

May 21, 2010

## **Notice of Change**

Under subsection 3.13 of the Council Procedural By-law, the following changes have been made to **By-law No. 09-067**:

1. Under subsection 1.1 (c) "Bulk Waste", the second paragraph "(ii)" has been changed to "(iii)" and the subsequent paragraphs relabelled accordingly.
2. Under subsection 1.1 (s) "Home Health Care Waste", the paragraph "(iv)" has been changed to "(iii)" and the subsequent paragraphs relabelled accordingly.
3. Under subsection 4.1(f), "or" after paragraph (iii) has been changed to "and".
4. Under paragraph 4.1(l)(ii), "it" has been changed to "the order".
5. Under subsection 4.1(n), the first reference to "(m)" has been changed to "(l)".
6. Section 4.2, which read:

### **Prohibition Order**

Pursuant to Section 431 of the Municipal Act, 2001, when a person has been convicted of an offence under this By-Law, any court of competent jurisdiction may, in addition to any other penalty or other remedy imposed, make an order prohibiting the continuation or repetition of the offence.

has been deleted and the subsequent section relabeled accordingly.

7. Subsection 4.3(c) (relabeled as 4.2(c) by change 6), which read:

Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-Law, make an order:

- (i) prohibiting the continuation or repetition of the offence by the person convicted;
- (ii) requiring the person convicted to correct the contravention in the manner and with the period that the court considers appropriate.

has been changed to read as follows:

Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

8. These changes are to be read into By-law 09-067 as of the date it was enacted.

*Rose Caterini*  
*City Clerk*

**Authority:** Item 8, Public Works Committee  
Report 09-005 (PW09021)  
CM: April 1, 2009

**Bill No. 067**

**CITY OF HAMILTON**

**BY-LAW NO. 09-067**

**SOLID WASTE MANAGEMENT BY-LAW**

**Being a By-Law to provide for and regulate a Waste Management System for the City of Hamilton**

**WHEREAS** Sections 8, 9 and 10 of the Municipal Act, 2001, S.O. 2001, Chapter 25 (the "Municipal Act, 2001") authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 4, 5, 6 and 7 of subsection 10(2) authorize by-laws respecting public assets of the municipality, the economic social and environmental well-being of the municipality, the health, safety and well-being of persons and the provision of any service or thing that it considers necessary or desirable for the public;

**AND WHEREAS** the Waste Management System approved by the Council of the City of Hamilton includes the regulation and provision for the diversion, collection, processing and disposal of Acceptable Waste originating within the City of Hamilton;

**AND WHEREAS** Section 425 of the Municipal Act, 2001 authorizes the City of Hamilton to pass by-laws providing that a person who contravenes a by-law of the City of Hamilton passed under that Act is guilty of an offence;

**AND WHEREAS** the Municipal Act, 2001 further authorizes the City of Hamilton, amongst other things, to delegate its authority and to impose fees or charges on person for services or activities provided or done by or on behalf of it;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

**PART 1.0 DEFINITIONS**

1.1 In this By-Law:

- (a) "Acceptable Waste" means Waste that is acceptable at Transfer Stations and Community Recycling Centres, namely:
  - (i) Bulk Waste;
  - (ii) clean wood less than 1.2 metres long and broken down wooden crates, excluding pressure treated wood and railway ties;
  - (iii) Garbage;
  - (iv) Household Hazardous Waste;
  - (v) Leaf and Yard Waste;
  - (vi) Recyclable Materials;
  - (vii) Scrap Metal;
  - (viii) tires and tire rims (from cars and small pick ups);

- (ix) waste electrical and electronic equipment as defined in O. Reg. 393/04 under the Waste Diversion Act, 2002; and
  - (x) White Goods;
- (b) "Bin Container" means a receptacle manufactured for the deposit of Waste which is made of metal or plastic with a secure cover and is capable of being emptied by a forklift packer truck;
- (c) "Bulk Waste" means large household items, including but not limited to:
- (i) carpet;
  - (ii) clean wood less than 1.2 metres long and broken down wooden crates, excluding pressure treated wood and railway ties;
  - (iii) computers;
  - (iv) discarded plumbing, sinks, toilet bowls and seats, fittings and pipe;
  - (v) floor lamps;
  - (vi) furniture, mattresses and bed springs;
  - (vii) metal weighing less than 23 kilograms;
  - (viii) pool filters;
  - (ix) pool pumps;
  - (x) pool covers and solar blankets;
  - (xi) televisions; and
  - (xii) tires without rims;
- (d) "Central Composting Facility" means a Facility for the receipt, processing and marketing of Organic Waste, which is not accessible to the public;
- (e) "City" means the geographical area of the City of Hamilton or the municipal corporation as the context requires;
- (f) "City Landfill Site" means the landfill site of the City located in the former Township of Glanbrook in the Province of Ontario composed of part of Lots 26, 27 and 28, Concession 9, in the Geographic Township of Binbrook, and being more particularly described as Part 4 according to a Reference Plan received and deposited in the Land Registry Office for the Registry Division of Wentworth as Plan No. 62R-5286;
- (g) "Collection Operator" means staff retained to collect, remove and transport Waste, whether employed by a Contractor or directly by the City;
- (h) "Collection Day" means the specific days of the week and/or dates for the collection of Waste, prescribed by notice given by the City to Owners and Occupants of Eligible Properties;
- (i) "Commercial Vehicle" means a vehicle operated for the transport of Waste by or in association with any commercial, industrial or institutional activity and includes any vehicle with commercial markings, a commercial registration or an increased carrying capacity such as a dump trailer but does not include a vehicle operated by a driver who produces his or her Farmer ID card issued by the Ontario Federation of Agriculture, the Christian Farmers Federation of Ontario or the National Farmers Union;

- (j) "Community Recycling Centre" means a Facility for the receipt and transfer of Waste where residents of the City may drop off Acceptable Waste;
- (k) "Container" means a receptacle for the purpose of depositing Waste and includes a Bin Container;
- (l) "Contractor" means a private company under contract with the City to collect, transfer or process Waste, or to operate a Facility, or any combination of the foregoing;
- (m) "Council" means the Council of the City as elected from time to time;
- (n) "Eligible Property" means:
  - (i) single detached dwellings and multiple dwellings with a maximum of 5 dwelling units, including street townhouse dwellings and excluding block townhouse complexes;
  - (ii) multiple dwellings with 6 or more dwelling units, including block townhouse complexes and trailer parks;
  - (iii) other residential property, including lodging houses and residential care facilities in residential neighbourhoods;
  - (iv) commercial properties, excluding commercial properties with four or more floors, regional shopping centres, community shopping centres, neighbourhood shopping centres and strip malls;
  - (v) places of worship, except uses that are accessory or ancillary to the place of worship;
  - (vi) elementary and secondary schools, for the collection of Organic Waste and Recyclable Materials only;and each term for a built form or use in this subsection is deemed to include similar terms, such as "single detached dwelling" including "single family dwelling", that have been, are or may be used to describe such built form or use;
- (o) "Facility" means a City-owned property used for the transfer, processing or disposal of Waste, or any combination of the foregoing, as set out Schedule "A";
- (p) "Garbage" means discarded material other than:
  - (i) Bulk Waste;
  - (ii) Hazardous Waste;
  - (iii) Household Hazardous Waste;
  - (iv) Leaf and Yard Waste;
  - (v) Liquid Waste;
  - (vi) Organic Waste (where Organic Waste is not collected by a Collection Operator);
  - (vii) Pathological Waste;
  - (viii) Recyclable Materials; and
  - (ix) White Goods;

