

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 04-2012

A BY-LAW TO REGULATE  
THE USE OF THE SOLID WASTE MANAGEMENT SYSTEM  
FOR THE REGIONAL MUNICIPALITY OF NIAGARA

SOLID WASTE MANAGEMENT BY-LAW

WHEREAS on April 11, 1996, Regional Council adopted By-laws 8280-96, 8281-96 and 8282-96 to assume from the twelve area municipalities all waste management powers conferred by any Act upon the area municipalities; and

WHEREAS Section 11(3) of the *Municipal Act, 2001*, (“the Act”) provides that an upper tier municipality may pass by-laws respecting waste management subject to the requirements set out in the Act; and

WHEREAS By-law No. 04-2011 was passed by Regional Council and this by-law has been in place to regulate the use of the waste management system for the Regional Municipality of Niagara; and

WHEREAS Regional Council wishes to repeal By-law No. 04-2011 and replace same with an updated by-law regulating the use of the Region’s Solid Waste Management System;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF NIAGARA ENACTS AS FOLLOWS:

**PART I - DEFINITIONS**

1. The following terms are defined for purposes of this By-law:
  - 1.1. “Area Municipality” means any one of the municipality or corporation of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, or Township of West Lincoln;
  - 1.2. “As Designated” means as designated by the Region from time to time by the Commissioner of Public Works or his/her designate. It is anticipated that the Region’s recycling and other programs will continue to evolve as

new methods and Materials emerge. These changes will be implemented on an “As Designated” basis;

- 1.3 “Blue Box” means a container available from the Region or approved alternative as set out in section 8 of this By-law or As Designated, used to set out Blue Box Material for collection;
- 1.4 “Blue Box Material” means recyclable material that is collected under the Blue Box Program. The material includes:
  - (a) empty glass bottles, jars and lids/caps (lids/caps must be removed), including all glass containers which previously contained a food or beverage product;
  - (b) empty metal food and beverage cans, including all hard shell steel or aluminum containers which previously contained a food or beverage product;
  - (c) empty metal paint cans and lids (lids must be removed and a thin layer of dry residue are acceptable);
  - (d) clean aluminum foil meaning food wrap, food packaging and kitchenware such as pie plates made from a thin sheet of aluminum;
  - (e) empty plastic containers and packaging which previously contained a food or consumer product, including Polyethylene Terephthalate (PETE #1) bottles and containers; High Density Polyethylene (HDPE #2) tubs and lids, or bottles; Polyvinyl Chloride (PVC #3); Low Density Polyethylene (LDPE #4) plastic tubs and lids; Polypropylene (PP #5) plastic bottles, tubs and lids; Polystyrene (PS #6) containers and rigid foam packaging; excluding plastic paint cans; and Polycarbonate mixed plastic (PC #7)
  - (f) empty gable-top cartons (e.g. milk and juice cartons) and aseptic packaging (e.g. juice boxes);
  - (g) empty spiral wound containers (e.g. frozen juice or potato chip containers) with metal lids bottoms and paper sides; and
  - (h) empty metal aerosol cans (lids and caps must be removed)
  - (i) other Material As Designated;
- 1.5 “Brush” means woody material including twigs, tree limbs or branches;
- 1.6 “Bulky Goods” means large household items (but not White Goods) and other material As Designated, including but not limited to:
  - (a) artificial Christmas trees;
  - (b) box springs and mattresses;
  - (c) couches;
  - (d) electronic goods;
  - (e) floor lamps;

- (f) furniture;
  - (g) glass shards packaged in cardboard box labelled “glass”
  - (h) microwave ovens;
  - (i) pool covers and solar blankets;
  - (j) carpets or rugs in compact rolls/bundles not exceeding 1.5 m (4.5 feet) in length and 0.76 m (2.5 feet) in diameter; and
  - (k) other household items that cannot fit in a Garbage Container;
- 1.7 “Cart” means a container available from the Region or approved alternative as set out in Section 8, 10 and 11 of this By-law or As Designated, used to set out Blue Box, Grey Box or Green Bin Material for Types B-F Premises as set out in Schedule A to this By-law;
- 1.8 “Christmas trees” means naturally grown evergreen trees without tinsel, decorations, ornaments or tree lights;
- 1.9 “Christmas trees, Artificial” means trees manufactured from manmade material;
- 1.10 “Collectable” means Material which may be collected at Curbside or a collection point approved by the Region pursuant to this By-law;
- 1.11 “Composter” means a container available from the Region or any enclosure with a lid for the purpose of decomposing Leaf and Yard Material and/or Green Bin Material by aerobic decay or bacterial action;
- 1.12 “Council” means the Council of The Regional Municipality of Niagara;
- 1.13 “Curbside” means the area directly in front of an Owner’s Premises as close as possible to the travelled portion of the road without obstructing or interfering with the travelled portion of the road or any sidewalk. It normally extends 1.2 m (four (4) feet) rearward from the travelled portion of the road;
- 1.14 “Designated Business Area” means an area designated by the local municipality to receive alternate collection services compared to residential or other industrial, commercial and institutional services;
- 1.15 “Eligible Property” means a Premises of Types A, B, C, D, E or F as set out in Section 14 and Schedule A to this By-law where:
- (a) container limits set out in Schedule A can be abided by in the normal course of waste generation activity; and
  - (b) the Owners of the Premises are not in Non-compliance with this By-law; and

- (c) the only Material set out for collection is material generated on that Premises;
- 1.16 “Friendly Reminder” means a written notice by the Region, in a form similar to that set out in Schedule C to this By-law or As Designated, which is delivered to an Owner, or left in a visible location which can be readily seen at the Premises, to address Non-compliance;
- 1.17 “Garbage” means all non-hazardous, solid, residual waste which, for purposes of collection or drop-off at a Regional Drop-off Location, does not fall within a recyclable class of material as set out in subsection 3.1(a) or elsewhere in this By-law and such other material As Designated. It does not include grass;
- 1.18 “Garbage Container” means a waterproof bag, receptacle, can, bin, or such other container As Designated, for the storing and setting out of garbage. It does not include cardboard boxes;
- 1.19 “Garbage Exemption Week” means the five (5) collection days immediately following December 25 each year where residents of Type A, B, D, F. Premises as shown in Schedule A are permitted to set out double their Garbage Container Limit for collection;
- 1.20 “Garbage Exemptions” mean exemptions as set out in Section 14 to the approved Garbage Container limits as shown in Schedule A. Only Type A Premises as defined in Schedule A of this By-law can receive a Garbage Exemption.
- 1.21 “Garbage Tag” means a tag that can be purchased from the Region or authorized vendor and affixed to Garbage Container to allow additional limit of Garbage to be set out for collection. Only Type A Premises as defined in Schedule A of this By-law can use a Garbage Tag.
- 1.22 “Green Bin Container” means a container such as the Green Bin or the smaller kitchen catcher available from the Region, or approved alternative, used for the storing and/or setting out of Green Bin Material;
- 1.23 “Green Bin Material” means compostable organic material collected under the Green Bin program As Designated by the Region, including but not limited to food waste (such as meat, bones, shells, tea bags), tissue paper, paper towels and napkins, paper egg cartons, 100% compostable paper cups and plates, dryer lint, soiled newspaper, cooled fireplace ashes, brown paper bags, saw dust, wood shavings, paper take-out trays, kitty litter and pet waste. It does not include grass or liquid Material;

