

The Corporation of the Town of The Blue Mountains

By-Law Number 2023-

Being a By-law to regulate the collection and/or disposal of garbage, organics, recyclables, and other waste materials, for operating and maintaining the Solid Waste Disposal Site, and the control of litter in The Town of The Blue Mountains

WHEREAS Section 8 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other Act;

AND WHEREAS Section 11 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS Section 127 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, permits a municipality to pass a by-law to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land, to require the owner or occupant of land to clear refuse or debris from the land, not including buildings, to regulate when and how this shall be done and to define "refuse" for the purpose of this by-law;

AND WHEREAS Section 227 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that it is the role of the officers and employees of the municipality to carry out duties required under this or any other Act and other duties as assigned by the municipality.

AND WHEREAS Section 425 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS Section 446 (1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS Section 446 (3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that the municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS, Section 180 of the *Highway Traffic Act, R.S.O. 1990, c. H.8*, states that every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is guilty of the offence of littering the highway;

AND WHEREAS the Council of The Corporation of the Town of The Blue Mountains is desirous of enacting such a by-law;

NOW THEREFORE the Council of The Corporation of The Town of The Blue Mountains hereby enacts as follows:

1. INTERPRETATION

1.1 Short Title

This By-law may be cited as the "Waste Management and Litter Control By-law".

1.2 Application

This By-law applies to the collection and/or disposal of Waste including Garbage, Organic Waste, Recyclables, Yard Waste and Special Waste Materials, and for the operation and maintenance of the Solid Waste Disposal Site within the geographic boundaries of Town of The Blue Mountains.

This By-law also applies to littering and the condition of property (land or water) related to waste management.

In the event of any conflict between the provisions of this By-law and the provisions of any other statute or By-law, the provisions that are most restrictive will prevail.

1.3 Headings

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

1.4 Schedules

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

1.5 Definitions

In this By-law the definitions and interpretations given in this section shall govern.

"Approved Container" refers to a Garbage Container, Organics Container, Yard Waste Container or Recycling Container used for the purpose of setting out Waste.

"Ashes" means the solid or particulate residue of any household solid fuel after such solid fuel has been consumed by fire but shall not include soot.

"Household Batteries" means intact sealed single-use and rechargeable types and limited to 5 kg (11 lbs) per battery. Does not include wet-cell, damaged or defective batteries.

"Boarding, Lodging, Rooming House, Bunk House" shall mean a dwelling where lodging is provided for one or more tenants where at least one of the tenant-occupied rooms is equipped with an external locking mechanism that prevents access to said room by the other house occupants when the room is unoccupied, or; lodging is provided for more than four tenants; but shall not include a group home, hotel, motel, hospital, children's home, assisted living facility, or a bed and breakfast establishment, or other similar establishments.

"Bulky Items" means any materials that do not fit in an Approved Container or meet requirements set out in Schedule "D", including but not limited to furniture, mattresses, carpet, large toys, electronics, bicycles, appliances, garden, yard, and outdoor equipment such as pools or parts thereof, barbecues, fence wire, tarps, swing sets and pool or hot tub covers, construction and demolition wastes such as cabinets, doors, windows, bath fixtures, automobile parts, and any other large discarded material as designated by the Designated Municipal Official.

"Collectable Waste" means Waste which may be collected pursuant to this By-law.

"Collection Area" means the area designated for the collection of Waste in which the Eligible Property is located.

"Collection Day" means the day designated for the collection of Waste in the area in which the Eligible Property is located.

"Collection Point" means the part of an Eligible Property to receive Collection Services that has been designated by the Designated Municipal Official for the setting out and collection of Collectable Waste.

"Collection Services" means service provided by the Town or its Collection Contractor for removal of Garbage, Organics, Recyclables, Yard Waste and Special Items from Eligible Properties.

"Compostable Material" means Yard Waste or Organic Waste as categorized in Schedule "B" and "C" of this By-law.

“Collection Contractor” means any person or business association which has entered into a contract with the Town for the collection and/or processing and/or disposal of Waste on behalf of the Town.

“Commercial Resort Unit” shall mean one room or a group of rooms in a building or one building or a grouping of buildings on a property used or designed or intended to be used by one person or jointly by two or more persons, as a single commercial accommodation unit within a commercial resort unit complex (i) in which food preparation and sanitary facilities are provided for the exclusive use of such person or persons; and (ii) which has a private entrance from a common hallway or entrance either inside or outside the building; and (iii) which is part of a rental or lease management program which consists of a minimum of ten such units in one building or on one property; and (iv) which is not used or designated as a principal residence; and (v) which has been established to provide accommodation for gain or profit; and (vi) which may be zoned commercial even though it is assessed as residential.

“Council” means the Council of The Corporation of the Town of The Blue Mountains.

“Curbside Collection” means the collection of Waste, at a Collection Point at a municipal curb assumed by the Town.

"Designated Municipal Official" means the Manager of Sustainability and Solid Waste with the Town/or their duly authorized representative.

“ Dwelling Unit” shall mean a building or part thereof used or intended to be used as a domicile by one or more persons containing cooking, eating, living, sleeping and sanitary facilities, but shall not include guest rooms in motels and hotels, lodging room suites in boarding, lodging, rooming houses, bunk houses or dormitories.

