

**BY-LAW 2005-57G**

**A BY-LAW OF THE CITY OF GREATER SUDBURY  
DEALING WITH THE COLLECTION, REMOVAL, AND DISPOSAL  
OF WASTE WITHIN THE CITY OF GREATER SUDBURY**

**WHEREAS** Council of the City of Greater Sudbury wishes to enact a By-law for the purposes of regulating the collection, removal and disposal of waste;

**AND WHEREAS** fees for the services are included in the By-law;

**AND WHEREAS** the City of Greater Sudbury held a public meeting on February 23, 2005, at Tom Davies Square, 200 Brady Street, Sudbury, in accordance with Regulation 244/02 under the *Municipal Act, 2001*;

**AND WHEREAS** notice of the said public meeting was given in accordance with the City's Notice By-law, 2003-2, as amended and in accordance with Regulation 244/02 under the *Municipal Act, 2001*;

**NOW THEREFORE** the Council of the City of Greater Sudbury enacts as follows:

**SHORT TITLE**

1. This By-law shall be known and may be cited as the "Waste Management By-law".

**INTERPRETATION**

2. In this By-law:

"approved container" means a garbage container, a yard trimmings container or a recycling container;

"ashes" means the solid residue of any household fuel after such fuel has been consumed by fire and includes soot, but shall not include ashes which accumulate as a result of building construction or demolition;

"bulky item" has the meaning set out on Schedule "A";

“Central Business District ” means the area identified on the map attached hereto as Schedule “B”;

“City” means the City of Greater Sudbury and includes a person the City has entered into a contract with to perform all or part of its duties hereunder;

“collection location“ means the location designated by the General Manager for placement of garbage, recyclable materials, yard trimmings or bulky items for collection and removal as part of the City’s waste collection services;

“Council“ means the Council of the City of Greater Sudbury;

“garbage“ means waste other than recyclable materials, yard trimmings, bulky items, prohibited waste and non-collectible waste;

“garbage container” means an approved container which meets the requirements established in Schedule “C” for a garbage container;

“General Manager” means the General Manager of Infrastructure and Emergency Services for the City of Greater Sudbury and where applicable includes a person designated by the General Manager to perform that task or exercise that power in his or her place and stead;

“high density residential building“ means a property which is not located in the Central Business District and on which is situate an apartment building, condominium complex, townhouse complex, co-operative housing complex, or other similar residential complex containing more than six residential dwelling units and in which no residential dwelling is rented for a term less than one month, or for a periodic term less than a month in length;

“intermediate processing site” means a site approved by the Ministry of the Environment for the processing and shipping of waste to another processing site, a final

disposal site or end-market site, and includes the recycling centre located at 1825 Frobisher Street, Sudbury and the Household Hazardous Waste Depot located at 1853 Frobisher Street;

“low density residential building” means a property which is not located in the Central Business District and on which is situate a single family dwelling, mobile home designed and used as a year-round residential dwelling, duplex, apartment building, townhouse complex, co-operative housing complex or other similar residential complex containing six or fewer residential dwelling units and in which no residential dwelling unit therein is rented for a term less than a month, or for periodic periods less than one month in length;

“non-collectible waste” means waste other than recyclable materials, yard trimmings, bulky items, prohibited waste and garbage and includes such other material as may from time to time be designated by the General Manager as non-collectible waste;

“owner” includes any registered owner, occupant, resident, lessee or tenant of a residential dwelling and includes any person managing any low density residential building or any high density residential building on behalf of the registered owner;

“person” means an individual, corporation, association or other business form;

“property” means land and the buildings thereon located in the City which is separately assessed, and which is transferable separately from any surrounding lands, pursuant to the Planning Act, but does not include vacant land;

“prohibited waste” has the meaning set out in Schedule “D”;

“recycling container” means an approved container which meets the guidelines established in Schedule “C” for a recycling container;

“recyclable materials” has the meaning set out in Schedule “E”;

“registered owner” means a person recorded in the records maintained in the Land Registry Division for Sudbury (No. 53) as an owner of the property under

consideration and includes a person with legal right to control possession of that property, such as a property manager appointed by the registered owner; a mortgagee in possession under the terms of a mortgage of the property; or a receiver or receiver/manager in possession of that property;

“registered high density residential building” means a high density residential building which is subject to a valid and subsisting registration agreement;

“registration agreement” is an agreement entered into between the City and the registered owner of a high density residential building in accordance with Schedule “F” to provide for waste collection services for garbage and recyclable materials from that high density residential building;

“residential dwelling unit” means one or more rooms connected together as a self-contained, separate unit in the same building comprising all or part of the building and constituting an independent housekeeping unit for residential occupancy by persons with facilities for persons to sleep, cook and eat and including its own sanitary facilities;

“residential garbage bag tag” means a residential garbage bag tag sold by the City in accordance with this By-law;

“scavenge” means to sort through and collect materials from waste that has been placed out for collection or deposited at a waste disposal site or a waste transfer site;

“special building” means a property which has been designated by the General Manager as a Special Building, in accordance with the guidelines in Schedule “G”;

“transient waste” means any waste carried into the City of Greater Sudbury from outside its boundaries by any person;

“waste” means anything for which the holder has no further use and which the holder has discarded and includes, but is not limited to: garbage, recyclable materials, bulky items, yard trimmings, household hazardous waste, non-collectible waste and

such other materials as may from time to time be designated by the General Manager as waste;

“waste disposal site” means an area of land in the City designated as a waste disposal site by the City to be used for the disposal of waste and approved by the Ministry of the Environment and includes each waste disposal site listed on Schedule “H” ;

“waste transfer site” means any rea of land in the City designated as a waste transfer site by the city for the temporary storage of waste intended to be transferred to a waste disposal site or an intermediate processing site as approved by the Ministry of the Environment;

“white goods“ has the meaning set out in Schedule “A”;

“yard trimmings” has the meaning set out in Schedule “I”;

“yard trimmings container” is an approved container which meets the requirements established in Schedule “C” for a yard trimmings container; and

“Yellow Box Program” is a Program under which waste collection services for recyclable materials are provided on a fee for service basis in accordance with Schedule “E”.

### **ADMINISTRATION**

**3.** This By-law shall be administered and enforced by the General Manager save and except the provisions regarding fees which shall be administered by the City’s Chief Financial Officer & Treasurer or her or his designate.

## **ROLE OF GENERAL MANAGER**

**4.** The General Manager is authorized, subject to any limitations contained in this By-law, to:

- (a) do each of the following with respect to waste collection services:
  - (i) determine waste collection schedules from time to time, including:  
the start time for waste collection for each form of waste; waste collection days; frequency of waste collection;
  - (ii) establish collection locations;
  - (iii) determine whether waste collection services will be provided for properties entitled to waste collection services at the roadside, at a waste transfer site or other locations;
  - (iv) establish programs and procedures to increase public awareness and understanding of waste collection and waste management issues, procedures, policies and guidelines;
  - (v) suspend, discontinue, revoke and re-instate waste collection services in whole or in part to a property or to all or part of the City for such reasons and for such period of time as the General Manager in his or her sole discretion determines appropriate; and
  - (vi) establish limits to the quantity of waste, other than garbage, for which waste collection services will be provided to any property.
- (b) with respect to accepting waste at a waste disposal site:
  - (i) negotiate the terms and conditions of an agreement accepting waste, other than recyclable materials, into a waste disposal site, where not otherwise authorized under this By-law, and recommend such agreement to Council; and

- (ii) negotiate the terms and conditions of an agreement accepting recyclable materials in an intermediate processing site where not otherwise authorized under this By-law, and to sign such an agreement;
- (c) establish from time to time, guidelines:
  - (i) for participation in the Yellow Box Program;
  - (ii) for the disposition of various forms of waste in accordance with federal or provincial statutes and regulations and municipal by-laws;
  - (iii) as to what constitutes non-collectible waste and other forms of waste for which no waste collection services are available; and
  - (iv) for the packing of various forms of waste;
- (d) determine whether a property is a high density residential building or a low density residential building, by reference to the number of residential dwellings recorded for that property in the OASYS computer data base maintained and operated by the Municipal Property Assessment Corporation and used by the City;
- (e) establish from time to time, the approved form of the residential garbage bag tag;
- (f) establish and amend as necessary from time to time, guidelines and procedures governing the sale and use of residential garbage bag tags by the City;
- (g) to establish for the purposes of Schedule "M" to this By-law, the dates in the spring of each year during which Clean-Up Week will be held; and
- (g) deal with any other matter assigned to the General Manager by this By-law or necessary for the administration of this By-law.

**LIMITS ON WASTE COLLECTION SERVICES**

5.- (1) The City will not provide waste collection services to any property in the City for any form of waste, except as provided for in this Section 5.

(2) The City will provide waste collection services for the forms of waste indicated in Column B which was generated in a property of the type identified in Column “A” on the same row of the chart below, in accordance with and subject to the limitations contained in this By-law and as noted in the Chart below:

Column “A” - Type of Property Special Guidelines for Waste Collection	Column “B” - Form of Waste				
	garbage	recyclables	auto parts	bulky items	household hazardous
<b>low density residential building</b>	x	x	x	x	x
<b>high density residential building</b>					x
<b>registered high density residential building</b> -waste collection services will be provided by the City in accordance with the registration agreement	x	x			x
<b>property in the Central Business District</b> -waste collection services will be provided by the City on a fee for service basis in accordance with Schedule “D”	x				
<b>a Special Building</b> -waste collection services will be provided to the residential unit in a Special Building in accordance with Schedule “L”	x	x	x	x	x
<b>business registered in Yellow Box Program</b>		x			

## **EXCEPTION - NON-TAXABLE PROPERTIES**

6. Despite anything contained in this By-law, the City shall not provide waste collection services, except by agreement, to any land or building owned or leased by the Crown in right of Canada, the Crown in right of Ontario, a school board, a university, a community college, a hospital, or to any property for which no taxes are paid and for which no grants in lieu are received.

