

CITY OF ST. THOMAS

BY-LAW NO. 94 - 2010

A by-law to authorize the Corporation of the City of St. Thomas ("City") to establish, maintain and operate a system to provide for the curbside collection of household and institutional, commercial and industrial non-hazardous waste and recyclable and organic material.

WHEREAS Council deems it in the public interest to establish a system for the collection of waste, recyclable and organic material;

AND WHEREAS the City has the authority to pass by-laws governing waste management matters pursuant to sections 8, 11, 127 and 128 of the *Municipal Act, 2002*, as amended;

NOW THEREFORE the Council of the City of St. Thomas enacts as follows:

1 SHORT TITLE

1.1 This By-law may be cited as the "Waste Diversion and Curbside Collection By-law".

2 DEFINITIONS

For the purposes of this By-law, the following terms shall have the corresponding meanings:

"Ashes" shall mean the residue, including soot, of any fuel or waste after it has been consumed by fire;

"Bag" shall mean a weather proof bag, not exceeding 20 kg (44 lbs) in weight, securely fastened and closed at the top;

"Bag-Tag" shall mean an officially approved tag or sticker to be affixed to any bags or receptacles of Waste and non-recyclable rubbish put out for curbside collection which are in excess of the limits outlined in Sections 5 and 9 of this By-law;

"Bundle" shall mean an assemblage of like materials, securely tied together. Bundles shall not exceed 96 centimetres (36 inches) in length or 20 kg (44 lbs) in weight;

"By-law" shall mean this By-law and any amendments thereto including any Schedule forming part of this By-law and any amendments thereto, as enacted by City Council from time to time;

"By-law Enforcement Officer" shall mean a designated employee or officer for the City or any other person authorized by the City to enforce the By-laws of the City;

"Collector" shall mean any person designated or authorized by the City to collect Waste, Recyclable, Organic or Special Materials pursuant to this By-law, and includes a City employee or agent, a Collection Contractor, and any person working for a Collection Contractor;

"Collectable Material" shall mean any material that is acceptable by the City for collection as Waste, Recyclable, Organic or Special Materials in accordance with this By-Law;

"Collection Contractor" shall mean a company, person, corporation or partnership performing collection and haulage of Waste, Recyclables or Organics on behalf of the City of St. Thomas;

"Collection Location" shall mean the area designated by the Director on a private property where Waste, Recyclable and Organic Materials will be collected by the Collector or such an area designated with respect to properties which receive curbside collection. Unless otherwise designated under this Agreement, the Collection Location for curbside collection shall be an area within three feet of the travelled portion of the road closest to the property where the waste was generated;

"Collection Services" shall mean the services provided by the City for the removal of Waste, Recyclable, Organic and Special Materials from residential and Industrial/Commercial/Institutional (IC&I) Premises within the City;

"Construction Debris" shall mean discarded building materials resulting from the erection, repair, demolition, or improvement of buildings or structures;

"Council" shall mean the Council of the City of St. Thomas;

"City" shall mean the Corporation of the City of St. Thomas, or the geographical area comprising the City of St. Thomas as the context requires;

"Curbside" shall mean the edge of the travelled portion of the Street or road (curb or shoulder);

"Director" shall mean the person appointed from time to time by the Council of the Corporation of the City of St. Thomas as "Director, Environmental Services and City Engineer" or his/her designated representative;

"Hazardous Material" shall mean a substance which, because of its physical, pathological or chemical nature or because of the form in which it exists, may explode, be highly toxic to the environment or corrosive, or is easily ignitable causing intense fires. This shall include, but not be limited to the following: ammunition, antifreeze, batteries, brake fluid, degreasers, drain cleaner, gasoline, herbicides, waste oil, oven cleaner, paints, pesticides, preservatives, septic tank cleaners, solvents and as defined in Regulation 347 (below);

"Householder" shall mean any owner, occupant, lessee or any person in charge of any dwelling, apartment building or residential condominium;

"Industrial/Commercial/Institutional (IC&I) Premises" shall mean any building, structure or premises used for an industrial, manufacturing, commercial enterprise or institutional purpose and premises occupied for the purpose of carrying on a profession, trade business or service;

"Industrial/Commercial/Institutional (IC&I) Waste" shall mean waste material from any one or more institutional, commercial, industrial or manufacturing processes, or any waste produced by or at any industrial/commercial/institutional premises;

"Large Articles" shall mean any and all large or bulky household mechanisms and/or other articles commonly used in the home that are determined by the Collector, subject to approval by the Director, to be unsuitable for collection, other than limited Special Materials collection, because of their size, shape or weight including, without limiting the generality of the foregoing, refrigerators, freezers, stoves, washers, dryers, televisions, water tanks, chairs, sofas, tables, mattresses, beds, carpets, et cetera;

"Multi-Residential Property" shall mean a detached building containing more than six (6) dwelling units;

"Non-Collectable Waste Materials" shall mean any Hazardous Material and gaseous, liquid or solid waste that, because of its inherent nature and quality, requires special disposal techniques to avoid creating health hazards, nuisances or environmental pollution including but not limited to items or materials listed in Schedule "A" to this By-law;

"Non-Serviced Area" shall mean an area within the City where Collection Services, if available, will be provided by the City only under a Collection Services Agreement with the Owner, being Multi Residential Properties and all areas of the City for which the Collector's access for Collection Services would be on or over privately owned property such as a parking lot, Private Roadway or laneway or other private land that is not a Street as defined in this By-Law;

"Organics Receptacle" shall mean a container for Organic Materials that complies with the specifications as outlined in Section 9 of this By-Law and shall include containers approved for Multi-Residential Properties and IC&I Premises;