“Electronic Waste” means those items defined by the Ontario Stewardship Program and for the purpose of collection items 20 kg or less, including:

- Computers;
- Printers (desktop and floor-standing);
- Printer cartridges;
- Video gaming devices;
- Telephones, including cellular phones;
- Display devices;
- Radios and stereos, including after-market vehicle stereos;
- Headphones;
- Speakers;
- Cameras, including security cameras;
- Video recorders;
- Drones with audio or visual recording equipment;
- Peripherals and cables used to support the function of information technology, telecommunications and audio visual equipment, including charging equipment;
- Parts of information technology, telecommunications and audio visual equipment sold separately, such as hard drives;
- Handheld point-of-sale terminals or devices;
- Musical instruments;
- Audio recording equipment.

“Eligible Property” includes the following within the geographic boundary of the Town of The Blue Mountains:

- i. Residential Unit, including single detached dwelling, semi-detached dwelling, duplex dwelling, freehold or private frontage townhouse, or multiplex dwelling with less than six (6) units;
- ii. Multi-Residential Property on a municipal roadway, including apartment, block townhouse complex, or condominium, with six (6) or more units;
- iii. Mixed-Use Property with a combination of Residential Dwelling Units and Industrial, Commercial, and Institutional (IC&I) Property;

- iv. Industrial, Commercial, and Institutional (IC&I) Property, excluding property that cannot meet Waste limit requirements;
- v. Boarding, Lodging, Rooming House, Bunk House; and
- vi. Any other property identified by the Designated Municipal Official.

“Environmental Officer” means a person authorized by the Town to carry out observations and inspections and take samples as prescribed by this By-law; and means a person who has been duly appointed by the Designated Municipal Official to enforce this By-law.

"Front End Bin" includes a covered, watertight container, in good working order, that is compatible with the equipment used by the Collection Contractor for the provision of Waste Collection Services, or any other container designated by the Designated Municipal Official as acceptable for the collection of Collectable Waste.

"Garbage" means Waste or Refuse destined for disposal other than Recyclable Materials, Compostable Materials, Special Waste Materials and Prohibited Waste.

“Garbage Box” shall mean a stationary enclosure, located at curbside, with a door that readily opens to allow unconstrained collection of Garbage, Organic Waste, and Recyclables by the Collection Contractor, the Designated Municipal Official may determine if a box is constrained.

“Garbage Container” means:

- i. A Garbage bin or can, provided it is a rigid container, having a removable watertight lid, designed to be manually lifted with suitable exterior side handles and wider at the top than the bottom; having a capacity not more than 125 litres;
- ii. A Garbage bag provided it is a standard size disposable plastic bag with a maximum capacity of 125 litres; sufficiently durable to withstand lifting without breaking open;
- iii. Such other container as may be approved by the Designated Municipal Official; and
- iv. “Garbage Tag” or “Tag” means a specially marked tag issued by the Town for the purpose of allowing collection of additional Garbage Containers in excess of the Garbage limit, provided other limits and restrictions are adhered to.

"Household Hazardous Waste" means items set out as Hazardous Waste in Ontario Regulation 347, as amended, pursuant to the *Environmental Protection Act, R.S.O. 1990, c. E.19*. Including but not limited to:

- Hazardous industrial waste;
- Acute hazardous waste chemical;
- Hazardous waste chemical;
- Severely toxic waste;
- Ignitable waste;
- Corrosive waste;
- Reactive waste;
- Pathological waste;
- Leachate toxic waste;
- PCB waste; or
- Radioactive waste, except radioisotope wastes disposed of in a landfilling site in accordance with the written instructions of the Canadian Nuclear Safety Commission or the Atomic Energy Control Board.

“Industrial, Commercial, and Institutional Waste (IC&I)” means Waste originating from an Industrial, Commercial, or Institutional establishment used for the purpose of including but not limited to retail, manufacturing/industrial, service, entertainment, recreation, offices, church, schools, clinics, hospitals, and nursing homes.

“Ineligible Property” means any property located within the geographic boundary of the Town of The Blue Mountains that is not defined as an Eligible Property or is deemed an Ineligible Property by the Designated Municipal Official.

“Liquid Waste” includes septic waste, biosolids, sludge, hauled sewage, or other liquid waste that does not comply with the slump test as per the test method set out in Ontario Regulation 347, Schedule 9, as amended pursuant to the *Environmental Protection Act, R.S.O. 1990, c. E.19*.

“Mandatory” shall mean obligatory and compulsory.

“Mixed-Use Property” shall mean any development containing a combination of Residential Property with Industrial, Commercial, and Institutional (IC&I) Property.

“Municipal Act” shall mean the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended.

“Multi-Residential Property” means any building that contains six (6) or more residential dwelling units and does not include buildings that provide central dining facilities, Commercial Resort Units, or properties zoned as commercial, institutional, industrial or agricultural.

“Municipal Law Enforcement Officer” means a person appointed under the authority of the Municipal Act for the purpose of enforcing Town By-laws.

“Non-Collectable Waste” means materials not acceptable for Curbside Collection by virtue of its size or shape; over limit Waste, overweight Waste, Prohibited Waste, unsorted materials, Bulky Items; materials placed out for Curbside Collection at times other than those specified times in this By-law; or any Waste item determined by the Designated Municipal Official to be unsuitable for collection.

