

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2011) - 19199

A By-law to provide for the management of waste within the City of Guelph, and to adopt Municipal Code Amendment #534, which amends Chapter 157, Section 3 of the Corporation of the City of Guelph Municipal Code, and to repeal By-law Number (2003)-17070, as amended.

WHEREAS Subsection 10(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 authorizes a single-tier municipality to provide any service that the municipality considers necessary or desirable for the public;

AND WHEREAS the City considers the management of Waste as necessary or desirable for the public;

AND WHEREAS Subsection 10(2), paragraph 7 of the *Municipal Act, 2001* authorizes a single-tier municipality to pass by-laws respecting services that the municipality is authorized to provide under Subsection 10(1);

AND WHEREAS Subsection 8(3), paragraphs (a) and (b) of the *Municipal Act, 2001* provide that a by-law under Section 10 respecting a matter may regulate or prohibit respecting the matter and may require persons to do things respecting the matter;

AND WHEREAS Section 127 of the *Municipal Act, 2001* further authorizes a local municipality to prohibit the depositing of refuse on land without the consent of the owner or occupant of the land, and to define “refuse” for this purpose;

AND WHEREAS Section 128 of the *Municipal Act, 2001* authorizes a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances, and provides that the opinion of council, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS City Council has determined that Waste which is in such a condition that it can be blown in the wind, allows odour to escape, is likely to attract animals, including, but not limited to, insects or birds, or presents a health, safety or fire risk, is, or could become or cause a public nuisance;

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

THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

INTERPRETATION

1. (1) For the purposes of this By-law, the following terms shall have the corresponding meanings:

(a) “**Automated Collection Method**” means the collection of Waste by means of the mechanical lifting and tipping of Carts into specially designed collection vehicles;

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- (b) "**Bulky Item**" means a large or heavy article such as a stove, refrigerator, furnace, bed spring, mattress, furniture, box, barrel, water tank, tire and the like;
- (c) "**By-law**" means this By-law including any Schedules forming part of it, together with any amendments to this By-law or its Schedules;
- (d) "**Cart**" means a Waste Container, approved by the General Manager, designated for the Automated Collection Method;
- (e) "**City**" means The Corporation of the City of Guelph;
- (f) "**City Waste Collection Service**" means collection of Waste by or on behalf of the City;
- (g) "**City Waste Collection Service Agreement**" means an agreement between a Waste Generator or Property Owner and the City;
- (h) "**City Waste Collector**" means a Person who, on behalf of the City, collects, removes, transports or disposes of Waste;
- (i) "**Collection Point**" means that part of a property which has been designated by the General Manager for the setting out and collection of Waste;
- (j) "**Container**" means a container that can contain Waste, and includes a Cart, a Reusable Container and a Single-Use Container;
- (k) "**Council**" means the municipal council of the City;
- (l) "**Downtown Collection Area**" means the area delineated in Schedule "A" to this By-law;
- (m) "**Dwelling Unit**" means any building or structure, or any part of a building or structure consisting of a room or suite of rooms, that is used, or designed or intended to be used, for residential purposes;
- (n) "**Garbage**" means Waste, other than Organics, Recyclables and Special Collection Waste, that is collectable pursuant to this By-law, and includes, but is not limited to, the materials set out in Schedule "B" to this By-law;
- (o) "**Garbage Cart**" means a Cart for Garbage;
- (p) "**General Manager**" means the General Manager of Solid Waste Resources of the City or his or her designate;
- (q) "**Goods Exchange Day**" means a day, designated by the General Manager, when Waste Generators occupying Residential Properties may place usable unwanted materials at Collection Points for removal by other members of the public;
- (r) "**IC&I Property**" means an industrial, commercial, and/or institutional property, including, but not limited to, a retail shopping establishment or complex, office building, restaurant, hotel, motel, hospital, educational institution or manufacturing facility;
- (s) "**Jute Bag**" means a bag constructed of jute, or like material;
- (t) "**Kraft Bag**" means a large bag constructed of easily decomposable paper;
- (u) "**Lower Density Residential Property**" means a property which contains 1 to 5 Dwelling Units;

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- (v) **“Manual Collection Method”** means the collection of Waste by means of the manual lifting of Waste and the manual lifting and tipping of Waste containers into collection vehicles;
- (w) **“Municipal Hazardous or Special Waste”** means municipal hazardous or special waste as defined in *Ontario Regulation 542* under the *Waste Diversion Act, 2002*, S.O. 2002, c. 6 and includes, but is not limited to, a wet or dry cell battery, pressurized container, aerosol container, propane container, portable fire extinguisher, fertilizer, pesticide, oil filter, fluorescent light bulb or tube, pharmaceutical, medical syringe, mercury switch or thermostat, household cleaner or detergent, wax or polish;
- (x) **“Multi-Residential Property”** means a property, including, but not limited to, an apartment, row house, townhouse complex or condominium property, which contains 6 or more Dwelling Units;
- (y) **“Non-Collectable Waste”** means Waste other than Garbage, Organics, Recyclables or Special Collection Waste, and includes, but is not limited to, the materials set out in Schedule “C” to this By-law;
- (z) **“Occupant”** means any Person apparently in occupation of property, or any portion thereof, or of a building or structure or any portion thereof;
- (aa) **“Officer”** means a By-law Enforcement Officer appointed by the City to enforce the provisions of this By-law, and a Police Officer of the Guelph Police Service;
- (bb) **“Organics”** means solid non-hazardous Waste derived from plants or animals, including Waste consisting of compounds of carbon, all readily biodegradable, and limited to the materials listed in Schedule “D” to this By-law;
- (cc) **“Organics Cart”** means a Cart for Organics;
- (dd) **“Outdoor Waste Storage Receptacle”** means a container in which Waste is stored outdoors;
- (ee) **“Paper Bag or Liner”** means a bag or liner constructed of easily decomposable paper;
- (ff) **“Person”** includes an individual, partnership or corporation;
- (gg) **“Plastic Bag”** means a transparent plastic bag;
- (hh) **“Plastic Liner”** means a transparent plastic liner;
- (ii) **“Private Waste Collection Service”** means collection of Waste by or on behalf of a Person other than the City;
- (jj) **“Property Owner”** means the registered owner of property, including leased premises, and the owner’s agent or property manager, or any other Person having charge or control of the property;
- (kk) **“Public Lane”** means any lane designated by the General Manager for use by Collection vehicles;
- (ll) **“Recyclables”** means Waste, other than Garbage, Organics, Special Collection Waste or Non-Collectable Waste, capable of being recycled, and including, but not limited to, the materials set out in Schedule “E” to this By-law;

