

Bylaw bl-2011-0024

THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

BY-LAW NUMBER 2011-0024 (PWO-1)

A BY-LAW FOR ESTABLISHING AND MAINTAINING A SYSTEM FOR COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE, OTHER REFUSE, YARD WASTE MATERIALS, RECYCABLE MATERIALS INCLUDING BLUE BOX MATERIALS AND SOURCE SEPARATED ORGANICS IN THE TOWN OF GEORGINA

WHEREAS the provisions of Sections 75(1) 127 of the Municipal Act, 2001, as amended, authorizes the Town of Georgina to enact By-laws to maintain a system for the collection and disposal of refuse;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF GEORGINA HEREBY ENACTS as follows:

1. DEFINITIONS

In this By-law:

- 1.1 "Ashes" means the solid residue of any fuel used for heating or cooking purposes and cleanings from chimneys.
- 1.2 "Appliances and Metal Items" means white goods.
- 1.3 "Blue Box Recycled Refuse" means any refuse that is listed in Schedule 'A' of this By-law under Recyclable Materials.
- 1.4 "Bulk Container" means a receptacle, which is approved by the Department of Engineering and Public Works for the collection and disposal of refuse, where any person has arranged privately, at his own expense and liability, for such collection and disposal.
- 1.5 "Bulky Items" means furniture and large items which normally accumulate in or around a dwelling including sofas, chairs, tables,

lamps, mattresses, televisions, carpet (cut into appropriate sized lengths) and general household items of a similar nature but not including items listed in Schedule 'A' of this By-law under Non-collectible Waste.

- 1.6 "Collectible Waste" means garbage, yard waste material, recyclable material, source separated organic material, special waste and white goods.
- 1.7 "Collection" means the collection of collectible waste and includes delivery to a Waste Management Site, a Materials Recovery Facility or any other facility designated by a Designated Municipal Officer.
- 1.8 "Compostable Material" means any putrescible material such as food, grass, leaf and brush as may be designated by a Municipality from time to time.
- 1.9 "Container" means an approved receptacle used to place waste at the curbside for collection and shall meet the specifications as defined in Section 7 of this By-law.
- 1.10 "Containerised Collection" means the collection of waste (or other material as specified) via front end loading trucks. These containers are typically referred to as dumpsters.
- 1.11 "Contractor" means any person, company or corporation under contract with the Town of Georgina to remove refuse throughout the Town including the workmen and employees of a Contractor and includes the Department of Engineering and Public Works for the Town of Georgina.
- 1.12 "Corporation" means the Corporation of the Town of Georgina and may include, for the purposes of collection of garbage and recyclable materials or for the purposes of the distribution of tags, any person, company or corporation under contract with the Town to remove garbage, other refuse and recyclable materials throughout the Town or to distribute tags and for such purposes includes all employees, agents or servants of such person, company or corporation.
- 1.13 "Designated Collection Area" means that area of each municipality that is designated to receive the collection of garbage, other refuse, yard waste material and recyclable material including blue box and source separated organic material either singularly or in total.

- 1.14 "Designated Municipal Official" means the Director of Engineering and Public Works or person(s) designated by the Director of Engineering and Public Works.
- 1.15 "Garbage" means all waste as defined in Schedule 'A' of this By-law.
- 1.16 "ICI Locations" means industrial, commercial and institutional locations.
- 1.17 "Intermittently Collected Refuse" means refuse such as white goods, yard waste, Christmas tree pick-up or special waste.
- 1.18 "Material Recovery Facility" means the York Region Waste Management Receiving Facilities.
- 1.19 "Municipality" means the Corporation of the Town of Georgina or the Regional Municipality of York.
- 1.20 "Non-collectable and Prohibited Garbage" means any refuse that is listed in Schedule 'A' of this By-law under Non Collectible Waste.
- 1.21 "OCC" means old corrugated cardboard which is a recyclable material.
- 1.22 "Organic Food Waste" means household organic waste such as fruit, vegetable scraps, diapers, paper towels, coffee grinds, etc. excluding yard waste. Often referred to as Source Separated Organics, a more detailed list is shown in Schedules 'A' and 'B' of this By-law.
- 1.23 "Person" includes a corporation and a natural individual.
- 1.24 "Prohibited Refuse" means any refuse that is listed in Schedule 'A' of this By-law under Non Collectible Waste.
- 1.25 "Proprietor" means any owner, occupant, lessee or person in charge of any single residentially or commercially assessed property with its own direct access to a travelled road within the Town.
- 1.26 "Recyclable Material" means any refuse that is listed in Schedule 'A' of this By-law under Recyclable Materials.
- 1.27 "Refuse" means any object or material that has been discarded by any person or that is no longer in use or reasonably intended to be used by

any person having ownership or control over such object or material.

