
HALDIMAND COUNTY

Report ENV-04-2024 Baygrove Line Waste Collection Options For Consideration by Council in Committee on October 29, 2024



OBJECTIVE:

To provide options for municipal waste collection for residents of Baygrove Line, a Private Road.

RECOMMENDATIONS:

1. THAT Report ENV-04-2024 Baygrove Line Waste Collection Options be received;
2. AND that Option 5 be approved by Council.

Prepared by: Nancy McKinnon, Environmental Operations Supervisor

Reviewed by: Brandon Hedges, Manager, Environmental Operations

Respectfully submitted: Dan McKinnon, General Manager, Public Works Operations

Approved: Cathy Case, Chief Administrative Officer

EXECUTIVE SUMMARY:

During the Council in Committee meeting on August 27, 2024, staff were directed to present options for municipal waste collection for the private road called Baygrove Line at a future meeting. This directive followed a delegation from a Baygrove Line resident. In light of this request, staff have prepared the following response.

Baygrove Line residents received municipal curbside waste collection services through the use of Common Collection Points (CCPs) located at King's Row and Baygrove Line since the inception of Haldimand County until approximately 2016. The Baygrove Line CCPs were plagued with multiple issues over time and while several attempts were made to rectify them, eventually a new approach had to be established. In 2016, the County worked with the willing property owner of Baygrove Line to relocate the CCP onto their private property and it remained there until April 2, 2024. Until that time, the County has had no significant issues or interactions with the users or owner of the CCP other than to collect their waste.

Staff understand that in 2023 the ownership of the property, on which Baygrove Line exists, changed hands and that the new property owner endeavoured to negotiate a new agreement with the residents of Baygrove Line to maintain curbside collection services via a CCP. County staff were notified in March 2024 that the new property owner was changing the conditions for curbside waste collection on their property. Only a small number of residents who fronted Baygrove Line, who remain accessible to the collection vehicle, would continue to receive curbside collection and the existing CCP would cease to function.

While there has been considerable communication between staff, the residents of Baygrove Line and the new property owner, staff remain focused on the facts as they relate to County services. As a result of Committee direction, staff present the options as summarized below. Staff considered many options and recommend no further action be taken on the part of the County and recommend Option 5; the

Baygrove Beach Association negotiate with the Private Road Owner to establish an alternate location for a CCP on Private Property as the best solution.

BACKGROUND:

Common Collection Points (CCPs) are a popular method for providing municipal curbside waste collection services to residents when there is no functional access to their property or their properties do not abut a municipal roadway. While CCPs can be a positive solution to allow for curbside collection, they can also exacerbate many of the operational challenges inherent to curbside waste collection such as litter and debris remaining at the site after collection, ineligible materials being put out for collection, odour and unsightliness to the surrounding neighbourhood as well as the attraction of animals resulting in damage to containers and waste bags. For these reasons, having a single point of contact for the County is essential to ensure these issues can be resolved quickly and the CCP can be a success.

In preparation for the 2015 Request For Proposal for curbside collection of waste/recycling, staff gathered information and presented to Council their findings and recommendations for servicing private properties that included Private Roads, multi-residential structures and trailer parks. Staff were directed to modify the proposed level of service discussed in Report PS-SW-03-2015 in order to provide waste and recycling services to all Private Roads, multi-residential structures, and trailer parks.

On September 2, 2015, staff returned to Council in Committee to seek approval, Report PW-SW-04-2015, for a revised level of service. Council ratified the level of service for Private Roads (further defined in By-law 2501/24) to receive door-to-door service as well as CCPs where the Private Road meets established criteria. As a result, staff were also directed to minimize CCPs along the lakeshore and its Private Roads. A 2014 study determined there was currently 65 CCPs on and around the lakeshore.

Subsequently, and because of the ongoing problems associated CCP at Kings Row, the previous owner of Baygrove Line submitted the necessary paperwork to have the CCP moved onto their property and in the fall of 2016, the new CCP was established. There is no corporate records of any issues with the CCP until the fall of 2023 at which time the new owner contacted the County investigating the potential for it to be relocated elsewhere, although still on the Private Road, but away from the current location near the lake. County staff and the current Service Provider met with the Private Road Owner to see the location they had proposed and it was approved by both the County and the Service Provider on October 11, 2023.

Since providing the County's approval for the new location, there has been considerable communication and interaction with both the landowner and the residents of Baygrove Line. Staff understand that the new owner of Baygrove Line required an agreement to be entered into by the residents for use of the new CCP. It also is staff's understanding that the residents and owner of Baygrove Line have not been able to reach an agreement related to the new CCP. The provision of private property and the precise location of any waste collection for this private road remains a private matter between the landowner and the residents at Baygrove Line. The County's primary role in these scenarios is to ensure the safe operation of collection vehicles, which in this case, with the proposed new CCP, the County was satisfied.

There is currently an Indemnification Form between the County and the Private Road Owner that allows access for six residents to receive door-to-door collection. The remaining 22 residents have the option to take their waste and recycling to the Canborough Waste Management Facility, where the tipping fee is waived as further explained below.

