

Options to Improve Enforcement and Reduce Instances of Illegal Dumping in the Rouge Park

Date:	June 11, 2008
To:	Public Works and Infrastructure Committee
From:	Gary Welsh, General Manager, Transportation Services Jim Hart, Executive Director, Municipal Licensing & Standards
Wards:	Ward 42 - Scarborough Rouge River
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SUMMARY

This report summarizes a number of options and associated financial costs that may be implemented to improve enforcement and reduce instances of illegal dumping in the area of the Rouge Park. Staff believe that permanent physical measures are necessary to reduce instances of illegal dumping in the Rouge Park area.

The majority of illegal dumping in the Rouge Park occurs on Sewells Road. There are a number of lay-bys on Sewells Road that provide the “opportunity” for vehicles to park and illegally dump materials on the side of the roadway. Staff are proposing that barrier-type devices be installed to remove the lay-bys which are presently being used to facilitate illegal dumping.

Staff are also investigating the feasibility of permanently closing Littles Road to a point approximately 700 metres south of Steeles Avenue, East. Permanent closure of this road will deny those responsible for illegal dumping the “opportunity” in this area. In the short term, or until it is feasible to permanently close Littles Road, staff are proposing the temporary closure of this road by installing a gate to prevent unauthorized public access to this road.

Recognizing that permanent changes take time to implement, there are a number of options available to improve enforcement, which, if implemented in a co-ordinated manner by Transportation Services and Municipal Licensing & Standards (ML&S) Division could reduce instances of illegal dumping in this area until such time as more permanent measures are implemented. Temporary enforcement activities which can be used to address illegal dumping in the Rouge Park include:

- piloting the use of surveillance cameras;
- increasing the presence of the City By-law Enforcement Officers;
- updating the existing signage with new “No Dumping” signs;
- promoting a community awareness/reward program; and
- reviewing Chapter 548 of the Toronto Municipal Code, (Littering and Dumping of Refuse).

RECOMMENDATIONS

The General Manager, Transportation Services Division and the Executive Director, Municipal Licensing and Standards Division recommend that:

1. The following be given consideration:
 - a. Eliminate lay-bys on Sewells Road which are currently being used as illegal dump sites by the installation of barrier-type devices;
 - b. Investigate the feasibility of implementing restrictions on stopping, standing and parking on Sewells Road and on Steeles Avenue East in the vicinity of Sewells Road and report to Scarborough Community Council;
 - c. Investigate the feasibility of permanently closing Littles Road and report back to Scarborough Community Council in six months with options for permanently closing this road; and
 - d. Close Littles Road on a temporary basis by installing a gate to prevent unauthorized access to this roadway;
2. Locations be identified for the erection of new “No Dumping” signs to replace existing signs in areas of Rouge Park where illegal dumping occurs; and
3. In consultation with the City Solicitor, Chapter 548 of the Toronto Municipal Code (Littering and Dumping of Refuse), the short form wordings, and set fines, be reviewed to identify those areas where it would be appropriate to raise the set fine from the current \$305.00, plus a victim fine surcharge, to the maximum of \$500.00.

Financial Impact

The financial cost of installing barrier-type devices on Sewells Road and the temporary gate on Littles Road is approximately \$85,000.00 (materials and installation). The cost of installing new signs in the Rouge Park area is approximately \$2,000.00 (materials and installation). Funding is available in the Transportation Services Operating Budget to accommodate these costs.

The financial cost of piloting the use of surveillance cameras in the Rouge Park is estimated to be in the range of \$50,000 (equipment, installation, maintenance and monitoring). Funding for this pilot program will be sought as part of the 2009 Budget process.

DECISION HISTORY

At its meeting of May 02, 2007, the Public Works and Infrastructure (PWI) Committee, received a member motion requesting that the Acting General Manager, Solid Waste Management Services report to the PWI Committee on how to minimize illegal dumping in the Rouge Park. Since staff responsible for this enforcement reside in both Transportation Services and ML&S Divisions, a joint report has been drafted. This report will outline both short and long term measures to reduce instances of illegal dumping in this area.

ISSUE BACKGROUND

The Rouge Park covers a large geographic area which is sparsely populated and ideal for illegal dumping. In 2006, Transportation Services cleaned up approximately 300 tonnes of illegally dumped material on Sewells Road. The cost of this cleanup was in the order of \$100,000.00.

City Council at its meeting of July 22, 23, and 24, 2003 adopted a staff report entitled "Options to Improve Enforcement and Reduce Instances of Illegal Dumping." The primary recommendation from this report was for staff to implement pilot projects in illegal dumping hotspots in the Rouge Park to discourage illegal dumping. In addition, increased funding was provided to Transportation Services in 2004 to hire by-law enforcement officers to address illegal dumping concerns in this area. Two Transportation Services by-law enforcement officers are assigned to this area.

