

# The Corporation of the Town of Richmond Hill

## By-Law No. 18-19

A By-law to establish the requirements for the collection and handling of waste in the Town of Richmond Hill and to repeal By-law No. 159-07, as amended

**Whereas** pursuant to the *Municipal Act 2001*, S.O. 2001, c. 25 (the "*Municipal Act, 2001*"), subsection 11(3) and subject to subsection 11(4), as amended, the Corporation of the Town of Richmond Hill ("Town") is authorized to pass by-laws respecting waste collection matters;

**And Whereas** Council at its meeting of February 25<sup>th</sup>, 2019 approved the recommendation of Committee of the Whole at its meeting on February 19<sup>th</sup>, 2019 contained in SREIS.19.003 regarding a new by-law for waste collection services;

**And Whereas** pursuant to Part XIV of the *Municipal Act, 2001*, a municipality may pass by-laws relating to enforcement matters, including setting out offences and penalties for contravention of its by-laws; powers of entry for inspections and for determining compliance with a by-law or an order made pursuant to the by-law; issuing work orders; taking remedial action when persons fail to comply with work orders, entering onto land for the purpose of taking such remedial actions and adding the resulting costs to the tax roll and collecting them in the same manner as property taxes;

**And Whereas** the Town deems it expedient to establish requirements for the collection and handling of waste within the Town;

**Now therefore** the Council of the Town enacts as follows:

1. That this By-law No. 18-19 be effective upon enactment.
2. That upon the effective date of this By-law No. 18-19, By-law No. 159-07 and all subsequent amendments thereto be repealed.

Passed this 25<sup>th</sup> day of February, 2019.

---

Dave Barrow  
Mayor

---

Stephen M.A. Huycke  
Clerk

## TABLE OF CONTENTS

<b>Article 1 - Definitions and Interpretation</b> .....	<b>4</b>
1.1 Definitions.....	4
1.2 Legislative References .....	7
1.3 Short Title .....	7
1.4 Schedules .....	7
1.5 Conflict in By-laws – Restrictive Provisions Prevail.....	7
<b>Article 2 - Application</b> .....	<b>7</b>
2.1 Application of By-law – Town Lands.....	7
<b>Article 3 - Administration</b> .....	<b>7</b>
3.1 Commissioner of Community Services – Powers and Duties.....	7
3.2 Commissioner of Environment and Infrastructure Services – Powers and Duties.....	8
3.3 By-law Enforcement Officers .....	8
3.4 Delegated Authority – General Parameters - Designation of Other Employees.....	8
3.5 Retention of Contractor – Provision of Collection .....	8
<b>Article 4 - Eligibility Requirements for Collection</b> .....	<b>9</b>
4.1 Eligibility for Collection – General Requirements .....	9
4.2 Eligibility for Collection – Multi-Residential Property .....	9
4.3 Eligibility for Collection – I.C. & I. ....	10
<b>Article 5 - Prohibitions</b> .....	<b>10</b>
5.1 Prohibitions - Listed .....	10
<b>Article 6 - Collection - General Conditions and Set-Out Requirements</b> .....	<b>11</b>
6.1 Town to Provide Collection – Eligible Properties.....	11
6.2 Owner of Property that is Not Eligible - Responsible for Waste Disposal	11
6.3 Approved Containers – Provision, Maintenance and Replacement .....	11
6.4 Set-Out Times.....	11
6.5 Waste Placement for Curbside Collection – Not to Impede Traffic .....	11
6.6 Maintained Approved Container .....	11
6.7 Set Out of Toilets .....	11
6.8 Set Out of Recyclable Materials.....	12
6.9 Set Out of Bulky Waste.....	12
6.10 Set Out of Metal Items and Large Appliances .....	12
6.11 Set Out of Garbage .....	12
6.12 Set Out of Organics .....	12
<b>Article 7 - Specific Conditions and Set Out Requirements for Low and Medium Density Residential Properties</b> .....	<b>12</b>
7.1 Curbside Collection – Low Density Residential Properties - Individual....	12
7.2 Curbside Collection - Approved Container or Bundle – maximum weight	12
7.3 Maximum Number of Garbage Items – Low Density Residential Property	13
7.4 Maximum Number of Garbage Items – Medium Density Residential Property	13
7.5 Approved Containers of Recyclable Materials – Organics – Yard Waste – No Limit .....	13
7.6 Garbage Tag – Required for Excess of Limit.....	13
7.7 Collection frequency.....	13

7.8	Christmas Trees .....	13
<b>Article 8 - Specific Conditions and Set Out Requirements for Multi-Residential Properties .....</b>		<b>13</b>
8.1	Bulk Collection – Multi-Residential Properties.....	14
8.2	Storage Facilities - Multi-Residential Properties .....	14
8.3	Maximum number of Approved Containers.....	14
8.4	Collection frequency – Multi-Residential Properties .....	14
8.5	Christmas Tree Collection.....	14
8.6	Additional Waste Collection.....	14
<b>Article 9 - Specific Conditions and Set Out Requirements for I.C. &amp; I. Properties</b>		<b>14</b>
9.1	Collection – I.C. & I. Properties .....	14
9.2	Storage Facilities - I.C. & I. Properties .....	14
<b>Article 10 - Authority to Enter and Inspect.....</b>		<b>14</b>
10.1	Power of Entry.....	14
10.2	Inspection .....	15
10.3	Inspection Pursuant to Order.....	15
<b>Article 11 - Notices to Comply and Remedial Action .....</b>		<b>15</b>
11.1	Work Order .....	15
11.2	Contents of Work Order .....	15
11.3	Work Order - Delivery .....	15
11.4	Work Order – Deemed Receipt.....	16
11.5	Failure to comply - work done by Town.....	16
<b>Article 12 - Enforcement and Offences .....</b>		<b>16</b>
12.1	Enforcement by By-law Enforcement Officer .....	16
12.2	Failure to comply with By-law – Offence .....	16
12.3	Presumption .....	16
12.4	No Obstruction of By-law Enforcement Officer.....	16
12.5	Continuing Offence.....	16
12.6	Non-Compliance with Work Order.....	17
12.7	Multiple Offence .....	17
12.8	Fines.....	17
<b>Article 13 - Administrative Penalties .....</b>		<b>17</b>
13.1	Administrative Penalty – Alternative to Charge .....	17
13.2	Administrative Penalty – Amount - Payment.....	17
13.3	Administrative Penalty - Procedures.....	17
<b>Article 14 - Severability.....</b>		<b>17</b>
14.1	Section declared invalid – remainder in force.....	17