“Non-Compliance Sticker” means an information sticker to be attached to Non-Collectable Wastes by the Collection Contractor or Town employee or attached to containers that exceed the limit(s) or do not comply with the requirements set out in this By-law.

“Organic Waste” or “Organics” include items or materials set out in, but not limited to those listed in Schedule “B” of this By-law, and any other material which may be designated as Organic Waste by the Designated Municipal Official.

“Organics Container” includes a green plastic container, approved by the Town for the collection of Organics, and such other container as may be approved by the Designated Municipal Official.

“Owner” means the registered owner of the lands or premises or the person as defined by this By-law or their authorized agent in lawful control of the premises, building or occupancy including but not limited to a lessee, tenant or occupant of an Eligible Property located within the geographic boundaries of the Town.

“Pathological Waste” includes any human or animal: organ, bone, muscle, tissue, or part(s) thereof, and including syringes, needles or any other similar material or substance which contains or may contain any material which may be hazardous or dangerous.

“Person” means an Owner as defined in this By-law or any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law and shall include any group of persons comprising a society or other organizations and shall include the plural wherein the context requires.

“Private Property” means any land or building that is privately owned and is not owned by the municipality, a Local Board, or the Crown in Right of Ontario, the Crown in Right of Canada, or any emanations thereof, unless it is leased to a person or corporation not listed above.

“Prohibited Waste” includes Pathological Waste, any Waste in a semi-liquid or liquid form, Household Hazardous Waste, asbestos, and any other items as may be designated by the Designated Municipal Official.

“Property Management Company” means the company responsible for the operation and management of a Residential, Multi-Residential, Mixed Use, or Industrial, Commercial, or Institutional (IC&I) property.

“Public Property” means any land or building that is owned or operated by the Town, a Local Board, or the Crown in Right of Ontario, the Crown in Right of Canada, or any emanations thereof.

“Recyclables” or “Recyclable Material(s)” are subdivided into the following two categories: Recyclable Containers and Recyclable Paper Fibres and includes items which are designated as recyclable material by the Designated Municipal Official, and items which are categorized as

recyclable material in Schedule "A" of this By-law, and as defined by the Ontario Blue Box Regulations (O. Reg. 391/21: BLUE BOX) and or the Residential Blue Box Authority.

"Recycling Container" includes a rigid plastic box in a variety of colours including blue and grey, or a clear plastic bag, which meet the requirements of the Town or such other container as may be approved by the Designated Municipal Official or as required by the Residential Blue Box Authority from time to time.

"Recyclable Containers" includes materials as categorized in Schedule "A" of this By-law and any other material which may be designated as Recyclable Containers by the Designated Municipal Official or the Residential Blue Box Authority and the Ontario Blue Box Regulations (O. Reg. 391/21: BLUE BOX).

"Recyclable Paper Fibres" includes paper product materials as categorized in Schedule "A" of this By-law and any other material which may be designated as Recyclable Paper Fibres by the Designated Municipal Official or the Residential Blue Box Authority and the Ontario Blue Box Regulations (O. Reg. 391/21: BLUE BOX).

"Refuse" includes all manner of objects or waste materials discarded by any person or that is no longer in use, neglected or reasonably intended to be used by any person having ownership or control over such objects or waste materials and without limiting the generality of the foregoing may include Waste, Garbage, debris, rubbish, filth, litter or disused material of any kind whatsoever and, without limiting the generality of the foregoing, includes animal carcasses and droppings, ashes, automobile tires and parts, bottles, cans, cartons, clothing, construction and demolition materials, discarded appliances, electronics and batteries, furniture and household effects, inoperative mechanical equipment, kitchen wastes, lumber, packing materials, paper, soil, soot, tree trimmings and garden waste, septic tank liquor and sewage disposal sludge, stumps, snow, ice and slush, and used oil.

"Residential Blue Box Authority" means the organization providing and responsible for eligible and residential blue box collection in the province under the *Resource Recovery and Circular Economy Act, 2016, S.O. 2016, c. 12, Sched. 1* and the Ontario Blue Box Regulations (O. Reg. 391/21: BLUE BOX).

"Residential Unit" means a dwelling unit usually containing cooking, eating, living, sleeping and sanitary facilities, used or intended to be used by one or more persons permitted by law that is: a) a single-detached residence b) a semi-detached residence c) a unit in a duplex, triplex, four-plex or five-plex d) a unit in an apartment building, condominium complex, townhouse complex, co-op complex or similar residential complex containing five (5) or fewer dwelling units e) a second suite and f) does not include Boarding, Lodging, Rooming or Bunk houses.

"Solid Waste Disposal Site" means the Town property located at 788090 Grey Road 13, Town of The Blue Mountains.

"Special Waste Materials" includes materials not normally eligible for Curbside Collection that may be collected during the designated Collection event (e.g. Household Batteries, Textiles, and Electronic Waste).

"Street" shall mean a public highway which the provisions of Part III of the Municipal Act apply and which afford a principal means of access to abutting lots.

"Textiles" means clothes, bedding, towels, drapes, and blankets, but excludes: rugs, carpets, cushions, pillows and furniture.

"Town" means The Corporation of the Town of The Blue Mountains and its employees.

"Town Employee" means an officer, servant, or other employee of the Town.

"Waste" means items, products, goods, or materials set out in, but not limited to those materials in Schedules "A" through "C" of this By-law and can also mean Refuse.

