

By-law Number 126-2021

Of The Corporation of the Municipality of Chatham-Kent

A By-law to establish and maintain a system for the curbside collection of recyclable materials, ashes, garbage and other refuse within the Municipality of Chatham-Kent.

Short Title: "Curbside Waste By-law"

Whereas Section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended or replaced from time to time (the "*Municipal Act, 2001*") provides that the powers of municipal corporations shall be interpreted broadly so as to confer broad authority on a municipality 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* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under the *Municipal Act, 2001* or any other Act;

And Whereas Section 10 (2) of the *Municipal Act, 2001*, enables a single-tier municipality to pass by-laws respecting matters regarding economic, social and environmental well-being of the municipality, including respecting climate change;

And Whereas section 425 of the *Municipal Act, 2001*, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

And Whereas section 446 of the *Municipal Act, 2001* provides that a municipality can pass a by-law that requires a person to do a matter or thing and where a person defaults on doing the required matter or thing the municipality may perform the matter or thing on behalf of the person at the person's expense and any such cost incurred by the municipality in performing the matter or thing may be collected in a like manner to property taxes and placed on the tax roll;

Therefore the Council of the Municipality of Chatham-Kent hereby enacts as follows:

1. Definitions

1.1. In the By-law:

- a. "Ashes" means the residue, including soot, of any fuel after it has been consumed by fire and is completely cold;
- b. "By-law Enforcement Officer" means a Bylaw Enforcement Officer appointed by the Municipality;
- c. "Collectable Refuse" consists of:
 - i) Cold Ashes;
 - ii) Garbage;
 - iii) Containers such as crockery, dishes, glassware;
 - iv) Packaging and clothing, household sweepings;
 - v) Collectable Yard Waste;
 - vi) Household Bulky Items.
- d. "Collectable Recyclables" consists of:
 - i) Clear and coloured glass bottles and jars;
 - ii) Aluminum foil and foil containers and aluminum and steel cans;
 - iii) Household plastic bottles, clamshell containers, jugs and tubs with recycling symbols #1 through #7;

- iv) Paper, newsprint, envelopes including window envelopes, flyers, advertising mail;
 - v) All boxboard, cereal boxes, laundry soap and shoe boxes, egg and paper beverage cartons including Tetra Pak;
 - vi) Magazines and catalogues;
 - vii) Cardboard;
 - viii) Telephone directories;
 - ix) Empty aerosol cans and paint cans.
- e. "Collectable Yard Waste" consists of:
- i) Grass clippings;
 - ii) Leaves;
 - iii) Tree, garden cuttings and brush of dimensions not more than 1 ½ metres by 1 metre by 1 metre (5 feet by 3 feet by 3 feet);
 - iv) Christmas trees.
- f. "Collector" means any Person which has entered into a contract with the Municipality for the collection and/or processing and/or disposal of Collectable and Non-Collectable Refuse and/or Collectable and Non-Collectable Recyclables on behalf of the Municipality;
- g. "Commercial Routes" means the enhanced service routes in Schedule A;
- h. "Day of Collection" means the day designated by the Manager as the day of the week on which collectable refuse and/or recyclable materials will be collected for a designated area. Should the regular collection day be affected by one of the Statutory Holidays, collection will be postponed by one day accordingly;
- i. "Downtown Areas" means the central business and commercial areas of Blenheim, Chatham, Dresden, Ridgetown, Tilbury and Wallaceburg as designated by the Manager;
- j. "Dwelling Unit" means a suite of rooms occupied, or designed to be occupied as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the occupants;
- k. "Garbage" means all kitchen and table waste, of animal or vegetable origin, resulting from the preparation or consumption of food;
- l. "Generator" means any Owner, occupant, tenant, or other person, firm or corporation, having use, occupation, charge or control of a property, premises, building or part thereof;
- m. "Household Bulky Items" means weighty materials and may include but is not limited to items such as mattresses, furniture, rugs, non-collapsible boxes, crates and barrels, bath tubs, fence and any other non-metal materials and items which would normally accumulate at a dwelling unit and do not fit in a Prescribed Garbage Container;
- n. "Institutional, Commercial and Industrial Property" ("ICI Property") means a property containing at least one commercial, industrial or institutional endeavor or a property containing six or more Dwelling Units;
- o. "Manager" means the Manager of Waste and Recycling Services of the Municipality of Chatham-Kent;
- p. "Municipality" means The Corporation of the Municipality of Chatham-Kent;