- 1.24 “Grey Box” means a container available from the Region or approved alternative as set out in section 11 of this By-law or As Designated, used to set out Grey Box Material;
- 1.25 “Grey Box Material” means recyclable material that is collected as part of the Grey Box Program. The material includes:
- (a) soft-covered books and hard-covered books with the covers removed;
  - (b) boxboard (non-waxed, such as cereal boxes);
  - (c) cardboard (non-waxed);
  - (d) fine paper and paper envelopes;
  - (e) newspapers and unaddressed ad mail and flyers;
  - (f) plastic bags and other plastic film retail packaging placed in a securely-tied plastic bag, excluding plastic film wrap;
  - (g) shredded paper placed in a securely-tied, see-through plastic bag;
  - (h) telephone books and magazines, including catalogues and all glossy publications; and
  - (i) other material As Designated;
- 1.26 “Leaf and Yard Material” means leaves, weeds, trimmings, and other material As Designated, but does not include grass, brush, soil, dirt, roots, stumps or sod;
- 1.27 “Leaf and Yard Material Container” means reusable, rigid, open-top containers, paper bags or certified plastic compostable plastic bags As Designated by the Region. It does not include cardboard boxes or non-compostable plastic bags.
- 1.28 “MPAC” means the Municipal Property Assessment Corporation;
- 1.29 “Material” is the broadest categorization of all that a person or Owner wishes to dispose or recycle either through public collection or at a Regional Drop-off Location. Subcategories of Material for collection are Collectable Material, including Recyclables and Non-Recyclables, to be prepared according to the class instructions in this By-law, and excluded Non-Collectable Material. Any Material may also be Non-Compliant because of its content or preparation. Subcategories of Material for drop-off at Regional Drop-Off Locations are Acceptable Material, to be prepared according to the category instructions in this By-law, and excluded Unacceptable Material;
- 1.30 “Non-Collectable Material” means material forbidden, prohibited and not acceptable for collection pursuant to this By-law including:

- (a) hazardous waste which is corrosive, flammable, toxic, explosive or biomedical or as defined in Ontario Regulation 347, R.R.O. 1990, under the *Environmental Protection Act* or any successor legislation;
  - (b) prohibited material as defined under the *Transportation of Dangerous Goods Act, 1992*, or any successor legislation;
  - (c) pathological waste, as defined and regulated in Ontario Regulation 347, R.R.O. 1990, under the *Environmental Protection Act* or any successor legislation;
  - (d) solid and liquid waste material or substances which contain or could contain pathogen bacteria or micro-organisms that may be hazardous or dangerous;
  - (e) motor vehicles or automotive parts;
  - (f) live animals or fowl or carcasses or part of an animal or other creature, save for normal and bona fide Green Bin Material, which has been drained of all liquids;
  - (g) septic or holding tank pumpings or raw sewage;
  - (h) material of any kind or nature that may be explosive or combustible or may cause fire including hot coals, ashes, oil-soaked or gasoline-soaked rags, papers, cloths or similar material;
  - (i) gaseous, semi-liquid or liquid waste including liquid industrial waste as defined in Ontario Regulation 347, R.R.O. 1990, under the *Environmental Protection Act* or any successor legislation;
  - (j) sealed metal drums or barrels;
  - (k) other material as prohibited in any relevant Certificate of Approval issued by the Ministry of the Environment under the relevant legislation;
  - (l) Sharps;
  - (m) construction, renovation or demolition material including windows;
  - (n) grass clippings and
  - (o) other material As Designated;
- 1.31 “Non-Compliant” means material not prepared for collection or Regional Drop-Off Location deposit in accordance with the requirements set out in this By-law. “Non-Compliance” has the related meaning;
- 1.32 “Owner” means an owner, occupant, lessee, tenant or any other person in charge or in control of an Eligible Property or other Premises;
- 1.33 “Pet Waste” means animal excrement generated by small household pets including cats, dogs, small rodents or other similar indoor pets kept for companionship and enjoyment, but excluding horses, cows, chickens or other similar farm, wild, working, undomesticated or commercial livestock animals.

- 1.34 “Premises” means land and buildings in the geographic area of Niagara Region together considered as a property and controlled by an Owner. A Premise may be made up of multiple units for the purposes of Schedule A;
- 1.35 “Region” or “the Region” means The Regional Municipality of Niagara or an authorized representative of The Regional Municipality of Niagara, including a Regional Drop-Off Location site attendant, a contractor or its employee, or a by-law enforcement officer, as appropriate in the context;
- 1.36 “Regional Drop-Off Location” (“RDOL”) means a temporary or permanent location set up by the Region for drop-off of Material including but not limited to a location where Drop-off/Recycling, Composting, Household Hazardous Waste Collection or Landfilling occurs. It shall also include a closed Waste Disposal Site;
- 1.37 “Scavenge” means to search through, pick over or remove objects or material set out for collection or deposited at a Regional Drop-off Location;
- 1.38 “Set Out Service” means the provision of onsite service for residents living in Type A Premise as listed in Schedule A to this By-law and who are unable to physically carry their Blue/Grey Box Materials and Green Bin Material to the curb for collection.
- 1.39 “Sharps” means medical or veterinary equipment intended for the purpose of cutting or piercing and includes medical needles or syringes;
- 1.40 “Waste Disposal Site” means as defined in the *Environmental Protection Act*, R.S.O. 1990, Ch. E.19, or any successor legislation (“Environmental Protection Act”); and
- 1.41 “White Goods” means major household appliances or items such as stoves, washers, dryers, dishwashers, dehumidifiers, water tanks, barbeques, swing sets, bicycles, air-conditioning units, heat-pumps, refrigeration units or freezer units and other material As Designated.

## **PART II –COLLECTION SERVICES**

### **2. General Collection Provision**

- 2.1 The Region shall provide collection of all Collectable Material from Eligible Properties in the Region according to the terms of this By-law and subject to other terms As Designated.
- 2.2 The Region also provides enhanced services as requested, approved and funded by local municipalities.
- 2.3 No Owner shall be eligible for collection unless the Owner complies with this By-law and other terms As Designated.

3. Classes of Collectable Material

3.1 The Classes of Collectable Material are:

- (a) Recyclable Material:
  - i. Blue Box Material;
  - ii. Brush;
  - iii. Christmas Trees;
  - iv. Green Bin Material;
  - v. Grey Box Material;
  - vi. Leaf and Yard Material;
  - vii. White Goods; and
  - viii. other recyclable Material As Designated; and
  
- (b) Non-Recyclable Material:
  - i. Bulky Goods;
  - ii. Garbage; and
  - iii. other non-recyclable Material As Designated.

3.2 All other Material is Non-Collectable Material and is not to be placed out for collection.

4. Separate According to Class and Class Provisions

4.1 If collection service is available to an Eligible Property for any of the above Classes, then the Material which an Owner sets out for collection must be separated according to Class.

4.2 Every Owner shall prepare Collectable Material according to the provisions in sections 5 through 14 of this By-law relevant to each Class of Material.

5. Brush

5.1 Brush set out for Curbside collection:

- (a) shall be packaged in bundles where each individual piece of material shall not exceed 7 cm (2.8 inches) in diameter and where each bundle shall not exceed:
  - i. a size of 1.5 m (5 feet) in length by 0.5 m (1.6 feet) in diameter; and
  - ii. a weight of 22.7 kg (50 pounds); and

- (b) if collected on the same day as other material, shall be clearly separated from any other class of material set out for collection.

5.2 Brush is only collectable from a Type A Premises as defined in Schedule A to this By-law. Further information on the collection of Brush is available from sources noted in Section 52 of this By-law.

## 6. Bulky Goods

6.1 Bulky Goods are only collectable from a Type A Premises as defined in Schedule A to this By-law. Further information on the collection of Bulky Goods is available from the sources noted in Section 50 of this By-law.

6.2 Bulky Goods set out for Curbside collection:

- (a) shall be in a contained state neatly placed at the Curbside; and
- (b) shall not include construction, demolition or renovation material.

6.3 The Owner must arrange in advance with the Region for the scheduled collection of Bulky Goods As Designated. Information on how to schedule collection is available from the sources noted in section 52 of this By-law.

6.4 Artificial Christmas trees shall be set out for scheduled collection as Bulky Goods.

6.5 Items which can fit within a regular Garbage Container should not be disposed of as Bulky Goods, but as Garbage.

6.6 Bulky Goods collection is available on occasion to dispose of a reasonable amount of normal household items created in the normal course of waste generation activity and is not to be used to dispose of entire dwelling unit contents or for move outs.

