




TO: GENERAL COMMITTEE

SUBJECT: REPEAL AND REPLACE WASTE MANAGEMENT BYLAW 85-163

PREPARED BY AND KEY CONTACT: S. BRUNET, MANAGER OF ENVIRONMENTAL OPERATIONS EXTENSION 6140 

SUBMITTED BY: J.F. THOMPSON, P. ENG., CMM III IP, PMP DIRECTOR OF ENVIRONMENTAL SERVICES 

GENERAL MANAGER APPROVAL: RICHARD FORWARD, MBA, M.Sc., P.ENG. GENERAL MANAGER OF INFRASTRUCTURE & GROWTH MANAGEMENT 

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That a Waste Management By-law regulating the collection, processing, and/or disposal of garbage, organics, recyclables and other waste materials, and for the operation and maintenance of integrated waste management facilities within the City of Barrie (City), attached as Appendix "A" to Staff Report ENV002-16, be approved.
2. That the Waste Management By-law 85-163 being a By-law to establishing and maintaining a system for the collection, removal and disposal of garbage, ashes and other refuse within the City be repealed.
3. That the Director of Environmental Services be recognized as the Designated Municipal Official for the purposes of administering and enforcing the Waste Management By-law and that staff in the Environmental Services Department be authorized to administer and enforce the Waste Management By-law.
4. That staff be authorized to make application to the Ministry of the Attorney General for the establishment of creating set fines ranging from \$100.00 to a maximum of \$1,000.00 for the purposes of enforcing the By-law.
5. That staff be authorized to establish Service Fees related to the administration, inspection and enforcement of this By-law, to be set out in the City of Barrie's Fees By-law, and be reviewed from time to time.
6. That the Waste Management Services Contract FIN 2013-055P be amended to remove the reference of the "Central Business District" and corresponding map in order to appropriately re-establish the boundaries for areas within the City to receive enhanced waste collection services. (ENV002-16) (File: E00)

PURPOSE & BACKGROUND

Report Overview

7. This Report is intended to outline the need to replace current By-law 85-163, to provide a detailed rationale to support a successor as identified in the proposed By-law and to ensure alignment between current waste management service levels and municipal and provincial policies.

8. The newly proposed Waste Management By-law has been developed to assist in the administration of sustainable waste management practices within the City, as well as align current and future waste service expectations with municipal policy. The key features of the newly proposed by-law will include:
- Clear definitions of collectible and non-collectible waste;
 - Specific requirements for curbside collection including waste collection preparation and limits for all sectors;
 - Defined ownership and responsibility of waste;
 - The ability to set and enforce penalties; and
 - The expansion of the role and authority of the Director of Environmental Services.

Background

9. The City's waste management authority was established under By-law 85-163 and was passed in 1985. This By-law was developed to establish and maintain a system for the collection, removal, and disposal of garbage, ashes and other waste. The following items are outlined in By-law 85-163:
- Proper provision, maintenance and placing of receptacles;
 - Preparation of garbage, ashes, and bulky items for collection;
 - Waste collection quantity limits;
 - General nuisance avoidance;
 - Proper preparation, transportation and disposal of waste not collected by Barrie; and
 - The roles of the Director of Public Works and the Public Works Department.
10. Since the adoption of By-law 85-163 in 1985, the City has implemented several waste disposal and diversion programs, including establishing Curbside Collection Programs for recyclables and organics, a Leaf and Yard Waste Collection and Composting Program, and stewardship diversion programs including electronics, tires, and household hazardous waste. A new Waste Management By-law is necessary in order to reflect the City's current waste programs and policies.

ANALYSIS

11. Waste Management By-law 85-163 is severely outdated in the management of current waste disposal and diversion programs and practices within the City. There have been significant changes to disposal practices and advancements have been made in establishing diversion programs that promote environmental stewardship at a municipal and provincial level.
12. The City's Sustainable Waste Management Strategy (SWMS), adopted in principle through Motion 12-G-315 on November 19th, 2012, and provides an action plan for effective, efficient, and responsible diversion and disposal systems over the following 20 years. These initiatives and priorities established through the SWMS surpass and supersede the requirements outlined in By-law 85-163.
13. By-law 85-163 is not consistent with current provincial waste management legislation, such as *O.Reg.101/94 Recycling and Composting of Municipal Waste*, in which the City is required to offer recycling services, or the *Waste Diversion Act, 2002*, which was established to facilitate the development and operation of waste diversion programs for waste materials designated by the Minister of Environment and Climate Change (MOECC). For example, By-law 85-163 includes recyclable materials such as paper, cardboard, glass and tin containers, and compostable materials, such as vegetables, in the definition of "Garbage".