- (q) "General Manager" means the General Manager of Public Works for the City of Hamilton or his or her duly appointed designate, or successor;
- (r) "Hazardous Waste" means:
- (i) 1. hazardous industrial waste;
  2. acute hazardous waste chemical;
  3. hazardous waste chemical;
  4. severely toxic waste;
  5. ignitable waste;
  6. corrosive waste;
  7. reactive waste;
  8. radioactive waste, except radioisotope wastes disposed of in a landfilling site in accordance with the written instructions of the Canadian Nuclear Safety Commission;
  9. pathological waste; or
  10. leachate toxic waste,
- all as defined in Reg. 347 under the Environmental Protection Act;
- (ii) explosive waste;
  - (iii) PCB waste as defined in Reg. 362, R.R.O. 1990 under the Environmental Protection Act,
- and includes a mixture of acute hazardous waste, chemical hazardous waste, chemical hazardous industrial waste, pathological waste, radioactive waste or severely toxic waste and any other waste or material, and any other waste identified as a hazardous waste in any Provincial or Federal statute, regulation, Order in Council or otherwise from time to time;
- (s) "Home Health Care Waste" means:
- (i) casts;
  - (ii) catheters;
  - (iv) disposable pads, gloves and masks;
  - (v) dialysis wastes such as tubing, filters, disposable towels and sheets;
  - (vi) empty and rinsed out colostomy bags;
  - (iv) gastric and nasal tubes;
  - (v) IV bags and tubing;
  - (vi) soiled dressings and incontinence products; and
  - (vii) sponges;
- that are not Pathological Waste;
- (t) "Household Hazardous Waste" means any household product, material or item labelled as "corrosive", "toxic", "reactive", "explosive" or "flammable", and which is accepted under the City's household hazardous waste program, if any, in effect from time to time including:
- (i) aerosols;
  - (ii) antifreeze;
  - (iii) asbestos;
  - (iv) bulked fuel;
  - (v) car/vehicle batteries;

- (vi) dry-cell batteries;
  - (vii) fire extinguishers;
  - (viii) flammable liquids;
  - (ix) flammable solids;
  - (x) fluorescent light bulbs;
  - (xi) halogenated pesticides;
  - (xii) ignitable gas cylinders;
  - (xiii) inorganic acids;
  - (xiv) inorganic bases;
  - (xv) inorganic cyanides;
  - (xvi) inorganic oxidizers;
  - (xvii) isocyanates;
  - (xviii) large propane tanks;
  - (xix) mercury switches;
  - (xx) non-basic fire suppressants;
  - (xxi) non-ignitable gas cylinders;
  - (xxii) non-PCB light ballasts;
  - (xxiii) non-halogenated pesticides;
  - (xxiv) oil;
  - (xxv) oil filters;
  - (xxvi) organic oxidizers;
  - (xxvii) paint;
  - (xxviii) paint sludge;
  - (xxix) PCB contaminated waste;
  - (xxx) PCB light ballasts;
  - (xxxi) pharmaceuticals; and
  - (xxxii) small gas cylinders;
- (u) "Household Pet Waste" means animal excrement generated by a domesticated animal that is not living on a farm;
- (v) "Ineligible Property" means any property within the City that is not defined as an Eligible Property in subsection (n);
- (w) "Leaf and Yard Waste" means leaves, grass, weeds, garden hedge and tree trimmings, branches, brush, house and garden plants;
- (x) "Liquid Waste" means Waste which is not solid and which exhibits evidence of free water, or other liquids, whether or not contained;
- (y) "Materials Recycling Facility" means a Facility for the receipt, processing and marketing of Recyclable Materials, which is not accessible to the public;
- (z) "Municipal Law Enforcement Officer" means any person appointed by Council for the enforcement of this By-Law or any other by-law;
- (aa) "Occupant" means any person over the age of eighteen years in possession of property which is subject to this By-Law;

- (bb) “Organic Waste” means animal and vegetable waste, excluding Household Pet Waste and including, but not limited to, the following kitchen, yard and other source separated organic waste materials:
- (i) baked goods, bone, coffee filters and grounds, tea bags, dairy products, eggs, grains, meat, fish, poultry, pasta, vegetables, fruits, peelings and nut shells;
  - (ii) Leaf and Yard Waste, grass clippings, plants, leaves, flowers and vegetable garden waste;
  - (iii) soiled newsprint, paper bags, greasy pizza boxes, paper towels and microwave popcorn bags;
- (cc) “Owner” includes, but is not limited to:
- (i) both the owner in trust and the beneficial owner of property which is subject to this By-Law;
  - (ii) the person for the time being managing or receiving the rent of the property, which is subject to this By-Law, in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person or who would receive the rent if the property was let; and
  - (iii) a lessee or occupant of the property who manages or controls the condition of the property, which is subject to this By-Law;
- (dd) “Pathological Waste” means:
- (i) bandages, dressings, drugs, medicines, needles, poultices, syringes, vaccines, vials and other similar materials or substances which contain or could reasonably be expected to contain pathogenic bacteria or micro-organisms or could reasonably be expected to be infectious, hazardous or dangerous; and
  - (ii) anything designated as pathological waste by O. Reg. 347 under the Environmental Protection Act;
- (ee) “Physical Constraints Exemption” means a situation on a property which results in inadequate space for the placement of Bin Containers and/or for Waste collection vehicles to enter the property and remove the Waste from the Bin Containers in a safe manner, as determined by the General Manager;
- (ff) “Private Hauler” means an individual or corporation in the business of transporting Waste to a Facility including Residential Vehicles and Commercial Vehicles, except while operating such vehicles under contract to the City;
- (gg) “Recyclable Materials” means Recyclable Containers and Recyclable Fibres, including:
- 1) Recyclable Containers
    - (i) aseptic containers (e.g. drinking boxes);
    - (ii) empty metal paint and aerosol cans;

- (iii) gable-top containers (e.g. juice and milk cartons);
- (iv) glass bottles and jars;
- (v) metal beverage and food containers;
- (vi) plastic bottles and jugs (high density polyethylene #2);
- (vii) plastic soft drink and water containers (polyethylene terephthalate #1);
- (viii) film plastic (e.g. grocery bags);
- (ix) tubs and lids (#5);
- (x) polystyrene and styrofoam containers (#6); and
- (xi) cardboard cans (e.g. frozen juice containers, potato chip containers);

and

2) Recyclable Fibres

- (i) boxboard (e.g. cereal and cracker boxes);
  - (ii) corrugated cardboard;
  - (iii) envelopes, direct mail advertising, paper egg cartons, greeting cards and all remaining paper and paper products generated by households (currently referred to as the “paper box concept”);
  - (iv) fine paper;
  - (v) magazines;
  - (vi) newsprint; and
  - (vii) telephone books;
- (hh) “Residential Vehicle” means a private vehicle for personal use not normally used for purposes of Waste haulage associated with a commercial, industrial or institutional activity and includes a vehicle operated by a driver who produces his or her Farmer ID card issued by the Ontario Federation of Agriculture, the Christian Farmers Federation of Ontario or the National Farmers Union;
- (ii) “Scrap Metal” includes but is not limited to:
- (i) metal bicycles;
  - (ii) metal bed frames;
  - (iii) metal fencing/posts;
  - (iv) metal filing cabinets;
  - (v) hot water tanks;
  - (vi) metal sinks;
  - (vii) nuts/bolts/nails/screws;
  - (viii) passenger vehicle tire rims;
  - (ix) metal desks;
  - (x) metal shelves;
  - (xi) metal lawnmowers;
  - (xii) metal no longer than 1.8 metres in length;
  - (xiii) aluminium siding;
  - (xiv) automotive parts;
  - (xv) pipe fittings; and

