

THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE

BY-LAW NO. 41-2012

Being a By-law to establish a waste management system and related matters.

(Waste Management System)

WHEREAS subsection 3 of the *Municipal Act, 2001*, as amended, permit lower-tier municipalities to pass by-laws, subject to the rules set out in subsection (4), respecting matters relating to waste management;

AND WHEREAS such by-laws may require the separation of any class of waste at the point of collection and establish fees for the use of any part of the waste management system and may establish rules, fees and incentives for different defined areas of the municipality, different classes of premises, and different classes of waste;

AND WHEREAS the Council of the Municipality of Thames Centre deems it expedient to enact such a by-law as part of its continuing effort to reduce waste in the municipality and to achieve a cost-effective and equitable system of waste management;

NOW THEREFORE the Council of The Corporation of the Municipality of Thames Centre **HEREBY ENACTS AS FOLLOWS:**

1. Application

1.1 The provisions of this By-law apply to the owners and occupants of all residential and industrial, commercial or institutional establishments within the municipality.

2. Scope of By-law

- 2.1. Where the provisions of this By-law conflict with the provisions of any other By-law in force in the municipality, the provisions of this By-law shall prevail.
- 2.2. The provisions of this By-law shall not relieve any person from compliance with any provisions of the *Public Health Act* or regulations prescribed by the Medical Officer of Health.

3. Effective Date

3.1 This By-law shall have deemed to come into full force and effect upon third and final reading.

4. Repeal of By-laws Inconsistent With This By-law & Related Waste Management By-laws

- 4.1 By-law 2-2002 and any other By-laws inconsistent with the provisions of this By-law shall be deemed to be repealed upon the effective date of this By-law.
- 4.2 The provisions contained in the current collection, processing, and/or special waste By-law(s) are deemed to be in force and are deemed to be in accordance with Section 8 of this By-law.

5. Definitions

- 5.1. "Bag" shall mean a weather proof bag, not exceeding 20 kilograms (45 pounds) in weight and/or 84 litres (18 gallons) in capacity, securely fastened and closed at the top.
- 5.2. "Bluebox" shall mean the box or other device supplied by or approved by the Municipality for the collection of recyclable waste.
- 5.3. "Container" shall mean a reusable galvanized metal or plastic container with a maximum capacity of 18 imperial gallons (84 litres) and having carrying handles and a watertight lid.

- 5.4. "Bundle" shall mean an assemblage of like materials, securely tied together. Bundles shall not exceed 75 cm x 75 cm x 20 cm (30" x 30" x 20") or 20 kilograms (45 pounds) in weight.
- 5.5. "Tag" shall mean a tag or sticker issued by the Municipality upon payment of the applicable fee as determined by the Council to be affixed to bags of household waste put out for collection by the municipal waste collector.
- 5.6. "Construction Debris" shall mean discarded building materials resulting from the erection, repair, demolition, or improvement of buildings or structures.
- 5.7. "Electronics" shall mean, but not be limited to the following: answering machines, audio and video devices, cellular devices, copying and multi-function copying devices, computers, computer peripherals, monitors, televisions.
- 5.8. "Hazardous Material" shall include, but not be limited to the following: ammunition, antifreeze, batteries, bio hazardous waste, brake fluid, degreasers, drain cleaner, explosives, gasoline, herbicides, waste oil, oven cleaner, paints, pesticides, preservatives, septic tank cleaners, solvents.
- 5.9. "Major Appliances and/or Large Household Furnishings" shall mean any and all large or bulky household mechanisms and/or other articles commonly used in the home including, without limiting the generality of the foregoing, refrigerators, freezers, stoves, washers, dryers, water tanks, chairs, sofas, tables, mattresses, beds, carpets, et cetera.
- 5.10. "Household Waste" shall mean all rejected, abandoned, or discarded household waste, either animal or vegetable, and all household rubbish.
- 5.11. "Recyclable Waste" shall mean the materials set out in Schedule "B". The Council may add or delete certain materials from time to time.
- 5.12. "Non-Collectible Waste" shall include, but not be limited to the following: any hazardous material, construction debris, liquid or semi-liquid waste, manure, carcass of any animal, tree limbs, trunks, grass, leaves, and stones, major appliances and/or large household furnishings, electronics, any material which has become frozen or otherwise stuck to a container, tires, bio-medical waste, automobiles, vehicles or any parts thereof, fences, fence posts, wire, hazardous waste, propane tanks, and crates and pallets.
- 5.13. "Dwelling Unit" means any part of a building or structure, used, designed, or intended to be used as a domestic establishment in which one or more persons may sleep and which is provided with culinary and sanitary facilities for their exclusive use.
- 5.14. "Residential Establishment" shall mean a building or structure containing one or more dwelling units.
- 5.15. "Industrial, Commercial or Institutional Establishment" shall mean an industrial, commercial or institutional land use located on lands which have frontage on an open public road.
- 5.16. "Person" shall include individuals, corporations, and partnerships.
- 5.17. "Council" shall mean the elected Council of the Municipality.
- 5.18. "Municipality" shall mean The Corporation of the Municipality of Thames Centre.
- 5.19. "Municipal Waste Collector" shall mean the person(s) authorized by a by-law enacted in accordance with the provisions of the *Municipal Act*, as amended, by the Council of the Municipality with respect to an agreement to be the sole collector of waste and/or recyclable waste within the municipality.
- 5.20. "O.C.C." shall mean old corrugated cardboard.
- 5.21. "Yard Waste" shall mean special collection of garden clippings, grass clippings, leaves, and brush cut in lengths not exceeding 3 feet (1 metre) and not having a diameter greater than 10 inches (25 centimeters), and tied securely in bundles or contained in bags not exceeding 20 kilograms (45 pounds) in weight.

