

The Corporation of the City of Kawartha Lakes
Office Consolidation of By-Law 2016-144

Appendix # A
to
Report # WM-2020-001

Consolidated on December 22, 2016

Passed by Council on August 9, 2016

Amendments:

- | | | |
|--------------------|-------------------|----------------------------|
| 1) By-law 2016-209 | November 22, 2016 | Section 1 (Definitions) |
| 2) By-law 2017-132 | June 27, 2017 | Sections 3.04, 3.05 & 4.08 |
| 3) By-law 2017-204 | October 10, 2017 | Section 5.02 |

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

The Corporation of the City of Kawartha Lakes

By-Law 2016-144

**A By-Law for Collection and Management of Waste and
Recyclables Within The City of Kawartha Lakes**

Recitals

1. Section 10(1), paragraph 7 of subsection 10(2) of the Municipal Act, 2001, S.O.2001, c.25 authorizes a municipality to pass By-laws dealing with Waste Management.
2. Section 391 of the Municipal Act, 2001, S.O.2001, c.25 authorizes municipalities to impose fees or charges for services rendered.
3. Council considers it advisable to collect, remove and dispose of waste generated within the City of Kawartha Lakes.
4. This By-law replaces By-law 2007-024.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-144.

Table of Contents

Section 1.00 Definitions and Interpretation

- 1.01 Short Title
- 1.02 Definitions
- 1.03 Interpretation Rules
- 1.04 Statutes
- 1.05 Severability
- 1.06 Duties and Powers of the Director of Public Works

Section 2.00 General Provisions and Prohibitions

- 2.01 Prohibitions

Section 3.00 Curbside Collection Services (General)

- 3.01 General Provisions for Curbside Collection
- 3.02 Curbside Collection for Private, Seasonal and Unassumed Roads
- 3.03 Curbside Collection Frequency and Time
- 3.04 Curbside Waste Limits and Approved Containers

- 3.05 Curbside Recycling Limits and Approved Containers
- 3.06 Special Curbside Collections
- 3.07 Curbside Collection Set Out Requirements
- 3.08 Prohibitions for Curbside Collection
- 3.09 Removal of Uncollected Waste
- 3.10 Medical Waste Register

Section 4.00 Disposal and Recycling at Landfill Sites

- 4.01 General Landfill Site Provisions
- 4.02 Landfill Site Hours of Operation
- 4.03 Acceptance of Contaminated Soil
- 4.04 Acceptance of Asbestos
- 4.05 Acceptance of Household Hazardous Waste
- 4.06 Acceptance of Other Materials for Diversion
- 4.07 Load Compliance
- 4.08 Prohibited Waste at Landfill Sites

Section 5.00 Landfill Tipping Fees, Accounts & Exemptions

- 5.01 Landfill Site Tipping Fees
- 5.02 Fee Exemptions
- 5.03 Landfill Accounts

Section 6.00 Enforcement and Penalties

- 6.01 Enforcement
- 6.02 Sanctions
- 6.03 Offence and Penalty
- 6.04 Illegal Activity

Section 7.00 Administration and Effective Date

- 7.01 Administration of the By-law
- 7.02 Conflict
- 7.03 Effective Date

Section 1.00: Definitions and Interpretation

1.01 **Short Title:** This By-law may be referred to as the City of Kawartha Lakes Waste Management By-law.

1.02 **Definitions:** In this By-law,

“Asbestos Waste” means solid or liquid waste that results from the removal of asbestos-containing construction or insulation materials or the manufacture of asbestos-containing products and contains asbestos.

“Ashes” includes the solid residue of any household fuel after such fuel has been consumed by fire and includes soot, but shall not include ashes which accumulate as a result of building construction or demolition.

“Bag Tag” includes single use tags affixed to a waste container bearing the City of Kawartha Lakes identification issued by the City pursuant to this By-law.

“Bulky Items” includes but is not limited to refrigerator, oven, stove, washer, dryer, dishwasher, freezer, air conditioning unit, microwave oven, barbeque, patio furniture, oil tank, furnace, TV, monitor, vacuum cleaner, hot water heater, wood burning stove, child’s swing set, humidifier, toilet, sink, furniture and any other items so designated by the Director of Public Works and his or her designate from time to time that are discarded by a user or owner but do not fit into an approved container such as a 61 cm (24 inches) X 91 cm (36 inches) clear garbage-waste bagy or normal garbage-waste container.

“By-law” except where indicated otherwise, includes this By-law and any amendments thereto, as enacted by the Council from time to time.

“Certificate of Approval”, “Provisional Certificate of Approval”, or “Environmental Compliance Approval” for the purposes of this By-law means a Certificate issued by the appropriate Provincial or Federal agency permitting the Municipality to operate a waste management system or waste disposal site and related activities.

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

“Clean Wood Waste” includes untreated lumber and wood products such as pallets and raw lumber, but does not include painted wood, treated wood, paneling, pressboard or similar products.

“Collection Location” includes the location, as designated by the Director of Public Works and his or her designate, where waste, recyclable materials, leaf and yard materials and bulky items are to be placed out for collection at the curb by users or owners entitled to curbside collection services.

“Industrial, Commercial or Institutional Building” includes any individual business or other establishment within the City of Kawartha Lakes.

“Consolidated Fees By-law” means City of Kawartha Lakes By-law 2016-206 or if it has been repealed any subsequent City of Kawartha Lakes By-law known as the Consolidated Fees By-law.”

2016-209, effective Nov 22 2016

“Construction and Demolition Waste” includes waste which results from the erection, alteration, or demolition of any building or part thereof, including earth or stone from excavations.

