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**TO: GENERAL COMMITTEE**

**SUBJECT: WASTE MANAGEMENT BY-LAW 2016-108 AMENDMENT**

**WARD: ALL**

**PREPARED BY AND KEY CONTACT: S. BRUNET, B.SC, MANAGER OF BUSINESS AND ENVIRONMENTAL SUSTAINABILITY**

**SUBMITTED BY: S. BRUNET, B.SC, MANAGER OF BUSINESS AND ENVIRONMENTAL SUSTAINABILITY**

**GENERAL MANAGER APPROVAL: A. MILLER, RPP  
GENERAL MANAGER, INFRASTRUCTURE AND GROWTH MANAGEMENT**

**CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER**

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**RECOMMENDED MOTION**

1. That Waste Management By-law 2016-108, as amended, being a By-law to regulate the collection, processing, and/or disposal of garbage, organics, recyclables and other waste materials, and the operation and maintenance of integrated waste management facilities, be repealed and replaced with the draft Waste Management By-law attached as Appendix "A" of Staff Report BPE002-20.
2. That staff in the Legislative and Court Services Department, Enforcement Services Branch apply for set fines from the Ministry of the Attorney General, ranging from \$100.00 to \$1,000.00 as may be appropriate.

**PURPOSE & BACKGROUND**

Report Overview

3. Under Section 10 of the Municipal Act, 2001, S.O. 2001, c.25 permits a single tier municipality to pass By-laws respecting: public assets of the municipality, the economic social and environmental wellbeing of the municipality and the health, safety, and wellbeing of persons.
4. This Staff Report proposes amendments to Waste Management By-law 2016-108, that will improve alignment with other City by-laws, provide clear updated definitions, reduce complications associated with the enforcement of policies regulating the collection, processing, and disposing of waste materials within the City of Barrie, and support the alignment between current waste management service levels and municipal and provincial policies and regulations.
5. In 2016, Council Resolution 16-G-238 approved By-law 2016-108 to regulate 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.
6. Given that the preceding by-law to By-law 2016-108 was adopted in 1985, definitions were updated and were expanded to reflect industry standards, collection requirements were specified as there were none in the previous by-law, responsibilities were identified, and enforcement powers were defined.

7. The 2016 update created support for the administration of sustainable waste management practices within the City, aligned waste service expectations with municipal policy, and aligned language associated with the provincial waste management legislation at the time.
8. The update of Waste Management By-Law 2016-108 provided the basis of a more modern by-law for waste management.
9. The current by-law, Waste Management By-law 2016-108, has complemented the strategic approach to Barrie's Solid Waste Management Strategy by establishing legal and enforceable limits to regulate the collection, processing, and disposal of solid wastes.
10. Over the next decade, Ontario's strategy for managing solid waste will support a circular economy model that aims to gradually decouple growth from the consumption of finite resources. This economic model is regenerative by design where waste is designed out of the current 'take-make-waste' and the full value of products and materials is realized.
11. Running parallel to the circular economy is the provincial "Made in Ontario Plan" which looks to transition existing solid waste diversion programs to a Producer Responsibility Model, whereby producers (companies that design, create and market products and packaging) will be responsible for managing and funding the full life cycle of their products.
12. Additionally, the Province has developed the "Food and Organics Waste Framework" which will see the introduction of mandatory organic waste diversion targets for municipalities coupled with a potential disposal ban.
13. The updated By-law provides amendments that enables the City to adapt and align its solid waste management and collection systems with the new provincial direction, legislative changes, and anticipated growth of the City.