"Organic Materials" and "Organics" shall mean any compostable materials including food stuffs, leaf and yard waste and non-recyclable paper products, including but not limited to items or materials listed in Schedule "C" to this By-law;

"Owner" when used in relation to property or premises, includes the occupant of real property or premises;

"Private Roadways" shall mean any road or laneway that has not been assumed by the City of St. Thomas;

"Public Property" shall mean any property owned by any Federal, Provincial or Local government including the City of St. Thomas;

"Receptacle(s)" shall mean any container defined as a Waste Receptacle, an Organics Receptacle or a Recycling Receptacle;

"Recycling Receptacle" shall mean a container for Recyclable Materials that complies with the specifications outlined in Section 9 of this By-Law and shall also include a described bag for recyclables and a container approved for Multi-Residential Properties and IC&I Premises;

"Recyclable Materials" and "Recyclables" shall mean material of a kind which is included in the City's recycling program, including, but not limited to, items or material listed in Schedule "B" to this By-law;

"Regulation 347" shall mean Regulation 347, R.S.O. 1990, under the Environmental Protection Act, as it may be amended or replaced from time to time;

"Schedules" shall mean all regulations and descriptive documents attached to and forming part of this By-law including any amendments thereto;

"Serviced Unit" shall mean any Single Unit Property, Multi-Residential Property or Industrial/Commercial/Institutional Premises that receive Collection Services pursuant to this By-law;

"Sharps" shall mean hypodermic needles, lancets and insulin "pen tips";

"Single Unit Property", also referred to herein as a **"Household"**, shall mean a unit consisting of one or more rooms designed for use as a single housekeeping establishment where the number of units/households in a detached building does not exceed six (6);

"Special Materials" shall mean items referred to in Schedule 'D' of this By-Law and other material of a kind which may be included in services provided by the City for occasional collection or depot services;

"Street" for the purposes of this By-Law shall mean any public highway, road, or dedicated street and any municipally owned lane, alley, square, place, thoroughfare or way within the City of St. Thomas;

"Trade Waste" shall mean any abandoned, condemned, or rejected product, byproduct of manufacturing process, contractors' or builders' scrap and reuse, the spoiled or unspoiled stock of any wholesale or retail dealer garage and service station refuse; or any solid wastes originating from any industrial processes or associated with commercial business;

"User-pay" refers to the City program established for recovering costs of waste collection which requires owners of serviced units to purchase City Bag Tags for curbside placement of waste;

"Waste" shall mean any residential, commercial, institutional or industrial rejected, abandoned, or discarded material that is not Organic Material, Recyclable Material or other items defined in Schedules "A","B","C" and "D";

"Waste Receptacle" shall mean a waste receptacle which complies with the specifications outlined in Section 9 of this By-Law and shall also include a Bag and a container approved for Multi-Residential Properties or IC&I Premises;

3 GENERAL PROVISIONS

- 3.1 All terms used in this By-law which have not been defined in this By-law shall be given the meanings provided for such terms in the Ontario *Environmental Protection Act*, and the regulations there under, as amended.
- 3.2 The necessary grammatical changes required to make the provisions in this By-law apply to corporations, partnerships, trusts, and individuals, male or female, and to include the singular or plural meaning where the context so requires, shall in all cases be assumed as though fully expressed.
- 3.3 The insertion of headings is for convenience of reference only and shall not affect the interpretation of the sections of this By-law to which they relate.
- 3.4 Where a provision of this By-law conflicts with a provision of another City of St. Thomas By-law, the provisions that establish the higher standards to protect the environment, and the health, safety and welfare of the general public shall prevail.
- 3.5 The Schedules to this By-law form an integral part of this By-law.
- 3.6 If any provision of this By-law is declared invalid or inoperative in any respect by a Court of competent jurisdiction, it is intended that such provision shall be severed from the By-law and the remainder of the By-law continues in full force and effect.

4 ADMINISTRATION

- 4.1 This By-Law shall be administered and enforced by the Director or his designate.
- 4.2 The Director or his designate has power, subject to any limitations contained in this By-law, to:
 - a. determine collection schedules, to specify the time, day and frequency of Collection Services and give notice to the public of such collection schedules and of changes to the collection schedules;
 - b. determine the classification or designation of specific items as Collectable Materials, as Non-Collectable Waste Materials or as Special Materials;
 - c. determine the Collection Location for Waste, Recycling and Organic Receptacles, Large Articles, Hazardous Material Special Materials or any other items that are designated for receiving Collection Services, and give notice to the public of same or to the affected Owner;
 - d. determine that Owners who do not participate fully in the Collection Services for Recyclable or Organic Materials are not eligible to receive Collection Services for Waste;
 - e. determine whether a building, Collection Location, or property is safe for entry by an employee

or agent of the City having regard to the physical conditions and layout, Collector's safety and pedestrian public safety, loading facilities, method of handling Collectable Materials at the building, or Collection Location of the property, the presence of a troublesome or nuisance animal or any other factor;

