

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 5795-06

BEING A BY-LAW RESPECTING WASTE COLLECTION

SOLID WASTE MANAGEMENT BY-LAW

WHEREAS, Section 11 of the Municipal Act, S.O. 2001. c. 25, provides authority to pass by-laws respecting waste collection;

AND WHEREAS, the Council of the Corporation of the Town of Whitby considers it necessary and expedient to pass such a by-law;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

Definitions and Interpretation

Section 1. Definitions.

As used in this by-law, the following terms have the meanings indicated:

ANIMAL EXCREMENT – Excrement from any household pet including, but not limited to, dogs and cats, and also includes all material that has come into direct contact with the excrement and all material contaminated with the excrement.

APPROVED RECEPTACLE – A receptacle designated and approved for residual garbage, recycling, yard waste, and organics collection.

ASHES - The solid residue of any household fuel after such fuel has been consumed by fire, but does not include soot.

BAG LIMIT SYSTEM – A limit on the number of items of collectible residual, recyclable, yard waste or organic wastes allowed each week and involves an economic incentive imposed upon a waste generator to promote waste reduction by making the generator of the waste more fiscally responsible for the management and disposal of that waste.

BAG TAG – A tag, sold by the Town to an occupant/owner to enable an owner/occupant to set out a number of residual garbage receptacles which exceeds the prescribed limit set out in Section 10.

BIODEGRADABLE COMPOSTABLE BAG - A bag that has been specially designed to degrade with the organic material as the organics decompose.

BUILDING MATERIALS - All waste materials including but not limited to, waste generated from constructing, renovating and repairing of any structure or landscaping of a property.

BUNDLE – A bundle of materials which is securely tied with a non-ferrous material and weighs less than 20.0 kilograms which shall be approximate size of blue box or a bundle of branches, or other waste materials that are collected, which is securely tied with a non-ferrous material and which does not exceed 0.8 metres in length or height and 0.5 metres in width or 20.0 kilograms in weight.

CFC STICKER – A sticker sold by the Town to facilitate the cost to extract refrigerant from appliances which have contained a refrigerant.

CLEAR TRANSPARENT PLASTIC BAG – A plastic bag that is made from a plastic resin in which no colour dyes have been added.

COLLECTION PERIOD – A period of time during which the Town provides services, which period commences at 7:00 a.m. on a specified day and concludes at 4:00 p.m. the same day.

COLLECTION POINT – The part of a property eligible to receive services that has been designated by the Director for the setting out and collection of residual garbage, recyclable materials, organic materials, yard waste and items eligible for special collection services.

COMMERCIAL COMPLEX - A group of commercial uses designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants as opposed to a business area comprising unrelated individual commercial uses.

COMMERCIAL ESTABLISHMENT - A building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail or in which a service is provided internally or externally but does not include a commercial complex or an industrial establishment.

COMMERCIAL/RESIDENTIAL MIXED PROPERTY – A commercial property composed of one or more outlets, where goods or materials are kept for sale, or offered for sale to the general public or where services are provided, with on-site, off street parking and includes residential accommodation on the second storey or above the second storey.

CONTAMINATION – The mixing of an item referred to in the list below with a different item described in the list below:

- a) Recyclable materials.
- b) Residual garbage.
- c) Yard waste.
- d) Organic materials.
- e) Prohibited waste.

CONTRACTOR – Any individual, firm, company or corporation and the employees of any such individual, firm, company or corporation with whom the Town or the Region has entered into a contract or agreement for the collection of solid waste.

COUNCIL - The Council of the Corporation of the Town of Whitby.

DEPARTMENT – The Town's Operational Services Division of Public Works.

DIRECTOR – The Director of Public Works for the Corporation of the Town of Whitby and includes his or her designate, authorized to act on his or her behalf.

DWELLING ROOM – A room used or designated for human habitation which has culinary or sanitary facilities, but does not include:

- a) A room in a dwelling unit or in hotel, motel, tourist or guest home;
- b) A bathroom or kitchen; or
- c) A windowless storage room that has a floor area of less than 10 square metres.

ELECTRONIC/ELECTRICAL WASTE – Waste Electric and Electronic Equipment as defined by the Ontario Regulation 393/04, as amended.

HOUSEHOLD RESIDENCE – A building containing dwelling rooms and/or fewer than two dwelling units.

INDUSTRIAL, COMMERCIAL and INSTITUTIONAL WASTE – Waste originating from:

- a) Any business or Institutional Establishment;
- b) An enterprise or activity involving warehousing, storage or industrial, manufacturing, or commercial processes or operations,
- c) Research or an experimental enterprise or activity;
- d) Clinics that provide medical diagnosis or treatment
- e) Laboratories or hospitals;
- f) An enterprise or activity where goods or materials are kept for sale, or offered for sale, to the general public'
- g) Construction or demolition projects or home renovations.

INSTITUTIONAL ESTABLISHMENT – Includes, but is not limited to, a building that is a seniors' home, place of worship, day care, community shelter or school.

ITEM - Includes a receptacle, electronic/electrical waste, white goods or other material of a similar nature as defined in Sections 11, 12 and 13 of this by-law and shall pertain to the number of items collected by the Town in each of the solid waste collection programs.

MECHANICAL COLLECTION – The collection of residual garbage and recyclable materials in containers described in Sections 11B(1) and 12B(1).