- 1.28 "Regularly Collected Refuse" means any refuse that is not intermittently collected refuse or prohibited refuse. Blue box, green bin and garbage are considered regularly collected refuse.
- 1.29 "Residential Premises" means any structure which contains at least one (1) and no more than three (3) self-contained residential households.
- 1.30 "Special Waste" means bulky items such as furniture, carpet, appliances and large metal items and such other items that may be designated by the Director of Engineering and Public Works from time to time.
- 1.31 "Source Separated Organics" (SSO) means all kitchen waste inclusive of vegetable and fruit peelings, coffee grounds, pet waste, house plants, egg shells, pasta, breads, tea bags, diapers, sanitary and incontinent products, meat and fish products inclusive of skins and fat all leftover or outdated fresh, frozen, dried or cooked foods as listed in Schedule 'B' of this By-law.
- 1.32 "Tag" means a sticker purchased from the Town for One Dollar (\$1.00) for the purpose of being affixed to a receptacle or special pick-up garbage item.
- 1.33 "Town" means the Corporation of the Town of Georgina.
- 1.34 "Travelled Road" means the portion intended for travel on a common or public highway used by the general public for the passage of vehicles within the limits of the Town of Georgina and includes private roads upon which placement and collection of collectible garbage is approved by the Director of Engineering and Public Works.
- 1.35 "Unit" means receptacle, bundle or bag for the purpose of holding garbage for collection.
- 1.36 "White Goods" means metal appliances such as stoves, refrigerators, freezers, hot water tanks, dishwashers, air conditioners and similar appliances.
- 1.37 "Yard Waste" means leaves, vegetables or other garden debris, shrubbery, or brush or tree trimming, not exceeding 90cm (3 feet) in length and 5cm (2 inches) in diameter, seaweed and Halloween pumpkins that can be converted to compost humus.

1.38 "Certified Compostable Bag" and "Certified Compostable Bag Liner" means (a) a bag or liner certified as compostable and displaying the Biodegradable Products Institute logo on the packaging containing the bag or liner; (b) a paper bag; or (c) another acceptable certified compostable bag or liner as may be approved by the Director of Engineering and Public Works.

2. LANDS TO WHICH THIS BY-LAW APPLIES

2.1 This By-law shall apply to all lands within the Town of Georgina.

3. ESTABLISHMENT OF A COLLECTION SYSTEM

3.1 A system is hereby established for the collection of collectible materials from persons in the Town of Georgina.

4. RESPONSIBILITY OF THE RESIDENTIAL, INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL PROPRIETORS

4.1 No person shall deposit any refuse for collection and disposal by the Contractor other than in accordance with this By-law.

4.2 No person shall deposit any refuse on private property or on the property of the Municipality or local board thereof without the expressed written authority of the owner or occupant of such property.

4.3 No person shall place any refuse for collection and disposal or permit any refuse to remain on lands and premises over which he/she has control or where he/she is an owner, occupant, lessee, tenant or mortgagee in possession, where such refuse constitutes a nuisance or a hazard to members of the public, emits foul or offensive odours or attracts or harbours vermin or insects.

4.4 No person shall place regularly collected refuse for collection and disposal by the Contractor, except on such regular and recurring days and at such times as are designated by Council.

4.5 No person shall set out prohibited refuse for collection and disposal by the Contractor.

4.6 No person shall set out intermittently collected refuse for collection and disposal by the Contractor except on such intermittent days and times as are designated by Council.

4.7 No person shall keep a receptacle or repository for collectible material on his premises in a condition or location so as to cause a nuisance or to emit foul or offensive odours or to harbour or attract animals, rodents or other vermin or insects.

4.8 Regularly collected refuse shall be placed for collection and disposal in containers.

4.9 Containers shall be placed as close as possible to the curb or pavement edge of the road, without obstructing vehicular or pedestrian traffic or street maintenance. In the event of a dispute as to the location of containers, the appropriate location shall be determined by the Department of Engineering and Public Works for the Town of Georgina.