## **REFUSAL TO COLLECT**

### Garbage Collection

7.(1) Despite Section 5, the City will not collect garbage from a property otherwise entitled to waste collection services for garbage if:

- (a) the garbage is not packed in accordance with Section 13;
- (b) the garbage is not in a garbage container;
- (c) the garbage container is not placed at the collection location;
- (d) the garbage is frozen or stuck to the garbage container;
- (e) the garbage is in a garbage container storage area; or
- (f) the garbage is not generated in a residential dwelling unit in that property, as determined by the General Manager in his or her sole discretion.

(2) Despite Section 5, waste collection services for garbage will not be provided to a low density residential building or to a Special Building for more than three (3) garbage containers for each residential dwelling in that low density residential building or Special Building. The number of residential dwelling units in any property shall be determined by the General Manager on the basis of number of residential dwellings recorded for that property in the OASYS computer data base maintained and operated by the Municipal Property Assessment Corporation and used by the City.

(3) Despite Subsection 7(2), waste collection service for garbage will be provided to a low density residential building, to a special building and to a registered high density

building with curbside collection, for each approved garbage bag placed at the collection location, to which the approved form of residential garbage bag tag has been affixed in the manner determined by the General Manager from time to time.

#### Recyclable Materials

(4) Despite Section 5, the City will not collect recyclable materials from a property otherwise entitled to waste collection services for recyclable materials if:

- (a) the recyclable materials are not packed in accordance with the guidelines established by the General Manager from time to time;
- (b) the recyclable materials are not in a recycling container;
- (c) the recycling container is not placed at the collection location;
- (d) the recyclable materials are frozen or stuck to the recycling container; or
- (e) the recyclable materials were not generated in a residential dwelling in that property or in the case of the Yellow Box Program were not generated in the business approved to participate in the Yellow Box Program, as determined by the General Manager, in his or her sole discretion.

#### Yard Trimmings

(5) Despite Section 5, the City will not collect yard trimmings from a property otherwise entitled to waste collection services for yard trimmings if :

- (a) the yard trimmings are not prepared in accordance with guidelines established by the General Manager from time to time;
- (b) the yard trimmings are not generated in that property, as determined by the General Manager, in his or her sole discretion;
- (c) the yard trimmings are not in a yard trimmings container; or
- (d) the yard trimming container is not placed at the collection location.

### Bulky Items

(6) Despite Section 5, the City will not collect bulky items from a property otherwise entitled to waste collection services for bulky items if the bulky item:

- (a) was not generated in that property, as determined by the General Manager, in his or her sole discretion;
- (b) is not prepared in accordance with Schedule "A"; or;
- (c) is not placed at the collection location;

### Household Hazardous Waste

(7) Despite Section 5, the City will not collect household hazardous waste from a property otherwise entitled to waste collection services for household hazardous waste if the household hazardous waste:

- (a) was not generated in that property, as determined by the General Manager, in his or her sole discretion; or
- (b) was not prepared in accordance with guidelines established by the General Manager from time to time.

## **PLACING WASTE AT COLLECTION LOCATION - TIMING**

### Placing Garbage and Bulky Items at Collection Location - Timing

**8.-(1)** The owner of a residential dwelling in a property which receives daytime waste collection services as determined by the General Manager, and the owner of a residential dwelling in a property entitled to bulky item waste collection services shall:

- (a) not place any garbage container at the collection location earlier than 8:00 p.m. on the evening before, nor later than 6:00 a.m. on the day waste collection services for garbage are scheduled to be provided to that property;
- (b) not place any bulky item at the collection location earlier than 8:00 p.m. on the evening before, nor later than 6:00 a.m. on, the day he or she has

been advised that waste collection services have been scheduled for that bulky item; and

- (c) ensure that any uncollected garbage, any uncollectible waste and any garbage containers are removed from the collection location and stored on the owner's property no later than 7:00 p.m. on the day waste collection services are provided or were scheduled to be provided to that property.

(2) The owner of all or part of a property in the Central Business District entitled to waste collection services for garbage shall:

- (a) place all garbage containers, at the collection location prior to the time scheduled for collection but no earlier than 5:00 p.m. on the day on which waste collection services are scheduled to be provided to that property; and
- (b) ensure that any uncollected garbage, uncollectible waste and garbage containers are removed from the collection location and stored on the owner's property prior to 9:00 am. the next following morning after the waste collection services are scheduled to be provided to that property.

**Placing Recyclable Materials at Collection Location - Timing**

9. The owner of a residential dwelling in a low density residential building, the operator of a business in a property which is participating in the Yellow Box Program and the owner of the residential dwelling unit in a Special Building shall:

- (a) place the recycling container at the collection location no earlier than 8:00 p.m. on the evening prior to, nor later than 7:00 a.m. on, the day scheduled for waste collection services for recyclable materials; and
- (b) ensure that any uncollected recyclable materials, any uncollectible materials and any recycling container are removed from the collection

location and stored on the property no later than 7:00 p.m. on the day scheduled for collection services.

**Placing Yard Trimmings at Collection Location - Timing**

10. Every owner of a residential dwelling in a low density residential building and the owner of the residential unit in a Special Building shall:

- (a) place the yard trimmings container at the collection location according to the guidelines established by the General Manager from time to time; and
- (b) ensure that any uncollected yard trimmings and any yard trimmings container are removed from the collection location and stored on the property in accordance with guidelines established by the General Manager.

**FREQUENCY OF WASTE COLLECTION SERVICES**

11.(1) The frequency with which waste collection services are provided shall be established from time to time by the General Manager, provided however, that waste collection services for:

- (a) garbage shall not be provided more frequently than:
  - (i) once a week for low density residential buildings and Special Buildings; and
  - (ii) twice a week to participating properties in the Central Business District;
- (b) recyclable materials shall not be provided more frequently than once a week for low density residential buildings, businesses participating in the Yellow Box Program and Special Buildings; and
- (c) yard trimmings shall be provided only on a seasonal basis.

(2) The General Manager may determine the time frame within which waste collection services for bulky items will be provided after the making of a request in accordance with Schedule "A".

## **STORAGE AREA FOR APPROVED CONTAINERS**

**12.(1)** A registered owner of a property to which waste collection services are provided by the City may provide a waste container storage centre on that property, but no waste collection services shall be provided to that property unless the approved container or bulky item is moved from the waste storage centre to the collection location.

(2) Every registered owner of a property who has established a waste container storage centre on that property, shall keep the waste container storage centre and its immediate vicinity in a clean and sanitary condition and in a good state of repair.

## **PACKING GARBAGE - GENERAL GUIDELINES - GARBAGE**

**13.-(1)** Every owner of a residential dwelling on a property entitled to receive waste collection services from the City for garbage shall:

- (a) drain any wet waste such as food waste, food contaminated paper, serviettes, paper towels, tissues, sawdust, shavings, kitty litter and any other compostable material as determined by the General Manager from time to time, wraps the wet waste in absorbent material such as dry paper, and places same in a leak-proof container or bag prior to placement in a garbage container;
- (b) prior to placing ashes in a garbage container, ensure the ashes are:
  - (i) cold;
  - (ii) first placed in a sealed non-returnable plastic bag,
  - (iii) do not exceed 15 kilograms in total weight; and
  - (iv) are separated from flammable waste; and
- (c) ensure no prohibited waste is mingled with garbage unless otherwise permitted under Schedule "D";
- (d) place all garbage in a garbage container, all yard trimmings in a yard trimmings container, and all recyclable materials in a recycling container;

- (e) forthwith clean up any mess or debris created if all or any waste spills from, or for any reason is no longer contained in the appropriate approved container; and
  - (f) place the approved container at the collection location but not so as to impede or obstruct pedestrian or vehicular traffic or City maintenance operations.
- (2) No owner of a residential dwelling on a property entitled to receive waste collection services from the City shall:
- (a) mingle any prohibited waste with recyclable materials, yard trimmings, garbage or bulky items placed for collection by the City;
  - (b) place more than three garbage containers at a collection location for that property or in the case of a registered high density residential building, more than provided for in the registration agreement; or
  - (c) store, place or leave waste in a location which is a nuisance to a neighbour or the public, whether or not in an approved container.

## **GENERAL PROVISIONS AND PROHIBITIONS**

### Re Waste Generally

#### **14. (1)** No person in the City shall:

- (a) unless authorized by the General Manager, scavenge, pick over, interfere with, remove or scatter any waste or cause or permit the scavenging, picking over, interference with, removal or scattering of any waste, placed at a collection location for collection, whether or not in an approved container;
- (b) place any form of waste at the collection location for a property unless waste collection services are provided for that type of waste at that property;

- (c) place any form of waste at the collection location for a property entitled to receive waste collection services unless the waste was generated in that property;
- (d) unless authorized by the General Manager in writing, throw, cast or otherwise deposit or cause to be deposited or permit any contractor, agent or employee of such person to throw, cast or otherwise deposit any waste whatsoever on or in any street, public property, private property, vacant lot, yard or watercourse;
- (e) unless authorized by the General Manager, in writing, place waste on public property for collection by a private collection agency or municipal forces;
- (f) permit any animal owned by him or her or under his or her control to pick over, interfere with, remove or scatter any waste placed out for collection;
- (g) deposit waste generated on private property into or beside public waste receptacles located on public streets/properties;
- (h) deposit or cause to be deposited any waste within the City limits other than in authorized waste disposal sites; provided however this shall not prohibit the use of natural soil, earth, sand, clay, gravel, loam, stones or any similar excavated material to fill low lots within the City;
- (i) allow any liquid matter from any cesspool, septic field or vehicle or allow any other objectionable liquid from any source whatsoever, to flow or drain upon streets, roadsides, ditches, gutters, public lands or private lands;
- (j) attach to any approved garbage bag a form of residential garbage bag tag other than a residential garbage bag tag sold by the City pursuant to this By-law; or

- (k) put out for collection, any approved garbage bag with a residential garbage bag tag attached thereto except at a low density residential building, a special building or a registered high density building with curbside collection.

Re Waste Disposal Sites

- (2) No person shall:
  - (a) deposit waste at any waste disposal site, waste transfer site or intermediate processing site outside the hours of operation as determined by the General Manager and posted at the site;
  - (b) except as provided in subsections 14(3) and 14(4), deposit any prohibited waste at any waste disposal site, waste transfer site or intermediate processing site;
  - (c) deposit at a waste disposal site any recyclable materials, bulky item, yard trimmings, tires, commercial, industrial or institutional corrugated cardboard, any electronic waste or any other form of waste determined by the General Manager to require segregation or special handling, except at the location designated by the General Manager for that purpose;
  - (d) deposit septic tank pumpings at any location in a waste disposal site other than the location designated by the General Manager for that purpose;
  - (e) deposit any burning material or set any fire at any waste disposal site, waste transfer site or intermediate processing site;
  - (f) deposit waste at the gate or entrance to a waste disposal site, waste transfer site or intermediate processing site or at any place other than the place designated for its receipt thereat;

- (g) neglect or refuse to provide proof of the origin of waste tendered for disposal at a waste disposal site, waste transfer site or intermediate processing site when such is demanded, provided that in lieu of providing such proof the person tendering the waste may remove it without unloading it;
- (h) deposit waste at any waste disposal site, waste transfer site or intermediate processing site when such deposit has been forbidden by the General Manager or the person for the time being in charge at the waste disposal site, waste transfer site or intermediate processing site on the ground that the deposit would be contrary to this By-law or on the ground that the origin of the waste has not been satisfactorily proved;
- (i) operate a motor vehicle on a waste disposal site, waste transfer site or intermediate processing site:
  - (i) other than on a designated roadway or highway;
  - (ii) without due care and attention; or
  - (iii) at greater than the posted rate of speed;
- (j) scavenge at any waste disposal site, waste transfer site, intermediate processing site or collection location;
- (k) salvage at any waste disposal site, waste transfer site, intermediate processing site or collection location without the prior written approval of the General Manager;
- (l) transport waste to or at any waste disposal site, waste transfer site or intermediate processing site except in properly covered containers or in carts, wagons, or vehicles, totally enclosed or covered in canvas, tarpaulins or nets, so fastened down around the edges as to prevent any of the contents from falling upon the ground during transport;

- (m) transport waste to or at any waste disposal except in such a manner as to protect the same from flies, and to control the escape of any offensive odours therefrom;
- (n) deposit waste at any waste disposal site, waste transfer site or intermediate processing site while barred from doing so pursuant to this By-law;
- (o) deliver any tires to any waste disposal site co-mingled with any other waste;
- (p) deposit tires with attached rims at any waste disposal site;
- (q) mix white goods with other waste delivered to the waste disposal site or waste transfer site, including waste delivered by municipal crews or municipal contractors;
- (r) deposit any freon containing appliance at a waste disposal site or waste transfer site in any location other than the location designated by the General Manager for that purpose;
- (s) deposit any freon containing appliance at a waste disposal site or waste transfer site unless same is in an upright position;
- (t) attend at any waste disposal site, waste transfer site or intermediate processing site except for the purposes of depositing waste or for other lawful business, without the written approval of the General Manager;
- (u) trespass on any waste disposal site, waste transfer site or intermediate processing site; or
- (v) deliver or deposit at any waste disposal site, waste transfer site or intermediate processing site any transient waste or waste which does not comply with this By-law or unload such waste at a waste disposal site, waste transfer site or intermediate processing site. Whether unloaded or

not, all such waste shall be removed by or at the expense of the person seeking to dispose of it.

(3) Despite subsection 14(2)(b), an owner of a residential dwelling in a low density residential building, in a high density residential building or in a Special Building may deliver household hazardous waste generated in the residential dwelling to the City's Household Hazardous Waste Depot in accordance with the guidelines established by the General Manager and Schedule "D".

(4) Despite subsection 14(2)(b), a person may deliver pet excrement and carcasses of dead dogs and cats to a City Landfill site, in accordance with the guidelines established by the General Manager and Schedule "D".

#### **ORDER TO LEAVE**

**15.-(1)** The General Manager, or the employee of the City who is designated by the General Manager as being in charge of a waste disposal site, waste transfer site or intermediate processing site in the City may at any time order any person to forthwith leave the waste disposal site, waste transfer site or intermediate processing site if such person is, in the sole discretion of the General Manager or employee of the City designated by the General Manager as being in charge of the waste disposal site, waste transfer site or intermediate processing site, the person:

- (a) is scavenging;
- (b) is depositing waste contrary to this by-law;
- (c) is conducting any illegal activity; or
- (d) has no lawful reason to be at the waste disposal site, waste transfer site or intermediate processing site.

(2) If any such person fails or refuses to leave in response to an order under Subsection 15(1), the General Manager, or the employee of the City who is designated by the General Manager as being in charge of a waste disposal site, waste transfer site

or intermediate processing site in the City may call for police assistance and cause trespass charges to be laid.

### **ORDER TO REMOVE**

**16.-(1)** Where waste is placed on public property; where waste is not removed from a collection location in accordance with Sections 8 and 9 of this By-law, or where waste is put out for collection at a property which is not entitled to waste collection services for that type of waste, and the General Manager may give written notice to the person who generated that waste, advising that if such person fails to remove the waste or cause the waste to be removed, within the time specified in the notice, the City may remove the waste at the expense of the person who generated the waste.

(2) Where waste is not removed from a collection location in accordance with Sections 8 and 9 of this By-law, or where waste is put out for collection at a property which is not entitled to waste collection services for that type of waste, the General Manager may, in addition to any notice given under subsection 16(1), or in the discretion of the General Manager, instead of any notice under subsection 16(1) give written notice posted in a conspicuous place on the property, or served by personal service or by registered mail to every registered owner of the property where the waste is situate advising that if the registered owner(s) fail to remove the waste or cause the waste to be removed, within the time specified in the notice, the City may remove the waste at the expense of the registered owner(s) of that property, whether or not a registered owner or any owner of that property generated the waste.

(3) If any person or persons given such written notice by the General Manager under Subsection 16(1) or 16(2) neglects or fails to remove such waste within 24 hours, or such longer time as may be specified in the notice for doing so, the General Manager is hereby authorized to have the waste removed at the expense of the person or persons to whom notice was given.

(4) The City shall charge all costs incurred for the removal of the waste, including the expenses of the City, to the person or persons to whom notice was given under Subsection 16(1) or 16(2), and if notice was given to more than one person, each person shall be jointly and severally liable for payment of the total expense.

(5) The City shall give written notice of the amount charged under Subsection 16(4) to each person affected.

(6) If payment is not made within thirty days of the date on the written notice in accordance with subsection 16(5), the City may recover the outstanding amount by action or in the case of a registered owner, the same may be recovered in like manner as municipal taxes, in the sole discretion of the General Manager, and the City Solicitor is hereby authorized to take all necessary action to do so.

#### **SUSPENSION ETC - WASTE COLLECTION SERVICES**

**17.-(1)** Where the registered owner of a low density residential building, a Special Building or a property in the Central Business District or any of the owners therein, contravene any of the provisions of this By-law, the General Manager may in his or her sole discretion give notice in writing to the registered owner mailed by registered mail to the address of the registered owner shown on the City tax roll for that property, advising of the particulars of the default or defaults under this By-law and that the General Manager may suspend, revoke or discontinue waste collection services unless the registered owner ensures that the specified default or defaults under the By-law is (are) remedied within the time specified in the notice and the Registered Owner and all owners therein, thereafter comply with the By-law.

(2) Where, in the opinion of the General Manager, there has been a failure to comply with the Notice in subsection 17(1), or on a subsequent contravention of the By-law, and, in the opinion of the General Manager, it is appropriate to do so, the General Manager may issue an Order to suspend, discontinue or revoke collection services to that property.

(3) Notice of the Order of the General Manager under Subsection 17(2) shall be given in writing, delivered by registered mail to the registered owner at the address noted in the City's tax rolls as the address for the registered owner of that property.

(4) Any registered owner may apply to the General Manager in writing for termination of the Order, and upon the registered owner satisfying the General Manager that he or she and all owners within the property are then in compliance with this By-law and that further contravention of this By-law is unlikely to occur, the General Manager may, in his or her sole discretion:

- (a) terminate the Order, in whole or in part;
- (b) reinstate full or partial waste collection services subject to such conditions or terms as he or she considers appropriate; or
- (c) make a new Order, on different terms.

#### **OFFENCE**

**18.(1)** Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable:

- (a) on a first conviction, to a fine of not more than \$10,000; and
- (b) on a subsequent conviction, to a fine of not more than \$25,000.

(2) Despite Subsection 18(1), where the person convicted is a corporation, the maximum fines in Subsections 18(1)(a) and 18(1)(b) are \$50,000 and \$100,000 respectively.

**19.** The departure of a person from a waste disposal site, waste transfer site or intermediate processing site in response to a request under Section 15, or the suspension, revocation or discontinuance of collection services to any person by the General Manager for a breach of a provision of this By-law shall not relieve that person from liability for any penalty for breach of a provision of this By-law.

## **PRIVATE WASTE COLLECTION**

**20.** The registered owner of a property shall arrange for private waste collection services to be provided in accordance with Section 21, for any property owned by that registered owner:

- (a) which is not entitled to receive waste collection services from the City;
- (b) to which waste collection services have been suspended, revoked or discontinued for any type of waste; or
- (c) which generates waste of a type for which waste collection services are not provided by the City to that property;

**21.** The registered owner of a building or property who is required under Section 20 to arrange for private waste collection services for that property shall ensure:

- (a) that all waste is stored in properly constructed and maintained waste storage containers;
- (b) every waste storage container is emptied as necessary to prevent development of odours or other nuisances and to ensure garbage does not overflow the waste storage container and lids or doors of waste storage containers are kept closed;
- (c) a waste container storage enclosure is provided which is adequate to contain all of the waste storage containers used or provided for use by owners in that property;
- (d) that every waste storage container, every waste storage container enclosure, and every other structure or building provided for the storage of waste are at all times maintained in a secure, clean, dry and sanitary condition so as to prevent entry of or occupation by rodents, insects or other vermin;

- (e) that the waste is conveyed to the point of disposal by and at the expense of the consignee or owner of such waste and if requested by the General Manager, the registered owner of the property on which the waste is generated shall provide proof that the waste has been transported to a waste disposal site in accordance with this By-law;
- (f) that waste is not placed out for collection unless otherwise permitted by this By-law; and
- (g) prohibited waste being disposed of is kept separate from any other waste; each form of prohibited waste is kept separate from each other form of prohibited waste; and each form of prohibited waste is stored in a storage container which is adequate to both contain all of the prohibited waste of the type being disposed of and to safely store such prohibited waste.

#### **FEES - GENERALLY**

**22.** The City may from time to time prescribe rates or charges for the use of waste disposal sites and provide for terms of payment thereof.

**23.-(1)** No person shall deposit or deliver waste to any waste disposal site operated by the City without paying the appropriate fee for that type of waste, as set out in Schedule "J" - Solid Waste Tipping Fees; Schedule "K" - Contaminated Soil Tipping Fees; or Schedule "L" - Tire Tipping Fees, as the case may be.

(2) In the event that a person depositing or delivering waste to a waste disposal site operated by the City fails to make payment in full of the appropriate fee, in accordance with Subsection 23(1), the amount of the fee or so much as then shall remain unpaid, shall be a debt to the City owing by that person recoverable by action or other means open to the City.

(3) If any cheque provided in payment of a fee payable under Subsection 23(1) is returned marked "Not Sufficient Funds", the amount of the fee or so much as then shall

remain unpaid, together with the administrative charge for NSF cheques, determined in accordance with the City's User Fees By-law shall be a debt to the City owing by that person recoverable by action or other means open to the City.

(4) The right of a person to deposit or deliver waste to a City Waste Disposall Site shall be suspended during such time as the person has outstanding fees or administrative charges for the depositing or delivering of waste.

(5) The General Manager, may, in his or her sole discretion require any person who has provided a cheque returned to the City marked "Not Sufficient Funds" to subsequently pay all fees payable under this By-law by way of cash or certified cheque..

(6) On request of the General Manager, the Chief Financial Officer & City Treasurer for the City shall add the outstanding amount of any fee owing to the City pursuant to this Section 23, to the tax roll for every property owned by any person who owes such fees within the City and the City shall thereafter be entitled to collect such fee in the same manner as municipal taxes.

(7) Notwithstanding Subsection 23(1), no fees are payable under Schedule "J" or Schedule "K" in the circumstances set out in Schedule "M" - Exemptions from Tipping Fees.

(8) The General Manager shall, in each year, establish the dates for a Clean-Up Week, to occur in the spring of the year.

(9) Notwithstanding Subsection 23(1), no fees shall be payable under Schedule "J" or Schedule "K" during the Clean-Up Week. Nothing herein shall exempt any person from compliance with the other provisions of this By-law, including the Schedules.

**24.** Residential garbage bag tags shall be sold by the City in units of 5 tags per unit, at a fee of \$10 for each unit of 5 residential garbage bag tags.

## **WASTE HAULERS - WEIGH SCALES**

**25.-(1)** Subject to subsection 25(2) every waste hauler who is required to pay tipping fees pursuant to this By-law shall utilize only those waste disposal sites at which weigh scales are operational.

(2) Despite subsection 25(1), a waste hauler who is required to pay tipping fees pursuant to this By-law may, with the consent of the General Manager, utilize a waste disposal site while the weigh scales at that waste disposal site are not operational due to weigh scale maintenance.

## **NON-PROFIT ORGANIZATION - RIGHT TO REBATE**

**26.** A non-profit organization which meets the qualifications set out in Schedule "N" may apply to the City for a rebate of all or part of the fees paid under Section 24, in accordance with the guidelines established in Schedule "N".

## **PRIVATE WASTE DISPOSAL SITES**

**27.-(1)** No person shall operate a privately-owned waste disposal site or other operation for the disposal of waste, either for his or her own use or the use of others, without having first applied for and received authorization therefor from the City.

(2) The City may impose such conditions as it may deem fit when dealing with any such application, and the applicant shall thereafter maintain his or her operation in conformity with these conditions.

(3) All privately-owned waste disposal operations shall also comply with and be operated in accordance with all relevant City and Provincial approvals and standards and with the approval, when required, of the Medical Officer of Health.

## **SCHEDULES**

**28.** The following Schedules attached hereto form a part of this By-law:

Schedule "A" - Bulky Items;

Schedule "B" - Central Business District;

Schedule "C" - Approved Containers;

- Schedule "D" - Prohibited Waste;
- Schedule "E" - Recyclable Materials and Yellow Box Program;
- Schedule "F" - Registration Agreements;
- Schedule "G" - Special Buildings;
- Schedule "H" - Waste Disposal Sites;
- Schedule "I" - Yard Trimmings;
- Schedule "J" - Solid Waste Tipping Fees;
- Schedule "K" - Contaminated Soil Tipping Fees;
- Schedule "L" - Tire Tipping Fees;
- Schedule "M" - Exemptions from and Reductions to Waste Disposal Site Tipping Fees; and
- Schedule "N" - Tipping Fee Rebate Program

**REPEAL**

- 29. By-law 2002-331G as amended by By-laws 2003-84G, 2003-114, 2003-172G, 2004-13G, 2004-185G and 2004-277 is hereby repealed.
- 30. Notwithstanding the repeal of By-law 2002-331G as amended, any amounts due and payable under By-law 2002-331G remain due and payable.
- 31. This By-law shall come into force and take effect upon final reading.

**READ A FIRST AND SECOND TIME IN OPEN COUNCIL** this 24<sup>th</sup> day of February, 2005.

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk

**READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN COUNCIL** this 24th day of February, 2005.

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk

**to By-law 2005-57G of the City of Greater Sudbury**

**BULKY ITEMS**

1. For the purposes of this By-law,

"white goods" includes but is not limited to,

- (a) refrigerators;
- (b) ovens and stoves;
- (c) washers;
- (d) dryers;
- (e) dishwashers;
- (f) freezers,
- (g) air conditioning units;
- (i) microwave ovens; and
- (j) hot water tanks

"bulky item" includes:

- (a) white goods;
- (b) a barbeque with the fuel tank removed;
- (c) a large furniture item; and
- (d) any item so designated by the General Manager.

**2.- (1)** The owner of a residential dwelling in a property entitled to receive waste collection services for bulky items may make a request to the General Manager for waste collection services for a bulky item by contacting City staff at the Waste Management section of the City.

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(2) The owner of the residential dwelling requesting the waste collection services for a bulky item shall provide particulars of the bulky item he or she wishes to be collected, the address of the low density residential building or Special Building where the bulky item is situate, and such other information as may be required by the City to determine if waste collection services for bulky items may be provided to that property.

(3) The General Manager may, in his or her sole discretion approve a request made under subsection 2(1), refuse the request, or approve such a request subject to such terms and conditions as the General Manager in his or her sole discretion determines to be appropriate.

(4) In the event that the request made under subsection 2(1) is refused, the General Manager shall notify the owner of the reason for his or her refusal.

(5) In the event that the request made under subsection 2(1) is approved, the General Manager shall advise the person of:

- (a) the collection location for the bulky item;
- (b) the approximate day and time on which the waste collection services will be provided for the bulky item;
- (c) any requirements for the preparation of the bulky item for collection; and
- (d) any other terms and conditions to which the waste collection service for the bulky items is subject.

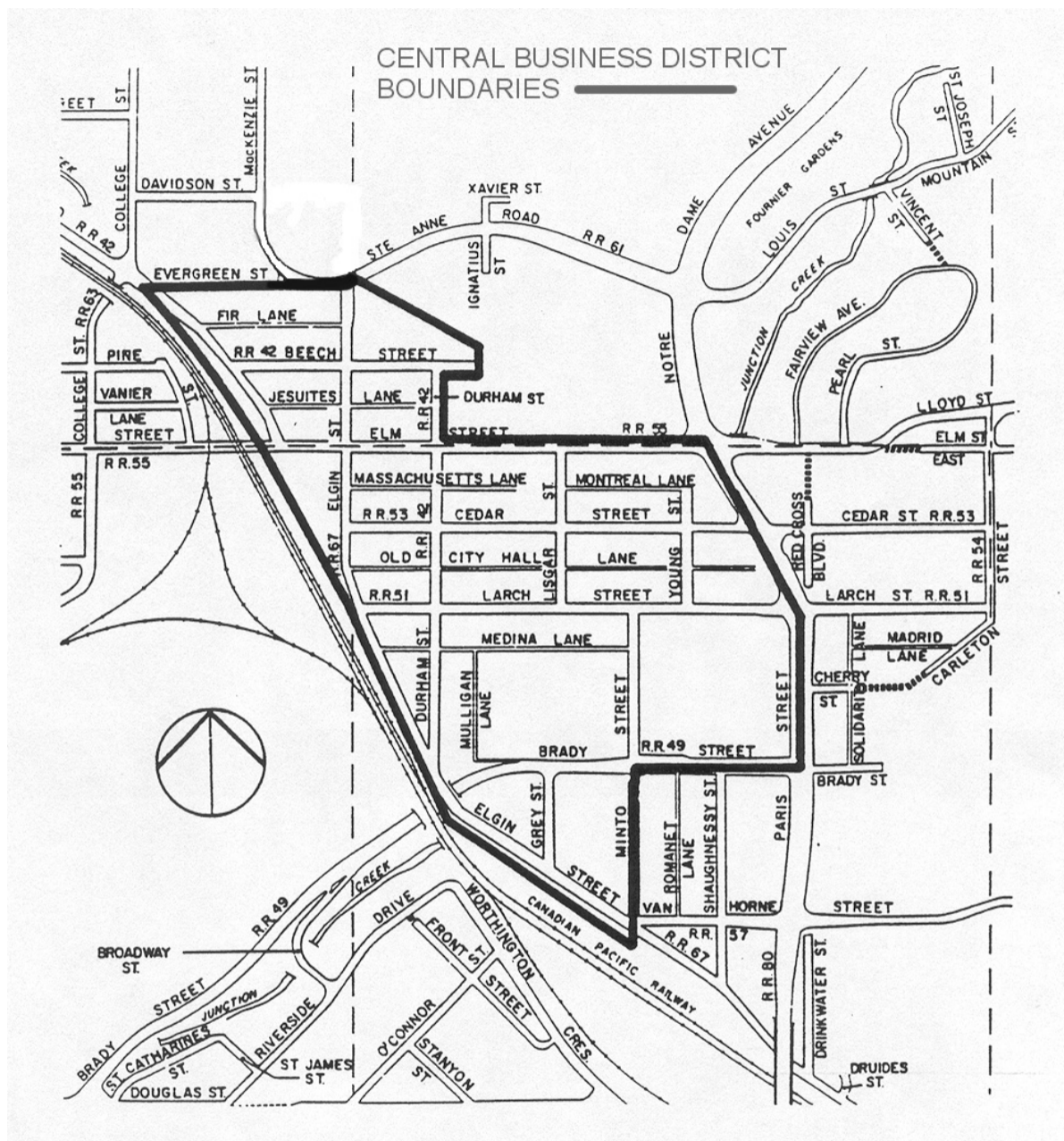
**3.** The owner of the residential dwelling for whom waste collection services for a bulky item have been approved shall:

- (a) remove any door or doors from white goods and other bulky items;
- (b) prepare each bulky item in accordance with instructions provided by City staff at the Waste Management section of the City; and
- (c) set each bulky item out at the collection point for collection on the day and at the time specified by the General Manager.

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MAP OF CENTRAL BUSINESS DISTRICT

- 1. The Central Business District shall encompass the area marked below.



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**CENTRAL BUSINESS DISTRICT**

2. (1) The registered owner(s) of a property in the Central Business District on January 1<sup>st</sup> in a year, shall be liable to pay for his/her/ its proportionate share of waste collection/disposal services provided by the City to the Central Business District during the prior calendar year, upon receipt of a written notification from the City as to the amount owing.

(2) Despite Subsection 2(1) of this Schedule "B", a registered owner(s) of a property in the Central Business District who, prior to December 31<sup>st</sup> in any year, provides evidence satisfactory to the General Manager that the registered owner had all waste collected from the property by a private waste collection provider approved by the General Manager, during all or part of the prior calendar year shall not be required to pay under subsection 2(1) for such part of the year as the registered owner had private waste collection services provided by an approved provider.

3. For the purposes of Subsection 2(1) of this Schedule "B", the proportionate share of waste collection services for the Central Business District payable by the registered owner(s) of a property in the Central Business District shall be an amount equal to the total of the cost of providing waste collection services to the Central Business District and the cost of disposal of the said waste during the prior calendar year multiplied by a fraction, the numerator of which is the total assessed value of the property and the denominator of which is the total assessed value of all properties which received waste collection services multiplied by a fraction the numerator of which is the number of days in the prior calendar year that the registered owner received waste collection services for the property in the Central Business District and the denominator of which is the number of days in the prior calendar year. In each case

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the assessed value shall be the amount reflected in the tax rolls of the City as the assessed value, as of December 31<sup>st</sup> in the year in which the waste collection services were provided.

4. If the registered owner(s) of a property in the Central Business District fail to make payment in full of the amount owing to the City pursuant to Subsection 2(1), within thirty days of the date on the written notice, the City may recover the outstanding amount by action or the same may be recovered in like manner as municipal taxes, in the sole discretion of the General Manager, and the City Solicitor is hereby authorized to take all necessary action to do so.

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**APPROVED CONTAINERS**

Definitions:

1. For the purposes of this By-law an approved container includes a garbage container, a recycling container and a yard trimmings container as provided in this Schedule.

**Garbage Container**

2.-(1) A garbage container is a form of approved container designed and used to hold garbage at a property entitled to receive City waste collection services for garbage.

(2) For the purposes of a property entitled to receive waste collection services for garbage, a garbage container shall take the form of:

- (a) A rigid container:
  - (i) in good working order;
  - (ii) with a maximum capacity of 85 litres;
  - (iii) which weighs no more than 25 kilograms when filled;
  - (iv) with an external height no greater than 95 centimetres;
  - (v) with an internal width or diameter no greater than 60 centimetres;
  - (vi) with a lid which may be easily and completely removed to facilitate collection and has any device used to tie down the lid completely removed prior to collection; and
  - (vii) with handles which are set above the midpoint on both sides of the garbage container;
- (b) A plastic bag which
  - (i) is not torn, punctured, ripped and in good working order;

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- (ii) is no more than 125 centimetres and no less than 80 centimetres in height;
  - (iii) is no more than 90 centimetres and no less than 65 centimetres in width;
  - (iv) has a maximum capacity of 85 litres;
  - (v) weighs no more than 25 kilograms when filled; and
  - (vi) is closed and securely tied;
- (c) a bundle of garbage, measuring no more than 1.2 metres in length, no more than 60 cm in width and weighing not more than 25 kilograms, such as scrap wood (with nails removed), carpeting which has been rolled and cut, or branches which have been cut and tied, but not including a bundle of recyclable materials such as cardboard; or
- (d) in the case of a registered high density residential building, in accordance with any requirements specified in the registration agreement for that high density residential building.

**Recycling Container**

**3. (1)** For the purposes of this By-law, “recycling container” means a form of approved container designed and used to hold recyclable materials at a property to which City waste collection services are provided for recyclable materials.

(2) For the purposes of a low density residential building or a Special Building, a recycling container shall take the form of:

- (i) a curbside blue box provided by the City for use as a recycling container at a low density residential building or a Special Building;
- (ii) any container provided by the City for use as a recycling container at a low density residential building or Special Building; or

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- (iii) any container which meets the guidelines established by the General Manager from time to time for a recycling container for use by a low density residential building or a Special Building;
- (3) For the purposes of a registered high density residential building, a recycling container shall take the form of:
- (i) a 340 litre plastic cart equipped with wheels as provided by the City for use as recycling container in a registered high density residential building;
  - (ii) any container provided by the City for use as a recycling container in a registered high density registered building;
  - (iii) any container which meets the guidelines established by the General Manager from time to time for a recycling container for use in a registered high density residential building; or
  - (iv) any container specified in the registration agreement for that registered high density residential building for that purpose;
- (4) For the purposes of a property which is participating in the Yellow Box Program, a recycling container shall take the form of a curbside Yellow Box provided by the City as a recycling container for properties participating in the Yellow Box Program;

**Yard trimmings Container**

**4.-(1)** For the purposes of this By-law, “yard trimmings container” means a form of approved container designed and used to hold yard trimmings at a property to which City waste collection services are provided for yard trimmings.

- (2) A yard trimmings container shall take the form of:
- (a) a clear plastic bag which is:
    - (i) not torn, punctured, or ripped and in good working order;
    - (ii) is no more than 125 centimetres and no less than 80 centimetres in height;

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- (iii) is no more than 90 centimetres and no less than 65 centimetres in width;
  - (iv) has a maximum capacity of 85 litres;
  - (v) weighs no more than 25 kilograms when filled; and
  - (vi) is closed and securely tied;
- (b) a compostable paper bag which is:
- (i) not torn, punctured or ripped, treated with wet strength and in good working order;
  - (ii) manufactured for the purposes of yard trimmings collection;
  - (iii) weighs no more than 25 kilograms when filled;
  - (iv) is closed and securely tied; and
  - (v) meets the guidelines established by the General Manager from time to time; or
- (c) a bundle of yard trimmings:
- (i) measuring no more than 1.2 metres in length and no more than 60 centimetres in width;
  - (ii) weighing not more than 25 kilograms; and
  - (iii) securely tied.

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**PROHIBITED WASTE**

Interpretation

1. For the purposes of this By-law:

“dangerous, hazardous or toxic waste” means:

- (a) acute hazardous waste;
- (b) chemical hazardous waste;
- (c) chemical corrosive waste;
- (d) hazardous industrial waste;
- (e) ignitable waste;
- (f) PCB waste;
- (g) radioactive waste;
- (h) reactive waste;
- (i) severely toxic waste;
- (j) leachate toxic waste; or
- (k) any other waste determined by the General Manger to be hazardous or toxic waste;

“Pathological waste” includes biomedical waste, whether solid or liquid, including but not limited to:

- (a) any animal or human organ or part thereof;
- (b) bone, muscle or other animal or human tissue or part thereof;
- (c) used bandages, poultices, or dressings;
- (d) medicines, vitamins, drugs, or vaccines;
- (e) needles, syringes, or lancets;
- (f) vials;

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- (g) any other similar material or substance which contains or may contain pathogenic micro-organisms;
- (h) any material which may be hazardous or dangerous;
- (i) anything designated as pathological waste by R. R. O. 1990, Reg. 347;  
and
- (j) any other waste determined by the General Manager to be pathological waste;

“household hazardous waste” includes any household product, material or item, other than empty containers, labelled as:

- (a) ‘corrosive’ or ‘toxic’;
- (b) ‘reactive’;
- (c) ‘explosive’;
- (d) ‘oxidizing’;
- (e) ‘poisonous’;
- (f) ‘infectious’;
- (g) ‘flammable’; or
- (h) such other label or labels as may be established by the General Manger from time to time as being prohibited;

“Household Hazardous Waste Depot” is a form of intermediate processing site at which household hazardous waste may be deposited, in accordance with this Schedule and includes the site located at 1853 Frobisher Street, Sudbury;

“Prohibited waste” means:

- (a) dangerous, hazardous or toxic waste;
- (b) pathological waste;
- (c) household hazardous waste;
- (d) manure;

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- (e) pet excrement;
- (f) any waste in semi-liquid or liquid form;
- (g) asbestos waste;
- (h) broken glass;
- (i) tires; and
- (g) any other item or thing designated by the General Manager from time to time as prohibited waste.

Guidelines - Household Hazardous Waste Collection

**2.-(1)** The General Manager shall, from time to time establish guidelines for the provision of waste collection services for household hazardous waste to low density residential buildings, high density residential buildings and Special Buildings.

(2) Every owner of a residential dwelling in a low density residential building, a high density residential building and a Special Building shall comply with the guidelines established by the General Manager from time to time, for waste collection services for household hazardous waste.

(3) The General Manager may from time to time, terminate, suspend or continue subject to conditions, for such time as the General Manager, in his or her sole discretion determines, the provision of waste collection services for household hazardous waste to any owner of a residential dwelling in a low density residential building, a high density residential building or a Special Building who does not comply with the guidelines established by the General Manager from time to time, for waste collection services for household hazardous waste.

Guidelines - Household Hazardous Waste Drop-off

**3.-(1)** The General Manager may establish guidelines from time to time for the delivery to the Household Hazardous Waste Depot of household hazardous waste generated by the owner of a residential dwelling in a low density residential building, a high density residential building or a Special Building.

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(2) No person shall deliver household hazardous waste to the Household Hazardous Waste Depot unless:

- (a) such person is an owner of a residential dwelling unit in a low density residential building, a high density residential building or a Special Building ; and
- (b) he or she is in compliance with the guidelines established by the General Manager from time to time for the disposition of such household hazardous waste.

(3) The General Manager may refuse to permit a person to deliver household hazardous waste to the Household Hazardous Waste Depot if:

- (a) such person is not in compliance with the guidelines established by the General Manager from time to time for the delivery of household hazardous waste to the Household Hazardous Waste Depot; or
- (b) the General Manager, in his or her sole discretion, determines the household hazardous waste was not generated in a residential dwelling in a low density residential building, a high density residential building or a Special Building.

**Prohibited Waste**

**4.-(1)** No person shall co-mingle prohibited waste with garbage, recyclable materials, yard trimmings, bulky items or other materials as may from time to time be designated by the General Manger as collectible waste.

(2) No person shall deliver prohibited waste with or without garbage, recyclable materials, yard trimmings, bulky items or other materials as may from time to time be designated by the General Manager as collectible waste, to a waste disposal site, waste transfer site or intermediate processing site which is not licensed to accept such form of waste.

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**Guidelines - Disposal of Prohibited Waste**

5. The General Manager shall establish guidelines for the handling and disposal of prohibited waste and for giving notice to residents of the City of such guidelines.

**Pet Excrement**

6. (1) Despite Section 4 of this Schedule “D”, an owner of a residential dwelling unit in a property entitled to waste collection services for garbage may dispose of excrement of dogs or cats with garbage provided the owner first wraps in absorbent paper, any faeces of dogs or cats which cannot be flushed in a sanitary manner, places same in a sealed leak-proof bag, which is mixed in with garbage in a garbage container which contains by volume, not more than 10% excrement from dogs or cats and 90% other garbage.

(2) Despite Section 4 of this Schedule “D”, an owner of a residential dwelling unit in a property entitled to waste collection services for garbage may deliver pet excrement to a waste disposal site provided the owner:

- (i) wraps the pet excrement in absorbent paper and places same in a sealed leak-proof bag, inside a further sealed leak-proof bag; and
- (ii) at the time of delivery of the pet excrement, notifies the operator at the waste disposal site of the contents of the bag, in order that the operator may ensure the immediate disposal of the bag and its contents.

**Asbestos Waste**

7. Despite Section 4 of this Schedule “D”, a person may deliver asbestos waste to a waste disposal site provided that:

- (a) the asbestos waste is disposed of in accordance with provincial or federal statutes or regulations in effect from time to time;

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- (b) the asbestos waste is disposed of in accordance with guidelines established by the General Manager from time to time; and
- (c) at the time of delivery of the asbestos waste the person notifies the operator of the waste disposal site that the waste is asbestos waste in order that the operator may ensure the immediate disposal of that waste.

**Broken Glass**

**8.** Despite Section 4 of this Schedule "D" including broken glass in the definition of prohibited waste, a person may:

- (a) place broken glass out for waste collection services, for garbage provided that the broken glass is first securely wrapped so that the broken glass cannot pierce the wrapper and then placed in a garbage container; or
- (b) deliver the broken glass to a waste disposal site provided the operator of the waste disposal site is first advised on the contents of the garbage container in order that he or she may ensure its immediate disposal.

**9.** Despite Section 4 of this Schedule "D" a person may deliver the carcass of a dead dog or cat to a waste disposal site in accordance with the guidelines established by the General Manager from time to time.

**10.** Despite Section 4 of this Schedule "D" a person may deliver tires without rims to a waste disposal site provided he or she:

- (a) acts in accordance with the guidelines for delivery of tires to a waste disposal site established by the General Manager from time to time; and
- (b) pays the fees for disposal of tires without rims in accordance with Schedule "K".

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**RECYCLABLE MATERIALS AND YELLOW BOX PROGRAM**

1. In this By-law "recyclable materials" includes:

"recyclable containers" includes the following forms of containers:

- (a) food and beverage glass bottles and jars;
- (b) metal food and beverage cans;
- (c) aluminum foil, foil plates and foil trays;
- (d) empty and dry paint, stains and coating cans with the lids removed;
- (e) #1 (PET) plastics, #2 (HDPE) plastics, #5 (polypropylene) plastics other than #2 plastic motor oil containers or bags;
- (f) aseptic packaging, such as drink boxes;
- (g) polycoat containers such as milk and juice cartons; and
- (g) any other container designated by the General Manager to be a recyclable container;

"recyclable papers" includes the following:

- (a) household paper, including junk mail, writing paper, computer paper, non-foil gift wrap, non-foil greeting cards and envelopes;
- (b) paper egg cartons;
- (c) paper rolls;
- (d) paper bags, other than treated bags, such as flour, sugar, potato and pet food bags;
- (e) newspapers and inserts;
- (f) magazines, catalogues and glossies;
- (g) telephone directories;
- (h) soft covered books and hard covered books; and

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- (i) any other paper or paper product designated by the General Manager to be recyclable papers;

"recyclable cardboard" includes clean, unwaxed corrugated cardboard and box board;

"recyclable materials" means:

- (a) recyclable containers;
- (b) recyclable papers;
- (c) recyclable cardboard; and
- (d) any other item designated by the General Manager from time to time as recyclable materials.

**Yellow Box Program**

**2.-(1)** The operator of a business may apply in writing to the General Manager to register in the Yellow Box Program.

(2) The operator of the business shall provide such information and documentation as the General Manager may require to process the application.

(3) The General Manager shall approve the application if:

- (a) the business to which the application pertains is a commercial use, in accordance with the zoning by-law in effect for the area in which the business is operating;
- (b) the property in which the applicant's business is located is on an existing collection route for recyclable materials; and
- (c) the applicant pays at the time of the application, the fee for registration in the Yellow Box Program, in effect from time to time and the annual fee thereafter.

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3. Each operator of a business who is registered in the Yellow Box Program shall, in addition to any other obligations imposed by this By-law:
  - (a) separate recycable papers, recyclable cardboard and recyclable containers and place each in a separate recycling container;
  - (b) not put more than one recycling container of recyclable papers; one recycling container of recyclable cardboard and one recycling container of recyclable containers at the collection location on each collection day; and
  - (c) shall comply with such guidelines as may be established by the General Manager from time to time for participation in the Yellow Box Program.
  
4. The City shall terminate registration in the Yellow Box Program and discontinue waste collection services for recyclable materials to a business which:
  - (a) ceases to qualify under subsection 2(3) of this Schedule "E";
  - (b) does not comply with the requirements under Section 3 of this Schedule "E"; or
  - (c) does not comply with the requirements established by the General Manager from time to time for participation in the Yellow Box Program.

**SCHEDULE "F"**  
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**REGISTRATION AGREEMENTS FOR  
REGISTERED HIGH DENSITY RESIDENTIAL BUILDINGS**

1. In this Schedule "front-end loading container" means a metal container used for the collection of garbage by a front-end packer vehicle.

2.-(1) A registered owner of a high density residential building may apply in writing to the General Manager to enter into a registration agreement for that high density residential building and shall provide such information in support of his or her application as the General Manager may require, in his or her sole discretion.

(2) The General Manager shall consider the application of the registered owner, and may in his or her sole discretion, approve the application, reject the application, or approve the application subject to such terms and conditions as the General Manager, in his or her sole discretion may approve.

(3) In the event that the General Manager approves the application made under subsection 2(1) of this Schedule, the General Manager shall require that the registered owner of the high density residential building enter into a registration agreement which:

- (a) requires the said registered owner to provide a waste diversion and recycling program for the owners of the residential dwellings in that registered high density residential building; and
- (b) establishes the terms and conditions on which waste collection services will be provided to that high density residential building for garbage and recyclable materials.

(4) In the event that a registered owner of a registered high density residential building fails to comply with the terms and conditions of the registration agreement, the General Manager may, in his or her sole discretion give notice in writing to the registered owner, mailed by first class mail to the registered owner at the address then shown in the tax rolls for the City as the address of the registered owner, that as of the date specified in the notice, the high density residential building shall be deemed to no

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longer be a registered high density residential building and after the specified date the registered owner shall be required to arrange for private waste collection services in accordance with this By-law.

**3.-(1)** Where so provided in the registration agreement, the City shall, at its expense, provide and maintain one or more front-end loading containers for use for in the storage and collection of garbage.

(2) Where so provided in the registration agreement the City shall, provide and maintain one or more containers for use in the storage and collection of recyclable materials.

(3) Any front-end loading containers provided pursuant to a registration agreement shall be placed and maintained at collection locations determined by the General Manager.

(4) Any front-end loading containers provided pursuant to a registration agreement shall remain the property of the City.

(5) The City shall have the right to enter onto a property which is subject to a registration agreement, at the risk of the registered owner to:

- (a) place the front-ending loading container at the collection location;
- (b) maintain or replace the front-end loading container;
- (c) remove the front-end loading containers in the event that the registration agreement is suspended by the General Manger, or expires, or is cancelled or terminated for any reason;
- (d) collect garbage; and
- (e) collect recyclable materials where so provided in the registration agreement.

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- 4.** Every registered owner of a registered high density residential building where the agreement provides for use of front-end loading containers shall:
- (a) use only the front-end loading containers provided by the City or such other front-end loading container as may be approved by the General Manager;
  - (b) maintain the front-end loading container in a clean and sanitary condition free of vermin and vector;
  - (c) keep the front-end loading container at the collection point specified in the registration agreement;
  - (d) ensure that:
    - (i) only garbage is stored in the approved garbage container specified in the registration agreement;
    - (ii) other forms of waste are not mixed with the garbage; and
    - (iii) only recyclable material are stored in the recycling container specified in the registration agreement;
  - (e) ensure there is a properly designed, constructed, and maintained road system so that waste collection vehicles can safely and easily drive onto the property to the collection point, turn around, and return to the public highway; and
  - (f) comply in all respects with the registration agreement.

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**SPECIAL BUILDINGS**

1. (1) The registered owner of a property which meets the qualifications in Subsection 1(2) of this Schedule may apply in writing to the General Manager for designation as a Special Building.

(2) The registered owner applying for designation of a property as a Special Building shall include with his or her application, evidence satisfactory to the General Manager, in his or her sole discretion that the property:

- (a) is neither a low density residential building nor a high density residential building;
- (b) is not located in the Central Business District;
- (c) is not owned or leased by the Crown in right of Canada, the Crown in right of Ontario, a school board, a university, a community college, a hospital or any person who does not pay taxes for the property or for which the City is not entitled to receive a grant in lieu;
- (c) contains no more than and no fewer than two units, and
  - (i) one unit is used as a residential dwelling; and
  - (ii) one unit is used for a commercial, industrial or institutional use, as those uses are defined in the zoning by-law in effect for the area in which the property is situate;
- (d) is located on an existing route for waste collection services for garbage, being provided to low density residential buildings;
- (e) is separately assessed; and
- (f) does not form part of and is not attached to any other building or property.

(3) The registered owner who is applying for designation of property as a Special Building shall also include in his or her application, an undertaking to:

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- (a) ensure that no waste is put out at the collection location for waste collection services other than waste generated within the residential dwelling within the property to which the application pertains;
  - (b) arrange for private waste collection services in accordance with Section 21 for the waste generated in the part of the property to which the application pertains, other than the residential dwelling; and
  - (c) arrange for private waste collection services in accordance with Section 21 for the waste in excess of the waste collection limit for the residential dwelling.
- 2.** In the event that the registered owner complies with Subsection 1(2) and 1(3) to the satisfaction of the General Manager, the General Manager shall designate the property as a Special Building and notify the applicant of his or her decision.
- 3.** Where an application under Section 1 is approved by the General Manager, and the property is designated as a Special Building, the City will provide waste collection services to the residential dwelling unit in the Special Building, in accordance with this By-law, as if the residential dwelling unit was in a low density residential building.
- 4.** Waste collection services to the residential dwelling unit in the Special Building shall be terminated:
- (a) if the General Manager, in his or her sole discretion determines that the property ceases to qualify as a Special Building under subsection 1(2) of this Schedule;
  - (b) the registered owner fails to comply with any term or condition of the General Manager's approval of the request for waste collection services;  
or
  - (c) the registered owner fails to comply with his or her undertakings given under Subsection 1(3) of this Schedule.

**SCHEDULE "H"**

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**WASTE DISPOSAL SITES**

The following are waste disposal sites within the meaning of this By-law:

**Rayside-Balfour Landfill Site**

Address:

Montee Rouleau, Rayside-Balfour

Legal Description:

Parcels 4742,7789, 7790, 31142, 31201, 27849, 27671, 27672 all Sudbury West

Section

being Part of Lots 2 and 3 Concessions 2 and 3

Township of Rayside, City of Greater Sudbury

**Sudbury Landfill Site**

Address:

2870 Kingsway, Sudbury

Legal Description:

Parcel 51571 Sudbury East Section

being Part of Lots 7, 8 and 9 Concessions 4 and 5

Township of Neelon, City of Greater Sudbury

**Valley East Landfill**

Address:

off Gravel Drive, Valley East

Legal Description:

Parcels 45196, 51148, 50934, 4467, 20299, 53002 all Sudbury East Section

Part of Lot 3, Concession 4 and 5 and Part of Lot 4, Concession 5

Township of Hanmer, City of Greater Sudbury

**SCHEDULE "H"**

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**Walden Landfill Site**

Address:

120 McCharles Lake Road

Legal Description:

Parcels 17099, 14876, 29784, 29431, 2176, 26325 all Sudbury West Section

Part of Lots 5, 6, 7 Concession 2

Township of Graham, City of Greater Sudbury

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**YARD TRIMMINGS**

1. In this By-law, "yard trimmings" means:
  - (a) leaves;
  - (b) grass clippings;
  - (c) trees (excluding root balls);
  - (d) garden roots and cuttings;
  - (e) hedge and shrub trimmings;
  - (f) brush cuttings;
  - (g) twigs and branches;
  - (h) natural Christmas trees;
  - (i) other plant material; and
  - (j) any other item determined by the General Manager from time to time to be yard trimmings.

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**SOLID WASTE TIPPING FEES**

**WASTE DISPOSAL SITES**

The following fees are applicable in the absence of an exemption from fees or a reduction of fees pursuant to Schedule "M" to By-law 2005-57G, as amended or replaced from time to time.

<b><u>WHEN WEIGH SCALES ARE OPERATIONAL</u></b>		<b><u>Rate</u></b>
a)	load of 100 kg or less - per load (in the absence of an exemption under Schedule "M")	\$ 3.00
b)	load of over 100 kg, charge tonnage fees (other than an load of concrete, brick or block) - per metric tonne (in the absence of an exemption or reduction under Schedule "M")	60.00

<b><u>WHEN WEIGH SCALES ARE NOT OPERATIONAL</u></b>		<b><u>Rate</u></b>
a)	Six garbage containers or less of waste which are brought to the Waste Disposal Site in a 3/4 ton truck or trailer of same capacity	5.00
b)	Six garbage containers or less of waste which are brought to the Waste Disposal Site other than in a 3/4 ton truck or trailer of same capacity	NIL
c)	More than six garbage containers of waste, brought to the Waste Disposal Site in a:	
(i)	Passenger Vehicle Only	\$ 5.00
(ii)	Passenger Van Only	8.00
(iii)	Mini Truck or Trailer of same capacity	10.00
(iv)	½ ton truck or trailer of same capacity	20.00
(v)	3/4 ton truck or trailer of same capacity	35.00
(vi)	1 ton truck or trailer of same capacity	65.00
(vii)	single axle truck or trailer greater than 1 ton	195.00
(viii)	double axle truck or trailer of same capacity, or single axle packer**	325.00
(ix)	triple axle truck or trailer of same capacity or double axle packer **	460.00
(x)	quadruple axle truck or trailer of same capacity **	655.00

NOTE: Fees are payable for each component in a combination waste loads. For instance, in the case of a vehicle containing waste pulling a trailer containing waste, appropriate fees will be charged for each of the vehicle and the trailer: e.g. a passenger vehicle carrying waste pulling a trailer with the capacity of a mini truck would result in a fee of \$5.00 for the passenger vehicle plus a fee of \$10.00 for the trailer with the same capacity of a mini truck

\*\* Vehicles in these classes include equivalent size vehicles

**SCHEDULE "J"**

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**BIN SIZE**

20-yard bin	\$ 165.00
40-yard bin	325.00
50-yard bin	400.00

**PUMPER TRUCKS EQUIPPED WITH A GAUGE**

Up to 1/4 full	25% of the fee for the vehicle size
From 1/4 to 1/2 full	50% of the fee for the vehicle size
From 1/2 to 3/4 full	75% of the fee for the vehicle size
Over 3/4 full	100% of the fee for the vehicle size

**PUMPER TRUCKS NOT EQUIPPED WITH A GAUGE**

100% of the fee for the vehicle size

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**CONTAMINATED SOIL TIPPING FEES**

	<b><u>Not Suitable as Cover</u></b>	<b><u>Suitable as Cover</u></b>
	<b><u>Fee per Load</u></b>	<b><u>Fee per Load</u></b>
<u>Tonnage Fees (metric tonne).....</u>	\$ 72.	\$ 44.
<u>Vehicle Size</u>		
1 Ton or Less*.....	\$ 180.	\$ 110.
Single Axle Truck or Trailer		
Greater than 1 Ton	\$ 720.	\$ 440.
Double Axle Truck or Trailer		
Single Axle Packer **	\$1,440.	\$ 880.
Triple Axle Truck or Trailer		
Double Axle Packer **	\$1,944.	\$1,188.
Quadruple Axle Truck or Trailer **	\$2,664.	\$1,628.

\* Vehicles in this class include a car, van or trailer combination with capacity of not more than a 1 ton pickup truck

\*\* Vehicles in these classes include equivalent size vehicles

**SCHEDULE "L"**

**to By-law 2005-57G of the City of Greater Sudbury**

**TIRE TIPPING FEES**

1.     -(1)   Fees for disposition of tires in a waste disposal site shall be determined by the size of tire in accordance with the following guidelines:

<u>TIRE TYPE</u>	<u>TIRE DIAMETER</u>	<u>FEE - PER TIRE</u>
Passenger/Light Truck	Up to 34"	\$ 2.
Medium Truck	35" - 49"	\$ 4.
Large Off-Road/Mining	50 " - 57.5"	\$60.
Extra Large Off-Road/Mining	Over 57.5"	\$90.

(2)    Tires received in excess of five in number shall be weighed and a tipping fee of \$190.00 per tonne will be charged instead of the rate specified in subsection (1).

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**EXEMPTIONS FROM AND REDUCTIONS OF WASTE DISPOSAL SITE  
TIPPING FEES**

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**1.** In this Schedule:

‘Clean-Up Week’ means the week in year so designed by the General Manager;

“bricks” means rectangular pieces of clay baked by the sun or in a kiln, free from other materials, which are used as a building or paving material;

“clean wood waste” includes untreated lumber and wood products such as pallets and raw lumber, but does not include painted wood, panelling, pressboard or similar treated products;

“concrete” means a strong, hard, building material composed of sand, gravel and cement;

“concrete waste” means concrete in pieces no greater than than 1.2 metres in length, width or thickness and free from metals or other materials;

“private motor vehicle” means a motor vehicle owned by the driver of the motor vehicle or leased by the driver of the motor vehicle under a lease for a term not less than one year, and used by the owner of the motor vehicle solely for his or her personal use and not for any commercial or other use; and

“week” means a period of 7 days commencing on a Sunday to and including the next following Saturday.

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2. Notwithstanding the fees set out in Schedule “J ” and Schedule “K ” no tipping fees shall be payable with respect to:
- (a) recyclable materials source-separated to the satisfaction of the General Manager and deposited in the appropriate container or area specified by the General Manager for such use;
  - (b) yard trimmings source-separated to the satisfaction of the General Manager and deposited in the appropriate container or area specified by the General Manager for such use ;
  - (c) clean wood waste source-separated to the satisfaction of the General Manager and deposited in the appropriate container or area specified by the General Manger for such use;
  - (d) granular materials determined by the General Manager in his or her sole discretion to be suitable as cover material at the waste disposal site, and source-separated to the satisfaction of the General Manager and deposited in the appropriate container or area specified by the General Manager for such use;
  - (e) non-hazardous contaminated soil, provided on an ongoing basis and determined by the General Manager in his or her sole discretion to be of sufficient quality to be useable as cover material at a waste disposal site;

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- (f) a maximum of 100 kilograms of garbage per week, or in the event that the weigh scales at the Waste Disposal Site to which the garbage is delivered are not operational at the time of delivery, a maximum of 6 approved garbage containers of garbage per week, provided in either case, the garbage:
  - (i) is generated in a residential dwelling in a low density residential building; and
  - (ii) is delivered to the Waste Disposal Site in a private motor vehicle;
  - (iii) is delivered by a person who is an owner who resides in the residential dwelling in the low density residential building in which the garbage was generated.
- (g) garbage from a low density residential building, a Special Building or from a registered high density residential building delivered by waste management collection vehicles of the City; or
- (h) with respect to electronic waste which has been source separated to the satisfaction of the General Manger and deposited in the appropriate container or area specified by the General Manager for such use.

**3.** For the purposes of paragraph 2(e) above, testing for suitability shall be done on a regular basis determined by the General Manager in his or her sole discretion, and “ongoing” means on a regular basis as part of an industrial process and not on an irregular schedule or from different sites.

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4. In the event of a dispute as to the entitlement to the exemption from fees granted under paragraph 2(f), the decision of the General Manager shall be final.

5. Except as provided in Subsection 7(2), nothing in this Schedule operates to exempt anyone from the payment of fees for tires pursuant to Section 24 of this By-law and Schedule "L".

6. Notwithstanding the fees set out in Schedule "J", a reduced fee of \$20 per metric tonne shall be payable where:

- (a) the load consists solely of brick or concrete waste or some combination thereof;
- (b) the brick or concrete waste is source-separated to the satisfaction of the General Manager; and
- (c) the brick or concrete waste is deposited in the appropriate container or area specified by the General Manager for such use.

7-(1) Notwithstanding anything to the contrary in this By-law, including the Schedules, during Clean-Up Week, fees otherwise payable shall be waived for garbage which is:

- (i) generated in a residential dwelling in a low density residential building; and
- (ii) delivered to the Waste Disposal Site in a private motor vehicle;
- (iii) delivered by a person who is an owner who resides in the dwelling in the low density residential building in which the garbage was generated; and
- (iv) otherwise compliant with this By-law.

(2) Notwithstanding Section 5 of this Schedule "M", during each day during Clean-Up Week, a person may deliver not more than four passenger/light truck tires to a Land Fill Site without charge.

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**TIPPING FEE REBATE**

**1. In this Schedule:**

"non-profit organization" means a corporation formed as a non share capital corporation under the *Corporations Act*, R.S.O. 1990, c. C.38, Part III, and an unincorporated association, which was formed for the purpose of carrying on without gain for its members and which uses any profits or other accretions to the corporation or unincorporated association in promoting its objects and not for the benefit or gain of its members; and

"tipping fees rebate" means a rebate made in accordance with this By-law.

**2. -(1)** A non-profit organization may apply in writing to the General Manager for a tipping fees rebate prior to January 31<sup>st</sup> in each year, for the prior calendar year.

(2) The non-profit organization shall provide in support of its application, evidence satisfactory to the General Manager:

- (a) that it is a non-profit organization within the meaning of this By-law;
- (b) that its primary place of operation is in the City;
- (c) that it is a significant purpose and role of the non-profit organization to accept donations of used goods for the purpose of:
  - (i) distribution of the used goods to persons in need in the City; or
  - (ii) sale for the purpose of raising funds for charitable or benevolent purposes within the City;
- (d) of the amount of tipping fees incurred by the non-profit organization in the prior calendar year, pursuant to the City's Waste Management By-law in effect from time to time; and
- (e) such other information as may be required by the General Manager.

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**Notification**

**3. (1)** The General Manager shall review the applications and report to Council as to the applicants he or she believes qualify for the rebate in accordance with this By-law.

**Rebate**

**4.** The General Manager shall pay as a tipping fee rebate to each non-profit organization approved by Council for the rebate, an amount equal to the lesser of:

- (a) its equal pro rata share of the amount (if any) allocated by Council for the City of Greater Sudbury for the prior calendar year for the purposes of the Tipping Fee Rebate Program; and
- (b) the amount incurred by the non-profit organization for tipping fees in the prior calendar year.