## Article 1 - Definitions and Interpretation

### 1.1 Definitions

In this by-law, the following words shall have the following meanings:

- (a) **“Administrative Penalty By-law”** means the Town’s By-law No. 69-16 establishing a system of administrative penalties;
- (b) **“Approved Container”** means those containers described in Schedule “A” and Schedule “B” attached and any other container approved by the Commissioner of Environment and Infrastructure Services from time to time;
- (c) **“Ashes”** means the solid residue of any fuel used for heating or cooking purposes, cleanings from chimneys, and includes wood, coal or charcoal ashes;
- (d) **“Bulk Collection”** means Collection of Waste using Approved Containers described in Schedule “B”;
- (e) **“Bulky Waste”** means Garbage items, such as furniture, that are too large to fit within an Approved Container. Bulky Waste items must not exceed 1.83 meters in length and 68 kilograms in weight;
- (f) **“Bundle”** means:
  - (i) Garbage securely tied with a non-ferrous material which does not exceed 1.2 metres in length and may include rolls of carpet or shelves;
  - (ii) Yard Waste securely tied with a non-ferrous material which does not exceed 1.2 metres in length and may include branches (with individual diameters of no more than 10 centimeters), twigs and cuttings; and
  - (iii) the same type of Recyclable Materials (generally paper or cardboard) secured with a non-ferrous material and no larger than 60 cm x 60cm x 30cm;
- (g) **“By-law Enforcement Officer”** means an individual appointed for the purpose of enforcing the provisions of this by-law or all of the by-laws of the Town;
- (h) **“Christmas Trees”** means natural Christmas trees no more than 2.1 metres in height;
- (i) **“Commissioner of Community Services”** means the person from time to time occupying the office of Commissioner of Community Services for the Town, or such successor office as the case may be;
- (j) **“Commissioner of Environment and Infrastructure Services”** means the person from time to time occupying the office of Commissioner of Environment and Infrastructure Services for the Town, or such successor office as the case may be;
- (k) **“Collection”** means Curbside Collection, Bulk Collection or other Waste collection services provided by the Town directly or through its Contractor;
- (l) **“Contamination”** means the mixing of a Waste item listed below with a different Waste item listed below:
  - (i) Garbage;
  - (ii) Recyclable Materials;
  - (iii) Organics;
  - (iv) Yard Waste; and

- (v) Non-Collectible Waste;
- (m) **“Contractor”** means a company or individual with whom the Town has entered into a contract for Collection and includes all employees, agents or servants of such company or individual;
- (n) **“Curbside Collection”** means Collection of Waste using Approved Containers as described in Schedule “A”;
- (o) **“Diversion Program”** means any of the Town’s programs relating to the Collection of Recyclable Materials, Organics, Yard Materials and Metal Items and Large Appliances that are intended to divert Waste;
- (p) **“Downtown Core”** means that area fronting Yonge Street bounded by Major Mackenzie Drive to the South, Crosby Avenue to the North on the East side of Yonge Street and Benson Avenue to the North and on the West side of Yonge Street;
- (q) **“Dwelling Unit”** means any part of a building or structure used, designed or intended to be used as a domestic residence in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;
- (r) **“Garbage”** means any material or item discarded by the occupant of a Dwelling Unit that is not Recyclable Material, Source Separate Organics, Yard Waste, a Metal Item or Large Appliance or Non-Collectible Waste;
- (s) **“Garbage Tag”** means an official tag or sticker, available for purchase from the Town, that is to be affixed to any Garbage Item in excess of the applicable item limit set out in this by-law;
- (t) **“Garbage Item”** means one of the following:
  - (i) an Approved Container for Garbage;
  - (ii) A Bundle of Garbage with a maximum weight of 18 kilograms; or
  - (iii) a Bulky Item ;
- (u) **“Grade”** means the average level of finished ground adjoining a building or structure at all exterior walls;
- (v) **“I.C. & I. Property”** means a property used for industrial, commercial or institutional purposes;
- (w) **“Low Density Residential Property”** means a property containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Townhouse Dwelling, each having an individual waste storage and set-out area and frontage onto a Street;
- (x) **“Medium Density Residential Property”** means a property other than a Low Density Residential Property containing a residential building comprised of two (2) to six (6) Dwelling Units, with the Dwelling Units having shared waste storage and set-out areas and the building having frontage onto a Street;
- (y) **“Metal Items and Large Appliances”** means refrigerators, stoves, freezers, washing machines, dryers, dishwashers, furnaces, hot water tanks, metal sinks and bathtubs, pool heaters, air conditioning units, metal water softeners, dehumidifiers, water heaters and barbecues and/or any other items which may be designated Metal Items and Large Appliances by the Commissioner of Environment and Infrastructure Services from time to time, save and except commercial or industrial appliances;
- (z) **“Multi-Residential Property”** means a:

- (i) a residential building, or that part of a building used for residential purposes; or
- (ii) a set of buildings containing Townhouse Dwelling Units other than a Low or Medium Density Property;

that contain seven (7) or more Dwelling Units and have shared storage and set-out areas;