MULTIPLE HOUSEHOLD RESIDENCE - A building used mainly for residential purposes which contains two or more dwelling units.

OCCUPIER – Shall mean an occupier as defined in the Occupiers' Liability Act, R.S.O. 1990, c.0.2, as amended, and includes:

- a) A person who is in physical possession of a premise: or
- a. A person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises, despite the fact that there may or is more than one occupier of the same premises.

OCCUPIER / OWNER – Includes any person who is an owner, lessee, tenant or any person who is an Occupier of any land or building in the Town.

ORGANIC COLLECTION SERVICES – The services provided by the Town for the removal of organic materials from residential properties in the Town.

ORGANIC CONTAINER – A container approved by the Town to be used for setting out organic materials which meets the requirement set out in Section 13C.

ORGANIC MATERIALS – The items, other than recyclable materials and yard waste, referred to in Schedule B of this by-law.

PERSON – A corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

PROHIBITED WASTE – The waste items referred to in Schedule C of this by-law.

PUBLIC PROPERTY – Any land or building that is owned by an area municipality in the Town, a Local Board, the Region, or the Crown in Right of Ontario, the Crown in Right of Canada or any emanations thereof.

RECYCLABLE MATERIALS – The waste items, other than yard waste and recyclable materials, referred to in Schedule B of this by-law.

RECYCLING CONTAINER – A container for setting out recyclable materials which meets the requirements contained in Sections 12A and B.

RECYCLING COLLECTION SERVICES – The services provided by the Region for the removal of recyclable materials from residential properties in the Town.

REFRIGERANT – The cooling liquid used in refrigerators, freezers, air conditioners, heat pumps or any other device or appliance that uses a refrigerant.

REGION – The Regional Municipality of the Region of Durham.

REGULATION 347 – Regulation 347, R.R.O. 1990, under the Environmental Protection Act, as same may be amended or replaced from time to time.

RESIDENTIAL DWELLING UNIT - A self-contained residential dwelling unit designed for habitation by one person or by two or more persons living together which consists of a room or suite of two or more rooms in which both culinary and sanitary facilities are provided for the exclusive use of the person or persons and which is permitted by law that is:

- a) A single family detached residence;
- b) A semi-detached residence;
- c) A unit in a duplex, triplex, four-plex; or
- d) A unit in an apartment building, condominium complex, townhouse complex, co-op complex or other similar residential complex containing three or more dwelling units.
- e) A legalized basement apartment
- f) Does not include an apartment within a residence described in items a), b), c), d) or e) above.

RESIDENTIAL PROPERTY - A household residence or a multiple household residence.

RESIDUAL GARBAGE – All manner of domestic dry waste, refuse, ashes and other domestic waste other than recyclable materials, organic materials, yard waste, items for which special collection services are provided and prohibited waste.

RESIDUAL GARBAGE RECEPTACLE – An approved receptacle for setting out residual garbage which meets the requirements contained in Section 11A and B.

SAWDUST – Dust or fine particles (as of wood or stone) made by a sawing, sanding or cutting.

SET OUT – The placement at a collection point of an item with respect to which the Town provides services.

SOLID WASTE - All matter of residual garbage, yard waste, kitchen organics, recyclable material, rubbish and debris, but does not include non-collectable or prohibited waste.

SPECIAL COLLECTION FEE - A fee charged to the person of a residential property, for additional special collection services over the prescribed limit of one (1) per calendar year or over the prescribed limit of twelve (12) items per collection, and to all industrial, commercial and institutional properties that receive municipal curbside collection services.

SPECIAL COLLECTION SERVICES – The services provided by the Town under this by-law for the collection of items referred to in Schedule A of this by-law.

- a) Industrial, Commercial and Institutional properties which receive curbside waste collection services must pay a fee of \$75.00 for a special collection.

SPECIALLY EQUIPPED BUILDING – A multiple household residence which has a stationary compactor unit and garbage containers(s).

STREET – Any public highway, road, lane, alley, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles within the jurisdiction of the Town and include the area between the lateral property lines thereof but does not include unopened or unassumed highways.

TOWN – The Corporation of the Town of Whitby.

WASTE COLLECTION SERVICES – The services provided by the Town under this by-law for the removal of residual garbage from residential, Industrial, Commercial and Institutional (IC&I) properties within the Town.

WHITE GOODS – Include, but are not limited to, refrigerators, freezers, air conditioners, stoves, washers, dryers, dishwashers, hot water tanks, metal bathtubs and metal sinks, but do not include these materials when discarded as a result of renovations to a multi-residential complex, hotel or motel.

YARD WASTE – The waste items, other than recyclable materials and organics materials referred to in Schedule B of this by-law.

YARD WASTE COLLECTION SERVICES - The services provided by the Town under this by-law for the removal of yard waste from residential property within the Town.

YARD WASTE CONTAINER – A container for setting out yard waste which meets the requirements contained in Sections 13A and 13B.

Section 2. Interpretation.

- A. The necessary grammatical changes required to make the provisions hereof apply to corporations, partnerships, trusts, and individuals, male, or female, and to include the singular or plural meaning where the context so requires, shall in all cases be assumed as through fully expressed.
- B. The insertion of headings and the division of this by-law into sections and subsections are for convenience or reference only and shall not affect the interpretation thereof.

Collection Services

Section 3. Eligibility for services.