- f. impose limits to the level of Collection Services including the quantities and classes of materials to be collected;
 - g. determine whether or not Collection Services will be made available in a Non-Service Area or to Non-Serviced Units following the City's policies including Schedule "E" and subject to the City's contractual arrangements with the Collector(s);
 - h. determine whether any receptacle, container or storage unit is suitable and safe for collection;
 - i. determine the method, manner or other requirements for the collection and disposal of material for which there are Collection Services;
 - j. establish and enforce standards, policies and/or guidelines governing the restriction, suspension or termination of Collection Services to any person or business for failure to comply with the provisions of this By-law;
 - k. establish and enforce the terms and conditions on which Collection Services which have been restricted, suspended or terminated under this By-law may be re-installed in whole or in part;
 - l. establish standards, policies and/or guidelines for the handling and disposal of Special Materials and Non-Collectable Waste Materials and provide information to the public regarding such handling and disposal;
 - m. suspend Collection Services in all or part of the City for a specified time in the event of inclement weather or other conditions (e.g.: construction) which renders the provision of Collection Services unsafe; and,
 - n. deal with any other matter assigned by this By-law or necessary for the administration of this By-law.
- 4.3 No servant of the Collection Contractor or other Collector shall demand or accept any gift, gratuity, payment, or consideration whatsoever for services rendered save and except such wages or remuneration arising from his employment with the said Collection Contractor or Collector; and no person shall offer or give any such gratuity, gift or payment to a servant of the Collection Contractor or any other Collector.

5 PARTIAL USER-PAY PROGRAM

- 5.1 Curbside collection of Waste from any residential building with six (6) or less Household dwelling units shall be provided by the City up to a maximum of two (2) Items outlined in Section 9 of this By-law per collection day, per dwelling unit. Any dwelling unit requiring more than two (2) such Items per collection day must affix a Bag Tag attached to each Item over the limit indicating a fee for service has been paid.
- 5.2 Curbside collection of waste from any Commercial or Institutional property shall be provided by the City up to a maximum of seven (7) Items outlined in Section 9 of this By-law per collection day per building unit. Any property requiring more than seven (7) Items per collection day must affix a Bag Tag attached to each Item over the limit indicating a fee for service has been paid.
- 5.3 Bag Tags will be made available for purchase at various authorized retail outlets throughout the City.
- 5.4 No person shall modify or attempt to alter a Bag Tag as defined for purposes of this By-Law.
- 5.5 No person shall in any manner duplicate or reproduce the official Bag Tag as described in this Section 5, without the express written consent of the City of St. Thomas.
- 5.6 The price of the Bag Tags shall be approved by the City and will be subject to change from time to time.
- 5.7 The price constitutes a user fee for the collection of Waste by the City pursuant to this By-law. The payment of such fees shall be made to the Corporation of the City of St. Thomas through the purchase of user-pay Bag Tags from the City's authorized agents.

6 ELIGIBILITY FOR SERVICE

- 6.1 All Single Unit Properties and those Multi-Residential Properties approved under Section 4.2 g. and 6.8 of this By-Law shall be eligible to receive Collection Service unless the owner does not comply with all relevant requirements contained in this by-law.
- 6.2 All owners of Multi-Residential Properties shall provide, for use by residents, sufficient containers for the source separation of Waste, Recyclable and Organic Materials (as described in Ontario Regulation 103 of the Environmental Protection Act).
- 6.3 Industrial / Commercial / Institutional Premises that are able to meet the requirements of this By-law are eligible to receive Collection Services.
- 6.4 The Owner of any Non-Serviced Unit shall provide a system for the collection, removal, and disposal of all Collectable Material from such property at the Owner's expense.

- 6.5 Failure by any Serviced Unit to comply with the requirements of this By-law may result in the refusal or suspension of Collection Services by the City and/or may be convicted of an offense.
- 6.6 An owner of a Multi-Residential Property or an Industrial/Commercial/Institutional Premises, who finds the collections established by the City pursuant to this By-law inadequate to keep such premises free of accumulated Waste and other refuse, may make other arrangements, at their own expense, for the collection and removal thereof as may be required.
- 6.7 Owners of Non-Serviced Areas, may apply for Collection Services, and will be considered by the City for inclusion providing that such services can be safely and efficiently provided by the City in accordance with the City's operations guidelines and policies as defined in Schedule "E".
- 6.8 Owners of Multi-Residential Properties may apply for Collection Services and will be considered by the City for inclusion where a Multi-Residential Property provides a properly designed, constructed and maintained privately owned road system whereby, in the opinion of the Director or his designate, collection vehicles can safely drive onto the private property to an exterior ground level Collection Location adjacent to the road system, collect the Collectable Material and return to Public Property, the city shall provide collection subject to Schedule "E".

7 FREQUENCY AND TIMES OF COLLECTION

- 7.1 Waste Collection Services shall be provided by the City once per week to all Serviced Units between the hours of 7:00 a.m. and 6:00 p.m., Monday to Friday.
- 7.2 Recyclable Collection Services shall be provided by the City, at a minimum, on alternating weeks to all Serviced Units between the hours of 7:00 a.m. and 6:00 p.m., Monday to Friday.
- 7.3 Organics Collection Services shall be provided by the City, at a minimum, on alternating weeks on the opposite week to Recyclable Collection to all Serviced Units between the hours of 7:00a.m. and 6:00p.m., Monday to Friday.
- 7.4 All Collectable Material Receptacles containing material for removal by the Collector, shall be placed to the edge of the roadway on the day of collection before 7:00 a.m. local time on the date fixed for collection but in no case shall Collection Receptacles be placed before 6:00 p.m. local time on the day prior to the date fixed for collection.
- 7.5 The City is not responsible for the collection of Collectable Material placed at the edge of the roadway after 7:00 a.m. local time on the day fixed for collection.
- 7.6 Recyclable Collection Services may be increased at the designation of the Director or his designate.
- 7.7 Organic Collection Services may be increased at the designation of the Director or his designate.
- 7.8 Waste Collection Services may decrease at the designation of the Director or his designate.
- 7.9 On each collection route Collection Services shall be provided on the same day of the week.
- 7.10 For the purposes of carrying out Waste, Recyclable and/or Organic collections in the City, the Director or his designate may divide the City into such collection areas as may be deemed necessary and fix a day or days on which Collectable Material shall be collected in the areas.
- 7.11 The Director or his designate will designate the days of collection, which may be altered from time to time. Public notification of any change in the days of collection will be advertised by the City prior to the effective date of any such change.
- 7.12 The Director or his designate may make such temporary or permanent exceptions to collection hours, frequency rate, and schedules as deemed appropriate from time to time.
- 7.13 No collection shall be made on the following statutory and City recognized holidays, or any other holiday as recognized by the City in the future:

New Year's Day	Civic Holiday
Family Day	Labour Day
Good Friday	Thanksgiving Day
Victoria Day	Christmas Day
Canada Day	Boxing Day
- 7.14 In the event a City recognized or statutory holiday falls on a regularly scheduled collection day, collection will take place on the following day, (Monday to Saturday), unless an alternate collection schedule is devised by the Director or his designate to accommodate such changes.
- 7.15 The Director or his designate may delay, suspend or cancel curbside Collection Services due to weather conditions, construction projects, or other health and safety related issues, and will attempt to notify affected property Owners of such changes.

8 SPECIAL COLLECTION SERVICES

- 8.1 The Director or his designate may from time to time designate a depot or days and times for the regular or special collection of Special Materials defined in Schedule "D".
- 8.2 Special Material pick-ups will only be made when such material meets all requirements

concerning weight, size, and non-collectable restrictions established by the City from time to time.

9. WASTE, RECYCLING AND ORGANIC RECEPTACLES

- 9.1 Every Person placing Waste for curbside Collection Services by the City shall ensure that Waste Receptacles comply with the following requirements:

Small Receptacle – 1 Item of Waste

- a. one (1) standard Bag for the collection of Waste shall be no larger than 76 cm x 83 cm (30 inches x 33 inches or 83 litre capacity) and shall weigh less than 20 kg (44 pounds); or
- b. a container or can meeting these specifications:
 - filled weight less than 20 kg (44 pounds),
 - capacity no greater than 88 litres (20 gallons),
 - external height no greater than 66 centimetres (26 inches),
 - a lid which may be easily and completely removed to facilitate collection, and
 - in good condition with two handles on either side, safe for use and rust resistant.

Large Receptacle - 2 Items of Waste

- c. one (1) oversized bag for the collection of Waste, larger than 76 cm x 83 cm (30 inches x 33 inches), with a capacity no greater than 140 litres and a weight less than 20 kg (44 pounds) shall be considered two (2) Items of Waste or;
 - d. a container or can meeting these specifications:
 - filled weight less than 20 kg (44 pounds),
 - capacity no greater than 140 litres (32 gallons),
 - external height no greater than 84 centimetres (33 inches),
 - a lid which may be easily and completely removed to facilitate collection, and
 - in good condition with two handles on either side, safe for use and rust resistant.
- 9.2 Every person placing Recyclables for collection by the City shall ensure that Receptacles used to hold Recyclables for collection comply with the following requirements:
- a. filled weight less than 20 kg (44 pounds);
 - b. easily identifiable as containing Recyclable Material;
 - c. any of the following types of Recycling Receptacles, if in good condition, good working order and safe for use, are acceptable for setting out Recyclable Materials:
 - Plastic recycling ("blue") box provided by the City to each property. This receptacle remains under the ownership of the city and must remain with the property to which it was assigned,
 - a rigid box like container similar in size to those provided by the City,
 - other receptacle having a capacity no greater than 100 litres (22 gallons),
 - transparent biodegradable plastic bag for shredded paper.
- 9.3 The City will provide the use of 360 Litres (95 gallon) carts to Multi-Residential Properties receiving Collection Services as outlined in Schedule "E".
- 9.4 Every person placing Organics for collection by the City shall only use only the 242 Litres (64 gallon) "compostainer cart" Organic Receptacle provided by the City for collection. The provided "compostainer cart" remains under the ownership of the City and must remain with the property to which it was assigned.
- 9.5 All Receptacles for Waste, Recyclables and/or Organics shall be maintained in a clean and safe condition.
- 9.6 Collectors shall not collect Recyclable and/or Organic material set out in Waste bags.
- 9.7 The City is not responsible for the replacement of any lost, damaged (from regular wear and tear or from any other cause whatsoever), or stolen Receptacles.
- 9.8 A storage box for Collectable Material will be permitted for end of laneway/driveway use for set out of bags or other Receptacles provided the box complies with the following requirements:
- a. have the approval of the Director or his designate;
 - b. placed within 1 metre (3 feet) from the travelled portion of the road;
 - c. no more than 95 cm(37 inches) high at the front of the box;
 - d. if the box has a hinged lid, the lid must be of a weight and so constructed that the lid can be easily opened and secured to allow for removal of the waste;

- e. maintained in good condition and good working order and safe for use; and,
- f. Collectable Materials must be bagged inside of the box, (or in other Receptacles or Bundles as authorized by this By-Law; no loose material will be permitted.