"Waste Collection Vehicle" means any vehicle used by the Town or its Collection Contractor for the collection of Waste.

“Yard Waste” means items or materials set out in, but not limited to those listed as Yard Waste in Schedule “C” of this By-law.

“Yard Waste Container” includes Kraft paper bags or other compostable bags specifically designed for Yard Waste and rigid open-top reusable containers with handles (excluding Recycling and Organics Containers) with a capacity of not more than 125 litres, or such other container as may be approved from time to time by the Designated Municipal Official.

2. ADMINISTRATION

2.1 Role of The Designated Municipal Official

The Designated Municipal Official is authorized, subject to any limitations contained in this By-law, to administer the By-law and delegate the responsibility to any employee or agent of the Town to administer the By-law, as well as do each of the following with respect to Waste Management Services provided by the Town:

2.2 Collection Services

2.2.1 Determine the schedule for Curbside Collection, including the time, day, and frequency of Collection Services.

2.2.2 Classify or designate materials as Collectable Waste, Non-Collectable Waste, or Special Waste Materials.

2.2.3 Determine the limits for Waste.

2.2.4 Determine the Collection Point for Collectable Waste.

2.2.5 Refuse Collection Services of any items based on size, weight, quantity, safety hazards, or non-compliance with the specifications set out in this By-law.

2.2.6 Determine Eligible Properties within the Town that shall receive Collection Services.

2.2.7 Designate materials to be added or deleted from Schedules “A” through “C” of this By-law, as necessary.

2.2.8 Identify whether a Waste container is suitable and safe for the storing and setting out of Waste for Curbside Collection.

2.2.9 Provide notice for the scheduling of services or the changes to collection schedules or services (e.g., inclement weather).

2.2.10 Suspend, discontinue, or revoke Collection Services in whole or in part to an Eligible Property and other properties for which services have been approved for breaching any provision of this By-law.

2.2.11 Reinstate Collection Services in whole or in part to an Eligible Property after Waste Collection Services have been suspended, discontinued, or revoked. Collection Services can only be reinstated with written permission from the Designated Municipal Official.

2.2.12 Deal with any other matter assigned by this By-law or necessary for the collection and disposal of Waste.

2.3 Solid Waste Disposal Site

2.3.1 Determine hours and days of operations for the Solid Waste Disposal Site.

2.3.2 Designate items to be included or excluded in diversion programs at the Solid Waste Disposal Site.

2.3.3 Allow deposit or disposal of items in unusual or emergency situations and waive or alter the tipping fee.

2.3.4 Suspend, discontinue, or revoke Solid Waste Disposal Site services in whole or in part to any Person for breaching any provision of this By-law.

2.3.5 Reinstatement of Solid Waste Disposal Site services to any Person after Solid Waste Disposal Site services have been suspended, discontinued, or revoked. Solid Waste Disposal Site Services can only be reinstated with written permission from the Designated Municipal Official.

2.4 Prohibitions at Solid Waste Disposal Site

2.4.1 No person shall exit the Solid Waste Disposal Site without making payment or arranging to make payment on a pre-existing account.

3. COLLECTION SERVICES

3.1 General Information and Requirements for Service

3.1.1 The Town shall not collect any Waste that is not set out as prescribed by this By-law.

3.1.2 The provision, maintenance, and replacement of Garbage Containers and Yard Waste Containers are the sole responsibility of the Owner in charge of the Eligible Property.

3.1.3 Where Waste that has been set out for collection has blown away or otherwise escaped an Approved Container in any manner, it is the responsibility of the Owner in charge of the Eligible Property to clean up the Waste.

3.1.4 All Collectable Waste shall be set out no later than 7:00 a.m. on the designated Collection Day and no earlier than 7:00 p.m. on the day prior.

3.1.5 The Owner of the Eligible Property shall remove Waste Containers set out by such Owner or Person in respect of such premise, together with any Waste that was not collected for any reason from the Collection Point as soon as possible after collection, but not later than 7:00 p.m. on the designated Collection Day.

3.1.6 Collectable Waste shall be set out in quantities that do not exceed limits as set out in Schedule "D" of this By-law.

3.1.7 The Owner of the Eligible Property must place Collectable Waste to the approved Collection Point in an accessible location not hidden from view as close as possible to the edge of the roadway without obstructing the roadway or sidewalk or interfering with road maintenance operations including but not limited to winter snow removal or street sweeping. Collectable Waste must be set out in Approved Containers which are clean, well maintained, in good working order and filled to a height no greater than their sides and free from tie downs and bungee cords.

3.1.8 The Town reserves the right to refuse collection of any items based on size, weight, quantity or safety hazards, or any items non-compliant with this By-law.

3.1.9 The Owner of the Eligible Property shall only set out Collectable Waste for Curbside Collection at an approved Collection Point abutting the geographical boundaries of the property where the Collectable Waste has been generated.

3.1.10 In addition to section 3.1.9, during the months of October through May the Owner of the Eligible Property must meet the following requirements for Collectable Waste to be eligible for Curbside Collection:

- i. Approved Containers free of snow and fully accessible and visible to the Collection Contractor;
- ii. Approved Containers not placed on or in snowbanks;
- iii. Approved Containers not placed higher than 2 feet off the ground; and
- iv. Approved Containers not frozen to the ground.