- (xvi) barbeques excluding propane tanks;
- (jj) “Special Policy Area” means a downtown core area and/or a Business Improvement Area, including but not limited to:
  - (i) Hamilton District - Queen Street to Wellington Street and Cannon Street to King Street, and along the spine of James Street from Aberdeen Avenue to Guise Street;
  - (ii) Stoney Creek District - King Street from New Mountain Road to Battlefield Drive; Lake Avenue South;
  - (iii) Ancaster District - Wilson Street from Rosseaux/Mohawk Road to Todd Street;
  - (iv) Dundas District - King Street from York Street to Bond Street;
  - (v) Flamborough District - Dundas Street East from Perrelli Street to Pamela Street and Hamilton Street North from Dundas Street to Parkside Drive;
- (kk) “Street” means a common and public highway, 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 and includes the area between lateral property lines thereof;
- (ll) “Transfer Station” means a Facility for the receipt and transfer of Waste, and may include one or more areas accessible to the public;
- (mm) “Unacceptable Bulk Waste” means:
  - (i) automotive parts;
  - (ii) construction materials, including but not limited to drywall, electrical wiring and various other home renovation materials;
  - (iii) earth, brick and stone;
  - (iv) Garbage and Unacceptable Garbage;
  - (v) Household Hazardous Waste;
  - (vi) Items weighing more than 90 kilograms;
  - (vii) Leaf and Yard Waste;
  - (viii) loose carpets;
  - (ix) Organic Waste;
  - (x) pipes and swing sets exceeding 1.2 metres in length;
  - (xi) pressure treated lumber, railway ties and painted/stained wood;
  - (xii) Recyclable Materials;
  - (xiii) rolled and tied carpets longer than 1.2 metres in length;
  - (xiv) Scrap Metal;
  - (xv) steel and plastic barrels;
  - (xvi) tires with rims;
  - (xvii) tree stumps;
  - (xviii) wheel rims;
  - (xix) White Goods;
  - (xx) wood in excess of 1.2 metres in length;
- (nn) “Unacceptable Garbage” means:

- (i) automotive parts;
  - (ii) Bulk Waste and Unacceptable Bulk Waste;
  - (iii) carcasses of dogs, cats, fowl and other creatures or part thereof which are not Organic Waste;
  - (iv) earth, brick and stone;
  - (v) hay and straw;
  - (vi) Hazardous Waste;
  - (vii) Household Hazardous Waste;
  - (viii) human and animal excrement, except for Household Pet Waste and diapers;
  - (ix) industrial, commercial and trade Waste from Ineligible Properties;
  - (x) Leaf and Yard Waste;
  - (xi) Liquid Waste;
  - (xii) Organic Waste, where Organic Waste is collected by a Collection Operator;
  - (xiii) Pathological Waste;
  - (xiv) Recyclable Materials;
  - (xv) sawdust, shavings, excelsior and vermiculite;
  - (xvi) steel and plastic barrels;
  - (xvii) wood in excess of 1.2 metres in length, wooden boxes and barrels;
  - (xviii) wire, wire mesh and fencing; or
  - (xix) White Goods;
  - (xx) tree stumps;
  - (xxi) pressure treated lumber, railway ties;
  - (xxii) wood ashes;
  - (xxiii) metal;
  - (xxiv) Scrap Metal;
- (oo) "Unacceptable Organic Waste" means:
- (i) animal carcasses;
  - (ii) batteries;
  - (iii) Bulk Waste;
  - (iv) diapers;
  - (v) dirt/sod;
  - (vi) dryer sheets;
  - (vii) electronic and electrical equipment;
  - (viii) Garbage;
  - (ix) glass jars/containers and lids;
  - (x) Home Health Care Waste;
  - (xi) Household Hazardous Waste;
  - (xii) Household Pet Waste;
  - (xiii) metal;
  - (xiv) Pathological Waste;
  - (xv) plastic bags;
  - (xvi) plastic containers;
  - (xvii) plastic plates/cutlery;
  - (xviii) rocks;

- (xix) sanitary products;
  - (xx) Scrap Metal;
  - (xxi) styrofoam;
  - (xxii) textiles/clothing/twine;
  - (xxiii) tree stumps;
  - (xxiv) White Goods;
  - (xxv) wood, except untreated wood that is sawdust, cold ashes in a paper bag or wood chips;
- (pp) "Waste" means Bulk Waste, Garbage, Hazardous Waste, Household Hazardous Waste, Leaf and Yard Waste, Liquid Waste, Organic Waste, Pathological Waste, Recyclable Materials and White Goods;
- (qq) "Waste Management System" means Facilities and equipment used in and operations carried out for the management of Waste by the City including but not limited to the planning, collection, handling, transportation, storage, processing, marketing and/or disposal; and may also include Waste diversion programs; and
- (rr) "White Goods" means:
- (i) air conditioners, window mounted and central air systems;
  - (ii) clothes dryers;
  - (iii) dehumidifiers;
  - (iv) dishwashers;
  - (v) freezers;
  - (vi) hot water tanks, drained;
  - (vii) microwave ovens;
  - (viii) metal, weighing 23 kilograms or more;
  - (ix) ovens;
  - (x) pool heaters;
  - (xi) refrigerators;
  - (xii) stoves;
  - (xiii) water pressure tanks; and
  - (xiv) water coolers.

## **PART 2.0 APPLICATION AND INTERPRETATION**

- 2.1 The provisions of this By-Law apply to all properties within the boundaries of the City.
- 2.2 Unless otherwise provided for, Waste collection and disposal services, as set out under this By-Law, are provided only to Eligible Properties within the City.
- 2.2 If a property is an Ineligible Property for Waste collection and disposal services from the City under this By-Law, the Owner or Occupant shall be fully responsible for the provision of private Waste collection and disposal services, in accordance with good practice and all applicable statutes, by-laws and regulations respecting health and safety.

- 2.3 In the event of any conflict between the provisions of this By-Law and the provisions of any other statute, regulation or by-law, the provisions that are the most restrictive prevail.
- 2.4 The necessary grammatical changes required to make the provisions of this By-Law applicable 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 though fully expressed.
- 2.5 The following Schedules are attached to and form part of this By-Law:  
Schedule "A" - Facilities;  
Schedule "B" - Metric to Imperial Measurement Conversions;  
Schedule "C" - Fees.
- 2.6 The insertion of headings and the division of this By-Law into sections and subsections are for convenience of reference only and shall not affect the interpretation thereof.
- 2.7 Any references in this By-Law to any statutes, regulations or by-laws shall be deemed to be a reference to such statutes, regulations or by-laws, as amended, restated or replaced from time to time.

### **PART 3.0 SHORT TITLE**

This By-Law may be referred to as the "Solid Waste Management By-Law".