6.7 Glass shards resulting from broken mirrors, dishes, picture frames or other household glass, not including windows, are collectable as Bulky Goods if:

- (a) placed in a separate, sturdy, walled container to be collected with its glass shard contents, and secured so as to remain closed and to protect the safety of collection personnel; and
- (b) Labelled appropriately (i.e. "Broken Glass").

## 7. Christmas Trees

7.1 Christmas trees shall be set out for Curbside collection without wrapping, bagging, tinsel, decorations or lights, in accordance with the schedule of collection days and times As Designated. Further information on the

collection of Christmas trees is available from the sources noted in Section 52 of this By-law.

7.2 Christmas trees are only collectable from a Type A Premises as defined in Schedule A to this By-law.

8. Blue Box Material

8.1 Blue Box Material shall be set out for collection accordingly to the following requirements:

(a) Blue Box Material must be packaged as follows:

- i. in designated recyclable containers (Blue Box) available from the Region; or
- ii. in a Cart only for Type B-F Premises as set out in Schedule A to this By-law for ; or
- iii. in clearly marked, reusable, solid-walled, rigid containers with handles on two (2) sides; or
- iv. in see-through plastic bags; or

(b) Blue Box containers shall meet the following requirements:

- i. not exceeding a size of up to 91 cm (3 feet) in height by 61cm (2 feet) in width; and
- ii. not exceeding a weight (of container and material together) of 22.7 kg (50 pounds); and
- iii. Carts for Type B-F Premises are exempt from 8.1 (b) (i) and (b) (ii)
- iv. be of sufficient quality to withstand normal collection activities and use

(c) contents shall not exceed the limits of the top of the Blue Box container; and

(d) must be clearly separated from any other class of material set out for collection on the same Premises.

8.2 Blue Box Material that is loose or not packaged as outlined above may not be collected.

8.3 Further information on the collection of Blue Box Materials is available from the sources noted in Section 52 if this By-law.

9. Leaf and Yard Material

9.1 Leaf and Yard Material shall be set out for Curbside collection:

- (a) packaged in rigid, reusable, open containers or compostable paper bags or certified compostable plastic bags As Designated:
  - i. not exceeding 91 cm (3 feet) in height by 61 cm (2 feet) in diameter; and
  - ii. not exceeding a total weight (of container and Leaf and Yard Material together) of 22.7 kg (50 pounds.); and
- (b) in such a way as to clearly separate it from any other class of Collectable Material set out for collection on the same Premises.

9.2 Non-compostable plastic bags or cardboard boxes are not permitted.

9.3 Leaf and Yard Material is only collectable from a Type A Premises as defined in Schedule A to this By-law.

9.4 Further information on the collection of Leaf and Yard Material is available from the sources noted in Section 52 if this By-law.

## 10. Green Bin Material

10.1 Green Bin material shall be set out for Curbside collection packaged:

- (a) in a Green Bin Container available from the Region:
  - i. using certified compostable plastic bags As Designated;
  - ii. in paper bags;
  - iii. wrapped securely in newspaper; or
  - iv. loosely; or
- (b) in a Cart only for Type C-F Premises as set out in Schedule A to this By-law for; or
- (c) in other containers labelled "Organics":
  - i. not exceeding 91 cm (3 feet) in height by 61 cm (2 feet) in diameter; and
  - ii. not exceeding a total weight (of container and Green Bin Material together) of 22.7 kg (50 pounds); and
  - iii. which are equipped with handles; and
  - iv. Carts are exempt from 10.1 i-iii
- (d) in such a way as to clearly separate it from any other class of Collectable Material set out for collection on the same Premises.

- 10.2 Small amounts of Leaf and Yard Material including weeds, garden material, trimmings, and twigs smaller than 1.5 cm (0.5 inches) in diameter and no longer than 30.5 cm (12 inches), excluding grass, are permitted as Green Bin Material.
  - 10.3 Pet waste and kitty litter should be either bagged using small certified compostable plastic bags As Designated, paper bags or completely wrapped in newspaper before being placed in the Green Bin or other labelled container as above.
  - 10.4 Green Bin Material that has a tendency to turn into liquid should be packaged and not be loose so the liquid does not leak or spill during collection. Liquid Material is not permitted in the Green Bin. The collection service is designed for solid material.
11. Grey Box Material
- 11.1 Grey Box Material shall be set out for collection accordingly to the following requirements:
- (a) Blue Box Material must be packaged as follows:
    - i. in designated recycling containers (Grey Box) available from the Region; or
    - ii. in clearly marked, reusable, solid-walled, rigid containers with handles on two (2) sides; or
    - iii. in a Cart only for Type B-F Premises as set out in Schedule A to this By-law for ; or
    - iv. in see-through plastic bags; or
    - v. in a sturdy cardboard box; or
    - vi. in case of cardboard, must bundle together in bundles not exceeding a size of 91 cm (3 feet) in width by 91 cm (3 feet) in length by 91 cm (3 feet) in depth and not exceeding a weight of 22.7 kg (50 pounds); or
    - vii. flattened and placed inside another cardboard box for not exceeding a size of 91 cm (3 feet) in width by 91 cm (3 feet) in length by 91 cm (3 feet) in depth; or
    - viii. in the case of plastic bags and/or plastic film, by placing all loose plastic bags or plastic film in one securely tied plastic bag; and
  - (b) Grey Box containers must meet the following requirements:
    - i. not exceed a size of up to 91 cm (3 feet) in height by 61 cm (2 feet) in width; and

- ii. not exceed a weight (of container and material together) of 22.7 kg (50 pounds); and
- iii. Carts for Type B-F Premises are exempt from 11.1 (b) i – ii;
- iv. be of sufficient quality to withstand normal collection activities and use; and

- (c) contents shall not exceed the limits of the top of the Grey Box container; and
- (d) clearly separated from any other class of Collectable Material on the same Premises.

11.2 Grey Box Material that is loose or not packaged as outlined above may not be collected.

11.3 Further information on the collection of Grey Box Material is available from sources noted in section 52 of this By-law.

## 12. White Goods

12.1 White Goods are only collectable from Type A Premises as defined in Schedule A of this By-law.

12.2 White Goods with moving doors, in particular, refrigerators, stoves and freezers, shall be set out for collection with their doors removed or secured in such a fashion that they cannot be opened, to address safety concerns about children or animals becoming trapped inside.

12.3 Any device bearing Freon/CFC (chlorofluorocarbon) including but not limited to an air-conditioning, dehumidifier, water cooler, refrigeration or freezer unit shall be set out for collection only with the relevant CFC removal sticker. The Owner of the Premises shall pay to the Region or its authorized vendor the applicable fee as set by the Region, together with applicable provincial and federal taxes.

12.4 The Owner must arrange in advance with the Region for the scheduled collection of White Goods As Designated. Information on how to schedule collection is available from the sources noted in section 52 of this By-law.

## 13. Garbage

13.1 Material not included in the other Classes of Collectable Material of this By-law shall be set out for collection as Garbage:

- (a) packaged in a Garbage Container:

- i. not exceeding a size of 91 cm (3 feet) in height by 61 cm (2 feet) in diameter; and
    - ii. not exceeding a weight (of container and waste) of 22.7 kg (50 pounds); and
    - iii. equipped with handles on two (2) sides; and
  - (b) be of sufficient quality to withstand normal collection activities and use; and
  - (c) such that the contents shall not exceed the limits of the top of the Garbage Container; and
  - (d) in such a way as to clearly separate it from any other classes of Collectable Material on the same Premises; and
  - (e) if required by this By-law, with the relevant Garbage Tag affixed, refer to Section 14.1 (a); and
  - (f) containing no other Classes of Collectable Material including but not limited to Leaf and Yard Material, Green Bin Material, Blue Box Material and Grey Box Material.
- 13.2 For Garbage Containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed prior to collection.
- 13.3 Garbage that is Non-Compliant, or which contains other classes of Collectable Material and/or Non-Collectable Material, may not be collected.