- (aa) **"Multi-Residential Waste Collection Infrastructure"** means the infrastructure used for on-site collection and storage including the waste chute(s), waste storage room, waste containers, access route, and collection areas;
- (bb) **"Municipal Act"** means the Municipal Act, 2001, S.O. 2001, c. 25.
- (cc) **"Non-Collectible Waste"** means those items and materials described in Schedule "C" or any other material or item designated as non-collectible by the Commissioner of Environment and Infrastructure from time to time;
- (dd) **"Occupant"** means any lessee, tenant, inmate, Owner, or any other person in possession of a property, or that person's agent authorized in writing;
- (ee) **"Organics"** means organic material commonly generated from within a Dwelling Unit that is deemed to be acceptable in the Town's Collection program as determined by the Commissioner of Environment and Infrastructure Services from time to time, including, but not limited, to food waste, soiled paper towels, household plants and pet waste;
- (ff) **"Owner"** means the person having right, title, interest or equity in a property as shown on the records of the land registry office, or that person's agent authorized in writing;
- (gg) **"Penalty Notice"** means a notice in relation to a contravention of this by-law issued pursuant to the Administrative Penalty By-law;
- (hh) **"Person"** means any entity, including an individual, partnership, firm and corporation;
- (ii) **"Property"** means Low Density Residential Property, a Medium Density Residential Property, Multi-Residential Property or an I.C. & I. Property;
- (jj) **"Provincial Offences Act"** means the *Provincial Offences Act*, R.S.O. 1990, c. P. 33;
- (kk) **"Recyclable Materials"** means materials deemed to be recyclable under the Town's recycling Collection program as determined by the Commissioner of Environment and Infrastructure Services from time to time.
- (ll) **"Scheduled Collection Day"** means:
  - (i) for those Low Density Residential Properties, Medium Density Residential Properties and I.C. & I Properties that have been determined to be eligible for Collection as described in Article 4 - Eligibility Requirements for Collection, the day or days designated for Collection of Waste referred to in the Town's Collection calendar posted on the Town's website; and
  - (ii) for Multi-Residential Properties, the dates designated by the Town and communicated by the Town to the Owners of such Multi-Residential Properties upon the determination by the Commissioner of Community Services that such Property has met the Town's eligibility requirements pursuant to Section 3.1.

- (mm) **“Semi-Detached Dwelling”** means a Dwelling Unit in a residential building consisting of two (2) Dwelling Units at Grade attached only by one vertical wall and having no other parts attached and not connected by an interior corridor;
- (nn) **“Single Detached Dwelling”** means a residential building consisting of one Dwelling Unit at Grade that is not attached to another structure;
- (oo) **“Street”** means any public highway, private road, driveway or other roadway that serves as a means for vehicular access to any Property;
- (pp) **“Townhouse Dwelling”** means a Dwelling Unit in a residential building consisting of more than two (2) Dwelling Units at or above Grade attached by vertical walls and/or horizontal walls and no other parts and not connected by an interior corridor;
- (qq) **“Town”** means The Corporation of the Town of Richmond Hill;
- (rr) **“Waste”** means Garbage, Recyclable Material, Organics, Yard Waste and Metal Items and Large Appliances discarded by the Occupant of a Dwelling Unit;
- (ss) **“Waste Standards”** means any development standards, Collection standards, or any other waste standards approved by the Commissioner of Environment and Infrastructure from time to time.
- (tt) **“Work Order”** means a notice requiring a Person to correct a contravention of this by-law;
- (uu) **“Yard Waste”** means organic material commonly generated outside of a Dwelling Unit that is accepted in the Town’s Collection program as determined by the Commissioner of Environment and Infrastructure Services from time to time, including, but not limited to leaves, tree cuttings and brush, but excluding Christmas Trees.

## 1.2 Legislative References

A reference to any other legislation or regulation of any other public authority shall be deemed to be to a reference to that legislation or regulation as amended or superseded.

## 1.3 Short Title

This By-law may be cited as the “Waste By-law”.

## 1.4 Schedules

All Schedules attached and referred to in this by-law form part of this by-law.

## 1.5 Conflict in By-laws – Restrictive Provisions Prevail

In the event of any conflict between the provisions of this by-law and the provisions of any other By-law, the provisions that are the most restrictive shall prevail.

# Article 2 - Application

## 2.1 Application of By-law – Town Lands

The provisions of this By-law shall apply to all lands within the boundaries of the Town.

# Article 3 - Administration

## 3.1 Commissioner of Community Services – Powers and Duties

The Commissioner of Community Services is authorized to:

- (a) designate Collection locations;

- (b) determine whether a Property is eligible for Collection as described in Article 4 - Eligibility Requirements for Collection and whether it will receive Curbside Collection or Bulk Collection;
- (c) without limiting any other remedy of, or enforcement measure available to, the Town upon thirty (30) days written notice to the Owner discontinue or refuse Collection to any Property:
  - (i) that ceases to meet any eligibility requirement described in Article 4 - Eligibility Requirements for Collection; or;
  - (ii) for which, in the Commissioner of Community Services' opinion, it is not feasible for any other reason to provide, or to continue to provide, Collection;
- (d) suspend Collection in all or part of the Town for specific periods of time, in the event of inclement weather, labour disputes or conditions that may render the provision of Collection unsafe;
- (e) establish site specific Collection and storage requirements;
- (f) approve additional Collection for any Multi-Residential Property, subject to the payment by the Owner of the associated costs or fees; and
- (g) establish such other measures as required for the proper administration of the Town's waste management system.

### **3.2 Commissioner of Environment and Infrastructure Services – Powers and Duties**

The Commissioner of Environment and Infrastructure Services is authorized to:

- (a) determine the frequency and scheduling of Collection, in accordance with the provisions of this by-law;
- (b) designate Approved Containers in addition to those described in Schedules "A" and "B";
- (c) designate those items or materials comprising Recyclable Material, Organics, Yard Waste, a Metal Item or Large Appliance or that are otherwise collectible as Garbage;
- (d) designate additional materials or items other than those described in Schedule "C" as Non-Collectible Waste; and
- (e) approve any Waste Standards from time to time.

### **3.3 By-law Enforcement Officers**

Any By-law Enforcement Officer is authorized to enforce the provisions of this by-law and for the purpose of such enforcement may exercise any of the powers and perform any of the duties set out in this by-law.

