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**Subject:** Solid Waste Management By-law Update

**Report to:** Public Works Committee

**Report date:** Tuesday, August 4, 2020

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## Recommendations

1. That this Committee recommend to Regional Council that the Solid Waste Management By-law No. 2017-56, as amended **BE AMENDED** to reflect the By-law updates outlined in this report and attached as Appendix 1;
2. That this Committee recommend to Regional Council that the proposed Short Form Offences and Set Fines Schedule, attached as Appendix 2, **BE FORWARDED FOR APPROVAL** to the Chief Justice of the Ontario Court (Provincial Division) as required under the *Provincial Offences Act*. Upon approval including any changes by the Chief Justice, the Short Form Offences and Set Fines Schedule become enforceable under the updated By-law; and
3. That a copy of the amended By-law and the subject report **BE FORWARDED** to the local area municipalities, for information.

## Key Facts

- The purpose of this report is to seek Committee's approval for the amendment of the Solid Waste Management By-law No.2017-56 (By-law), which was last updated in 2017.
- Several updates to the By-law are required due to service level changes which have previously been approved by Council, to be effective October 19, 2020.
- Additional updates to the By-law to include provisions on exemptions, container limits and set-out specifications, Acceptable Materials, inappropriate behaviour towards staff, Illegal Dumping and issuing Orders for clean-up of Non-Compliant Material.
- An update to the Short Form Offences and Set Fines Schedule is proposed to facilitate the enforcement of property owners' responsibility to remove Material deemed uncollectable (i.e. contaminated or does not otherwise meet By-law restrictions) by the collection contractors.
- Minor clarifications and clerical corrections to the existing By-law wording have been made to improve public understanding and administration.

## **Financial Considerations**

There are no anticipated financial implications with the proposed update of the By-law.

## **Analysis**

The purpose of the By-law is to regulate and control the use of Niagara Region's waste management system. Since coming into effect in October 1999, the By-law has regularly been revised to reflect changes to waste collection services and requirements. Amendments were adopted in 2001, 2002, 2003, 2008, 2010, 2011, 2012, 2015 and 2017.

The current update to the By-law is required to incorporate the waste collection service level changes approved by Council on October 17, 2019 (PW 61-2019), which take effect October 19, 2020. The update also includes improvements in wording to encourage increased waste diversion and provide clarification on existing conditions for enhanced enforcement and public understanding.

A coordinated update to the Requirements for Waste Collection policy and procedures is needed to ensure consistency with the By-law change. An update to the Requirements of Waste Collection policy and procedures will be provided to Public Works Committee in September, 2020.

Outlined below are the proposed By-law revisions which are contained in Appendix 1:

## **Service Level Changes**

The By-law has been updated to reflect the waste, recyclables and organics service levels changes taking place on October 19, 2020.

### Every-other-week Garbage collection

All properties outside of the Designated Business Areas (DBAs) and those residential properties inside specified DBAs, which receive Niagara Region's curbside Garbage collection, will receive every-other-week Garbage collection as a base service. Weekly collection of Blue/Grey Box/Cart and Green Bin/Cart Material will continue. Schedule A of the By-law has been revised to show the collection frequencies for each service.

### Changes to Garbage Container limits

Garbage Container limits will also be changing on October 19, 2020. Schedule A has been updated with the following container limit changes:

- Garbage Container limits will double for all properties receiving every-other-week Garbage collection. (i.e. if current limit is one (1) Garbage Container per unit, per week, it will double to two (2) Garbage Containers every-other-week).
- Mixed-Use (MU) and Industrial, Commercial and Institutional (IC&I) properties outside DBAs will be permitted to set out eight (8) Garbage Containers, per property, every-other-week.
- MU and IC&I properties inside DBAs will change from a container limit of seven (7) containers per property, per week to four (4) containers, per property, per week as a base service.

### Limit on Bulky Goods Collection – Low Density Residential Properties

Starting October 19, 2020, there will be a limit of four (4) Bulky Goods, per unit, per Garbage collection. Section 6.2 of the By-law has been updated to include this limit. There is no limit on the number of times a resident can schedule a pick up.

### Discontinuation of Curbside Collection of White Goods

As curbside collection of White Goods will be discontinued effective October 19, these items have been removed from Section 3, Classes of Collectable Items and Section 12 under Collection Services in the By-law. Section 1.39, Non-Collectable Material, of the By-law has been updated to include White Goods.

### **Diaper Exemptions**

As per the Public Works Committee recommendation on May 12, 2020, a garbage exemption program was approved to have diapers collected weekly with the start of the new collection contracts, for households with a child under the age of four in diapers. In addition, a weekly collection service was approved for residents who generate additional garbage due to a medical condition. Section 14.1 of the By-law has been changed to provide the appropriate criteria and guidelines for the updated exemptions.

## **Blue/Grey Cart and Green Cart Limits for IC&I Outside DBAs**

Similar to other comparator municipalities, Niagara Region has placed a limit on the number of recycling and organics carts that can be collected weekly at IC&I properties outside the DBAs. This ensures that resources and capacity are sufficient to efficiently and effectively collect and process residential recycling and organics. The container limits in Schedule A of the By-law have been updated with a maximum limit of eight (8) Blue/Grey Carts and eight (8) Green Carts for IC&I properties outside of DBAs. Section 14 of the By-law has been updated to place a limit on the number of recycling and organics carts that can be collected weekly at IC&I properties outside the DBAs.

## **Container and Set-out Specifications**

The size restrictions for Blue and Grey Boxes have been further defined to provide a maximum depth, in addition to the maximum height and width, and clarify how dimension should be measured. The By-law has also been updated to specify that containers must have handles or indentations to facilitate lifting.

In section 11.1, the acceptable methods for bundling flattened cardboard have been updated.

Section 14.1 has been updated to provide instructions on how to properly affix Garbage Tags to Garbage bags and on Garbage Material.

Clarifications have been made to improve public understanding and administration of the use of lids on collection containers. All lids must be readily separable from all collection containers with the exception of Blue, Grey, and Green Carts from As Designated properties, and Green Bins, available from the Region, or approved alternatives.

## **Acceptable Household Hazardous Waste Containers**

Although guidelines for acceptable containers for Household Hazardous Waste are provided on the Region website, they have not previously been included in the By-law. Section 27 has been updated to outline the parameters for acceptable containers for disposing of Household Hazardous Waste at Region landfills and drop-off sites.

## **Farm Exemption**

Section 14.9 of the By-law has been updated to reflect the Region's existing farm exemption parameters.

On a request basis, if a residential farm requests commercial services, the property will be categorized as an IC&I premise and will receive services as such and specifically will no longer be eligible for Bulky Good, Leaf and Yard Material and Brush collection, and cannot purchase Garbage Tags for additional Garbage.

If a commercial farm requests single family residential services, the property will be categorized as a low-density residential premise and receive services as such and specifically will not be eligible for the eight (8) bag/can per every-other-week Garbage limit.

## **Private Garbage Collection**

Previously, IC&I and MU properties that used private garbage collection were not permitted to receive Regional Garbage collection. Section 14.5 of the By-law has been updated to allow properties using private garbage collection to receive Regional Garbage collection, provided they are also using Regional Blue/Grey Box/Cart and Green Bin/Cart collection and are able to stay within the applicable Garbage Container limits. The rationale for the elimination of the restriction was to improve service delivery to those IC&I and MU properties that would otherwise have been ineligible to receive curbside Regional Garbage collection.

## **Multi-Purpose Properties**

Section 14.8 was modified to align with Niagara Region's "Requirements for Waste Collection" policy.

## **Inappropriate Behaviour**

To enforce the safety of Niagara Region or contractors' staff, if the Owner of a Premises or a tenant indulges in any inappropriate behaviour, violent, threatening or illegal conduct, or uses profane or abusive language, as determined by Niagara Region, towards Region staff or contractors' staff, the Region may, at the discretion of the Commissioner of Public Works or his/her designate, and upon written notice to the Owner, cease collection from the Premises until such time as the inappropriate

behaviour is corrected to the satisfaction of the Region. These changes are reflected in Section 15.3b of the By-law.

### **Material in Enclosures**

A new section (16.6) has been added to the By-law to provide service users using enclosures to store Materials, with criteria for these enclosures. The purpose of establishing criteria is to ensure enclosures are constructed in a manner that does not pose a health and safety risk to the collector.

### **Communal Collection Points**

Section 16.2 has been updated so that Premises that place their Material at a Communal Collection Point must ensure all collection containers are labelled with the Dwelling Unit address to clearly distinguish separation from neighbouring Premises.

### **Uncontained Material**

In addition to the existing wording in Section 19, which requires that Owners of Premises ensure that Material set out for collection does not become uncontained and are responsible for immediate clean-up of all uncontained Material, the By-law has been updated to state that if the uncontained Material is not cleaned up, the Region may clean up the Material and charge the Owner for this work. Wording has also been added to outline a notification process for Premises with persistent issues of uncontained Material.

### **Notices and Orders for Clean-up**

Where a Person or Owner is in Non-compliance with this By-law and if the Non-compliance continues despite the Region's attempts to obtain compliance, as outlined in Section 41.1, the Region may forthwith perform the work required to obtain compliance with this By-law, by way of an Order, as determined by Region staff as outlined in Section 49.

Section 49 has been expanded to facilitate the enforcement of Orders, which was previously not specified in By-law No.2017-56.

### **Authorize collection of Non-Compliant or Non-Collectable Material**

Section 20.3 has been added to the By-law to authorize the collection of Non-Compliant or Non-Collectable Material by the Region or its Contractors for the purpose of investigation or health, safety and welfare of the general public.

The following changes have been made to the list of Acceptable Materials:

- Section 26.1 Acceptable Materials for Compositing: added (g) organic material which has decomposed under anaerobic conditions;
- Section 28.1 Acceptable Materials for Landfilling: Clarified (e) soil or dirt in acceptable quality and quantity, as determined by the Region.

### **Regional Drop-off Location Restrictions**

Regional Drop-off Location restrictions have been updated to include an anti-idling provision. Section 33 specifies that no Person shall cause or permit a vehicle to idle for more than three (3) minutes.

### **Illegal Dumping**

In addition to the current guidelines prohibiting a Person from dumping or depositing Material into public litter bins or on any public road or property, Section 38 now includes restrictions on dumping Material within a one (1) metre radius of a public litter bin.

### **Enforcement: Friendly Reminders**

To encourage compliance, with this By-law, the Region may use Friendly Reminders and Final Friendly Reminders to inform Persons or Owners of Non-Compliance. Where a Person or Owner is in Non-Compliance with this By-law and if the Non-Compliance continues, despite the Region's attempts to obtain compliance, the Region may proceed with an Order requiring the Person or Owner to correct the contravention, as outlined in Sections 49.

### **Additions and Modifications to Definitions Section**

The following definitions have been revised:

“Amnesty Week” has been updated from what was previously “Garbage Exemption Week”. It has also been updated to reflect the changes in garbage container limits related to every-other-week garbage collection.

“Bulky Goods” has been revised to reflect more examples of acceptable items, including large toys and water softening units.

“Friendly Reminder” has been updated to include “Final Friendly Reminders” in the definition of written notices used by the Region.

“Garbage Exemptions” has been simplified for clarity.

“Garbage Tag” has been updated to specify that tags must be untampered and affixed to the neck of a waterproof bag or on top of Materials placed in a Garbage container.

“Green Bin Container” has been updated to include that the container may be a container from the Region or other rigid reusable closed or open-top container clearly labelled with handles.

“Leaf and Yard Material” has been updated to add logs to the list of materials that are not considered “Leaf and Yard Material”.

“Pet Waste” has been broadened to include pet bedding to animal excrement generated by small household pets.

“Regional Drop-Off Location” has been simplified for clarity.

“Set Out Service” has been updated to specify that it does not include “Leaf and Yard Material”, “Bulky Good”, “Brush” or any other excluded items As Designated by the Region.

“Sharps” has been updated to include safety engineered needs, laboratory class or other Materials capable of causing punctures or cuts.

The following new definitions have been added to the By-law:

“Care and Control”: Material shall be deemed to have been within the care and control of a Person at a point in time if the Material included any Material typically associated

with or used by that Person and shall include but is not restricted to the following Materials:

- a) mail and other paper products bearing the name, address or other identifying characteristics typically associated with that Person;
- b) Material that can on a balance of probabilities be shown to have been purchased by that Person;
- c) Material that can on a balance of probabilities be shown to have originated from Premises with respect of which a Person is considered an Owner and during the time the Person was considered an Owner;
- d) Materials that can on a balance of probabilities be shown to have been transported in a motor vehicle owned or under the care and control of the Person.

“Communal Collection Point” means a Collection Point approved or as determined by the Region, that is authorized for the use of more than one Premises.

“Construction, Renovation and Demolition”: Material includes but is not limited to windows, drywall, wood, metal, PVC pipe and other building Materials.

"Dwelling Unit" means a place of residence designed or intended for habitation by one (1) or more persons with its own culinary and sanitary facilities which are provided for the exclusive use of the person or persons who reside therein. If an Owner disagrees with the number of units contained within the Premises as assessed, it is up to the Owner to provide proof of the actual number of legally existing individual units within the Premises. In the absence of provision of proof to the satisfaction of the Region, the limit for the Premises in question shall be as determined by the Region.

“Illegal Dumping” means the disposing of Material in non-designated areas, such as public roads or ditches, public property and public litter bins, as set out in Section 38 of this By-law. Illegal Dumping does not include Litter.

"Litter" means debris, refuse, or Material discarded outside the regular Collection Point or lying scattered about the area.