- (mm) “**Recyclables Cart**” means a Cart for Recyclables;
- (nn) “**Refuse**” means Waste which appears to have been abandoned;
- (oo) “**Refuse Constituting a Public Nuisance**” means any Refuse that is in such a condition that it can be blown in the wind, allows odour to escape, is likely to attract animals, including insects or birds, or presents a health, safety or fire risk;
- (pp) “**Residential Property**” means a Lower Density Residential Property or a Multi-Residential Property;
- (qq) “**Reusable Container**” means a durable container, but not a Cart, capable of being reused to contain Waste in the Manual Collection Method;
- (rr) “**Sharp Object**” includes broken glass, a razor or other blade, sewing needle, clinical glass, knife, scissors, straight razor, screw, nail, axe, hatchet, lawn mower blade and the like;
- (ss) “**Single-Use Container**” means a Plastic Bag, Cord, Plastic Liner, Kraft Bag, Paper Bag or Liner or Jute Bag capable of containing Waste and intended to be disposed of along with the Waste it contains;
- (tt) “**Source Separation Program**” means a program to facilitate the separation of Garbage, Organics, Recyclables, Special Collection Waste and Non-Collectable Waste at the source of generation;
- (uu) “**Special Collection Waste**” means Waste collected under a program designated by the City for the Collection of Bulky Items, Yard Waste, or other Waste as designated by the General Manager;
- (vv) “**Waste**” includes Garbage, Organics, Recyclables, Special Collection Waste and Non-Collectable Waste;
- (ww) “**Waste Collection Method**” means a specific Waste collection method and includes the Automated Collection Method, the Manual Collection Method and any other method or combination of methods, as designated by the General Manager;
- (xx) “**Waste Generator**” means any Person who generates Waste and includes a Property Owner and an Occupant;
- (yy) “**Waste Management Plan**” means a plan for managing Waste generated on a property or at an event; and
- (zz) “**Yard Waste**” includes a mixture of leaves, brush, branches, tree limbs, hedge trimmings, grass clippings and woody plants including vines, rose bushes and the like.
- (2) In this By-law, words importing the singular number shall include the plural and vice versa and words importing one gender (masculine, feminine or neuter) shall import the other genders, unless the context requires otherwise.
- (3) If a court of competent jurisdiction declares any provision of this By-law to be invalid, illegal, unenforceable or of no force and effect, the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

- (4) Any reference herein to any statute, regulation, by-law or other law shall be construed as a reference thereto as amended or re-enacted from time to time or as a reference to any successor thereto.
- (5) This By-law shall not be interpreted as exempting any Person from the requirement to comply with any other City by-law. In the event of conflict between the provisions of this By-law and any other City by-law, the provisions which are more protective of the environment shall apply.
- (6) Notwithstanding any other provision of this By-law, this By-law shall not apply to the City, and the City shall not be interpreted as an Occupant, Person, Property Owner or Waste Generator pursuant to this By-law.

REQUIREMENTS FOR SETTING OUT WASTE FOR COLLECTION

Waste Set Out for Collection

2. Every Waste Generator and Property Owner shall ensure that:
 - (a) Ashes are not set out for collection until at least 5 days after they have been removed from fire and are kept separate from other Waste for Generators on Manual Collection;
 - (b) Waste is drained of liquids before it is placed in a Container for collection and the liquids are managed appropriately;
 - (c) Recyclables are free of any solid, semi-solid or liquid contaminant which would render them non-recyclable;
 - (d) Waste set out for collection is separated into Garbage, Organics, Recyclables and Special Collection Waste;
 - (e) Each type of collectable Waste (Garbage, Organics, Recyclables and Special Collection Waste) is placed in a separate Container when set out for collection; and
 - (f) The door or lid of each Bulky Item that is an appliance is removed.

Times to Set Out Waste for Collection

3. (1) Except in the Downtown Collection Area, every Waste Generator and Property Owner shall ensure that:
 - (a) No Waste is set out for collection before 5:00 p.m. on the day preceding the day scheduled for collection; and
 - (b) Waste to be collected is set out for collection no later than 6:30 a.m. on the day scheduled for collection.
- (2) In the Downtown Collection Area every Waste Generator and Property Owner shall ensure that:
 - (a) No waste is set out for collection before 5:00 p.m. on the day preceding the day scheduled for collection; and
 - (b) Waste to be collected is set out for collection no later than 5:00 a.m. on the day scheduled for collection.

(3) No Waste Generator or Property Owner shall set out, or permit to be set out, any Waste for collection, except in accordance with the times described above.

Removal of Waste Not Collected and Containers

4. Every Waste Generator and Property Owner shall ensure that Waste not collected and all Containers are removed from the Collection Point before 7:00 p.m. on the day of collection, except that in the Downtown Collection Area every Waste Generator and Property Owner shall ensure that Waste not collected and all Containers are removed from the Collection Point before 10:30 a.m. on the day of collection.