3.1.11 The Owner of an Eligible Property may place broken glass out for Curbside Collection within an Approved Garbage Container, provided the broken glass is securely wrapped and labelled as "containing glass", so that it cannot pierce the wrapper and endanger the Collection Contractor.

3.1.12 Garbage Boxes are permitted for use at residential locations, a waste indicator tab must be used on the Garbage Box and the Garbage Box must be located in a visible and accessible location as determined by the Town.

3.1.13 If a complaint from any Person arises regarding Waste strewn by animals and the complaint is confirmed by Town staff, the Town may designate that a more animal proof container shall be used by the occupant.

3.1.14 Any Industrial, Commercial, and Institutional property or entity making use of the municipal waste collection system is required to have a waste diversion plan and participate in all available diversion options. The completeness of a waste diversion plan will be determined by the Designated Municipal Official.

3.2 Prohibitions on Deposits of Waste (for Collection)

3.2.1 No Person shall set out, permit to be set out, or cause to be set out, Waste for Curbside Collection unless in an Approved Container for the specific Waste type.

3.2.2 No Person shall set out, permit to be set out, or cause to be set out Waste for Curbside Collection unless prepared as required under this By-law.

3.2.3 No Person shall set out, permit to be set out, or cause to be set out any Non-Collectable Waste for Curbside Collection in any manner except as provided in Section 3.3.

3.2.4 No Person shall set out, permit to be set out, or cause to be set out, Waste in excess of the limits or outside of the time, frequency or location as set out in this By-law.

3.2.5 No Person shall fail to remove any Waste or Garbage items set out for Curbside Collection which has been picked over, scattered, or dispersed by any means.

3.2.6 No Person shall fail to remove empty or otherwise Waste Garbage Containers as outlined in this By-law.

3.2.7 No Person shall obstruct, hinder, interfere, or otherwise behave in a manner that is offensive to a Town employee, the Collection Contractor, its representatives, and agents including indulging in violent, threatening, or illegal conduct or use of profane or abusive language or create a nuisance or in any way interfere with Collection Services.

3.2.8 No Person shall scavenge, collect, pick over, interfere with, remove, or scatter any Waste or cause or permit the scavenging, collecting, picking over, interference with, removal or scattering of any Waste set out for Curbside Collection.

3.2.9 No Person shall throw, place or deposit, or cause through action or inaction, permit or allow to be discarded, thrown, placed or deposited Waste or Refuse on land or water other than described in this By-law for collection.

3.2.10 No Person shall place household or commercially generated Waste into, beside or near public space receptacles nor within municipal lands or parks.

3.2.11 No Person shall keep on their premises or elsewhere a dump or repository for any Waste material or in such a condition that the dump or repository, as the case may be, or its contents, is a nuisance, emits foul or offensive odours, is unsafe, is unsightly or harbours or attracts vermin.

3.3 Exceptions

3.3.1 The Town may conduct limited collection of Special Waste Materials as described in an annual collection schedule and may include Electronic Waste, Textiles and Household Batteries. Items are to be set out for collection as described in the annually published instructions.

4. SOLID WASTE DISPOSAL SITE

4.1 General Information and Requirements for Service

4.1.1 Solid Waste Disposal Site services are provided to residents upon proof of residency or IC&I with Waste from a physical address in the Town of The Blue Mountains. Waste must be generated in the Town of The Blue Mountains.

4.1.2 Every Person depositing material at a Solid Waste Disposal Site of the Town shall deposit only such types of materials as are acceptable for deposit at the Solid Waste Disposal Site as designated by the Town.

4.1.3 Every Person depositing Waste at a Solid Waste Disposal Site of the Town shall pay the appropriate fee for that type of Waste, as set out in the current applicable Fees By-law.

5. MULTI-RESIDENTIAL WASTE COLLECTION

5.1 General Information and Requirements for Service

5.1.1 Waste Collection on Multi-Residential Properties shall be carried out at a designated central Collection Point as identified on a site plan approved by the Town and Designated Municipal Official.

5.1.2 Every Owner approved for Waste Collection Services shall at all times maintain adequate vehicular access to their property for the purposes of Front End Bin, Recycling, and Organics Collection, including, but not limited to, removing snow, ice and other hazards.

5.1.3 Every new or existing Multi-Residential Property requesting a Town provided Front End Bin garbage service shall undergo a site visit by the Town to determine the eligibility of the property before receiving Waste Collection Services.

5.1.4 Every Owner, developer, or Property Management Company shall be responsible for the collection and disposal of Waste until the Town determines eligibility for municipal Waste Collection Services.

5.1.5 The Town will not provide Waste Collection Services for a Multi-Residential Property where the Owner has sought private waste collection in respect of such Multi-Residential Complex or where the property does not meet the Mandatory requirements for Front End Bin Garbage Collection Service as outlined in 5.1.6.

5.1.6 The following Mandatory requirements must be met in order for Multi-Residential Properties to receive municipal Front End Bin Waste Collection Services:

- i. Participation in the Multi-Residential Organics Program to the satisfaction of the Designated Municipal Official;
- ii. Participation in the Multi-Residential Recycling Program to the satisfaction of the Designated Municipal Official;
- iii. Compliance with a one (1) bag garbage limit per Multi-Residential dwelling unit every other week as specified through an approved bin size and/or collection frequency;
- iv. For Mixed-Use Properties, physical separation of residential waste and Industrial, Commercial, and Institutional (IC&I) Waste; and
- v. The use of Curbside Collection in addition to Town provided Front End Bin Collection Service is prohibited.