#### **ANALYSIS**

14. The proposed amendments to the Waste Management By-law builds upon the existing and proposed future regulatory framework in accordance with updated practices in solid waste management, adopts new requirements, clarifies language, modifies administrative processes, and enhances enforcement tools to better regulate solid waste management practices.
15. Generally, to address various challenges experienced with the current by-law, changes were made to:
  - Create more succinct verbiage to assist with the administration of the by-law;
  - Update and/or clarify definitions and wording to align with other City by-laws;
  - Set clear expectations with respect to solid waste set-out, collection and disposal requirements;
  - Enhance enforcement abilities with respect to improper and illegal disposal of solid waste; and
  - Prepare for future provincial direction.
16. The update also defines Boarding, Lodging and Rooming Houses (BLR's); a definition that is not in the current by-law and required clarification to address existing uncertainties. Waste preparation and limits for this added classification are outlined to enhance enforcement of the limits that are currently subject to internal policy. The added definition is in alignment with the Zoning By-law.
17. A 2019 review of the current Leaf and Yard Waste Program, conducted by Dillon Consulting Limited, concluded that the use of cardboard for curbside collection purposes contributed to the contamination challenges that created non-compliant compost. The definition of "Yard Waste

Container” was amended to remove “cardboard box” as an acceptable curbside collection container.

18. Section 3 of the proposed By-law includes specific provisions that address longstanding waste collection issues associated with approved collection points and waste set out requirements. These additions will enhance enforcement associated with improper or illegal disposal.
19. Section 5 of the proposed by-law includes specific provisions that address the use of curbside collection services by multi-residential developments. Section 5.1.7 will restrict large multi-residential developments from participating in curbside collection services; ending large unsightly piles of waste from being placed out for curbside collection. This change will encourage developers, property owners and condominium corporations to incorporate and meet requirements for municipally provided multi-residential waste collection services at new multi-residential developments (section 5.1.6).
20. Multi-residential waste collection services work best for buildings with 11 or more units due to the size of front-end bins (dumpsters) and waste collection allotments determined by the City. To account for this the amendment recommends allowing multi-residential properties with 10 or fewer units to continue utilizing curbside collection services.
21. The addition of Section 5.1.8 will allow multi-residential properties larger than 10 units currently using the curbside collection services (at the passing of the by-law) to continue to be eligible for said services. The purpose of this ‘grandfathering’ is to address the space constraints at these existing buildings.

## **ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS**

22. The following environmental matters have been considered in the development of the recommendation:
  - a) The Waste Management By-law regulates the management of solid waste within the City by establishing legal and enforceable limits for ensuring the proper collection and disposal of solid waste. This tool supports increased diversion from landfill and a reduction in the leakage of waste into the environment. It is one of many steps that will move the City in the direction of a circular economy.

## **ALTERNATIVES**

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

**Alternative #1** General Committee could maintain the existing By-law 2016-108 with respect to Waste Management within the City.

This alternative is not recommended as the current By-law is outdated and does not clearly outline current waste services expectations. Additionally, it does not align with provincial regulatory changes.

**Alternative #2** General Committee could authorize the revision of only partial sections of the proposed updated Waste Management By-law.

This alternative is not recommended as the proposed updated Waste Management By-law will not address the challenges experienced with the current by-law as the administrative changes throughout the document are made to provide a wholesome enforcement tool.

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**FINANCIAL**

24. There are no financial expenditures for the Corporation resulting from the proposed recommendation.

**LINKAGE TO 2018–2022 STRATEGIC PLAN**

25. The recommendation included in this Staff Report support the following goals identified in the 2014-2018 City Council Strategic Plan:

- Fostering a Safe and Healthy City; and
- Building Strong Neighbourhoods.

Active enforcement of responsible waste management practices will encourage environmental stewardship in the community and help to provide greener public spaces by deterring the public from illegally or improperly dumping waste on public property.



**APPENDIX "A"**

**WASTE MANAGEMENT BYLAW 2016-108**



Bill No. XXX

**BY-LAW NUMBER 2020-XXX**

**A By-law of the Corporation of the City of Barrie to regulate the collection and/or disposal of garbage, organics, recyclables and other waste materials and for operating and maintaining integrated Waste Management Facilities in the City of Barrie and to repeal By-law 2016-108, as amended.**

**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 10 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

**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 and adopted motion 16-G-238;

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

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## **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 Waste including Garbage, Organic Waste, Recyclables, Yard Waste and Special 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 schedules and the division of this By-law into sections and subsections are for convenience or reference only and shall not affect the interpretation thereof.