“Council” or “City Council” means the municipal council for the City.

“Director of Public Works” means the person who holds that position and his or her delegate or, in the event of organizational changes, another person designated by Council.

“Downtown Cores” includes Bolton Street, Canal Street, Front Street, Joseph Street and Main Street in Bobcaygeon; From West Street at Lindsay Street, north to the corner of Bond Street and Colborne and Francis Street, west and the commercial section of Francis Street, east and Oak Street, May Street, Water Street and Market Street in Fenelon Falls; The area bounded by Lindsay Street south in the east and Sussex Street in the west to include Peel Street in the north and Russell Street in the South and all of Kent Street in Lindsay; and King Street in Omemee.

“Hauled Sewage” means wastewater or septage removed from a wastewater system, septic tank system, a cesspool, a privy vault or privy

pit, a chemical toilet, a portable toilet or a sewage holding tank that is transported to a sewer works for disposal.

“High Density Multi-Residential Building” includes lands zoned to permit an apartment building, condominium complex, townhouse complex, co-operative housing complex, accessory dwelling units, or other similar residential complex containing three (3) or more residential dwelling units.

“Household Hazardous Waste” includes materials used or stored in the home that can be potentially hazardous to human health and the natural environment and includes but is not limited to paint, oil, batteries, pesticides and insecticides that must be brought to a City Household Hazardous Waste Depot for recycling.

“Landfill Site” includes any area of land designated as such by the City to be used for the disposal of waste as approved by the Ministry of the Environment, Conservation and Parks and Climate Change.

“Leaf and Yard Material” includes but is not limited to leaves, trees (excluding root balls), garden roots and cuttings, hedge and shrub trimmings, brush cuttings, twigs and branches, other plant material and any other item determined by the Director of Public Works and his or her designate from time to time to be leaf and yard material.

“Low Density Residential Building” includes lands zoned to permit a single detached dwelling, semi-detached dwelling, a duplex, accessory dwelling units or other similar residential development containing fewer than three (3) residential dwelling units, including farms.

“Medical Waste” means tubing, intravenous bags etc. used as part of home care but does not include diapers or solid/liquid bio-medical waste.

“Mobile Home Park” includes an establishment comprising land or premises under single ownership designed and zoned to permit year round residential use where residence is exclusively for two (2) or more mobile homes, but does not include a Trailer Park.

“Municipal Law Enforcement Officer” means a person appointed by Council under Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 to enforce the By-laws of the City of Kawartha Lakes.

“Non-Hazardous Contaminated Soil” contains one or more contaminants found on, in or under a property at a concentration that exceeds the applicable site condition standards and must be classified as ‘non-hazardous’ as per Ontario Regulation 347 to be accepted at designated City landfill sites.

“Owner” includes any registered owner, occupant, resident, leasee, tenant of any low density residential building, high density multi-residential building or industrial, commercial or institutional building, or any person managing any high density multi-residential building, low density residential building, industrial, commercial or institutional building or owner of a new development.

“Prohibited Waste” includes but is not limited to, hazardous and liquid industrial wastes as per Regulation 347 of the Environmental Protection Act, manure originating from agricultural activity, and any other item or thing designated as prohibited waste by the Director of Public Works and his or her designate.

“Recyclable Materials” Currently includes but is not limited to glass, metal cans, plastics containers, polycoat containers, paper, and cardboard and any other material designated by the Director of Public Works and his or her designate to be recyclable material. ~~includes but is not limited to glass, metal cans, plastic containers (#1 to #7), polycoat containers, paper, cardboard and any other paper designated by the Director of Public Works and his or her designate to be recyclable material.~~

“Resort” includes lands zoned to permit a tourist establishment that operates throughout all or part of the year, that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, golfing, hunting, camping, vacationing or other similar recreational activity but shall not include any establishment otherwise defined herein.

“Scavenge” includes sorting through and collecting materials from recyclable materials, leaf and yard materials, household hazardous waste, bulky items, waste electrical and electronic equipment or waste that has been placed out for collection or deposited at a landfill site.

“Scrap Metal” includes any discarded material comprised of metal.

“Trailer Parks” includes a parcel of land zoned to permit members of the travelling and vacationing public containing sites upon which to locate Trailers, Tents or Recreational Vehicles and includes a campground. This definition shall not include any portion of the property used to lawfully sell or wholesale Trailers, Tents or Recreational Vehicles.

“Tipping Fee” shall mean the charge per tonne or unit item levied by the City at the landfill site for disposable as waste under the terms of this By-law.

“User” includes a person, persons or industrial, commercial or institutional building utilizing any curbside collection service or City landfill site.

“Waste” includes any material discarded that is not recyclable materials, leaf and yard materials, scrap metal, waste electrical and electronic equipment, household hazardous waste, any prohibited waste or other designated recyclable.

“Waste Electrical and Electronic Equipment” is material that requires an electric current to operate and is further defined in Ontario Regulation 393/04, Waste Electrical and Electronic Equipment (WEEE).

1.03 **Interpretation Rules:**

- a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- b) Wherever this By-law refers to a user, owner or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- c) References to items in the plural include the singular, as applicable.

1.04 **Statutes:** References to laws in this By-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.