- A. Subject to the terms and conditions contained in this by-law and any directives issued by the Town Council from time to time, the Town shall collect residual garbage, recyclables materials, organic materials, yard waste and items eligible for special collection services from residential properties.
- B. Subject to the terms and conditions contained in this by-law and any directives issued by the Town Council from time to time, the Director shall determine, which Industrial, Commercial and Institutional properties will be eligible for curbside waste collection services.

- C. No person shall set out waste for collection or be eligible to receive services unless the person complies with all relevant requirements contained in this by-law or in the case of new or redeveloped residential properties, commercial, industrial or institutional properties, they comply with the Town's policies regarding the assumption of services and the waste collection requirements contained therein.
- D. No person shall set out for collection waste that is contaminated with other wastes or is a prohibited waste.
- E. Every person of a multiple household residence shall ensure that specific recycling and organics instructions, pertaining to the solid waste management services that the Town provides for residents are posted in locations at the multiple household residences as designated by the Director.
- F. The Director may determine that persons who do not participate fully in the Town's or Region's collection of recyclable materials and organic materials or who sell or otherwise transfer recyclable or organic materials to persons other than the Town are not eligible to receive services.
- G. No owner shall be eligible to receive or to continue to receive services unless the owner sets out for collection all waste in respect of which the Town provides services to the owner.
- H. The Town may, from time to time, designate which types of waste are collectible from which types of premises, located in which areas of the Town.

Section 4. Frequency of residual waste collection services.

- A. The Town shall collect residual waste from household residences and multiple household residences who receive curbside collection:
 - 1) No more than once every week if the household or multiple household residence does not receive organics collection services.
 - 2) No more than once every two weeks if the household or multiple household residences does receive organics collection services.
- B. The Town shall collect residual waste from multiple household residences who receive mechanical collection:
 - 1) No more than twice per week from multiple household residences that do not receive organics collection.
- C. The Town shall collect residual waste those designated Industrial, Commercial and Institutional Properties who are deemed eligible to receive curbside waste collection service:
 - 1) No more than once per week from Industrial, Commercial and Institutional properties within the downtown business improvement areas.
 - 2) No more than once every two weeks from Industrial, Commercial and Institutional properties outside of the downtown business improvement areas.
- D. Despite Subsection C, all Industrial, Commercial and Institutional properties are required to provide private waste management collection services in accordance with municipal bylaws governing waste management requirements on private property and property standards.

- E. The Director shall determine the frequency of residual waste services from multiple household residences who receive mechanical collection and that at no time shall service exceed twice per week.
- F. Despite Subsection A, the Director may adjust the frequency of collection services to any household residences and multiple household residences as deemed appropriate.

Section 5. Frequency of recycling collection services.

- A. The Region or an agency on behalf of the Region of Durham shall collect recyclable materials from household residences, multiple household residences and Industrial, Commercial and Institutional properties who receive curbside collection:
 - 1) No more than once every week for those household, multiple household residence and Industrial, Commercial and Institutional properties who receive curbside collection services.

Section 6. Frequency of yard waste collection services.

- A. The Town shall collect yard waste from household residences and multiple household residences who receive curbside collection:
 - 1) No more than once every second week, from those household, and multiple household residence properties who receive curbside collection services during the months of April, May, June, July, August, September, October, November and part of December.
- B. Despite Subsection A, if, in the opinion of the Director, a multiple household residence has a suitable location for on-site composting or if a private contractor is employed for the purposes of lawn and garden maintenance at the multiple household residence, the Director may elect not to provide yard waste collection to the multiple household residence.

Section 7. Frequency of organic food waste collection services.

- A. The Town shall collect organic food waste from household residences and multiple household residences who receive curbside collection:
 - 1) No more than once every week from the household, and multiple household residence properties who receive curbside collection services.
 - 2) No organic food waste collection service shall be provided for those Industrial, Commercial and Institutional properties who receive curbside collection without the express consent of the Director and where service is granted no more than once every week.
 - 3) No organic food waste collection service shall be provided for those multiple household residence properties who receive mechanical collection services, except where the Town as implemented a organics collection program for those multiple household residence properties.

Section 8. Special Collection Services.

- A. The Town shall provide special collection services to an owner with respect to the items referred to in Schedule A of this bylaw, provided that:
 - 1) The owner contacts the Department prior to setting out the item or items requiring special collection services; and

- 2) The owner complies with all directions of the Department with respect to the preparation of the affected item or items for setting out for collection.
- 3) No more than twelve items shall be collected at any one time free of charge.
- 4) The owner shall be entitled to receive only one special collection service within the calendar year.
- 5) The owner shall pay all fees necessary for additional items to be collected or for additional special collections to be provided.
- 6) An owner shall ensure the doors are removed or secured from any appliances eligible to be collected under this section before setting out the appliance for collection.
- 7) Special collection services shall be provided by the Town on a "first requested, first serve" basis.
- 8) The Director may refuse or limit the amount of special collection services provided to an owner.

Section 9. Collection of prohibited waste.

- A. The Town shall not collect prohibited waste.
- B. No person shall set out prohibited waste for collection by the Town, either on its own or mixed with any waste with respect to which the Town provides services.

Section 10. Collection limits.

- A. No owner of a household residence who receives curbside residual waste collection shall set out for collection any combination of residual garbage receptacles which exceeds four (4) in number.
- B. No owner of a household residence or multiple household residence, who receives curbside yard waste collection shall set out for collection any combination of yard waste receptacles which exceeds sixteen (16) in number, during the collection period from mid-April to mid-December, with the exception of leaves during the month of November.
- C. No owner of a multiple household residence who receives curbside collection shall set out for collection any combination of residual garbage receptacles which exceeds four (4) per dwelling unit.
- D. There shall be no limit on the amount of recyclable materials or organic materials which may be set out by an owner of a household residence, provided that the owner of the household residence complies with all relevant provisions of this by-law.
- E. Despite Subsection A, B and C, an owner may set out a number of residual garbage receptacles which exceeds the limit set out in Section 10 if:
 - 1) The owner has purchased from the Town a bag tag and has attached a tag to each receptacle over the prescribed limit.
 - 2) The Director has allowed an exemption for that property and the owner complies with all other applicable provisions of this by-law.

Requirements for Regulation Containers

Section 11. Residual garbage receptacles.

- A. Owners of household residences and multiple household residences who receive curbside collection shall use a receptacle described below for setting out residual garbage:
- 1) A clear transparent plastic bag measuring approximately 66 centimetres (26 in.) by 90 (36 in.) centimetres and capable of supporting 20 kilograms when lifted.
- B. Owners of multiple household residences who receive mechanical collection shall use a container described below for setting out residual garbage:
- 1) A properly covered watertight metal container, in sound and good working order, with a capacity greater than 1.76 cubic metres and less than 4.6 cubic metres which has a maximum weight of 1,500 kilograms when full and is compatible with the equipment used by the Town for the provision of residual garbage collection services; or
- C. Any other receptacle, in good working order designated by the Director as acceptable for setting out residual garbage.

Section 12. Recycling containers.

- A. Unless otherwise required under this by-law, owners of household residences and multiple household residences who receive curbside collection services shall use a receptacle described below for setting out recyclable materials:
- 1) A blue box which meets the requirements of the Region; or
 - 2) Such other receptacle which meets the requirements of the Region or designated as acceptable for setting out recyclable materials.
- B. Owners of multiple household residences who receive mechanical collection shall use a receptacle described below for setting out recyclable materials:
- 1) A 96 gallon plastic tote equipment with wheels which is compatible with the equipment used by the Region for the provision of recycling collection services;
 - 2) Such other container, in good working order, provided by the Region, or designated by the Director as acceptable for setting out recyclable materials.

Section 13. Yard waste containers and organics containers.

- A. Unless otherwise required under this by-law, owners of household residences and multiple household residences approved by the Director shall use an approved receptacle described below for setting out yard waste:
1. A rigid open top receptacle in good working order:
 - a) With a capacity of not less than 20 litres nor more than 100 litres;
 - b) With an external height no greater than 82.5 centimetres (32.5 in.);
 - c) With an internal width or diameter no greater than 50 centimetres (20 in.);
 - d) That is capable of supporting 20 kilograms when lifted; and,
 - e) With handles set above the midpoint of the containers; or,
- B. Kraft paper bag constructed of wet strength Kraft paper specifically designed for leaf and yard waste material and:

- a) With a height no greater than 90 centimetres and no less than 85 centimetres;
 - b) With a width of no greater than 41 centimetres and no less than 37 centimetres;
 - c) With a depth of no greater than 31 centimetres and no less than 27 centimetres;
 - d) That has a capability to be securely closed when filled; and,
 - e) That is capable of supporting 20 kilograms when lifted.
- C. Unless otherwise required in this by-law, owners of household residences and multiple household residences who receive curbside collection services shall use a receptacle described below for setting out organic materials:
- a) An organics receptacle which is provided by the Region;
 - b) An biodegradable compostable bag of such size and dimension as approved;
 - c) Such other container designated by the Director as acceptable for setting out organic materials; and,
 - d) A kraft paper bag.

Section 14. Multiple household residences.

- A. Owners of multiple household residences shall provide, for the use by the residents sufficient separate regulation receptacles for residual garbage, recyclable materials, yard waste and organic materials, if the multiple household residences receive yard waste collection or organic collection services.

Setting Out Residual Garbage, Recyclable, Yard Waste, Organics Materials

Section 15. General requirements.

- A. No owner shall set out garbage, recyclable materials, organic materials, or items for which collection services are provided unless the materials are:
- a) Generated on the public or private portion of the property abutting the approved collection point (the collection point shall be deemed to be on the driveway or adjacent to the driveway on the boulevard);
 - b) Placed as close as possible to the edge of the roadway without obstructing the roadway or sidewalk;
 - c) At no time shall waste be placed on the roadway;
 - d) Free from contamination;
 - e) In appropriate regulation receptacles which are clean, well maintained, in good working order and filled to a height no greater than their sides.
 - f) Maintained in a condition which is safe and efficient for collection;
 - g) Bound, if necessary, to prevent spillage or breakage during collection; and
 - h) Sealed, if necessary, to prevent the attraction of animals (including insects) and release of odours.
- B. Subject to Subsection C, no owner shall set out, nor shall the Town be obliged to collect, any item, other than an item for which special collection services are provided, which weights in excess of 20 kilograms, whether such item is a bundle, in a regulation receptacle or loose.

- C. Subsection B does not apply to a regulation receptacle described in Sections 11B and 12B.
- D. The owner or occupant shall ensure that the space on a sidewalk or street occupied by residual garbage, recyclable materials, organic materials, items for which special collection services are provided or yard waste set out for collection does not exceed the frontage of the property.
- E. The owner or occupant of a premise shall not permit waste set out for collection from the premise to become unsecured for any reason, including weather or animals.
 - a) If such waste becomes unsecured, such owner or occupant shall immediately clean it up and re-secure it.

Section 16. Times for setting out waste materials.

- A. The owner or occupant who receives curbside collection services shall ensure that:
 - a) Residual garbage, recyclable materials, organic material, yard waste and special collection items are set out at the collection point no earlier than 8:00 p.m. on the day before collection and no later than 7:00 a.m. on the day of collection; and,
 - b) Empty regulation containers and uncollected residual garbage, recyclable materials, organic material, yard waste and special collection items are removed from the collection point no later than 8:00 p.m. on the day of collection.
- B. At any time other than a time described in Subsection A, all persons shall ensure that residual garbage, recyclable materials, organic material, yard waste and special collection items are stored on their premises and contained in a manner that protects same from rodents, vermin, pests and other disturbances.
- C. Every person shall make his or her best efforts to set out residual garbage, recyclable materials, organic material and yard waste on their designated collection day, as the case may be, and in no case shall an owner fail to set out an item eligible for collection under this by-law for more than one collection period except where the owner is away and no waste is generated on the premise.
- D. Every person who has arranged for a special collection service shall set out waste materials at the collection point on the day which has been specified for the collection no earlier than 8:00 p.m. on the day before the specified collection day and no later than 7:00 a.m. on the day of collection.

Section 17. Preparation of recyclable materials for collection.

- A. All persons of household residences and multiple household residences who receive curbside collection of recyclable materials shall sort and set out recyclable materials as follows:
 - 1. The following items shall be placed inside a recycling container loose and free of plastic bags, or any other wrapping:
 - a) Glass bottles and jars;
 - b) Metal food and beverage cans;
 - c) Plastic bottles and jugs made of;
 - d) Aluminum foil and foil trays;
 - e) Polycoat milk and juice cartons;
 - f) Aseptic drink boxes;
 - g) Empty paint cans;
 - h) Empty aerosol cans; and,
 - i) Any other item that may be deemed recyclable from time to time

2. The following materials shall be placed loose in a recycling container separate from the items referred to in Subsection A1:

- a) Household paper;
- b) Paper rolls and bags;
- c) Gift wrap and cards; and,
- d) Newspapers;
- e) Telephone directories;
- f) Magazines and catalogues; and,
- g) Flattened clean, unwaxed corrugated cardboard and boxboard, in bundles no larger than 75 cm x 75 cm x 30 cm.
- h) Any other item that may be deemed recyclable from time to time.

B. Owners of multiple household residences who receive mechanical collection of recyclable materials shall place the following items loose in said containers, free of plastic bags or any other wrapping and separate from any other items:

- a) Household paper;
- b) Paper rolls and bags;
- c) Gift wrap and cards; and,
- d) Newspapers;
- e) Telephone directories;
- f) Magazines and catalogues; and,
- g) Flattened clean, unwaxed corrugated cardboard and boxboard, in bundles no larger than 75 cm x 75 cm x 30 cm.
- h) Any other item that may be deemed recyclable from time to time.

Section 18. Preparation of yard waste and organic materials for collection.

- A. Owners of household residences and multiple household residences who receive yard waste collection services and organic waste collection services shall sort and set out yard waste and organic materials as follows:
 - B. Plant cuttings, roots, weeds and leaves shall be set out in an approved yard waste receptacle or Kraft paper yard waste bag;
 - C. Hedge and shrub trimmings, brush cuttings, twigs and branches under 7.5 centimetres in diameter shall be tied in bundles no greater than 1.0 metre in length and 0.6 metre in diameter;
 - D. Sawdust and wood shaving from clean unpainted or untreated wood can be wetted down and placed in either the yard waste or organic waste collection receptacles for collection.
 - E. Christmas trees shall be set out free of all tinsel, nails, ornaments and plastic bags; and,
 - F. Organic material shall be set out for collect in an approved organics receptacle, free of plastic, twist ties and other contaminants; and,
 - G. Organic material shall be keep inside biodegradable bag, and bag shall be securely tied and placed inside organic receptacles, and at no time shall organic material be placed loose in the organic receptacle which is not in a biodegradable bag.

Section 19. Specially equipped buildings.

- A. Owners of specially equipped buildings shall ensure that garbage is packed by means of a stationary compactor unit.

- B. The Director may require the owner of a specially equipped building to provide appropriate access, storage facilities, compactor equipment, collection locations and facilities for the implementation and/or continued receipt of services.
- C. Garbage containers shall be collected from specially equipped buildings as often as may be considered necessary by the Director, and in the event that collection is required more than twice per week, the owner shall arrange and pay for the extra collections.

Prohibited Act: Charging Expenses Against Property: Penalties

Section 20. Prohibited Acts.

No person shall:

- A. Sweep, throw, place, cast or otherwise deposit or permit to be placed or permit any waste to remain on or in any street abutting the property which they own or occupy, except as expressly authorized by this by-law;
- B. Throw, cast or otherwise deposit or permit any contractor, agent or employee to throw, cast or otherwise deposit any waste whatsoever on or in any street or other public property, except as expressly authorized by this by-law;
- C. Shall permit waste to be blown, dropped or dumped from a premise or vehicle owned or operated by that person on or in any road or public property, except in accordance with this by-law.
- D. Pick over, interfere with, disturb, remove or scatter any waste set out for collection unless authorized to do so by the Director;
- E. Permit any animal owned by him or her or under his or her care or control to pick over, interfere with, disturb, remove or scatter any waste set out for collection;
- F. Place waste on public property for collection by a private agency, unless otherwise approved by the Director;
- G. Deposit waste generated on private property in public street or park waste receptacles;
- H. Set out any waste for collection unless it is in an appropriate regulation or approved receptacle as specified in this chapter;
- I. Set out any waste in a regulation receptacle that is not in good working order;
- J. Sell, transfer, or otherwise duplicate in any manner a bag tag, or tags sold by the Town for the express purpose of allowing an exemption for waste collection to any other person; or
- K. Throw, cast or otherwise deposit or permit any contractor, agent or employee to throw, cast or otherwise deposit any waste whatsoever on any private property, except as expressly authorized by the owner of that property.
- L. Place waste in a multiple residential building waste receptacles, for which the Town provides collection services, that was not generated by the tenants of that building.

Section 21. Charging expenses against property.

In this by-law, where any person is directed or required to do any matter or thing within a specified period of time from the delivery of a written notice of non-compliance, in default of its being done by the person directed or required to do it, such matter or thing shall be done at his or her expense, and such expense may be recovered in like manner as municipal taxes.

Section 22. Enforcement and Offences; discontinuance of service.

- A. The Town may enact a by-law appointing By-law Enforcement Officers for the purposes of the enforcement of this by-law as required, and
- a) Where any person contravenes any provision of this by-law, the Director, or an Officer may, by written notice delivered by personal service, require such person to comply with this by-law within the time specified in the notice.
 - b) Every such notice shall identify the provision that the person has breached, and indicate how that person is in breach of such provision.
 - c) Every person to whom a notice has been delivered shall comply with such notice without delay and within the time specified in the notice calculated from the delivery of such notice.
- B. Where a person does not comply with a notice pursuant to Subsection 22A, the Director may perform or carry out that which is required to be done or cause it to be performed or carried out at that person's expense and where.....
- waste is removed from private property or public property pursuant to this subsection, the Director may immediately dispose of it and recover the costs incurred in relation to all activities associated with the removal and disposal of the items by action or in like manner as municipal taxes.
- C. Any person who commits an act prohibited under Section 20 or contravenes any other provision of this by-law is guilty of an offense and upon conviction therefore
1. Is liable to a fine of not more than \$ 10,000 for a first offense and \$25,000 for any subsequent offense, except that where a corporation is convicted of an offense the maximum penalties shall be \$50,000 for a first offense and \$100,000 for any subsequent offense; and,
 2. Is subject to the discontinuance of services in accordance with Sections 3 and 24, the affected owner shall obtain private collection services during the period in which the services are discontinued, at the same or greater frequency at which the services were provided prior to their discontinuance.
- D. In the event the Director discontinues services in accordance with Sections 3 and 24, the affected owner shall obtain private collection services during the period in which the services are discontinued, at the same or greater frequency at which the services were provided prior to their discontinuance.
- E. Every person who contravenes any provision of this by-law and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offense;
- F. An offense shall be deemed to occur on each day for which a contravention of this by-law occurs or continues;
- G. When an individual or corporation has been convicted of an offense under his by-law, any court of competent jurisdiction may, in addition to any penalty imposed on the individual or corporation convicted, issue an Order prohibiting the continuation or repetition of the offense or the doing of any act or thing by the individual or corporation convicted, directed toward the continuation or repetition of the offense.

H. Set fines for contraventions of this by-law shall be in accordance with Schedule

Restrictions on Town Collection; Powers and Duties of Director

Section 23. Restrictions on Town collections.

- A. The Town shall not make collections from, nor return regulation receptacles to, any location which the Director deems unreasonable, inefficient or dangerous to either Town employees or a contracted agency employees.
- B. No Town employee shall enter any building, property or part of any building or property for the purpose of removing or returning any regulation receptacles unless otherwise approved by the Director.
- C. The Town may enter a private property for waste collection purposes provided that:
- a) The Town has determined from time to time that the private roadways to be used by waste collection vehicles:
 - i. have widths, turning radii, means of access, and means of egress meeting or exceeding the requirements of the Town's Policy on Collection of Waste by Way of Entry on Private Property, as amended from time to time;
 - ii. have overhead clearance meeting or exceeding the standards prescribed pursuant to the Highway Traffic Act; as amended from time to time,
 - iii. are clear of snow and ice; and;
 - iv. provide unobstructed access to the waste to be collected ; and
 - b) the owner or occupant of the private property has on behalf of all owners; occupants and invitees, and the heirs, executors, administrators, successors and assigns of the owners, occupants and invitees, agreed in advance in writing with the Town in respect of the Town, its officers, employees and contractors to:
 - i. permit the Town to enter the private property for waste collection purposes;
 - ii. indemnify and hold harmless the Town keep against all actions, suits, claims and demands which may be brought against or made upon the Town and its officers, employees and agents and against all loss, costs, charges, damages or expenses whatsoever (including, but not limited to damage to any pavement, driving surface or boulevard caused by the entry or re-entry of waste collection vehicles) which may be incurred by the Town in consequences of such entry, except losses, costs, damages or expenses caused by the Town's negligence;
 - iii. Grant to the Town full power and authority to settle any such actions, suits, claims and demands on such terms as the Town may consider advisable; and
 - iv. Covenant and agree with the Town to pay to the Town on demand all monies paid by the Town pursuant to any such settlement and also such sum as shall represent the reasonable costs of the Town or its Solicitor in defending or settling any such actions, suits, claims or demands.
- D. If the owner or occupant of a premise fails to keep the premise clean and free of waste to the satisfaction of the Town, the Town may refuse to continue waste collection from the premise until such time as the premise is cleaned to the satisfaction of the Town.
- E. No person other than the Town, the Region, the owner/occupant who set out the waste, or other person authorized by law to do so, shall, scavenge, pick over, sort through, collect, interfere with, disturb, remove or scatter any waste set out for collection, whether contained in receptacles or otherwise.

F. No person shall set out animal excrement unless:

- i. It is placed in a separate, sealed, leak-proof bag that is placed within an approved receptacle with residual waste collection, and,
- ii. The animal excrement represents not more than the lesser of:
 - a) 5% of the contents of the residual waste receptacle, or,
 - b) 2 litres in volume.

Section 24. Powers and duties of Director.

The Director shall:

- A. Determine the frequency and scheduling of the services to be provided under this by-law, including the schedule for phasing in organic collection services to all areas of the Town;
- B. Designate a collection point for waste which is eligible for collection;
- C. Discontinue or refuse services to an owner whose property is, in the opinion of the Director, unsafe for entry or egress by persons providing services with respect to the physical layout, loading facilities, the method of handling residual garbage and other waste on the property, and/or is in contravention of this by-law;
- D. Designate items to be classified as prohibited waste and as outlined in Schedule C and amended as required;
- E. Where appropriate, require that the owner of a multiple household residence to distribute information relating to solid waste collection services to all individual dwelling units within the property;
- F. Provide information to the public with respect to the handling and disposal of prohibited waste;
- G. Provide information and services with respect to the diversion of recyclable materials and organic materials from residual garbage;
- H. Designate items to be included in residual, recyclable materials, organic materials, items for which special collection services are provided or yard waste materials, as the case may be, and determine how same shall be collected as outlined in Schedules A and B and amended as required;
- I. In the event of inclement weather or other condition which renders the provision of the services unsafe, suspend collection services in all or part of the Town for a specified period of time.
- J. Grant an exemption to all and any specific component of this by-law.
- K. Establish such other things as are necessary for the proper administration of this by-law.
- L. The decision of the Director of Public Works shall be final as to the frequency, quantities and types of waste materials to be collected and the procedures employed for collection.

Section 25. General Provisions.

- A. The provisions of this by-law shall not relieve any person from complying with the provisions of the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, and the regulations made thereunder as may be amended from time to time.

- B. No person shall deposit or allow to be deposited any waste, generated at a residence, institution or place of business in a street receptacle owned by the Town.
- C. No person shall deposit or allow to be deposited any waste generated at a residence, institution or place of business in a receptacle on private property, not owned by that person or without the written consent of the owner of the place of business, institution or owner of the property or the person for which the container is provided or belongs, for waste collection purposes.
- D. No person, other than the Town or its agent, shall remove any waste or recyclable material or the contents of any receptacle placed out for collection pursuant to the provisions of this by-law.
- E. No person, shall deposit or allow to be deposited any waste in a waste receptacle (bulk container or recycling tote) at any multi-residential property, where the Town or the Region provides a waste collection service and where the waste was not generated from that property.
- F. No person shall deposit, place, dump, scatter or permit waste to be deposited, placed, dumped or scattered on public or private property not owned or occupied by that person or on any street as defined under definitions, but also includes unopened or unassumed highways.
- G. No person shall set out a recycling receptacle for collection unless it contains only recyclable materials.
- H. No person shall set out an approved metal or plastic receptacle having a lid attached to the receptacle, unless such receptacle with attached lid has been approved for collection.

SEVERABILITY

If any section of this by-law may be found by any court of law to be illegal or beyond the power of the Council to enact, such section shall be deemed to be severable and all other sections of this by-law and shall be deemed to be separate and independent there from.

ENFORCEMENT - PENALTIES

- A. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine in the amount provided for in Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended, or any successor legislation in substitution therefore.

SHORT TITLE

This by-law may be referred to as the Solid Waste Management By-law.

REPEAL OF EXISTING BY-LAWS

BY-LAW No. 3869-96 is repealed on July 1, 2006.

EFFECTIVE DATE

The provisions of this by-law shall come into force and take effect on July 1, 2006.

BY-LAW READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 12th DAY OF JUNE, A.D., 2006.



Paul Jones, Clerk



Marcel L. Brunelle, Mayor

SCHEDULE A
SPECIAL COLLECTION SERVICES

- A. The Town shall provide special collection services to owners with respect to the following items:
- 1) Refrigerators;
 - 2) Stoves;
 - 3) Freezers;
 - 4) Air Conditioners;
 - 5) Dehumidifiers;
 - 6) Washing machines;
 - 7) Clothes dryers;
 - 8) Dishwashers;
 - 9) Barbecues;
 - 10) Large metal objects (e.g. aluminium door);
 - 11) Car and light truck tires, maximum of eight per collection;
 - 12) Carpet;
 - 13) Furniture;
 - 14) Any other item designated by the Director as eligible for special collection services.
- B. Every owner shall remove all doors from the white goods referred to above before they are set out for collection.

SCHEDULE B
RECYCLABLE MATERIALS, YARD WASTE AND ORGANIC MATERIALS

- A. The following items shall be deemed to be recyclable materials for the purposes of this by-law:
- 1) Glass bottles and jars;
 - 2) Metal food and beverage cans;
 - 3) Plastic bottles and jugs (with twist top) including but not limited to, made of high density polyethylene (HDPE #2) or polyethyleneteraphthalate (PET #1);
 - 4) Household paper (including junk mail, writing and computer paper and envelopes);
 - 5) Boxboard;
 - 6) Newspapers;
 - 7) Telephone directories;
 - 8) Magazines and catalogues;
 - 9) Clean, unwaxed corrugated cardboard;
 - 10) Aluminium foil trays;
 - 11) Polycoat milk and juice cartons;
 - 12) Aseptic drink boxes;
 - 13) Empty paint cans;
 - 14) Empty aerosol cans; and,
 - 15) Any other item designated as a recyclable material by the Director.
- B. The following items shall be deemed to be yard waste for the purposes of this by-law:
- 1) Plant cuttings, roots, weds and leaves;
 - 2) Hedge and shrub trimmings, brush cuttings, twigs and branches under 7.5 centimetres in diameter;
 - 3) Christmas trees; and,
 - 4) Any other item designated as yard waste by the Director.
- C. The following items shall be deemed to be organic materials for the purposes of this by-law:
- 1) All food materials, including fresh, frozen, dried, cooked and prepared foods and leftovers;
 - 2) Fruit and vegetable scraps;
 - 3) Pasta, bread and cereal;
 - 4) Meat and fish products;
 - 5) Egg shells;
 - 6) Coffee grinds and filters;
 - 7) Tea bags;
 - 8) Houseplants (no pots or baskets);
 - 9) Soiled paper towels, tissues and wet paper;
 - 10) Animal bedding; and,
 - 11) Any other item designated as organic materials by the Director.

**SCHEDULE C
PROHIBITED WASTE**

The following items shall be prohibited waste for the purposes of this by-law:

- A. Acute hazardous waste chemical;
- B. Hazardous waste chemical;
- C. Corrosive waste;
- D. Hazardous industrial waste;
- E. Ignitable waste;
- F. PCB waste;
- G. Radioactive waste;
- H. Reactive waste;
- I. Severely toxic waste;
- J. Leachate toxic waste;
- K. Pathological waste as defined in R.R.O. 1990, Regulation 347, as amended passed pursuant to the Environmental Protection Act, R.S.O. 1990, c. E19. , including but not limited to biomedical waste, whether solid or liquid, including but not limited to any animal or human organ or part thereof: bone, muscle or other animal or human tissue or part thereof; used bandages, poultices, dressings, medicines, vitamins, drugs, vaccines, needles, syringes, vials or any other similar material or substance which contains or may contain pathogenic micro-organisms or which may be hazardous or dangerous.
- L. Any household product, material or item labelled as "corrosive", "toxic", "reactive", "explosive", "oxidizing", "poisonous infectious" or "flammable", including but not limited to the following:
 - 1) Pool or photographic chemicals;
 - 2) Laundry bleach;
 - 3) Drain, oven, toilet and carpet cleaning solutions;
 - 4) Paint thinner and paint remover;
 - 5) Rat and mouse poison;
 - 6) Flea collars and powders;
 - 7) Insect killers;
 - 8) Moth balls;
 - 9) Weed Killer;
 - 10) Fungicides;
 - 11) Wood preservatives;
 - 12) Oil-based and latex paints;
 - 13) Engine oil;
 - 14) Brake and transmission fluid;
 - 15) Antifreeze;
 - 16) Automotive batteries;
 - 17) Ni-cad rechargeable batteries;
 - 18) Propane tanks;
 - 19) Other gas tanks, including lighters;
 - 20) Aerosol containers; and,
 - 21) Fire extinguishers.
- M. Waste generated as a result of construction, demolition or renovation, including but not limited to soil, plaster, drywall, masonry and tile, bricks, concrete, concrete or cinder blocks, paving stones, asphalt, wood, windows and window glass, shingles, scrap metal, insulation (such as fibreglass or Styrofoam), asbestos, urea formaldehyde;
- N. Scarp wood or carpeting, unless it is cut, broken or securely tied into bundles or pieces less than 120 centimetres by 80 centimetres and free of all nails and staples, or as may otherwise be designated by the Director.
- O. Hay, straw and manure
- P. Any waste in liquid form including but not limited to swill or other organic matter not properly drained and securely wrapped;

- Q. Tires except where special collection service is provided for car and light truck tires, automotive parts.
- R. Waste produced by a person or organization involved in the processing or fabrication of products;
- S. Waste produced by a person or organization as a result of commercial or retail activity;
- T. Any material which has become frozen to or otherwise attached to its regulation container which cannot be removed by shaking;
- U. Broken glass, crockery and other sharp objects not packaged in a manner to prevent injury to any person;
- V. Designated materials and other items which have been banned from landfill or for which reasonable alternative disposal methods are available, as determined by the Director; and,
- W. Any other item or thing designated as prohibited waste by the Director.
- X. Grass clipping, sod, soil and rocks.
- Y. Animal excrement, except where such waste meets the provision of this bylaw under Section 23 F(i)(ii).