14. The proposed By-law is consistent with definitions and language in provincial waste management legislation, including:
 - The Environmental Protection Act;
 - The Waste Diversion Act, 2002;
 - Ontario Regulation 101/94 Recycling and Composting of Municipal Waste; and
 - Ontario Regulation 347 Waste Management.
15. By-law 85-163 provides no means of cost recovery for the improper use of waste disposal and diversion programs. The language providing for cost recovery set out in By-law 85-163 refers to the Summary Conviction Act; however this has since been replaced by the Provincial Offences Act, R.S.O 1990, c. P.33.
16. A new Waste Management By-law will take advantage of the powers given to municipalities established under the *Municipal Act*, S.O. 2001, c.25, by allowing the City to enforce a Waste By-law on a full cost recovery basis through the establishment of Service Fees and set fines.
17. Current administration of Waste By-law 85-163 operates on an educational response basis and has no mechanism for enforcement of offences or penalties. The adoption of a new Waste By-law will allow the City to better encourage behavioral change within the community using a combined approach of public education and enforcement practices.

THE "CENTRAL BUSINESS DISTRICT" AND THE "BUSINESS IMPROVEMENT AREA"

18. In the City's current Waste Management Services Contract, FIN 2013-055P, the Collection Contractor is required to provide additional waste collection services to a specific area, as designated by the "Central Business District" boundary map attached as Appendix "B".
19. The City also has a Business Improvement Area (BIA) as designated by the BIA boundary map attached as Appendix "C". The businesses located within this boundary are required to pay into a BIA tax levy to receive enhanced waste collection services in this area.
20. Further investigation of these areas for the purposes of updating the Waste By-law has resulted in discrepancies between the once established Central Business District boundary and the prevailing BIA boundary regarding waste collection services.
21. The Central Business District is not defined in the current Waste Collection Contract FIN 2013-055P and was referenced but not defined in the Waste By-law 85-163. City staff have concluded that Council has never formally designated a Central Business District boundary by motion.
22. The Central Business District Area map includes a section of no more than 15 businesses located along Essa Road who receive additional waste collection services as per the Waste Collection Contract. The Finance Department has confirmed that these businesses located along Essa Road do not pay into the tax levy to receive additional City services (as per the BIA) but were still included within the Central Business District Map provided within the Waste Management Services Contract, FIN 2013-055P.
23. City staff recognizes that there is a need to clarify and formally define the BIA boundary as the prevailing boundary in which businesses are to receive enhanced waste collection services.

ENVIRONMENTAL MATTERS

24. The following environmental matters have been considered in the development of the recommendation.
- a) The adoption of a new Waste By-law will provide the City with greater control of waste management practices which could help to increase diversion as well as save valuable landfill space.
 - b) Enforcement of responsible waste management practices will encourage environmental stewardship in the community by reducing litter, prevent the accumulation of waste, and deter the public from illegally dumping waste on public property.
 - c) The Provincial government has recently proposed new waste legislation with goals to divert more waste from disposal and increase public awareness and participation in diversion programs. A newly updated Waste By-law will position the City to be better aligned with future changes to provincial waste management regulations.

ALTERNATIVES

25. The following alternatives are available for consideration by General Committee:

Alternative #1 General Committee could maintain the existing By-law 85-163 with respect to Waste Management within the City and not pass an updated By-law.

This alternative is not recommended as the current By-law is outdated and does not reflect current waste services levels or the priorities and initiatives adopted through Barrie's Sustainable Waste Management Strategy. The current By-law also does not reflect provincial waste management policies and does not provide a means of enforcement or cost recovery for managing improper use of waste disposal and diversion programs as well as illegal dumping.

Alternative #2 General Committee could approve the newly proposed Waste By-law with respect to Waste Management without formally defining or re-delineating the BIA as the designated boundary area for businesses to receive enhanced waste collection services.

This alternative is not recommended as there would be no formally defined boundary area in which businesses are to receive enhanced waste collection services. Without establishing an official boundary, certain businesses such as those located on Essa Road could continue to receive enhanced waste services without paying into the tax levy which would be seen as unfair to the surrounding businesses who do not receive this service.

FINANCIAL

26. It is recommended that staff be authorized to apply to the Ministry of the Attorney General for the establishment of Service Fees to be set out in the City of Barrie's Fees By-law, for the purposes of enforcing the Waste By-law. Proposed enforcement fees will provide a new tool for Municipal Enforcement Officers, or Environmental Officers to prohibit the improper use of waste diversion and disposal programs and illegal dumping within the City of Barrie. Service Fees will provide a mechanism in which the City can recover the full cost of responding to and managing complaints at the curb, and investigating improper disposals and illegal dumping.

LINKAGE TO COUNCIL STRATEGIC PRIORITIES

27. The recommendation included in this Staff Report support the following goals identified in the 2014-2018 City Council Strategic Plan:
- Responsible Spending
 - Inclusive Community
28. A new Waste Management By-law will demonstrate value for money by providing a mechanism in which the City could recover costs by establishing Service Fees approved by the Province, which links to the Responsible Spending goal of the 2014-2018 Council Strategic Plan.
29. Active enforcement of responsible waste management practices will encourage environmental stewardship in the community and help to provide great public spaces by deterring the public from illegally dumping waste on public property, which links to the Inclusive Community goal of the 2014-2018 Council Strategic Plan.

Appendix "A"

BY-LAW NUMBER XX-2016

THE CORPORATION OF THE CITY OF BARRIE

A BY-LAW TO REGULATE THE COLLECTION AND/OR DISPOSAL OF GARBAGE, ORGANICS, RECYCLABLES AND OTHER WASTE MATERIALS AND FOR OPERATING AND MAINTAINING INTERGRATED WASTE MANAGEMENT FACILITIES IN THE CITY OF BARRIE

WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that the powers of the municipalities under the *Municipal Act, 2001* or any other Act shall be interpreted broadly as to confer broad authority on the municipalities to enable municipalities to govern their affairs as they consider appropriate and to enhance the municipalities' ability to respond to municipal issues;

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

AND WHEREAS Section 11(1) 3 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes Council to enact a by-law respecting matters within the sphere of Waste Management;

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

AND WHEREAS Section 425 of the *Municipal Act, 2001*, S.O. 200, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

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

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

AND WHEREAS the Council of the Corporation of the City of Barrie is desirous of enacting such a by-law;

NOW THEREFORE the Council of The Corporation of The City of Barrie hereby enacts as follows:

SECTION 1- INTERPRETATION

1.1 SHORT TITLE

This by-law may be cited as the Waste Management By-law.

1.2 APPLICATION

This By-law applies to the collection and/or disposal of Garbage, Organics, Recyclables and other Waste Materials, and for the operation and maintenance of Integrated Waste Management Facilities within the geographic boundaries of the City of Barrie.

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

1.3 HEADINGS

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

1.4 SCHEDULES

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

1.5 DEFINITIONS

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

1.5.1 "Animal Waste" means excrement from any domestic animal including, but not limited to, dogs and cats, and also includes all material that has come into direct contact with the excrement and all material contaminated with the excrement.

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

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

1.5.4 "Business Improvement Area" means the area of the City as depicted in schedule "E" of this By-law.

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

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- 1.5.6** "City" means the Corporation of the City of Barrie and its employees.
- 1.5.7** "City employee" means an officer, servant or other employee of the City, but does not include:
- i. a member of Council;
 - ii. a Council appointee to a local board and whose remuneration from the City results from his/her membership on such local board or other body;
 - iii. an employee of a local board or other body; or,
 - iv. a municipal auditor.
- 1.5.8** "Collectible" means Waste which may be collected pursuant to this By-law.
- 1.5.9** "Collection Area" means the area designated for the collection of Waste in which the Eligible Property is located.
- 1.5.10** "Collection Day" means the day designated for the collection of Waste in the area in which the Eligible Property is located.
- 1.5.11** "Collection Point" means that part of an Eligible Property that has been designated by the Designated Municipal Official for the setting out of Collectible Waste.
- 1.5.12** "Collection Services" means service provided by the City or its Collection Contractor for removal of Garbage, Organics, Recyclables, and Yard Waste from Eligible Properties.
- 1.5.13** "Compostable Material" means yard waste or food waste as categorized in Schedule "B" and "C" of this By-law.
- 1.5.14** "Collection Contractor" means any person or business association which has entered into a contract with the City for the collection and/or processing and/or disposal of Waste on behalf of the City.
- 1.5.15** "Council" means the Council of the Corporation of the City of Barrie.
- 1.5.16** "Curbside Collection" means the collection of Waste, at a collection point at a municipal curb assumed by the City.
- 1.5.17** "Designated Municipal Official" means the Director of Environmental Services for The City of Barrie and/or their duly authorized representative.
- 1.5.18** "Eligible Property" includes the following within the geographic boundary of the City of Barrie:
- i. Single Family Residential Dwelling, including single detached dwelling, semi-detached dwelling, duplex dwelling, freehold or private frontage townhouse, or multiplex dwelling with less than six (5) units;
 - ii. Multi-Residential Property on a municipal roadway, including apartment, block townhouse complex, or condominium, with six (6) or more units;
 - iii. Mixed-Use Property with a combination of Residential Property and Industrial, Commercial, and Institutional (IC&I) Property

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

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

1.5.20 "Front End Bin" includes a covered, watertight container, in good working order, with a capacity of one cubic yard per ten (10) Multi-Residential dwelling units (1 compacted yard is equal to three (3) loose yards) that is compatible with the equipment used by the Collection Contractor for the provision of Garbage Collection Services, or any other container as designated by the Designated Municipal Official as acceptable for the collection of Garbage.

1.5.21 "Garbage" means solid Waste destined for disposal other than Recyclable Materials, Compostable Materials, and Prohibited Waste.

1.5.22 "Garbage Container" means:

- i. A Garbage bin or can provided it is a rigid container, having a removable watertight lid, designed to be manually lifted with suitable exterior side handles; having a capacity not more than 125 litres;
- ii. A Garbage bag provided it is a standard size disposable plastic bag with a maximum capacity of 125 litres; and,
- iii. Such other container as may be approved by the Designated Municipal Official.

1.5.23 "Garbage Tag" or "Tag" means a specially marked tag issued by the City for the purpose of allowing collection of additional Garbage Containers in excess of the Garbage limit, provided other limits and restrictions are adhered to.

1.5.24 "Household Hazardous Waste" means as defined in R.R.O. 1990, Reg. 347, as amended pursuant to the Environmental Protection Act, R.S.O. 1990 and includes:

- i. Explosive waste, including, but not limited to, wastes that may also produce deadly fumes or vapours when exposed to air or mixed with other materials, and wastes such as aerosol cans (full or partially full) and propane cylinders and tanks;
- ii. Flammable waste, including, but not limited to, gasoline, motor oil, barbecue starter fluid, Varsol, paint thinner and other solvent, and finger-nail polish and remover;
- iii. Flammable waste, including, but not limited to, gasoline, motor oil, barbecue starter fluid, Varsol, paint thinner and other solvent, and finger-nail polish and remover;
- iv. Corrosive waste including, but not limited to, batteries (household and automotive), drain opener, oven cleaner, acid, and photographic solution;
- v. Bio-medical waste including, but not limited to hypodermic needles, syringes, sharps and medical dressings; and

- vi. The following as defined in R.R.O. 1990, Reg. 347, as amended pursuant to the Environmental Protection Act, R.S.O. 1990:
- a) hazardous industrial waste,
 - b) acute hazardous waste chemical,
 - c) hazardous waste chemical,
 - d) severely toxic waste,
 - e) ignitable waste,
 - f) corrosive waste,
 - g) reactive waste,
 - h) radioactive waste, except radioisotope wastes disposed of in a landfilling site in accordance with the written instructions of the Canadian Nuclear Safety Commission or the Atomic Energy Control Board,
 - i) pathological waste as defined in R.R.O. 1990, Reg. 347, as amended passed pursuant to the Environmental Protection Act, R.S.O. 1990,
 - j) leachate toxic waste, or
 - k) PCB waste as defined in Regulation 362 of the Revised Regulations of Ontario, 1990.

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

1.5.26 "Ineligible Property" means any property located within the geographic boundary of the City of Barrie that is not defined as an Eligible Property or is deemed an Ineligible Property by the Designated Municipal Official.

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

1.5.28 "Mandatory" shall mean obligatory and compulsory.

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

1.5.30 "Multi-Residential Property" means any building that contains six (6) or more residential dwelling units, and does not include buildings that provide central dining facilities.

1.5.31 "Municipal Law Enforcement Officer" means a person appointed under the authority of the Police Services Act for the purpose of enforcing City by-laws.

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

- 1.5.33** "Non-Compliance Sticker" means an information sticker to be attached to Non-Collectible Wastes by the Collection Contractor or City employee, or attached to containers that exceed the limit(s) or do not comply with the requirements set out in this By-law.
- 1.5.34** "Organic Waste" or "Organics" include items or materials set out in, but not limited to those listed in Schedule "B" of this by-law, and any other material which may be designated as Organic Waste by the Designated Municipal Official.
- 1.5.35** "Organics Container" includes a green plastic container, issued by the City for the collection of Organics, and such other container as may be approved by the Designated Municipal Official.
- 1.5.36** "Owner" means the registered owner of the lands or premises or the person as defined by this by-law or his authorized agent in lawful control of the premises, building or occupancy including but not limited to a lessee, tenant or occupant of an Eligible Property located within the geographic boundaries of the City of Barrie.
- 1.5.37** "Pathological Waste" including any human or animal: organ, bone, muscle, tissue, or part(s) thereof, and also including syringes, needles or any other similar material or substance which contains or may contain any material which may be hazardous or dangerous.
- 1.5.38** "Person" means an owner as defined in this by-law or any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organizations and shall include the plural wherein the context requires. Wherever the word "he" or "him" is used, it shall mean and include the feminine or neutral gender wherever the context so requires.
- 1.5.39** "Private Property" means any land or building that is privately owned and is not owned by the municipality, a Local Board, or the Crown in Right of Ontario, the Crown in Right of Canada or any emanations thereof, unless it is leased to a person or corporation not listed above.
- 1.5.40** "Prohibited Waste" includes Pathological Waste, any Waste in a semi-liquid or liquid form, broken glass, Household Hazardous Waste, asbestos and any other items as may be designated by the Designated Municipal Official.
- 1.5.41** "Property Management Company" means the company responsible for the operation and management of a Residential, Multi-Residential, Mixed Use, or Industrial, Commercial or Institutional (IC&I) property.
- 1.5.42** "Public Property" means any land or building that is owned or operated by the City, a Local Board, or the Crown in Right of Ontario, the Crown in Right of Canada or any emanations thereof.
- 1.5.43** "Recyclables" or "Recyclable Material(s)" are subdivided into the following two categories: Recyclable Containers and Recyclable Paper Fibres, and includes items

which are designated as recyclable material by the Designated Municipal Official, subject to the approval of Council, and items which are categorized as recyclable material in Schedule "A" of this By-law.

- 1.5.44** "Recycling Container" includes a rigid plastic box in a variety of colours including blue and grey, or a clear plastic bag, which meet the requirements of the City or such other container as may be approved by the Designated Municipal Official from time to time.
- 1.5.45** "Recyclable Containers" includes materials as categorized in Schedule "A" of this by-law and any other material which may be designated as Recyclable Containers by the Designated Municipal Official.
- 1.5.46** "Recyclable Paper Fibres" includes paper product materials as categorized in Schedule "A" of this by-law and any other material which may be designated as Recyclable Paper Fibres by the Designated Municipal Official.
- 1.5.47** "Residential Unit" includes a domicile consisting of one or more rooms designed for use as a single housekeeping establishment including a building or one piece of property which consists of up to five (5) separate Residential Units.
- 1.5.48** "Special Waste Materials" includes materials not normally eligible for Curbside Collection that which may be collected during the designated Collection event (e.g. single use household batteries).
- 1.5.49** "Street" shall mean a public highway which the provisions of Part III of The Municipal Act, 2001, S.O. 2000, c.25, apply and which afford a principal means of access to abutting lots.
- 1.5.50** "Waste" means items, products, goods or materials set out in, but not limited to those materials in Schedules "A" through "C" of this By-law.
- 1.5.51** "Waste Collection Vehicle" means any vehicle used by the City or its Collection Contractor for the collection of Waste.
- 1.5.52** "Yard Waste" means items or materials set out in, but not limited to those listed as Yard Waste in Schedule "C" of this By-law.
- 1.5.53** "Yard Waste Container" includes Kraft paper bags or other compostable bags specifically designed for Leaf and Yard Waste; cardboard boxes, rigid open-top reusable containers with handles (excluding Recycling and Organics Containers) with a capacity of not more than 125 litres, or such other container as may be approved from time to time by the Designated Municipal Official.
- 1.5.54** "Waste Management Facilities" includes a landfill site or transfer station licensed for the processing, sorting, transfer or disposal of Waste.

SECTION 2- ADMINISTRATION

2.1 ROLE OF THE DESIGNATED MUNICIPAL OFFICIAL

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

Collection Services

- 2.1.1** determine the schedule for Curbside Collection, including the time, day, and frequency of Collection Services;
- 2.1.2** classify or designate materials as Collectible Waste, Non-Collectible Waste, or Special Waste Materials;
- 2.1.3** determine the limits for Waste;
- 2.1.4** determine the Collection Point for Collectible Waste;
- 2.1.5** refuse Collection Service of any items based on size, weight, quantity, safety hazards, or non-compliance with the specifications set out in this By-law;
- 2.1.6** determine Eligible Properties within the City that shall receive Collection Services;
- 2.1.7** designate materials to be added or deleted from Schedules "A" through "C" of this by-law, as necessary;
- 2.1.8** identify whether a Waste container is suitable and safe for the storing and setting out of Waste for Curbside Collection;
- 2.1.9** provide notice for the scheduling services or the changes to collection schedules or services (e.g. inclement weather);
- 2.1.10** suspend, discontinue, or revoke Collection Services in whole or in part to an Eligible Property and other properties for which services have been approved for breaching any provision of this by-law;
- 2.1.11** reinstate Collection Services in whole or in part to an Eligible Property after Waste Collection Services have been suspended, discontinued, or revoked;
- 2.1.12** deal with any other matter assigned by this by-law or necessary for the collection and disposal of Waste;

Waste Management Facilities

- 2.1.13** determine hours and days of operations for Waste Management Facilities;
- 2.1.14** designate items to be included or excluded in diversion programs at Waste Management Facilities;
- 2.1.15** allow deposit or disposal of items in unusual or emergency situations and waive or alter the tipping fee;
- 2.1.16** suspend, discontinue, or revoke Waste Management Facility Services in whole or in part to any Person for breaching any provision of this by-law;
- 2.1.17** reinstate Waste Management Facility Services to any Person after Waste Management Facility Services have been suspended, discontinued or revoked;

SECTION 3- CURBSIDE COLLECTION SERVICES

3.1 GENERAL INFORMATION AND REQUIREMENTS FOR SERVICE

- 3.1.1** The City shall not collect any Waste that is not set out as prescribed by this By-law.
- 3.1.2** The provision, maintenance, and replacement of Garbage Containers are the sole responsibility of the Owner in charge of the Eligible Property.
- 3.1.3** Where Waste that has been set out for collection has blown away or otherwise escaped an Approved Container in any manner, it is the responsibility of the Owner in charge of the Eligible Property to clean up the Waste.
- 3.1.4** All Collectible Waste shall be set out no later than 7:00 a.m. on the designated Collection Day and no earlier than 7:00 p.m. on the day prior.
- 3.1.5** Notwithstanding section 3.1.4, Eligible Properties located in the Business Improvement Area shall set out Collectible Waste no later than 4:30 a.m. on the designated Collection Day and no earlier than 4:00 p.m. on the day prior.
- 3.1.6** The Owner or person in charge of the Eligible Property shall remove Waste Containers set out by such Owner or person in respect of such premise, together with any Waste that was not collected for any reason, as indicated with a Non-Compliance Sticker, from the Collection Point as soon as possible after collection, but not later than 7:00 p.m. on the designated Collection Day.
- 3.1.7** Notwithstanding section 3.1.6, Eligible Properties located in the Business Improvement Area shall remove Waste Containers set out by such Owner or person in respect of such premise, together with any Waste that was not collected for any reason, as indicated with a Non-Compliance Sticker, from the Collection Point as soon as possible after collection, but not later than 4:00 p.m. on the designated Collection Day.