#### 14. Collection Limits and Procedure for Garbage Exemptions

- 14.1 The maximum number of Garbage Containers which may be collected from different types of Premises shall be as set out in Schedule A to this By-law as follows:
- a) an Owner of a Type A self-contained unit may set out additional Garbage Containers provided that each extra Garbage Container has the appropriate Garbage Tag affixed, which Garbage Tag has been purchased from the Region or its authorized vendor; and
  - b) the Garbage Tag shall be affixed:
    - i. for a disposable Garbage Container such as a garbage bag, in a location clearly visible to the collection contractor on the outside of the bag; or
    - ii. for a non-disposable Garbage Container such as a garbage can, bin or receptacle, in a clearly visible location readily seen upon removal of the container's lid.
  - iii. Information on Garbage Tags is available from the sources noted in Section 52 of this By-law.

- c) an Owner of Premises may be allowed a Garbage Exemption subject to application and approval by the Region for the following reasons:
  - i. a medical condition that results in the generation of additional Garbage for Type A Premises and group homes, homes for adults with disabilities and homes for assisted living;
  - ii. for Type A Premises with two or more children under the age of four in diapers one (1) additional see-through plastic bag of diapers combined with no other Collectable Material; two (2) additional see-through plastic bags of diapers with no other Collectable Material for 3 or more children under the age of four (4) in diapers;
  - iii. for a Type A Premises operating as an in-home child care provider two (2) additional see-through plastic bags of diapers with no other Collectable Material
- d) an Owner of a Type A Premises may set out one (1) additional Garbage Container during Garbage Exemption Week;
- e) an owner of Type B Premises may set out for collection a maximum of one (1) container per unit up to a maximum of twelve (12) containers per Premises;
- f) an owner of Type C-D Premises may set out for collection a maximum of seven (7) containers;
- g) an Owner of Type D Premises may set out seven (7) additional Garbage Containers during Garbage Exemption Week to assist in disposing of extra Garbage generated;
- h) an owner of Type E Premises may set out for collection a maximum of four (4) containers;
- i) an owner of Type F Premises may set out for collection a maximum of six (6) containers;
- j) an Owner of Type F Premises may set out six (6) additional Garbage Containers during Garbage Exemption Week to assist in disposing of extra Garbage generated;

14.2 The maximum number of Blue Box, Grey Box or Carts which may be collected from different types of Premises shall be as set out in Schedule A to this By-law, that is:

- (a) for a Type A Premises, an Owner may set out for collection unlimited Blue and Grey Boxes;
- (b) for a Type B Premises, an Owner may set out for collection unlimited Carts with a guideline of one (1) cart for every seven (7) units;
- (c) for a Type C–D Premises, an Owner may set out for collection unlimited Blue and Grey Boxes or Carts;

- (d) for a Type E Premises, the limit shall be four (4) Blue or Grey Boxes or two (2) Carts
  - (e) for a Type F Premises, an Owner may set out for collection unlimited Blue or Grey Boxes with review of excessive quantity of commercial material on a per Premises basis by the Region in order to provide efficient collection service.
- 14.3 The maximum number of Green Bin Containers or Carts which may be collected from different types of Premises shall be as set out in Schedule A to this By-law, that is:
- (a) for a Type A, an Owner may set out for collection unlimited Green Bins;
  - (b) for a Type B Premises, an Owner may set out for collection Green Bins or Green Carts on a request only basis in the quantity determined by the Region;
  - (c) for Type C and D Premises, an Owner may set out for collection four (4) Green Bins or two (2) Carts;
  - (d) for Type E and F Premises, an Owner may set out for collection four (4) Green Bins or two (2) Carts;
- 14.4 In all cases, the Material collected during collection must be Material generated at the self-contained unit for a Type A Premises or on the Premises for a Type B - F Premises.
- 14.5 Type B, E and F Premises as shown Schedule A that use private Garbage services or are not able to stay within the Garbage limit are not eligible for Garbage collection services.
- 14.6 Any Type C or E Premises as shown Schedule A with a building greater than three (3) storeys excluding municipal or Region owned buildings are not eligible for any collection services.
- 14.7 Any Type B - F Premises as shown Schedule A that retain private service for Blue and Grey Box Material collection will not be eligible for curbside collection of any other Material..
- 14.8 Collection limits for types of Premises are determined using the property classification identified by MPAC. Types of Premises are identified correlative to the property classifications used by MPAC. In the event of discrepancy, the Region's designation of the Premises type will prevail.

### **PART III –COLLECTION RESTRICTIONS AND RESPONSIBILITIES**

#### **15. Collection Restrictions and Responsibilities**

- 15.1 No person or Owner shall set out nor permit to be set out:

- (a) Non-Collectable Material; or
- (b) Non-Compliant Material.

- 15.2 The Owner of Premises shall set out for collection the Classes of Collectable Material at the locations as shown in Section 16, in the manner, and in accordance with the schedules of collection days As Designated. See section 52 of this By-law for further sources of schedule and Material preparation information.
- 15.3 If the Owner of a Premises fails to comply with the responsibilities and requirements as set out in this By-law, the Region may, at the discretion of the Commissioner of Public Works or his/her designate, and upon written notice to the Owner, cease collection from the Premises until such time as the Non-compliance is corrected to the satisfaction of the Region.
- 15.4 The Owner of any Premises receiving collection shall be responsible to ensure that all persons on the Premises who use or expect to use the Region's collection service receive and follow the instructional information relating to the service provided by the Region.
- 15.5 The Owner of any Premises receiving collection shall be responsible to ensure that animals such as dogs are secured or tied to ensure safety of collection workers and uninterrupted collection.
- 15.6 The Owner of a Premises shall not interfere with collection vehicles or personnel.
- 15.7 The Owner of a Premises shall not deposit any Material into a collection vehicle.
16. Collection Location
- 16.1 Except as set out in 16.2 the Owner of Premises shall set out Material for collection by placing it at Curbside in front of the Premises in a location to clearly distinguish separation from a neighbouring Premises and as close as possible to the travelled portion of the road without obstructing or interfering with the travelled portion of the road or any sidewalk.
- 16.2 The Owner of Premises shall set out Material at a collection point approved or as determined by the Region.
- 16.3 No Owner shall set out Material for collection at any Premises except at their own Premises.

17. Collection Times

- 17.1 Collectable Material shall be set out not earlier than 5:00 p.m. on the day before the designated collection day and not later than 7:00 a.m. on the designated collection day.
- 17.2 The Owner shall remove all containers, together with any material that was not collected for any reason, from the Curbside as soon as possible after collection, but not later than 7:00 p.m. on the designated collection day.
- 17.3 Material left Curbside before and after collection times will be the responsibility of the Owner of the Premises.
- 17.4 From time to time, the Region may define specific collection times other than as shown in Section 17.1 and 17.2 for As Designated areas. The Owner of a Premises in an As Designated area shall set out Collectable Material for collection at the prescribed times and schedule As Designated which will be published or communicated by the Region for the As Designated areas. Publication for purposes of this section and s. 41 means notice placed on the Region's website at least thirty (30) days prior to any As Designated changes to collection schedule or area being implemented. Communication by the Region for purposes of this section and s. 41 means notices given to Owner of affected Premises either mailed by ordinary mail (where receipt is deemed to be three days after mailing) or collection schedule or area being implemented (effective on delivery). Information posters and media releases may be used in addition to the above publication or communication methods. The only exception to the thirty (30) day publication or communication requirement is in the event of an emergency situation as determined by the Region where emergency involves a situation of public safety or legal or regulatory requirement which requires As Designated changes to be implemented faster than on thirty (30) days notice.

18. Acceptable Containers

- 18.1 The Owner of Premises shall set out for collection only containers which are:
- a. maintained in a safe and efficient condition for collection and have handles;
  - b. intact, as required, to prevent spillage or breakage during collection;
  - c. sealed, as required, to prevent the attraction of animals (including insects) and the release of odours; and

- d. free of excess water, ice and snow or other substances which may interfere with collection. Any material which has become frozen or stuck to the collection container and cannot be easily removed will not be collected.

19. Uncontained Material

19.1 The Owner of a Premises shall not permit material set out for collection to become uncontained for any reason, including weather or animals.

19.2 The Owner of a Premises shall be responsible for the immediate clean up or re-securing of uncontained material.

20. Ownership

20.1 All properly prepared and separated Collectable Material set out within the designated times becomes the property of the Region.

20.2 Material set out which is Non-Collectable or Non-Compliant remains the property and responsibility of the owner.

21. Private Property Collection

21.1 The Region may enter private property for collection purposes provided that:

- a. the Region has determined from time to time that the private roadways to be used by collection vehicles on behalf of the Region:
  - i. have widths, turning radii, means of access, and means of egress meeting or exceeding the requirements of the Region's Policy on Collection of Waste by Way of Entry on Private Property, as amended from time to time;
  - ii. have overhead clearance meeting or exceeding the standards prescribed in the *Highway Traffic Act*, R.S.O 1990, Ch. H.8, or any successor legislation;
  - iii. are clear of snow and ice; and
  - iv. provide unobstructed access to the material to be collected; and
- b. the Owner of the private property has entered into a written agreement with the Region in the form As Designated and in accordance with policies set by the Region.

21.2 Wherever practical and as determined by the Region, Material from each private property unit shall be sufficiently separated to allow identification of

the unit generating the material for purposes of the enforcement of this By-Law.

#### **PART IV – REGIONAL DROP-OFF LOCATIONS**

##### **22. Drop-off of Acceptable Material**

22.1 The Region may establish Regional Drop-off Locations for the drop-off of Acceptable Material as set out in sections 25 to 28 of this By-law.

##### **23. Unacceptable Material**

23.1 No person shall drop off, or permit to be dropped off, Unacceptable Material at a Regional Drop-off Location.

23.2 Unacceptable Material includes the following:

- (a) any dangerous and hazardous material such as poisons, hot live ashes, caustics, acids, pesticides, herbicides, radioactive material, industrial process sludge, biomedical waste, or substances which may cause personal or environmental problems with the exception of the Household Hazardous Waste categories as set out in section 27;
- (b) ammunition;
- (c) dangerous chemical waste;
- (d) liquid waste with the exception of certain Household Hazardous Waste categories as set out in section 27;
- (e) pathological waste with the exception of Sharps;
- (f) sludge from septic tanks or seepage;
- (g) highly flammable, volatile, explosive, reactive or radioactive materials with the exception of certain Household Hazardous Waste categories as set out in section 27;
- (h) leachate toxic waste;
- (i) PCB waste;
- (j) carcasses of dogs, cats, fowl and other such creatures, or parts thereof;
- (k) live animals or birds;
- (l) human excrement;
- (m) steel barrels, unless the lid is removed and the barrel is empty and dry;
- (n) automotive parts, not including automobile tires or small automotive parts;
- (o) waste with excess liquid accumulated in the load or Material that fails a slump test; and
- (p) other Material As Designated.

24. Acceptable Material

24.1 Not all Regional Drop-off Locations will receive all type of Acceptable Material and receipt will depend on whether any of the following activities occur at any given Regional Drop-off Location:

- (a) Drop-off/Recycling;
- (b) Composting;
- (c) Household Hazardous Waste Collection;
- (d) Landfilling.

25. Acceptable Drop-off/Recycling Material

25.1 Acceptable Material for Drop-off includes the following:

- (a) automobile tires separated from the rims and free of foreign material and excessive moisture;
- (b) batteries, either single use alkaline or rechargeable;
- (c) Blue Box Material;
- (d) Bulky Goods;
- (e) clothing for re-use;
- (f) Collectable Material;
- (g) construction, renovation and demolition material, including drywall, wood, metal, PVC pipe and other building materials;
- (h) electronics with personal information removed;
- (i) Garbage;
- (j) Grey Box Material;
- (k) Household items for re-use including small appliances and toys and other such goods;
- (l) Mattresses up to a minimum of two (2) per load, with the exception of loads delivered by the Region's Collection Contractor
- (m) White Goods, and
- (n) other Material As Designated.

25.2 There may be locations where less than this full list may be Acceptable. Consult the sources listed in section 52 for further information.

26. Acceptable Composting Material

26.1 Acceptable Material for Composting is:

- (a) Brush;
- (b) Christmas Trees;
- (c) Green Bin Material;
- (d) Leaf and Yard Material;
- (e) Grass, and

- (f) other Material As Designated.

26.2 There may be locations where less than this full list may be Acceptable. Consult the sources listed in section 52 for further information.

27. Acceptable Household Hazardous Waste Collection Material

27.1 Acceptable Material for Household Hazardous Waste Collection is:

- (a) aerosol cans with contents remaining;
- (b) antifreeze;
- (c) batteries (all types);
- (d) bbq propane tanks;
- (e) corrosive cleaners including inorganic bases and inorganic oxidizers;
- (f) fertilizers and other inorganic oxidizers;
- (g) flammable liquids such as solvents and thinners;
- (h) fluorescent light tubes;
- (i) gasoline;
- (j) medications;
- (k) motor oil;
- (l) oil filters;
- (m) pesticides and herbicides;
- (n) paint;
- (o) paint sludge;
- (p) pharmaceuticals;
- (q) pool chemicals;
- (r) small gas cylinders;
- (s) Sharps in puncture-proof containers; and
- (t) other Material As Designated.

28. Acceptable Landfilling Material

28.1 Acceptable Material for Landfilling is:

- (a) asbestos if prepared as set out in section 29;
- (b) asphalt and concrete;
- (c) Bulky Goods, with the exception of those items which can be re-used or recycled;
- (d) construction, renovation and demolition material with wood separated;
- (e) Garbage;
- (f) soil or dirt in quantities acceptable by the Region; and
- (g) other Material As Designated.

29. Acceptable Asbestos Preparation and Acceptance Procedures

- 29.1 No person shall unload or dispose of asbestos at a Regional Drop-off Location unless such unloading or disposal is in accordance with the conditions set out in this section.
- 29.2 Any person dropping off asbestos shall contact the Region at least twenty-four (24) hours prior to delivery of the asbestos to allow for preparation of the Regional Drop-off Location designated area.
- 29.3 All asbestos must be contained in a rigid, impermeable, sealed container of sufficient strength to accommodate the weight and nature of the asbestos, or the asbestos material must be double bagged in two six millimetre polyethylene bags. The container must be free from punctures, tears or leaks and should be clearly labelled to indicate the nature of the contents. The external surface of the container and the vehicle used for the transport of the asbestos must be free of asbestos.
- 29.4 During unloading, the packaged asbestos shall be handled individually and care taken to place the packages in the designated area to avoid spillage. This unloading shall be the responsibility of the person dropping off the asbestos.
- 29.5 The unloading shall only be done in the presence of the Region to ensure that no loose asbestos or broken containers are unloaded and that no airborne particulate is generated.
- 29.6 In the event that loose asbestos or broken containers are found, the person dropping off the asbestos shall repackage the material with additional containers or bags provided on his/her vehicle.
- 29.7 The asbestos containers shall be placed directly in the designated area which has been prepared by the Region.

30. Material Requiring Special Handling

- 30.1 Any person dropping off Material requiring special handling (such as dusty Material) shall contact the Region at least 24 hours prior to delivery to a Regional Drop-off Location to receive handling instructions from the Region and to allow for preparation of the Regional Drop-off Location designated area.
- 30.2 The unloading of the Material requiring special handling shall be the responsibility of the person dropping it off.
- 30.3 The Material requiring special handling shall be placed directly in the designated area by the person dropping it off.

30.4 Material requiring special handling is only accepted Mondays to Fridays between the hours of 8:30 a.m. and 3:00 p.m.

31. Fees

31.1 The Region shall set fees to be paid by persons for the drop-off of Material at Regional Drop-off Locations.

31.2 The fees are set out in the Region's Fees and Charges By-Law No. 77-2010, or as may be amended.

32. Access

32.1 Access to a Regional Drop-off Location shall be limited to the days and times As Designated by the Region. Days and hours of operation are posted at each permanent location.

32.2 Access to a Regional Drop-off Location shall be limited to persons who are:

- (a) commercial haulers who have provided a copy of their Ministry of the Environment Waste Management System Certificate and, when requested by the Region, proof satisfactory to the Region that the material they bring for drop-off has been generated from within the Region; or
- (b) non-commercial haulers who, upon request, have provided proof of their residency in the Region satisfactory to the Region.

32.3 The Region may further limit access to certain Regional Drop-off Locations As Designated.

32.4 The Region may specify time schedules and pre-deposit conditions for persons seeking access to a Regional Drop-off Location.

32.5 The Region may refuse access to a person at the Region's discretion if:

- (a) the person has violated this By-law;
- (b) the person is likely to violate this By-law;
- (c) the person owes money to the Region pursuant to this By-law;
- (d) the person is transporting Material which is unacceptable for deposit at the Regional Drop-Off Location;
- (e) the person's vehicle load is not fully covered and/or secured;
- (f) the person's vehicle appears to be unsafe; or
- (g) the person uses abusive or offensive language or behaviour toward workers or other persons at the Regional Drop-off Location.

## **PART V - REGIONAL DROP-OFF LOCATION RESTRICTIONS AND RESPONSIBILITIES**

### **33. Drop-off Restrictions**

33.1 The following restrictions apply at Regional Drop-Off Locations:

- (a) all drivers shall ensure the vehicle load is fully covered and/or secured and the vehicle is not over loaded;
- (b) all drivers shall bring vehicles to a complete stop and await the direction of the Region's site attendant before entering or leaving the weigh scale;
- (c) all drivers shall identify the Material type and source to the Region's site attendant;
- (d) all vehicles shall weigh inbound and outbound;
- (e) no Material originating from outside the Region shall be dropped off;
- (f) all Material deposited shall become the property of the Region and may be salvaged, recycled, reclaimed, disposed of and otherwise dealt with as the Region may deem fit;
- (g) no person, while at a Regional Drop-off Location, shall 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;
- (h) no person, while at a Regional Drop-off Location, shall:
  - i. indulge in any riotous, violent, threatening or illegal conduct, or use profane or abusive language; or
  - ii. create a nuisance or in any way interfere with the use of a Regional Drop-off Location by any other person;
- (i) no person shall deposit or allow or cause to be deposited Materials except in bins or disposal areas for such purposes;
- (j) all persons shall at all times obey all signs and directions of the Region, its site attendants or staff or contractors' staff;
- (k) all persons shall enter or exit a Regional Drop-off Location by the designated access and exit routes;
- (l) no person shall deposit or permit to be deposited Garbage into recycling bins or composting areas;
- (m) no person shall deposit Recyclable Material including Leaf and Yard Material, Green Bin Material, Blue Box Material, Grey Box Material and/or other Material As Designated into the Garbage area located at the Drop-off/Recycling Depot or in the area designated for Landfilling.

- 33.2 (a) On the first occasion of violation of any of the restrictions in section 33.1 above, a written warning notifying the person of his/her violation may be issued by the Region; or
- (b) on the first, second or any subsequent occasion of violation of any of the restrictions in section 33.1 above, the person may be charged with an offence of having violated this By-law and may also be subject to being refused access to Regional Drop-Off Locations.

34. No Trespassing

- 34.1 No person shall unlawfully enter a Regional Drop-off Location at any time.
- 34.2 No person shall unlawfully enter the land strip around the perimeter of a Regional Drop-off Location (buffer lands) or a Regional Drop-off Location property during the time that the Regional Drop-off Location is closed.
- 34.3 No person shall enter with or operate an off-road vehicle or bike of any type on any part of a Regional Drop-off Location and/or the land strip around the perimeter of a Regional Drop-Off Location (buffer lands).

35. Drop-off Responsibilities

- 35.1 Every person dropping off material at a Regional Drop-off Location shall:
- (a) drop off only Material acceptable for deposit As Designated;
  - (b) comply with all orders or directions given by the Region's site attendants or contractors' staff;
  - (c) obey all speed limit signs and other signs posted at a Regional Drop-off Location;
  - (d) separate each type of Material and deposit in areas designated for such material by the Region;
  - (e) unload Material in a safe manner and use extreme caution while unloading;
  - (f) remove covers/tarpaulins and/or release turnbuckles on vehicles only in the unloading area and at the direction of the Site Attendants or contractor's staff;
  - (g) remove any remaining loose material from vehicles before leaving the unloading areas;
  - (h) close and secure, in a manner acceptable to the Region, all unloading doors with chains or acceptable alternatives before departure from the unloading areas;
  - (i) ensure that any child under the age of 12 remain inside the vehicle at all times;
  - (j) ensure that minor children act responsibly at all times when outside the vehicle;

- (k) ensure that animals remain inside the vehicle at all times;
- (l) acknowledge and accept that any person entering a Regional Drop-Off Location does so at their own risk. The person and the owner of any vehicle brought upon a Regional Drop-Off Location agrees to save the Region, its contractors, agents and employees, harmless from any damages or claims whatsoever to themselves or their property, or to any other person or property whatsoever, arising from such person's negligence or failure to comply with their responsibilities as set out in this By-law, As Designated or otherwise;
- (m) not depart from the Regional Drop-Off Location until the relevant fees as set by the Region from time to time are paid in full, whether by cash, debit, or charged to an authorized account;
- (n) conform strictly to all legislative requirements including, in particular, the *Environmental Protection Act*, the *Occupational Health and Safety Act*, R.S.O. 1990, Ch. 0.1, and any other relevant successor legislation, any relevant regulations there under, any relevant Certificates of Approval and any relevant Regional By-laws, Policies, and Procedures; and
- (o) not smoke anywhere on a Regional Drop-Off Location.

36. Refusal

36.1 The Region reserves the right to refuse to accept for drop-off any material of a questionable nature or origin.

37. Safe Loads

37.1 Persons entering a Regional Drop-Off Location shall ensure that all material transported is secure, covered, tied, or enclosed to prevent any material from falling onto any roadway or public property.

**PART VI – FURTHER RESTRICTIONS**

38. Illegal Dumping

38.1 No person shall dump, drop, sweep, throw, cast or otherwise deposit, or permit his/her contractor, agent, employee, minor child under his/her care or control or animal under his/her care or control to dump, drop, sweep, throw, cast or otherwise deposit any material whatsoever on or in any road or public property, or at the entrance to or around the perimeter of a Regional Drop-Off Location.

38.2 No person shall dump or deposit, or permit his/her contractor, agent, employee, minor child under his/her care or control or animal under his/her care or control to dump or deposit any material generated on a

Premises owned or occupied by that person into litter bins on any road or public property.

39. Scavenging

39.1 No person shall, without the written approval of the Region, Scavenge, interfere with, pick over, disturb, remove or scatter any Material set out for collection.

39.2 No person shall Scavenge, interfere with, pick over, disturb, remove or scatter any Material at a Regional Drop-Off Location unless the Material has been designated for re-use by the Region and the person has received permission from the Region.

**PART VII – ENFORCEMENT**

40. Friendly Reminders

40.1 To encourage compliance with this By-law, the Region may use Friendly Reminders to identify or inform persons or Owners of Non-Compliance.

40.2 Any person who is offered the Region's recycling and organics collection services and does not participate in these services, and who, after receiving at least one friendly reminder notice and at least one warning letter, still does not participate (as evidenced by the person setting out only garbage containers for a period of two consecutive weeks, and such garbage is found to contain recyclable or organic material), may be charged with an offence for setting out garbage that contains Green Bin, Grey Box or Blue Box material.

41. Notifications

41.1 Notwithstanding any other provision of this By-law, no person or Owner shall be charged with an offense for setting out, or permitting to be set out contrary to this By-law (included specific As Designated areas or collection times or schedules), any Collectable Material for collection where the As Designated provisions have not been published or communicated as set out in s. 17.4 of this By-law.

41.2 In addition to the publication and communication of As Designated changes set out in Section 17.4, the Region will communicate to the Owner of a Premises in an As Designated area verbally and issue a minimum of one (1) written notification to inform the Owner of the As Designated alternate schedule for the As Designated area before any such Owner is charged with an offense as set out above.