### **PART 4.0 ADMINISTRATION, ENFORCEMENT AND PENALTIES**

#### **4.1 Administration and Enforcement**

- (a) The General Manager is responsible for the administration of this By-Law.
- (b) All Municipal Law Enforcement Officers are authorized to enforce this By-Law.
- (c) The General Manager is authorized to delegate the responsibility for the administration of this By-Law to any employee or agent of the Waste Management Division of the Public Works Department of the City.
- (d) Fees under this By-Law, including but not limited to fees for Waste disposal, shall be as set out in this By-Law and the City's User Fees and Charges By-Law.
- (e) A Municipal Law Enforcement Officer 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:
- (i) this By-Law;
  - (ii) a direction or order made under this By-Law;
  - (iii) a condition of a permit issued under this By-Law; or
  - (iv) an order made under s. 431 of the *Municipal Act, 2001*.
- (f) A Municipal Law Enforcement Officer may, for the purposes of the inspection under subsection (e):

- (i) require the production for inspection of documents or things relevant to the inspection;
  - (ii) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (iii) require information in writing or otherwise as required by the Municipal Law Enforcement Officer from any person concerning a matter related to the inspection; or
  - (iv) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (g) A Municipal Law Enforcement Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001* where he or she has been prevented or is likely to be prevented from carrying out an inspection under subsections (e) and (f).
- (h) If a Municipal Law Enforcement Officer is satisfied that a contravention of this By-Law has occurred, he or she may make an order requiring the person who contravened the By-Law or who caused or permitted the contravention or the owner or occupier of the property on which the contravention occurred to discontinue the contravening activity.
- (i) An order under subsection (h) shall set out:
- (i) reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred; and
  - (ii) the date or dates by which there must be compliance with the order.
- (j) If a Municipal Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the property on which the contravention occurred to do work to correct the contravention.
- (k) An order under subsection (j) shall set out:
- (i) reasonable particulars of the contravention adequate to identify the contravention and the location of property on which the contravention occurred;
  - (ii) the work to be completed; and
  - (iii) the date or dates by which the work must be complete.
- (l) An order to discontinue contravening activity made under subsection (i) or an order to do work made under subsection (j) may be served personally or by registered mail to the last known address of:
- (i) the owner or occupier of the property where the contravention occurred; and
  - (ii) such other persons affected by it as the Municipal Law Enforcement Officer making the order determines.

Service by registered mail shall be deemed to have taken place five business days after the date of mailing.

- (m) In addition to service given in accordance with subsection (l), an order to discontinue contravening activity made under subsection (i) or an order to do work made under subsection (j) may be served by a Municipal Law Enforcement Officer placing a placard containing the order in a conspicuous place on the property where the contravention occurred.
- (n) Where service cannot be given in accordance with subsection (m), sufficient service is deemed to have taken place when given in accordance with subsection (m).
- (o) Where a person does not comply with a direction or a requirement, including an order, under this By-Law to do a matter or thing, the General Manager, with such assistance by others as may be required, may carry out such direction or requirement at the person's expense.
- (p) The City may recover the costs of doing a matter or thing under subsection (o) by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an interest rate of 15 per cent commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.
- (q) The General Manager is authorized to give immediate effect to any direction or requirement where the costs of carrying out the direction or requirement do not exceed \$10,000 and, where the costs do exceed \$10,000, as the City's Council may authorize.
- (r) The City may retain a Contractor to fulfill any of the City's responsibilities under this By-Law, however if due to breakdown of equipment, strike, inclement weather, or any other cause, Waste collection is not provided to a property, the City is not be liable to any person for any damages, costs or expenses due to the failure of such Waste collection to take place. If the City changes a Waste Collection Day, the City may advise all affected persons by notice in the local newspapers published three times prior to the change or by such other method approved by the General Manager.

#### 4.2 Prohibition Order

Pursuant to Section 431 of the Municipal Act, 2001, when a person has been convicted of an offence under this By-Law, any court of competent jurisdiction may, in addition to any other penalty or other remedy imposed, make an order prohibiting the continuation or repetition of the offence.

#### 4.3 Penalties

- (a) Every person who contravenes any provision of this By-Law is, upon conviction, guilty of an offence and is liable:
  - (i) on a first conviction, to a fine of not more \$10,000; and
  - (ii) on any subsequent conviction, to a fine of not more than \$25,000.

- (b) Despite subsection (a), where the person convicted is a corporation,
  - (i) the maximum fine in paragraph (a)(i) is \$50,000; and
  - (ii) the maximum fine in paragraph (a)(ii) is \$100,000.
- (c) Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-Law, make an order:
  - (i) prohibiting the continuation or repetition of the offence by the person convicted;
  - (ii) requiring the person convicted to correct the contravention in the manner and with the period that the court considers appropriate.

## **PART 5.0 SEVERABILITY**

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.

## **PART 6.0 PROHIBITIONS**

In addition to the prohibitions on specific types of Waste, as defined in this By-Law, the following general provisions shall apply:

- 6.1 No person shall set out for collection, or allow, acquiesce in or cause to be set out for collection, by a Collection Operator, any Unacceptable Garbage.
- 6.2 No Owner whose property is vacant shall set out for collection, or allow, acquiesce in or cause to be set out for collection, by a Collection Operator, any Waste on said vacant property.
- 6.3 No person shall deposit, or allow, acquiesce in or cause any other person to deposit, any Waste on or onto any Street or public property. For the purpose of this section, "deposit" shall include place, drop, sweep, throw, or cast.
- 6.4 No Owner or Occupant shall set out Waste for collection, or allow, acquiesce in or cause Waste to be set out for collection, by a Collection Operator, prior to 7:00 p.m. of the day prior to the scheduled Collection Day and after 7:00 a.m. of the scheduled Collection Day.
- 6.5 No Owner or Occupant shall fail to remove any Container, whether empty or not, from the Street by 7:00 p.m. on the scheduled Collection Day.
- 6.6 No Owner or Occupant shall allow, acquiesce in or cause the accumulation or storage of Waste on his or her property so that it becomes a public nuisance or emits offensive odours or is likely to attract birds, rats or other vermin or insects.
- 6.7 No Owner or Occupant shall allow, acquiesce in or cause any Container to emit offensive odours or attract birds, rats or other vermin and insects.
- 6.8 No person shall pick over, interfere with, disturb, remove or scatter, or allow, acquiesce in or cause any Waste set out for collection to be picked over,

interfered with, disturbed, removed or scattered unless authorized to do so by the General Manager.

- 6.9 No person shall allow any animal owned or under his or her care or control to pick over, interfere with, disturb, remove or scatter any Waste set out for collection.
- 6.10 No person shall set out, or allow, acquiesce in or cause Waste to be set out on the Street or public property for collection by a private agency, unless authorized to do so by the General Manager.
- 6.11 No person shall deposit, or allow, acquiesce in or cause to be deposited Waste generated on private property in Containers located on public property for the purpose of depositing Waste generated on public property.
- 6.12 No Owner or Occupant shall set out for collection, or allow, acquiesce in or cause to be set out for collection, Waste generated on his or her property onto any other person's property, or onto the Street abutting any other person's property, without the prior consent of that other person.
- 6.13 No Owner or Occupant shall set out for collection, or allow, acquiesce in or cause to be set out for collection, any Waste unless it is in an acceptable Container, as prescribed in Section 8.
- 6.14 No person shall collect Waste unless he or she has the necessary licenses and complies with all relevant Federal, Provincial and municipal statutes, regulations and by-laws.
- 6.15 No person shall fail to pay an applicable fee as set out under this By-law or the User Fees and Charges By-law.
- 6.16 No person shall smoke at a Facility or hold a lighted tobacco product, including a cigarette, cigar or pipe, at a Facility.

## **PART 7.0 AUTHORITY OF THE GENERAL MANAGER**

- 7.1 The General Manager has authority to:
  - (a) operate and administer the Facilities in accordance with this By-Law;
  - (b) determine frequency and scheduling of Waste collection services, in accordance this By-Law;
  - (c) designate Waste collection points;
  - (d) discontinue or refuse Waste collection services to any Owner or Occupant whose property, in the opinion of the General Manager, is unsafe for entry or egress by Collection Operators for any reason, including but not limited to, the physical layout, loading facilities or the methods of handling Waste on the property;
  - (e) suspend Waste collection services in all or part of the City, in the event of inclement weather or other condition that in the opinion of the General Manager renders the provision of Waste collection services unsafe or otherwise undeliverable;

- (f) establish site specific Waste collection conditions for properties which have Physical Constraint Exemptions;
- (g) give approval for more Containers than otherwise permitted under this By-Law to be set out for collection, taking into consideration: the medical circumstances of the occupant(s) of residential property; if 3 or more of the occupants of residential property are children under the age of 5; the use of the property as a farm; the use of the property as a daycare as proven by a Provincial licence, income tax return or other similar documentation; or such other special considerations as may be approved by Council from time to time; and
- (h) establish such other measures required for the proper administration of the Waste Management System.

7.2 With regard to operations at a Facility, the General Manager may:

- (a) refuse entry to any person violating this By-law;
- (b) evaluate and certify the acceptability for disposal of any Waste not specifically dealt with in this By-law, in a manner consistent with this By-law, upon receiving a written request by any person proposing to deposit Waste at a Facility;
- (c) specify an acceptable time schedule, and pre-disposal conditions for the delivery of Waste which might otherwise cause undue operational difficulties at a Facility; or
- (d) refuse entry to all vehicles which exceed their licensed weight capacity.

## **PART 8.0 COLLECTION SERVICES**

### **8.1 General Conditions for Waste Collection**

- (a) Subject to this By-Law, Waste is only collected from Eligible Properties.
- (b) Except as authorized by the General Manager, no person shall remove Recyclable Materials or other Waste placed or apparently placed for collection by a Collection Operator. All Recyclable Materials and Waste placed or apparently placed for collection by a Collection Operator are the property of the City.
- (c) No Owner or Occupant shall be eligible to receive Waste collection services from a Collection Operator unless that Owner or Occupant complies with this By-Law.
- (d) No person shall set out for collection by a Collection Operator any Waste except in compliance with this By-Law.
- (e) No person shall set out for collection by a Collection Operator any Container which is not maintained in a manner that allows for the safe collection of Waste.

- (f) No Owner or Occupant shall permit any Waste that has been set out for collection to blow away or otherwise escape in any manner prior to collection.
- (g) Where Waste that has been set out for collection has blown away or otherwise escaped in any manner, the Owner or Occupant of the property from which the Waste originated shall clean up the Waste.
- (h) No person shall set out Waste for collection by a Collection Operator, except in a location as close as practicable to the travelled portion of the Street.
- (i) No person shall set out Waste for collection in such a manner so as to obstruct vehicular or pedestrian traffic.

## 8.2 Conditions for Recyclable Materials Collection

No Owner or Occupant shall set out for collection, or, allow, acquiesce in or cause to be set out for collection, any Recyclable Materials except in accordance with subsections (a) to (i) inclusive.

- (a) The only permitted Containers for Recyclable Materials are:
  - (i) a securely tied non-returnable clear or translucent plastic bag;
  - (ii) a blue box provided by the City;
  - (iii) a plastic receptacle comparable in weight and dimensions to a blue box provided by the City;
  - (iv) in addition to the Containers set out in paragraphs (i) to (iii) inclusive, for multiple dwellings with 6 or more dwelling units, residential care facilities and commercial properties:
    - 1. a rigid, reusable Container provided by the City having a hinged lid, wheels and volume not exceeding 364 litres;
    - 2. a receptacle comparable in structure, weight and dimensions to a Container provided by the City as described in subparagraph 1; or
    - 3. a Bin Container not less than 2.293 m<sup>3</sup> and not exceeding 6.12 m<sup>3</sup> in size for Recyclable Fibres only.
- (b) Recyclable Containers are empty with:
  - (i) metal lids removed and placed in a Container permitted under subsection (a) containing only Recyclable Containers; and
  - (ii) plastic lids removed and disposed of as Garbage.
- (c) Plastic shopping bags are accumulated and placed in an empty plastic shopping bag, securely tied and placed in a Container permitted under subsection (a) containing only plastic shopping bags and/or Recyclable Containers.
- (d) Corrugated cardboard, boxboard and paper egg cartons are flattened and bundled securely and in a size not to exceed 0.75 metres by 0.75 metres by

0.2 metres, and placed beside a Container permitted in subsection (a), or placed loosely in such a Container containing only corrugated cardboard, boxboard, paper egg cartons and/or other Recyclable Fibres.

- (e) Newsprint, magazines, telephone books, fine paper and flyers are placed loosely in a Container or Bin Container containing only newsprint, magazines, telephone books, fine paper, flyers and/or other Recyclable Fibres.
- (f) The weight including contents of any Container permitted in paragraphs (a)(i) to (ii) inclusive or bundle permitted under subsection (c) does not exceed 13 kilograms.
- (g) No Recyclable Materials are frozen to or in any way attached to or in a condition in which they cannot discharge freely from a Container permitted under subsection (a).
- (h) Where the property generating the Recyclable Materials is a single detached dwelling, multiple dwelling with a maximum of 5 dwelling units, lodging house or place of worship Containers permitted under paragraphs (a)(i) to (iii) inclusive are set out for collection once per week on the scheduled Collection Day.
- (i) Where the property generating the Recyclable Materials is a multiple dwelling with 6 or more dwelling units, a residential care facility, commercial property or elementary or secondary school:
  - (i) the Owner or Occupant(s) participate in the City's Garbage program and Organic Waste program;
  - (ii) Containers as permitted under subsection (a) are set out for collection:
    1. once per week on the scheduled Collection Day at a commercial property, except a commercial property in a Special Policy Area, or elementary or secondary school: or
    2. up to three times per week on scheduled Collection Days at a multiple dwelling with 6 or more dwelling units, a residential care facility or a commercial property in a Special Policy Area.

### 8.3 Conditions for Organic Waste Collection

No Owner or Occupant shall set out for collection, or, allow, acquiesce in or cause to be set out for collection, any Organic Waste except in accordance with subsections (a) to (e) inclusive.

- (a) The only permitted Container for Organic Waste is a green, rigid, reusable Container equipped and maintained with handles and a hinged lid with a maximum capacity as approved by the City under its Organic Waste program.

- (b) Organic Waste deposited in a Container permitted under subsection (a) may be in a certified compostable liner that is not paper in origin, has BPI and/or BNQ certification and having a volume not exceeding 10 litres.
- (c) No Organic Waste is frozen to or in any way attached to or in a condition in which they cannot discharge freely from a Container permitted under subsection (a).
- (d) Two (2) additional Containers of Leaf and Yard Waste may be set out for collection beside the Green Cart each week throughout the year.
- (e) Containers permitted under subsection (a) are set out for collection once per week on the scheduled Collection Day.

#### 8.4 Conditions for Leaf and Yard Waste Collection

No Owner or Occupant shall set out for collection, or, allow, acquiesce in or cause to be set out for collection, any Leaf and Yard Waste except in accordance with subsections (a) to (f) inclusive.