"Liquid Material" means Material which is not solid and which exhibits evidence of free water, or other liquids, whether or not contained.

“Multi-Purpose Property” means a single property as defined by MPAC and/or contained in applicable Site Plan Conditions, housing multiple Premises types.

### **General revision and language updates**

The new By-law is a result of a collaborative team approach involving several meetings between the Region’s Legal and Court Services Division, front line staff and managers from the Waste Management Services Division. Terminology usage has been standardized in the By-law to use commonly understood words and clearly phrased responsibilities and prohibitions so that residents can easily understand how to deal with Recyclables and Garbage, both in their curbside collection and at the Regional Drop-Off Locations. It should be noted that By-law enforcement staff’s first priority has been and will continue to be the education of residents rather than simply levying fines. However, staff will continue to actively pursue illegal dumping and will levy fines when appropriate. The proposed By-law enhancements will provide staff with the necessary tools to enforce the By-law and levy fines if verbal or written communication with residents is not sufficient to achieve compliance.

The amended By-law will be posted on the Region’s website for review by residents and businesses.

### **Alternatives Reviewed**

Alternatives were not considered as the By-law required updates to align with previously approved program changes.

### **Relationship to Council Strategic Priorities**

The amendment of the By-law will support Council’s Strategic Priority of Sustainable and Engaging Government, specifically the promotion of high quality, efficient and co-ordinated core services.

### **Other Pertinent Reports**

WMPSC C-54-2017 Requirements for Waste Collection (C3.007)

WMPSC C-12-2017 Waste By-law Update

PW 61-2019 Base Level Service for Waste Management Collection Contract

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**Appendices**

Appendix 1 – Proposed Amendments to Solid Waste Management By-law.

Appendix 2 – Proposed Short Form Offences and Set Fines

## **Appendix 1 – Proposed Amendments to Waste Management By-Law**

### THE REGIONAL MUNICIPALITY OF NIAGARA

#### BY-LAW NO. 2020-XX

#### A BY-LAW TO AMEND BY-LAW 2017-56, BEING A BYLAW TO REGULATE THE USE OF THE WASTE MANAGEMENT SYSTEM FOR THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS on May 15, 2017, Regional Council passed By-law No. 2017-56 being a by-law to regulate the use of the waste management system for the Regional Municipality of Niagara; and

WHEREAS Regional Council wish to amend the said By-Law to reflect changes in service levels and improvements in wording to encourage increased waste diversion and provide clarification on existing conditions for enhanced enforcement and public understanding.

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

1. That the Waste Management By-law 2017-56 is amended as indicated in the following sections by deleting the text that is struck out and adding the text that is underlined:

### **PART I – DEFINITIONS**

1. The following terms are defined for purposes of this By-law:

- 1.1 “Amnesty Week” means the five (5) Garbage Collection Days immediately following December 25 where, in addition to the regular Garbage limit, selected Premises can place additional Garbage to the curb for collection without a Garbage Tag;
  - 1.2 “Area Municipality” means any one of the municipality or corporation of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls,

Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, or Township of West Lincoln;

- 1.3 “As Designated” means as designated by the Region from time to time by the Commissioner of Public Works or his/her designate. It is anticipated that the Region’s recycling and other programs and related requirements will continue to evolve as new methods and Materials emerge. These changes will be implemented on an “As Designated” basis;
- 1.4 “Blue Box” means a container available from the Region or approved alternative as set out in Section 8 of this By-law or As Designated, used to set out Blue Box Material for collection;
- 1.5 “Blue Box Material” means recyclable Material that is collected under the Blue Box Program. The Material includes:
- (a) empty glass bottles, jars and lids/caps (lids/caps must be removed), including all glass containers which previously contained a food or beverage product;
  - (b) empty metal food and beverage cans, including all hard shell steel or aluminum containers which previously contained a food or beverage product;
  - (c) empty metal paint cans and lids (lids must be removed and a thin layer of dry residue are acceptable);
  - (d) clean aluminum foil meaning food wrap, food packaging and kitchenware such as pie plates made from a thin sheet of aluminum;
  - (e) empty plastic containers and packaging which previously contained a food or consumer product, including Polyethylene Terephthalate (PETE #1) bottles and containers; High Density Polyethylene (HDPE #2) tubs and lids, or bottles; Polyvinyl Chloride (PVC #3); Low Density Polyethylene (LDPE #4) plastic tubs and lids; Polypropylene (PP #5) plastic bottles, tubs and lids; Polystyrene (PS #6) containers and rigid foam packaging; and Polycarbonate mixed plastic (PC #7);
  - (f) empty gable-top cartons (e.g. milk and juice cartons) and aseptic packaging (e.g. juice boxes);
  - (g) empty spiral wound containers (e.g. frozen juice or potato chip containers) with metal lids bottoms and paper sides;
  - (h) empty metal aerosol cans (lids and caps must be removed); and
  - (i) other Material As Designated;
- 1.6 “Brush” means woody Material including twigs, tree limbs or branches;

- 1.7 ~~“Bulky Goods” means large household items (but not White Goods) and other Material As Designated, including but not limited to:~~
- ~~(a) artificial Christmas trees;~~
  - ~~(b) box springs and mattresses;~~
  - ~~(c) couches;~~
  - ~~(d) floor lamps;~~
  - ~~(e) furniture (e.g. chairs, tables);~~
  - ~~(f) glass shards packaged in cardboard box labelled “glass”;~~
  - ~~(g) microwave ovens;~~
  - ~~(h) pool covers and solar blankets;~~
  - ~~(i) carpets or rugs in compact rolls/bundles not exceeding 1.5 m (4.5 feet) in length and 0.76 m (2.5 feet) in diameter; and~~
  - ~~(j) other household items that cannot fit in a Garbage Container;~~

“Bulky Goods” means large household items which are Collectable Material that cannot fit into a normal Garbage Container and may be overweight (excluding construction/demolition Material). Some examples include, but are not limited to, the following:

- a) Artificial Christmas Trees;
- b) Box spring, mattress, and bed frame;
- c) Carpet or rugs in compact rolls/bundles not exceeding 1.5 metres (4.5 ft) in length and 0.76 metres (2.5 ft) in diameter and tied;
- d) Couches, sofa, chair;
- e) Floor lamps;
- f) Furniture (for example, tables, cabinets, dressers);
- g) Glass Shards packaged in cardboard box labelled “glass”;
- h) Large Toys;
- i) Pool cover and solar blankets in compact rolls/bundles not exceeding 1.5 metres (4.5 ft) in length and 0.76 metres (2.5 ft) in diameter and tied;
- j) Toilets or sinks that are individual and not part of construction and demolition;
- k) Other Collectable Material that cannot fit in a Garbage Container;
- l) Water softening units; and
- m) Other household items, As Designated the Region;

- 1.8 “Cart” means a container available from the Region or approved alternative as set out in Section 8, 10 and 11 of this By-law or As Designated, used to set out Blue Box, Grey Box or Green Bin Material for Types B-F Premises as set out in Schedule A to this By-law;

- 1.9 “Care and Control” means Material shall be deemed to have been within the care and control of a Person at a point in time if the Material included any

Material typically associated with or used by that Person and shall include but is not restricted to the following Materials:

- (a) Mail and other paper products bearing the name, address or other identifying characteristics typically associated with that Person;
- (b) Material that can on a balance of probabilities be shown to have been purchased by that Person;
- (c) Material that can on a balance of probabilities be shown to have originated from Premises with respect of which a Person is considered an Owner and during the time the Person was considered an Owner; or
- (d) Materials that can on a balance of probabilities be shown to have been transported in a motor vehicle owned or under the Care and Control of the Person.

- 1.10 “Christmas ~~trees~~ Trees” means naturally grown evergreen trees without tinsel, decorations, ornaments or tree lights;
- 1.11 “Christmas ~~trees~~ Trees, Artificial” means trees manufactured from manmade Material;
- 1.12 “Collectable” means Material which may be collected at Curbside or a collection point approved by the Region pursuant to this By-law;
- 1.13 “Communal Collection Point” means a collection point approved or as determined by the Region, that is authorized for the use of more than one Premises;
- 1.14 “Composter” means a container available from the Region or any enclosure with a lid for the purpose of decomposing Leaf and Yard Material and/or Green Bin Material by aerobic decay or bacterial action;
- 1.15 “Construction, Renovation and Demolition” Material includes but is not limited to windows, drywall, wood, doors, metal, PVC pipe and other building Materials As Designated by the Region;
- 1.16 “Council” means the Council of The Regional Municipality of Niagara;
- 1.17 “Curbside” means the area directly in front of an Owner’s Premises as close as possible to the travelled portion of the road without obstructing or interfering with the travelled portion of the road or any sidewalk. It normally extends 1.2 m (four (4) feet) rearward from the travelled portion of the road;

- 1.18 “Designated Business Area” means an area designated by the local municipality to receive alternate collection services compared to residential or other industrial, commercial and institutional services;
- 1.19 "Dwelling Unit" means a place of residence designed or intended for habitation by one (1) or more persons with its own culinary and sanitary facilities which are provided for the exclusive use of the person or persons who reside therein. If an Owner disagrees with the number of units contained within the Premises as assessed, it is up to the Owner to provide proof of the actual number of legally existing individual units within the Premises. In the absence of provision of proof to the satisfaction of the Region, the limit for the Premises in question shall be as determined by the Region;
- 1.20 “Eligible Property” means a Premises of Types A, B, C, D, E or F as set out in Section 14 and Schedule A to this By-law where:
- (a) container limits set out in Schedule A can be abided by in the normal course of waste generation activity; and
  - (b) the Owner of the Premises are in compliance with this By-law; and
  - (c) the only Material set out for collection is Material generated on that Premises;
- 1.21 ~~“Friendly Reminder” means a written notice by the Region, in a form similar to that set out in Schedule C to this By-law or As Designated, which is delivered to an Owner, or left in a visible location which can be readily seen at the Premises, to address Non-compliance;~~
- “Friendly Reminder” and “Final Friendly Reminder” means a written notice by the Region, in a form similar to that set out in Schedule B to this By-law or As Designated, which is delivered to an Owner, or left in a visible location, which can be readily seen at the Premises, or in a mailbox, to address Non-compliance;
- 1.22 “Garbage” means all non-hazardous, solid, residual waste which, for purposes of collection or drop-off at a Regional Drop-Off Location, does not fall within a recyclable class of Material as set out in Subsection 3.1(a) or elsewhere in this By-law and such other Material As Designated. It does not include grass;
- 1.23 “Garbage Container” means a waterproof opaque bag, receptacle, can, bin, or such other container As Designated, for the storing and setting out of Garbage. It does not include cardboard boxes;

~~1.24 “Garbage Exemption Week” means the five (5) collection days immediately following December 25 each year where residents of Type A, B, D and F Premises as shown in Schedule A are permitted to set out double their Garbage Container Limit for collection;~~

~~1.24 “Garbage Exemptions” mean exemptions as set out in Section 14 to the approved Garbage Container limits as shown in Schedule A. Type A,B,D and F Premises as defined in Schedule A of this By-law can receive a Garbage Exemption.~~

“Garbage Exemptions” mean exemptions as set out in Section 14 to the approved Garbage Container limits as shown in Schedule A;

~~1.25 “Garbage Tag” means a tag that can be purchased from the Region or authorized vendor and affixed to Garbage Container to allow additional limit of Garbage to be set out for collection. Only Type A Premises as defined in Schedule A of this By-law can use a Garbage Tag;~~

“Garbage Tag” means a tag that can be purchased from the Region or authorized vendor and affixed and untampered (i.e. torn in half) to the neck of a waterproof bag or on top of the Materials placed in a Garbage Container to allow additional limit of Garbage to be set out for collection. Only Type A Premises as defined in Schedule A of this By-law can use a Garbage Tag;

~~1.26 “Green Bin Container” means a container such as the Green Bin, Carts or the smaller kitchen catcher available from the Region, or approved alternative, used for the storing and/or setting out of Green Bin Material~~

“Green Bin Container” means a container such as a Green Bin, Carts or the smaller Kitchen Catcher available from the Region, or other rigid reusable closed or open-top container clearly labelled with handles used for storing and setting out Green Bin/Cart Material;

1.27 “Green Bin Material” means compostable organic Material collected under the Green Bin program As Designated by the Region, including but not limited to food waste (such as meat, bones, shells, tea bags), pumpkins, tissue paper, paper towels and napkins, paper egg cartons, 100% compostable paper cups and plates, dryer lint, soiled newspaper, cold fireplace ashes, brown paper bags, saw dust, wood shavings, paper take-out trays, kitty litter and Pet Waste. It does not include grass or Liquid Material;

- 1.28 “Grey Box” means a container available from the Region or approved alternative as set out in Section 11 of this By-law or As Designated, used to set out Grey Box Material;
- 1.29 “Grey Box Material” means recyclable Material that is collected as part of the Grey Box Program. The Material includes:
- (a) soft-covered books and hard-covered books with the covers removed;
  - (b) boxboard (non-waxed, such as cereal and cracker boxes);
  - (c) cardboard (non-waxed);
  - (d) fine paper and paper envelopes;
  - (e) newspapers and unaddressed ad mail and flyers;
  - (f) plastic bags and stretchy plastic outer-wrap including but not limited to plastic grocery and retail bags, outer-wrap from such things as clean food wrap, empty bread bags, empty produce bags, toilet paper and paper towel packaging, empty and clean milk bags dry cleaner bags. Plastic bags and stretchy plastic outer-wrap must be stuffed into one bag and securely tied;
  - (g) shredded paper placed in a securely-tied, transparent plastic bag;
  - (h) telephone books and magazines, including catalogues and all glossy publications; and
  - (i) other Material As Designated;
- 1.30 “Illegal Dumping” means the disposing of Material in non-designated areas, such as public roads, ditches, public property, rural areas, and public Litter bins, as set out in Section 38 of this By-Law. Illegal Dumping does not include Litter;
- 1.31 “Large Rigid Plastic” means hard plastic items that do not fit into a Blue Box for Curbside Collection such as but not limited to buckets, pails, pots, crates, trays, baskets, totes, toys, pools, furniture, chairs and car seats with no other parts, metal or Material attached. Large plastic items does not include plastic coolers, piping, siding or any plastic that also contain or have attached any wood, metal, insulation, rubber and non-plastic components;
- 1.32 ~~“Leaf and Yard Material” means leaves, weeds, trimmings, flowers, small twigs less than 1.5 cm in diameter and other Material As Designated, but does not include grass, Brush, soil, dirt, roots, rocks, stumps or sod;~~
- “Leaf and Yard Material” means leaves, weeds, trimmings, flowers, small twigs less than 1.5 cm in diameter and other Material As Designated, but does not include grass, Brush, soil, dirt, roots, rocks, logs, stumps or sod;

- 1.33 "Leaf and Yard Container" means reusable, rigid, open-top containers, paper bags or certified plastic compostable plastic bags As Designated by the Region. It does not include cardboard boxes or non-compostable plastic bags;
- 1.34 "Litter" means debris, refuse, or Material discarded outside the regular Collection Point or lying scattered about the area;
- 1.35 "Liquid Material" means Material which is not solid and which exhibits evidence of free water, or other liquids, whether or not contained;
- 1.36 "MPAC" means the Municipal Property Assessment Corporation;
- 1.37 "Material" is the broadest categorization of all that a Person or Owner wishes to dispose or recycle either through public collection or at a Regional Drop-Off Location. Subcategories of Material for collection are Collectable Material, including Recyclables and Non-Recyclables, to be prepared according to the class instructions in this By-law, and excluded Non-Collectable Material. Any Material may also be Non-Compliant because of its content or preparation. Subcategories of Material for drop-off at Regional Drop-Off Locations are Acceptable Material, to be prepared according to the category instructions in this By-law, and excluded Unacceptable Material;
- 1.38 "Multi-Purpose Property" means a single property as defined by MPAC and/or contained in applicable Site Plan Conditions, housing multiple Premises types;
- 1.39 "Non-Collectable Material" means Material forbidden, prohibited and not acceptable for Curbside collection pursuant to this By-law including:
- (a) hazardous waste which is corrosive, flammable, toxic, explosive or biomedical or as defined in Ontario Regulation 347, R.R.O. 1990, under the *Environmental Protection Act* or any successor legislation;
  - (b) prohibited Material as defined under the *Transportation of Dangerous Goods Act, 1992*, or any successor legislation;
  - (c) pathological waste, as defined and regulated in Ontario Regulation 347, R.R.O. 1990, under the *Environmental Protection Act* or any successor legislation;
  - (d) solid and liquid waste Material or substances which contain or could contain pathogen bacteria or micro-organisms that may be hazardous or dangerous;

- (e) motor vehicles or automotive parts;
- (f) live animals or fowl or carcasses or part of an animal or other creature, save for normal and bona fide Green Bin Material, which has been drained of all liquids;
- (g) septic or holding tank pumping's or raw sewage;
- (h) Material of any kind or nature that may be explosive or combustible or may cause fire including hot coals, ashes, oil-soaked or gasoline-soaked rags, papers, cloths or similar Material;
- (i) gaseous, semi-liquid or liquid waste including liquid industrial waste as defined in Ontario Regulation 347, R.R.O. 1990, under the *Environmental Protection Act* or any successor legislation;
- (j) sealed metal drums or barrels;
- (k) other Material as prohibited in any relevant Certificate of Approval issued by the Ministry of the Environment under the relevant legislation;
- (l) Sharps;
- (m) Construction, Renovation or Demolition Material including windows;
- (n) grass clippings;
- (o) Waste Electrical and Electronic Equipment (WEEE);
- (p) batteries (all types);
- (q) White Goods; and
- (r) other Material As Designated;

1.40 "Non-Compliant" means Material not prepared for collection or Regional Drop-Off Location deposit in accordance with the requirements set out in this By-law. "Non-Compliance" has the related meaning;

1.41 "Owner" includes but is not limited to:

- (a) a Person who is the registered owner and or the beneficial owner of Premises which is subject to this By-Law;
- (b) the Person for the time being managing or receiving the rent of from Premises, which is subject to this By-Law, whether on the Person's own account or as agent or trustee of any other Person or who would receive the rent if the Eligible Property was let; and
- (c) a Person who is a lessee or occupant or tenant of the Premises who in their capacity as lessee or occupant manages or is in charge or control Premises, which is subject to this By-Law;

There may be more than one Owner within the forgoing definition with respect to a particular Premises;

1.42 "Person" includes a partnership, an unincorporated association, a corporation, a cooperative society or a cooperative organization, the

successors of a partnership, of an association, of a corporation, of a society or of an organization and the heirs, executors, liquidators of the succession, administrators or other legal representatives of a Person;

1.43 ~~“Pet Waste” means animal excrement generated by small household pets including cats, dogs, small rodents or other similar indoor pets kept for companionship and enjoyment, but excluding horses, cows, chickens or other similar farm, wild, working, undomesticated or commercial livestock animals;~~

“Pet Waste” means animal excrement generated by small household pets including cats, dogs, small rodents or other similar indoor pets kept for companionship and enjoyment, and including pet bedding, whether separate or intermingled with such excrement, but excluding animal excrement generated by horses, cows, chickens or other similar farm, wild, working, undomesticated or commercial livestock animals;

1.44 “Premises” means land and buildings combined in the geographic area of Niagara region or a part of such land and buildings combined in the case of land and buildings which contain multiple self-contained units with respect to which a Person is considered an Owner. Premises shall be categorized by type in accordance with the definitions contained in Schedule A;

1.45 “Region” or “the Region” means The Regional Municipality of Niagara or an authorized representative of The Regional Municipality of Niagara, including a Regional Drop-Off Location site attendant, a contractor or its employee, or a by-law enforcement officer, as appropriate in the context;

1.46 ~~“Regional Drop-Off Location” means a temporary or permanent location set up by the Region for drop-off of Material including but not limited to a location where Drop-off/Recycling, composting, Household Hazardous Waste Collection or Landfilling occurs;~~

“Regional Drop-Off Location” means a temporary or permanent location set up by the Region for drop-off of Material including but not limited to waste, recyclables, compost, or household hazardous waste;

1.47 “Registered Charities” are charitable organizations, public foundations, or private foundations that are created and resident in Canada and have been issued a charitable registration number by the Canada Revenue Agency (CRA). They must use their resources for charitable activities and have charitable purposes in one or more of the following: the relief of poverty, the advancement of education, the advancement of religion or other purposes that benefit the community. To receive exemption under Section 14.7 the

Registered Charities must be the direct generators of Blue Box Material, Grey Box Material, Green Bin Material or Garbage;

1.48 “Scavenge” means to search through, pick over or remove objects or Material set out for Curbside collection or deposited at a Regional Drop-Off Location;

1.49 ~~“Set Out Service” means the provision of onsite service for residents living in Type A Premises as listed in Schedule A to this By-law and who are unable to physically carry their Blue/Grey Box Materials and Green Bin Material to the curb for collection;~~

“Set Out Service” means the provision of onsite service, as approved by the Region, for Owners living in Type A Premises as listed in Schedule A to this By-law and who are unable to physically carry their Garbage, Blue/Grey Box Materials and Green Bin Material to the curb for collection. Set Out Service only includes Garbage, Blue/Grey Box and Green Bin Material. Set Out Service does not include Leaf and Yard Material, Bulky Goods, Brush, or any other excluded items, As Designated by the Region;

1.50 ~~“Sharps” means medical or veterinary equipment intended for the purpose of cutting or piercing and includes medical needles or syringes;~~  
“Sharps” means blades, needles, syringes, including safety engineered needles, laboratory glass, or other Materials capable of causing punctures or cuts;

1.51 “Site Plan Conditions” means comments and conditions provided by the Region during the site plan application process pursuant to the Region’s Policy “Requirements for Waste Collection”;

1.52 “Waste Disposal Site” means as defined in the Environmental Protection Act, R.S.O. 1990, Ch. E.19, or any successor legislation (“Environmental Protection Act”);

1.53 “Waste Electrical and Electronic Equipment (WEEE)” means equipment ~~accepted through the WEEE Program Plan operated by a stewardship program as defined by O.Reg. 389/16 under the Waste Diversion and Transition Act, 2016, or any successor legislation,~~ including but not limited to the following:

- (a) Desktop computers;
- (b) Portable computers;

- (c) Computer peripherals (keyboards, mice, hard drives, optical drives – CD Blu-ray, DVD, HD-DVD);
- (d) Monitors;
- (e) Televisions;
- (f) Desktop printing devices, including copiers and multi-function devices;
- (g) Floor standing devices, including printers, photocopiers and multi-function devices;
- (h) Scanners and typewriters;
- (i) Telephones and answering machines;
- (j) Cellular phones, PDA's and pagers;
- (k) Audio and video players/recorders (MP3, cassette, digital);
- (l) Cameras;
- (m) Radios;
- (n) Receivers;
- (o) Speakers;
- (p) Turntables;
- (q) Video players/projectors, digital frames;
- (r) Video recorders; and
- (s) Personal handheld computers, tablets.

1.54 “White Goods” means major household appliances or items such as stoves, washers, dryers, dishwashers, dehumidifiers, water tanks, barbeques, swing sets, bicycles, air-conditioning units, heat-pumps, refrigeration units or freezer units and other Material As Designated.

## **PART II –COLLECTION SERVICES**

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

- 2.1 The Region provides collection of all Collectable Material from Eligible Properties in the Region according to the terms of this By-law and subject to other terms As Designated.
- 2.2 The Region also provides enhanced services as requested, approved and funded by local municipalities.
- 2.3 No Owner shall be eligible for collection unless the Owner complies with this By-law and other terms As Designated.
- 2.4 The Region may retain a contractor or contractors to fulfill the Region's responsibilities under this By-Law.

2.5 If, due to breakdown of equipment, strike, inclement weather, or any other cause, waste collection is not provided to an Eligible Property, the Region shall not be liable to any Person for any damages, costs, loss or expenses of any kind due to the failure of such waste collection to take place.

### 3. Classes of Collectable Material

3.1 The Classes of Collectable Material are:

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

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

### 4. Separate According to Class and Class Provisions

- 4.1 If collection service is available to an Eligible Property for any of the above Classes, then the Material which an Owner sets out for collection must be separated according to Class.
- 4.2 Every Owner shall prepare Collectable Material according to the provisions in Sections 5 through 14 of this By-law relevant to each Class of Material.

### 5. Brush

- 5.1 ~~Brush set out for Curbside collection:~~  
Brush shall be set out for collection in accordance with the schedule of collection days As Designated and

- (a) shall be packaged in bundles where each individual piece of Material shall not exceed 7 cm (2.8 inches) in diameter and where each bundle shall not exceed:
  - i. a size of 1.5 m (5 feet) in length by 0.5 m (1.6 feet) in diameter; and
  - ii. a weight of 22.7 kg (50 pounds); and
- (b) if collected on the same day as other Material, shall be clearly separated from any other class of Material set out for collection.

5.2 Brush is only collectable from a Type A Premises as defined in Schedule A to this By-law. Further information on the collection of Brush is available from sources noted in Section ~~53~~ 54 of this By-law.

## 6. Bulky Goods

6.1 Bulky Goods are only collectable from a Type A Premises as defined in Schedule A to this By-law. Further information on the collection of Bulky Goods is available from the sources noted in Section ~~53~~ 54 of this By-law.

6.2 Bulky Goods set out for Curbside collection:

- (a) shall be in a contained state neatly placed at the Curbside; and
- ~~(b) shall be dismantled if possible; and~~
- ~~(b) shall not be stacked; and~~
- ~~(c) shall not include construction, demolition or renovation Material.~~
- ~~(c) shall not have Material stacked or loose set on top of Bulky Goods; and~~
- ~~(d) shall be dismantled if possible; and~~
- ~~(e) shall not include Construction, Renovation and Demolition Material; and~~
- ~~(f) must be of a weight and dimension to be able to fit into the collection vehicle in a safe and efficient manner, As Designated by the Region; and~~
- ~~(g) limit of four (4) items per collection per Eligible Property.~~

6.3 The Owner must arrange in advance with the Region's collection contractor for the scheduled collection of Bulky Goods As Designated. Information on how to schedule collection is available from the sources noted in Section ~~53~~ 54 of this By-law.

~~6.4 Contaminated (i.e. bed bugs) mattresses or box springs must be wrapped in plastic to be eligible for pick-up.~~

- 6.4 Contaminated items (e.g. mattresses with bed bugs), as determined by the Region, must be wrapped in plastic to be eligible for pick up.
- 6.5 Artificial Christmas trees ~~Trees~~ shall be set out for scheduled collection as Bulky Goods.
- 6.6 Collectable Material which can fit within a regular Garbage Container should not be disposed of as Bulky Goods, but as Garbage.
- ~~6.7 Bulky Goods collection is available on occasion to dispose of a reasonable amount of normal household items created in the normal course of waste generation activity and is not to be used to dispose of entire dwelling unit contents or for move outs.~~
- [INTENTIONALLY OMITTED].
- 6.8 Glass shards resulting from broken mirrors, dishes, picture frames or other household glass, not including windows, are collectable as Bulky Goods if:
- (a) placed in a separate, sturdy, walled container to be collected with its glass shard contents, and secured so as to remain closed and to protect the safety of collection personnel;
  - (b) labelled appropriately (i.e. "Broken Glass"); and
  - (c) Large glass pieces (greater than 1.5ft by 1.5ft) must be removed from any bulky item, packaged or wrapped separately in a cardboard, bubble wrap or another approved packaging Material, and appropriately labelled (i.e. "Glass") to protect the safety of collection personnel.

## 7. Christmas Trees

- 7.1 Christmas Trees ~~trees~~ shall be set out for Curbside collection without wrapping, bagging, tinsel, lights or any other decorations, in accordance with the schedule of collection days and times As Designated. Further information on the collection of Christmas Trees ~~trees~~ is available from the sources noted in Section ~~53~~ 54 of this By-law.
- 7.2 Christmas Trees ~~trees~~ are only collectable from Type A Premises, as defined in Schedule A to this By-law.
- 7.3 No Owner shall set out a Christmas Tree unless it, or segments cut from it, are less than 3 metres (10 feet) in length and free of all accessories, decorations and plastic wrap. No Artificial Christmas Trees, wrapped or

bagged trees, will be collected for this purpose. Refer to Section 6, Bulky Goods, for the collection of Artificial Christmas Trees.

8. Blue Box Material

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

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

- i. in designated recyclable containers (Blue Box) available from the Region; or
- ii. in a Cart only for Type B-F Premises as set out in Schedule A to this By-law for; or
- iii. in clearly marked, reusable, solid-walled, rigid containers with handles or indentations on two (2) sides; ~~or to facilitate the lifting and emptying of the said receptacle; or~~
- iv. in transparent plastic bags; or
- v. in a sturdy non-waxed cardboard box (box will be recycled); and

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

- ~~i. not exceeding a size of up to 91 cm (3 feet) in height by 61 cm (2 feet) in width; and~~
- i. height not exceeding a size of up to 91 cm (3 feet) measured internally from the bottom of the receptacle to the top lip of the opening; and no width exceeding a size of up to 61 cm (2 feet) measured internally from side to side, not corner to corner, or as determined by the Region; and
- ii. not exceeding a weight (of container and Material together) of 22.7 kg (50 pounds); and
- iii. Carts for Type B-F Premises are exempt from 8.1 (b) (i) and (b) (ii); and
- iv. be of sufficient quality to withstand normal collection activities and use; and
- v. for Blue Box containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed by the Owner prior to collection; and

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

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

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

8.3 Further information on the collection of Blue Box Materials is available from the sources noted in Section ~~53~~ 54 if this By-law.

## 9. Leaf and Yard Material

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

- (a) packaged in rigid, reusable, open-top containers or compostable paper bags or certified compostable plastic bags As Designated:
  - i. not exceeding 91 cm (3 feet) in height by 61 cm (2 feet) in diameter; and
  - ii. not exceeding a total weight (of container and Leaf and Yard Material together) of 22.7 kg (50 pounds.); and
  - iii. for Leaf and Yard Containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed by the Owner prior to collection; and
- (b) in such a way as to clearly separate it from any other class of Collectable Material set out for collection on the same Premises.

9.2 Non-compostable plastic bags (without a 'Biodegradable Products Institute' or '100% Compostable' logo) or cardboard boxes are not permitted.

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

9.4 Further information on the collection of Leaf and Yard Material is available from the sources noted in Section ~~53~~ 54 ~~if~~ of this By-law.

## 10. Green Bin Material

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

- (a) in a Green Bin Container available from the Region or other suitable containers in accordance with 10.1 (c) packaged in:

- ~~i. using certified compostable plastic bags As Designated; or~~
- ~~ii. in paper bags; or~~
- ~~iii. wrapped securely in newspaper; or~~
- ~~iv. loosely.~~

- i. Compostable plastic bags with BPI logo;
- ii. Paper bags;
- iii. Wrapped in newspaper; and/or
- iv. Placed directly into the Green Bin container in a loose fashion.

(b) in a Cart only for Type B-F Premises as set out in Schedule A to this By-law for; or

(c) in other containers labelled "Organics":

- i. not exceeding 91 cm (3 feet) in height by 61 cm (2 feet) in diameter; and
- ii. not exceeding a total weight (of container and Green Bin Material together) of 22.7 kg (50 pounds); and
- iii. which are equipped with handles; and
- iv. Carts are exempt from 10.1 (c) i-iii; or

(d) in such a way as to clearly separate it from any other class of Collectable Material set out for collection on the same Premises.

10.2 Small amounts of Leaf and Yard Material including weeds, garden Material, trimmings, and twigs smaller than 1.5 cm (0.5 inches) in diameter and no longer than 30.5 cm (12 inches), excluding grass, are permitted as Green Bin Material.

10.3 Pet Waste and kitty litter shall be either bagged using small certified compostable plastic bags As Designated, paper bags or completely wrapped in newspaper before being placed in the Green Bin/Cart or other labelled container as above.

~~10.4 Green Bin Material that has a tendency to turn into liquid shall be packaged and not be loose so the liquid does not leak or spill during collection. Liquid Material is not permitted in the Green Bin/Cart. The collection service is designed for solid Material.~~

10.4 Green Bin Material that has a tendency to turn into liquid, as determined by the Region, shall be packaged and not be loose so the liquid does not leak or spill during collection. Liquid Material or Material that exhibits evidence

of free water, or other liquids, whether or not contained is not permitted in the Green Bin/Cart. The collection service is designed for solid Material.

10.5 Further information on the collection of Green Bin Material is available from sources noted in Section ~~53~~ 54 of this By-law.

11. Grey Box Material

11.1 Grey Box Material shall be set out for collection according to the following requirements:

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

- i. in designated recycling containers (Grey Box) available from the Region; or
- ii. in clearly marked, reusable, solid-walled, rigid containers with handles or indentations on two (2) sides to facilitate the lifting and emptying of the said receptacle; or
- iii. in a Cart only for Type B-F Premises as set out in Schedule A to this By-law; or
- iv. in transparent plastic bags; or
- v. in a sturdy non-wax cardboard box (box will be recycled); or
- vi. in case of cardboard, must bundle together in bundles not exceeding a size of 91 cm (3 feet) in width by 91 cm (3 feet) in length by 91 cm (3 feet) in depth and not exceeding a weight of 22.7 kg (50 pounds); or
- vii. in the case of flattened cardboard placed inside another cardboard box, which cardboard box must not exceed a size of 91 cm (3 feet) in width by 91 cm (3 feet) in length by 91 cm (3 feet) in depth and not exceeding a weight of 22.7 kg (50 pounds); ~~or~~ Loose cardboard must be flattened and tied using twine, packing tape or an approved alternative, in bundles no larger than 91 cm (3 feet) x 91 cm (3 feet) x 91 cm (3 feet), and not exceeding a weight of 22.7 kg (50 pounds); or
- viii. in the case of plastic bags and stretchy plastic outer-wrap, by placing all loose plastic bags or plastic film in one securely tied Plastic Bag (not loose in the Grey Box); and

(b) Grey Box containers must meet the following requirements:

- i. not exceed a size of up to 91 cm (3 feet) in height by 61 cm (2 feet) in width; and
- ii. not exceed a weight (of container and Material together) of 22.7 kg (50 pounds); and

- iii. Carts for Type B-F Premises are exempt from 11.1 (b) i – ii;
- iv. be of sufficient quality to withstand normal collection activities and use; and
- v. For Grey Box containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed by the Owner prior to collection; and

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

(c) contents placed within a Grey Box container shall not exceed 91 cm (3 feet) x 91 cm (3 feet) x 91 cm (3 feet); and

(d) clearly separated from any other class of Collectable Material on the same Premises.

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

11.3 Further information on the collection of Grey Box Material is available from sources noted in Section ~~53~~ 54 of this By-law.

## ~~12. White Goods~~

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

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

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

~~12.4 The Owner must arrange in advance with the Region for the scheduled collection of White Goods As Designated. Information on how to schedule collection is available from the sources noted in Section 53 of this By-law.~~

[INTENTIONALLY OMITTED]

13. Garbage

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

- (a) packaged in a Garbage Container:
  - i. not exceeding a size of 91 cm (3 feet) in height by 61 cm (2 feet) in diameter; and
  - ii. not exceeding a weight (of container and waste) of 22.7 kg (50 pounds); and
  - iii. receptacle, can, bin or other container As Designated must be equipped with handles on two (2) sides; and
  - iv. be of sufficient quality to withstand normal collection activities and use; and
- (b) such that the contents shall not exceed the limits of the top of the Garbage Container; and
- (c) in such a way as to clearly separate it from any other classes of Collectable Material on the same Premises; and
- (d) if required by this By-law, with the relevant Garbage Tag affixed, refer to Section 14.1 (a); and
- (e) containing no other Classes of Collectable Material including but not limited to Leaf and Yard Material, Green Bin Material, Blue Box Material and Grey Box Material and Non-Collectable Material.

13.2 For Garbage Containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed by the Owner prior to collection.

13.3 Garbage that is Non-Compliant, or which contains other classes of Collectable Material and/or Non-Collectable Material, may not be collected.

14. Collection Limits and Procedure for Garbage Exemptions

~~14.1 The maximum number of Garbage Containers per week which may be collected from different types of Premises shall be as set out in Schedule A to this By-law as follows:~~

14.1 The maximum number of Garbage Containers set out every-other-week for Type A, B, E, F Premises and every week for Type C and D Premises shall be as set out in Schedule A to this By-law as follows:

- (a) An Owner of a Type A self-contained unit may set out additional Garbage Containers provided that each extra Garbage Container has the appropriate Garbage Tag affixed, which Garbage Tag has been purchased from the Region or its authorized vendor; and
- (b) the Garbage Tag shall be affixed:
  - i. untampered to a Garbage Container: (i.e. torn in half) to the neck of a waterproof bag or on top of the Materials placed in a Garbage Container to allow additional limit of Garbage to be set out for collection. Only Type A Premises as defined in Schedule A of this By-law are eligible to use a Garbage Tag; Any tampered Garbage Tags will not be accepted and Material will not be collected; and
  - ii. in a clearly visible location readily seen upon removal of the container's lid for a non-disposable Garbage Container such as a Garbage can, bin or receptacle. The Garbage Tag shall not be placed directly on the can, bin, handle or receptacle.
  - iii. Information on Garbage Tags is available from the sources noted in Section 53 54 of this By-law.
- (c) an Owner of Premises may be allowed a Garbage Exemption, subject to application and approval by the Region for the following reasons; if they do not also have private Garbage collection services, and subject to application and approval by the Region for the following reasons:
  - i. A medical condition that results in the generation of additional Garbage for Type A Premises and group homes, homes for adults with disabilities and homes for assisted living;
  - ii. for Type A Premises with two or more children under the age of four in diapers one (1) additional transparent plastic bag of diapers combined with no other Collectable material; two (2) additional transparent plastic bags of diapers with no other Collectable material for three or more children under the age of four (4) in diapers;
  - ii. Type A Premises with one child under the age of four in diapers can apply for collection of one (1) transparent plastic bag of diapers combined with no other collectable material, to be collected on the week alternate to their regularly scheduled Garbage collection day. These properties are restricted to two Garbage Containers and no additional bag of diapers on their regularly scheduled Garbage collection day.

- iii. for a Type A Premises operating as an in-home child care provider, two (2) additional transparent plastic bags of diapers with no other Collectable Material.
  - iii. Type A Premises with two children under the age of four in diapers can apply for weekly collection of one (1) transparent plastic bag of diapers combined with no other Collectable Material;
  - iv. Type A Premises with three or more children under the age of four in diapers can apply for weekly collection of two (2) transparent plastic bag of diapers combined with no other Collectable Material;
  - v. Type A Premises operating as an in-home child care provider can apply for weekly collection of two (2) additional transparent plastic bag of diapers combined with no other Collectable Material;
- (d) an Owner of a Type A Premises may set out ~~one (1)~~ two (2) additional Garbage Containers during ~~Garbage Exemption~~ Amnesty Week;
- (e) an Owner of Type B Premises may set out for collection a maximum of ~~one (1)~~ two (2) containers per unit up to a maximum of ~~twelve (12)~~ containers twenty-four (24) Garbage Containers every-other-week per Premises;
- (f) an Owner of Type B Premises may set out a maximum of ~~one (1)~~ two (2) additional Garbage Containers per unit up to a maximum of ~~twelve (12)~~ twenty-four (24) additional Garbage Containers per Premises during Garbage Exemption Amnesty Week;
- (g) an Owner of Type C-D Premises may set out for collection a maximum of ~~seven (7)~~ containers four (4) Garbage Containers weekly;
- (h) an Owner of Type D Premises may set out ~~seven (7)~~ four (4) additional Garbage Containers during ~~Garbage Exemption~~ Amnesty Week ~~to assist in disposing of extra Garbage generated;~~
- (i) an Owner of Type E and F Premises may set out for collection a maximum of ~~four (4)~~ containers eight (8) Garbage Containers every-other-week;

- (j) an Owner of Type F Premises may set out ~~six (6)~~ eight (8) additional Garbage Containers during ~~Garbage Exemption~~ Amnesty Week to ~~assist in disposing of extra Garbage generated~~;
  - (k) an Owner of Type F Premises may set out ~~six (6)~~ eight (8) additional Garbage Containers during ~~Garbage Exemption~~ Amnesty Week to ~~assist in disposing of extra Garbage generated~~.
- 14.2 The number of Blue Box, Grey Box or Carts which may be collected from different types of Premises shall be as set out in Schedule A to this By-law, that is:
- (a) for Type A Premises, an Owner may set out for collection unlimited Blue and Grey Boxes;
  - (b) for Type B Premises, an Owner may set out for collection unlimited Carts with a guideline of one (1) Cart for every twenty (20) units for Blue Box Material and one (1) Cart for every eleven (11) units for Grey Box Material;
  - (c) for Type ~~C-F~~ C, D and F Premises, an Owner may set out for collection unlimited Blue and Grey Boxes or Carts, but will be subject to review by the Region to ensure that efficient and cost effective services are maintained;
  - (d) for Type E Premises, an Owner may set out for collection up to a combined total of eight (8) Blue and Grey Carts or the equivalent number of units as determined solely by the Region. Type E Premises that consistently exceed the eight (8) Cart equivalent limit with Boxes, bundles or bags, as solely determined by the Region, will be encouraged to use Carts. If the Owner of a Premises fails to switch to Cart collection, despite the Region's attempts to encourage the switch, the Region may, at their discretion, and upon written notice to the Owner, cease collection from the Premises until such time as the property switches to adequate Cart collection, to the satisfaction of the Region.
- 14.3 The number of Green Bin Containers or Carts which may be collected from different types of Premises shall be as set out in Schedule A to this By-law, that is:
- (a) for Type A Premises, an Owner may set out for collection unlimited Green Bins;

- (b) for Type B Premises, an Owner may set out for collection Green Bins or Green Carts on a request only basis in the quantity determined by the Region;
  - (c) for Type ~~G-F~~ C, D and F Premises, an Owner may set out for collection unlimited Green Bins or Carts, but will be subject to review by the Region to ensure that efficient and cost effective services are maintained;
  - (d) for Type E Premises, an Owner may set out for collection up to eight (8) Green Carts or the equivalent number of Green Bins as determined solely by the Region. Type E Premises that consistently exceed the eight (8) Cart equivalent limit with Green Bins, as solely determined by the Region, will be encouraged to use Carts. If the Owner of a Premises fails to switch to Cart collection, despite the Region's attempts to encourage the switch, the Region may, at their discretion, and upon written notice to the Owner, cease collection from the Premises until such time as the property switches to adequate Cart collection, to the satisfaction of the Region.
- 14.4 In all cases, the Material collected during collection must be Material generated at the self-contained unit for Type A Premises or on the Premises for Type B - F Premises.
- 14.5 ~~Any Type E and F Premises, as shown in Schedule A, that use private Garbage services or are not able to stay within the Garbage limit are not eligible for Garbage collection services.~~
- (a) Type A Premises that use private Garbage collection services or are not able to stay within the Garbage limit, as determined by the Region, are subject to review by the Region and may not be eligible for Garbage and/or Bulky collection services as Designated.
  - (b) To be eligible for Garbage collection services, Type C-F Premises must utilize the Region's recycling and organics collection services.
  - (c) Subsections (a) and (b) apply to both base and enhanced service, where applicable.
- 14.6 Any Type C or E Premises, as shown in Schedule A with a building greater than three (3) storeys, as determined by the Region, excluding municipal or Region owned buildings are not eligible for any collection services.

- 14.7 Any Type B - F Premises, as shown in Schedule A, that retain private service for Blue or Grey Box Material collection will not be eligible for ~~curbside collection of any other Material~~ Regional collection services. An exemption to this clause applies for regional and municipal facilities, Regional Agencies, Boards and Commissions, as well as Registered Charities and schools, subject to application and approval by the Region.
- 14.8 Collection limits for types of Premises are determined by the Region in accordance with Schedule A using the property classifications designated by MPAC and/or contained in applicable Site Plan Conditions. In the event of discrepancy, the Region's designation of the Premises type will prevail. If an Owner disagrees with the number of units contained within the Premises as assessed, it is up to the Owner to provide proof of the actual number of legally existing individual units within the Premises. In the absence of provision of proof to the satisfaction of Niagara Region, the limit for the Premises in question shall be as determined by the Region. In the event of a Multi-Purpose Property, each individual Premises is subject to their respective eligibility requirements and collection limits.
- 14.9 On a request basis, residential farms, as determined by the Region using the property classification identified by MPAC, can receive either Type A or Type E collection limits. If a residential farm does not request a farm exemption, the premises will be serviced, as per their property classification identified by MPAC, as set out in Schedule A to this By-law.

## PART III – COLLECTION RESTRICTIONS AND RESPONSIBILITIES

### 15. Collection Restrictions and Responsibilities

#### 15.1 No Person or Owner shall set out nor permit to be set out:

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

#### 15.2 The Owner of Premises shall set out for collection the Classes of Collectable Material at the locations as shown in Section 16, in the manner, and in accordance with the schedules of collection days As Designated. See Section ~~53~~ 54 of this By-law for further sources of schedule and Material preparation information.

#### 15.3 (a) If the Owner of a Premises fails to comply with the responsibilities and requirements as set out in this By-law, the Region may, at the discretion of

the Commissioner of Public Works or his/her designate, and upon written notice, either by ordinary mail (where receipt is deemed to be three (3) days after mailing), registered mail or hand delivered, to the Owner, cease collection from the Premises until such time as the non-compliance is corrected to the satisfaction of the Region.

- 15.3 (b) If the Owner of a Premises or a tenant engages in any inappropriate behaviour, riotous, violent, threatening or illegal conduct, or uses profane or abusive language, as determined by the Region, towards Region staff or contractors' staff, the Region may, at the discretion of the Commissioner of Public Works or his/her designate, and upon written notice to the Owner, cease collection from the Premises until such time as the inappropriate behaviour, conduct and/or language is corrected to the satisfaction of the Region.
- 15.4 The Owner of any Premises receiving collection shall be responsible to ensure that all Persons on the Premises who use or expect to use the Region's collection service receive and follow the instructional information relating to the service provided by the Region.
- 15.5 The Owner of any Premises receiving collection shall be responsible to ensure that animals such as dogs are secured or tied to ensure safety of collection workers and uninterrupted collection.
- 15.6 The Owner of a Premises shall not interfere with collection vehicles or personnel.
- 15.7 The Owner of a Premises shall not deposit any Material into a collection vehicle.
- 15.8 In the event a change is made to the schedules of collection day As Designated, the Region shall make reasonable efforts to advise all affected persons by publication or service of notice upon the Owner of the affected Premises as provided for in this section. Publication for purposes of this section means notice placed on the Region's website at least fourteen (14) days prior to any As Designated changes to collection schedule or area being implemented. Service of notice by the Region for purposes of this section means notices given to the Owner of affected Premises either mailed by ordinary mail (where receipt is deemed to be three (3) days after mailing), registered mail, or hand delivered to the address of the Owner according to the last revised assessment roll of the subject property or by posting the notice at the subject property, and such service shall be deemed good and sufficient notice effective upon delivery. Information posters and media releases may be used, in addition to the above publication or service methods. In the event of an emergency

situation, as determined by the Region, involving a matter of public health and safety or a legal or regulatory requirement which requires As Designated changes to be implemented faster than on fourteen (14) days' notice, the Region may in its discretion provide less than fourteen (14) days' prior notice but will endeavour to provide as much notice as reasonably practicable.

16. Collection Location

- 16.1 Except as set out in 16.2 the Owner of Premises shall set out Material for collection by placing it at Curbside in front of the Premises in a location to clearly distinguish separation from a neighbouring Premises and as close as possible to the travelled portion of the road without obstructing or interfering with the travelled portion of the road or any sidewalk.
- 16.2 The Owner of Premises shall set out Material at a collection point or Communal Collection point approved or as determined by the Region. Dwelling Units that place their Material at a Communal Collection point must ensure all collection containers are labelled with the Dwelling Unit address to clearly distinguish separation from neighbouring Dwelling Units.
- 16.3 No Owner shall place Material out for collection at any Premises except at their own Premises.
- 16.4 No Owner shall permit Material at any time in the eCare and cControl of that Owner to be located otherwise than on their Premises or in a Collection location permitted by Section 16 of this By-law.
- 16.5 No Owner shall place Material out for collection on top or behind snow banks. This will ensure the Material can safely be collected and prevent containers from falling behind the snow bank or onto the roadway before or after collection. During winter weather, when snow or snow banks may alter the normal set out location, the Owner shall place the Material:
- (a) at the end of the driveway next to the snow bank; or
  - (b) in a spot cleared out in the side of the snow bank near the travelled portion of the road.
- 16.6 Material shall not be collected from inside an enclosure, shed or other structures As Designated, unless otherwise approved by the Region. Enclosures must be placed as close as possible to the travelled

portion of the road without obstructing or interfering with the travelled portion of the road or any sidewalk, unless otherwise approved by the Region. Collection personnel must be able to access Materials from enclosures by opening the enclosure from the front not the top and must be able to remove Materials from the enclosure without any obstruction.

## 17. Collection Times

- 17.1 Collectable Material shall be set out not earlier than 5:00 p.m. on the day before the designated collection day and not later than 7:00 a.m. on the designated collection day.
- 17.2 The Owner shall remove all containers, together with any Material that was not collected for any reason, from the Curbside as soon as possible after collection, but not later than 7:00 p.m. on the designated collection day.
- 17.3 Material left Curbside before and after collection times will be the responsibility of the Owner of the Premises.
- 17.4 From time to time, the Region may define specific collection times other than those ~~referenced in as shown in~~ Section 17.1 and 17.2 for As Designated areas. The Owner of a Premises in an As Designated area shall set out Collectable Material for collection at the prescribed times and schedule As Designated which will be published or communicated by the Region for the As Designated areas. Publication for purposes of this Section ~~and Section 42~~ means notice placed on the Region's website at least ~~thirty (30)~~ fourteen (14) days prior to any As Designated changes to collection schedule or area being implemented. Communication by the Region for purposes of this Section ~~and Section 41~~ means notices given to Owner of affected Premises either mailed by ordinary mail (where receipt is deemed to be three (3) days after mailing) ~~or collection schedule or area being implemented (effective on delivery)~~, registered mail or hand delivered to the address of the Owner according to the last revised assessment roll of the subject property or the notice may be posted at the subject property, and such service shall be deemed good and sufficient service, effective upon delivery. Information posters and media releases may be used, in addition to the above publication or communication methods. In the event of an emergency situation, as determined by the Region, involving a matter of public health and safety or a legal or regulatory requirement which requires As Designated changes to be implemented faster than on fourteen (14) days' notice, the Region may in its discretion provide less than fourteen (14) days' prior notice but will endeavour to provide as much notice as reasonably practicable.

### Acceptable Containers

18.1 The Owner of Premises shall set out for collection only containers which are:

- (a) each container shall be maintained in a safe and efficient condition for collection and have handles or indentations to facilitate the lifting and emptying of the said receptacle; and
- (b) intact, as required, to prevent spillage or breakage during collection; and
- (c) sealed contained as required, to prevent the attraction of animals (including insects) and the release of odours; and
- (d) free of excess water, ice and snow or other substances which may interfere with collection. Any Material which has become frozen or stuck to the collection container and cannot be easily discharged will not be collected; or
- (e) Approved alternative, as determined by the Region.

### 18. Uncontained Material

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

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

19.3 Where Material that has been set out for collection has blown away or otherwise escaped in any manner, the Owner of a Premises from which the Material originated shall clean up the Material.

### 19. Ownership

20.1 All properly prepared and separated Collectable Material set out within the designated times becomes the property of the Region upon pick-up or other receipt by authorized employees or contractors of the Region.

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

20.3 At the Region's discretion, the Region may authorize the collection by the Region or Contractors, of Non-Compliant or Non-Collectable Material for the purpose of investigation or health, safety and welfare of the general public.

## 20. Requirements for Waste Collection

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

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

21.2 Wherever practical, in accordance with the approved site plan and Region's *Requirements for Waste Collection* Policy as determined by the Region, Material from each unit shall be sufficiently separated to allow identification of the unit generating the Material for purposes of the enforcement of this By-Law.

## PART IV – REGIONAL DROP-OFF LOCATIONS

### 22. Drop-off of Acceptable Material

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

23. Unacceptable Material

23.1 No Person shall drop off, or permit to be dropped off, unacceptable Material at a Regional Drop-Off Location.

23.2 Unacceptable Material includes the following:

- (a) any dangerous and hazardous Material such as poisons, hot live ashes, caustics, acids, pesticides, herbicides, radioactive Material, industrial process sludge, biomedical waste, or substances which may cause personal or environmental problems with the exception of the Household Hazardous Waste categories as set out in Section 27;
- (b) ammunition;
- (c) reactive chemical waste;
- (d) liquid waste with the exception of certain Household Hazardous Waste categories as set out in Section 27;
- (e) pathological waste with the exception of Sharps;
- (f) sludge from septic tanks or seepage;
- (g) highly flammable, volatile, explosive, reactive or radioactive Materials with the exception of certain Household Hazardous Waste categories as set out in Section 27;
- (h) leachate toxic waste;
- (i) PCB waste;
- (j) carcasses of dogs, cats, fowl and other such creatures, or parts thereof;
- (k) live animals or birds;
- (l) human excrement;
- (m) steel and plastic barrels, unless the lid is removed and the barrel is empty and dry;
- (n) automotive parts, not including automobile tires or small automotive parts;
- (o) waste with excess liquid accumulated in the load or Material that fails a slump test;
- (p) ~~other Material As Designated.~~ asbestos not prepared as set out in Section 29; and
- (q) other Material As Designated.

24. Acceptable Material

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

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

25. Acceptable Drop-off/Recycling Material

25.1 Acceptable Material for Drop-off includes the following:

- (a) automobile tires separated from the rims and free of foreign Material and excessive moisture;
- (b) asphalt and concrete
- (c) batteries, either single use alkaline or rechargeable;
- (d) Blue Box Material;
- (e) Bulky Goods;
- (f) clothing for re-use;
- (g) Collectable Material;
- (h) ~~e~~Construction, ~~r~~Renovation and ~~d~~Demolition Material, including drywall, wood, metal, PVC pipe and other building Materials;
- (i) Garbage;
- (j) Grey Box Material;
- (k) Household items for re-use including small appliances and toys and other such goods;
- (l) Large Rigid Plastic
- (m) Mattresses up to a maximum of four (4) per load, with the exception of loads delivered by the Region's Collection Contractor
- (n) shingles
- (o) Waste Electrical and Electronic Equipment with personal information removed:
- (p) White Goods, and
- (q) other Material As Designated.

25.2 There may be locations where less than this full list may be Acceptable. Consult the sources listed in Section ~~53~~ 54 for further information.

26. Acceptable Compost Material

26.1 Acceptable Material for composting includes the following:

- (a) Brush;

- (b) Christmas Trees;
- (c) Green Bin Material;
- (d) Leaf and Yard Material;
- (e) Grass clippings;
- (f) ~~other Material As Designated.~~  
Organic Material which has decomposed under anaerobic conditions; and
- (g) other Material As Designated.

26.2 There may be locations where less than this full list may be Acceptable. Consult the sources listed in Section 53 54 for further information.

27. Acceptable Household Hazardous Waste Material

27.1 Acceptable Material for Household Hazardous Waste is:

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

27.2 All Household Hazardous Waste Material must be in acceptable containers, which conform to the following requirements:

- (a) Must be in the original or clearly labelled container, indicating contents;
- (b) All containers must be capped and sealed;
- (c) Liquid wastes must not be larger than 20 litres each. Barrels and/or drums of liquid waste will not be accepted;
- (d) Gasoline will not be decanted at depots. The container and the contents will be taken for safe disposal;
- (e) No industrial, commercial or institutional hazardous waste will be accepted; and
- (f) Other acceptable containers As Designated.

## 28. Acceptable Landfilling Material

### 28.1 Acceptable Material for Landfilling is:

- (a) asbestos if prepared as set out in Section 29;
- (b) Bulky Goods, with the exception of those items which can be re-used or recycled;
- (c) ~~e~~Construction, ~~r~~Renovation and ~~d~~Demolition Material with wood, drywall, metal and other recyclable Material separated;
- (d) Garbage;
- (e) soil or dirt in ~~quantities acceptable by~~ acceptable quality and quantity, as determined by the Region; and
- (f) other Material As Designated.

## 29. Acceptable Asbestos Preparation and Acceptance Procedures

29.1 No Person shall unload or dispose of asbestos at a Regional Drop-Off Location unless such unloading or disposal is in accordance with the conditions set out in this Section.

29.2 Any Person dropping off asbestos shall contact the Region at least twenty-four (24) hours prior to delivery of the asbestos to allow for preparation of the Regional Drop-Off Location designated area.

29.3 All asbestos must be contained in a rigid, impermeable, sealed container of sufficient strength to accommodate the weight and nature of the asbestos, or the asbestos Material must be double bagged in two (2) six millimetre polyethylene bags. The container must be free from punctures, tears or leaks and shall be clearly labelled to indicate the nature of the contents. The external surface of the container and the vehicle used for the transport of the asbestos must be free of asbestos.

29.4 During unloading, the packaged asbestos shall be handled individually and care taken to place the packages in the designated area to avoid spillage.

This unloading shall be the responsibility of the Person dropping off the asbestos.

29.5 The unloading shall only be done in the presence of the Region to ensure that no loose asbestos or broken containers are unloaded and that no airborne particulate is generated.

29.6 In the event that loose asbestos or broken containers are found, the Person dropping off the asbestos shall repackage the Material with additional containers or bags provided in his/her vehicle.

29.7 The asbestos containers shall be placed directly in the designated area which has been prepared by the Region.

### 30. Material Requiring Special Handling

30.1 Any Person dropping off Material requiring special handling (such as dusty material) shall contact the Region at least 24 hours prior to delivery to a Regional Drop-Off Location to receive handling instructions from the Region and to allow for preparation of the Regional Drop-Off Location designated area.

30.2 The unloading of the Material requiring special handling shall be the responsibility of the Person dropping it off.

30.3 The Material requiring special handling shall be placed directly in the designated area by the Person dropping it off.

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

### 31. Fees

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

31.2 The fees are set out in the Region's Fees and Charges By-Law as amended from time to time.

### 32. Access

- 32.1 Access to a Regional Drop-Off Location shall be limited to the days and times As Designated by the Region. Days and hours of operation are posted at each permanent location.
- 32.2 Access to a Regional Drop-Off Location shall be limited to Persons who are:
- (a) commercial haulers who have provided a copy of their Ministry of the Environment and ~~Climate Change~~, Conservation and Parks Waste Management System Certificate and, when requested by the Region, proof satisfactory to the Region that the Material they bring for drop-off has been generated from within the Region; or
  - (b) non-commercial haulers who, upon request, have provided proof of their residency in the Region satisfactory to the Region.
- 32.3 The Region may further limit access to certain Regional Drop-Off Locations As Designated.
- 32.4 The Region may specify time schedules and pre-deposit conditions for Persons seeking access to a Regional Drop-Off Location.
- 32.5 The Region may refuse access to a Person at the Region's discretion if:
- (a) the Person has violated this By-law;
  - (b) the Person is likely to violate this By-law;
  - (c) the Person owes money to the Region pursuant to this By-law;
  - (d) the Person is transporting Material which is unacceptable for deposit at the Regional Drop-Off Location;
  - (e) the Person's vehicle load is not fully covered and/or secured;
  - (f) the Person's vehicle appears to be unsafe; or
  - (g) the Person uses abusive or offensive language or behaviour toward workers or other Persons at the Regional Drop-Off Location.

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

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

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

- (a) all drivers shall ensure the vehicle load is fully covered and/or secured and the vehicle is not over loaded;

- (b) all drivers shall bring vehicles to a complete stop and await the direction of the Region's site attendant before entering or leaving the weigh scale;
  - (c) all drivers shall identify the Material type and source to the Region's site attendant;
  - (d) all vehicles shall weigh inbound and outbound unless instructed otherwise by the Region's site attendant ~~or site design~~;
  - (e) no Material originating from outside the Region shall be dropped off;
  - (f) all Material deposited shall become the property of the Region and may be salvaged, recycled, reclaimed, disposed of and otherwise dealt with as the Region may deem fit;
  - (g) no Person, while at a Regional Drop-Off Location, shall operate a vehicle or do any other thing without exercising due care and attention or in a manner that causes or is likely to cause injury or harm to any Person or damage to any property;
  - (h) no Person, while at a Regional Drop-Off Location, shall:
    - i. indulge in any riotous, violent, threatening or illegal conduct, or use profane or abusive language as determined by the Region; or
    - ii. create a nuisance or in any way interfere with the use of a Regional Drop-Off Location by any other Person; and
    - iii. Any person deemed by staff to be engaging in these behaviours may be refused service and/or requested to leave the premises.
  - (i) no Person shall deposit or allow or cause to be deposited Materials except in bins or disposal areas for such purposes;
  - (j) all Persons shall at all times obey all signs and directions of the Region, its site attendants or staff or contractors' staff;
  - (k) all Persons shall enter or exit a Regional Drop-Off Location by the designated access and exit routes;
  - (l) no Person shall deposit or permit to be deposited Garbage into recycling bins or composting areas;
  - (m) no Person shall deposit Recyclable Material including Leaf and Yard Material, Green Bin Material, Blue Box Material, Grey Box Material and/or other Material As Designated into the Garbage area located at the Drop-off/Recycling Depot or in the area designated for Landfilling;
  - (n) no Person shall cause or permit a vehicle to idle for more than three (3) minutes in a sixty (60) minute period.
- 33.2 (a) On the first occasion of violation of any of the restrictions in Section 33.1 above, a written warning notifying the Person of his/her violation may be issued by the Region; or
- (b) on the first or any subsequent occasion of violation of any of the restrictions in Section 33.1 above, the Person may be charged with an offence of having violated this By-law and may also be subject to being refused access to Regional Drop-Off Locations.

## 34. No Trespassing

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

## 35. Drop-off Responsibilities

## 35.1 Every Person dropping off Material at a Regional Drop-Off Location shall:

- (a) drop off only Material acceptable for deposit As Designated;
- (b) comply with all orders or directions given by the Region's site attendants or contractors' staff;
- (c) obey all speed limit signs and other signs posted at a Regional Drop-Off Location;
- (d) separate each type of Material and deposit in areas designated for such Material by the Region;
- (e) unload Material in a safe manner and use extreme caution while unloading;
- (f) remove covers/tarpaulins and/or release turnbuckles on vehicles only in the unloading area and at the direction of the Site Attendants or contractor's staff;
- (g) remove any remaining loose Material from vehicles before leaving the unloading areas;
- (h) close and secure, in a manner acceptable to the Region, all unloading doors with chains or acceptable alternatives before departure from the unloading areas;
- (i) ensure that any child under the age of 12 remain inside the vehicle at all times;
- (j) ensure that children act responsibly at all times when outside the vehicle;
- (k) ensure that animals remain inside the vehicle at all times;
- (l) acknowledge and accept that any Person entering a Regional Drop-Off Location does so at their own risk. The Person and the Owner of any vehicle brought upon a Regional Drop-Off Location agrees to save the Region, its contractors, agents and employees, harmless from any damages or claims whatsoever to themselves or their property, or to

any other Person or property whatsoever, arising from such Person's negligence or failure to comply with their responsibilities as set out in this By-law, As Designated or otherwise;

- (m) not depart from the Regional Drop-Off Location until the relevant fees as set by the Region from time to time are paid in full, whether by cash, debit, or charged to an authorized account;
- (n) conform strictly to all legislative requirements including, in particular, the *Environmental Protection Act*, the *Occupational Health and Safety Act*, R.S.O. 1990, Ch. 0.1, and any other relevant successor legislation, any relevant regulations there under, any relevant Certificates of Approval and any relevant Regional By-laws, Policies, and Procedures; and
- (o) not smoke anywhere on a Regional Drop-Off Location.

### 36. Refusal

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

### 37. Safe Loads

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

## PART VI – FURTHER RESTRICTIONS

### 38. Illegal Dumping

- 38.1 No Person shall dump, drop, sweep, throw, cast or otherwise deposit; or permit his/her contractor, agent, employee, child under his/her care or control or animal under his/her care or control to dump, drop, sweep, throw, cast or otherwise deposit; or permit a vehicle owned by an Owner to be used by any Person for the purpose of dumping, dropping, sweeping, throwing, casting or otherwise depositing any Material whatsoever on or in any road or public property, or at the entrance to or around the perimeter of a Regional Drop-Off Location.
- 38.2 No Person shall dump or deposit, or permit his/her contractor, agent, employee, child under his/her care or control or animal under his/her care or control to dump or deposit any Material generated on a Premises owned or occupied by that Person into or within a one (1) metre radius of a ~~L~~itter bins on any road or public property.

- 38.3 No Person shall permit Material at any time in the eCare and eControl of that Person to be dumped, dropped, swept, thrown, cast or otherwise deposited by any other Person in contravention of Section 38.1 or 38.2 of this By-law.
- 38.4 For the purpose of Subsections 16.4 and 38.3 Material shall be deemed to have been within the eCare and eControl of a Person at a point in time if the Material included any Material typically associated with or used by that Person and shall include but is not restricted to the following Materials:
- (a) mail and other paper products bearing the name, address or other identifying characteristics typically associated with that Person;
  - (b) Material that can on a balance of probabilities be shown to have been purchased by that Person;
  - (c) Material that can on a balance of probabilities be shown to have originated from Premises with respect of which a Person is considered an Owner and during the time the Person was considered an Owner;
  - (d) Materials that can on a balance of probabilities be shown to have been transported in a motor vehicle owned or under the cCare and eControl of the Person.
39. Scavenging
- 39.1 No Person shall, without the written approval of the Region, Scavenge, interfere with, pick over, disturb, remove or scatter any Material set out for collection.
- 39.2 No Person shall Scavenge, interfere with, pick over, disturb, remove or scatter any Material at a Regional Drop-Off Location unless the Material has been designated for re-use by the Region and the Person has received permission from the Region.
40. Saving Provisions
- 40.1 A Person shall be liable under Section 38.3 if they can establish on the basis of a balance of probabilities that such Material, deemed by Section 38.4 to have been within the eCare and eControl of that Person was in fact never in that Person's care or control.
- 40.2 A Person or Owner shall not be liable for breach of either Section 16.4 or 38.3 of this By-law if they establish on a balance of probabilities that they took all reasonable precautions to prevent occurrence of the offence.

## PART VII – ENFORCEMENT

### 41. Friendly Reminders

41.1 To encourage compliance with this By-law, the Region may use Friendly Reminders and Final Friendly Reminders to identify or inform Persons or Owners of Non-compliance. Where a Person or Owner is in Non-compliance with this By-law and if the Non-compliance continues, despite the Region's attempts to obtain voluntary compliance, the Region may issue an Order as outlined in Section 49.

~~41.2 Any Eligible Property or Person who is offered the Region's recycling and organics collection services and does not participate in these services, and who, after receiving at least one (1) friendly reminder notice and at least one (1) warning letter, still does not participate (as evidenced by the Person setting out only garbage containers for a period of two (2) consecutive garbage collection weeks, and such garbage is found to contain recyclable or organic Material), may be charged with an offence for setting out non-complaint garbage that contains Green Bin, Grey Box or Blue Box Material.~~

### 42. Notifications

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

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

### 43. Enhanced Services

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

### 44. Maximum Fines

- 44.1 Every Person, including a corporation, who contravenes a provision of this By-law, is guilty of an offence and upon conviction thereof is liable to pay a maximum fine of not more than \$100,000 for each and every offence, subject to the exception in Section 45 below.
- 44.2 A director or officer of a corporation who knowingly concurs in the contravention of a provision of this By-law is also guilty of an offence under this By-law.
45. Special Fines
- 45.1 In addition to a fine under Section 44, a special fine is also chargeable and may exceed \$100,000, where an offence of this By-law has been committed and there is evidence that the Person who has committed the offence has achieved an economic advantage or gain from contravening this By-law. The intent of this section is to eliminate or reduce such economic advantage or gain or to deter the Person from further Non-compliance with this By-law.
46. Continuing Offences
- 46.1 In the case of a continuing offence, for each day or part of a day that the offence occurs or continues, the maximum fine shall be \$10,000.
47. Alternative Set Fine Procedure
- 47.1 In the discretion of the Region, charges may be laid for offences committed in contravention of this By-law using the certificate of offence set fine procedure set out under Part I of the *Provincial Offences Act*, R.S.O. 1990, Ch. P.33, or any successor legislation.
- ~~47.2 Schedule B offences shall not be utilized until the amounts of the fines in Schedule B have been set by the Chief Judge of the Ontario Court (Provincial Division).~~
48. Order Prohibiting Continuation
- 48.1 When a Person or Owner has been convicted of an offence under this By-law, and in addition to any other remedy and to any penalty imposed by the By-law including a fine and a remedial action fee as set out in Section 49 50, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the Person or Owner convicted.
49. ~~Remedial Action~~ Work Order

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

Where the Region is satisfied that a Person or Owner has failed to comply with any provision of this By-law, the Region may, by written notice, issue an Order requiring the Person or Owner to correct the contravention.

- 49.2 ~~The Region may invoice the Person or Owner for all costs associated with the clean-up work done pursuant to Section 49.1 including, but not limited to, court costs, Regional and/or local government administrative and legal fees, contractors' invoices, disposal fees or interest at a rate of fifteen (15%) per cent per annum from the day the Region incurs such costs. The Region may include a minimum disposal charge of fifty (\$50.00) dollars in the event the Material cleaned up is not separately weighed.~~

The Order shall set out:

- (a) The municipal address and/ or the legal description of the property;
- (b) Reasonable particulars of the contravention adequate to identify the contravention;
- (c) The work to be done and the date by which there must be compliance with the Order.

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

Every a Person or Owner who contravenes an Order is guilty of an offence.

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

Any Order issued under this by-law may be given by ordinary mail, registered mail or hand delivered to the address of the Person or Owner according to the last revised assessment roll of the subject property or the notice may be posted at the subject property, and such service shall be deemed to be good and sufficient service.

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

Where an Order has been served on an Owner/ Occupant by personal service or posting a copy on the property, it is deemed to be received and effective immediately.

49.6 Where an Order is given by: ordinary mail it is deemed to have been received three (3) days after mailing; and by registered mail, it is deemed to have been received on date of delivery.

49.7 Every Person or Owner shall comply with any Order issued under the authority of this by-law.

50. Remedial Action

50.1 Where a Person or Owner is in default of an Order, the Region may, without notice and in addition to any other action, cause the work to be done at the Person or Owner's expense. Without limitation, the Region, its employees, agents or contractors may access and remove such Material or carry out the work required to make the property comply with this By-law.

50.2 Any Material removed may be immediately disposed of.

50.3 The Region may invoice the Person or Owner for all costs associated with the work done pursuant to Section 50 including, but not limited to, court costs, Regional and/or local government administrative and legal fees, contractors' invoices, disposal fees and interest at a rate of fifteen (15%) per cent per annum from the day the Region incurs such costs. The Region may include a minimum disposal charge of one hundred and fifteen (\$115.00) dollars in the event the Material cleaned up is not separately weighed.

50.4 Such costs may be charged and enforced separately or in addition to any other enforcement action undertaken pursuant to to this By-law, not as an alternative to same.

50.5 In the event that a Person or Owner was provided an invoice for costs in accordance with Section 50, and the invoice is not paid by the Person or Owner within sixty (60) days of issuance, the costs may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as taxes in accordance with section 446 of the *Municipal Act S.O 2001, c.25*, as may be amended from time to time.

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

501. Entry for Enforcement

501.1 By-law enforcement officers may enter on private properties or new and redeveloped roadways on private or public properties for the purpose of enforcing this By-law but may not enter a residential dwelling without the occupant's permission or unless so authorized by order of a court of competent jurisdiction.

## **PART VIII – GENERAL**

542. Conflict of Laws

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

523. Schedules

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

534. Further Information on Material Preparation

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

545. Delegation of Powers to Commissioner of Public Works

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

- (a) alteration to the classes and lists of Material in this By-law requiring specific treatment or preparation for collection or drop-off at Regional Drop-Off Locations;

- (b) appoint By-law Enforcement Officers for the purpose of the enforcement of this By-law;
- (c) changes to the forms in use for notification to the public, such as Friendly Reminders;
- (d) changes to the requirements for Material preparation for collection or drop-off at a Regional Drop-Off Location;
- (e) changes to the procedure for scheduling collection of specialty items such as Bulky Goods or White Goods;
- (f) changes to the agreements as set out in Section 21;
- (g) temporary changes to access, time schedules or opening hours at Regional Drop-Off Locations; and
- (h) establishment of such other matters as are necessary for the proper administration of this By-law.

556. Severability

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

567 ~~Certificates of Approval~~ Environmental Compliance Approvals

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

578. References

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

589. Short Title of By-law

589.1 The short title of this By-law is the “Waste Management By-law”.

59.60. Force and Effect Date

~~59.1~~ 60.1 Except as otherwise specified in this By-law, this By-law shall come into force and effect on the date passed by Regional Council.

61     Interpretation

61.1 The necessary grammatical changes required to make the provisions of this By-law applicable to corporations, partnerships, trusts and persons, and to include the singular or plural meaning where the context so requires, shall in all cases be assumed as though fully expressed.

61.2 The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

61.3 The insertion of headings and the division of this By-law into sections and subsections are for convenience of reference only and shall not affect the interpretation thereof.

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60. 62.Repeal of Prior By-laws

602.1 By-law No. 63-2015 of the Region previously providing for waste management are hereby revoked and repealed.

## THE REGIONAL MUNICIPALITY OF NIAGARA

## WASTE MANAGEMENT BY-LAW

**COLLECTABLE VOLUME LIMITS**

<b>Garbage Container Limits</b>		
<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b><u>Collection Frequency</u></b>
A. Low Density Residential ( <u>LDR</u> ) Premises including: <ul style="list-style-type: none"> <li>• single-family detached with one self-contained unit,</li> <li>• semi-detached residential with 2 residential homes, both self-contained units;</li> <li>• duplex residential structure with 2 self-contained units;</li> <li>• <del>multi-residential structures with up to 6 self-contained units including structures with 6 or more units that are considered horizontal, row or townhouses or condominium housing on ground level</del></li> <li>• <u>residential buildings with three (3) to six (6) units;</u></li> <li>• <u>cottage properties with up to six (6) cottages;</u></li> <li>• Bed and Breakfast <u>establishments</u> with three (3) <u>bedrooms</u> or less;</li> <li>• <u>structures with six (6) or more units that are considered horizontal, row or townhouses or condo housing;</u></li> <li>• Vertical structures where all units have a primary exterior door directly accessing ground level that is visible from the collection point (including stacked townhouse structures)</li> <li>• <u>trailer parks (only those classified as LDR in MPAC).</u></li> </ul>	4 <u>2</u> per self-contained unit	<u>Every-other-week</u>

## THE REGIONAL MUNICIPALITY OF NIAGARA

## WASTE MANAGEMENT BY-LAW

**COLLECTABLE VOLUME LIMITS**

<b>Garbage Container Limits</b>		
<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b><u>Collection Frequency</u></b>
<ul style="list-style-type: none"> <li>• <u>boarding homes; and</u></li> <li>• <u>residential farms.</u></li> </ul>		
<p><del>Larger Residential Use Premises that include multi-residential high rise structures with 7 or more self-contained units including condominiums, rentals, nursing homes, retirement homes, boarding houses and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A premise.</del></p> <p><u>B. Multi-Residential Premises are residential buildings containing seven (7) or more self-contained units, including but not limited to, apartments, condominiums and rentals, nursing and retirement homes, cottage properties with seven (7) or more cottages, boarding homes, Group Homes, and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A Premises, and mobile homes (not assessed by MPAC as Low Density Residential Units).</u></p>	<p><del>4</del> <u>2</u> per self-contained unit up to a maximum <del>12</del> <u>24</u> per <del>Premises building</del></p>	<u>Every-other-week</u>
C. Premises used for one or more institutional, commercial or industrial purposes inside Designated Business	Maximum <del>7</del> <u>4</u> per Premises	<u>Weekly</u>

## THE REGIONAL MUNICIPALITY OF NIAGARA

## WASTE MANAGEMENT BY-LAW

**COLLECTABLE VOLUME LIMITS**

<b>Garbage Container Limits</b>		
<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b><u>Collection Frequency</u></b>
<u>Area and Bed and Breakfasts with four (4) or more bedrooms inside Designated Business Areas</u>		
D. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area	Maximum 7 <u>4</u> per Premises	<u>Weekly</u>
E. Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area <u>and Bed and Breakfasts with four (4) or more bedrooms outside Designated Business Areas are Type E Premises.</u>	Maximum 4 <u>8</u> per Premises	<u>Every-other-week</u>
F. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area	Maximum 6 <u>8</u> per Premises	<u>Every-other-week</u>

## THE REGIONAL MUNICIPALITY OF NIAGARA

## WASTE MANAGEMENT BY-LAW

**COLLECTABLE VOLUME LIMITS**

<b>Recycling Container Limits</b>		
<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b><u>Collection Frequency</u></b>
<p>A. Low Density Residential (<u>LDR</u>) Premises including:</p> <ul style="list-style-type: none"> <li>• single-family detached with one self-contained unit,</li> <li>• semi-detached residential with 2 residential homes, both self-contained units;</li> <li>• duplex residential structure with 2 self-contained units;</li> <li>• <del>multi-residential structures with up to 6 self-contained units including structures with 6 or more units that are considered horizontal, row or townhouses or condominium housing on ground level</del></li> <li>• <u>residential buildings with three (3) to six (6) units;</u></li> <li>• <u>cottage properties with up to six (6) cottages;</u></li> <li>• Bed and Breakfast <u>establishments</u> with three (3) <u>bedrooms</u> or less;</li> <li>• <u>structures with six (6) or more units that are considered horizontal, row or townhouses or condo housing;</u></li> <li>• Vertical structures where all units have a primary exterior door directly accessing ground level that is visible from the collection point (including stacked townhouse structures)</li> </ul>	Unlimited per self-contained unit	<u>Weekly</u>

## THE REGIONAL MUNICIPALITY OF NIAGARA

## WASTE MANAGEMENT BY-LAW

**COLLECTABLE VOLUME LIMITS**

<b>Recycling Container Limits</b>		
<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b><u>Collection Frequency</u></b>
<ul style="list-style-type: none"> <li>• <u>trailer parks (only those classified as LDR in MPAC),</u></li> <li>• <u>boarding homes; and</u></li> <li><u>residential farms.</u></li> </ul>		
<p><del>Larger Residential Use Premises that include multi-residential high rise structures with 7 or more self-contained units including condominiums, rentals, nursing homes, retirement homes, boarding houses and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A premise.</del></p> <p><u>B. Multi-Residential Premises are residential buildings containing seven (7) or more self-contained units, including but not limited to, apartments, condominiums and rezntals, nursing and retirement homes, cottage properties with seven (7) or more cottages, boarding homes, Group Homes, and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A Premises, and mobile homes (not assessed by MPAC as Low Density Residential Units).</u></p>	<p>Unlimited with guideline for 1 Cart for every 20 units for Blue Box Material and 1 Cart for every 11 units for Grey Box Material or to be determined by the Region</p>	<u>Weekly</u>

## THE REGIONAL MUNICIPALITY OF NIAGARA

## WASTE MANAGEMENT BY-LAW

**COLLECTABLE VOLUME LIMITS**

<b>Recycling Container Limits</b>		
<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b><u>Collection Frequency</u></b>
C. Premises used for one or more institutional, commercial or industrial purposes inside Designated Business Area <u>and Breakfasts with four (4) or more bedrooms inside Designated Business Areas are Type C Premises.</u>	Unlimited	<u>Weekly</u>
D. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area	Unlimited	<u>Weekly</u>
E. Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area <u>and Bed and Breakfasts with four (4) or more bedrooms outside Designated Business Areas are Type E Premises.</u>	Unlimited  <u>Combined limit of the eight (8) Blue and Grey Carts or the equivalent in Blue and Grey Boxes as determined solely by the Region.</u>	<u>Weekly</u>
F. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area	Unlimited	<u>Weekly</u>