- 3.1.8 Collectible Waste shall be set out in quantities that do not exceed limits as set out in Schedule "D" of this by-law.
- 3.1.9 Every Owner or person in charge of the eligible property shall set out Approved Containers in an accessible location, where possible, as close as possible to the edge of the Street, without obstructing the travelled portion of the Street, sidewalk, or footpath, and in a location that will not obstruct vehicular traffic or interfere with road maintenance operations including but not limited to winter snow removal or street sweeping.
- 3.1.10 The City reserves the right to refuse collection of any items based on size, weight, quantity or safety hazards, or any items non-compliant with this by-law.

3.2 PROHIBITIONS

- 3.2.1 No person shall set out, permit to be set out, or cause to be set out, Waste for Curbside Collection unless in an Approved Container for the specific Waste type;
- 3.2.2 No person shall set out, permit to be set out, or cause to be set out Waste for Curbside Collection unless prepared as required under this by-law;
- 3.2.3 No person shall set out, permit to be set out, or cause to be set out any Non-Collectible Waste for Curbside Collection in any manner except as provided in Section 3.3.
- 3.2.4 No person shall set out, permit to be set out, or cause to be set out, Waste in excess of the limits and frequency as set out in Schedule D of this by-law;
- 3.2.5 No person shall fail to remove any Waste or Garbage items set out for curbside collection which has been picked over, scattered or dispersed by any animal;
- 3.2.6 No person shall obstruct, hinder, interfere, or otherwise behave in a manner that is offensive to a City employee, the Collection Contractor, its representatives and agents including indulging in violent, threatening or illegal conduct or use of profane or abusive language or create a nuisance or in any way interfere with Collection Services.

3.3 EXCEPTIONS

Broken glass: notwithstanding 3.3.2 and the inclusion of broken glass in the definition of Prohibited Waste, an Owner or person in charge of an Eligible Property may place broken glass out for Curbside Collection, for Garbage provided that the broken glass is securely wrapped and labelled as such, so that it cannot pierce the wrapper and endanger the Collection Contractor, and then placed in a Garbage Container.

SECTION 4- WASTE MANAGEMENT FACILITIES

4.1 GENERAL INFORMATION AND REQUIREMENTS FOR SERVICE

- 4.1.1 Waste Management Facility Services are provided to residents upon proof of residency in the City of Barrie for Waste generated in the City of Barrie.

- 4.1.2 Every Person depositing material at a Waste Management Facility of the City shall deposit only such types of materials as are acceptable for deposit at the Waste Management Facility as designated by the City.
- 4.1.3 Every Person depositing Waste at a Waste Management Facility of the City shall pay the appropriate fee for that type of Waste, as set out in the Fees By-law.
- 4.1.4 All Waste deposited at any Waste Management Facility becomes the property of the City and may be reclaimed, recycled, composted, processed, disposed of, or otherwise dealt with by the City as the Designated Municipal Official deems fit.

4.2 PROHIBITIONS

- 4.2.1 No person shall deposit Waste or enter any Waste Management Facility outside the hours of operation;
- 4.2.2 No person shall attempt to deposit at any City Waste Management Facility any Waste not generated within the geographic boundary of the City, or Waste which does not comply with this By-law or the Waste Management Facility or Facilities Environmental Compliance Approval;
- 4.2.3 No person shall deposit Waste at any City Waste Management Facility other than at the locations designated for the specific Waste type and in the manner required for the Waste type;
- 4.2.4 No person shall deposit any burning or hot material (e.g. embers, coals);
- 4.2.5 No person shall scavenge, collect, pick over, interfere with, remove or scatter any Waste or cause or permit the scavenging, collecting, picking over, interference with, removal or scattering of any Waste at any City Waste Management Facility;
- 4.2.6 No person shall behave in a manner that is offensive to a City employee, its representatives and agents including indulging in violent, threatening or illegal conduct, use of profane or abusive language, create a nuisance or in any way interfere with the use of the Waste Management Facility by any other person.

SECTION 5- MULTI-RESIDENTIAL WASTE COLLECTION

5.1 GENERAL INFORMATION AND REQUIREMENTS FOR SERVICE

- 5.1.1 Waste Collection on Multi-Residential Properties shall be carried out at a designated Collection Point as identified on a site plan or at a Curbside location approved by the City.
- 5.1.2 Every Owner approved for Waste Collection Services shall at all times maintain adequate vehicular access to their property for the purposes of Front End Bin, Recycling, and Organics Collection, including, but not limited to, removing snow, ice and other hazards.