1.05 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

1.06 **Duties and Powers of the Director of Public Works:**

The Director of Public Works Work’s powers and his or her designate shall, subject to any limitations contained in this By-law, include but are not limited to:

- a) determine collection schedules, specifying the time, day and frequency of collection services and when landfills are open or closed (on a general normal or temporarily changed basis), and to give notice to the public of such collection schedules or

~~temporary closure of landfills and of any changes to the collection schedules;~~

- b) determine the classification or designation of specific items to be collected at the curb or received at a City landfill site;
- c) determine the designated collection locations for approved waste and recycling containers, bulky items, leaf and yard waste or any other items that are designated for receiving curbside collection services and give notice to the public of same;
- d) determine whether a building, collection location, or property is safe for entry by an employee or agent of the City having regard to the physical conditions, layout, loading facilities, method of handling collectible waste at the building, or collection location of the property, the presence of a troublesome or nuisance animal or any other factor;
- e) impose limits to the level of collection services including the quantities and classes of waste to be collected;
- f) determine whether an approved curbside container or any other container or storage unit is suitable and safe for collection;
- g) determine the method, manner or other requirements for the collection and disposal of waste for which there are collection services;
- h) designate private, seasonal and unassumed roads and associated restrictions pertaining to municipal collection services;
- i) establish and enforce guidelines and policies governing the inclusion, restriction, suspension or termination of curbside collection services and/or landfill site disposal privileges to any user, owner or business for failure to comply with the provisions of this By-law or in the event of inclement weather;
- j) establish and ensure enforcement of the terms and conditions on which curbside collection services which have been included, restricted, suspended or terminated under this By-law may be resumed in whole or in part;
- k) establish procedures for the handling and disposal of waste and other materials as defined in this By-law;
- l) establish the terms of an agreement with any user or owner for the acceptance of waste at the landfill site;
- m) establish the terms of an agreement with any user or owner for the acceptance of recyclable materials, leaf and yard waste, scrap metal, household hazardous waste or other designated material for recycling at the landfill site;
- n) determine the guidelines for the disposal of asbestos waste in accordance with Regulation 347, R.R.O. 1990, as amended; and
- ~~o) deal with any other matter assigned by this By-law or necessary for the curbside collection, removal and disposal of waste and administration of this By-law.~~
- ~~o)p) Set and alter temporary pilot scale projects related to waste and recycling~~

Section 2.00: General Provision and Prohibitions

2.01 Prohibitions

- a) No user or owner shall:

- i) Unless authorized by the Director of Public Works and his or her designate, scavenge, salvage, pick over, interfere with, remove or scatter or any like or similar activity in relation to any waste, recyclable materials or bulky items set out for curbside collection;
- ii) Cover waste, recyclable materials, leaf and yard material or bulky items with animal deterrents such as bleach or cayenne pepper;
- iii) Permit any animal owned by him or her or under his or her control to pick over, interfere with collection, remove or scatter any waste, leaf and yard material, recyclable materials or bulky items placed out for curbside collection;
- iv) Cast or otherwise deposit or permit any contractor, agent or employee of such user or owner to throw, cast or otherwise deposit any waste, recyclable materials, leaf and yard material or bulky items whatsoever on or in any street, public property or private property without the prior consent of the owner, except as expressly authorized by this By-Law;
- v) Place waste recyclable materials, leaf and yard material or bulky items on public property for collection by a private collection agency;
- vi) Deposit waste recyclable materials, leaf and yard material or bulky items generated on private property into public waste receptacles located on public streets;
- vii) Except where permitted in this By-law, no user or owner shall dispose or cause to dispose any waste, recyclable materials, or bulky items within the City limits other than in authorized landfill sites.

Section 3.00: Curbside Collection Services (General)

3.01 General Provisions for Curbside Collection:

- a) The City shall provide curbside collection within the boundaries of the City of Kawartha Lakes to the following locations in accordance with this By-law,
 - i) Low density residential buildings, residential institutions and mobile home parks for:
 - (1) waste;
 - (2) recyclable materials;
 - (3) leaf and yard material; and
 - (4) bulky items and appliances
 - ii) High density multi-residential buildings, industrial, commercial or institutional building and seasonal trailer parks and resorts for:
 - (1) waste; and
 - (2) recyclable materials
 - iii) For new development the City shall provide curbside collection from occupied dwelling units, in accordance with this By-law only after the issuance of the first final occupancy permit;
 - iv) Despite any other provision of this By-law, curbside collection services shall not be provided, except by agreement, to any land or building owned or leased by the

Crown in Canada, the Crown in right of Ontario, a university, a community college, a hospital, or to any property for which no taxes are paid and for which no grants in lieu are received or any vacant or for any unoccupied structure or property that does not contain a structure.

3.02 Curbside Collection for Private, Seasonal and Unassumed Roads:

- a) Residents residing on a private, seasonal or unassumed road will receive curbside collection provided that the road is accessible to a curbside collection vehicle and maintained to the following standards:
 - i) Snow ploughed to a minimum of 3 metres (10 feet) width.
 - ii) Sand and salt applied during icy conditions
 - iii) Vegetation cut back to three-five metres (10-15 feet) height and four metres (12 feet) width
 - iv) All potholes, cracks and grading shall be repaired as directed and to a standard to the satisfaction of the Director of Public Works and his or her designate
 - v) Must have an appropriate location for a truck to turn around. Turn arounds can be situated on private lands with permission from the land owner.
- b) Residents living on private, seasonal and unassumed roads shall be responsible for arranging their own road maintenance as set herein;
- c) Every user or owner of a premises not entitled to City collection services or who generates waste of a type for which curbside collection is not provided, shall ensure the provision of a storage enclosure which is adequate to contain all of the waste to be disposed of and such waste shall be conveyed to the point of disposal by and at the expense of the user or owner of such waste. Every user or owner not entitled to curbside collection, pursuant to the provisions of this By-law, shall not place waste for curbside collection;
- d) Where private collection services are utilized, the owner shall ensure waste is stored until collected in properly constructed and maintained containers which are emptied as necessary in order to prevent development of odours or nuisances and which are not allowed to overflow;
- e) The owner shall ensure all containers, structures or buildings provided for the storage of waste shall at all times be maintained in a secure, clean, dry and sanitary condition so as to prevent entry of rodents, insects or other vector and vermin.