- q. "Non-Collectable Refuse" means any waste, other than Collectable Refuse, and shall without restricting the generality of the foregoing include the following:
- i) Manufacturer's or industrial waste;
 - ii) Explosives and any highly flammable or volatile substances of any nature whatsoever;
 - iii) Liquid or gaseous waste, caustics and acids;
 - iv) Poisons, pesticides and herbicides, radioactive material;
 - v) Septage, raw sewage sludge and industrial process sludge;
 - vi) Medical waste including but not limited to infected materials, including dressings, bandages, needles, and syringes;
 - vii) Organic material which has not been drained of all liquid in accordance with the provisions of the by-law;
 - viii) Carcasses or parts thereof of any animal or other creature, save for bona fide kitchen and table waste;
 - ix) Live animals or birds;
 - x) Hay, straw and manure;
 - xi) Any materials which have become frozen to a container and cannot be removed by shaking;
 - xii) Stock of any wholesaler or retailer e.g. eggs, fish, pickles, fruit and vegetables;
 - xiii) Sawdust and/or shavings of any kind from a commercial and/or industrial establishment;
 - xiv) Broken plaster, railroad ties, pallets, lumber or other waste resulting from the construction, alteration, repair, demolition or removal of any building or structure;
 - xv) Discarded tires with or without rims, trucks, automobiles and other vehicles and any parts thereof or accessories thereto;
 - xvi) Refrigerant units and white goods including fridge, freezer, stove, microwave, dishwasher, drying and washing machines etc.;
 - xvii) Scrap metal including water tank, stainless steel sink, fixtures, bed and bike frames;
 - xviii) Tree trunks, stumps and sod;
 - xix) Bricks, gravel, rocks, cement including patio stones and ornaments or fill of any kind;
 - xx) Cardboard boxes that are wet and fall apart prior to or during collection;
 - xxi) Household paints, solvents;
 - xxii) Loose items not properly contained in a prescribed garbage container or tied and bundled including branches, cuttings, grass or leaves;
 - xxiii) Yard waste other than Collectable Yard Waste;
 - xxiv) Items placed in oversized garbage bags;
 - xxv) Litter and broken or ripped open garbage bags;
 - xxvi) Electronic and electrical waste (E-waste);
 - xxvii) Excess waste or waste over the allotted limit for the property.
- r. "Non-Collectable Recyclables" means any recyclable, other than Collectable Recyclables, and shall without restricting the generality of the foregoing include the following:
- i) Fax, carbon, wax or foil covered paper;
 - ii) Waxed cardboard, foil pouches and aluminum foil lined containers, hardcover books or their covers, gift wrap and wrapping paper;
 - iii) Ceramics, china, light bulbs, window glass, crystal drinking glass;
 - iv) Coat hangers, pots, baking and frying pans, silverware, oil filters;
 - v) Needles and syringes;
 - vi) Plastic oil, antifreeze or pesticide containers, plastic film and wrap, and all utensils;
 - vii) Styrofoam;
 - viii) Plastic toys, plant pots and trays, and unmarked plastics;
 - ix) Containers that have residual food left inside;
 - x) Broken glass, window glass;

- xi) Non-fibre material being placed in the black recycling box or in the recycling toter cart used for paper and newsprint only;
 - xii) Fibre material being placed in the blue recycling box or in the recycling toter cart used for cans, plastic, and glass.
- s. "Non-Prescribed Containers" means containers other than Prescribed Containers, and shall without restricting the generality of the foregoing include the following:
- i) Grocery bags/kitchen catcher bags;
 - ii) Cardboard boxes that are wet and fall apart;
 - iii) Containers that have lids fastened or tied (except toter carts);
 - iv) Barrels, crates;
 - v) Oversized garbage bags.
- t. "Owner" shall mean the registered owner, occupant, tenant, or Person for the time being managing or receiving the rent of the property, whether on his or her account or on account of an agent or trustee of any other Person, or any one of the aforesaid;
- u. "Person" means any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person;
- v. "Prescribed Container" means a Prescribed Garbage Container and/or a Prescribed Recycling Container;
- w. "Prescribed Garbage Container" means
- i) A returnable receptacle, manufactured for the purpose of storing collectable refuse and constructed of materials which have an equivalent durability to 0.4 millimetre thickness and not exceeding 0.10 cubic metres or 98 litres (3.5 cubic feet) in volume, and a weight including contents, not exceeding 20 kilograms (44 lbs), with two handles and being water proof and leak proof (otherwise referred to as a garbage can). A container 98 litres or less be equivalent to one bag; a container over 98 litres and up to 196 litres (6.9 cubic feet) be equivalent to two bags and not exceeding 20 kilograms (44 lbs);
 - ii) A non-returnable plastic bag, securely tied, not more than 30 inches by 36 inches in size and having a capacity of not more than 0.13 cubic metres or 132 litres (4.7 cubic feet) and composed of material of not less than 0.04 millimetres thickness capable of carrying 20 kilograms (44 lbs) without tearing (otherwise referred to as a garbage bag). A bag 132 litres or less be equivalent to one bag;
 - iii) A non-returnable cardboard carton not more than 30 inches by 30 inches by 36 inches in size and having a capacity of not more than 0.53 cubic metres (18.75 cubic feet) with the top flaps turned in to cover the contents, and a weight including contents, not exceeding 20 kilograms (44 lbs) and secured with tape, rope or twine (otherwise referred to as a cardboard box). A box/carton 531 litres or less be equivalent to one bag;
 - iv) A returnable manufactured roll-out toter cart, not to exceed 431 litres or 95 US gallons in volume or 100 kilograms (220 lbs) in weight, and being capable of being automatically loaded onto a truck hopper. A toter cart 431 litres or less be equivalent to three bags; a toter cart 257 litres or 68 US gallons or less be equivalent to two bags.
- x. "Prescribed Limit" means the amount of Collectable Refuse put out for collection pursuant to the applicable standard described in subsections 2.5 and 2.6, as may be set by the Manager from time to time;