Containers Required to be Used for Setting Out Waste

5. (1) Every Waste Generator and Property Owner shall ensure that no Waste is set out for collection except in Containers in accordance with the following applicable Collection Methods:

<u>Type of Waste</u>	<u>Manual Collection Method</u>	<u>Automated Collection Method</u>
1. Garbage:		
(a) General	- loose in a Reusable Container identifying the contents as Garbage; - in a colourless Plastic Bag placed inside a Reusable Container identifying the contents as Garbage; - in a colourless Plastic Bag	- loose in a Garbage Cart; - in a colourless Plastic Bag or Colourless Plastic Liner placed inside a Garbage Cart
(b) Sharp Objects	- in a separate rigid container, no larger than 0.6 metres (2.0 feet) in any dimension, securely taped to secure the contents, clearly labelled as containing Sharp Objects	- in a rigid container, no larger than 0.6 metres (2.0 feet) in any dimension, securely taped to secure the contents, clearly labelled as containing Sharp Objects, placed inside a Garbage Cart
(c) Pet Faeces	- in a bag in a colourless Plastic Bag placed inside a Reusable Container indentifying the contents as Garbage; - in a bag placed inside a colourless Plastic Bag	- in a bag in a colourless Plastic Bag placed inside a Garbage Cart
2. Organics		
(a) General	- loose in a Reusable Container identifying the contents as Organics; - in a green Plastic Bag placed inside a Reusable Container identifying the contents as Organics; - in a green Plastic Bag	- loose in an Organics Cart; - in a Paper Bag or Liner placed inside an Organics Cart
(b) Pet Faeces	- loose in a Reusable Container identifying the contents as Organics;	- loose in an Organics Cart

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3. Recyclables		
(a) General	- loose in a Reusable Container indentifying the contents as Recyclables; - in a blue Plastic Bag placed inside a Reusable Container indentifying the contents as Recyclables; - in a blue Plastic Bag	- loose in a Recyclables Cart
(b) Cardboard	- loose in a Reusable Container indentifying the contents as Recyclables; - in a blue Plastic Bag placed inside a Reusable Container indentifying the contents as Recyclables; - in a blue Plastic Bag; - broken down and securely tied in a separate bundle no more than 1.0 metre (3.28 feet) long by 0.6 metres (2.0 feet) in any other dimension	- loose, but broken down to be no more than 1.0 metre (3.28 feet) long by 0.6 metres (2.0 feet) in any other dimension, in a Recyclables Cart
(c) Shredded paper	- in a separate blue Plastic Bag	- in a blue Plastic Bag placed inside a Recyclables Cart
4. Bulky Items	- loose	- loose
5. Yard Waste	- loose in a Reusable Container indentifying the contents as Yard Waste; - loose in a Kraft Bag or Jute Bag; - securely tied in a separate bundle no more than 1.0 metres (3.28 feet) long by 0.6 metres (2.0 feet) in any other dimension	- loose in an Organics Cart

(2) Every Waste Generator and Property Owner shall ensure that:

- (a) No Reusable Container or Single-Use Container containing Garbage, Recyclables or Yard Waste, including contents, weighs more than 20 kilograms (44 pounds);
- (b) No Reusable Container or Single-Use Container containing Organics, including contents, weighs more than 15 kilograms (33 pounds);
- (c) Every Reusable Container set out for Waste collection is:
 - (i) Rust-resistant;
 - (ii) Non-absorbent;
 - (iii) Water-tight;
 - (iv) In good repair and good working order;
 - (v) Covered with a close-fitting lid or cover;
 - (vi) No less than 0.6 metres (24 inches) and no more than 0.76 metres (30 inches) tall;
 - (vii) No more than 0.57 metres (22.5 inches) in any other dimension;

- (viii) Of a dimension at the top greater than the dimension at the bottom;
 - (ix) Of a capacity of no more than 100 litres (26 U.S. gallons); and
 - (x) Equipped with at least two handles;
- (d) Every Plastic Bag set out for Waste collection is:
- (i) Capable of carrying the Waste contained therein without tearing or splitting;
 - (ii) Secured so as to prevent spillage;
 - (iii) No more than 0.77 metres (30 inches) wide; and
 - (iv) No more than 0.97 metres (38 inches) long;
- (e) Every Cart set out for Waste collection is:
- (i) Approved by the General Manager;
 - (ii) In good repair and good working order;
 - (iii) Of a weight, including contents, not more than 0.24 kilograms per litre (2.0 pounds per U.S. Gallon);
 - (iv) Of a weight, including contents, not more than 159 kilograms (350 pounds) in total or as specified in a City Waste Collection Service Agreement; and
 - (v) Of a capacity of no more than 360 litres (95 U.S. Gallons), or as specified in a City Waste Collection Service Agreement;
- (f) No Waste is set out for collection in such a manner that it is accessible to any animal or can be blown by wind;
- (g) No Waste is set out for collection in such a manner that any liquid leaks from such Waste;
- (h) No Plastic Bag, Reusable Container or Cart is set out for collection filled with Waste above the top of such Plastic Bag, Reusable Container or Cart;
- (i) No Reusable Container or Cart of Waste is set out for collection unless it is closed with a tight-fitting lid or cover; and
- (j) No Waste is set out for collection on top of, underneath or abutting a Cart.

