

THE CORPORATION OF HALDIMAND COUNTY

By-law No. 1736/16

Being a by-law for the collection of waste, recyclables, and other materials within the County

WHEREAS Section 8 through 11 of the *Municipal Act*, 2001, S.O. 2001, C.25, as amended (the Act), provide that a municipality may pass by-laws respecting, inter alia, Waste Management;

WHEREAS the Council of Haldimand County deems it desirable to establish policies for the collection and management of Waste, Recyclable Materials and other materials within the County;

WHEREAS Section 391 of the Act provides that a municipality may pass By-laws imposing fees or charges on any class or persons for services or activities provided or done by or on behalf of it;

AND WHEREAS the Act further authorizes Haldimand County, amongst other things, to delegate its authority, to impose fees or charges, to provide for inspections, and to make orders to discontinue activity or to do work.

NOW THEREFORE, the Council of the Corporation of Haldimand County enacts as follows:

PART I DEFINITIONS

1. The following terms are defined for the purpose of this By-law:
 - a) “As Designated” means as designated by the County from time to time by the General Manager of Public Works or his or her designate;
 - b) “Biomedical Wastes” means including sharps or medical instruments, anatomical parts, dressings, bandages or other infected materials from hospitals, surgeries, or offices of physicians, surgeons, dentists, or veterinarians;
 - c) “Blue Box” means an open top plastic container for the collection of Recyclable Material, as identified in Schedule “A” of this By-law;
 - d) “Bulky Material” means large household items as defined in Schedule “B” of this By-law;
 - e) “By-law” means this By-law and any amendments thereto;
 - f) “Collectable Material” means material which may be collected Curbside pursuant to this By-law including Recyclable Material, Garbage and Leaf and Yard Waste;
 - g) “Collection Vehicle” means a vehicle operated by a County Waste Hauler for the collection of Collectable Materials set out for Curbside collection;

- h) “Common Collection Points” means any areas for multiple property owners, whose driveways do not front onto a public roadway or residents living on inaccessible Private Roads, to set out waste and recycling on their designated collection day where it is to be collected by the County;
- i) “Council” means the Council of the Corporation of Haldimand County;
- j) “County” means The Corporation of Haldimand County;
- k) “County Waste Hauler” means any firm under contract with the County to complete a contract such as the Curbside Waste Collection Program, Curbside Blue Box Recycling Program, Leaf and Yard Waste Collection Program, Bulky Item Collection Program or other Curbside collection program offered from time to time;
- l) “Curbside” means the edge of the travelled portion of the road (curb or shoulder);
- m) “Door to Door Service” means a collection method for the curbside collection vehicle where the collection vehicle will follow the travelled portion of the roadway and the collection vehicle will stop in front of each residence for collection of Collectable Materials;
- n) “Duplex” means a building with two Dwelling Units;
- o) “Dwelling Unit” or “Household” means a room or suite of rooms operated as a housekeeping unit, used or intended to be used as a self-contained domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities;
- p) “Eligible Property” means a Low Density Residential Premises, Duplex, Multi-residential Building, Multi-residential Structure, Farm Operation and includes a Premises used for one or more Institutional, Commercial or Industrial purpose provided that:
 - i) the container limits set out in Sections 15 and 23 can be abided by in the normal course of waste generation activity; and
 - ii) the Owner(s) of the Premises is in compliance with this By-law; and
 - iii) the only material set out for curbside collection is material generated on the Premises;
- q) “Enhance Services” means waste management services other than regular Curbside Waste and Recycling Material collection including but is not limited to Bulky Material collection, Household Hazardous Waste event days, and Leaf and Yard Waste collection;
- r) “Farm Operation” means an agricultural, aquacultural or horticultural operation, other than a race track or a zoo, that is engaged in any or all of the following:
 - i) growing, producing or raising farm animals;

- ii) the production of agricultural crops, including greenhouse crops, maple syrup, mushrooms, nursery stock, tobacco, trees and turf grass;
- s) “Garbage” means all non-hazardous, solid, residual waste which, for the purpose of Curbside collection, does not fall within a recyclable class of material or elsewhere in this By-law and includes Kitchen Wastes and Organic Material;
- t) “Garbage Receptacle” means a container of water tight construction which can be provided with a tight fitting cover which may be removed only when the receptacle is emptied or actively loaded, is maintained in good condition without holes or spillage or a waterproof bag, and is designated for the storing and setting out of Garbage. It does not include cardboard boxes or commercial dumpsters;
- u) “General Manager: means the General Manager of Public Works Department of Haldimand County as designated by the County or the Person duly authorized to act in his stead;
- v) “Industrial, Commercial / Institutional (IC&I) Premises: means any building, structure or Premises used for an industrial, Manufacturing or institutional purpose and Premises occupied for the purpose of carrying on a profession, trade or business, may include but not limited to schools, hospitals and group homes;
- w) “Kitchen Wastes” are considered Source Separated Organics and includes fruit and vegetable matter, crushed egg shells, coffee grounds and filters, tea bags and tea leaves and cut flowers;
- x) “Leaf and Yard Waste” any excess material generated on a property including but not limited to leaves, weeds, spring rakings, cones, fruit and vegetables from yards, brush and tree limbs or clippings, garden and flower bed material, pumpkins, hedge clippings, excluding Kitchen Waste and Organic Material;
- y) “Low Density Residential Premises” includes a single family house containing one dwelling unit and a Semi-detached residential home containing two dwelling units, also known as a Duplex;
- z) “Material” is the broadest categorization of all that a person or Owner wishes to dispose of for curbside collection, whether Collectable Material or not. Subcategories of material for curbside collection are Collectable Material, including recyclables and non-recyclables, to be prepared in accordance with the By-law, and non-Collectable Material;
- aa) “Mixed Use Building” means a use or intended use of a building designed or intended use of a building or structure designed or intended for two or more uses as combination or residential and non-residential;
- bb) “Multi-residential Building” comprises of up to six (6) Dwelling Units and includes buildings with six (6) or less Dwelling Units that are considered vertical, row or town housing or condominium housing on ground level;

