

THE CORPORATION OF THE TOWN OF ESSEX

BY-LAW # 320

**BEING A BY-LAW TO PROVIDE FOR
THE COLLECTION, REMOVAL & DISPOSAL
OF WASTE WITHIN
THE CORPORATION OF THE TOWN OF ESSEX**

WHEREAS, Section 208.2 of the Municipal Act R.S.O. 1990 and amendments thereto, provides that a local municipality may pass by-laws to establish, maintain and operate a waste management system;

AND WHEREAS Council deems it appropriate to pass such a by-law for the collection, removal and disposal of waste;

NOW THEREFORE THE COUNCIL OF THE TOWN OF ESSEX ENACTS AS FOLLOWS:

1. **DEFINITIONS:**

In this by-law:

- (a) ADMINISTRATOR means the Chief Administrative Officer for the Corporation of the Town of Essex or his/her representative.
- (b) ASHES mean the residue of any household fuel after such fuel has been consumed by fire.
- (c) AUTHORITY means the Essex-Windsor Solid Waste Authority.
- (d) COLLECTOR means a qualified contractor with sufficient resources to collect residential waste and refuse, commercial waste and refuse from households and commercial institutions within the corporate limits of the Town of Essex and transport the residential or commercial waste or refuse to the Landfill Site.
- (e) COLLECTABLE COMPOSTING MATERIAL means any waste or refuse which is organic material for which a separate collection may be provided including leaves, yard waste and Christmas trees.
- (f) COLLECTABLE COMMERCIAL WASTE means refuse or waste which is discarded by an owner/tenant of a commercial establishment and such refuse or waste shall be deemed to be equivalent in volume to that of domestic waste.
- (g) COLLECTABLE RESIDENTIAL WASTE means refuse or waste which is discarded by an owner/tenant of a household.
- (h) COMPOSTAINER means a trademarked Roll Out Cart manufactured by Schaefer Inc., currently used in Ward 1 for the collection of organic that requires a lift mechanism on the collection truck in order to empty the cart.
- (i) CORPORATION means the Corporation of the Town of Essex
- (j) COUNCIL means the Council of the Corporation of the Town of Essex
- (k) GARBAGE means refuse or waste.
- (l) HOUSEHOLD means any single family dwelling or cottage; each unit of a semi-detached dwelling, duplex, tri-plex, quad-plex, row or townhouse and any apartment building of less than six units; and a residence for farm labour that would generate per collection less than four bags or pails of refuse or waste per units.
- (m) INSTITUTION means a church, school or assembly hall.
- (n) LANDFILL SITE means the Essex-Windsor Regional Landfill Site located at 7700 County Road 18, in Part of Lots 14, 15, and 16, Concession 7 in the former Township of Colchester North, now the Town of Essex.