Location for Waste to be Set Out

6. (1) Every Waste Generator and Property Owner shall ensure that all Waste set out for collection is set out at a Collection Point located on, adjacent to or in front of the property where the Waste was generated.
- (2) Unless otherwise determined by the General Manager, the Collection Point for a property is where pedestrian traffic is not impeded and:
- (a) Where the property is beside a road and the road has a curb, within 0.3 metres (12 inches) away from the road behind the curb;

- (b) Where the property is beside a road and the road has a gravel shoulder, at the outside edge of the shoulder;
 - (c) Where the property is beside a Public Lane, as close as possible to the edge of the Public Lane; and
 - (d) In the Downtown Collection Area, on the sidewalk directly adjacent the curb.
- (3) Every Waste Generator and Property Owner shall ensure that:
- (a) All Waste set out for collection is placed so as not to impede or obstruct pedestrian or vehicular traffic or road maintenance operations, or so as to endanger the safety of the City Waste Collector or any other person;
 - (b) No Waste is set out for collection on top of any snow bank exceeding 0.3 metres (1 foot) in height, and the area in which such Waste is placed is clear of snow and ice to provide for ready and safe access by the City Waste Collector;
 - (c) All Special Collection Waste set out for collection is placed adjacent to, but apart from, any Garbage, Organics or Recyclables set out for Collection;
 - (d) All Containers containing Garbage are set out adjacent to each other;
 - (e) All Containers containing Organics are set out adjacent to each other;
 - (f) All Containers containing Recyclables are set out adjacent to each other;
 - (g) All Containers containing Special Collection Waste are set out adjacent to each other; and
 - (h) All Containers of each of the foregoing types of Waste are placed apart from all Containers of each of the other foregoing types of Waste.
- (4) Every Waste Generator and Property Owner participating in the Automated Collection Method shall ensure that any Cart set out for collection, is placed so that there is at least 1.0 metre (3 feet) of clearance on each side of the Cart and at least 5.0 metres (16.4 feet) clearance above the Cart.
- (5) Every Waste Generator and Property Owner participating in the Manual Collection Method shall ensure that any cardboard bundle or rigid container of Sharp Objects set out for Collection is placed adjacent to, but apart from, any other Containers set out for collection.

DUTIES OF WASTE GENERATORS AND PROPERTY OWNERS

General

7. Every Waste Generator and every Property Owner shall comply with all applicable provisions of this By-law.

Compliance with Collection Method

8. (1) Every Waste Generator and Property Owner shall ensure compliance with the provisions of this By-law respecting the Waste Collection Method which is applicable to the Waste Generator's or Property Owner's property.
- (2) Every Waste Generator and Property Owner of a Multi-Residential Property or an IC&I Property, shall ensure that a Private Waste Collection Service is employed in respect of

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Waste generated on his or her property, unless such Waste Generator or Property Owner enters into a City Waste Collection Service Agreement in respect of the property.

9. For every property which is leased, the Property Owner shall provide, for the use of every tenant, sufficient Reusable Containers (if the property is participating in the Manual Collection Program) or sufficient Carts (if the property is participating in the Automated Collection Program) for Garbage, Organics and Recyclables.
10. Every Waste Generator and Property Owner to whom a Cart has been provided by the City shall:
 - (a) Ensure such Cart is kept in good condition, and not in a condition that is noxious, offensive or dangerous to public health;
 - (b) Ensure the safekeeping of such Cart;
 - (c) Promptly notify the General Manager if such Cart is lost or stolen;
 - (d) Be responsible for the cost of repairing such Cart if it is damaged, or of replacing such Cart if it is lost or stolen, if either occurs through the negligence of the Waste Generator or Property Owner, or if the damage or loss is not covered by warranty; and
 - (e) Promptly return each Cart to the General Manager upon request.

Waste Management Plans

11. (1) The organizer of a special event to be held in or on City property shall, at the time of applying for permission to use the City property, provide to the General Manager upon request a Waste Management Plan for the special event.
 - (2) The said Waste Management Plan shall identify in respect of the special event:
 - (a) An estimate of the types and volumes of Waste to be generated;
 - (b) Any opportunities for Waste minimization;
 - (c) The steps to be taken to maximize the use and collection of Organics, Recyclables and re-usable materials;
 - (d) The Garbage, Organics and Recyclables storage and transportation equipment to be used;
 - (e) The method of, and individual organizer responsible for, the collection and diversion of Organics and Recyclables, and the collection and disposal of Garbage; and
 - (f) The arrangements made for the provision of post-event Waste analysis and the reporting of that information to the General Manager.
 - (3) Every organizer of a special event to be held in or on City property shall comply with the Waste Management Plan as provided to the General Manager.
12. (1) Every Property Owner of a leased property shall designate, and identify to the General Manager, an individual who shall be responsible for ensuring the management of Waste for such property.

- (2) Every Property Owner of a leased property shall ensure that source separation instructions, provided by the General Manager, are posted on such Property.
13. Every Property Owner of a Multi-Residential Property for which City permission to construct the building is granted or site plan approved on or after January 1st, 2012, shall ensure, regardless of whether the property was planned for City Waste Collection Service or for Private Waste Collection Service, that:
- (a) Adequate provision, to the satisfaction of the General Manager, is made for the management and storage, on the property, of all Waste generated on the property;
 - (b) A Waste Management Plan is provided for the property, which Waste Management Plan shall include a Source Separation Program for the property, which Source Separation Program shall include:
 - (i) Provision of information to users and potential users of the program:
 - A. Describing performance of the program; and
 - B. Encouraging effective source separation and full use of the program;
 - (ii) Provision of facilities on the property adequate, in the opinion of the General Manager, for the collection, handling and storage of the anticipated quantities of Source Separated Waste;
 - (iii) Measures to ensure that the collected source-separated Waste is removed from the property and reused or recycled; and
 - (iv) Measures to ensure that full use is made of the program; and
 - (c) The said Source Separation Program is implemented and maintained on the property.
14. (1) Every Property Owner or Waste Generator who proposes to the City to change Collection Points, change collection methods, change a building's use, expand a building by more than one-third of its existing size or construct a new building, shall submit a copy of the proposal to the General Manager.
- (2) The City may consult the General Manager with respect to waste management plans in respect of development matters including applications for development, redevelopment, rezoning, condominium, site plan approval, building permit or Committee of Adjustment approval.