5.2 Exceptions

5.2.1 Multi-Residential Properties that have Streets configured for Curbside Collection, as approved by the Town as part of the site approval process, may be collected curbside from the internal Multi-Residential Property Streets, in this case, the Town will not also provide centralized or Front End Bin service.

5.2.2 Commercial Resort Units and agricultural Bunk Houses are not Multi-Residential Properties under this By-law and the Town shall not provide Waste Collection to these type of developments.

6. LITTERING AND DUMPING OF REFUSE

6.1 Prohibitions on Dumping and Littering

6.1.1 No Person shall throw, place, dump or deposit, or allow or permit to be thrown, placed, dumped or deposited any Waste or Refuse on Private Property or the Public Property of the Town of The Blue Mountains without authority from the Owner or occupants of such property.

6.1.2 No Person shall allow or cause, through action or inaction, the dispersal of Waste or Refuse from their property to other land or water, including but not limited to activities associated with construction, deconstruction, demolition and development.

6.1.3 No Person shall allow or cause, through action or inaction, the dispersal of Waste or Refuse on a highway within the Town of The Blue Mountains except when placed out in accordance with the By-law.

6.1.4 No Person shall keep on their premises or elsewhere a dump or repository for any Waste or Refuse material or in such a condition that the dump or repository or its contents, is a nuisance, emits foul or offensive odours, is unsafe, is unsightly or harbours or attracts vermin, including a construction, demolition or development sites. Such violations shall include Waste or Refuse being inadequately contained in a waste bin.

6.1.5 No Person shall permit or cause, through action or inaction, the release of balloon(s) into the open air or natural environment.

6.1.6 No Person shall throw, place, dump or deposit Waste or Refuse on Private Property or Public Property of the Town of The Blue Mountains without authority from the Owner or occupants of such property.

6.1.7 No person shall discard, throw, or place tobacco or cannabis related cigarette or cigar filters or butts on to the land or water of any Public Property, unless into a designated receptacle.

6.2 Remediation

6.2.1 The Owner or occupant of Private Property used contrary to or on which there is a contravention of subsections 6.1.1 and 6.1.3 above, regardless of whether the use or contravention occurred prior to the enactment of this By-law, shall at the Person's own expense clean, clear and cease using such land or structure for such prohibited purposes.

6.2.2 Where Refuse or Waste belonging to or originating from an identifiable Person is found on lands owned by the municipality or on a highway within the municipality, such Person shall be presumed, in the absence of evidence to the contrary, to have deposited or permitted the depositing of the Waste or Refuse at the place where it is found.

6.2.3 Where the amount of Refuse or Waste alleged to have been thrown, placed or deposited in contravention of this By-law exceeds 5 cubic metres, the Person charged shall be prosecuted pursuant to Part III of the *Provincial Offences Act, R.S.O. 1990, c. P.33*.

7. ENFORCEMENT

7.1 Enforcement

7.1.1 A Municipal Law Enforcement Officer, Environmental Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this By-law.

7.1.2 No Person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Environmental Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this By-law.

7.2. Fine – For Contravention

Every Person who contravenes any provision of this By-law and, if the Person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and on conviction is liable to any penalty as provided in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*.

7.3. Continuation – Repetition – Prohibited – By Order

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 convicted, and such order shall be in addition to any other penalty imposed on the Person convicted.

7.4. Recovery of Costs

In this By-law where the Town or the Designated Municipal Official is given the power to direct or require a person to do a matter or thing, the Town may do the matter or thing at the Person's cost if the Person defaults in doing it and the Town may recover the costs of doing the matter or thing by action or in accordance with Part XIV of the Municipal Act.

7.5. Administrative Monetary Penalties

7.5.1 By-law 2021-71 as amended, being the Administrative Monetary Penalties By-law applies to each administrative monetary penalty issued pursuant to this By-law.

7.5.2 Each Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with By-law 2021-71 as amended, being the Administrative Monetary Penalties By-law, be liable to pay to the Town an administrative monetary penalty as set out in Schedule "E" of this By-law.

7.5.3 The *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended, does not apply to a penalty notice issued in accordance with By-law 2021-71 as amended, being the Administrative Monetary Penalties By-law.

7.6 Penalties

7.6.2 Every Person who contravenes any provision of this By-law, and every director or officer of a corporation, who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the Municipal Act.

7.6.3 Every Person who contravenes the provisions of any section of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the Municipal Act and is liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act.

7.6.4 For the purpose of continuous offences, every Person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per day or part thereof, exclusive of costs, under the provisions of the Municipal Act.

7.6.5 Notwithstanding Section 7.6.4 and in accordance with the provisions of the Municipal Act the total of all fines for the continuous offences or multiple offences is not limited to \$100,000.

7.7 Recovery of Costs

For the purposes of investigation of non-compliance with this By-law, and, where the Town, its employees or authorized agents have performed the work required to bring the Eligible Property into compliance with the By-law, all expenses incurred by the Town in doing the work as well as any related fees, shall be deemed to be taxes and may be collected by action or the costs may be added to the tax roll for the Eligible Property and collected in the same manner as taxes.

