pedestrians.

ATTACHMENTS

Attachment A – Links to Bylaw 5000 and Bylaw 7128

Submitted by:

Jamie Rose
Manager, Transportation

Concurrence by:

Poul Rosen
Director, Engineering