### **3.4 Delegated Authority – General Parameters - Designation of Other Employees**

Although those Persons referred to in Sections 3.1 to 3.3 above may designate other staff reporting to them to perform tasks or functions in connection with the exercise of their delegated authority, the delegated authority remains with the Persons referred to in Sections 3.1 to 3.3 above unless such further delegation is expressly permitted in, and made in accordance with, this by-law.

### **3.5 Retention of Contractor – Provision of Collection**



The Town may retain a Contractor to provide Collection in accordance with this by-law. In the event that the Collection cannot be made due to a breakdown of equipment, strike, inclement weather, or any other cause whatsoever, the Town shall not be liable to any person for any losses or damages due to such Collection not taking place.

## **Article 4 - Eligibility Requirements for Collection**

### **4.1 Eligibility for Collection – General Requirements**

A Property is eligible for either Curbside Collection or Bulk Collection by the Town provided that:

- (a) the Property is safe for entry or egress by the Town or its Contractor, as determined by the Commissioner of Community Services, with respect to physical layout, loading facilities and the methods of handling Waste on the Property;
- (b) Collection from the Property can be made from the Town's public highway or alternatively, the Owner of the Property has provided the Town with permission to enter the Property satisfactory to the Commissioner of Community Services that includes, among other things, a release of the Town from all liability in connection with such entry;
- (c) the Property Owner or Occupant is not in contravention of any provisions of this by-law;
- (d) the Property Owner or Occupant actively participates in applicable Diversion Programs; and
- (e) for any new Property or for any Property not receiving either Curbside or Bulk Collection upon the effective date of this by-law, the Owner has submitted an application for Collection in such form as is prescribed by the Commissioner of the Environment and Infrastructure Services from time to time for that Commissioner's approval, which shall only be granted if the Owner and Property have met:
  - (i) all the requirements for Collection described in paragraphs (a) to (d) above and in the case of a Multi-Residential Property, those additional requirements described in Section 4.2;
  - (ii) the requirements set out in any Waste Standards; and
  - (iii) any other additional requirements that may be imposed by either the Commissioner of Environment and Infrastructure Services or Commissioner of Community Services, in those Commissioners' sole and absolute discretion.

### **4.2 Eligibility for Collection – Multi-Residential Property**

Without limiting the requirements for eligibility set out in Section 4.1, a Multi-Residential Property is eligible for Bulk Collection provided that:

- (a) New Multi-Residential Properties with 5 stories or more, include a minimum of three (3) chutes in total, with a dedicated chute for each of the following:
  - (i) Garbage,
  - (ii) Recyclable Material; and
  - (iii) Organics;
- (b) the Property Owner ensures that all Occupants of the Property have the ability to participate in applicable Diversion Programs;
- (c) the Property Owner ensures that the Multi-Residential Waste Collection Infrastructure is maintained in good working order;

- (d) the Property Owner distributes information related to waste management and Collection as well as Diversion Programs, including information provided by the Town to all Dwelling Units within that Multi-Residential Property; and
- (e) the Property Owner participates in waste composition studies upon request by the Town to evaluate the contamination and diversion rates of materials set out for Collection.

#### **4.3 Eligibility for Collection – I.C. & I.**

Notwithstanding any other provision of this by-law, save and except for I.C. & I. Properties located in the Downtown Core that were receiving Curbside Collection upon the effective date of this by-law, I.C. & I. Properties are not eligible for Collection.

### **Article 5 - Prohibitions**

#### **5.1 Prohibitions - Listed**

Except as otherwise permitted in this by-law or by the Commissioner of Community Services, or required by any Diversion Program, and irrespective whether the Property owned or occupied by the Person has met the eligibility requirements described in Article 4 - Eligibility Requirements for Collection, no Person shall cause or permit the following:

- (a) set out for Collection any Non-Collectible Waste;
- (b) set out for Collection Recyclable Material as Garbage;
- (c) set out for Collection Organics as Garbage;
- (d) set out for Collection Yard Waste as Garbage;
- (e) set out for Collection Christmas Trees as Garbage;
- (f) set out for Collection Metal Items and Large Appliances as Garbage;
- (g) sweep, throw or deposit Waste or Non-Collectible Waste on public property;
- (h) fail to remove empty Approved Containers after 9:00 p.m. on the Scheduled Collection Day;
- (i) fail to remove uncollected material after 9:00 p.m. on the Scheduled Collection Day;
- (j) Accumulate or store Waste or Non-Collectible Waste so that it becomes a public nuisance, emits offensive odors or attract pests, vermin or insects;
- (k) Allow any Approved Container to emit offensive odours or to attract pests, vermin or insects
- (l) set out Waste so as to endanger public health or safety;
- (m) disturb any Waste set out for Collection without prior consent from the Property Owner;
- (n) set out items or materials on public property for private collection;
- (o) set out Waste so as to impede or interfere with traffic or maintenance;
- (p) deposit Waste generated from a Dwelling Unit in the Town's Waste receptacles;
- (q) deposit Non-Collectible Waste in public receptacles;
- (r) set out Waste onto any other Person's property without their consent;
- (s) set out Waste onto the curb abutting any other Person's property without their consent;

- (t) set out for Collection Waste that is not in an Approved Container;
- (u) collect Waste without the necessary license(s);
- (v) collect Waste in contravention of any applicable laws;
- (w) set out more than the maximum permitted Garbage Items without a Garbage Tag;
- (x) remove a Garbage Tag affixed to a Garbage item;
- (y) directly deposit Waste into a Collection vehicle;
- (z) set out Waste in a manner that allows it to be frozen to the ground;
- (aa) set out Waste behind snow banks or windrows;
- (bb) allow any Waste set out for Collection to blow away or to litter;
- (cc) fail to pick up Waste set out for Collection that has blown or littered;
- (dd) fail to comply with any Work Order.