3.03 Curbside Collection Frequency and Time:

- a) Where the City provides curbside collection for waste such collection services shall be provided at collection locations once a week, except when a normal collection day falls on a holiday as provided herein;
- b) Where the City provides curbside collection for recyclable materials such collection services shall be provided at collection locations once a week – alternating weekly collection between green and blue box, except when a normal collection day falls on a holiday as provided herein;
- c) Where the City provides curbside collection for bulky items such collection shall be provided on a schedule determined by the Director of Public Works and his or her designate;

- d) Where the City provides curbside collection for leaf and yard waste such collection services shall be provided on a schedule determined by the Director of Public Works and his or her designate;
- e) No curbside collection shall occur on the following designated holidays:

New Year's Day

Family Day

Labour Day

Good Friday

Thanksgiving Day

Victoria Day

Christmas Day

Canada Day

Civic Holiday

- f) On weeks with a holiday, curbside collection will take place on the day following the holiday and all subsequent days will receive curbside collection one (1) day later than their regular curbside collection day. The only exception shall be where Christmas Day and Boxing Day are both on curbside collection days and then collection for Christmas Day will occur on Boxing Day and all subsequent days shall receive curbside collection one (1) day later than their regular curbside collection day;
- g) During normal daytime curbside collection, the approved user or owner shall put out all items to be collected at the collection location prior to the time scheduled for collection. No earlier than 5:00 PM on the previous evening and no later than 7:00 AM on the day of curbside collection. The only exception to this schedule is in areas identified as "Downtown cores" and then the industrial, commercial or institutional building shall put out all items to be collected at the collection location prior to the time scheduled for curbside collection. No earlier than 5:00 PM on the previous evening or no later than 6:00 AM on the day of curbside collection;
- h) After curbside collection, users or owners shall ensure that all approved containers and any uncollected or refused waste, recyclable materials, leaf and yard materials and/or large items are returned to the users or owners property by no later than 7:00 PM on the day of curbside collection.

3.04 Curbside Waste Limits & Approved Containers:

- a) Every user or owner who puts waste out for curbside collection shall maintain the area around the curbside collection location including containers and storage boxes in a clean, not visually obstructed, accessible for collection, sanitary condition and free of vermin;
- b) Every user or owner who sets out waste for curbside collection shall ensure the waste meets the following requirements:

Effective June 27, 2017, 2017-132

- i) Low Density Residential Buildings and High Density Multi-Residential Buildings Waste:
 - (1) Allowed to place two (2) untagged clear bags of waste for each curbside collection. If more than two (2) clear bags of waste are placed out for curbside collection in any one (1) curbside collection period the additional waste must have a bag tag affixed to each additional bag at the users or owners cost;
 - (2) Use of standard size clear waste bag with dimensions of approximately 61 cm (24 inches) X 91 cm (36 inches);

- (3) Large non transparent opaque bags are not permitted for waste set out and must be replaced with clear bags;
 - (4) Containers of approximately 57 litres (15 gallons) can be used to store each clear bag of waste;
 - (5) The use of one (1) small coloured opaque bag 30 cm (12 inches) X 35 cm (14 inches) is permitted to conceal personal items within each clear bag;
 - (6) Each waste container shall not weigh more than 18 kilograms (40 pounds);
 - (7) Over-sized bags shall count as two (2) bags of waste;
 - (8) Waste storage boxes shall be permitted for end of laneway use, to be placed within 2 meters (7 feet) from traveled portion of the roadway, provided same is no more than 102 cm (40 inches) high at the front of the box. If the box has a hinged lid the lid shall be of a weight and so constructed that the collector can easily open the lid for removal of the waste;
 - (9) The waste for disposal does not contain more than 2010% of recyclables by volume per bag.
- ii) Industrial, Commercial or Institutional Building, Seasonal Trailer Park and Resort Waste:
- (1) Allowed to place four (4) untagged clear bags of waste for each curbside collection at the collection locations designated by the Director of Public Works and his or her designate. If more than four (4) clear bags of waste are placed out for curbside collection in any one (1) curbside collection period the additional waste must have a user pay bag tag affixed to each additional bag at the users or owners cost. Waste placed in carts/ caddies will not be collected;
 - (2) Use of standard size clear waste bag with dimensions of approximately 61 cm (24 inches) X 91 cm (36 inches);
 - (3) Large non transparent opaque bags are not permitted for waste set out and must be replaced with clear bags;
 - (4) Containers of approximately 57 litres (15 gallons) can be used to store each clear bag of waste;
 - (5) The use of one (1) small coloured opaque bag 30 cm (12 inches) X 35 cm (14 inches) is permitted to conceal personal items within each waste container;
 - (6) Each waste container shall not weigh more than 18 kilograms (40 pounds);
 - (7) Over-sized bags shall count as two (2) bags of waste;
 - (8) The waste for disposal does not contain more than 2010% of recyclables by volume per bag.

3.05 Curbside Recycling Limits & Approved Containers:

- a) Every user or owner who puts recyclable materials out for curbside collection shall maintain the area around the curbside collection location including containers and storage boxes in a clean, sanitary condition and free of vermin;

- b) Every user or owner who sets out recyclable materials for curbside collection shall ensure the recyclable materials meet the following requirements;

2017-132 Effective June 27, 2017

- i) Low Density Residential Building Recyclable Material:
- (1) Allowed to place unlimited recyclable materials for each curbside collection at the collection locations designated by the Director of Public Works and his or her designate;
 - (2) Recyclable materials shall be placed at the curb in either 53 to 61 litres (14 to ~~16-22~~ gallon) green or blue recycling box or similar sized box or container. Large barrels, waste receptacles and plastic bags including clear plastic bags are prohibited;
 - (3) Separate approved recycling containers for Paper (Green Recycle Box) Recycling and Comingle (Blue Recycle Box) Recycling shall be used;
 - (4) Each recycling container shall not weigh more than 18 kilograms (40 pounds);
 - (5) The recyclable material for recycling does not contain more than ~~20~~10% of waste by volume per box.
- ii) Industrial, Commercial or Institutional Building and Resort Recyclable Material:
- (1) Allowed to place a maximum of four (4) 246 litre or 360 litre (65 gallon or 95 gallon) caddies/ carts for each curbside collection at the collection locations designated by the Director of Public Works and his or her designate;
 - (2) Large barrels, waste receptacles and plastic bags including clear plastic bags are prohibited;
 - (3) Separate approved recycling containers for Paper (Green Recycle Cart) Recycling and Comingled Plastic and Cans (Blue Recycle Cart) Recycling shall be used;
 - (4) The recyclable material for recycling does not contain more than ~~20~~10% of waste by volume per caddy/ cart.
- iii) High Density Multi-Residential Buildings and Seasonal Trailer Park Recyclable Material:
- (1) Allowed to place unlimited recyclable materials for each curbside collection at the collection locations designated by the Director of Public Works and his or her designate;
 - (2) Allowed to place recyclable material in 246 litre or 360 litre (65 gallon or 95 gallon) caddies/ carts for each curbside collection at the collection locations designated by the Director of Public Works and his or her designate;
 - (3) Large barrels, waste receptacles and plastic bags including clear plastic bags are prohibited;
 - (4) Separate approved recycling containers for Paper (Green Recycle Cart) Recycling and Comingle (Blue Recycle Cart) Recycling shall be used;

- (5) The recyclable material for recycling does not contain more than 2010% of waste by volume per caddy/ cart.

3.06 **Special Curbside Collections:**

a) Bulky Items and Mattresses:

- i) Curbside collection for bulky items shall be provided to low density residential buildings and mobile home parks only;
- ii) Where the City provides curbside collection for bulky items and mattresses, such curbside collection shall be provided at collection locations and in accordance with the following procedures. The user or owner must:
 - (1) Contact the City's service provider;
 - (2) Advise of the particulars of the bulky items to be collected;
 - (3) Confirm that the item falls into the category of bulky items;
 - (4) Prepare the item in accordance with the directions provided by the City's service provider;
 - (5) Purchase a large item tag or mattress tag from the City or one (1) of its registered vendors and affixed the large item tag to each bulky item and or large item(s);
 - (6) Confirm no single item exceeds 100 kilograms (250 lbs) in weight;
 - (7) Purchase a paid Freon removal tag from the City or one (1) of its registered vendors for each bulky item which contains Freon.
- iii) For curbside collection of Freon items the user or owner must:
 - (1) Ensure all of the doors thereon have either been first removed or latches have been removed such that the unit can in no way be closed;
 - (2) Either a tag or notice is displayed thereon signed by a certified pursuant to regulations indicating that the unit is empty of fluorocarbon refrigerants; or the "paid Freon removal" tag has been affixed on the large item tag.

b) Leaf and Yard Waste:

- a) Where the City provides curbside collection for leaf and yard waste, such curbside collection shall be provided at collection locations and in accordance with the following guidelines.
- b) Curbside collection for leaf and yard waste shall be provided to low density residential buildings and mobile home parks only. The user or owner must ensure leaf and yard waste set out for collection meets the following:
 - (1) Leaf and yard material container shall be in dry, compostable paper bags. Plastic bags will not be accepted;
 - (2) Branches must be less than 8 cm (3 inches) in diameter and can be bundled with string or jute to a maximum of 91 cm (3 feet) in length;

- (3) None of these containers or bundles shall exceed 18 kgs (40 lbs) in weight;
- (4) Christmas trees, grass clippings, sod, soil, root balls, stumps and branches over 8 cm (3 inches) in diameter or 91 cm (36 inches) in length will not be accepted for curbside collection. These items must be brought to a City landfill site.