- cc) “Multi-residential Structure” comprises of seven (7) or more Dwelling Units and may include, but is not limited to condominiums, nursing homes and retirement homes;
- dd) “Municipal Law Enforcement Officer” means a By-law Enforcement Officer appointed by Haldimand County for the purposes of by-law enforcement;
- ee) “Non-Acceptable Leaf and Yard Waste” consists of stumps, logs, burnt leaves and unbundled brush, sod, dirt, feces, grass clippings, Christmas trees and soil. These materials will not be collected in the Curbside Leaf and Yard Waste Collection Program;
- ff) “Non-Collectable Material” means Material not acceptable for collection as defined in Schedule “C: of this By-law;
- gg) “Organic Material” means Waste of animal and vegetable origin resulting from the preparation or consumption of food, feedstock and other material as designated by the County from time to time;
- hh) “Owner” includes an occupant, lessee, tenant or any other person in charge or control of an Eligible Property or Premises;
- ii) “Person” includes an Owner, individual, partnership, association, firm or Corporation, business entity or club, or any other incorporated or unincorporated group or organization to whom the context can apply in accordance with the Interpretation Act, R.S.O. 1990;
- jj) “Premises” means land and buildings in the geographic area of Haldimand County together considered as a property and controlled by an Owner and/or Occupant. Premises may be made up of multiple units;
- kk) “Private Property, also known as ‘Private Road’, ‘Undedicated Road’, or ‘Private Access’” shall mean roads, laneways, or parking lots, under private Ownership, roads under public Ownership but not dedicated as an open right-of-way, or those roads deemed to be substandard, unmaintained and/or otherwise incapable of providing assured access and egress by the County Waste Hauler to the satisfaction of the General Manager of Public Works, for the purposes of this By-law Private Property is discussed for the purposes of County access, or County contractor access on to Private Property for the purpose of collecting Materials related to this By-law;
- ll) “Recyclable Material” means recyclables as defined in Schedule “A: of this By-law;
- mm) “Recycling Cart” or “Recycling Tote” means a plastic bin or container equipped with a closable top and wheels used for the collection of Recyclable Material. Such Cart or Tote shall be approved for use by the County to ensure that it is compatible with the Collection Vehicle;

- nn) "Recycling Receptacle" includes a Blue Box, Recycling Cart or Recycling Tote and nonreturnable transparent blue or clear bag or within such container as may be approved by the General Manager from time to time;
- oo) "Rural Area" includes all areas as described in Section 9 (c);
- pp) "Scavenge" means to search through and/or remove materials set out for Curbside collection;
- qq) "Service Area" means the geographic area of the County;
- rr) "Sharps" means medical or veterinary equipment intended to be sharp for the purpose of cutting or piercing, and includes medical needles and syringes;
- ss) "Trailer Park" means an area with special amenities where trailers are parked and used for recreation or as seasonal homes;
- tt) "Urban Area" includes all areas, villages and hamlets identified in Section 9 (a);
- uu) "Yard Waste Bag" means a Kraft paper Leaf and Yard Waste bag, a certified biodegradable/compostable bag for Leaf and Yard Waste or other such bag approved by the General Manager from time to time but does not include a plastic bag;
- vv) "Yard Waste Receptacle" means a rigid open container that has two (2) suitable handles, a Yard Waste Bag or bushel basket containing Leaf and Yard Waste and includes bundles of tree branches and brush cuttings, but does not include a Recycling Receptacle or plastic bag.

All terms used in this By-law which have not been defined shall be given the meanings provided for such terms in the Environmental Protection Act and the regulations there under.

PART II CURBSIDE COLLECTION

A. General

1. The County shall provide for the collection of Collectable Material from Eligible Properties according to the provisions of this By-law.
2. The County shall designate the days of collection, which may be altered from time to time. Public notification of any change in the days of collection shall be advertised by the County prior to the effective date of said change.
3. No Curbside collection shall be made on the following statutory holidays or other days as may be determined by the County from time to time:
 - (a) New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day and Christmas Day.
4. In the event that a County recognized or statutory holiday falls on a regular scheduled collection day, collection shall occur on the following day.