- y. "Prescribed Recycling Container" means:
 - i) A blue box for cans, plastics and glass of Collectable Recyclables provided by the Municipality, not exceeding 18 kg (40 lbs);
 - ii) A black box for fibre material of Collectable Recyclables provided by the Municipality, not exceeding 18 kg (40 lbs);
 - iii) A blue recycling toter cart provided and subsidized by the Municipality, with the subsidization rate being set by the Municipality from time to time;
 - iv) A designated non-municipally supplied recycling box placed in conjunction with at least one blue box and one black box supplied by the Municipality.

- z. "Residential Property" means a property that is assessed as residential with least one and a maximum of five Dwelling Units;

- aa. "Roadway" shall mean a common and public highway, street, avenue, parkway, square, place, or bridge that is designed or ordinarily used for vehicular traffic;

- bb. "Statutory Holiday" will be considered:
 - i) New Year's Day;
 - ii) Family Day;
 - iii) Good Friday;
 - iv) Victoria Day;
 - v) Canada Day;
 - vi) Civic Holiday;
 - vii) Labour Day;
 - viii) Thanksgiving Day;
 - ix) Christmas Day;
 - x) Boxing Day.

2. Levels of Service

- 2.1. The Municipality shall provide for the collection of Collectable Refuse once per week, and Collectable Recyclables every two weeks.
- 2.2. In addition to the basic collection service outlined in paragraph 2.1 above, ICI Properties along Commercial Routes in Blenheim, Chatham, Dresden, Ridgetown, Tilbury, and Wallaceburg shall receive enhanced collection of Collectable Refuse as specified in Schedule A, the cost of which shall be area rated to the properties receiving the enhanced services.
- 2.3. Residential Properties shall be provided with a blue box and a black box for each Dwelling Unit to store Collectable Recyclables. Prescribed Recycling Containers must be kept clean at all times.
- 2.4. ICI Properties shall use blue recycling toter cart(s) subsidized by the municipality for the collection of Collectable Recyclables. ICI Properties shall not be entitled to free recycling boxes.
- 2.5. The Prescribed Limit of a Residential Property shall be three bags and/or three items per week per Dwelling Unit commencing January 2015. Each eligible Household Bulky Item is equivalent to one bag.
- 2.6. The Prescribed Limit of any one ICI Property shall not exceed 2.0 cubic metres or five 95-gallon toter carts per week commencing January 2015. Each Household Bulky Item is equivalent to one bag.
- 2.7. A By-law Enforcement Officer shall have the power to designate the precise point at which collectable refuse and/or recycling shall be placed for collection.
- 2.8. The Municipality reserves the right to decline collection service to any property if:
 - a. The Collectable Refuse or Collectable Recyclables are not placed at the curb within the prescribed time period;

- b. The refuse includes Non-Collectable Refuse;
- c. The recyclables include Non-Collectable Recyclables;
- d. The container used is a Non-Prescribed Container;
- e. The Prescribed Limit as set out in sections 2.5 or 2.6 are exceeded;
- f. The Collectable Refuse and Collectable Recyclables are not located in a designated location for collection;
- g. The Prescribed Containers, Collectable Refuse and/or Collectable Recyclables pose a health and safety concern for contracted or municipal collection crews;
- h. In the case where a toter cart is used, the toter cart is any of the following, even where it contains Collectable Refuse:
 - i) Incorrectly set out;
 - ii) Overloaded such that the lid is not closed flat;
 - iii) Too heavy;
 - iv) Contains loose material;
 - v) Contains jammed or frozen material.

3. Collector Limitations

- 3.1. No Collector shall accept or ask for any gratuity, gift, payment or consideration for the performance of his or her duties from any Person other than the employer.
- 3.2. No Collector will enter a privately owned driveway, roadway, lane or property for the purpose of collecting Collectable or Non-Collectable Refuse and/or Collectable or Non-collectable Recyclables without permission of the Manager.

4. Resident Responsibilities

- 4.1. Non-Collectable Refuse and any bundles/items over the Prescribed Limits shall be removed and disposed of by the Generator or Owner, on the same day as collection.
- 4.2. Every Generator and/or Owner shall:
 - a. Provide and maintain, in good repair and sanitary condition, a sufficient number of Prescribed Containers to hold the Collectable Refuse and/or Collectable Recyclables generated;
 - b. Maintain Prescribed Containers and the storage area to store the Prescribed Containers in a clean, neat and sanitary condition;
 - c. Drain Collectable Refuse and Collectable Recyclables of all liquids;
 - d. Bag cold ashes and deposit them in only non-returnable plastic bags not more than 30 inches by 36 inches in size and having a capacity of not more than 0.13 cubic metres or 132 litres (4.6 cubic feet) and composed of material of not less than 0.04 millimetres thickness capable of carrying 20 kilograms (44 lbs) without tearing (otherwise referred to as a garbage bag);
 - e. Deposit or recycle Collectable Recyclables in sheet form by:
 - i) Placing it in a Prescribed Container; or,
 - ii) Tying it securely in bundles having a weight not exceeding 20 kilograms (44 lbs) and dimensions not exceeding 40 centimetres by 40 centimetres by 60 centimetres and placing it beside the Prescribed Recycling Container.
 - f. Deposit or recycle cardboard materials of Collectable Recyclables by:

- i) Placing it in a Prescribed Container; or,
 - ii) Tying it securely in bundles having a weight not exceeding 20 kilograms (44 lbs) and dimensions not exceeding 75 centimetres by 75 centimetres by 20 centimetres (30 inches by 30 inches by 8 inches) and placing it beside the Prescribed Recycling Container.
- g. Deposit Collectable Yard Waste by:
- i) Placing it in a Prescribed Garbage Container; or,
 - ii) Tying it securely with rope or twine in bundles having a weight of not more than 20 kilograms (44 lbs) and dimensions as set out in section 1.1.
- h. Ensure all Collectable Recycling placed for collection is deposited in a Prescribed Recycling Container in accordance with the policies of the Municipality of Chatham-Kent, as may be amended or replaced.
- 4.3. During the winter months, when snow may be stored along the edge of the travelled Roadway, it shall be the responsibility of the Generator to provide for the placing of Collectable Refuse and Collectable Recyclables at the designated location.
- 4.4. Every Generator and/or Owner shall ensure the return of all Prescribed Containers, Non-Collectable Refuse and Non-Collectable Recyclables to private property by no later than 7:00 p.m. on the day of collection.
- 4.5. Every Generator and/or Owner shall ensure any Prescribed Container placed out for collection be freely accessible to the Collector.
- 4.6. Collectable or Non-Collectable Refuse and Collectable or Non-Collectable Recyclables shall be deemed to be generated outside the Municipality if the Generator thereof is not a resident of the Municipality of Chatham-Kent.
5. Prohibitions
- 5.1. No person shall place any Collectable Refuse, Non-Collectable Refuse, Collectable Recyclables, Non-Collectable Recyclables, Prescribed Containers and/or Non-Prescribed Containers in such manner as to interfere with vehicular or pedestrian traffic.
- 5.2. No Generator and/or Owner shall place or permit placement of any Collectable Refuse, Non-Collectable Refuse, Collectable Recyclables, Non-Collectable Recyclables, Prescribed Containers and/or Non-Prescribed Containers out for collection before 7:00 p.m., local time on the day prior to day of collection, and not after 7:00 a.m. local time on the day of collection.
- 5.3. Notwithstanding section 5.2, no Generator and/or Owner shall place or permit placement of Collectable Refuse, Non-Collectable Refuse, Collectable Recyclables, Non-Collectable Recyclables, Prescribed Containers and/or Non-Prescribed Containers for collection in the Downtown Areas before 5:00 p.m., local time on the day prior to day of collection, or after 8:45 a.m. on the day of collection.
- 5.4. No Person shall sweep, throw, lay or deposit or permit any other Person to sweep, throw, lay or deposit any Collectable Refuse, Non-Collectable Refuse, Collectable Recyclables or Non-Collectable Recyclables of any kind whatsoever in or on any street, creek, watercourse or contracted garbage and/or recycling truck within the Municipality.
- 5.5. No Person shall pick over, interfere with, disturb, remove or scatter any Collectable Refuse, Collectable Recyclables, Non-Collectable Refuse and/or Non-Collectable Recyclables placed for collection.
- 5.6. No Person shall, deposit, leave or abandon or permit to be deposited, left or abandoned, any Collectable Refuse, Non-Collectable Refuse, Collectable