Source Separation

15. Every Waste Generator shall ensure that Waste set out for collection is separated into Garbage, Organics, Recyclables and Special Collection Waste as provided in this By-law.

Participation in City Waste Collection Service

16. (1) Every Waste Generator and Property Owner who participates in the City Waste Collection service shall ensure that all Waste that is collectable by the City as part of the City Waste Collection Service is set out for collection in accordance with this By-law.
- (2) Where a Waste Generator or Property Owner opts out of the City Waste Collection Service for one or more types of collectable Waste, he or she shall provide written notice to the General Manager, in a form satisfactory to the General Manager, that the Waste Generator or Property Owner shall withdraw his or her specified property from collection by the City of the specified type or types of Waste, effective on a specified date.

- (3) Upon opting out, the Waste Generator or Property Owner shall not be entitled to any rebate or decrease of any tax, fee or charge in respect of the City Waste Collection Service.
- (4) If a Waste Generator or Property Owner provides Organics or Recyclables generated on his or her property to any Person other than the City, without first opting out as set out in this section, the General Manager may determine that the City shall not provide any City Waste Collection Service to that property.

Outdoor Storage of Waste

17. (1) Every Waste Generator and Property Owner shall ensure that Waste stored outdoors is stored in Outdoor Waste Storage Receptacles which:
 - (a) Are constructed of durable, non-porous, easily cleanable material;
 - (b) Are closed with tight-fitting lids or covers;
 - (c) Do not permit Waste contained therein to become Refuse Constituting A Public Nuisance;
 - (d) Do not permit any liquid to escape, leak or spill;
 - (e) Are not located so that they block any doorway or fire route; and
 - (f) Are not located at a Collection Point.
- (2) No Person shall store, or permit the storage of, Waste in an Outdoor Waste Storage Receptacle located within the Downtown Collection Area unless such Outdoor Waste Storage Receptacle is kept locked.
- (3) Any Person who stores grease in an Outdoor Waste Storage Receptacle shall ensure that the Outdoor Waste Storage Receptacle is kept locked and free of grease on the outside, that no grease escapes, leaks or spills, and that no odour escapes.
- (4) Notwithstanding any other provision of this By-law, no person shall store, or permit the storage of, Municipal Hazardous or Special Waste outdoors in the Downtown Collection Area.
- (5) If Waste stored outdoors on a property produces an odour which affects a neighbouring property, then the Waste Generator who generated the Waste and the Property Owner of the property where the Waste is stored shall control such odour.

Refuse Constituting a Public Nuisance

18. Every Property Owner shall at all times keep the Property Owner's property free and clear of Refuse Constituting a Public Nuisance.

DUTIES OF THE PUBLIC

No Scavenging

19. (1) No Person shall pick over, interfere with or remove any Waste set out for collection pursuant to this By-law, whether on public or private property, without the consent of the General Manager and the applicable Property Owner.

- (2) The immediately foregoing provision of this By-law, relating to scavenging, does not apply to a Goods Exchange Day.
- (3) No person shall scatter any Waste set out for collection pursuant to this By-law, whether on public or private property.

No Depositing of Refuse

- 20. (1) In addition to and without limiting the provisions of any other City by-law, no person shall throw, place or deposit Refuse on any public or private property in the City, including but not limited to City-owned property, except with the consent of the Property Owner of such property.
- (2) No Person shall:
 - (a) Place, permit to be placed or permit to remain on or in any street or road allowance abutting the property which the Person owns or occupies, any Waste, unless authorized by this By-law and in accordance with City By-law 17017 (Traffic By-law);
 - (b) Throw, cast or otherwise deposit, or permit any contractor, agent or employee to throw, cast or otherwise deposit, any Refuse whatsoever on or in any street or other public property, except as expressly authorized in this By-law;
 - (c) Place Refuse on public property for collection as part of a Private Waste Collection Program, unless approved by the General Manager; or
 - (d) Deposit Refuse generated by the Person on private property, into public street or park receptacles, Containers or Carts.

DUTIES OF WASTE TRANSPORTERS

- 21. (1) No Person engaged in the business of collecting, removing or transporting Waste shall transport such Waste within the City unless such Person has received a Certificate of Approval from the Ministry of the Environment and does so with a vehicle specifically designed, constructed and intended for such purpose, and unless such vehicle has an enclosed body or a covering securely fastened to the body of the vehicle or, in the case of a packer-type vehicle, has hopper doors tightly and securely closed so as to prevent the escape of the contents of the vehicle to the outside.
- (2) No Person shall transport any Waste within the City in an open vehicle of any kind, including a trailer, unless such Waste is completely covered by a tarpaulin, canvas covering or the like and such covering is secured to the vehicle in such a manner as to prevent the escape of the contents of the vehicle to the outside.

POWERS OF THE CITY

Inspections

- 22. The General Manager and Officers may conduct all inspections (including the monitoring of Waste) necessary to administer and ensure compliance with the provisions of this By-law.

Entry

- 23. Entry by the General Manager and Officers onto private property for the purpose of enforcing the provisions of this By-law is governed by the City's Power of Entry By-law

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Number (2009)-18776 and the General Manager and Officers pursuant to this By-law shall be interpreted as “Officers” pursuant to the said Power of Entry By-law.