## **Article 6 - Collection - General Conditions and Set-Out Requirements**

### **6.1 Town to Provide Collection – Eligible Properties**

Subject to the terms and conditions of this by-law and any directives issued by Council from time to time, the Town shall provide either Curbside Collection or Bulk Collection to all Properties meeting the eligibility requirements described in Article 4 - Eligibility Requirements for Collection.

### **6.2 Owner of Property that is Not Eligible - Responsible for Waste Disposal**

Any Owner or Occupant of any Property that does not meet the eligibility requirements described in Article 4 - Eligibility Requirements for either Curbside Collection or Bulk Collection by the Town shall be responsible for the Collection and disposal of all Waste and Non-Collectible Waste on such Property.

### **6.3 Approved Containers – Provision, Maintenance and Replacement**

The provision, maintenance and replacement of Approved Containers is the sole responsibility of Property Owners and Occupants.

### **6.4 Set-Out Times**

Owners and Occupants of Properties that receive Curbside Collection shall set out their Waste no earlier than 6:00 p.m. on the day prior to the Scheduled Collection Day and no later than 7:00 a.m. on the Scheduled Collection Day to receive Curbside Collection.

### **6.5 Waste Placement for Curbside Collection – Not to Impede Traffic**

Owners and Occupants of Properties that receive Curbside Collection shall set out their Waste as close as possible to the curb and gutter or at a point where the Street pavement edge meets the Eligible Property's driveway but not so as to impede or interfere with the flow of traffic or maintenance of a Street or sidewalk. In the event of a dispute, the Commissioner of Community Services may further specify the location where Waste is to be placed.

### **6.6 Maintained Approved Container**

No Owner or Occupant shall set out for Collection an Approved Container that is not maintained in a manner that allows for the safe Collection, as determined by the Commissioner of Community Services.

### **6.7 Set Out of Toilets**

Except in cases of one-piece toilets, toilets for Collection must be emptied of all liquids and tanks must be separated from bowls. Notwithstanding that a toilet has been separated into two pieces, the toilet will be considered one Garbage Item.

#### **6.8 Set Out of Recyclable Materials**

Recyclable Materials when set out for Collection must be:

- (a) placed in an Approved Container;
- (b) loose, or free from other Recyclable Materials and/or bags;
- (c) be rinsed and empty so that they are reasonably clean; and
- (d) have lids removed.

#### **6.9 Set Out of Bulky Waste**

No Owner or Occupant shall set out, nor shall the Town be obligated to collect Bulky Waste:

- (a) that is infested with rodents, vermin or pests unless the Bulky Waste has been:
  - (i) dismantled (where applicable), defaced or damaged as to make unusable; and
  - (ii) encased, enclosed and wrapped in plastic; and
- (b) unless all hazards have been removed from the Bulky Waste including, but not limited to, nails, lightbulbs, glass and batteries.

#### **6.10 Set Out of Metal Items and Large Appliances**

Doors, lids and covers must be removed from Metal Items and Large Appliances, such as but not limited to dishwashers, refrigerators, or freezers, prior to being set out for Collection.

#### **6.11 Set Out of Garbage**

All Owners or Occupants shall not set out Garbage for Collection unless:

- (a) Garbage has been placed in a leak proof bag prior to placement in an Approved Container; and
- (b) ashes are cool.

#### **6.12 Set Out of Organics**

All Owners or Occupants shall not set out Organics for Collection unless these are:

- (a) placed in an Approved Container;
- (b) secured tightly in a leak-proof bag; and
- (c) free of plastic containers and other contaminants.

### **Article 7 - Specific Conditions and Set Out Requirements for Low and Medium Density Residential Properties**

#### **7.1 Curbside Collection – Low Density Residential Properties - Individual**

Low and Medium Density Properties that have met the Town's eligibility requirements described in Article 4 - Eligibility Requirements for Collection will receive Curbside Collection provided that Waste is set out in accordance with the requirements of this by-law.

#### **7.2 Curbside Collection - Approved Container or Bundle – maximum weight**

The weight of any Approved Container or Bundle, including contents, set out by Owners or Occupants of Low and Medium Density Properties for Curbside Collection shall not exceed eighteen (18) kilograms, except for Bulky Waste Items which shall not exceed sixty-eight (68) kilograms.

### **7.3 Maximum Number of Garbage Items – Low Density Residential Property**

The number of Garbage Items placed out for Collection collectively by all Owners or Occupants of any Low Density Residential Property shall not exceed three (3) Garbage Items.

### **7.4 Maximum Number of Garbage Items – Medium Density Residential Property**

The number of Garbage Items placed out for Collection collectively by Owners or Occupants of any Medium Density Residential Property shall not exceed:

- (a) six (6) Garbage Items for any Medium Density Residential Property with two (2) Dwelling Units;
- (b) nine (9) Garbage Items for any Medium Density Residential Property with three (3) Dwelling Units;
- (c) twelve (12) Garbage Items for any Medium Density Residential Property with four (4) Dwelling Units;
- (d) fifteen (15) Garbage Items for any Medium Density Residential Property with five (5) Dwelling Units; and
- (e) eighteen (18) Garbage Items for any Medium Density Residential Property with six (6) Dwelling Units.

### **7.5 Approved Containers of Recyclable Materials – Organics – Yard Waste – No Limit**

There is no limit on the number of Approved Containers containing Recyclable Materials, Organics or Yard Waste that can be set out for Collection by Owners and Occupants of any Low or Medium Density Residential Property.

### **7.6 Garbage Tag – Required for Excess of Limit**

Notwithstanding any other provisions of this by-law, all Approved Containers placed out for Garbage Collection at any Low or Medium Density Residential Property in excess of the maximums referred to Sections 7.3 and 7.4 must have a Garbage Tag attached.

### **7.7 Collection frequency**

Garbage may be set out for Collection by Owners and Occupants of any Low and Medium Density Residential Property once every second week on the Scheduled Collection Day and Recyclable Materials and Organics for Collection once a week on the Scheduled Collection Day. Yard Waste shall be set out for Collection on the Collection days indicated in the Town's annual Waste Management Calendar.