ANALYSIS:

Haldimand County provides curbside waste collection services for all eligible properties within Haldimand County. However, in order to receive these services, eligible properties must regularly satisfy the conditions set out in By-law 2501/24, when properties do not satisfy these conditions, their waste is not collected. Examples of conditions of the By-law include, but are not limited to:

- Eligible material
- Container limits
- Designated day of collection
- Separation requirements
- Material left at the Curbside before or after collection shall be the responsibility of the Premises' Owner.

An important definition included in the By-law relates to where waste is generated and is described in subsection iii) below.

- "Eligible Property" means a Low-Density Residential Premises, Duplex, Multi-residential Building, Multi-residential Structure, Farm Operation and includes a Premises used for one or more Institutional, Commercial or Industrial purpose provided that:
 - i) the receptacle limits set out in Section 15 can be abided by in the normal course of waste generation activity; and
 - ii) the Owner(s) of the Premises is in compliance with this By-law; and
 - iii) the only material set out for curbside collection is material generated on the Premises.

A further definition of the Baygrove Line scenario exists and is as follows;

- mm) "Private Property, also known as 'Private Road', 'Undedicated Road', or 'Private Access'" shall mean roads, laneways, or parking lots, under private Ownership, roads under public Ownership but not dedicated as an open right-of-way, or those roads deemed to be substandard, unmaintained and/or otherwise incapable of providing assured access and egress by the County Waste Hauler to the satisfaction of the General Manager of Public Works, for the purposes of this By-law Private Property is discussed for the purposes of County access, or County contractor access on to Private Property for the purpose of collecting Materials related to this By-law;

In the case of Baygrove Line, the inability to satisfy subsection iii) of the eligibility clause requires the implementation of section E below.

Section E:

37. The County may provide year-round collection of Collectable Material for Private Properties by methods approved by the County. Such collection methods could include Door to Door Service or Common Collection Points.
38. Private Property Owners are responsible for the design and construction of proper and safe residential waste handling systems for their residents on private property, in both urban and rural settings. This includes access routes, storage facilities, collection areas, and with direct access to a municipal street that does not require the collection vehicle to reverse onto the municipal street.
39. Private Property owners are responsible for ensuring all private roads are maintained in good repair which includes but is not limited to repairing potholes, ensuring roads are plowed and sanded/salted during winter months, removing overhanging tree branches that may interfere with the collection vehicles, etc. The County reserves the right to suspend collection services to

any residential, Industrial, Commercial or Institutional development that does not ensure that all private roads are maintained in good repair, until such time as the roads are brought back to a state of repair satisfactory to the County.

It is necessary to read the By-law in its entirety to arrive at a proper interpretation. The By-law makes it clear that the County is not obligated to provide curbside pick up for residents on Baygrove Line. The size and the layout of the road does not meet the requirement of the By-law. The By-law does not give the County the right to mandate a CCP on private property, but does provide the ability to approve them, if the owner of the private road is willing to offer an area suitable to the municipality. The Owner of the Private Road that will serve as a CCP has the legal right to control the use of their property.

Baygrove Line residents assert that the singular criteria of eligibility is the portion of the bylaw that requires the County to resume waste collection services, however the inability to completely satisfy the definitions and the accompanying conditions as set out in the By-law is the reason the County cannot comply with their request. To provide possible options for Council's consideration staff provide the following:

Options for Municipal Waste Collection for Baygrove Line

Option 1 - Reinstate a CCP where Baygrove Line meets King's Row.

PROS	All Baygrove Line residents would receive weekly waste/recycling collection where the Private Road meets King's Row by placing their waste at the side of the municipal roadway, being Kings Row.
CONS	<p>Materials set out which are not acceptable for Curbside collection or materials which have been rendered improperly prepared or separated (i.e. Materials that have been strewn by animals) for Curbside collection shall remain on the property and the responsibility of the Private Road Owner(s).</p> <p>Illegal dumping from surrounding residents/tourists may use this highly visible CCP to dispose of waste.</p> <p>The two residents that live on the constrained corner of Baygrove Line and King's Row would likely have large piles of garbage/recycling every week on property that they maintain.</p> <p>Any contravention of the By-law is likely to result in the same process that was followed in 2016, and concluded with the current state.</p> <p>Bulky Materials pose another concern as the collection area would spill onto the travelled portion of the road or onto the adjacent property owner's property.</p> <p>County's goal of waste diversion is not achieved due to just throwing all waste in a pile.</p> <p>Complaints from King's Row residents, tourists and the general public that may be driving by.</p> <p>Visually unappealing along the lakeshore and counterproductive to the County's tourism generation priorities.</p>
COSTS	If the County deems the site requires a clean up, today's cost to the County is \$307.48 for each occurrence. There would still be disposal fee(s) incurred by the County on material collected and depending on what it is as to whether a regular tipping fee or specialized fee (for hazardous wastes).