10. PREPARATION OF WASTE, RECYCLABLE AND ORGANIC MATERIALS

- 10.1 On each Waste collection day no person shall set out Waste in excess of the item limits described in Sections 5.1, 5.2 and 9.1 of this By-Law, unless a Bag Tag is affixed to any waste in excess of this limit as outlined in Section 5 of this By-Law.
- 10.2 Recyclable Materials set out for collection shall be placed clean and loose in a Recyclable Receptacle as outlined in Section 9 of this By-law. Additional Recyclable Materials may be placed beside the Recyclable Receptacle in a manner convenient for collection and tied in a Bundle or in accordance with any requirements established by the City from time to time.
- 10.3 All Organic Materials set out for collection shall be placed clean and loose and free of plastic bags into the provided 242 litres (64 gallon) "compostainer cart", or other receptacle authorized for Multi-Residential Properties or IC&I Premises under this By-law.
- 10.4 Collectable Material Receptacles shall be removed from the street as soon as possible after collection.
- 10.5 No person shall set out Waste or Recyclable Materials for collection that weigh in excess of 20 kilograms (44 pounds) per Receptacle or Bundle.
- 10.6 Where Waste Receptacles or Recycling Receptacles are set out at curbside, they shall not be piled on each other or on other materials.
- 10.7 It shall be the responsibility of any person putting out material for collection to ensure that no material is scattered by wind, animals, or other cause, or by improper preparation of material prior to collection.
- 10.8 Every person who puts out material for collection shall ensure that:
 - a. Waste for disposal does not contain materials described in Schedule "A", "B", "C" or "D";
 - b. all Recyclable materials listed in Schedule "B" are separated from Waste, placed in a Recycling Receptacle and placed out for collection on the day prescribed for collection of Recyclables;
 - c. all Organic materials listed in Schedule "C" are separated from Waste, placed in an Organic Receptacle and placed out for collection on the day prescribed for collection of Organics;
 - d. any sharp objects or broken glass are securely wrapped so that the sharp object or broken glass cannot pierce the Receptacle;
 - e. he or she forthwith cleans up any mess or debris created if all or any of the Collectable Materials spill from, or for any reason are no longer contained in, the Receptacle;
 - f. he or she places the required Receptacle at the Collection Location designated by the Director or his designate for collection but not so as to impede or obstruct pedestrian or vehicular traffic or Street maintenance operations.
- 10.9 No person shall pick over, interfere with, disturb, remove or scatter any Collectable Materials placed out for the Collection Services.
- 10.10 No person shall permit any animal owned by them or under their care or control to pick over, interfere with, disturb, remove or scatter any Collectable Materials set out for the Collection Services.
- 10.11 No Owner who has signed a Multi-Residential Collection Services agreement shall fail to ensure that all Recyclable Materials described in Schedule "B" are placed in a Recycling Receptacle approved by the City.
- 10.12 No Owner who has signed a Multi-Residential Collection Services agreement shall place or permit any Non-Collectable Waste set out in Schedule 'A' to be placed for collection as Waste.
- 10.13 No Owner who has signed a Multi-Residential Collection Services agreement shall fail to ensure that all Organics Materials described in Schedule "C" are separate from Waste and placed in an Organics Receptacle approved by the City.
- 10.14 No person shall suffer or permit any Hazardous Material to be deposited or placed in any Receptacle for removal by the Contractor.
- 10.15 No person shall place or permit to be placed any Trade Waste or Construction Debris whatsoever on or in any Street or Public Property except on Waste Collection dates and to the extent same as may be contained in Receptacles in accordance sections 5.1, 5.2, 9.1 and 10.1 of this By-Law.

11 LOCATION OF WASTE, RECYCLABLES AND ORGANICS FOR COLLECTION

- 11.1 Every person putting out Collectable Materials for collection by the Collector, shall comply with the following requirements as a condition of the provision of such Collection Service:
- a. All Receptacles shall be placed in a fully visible location at the premises where the material is generated within one (1) metre (3 feet) from the edge of the travelled Street or road along which Collection Service is provided;
 - b. Receptacles shall be placed either on the property from which they are to be collected, or on the road allowance nearest to the curb at the front of the property in the place of easiest access to the Collector and at ground level;
 - c. Where compliance with paragraphs 11.1a or 11.1b cannot reasonably be effected, the Director or his designate may designate the Collection Locations in writing the Collection Location at which Receptacles shall be placed for collection;
 - d. In all cases, every Receptacle shall be placed so as not to obstruct the traveled portion of a Street, public sidewalk, or any other public way;
 - e. In all cases, no Receptacles or Bundles shall be placed, nor allowed to be, in the gutter or ditches, or on the traveled portion of the roadway;
 - f. During times of snow accumulation, every Receptacle shall be left for pick-up in an area where the snow bank has been cleared to ground level at the curb, or at such other location as may be designated in writing or by public advertisement by the City;
 - g. No Collector, in order to collect Waste, Recyclable and/or Organic Materials, is obliged to enter into any building, ascend any stairway, enter into any elevator, hoist or lift or access a privately owned driveway or other private property beyond the vicinity of the curb where Receptacles are to be placed unless specifically authorized in writing by the Director or his designate;
- 11.2 Where, prior to the enactment of this By-law, the Collector has carried any Householder's Receptacles from the place where they are normally kept by the Householder to the Collector's truck and have thereafter returned the empty Receptacles to such place, the Collector shall, during the months of October to May inclusive in each year, during the term of the Collection Contractor's contract, continue this practice. The Director may from time to time designate further Single Unit Properties where such practice shall be established because of the health or infirm condition of the Householder but in no event shall the total number of Single Unit Properties where such practice is followed exceed twenty (20) percent of the total number of Single Unit Properties in the City.
- 11.3 Every person wishing to put out Waste, Recyclable and Organic materials for collection by the City in Non-Serviced Areas, shall comply with the following requirements as a condition of the provision of such Collection Service:
- a. The Owner of any property where access for Collection Services would be from a Private Roadway or who wishes to receive Collection Services anywhere other than the municipal Street curbside must apply to the Environmental Services Department of the City of St. Thomas and Collection Services will be subject to the policies set out in Schedule "E";
 - b. The Owner of any privately owned area or roadway served by City Collection Services shall ensure that the authorized Collection Location is maintained and in good repair, and free from snow, ice, and any other obstructions which may impede access to the Receptacles by Collectors and collection vehicles;
- 11.4 Where any commercial Public Property area is serviced by any accessible lane or alley in the rear of the premises, whether privately or municipally owned, the Collector shall collect all garbage placed adjacent to such alley in Receptacles in accordance with Section 9.