### **7.8 Christmas Trees**

Christmas Trees may be set out for collection by Owners and Occupants of any Low and Medium Density Residential Property twice a year on the Scheduled Collection Day. Only natural Christmas Trees, cut to less than 2.1 meters in length will be collected. Christmas Trees will not be collected if placed out for Collection in a bag or if decorations have not been removed. There is no limit on the number of Christmas Trees which may be placed out for Collection. Christmas Trees will not be collected from Christmas Tree vendors. Christmas Trees must also not be frozen to the ground or placed in, behind or on top of snow banks or windrows.

## **Article 8 - Specific Conditions and Set Out Requirements for Multi-Residential Properties**

### **8.1 Bulk Collection – Multi-Residential Properties**

Multi-Residential Properties that have met the Town's eligibility requirements set out in Article 4 - Eligibility Requirements for Collection will receive Bulk Collection provided that Waste is set out in accordance with the requirements of this by-law.

### **8.2 Storage Facilities - Multi-Residential Properties**

All Waste generated within a Multi-Residential Property must be stored indoors within a specifically designed Waste storage room, or within an approved external enclosure as per the Waste Standards.

### **8.3 Maximum number of Approved Containers**

The maximum quantity of Garbage placed out for Collection by Owners and Occupants of any Multi-Residential Property shall not exceed the equivalent of thirty-six (36) kilograms of Garbage per Dwelling Unit per week.

### **8.4 Collection frequency – Multi-Residential Properties**

Occupants of eligible Multi-Residential Properties may set out for Collection:

- (a) Garbage, Recyclable Materials and Organics once a week on the Scheduled Collection Day;
- (b) Bulky Waste once every two weeks; and
- (c) Metal Items and Large Appliances once a month.

### **8.5 Christmas Tree Collection**

Christmas Trees will be collected twice a year on the Scheduled Collection Day. Only natural Christmas Trees, cut to less than 2.1 meters in length will be collected. Christmas Trees will not be collected if placed out for collection in a bag or, if decorations have not been removed. There is no limit on the number of Christmas Trees which may be placed out for collection. Christmas Trees will not be collected from Christmas Tree vendors. Christmas Trees must also not be frozen to the ground or placed in, behind or on top of snow banks or windrows.

### **8.6 Additional Waste Collection**

If a Multi-Residential Property requires additional Collection of Waste in between Scheduled Collection Days, the Owner may contact the Town. The Town, at its discretion, will either direct the Owner to arrange for private Collection at the Owner's expense, or will arrange for the Town's Contractor to collect the Waste. If, the Town's Contractor collects the Waste, the Owner is required to pay the associated service fee to the Town for such service.

## **Article 9 - Specific Conditions and Set Out Requirements for I.C. & I. Properties**

### **9.1 Collection – I.C. & I. Properties**

I.C. & I. Properties that have met the Town's eligibility requirements set out in Article 4 - Eligibility Requirements for Collection may receive Curbside Collection provided that Waste is set out in accordance with the requirements of this by-law.

### **9.2 Storage Facilities - I.C. & I. Properties**

All Waste generated within an I.C. & I. Property must be stored indoors within a specifically designed Waste storage room or within an approved external enclosure.

## **Article 10 - Authority to Enter and Inspect**

### **10.1 Power of Entry**

Any By-law Enforcement Officer, the Commissioner of Community Services, the Commissioner of Environment and Infrastructure Services as well any other employee designated by either Commissioner to perform any of their powers or duties, or any Person under the direction of the foregoing Persons may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) the provisions of this by-law;
- (b) A Work Order issued by the Town pursuant to this by-law; or
- (c) An order under Section 431 of the *Municipal Act, 2001*.

## **10.2 Inspection**

A Person carrying out an inspection may:

- (a) inspect all waste management facilities including but not limited to: waste chute rooms, waste storage rooms, waste loading facilities, waste containers and access routes;
- (b) require the production of documents or things relevant to the inspection;
- (c) inspect or remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (d) require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; and
- (e) alone or in conjunction with any other Person possessing special or expert knowledge, make examinations, take or require tests of equipment or take samples or photographs necessary for the purpose of the inspection.

## **10.3 Inspection Pursuant to Order**

An inspection may be undertaken pursuant to an order issued under Section 438 of the *Municipal Act, 2001*.

# **Article 11 - Notices to Comply and Remedial Action**

## **11.1 Work Order**

Where a By-law Enforcement Officer has become aware of any contravention of this by-law, a By-law Enforcement Officer may issue a written Work Order to the Person who contravened or permitted the contravention of this by-law, as well as to the Owner or Occupant of the Property on which the contravention occurred, requiring the correction of the contravention.

## **11.2 Contents of Work Order**

The Work Order shall set out:

- (a) the reasonable particulars of the contravention adequate to identify the contravention, including the location of the land on which the contravention occurred;
- (b) a date by which there must be compliance with the Work Order and/or by which work must be done to correct the contravention, which date shall not be less than twenty- four (24) hours after the date of the notice; and
- (c) if the Work Order requires work to be done pursuant to (b), that if the work is not done in accordance with the notice by the specified date the Town may have the work done at the expense of the Owner, Occupant or other Person served with the Work Order.

## **11.3 Work Order - Delivery**

The Work Order may be served by:

- (a) personal service on the Owner, Occupant or other Person;
- (b) prepaid registered mail to the last known address of the Owner, Occupant or any other Person as shown on the most recent records of the Town; or
- (c) prominently posting a copy of the Work Order either:
  - (i) upon or near the Property in respect of which the Work Order is issued; or
  - (ii) on any premises on such Property.

#### **11.4 Work Order – Deemed Receipt**

A Work Order is deemed to be received by an Owner, Occupant or other Person served with it:

- (a) In the case of personal service as in subsection 11.3(a) or posting as in subsection 11.3(c), upon such personal service or posting; and
- (b) In the case of prepaid registered mail, on the 5<sup>th</sup> calendar day after it is mailed.