### **1.5 DEFINITIONS**

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

**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 materials that do not fit in an Approved Container or meet requirements set out in schedule D, including but not limited to furniture, mattresses, carpet, large toys, electronics, bicycles, appliances, garden, yard, and outdoor equipment such as pools or parts thereof, 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.

**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;

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- iii. an employee of a local board or other body; or,
  - iv. a municipal auditor.
- 1.5.8** "Collectable Waste" 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 the part of an Eligible Property to receive collection services that has been designated by the Designated Municipal Official for the setting out and collection of Collectable Waste.
- 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 organic 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 General Manager of Infrastructure & Growth Management 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. Residential Unit, including single detached dwelling, semi-detached dwelling, duplex dwelling, freehold or private frontage townhouse, or multiplex dwelling with less than six (6) units;
  - ii. Multi-Residential Property on a municipal roadway, including apartment, block townhouse complex, or condominium, with six (6) or more units;
  - iii. Mixed-Use Property with a combination of Residential Dwelling Units and Industrial, Commercial, and Institutional (IC&I) Property;
  - iv. Industrial, Commercial, and Institutional (IC&I) Property, excluding property that cannot meet Waste limit requirements;
  - v. Boarding, Lodging, Rooming House; and
  - vi. 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, that is compatible with the equipment used by the Collection Contractor for the provision of Waste Collection Services, or any other container designated by the Designated Municipal Official as acceptable for the collection of Collectable Waste.



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- 1.5.21** "Garbage" means 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 items set out as Hazardous Waste in Ontario Regulation 347, as amended pursuant to the Environmental Protection Act. Including but not limited to:
- 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
  - j) leachate toxic waste, or
  - k) PCB waste
- 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.

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- 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-Collectable 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-Collectable 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, 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, and items which are categorized as recyclable material in Schedule "A" of this By-law.

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- 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" means a dwelling unit usually containing cooking, eating, living, sleeping and sanitary facilities, used or intended to be used by one of more persons permitted by law that is: a) a single-detached residence b) a semi-detached residence c) A unit in a duplex, triplex, four-plex or five-plex d) a unit in an apartment building, condominium complex, townhouse complex, co-op complex or similar residential complex containing five (5) or fewer dwelling units e) a second suite and f) does not include Boarding, Lodging and Rooming houses.
- 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 Yard Waste and rigid open-top reusable containers with handles (excluding Recycling and Organics Containers) with a capacity of not more than 125 litres, or such other container as may be approved from time to time by the Designated Municipal Official.
- 1.5.54** "Waste Management Facilities" includes a landfill site or transfer station licensed for the processing, sorting, transfer, or disposal of Waste.
- 1.5.55** "Boarding, Lodging, Rooming House" shall mean a dwelling where lodging is provided for one or more tenants where at least 1 of the tenant-occupied rooms is equipped with an external locking mechanism that prevents access to said room by the other house occupants when the room is unoccupied, or; lodging is provided for more than 4 tenants; but shall not include a group home, hotel, motel, hospital, children's home, assisted living facility, or a bed and breakfast establishment, or other similar establishments.
- 1.5.56** "Boarding, Lodging, Rooming House (Large)" shall mean a Boarding, Lodging, Rooming House where lodging is provided for more than 6 tenants.
- 1.5.57** "Boarding, Lodging, Rooming House (Small)" shall mean a Boarding, Lodging, Rooming House where lodging is provided for not more than 6 tenants.