4.10 Containers shall not be placed at the curb or pavement edge before 8:00p.m. on the day immediately preceding the day designated for collection. Containers shall be placed on the curb or pavement edge no later than 7:00a.m. on the day of collection. All containers shall be removed from the curb or pavement edge before 8:00p.m. on the day designated for collection.

4.11 Containers shall not contain warm ashes or liquids.

5. GARBAGE RESTRICTIONS

5.1 The number of untagged garbage containers put out for collection from any residential, commercial or ICI premises shall not exceed one (1) for each collection day. All additional bags must be tagged.

5.2 The number of garbage containers put out for collection from any commercial or industrial premises shall not exceed twenty (20) for each collection day. The maximum number of containers set out for residential collection shall not exceed five (5).

5.3 A commercial assessed property requiring more units of collection than is allowed in this section shall have all collectible materials collected by a Contractor operating

under a Certificate of Approval issued pursuant to the Environmental Protection Act and disposed at an approved site.

- 5.4 Blue box recycled refuse may be set out for collection and disposal by the Contractor on collection dates for regularly collected refuse as designated by Council.
- 5.5 Source separated organic refuse (green bin) may be set out for collection and disposal by the Contractor on collection dates for regularly collected refuse as designated by Council.
- 5.6 Where blue box recycled refuse is placed for collection and disposal on recycling refuse dates, it shall be placed entirely within a recycled refuse receptacle (the blue box) as provided by the Department of Engineering and Public Works.
- 5.7 Where source separated organic refuse (green bin) is placed for collection and disposal on recycling refuse dates, it shall be placed entirely within a recycled refuse receptacle (the green bin) as provided by the Department of Engineering and Public Works.
- 5.8 There are no limits to the quantity of blue boxes and green bins that may be set out for collection.

6. GENERAL

- 6.1 Notwithstanding the provisions of this By-law, any person may contract at his/her own expense and at his/her own liability, for the collection of containers in excess of the specified quantity or for the collection and disposal of any refuse. In such cases, that person shall utilize bulk containers for such refuse and shall otherwise conform with the provisions of this By-law, except for the provisions of Sections 4.9, 4.10, 5.1, 5.2 and 5.3 of this By-law and shall ensure that no hazard or inconvenience to other persons is created by storing of or by the collection and disposal of refuse in bulk containers.
- 6.2 Notwithstanding the provisions of this By-law, any person may provide, at his/her own expense, for the deliver of refuse to the appropriate collection and disposal facilities.
- 6.3 No person shall convey through the streets

within the Town limits any refuse except in completely covered containers or in vehicles that are totally enclosed or covered so as to prevent any refuse from falling upon the streets, and to seal such refuse from flies or vermin, and to control, as far as possible, the escape of any offensive odours there from.

- 6.4 No person shall set out for collection or convey refuse so as to create a hazard to the public.
- 6.5 In the event that refuse is set out for collection and disposal other than in accordance with the provisions of this By-law, the Contractor may refuse to collect and dispose of such refuse. It shall then be the responsibility of the person setting out such refuse to comply with the provisions of this By-law. Refusal by the Contractor to collect and dispose of such refuse shall not limit the applicability of any penalty imposed pursuant to this By-law.
- 6.6 No person, without written authorization from the owner of the refuse or the Department of Engineering and Public Works, shall pick over, interfere with, disturb, remove or scatter any refuse.
- 6.7 No person shall place a large appliance, such as but not limited to, a dishwasher, refrigerator or freezer out for collection without first removing the door, lid or cover.
- 6.8 Some non-collectible garbage may be delivered to an approved disposal site or transfer station subject to the following:
 - (i) Permission of the Regional Municipality of York has been granted;
 - (ii) The cost of the haulage of such non-collectible garbage is borne by the person seeking to have it deposited;
 - (iii) Placement of the non-collectible garbage is made in accordance with the direction of the Regional Municipality of York; and
 - (iv) Fees imposed by the Regional Municipality of York have been paid.
- 6.9 Any person who is not a proprietor or who has more than the allowable number of units of collectible material as defined in Section 4.2 shall prepare his/her garbage for collection

as set out in this By-law and dispose of it at his/her own expense by conveying the material, or having it conveyed, to an approved disposal site or transfer station, and depositing it in accordance with the direction of the Director of Engineering and Public Works and/or the Regional Municipality of York.