## THE REGIONAL MUNICIPALITY OF NIAGARA

## WASTE MANAGEMENT BY-LAW

**COLLECTABLE VOLUME LIMITS**

<b>Green Bin Container Limits</b>		
<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b><u>Collection Frequency</u></b>
<p>A. Low Density Residential (<u>LDR</u>) Premises including:</p> <ul style="list-style-type: none"> <li>• single-family detached with one self-contained unit,</li> <li>• semi-detached residential with 2 residential homes, both self-contained units;</li> <li>• duplex residential structure with 2 self-contained units;</li> <li>• <del>multi-residential structures with up to 6 self-contained units including structures with 6 or more units that are considered horizontal, row or townhouses or condominium housing on ground level</del></li> <li>• <u>residential buildings with three (3) to six (6) units;</u></li> <li>• <u>cottage properties with up to six (6) cottages;</u></li> <li>• <u>Bed and Breakfast establishments with three (3) bedrooms or less;</u></li> <li>• <u>structures with six (6) or more units that are considered horizontal, row or townhouses or condo housing;</u></li> <li>• Vertical structures where all units have a primary exterior door directly accessing ground level that is visible from the collection point (including stacked townhouse structures)</li> </ul>	Unlimited per self-contained unit	<u>Weekly</u>

## THE REGIONAL MUNICIPALITY OF NIAGARA

## WASTE MANAGEMENT BY-LAW

**COLLECTABLE VOLUME LIMITS**

<b>Green Bin Container Limits</b>		
<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b><u>Collection Frequency</u></b>
<ul style="list-style-type: none"> <li>• <u>trailer parks (only those classified as LDR in MPAC),</u></li> <li>• <u>boarding homes; and</u></li> <li><u>residential farms.</u></li> </ul>		
<p><del>Larger Residential Use Premises that include multi-residential high rise structures with 7 or more self-contained units including condominiums, rentals, nursing homes, retirement homes, boarding houses and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A premise.</del></p> <p><u>B. Multi-Residential Premises are residential buildings containing seven (7) or more self-contained units, including but not limited to, apartments, condominiums and rentals, nursing and retirement homes, cottage properties with seven (7) or more cottages, boarding homes, Group Homes, and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A Premises, and mobile homes (not assessed by MPAC as Low Density Residential Units).</u></p>	Quantity as determined by the Region on a request only basis for Green Bins or Carts	<u>Weekly</u>

## THE REGIONAL MUNICIPALITY OF NIAGARA

## WASTE MANAGEMENT BY-LAW

**COLLECTABLE VOLUME LIMITS**

<b>Green Bin Container Limits</b>		
<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b><u>Collection Frequency</u></b>
C. Premises used for one or more institutional, commercial or industrial purposes inside Designated Business Area and Bed and Breakfasts with <u>four (4) or more bedrooms inside Designated Business Areas</u>	Unlimited	<u>Weekly</u>
D. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area	Unlimited	<u>Weekly</u>
E. Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area and Bed and Breakfasts with <u>four (4) or more bedrooms outside Designated Business Areas are Type E Premises.</u>	<del>Unlimited</del> <u>Limit of eight (8) Green Carts or the equivalent number of Green Bins as determined solely by Niagara Region.</u>	<u>Weekly</u>
F. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area	Unlimited	<u>Weekly</u>

## THE REGIONAL MUNICIPALITY OF NIAGARA

## WASTE MANAGEMENT BY-LAW

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

<b>Item</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision creating or defining offence</b>	<b>COLUMN 3 Set Fine</b>
1.—	Set-out of Non-Collectable Material	s. 15.1 (a)	\$100
2.—	Set-out of Non-Compliant Material	s. 15.1 (b)	\$100
3.—	Setting out hazardous or pathological Material for collection	s. 15.1 (a)	\$500
4.—	Not securing animal to ensure collection worker safety	s. 15.5	\$100
5.—	Depositing Material into a collection vehicle	s. 15.7	\$100
6.—	Obstructing road or sidewalk with Material	s. 16.1	\$250
7.—	Setting out Material at premises other than your own	s. 16.3	\$100
8.—	Permitting Material at any time in the cCare and cControl of an Owner to be located otherwise than on their own Premises or in a permitted Collection location	16.4	\$100
9.—	Setting out waste contrary to specified times	s. 17.1	\$75
10.—	Failing to remove containers and Material after collection	s. 17.2	\$75
11.—	Failing to set out an acceptable container	s. 18.1	\$75
12.—	Failing to ensure containment of Material set out for collection	s. 19.1	\$100
13.—	Dropping off unacceptable Material at Regional Drop-Off Location	s. 23.1	\$500
14.—	Depositing Garbage into recycling bins or composting areas at Regional Drop-Off Location	s. 33.1 (l)	\$200
15.—	Depositing recyclable Material in Garbage bin or landfill areas at Regional Drop-Off Location	s. 33.1 (m)	\$100

## THE REGIONAL MUNICIPALITY OF NIAGARA

## WASTE MANAGEMENT BY-LAW

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

<b>Item</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision creating or defining offence</b>	<b>COLUMN 3 Set Fine</b>
16.	Trespassing at Regional Drop-Off Location by illegal entry	s. 34.1	\$500
17.	Trespassing at Regional Drop-Off Location or closed landfill or perimeter when closed	s. 34.2	\$500
18.	Trespassing at Regional Drop-Off Location or perimeter with vehicle	s. 34.3	\$500
19.	Failing to drop off only acceptable Material at RDOL	s. 35.1 (a)	\$200
20.	Failing to comply with Regional Drop-Off Location staff directions	s. 35.1 (b)	\$200
21.	Failing to obey signs at Regional Drop-Off Location	s. 35.1 (c)	\$200
22.	Failing to separate and deposit Material properly at Regional Drop-Off Location	s. 35.1 (d)	\$200
23.	Failing to remove covers as directed at Regional Drop-Off Location	s. 35.1 (f)	\$200
24.	Failing to remove loose Material after unloading at Regional Drop-Off Location	s. 35.1 (g)	\$200
25.	Failing to secure vehicle after unloading at Regional Drop-Off Location	s. 35.1 (h)	\$200
26.	Failing to ensure child or animal stays in vehicle at Regional Drop-Off Location	s. 35.1 (i) (j) (k)	\$200
27.	Failing to pay fees before departing Regional Drop-Off Location	s. 35.1 (m)	\$200
28.	Failing to refrain from smoking on Regional Drop-Off Location	s. 35.1 (o)	\$200
29.	Transporting insecure load	s. 37.1	\$100
30.	Illegal dumping	s. 38.1	\$500
31.	Dumping privately generated Material into public Litter bin	s. 38.2	\$150
32.	Illegal dumping Care and Control	s. 38.3	\$250

## THE REGIONAL MUNICIPALITY OF NIAGARA

## WASTE MANAGEMENT BY-LAW

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

<b>Item</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision creating or defining offence</b>	<b>COLUMN 3 Set Fine</b>
33.	Scavenging Material set out for collection	s. 39.1	\$100
34.	Scavenging at a Regional Drop-Off Location	s. 39.2	\$250
35.	Failure to comply with an Order	s. 49.3	\$500

## THE REGIONAL MUNICIPALITY OF NIAGARA

### WASTE MANAGEMENT BY-LAW

### EXAMPLE OF A FRIENDLY REMINDER NOTICE

#### FRIENDLY REMINDER Curbside Collection Services

##### Dear Property Owner/Tenant:

Failure to comply with the following may result in charges under Niagara Region's Waste Management By-law No. 63-2015

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

#### NON-COMPLIANT SETOUT

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

#### OVER LIMIT

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

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

- ☐ Residents of single-family, semi-detached or properties with 6 units or less are required to:
  - Call Emterra Environmental at 905-227-7771 (Toll Free: 1-855-227-7771) or complete the online booking form at [niagararegion.ca/waste](http://niagararegion.ca/waste) at least 2 BUSINESS DAYS IN ADVANCE of your regular collection day to arrange a FREE pick up
- ☐ All items must be booked for collection
- ☐ Bulky Goods service is not available for:
  - apartments with 7 or more units.
  - commercial, industrial, institutional or
  - multi-use properties
- ☐ CFC removal sticker required

PLEASE READ REVERSE SIDE

Niagara Region

#### FRIENDLY REMINDER Curbside Collection Services

#### UNACCEPTABLE MATERIALS

- ☐ Household Hazardous Waste (HHW). Accepted FREE of charge at HHW depots
- ☐ Syringes and sharps
- ☐ Automotive parts and tires
- ☐ Electronics
- ☐ Construction, renovation or demolition materials
- ☐ Sod, soil, stumps, gravel
- ☐ Materials can be taken directly to the landfill. Disposal fees will apply.
- ☐ Garbage containing recyclables, Green Bin or Leaf & Yard materials
- ☐ Grass clippings

#### BLUE/GREY BOX

- ☐ Mixed Blue and Grey Box materials are NOT acceptable
- ☐ Material not accepted in recycling program
- ☐ All plastic bags and recyclable plastic film and outer-wrap must be placed inside one plastic bag (not loose) in the Grey Box
- ☐ Cardboard must be bundled together and no larger than 91 cm (3 ft) x 91 cm (3 ft) x 91 cm (3 ft)

#### GREEN BIN/LEAF & YARD/BRANCHES

- ☐ Material must NOT be placed in plastic bags or cardboard boxes for collection
- ☐ LOOSE materials including leaves and branches are not accepted
- ☐ Grass is not collected curbside
- ☐ Branches are only collected on designated collection weeks. The next collection week in your area is: \_\_\_\_\_
- ☐ Branches MUST be tied in bundles no longer than 1.5 m (5 ft) and no wider than 0.5 m (1.5 ft). Individual branches cannot exceed 7 cm (3 in) in diameter.

#### NOTES/COMMENTS

#### FOR MORE INFORMATION

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

Refer to your  
 Collection Guide

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

More Recycling  
 Less Waste

**Rethink  
 YOUR  
 Waste**

Niagara Region

2. This By-law comes into force on October 19, 2020.

PASSED this \_\_ day of \_\_\_\_, 2020.

THE REGIONAL MUNICIPALITY OF NIAGARA

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James Bradley, Regional Chair

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Ann-Marie Norio, Regional Clerk

## Appendix 2: Proposed Revisions to Short Form Offences and Set Fines

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

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1.	Set-out of Non-Collectable Material	s. 15.1 (a)	\$100
2.	Set-out of Non-Compliant Material	s. 15.1 (b)	\$100
3.	Setting out hazardous or pathological Material for collection	s. 15.1 (a)	\$500
4.	Not securing animal to ensure collection worker safety	s. 15.5	\$100
5.	Depositing Material into a collection vehicle	s. 15.7	\$100
6.	Obstructing road or sidewalk with Material	s. 16.1	\$250
7.	Setting out Material at premises other than your own	s. 16.3	\$100
8.	Permitting Material at any time in the Care and Control of an Owner to be located otherwise than on their own Premises or in a permitted Collection location	16.4	\$100
9.	Setting out waste contrary to specified times	s. 17.1	\$75
<b>10.*</b>	<b>Failing to remove containers and Material after collection</b>	<b>s. 17.2</b>	<b>\$75</b>
11.	Failing to set out an acceptable container	s. 18.1	\$75
12.	Failing to ensure containment of Material set out for collection	s. 19.1	\$100
13.	Dropping off unacceptable Material at Regional Drop-Off Location	s. 23.1	\$500
14.	Depositing Garbage into recycling bins or composting areas at Regional Drop-Off Location	s. 33.1 (l)	\$200
15.	Depositing recyclable Material in Garbage bin or landfill areas at Regional Drop-Off Location	s. 33.1 (m)	\$100
16.	Trespassing at Regional Drop-Off Location by illegal entry	s. 34.1	\$500
17.	Trespassing at Regional Drop-Off Location or closed landfill or perimeter when closed	s. 34.2	\$500

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
18.	Trespassing at Regional Drop-Off Location or perimeter with vehicle	s. 34.3	\$500
19.	Failing to drop off only acceptable Material at RDOL	s. 35.1 (a)	\$200
20.	Failing to comply with Regional Drop-Off Location staff directions	s. 35.1 (b)	\$200
21.	Failing to obey signs at Regional Drop-Off Location	s. 35.1 (c)	\$200
22.	Failing to separate and deposit Material properly at Regional Drop-Off Location	s. 35.1 (d)	\$200
23.	Failing to remove covers as directed at Regional Drop-Off Location	s. 35.1 (f)	\$200
24.	Failing to remove loose Material after unloading at Regional Drop-Off Location	s. 35.1 (g)	\$200
25.	Failing to secure vehicle after unloading at Regional Drop-Off Location	s. 35.1 (h)	\$200
26.	Failing to ensure child or animal stays in vehicle at Regional Drop-Off Location	s. 35.1 (i) (j) (k)	\$200
27.	Failing to pay fees before departing Regional Drop-Off Location	s. 35.1 (m)	\$200
28.	Failing to refrain from smoking on Regional Drop-Off Location	s. 35.1 (o)	\$200
29.	Transporting insecure load	s. 37.1	\$100
30.	Illegal dumping	s. 38.1	\$500
31.	Dumping privately generated Material into public Litter bin	s. 38.2	\$150
32.	Illegal dumping Care and Control	s. 38.3	\$250
33.	Scavenging Material set out for collection	s. 39.1	\$100
34.	Scavenging at a Regional Drop-Off Location	s. 39.2	\$250
<b>35.*</b>	<b>Failure to comply with an Order</b>	<b>s. 49.3</b>	<b>\$500</b>

\*Item #10 – Proposed change is adding “Materials”; Item #35 – proposed addition of this item

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