- (a) The only permitted Containers for Leaf and Yard Waste are:
  - (i) a rigid, reusable Container with the lid removed;
  - (ii) a kraft paper bag with the top folded over;
  - (iii) a bushel basket; or
  - (iv) a green, rigid, reusable Container equipped and maintained with handles and a hinged lid with a maximum capacity as approved by the City under its Organic Waste program.
- (b) Where the Leaf and Yard Waste is brush and/or woody material, it is tied in bundles of not more than 1.2 metres in length and 0.75 metres in diameter.
- (c) Individual branches do not exceed 0.07 metres in diameter;
- (d) The weight including contents of any Container permitted under subsection (a) or bundle permitted under subsection (b) does not exceed 23 kilograms.
- (e) Containers permitted under paragraphs (a)(i) to (iii) inclusive and bundles permitted under subsection (b) are set out for collection on Collection Days designated for the collection of Leaf and Yard Waste.
- (f) Containers permitted under paragraph (a)(iv) are set out for collection once per week on scheduled Collection Days for Organic Waste.

#### 8.5 Conditions for Christmas Tree Collection

No Owner or Occupant shall set out for collection, or, allow, acquiesce in or cause to be set out for collection, any Christmas tree except in accordance with subsections (a) to (e) inclusive.

- (a) The Christmas tree is natural.
- (b) The Christmas tree is not contained in a plastic bag or any other receptacle.
- (c) All tinsel and decorations have been removed from the Christmas tree.

- (d) No more than five Christmas trees are set out for collection on each of the designated Collection Days in January.
- (e) The Owner or Occupant is not a Christmas tree vendor.

#### 8.6 Conditions for Garbage Collection

No Owner or Occupant shall set out for collection, or, allow, acquiesce in or cause to be set out for collection, any Garbage except in accordance with subsections (a) to (i) inclusive.

- (a) The only permitted Containers for Garbage are:
  - (i) a rigid, reusable Container having:
    - 1. a lid which is readily separable from the Container;
    - 2. a volume of less than 135 litres;
    - 3. a weight including contents not exceeding 23 kilograms; and
    - 4. a diameter which is smaller at the bottom than at the top;
  - (ii) a non-returnable plastic garbage bag capable of being closed or tied and containing not more than 23 kilograms of Garbage; or
  - (iii) a sealed cardboard box containing only broken glass and marked "GLASS" so that is visible to the Collection Operator;
  - (iv) in addition to the Containers set out in paragraphs (i) to (iii) inclusive, for multiple dwellings and residential care facilities:
    - 1. a Bin Container not exceeding 6.12 m<sup>3</sup> in size for loose Garbage;
    - 2. a Bin Container no exceeding 2.293 m<sup>3</sup> for compacted Garbage.
- (b) All wet Garbage is drained and placed in a leak-proof container or bag prior to placement in a Container permitted under subsection (a).
- (c) Ashes are cold and placed in a self-contained receptacle separate from other types of Waste.
- (d) All non-returnable plastic garbage bags are tied securely.
- (e) Home Health Care Waste is double bagged in plastic and placed in a Container permitted under paragraph (a)(i) or (a)(iv) to minimize exposure to the public and Collection Operators.
- (f) No Garbage is frozen to or in any way attached to or in a condition in which it cannot discharge freely from a Container permitted under subsection (a).
- (g) Where the property generating the Garbage is a single detached dwelling, multiple dwelling with a maximum of 5 dwelling units or lodging house:
  - (i) from March 28, 2009 until April 5, 2010. no more than one Container permitted under paragraphs (a)(i) and (ii) and one clear plastic garbage bag that meets all requirements under this By-law are set out for collection per dwelling unit once per week on the scheduled Collection Day;

- (ii) after April 5, 2010, no more than one Container permitted under paragraphs (a)(i) and (ii) is set out for collection per dwelling unit once per week on the scheduled Collection Day;
  - (iii) notwithstanding paragraphs (g)(i) and (ii), on the first scheduled Collection Day following Victoria Day, Thanksgiving Day and New Year's Day no more than three Containers permitted under paragraphs (a)(i) and (ii) are set out for collection per dwelling unit.
- .
- (h) Where the property generating the Garbage is a multiple dwelling with 6 or more units or residential care facility:
    - (i) the Owner or Occupant(s) participate in the City's recycling program and Organic Waste program;
    - (ii) no more than one Container permitted under paragraphs (a)(i) and (ii) per dwelling unit is set out for collection once per week on the scheduled Collection Day; and
    - (iii) no more than three Bin Containers permitted under paragraph (a)(iv) are set out for collection three times per week on the scheduled Collection Day; and
  - (i) Where the property generating the Garbage is a commercial property:
    - (i) the Owner or Occupant(s) participate in the City's recycling program and Organic Waste program;
    - (ii) no more than six Containers permitted under paragraphs a(i) and a(ii) are set out for collection:
      1. once per week at a commercial property, except a commercial property in a Special Policy Area; or
      2. up to three times per week in a Special Policy Area where enhanced Garbage collection is provided.on the scheduled Collection Day.

#### 8.7 Conditions for Bulk Waste Collection

No Owner or Occupant shall set out for collection, or, allow, acquiesce in or cause to be set out for collection, any Bulk Waste except in accordance with subsections (a) to (h) inclusive:

- (a) Each Bulk Waste item weighs no more than 90 kilograms.
- (b) All Bulk Waste items are broken down or dismantled so that the parts or pieces do not exceed 1.2 metres in length.
- (c) All moveable parts within the Bulk Waste item are secured (e.g. sofa beds).
- (d) All carpets are rolled and securely tied.
- (e) All batteries and light bulbs are removed.

- (f) Where the property generating the Bulk Waste is a single detached dwelling, multiple dwelling with a maximum of 5 dwelling units, lodging house, residential care facility or place of worship:
  - (i) not more than 4 Bulk Waste items are set out for collection;
  - (ii) during the designated Bulk Collection period a call is made to the City at least one week prior to a Collection Day and the Bulk Waste is set out for collection on that Collection Day.
- (g) Where the property generating the Bulk Waste is a multiple dwelling with less than 4 floors:
  - (i) not more than 8 Bulk Waste items are set out for collection; and
  - (ii) during the designated Bulk Collection period a call is made to the City at least one week prior to a Collection Day and the Bulk Waste is set out for collection on that Collection Day.
- (h) Where the property generating the Bulk Waste is a multiple dwelling with 5 or more floors:
  - (i) not more than 8 Bulk Waste items are set for collection; and
  - (ii) a call is made to the City at least one week prior to the designated Collection Day and the Bulk Waste is set out for collection on that Collection Day.

## **9.0 WASTE MANAGEMENT FACILITIES**

### **9.1 Transfer Stations and Community Recycling Centres**

#### **General**

- (a) All Waste deposited at a Transfer Station or Community Recycling Centre is the property of the City and no person shall scavenge or remove any Waste from a Transfer Station or Community Recycling Centre.
- (b) All Waste deposited at a Transfer Station or Community Recycling Centre is the property of the City and may be salvaged, recycled, reclaimed, disposed of and otherwise dealt with as the City may deem fit.