42. Enhanced Services

42.1 Offences under this By-law apply to all enhanced services as may be applicable.

43. Maximum Fines

43.1 Every person, including a corporation, who contravenes a provision of this By-law, is guilty of an offence and upon conviction thereof is liable to pay a maximum fine of not more than \$100,000 for each and every offence, subject to the exception in section 44 below.

43.2 A director or officer of a corporation who knowingly concurs in the contravention of a provision of this By-law is also guilty of an offence under this By-law.

44. Special Fines

44.1 In addition to a fine under section 43, a special fine is also chargeable and may exceed \$100,000, where an offence of this By-law has been committed and there is evidence that the person who has committed the offence has achieved an economic advantage or gain from contravening this By-law. The intent of this section is to eliminate or reduce such economic advantage or gain or to deter the person from further Non-compliance with this By-law.

45. Continuing Offences

45.1 In the case of a continuing offence, for each day or part of a day that the offence occurs or continues, the maximum fine shall be \$10,000.

46. Alternative Set Fine Procedure

46.1 In the discretion of the Region, charges may be laid for offences committed in contravention of this By-law using the certificate of offence set fine procedure set out under Part I of the *Provincial Offences Act*, R.S.O. 1990, Ch. P.33, or any successor legislation, for the offences enumerated in short form in Schedule B of this By-law.

46.2 Schedule B offences shall not be utilized until the amounts of the fines in Schedule B have been set by the Chief Judge of the Ontario Court (Provincial Division).

47. Order Prohibiting Continuation

47.1 When a person or owner has been convicted of an offence under this By-law, and in addition to any other remedy and to any penalty imposed by the By-law including a fine and a remedial action fee as set out in section 48, 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 or owner convicted.

48. Remedial Action

48.1 Where a person or Owner is in Non-compliance with this By-law and if the Non-compliance continues despite the Region's attempts to obtain compliance, and where the person or Owner is made aware of the requirement that a matter or thing related to compliance with this By-law is required to be done by the person or Owner, the Region may forthwith perform the work required to obtain compliance with this By-law.

48.2 The Region may invoice the person or Owner for all costs associated with the clean-up work done pursuant to section 48.1 including, but not limited to, court costs, Regional and/or local government administrative and legal fees, contractors' invoices, disposal fees or interest at a rate of fifteen per cent per annum from the day the Region incurs such costs. The Region may include a minimum disposal charge of fifty (\$50.00) dollars in the event the Material cleaned up is not separately weighed.

48.3 Such costs may be charged and enforced separately or in addition to any By-law enforcement offence charges, not as an alternative to same.

48.4 If an invoice is not paid by the person or Owner within 60 days of issuance, recovery of such costs may be by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

48.5 The amount of the costs constitutes a lien on the land or premises involved upon the registration in the proper land registry office of a notice of lien.

49. Entry for Enforcement

49.1 By-law enforcement officers may enter on private property for the purpose of enforcing this By-law but may not enter a residential dwelling without the occupant's permission or unless so authorized by order of a court of competent jurisdiction.

## **PART VIII – GENERAL**

### 50. Conflict of Laws

50.1 Where a provision of this By-law conflicts with a provision of another By-law in force in the Region, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

### 51. Schedules

51.1 The Schedules to this By-law form an integral part of this By-law.

### 52. Further Information on Material Preparation

52.1 More detailed instructions on preparation of Material for collection or drop-off at Regional Drop-Off Location are available on the Region's website at [www.niagararegion.ca](http://www.niagararegion.ca) or in publications updated and distributed by the Region from time to time or by contacting the Waste Info-line at 905-356-4141 or 1-800-594-5542.

### 53. Delegation of Powers to Commissioner of Public Works

53.1 The Commissioner of Public Works or his/her designate is delegated the administrative power by Council to implement minor program changes which have no negative financial impact and/or minimal service level implications to the Solid Waste Management system of the Region under this By-law, including but not limited to:

- (a) alteration to the classes and lists of Material in this By-law requiring specific treatment or preparation for collection or drop-off at Regional Drop-off Locations;
- (b) changes to the forms in use for notification to the public, such as Friendly Reminders;
- (c) changes to the requirements for Material preparation for collection or drop-off at a Regional Drop-off Location;
- (d) changes to the procedure for scheduling collection of specialty items such as Bulky Goods or White Goods;
- (e) changes to the private property collection agreements as set out in section 21;
- (f) temporary changes to access, time schedules or opening hours at Regional Drop-off Locations; and
- (g) establishment of such other matters as are necessary for the proper administration of this By-law.

Bill 04

54. Severability

54.1 If any provision of this By-law is declared invalid for any reason by a court of competent jurisdiction, only that invalid portion of the By-law shall be severed and the remainder of the By-law shall still continue in force.

55. Certificates of Approval

55.1 The provisions of this By-law shall be subject to the terms of the Certificates of Approval for any Regional Drop-Off Location or any other waste management facilities or systems operated by or on behalf of the Region, and any relevant statutes and regulations.

56. References

56.1 Any reference to a statute is to such statute and to the regulations made pursuant to it, as such statute and regulations may at any time be amended or modified and in effect, and to any statute or regulations that may be passed that have the effect of supplementing or superseding such statute or regulations.

57. Short Title of By-law

57.1 The short title of this By-law is the "Solid Waste Management By-law".

58. Force and Effect Date

58.1 Except as otherwise specified in this By-law, this By-law shall come into force and effect on the date passed by Regional Council.

59. Repeal of Prior By-laws

59.1 By-law 04-2011 of the Region previously providing for solid waste management are hereby revoked and repealed.

THE REGIONAL MUNICIPALITY OF NIAGARA

*Original Signed By:*

\_\_\_\_\_  
(Gary Burroughs, Regional Chair)

*Original Signed By:*

\_\_\_\_\_  
(Kevin Bain, Regional Clerk)

Passed: January 19, 2012

THE REGIONAL MUNICIPALITY OF NIAGARA

SOLID WASTE MANAGEMENT BY-LAW

**COLLECTABLE VOLUME LIMITS**

<b>Garbage Container Limits</b>		
	<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>
A.	Low Density Residential Premises including: <ul style="list-style-type: none"> <li>• single family detached with one self-contained unit</li> <li>• semi-detached residential with 2 residential homes, both self-contained units,</li> <li>• duplex residential structure with 2 self-contained units</li> <li>• multi-residential structures with up to 6 self-contained units including structures with 6 or more units that are considered vertical, row or townhouses or condominium housing on ground level</li> </ul>	1 container per self-contained unit
B.	Larger Residential Use Premises that include multi-residential high rise structures with 7 or more self-contained units including condominiums, rentals, nursing homes, retirement homes and boarding houses	1 container per self-contained unit up to a maximum 12 containers per Premises
C.	Premises used for one or more institutional, commercial or industrial purposes inside Designated Business Area	Maximum 7 containers per Premises
D.	Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area	Maximum 7 containers per Premises
E.	Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area	Maximum 4 containers per Premises
F.	Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area	Maximum 6 containers per Premises

THE REGIONAL MUNICIPALITY OF NIAGARA

SOLID WASTE MANAGEMENT BY-LAW

**COLLECTABLE VOLUME LIMITS**

Recycling Container Limits		
	Type of Premises (as Assessed by MPAC)	Container Limit
A.	Low Density Residential Premises including: <ul style="list-style-type: none"> <li>• single family detached with one self-contained unit,</li> <li>• semi-detached residential with 2 residential homes, both self-contained units, duplex residential structure with 2 self-contained units,</li> <li>• multi-residential structures with up to 6 self-contained units including structures with 6 or more units that are considered vertical, row or town housing or condominium housing on ground level</li> </ul>	Unlimited containers per self-contained unit
B.	Larger Residential Use Premises that include multi-residential high rise structures with 7 or more self-contained units including condominiums, rentals, nursing homes, retirement homes and boarding houses	Unlimited with guideline for 1 cart for every 7 units or to be determined by the Region
C.	Premises used for one or more institutional, commercial or industrial purposes inside Designated Business Area	Unlimited containers
D.	Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area	Unlimited containers
E.	Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area	4 Blue/4 Grey Bins or 2 Carts
F.	Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area	Unlimited containers with case by case review of excessive quantity of commercial material