5. The County may delay Curbside collection services due to environmental conditions, construction projects, or other health and safety related issues, and shall attempt to notify affected property Owners of such changes.
6. Properly prepared and separated Collectable Material set out Curbside within the times designated by this By-law shall become the property of the County.
7. Materials set out which are not acceptable for Curbside collection or materials which have been rendered improperly prepared or separated (i.e. Materials that have been strewn by animals) for Curbside collection shall remain on the property and the responsibility of the Owner.
8. Material left at the Curbside before or after collection shall be the responsibility of the Premises' Owner.
9. Collectable Material shall be set out at the Curbside in Urban Areas and Rural Areas based on the following:
 - (a) Urban Areas shall include: Caledonia, Cayuga, Dunnville, Hagersville, Jarvis and Townsend, all as shown in "B" Schedules in Haldimand County's Official Plan.
Hamlet Areas shall include: Attercliffe Station, Blackheath, Byng, Canborough, Canfield, Cheapside, Decewsville, Empire Corners, Fisherville, Garnet, Kohler, Lowbanks, Moulton Station, Nanticoke, Nelles Corners, Port Maitland, Rainham Centre, Selkirk, Sims Lock Road, Sough Cayuga, Springvale, Stromness, Sweets Corners, Unity Side Road, York, all shown in "C" Schedules in Haldimand County's Official Plan.
 - (b) In Urban and Hamlet Areas, the County Waste Hauler generally shall be required to pick up Collectable Material from the Curbside and adjacent to the travelled portion of the street, in front of the residences.
 - (c) Rural Areas shall include all areas, villages and hamlets not identified in Section (a) above.
 - (d) In Rural Areas, the County Waste Hauler generally shall be required to pick up Collectable Material on the right hand side of the road in the direction that the vehicle travels, on its approved route.
10. No Owner shall be eligible for Curbside Collection unless the Owner complies with this By-law.
11. Classes of Curbside Collectable Material – The classes of Curbside Collectable Material are as follows:
 - (a) Non-recyclable material:
 - (i) Garbage;
 - (ii) Bulky goods; and
 - (iii) Any other non-recyclable material As Designated;

- (b) Recyclable Material:
 - (i) As defined in Schedule “A”; and
 - (ii) Any other recyclable material As Designated;
 - (c) Leaf and Yard Material
12. Any other Material not listed in Section 11 (a), (b), and (c) above is Non-Collectable Material and shall not be placed out for Curbside collection.
13. Where Curbside collection services are available to an Eligible Property in the By-law, an Owner shall separate, prepare and set out the Material for collection according to the classes as noted in Section 11 (a), (b), and (c) above.
14. The Owner of any Premises receiving Curbside collection shall be responsible to ensure that all Persons on the Premises who use or expect to use the County’s Curbside collection service receive and follow the instructional information relating to the service provided by the County and this By-law.

B. Curbside Collection of Garbage

15. No Owner shall place Material out for Curbside Collection per week more than:
- (a) Low Density Residential Premises – 3 Garbage Receptacles per dwelling unit;
 - (b) Duplex – 3 Garbage Receptacles per dwelling unit;
 - (c) Multi-Residential Building – 3 Garbage Receptacles per dwelling unit;
 - (d) Multi-Residential Structure – 3 Garbage Receptacles per dwelling unit;
 - (e) Institutional, Commercial or Industrial (used for one or more purposes – 10 Garbage Receptacles;
 - (f) Farm Operation – 10 Garbage Receptacles; and
 - (g) Trailer Parks –
 - (i) Non-operational Season – Collected based on current practice in accordance with residential, commercial or farm set out limits listed above;
 - (ii) Operational Season – Collected based on 3 Garbage Receptacles per Municipal Property Assessment Corporation (MPAC) assessed individual trailers on the property.
16. Where an Owner of a Farm Operation has more than one property, Garbage shall only be collected at a Farm Operation that has occupied Premises.
17. An Industrial, Commercial or Institutional (IC&I) establishment that is on an existing collection route shall be permitted to receive Material collection, as per the By-law requirements, at the nearest adjoining Curbside for collection.

18. Every Owner, when placing out for Curbside collection a Garbage Receptacle shall ensure that the Garbage Receptacle:
- (a) is maintained in good condition, without holes or spillage;
 - (b) has an external height no greater than 92 centimetres (3 feet);
 - (c) has an internal width or diameter no greater than 61 centimetres (2 feet); and
 - (d) has a weight of no more than 18 kilograms (40 pounds);
 - (e) is capable of supporting 18 kilograms (40 pounds) when lifts;
 - (f) has suitable handles;
 - (g) the garbage does not exceed the limits of the top of the Garbage Receptacle;
 - (h) lids must be readily separable from the Garbage Receptacle; and
 - (i) any devices used to tie down or secure any lids shall be removed prior to collection.

19. Where a Garbage bag is used as a Garbage Receptacle, every Owner shall place out for Curbside collection a Garbage bag that:
- (a) is no larger than 76 centimetres wide (1.5 feet) and 91 centimetres (3 feet) high or not more than 85 litres;
 - (b) is securely tied at the top;
 - (c) has a weight of no more than 18 kilograms (40 pounds); and
 - (d) is capable of supporting 18 kilograms (40 pounds) when lifted.

Notwithstanding any other provision within this By-law, an Owner may use a cardboard box as a Garbage Receptacle and place out for Curbside collection. The cardboard box may contain broken household glass only, such as broken glass from mirrors, dishes and/or picture frames.