- 1.5.58 "Dwelling Unit" shall mean a building or part thereof used or intended to be used as a domicile by 1 or more persons containing cooking, eating, living, sleeping and sanitary facilities, but shall not include guest rooms in motels and hotels; lodging room suites in boarding, lodging, rooming houses; or dormitories.

## **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 Collectable Waste, Non-Collectible Waste, or Special Waste Materials;
- 2.1.3 determine the limits for Waste;
- 2.1.4 determine the Collection Point for Collectable 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. Collection Services can only be reinstated with written permission from the Designated Municipal Official;
- 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;



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- 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. Waste Management Facility Services can only be reinstated with written permission from the Designated Municipal Official;

### **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 and Yard Waste Containers are the sole responsibility of the Owner in charge of the Eligible Property.
- 3.1.3** Where Waste that has been set out for collection has blown away or otherwise escaped an Approved Container in any manner, it is the responsibility of the Owner in charge of the Eligible Property to clean up the Waste.
- 3.1.4** All Collectable Waste shall be set out no later than 7:00 a.m. on the designated Collection Day and no earlier than 7:00 p.m. on the day prior.
- 3.1.5** Notwithstanding section 3.1.4, Eligible Properties located in the Business Improvement Area shall set out Collectable 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 of the Eligible Property shall remove Waste Containers set out by such Owner or person in respect of such premise, together with any Waste that was not collected for any reason from the Collection Point as soon as possible after collection, but not later than 7:00 p.m. on the designated Collection Day.
- 3.1.7** 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 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** Collectable Waste shall be set out in quantities that do not exceed limits as set out in Schedule "D" of this by-law.

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- 3.1.9** The Owner of the Eligible Property must place Collectable Waste to the approved Collection Point in an accessible location not hidden from view as close as possible to the edge of the roadway without obstructing the roadway or sidewalk or interfering with road maintenance operations including but not limited to winter snow removal or street sweeping. Collectable Waste must be set out in Approved Containers which are clean, well maintained, in good working order and filled to a height no greater than their sides and free from tie downs and bungee cords.
- 3.1.10** 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.
- 3.1.11** Notwithstanding section 3.1.4, approved yard waste as set out in Schedule "C" to this by-law may be set out for collection curbside after 7:00 a.m. the day prior to the designated collection day.
- 3.1.12** The Owner of the Eligible Property shall only set out Collectable Waste for Curbside Collection at an approved Collection Point abutting the geographical boundaries of the property where the Collectable Waste has been generated.
- 3.1.13** In addition to section 3.1.9, during the months of October through May the Owner of the Eligible Property must meet the following requirements for Collectable Waste to be eligible for Curbside Collection:
- a) Approved Containers free of snow and fully accessible and visible to the Collection Contractor
  - b) Approved Containers not placed on or in snowbanks
  - c) Approved Containers not placed higher than 2 feet off the ground
  - d) Approved Container not frozen to the ground.
- 3.1.14** Notwithstanding Section 3.1.8, Small and Large Boarding, Lodging, Rooming Houses receiving Waste Collection Services in excess of limits set out in Schedule "D" of this by-law prior to the day of passing as approved by the Designated Municipal Official will remain eligible for previously established Waste Collection Service limits.
- 3.1.15** The Owner of an Eligible Property may place broken glass out for Curbside Collection within an Approved Garbage Container, provided the broken glass is securely wrapped and labelled as "containing glass", so that it cannot pierce the wrapper and endanger the Collection Contractor.

## **3.2 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-Collectable Waste for Curbside Collection in any manner except as provided in Section 3.3.
- 3.2.4** No person shall set out, permit to be set out, or cause to be set out, Waste in excess of the limits 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 means;

- 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.
- 3.2.7** 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 Wastes set out for Curbside Collection.

### **3.3 EXCEPTIONS**

## **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.
- 4.2.7** No Person shall deposit Prohibited Waste at any Waste Management Facility.
- 4.2.8** Notwithstanding section 4.2.7, a person may deposit Household Hazardous Waste at the Household Hazardous Waste Facility during operational hours provided the resident advises Waste



Management Facility staff and ensures products are properly packaged, sealed and labeled in a manner required for the waste type.