Recyclables and/or Non-Collectable Recyclables generated outside the Municipality.

- 5.7. No Person shall deposit leave or abandon or permit to be deposited, left or abandoned, any Collectable Refuse, Non-Collectable Refuse, Collectable Recyclables and/or Non-Collectable Recyclables anywhere within the Municipality except where they reside or as designated by the By-law Enforcement Officer.

6. Enforcement

- 6.1. This By-Law shall be enforced by any By-law Enforcement Officer.
- 6.2. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.

7. Notice of Violation, Cost Recovery and Fees

- 7.1. Where a By-Law Enforcement Officer has determined that a contravention of this By-law has occurred, he or she may serve written notice upon the Owner or Generator, directing the violation to be remedied. Such notice shall contain:
 - a. The municipal address or the legal description of the property location where the violation occurred;
 - b. Reasonable particulars of the contravention; and,
 - c. The date by which compliance must be affected.
- 7.2. Any notice given under this By-Law may be given by regular mail or personal delivery. Delivery by regular mail shall be to the property location where the contravention occurred and shall be deemed to be served three (3) days after mailing to that location.
- 7.3. In the event that the violation in the notice is not remedied within the date indicated in the notice, the Municipality may cause the violation to be remedied at the expense of the property owner. The Municipality shall not be responsible for any costs or damages arising out of the remedial action.
- 7.4. The Municipality may recover its costs of remedying a violation of this By-law by adding the cost to the tax roll in the same manner as municipal taxes or invoicing the owner. Without limiting the generality of the foregoing, the Municipality may impose User Fee(s) approved in its Fees and Charges By-Law for the cost of remedying the violation.
- 7.5. Where a violation of this By-law is deemed to constitute an emergency or danger to the public, the By-law Enforcement Officer may, without notice, cause the violation to be remedied at the expense of the owner. The Municipality shall not be responsible for any damage or loss that may be sustained by the owner as a result. Where a violation is remedied without prior notice to the owner, the By-law Enforcement Officer shall serve written notice upon the owner or occupant of the property containing:
 - a. Reasonable particulars of the violation;
 - b. The location of the property; and,
 - c. The date on which the remedial action was taken.

8. Appeal

- 8.1. An appeal of a notice given pursuant to this By-law shall lie to the Municipal By-law Appeal Committee.
- 8.2. A person who appeals a notice given pursuant to this By-law shall submit a Request for a Hearing in the time frame and in the manner prescribed in By-law Number 22-2015 and the By-Law Appeal committee Rules of Procedure, both as

amended, and shall submit any applicable fees established under the Municipality's User Fees By-law, as amended, for the processing of the Appeal.

- 8.3. Every decision or order of the By-law Appeal Committee is final, without any further right of appeal.

9. Penalty

- 9.1. Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction thereof, shall be subject to a penalty recoverable under the *Provincial Offences Act*, R.S.O. 1990 c. P. 33 and any amendments thereto.
- 9.2. The imposition of a penalty for a contravention of this By-law shall not excuse the condition or matter resulting in such contravention or permit it to remain or continue, and the person who has contravened the By-law shall rectify any condition or matter resulting there from.
- 9.3. An offence shall be deemed to occur for each day for which a contravention of this By-law continues.
- 9.4. Nothing herein contained shall in any way modify, affect or derogate from any other remedy available to Municipality or any other person, firm or corporation with respect to such contravention.

10. Administration

- 10.1. If a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.
- 10.2. 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.

11. Repeal

- 11.1. By-Law 122-2014 is hereby repealed

This By-law shall come into full force and effect upon the final passing thereof.

Read a First, Second and Third time this 28th day of June, 2021.

Original signed by:

Mayor – Darrin Canniff

Original signed by:

Clerk – Judy Smith