RISKS	Success of this option would rely heavily on the ongoing cooperation of the property owners abutting the CCP on King's Row to avoid similar problems at this location as existed prior to 2016.
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Option 2 – Use an existing CCP close by.

PROS	All Baygrove Line residents would receive weekly waste/recycling collection close by.
CONS	This would contribute to the creation of an even larger CCP in an existing area that the County already knows is constrained by the width of the shoulder of the road and unsightly. All the CONS from Option 1 apply.
COSTS	If the County deems the site requires a clean up, today's cost to the County is \$307.48 for each occurrence. There would still be a disposal fee(s) incurred by the County on material collected and depending on what it is as to whether a regular tipping fee or specialized fee (for hazardous wastes).
RISKS	Success of this option would rely heavily on the ongoing cooperation of the property owners abutting the CCP to avoid problems at this location similar to what existed prior to 2016 in the Kings Row area.

Option 3 – Instruct Norfolk Disposal to provide a specialized vehicle to collect all properties door-to-door.

PROS	All Baygrove Line residents would receive waste/recycling collection at the end of their driveway.
CONS	<p>This option has not been implemented by the County elsewhere. This is not the Council-approved. current level of service and therefore is not reflected in the budget, nor in the contracted services agreement. Additionally, should this option be pursued, it is likely to create a precedent of an inconsistent application in the level of services provided. This option is difficult to quantify from a financial perspective but would likely have a significant financial impact, not only related to additional operating costs, but also due to the likelihood of having to cover the capital cost of new vehicles over the life of the contract. This would require the contracted services agreement with the service provider to be opened for negotiation.</p> <p>Seasonal participation causing inefficiencies.</p> <p>This would require permission and an indemnification form to be filled out by the Private Road Owner(s).</p> <p>If approved, this would set a precedence to the other 64 CCPs along the lakeshore within the County, undoubtedly with a significant financial impact, and also requiring permission and indemnification forms to be filled out by the Private Road Owner(s), monitoring of ownership changes, etc. which requires internal administrative resources that do not currently exist. It is also important to note, that not all roads have only a single Owner which makes the coordination in</p>

	obtaining permission and indemnification forms difficult and timely to be executed on an ongoing basis.
COSTS	Staff estimate that the premium for this level of service would be \$10,400 annually for this single location. While this is not significant for this single location, it creates a new service standard that when applied across the County would result in significant costs increases that would impact the tax levy.
RISKS	Success of this option would rely on the ongoing willingness of the private road land owner(s) to participate.

Option 4 – Current state: Do not provide curbside collection and ask residents to take their waste/recycling to the Canborough Waste Management Facility (CWMF), free of charge.

PROS	All Baygrove Line residents would have a place to dispose of their waste/recycling. Promotes the County's goal of diversion.
CONS	Tracking of each residential drop off and having to deduct from financial reports for balancing. Challenges in limiting the drop off to the weekly permitted number of bags. If no limits, this is a different service level than we provide other residents of the County. May have impact to customers of the CWMF, since it could take slightly longer to process vehicles because identification would be necessary to ensure it is a Baygrove Line resident utilizing the free service.
COSTS	Continued minimal cost for the County in hauling and disposal fee, regardless of how it is received at CWMF.
RISKS	Illegal dumping by Baygrove Line residents.

Option 5 (Recommended) – The Baygrove Beach Association negotiate a CCP with the Private Road Owner on their private property that meets the requirements of By-law 2501/24 and the Technical Guidelines. It is our understanding that this option continues to be viable and that the owner of Baygrove line remains willing to provide a CCP on Baygrove Line subject to conditions.

PROS	All Baygrove Line residents would receive weekly waste/recycling collection close by and most similar to previous arrangement. Any illegal dumping or scattered waste would not be visible to the public driving by and would not require County resources to clean up. The two residents that live on the constrained corner of Baygrove Line and King's Row would not have piles of garbage/recycling every week on property that they maintain. A more sightly lakeshore (King's Row area) would be achieved in keeping with the County's tourism promotion and community safety goals.
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	A more consistent approach across the County will exist, meeting the overall intent of the by-law and Council's 2016 direction.
CONS	None to County
COSTS	None to County
RISKS	A CCP on private property carries very little risk for the County and remains a favourable option, especially considering the willingness of the private road owner to enter into an agreement with residents, for this purpose.

FINANCIAL/LEGAL IMPLICATIONS:

There are no financial or legal obligations associated with the recommended options in this report. Should Council select another option, the general cost impact is outlined in the Analysis section but would require a further financial analysis to determine specific budget impacts.

Legal advice was sought with respect to the application of the by-law and confirmed that the above noted information on eligibility, etc. is accurately being interpreted by staff.

STAKEHOLDER IMPACTS:

While staff appreciate the situation is not ideal for some residents of Baygrove Line, there is little the County can do to assist beyond what has occurred presently.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

REFERENCES:

1. By-law 2501/24

ATTACHMENTS:

1. Baygrove Line location map