Orders

24. The Person who is the subject of an Order issued pursuant to this By-law shall comply with such Order no later than midnight on the deadline day for compliance provided for in the Order.
25. If an Officer finds Waste which is either not stored or not set out in accordance with the provisions of this By-law, the Officer may issue an Order to the responsible Waste Generator or Property Owner, requiring the Waste described in the Order to be removed at the expense of the Waste Generator or Property Owner, or to be properly stored or set out in accordance with the provisions of this By-law.

Remedial Actions

26. If a Waste Generator or Property Owner fails to keep the Waste Generator’s or Property Owner’s property free and clear of Refuse Constituting a Public Nuisance, an Officer may, without prior notice to such Waste Generator or Property Owner, cause the property to be cleared of such Refuse Constituting a Public Nuisance at the expense of the Waste Generator or Property Owner, and the City may recover the costs of so doing from such Waste Generator or Property Owner, and in the case of the Property Owner, the City may recover such costs by adding them to the tax roll for the property and collecting them in the same manner as property taxes.
27. If an Officer finds Refuse thrown, placed or deposited on property without the consent of the Waste Generator or Property Owner, the Officer may, in the case of City-owned or City-occupied land, and may with the consent of the Property Owner of the property in all other cases, cause the Refuse to be removed from the property at the expense of the Person who threw, placed or deposited it thereon, and the City may recover the costs of so doing from such Person.
28. If an Officer finds waste which is either not stored or not set out in accordance with the provisions of this By-law, the Officer may, instead of issuing an Order, and without prior notice to the Waste Generator or Property Owner, cause the area identified to be cleared of such Waste at the expense of the Waste Generator or Property Owner, and the City may recover the costs of so doing from any such Waste Generator or Property Owner. In the case of the Property Owner, the City may recover such costs by adding them to the tax roll for the property and collecting them in the same manner as property taxes.
29. If a Waste Generator or Property Owner fails to ensure that no Waste leaks any liquid onto City-owned land, an Officer may cause such land to be cleaned of the liquid at the expense of the Waste Generator, and the City may recover the costs of so doing from the Waste Generator. In the case where the Waste Generator is also the Property Owner of the property on which the Waste was generated, the City may recover such costs by adding them to the tax roll for the property and collecting them in the same manner as property taxes.
30. If the person who is the subject of an Order issued pursuant to this By-law fails to comply with such Order by the deadline for compliance, the City may have the matter or thing, directed or required in the Order, done at the Person’s expense, and the City may recover the costs of doing the matter or thing from the Person who is the subject of the Order, or, if such Person is the Property Owner of the property to which the Order relates, the City may recover such costs by adding them to the tax roll and collecting them in the same manner as taxes.

Service Discontinuance

31. Where a Waste Generator or Property Owner has not complied with any applicable provision of this By-law, the City may discontinue the collection of Waste from that Waste Generator's or Property Owner's property.

OFFENCE

32. (1) Any Person who contravenes any provision of this By-law is guilty of an offence.
- (2) Any director or officer of a corporation who knowingly concurs in the contravention by the corporation of any provision of this By-law is guilty of an offence.
- (3) Every offence under this By-law is designated as a continuing offence.

PENALTY

33. Except as otherwise provided in this By-law, any Person who is convicted of an offence under any provision of this By-law shall be liable to a fine not to exceed \$10,000 per day or each part of a day, that the offence continues.

SERVICE OF DOCUMENTS

34. An Order, or any other notice or document provided pursuant to this By-law, shall be served upon the Person to be served by means of:
- (a) Personal service, in which case it shall be deemed to have been served on the date and at the time when hand-delivered in accordance with this By-law;
 - (b) Facsimile transmission or email transmission, in which case it shall be deemed to have been served on the date and at the time when it is so transmitted;
 - (c) Regular mail, in which case it shall be deemed to have been delivered on the fifth business day after the day it is mailed; or
 - (d) Registered mail, in which case it shall be deemed to have been delivered on the date and at the time set out on the Canada Post confirmation record indicating successful delivery.
35. Personal service of a document may be provided as follows:
- (a) Where the Person to be served is an individual, by hand-delivering a copy of the document to that individual or an individual who appears to be at least sixteen years of age, at the last known address of the individual, or, if the individual to be served is to be served in the capacity of Waste Generator or Property Owner in respect of a property, the document may be left with an individual who appears to be at least sixteen years of age, at the property; or
 - (b) Where the Person to be served is a corporation or partnership, by hand-delivering a copy of the document to an officer thereof or an individual who appears to be in charge of an office of the corporation or partnership, or, if the corporation or partnership to be served is to be served in the capacity of Waste Generator or Property Owner in respect of a property, the document may be left with an individual who appears to be in charge of the property.

GENERAL PROVISIONS

Delegation

36. (1) The General Manager and all persons designated by the General Manager are hereby authorized to administer and enforce the provisions of this By-law.

(2) Officers are hereby authorized to enforce the provisions of this By-law.

Prior By-Laws Repealed

37. By-law Number (2003)-17070 is hereby repealed, along with By-law Number (2004)-17360, By-law Number (2005)-17902, Municipal Code Amendment Number 291, Municipal Code Amendment Number 324 and Municipal Code Amendment Number 384, of Chapter 157, Section 3 of the Corporation of the City of Guelph Municipal Code.

Municipal Code Amendment

38. This By-law is hereby adopted as Municipal Code Amendment Number 534 amending Chapter 157 of the Corporation of the City of Guelph Municipal Code.