- (o) **NON-COLLECTABLE WASTE** shall mean collectable composting material, collectable residential/commercial waste, any waste or refuse other than ashes, garbage and residential household rubbish and shall include the following:
- (1) Any explosive or highly combustible material of any nature whatsoever.
 - (2) Broken plaster, lumber or other waste or residue resulting from construction alterations, repairs, demolition or removal of any building or structure except where such waste results from alterations or repairs to a single family dwelling performed by the owner or occupant thereof.
 - (3) Organic matter not properly drained or wrapped.
 - (4) Liquid wastes.
 - (5) Carcass or any animal.
 - (6) Live animals or birds.
 - (7) Any material which has become frozen to the container and cannot be removed by shaking.
 - (8) Discarded truck and automobile parts and accessories from automotive service stations or similar automotive establishments.
- (p) **LARGE ITEM REFUSE** means large bulky items such as bedsprings, mattresses, furniture, rugs, tables, chairs, bicycles and any other material and articles which would normally accumulate at a household but shall not include "non-collectable waste."
- (q) **ORGANICS** means grass, leaves, garden trimmings, brush, branches less than 10 millimeters (4 inches) in diameter and no more than 1.2 meter (4.0 feet) in length, non-treated building wood scraps, free of nails and staples in lengths of no more than 1.2 metre, fruit and vegetable scraps, dryer lint, hair, coffee grounds, tea bags and eggshells set out unbagged in garbage pails, Compostainers, Roll Out Carts, kraft paper bags, cardboard boxes, tied in bundles or in open plastic garbage bags.
- (r) **OWNER/TENANT** means any owner, occupant, lessee, tenant, or any person having use, occupation and/or charge of any household, hotel, restaurant, apartment, house, office building, public institution, service station, industrial building, commercial building, store, shopping centre or plaza or any portion thereof respectively in the Corporation of the Town of Essex.
- (s) **PRIVATE STREET** means any highway, road, lane, alley, thoroughfare or way not dedicated to, or assumed by, the Corporation as a public highway.
- (t) **RECYCLABLE MATERIALS** includes the materials described hereunder:
- ▶ **Boxboard** means all containers made from boxboard, including tissue, cereal, cracker, shoe boxes, tissue rolls and egg cartons.
 - ▶ **Cans** mean all food beverage cans made from either steel or aluminum.
 - ▶ **Clear Glass** means all coloured glass food and beverage bottles and jars.
 - ▶ **Fine Paper** means mixed office paper.
 - ▶ **HDPE** means all narrow neck containers signified by the No. 2.
 - ▶ **Magazine** means all magazines and catalogues bound with glue or stapled along the spine.
 - ▶ **Mixed Paper** means paper products including junk mail, flyers, writing paper, books etc.
 - ▶ **Motor Oil** means all waste motor oil contained in a sealed plastic 4L container.
 - ▶ **Newsprint** means all newspaper including the inserts that are delivered therein and all newsprint material.
 - ▶ **OCC** means corrugated cardboard containers having liners of testline, jute or kraft.
 - ▶ **(PETE)** means all containers made from polyethylene terephthalate (or signified by the No. 1).
 - ▶ **Telephone Directories** means all telephone directories produced by Teledirect for Bell Canada usually distributed during the month of September.
 - ▶ Any other material designated by the Authority from time to time.
- (u) **REFUSE** means solid non-hazardous commercial or residential waste, including tires, recyclable materials, organic, junk and white goods, or any other material

designated by the Authority, set out in garbage bags, garbage pails, or similar containers, weighing less than 44 pounds (20 kilograms).

- (v) STREET means any highway, road, lane, alley, thoroughfare or way, dedicated to and assumed by the Corporation as a public highway.
- (w) WASTE includes ashes, garbage, refuse, domestic waste, commercial waste, municipal refuse and such other materials as may be designated by by-law, by the Council.
- (x) WASTE MANAGEMENT SYSTEM means facilities and services owned, operated or controlled by the Corporation for the management of waste, including the collection, removal, transfer, processing, storage, reduction, reuse, recycling and disposal of waste.
- (y) WHITE GOODS means but is not limited to discarded household appliances such as refrigerators, stoves, clothes washers, dryers, air conditioners, freezers, or dishwashers.
- (z) YARD WASTE means any excess organic material generated on a property including, but not limited to tree trimmings, plants, weeds, grass clippings, sod, cones, fruits and vegetables from yard trees and gardens.