12 COLLECTABLE AND NON-COLLECTABLE WASTES, RECYCLABLES AND ORGANICS

- 12.1 No person shall place Waste, Recyclables or Organics out for collection by the City except in accordance with this By-law.
- 12.2 No person shall place Waste out for collection over the Item limits, (described in sections 5.1, 5.2 and 9.1) which is not affixed with a Bag Tag. Such un-tagged Waste which does not otherwise comply with the provisions of this by-law shall not be collected under this By-Law.
- 12.3 Any Recyclables which are not placed out according to City guidelines, or which does not otherwise comply with the provisions of this by-law, shall not be collected.
- 12.4 Any Organics which are not placed out according to City guidelines, or which do not otherwise comply with the provisions of this by-law, shall not be collected.
- 12.5 No person shall set out for Waste removal Collection Services any Recyclables, Organics or other materials defined in Schedule 'A', 'B', 'C' or 'D'.

- 12.6 No person shall set out for Recyclable removal Collection Services any Recyclable Materials other than those included in the City program defined in Schedule "B" and as amended from time to time.
- 12.7 No person shall set out for Organics removal Collection Services any Organic Materials other than those included in the City program defined in Schedule "C" and as amended from time to time.
- 12.8 No person shall place ashes out for collection sooner than one (1) week after removal from a fireplace.
- 12.9 No person shall place Hazardous Material in any Receptacles for Collection Services.
- 12.10 No person shall place Large Articles at Collection Locations for collection except on a date set upon specific notice listed on behalf of the City for a collection of Special Materials designating such Large Articles
- 12.11 All Collectable Material not collected by the Collector for any reason mentioned in this By-Law, including materials from non-serviced units, shall be the responsibility of the property owner.

13 LITTERING AND ILLEGAL DUMPING

- 13.1 No person shall throw, place or deposit in or on any Street or other Public Properties within the City any discarded material, refuse, Recyclables, Organics, Waste or Non -Collectable Material, Large Articles or other castoff items, except as provided for in this By-Law.
- 13.2 No person shall throw, place or deposit any discarded material, refuse, Recyclables, Organics, Waste or Non -Collectable Material, Large Articles or other castoff items, upon privately owned property without the consent of the property Owner.
- 13.3 No person shall suffer or permit others to throw, place or deposit discarded materials, refuse Recyclables, Organics, Waste or Non-Collectable Material, Large Articles or other castoff items upon any premises owned, leased or occupied by him or under his control nor cause to allow the accumulation of any Waste, litter, Non-Collectable Waste Materials, Recyclable Material, Organic Material, Large Articles or any matter or thing which may endanger property or public health and safety.
- 13.4 No person shall convey through the streets within the City limits any, Waste, Organic Material or Recyclable Material unless such material is properly contained and conveyed in vehicles so that the material is totally enclosed or covered with canvas or tarpaulins so fastened along the edges of the vehicles to prevent any of the contents from falling upon the streets.

14 CURBSIDE PROHIBITION PENALTIES

- 14.1 Waste Receptacles found by the Collector to contain any of the materials outlined in Schedules "A","B","C" and "D" will be tagged as un-collectable and left behind at the curb.
- 14.2 Waste Receptacles found by the Collector to contain any of the materials outlined in Schedules "A","B","C" and "D" and which have been tagged as un-collectable may be inspected by By-Law Enforcement staff and fees applied under Section 16.2.3 below.
- 14.3 Littering and/or road side dumping of Waste, Recyclable, Organic, Hazardous Materials or Large Articles may be inspected by By-Law Enforcement staff and fees applied under Section 16.2.3. against the dumping party and/or the Owner of the property where such materials originated.
- 14.4 By-Law Enforcement staff may inspect Waste Receptacles placed at the curb for Waste collection. Any Waste Receptacles found to contain any of the materials outlined in Schedules "A","B","C" and "D" may be collected separately and further inspected to identify the person responsible for placing the material at the curb and/or the Owner of the property from which the materials originated. The person who directly or by means of an agent discarded the Schedules "A","B","C" and "D" material as waste, shall be liable for the total expense incurred for the removal and investigation of the non-waste material and may have Waste Collection Services suspended at the Director's discretion.
- 14.5 Payment shall be made within thirty (30) days after receipt of an invoice indicating the total expensed incurred under this Section 14 and Section 16.2.3. Requiring this payment shall not preclude any prosecution for violation of this By-Law.

Any invoices or expenses that remain unpaid for the removal of Waste shall be added to the tax roll of the owner of the property where the Waste originated, to be paid and collected as municipal taxes, as provided in the Municipal Act, 2001, S.O. 2001, c.25 as amended or in such a manner as the City deems appropriate.

15 OFFENCES

- 15.1 Every person who:
 - a. contravenes any provision of this By-law;

- b. maliciously, willfully or negligently tampers with any facility, structure, receptacle or equipment used in the collection of waste, recyclables or organics pursuant to this By-law; or
- c. obstructs, hinders, or causes to be obstructed or hampered any Collector or Collection Contractor(s) in the performance of any work duty or the exercise of any power in relation to this By-law.

is guilty of an offence; and upon summary conviction shall be liable to set fines for offences listed in Schedule "F" or otherwise to a fine of not more than \$5,000.00 for a first offence and not more than \$25,000.00 for any subsequent offence.