During the period of January to December 2007, these by-law officers investigated 371 instances of illegal dumping in the Rouge Park, of which 29 led to the City taking legal action through the issuance of either Part I Certificates of Offence or Part III Summons.

Of these 29 instances, eight Part III charges were laid, with four convictions, one suspended sentence, and five courts cases still pending. Fines assessed by the court were \$125.00 each. Twenty-one notices of violation were issued with 17 offenders returning to remove their illegally dumped waste.

An analysis of these 371 instances revealed that the majority of illegal dumping in this area is residential-type waste, from the surrounding neighbourhoods (verified by postal codes). This type of dumping is characteristic of new housing developments, where new owners undertake “do-it-yourself” type improvements both inside and outside of their new homes and want to dispose of renovation and/or yard waste.

The second major type of dumping in this area is large amounts of commercial renovation-type waste. The main characteristic of this type of “commercial” dumping is high quantities of renovation/construction-type materials, which suggests that it is being dumped by larger vehicles/trucks.

In both types of dumping, there is seldom any evidence which can be used to identify the culprits, hence the low number of investigations resulting in legal action. Given this situation, staff from both Transportation Services and ML&S agree that a permanent solution to this type of illegal dumping is to deny those responsible the “opportunity” to dump in this area. The best way to limit the “opportunity” is to make permanent changes to the roadways and traffic patterns in this area. Recognizing that permanent changes take time to implement, there are a number of temporary enforcement activities, which, if implemented in a co-ordinated manner by Transportation Services and ML&S, could limit instances of illegal dumping in this area until such time as more permanent solutions are implemented.

COMMENTS

Permanent Physical Measures

Staff believe that permanent physical measures are necessary to reduce illegal dumping in the Rouge Park area.

Sewells Road

Sewells Road runs south from Steeles Avenue East and connects with Old Finch Avenue. The majority of illegal dumping in the Rouge Park occurs on Sewells Road. For that reason, staff have reviewed the feasibility of terminating Sewells Roads at a point approximately two kilometres south of Steeles Avenue East. This would permit access to Standard Auto Wreckers (the sole business which operates on this road) and the residents which are located further to the south, but deny access from the south via Old Finch Avenue.

In this area, Sewells Road is classified as a local road with an AADT of 2115 vehicles. Because Sewells Road provides an important network link to Old Finch Avenue to the south, staff believe this road should not be closed at this time. However, staff believe that other measures (discussed below), should be implemented to reduce the illegal dumping on this roadway.

There are a number of lay-bys on Sewells Road that provide opportunity for vehicles to park and illegally dump materials on the side of the roadway. Staff also believe that the installation of barriers in these areas will help eliminate the opportunity to illegally dump.

The cost of installing barrier devices on Sewells Road is approximately \$80,000.00. Funds are available for this installation in the Transportation Services Operating Budget.

In addition to illegal dumping in lay-bys, significant dumping occurs in the vicinity of 1216 Sewells Road (Standard Auto Wreckers), which is located at the southwest corner of Sewells Road and Steeles Avenue East. This business provides absolutely no on-site parking and, as a result, relies entirely on on-street or boulevard parking for its patrons.

After installing new parts on their vehicles, patrons often find it convenient to discard their old unwanted vehicle parts on Sewells Road. Staff are investigating the feasibility of establishing on-site parking with the owner of Standard Auto Wreckers. In addition, staff and the property owner will discuss the placement of waste bins on private property to collect waste and unwanted auto parts.

Staff are of the opinion that stopping, standing, and/or parking restrictions should be implemented on Sewells Road in the vicinity of Standard Auto Wreckers to minimize the opportunity for illegal dumping. Since these parking restrictions may force patrons of Standard Auto Wreckers to park on Steeles Avenue East, stopping, standing, and/or parking restrictions on Steeles Avenue East should also be investigated. Both of these measures were reported to the Scarborough Community Council on June 10, 2008 and was deferred until January 2009, to give the owner some time to look at alternative parking arrangements.

Littles Road

Littles Road runs south from Steeles Avenue East between 9th Line and Sewells Road. It terminates at a dead end approximately 700 metres south of Steeles Avenue East. Staff are already investigating the feasibility of permanently closing Littles Road. Permanent closure of this road will deny those responsible for illegal dumping the “opportunity” to dump in this area.