- 5.1.3 Every new or existing Multi-Residential Property requesting a City provided Front End Bin Garbage Service shall undergo a site visit by the City to determine the eligibility of the property before receiving Waste Collection Services.
- 5.1.4 Every Owner, developer, or Property Management Company shall be responsible for the collection and disposal of Waste until the City determines eligibility for municipal Waste Collection Services.
- 5.1.5 The City will not provide Waste Collection Services for a Multi-residential Property where the Owner has made a request for private waste collection in respect of such Multi-residential Complex or where the property does not meet the Mandatory Requirements for Front End Bin Garbage Collection Service as outlined in 5.1.6.
- 5.1.6 The following Mandatory requirements must be met in order for Multi-Residential Properties to receive municipal Front End Bin Waste Collection Services:
- i. participation in the Multi-Residential Organics Program;
 - ii. participation in the Multi-Residential Recycling Program;
 - iii. compliance with a two (2) bag garbage limit every other week per Multi-Residential unit as specified through an approved bin size and/or collection frequency;
 - iv. for Mixed-Use Properties, physical separation of residential waste and industrial, commercial, and institutional (IC&I) waste;
 - v. the use of Curbside Collection in addition to a Front End Bin Collection Service is prohibited.

SECTION 6-ENFORCEMENT

- 6.1 A Municipal Law Enforcement Officer, Environmental Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.
- 6.2 No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Environmental Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.
- 6.3 **PENALTIES**
- 6.3.1 Every person who contravenes any provision of this By-law is guilty of an offence under the provisions of the *Provincial Offences Act*, R.S.O 1990, c P.33, as amended, and is liable on conviction to a penalty not exceeding \$5,000, exclusive of costs, subject to the provisions of the *Act*.
- 6.3.2 Every person who contravenes any provision of this By-law, and every director or officer of a corporation, who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended.

- 6.3.3** Every person who contravenes the provisions of any section of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended and is liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended.
- 6.3.4** For the purpose of continuous offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per day or part thereof, exclusive of costs, under the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended.
- 6.3.5** Notwithstanding Section 6.3.3, and in accordance with the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, the total of all fines for the continuous offences or multiple offences is not limited to \$100,000.

6.4 RECOVERY OF COSTS

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

6.5 SEVERABILITY

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

FORCE AND EFFECT

THAT this By-law shall come into force and take effect immediately upon passing.

READ a first and second time this __ day of _____, 2016.

READ a third time and finally passed this __ day of _____, 2016

THE CORPORATION OF THE CITY OF BARRIE

MAYOR

CITY CLERK

Schedule A
Recyclable Material Accepted for Curbside Collection

Recyclable materials are subdivided into two categories, Containers and Paper Fibres, and include:

Containers

- i. clean sandwich, milk, bread and shopping bags;
- ii. milk and juice gable top cartons and drinking boxes;
- iii. large-mouth plastic tubs, margarine tubs, yogurt containers;
- iv. beverage containers, soft drink and water bottles;
- v. glass bottles and jars;
- vi. spiral cardboard cans;
- vii. aluminum food and beverage containers and small neck bottles;
- viii. clean aluminum foil (including items made from aluminum foil);
- ix. styrofoam trays and clamshell food trays; and
- x. empty metal paint cans and empty aerosol cans.

Paper Fibres

- i. boxboard (including detergent, cracker and cereal boxes);
- ii. paper egg cartons;
- iii. corrugated cardboard;
- iv. newsprint (including inserts and flyers);
- v. magazines, catalogues and telephone books; and
- vi. wrapping paper, greeting cards, and kraft paper.

Schedule B
Organic Waste Accepted for Curbside Collection

Organic Waste includes:

- i. fruits and vegetables;
- ii. dairy products, cheese, yogurt, eggs and egg shells;
- iii. coffee grounds and filters, teabags;
- iv. meat, fish, and shellfish (including bones);
- v. cereal, baked goods, pasta and rice;
- vi. sauces, mayonnaise, salad dressing, syrups, peanut butter, jams and jellies;
- vii. fats and oils, lard, butter;
- viii. soiled paper towels, facial tissues, paper towel rolls, toilet paper rolls;
- ix. soiled paper food packaging, cardboard egg cartons, paper coffee cups, paper napkins, paper plates and cups, paper take-out food trays and containers, microwave popcorn bags, muffin papers, flour and sugar bags, greasy pizza boxes;
- x. houseplants;
- xi. hair and pet hair, feathers, dryer lint; and
- xii. newspaper, fine paper, and waxed paper.

Schedule C
Yard Waste Material Accepted for Curbside Collection

Yard Waste includes:

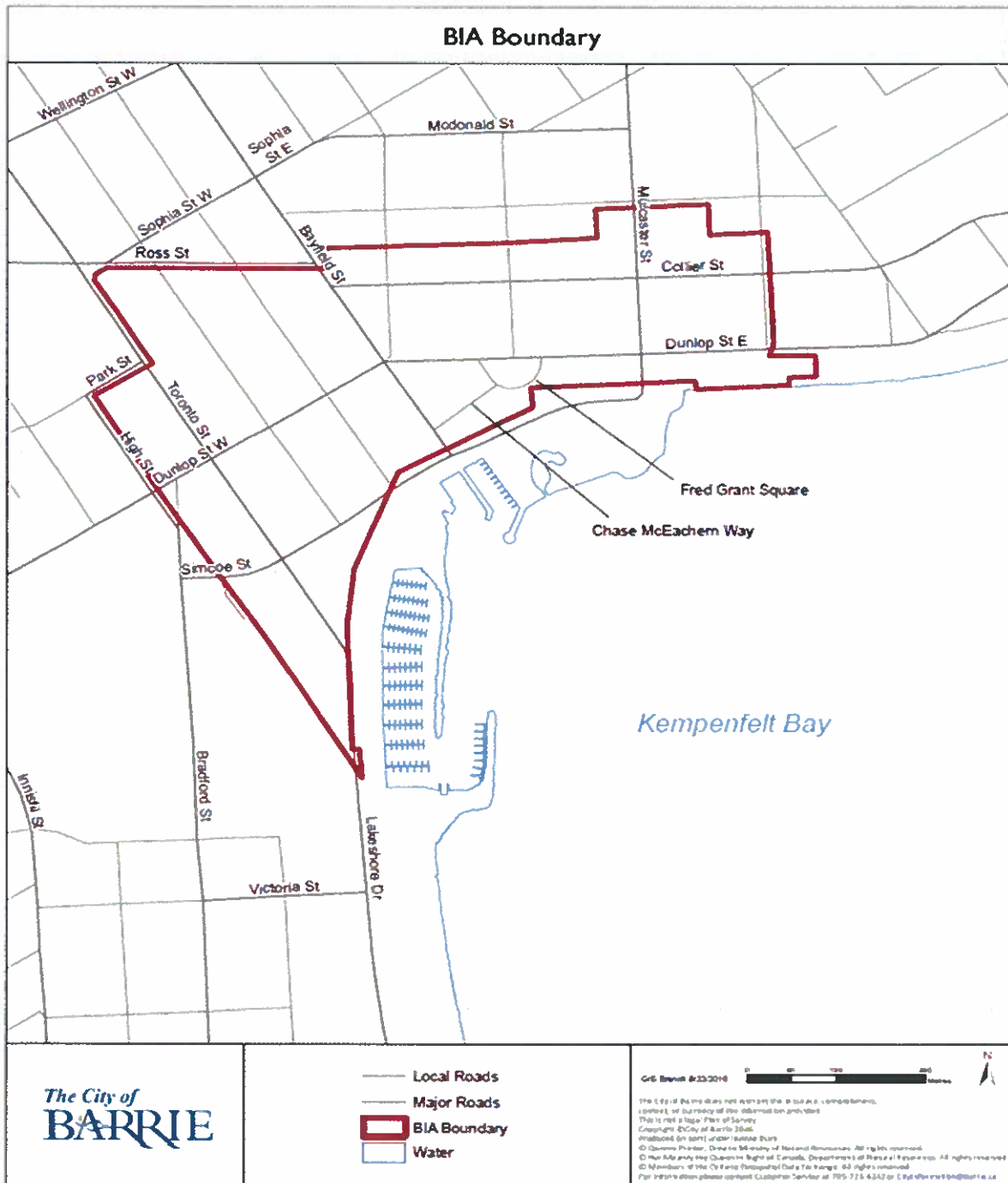
- i. yard and garden trimmings;
- ii. leaves and brush;
- iii. shrubs bushes and vines;
- iv. Christmas trees (excluding artificial Christmas trees); and
- v. sod (excluding soil).

**Schedule D
Curbside Collection Waste Preparation and Limits**

	Waste Type	Collection Frequency	Quantity Limit	Weight and Capacity Limit
Residential Units	Garbage	every other week	2 bags or containers	20kg (45lbs); 125 litre capacity
	Recyclables	weekly	unlimited	20kg (45lbs)
	Organics	weekly		
	Yard Waste	seasonal	unlimited; bundles can be no larger than 1.8m (6ft) in length and 0.3m (1ft) in diameter	
Industrial, Commercial, and Institutional (IC&I)	Garbage	every other week	12 bags or containers	20kg (45lbs); 125 litre capacity
	Recyclables	weekly	4 Recyclable Container boxes; 1 Recyclable Paper Fibres box; 5 bundles of cardboard, flattened and bundled 75cm x 75cm x 75cm x 20cm	20kg (45lbs)
	Organics	N/A	N/A	N/A
	Yard Waste	seasonal	unlimited; bundles can be no larger than 1.8m (6ft) in length and 0.3m (1ft) in diameter	20kg (45lbs)
Business Improvement Area (BIA)	Garbage	twice weekly	6 bags or containers	20kg (45lbs); 125 litre capacity
	Recyclables	weekly	4 Recyclable Container boxes; 1 Recyclable Paper Fibres box; 5 bundles of cardboard, flattened and bundled 75cm x 75cm x 75cm x 20cm	20kg (45lbs)
	Organics	N/A	N/A	N/A
	Yard Waste	seasonal	unlimited; bundles can be no larger than 1.8m (6ft) in length and 0.3m (1ft) in diameter	20kg (45lbs)

**Schedule E
Business Improvement Area Collection Map**

For the purposes of this By-law, Business Improvement Area means the area of the City of Barrie as depicted on the following map pertaining to the streets outlined by the thick red line:



Appendix "B"

Central Business District Map