6. Preparation of Waste for Disposal

6.1 Household waste

- 6.1.1. All household waste shall be placed in a bag;
- 6.1.2. Each bag of household waste shall have attached to it a tag. The tag shall be attached around the neck of the bag or on the side of the bag;
- 6.1.3. No bag or container shall weigh more than 20 kilograms (45 pounds);
- 6.1.4. No hazardous waste shall be placed for collection;
- 6.1.5. All household waste shall be thoroughly strained and/or drained of liquids before placing it in a container or bag;

6.2 Recyclables

- 6.2.1. Recyclables shall be placed in a blue box or other approval container;
- 6.2.2. Containers and Paper Products shall be separated into different blue boxes;
- 6.2.3. Glass bottles and jars shall be rinsed and their tops removed;
- 6.2.4. Metal cans shall be rinsed;
- 6.2.5. Aluminum trays and foil shall be clean, folded together and placed loose in the blue box;
- 6.2.6. Plastic containers shall have tops removed and be placed loose in the blue box;
- 6.2.7. Clean newspapers, magazines, catalogues, fine papers, mailing inserts and flyers shall be placed in the blue box;
- 6.2.8. The recyclables containers shall be placed near the edge of the road but separate from any household waste container; and
- 6.2.9. Egg cartons, tubes, and boxes shall be flattened. Boxboard and O.C.C. unable to fit in the blue box shall be flattened and bundled as described in Section 6.2.8. of this by-law and placed beside the blue box.
- 6.2.10. Shredded paper shall be placed in a clear bag set beside the blue box.
- 6.2.11. Aerosol cans shall be empty with the lids removed.
- 6.2.12. Paint cans shall be empty with the lids removed.
- 6.2.13. Hard cover books shall have the hard covers removed.

6.3. General

- 6.3.1. No person shall put any hazardous material out for collection. Hazardous materials shall be taken by the owner or occupant of the residential or industrial, commercial or institutional establishment to approved depots.
- 6.3.2. No person shall put out for collection, and the municipal waste collector shall not collect any household waste unless such household waste is placed in a bundle or bag which complies with the requirements of Section 6 of this By-law and to which a tag has been affixed as provided for in Section 9 of this By-law.
- 6.3.3. No person other than an owner or an occupant of a residential and/or industrial, commercial or institutional establishment within the municipality, or their agents, shall set out waste for collection within the boundaries of the municipality. Waste set out for collection shall not include waste from residential or industrial, commercial or institutional establishments not within the municipality.

- 6.3.4. No person shall set out waste for collection except at the residential or the industrial, commercial or institutional establishment at which the waste is generated.
- 6.3.5. Household waste and recyclables which are set out for collection shall be placed as close to the street as reasonably possible without obstructing the traveled portion of the roadway and/or any sidewalk; and
- 6.3.6. All receptacles set out for collection are set on a smooth hard surface, in a location that is easily and safely accessible to the collection vehicle; and
- 6.3.7. The area surrounding the receptacles is kept clear of snow, ice, or any other obstructions including vehicles so that collection vehicles have proper access to the receptacles;
- 6.1.7. Waste which is set out for collection shall be placed at the applicable curb or on the boulevard before 7:00 a.m. of the day on which collection of that waste is scheduled but shall not be set out prior to 6:00 p.m. in the afternoon of the previous day.