7.8 Severability

Should any section of this By-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

8. PREVIOUS BY-LAWS REPEALED

8.1 Repeal – Previous By-laws

With the enactment of this By-law, the following By-laws are hereby repealed:

By-law No. 1999-10 dated February 1, 1999

By-Law No. 2003-16, as amended, dated September 3, 2003.

9. EFFECTIVE DATE

9.1 Effective Date

This By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2023.

Andrea Matrosovs, Mayor

Corrina Giles, Town Clerk

DRAFT

SCHEDULE "A"

Recyclable Material Accepted for Waste Collection Services

This Schedule forms a part of By-law 2023- being a By-law to regulate the collection and/or disposal of Garbage, Organics, Recyclables, and other Waste materials and for operating and maintaining the Solid Waste Disposal Site in The Town of The Blue Mountains.

Recyclable Materials are subdivided into two categories, Recyclable Containers and Recyclable Paper Fibres, as will be defined from time-to-time by Circular Materials Ontario and includes:

Recyclable Containers

- plastic shopping bags;
- milk and juice gable top cartons and drinking boxes;
- Plastic bottles, jugs, lids, and tubs;
- glass bottles and jars;
- spiral cardboard cans;
- metal food and beverage containers;
- clean aluminum foil (including items made from aluminum foil);
- styrofoam and clamshell food containers; and
- empty dry metal paint cans and empty aerosol cans.

Recyclable Paper Fibres

- boxboard (including detergent, cracker, and cereal boxes);
- paper egg cartons and takeout drink trays;
- corrugated cardboard;
- newsprint (including inserts and flyers)
- magazines, catalogues, and telephone books;
- non-metallic wrapping paper, greeting cards, and kraft paper;
- paper bags and household paper; and
- certified compostable packaging and certified compostable single-use products.

SCHEDULE "B"

Organic Waste Accepted for Waste Collection Services

This Schedule forms a part of By-law 2023- being a By-law to regulate the collection and/or disposal of Garbage, Organics, Recyclables, and other Waste materials and for operating and maintaining the Solid Waste Disposal Site in The Town of The Blue Mountains.

Organic Waste includes:

- fruits and vegetables;
- dairy products, cheese, yogurt, eggs, and eggshells;
- coffee grounds and filters, teabags;
- meat, fish, and shellfish (including bones);
- cereal, baked goods, pasta, and rice;
- sauces, mayonnaise, salad dressing, syrups, peanut butter, jams, and jellies;
- fats and oils, lard, butter;
- soiled paper towels, facial tissues, paper towel rolls, toilet paper rolls;
- soiled paper food packaging, cardboard egg cartons, paper coffee cups, paper napkins, paper plates and cups, paper take-out food trays and containers, microwave popcorn bags, muffin papers, flour and sugar bags, greasy pizza boxes;
- houseplants and cut flowers;
- hair and pet hair, feathers, dryer lint;
- newspaper, fine paper, and waxed paper;
- wooden popsicle sticks, toothpicks, and natural cork;
- pumpkins and fruit and vegetable waste from the yard or garden;
- pet litter and waste; and
- certified compostable packaging and certified compostable single-use products.

SCHEDULE "C"

Yard Waste Material Accepted for Waste Collection Services

This Schedule forms a part of By-law 2023- being a By-law to regulate the collection and/or disposal of Garbage, Organics, Recyclables, and other Waste materials and for operating and maintaining the Solid Waste Disposal Site in The Town of The Blue Mountains.

Yard Waste includes:

- yard and garden trimmings;
- leaves and brush;
- shrubs bushes and vines;
- Christmas trees (excluding artificial Christmas trees);
- sod (excluding soil); and
- grass clippings.

DRAFT

SCHEDULE "D"

Curbside Collection Waste Preparation and Limits

This Schedule forms a part of By-law 2023- being a By-law to regulate the collection and/or disposal of Garbage, Organics, Recyclables, and other Waste materials and for operating and maintaining the Solid Waste Disposal Site in The Town of The Blue Mountains.

	Waste Type	Collection Frequency	Quantity Limit and Tagging	Weight and Capacity Limit
Curbside Residential Units	Garbage	Weekly	1st bag or container no charge, 2 nd bag or container must have one Tag, 3 rd bag or container must have two tags, 4 th bag or container not permitted	20 kg (45 lbs) 125 litre capacity
	Recyclables	Weekly	No limit to number of Clear bags, Recycle Boxes or cardboard bundles. Bundles limited to not larger than 61cm x 46cm x 15cm (24"x 18"x6")	20 kg (45 lbs) per bag, box or bundle
	Organics	Weekly	Not limited	20 kg (45 lbs) 45 litre cart
	Yard Waste	Seasonal	10 Units per collection week, paper bags or bundles not larger than 1.2 m (4ft) in length and 0.3m (1ft) in diameter	20 kg (45 lbs)
	Electronic Waste	Seasonal	Not limited	No single item larger than 20 kg (45 lbs)
	Batteries	Seasonal	Not Limited	1 litre bag and 5 kg (11 lbs) maximum per battery
	Textiles	Seasonal	Not Limited	20 kg (45 lbs) per bag or box
Multi-Unit Residential Units	Garbage	Weekly	1 yard of container capacity for every 5 residential units	
	Recyclables	Weekly	Not limited	
	Organics	Twice a week	Not Limited	
	Yard Waste	None	No Yard Waste collection in Multi-units	
	Electronic Waste	Seasonal	Not limited	20 kg (45 lbs)
	Batteries	Seasonal	Not Limited – Clear bags	1 litre
	Textiles	Seasonal	Not Limited – Clear bags	20 kg (45 lbs) 125 capacity
Curbside IC&I Units	Garbage	Weekly	1st bag or container no charge, 2nd bag or container must have one Tag, 3rd bag or container not permitted	20 kg (45 lbs) 125 litre capacity
	Recyclables	Weekly	Limited to 9 units. Clear bags, Recycle Boxes or cardboard bundles. Bundles limited to not larger than 61cmx46cmx15cm (24"x18"x6")	20 kg (45lbs) per Bag, box or bundle
			or 3 Carts	360 litre capacity
	Organics	Weekly	Limited to 5 mini-carts	20 kg (45 lbs), 45 litre
			or 2 medium carts	240 litre