Effective Date of By-Law

39. This By-law shall come into effect on the 1st day of August, 2011.

Schedules

40. The following Schedules form part of this By-law:

Schedule “A” – Downtown Collection Area

Schedule “B” – Examples of materials included in the definition of “Garbage”

Schedule “C” – Examples of materials included in the definition of “Non-Collectable Waste”

Schedule “D” – Exhaustive list of materials comprising “Organics”

Schedule “E” – Examples of materials included in the definition of “Recyclables”

Short Title

41. This By-law may be referred to as the “Waste Management By-law”.

PASSED this TWENTY-FOURTH day of MAY, 2011

Original Signed by:

KAREN FARBRIDGE - MAYOR

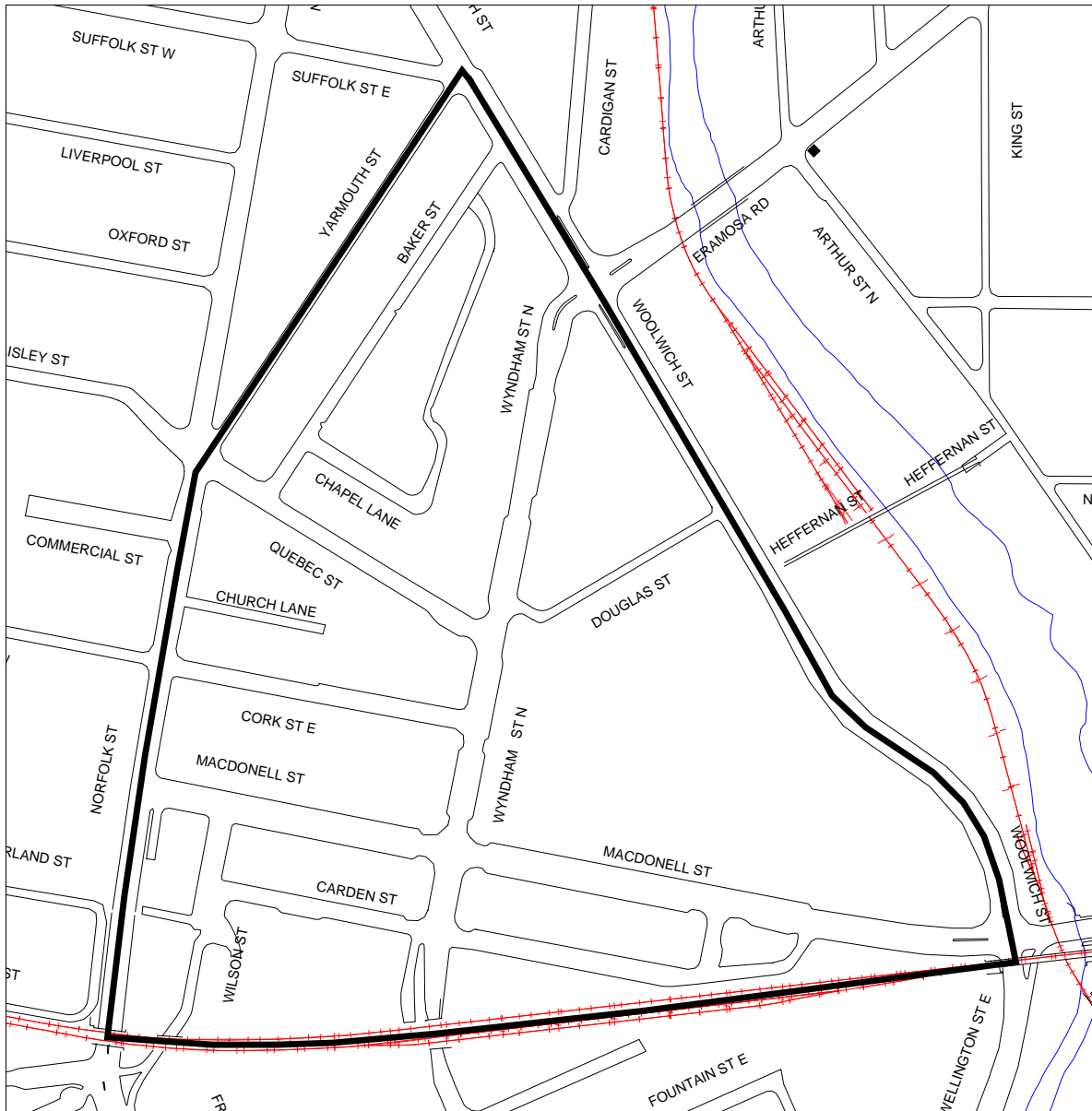
Original Signed by:

TINA AGNELLO – ACTING CITY CLERK

By-Law Number (2011) – 19199

SCHEDULE “A”

The **“Downtown Collection Area”** means the area of the City depicted on the following map within the boundaries created by the thick black line:



By-Law Number (2011) – 19199

SCHEDULE “B”

Examples of materials included in the definition of “Garbage”