## **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 approved by the Designated Municipal Official.
- 5.1.2** Every Owner approved for Waste Collection Services shall at all times maintain adequate vehicular access to their property for the purposes of Front End Bin, Recycling, and Organics Collection, including, but not limited to, removing snow, ice and other hazards.
- 5.1.3** Every new or existing Multi-Residential Property requesting a 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 to the satisfaction of the Designated Municipal Official;
  - ii. participation in the Multi-Residential Recycling Program to the satisfaction of the Designated Municipal Official;
  - iii. compliance with a two (2) bag garbage limit per Multi-Residential dwelling unit every other week as specified through an approved bin size and/or collection frequency;
  - iv. for Mixed-Use Properties, physical separation of residential waste and industrial, commercial, and institutional (IC&I) waste;
  - v. the use of Curbside Collection in addition to a Front-End Bin Collection Service is prohibited.
- 5.1.7** Upon the passing of this by-law the City will not provide Curbside Collection services as set out in section 3 of this by-law for Multi-Residential Properties containing eleven (11) or more residential dwelling units.
- 5.1.8** Notwithstanding section 5.1.7, Multi-Residential properties consisting of eleven (11) or more residential dwelling units, utilizing Curbside Collection services prior to the day of passing as approved by the Designated Municipal Official that meet requirements set out in section 3 of this by-law will remain eligible for Curbside Collection services.



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## **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.



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**7. FORCE AND EFFECT**

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

**READ** a first and second time this day of, 2020.

**READ** a third time and finally passed this day of, 2020.

**THE CORPORATION OF THE CITY OF BARRIE**

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**MAYOR - J. R. LEHMAN**

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**CITY CLERK – WENDY COOKE**

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**Schedule "A"**  
**Recyclable Material Accepted for Waste Collection Services**

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

**Containers**

- i. Plastic shopping bags;
- ii. milk and juice gable top cartons and drinking boxes;
- iii. Plastic bottles, jugs, lids, and tubs;
- iv. glass bottles and jars;
- v. spiral cardboard cans;
- vi. metal food and beverage containers;
- vii. clean aluminum foil (including items made from aluminum foil);
- viii. styrofoam trays and clamshell food containers; and
- ix. empty dry metal paint cans and empty aerosol cans.

**Paper Fibres**

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

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**Schedule "B"**  
**Organic Waste Accepted for Waste Collection Services**

**Organic Waste** includes:

- i. fruits and vegetables;
- ii. dairy products, cheese, yogurt, eggs, and eggshells;
- 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 and cut flowers;
- xi. hair and pet hair, feathers, dryer lint;
- xii. newspaper, fine paper, and waxed paper.
- xiii. wooden popsicle sticks, toothpicks, and natural cork; and
- xiv. Pumpkins and fruit and vegetable waste from the yard or garden



**Schedule "C"**  
**Yard Waste Material Accepted for Waste Collection Services**

**Yard Waste** includes:

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



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

	Waste Type	Collection Frequency	Quantity Limit	Weight and Capacity Limit
<b>Residential Units</b>	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	
<b>Industrial, Commercial, and Institutional (IC&amp;I)</b>	Garbage	every other week	12 bags or containers	
	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)
<b>Business Improvement Area (BIA): Residential Units</b>	Garbage	twice weekly	2 bags or containers (per week)	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	
<b>Business Improvement Area (BIA): Industrial, Commercial, and Institutional (IC&amp;I)</b>	Garbage	twice weekly	6 bags or containers (per week)	
	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)



<b>Boarding, Lodging, Rooming House (Small)</b>	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	
<b>Boarding, Lodging Rooming House (Large)</b>	Garbage	every other week	4 bags or containers	
	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	

## 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:

