

THE COUNTY OF DUFFERIN
WASTE COLLECTION BY-LAW 2012-36

Consolidated Version

Amended by:

By-law 2013-53, December 12, 2013

Amends:

Section 1(1) (II) - definition of "*Privacy Bag*"

Schedule "A" – to amend the allowable number of privacy bags

Schedule "D" – to amend acceptable recycling

CORPORATION OF THE COUNTY OF DUFFERIN

BY-LAW NUMBER 2012-36

A BY-LAW TO PROVIDE FOR THE COLLECTION OF WASTE WITHIN THE COUNTY OF DUFFERIN.

WHEREAS County of Dufferin By-law 2010-29 empowers the County of Dufferin to assume authority for the establishment, operation and delivery of waste collection and treatment programs and services for the County and all its constituent lower-tier municipalities;

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to provide any service that the municipality considers necessary or desirable for the public;

AND WHEREAS the County considers the management and collection of waste as being necessary or desirable for the public;

AND WHEREAS paragraph 11(2) 7 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws respecting services that the municipality is authorized to provide under subsection 11(1);

AND WHEREAS clauses 8(3)(a) and (b) of the *Municipal Act, 2001* provide that a by-law under section 11 respecting a matter may regulate or prohibit respecting the matter and may require persons to do things respecting the matter;

AND WHEREAS Council has determined that waste which is in such a condition that it can be blown in the wind, allows odour to escape, is likely to attract animals, including, but not limited to, insects or birds, or presents a health, safety or fire risk, is, or could become or cause a public nuisance;

AND WHEREAS subsection 446(1) of the *Municipal Act, 2001* provides that if a municipality has the authority under a by-law to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS Council acknowledges the authority of the lower-tier municipalities to enact by-laws, pursuant to section 127 of the *Municipal Act, 2001*, dealing with enforcement for littering and property standards and Council respects this authority.

NOW THEREFORE BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE COUNTY OF DUFFERIN AS FOLLOWS:

INTERPRETATION

1. (1) For the purposes of this By-law, the following terms shall have the corresponding meanings:
 - (a) **“Automated Collection Method”** means the collection of Waste by means of the mechanical lifting and tipping of Carts into specially designed collection vehicles, used at a Multi-Residential Property or an IC&I Property;
 - (b) **“Bag Tag”** means the County issued tag that shall be clearly affixed to the exterior of a bag or other acceptable container containing household Garbage that has been set out for collection, as per Schedule F;
 - (c) **“Bulky Item”** means a large or heavy article such as a sofa, chair, table, mattress, and the like;
 - (d) **“By-law”** means this By-law including any Schedules forming part of it, together with any amendments to this By-law or its Schedules;
 - (e) **“Cart”** means a Waste Container, approved by the Director of Public Works, designated for the Automated Collection Method for a Multi-Residential Property or an IC&I Property;
 - (f) **“Certified Compostable Bag”** means:
 - (i) a bag or liner certified as compostable and displaying the Biodegradable Product Institute logo on the packaging containing the bag or liner;
 - (ii) a paper bag; or
 - (iii) another acceptable certified compostable bag or liner as may be approved by the Director of Public Works;
 - (g) **“Collection Day”** means the day on which your Waste has been scheduled to be collected, as determined by the Director of Public Works, and subject to change;
 - (h) **“Collection Point”** means that part of a property which has been designated by the Director of Public Works for the setting out and collection of Waste;
 - (i) **“Container”** means a container that can contain Waste, and includes a Cart, bin, a Reusable Container and a Single-Use Container;

- (j) **“Council”** means the council of the County of Dufferin;
- (k) **“County”** means The Corporation of the County of Dufferin;
- (l) **“County Waste Collection Service”** means collection of Waste by or on behalf of the County;
- (m) **“County Waste Collection Service Agreement”** means an agreement between a Waste Generator or Property Owner and the County;
- (n) **“County Waste Collector”** means a Person who, on behalf of the County, collects, removes, transports or disposes of Waste;
- (o) **“Director of Public Works”** means the Director of Public Works of the County or his or her designate;
- (p) **“Downtown Collection Area”** means an area in the downtown core of a lower-tier municipality within the County;
- (q) **“ Dwelling Unit”** means any building or structure, or any part of a building or structure consisting of a room or suite of rooms, that is used, or designed or intended to be used, for residential living purposes;
- (r) **“Electronic Waste”** means materials regulated under Ontario Regulation 393/04, and includes laptop and desktop computers, monitors, cables and all related peripherals, audio or video systems, televisions, fax machines, printers, scanners, cell phones, tablets, and the like, and does not include White Goods;
- (s) **“Garbage”** means Waste, other than Organics, Recyclables and Special Collection Waste, that is collectable pursuant to this By-law, and includes, but is not limited to, the materials set out in Schedule “A” to this By-law;
- (t) **“Goods Exchange Event”** means a day or event, designated by the Director of Public Works, when Waste Generators occupying Residential Properties may place usable unwanted materials at Collection Points for removal by other members of the public;
- (u) **“Green Bin”** means a bin provided to Residential Properties by the County for the purposes of collecting residential Organics;
- (v) **“IC&I Property”** means an industrial, commercial, and/or institutional property, including, but not limited to, a retail shopping establishment

or complex, office building, restaurant, hotel, motel, hospital, educational institution or manufacturing facility;

- (w) **“Jute Bag”** means a bag constructed of jute, or like material;
- (x) **“Kraft Bag”** means a large bag constructed of easily decomposable paper;
- (y) **“Manual Collection Method”** means the collection of Waste by means of the manual lifting of Waste and the manual lifting and tipping of Waste containers and/or bags into collection vehicles;
- (z) **“Municipal Hazardous or Special Waste”** means municipal hazardous or special waste as defined in Ontario Regulation 542 under the *Waste Diversion Act, 2002*, S.O. 2002, c. 6, and includes, but is not limited to, a wet or dry cell battery, pressurized container, aerosol container, propane container, portable fire extinguisher, fertilizer, pesticide, oil filter, fluorescent light bulb or tube, pharmaceutical, medical syringe, mercury switch or thermostat, household cleaner or detergent, wax or polish;
- (aa) **“Multi-Residential Property”** means a property, including, but not limited to, an apartment, row house, townhouse complex or condominium property, which contains six (6) or more Dwelling Units;
- (bb) **“Non-Collectable Waste”** means Waste other than Garbage, Organics, Recyclables or Special Collection Waste, and includes, but is not limited to, the materials set out in Schedule “B” to this By-law;
- (cc) **“Occupant”** means any Person apparently in occupation of property, or any portion thereof, or of a building or structure or any portion thereof;
- (dd) **“Officer”** means a by-law enforcement officer appointed by the County to enforce the provisions of this By-law, an officer of the Ontario Provincial Police, and a police officer of one of the lower-tier municipalities’ police services;
- (ee) **“Order”** means an order or direction issued pursuant to this By-law;
- (ff) **“Organics”** means solid non-hazardous Waste derived from plants or animals, including Waste consisting of compounds of carbon, all readily biodegradable, and limited to the materials listed in Schedule “C” to this By-law;

- (gg) **“Organics Cart”** means a Cart for Organics, used in a Multi-Residential Property or an IC&I Property;
- (hh) **“Outdoor Waste Storage Receptacle”** means a container in which Waste is stored outdoors;
- (ii) **“Paper Bag or Liner”** means a bag or liner constructed of easily decomposable paper;
- (jj) **“Person”** includes an individual, partnership or corporation;
- (kk) **“Plastic Bag”** means a transparent plastic bag;
- (ll) **“Privacy Bag”** means a non-transparent bag of Garbage, placed inside a colourless, transparent Plastic Bag, set out for collection. The Privacy Bag shall be of no greater size than 51 x 56 centimeters (20 x 22 inches) in any dimension.
- (mm) **“Private Waste Collection Service”** means collection of Waste by or on behalf of a Person other than the County;
- (nn) **“Property Owner”** means the registered owner of property, including leased premises, and the owner’s agent or property manager, or any other Person having charge or control of the property;
- (oo) **“Recyclables”** means Waste, other than Garbage, Organics, Special Collection Waste or Non-Collectable Waste, capable of being recycled, and including, but not limited to, the materials set out in Schedule “D” to this By-law;
- (pp) **“Recyclables Cart”** means a Cart for Recyclables, used in a Multi-Residential Property or an IC&I Property;
- (qq) **“Refuse”** means Waste which appears to have been abandoned;
- (rr) **“Refuse Constituting a Public Nuisance”** means any Refuse that is in such a condition that it can be blown in the wind, allows odour to escape, is likely to attract animals, pests or rodents, including insects or birds, or presents a health, safety or fire risk;
- (ss) **“Residential Property”** means a property which contains 1 to 5 Dwelling Units;
- (tt) **“Reusable Container”** means a durable container, including a County-Issued blue box or green bin (where applicable), capable of being reused to contain Waste in the Manual Collection Method;

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- (uu) **“Sharp Object”** includes broken glass, a razor or other blade, sewing needle, clinical glass, knife, scissors, straight razor, screw, nail, axe, hatchet, lawn mower blade and the like;
 - (vv) **“Single-Use Container”** means a Plastic Bag, Cord, Kraft Bag, Paper Bag or Liner or Jute Bag capable of containing Waste and intended to be disposed of along with the Waste it contains;
 - (ww) **“Source Separation Program”** means a program to facilitate the separation of Garbage, Organics, Recyclables, Special Collection Waste and Non-Collectable Waste at the source of generation;
 - (xx) **“Special Collection Waste”** means Waste collected under a program designated by the County for the Collection of Bulky Items, White Goods, Yard Waste, or other Waste as designated by the Director of Public Works;
 - (yy) **“Waste”** includes Garbage, Organics, Recyclables, Special Collection Waste and Non-Collectable Waste;
 - (zz) **“Waste Collection Method”** means a specific Waste collection method and includes the Automated Collection Method, the Manual Collection Method and any other method or combination of methods, as designated by the Director of Public Works;
 - (aaa) **“Waste Generator”** means any Person who generates Waste and includes a Property Owner and an Occupant;
 - (bbb) **“White Goods”** means an item such as a refrigerator, freezer, humidifier, air conditioner, stove, washer, dryer, dishwasher, hot water tank, bath tub, solid metal desks, barbeques (not including propane tanks); and
 - (ccc) **“Yard Waste”** includes a mixture of leaves, brush, branches, tree limbs, hedge trimmings, Christmas trees, and woody plants including vines, rose bushes and the like.
- (2) In this By-law, words importing the singular number shall include the plural and *vice versa* and words importing one gender shall import the other genders, unless the context requires otherwise.
- (3) If a court of competent jurisdiction declares any provision of this By-law to be invalid, illegal, unenforceable or of no force and effect, the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

- (4) Any reference herein to any statute, regulation, by-law or other law shall be construed as a reference thereto as amended or re-enacted from time to time or as a reference to any successor thereto.
- (5) This By-law shall not be interpreted as exempting any Person from the requirement to comply with any other by-laws of the County. In the event of conflict between the provisions of this By-law and any other by-laws of the County, the provisions which are more protective of the environment shall apply.

REQUIREMENTS FOR SETTING OUT WASTE FOR COLLECTION

Waste Set Out for Collection

2. Every Waste Generator and Property Owner shall ensure that:
 - (a) ashes are not set out for collection until at least 7 days after they have been removed from fire and are kept separate from other Waste;
 - (b) Waste is drained of liquids before it is placed in a Container for collection;
 - (c) Recyclables are free of any solid, semi-solid or liquid contaminant which would render them non-recyclable;
 - (d) Waste set out for collection is separated into Garbage, Organics, Recyclables and Special Collection Waste; and
 - (e) each type of collectable Waste (Garbage, Organics, Recyclables and Special Collection Waste) is placed in a separate Container, bag, or otherwise, in accordance with this By-law, when set out for collection.

Times to Set Out Waste for Collection

3. (1) Every Waste Generator and Property Owner shall ensure that Waste set out for collection:
 - (a) is not set out before 5:00 p.m. on the day preceding the day scheduled for collection; and
 - (b) is set out no later than 7:00 a.m. on the day scheduled for collection.
- (2) No Waste Generator or Property Owner shall set out, or permit to be set out, any Waste for collection, except in accordance with the times described above.

Removal of Waste Not Collected and Containers

4. Every Waste Generator and Property Owner shall ensure that any Waste not collected and that all Containers are removed from the Collection Point before 7:00 p.m. on the day of collection.

Container Requirements For Setting Out Waste

5. Every Waste Generator and Property Owner shall ensure that:
- (a) every Reusable Container set out for Garbage collection is:
 - (i) rust-resistant;
 - (ii) non-absorbent;
 - (iii) water-tight;
 - (iv) in good repair and good working order;
 - (v) covered with a close-fitting lid or cover;
 - (vi) equipped with at least two handles;
 - (vii) in compliance with the Schedules of this By-law;
 - (b) every Plastic Bag set out for Waste collection is:
 - (i) capable of carrying the Waste contained therein without tearing or splitting;
 - (ii) secured so as to prevent spillage; and
 - (iii) in compliance with the Schedules of this By-law;
 - (c) every Cart set out for Waste collection at a Multi-Residential Property or IC&I Property is:
 - (i) approved by the Director of Public Works;
 - (ii) in good repair and good working order; and
 - (iii) of a capacity of no more than 360 litres (95 U.S. Gallons), unless otherwise specified by the Director of Public Works;
 - (d) no Waste is set out for collection in such a manner that it is on top of, underneath or abutting a Cart;

- (e) every Waste Generator or Property Manager shall ensure that collection of Yard Waste is limited to 20 Bags, bundles, or Reusable Containers per household, per pick up;
- (f) every Waste Generator or Property Owner shall ensure that Yard Waste is set out for collection from a Residential Property or Multi-Residential Property, as follows:
 - (i) loose in a Reusable Container identifying the contents as Yard Waste;
 - (ii) loose in a Kraft Bag or Jute Bag;
 - (iii) securely tied with twine in a separate bundle no more than 1.2 metre (4 feet) in length, or 20kg (44 pounds) in weight; and
 - (iv) loose in a Green Bin or Green Cart, but only to “top-up” the bin;
- (g) no Waste is set out for collection in such a manner that:
 - (i) it is accessible to any animal or can be blown by wind, and
 - (ii) any liquid leaks from such Waste.
- (h) no Plastic Bag, Reusable Container or Cart is set out for collection filled with Waste above the top of such Plastic Bag, Reusable Container or Cart; and
- (i) no Reusable Container or Cart of Waste is set out for collection unless it is securely closed with a tight-fitting lid or cover.

Location for Waste to be Set Out

- 6. (1) Every Waste Generator and Property Owner shall ensure that all Waste set out for collection is set out at a Collection Point located on, adjacent to or in front of the property where the Waste was generated.
- (2) Unless otherwise determined by the Director of Public Works, the Collection Point for a property is where pedestrian traffic is not impeded and where the property is:
 - (a) beside a road and the road has a curb, within 0.3 metres (12 inches) away from the road behind the curb;
 - (b) beside a road and the road has a gravel shoulder, at the outside edge of the shoulder;

- (c) beside an alley, as close as possible to the edge of the alley; and
 - (d) in a Downtown Collection Area, on the sidewalk directly adjacent the curb, so as not to impede pedestrian traffic.
- (3) Every Waste Generator and Property Owner shall ensure that:
- (a) all Waste set out for collection is placed so as not to impede or obstruct pedestrian or vehicular traffic or road maintenance operations, or so as to endanger the safety of the County Waste Collector or any other Person;
 - (b) no Waste is set out for collection on top of any snow bank exceeding 0.3 metres (1 foot) in height, and the area in which such Waste is placed is clear of snow and ice to provide for ready and safe access by the County Waste Collector;
 - (c) all Special Collection Waste that is permitted to be set out for collection is placed adjacent to, but apart from, any Garbage, Organics or Recyclables set out for Collection;
 - (d) all Containers of containing each of the foregoing types of Waste are placed apart from all Containers of each of the other foregoing types of Waste; and
 - (e) any bundled cardboard or rigid container of Sharp Objects set out for Collection is placed adjacent to, but apart from, any other Containers or bags set out for collection.
- (4) Every Waste Generator and Property Owner in a Multi-Residential Property or IC&I Property participating in the Automated Collection Method shall ensure that any Cart set out for collection, is placed so that there is at least 1.0 metre (3 feet) of clearance on each side of the Cart and at least 5.0 metres (16.4 feet) clearance above the Cart.

DUTIES OF WASTE GENERATORS AND PROPERTY OWNERS

General

7. Every Waste Generator and every Property Owner shall comply with all applicable provisions of this By-law.

Compliance with Collection Method

8. (1) Every Waste Generator and Property Owner shall ensure compliance with the provisions of this By-law respecting the Waste Collection Method which is applicable to the Waste Generator's or Property Owner's property.
 - (2) Every Waste Generator and Property Owner of a Multi-Residential Property or an IC&I Property, shall ensure that a Private Waste Collection Service is employed in respect of Waste generated on its property, unless such Waste Generator or Property Owner enters into a County Waste Collection Service Agreement in respect of the property.
9. For every property which is leased, the Property Owner shall provide, for the communal use of every tenant, sufficient Reusable Containers (if the property is participating in the Manual Collection Program) or sufficient Carts (if the property is participating in the Automated Collection Program) for Garbage, Organics and Recyclables.
10. Every Waste Generator and Property Owner to whom a Recyclables Cart, Organics Cart or Green Bin has been provided by the County shall:
 - (a) ensure such Cart/bin is kept in good condition, and not in a condition that is noxious, offensive or dangerous to public health;
 - (b) ensure the safekeeping of such Cart/bin;
 - (c) promptly notify the Director of Public Works if such Cart/bin is lost or stolen;
 - (d) be responsible for the cost of repairing such Cart/bin if it is damaged, or of replacing such Cart/bin if it is lost or stolen, if either occurs through the negligence of the Waste Generator or Property Owner, or if the damage or loss is not covered by warranty; and
 - (e) promptly return each Cart/bin to the Director of Public Works upon request.
11. Every Property Owner of a leased property shall:
 - (a) designate and identify to the Director of Public Works, an individual who shall be responsible for ensuring the management of Waste for such property; and
 - (b) ensure that source separation instructions, provided by the Director of Public Works, are posted on such Property.

Source Separation

12. Every Waste Generator shall ensure that Waste set out for collection is separated into Garbage, Organics, Recyclables and Special Collection Waste as provided in this By-law.

Participation in County Waste Collection Service

13. (1) Every Waste Generator and Property Owner who participates in the County Waste Collection service shall ensure that all Waste that is collectable by the County as part of the County Waste Collection Service is set out for collection in accordance with this By-law.
- (2) Where a Waste Generator or Property Owner of a Multi-Residential Property or IC&I Property opts out of the County Waste Collection Service for one or more types of collectable Waste, he or she shall provide written notice to the Director of Public Works, in a form satisfactory to the Director of Public Works, that the Waste Generator or Property Owner of a Multi-Residential Property or IC&I Property shall withdraw his or her specified property from collection by the County of the specified type or types of Waste, effective on a specified date.
- (3) If a Waste Generator or Property Owner of a Multi-Residential Property or IC&I Property provides Organics or Recyclables generated on his or her property to any Person other than the County, without first opting out as set out in this section, the Director of Public Works may determine that the County shall not provide any County Waste Collection Service to that property.
- (4) Where the quantity of Waste generated exceeds the level of service defined in this By-law, or where the Waste Generator or Property Owner of a Multi-Residential Property or IC&I Property desires a higher level of service, or an alternate method of collection, the Waste Generator or Property Owner of a Multi-Residential Property or IC&I Property may contract a Private Waste Collection Service with properly licensed contractors. The Waste Generator or Property Owner is responsible to pay for the removal and disposal of such Waste.

DUTIES OF THE PUBLIC

No Scavenging

14. No Person shall pick over, interfere with or remove any Waste set out for collection pursuant to this By-law, whether on public or private property, without the consent of the Director of Public Works and the applicable Property Owner.
- (1) Section 16(1) does not apply to a Goods Exchange Event.

- (2) No person shall scatter any Waste set out for collection pursuant to this By-law, whether on public or private property.

No Depositing of Refuse

15. (1) In addition to and without limiting the provisions of any other County by-law, no person shall throw, place or deposit Refuse and/or Refuse Constituting a Public Nuisance on any public or private property in the County, including but not limited to County-owned property, except with the consent of the Property Owner of such property.
- (2) No Person shall:
- (a) place, permit to be placed or permit to remain on or in any street or road allowance abutting the property which the Person owns or occupies, any Waste, unless authorized by this By-law and in accordance with applicable County and lower-tier municipal by-laws;
 - (b) throw, cast or otherwise deposit, or permit any contractor, agent or employee to throw, cast or otherwise deposit, any Refuse whatsoever on or in any street or other public property, except as expressly authorized in this By-law;
 - (c) place Refuse on public property for collection as part of a Private Waste Collection Program, unless approved by the Director of Public Works; or
 - (d) dep
 - (e) osit Refuse generated by the Person on private property, into any type of receptacle on a public street or in a park.

DUTIES OF WASTE TRANSPORTERS

16. (1) No Person engaged in the business of collecting, removing or transporting Waste shall transport such Waste within the County unless such Person has received a Certificate of Approval from the Ministry of the Environment and does so with a vehicle specifically designed, constructed and intended for such purpose, and unless such vehicle has an enclosed body or a covering securely fastened to the body of the vehicle or, in the case of a packer-type vehicle, has hopper doors tightly and securely closed so as to prevent the escape of the contents of the vehicle to the outside.
- (2) No Person shall transport any Waste within the County in an open vehicle of any kind, including a trailer, unless such Waste is completely covered by a tarpaulin, canvas covering or the like and such covering is secured

to the vehicle in such a manner as to prevent the escape of the contents of the vehicle to the outside.

POWERS OF THE COUNTY

Inspections

17. The Director of Public Works, Officers and other designated Staff may conduct all inspections (including the monitoring of Waste) necessary to administer and ensure compliance with the provisions of this By-law.

Orders

18. Any Person who is issued an Order pursuant to this By-law shall comply with such Order no later than midnight on the date set out for compliance in the Order.
19. If an Officer finds Waste which is not set out in accordance with the provisions of this By-law, the Officer may issue an Order to the responsible Waste Generator or Property Owner, requiring the Waste described in the Order to be removed at the expense of the Waste Generator or Property Owner, or to be properly set out in accordance with the provisions of this By-law.

Remedial Actions

20. If an Officer finds Refuse thrown, placed or deposited on property without the consent of the Waste Generator or Property Owner, the Officer may, in the case of a municipal road allowance or County-occupied land, cause the Refuse to be removed from the property at the expense of the Person who threw, placed or deposited it thereon, and the County may recover the costs of so doing from such Person;
21. If an Officer finds Waste which is not set out in accordance with the provisions of this By-law, the Officer may, instead of issuing an Order, and without any prior notice to the Waste Generator or Property Owner, cause the area identified to be cleared of such Waste at the expense of the Waste Generator or Property Owner, and the County may recover the costs of so doing from any such Waste Generator or Property Owner. In the case of the Property Owner, the County may recover such costs by adding the costs to the tax roll for the property and collecting them in the same manner as property taxes.
22. If a Waste Generator or Property Owner fails to ensure that no Waste leaks any liquid onto a municipal road allowance, an Officer may cause such land to be cleaned of the liquid at the expense of the Waste Generator, and the County may recover the costs of so doing from the Waste Generator. In the case where the Waste Generator is also the Property Owner of the property on which the Waste was generated, the County may recover such costs by adding them to the tax roll for the property and collecting them in the same manner as property taxes.

23. If the Person who is the subject of an Order issued pursuant to this By-law fails to comply with such Order by the time set out for compliance, the County may have the matter or thing directed or required in the Order, done at the Person's expense, and the County may recover the costs of doing the matter or thing from the Person who is issued the Order, or, if such Person is the Property Owner of the property to which the Order relates, the County may recover such costs by adding them to the tax roll and collecting them in the same manner as taxes.

Service Discontinuance

24. Where a Waste Generator or Property Owner has not complied with any applicable provision of this By-law, the County may discontinue the collection of Waste from that Waste Generator's or Property Owner's property. If service is to be discontinued, the County will provide notice, and an effective end-date of service will be indicated.

OFFENCE

25. (1) Any Person who contravenes any provision of or Order issued pursuant to this By-law is guilty of an offence.
- (2) Any director or officer of a corporation who knowingly concurs in the contravention by the corporation of any provision of or Order issued pursuant to this By-law is guilty of an offence.
- (3) Every offence under this By-law is designated as a continuing offence.
- (4) Any person who hinders or obstructs or attempts to hinder or obstruct any Officer who is exercising a power or performing a duty under this By-law or an Order issued under this By-law is guilty of an offence.
26. Where a Person is convicted of an offence for contravening this By-law or an Order pursuant to this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted

PENALTY

27. Except as otherwise provided in this By-law, any Person who is convicted of an offence under any provision of this By-law shall be liable to a fine not to exceed \$10,000 per day, or each part of a day, that the offence continues.
28. Despite Section 27, where the Person convicted is a corporation, the maximum fine shall not exceed \$25,000 per day, or each part of a day, that the offence continues.

SERVICE OF DOCUMENTS

29. An Order, or any other notice or document provided pursuant to this By-law, shall be served upon the Person to be served by means of:
- (a) personal service, in which case it shall be deemed to have been served on the date and at the time when hand-delivered in accordance with this By-law;
 - (b) facsimile transmission or email transmission, in which case it shall be deemed to have been served on the date and at the time when it is so transmitted;
 - (c) regular mail, in which case it shall be deemed to have been delivered on the fifth business day after the day it is mailed; or
 - (d) registered mail, in which case it shall be deemed to have been delivered on the date and at the time set out on the Canada Post confirmation record indicating successful delivery.
30. Personal service of a document may be provided as follows where the Person to be served is:
- (a) an individual, by hand-delivering a copy of the document to that individual or an individual who appears to be at least sixteen (16) years of age, at the last known address of the individual, or, if the individual to be served is to be served in the capacity of Waste Generator or Property Owner in respect of a property, the document may be left with an individual who appears to be at least sixteen (16) years of age, at the property; or
 - (b) a corporation or partnership, by hand-delivering a copy of the document to an officer thereof or an individual who appears to be in charge of an office of the corporation or partnership, or, if the corporation or partnership to be served is to be served in the capacity of Waste Generator or Property Owner in respect of a property, the document may be left with an individual who appears to be in charge of the property.

GENERAL PROVISIONS

Delegation

31. (1) The Director of Public Works and all persons designated by the Director of Public Works are hereby authorized to administer and enforce the provisions of this By-law.

- (2) An Officer is authorized to enforce the provisions of this By-law and any Orders issued pursuant to this By-law. Effective Date of By-Law

32. This By-law shall come into effect on the 1st day of June, 2013.

Schedules

33. The following Schedules form part of this By-law:

- (a) Schedule "A" – General Provisions and examples of materials included in the definition of "Garbage"
- (b) Schedule "B" – General Provisions and examples of materials included in the definition of "Non-Collectable Waste"
- (c) Schedule "C" – General Provisions and examples of materials included in the definition of "Organics"
- (d) Schedule "D" – General Provisions and examples of materials included in the definition of "Recyclables"
- (e) Schedule "E" – General Provisions and examples of materials included in the definition of "Yard Waste"
- (f) SCHEDULE "F" – Bulky items and white goods collection
- (g) SCHEDULE "G" – Rebates

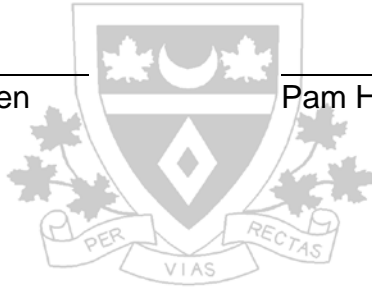
Short Title

34. This By-law may be referred to as the “Waste Collection By-law”.

Read a first, second and third time and finally passed this _____ day of _____
_____, 2012.

Walter Kolodziechuk, Warden

Pam Hillock, Clerk



SCHEDULE “A” - GARBAGE

General Provisions

1. Every Waste Generator or Property Owner shall ensure that:

(a) no more than the allowable limit within their municipality, as follows:

Bag Limit (# of Bags per week)	Municipality
1	Township of Mulmur Town of Orangeville
2	Township of Amaranth Town of Grand Valley Township of Melancthon Town of Mono Town of Shelburne
3	Township of East Garafraxa

of Garbage are set out for collection, per household, per Collection Day until June 1, 2014 at which time bag limits will be reviewed;

- (i) Waste Generator or Property Owner may set out an additional bag(s) and/or container(s) of Garbage for collection, by purchasing a County-issued Bag Tag, and affixing it to the exterior of a bag or other acceptable container containing the Garbage. The cost of a Bag Tag is subject to the County's Fee By-law.
- (b) Garbage is set out for collection, as follows:
 - (i) loose (un-bagged) in a Reusable Container identifying the contents as Garbage,
 - (ii) in a colourless, transparent Plastic Bag placed inside a Reusable Container identifying the contents as Garbage,
 - (iii) in a colourless, transparent Plastic Bag;
- (c) any Sharp Objects set out for collection are set out in a separate rigid container, no larger than 0.6 metres (2.0 feet) in any dimension, securely taped to secure the contents, clearly labelled as containing Sharp Objects;
- (d) no Reusable Container or Single-Use Container containing Garbage including contents, weighs more than 20 kilograms (44 pounds);
- (e) no Reusable Container set out for Garbage collection is greater than 125 Litres (33 gallons); and

- (f) no colourless, transparent Plastic Bag set out for Garbage collection exceeds 79 centimeters (31 inches) x 107 centimeters (42 inches).

2. A Waste Generator is permitted to place ~~one (1)~~ **two (2)** non-transparent Privacy Bag in each bag of Garbage set out for collection. The Privacy Bag shall be of no greater size than ~~38 centimeters (15 inches) in any dimension,~~ **51 x 56 centimeters (20 x 22 inches),** and the contents of which shall adhere to Schedule "A", Section 3 of this By-law.

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3. A Waste Generator may apply to receive permission to exceed the limits described in Section 1 (a) **and 2** of Schedule A of this By-law. Applications will be made available on the County's website or from the Public Works Department at 55 Zina Street, Orangeville.

Acceptable Materials

4. Every Waste Generator or Property Owner shall ensure that Garbage set out for collection is consistent with the following:

- (a) pet feces, litter, litter waste and bedding waste, whether separate or intermingled enclosed in a Plastic Bag or bag;
- (b) artwork, a poster, vellum, a cleaned paint brush, and the like;
- (c) ~~an empty plastic bag,~~ cookie bag, cereal box liner, coffee package, foil pouch or packet, milk bag, absorbent meat tray pad, butter wrapper, potato chip bag, piece of carbon paper, plastic wrap, candy wrapper, wrapper, and the like;
- (d) waxed paper, plastic lined fibre, a poly-coated coffee cup;
- (e) balloon, crayon, sticker, piece of sporting equipment, toy, and the like;
- (f) binder, calculator, piece of chalk, elastic band, marker, overhead transparency, paper clip, pencil, pen, staple, piece of tape, and the like;
- (g) coat hanger, empty pot or pan, disposable razor, scouring pad, twist tie, utensil, tool, shovel, a piece of cutlery, jewellery, wire, rope, cord, hardware, and the like;
- (h) curtain, blind, dish cloth, glove, scarf, sheet, pillow, rag, shoe, boot, sponge, table cloth, towel, a piece of clothing, fabric, leather, linen, nylon, yarn, and the like;
- (i) small appliance no greater than 5 kilograms in weight, such as a hair dryer, kettle, toaster, clock, and the like;
- (j) candle, empty cooler, cork, dryer sheet, furnace filter, lawn chair, match, photographic negative, picture frame, rubber glove, plastic straw, toothpick, piece of string, rubber or water softener salt, and the like;
- (k) hair brush, comb, toothbrush, empty toothpaste tube, item of cosmetics, deodorant, soap, and the like;
- (l) piece of lint, dirt, dust, vacuum bag contents, and the like;
- (m) condom, piece of dental floss, and the like;
- (n) dressing, bandage, gauze, swab, pipette, cast, speculum, urine, colostomy or enema bag, intravenous bag, catheter or other tubing,

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dentures, alginate impression or like material, piece of surgical clothing including a gown, mask, glove, patient bib or sheet, from a Residential Property only, and the like;

- (o) any type of diaper, feminine hygiene product, sanitary product, wipe, and the like;
- (p) polylactic acid plastic (PLA), biodegradable plastic, certified compostable plastic (including a container, utensil, plate), and the like;
- (q) petri dish, test tube, microscope slide, scope, electrode, and the like; and
- (r) plastic bags, plastic grocery sacks;
- (s) polystyrene and styrofoam packaging, food and beverage containers; and
- (t) any other item designated as Garbage by the Director of Public Works.

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Unacceptable Material

5. Every Waste Generator or Property Owner shall ensure that Garbage set out for collection does not contain Recyclables, Organics, Special Collection Waste, or any other item in accordance with the provisions of this By-law.

SCHEDULE “B” – NON-COLLECTABLE WASTE

Materials

1. Every Waste Generator or Property Owner shall ensure that Non-Collectable Waste is not set out for collection and shall include the following:
 - (a) explosive or highly combustible material such as a celluloid cutting, moving picture film, or an oil-soaked or gasoline-soaked rag and the like;
 - (b) carpet, carpet under padding, plaster, drywall, fibreglass insulation, lumber, concrete, a boulder or other waste residue resulting from construction, building renovation or a demolition operation;
 - (c) soil, a rock, stone, gravel, and the like;
 - (d) stool sample, flesh or tissue from any animal or human, bodily fluid-stained material, infectious or otherwise, including clothing and bedding, an incontinence or feminine hygiene product known to be infectious, a liquid or solid medicine including a pill or vaccine, a container or vial from which a pill or vaccine is extracted that contains any amount of such pill or vaccine, surgical equipment, any of which is generated from a clinic, hospital, surgery, an office of a physician, surgeon, dentist, veterinarian or the like;
 - (e) hay, straw, manure or night soil;
 - (f) pet feces, litter, litter waste and bedding waste from a non-residential property, such as a veterinary clinic, commercial kennel, and the like, whether separate or intermingled;
 - (g) an animal carcass, other part or any portion thereof of any dog, cat, fowl or any other creature with the exception of *bona fide* kitchen or food waste;
 - (h) Waste brought into the County from outside its boundaries;
 - (i) Municipal Hazardous or Special Waste, including plastic containers containing automotive chemical wastes, chemical sprays and the like, as regulated under Ontario Regulation 542/06;
 - (j) Electronic Waste;
 - (k) Garbage, Organics, Recyclables or Special Collection Waste which has not been drained, prepared or packaged for collection in accordance with the provisions of this By-law;
 - (l) any material which may be classed as a “designated substance” pursuant to the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1;
 - (m) tire, car battery, automotive part or body;
 - (n) any material which is frozen or stuck to a Waste receptacle or container and cannot be removed by shaking manually, or by the automated arm in the Automated Collection System;
 - (o) any material or substance which may cause damage to the natural environment;
 - (p) any septic tank pumping, raw sewage, sewage sludge or industrial process sludge;

- (q) any tree limb, trunk or the like having a diameter greater than 5 centimetres (2 inches);
- (r) any radioactive material;
- (s) ashes from properties other than Residential Properties;
- (t) solidified cooking oils and cooked or raw grease and fats from properties other than Residential Properties; and
- (u) any other item designated as a Non-Collectable Waste by the Director of Public Works.

SCHEDULE “C” - ORGANICS

General Provisions

1. Every Waste Generator or Property Owner shall ensure that:
 - (a) Organics are set out for collection from a Residential Property as follows:
 - (i) loose (un-bagged) in a Reusable Container identifying the contents as Organics;
 - (ii) in a Certified Compostable Bag, Paper Bag or Liner placed inside a Reusable Container identifying the contents as Organics;
 - (b) Organics are set out for collection from a Multi-Residential Property or IC&I Property as follows:
 - (i) loose in an Organics Cart;
 - (ii) in a Certified Compostable Bag, Paper Bag or Liner placed inside an Organics Cart.
 - (c) No Reusable Container or Single-Use Container containing Organics including contents, weighs more than 20 kilograms (44 pounds);

Acceptable Materials

2. Every Waste Generator or Property Owner shall ensure that Organics set out for collection are consistent with the following list:
 - (a) *bona fide* kitchen or food waste: fruit, vegetable and general table scraps, meat and fish/shellfish products, dairy products, eggs and egg shells, herbs, nuts and seeds, sugars and spices, confectionery products, sauces, bones, pet food, bread, grains, rice, pasta, flour, coffee grounds and tea bags;
 - (b) solidified cooking oils and cooked or raw grease and fats from Residential Properties only;
 - (c) paper fibres: soiled paper towels, facial tissues, paper plates, cotton balls, coffee filters, microwave popcorn bags, soiled paper food packaging items such as boxboard, cardboard, newspaper, and other paper fibre packaging materials, and shredded paper;
 - (d) flowers, houseplants (soil removed), hair, pet fur, sawdust, wood chips and wood shavings;
 - (e) small amounts of Yard Waste or brush, to “top up” Green Bin only; and
 - (f) any other item designated as Organics by the Director of Public Works.