2. COLLECTION RESPONSIBILITY:

- (a) The Corporation shall retain the services of a qualified Collector and be responsible for the collection and removal of all collectable commercial waste and collectable residential waste and collectable composting material in accordance with the provisions of this by-law. The Corporation shall not be responsible for the collection of non-collectable waste, recyclable materials or white goods.
- (b) The Authority shall be responsible for the collection and disposal of all recyclable materials and white goods.
- (c) All collectable materials and white goods shall be collected on a schedule approved by the Authority.
- (d) All recyclable materials shall be collected on a schedule approved by the Authority.
- (e) Collectable composting material shall be collected separately, with the intent that they be composted or re-used as follows:
 - i) Leaves shall be collected every fall for a period as determined by the Administrator.
 - ii) Christmas trees shall be collected following the Christmas season. The Administrator will determine the time and duration.
 - iii) Other yard waste will be collected during the growing season. The Administrator will determine the time and duration.
- (f) Notwithstanding item (i),(ii) and (iii) above, a bi-weekly system of compost collection shall be undertaken in Ward 1. This collection shall be done by way of a compostainer and shall be collected on a schedule approved by Council.
- (g) Notwithstanding any other provisions of this by-law, the Corporation shall not be responsible for the collection and removal of collectable waste, from any multiple dwelling containing more than six (6) households as defined therein. Collection can occur at multiple dwelling containing more than six (6) units upon mutual agreement between the Corporation and the Collector.
- (h) The Corporation shall not be responsible for the collection and removal of collectable waste from industrial or institutional facilities, or commercial operations, which generate waste in excess of a household.

3. **PREPARATION OF WASTE BY OWNERS/TENANTS FOR COLLECTION:**

- (a) Every owner/tenant shall provide and maintain at all times, in good repair and sanitary condition, a sufficient number of prescribed containers. The Corporation shall not collect any collectable commercial or residential waste save and except the exceptions hereinafter set out in this section, unless it is found in a prescribed container or set out as follows:
- i) For all collectable commercial waste and collectable residential waste;
- 1) A returnable receptacle manufactured for the purpose of storing waste or refuse, constructed of materials, which have an equivalent to No. 28 gauge metal and having a height not exceeding 65 cm. and a diameter not exceeding 45 cm. a weight including contents not exceeding 20 kilograms (44 pounds) and two mounted handles;
 - 2) A non-returnable plastic bag, securely tied, having the capacity of not more than 0.07 cubic meters, composed of material not less than 1 ½ mil. gauge material capable of carrying 20 kilograms (44 pounds) of contents without tearing, a weight including contents of 20 kilograms (44 pounds) and a minimum size of 66 cm by 76 cm;
 - 3) Small plastic "grocery" bags in excess of three (3) shall be placed in a returnable receptacle or non-returnable plastic bag;
 - 4) The owner/tenant of every household and of every commercial establishment shall place all material to be collected in proper containers, except as otherwise provided herein;
 - 5) Ashes may be placed in returnable metal containers or pails having a handle and a capacity not exceeding 35 litres;
 - 6) Collectable commercial or residential wastes other than organic waste and ashes may be placed in returnable wooden bushel baskets with two handles.
- ii) For collectable composting materials:
- 1) Leaves, intended for collection may be placed in a returnable receptacle, cardboard boxes or paper yard waste bags (sold for the purpose of storing yard waste, constructed of 100% compostable wet strength paper, having a minimum size 41cm by 82 cm and a weight not exceeding 20 kilograms).
 - 2) Christmas trees, having decorations, tinsel, stand or plastic covering removed shall be placed on the boulevard in a manner so as not to impede traffic.
 - 3) Yard Waste intended for collection may be placed in a returnable receptacle, card boxes or paper yard waste bags (sold for the purpose of storing yard waste, constructed of 100% compostable wet strength paper, having a minimum size of 41 cm by 82 cm and a weight not exceeding 20 kilograms). Tree trimming must be bundled and tied in lengths not exceeding 1.2 meters (4 feet).
- iii) For recyclable materials:
- 1) Recyclable materials shall be placed in blue box, approved by the Authority.
 - 2) Newspapers, magazines, catalogues, phone books, etc. may be bundled or placed in a paper bag and set beside or in the blue box for collection.
 - 3) Used motor oil shall be placed in 4 litre containers, with a maximum of two (2) containers per pickup.

iv) White Goods:

- 1) White Goods are collected upon request. An owner/tenant shall contact the Administrator to make arrangements for collection.

v) Large item refuse:

- 1) All large items refuse shall be dismantled or cut into bundles with no dimension greater than 91 cm having a weight not exceeding 20 kilograms (44 pounds).

Furniture and other items, which cannot be dismantled must be secured in such a manner as to make lifting for disposal safe.

- 2) Items set out for collection shall not pose a safety hazard.

vi) General:

- 1) Refuse shall be drained of all liquids.
- 2) Ashes shall be deposited separate and apart from other collectable commercial and residential refuse, in a prescribed container and shall be cold when placed therein.
- 3) All containers and the area surrounding them shall be maintained in a clean, neat and sanitary condition at all times.

4. **PLACING OF WASTE BY OWNERS/TENANTS FOR COLLECTION:**

- a) Waste, set out for collection shall be placed at one location, in an orderly fashion, as close as possible to the street curb, or traveled portion of the street or private street without obstructing the street or sidewalk and in any case, the Administrator shall have the power to designate the precise point at which material shall be placed for collection.
- b) Except by written order from the Administrator, the Collector shall not enter a privately owned driveway, roadway or lane for the purpose of collecting or removing collectable commercial or residential refuse from privately owned property.
- c) Waste set out for collection shall not be placed on a sidewalk without the written permission of the Administrator.
- d) Waste set out for collection shall not be placed out for collection before 7:00 p.m. local time, on the day prior to the day of collection and all containers shall be removed or returned to private property by the owner/tenant before 9:00 p.m. local time of the day of collection.

5. **AMOUNT OF COLLECTABLE REFUSE AND LARGE ITEM WASTE:**

- a) The amount of containers and bundles of collectable commercial or residential waste placed out for collection from any commercial establishment or household is limited to quantities of refuse or waste that would normally accumulate at a household.
- b) The amount of large item refuse placed out for collection is limited to that which would be normally accumulate at a household. The maximum number of large items to be collected per pickup is limited to three. Notwithstanding the foregoing, the Administrator may authorize the collection of greater quantities of large item refuse.

6. **GENERAL NUISANCE:**

- a) No person shall deposit, accumulate or permit to be deposited or accumulated within the Corporation upon any premises owned by him/her, occupied by him/her or under his/her control, any waste or refuse materials or any other matter or things which may be injurious to or a hazard to health. Managed backyard composting of Backyard Composting Material is permitted.
- b) No person shall sweep, throw, lay, spill, deposit or permit any agent or employee to sweep, throw, lay or deposit waste of any kind whatsoever in or on any street, storm drain, creek or watercourse or any other property within the Corporation.
- c) No person shall disturb, pick over or scatter the contents of any container or bundle after same has been put out for collection.
- d) No refuse or waste shall be stored at any household or commercial establishment for a longer period of time than two (2) weeks.

7. **DISPOSAL OF REFUSE WHICH IS NOT COLLECTABLE BY THE CORPORATION:**

- a) It is the responsibility of owner/tenant to remove and dispose of non-collectable refuse and any other refuse which does not fall within the meaning of collectable commercial waste or collectable residential waste.

8. **TRANSPORTING WASTE MATERIAL & REFUSE:**

- a) No person shall haul, convey or transport trough or upon any street or private street within the Corporate limits any ashes, organic waste, or other refuse whether collectable or non-collectable, except in properly covered containers or vehicles totally enclosed or covered with a canvas or tarpaulins, so fastened down around the edges as to prevent any of the contents falling upon the street or private street, to protect the same from flies and to prevent the escape of any offensive odours therefrom.

9. **COLLECTORS NOT TO ENTER PREMISES:**

- a) Except by written permission from the Administrator, no Collector shall be required to enter any household or commercial establishment, or to ascend any stairway or to enter any elevator, hoist or loading platform for the purpose of collecting or removing collectable commercial or domestic refuse, or large item refuse.