- pet faeces, litter, litter waste and bedding waste, whether separate or intermingled enclosed in a Plastic Bag or bag;
- artwork, a poster, vellum, a cleaned paint brush, and the like;
- an empty plastic bag, cookie bag, cereal box liner, coffee package, foil pouch or packet, milk bag, butter wrapper, potato chip bag, piece of carbon paper, plastic wrap, candy wrapper, wrapper, and the like;
- waxed paper, plastic lined fibre, a polycoated coffee cup;
- a balloon, board game, card, electronic game part, crayon, sticker, piece of sporting equipment, toy, and the like;
- a binder, calculator, piece of chalk, elastic band, marker, overhead transparency, paper clip, pencil, pen, printer cartridge, computer diskette, staple, video or audio cassette, piece of tape, and the like;
- a coat hanger, empty pot or pan, disposable or electric razor, scouring pad, twist tie, utensil, tool, shovel, a piece of cutlery, jewellery, wire, rope, cord, hardware, and the like;
- a curtain, blind, dish cloth, glove, scarf, sheet, pillow, rag, shoe, boot, sponge, table cloth, towel, a piece of clothing, fabric, leather, linen, nylon, yarn, and the like;
- a small appliance no greater than 5 Kilograms in weight, such as a hair dryer, kettle, toaster, clock, and the like;
- a candle, empty cooler, cork, dryer sheet, furnace filter, lawn chair, match, photographic negative, picture frame, rubber glove, plastic straw, toothpick, piece of string, rubber or water softener salt, and the like;
- a hair brush, comb, toothbrush, empty toothpaste tube, item of cosmetics, deodorant, soap, and the like;
- a piece of lint, dirt, dust, vacuum bag contents, and the like;
- a condom, piece of dental floss, and the like;
- a dressing, bandage, gauze, swab, pipette, cast, speculum, urine, colostomy or enema bag, intravenous bag, catheter or other tubing, dentures, alginate impression or like material, piece of surgical clothing including a gown, mask, glove, patient bib or sheet, from a Residential Property only, and the like;
- any type of diaper, feminine hygiene product, sanitary product, wipe, and the like;
- Polylactic Acid plastic (PLA), biodegradable plastic, certified compostable plastic (including a bag, liner, container, utensil, plate), and the like;
- a Petri dish, test tube, microscope slide, scope, electrode, and the like; and
- any other item designated as Garbage by the General Manager.

By-Law Number (2011) – 19199

SCHEDULE “C”

Examples of materials included in the definition of “Non-Collectable Waste”

- explosive or highly combustible material such as a celluloid cutting, moving picture film, or an oil-soaked or gasoline-soaked rag and the like;
- carpet, carpet under padding, plaster, drywall, fibreglass insulation, lumber, concrete, a boulder or other waste residue resulting from construction, building renovation or a demolition operation;
- soil, a rock, stone, gravel, and the like;
- a stool sample, flesh or tissue from any animal or human, bodily fluid-stained material, infectious or otherwise, including clothing and bedding, an incontinence or feminine hygiene product known to be infectious, a liquid or solid medicine including a pill or vaccine, a container or vial from which a pill or vaccine is extracted that contains any amount of such pill or vaccine, surgical equipment, any of which is generated from a clinic, hospital, surgery, an office of a physician, surgeon, dentist, veterinarian or the like;
- hay, straw, manure or night soil;
- pet faeces, litter, litter waste and bedding waste, whether separate or intermingled, from properties other than Residential Properties;
- an animal carcass, other part or any portion thereof of any dog, cat, fowl or any other creature with the exception of *bona fide* kitchen or food waste;
- Waste brought into the City from outside its boundaries;
- Municipal Hazardous or Special Waste
- Garbage, Organics, Recyclables or Special Collection Waste which has not been drained, prepared or packaged for Collection in accordance with the provisions of this By-law;
- any material which may be classed as a "designated substance" pursuant to the *Occupational Health and Safety Act*, R.S.O. 1990, Chapter 321;
- a tire, car battery, a large (greater than 5 kilograms) automotive part or body;
- any material which is frozen or stuck to a Waste receptacle or container and cannot be removed by shaking manually, or by the automated arm in the Automated Collection System;
- any material or substance which may cause damage to the natural environment;
- any septic tank pumping, raw sewage, sewage sludge or industrial process sludge;
- any tree limb, trunk or the like having a diameter greater than 5 centimetres (2 inches);
- any radioactive material;
- ashes from properties other than Residential Properties;
- solidified cooking oils and cooked or raw grease and fats from properties other than Residential Properties; and
- any other item designated as a Non-Collectable Waste by the General Manager.

By-Law Number (2011) – 19199

SCHEDULE “D”

Exhaustive list of materials comprising “Organics”

- *bona fide* kitchen or food waste: fruit, vegetable and general table scraps, meat and fish/shellfish products, dairy products, eggs and egg shells, herbs, nuts and seeds, sugars and spices, confectionery products, sauces, bones, pet food, bread, grains, rice, pasta, flour, coffee grounds and tea bags;
- solidified cooking oils and cooked or raw grease and fats from Residential Properties only;
- paper fibres: soiled paper towels, tissues, paper plates, coffee filters, soiled paper food packaging items such as boxboard, cardboard, newspaper, and other paper fibre packaging materials;
- fresh flowers, houseplants and their soil, hair, pet fur, feathers and sawdust, wood shavings;
- Ashes from Residential Properties only;
- pet faeces, litter, litter waste and bedding waste, whether separate or intermingled, but from Residential Properties only;
- Yard Waste, brush, having a diameter not greater than 5 centimetres (2 inches) from Generators on the Automated Collection Method only; and
- any other item designated as Organics by the General Manager.

By-Law Number (2011) – 19199

SCHEDULE “E”

Examples of materials included in the definition of “Recyclables”

- aluminum: foil, a pie plate, pop can, and the like;
- boxboard: a tissue or cereal box, paper towel roll, frozen juice container, and the like;
- cardboard: a flattened box, pizza box, brown Kraft paper bag, and the like;
- glass: a bottle or jar (any colour), and the like;
- newsprint: a newspaper including a flyer or insert, an egg carton or flat, a magazine or catalogue, a telephone book, and the like;
- paper: writing paper, an envelope (includes windowed), calendar (spiral binding removed), book (covers removed), and the like;
- a gable top: a milk or juice carton, and the like;
- an aseptic container: a juice or other drink box (tetra pack), and the like;
- a plastic container: any plastic container, such as a bottle or jar, food or beverage container, tub and lid (margarine, yogurt, etc.);
- steel: food or beverage can or tin (soup, juice, etc.);
- an empty, dry paint can (lid removed); and
- any other item designated as a Recyclable by the General Manager.