Unacceptable Material

3. Every Waste Generator or Property Owner shall ensure that Organics set out for collection does not contain Recyclables, Garbage, Special Collection Waste, or any other item in accordance with the provisions of this By-law.

SCHEDULE "D" - RECYCLABLES

General Provisions

1. Every Waste Generator or Property Owner shall ensure that:
 - (a) Recyclables are set out for collection from a Residential Property as follows:
 - (i) loose (un-bagged) in a Reusable Container identifying the contents as Recyclables; and
 - (ii) in a blue-tinted, transparent Plastic Bag, as overflow from a Reusable Container, identifying the contents as Recyclables;
 - (b) Recyclables are set out for collection from a Multi-Residential Property or IC&I Property, as follows:
 - (i) loose in a Recyclables Cart;
 - (ii) in a blue-tinted Plastic Bag, as overflow from a Recyclables Cart;
 - (c) any cardboard set out for collection is broken down and is no more than 1.2 metres (4 feet) in any dimension;
 - (d) no Reusable Container or Single-Use Container containing Recyclables including contents, weighs more than 20 kilograms (44 pounds); and
 - (e) no Plastic Bag set out for Recyclables collection exceeds 79 centimeters (31 inches) x 107 centimeters (42 inches).

Acceptable Materials

2. Every Waste Generator or Property Owner shall ensure that Recyclables set out for collection are consistent with the following:
 - (a) aluminum: foil, plate, tray, pop can, and the like;
 - (b) boxboard: a tissue or cereal box, paper towel roll, frozen juice container, and the like;
 - (c) cardboard: a flattened box that is less than 122 centimeters(48 inches) in any dimension, pizza box, brown Kraft Bag, and the like;
 - (d) glass: a container, bottle or jar (any colour), and the like;
 - (e) newsprint: a newspaper including a flyer or insert, an egg carton or flat, a magazine or catalogue, a telephone book, and the like;
 - (f) paper: writing paper, an envelope (includes windowed), calendar (spiral binding removed), book (covers removed), and the like, shredded paper is not permitted;
 - (g) gable top: a milk or juice carton, and the like;
 - (h) aseptic container: a juice or other drink box (tetra pack), and the like;
 - (i) empty plastic bottles and jars (soft drink, detergent, juice, water, bleach), and the like;
 - (j) PET plastic container: any plastic container, such as a bottle or jar, food or beverage container, and the like;

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- (k) HDPE bottles and jugs;
- ~~(l) plastic bags, plastic grocery sacks;~~
- ~~(m) polystyrene and Styrofoam packaging, food and beverage containers (clean);~~
- (n) plastic tubs and lids (margarine, yogurt, ice cream, etc.), and the like;
- (o) other small plastic containers (#1-7) which are less than 1 litre;
- (p) steel: food or beverage can or tin (soup, juice, etc.) with lids;
- (q) aerosol can (empty);
- (r) empty, dry paint can (lid removed); and
- (s) any other item designated as a Recyclable by the Director of Public Works.

Unacceptable Material

3. Every Waste Generator or Property Owner shall ensure that Recyclables set out for collection does not contain Garbage, Organics, Special Collection Waste, or any other item in accordance with the provisions of this By-law.

SCHEDULE "G" – Rebates

General Provisions

1. Notwithstanding Section 13(4), residential condominium corporations may apply for a rebate towards the cost of their Waste disposal via a Private Waste Collection Service. To be eligible to receive this rebate, the following conditions must be met:
 - (a) only residential condominium corporations may apply for the rebate;
 - (b) the residential condominium corporation must own and maintain the containers;
 - (c) all of the Waste generated by the condominium must be disposed of via the Private Waste Collection Service, unless such Waste Generator or Property Owner enters into a County Waste Collection Service Agreement in respect of the property;
 - (d) the residential condominium corporation must have Source Separation Programs in place for the storage, set out, collection and disposal of Recyclables, Organics, and Special Collection Waste, in addition to that of Garbage, and such program shall be to the satisfaction of the Director of Public Works;
 - (e) the residential condominium corporation must apply to be considered for the rebate no later than January 30 of the calendar year for which the rebate will apply (which application can be obtained at the Public Works Department, 55 Zina Street, Orangeville); and
 - (f) requests for payment shall be submitted on the appropriate form, shall include copies of invoices in a form acceptable to the Director of Public Works, and shall be submitted in January following the calendar year for which the rebate is being paid.
2. The following restrictions shall apply:
 - (a) if the County implements a full user pay system for Waste collection, the rebates shall cease immediately; and
 - (b) the rebates will be paid only towards Waste collection costs incurred after January 1, 2013, and will be paid only to the condominium corporation.