- 15.2 Each day on which an offence occurs or continues under this By-law shall constitute a separate offence.
- 15.3 Any person who contravenes any provision of this By-law may be temporarily refused Collection Services.
- 15.4 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

16 ENFORCEMENT

- 16.1 When Collectable Materials or Non Collectable Waste Materials are placed or accumulated or set out for Collection Services in violation of this By-law and the material has originated from a property within St. Thomas, the Director or his designate shall send notice to the property Owner at the address shown on the last revised assessment roll or to the last known address. Such notice, in the form of an Order to Comply, shall detail the violation and allow the owner three business days of notice from the time of receipt to correct the violation. Such notice shall be deemed to be received, if delivered other than by hand, five days after the date of notice. A new notice shall be issued and served for each violation and further violations, even if of the same nature.
- 16.2 If the Owner of any property fails to comply with anything required to be done in accordance with this By-law, the City, in addition to prosecution for offenses and all other remedies, shall:
 - 16.2.1 have the right to remove the Waste accordingly and, for this purpose with its servants and agents, from time to time enter in and upon the property;
 - 16.2.2 not be liable to compensate such Owner or any other person having an interest in the property by the reasons of anything done by or on behalf of the City under provisions of this Paragraph; and
 - 16.2.3 have the right to recover from the Owner of the property any amount expended by or on behalf of the City under the authority of this Paragraph and such amounts may be collected as Municipal taxes and added to the Tax Roll of the Owner of the property where the waste originated – Municipal Act 2001, S.O. 2001, C. 25 as amended.
- 16.3 Nothing in this Section 16 precludes curbside penalties under Section 14 of this By-Law or notification and prosecution of offences forthwith or at any time upon occurrence of an offence referred to in Section 15 of this By-Law
- 16.4 This By-law may be enforced by a City By-law Enforcement Officer or a Police Officer.

17 COMING INTO FORCE

- 17.1 This By-law shall come into force and effect on the date it is passed.

18 INCONSISTENT BY-LAWS REPEALED

- 18.1 By-law No. 94-2006 is hereby repealed.

READ a first and second time this 21st day of June, 2010

READ a third time and finally passed this 21st day of June, 2010. .

Original signed by "Cliff Barwick"
Mayor

Original signed by "Wendell Graves"
City Clerk

SCHEDULE "A"
NON-COLLECTABLE AS WASTE MATERIALS

The following materials are not acceptable for collection through the Waste collection program:

- i. Hazardous waste, as defined in Regulation 347, as amended from time to time;
- ii. Acceptable Recyclable Material as defined in Schedule "B" and elsewhere in this By-law;
- iii. Acceptable Organic Material as defined in Schedule "C" and elsewhere in this By-law;
- iv. Biomedical or pathological waste, whether solid or liquid such as bandages, syringes, drugs, vaccines, vials, medicines, as designated and regulated in Regulation 347, as amended from time to time;
- v. Non-anatomical waste infected with a communicable disease;
- vi. PCB waste;
- vii. Radioactive waste;
- viii. Tires
- ix. Motor vehicles or parts thereof;
- x. Live animals or birds, carcasses or parts of any animal or other creature, save for normal kitchen Organic Material, which has been drained of all liquids;
- xi. Manure, septic or holding tank pumpings, or raw sewage;
- xii. Materials of any kind or nature that contain hot live coals or fire;
- xiii. Explosive, highly combustible, or ignitable waste;
- xiv. Any gaseous, semi-liquid, or liquid waste;
- xv. A designated substance as prescribed under section 70(23) of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended and the regulations thereunder;
- xvi. Sealed metal or plastic drums or barrels;
- xvii. Any material set out for collection over the Item limit not tagged with a Bag Tag in accordance with Sections 5 and 9 of this By-Law;
- xviii. Other material as designated by the City from time to time;

SCHEDULE "B"
RECYCLABLE MATERIALS

The following materials are accepted for the purposes of recycling through the City of St. Thomas "blue box" program.

ACCEPTABLE RECYCLABLE MATERIALS

Acceptable Recyclable Materials are limited to:

Stream 1

- i. Newsprint and flyers
- ii. Cardboard
- iii. Boxboard
- iv. Fine (office) paper
- v. Telephone books
- vi. Magazines and catalogues
- vii. Soft cover books
- viii. Moulded pulp trays

Stream 2

- i. Clear and coloured glass bottles and jars
- ii. Aluminum and Ferrous food and beverage containers that have been rinsed
Plastic containers (e.g.: plastic bottles, jugs, tubs, lids, etc.) marked as #1 or #2 recyclable plastics

SCHEDULE "C"
ORGANIC MATERIALS

The following materials are accepted for the purposes of recycling through the City of St. Thomas source separated Organics program.