6.10 Every proprietor requiring collection of garbage shall place such garbage out for collection in securely covered containers.

7. APPROVED RECEPTACLES

7.1 No person shall place garbage out for collection unless it is contained in one of the following receptacles:

i) A returnable receptacle which is waterproof, durable, rust resistant, non-absorbent, has a close fitting cover and two suitable handles. The container's diameter shall not exceed 50cm (20 inches) or a height of 90cm (36 inches). The diameter at the top of the container shall be larger than the bottom. The total weight of any full receptacle shall not exceed 22kgs (50 pounds).

ii) A non-returnable receptacle which is:

(a) A waterproof plastic bag designed and sold for the purpose of containing garbage and secured so as to prevent any spillage. Maximum size shall be 76cm (30 inches) by 122cm (48 inches) and a total (full) weight not exceeding 22kgs (50 pounds)

(b) A box which is dry and which holds all garbage without spilling or breaking with a maximum size of 76cm (30 inches) by 122cm (48 inches) high by 30cm (12 inches) wide and a total (full) weight not exceeding 22kgs (50 pounds).

or are placed out for collection in the following manner:

iii) Crates, barrels and similar containers flattened and tied securely in bundles. No such bundle shall weigh more than 22kgs (50 pounds) or shall exceed 90cm (36 inches) in any dimension.

7.2 No person shall place recyclable materials out for collection unless they are contained in one of the following approved receptacles:

- i) Blue plastic boxes, open topped plastic crates, plastic pails or wooden crates or boxes clearly and easily identifiable as containing recyclables, which contain all materials without spilling and which do not exceed 50cm (20 inches) in height and 50cm (20 inches) in width or length.
- ii) Non-returnable containers shall include open topped cardboard boxes which contain all materials without spilling and which do not exceed 40cm (16 inches) in height and 50cm (20 inches) in width or length.

or are placed out for collection in the following manner:

- iii) Magazines, newspapers, cardboard, boxboard and other waste paper tied securely in bundles not larger than 60cm (24 inches) x 60cm (24 inches) x 30cm (12 inches).

7.3 No person shall place source separated organic materials out for collection unless:

- i) Contained in a plastic green bin container. The container's size shall not exceed 31cm x 34cm or a height of 60cm (24 inches) and having a maximum weight of 22kgs (50 pounds).
- ii) Contained in tied individual Certified Compostable Bags, or contained in a tied Certified Compostable Bag Liner, but not both. Source separated organics shall not be contained in any type of plastic bag that is placed out for collection.
- iii) The tied Certified Compostable Bags or tied Certified Compostable Bag Liner is tied.
- iv) Source separated organics are contained or wrapped in paper or cardboard products from the SSO Accepted Items List.

7.4 No person shall place out for collection special waste, bulky items or white goods unless they have:

- i) Called Contractor to arrange for pick-up on next regularly scheduled collection day for

garbage and;

ii) Tagged item in an acceptable manner.

7.5 No person shall place yard waste out for collection unless contained in one of the following approved receptacles:

i) A returnable receptacle which is waterproof, durable, rust resistant, non-absorbent, has a close fitting cover and two suitable handles. The container's diameter shall not exceed 90cm (36 inches) high and 50cm (20 inches) wide. The diameter at the top of the container shall be larger than the bottom. The total weight of any full receptacle shall not exceed 22kgs (50 pounds). A "yard waste" sticker shall be affixed to the receptacle.

ii) A non-returnable receptacle which is:

(a) Kraft paper bags manufactured for that purpose.

(b) A box which is dry and which holds all yard waste without spilling or breaking with a maximum size of 76cm (30 inches) by 122cm (48 inches) high by 30cm (12 inches) wide and a total (full) weight not exceeding 22kgs (50 pounds).

or are placed out for collection in the following manner:

iii) Boughs, twigs and cuttings may be placed for collection in securely tied bundles which do not exceed 90cm (36 inches) in length or 60cm (24 inches) in any other dimension and do not weigh more than 22kgs (50 pounds).

7.6 Any receptacle placed out for collection, which is broken or which breaks when lifted will not be collected.

7.7 Plastic bags are prohibited as a receptacle for yard waste and blue box and green bin recyclable materials.

8. USER FEES

8.1 No proprietor shall set out more than one (1) container of garbage for collection in any returnable receptacle without a tag affixed to the contents of the container or item and the tag shall be clearly visible upon removal of the container's lid.