7. Collection Procedures

- 7.1. Collection of household waste and recyclables will be made within the municipality or any part or parts thereof at the frequency and on the day or days of the week specified in the agreement with the Municipal Waste Collector.
- 7.2. Where household waste and recyclable waste are set out for collection on the same day, containers or bags of household waste shall be set apart from the recyclable waste.
- 7.3. Recyclable waste shall be set out in or beside the blue box.
- 7.4. All waste that is set out for collection shall be placed at the curb or on the boulevard of a public street in front of or adjacent to the residential or the industrial, commercial or institutional establishment at which the waste is generated. The Municipality shall have the authority to designate the precise point at which material shall be placed for collection.
- 7.5. Neither the Municipality nor the Municipal Waste Collector shall collect non-collectible waste from any residential or industrial, commercial or institutional establishment within the municipality.
- 7.6. Any waste which is set out for collection and which has not been properly separated (e.g. recyclable waste from household waste), or which has not been prepared for collection according to the provisions of this By-law, shall not be collected. Any waste which the Municipal Waste Collector declines to collect shall be removed by the owner or occupant of the residential or industrial, commercial or institutional establishment before 7:00 p.m. on the day on which the collection was scheduled to remove the waste or face a penalty as defined in Section 11 of this By-law.
- 7.7. Notwithstanding anything in this By-law to the contrary, the Municipality, by notice to the public from time to time, may designate days and times for the collection of such types of non-collectable waste as may be designated by the Council from time to time.
- 7.8. No person shall pick over, interfere with, disturb, remove, or scatter any waste which has been set out for collection. The Municipality, by notice to the public from time to time, may designate certain days for the salvaging or scavenging of major appliances and/or large household furnishings and any other items that may be specified by the Municipality, subject to such items and conditions as are specified by the Municipality.
- 7.9. No person, other than the Municipal Waste Collector or designated Municipal Staff, shall remove any household waste or recyclable material placed out for collection unless authorized by an agreement authorized by the Council or face a penalty or face a penalty as defined in Section 11 of this By-law.
- 7.10. Any person who alters, counterfeits, or defiles a Municipal bag tag will face a penalty as defined in Section 11 of this By-law.

8. Municipal Waste Collector's Responsibilities

- 8.1. The Municipality shall be entitled to enter into contracts with any person or persons for the collection, removal, transfer, processing, storage, reduction, reuse, recycling and/or disposal of waste and/or non-collectible waste.
- 8.2. The Municipal Waste Collector shall comply with the requirements of this By-law and all instructions given by the Municipality. The Municipality and the Municipal Waste Collector may agree to such terms and conditions as may be necessary or required in order for the collector to carry out their duties and responsibilities.
- 8.3. The Municipal Waste Collector shall handle all containers, bags and blue boxes with care, and after thoroughly removing their contents, shall replace the containers and blue boxes clear of the road and sidewalk if applicable. The Municipal Waste Collector shall not overload any truck nor allow any of the contents to fall therefrom, and shall carefully gather up any waste which may have fallen or been spilled on the ground.
- 8.4. In no instances shall the Municipal Waste Collector be called upon to make collections from any point which is unreasonably inconvenient or dangerous to any employee, nor shall the Collector be required to remove containers, bags or blue boxes from any point other than that designated in this By-law and then only from containers, bags or blue boxes that meet the requirements of this By-law.

9. User Fees

- 9.1. Every bag of household waste set out for collection shall have attached to it, a tag which has been delivered to the property owner or purchased from the Municipality or a designated distributor.
- 9.2. The price of the tags shall be set by the Council and defined in the Municipal Tariffs and Fees By-law.

10. General

- 10.1. No owner or occupant of a residential or industrial, commercial or institutional establishment within the municipality shall permit any waste of any nature to accumulate upon such owner's or occupant's lands in a manner which may be injurious to public health or safety.
- 10.2. No person shall sweep, throw, deposit or allow to fall from any vehicle, any waste onto any streets, lanes, water courses and/or public lands within the municipality except waste placed on the public boulevard for collection in accordance with the requirements of the By-law.

11. Enforcement and Penalty

- 11.1. Every person who contravenes any provision or requirement of this By-law is guilty of an Offence and shall be liable
 - (a) upon the first conviction, to a fine of not more than \$1,000;
 - (b) on any subsequent conviction, to a fine of not more than \$5,000.
- 11.2. Despite subsection 11.1., where the person convicted is a corporation, the maximum fines in subsection 11.1. (a) and (b) are \$10,000 and \$50,000 respectively.
- 11.3. Where anything required to be done in accordance with this by-law is not done, the Director of Environmental Services may, upon such notice as he/she deems suitable, do such thing at the expense of the person or corporation required to do it and such expenses may be recovered by action or in the like manner as municipal taxes.
- 11.4. Notwithstanding that any section or sections of this By-law, or parts thereof, may be found by any Court of Competent Jurisdiction to be invalid or unenforceable or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law are separate and independent therefrom and enacted as such.
- 11.5. For the purposes of this By-law, household garbage which has not been separated into recyclable and non-recyclable components as defined herein shall not be collected.

12. Short Title

12.1 The short title of this By-law is the Waste Management By-law.

READ a **FIRST** and **SECOND** time this 11th day of June, 2012.

READ a **THIRD** time and **FINALLY PASSED** this 11th day of June, 2012.

Original signed by:

Mayor, J. Maudsley

Original signed by:

Clerk, M. Lewis

SCHEDULE "A"
TO BY-LAW NO. 41-2012

SCHEDULE OF RECYCLABLE MATERIALS

1. Paper Products:

This includes magazines, catalogues, phone books, soft & hard cover books, household paper, boxes, egg cartons, tubes, newspaper, flyers, boxboard, and cardboard. No wrapping paper shall be accepted.

2. Containers:

This includes plastic bottles, jugs, tubs, and trays with the numbers 1, 2, 3, 4, 5, 6, or 7, plastic clamshell containers, aerosol cans, tetra pak, gable top, glass bottles & jars, spiral wound cardboard, metal cans, and aluminum foil and plates. No Styrofoam, bubble wrap, plastic bags, or other plastic film shall be accepted.