In the short term, or until it is feasible to permanently close Littles Road, staff are proposing the temporary closure of this road by installing a gate to prevent unauthorized public access to this road. Staff will work with the property owners who may require legitimate access to Littles Road to ensure they are not denied access rights.

The cost of installing a temporary gate at this location is approximately \$5,000.00. Funds are available for this installation in the Transportation Services Operating Budget.

Enforcement Activities

Enforcement activity is largely undertaken by Transportation Services (Right of Way Management - Scarborough District) and is supported by random patrols by ML&S (Waste Enforcement Team). Despite the presence of Transportation Services by-law enforcement officers, illegal dumping continues in this area.

Until the permanent measures described above are implemented, staff will continue efforts to curb illegal dumping by using a range of enforcement activities which are designed to achieve compliance with the City's various by-laws. Some of the more obvious options range from the visible presence of by-law enforcement officers to the issuance of various notices or certificates of offences/summons et cetera. There are a number of additional options which will be used to address illegal dumping in the Rouge Park including:

- Piloting the use of surveillance cameras;
- Increasing the presence of the By-law Enforcement Officers;
- Updating the existing signage with new "No Dumping" signs;
- Promoting community awareness/reward program; and
- Reviewing Chapter 548 of the Toronto Municipal Code (Littering and Dumping of Refuse).

Surveillance Camera Pilot Program

While the Rouge Park covers a large geographic area which is sparsely populated and ideal for illegal dumping, staff have identified several locations on Littles Road and Sewells Road which are particularly prone to illegal dumping.

Staff are proposing the deployment of two or three digital cameras on a pilot basis to:

- Collect evidence of illegal dumping incidents to support legal action;
- Deter potential dumpers, through the presence of cameras/appropriate signage; and
- Assess the use of cameras as a by-law enforcement tool to deter illegal dumping.

Evidence Collection

Offenders seldom leave evidence with can be used to link illegal dumping to those responsible. The best way to overcome this impediment is to deploy digital cameras, which are motion activated and capable of remote monitoring/recording to gather evidence, such as license plate and suspect description information. This type of evidence would then be used to support appropriate legal action against those responsible for illegal dumping.

Deterrence

The presence of surveillance cameras can be a strong deterrent to illegal dumping at identified locations. A similar pilot project in the City of Windsor demonstrated the effectiveness of surveillance cameras. Removal of the cameras at the end of the pilot project, resulted in instances of illegal dumping returning to previous (pre- pilot) levels in these locations.

For this form of deterrence to be effective, the existence of the cameras must be communicated to the public in general, further supported by appropriate signage in the area under surveillance.

Cameras as Enforcement Tool for Illegal Dumping

The use of surveillance type cameras to ensure public safety and physical security is becoming widely accepted in our communities. The City already uses cameras to ensure safety and security at various city buildings/facilities, and is subject to the City's Security Video Surveillance Policy. Red light cameras are being used in the Toronto Police Service as an enforcement tool to enforce the *Highway Traffic Act*.

ML&S is interested in assessing the effectiveness of surveillance cameras as an enforcement tool for addressing illegal dumping. Staff are proposing that a project team from ML&S be established to oversee this pilot program in relation to the Rouge Park. Legal Services, Risk Management, Corporate Security, and Corporate Access & Privacy will all be consulted prior to the deployment of these cameras.

The estimated cost of purchasing, installing, maintaining and monitoring the cameras is in the range of \$50,000.00. Funding for this pilot project is not included in ML&S' 2008 operating budget. Funding for this pilot program will be included in the 2009 budget process.

Joint Enforcement - Transportation Services and Municipal Licensing & Standards Divisions

Current enforcement activities in the Rouge Park are undertaken by two by-law enforcement officers from Transportation Services (Right-of-Way Management), while ML&S conducts random patrols of this area.

Transportation Services and ML&S will implement changes (for example, scheduling, patrol routes) to facilitate the pooling of resources with the goal of extending daily coverage of this area beyond the current level. Extending daily coverage will help deter some instances of illegal dumping in this area.

In addition, Transportation Services and ML&S will also review existing resource levels to determine the feasibility of extending coverage to evenings and weekends, subject to appropriate officer safety and supervisory considerations.

Replace Existing No Dumping Signs

Transportation Services and ML&S have surveyed the existing “No Dumping” signs in this area and observed several different types of signs in use, (including those with differing messages, by-law numbers, phone numbers) dating back to the former City of Scarborough. Additionally, many of the signs are faded and show signs of damage or vandalism. The general condition of these signs sends a signal to people intent on illegal dumping that this area is neglected and not a high priority. Given this situation, it is necessary to replace existing signs with the new yellow signs, with black lettering.