#### **Delivery and Disposal of Acceptable Waste**

- (c) No person shall deliver or dispose of or allow or cause to be delivered or disposed of any Waste at a Transfer Station or Community Recycling Centre other than Acceptable Waste.
- (d) Notwithstanding subsection (c), no operator of Residential Vehicle shall deliver or dispose of any Garbage that includes Recyclable Materials at a Community Recycling Centre.
- (e) No person shall deliver, or dispose of or allow or cause to be delivered or disposed any Garbage originating from outside the City at a Transfer Station or Community Recycling Centre.
- (f) No person shall convey, or allow or cause to be conveyed, any Waste for disposal to a Transfer Station or Community Recycling Centre which is not

contained in fully enclosed vehicle bodies, or totally enclosed or covered in canvas, tarpaulins or nets, and leak-proof so as to prevent any of the contents from falling upon the ground.

- (g) No person shall enter Transfer Station or Community Recycling Centre except in a motor vehicle.
- (h) All persons shall enter or exit a Transfer Station or Community Recycling Centre by the designated access and exit routes.
- (i) No person, while at a Transfer Station or Community Recycling Centre, shall:
  - (i) indulge in any riotous, violent, threatening or illegal conduct, or use profane or abusive language;
  - (ii) create a nuisance or in any way interfere with the use of the Transfer Station or Community Recycling Centre by any other person;
  - (iii) operate a vehicle or do any other thing without exercising due care and attention or in a manner that causes or is likely to cause injury or harm to any person or damage to any property; or
  - (iv) allow any child, who is under the age of fourteen years, and is under the person's care, custody or control, to be outside of their vehicle at a Transfer Station or Community Recycling Centre.
- (j) No person shall deposit or allow or cause to be deposited any Waste except in the disposal areas of a Transfer Station or Community Recycling Centre so designated for such purposes.
- (k) Every person using a Transfer Station or Community Recycling Centre shall at all times obey all signs and directions of all City staff and Contractor(s) at any Transfer Station or Community Recycling Centre.
- (l) No person shall dispose of, or allow or cause to be disposed of, any Waste at a Transfer Station or Community Recycling Centre that is not properly drained or dried so that it does not contain any visible evidence of free water, or other liquids.
- (m) No person shall dispose of, or allow or cause to be disposed of, Household Pet Waste at a Transfer Station in a greater quantity than that generated in one dwelling unit.

## 9.2 City Landfill Site

No person shall deliver Waste to the City Landfill Site, except for:

- (a) Contractors operating transfer vehicles and delivering Waste for disposal;
- (b) City staff or Contractors operating vehicles and delivering catch basin sludge or Street sweepings;
- (c) City staff or Contractors operating vehicles and delivering grit and scum sludge from the City's Woodward Avenue Wastewater Treatment Plant; and
- (d) City staff or Contractors operating vehicles and delivering Leaf and Yard Waste.

### 9.3 **Materials Recycling Facility**

#### **General**

- (a) All Recyclable Materials at the Materials Recycling Facility are the property of the City and no person shall scavenge or remove any Recyclable Materials from the Materials Recycling Facility.
- (b) All Recyclable Materials deposited at the Materials Recycling Facility are the property of the City and may be salvaged, recycled, reclaimed, disposed of and otherwise dealt with as the City may deem fit.

#### **Delivery and Disposal of Recyclable Materials**

- (c) No Contractor or Collection Operator shall deliver, dispose of, or allow or cause to be delivered or disposed of any Waste at the Materials Recycling Facility other than Recyclable Materials.
- (d) No Contractor or Collection Operator shall convey, or allow or cause to be conveyed, any Recyclable Materials to the Materials Recycling Facility which are not contained in fully enclosed vehicle bodies, or totally enclosed or covered in canvas, tarpaulins or nets, and leak-proof so as to prevent any of the contents from falling upon the ground.
- (e) All Contractors and Collection Operators shall enter or exit the Materials Recycling Facility by the designated access and exit routes only.
- (f) Any Contractor or Collection Operator using the Materials Recycling Facility shall at all times obey all signs and directions of all City staff and the Contractor(s) operating the Materials Recycling Facility.

### 9.4 **Central Composting Facility**

#### **General**

- (a) All Organic Materials at the Central Composting Facility are the property of the City and no person shall scavenge or remove any Organic Materials from the Central Composting Facility.
- (b) All Organic Waste deposited at the Central Composting Facility are the property of the City and may be processed, disposed of and otherwise dealt with as the City may deem fit.

#### **Delivery and Disposal of Organic Waste**

- (c) No Contractor or Collection Operator shall convey, or allow or cause to be conveyed, any Organic Materials to the Central Composting Facility which are not contained in fully enclosed vehicle bodies, or totally enclosed or covered in canvass, tarpaulins or nets, and leak-proof so as to prevent any of the contents from falling upon the ground.
- (d) All Contractors and Collection Operators shall enter or exit the Central Composting Facility by the designated access and exit routes only.

- (e) Any Contractor or Collection Operator using the Central Composting Facility shall at all times obey all signs and directions of all City staff and the Contractor(s) operating the Central Composting Facility.

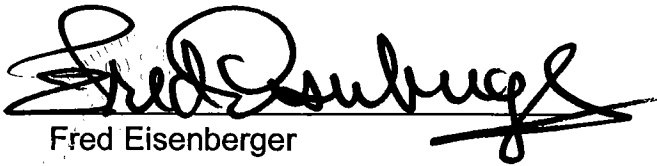
**10.0 REPEAL**

By-Law No. 05-190 is repealed.

**11.0 EFFECTIVE DATE**

This By-Law shall come into force on the day it is passed.

**PASSED AND ENACTED** this 1<sup>st</sup> day of April, 2009.



Fred Eisenberger  
Mayor



Rose Caterini  
Acting City Clerk

## **SCHEDULE "A"**

### **FACILITIES**

1. Dundas Transfer Station and Community Recycling Centre
2. Kenora Transfer Station and Community Recycling Centre
3. Mountain Transfer Station and Community Recycling Centre
4. Resource Recovery Centre comprised of the Material Recycling Facility and Central Composting Facility
5. City Landfill Site
6. Leaf and Yard Waste Depots

## SCHEDULE "B"

### METRIC TO IMPERIAL MEASUREMENT CONVERSIONS

0.2 METRES	=	.66 FEET	
0.3 METRES	=	.98 FEET	
0.6 METRES	=	1.97 FEET	
0.7 METRES	=	2.3 FEET	
0.75 METRES	=	2.5 FEET	
1.2 METRES	=	3.94 FEET	
2 METRES	=	6.56 FEET	
2.293 CUBIC METRES	=	3 CUBIC YARDS	
6.12 CUBIC METRES	=	8 CUBIC YARDS	
135 LITRES	=	29.7 GALLONS	
140 LITRES	=	37 GALLONS	
240 LITRES	=	63.4 GALLONS	
364 LITRES	=	96.1 GALLONS	
2.3 KILOGRAMS	=	5.07 POUNDS	
13 KILOGRAMS	=	28.66 POUNDS	
23 KILOGRAMS	=	50.7 POUNDS	
90 KILOGRAMS	=	198.5 POUNDS	
100 KILOGRAMS	=	220 POUNDS	
150 KILOGRAMS	=	330 POUNDS	
1000 KILOGRAMS	=	1 TONNE	= 2200 POUNDS
1001 KILOGRAMS	=	1.003 TONNES	= 2206.6 POUNDS
3000 KILOGRAMS	=	3 TONNES	= 6600 POUNDS
3001 KILOGRAMS	=	3.007 TONNES	= 6615.4 POUNDS
6000 KILOGRAMS	=	6 TONNES	= 13,200 POUNDS
6001 KILOGRAMS	=	6.01 TONNES	= 13,222 POUNDS
9000 KILOGRAMS	=	9 TONNES	= 19,800 POUNDS