THE REGIONAL MUNICIPALITY OF NIAGARA

SOLID WASTE MANAGEMENT BY-LAW

**COLLECTABLE VOLUME LIMITS**

Green Bin Material Container Limits		
	Type of Premises (as Assessed by MPAC)	Container Limit
A.	Low Density Residential Premises including: <ul style="list-style-type: none"> <li>• single family detached with one self-contained unit,</li> <li>• semi-detached residential with 2 residential homes, both self-contained units,</li> <li>• duplex residential structure with 2 self-contained units,</li> <li>• multi-residential structures with up to 6 self-contained units including structures with 6 or more units that are considered vertical, row or town housing or condominium housing on ground level</li> </ul>	Unlimited containers per self-contained unit
B.	Larger Residential Use Premises that include multi-residential high rise structures with 7 or more self-contained units including condominiums, rentals, nursing homes, retirement homes and boarding houses	Quantity as determined by the Region on a request only basis for Green Bins or Carts
C.	Premises used for one or more institutional, commercial or industrial purposes inside Designated Business Area	4 Green Bins or 2 Carts unless approved for additional containers by the Region
D.	Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area	4 Green Bins or 2 Carts unless approved for additional containers by the Region
E.	Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area	4 Green Bins or 2 Carts
F.	Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area	4 Green Bins or 2 Carts

## THE REGIONAL MUNICIPALITY OF NIAGARA

## SOLID WASTE MANAGEMENT BY-LAW

**Part 1 Provincial Offences Act  
Short Form Offences and Set Fines**

<b>Item</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence Creating Provision</b>	<b>COLUMN 3 Set Fine</b>
1.	Set-out of non-collectable material	s. 15.1 (a)	\$100
2.	Set-out of non-compliant material	s. 15.1 (b)	\$100
3.	Setting out hazardous or pathological material for collection	s. 15.1 (a)	\$500
4.	Not securing animal to ensure collection worker safety	s. 15.5	\$100
5.	Depositing Material into a collection vehicle	s. 15.7	\$100
6.	Obstructing road or sidewalk with material	s. 16.1	\$250
7.	Setting out material at premises other than your own	s. 16.3	\$100
8.	Setting out waste contrary to specified times	s. 17.1	\$75
9.	Failing to remove containers after collection	s. 17.2	\$75
10.	Failing to set out an acceptable container	s. 18.1	\$75
11.	Failing to ensure containment of material set out for collection	s. 19.1	\$100
12.	Dropping off unacceptable material at RDOL	s. 23.1	\$500
13.	Depositing garbage into recycling bins or composting areas at RDOL	s. 33.1 (l)	\$200
14.	Depositing recyclable material in garbage bin or landfill areas at RDOL	s. 33.1 (m)	\$100
15.	Trespassing at RDOL by illegal entry	s. 34.1	\$500
16.	Trespassing at RDOL or closed landfill or perimeter when closed	s. 34.2	\$500
17.	Trespassing at RDOL or perimeter with vehicle	s. 34.3	\$500
18.	Failing to drop off only acceptable material at RDOL	s. 35.1 (a)	\$200
19.	Failing to comply with RDOL staff directions	s. 35.1 (b)	\$200

## THE REGIONAL MUNICIPALITY OF NIAGARA

## SOLID WASTE MANAGEMENT BY-LAW

**Part 1 Provincial Offences Act  
Short Form Offences and Set Fines**

20.	Failing to obey signs at RDOL	s. 35.1 (c)	\$200
21.	Failing to separate and deposit material properly at RDOL	s. 35.1 (d)	\$200
22.	Failing to remove covers as directed at RDOL	s. 35.1 (f)	\$200
23.	Failing to remove loose material after unloading at RDOL	s. 35.1 (g)	\$200
24.	Failing to secure vehicle after unloading at RDOL	s. 35.1 (h)	\$200
25.	Failing to ensure child or animal stays in vehicle at RDOL	s. 35.1 (i) (j) (k)	\$200
26.	Failing to pay fees before departing RDOL	s. 35.1 (m)	\$200
27.	Failing to refrain from smoking on RDOL	s. 35.1 (o)	\$200
28.	Transporting insecure load	s. 37.1	\$100
29.	Illegal dumping	s. 38.1	\$500
30.	Dumping privately generated material into public litter bin	s. 38.2	\$150
31.	Scavenging material set out for collection	s. 39.1	\$100
32.	Scavenging at a RDOL	s. 39.2	\$250

- **Note: The general penalty provision for the offences listed above is section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.**

THE REGIONAL MUNICIPALITY OF NIAGARA  
SOLID WASTE MANAGEMENT BY-LAW

FRIENDLY REMINDER NOTICE

**FRIENDLY REMINDER**  
Curbside Collection Services

**Dear Property Owner/Tenant:**  
Failure to comply with the following may result in charges under Niagara Region's Waste Management By-law No. 04-2011.

To ensure compliance with guidelines noted below, Enforcement Staff will return to the property on: \_\_\_\_\_

**NON-COMPLIANT SETOUT**

- Materials (garbage, recycling, Green Bin, large household items, etc.) must NOT be set out before 5 p.m. on the evening before scheduled collection and must be at the curb by 7 a.m., the day of collection.
- Containers and any material not collected MUST be removed from the curbside no later than 7 p.m. on your collection day.
- Garbage or Leaf & Yard Materials must NOT be placed out in cardboard boxes for collection.
- Materials must NOT be placed at the curbside in an uncontained pile.
- Containers or bundles weighed more than 22.7 kg (50 lbs).
- Containers or bags are more than 90 cm (36 in.) in height by 60 cm (24 in.) in diameter.

**OVER LIMIT**

- Your property is over the maximum garbage container/bag limit of \_\_\_\_\_ per week.

**BULKY GOODS (LARGE ITEMS/APPLIANCES)**

- Residents of single-family, semi-detached or properties with 6 units or less are required to:
  - Call Emterra Environmental at 905-227-7771 or 1-855-227-7771 at least 2 BUSINESS DAYS IN ADVANCE of your regular collection day to arrange a FREE pick up.
- Bulky Goods service is not available for:
  - apartments with 7 or more units.
  - commercial, industrial, institutional or multi-use properties.
- CFC removal stickers must be purchased and placed on refrigeration units prior to collection. Refrigeration units must be booked in advance for collection by calling Emterra Environmental.

PLEASE READ REVERSE SIDE



**FRIENDLY REMINDER**  
Curbside Collection Services

**UNACCEPTABLE MATERIALS**

- Household Hazardous Waste (HHW). HHW is accepted, FREE of charge, at local HHW mobile events
- Syringes and sharps
- Automotive parts
- Tires
- Construction, renovation or demolition materials
- Sod, soil, stumps
- Gravel
- They can be taken directly to the landfill. Disposal fees will apply
- Garbage containing recyclables, Green Bin or Leaf & Yard materials.
- Grass clippings

**BLUE/GREY BOX**

- Mixed Blue and Grey Box materials are NOT acceptable.
- Material not accepted in recycling program

**GREEN BIN/LEAF & YARD/BRANCHES**

- Material must NOT be placed in plastic bags
- LOOSE materials including leaves and branches are not accepted.
- Grass is not collected curbside.
- Branches are only collected on designated collection weeks. The next collection week in your area is: \_\_\_\_\_

- Branches MUST be tied in bundles no longer than 1.5m (5 ft) and no wider than 0.5m (1.5 ft). Individual branches cannot exceed 7cm (3 in) in diameter.

**NOTES/COMMENTS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FOR MORE INFORMATION**

Visit the Region's website  
[www.niagararegion.ca](http://www.niagararegion.ca)

Refer to your  
**Collection Guide**

Call the Waste Info-Line  
**905-356-4141** or  
**1-800-594-5542**



THE REGIONAL MUNICIPALITY OF NIAGARA  
SOLID WASTE MANAGEMENT BY-LAW

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