#### **11.5 Failure to comply - work done by Town**

If the Owner, Occupant or other Person served with a Work Order has failed to correct the contravention of this by-law by the date referred to in the Work Order, the Town, in addition to all other remedies it may have, may enter onto the affected property between the hours of 9:00 a.m. and 5:00 p.m. to do all work necessary to correct the contravention. The Town may recover the actual costs incurred in correcting the contravention by action or by adding the costs to the tax roll of the Owner and collecting them in the same manner as property taxes, as provided in Subsection 446(3) of the Municipal Act.

## **Article 12 - Enforcement and Offences**

### **12.1 Enforcement by By-law Enforcement Officer**

Any By-law Enforcement Officer who has reasonable grounds to believe that a Person has contravened any Provision of this by-law or failed to comply with a Work Order, may require that such Person provide their identification. Each Person required to provide such identification shall identify themselves. Giving their correct name, date of birth and address shall constitute sufficient identification and failure to provide same shall constitute an obstruction of the By-law Enforcement Officer as set out below.

### **12.2 Failure to comply with By-law – Offence**

Any person who contravenes any of the provisions of this by-law or fails to comply with a Work Order issued pursuant to this by-law is guilty of an offence.

### **12.3 Presumption**

Where a contravention of this by-law occurs on a Property or on any public property fronting it, the Owner or Occupant shall be presumed to have been the Person who caused or permitted the contravention, which presumption may be rebutted by evidence to the contrary on a balance of probabilities. Where an Owner or Occupant is a corporation, the directors and officers of the corporation shall be presumed to have knowingly concurred in the contravention of this by-law, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

### **12.4 No Obstruction of By-law Enforcement Officer**

No person shall hinder or obstruct, or attempt to hinder or obstruct, a By-law Enforcement Officer who is exercising a power or performing a duty under this by-law.

### **12.5 Continuing Offence**



Where a contravention of any provision of this by-law has occurred and not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.

### **12.6 Non-Compliance with Work Order**

If a Work Order has been issued under this by-law, and the Work Order has not been complied with, the contravention of the Work Order shall be deemed to be a continuing offence for each day or part of a day that the Work Order is not complied with.

### **12.7 Multiple Offence**

For the purposes of this by-law, “multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law.

### **12.8 Fines**

On conviction of an offence under this by-law, every Person is liable for a fine in accordance with the following rules made pursuant to Section 429 of the *Municipal Act, 2001*:

- (a) Upon a first conviction, to a fine of not less than \$500.00 and not more than \$50,000.00;
- (b) Upon conviction for a continuing offence, to a fine of not less than \$500.00 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00;
- (c) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$500.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.

## **Article 13 - Administrative Penalties**

### **13.1 Administrative Penalty – Alternative to Charge**

In lieu of laying a charge under the *Provincial Offences Act* for a breach of any provision of this by-law, a By-law Enforcement Officer may issue a Penalty Notice to the person who has contravened this by-law in accordance with the service requirements of the Administrative Penalty By-law. For greater certainty, the By-law Enforcement Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the *Provincial Offences Act* provided that if an administrative penalty is issued to a Person for the breach, no charge shall be laid against that same person for the same breach.

### **13.2 Administrative Penalty – Amount - Payment**

A Person served with a Penalty Notice shall be liable to pay to the Town an administrative penalty in the amount specified in Schedule “A” of the Administrative Penalty By-law. An administrative penalty for a contravention of this by-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the person to the Town and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

### **13.3 Administrative Penalty - Procedures**

A person who is issued a Penalty Notice shall be subject to the procedures as provided for in the Administrative Penalty By-law.

## **Article 14 - Severability**

### **14.1 Section declared invalid – remainder in force**

Where a court of competent jurisdiction declares any Section or part of a Section of this by-law invalid, the remainder of this by-law shall continue in force unless the court makes an order to the contrary.

DRAFT

## **Schedule “A”**

### **Approved Containers for Low and Medium Density Residential Properties**

#### **1. An Approved Container for Garbage shall:**

- (a) be a rigid reusable container, such as a Garbage can, designed for the purpose of containing Garbage, having:
  - (i) a lid which is readily separable from the container, which, when covered is watertight;
  - (ii) handles that are attached or molded into the exterior of the container;
  - (iii) a volume of less than 125 Litres; and
  - (iv) capable of supporting 18 kg; or
- (b) be non-returnable plastic Garbage bags, with a volume of less than 125 Litres, capable of being securely closed and designed for the purpose of containing garbage; or
- (c) In the case of broken glass, be a sealed cardboard box containing only broken glass and marked “GLASS FOR DISPOSAL” visible to the Contractor.

#### **2. An Approved Container for Recyclable Materials shall be:**

- (a) a reusable, durable plastic container known as a “blue box” available from the Town;
- (b) a reusable, durable plastic container with a lid known as a “large blue bin” available from the Town; or
- (c) any reusable, durable plastic container comparable in size and dimension to a “large blue bin” or “blue box”.

#### **3. An Approved Container for Yard Waste shall be:**

- (a) a rigid, reusable container with the lid removed when set out for collection and which clearly contains only Yard Waste and is clearly identified as a Yard Waste container and does not exceed 125 litres in volume; or
- (b) kraft paper bags with the tops folded to prevent precipitation from entering; or
- (c) bushel baskets.

#### **4. An Approved Container for Organics shall be:**

- (a) a green rigid reusable container known as a “green bin” available from the Town; or
- (b) a bag, tied and secured from pests placed on or next to a “green bin” if the “green bin” is full.

## **Schedule “B”**

### **Approved Containers for Multi-Residential Properties**

- 1. An Approved Container for Garbage shall be:**
  - (a) a metal container:
    - (i) not exceeding 6.12 cubic meters in size for loose Garbage; or
    - (ii) not exceeding 3.06 cubic meters in size for compacted Garbage; and
    - (iii) specifically designed for “front end” type commercial collection equipment including lockable wheels and uniquely identified as a container for Garbage only; or
  - (b) a rigid, reusable, plastic container having a hinged lid, wheels and a volume not exceeding 365 litres and uniquely identified as a container for Garbage only, as approved by the Commissioner of Environment and Infrastructure Services.
  