## SCHEDULE "C"

### FEES

<b>A. <u>WASTE DISPOSAL ACTIVITY</u></b>	<b><u>FEE</u></b>	
1) Residential Vehicles transporting Garbage	\$8.00 per visit for the first 100 kg or part thereof; \$0.1125 per kg in excess of 100 kg*	
2) Residential Vehicles transporting separated Recyclable Materials, Leaf and Yard Waste and ferrous and non-ferrous bulk metals	No charge	
3) Private Waste Haulers and Commercial Vehicles transporting Waste	\$11.25 per visit per 100 kg. or part thereof*	
4) Commercial Vehicles possessing a signed affidavit transporting Waste for personal use	\$8.00 per visit for the first 100 kg or part thereof of Garbage, and \$0.1125 per kg in excess of 100 kg*; no charge for separated Leaf and Yard Waste; no charge for separated Recyclable Materials and ferrous and non-ferrous bulk metals	
5) Application for account set-up and credit check for Private Haulers and Commercial Vehicles	\$30.00	
6) Alternate Fee for Private Haulers and Commercial Vehicles in the event that the weigh scales become inoperative	\$32.00 per cubic metre of carrying capacity of the vehicle	
7) Credit card, debit or cash deposit required based on gross weight of a Private Hauler's Vehicle or Commercial Vehicle with an account with the City	0-2,500 kg	\$50.00
	2,501-3,000 kg	\$100.00
	3,001-6,000 kg	\$200.00
	6,001-9,000 kg	\$300.00
	over 9,000 kg	\$400.00
8) Impacted Soil Fee	\$30.00 per tonne	
For soil used as daily cover at the City Landfill Site that meets the certificate of approval criteria for the site. This fee does not apply to native, non-impacted soils.		

\*All transactions are rounded to the nearest \$0.50

**B. CONDITIONS FOR WASTE DISPOSAL FEES**

- 1) For the purpose of this By-Law, regular users of the Transfer Stations may be regarded as:
  - (a) the Private Hauler and the operator of a Commercial Vehicle depositing Waste averaging a minimum of two chargeable loads per week and/or;
  - (b) the Private Hauler and the operator of a Commercial Vehicle whose monthly invoice is not less than \$50.00.
- 2) Private Haulers and Operators of Commercial Vehicles - Regular Users
  - (a) Accounts for fees payable by Private Haulers and by operators of Commercial Vehicles who are regular users of the Facilities are to be invoiced at such regular periods as prescribed by the General Manager of Corporate Services.
  - (b) Payment of such accounts as set forth in (a) above of this subsection B(2) shall be payable within thirty (30) calendar days of the date of the invoice.
  - (c) Where an account for Waste disposal fees remains unpaid for more than thirty (30) calendar days, the Private Hauler or operator of a Commercial Vehicle will be notified in statement form including the greater of interest charges or a minimum service charge and a notice of non-payment shall be sent by the General Manager of Corporate Services advising that if payment is not received within ten (10) calendar days after the date of such notice, the Private Hauler's or operator of Commercial Vehicle's use of the City Transfer Stations shall be restricted to a cash basis. If an account remains unpaid for an additional ten (10) calendar days, admittance to the Facilities shall be refused until such time as the original invoice plus all outstanding interest and service charges to date are paid. The names of these Private Haulers and operators of Commercial Vehicles will be placed on a list and sent to the Transfer Stations instructing the weigh masters to refuse entry to those customers on the list. The General Manager of Corporate Services may require the posting of a performance bond or any other security acceptable to the General Manager of Corporate Services in the event that accounts continue from time-to-time to remain unpaid.
  - (d) Where the tare weight of a vehicle transporting Waste for disposal at the Facilities has been pre-determined and such weight issued to calculate the net weight of the Waste, the pre-determined tare weight of any vehicle may be verified at any time by either the City or the Private Hauler.
- 3) Private Haulers - Occasional Users
  - (a) The amount of fees payable by Private Haulers and by operators of Commercial Vehicles who are occasional users at the Facilities are payable upon entering the Facilities.
  - (b) Where the Private Hauler or operator of a Commercial Vehicle transporting Waste for disposal at the Facilities is required to be tare

weighed before the fees can be calculated, the Private Hauler or operator of a Commercial Vehicle shall be required to place a deposit as set forth in Section A of this Schedule. When the tare weight has been determined, the deposit shall be refunded and an immediate payment shall be made via a City approved credit card, debit, or cash for the Waste disposal fee by the Private Hauler or by the operator of a Commercial Vehicle in accordance with Section A of this Schedule.

- (c) Where the tare weight of a vehicle transporting Waste for disposal at the Facilities has been pre-determined, and such weight issued to calculate the net weight of the Waste, the pre-determined tare weight of any vehicle may be verified at any time by either the City or the Private Hauler.

## C. OTHER WASTE MANAGEMENT FEES

### WASTE MANAGEMENT SERVICE

### FEE

1) Backyard Composters \$38.75 per composter

2) Green Cart Replacement \$25.00 per Container

To be charged for each broken green rigid reusable Container for Organic Waste, issued by the City under its Organic Waste program, where the broken Container cannot be presented for exchange.

3) Festival and Event Waste Management Services Security Deposit \$1,000.00

This security deposit applies to all festivals and events and is fully refundable provided that:

- a) the Recyclable Materials and Organic Waste collected are sufficiently uncontaminated so that they may be processed; and
- b) all containers and signage are returned to the City without any damage.

Where these criteria are not met, the City will deduct from the security deposit the costs incurred by the City for the landfilling of the collected unacceptable materials and the costs incurred by the City for the replacement and repair of any containers and signage. The balance of the security deposit will be refunded.

4) Waste Management Services per Event Fee for Non-Funded Festivals and Events at City-owned facilities.

Where events are held at City-owned facilities which are not eligible for funding for the provision of waste management services, the applicable fees are for the following services:

Recycling - Fee is for the drop-off, use and pick-up of up to 25 recycling barrels, and disposal of materials at the appropriate Facility. \$1,200.00

Garbage - Fee is for the drop-off, use and pick-up of each roll-off bin, plus the cost of disposal. \$150.00 per roll-off bin plus the Waste disposal fee for Garbage set out in section A 1) of this Schedule.

Organic Waste - Fee is for the drop-off, use and pick-up of up to 25 green rigid reusable containers for Organic Waste, and the disposal of the materials at the appropriate Facility. \$535.00

Administrative Fee - Fee is for City staff time, operating expenses and cleaning of containers. \$115.00 per event

5) Waste Management Services per Event Fee for Non-Funded Festivals and Events at non City-owned facilities.

Where events are held at non City-owned facilities, waste management services are requested to be provided, and sufficient City resources are available to accommodate the request, the applicable fees are for the following services:

Recycling - Fee is for the drop-off, use and pick-up of up to 25 recycling barrels, and disposal of materials at the appropriate Facility. \$1,200.00

Garbage - Fee is for the drop-off, use and pick-up of each roll-off bin, plus the cost of disposal. \$150.00 per roll-off bin plus the Waste disposal fee for Garbage set out in section A 1) of this Schedule.

Organic Waste - Fee is for the drop-off, use and pick-up of up to 25 green rigid reusable containers for Organic Waste, and the disposal of the materials at the appropriate Facility. \$535.00

Administrative Fee - Fee is for City staff time, operating expenses and cleaning of containers. \$115.00 per event