3.07 Curbside Collection Set Out Requirements:

- a) No user or owner shall place waste, recyclable materials or leaf and yard materials for curbside collection if:
 - i) The recyclable material is not packed in accordance with the requirements established by the Director of Public Works and his or her designate from time to time and in accordance with this By-law;
 - ii) The leaf and yard material is not bundled or packed in accordance with the requirements established by the Director of Public Works and his or her designate from time to time;
 - iii) The waste or recyclable material is frozen to the approved container and cannot be dislodged by shaking.
- b) Every user or owner who puts waste, recyclable materials, leaf and yard materials and bulky items out for curbside collection shall ensure that
 - i) All waste that is wet is drained, wrapped in absorbent materials such as dry paper and placed in a leak-proof approved waste container or bag.
 - ii) Ashes which are put out for curbside collection are to be:
 - (1) Cold
 - (2) Separated from flammable waste
 - (3) Are considered waste and part of the weekly two bag waste limit.
 - iii) Feces of dogs or cats which cannot be flushed in a sanitary manner are first wrapped in absorbent paper and placed in a sealed leak-proof bag, mixed in with waste and represent not more than ten percent by volume of the approved waste container;
 - iv) All sharp objects or broken glass are securely wrapped and labelled so that the sharp object or broken glass cannot pierce the waste container;
 - v) The user or owner forthwith cleans up any mess or debris created if all or any of the waste spills from, or for any reason is no longer contained in the approved container;
 - vi) The user or owner places the approved container at the collection locations designated by the Director of Public Works and his or her designate for curbside collection but not so as to impede or obstruct pedestrian or vehicular traffic or maintenance operations;
 - vii) Waste, recyclable materials, leaf and yard materials and bulky items are not more than 213 cm (7 feet) from the edge of the traveled portion of the road to be visible to the collection staff from the road;
 - viii) Waste, recyclables, leaf and yard materials and bulky items shall be the responsibility of the user or owner until it is collected by the City. If animals tear into and strew waste about the roadside, it is the user's or owner's responsibility to clean it up;
 - ix) Waste, recyclables, leaf and yard materials and bulky items shall not be placed atop or behind a snow bank or other visual obstruction and out of the path of the snow plough or other maintenance equipment;

- x) In areas where access to materials set out for curbside collection is prevented due to construction, it is the responsibility of the contractor to bring material out to the nearest public collection point for access by the collection contractor.

3.08 Prohibitions for Curbside Collection:

- a) No user or owner shall:
 - i) Place waste for municipal curbside collection that includes or contains hazardous or liquid industrial waste, construction and demolition waste, flares, ammunition, needles and syringes, and/or dead animals;
 - ii) Place waste electrical and electronic equipment for curbside collection unless it is placed and collected as a bulky item.

3.09 Removal of Uncollected Waste:

- a) Any user or owner who fails or delays to remove uncollected waste from public property or the collection location shall be notified in writing by the Director of Public Works and his or her designate that the City may remove the waste at the user's or owner's expense;
- b) All costs incurred, including the expenses of the City for the removal and disposal of the waste shall be paid by the user or owner forthwith after mailing of a written invoice setting out the costs incurred by the City;
- c) If payment is not made by the user or owner within thirty (30) days of mailing of the invoice, the City is entitled to use all legal means at its disposal to collect the fees applicable, including placement of unpaid fees on the tax collector's roll for the property in question, which unpaid fees shall be collected in the same manner as municipal taxes pursuant to the Municipal Act 2001, c. 25, s. 398 (2);
- d) In the event that the Director of Public Works and his or her designate suspends, revokes or discontinues collection services, the user or owner shall arrange for private collection services in accordance with the By-law.

3.10 Medical Waste Register:

- a) A user or owner who requires an increase to the untagged waste limit because of the requirement to dispose of medical waste while such is being administered through home care may register with the City to become exempt from the two (2) bag waste limit;
- b) The Director of Public Works and his or her designate is responsible to maintain the medical waste register in accordance with the requirements relating to storage of personal information contained in the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.m.56.

Section 4.00: Disposal and Recycling at Landfill Sites

4.01 General Landfill Site Provisions:

- a) All waste deposited at any City landfill site with the exception of load refusals, shall become the property of the City and may be salvaged, reclaimed, recycled, composted, disposed of or otherwise dealt with by the City as the City may deem fit;
- b) All privately-owned waste disposal operations shall comply with and be operated in accordance with all relevant City By-laws, landfill compliance approvals and all Provincial legislation and Federal

legislation and standards and with the approval, when required, of the Medical Officer of Health;

- c) Users or owners of landfill sites shall operate a motor vehicle on designated roadways or highways outside of the site and within the sites, with due care courtesy and attention at the posted rate of speed;
- d) Scavenging, salvaging, picking over, interfering with, removing or scattering or like or similar any waste at any landfill site is not permitted unless specifically authorized by the Director of Public Works and or his or her designate;
- e) Transportation of waste to or at any landfill site must be done so in properly covered containers or in carts, wagons, or vehicles, totally enclosed or covered in canvas, tarpaulins or nets, so fastened down around the edges so as to prevent any of the contents from falling upon the ground or being airborne during transport;
- f) Transportation of waste to or at any landfill site except must be done in such a manner so as to protect the same from insects, vector and vermin, and to control the escape of any offensive odours there from;
- g) Any user or owner of the landfill site must comply in a courteous and respectful manner to any direction of onsite City staff including but not limited to landfill attendant, equipment operator, crew leader or supervisor;
- h) If any user or owner of the landfill site does not comply in a courteous and respectful manner to any direction of onsite City staff including but not limited to landfill attendant, equipment operator, crew leader or supervisor then they may be requested to leave the premises immediately.

4.02 **Landfill Site Hours of Operation:**

- a) Public access to a City landfill site shall be limited to hours permitted in the Certificate of Approval/ Environmental Compliance Approval and/or determined by the Director of Public Works and his or her designate and posted at the site. Temporary closure of landfills may occur at the discretion of the Director or designate;
- b) No user or owner shall deposit waste at any landfill site outside the hours of operation as determined by the Director of Public Works and his or her designate and posted at the site;
- c) Waste shall not be deposited outside the gate or entrance to a landfill site or at any place other than the place designated for its receipt thereof.

4.03 **Acceptance of Contaminated Soil:**

- a) Users or owners may deposit contaminated soil, at designated landfill sites provided the soil is pre-approved by the Director of Public Works and his or her designate and it is not classified as "hazardous" and/or "liquid industrial" as per Ontario Regulation 347;
- b) The Director of Public Works and his or her designate shall establish procedures for the acceptance of contaminated soil at designated landfill sites including whether it is suitable as cover or not and that it is in compliance with the Certificate of Approval/ Environmental Compliance Approval and Provincial legislation for the designated landfill site prior to acceptance;
- c) Any user or owner depositing contaminated soil at any designated landfill site shall be charged a fee in accordance with a fee established in the Consolidated Fees By-law. The contaminated

soil shall be delivered to the appropriate site as determined and directed by the City at the users or owners expense;

- d) The City reserves the right to reject any pre-approved contaminated soil delivered to the site upon inspection at the site and the user or owner depositing the contaminated soil is wholly responsible for removal and any subsequent remediation at their cost;
- e) Any user or owner who fails or delays to remove rejected contaminated soil from the landfill shall be notified in writing by the Director of Public Works and his or her designate that the City may remove the waste at the users or owners expense;
- f) All costs incurred, including the expenses of the City for the removal and disposal of the contaminated soil shall be paid by the user or owner forthwith after mailing of a written invoice setting out the costs incurred by the City;
- g) If payment is not made by the user or owner within thirty (30) days of mailing of the invoice, the City is entitled to use all legal means at its disposal to collect the fees applicable, including placement of unpaid fees on the tax collector's roll for the property in question, which unpaid fees shall be collected in the same manner as municipal taxes pursuant to the Municipal Act 2001, c. 25, s. 398 (2).

4.04 **Acceptance of Asbestos:**

- a) Any waste that is considered asbestos waste shall be handled and delivered for disposal to any landfill site in accordance with Ontario Regulation 347;
- b) The Director of Public Works and his or her designate shall establish procedures for the acceptance of asbestos at City landfill sites that is in compliance with the Certificate of Approval/ Environmental Compliance Approval and Provincial legislation for the landfill site.

4.05 **Acceptance of Household Hazardous Waste:**

- a) The Director of Public Works and his or her designate shall establish procedures for the acceptance of household hazardous waste at City landfill sites that is in compliance with the Certificate of Approval/ Environmental Compliance Approval and Provincial legislation for the landfill site;
- b) Any waste that is considered household hazardous waste may be accepted at City Household Hazardous Waste Depots located at the Lindsay Ops landfill, Fenelon landfill sites or any specially designated collection event locale;
- c) Hazardous or Liquid industrial waste that is generated from an industrial, commercial or institutional building will not be accepted and must be managed at the users or owners expense.

4.06 **Acceptance of Other Materials for Diversion:**

- a) The Director of Public Works and his or her designate, shall establish procedures for the acceptance of leaf and yard materials, boat wrap, bale wrap, waste electrical and electronic equipment, scrap metal, and tires at City landfill sites and any other material that is in compliance with the Certificate of Approval/ Environmental Compliance Approval and Provincial legislation for the landfill site;
- b) The Director of Public Works and his or her designate may establish procedures for the acceptance of other materials that may be designated under provision 1.06.b in this by law including but not limited to mattress and construction demolition programs.

4.07 **Load Compliance:**

- a) Loads delivered or deposited at any landfill site loads for disposal shall not be contaminated with more than 20~~10~~% by volume per load of recyclable materials, leaf and yard waste materials, scrap tires, waste electrical and electronic equipment, scrap metal or other material for recycling as designated by the Director of Public Works and his or her designate from time to time;
- b) Non-compliant loads will be charged at the mixed loads tipping fee established in the Consolidated Fees By-law.

4.08 **Prohibited and Rejected Waste at Landfill Sites:**

- a) No user or owner shall deposit any Hazardous or liquid industrial waste as per O. Reg. 347 at any landfill site;
- 2017-132 Effective June 27, 2017
- b) Recyclable materials, scrap tires, household hazardous waste, scrap metal, waste electrical and electronic equipment, leaf and yard materials or other divertible materials as designated by the Director of Public Works and his or her designate are banned from landfill sites in the City for the purpose of disposal;
 - c) Users or owners shall deposit in the designated area of the landfill site refrigerators, freezers, air conditioning units and other appliances that may contain or have contained chlorofluorocarbon refrigerants. The user or owner is subject to fees for the drop off of these items which are dependent on whether or not the chlorofluorocarbons have been appropriately removed;
 - d) No user or owner shall deposit hauled sewage at any location in a landfill site other than the location designated by the Director of Public Works and his or her designate for that purpose;
 - e) No user or owner shall deliver or deposit at any landfill site any waste not generated within the City of Kawartha Lakes, or waste which does not comply with this By-law or unload such waste at a landfill site, and, whether unloaded or not, all such waste shall be removed by the expense of the user or owner seeking to or who did dispose of it;
 - f) Any user or owner can be rejected from depositing waste at any landfill site if it cannot be proven that the waste has been generated within the City of Kawartha Lakes to the satisfaction of the landfill attendant;
 - g) Users or owners shall not deposit waste at any waste disposal site when such deposit has been forbidden by the Director of Public Works and his or her designate or the user or owner for the time being in charge at the waste disposal site on the ground that the deposit would be contrary to this By-law or on the ground that the origin of the waste has not been satisfactorily determined in the sole discretion of the Director of Public Works and his or her designate.

Section 5.00: Landfill Tipping Fees, Accounts and Exemptions

5.01 **Landfill Site Tipping Fees**

- a) The City may from time to time prescribe rates or charges for the use of landfill sites and provide for terms of payment thereof. All fees shall be in accordance with the Consolidated Fees By-law;
- b) No user or owner shall deposit or deliver waste to any City landfill site operated without paying the appropriate fee(s) as set forth in Consolidated Fees By-law.

- c) ~~Tipping Fees may be subject to change temporarily from the approved Consolidated fees by-law at the discretion of the Director as a result of a pilot studies or incentive programs for not more than one year. Pilot studies under this by law can be set by the Director~~

5.02 **Fee Exemption:**

- a) Notwithstanding section 5.01, no fees shall be payable with respect to:
- (i) Residential recyclable materials, scrap tires, scrap metal, waste electrical and electronic equipment, ashes and household hazardous waste or other material designated for recycling by the Director of Public Works and his or her designate that is source-separated to the satisfaction of the Director of Public Works and his or her designate and deposited in the appropriate container or area specified for such use by the Director of Public Works;
 - (ii) Granular materials such as street sweepings or catch basin cleanouts determined by the Director of Public Works and his or her designate in sole discretion to be suitable as cover material at the landfill site, and source-separated to the satisfaction of the Director of Public Works and his or her designate and deposited in the appropriate container or area specified for such use by the Director of Public Works and his or her designate;
 - (iii) Waste collected from low density residential buildings, high density multi-residential buildings and industrial, commercial or institutional building delivered by waste collection vehicles of the City;
 - (iv) Materials determined by the Director of Public Works and his or her designate or designated as damaged materials resulting from an extreme weather event within the City; received for disposal at designated City landfills during designated periods of time associated with said weather event.
 - ~~(v) Compliant clear bag residential waste and compliant leaf and yard residential waste received for disposal at designated City landfills for a designated Pilot Project period of 2 weeks in the spring (May 14 - May 27) and 2 weeks in the fall (Oct 1 - Oct 14) of 2018.~~

2017-204 Effective October 10, 2017

5.03 **Landfill Accounts**

- a) Landfill site users or owners can apply to the City for an account to charge waste disposal fees to;
- b) Accounts holders in arrears at any City landfill site for more than 60 days shall be denied access until all accounts are paid in full or paid according to an agreed repayment schedule approved by the Director of Public Works and his or her designate in writing.

Section 6.00: Enforcement and Penalties

6.01 **Enforcement:**

- a) This By-law may be enforced by every municipal law enforcement officer or the Director of Public Works and his or her designate;
- b) No user or owner shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.

6.02 **Sanctions:**

- a) Where an user or owner contravenes any of the provisions of this By-law, the Director of Public Works and his or her designate may

in his or her sole discretion give notice in writing to the owner, at the property address, that unless the owner remedies the default within a specified time, and complies thereafter with the By-law, the Director of Public Works and his or her designate may suspend, revoke or discontinue curbside collection services and/or disposal privileges to the user or owner;

- b) Where, in the opinion of the Director of Public Works and his or her designate, there has been a failure to comply with the Notice provisions in subsection (a), or there is a subsequent contravention of the By-Law, the Director of Public Works and his or her designate may issue an Order to suspend, discontinue or revoke curbside collection services and/or disposal privileges to the user or owner for a fixed period of time;
- c) Notice of the Order of the Director of Public Works and his or her designate shall be given in writing to the owner, at the property address, delivered by prepaid regular mail and shall be deemed to be delivered five (5) days after being posted by the City;
- d) Any user or owner may apply to the Director of Public Works and his or her designate in writing for termination of the Order, and upon the owner demonstrating to the Director of Public Works and his or her designate that he or she is in compliance with the By-law and undertaking in the future to comply with the By-law, the Director of Public Works and his or her designate may:
 - i) Terminate the Order, in whole or in part;
 - ii) Impose such conditions or terms as he or she considers appropriate to reinstate full or partial collection services and/or disposal privileges;
 - iii) Make a new Order, on different terms and conditions.
- e) In the event that the address of the user or owner changes, then the Director of Public Works and his or her designate may continue the Order with respect to the new address of the user or owner as shown on the most recent tax roll.

6.03 **Offence and Penalty:**

- a) It is an offence for a user or owner to contravene any provision of this By-law, and every user or owner who contravenes this By-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act R.S.O. 1990, c.P.33 and to any other applicable penalty;
- b) Every user or owner who is convicted of an offence under any provision of this By-law is liable to a penalty as set out in Municipal Act, 2001, S.O. 2001,c.25, as amended from time to time, or any successor thereof.

6.04 **Illegal Activity:**

- a) The Director of Public Works, or the employees of the City who are designated by the Director of Public Works as being in charge of any City landfill site may at any time order any user or owner found scavenging or conducting any activity contrary to the terms of this By-law other illegal activity on a landfill site or having no lawful reason to be there to leave forthwith, and if any such user or owner fails to or refuses to leave, may call for police assistance and cause trespass charges to be laid;
- b) In addition to any penalties imposed through prosecution of an offence pursuant to this By-law, the City is entitled to use all legal means at its disposal to collect the fees applicable pursuant to this By-law. Any and all collection methods lawfully applicable may be

relied upon, including placement of unpaid fees on the tax collectors roll for the property in question;

- c) The conviction of a user or owner for the contravention of any provision of this By-law shall not operate as a bar to a prosecution against the same user or owner for any subsequent or continued contravention of this By-law;
- d) If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to a penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the user or owner convicted.

Section 7.00: Administration and Effective Date

- 7.01 **Administration of the By-law:** The Director of Public Works is responsible for the administration of this By-law.
- 7.02 **Conflict:** Where provisions of this By-law conflict with the provisions of any other City By-law, the most restrictive provisions shall apply.
- 7.03 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 9th day of August, 2016.

Andy Letham, Mayor

Judy CurrinsCathie Ritchie, City Clerk



2017-144 Set
Fines.pdf