10. **ENFORCEMENT:**

- a) The Essex Police Service and persons appointed as By-Law Enforcement Officers for the Corporation of the Town of Essex shall be responsible to enforce the provisions of this by-law.

11. **REPEAL OF EXISTING BY-LAWS:**

- a) Any by-law inconsistent with this by-law is hereby repealed.

12. **PENALTY:**

- a) Any person who contravenes any provision of this by-law:
 - i) is guilty of an offence; and
 - ii) Shall be responsible for any and all remedies to correct such contravention and in default of the correction being done by the person who contravenes this by-law, the Corporation may correct the contravention and payment of any amount expended by or on behalf of the Corporation to remedy the contravention together with the applicable interest rate and/or penalty may be added by the Clerk to the collector's roll and collected in like manner as municipal taxes.

- iii) Any person who contravenes any of the provisions of this by-law shall be liable to a penalty of not more than \$2,000.00 exclusive of costs, as set out under the Municipal Act, R.S.O. 1990, Chapter M.5 Section 320 and all such penalties shall be recoverable under the Provincial Offences Act R.S.O. 1990 Chapter P.33.

13. **EFFECTIVE DATE:**

- a) This by-law shall take effect upon the final passing thereof.

READ A FIRST AND SECOND TIME THIS 4TH DAY OF JUNE, 2001.

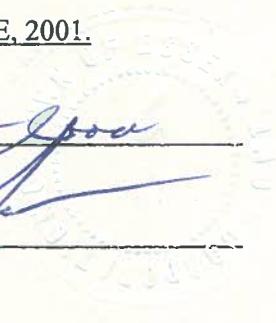
READ A THIRD TIME AND FINALLY PASSED THIS 4TH DAY OF JUNE, 2001.



MAYOR



CLERK



CLO Crim Spec Investig
MINISTRY OF THE ATTORNEY GENERAL
Crown Law Office - Criminal
720 Bay Street, 10th Floor
Toronto, Ontario M5G 2K1
Fax No. (416) 326-4656

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ONTARIO COURT OF JUSTICE
WEST REGION

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CABINET DU JUGE PRINCIPAL REGIONAL
COUR DE JUSTICE DE L'ONTARIO
REGION DE L'OUEST

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June 29, 2001

RECEIVED

JUL 5 2001

TOWN OF ESSEX

Per _____

Mr. J. Marion, Clerk
Municipality of the Town of Essex
33 Talbot St. S.
Essex ON N8M 1A8

Dear Mr. Marion:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 320, Town of Essex**

Enclosed herewith is a copy of an Order, and a copy of a schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the original of the Order and the schedule of the set fines to the Ontario Court of Justice in Windsor, together with a certified copy of the By-law.

Yours truly,

Donald Ebbs
Regional Senior Justice
West Region

Enclosures
DAE/ec

Ministry of the
Attorney General

Crown Law Office
Criminal

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720 Bay Street
Toronto ON M5G 2K1
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Procureur général

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June 21st, 2001

The Honourable Donald Ebbs
Regional Senior Justice, West Region
Ontario Court of Justice (Provincial Division)
15th Floor, Unit G
80 Dundas Street
London, Ontario
N6A 6B3

Dear Regional Senior Justice Ebbs:

**Re: Town of Essex, Essex County
Set Fine Application
Part I Provincial Offences Act
By-law no. 320: Waste Disposal**

Please find enclosed one (1) set fine application submitted by J. E. Marion, Clerk, on behalf of the Town of Essex.

Amendments have been made to this application and I am now content that it is complete and in order. I am forwarding it to Your Honour with a recommendation for its approval.

Should you have any questions, please do not hesitate to contact me.

Yours truly,

A handwritten signature in cursive script that reads "Kerry Lee Thompson".

Kerry Lee Thompson,
Crown Counsel
KLT:da

Enclosures

c.c. J.E. Marion