20. Where a cardboard box is used as a Garbage Receptacle, every Owner shall place out for Curbside collection a cardboard box, which will be collected along with its broken glass contents, that:
- (a) is separate and sturdy;
 - (b) the broken glass is place in the box and secured so as to remain closed and to protect the safety of the Contractors; and
 - (c) it is labelled appropriately (i.e. "broken glass").

A cardboard box with broken glass is included as part of the Garbage Receptacle limit specified in Section 15.

21. The preferred approach is to collect on the public right of way of each dwelling therefore allowing ownership of each collection point.

C. Curbside Collection of Recyclable Material

22. Every Owner of an Eligible Property shall be permitted Curbside collection of Recyclable Material provided that the Recyclable Material placed out for collection complies with the provisions of the By-law.
23. No Owner shall place out for Curbside collection per week more than:
 - (a) Institutional, Commercial or Industrial (used for one or more purposes) – six (6) Recycling Receptacles from a Premise and six (6) bundles of corrugated cardboard.
24. There are no limits on the Blue Boxes or bundles of corrugated cardboard for a:
 - (a) Low Density Residential Premise;
 - (b) Duplex;
 - (c) Multi-Residential Building;
 - (d) Multi-Residential Structure;
 - (e) Farm Operation; and
 - (f) Trailer Parks – during Operational Season. Although, during the Non-Operational Season the property will be treated as Section 23 (a) from above and collected accordingly.
25. Subject to the requirements of Schedule “A”, Recyclable Material left at the Curbside for collection shall be placed within or bundled beside the Recycling Receptacle.
26. No Owner shall place out for Curbside Collection Recyclable Material:
 - (a) unless the Material is in a Recycling Receptacle, or
 - (b) unless bundled in accordance with this By-law.
27. In accordance with Haldimand County’s two stream recycling program, an Owner placing out for Curbside Collection Recyclable Material shall separate Containers and Fibres as identified in Schedule “A” into separate Recycling Receptacles.
28. Every Owner when placing out for Curbside Collection a Recycling Receptacle shall ensure that the Recycling Receptacle:
 - (a) when a Blue Box has a capacity no greater than 83 litres (22 gallons);
 - (b) when a Recycling Cart has a capacity no greater than 360 litres (95 gallons);
 - (c) when a transparent blue or clear bag weighs no more than 18 kilograms (40 pounds);
 - (d) when a transparent blue or clear bag is capable of supporting 18 kilograms (40 pounds) when lifted; and

- (e) is maintained in good condition, in good working order and safe to use.
29. The preferred approach is to collect on the public right of way of each dwelling therefore allowing ownership of each collection point.

D. Curbside Collection of Leaf and Yard Waste

30. Every Owner of an Eligible Property in an Urban Area as identified in Section 9 (a) shall be permitted Curbside Collection of Leaf and Yard Waste during each collection event as identified by the County, each spring and fall, provided that the Leaf and Yard Waste placed out for collection complies with the provisions of this By-law.
31. During Leaf and Yard Waste collection events there is no limit on the number of Yard Waste Receptacles that can be set out.
32. Every Owner who sets out for Curbside Collection, Leaf and Yard Waste, shall ensure the Material is in a Yard Waste Receptacle.
33. Every Owner when placing out for Curbside Collection a Yard Waste Receptacle shall ensure that the Yard Waste Receptacle:
- (a) has an external height no greater than 91 centimetres (3 feet);
 - (b) has an internal width or diameter no greater than 61 centimetres (2 feet);
 - (c) has a weight of no more than 18 kilograms (40 pounds);
 - (d) is capable of supporting 18 kilograms (40 pounds) when lifted;
 - (e) has suitable handles;
 - (f) is not contaminated with garbage; and
 - (g) does not contain burnt leaves.
34. No Owner shall cause or permit the placing out for Curbside Collection a Yard Waste Receptacle containing anything other than Leaf and Yard Waste.
35. No Owner shall cause or permit the placing out for Curbside Collection a Yard Waste Receptacle containing:
- (a) Grass clippings;
 - (b) Leaf and Yard Waste in a plastic bag; and
 - (c)
 - (d) Non-Acceptable Leaf and Yard Waste.

36. Every Owner, when placing out for Curbside Collection a Yard Waste Bag shall ensure that the Yard Waste Bag:
- (a) has a height no greater than 91 centimetres (3 feet);
 - (b) has a width no greater than 41 centimetres (1.35 feet);
 - (c) has a depth of no greater than 30 centimetres (1 foot);
 - (d) has a weight of no more than 18 kilograms (40 pounds);
 - (e) is capable of supporting 18 kilograms (40 pounds) when lifted; and
 - (f) has the capability to be securely closed when filled.

Requirements for branches and brush:

37. During Leaf and Yard Waste collection events there is no limit on the number of bundles containing cuttings from tree branches and brush.
38. Every Owner when placing out for Curbside Collection bundles of tree branches and brush cuttings shall ensure that each bundle:
- (a) weighs no more than 18 kilograms (40 pounds);
 - (b) is no more than 1.2 metres (4 feet) in length;
 - (c) is no more than 0.75 m (2.5 feet) in diameter; and
 - (d) has individual branches inside the bundle no more than 7 cm (2.5 inches) in diameter.