- 2. An Approved Container for Recyclable Materials shall be:**
  - (a) a rigid reusable plastic container having a hinged lid, wheels and a volume not exceeding 365 litres, uniquely identified as a container for Recyclable Materials only as approved by the Commissioner of Environment and Infrastructure Services; or
  - (b) a metal container not exceeding 6.12 cubic meters in size, specifically designed for collection by “front end” type commercial collection equipment, with lockable wheels, and uniquely identified as a container for Recyclable Materials only.
  
- 3. An Approved Container for Source Separate Organics shall be:**
  - (a) a rigid reusable plastic container having a hinged lid, wheels and a volume not exceeding 246 litres, uniquely identified as a container for Organics only, as approved by the Commissioner of Environment and Infrastructure Services; or
  - (b) a metal container not exceeding 1.53 cubic metres in size, specifically designed for collection by “front end” type commercial collection equipment, with lockable wheels, and uniquely identified as a container for Organics only.

## Schedule "C"

### Non-Collectible Waste

Non-Collectible Waste means the items and materials described below, or any other item or material designated as non-collectible by the Commissioner of Environment and Infrastructure Services from time to time:

- (a) liquid waste;
- (b) concrete products, bricks or stones;
- (c) tree branches exceeding ten (10) cm in diameter and root balls;
- (d) carcass of any animals save and except for food waste, or live animals or birds;
- (e) swill, manure, hay, straw or any other organic material not properly drained or wrapped;
- (f) discarded vehicle parts, tires and other automotive waste;
- (g) celluloid cuttings, moving picture film, oil or gasoline soaked materials, liquid chlorine or acid;
- (h) any sharp edged material such as broken glass, broken crockery, cut metal or anything of a similar nature unless such material is placed in separate, secure containers and clearly marked as to contents;
- (i) oil tanks or drums unless such items are halved or have both ends removed;
- (j) grass clippings;
- (k) used deposit beverage containers;
- (l) sewage;
- (m) Waste Electrical and Electronic Equipment (WEEE), as defined in the Environmental Protection Act, R.R.O. 1990, Regulation 347 or any successor regulation;
- (n) **Household Hazardous Waste:**
  - (i) any product, material or item typically labeled as "corrosive", "toxic", "reactive", "explosive", "oxidizing", "poisonous", "infectious", "flammable", including but not limited to the following:
    1. household cleaners including bleach, oven, drain, toilet and carpet cleaning solutions;
    2. explosives, gasoline, motor oil, barbeque starter fluid, ammunition or other incendiary material;
    3. pressurized containers including propane cylinders and tanks;
    4. aerosol containers (full or partially full);
    5. poisons, including rat and mouse poisons, moth balls, insect and weed killers;
    6. fertilizers, fungicides, herbicides, insecticides or pesticides ;
    7. paints, solvents, coatings and wood preservatives;
    8. engine oil, brake and transmission fluid;

9. batteries, including automotive batteries and Ni-cad rechargeable batteries and lead acid batteries;
10. gas tanks, fire extinguishers, pool and photogenic chemicals;
11. oil filters, after they have been used for their intended purpose;
12. switches that contain mercury and thermostats, thermometers, barometers or other measuring devices, if the thermostats, thermometers, barometers or other measuring devices contain mercury; or
13. antifreeze and containers in which it is contained; and
14. other Municipal Hazardous Waste as defined in the Environmental Protection Act, R.R.O. 1990, Regulation 347 or any successor regulation

- (ii) Compact fluorescent light bulbs and tubes;
- (iii) Hair dye, hair spray, hair mousse;
- (iv) Pharmaceuticals; or
- (v) Perfume, nail polish and nail polish remover.

(o) **Pathological Waste;**

- (i) microbiology laboratory wastes;
- (ii) animal blood, anatomical waste including organs, bones, muscles or other animal tissue or part thereof, save and except any food waste;
- (iii) human blood, bodily fluids, anatomical waste including organs, bones, muscles or other human tissue or part thereof;
- (iv) used medical dressings including bandages, poultices;
- (v) medicines, vitamins, drugs, vials, vaccines;
- (vi) waste sharps, including but not limited to, hypodermic needles, syringes, blades; or
- (vii) any other similar material or substance which contains or may contain pathological micro-organisms or which may be hazardous or dangerous; and
- (viii) anything included in the definition of pathological waste in the Environmental Protection Act, R.R.O. 1990, Regulation 347, as amended or superseded.

(p) **Trade Waste**

- (i) any waste generated, abandoned, condemned or rejected as a result of construction, alteration, repair, removal or demolition of any building or structure or part of any building or structure, including, but not limited to, drywall, bricks, stone, concrete, wall board, insulation, asbestos, lumber, roofing shingles, counter-tops, siding and fencing;
- (ii) the stock of any wholesale or retail merchant or fruit or vegetable dealers;
- (iii) commercial or industrial appliances;
- (iv) commercial or industrial furnaces and other types of heating units;

- (v) discarded office furnishings, partitions, office equipment; or
  - (vi) any other industrial, commercial, institutional or manufacturer's waste unless generated from an eligible property;
- (q) **Industrial Hazardous Waste**
- (i) PCB Waste (Polychlorinated Biphenyls) as defined in the Environmental Protection Act, R.R.O. 1990, Regulation 362, or any successor regulation;
  - (ii) The following wastes as defined in the Environmental Protection Act, R.R.O. 1990, Regulation 347, or any successor regulation:
    1. acute hazardous waste chemical;
    2. hazardous waste chemical;
    3. severely toxic waste;
    4. ignitable waste;
    5. corrosive waste;
    6. reactive waste;
    7. radioactive waste;
    8. leachate toxic waste;
    9. asbestos waste; or
    10. liquid industrial waste.