ACCEPTABLE ORGANIC "GREEN CART" MATERIALS:

Acceptable Curbside Compostainer Organic Cart Materials are limited to:

- (i) Leaves
- (ii) Yard Waste
- (iii) Brush – the cuttings, twigs and branches from trees no longer than 40cm(15in.) and having a diameter no larger than 5cm (2in.)
- (iv) Fruit & vegetables
- (v) Meat and fish (includes bones, skin, fat and shellfish related to food preparation)
- (vi) Grain Products (includes pasta, bread, rice and cereal)
- (vii) Baked goods or baking ingredients (Includes cake, cookies, flour, sugar, spices, eggs and egg shells)
- (viii) Dairy Products (includes milk, cheese and yogurt)
- (ix) Other food products (Includes candy and confectionary, nuts, coffee grounds, coffee filters and tea bags)
- (x) Paper Products (includes paper towels, facial tissue, muffin paper
Note: the following paper products are recyclable and are best placed in the Blue Box, but if they are heavily soiled with food they are accepted in the Green Bin program:
soiled paper plates and cups, boxboard and cardboard (pizza boxes), flour and sugar bags, moulded pulp trays (egg cartons & take-out trays), newspaper,
- (xi) Pet Waste
(includes kitty litter, dog waste, pet bedding and fur, feathers, pet food and bird seed)

SCHEDULE "D"
SPECIAL MATERIALS

The following materials may be designated for depot collection or occasional curbside Collection Services, (announced by the City from time to time):

- i. Natural Christmas trees, without any material thereon which is not part of the natural tree, including wrapping, bags, decorations, lights, nails or stands;
- ii. Large Articles consisting of major household appliances such as stoves, washers, dryers, dishwashers, refrigerators, and freezers;
- iii. Scrap metal;
- iv. Large Articles, such as furniture, televisions, tables, chairs, mattresses, carpets, and other bulky items not taken in regular garbage collection;
- v. Leaf and yard waste, and brush;
- vi. Household hazardous waste;
- vii. Scrap tires;
- viii. Discarded electronics and electrical equipment;

SCHEDULE "E"
PRIVATE PROPERTY POLICY AND AGREEMENT

The City of St. Thomas operating practice for collection of Waste, Recyclables and Organics is that Collection Services are not provided to or on private property/roadways. However, Collection Services may be provided to privately owned roadways and properties including Multi-Residential Properties upon review by the City and in consultation with the Collection Contractor. Some such Collection Services are subject to future contractual arrangements with City contractors and are not available under contracts in place at the time of the passing of this By-Law.

To provide for consistency as increased Collection Services can be made available by the City, and in order to establish a common approach for providing Collection Services on privately owned property throughout the City of St. Thomas the following shall apply.

The City of St. Thomas, or its designated Contractors, may enter private property for Collection Services provided that:

1. The City has determined that the Private Roadways or private lands to be used by collection vehicles are physically satisfactory; and
2. The Owners or occupants of the private property have executed the required Application, Indemnity Agreement and Collection Services Agreement with the City.

If it is determined that entry onto private property is not feasible and/or the required Indemnity and Collection Service Agreements have not been executed, the City may refuse to enter the private property/roadways for the collection of Collectable Material and may at its own discretion determine alternate collection arrangements, if any form of the Collection Services can be offered.

Assessment of Eligibility for Entry on Private Property

To determine the eligibility for entry on to private property for collection the following criteria shall apply:

1. The physical ability to provide Collection Service on the private property (new or existing development) is based on the City's contractual arrangement with its Collection Contractor(s) and the City's determination of safety, risk/liability factors and the Collection Contractor's ability to access the proposed location. The roadway, private parking area or other land shall be assessed by the City and/or its contractor for the following requirements:
 - i. The Private Roadways/Properties must be designed to permit access to and egress from Collection Locations without reversing the Collector's vehicle and must provide unobstructed access to materials to be collected
 - ii. For developments that do not permit through passage, a turnaround area will be required
 - iii. Private Roadways/Properties or access lands must have a minimum width of 6.00 meters
 - iv. The overhead clearance must meet or exceed the standards prescribed in the Ontario Highway Traffic Act. Overhead clearance throughout the laneway must be a minimum of 4.4m
 - v. Turning radii onto the laneway must be a minimum of 9.5m inside and 14m outside
 - vi. The Private Roadway/Property must be maintained and in good surface repair and clear of ice and snow

For safety and liability reasons, the City requires that a private roadway be designed to permit a collection vehicle to service areas without the need to reverse. The City will consider the use of a turnaround area for the collection vehicles. The area must be dedicated specifically for the turning movements of collection vehicles and shall have appropriate signage indicating that parking will not be permitted in the area required by the collection vehicles. Repeated obstruction of the turnaround area will result in loss of curbside Collection Services.

2. A properly executed Indemnity Agreement and Collection Service agreement or Multi-Residential Collection Service agreement must be obtained from all private property owners prior to commencement or continuation of Collection Services where access for collection is on a Private Roadway or property.
3. A site plan of the private property, must be prepared at the Owner's expense, showing the Collection Location(s), access route and facility(ies), and detailing the geometric requirements in compliance with the site access criteria listed under 1 above.

SCHEDULE "F"

By-law No. 94 - 2010

To provide regulations governing the collection
and removal of waste and other refuse in the City of St. Thomas

Part 1 Provincial Offences Act

Set Fine Schedule

Item	Short-form wording	Provision creating or defining offence	Set Fine (includes cost)
1.	Duplication of a Bag-Tag	5.5	\$155.00
2.	Improper Waste Receptacle or Bag	9.1	\$155.00
3.	Improper Recycling Receptacle	9.2	\$155.00
4.	Improper Organics Receptacle	9.4	\$155.00
5.	Pick over, scatter or remove Collectable Materials	10.9	\$155.00
6.	Permit animal to pick over material	10.10	\$155.00
7.	Disposal of Hazardous Material	10.14	\$275.00
8.	Disposal of additional receptacle without bag tag	12.2	\$155.00
9.	Throw, place or deposit upon public property	13.1	\$155.00
10.	Throw, place or deposit upon private property	13.2	\$155.00
11.	Accumulate refuse upon any premises	13.3	\$155.00
12.	Tampers with any facility, equipment	15.1b	\$155.00
13.	Obstructs any Collector	15.1c	\$155.00

NOTE: The general penalty provision for the offences listed above is found in Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33