The erection of new “No Dumping” signs to replace existing signs will act as a general deterrent to illegal dumping. City Council has previously approved the format of these signs. Each sign sets out the maximum fines for illegal dumping and include reference to the existing by-law. The approximate cost of a new sign, including installation, is approximately \$150.00.

Additional signs will be installed, where necessary, to advise the public that particular areas are under surveillance by camera as part of the Surveillance Camera Pilot Program, outlined above.

Community Awareness

Although the City’s Littering and Illegal Dumping By-law has widespread support, incidents of illegal dumping continue to occur in this area. This is because the area in question is in a remote, sparsely populated area of the City. However, the area in question does experience a moderate level of through traffic, as people travel through this area to their neighbourhoods from Steeles Avenue. An important strategy to address illegal dumping in this area will be to engage residents who drive through this area, and motivate them to be aware of, and to report, incidents of illegal dumping.

To assist with changing people’s attitudes and behaviour about illegal dumping, ML&S will partner with community newspapers and outlets to engage the community with identifying illegal dumping sites in local neighbourhoods, assessing the causes, proposing possible solutions and assessing the overall success of those solutions. Over time, this approach will help engage the community and assist with changing people’s attitudes about illegal dumping.

Public service notices (including a hotline telephone number and photos of recent dumping incidents) will be inserted in local community newspapers to alert area residents to the problem. In addition, public service spot checks will be conducted by by-law enforcement officers on local roads, adjacent to dumping hotspots, to alert area residents

to the problem. Informational pamphlets will be handed-out to highlight recent dumping incidents, and will include hotline telephone numbers. ML&S will work with Corporate Communication to develop appropriate messaging and communications tools to raise community awareness of this problem.

Proposed Illegal Dumping Reward Program Pilot Project

To further support enforcement activities in this area, Staff will investigate the feasibility of implementing a reward program to encourage citizens who witness instances of illegal dumping to come forward and provide testimony in court. To be successful, the reward program must be linked to a conviction in court. A pilot project in the Rouge Park will assist staff in determining whether such a reward program for reporting illegal dumping activity would have any merit in reducing instances of illegal dumping across the city.

Littering and Dumping of Refuse (Chapter 548)

City Council, at its meeting in July 2003 approved a number of initiatives aimed at reducing instances of illegal dumping, including the development of a new Chapter in the City of Toronto Municipal Code that deals solely with illegal dumping and littering infractions across the City. The Littering and Dumping of Refuse By-law, (that is, Chapter 548), was adopted by City Council on July 22, 2004.

This By-law prohibits the dumping of waste, (that is, no person shall place, dump, or deposit or permit to be placed, dumped, or deposits any quantity of waste on any land ... within the City). Any person who contravenes the By-law is guilty of an offence and upon a first conviction is liable to a fine of not more than \$10,000.00 and \$25,000.00 for any subsequent conviction. Any corporation which contravenes the By-law is guilty of an offence and upon a first conviction is liable to a fine of not more than \$50,000.00, and \$100,000.00 for any subsequent conviction.

Set fines for the Part I and Part II of the *Provincial Offences Act (POA)* are set by the Senior Regional Justice of the Ontario Court of Justice. The maximum set fine for an offence under Parts I or II of the *POA* is \$500.00. The current set fine for illegal dumping is \$305.00, plus a victim fine surcharge¹

When dealing with a repeat offender, or in instances of a serious nature, a by-law officer has the option of issuing a Part III – Summons. The set fines established under Part I or II of the *POA* do not apply to Part III proceedings. In Part III Proceedings, individuals convicted of illegal dumping are liable to a fine of not more than \$10,000.00 for a first offence, and \$25,000.00 for any subsequent conviction. Corporations convicted of a first offence are liable to a maximum of \$50,000.00 for a first offence, and \$100,000.00 for any subsequent conviction.

¹ [The Victims' Bill of Rights](#) , proclaimed in 1996, was an important step in acknowledging and responding to the needs of victims of crime. Under the Act, a surcharge applied to provincial and federal fines is credited to a special fund to assist victims of crime.

Previously, staff have recommended that raising the maximum set fine to \$500.00 will not have the desired deterrence effect and could result in increasing staff time in court. Staff have modified their view and now believe that raising the maximum set fine to \$500.00 is appropriate because it will send a stronger message to the public about the City being serious in enforcing its waste bylaws and seeking appropriate penalties.

Staff are therefore recommending that short form wordings and set fines for Chapter 548 of the Toronto Municipal Code (Littering and Dumping of Refuse) be reviewed to identify areas where it would be appropriate to raise the set fine to the maximum of \$500.00.

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