SCHEDULE "E"

This Schedule forms a part of By-law 2023- being a By-law to regulate the collection and/or disposal of Garbage, Organics, Recyclables, and other Waste materials and for operating and maintaining the Solid Waste Disposal Site in The Town of The Blue Mountains.

Pursuant to Section 7.5 of By-law 2023- , the Administrative Monetary Penalties are as follows:

Infraction	Penalty	By-Law	Section	Reference
Set out of Non-collectable Waste	\$100	2023-	3.2.3	1
Set out of Waste in excess of limit or frequency	\$100	2023-	3.2.4	2
Set out of Waste outside of permitted time or location	\$100	2023-	3.2.4	2
Failure to remove scattered Waste	\$100	2023-	3.2.5	3
Failure to remove empty Waste Containers	\$100	2023-	3.2.6	4
Interference with Curbside Collection	\$100	2023-	3.2.8	5
Littering	\$500	2023-	3.2.9, 6.1.2, and 6.1.3	6
Waste dumping	\$5,000	2023-	6.1.1	7
Wrongful use of public space receptacles or municipal lands	\$250	2023-	3.2.10	8
Premises a Waste dump and Waste inadequately contained	\$1,000	2023-	3.2.11 and 6.1.4	9
Exiting Disposal Site without payment	\$800/tonne	2023-	2.4.1	10
Balloon release	\$100/ balloon	2023-	6.1.5	11
Butt Littering	\$100	2023-	6.1.7	12

References:

1. No Person shall set out, permit to be set out, or cause to be set out any Non-Collectable Waste for Curbside Collection in any manner except as provided in Section 3.3. (3.2.3)
2. No Person shall set out, permit to be set out, or cause to be set out, Waste in excess of the limits or outside of the time, frequency or location as set out in this By-law. (3.2.4)
3. No Person shall fail to remove any Waste or Garbage items set out for Curbside Collection which has been picked over, scattered, or dispersed by any means. (3.2.5)

4. No Person shall fail to remove empty or otherwise Waste Garbage Containers as outlined in this By-law. (3.2.6)
5. No Person shall scavenge, collect, pick over, interfere with, remove, or scatter any Waste or cause or permit the scavenging, collecting, picking over, interference with, removal or scattering of any Waste set out for Curbside Collection. (3.2.8)
6. No Person shall throw, place or deposit, or cause through action or inaction, permit or allow to be discarded, thrown, placed or deposited Waste or Refuse on land or water other than described in this By-law for collection. (3.2.9); No Person shall allow or cause, through action or inaction, the dispersal of Waste or Refuse from their property to other land or water, including but not limited to activities associated with construction, deconstruction, demolition and development. (6.1.2); and No Person shall allow or cause, through action or inaction, the dispersal of Waste or Refuse on a highway within the Town of The Blue Mountains except when placed out in accordance with the By-law. (6.1.3)
7. No Person shall throw, place, dump or deposit, or allow or permit to be thrown, placed, dumped or deposited any Waste or Refuse on Private Property or the property of the Town of The Blue Mountains without authority from the Owner or occupants of such property. (6.1.1)
8. No Person shall place household or commercially generated Waste into, beside or near public space receptacles nor within municipal lands or parks. (3.2.10)
9. No Person shall keep on their premises or elsewhere a dump or repository for any Waste material or in such a condition that the dump or repository, as the case may be, or its contents, is a nuisance, emits foul or offensive odours, is unsafe, is unsightly or harbours or attracts vermin. (3.2.11); and No person shall keep on their premises or elsewhere a dump or repository for any Waste or Refuse material or in such a condition that the dump or repository or its contents, is a nuisance, emits foul or offensive odours, is unsafe, is unsightly or harbours or attracts vermin, including construction, demolition or development sites. Such violations shall include Waste and Refuse being inadequately contained in a waste bin. (6.1.4)
10. No Person shall exit the Solid Waste Disposal Site without making payment or arranging to make payment on a pre-existing account. (2.4.1)
11. No Person shall permit or cause through action or in-action the release of balloon(s) into the open air or natural environment. (6.1.5)
12. No Person shall discard, throw, or place tobacco or cannabis related cigarette or cigar filters or butts on to the land or water of any Public Property, unless into a designated receptacle. (6.1.7)