8.2 No proprietor shall set out more than one (1) container of garbage for collection in any non-returnable receptacle without a tag affixed to the contents of the container or item and the tag shall be clearly visible upon removal of the container lid.

8.3 Excluded from the provisions of this section are all recyclable materials (blue box) and source separated organic materials (green bin).

8.4 Tags may be purchased from the Corporation or it's designate for One Dollar (\$1.00) per tag.

8.5 The Corporation shall have available for sale blue plastic boxes and green bins for the purpose of storing and collection of recyclable materials. Damaged boxes and bins will be replaced by the Town, at no cost, provided the owner returns the damaged box to the Town offices or other designated facilities. The cost for various containers is found in Schedule 'C' of this By-law.

8.6 All white goods and bulky items will require a tag affixed in a clearly visible location.

9. ENFORCEMENT AND PENALTIES

9.1 Where any proprietor places garbage or special pick-up garbage out for collection which does not have a tag affixed as required by Section 8 of this By-law, but which is placed out for collection otherwise in accordance with the provisions of this By-law

(a) Such garbage, yard waste or special pick-up garbage may be collected by the Corporation which may charge a fee of Twenty-Five Dollars (\$25.00) per unit for this service to the proprietor. The proprietor will receive notice of the charging of such fee by mail and the fee is due within 60 days of the mailing of the notice; and

(b) Fees imposed under this section shall be added to the tax roll for any real property in the municipality which benefits from such collection and fees unpaid in accordance with Subsection 9.1(a) may be collected in like manner as taxes as provided for in Part XII Fees and Charges, Section 391 (By-law

re: fees and charges) of the Municipal Act, 2001.

9.2 Any person convicted of a breach of the provisions of this By-law shall be guilty of an offence and every Person who is convicted of an offence under this By-law shall be subject to a fine. A minimum fine shall not exceed Five Hundred Dollars (\$500.00) and a maximum fine shall not exceed Five Thousand Dollars (\$5,000.00). Such fines shall be recoverable under Part XIV ENFORCEMENT, Section 425 Authority to Create Offences and Section 429 Authority to Establish Fines, of the Municipal Act, 2001.

9.3 Any person who breaches any provision of this By-law and consequently causes or permits collectible materials and/or non-collectible materials to fall upon the property of the Corporation or of another person, shall pick and gather up the same immediately; otherwise

(a) Employees of the Corporation may pick up the material and charge a fee of One Hundred Dollars (\$100.00) per unit for the expense incurred in doing so. The person who has breached the By-law will receive notice of the charging of such fee by mail and the fee is due within sixty (60) days of the mailing of the notice; and

(b) Fees imposed under this section and unpaid in accordance with Subsection 9.3(a) may collected in like manner as taxes as provided for in Part XII, Section 398 (Debt) of the Municipal Act, 2001.

9.4 The provisions of this By-law are enforceable by the Corporation in accordance with the legislation contained in the Provincial Offences Act, R.S.O. 1990, c.P.33 or any successor legislation in substitution therefore.

9.5 Every person who causes or permits or allows any contravention of any provision of this By-law or any owner or originator of waste thrown, deposited or placed in contravention of this By-law is guilty of an offence and on conviction is liable to a fine in the amount provided by the Provincial Offences Act, R.S.O. 1990, c.P.33, or any successor legislation in substitution therefore.

10. SEVERABILITY

10.1 If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application or such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable shall not be affected thereby and it is hereby declared to be the intention of Council that each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.

11. COMING INTO FORCE

11.1 This By-law shall come into force and take effect as of the 17th day of September 2007.

11.2 This By-law was amended the 7th day of March, 2011.

12. HEADINGS

12.1 Section headings in this By-law are not to be considered part of this By-law and are included solely for the convenience of reference and are not intended to be full or accurate descriptions of the sections of this By-law to which they relate.

13. REPEAL/RESCIND

13.1 By-laws 96-119, 97-016, 2003-0002, 2004-0041, 2004-0085, 2004-0126 and 2006-0007 being passed by the Corporation of the Township of Georgina are hereby repealed upon the coming into force of this By-law.

13.2 By-law 2007-0050 (PWO-1) is rescinded.

READ a first, second and third time and finally passed this 7th day of March, 2011.

Robert Grossi, Mayor

Roland Chenier, Town Clerk