E. Curbside Collection of Residential Bulky Material

39. The County shall designate one day per month for Bulky Material pickup. The frequency of the Bulky Material collection may be altered by the County.
40. An Owner of a residential Premises is allowed two (2) Bulky Material collections per calendar year provided the Owner receives weekly Curbside Waste Collection services.
41. The Owners of each Dwelling Unit, shall be permitted, in accordance with this Section, to leave Bulky Material at the nearest designated collection location.
42. Bulky Material shall not be accepted from Industrial, Commercial, or Institutional (IC&I) establishments.
43. An Owner who requires Bulky Material collection shall do so by contacting the County Waste Hauler to arrange a pick up on the County designated collection date.
44. No Owner shall place out for Curbside Collection Bulky Material:
- (a) more than one (1) day prior to the designated collection date;
 - (b) more than six (6) items of Bulky Material per designated collection date.

F. Curbside Collection for Private Property

45. The County may provide year round collection of Collectable Material for Private Properties by methods approved by the County. Such collection methods could include Door to Door Service or Common Collection Points.
46. Private Property Owners are responsible for the design and construction of proper and safe residential waste handling systems for their residents on private property, in both urban and rural settings. This includes access routes, storage facilities, collection areas, and with direct access to a municipal street that does not require the collection vehicle to reverse onto the municipal street.
47. Private Property owners are responsible for ensuring all private roads are maintained in good repair which includes but is not limited to repairing potholes, ensuring roads are plowed and sanded/salted during winter months, removing overhanging tree branches that may interfere with the collection vehicles, etc. The County reserves the right to suspend collection services to any residential, industrial, commercial or institutional development that does not ensure that all private roads are maintained in good repair, until such time as the roads are brought back to a state of repair satisfactory to the County.
48. The collection area and access road, shall be provided exclusive of any onsite parking spaces.
49. The Private Property Owner is responsible for moving all waste containers out to the designated collection area on the designated collection day.
50. The Private Property Owner is responsible for collection, processing, haulage and disposal of all waste materials from the Private Property until such time as the Private Property is approved for collection services.
51. Private Property Owners must complete an application form and indemnification form prior to the County accessing the Private Property and providing waste and recycling collection services. The submission of the application form shall determine the method of collection services provided.

G. Regulations RE: Curbside Collection

52. Collectable Material shall be set out at Curbside or approved Common Collection Point prior to 7:00 a.m. on the day of collection.
53. No Owner shall set out Collectable Material before 7:00 p.m. the evening prior to the collection day.
54. Every Owner shall remove Material not collected from the Curbside or Common Collection Point by 7:00 p.m. on the collection day.
55. Every Owner shall remove an emptied Receptacle from the Curbside or Common Collection Point by 7:00 p.m. on the collection day.

56. Each type of Collectable Material shall be separated a reasonable distance from other types of Collectable Materials.
57. Every Owner shall place each Receptacle of Collectable Material a maximum distance of 1.2 metres from the travelled portion of the nearest public roadway without obstructing the roadway or sidewalk.
58. No Person shall set out Non-Collectable Material for Curbside Collection.
59. No Person other than a County Waste Management System Contractor and/or County staff, shall throw, place or deposit in any Curbside Collection Vehicle within the County, any Material including dirt, garbage or refuse of any kind.
60. Every Owner shall ensure that Collectable Material is not scattered by the wind, animals, or other causes and that it is properly set out for Curbside Collection in accordance with this By-law.
61. Every Owner shall drain Collectable Material of all liquids and then place in the appropriate receptacle.
62. No Owner shall place Collectable Material in the gutter, ditches, or on the travelled portion of a highway.
63. In Urban Areas, during times of snow accumulation, every receptacle shall be left for collection on the driveway of the property, adjacent to the plowed portion of the roadway, in an area where the snowbank is cleared to ground level at the curb, or at such other location as may be designated in writing or by public advertisement by the County.
64. In Rural Areas, during times of snow accumulation, every receptacle shall be left for collection on the plowed shoulder on the designated roadside, or at such other location as may be designated in writing or by public advertisement by the County.
65. Every Owner shall ensure that County-approved Containers for Collectable Material are maintained in a clean and safe condition.
66. No Owner shall permit their Garbage Receptacle to emit offensive odours or attract birds, rats, or other vermin and insects.
67. No Person, unless authorized by the County, shall pick over, Scavenge, interfere with, disturb, remove, or scatter any Collectable Material including any garbage, Recyclable Material, bundle, article or thing whether in a receptacle or otherwise placed out for Curbside Collection.
68. No Person shall permit any animal owned by him or under his care or control to pick over, interfere with, disturb, remove or scatter any Waste or other material set out for collection by the County.

PART III ENFORCEMENT AND ADMINISTRATION

69. This By-law and all its provisions shall be administered by the General Manager.
70. All Municipal Law Enforcement Officers are authorized to enforce this By-law.
71. Municipal Law Enforcement Officers acting under this By-law or any person acting under his or her instructions may, at any reasonable time, and upon producing proper identification, enter upon any property without a warrant for the purpose of determining whether or not the following are being complied with:
- (a) this By-law;
 - (b) a direction or order made under this By-law; or
 - (c) a prohibition order made under s. 431 of the Municipal Act, 2001.
72. Municipal Law Enforcement Officers may, for the purposes of inspection under this By-law:
- (a) Require the production for inspection of documents or things relevant to the inspection;
 - (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) Require information in writing or otherwise as required by the officer from any Person concerning a matter related to the inspection; or
 - (d) Along or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
73. A Municipal Law Enforcement Officer may make an Order requiring the Owner, within the time specified in the Order to:
- (a) do work to correct the contravention;
 - (b) discontinue the contravening activity.
74. An order issued under this By-law shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention; and
 - (b) the work to be done and the date by which the work must be done; and
 - (c) state the municipal address, legal description or roll number of the property which is connected to the contravention.

75. An Order may be served on the Owner personally by handing it to the Owner, but where the Order cannot be given or served by reason of the Owner's absence from the Owner's property or by reason of evasion of service, the Order may be given or served:
 - (a) by handing it to an apparently adult person on the Owner's property; or
 - (b) by sending it by prepaid regular mail to the last known address of the Owner of the Premises; or
 - (c) by sending it by prepaid registered mail to the last known address of the Owner of the Premises; or
 - (d) by posting it in a conspicuous place upon some part of the Owner's property and by sending a copy by prepaid regular mail.
76. If an Order is served by registered mail, the service shall be deemed to have been made on the fifth (5th) day after the day of mailing.
77. No Owner shall fail to comply with an Order issued under this By-law.
78. Where an Owner contravenes an Order issued under Section 67, the Municipal Law Enforcement Officer may, without notice to any Owner, cause the work to correct the contravention to be done at each Owner's expense. Without limitation, the Municipal Law Enforcement Officer may retain such persons to assist in completing the work as the Municipal Law Enforcement Officers determine appropriate.
79. The County may include a minimum Tipping Fee charge of fifty dollars (\$50.00) in the event the Material cleaned up is not separately weighed.
80. Upon completion of the work to correct the contravention by or on behalf of the County, the County shall have a lien on the land for the amount spent on the work to correct the contravention and the amount shall be deemed to be municipal property taxes and may be added to the tax roll and collected in the same manner and with the same priority as municipal property taxes as provided for by statute.
81. Notwithstanding Section 72, where an Owner has placed out for Curbside Collection any Collectable Material in contravention of any provision of this By-law, the Municipal Law Enforcement Officer or General Manager may immediately remove and dispose of any such Collectable Material in the interest of public safety or nuisance control and such costs are recoverable under the authority of the Municipal Act, 2001 as amended, and shall be collected in the same manner as taxes.
82. Each Owner is "jointly" and "severally liable" to the County for all costs incurred in any way related to work done to correct the contravention for the purpose of Section 72 and Section 75 including, and without limitation, interest as per County policy.

Penalty

83. Each person who contravenes any provision of this By-law or an order issued under this By-law, is guilty of an offence.
- (a) Every person who contravenes any of the provisions of this By-law, and if the person is a director or officer of a corporation, is guilty of an offence and on conviction is liable:
- (i) On a first conviction to a fine of not more than \$25,000; and
 - (ii) On a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.
- (b) Despite Subsection 83 (a), if the person is a corporation, the maximum penalty that may be imposed is:
- (i) On a first conviction a fine of not more than \$50,000; and
 - (ii) On a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

PART IV OBSTRUCTION

84. No person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Law Enforcement Officer in carrying out his or her duties as described under this By-law.

PART V GENERAL

85. Where provision of this By-law conflicts with the provision of another By-law in force in the County, the provisions that establish, in the sole opinion of the County, the higher standards to protect health, safety and welfare of the general public, shall prevail.
86. The Schedules to this By-law form an integral part of this By-law.
87. Where a Court of competent jurisdiction declares any section or part of a section or any Schedule of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an Order to the contrary.
88. All terms used in this By-law which have not been defined in this By-law shall be given the meanings provided for such terms in the Environmental Protection Act and the regulations there under.

PART VI REPEAL OF EXISTING BY-LAWS

89. The following By-law, as amended, of the former Regional Municipality of Haldimand-Norfolk is repealed:
- (a) The Corporation of Haldimand County amendment 750/06 to By-law No. 192/94.
 - (b) The Corporation of the Town of Dunnville By-law No. 36-92.
 - (c) City of Nanticoke By-law No. 92-92.

This By-law shall come into force and effect on the date of its passing and enactment.

READ a first and second time this 21st day of November, 2016.

READ third time and finally passed this 21st day of November, 2016.

MAYOR

CLERK

LIST OF SCHEDULES to BY-LAW 1736/16

<u>Schedule</u>	<u>Title</u>
"A"	Recycling Materials and Instructions
"B"	Residential Bulky Item Collection Program
"C"	Non-Collectable Material Waste Types and Definitions

SCHEDULE "A" to By-law 1736/16

RECYCLING MATERIALS and INSTRUCTIONS

The following types of materials are considered to be Recyclables suitable for collection under the County's Curbside Blue Box Recycling Program. Materials shall be sorted separately into Fibre and Container streams using separate recycling collection boxes/carts as noted in this By-law. Recycling boxes/carts that are not properly sorted or contain unacceptable material shall not be collected.

Containers:

- 1) "Aerosol Cans" - such as that which contained air fresheners, shaving creams, household cleaners and/or hair products. Discard plastic lids from aerosol cans as Waste. Ensure all aerosol containers are completely empty. Aerosol cans shall be placed in the Recycling Receptacle designated for Containers only. No propane cylinders.
- 2) "Aluminium" – such as aluminium or metal food and/or beverage cans. Rinse and place inside Container Box or a Recycling Cart designated for Containers only. It is not necessary to remove labels.
- 3) "Aluminium Foil" - meaning food wrap, food packaging and kitchenware such as pie plates made from a thin sheet of aluminium. Rinse and place inside Container Box or a Recycling Cart designated for Containers only. Discard foil-lined cardboard lids. No cigarette packaging or butter wrapping.
- 4) "Cardboard Cartons" – cardboard spiral packaging such as frozen juice, chilled dough tubes, baby formula containers, potato chip cans. Empty and rinse containers, discard plastic lids, caps, or plastic wrap as Waste. Place spiral containers and their metal tops in the Containers box or a Recycling Cart designated for Containers only.
- 5) "Drinking/Juice Boxes" - see Paper Cartons.
- 6) "Gable-Top Containers" – see Paper Cartons.
- 7) "Glass" - clear or coloured glass bottles and jars which previously contained a food or beverage product. Empty, rinse, remove lids; it is not necessary to remove labels. Place inside Containers Box or place inside a Recycling Cart designated for Containers only. Metal lids (but not plastic lids) may also be placed loose in the Containers Box. No broken glass, light bulbs, window glass, mirrors, Pyrex bakeware, drinking glasses or ceramic.
- 8) "Paper Cartons" – such as milk and juice cartons, drinking boxes and other Tetra-paks used for soups, wine and other liquid foods. Rinse and place in the Containers box or a Recycling Cart designated for Containers only. No lids, caps, straws or plastic wrapping.
- 9) "Paint Cans" – Household interior and/or exterior paint stain or varnish. Paint cans shall not contain more than ¼ inch (6mm) of dried paint. Remove Lids. Place Lids and Paint Cans in the Containers Box or in a Recycling Cart designated for Containers only. No plastic Paint Cans.

- 10) "Plastic Containers" which previously contained a non-hazardous consumer product. Rinse; and place inside Containers Box or a Recycling Cart designated for Containers only. It is not necessary to remove labels. Metal lids (but not plastic lids) may also be placed loose in the Containers Box or a Recycling Cart designated for Containers only. Plastic Containers includes:

- i. Polyethylene Terephthalate (PETE#1)
- ii. High Density Polyethylene (HDPE#2)
- iii. Polyvinyl Chloride (PVC#3)
- iv. Low Density Polyethylene (LDPE #4)
- v. Polypropylene (PP #5)
- vi. Polystyrene (PS #6)
- vii. Polycarbonate (PC#7)
- viii. Clam Shell Containers used to package bakery items, fruit, vegetables and other food products.

*No plastics that have contained pesticides or other Household Hazardous Materials (See Schedule "C"); no food wrap; no plastic paint cans; no lawn edging, tarps or hoses; no plastic blister packs, no plastic toys, no toothpaste or sunscreen tubes; no deodorant containers.

- 11) "Spiral Wound Containers" – see Cardboard Cartons.
- 12) "Steel" – such as steel food and beverage cans. Rinse and place inside Containers Box or a Recycling Cart designated for Containers only. It is not necessary to remove labels.
- 13) "Styrofoam" or "Polystyrene" - such as cups, meat trays and packaging material. Rinse and place loose in Containers Box or a Recycling Cart designated for Containers only. Note: Packaging peanuts are not accepted. See also Plastic Containers.
- 14) "Other Material" - as designated by the County from time to time.

Fibres:

- 1) "Boxboard" - such as cereal, tissue, toothpaste, laundry detergent boxes, and cracker boxes. Remove liners and plastic windows. Flatten and place inside another boxboard box and set inside or beside a Blue Box or place in a Recycling Cart designated for Fibres only. No frozen food packaging (freezer board), foil-lined container lids, paper beverage take-out cups.
- 2) "Bundled Plastic Bags (LDPE)" – such as grocery bags, shopping bags, bread and sandwich bags, outer milk bags, frozen vegetable bags, dry-cleaning and merchandising bags, clean bubble-wrap and/or plastic from cases of toilet tissue, paper towels, bottled water and pop. Remove and discard receipts, tags, food, draw strings and plastic handles. Stuff all bags and packaging into one bag and tie handles together securely. Place in Blue Box or place in a Recycling Cart designated for Fibres only. No inner milk bags, chip bags, or other foil bags.
- 3) "Corrugated Cardboard" - such as clean delivery or take-out pizza boxes, moulded pulped egg cartons, take-out beverage trays and cardboard boxes. Remove any food and any paper liners, flatten and bundle into 91 cm x 91 cm x 20 cm (3 feet x 3 feet x 8 inches) and set beside, under or inside the Blue Box or beside a Recycling Cart. Corrugated Cardboard packing boxes are not to be placed in the Recycling Carts.

- 4) "Magazines" - see Paper.
- 5) "Newspapers" - see Paper.
- 6) "Paper" – includes Newspapers, Magazines, catalogues, envelopes, flyers, junk mail, paperbacks, phone books, hardcover books, shredded paper. Do not place paper items inside grocery bags, except shredded paper. Shredded paper only shall be placed inside a firmly-tied clear plastic bag. Discard covers from hardcover books as Waste. No gift wrapping paper, greeting cards, paper beverage or take-out coffee cups, coated paper bags such as pet food bags, chip or other foil bags. Place all Paper items inside the Blue Box or a Recycling Cart designated for Fibres only.
- 7) "Telephone Books and Directories" - Place loose in the Blue Box or recycling cart designated for Fibres only.
- 8) "Other Material" - as designated by the County from time to time.

SCHEDULE “B” to By-law 1736/16

RESIDENTIAL BULKY ITEM COLLECTION PROGRAM

Bulky Material suitable for Curbside collection in the County’s Bulky Material Collection Program includes but is not limited to:

- Carpet – bundled in rolls in length of 1.2 metres (4 feet) and 30.5 cm (12 inches) in diameter
- Furniture – such as couches, love-seats, chairs, tables, dressers, beds, desks
- Lamps – excluding fluorescent bulbs where applicable
- Mattresses and box springs
- Storage Cabinets (non-metal)
- Wall Units

Examples of Bulky Material not acceptable for collection include, but are not limited to:

- (1) Automotive parts (including tires)
- (2) Concrete, rubble or bricks
- (3) Demolition materials such as sinks, counter tops, vanities, acrylic/plastic bath tubs
- (4) Drywall
- (5) Fencing
- (6) Insulation
- (7) Lumber
- (8) Material referenced in Schedules “A”, “C”
- (9) Refrigeration Appliances such as refrigerators, chest freezers, de-humidifiers, air conditioners, water coolers.*

Tagged Refrigeration Appliances may be taken to the Canborough Waste Management Transfer Facility free of charge. County Waste Management Facilities require Refrigeration Appliances be inspected, certified and tagged by a licensed refrigerant handler, indicating that the appliance no longer contains any refrigerant prior to being disposed of, in accordance with Ontario Regulation 189/94 of the Environmental Protection Act or any successor legislation. Appliances that have had their compressors or fluorocarbon equipment removed shall also be tagged by a licensed refrigerant handler.*

- (10) Scrap metal, bicycles, metal appliances such as stoves, dishwashers, hot-water tanks, water pressure tanks, furnaces, fans.*
- (11) Shingles
- (12) Waste Electrical and Electronic Equipment including televisions.

* NOTE: Although scrap metal and metal appliances are not accepted for Curbside collection, they may be taken to the Canborough Waste Management Transfer Facility free of charge or alternative collection arrangements may be made with a private hauler.

SCHEDULE “C” to By-law 1736/16

NON-COLLECTABLE MATERIAL WASTE TYPES and DEFINITIONS

“Non-Acceptable Waste “means Waste which is not acceptable for collection. This shall be deemed to include, without limiting the generality thereof:

- 1) Automotive Batteries;
- 2) Biomedical Wastes;
- 3) Carcasses or parts thereof, of any dog, cat, fowl or any other creature with the exception of bona fide Kitchen Waste;
- 4) Clearing and grubbing material including dirt, stumps, trunks/large branches and rocks;
- 5) Construction and demolition materials including bricks, blocks, stones, plaster and other building materials for renovation, construction or demolition activities;
- 6) Explosive or highly combustible materials such as celluloid cuttings, moving picture films, oil-soaked or gasoline-soaked rags, paper towels, or material of a similar nature, including flammable liquids;
- 7) Fencing material;
- 8) Household Hazardous Waste, Municipal Special Waste, municipal hazardous waste or pathological waste as defined by O. Reg 542/06, R.R.O. 2002 under the *Waste Diversion Act*, O. Reg 347, R.R.O. 1990, under the *Environmental Protection Act*, or any successor legislation;
- 9) Industrial Waste and any wholesaler/retailer stock;
- 10) Large quantities of hay, straw (exceeding 3 - 0.6 metres (2 feet) by 1.2 metres (4 feet) bales);
- 11) Manure or night soil, and/or feces, in any quantity;
- 12) Materials that contain hot, live coals, ashes or fire;
- 13) Metal drums or barrels;
- 14) Prohibited material as defined under the *Transportation of Dangerous Goods Act*, 1992, or any successor legislation;
- 15) Septic tank refuse, swill or any liquid Waste;
- 16) The whole or parts of automobiles or auto-bodies, trucks or truck bodies and water or fuel tanks, including tires;
- 17) Trees, tree stumps, boulders and concrete;
- 18) Waste Electrical and Electronic Waste (WEEE);

- 19) Waste gas cylinders such as propane tanks;
- 20) Any material that has become frozen to a container and cannot be removed by shaking;
- 21) Materials set out Curbside that have been rendered unacceptable for Curbside Collection – for example, waste disturbed by animals or that has been scavenged;
- 22) Garbage as set out in corrugated cardboard other than as permitted by By-law.