

CORPORATION OF THE TOWN OF HAWKESBURY

BY-LAW N° 86-96

**Being a by-law to establish a system
for the collection, removal and
disposal of non-hazardous solid waste
and recyclable material
in the Town of Hawkesbury
(consolidated with By-law
N° 91-2009)**

WHEREAS section 210 (89) of the Municipal Act, R.S.O. 1990, c. M.45 provides that the council of a municipality may establish a system for the collection, removal and disposal of garbage of non-hazardous solid waste and recyclable material;

AND WHEREAS the Municipal Council wishes to enact a by-law for the purpose of establishing a system for the collection, removal and disposal of non-hazardous solid waste and recyclable material in the Town of Hawkesbury.

NOW THEREFORE the Municipal Council of the Corporation of the Town of Hawkesbury enacts as follows:

1. DEFINITIONS

For the purpose of this by-law:

- 1) "**Ashes**" means the extinct residue from the burning of coal, coke and wood which would normally accumulate at a dwelling or place of business and includes soot but shall not include ashes which accumulate as a result of building construction or demolition.
- 2) "**By-law Enforcement Officer**" means anyone appointed by the Corporation of the Town of Hawkesbury to enforce the provisions of this by-law.
- 3) "**Chief of Police**" means the Chief of Police of the Town of Hawkesbury or his authorized subordinates or assistants.
- 4) "**Container**" means:
 - a) a commercial container which means a receptacle used for the storage of garbage, household refuse and trade waste at establishments and multiple dwelling units that is designed to permit it being emptied by forklift packer vehicle;
 - b) a household-type container which means a receptacle that is manufactured for the use of the collection of household refuse and trade waste, or a non-returnable plastic bag.
- 5) "**Contractor**" means the person or persons awarded a contract for the collection and disposal of household refuse, household trash and trade waste by the Corporation.
- 6) "**Corporation**" means the Corporation of the Town of Hawkesbury.
- 7) "**Council**" means the Municipal Council of the Town of Hawkesbury.
- 8) "**Dwelling**" or "**Dwelling unit**" means one (1) or more rooms connected together as a separate unit in the same structure 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.

- 9) "**Garbage**" includes non-hazardous material such as all kitchen and table waste, of animal or vegetable origin, resulting from the preparation of food in dwelling.
- 10) "**Household bins**" means a plastic manufactured box used for the sole purpose of collecting household recyclable material and commonly known as the Blue Box.
- 11) "**Household refuse**" includes non-hazardous material such as garbage, rubbish, discarded materials, clothing, waste paper, broken crockery and glassware, empty bottles, can, food containers, grass cuttings, hedge clippings, garden refuse, brush, leaves and such other articles as would normally accumulate at a dwelling and shall not include weighty or bulky articles such as stoves, furnaces, bed springs, mattresses, furniture, boxes, barrels, trees, water or fuel tanks and manure.
- 12) "**Household trash**" includes weighty or bulky articles such as white goods, furnaces, bed springs, mattresses, furniture, boxes, barrels, water and fuel tanks, used Christmas trees and any other discarded materials which would normally accumulate at a dwelling and which are not included in household refuse, but shall not include bodies of automobiles, large parts of automobiles, animal carcasses, trees (with the exception of used Christmas trees), tree stumps, or trade waste of any trash accumulated from a place of business.
- 13) "**Householder**" means a person who owns or rents a house.
- 14) "**Non-hazardous material**" does not include paint residue, old battery, oil, fuel, insecticides, poisons, etc.
- 15) "**Occupant**" means:
 - a) the tenant of the property or part thereof whose consent shall extend only to the control of the land of which he is tenant and any parking spaces allotted to him under his lease or tenancy agreement;
 - b) the spouse of a tenant;
 - c) a person or a municipality, or a local board thereof, having an interest in the property under an easement or right of way granted to or expropriated by the person, municipality or local board whose consent shall extend only to the part of the property that is subject to an easement or right of way;
 - d) a person authorized in writing by an occupant as defined in clauses a), b), or c) to act on the occupant's behalf for requesting the enforcement of a by-law under this paragraph.
- 16) "**Owner**" when used in relation to property means:
 - a) the registered owner of the property;
 - b) the registered owner of a condominium unit, whose consent shall extend only to the control of the unit of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property;
 - c) the spouse of a person described in clauses a) or b);
 - d) where the property is included in a description registered under the Condominium Act, R.S.O. 1990, c. C.26, the board of directors of the condominium corporation;
 - e) a person authorized in writing by the property owner as defined in clauses a), b), c) or d) to act on the owner's behalf for requesting the enforcement of a by-law passed under this paragraph.

- 17) "**Person**" includes a firm or corporation to whom or to which the context applies.
- 18) "**Person authorized by the Town**" means a licence inspector, an inspector appointed under any by-law of the Town, a By-law Inspector, a Public Health Inspector and the District Medical Officer and any person authorized by the Medical Officer.
- 19) "**Police Force**" means the Police Force of the Town of Hawkesbury and includes any detachment to the Town of Hawkesbury by agreement or otherwise having jurisdiction in the Town of Hawkesbury.
- 20) "**Police Officer**", "**Constable**", or "**Special Constable**" means a person so appointed by a Board of Commissioners of Police and "Constable" includes a Municipal By-law Enforcement Officer appointed pursuant to Sections 41, 53 and 15 of the Police Services Act, R.S.O. 1990, c. P.15.
- 21) "**Recyclable material**" includes any material that can be recycled and reprocessed to create or manufacture new items. It includes all the material disposed of by an occupant or owner in the household bins along with other recyclable material too bulky to be placed in the household bin such as tied paper or cardboard bundles.
- 22) "**Special Collection**" means collection of household trash articles which are not normally picked up in the regular weekly collection. Special Collection shall take place over the course of a four week period, allowing one week for each defined residential district and which shall occur some time during the month of May and/or June.
- 23) "**Director of Technical Services**" means the person appointed by the Municipal Council of the Town of Hawkesbury to fill that position.
- 24) "**IC&I waste**" includes non-hazardous material such as garbage and refuse which would normally accumulate in a shop factory, store, restaurant, hotel, office building, public building and other place of business, but shall not include weighty or bulky articles such as automobile parts, tires, stoves, furnaces, bed springs, mattresses, furniture, boxes, barrels, trees, earth, stones, water or fuel tanks, waste from demolished buildings or construction projects.

2. **ADMINISTRATION**

- 1) The Corporation of the Town of Hawkesbury shall operate a system for the collection, removal and disposal of household trash and IC&I waste in accordance with the provisions set out in this by-law and within the geographic area of the Town of Hawkesbury.
- 2) It shall be the duty of the Director of Technical Services to administer the provisions of this by-law.
- 3) The Corporation may contract with any person or company for the performance of the whole or any part of the work described in this by-law.

3. **COLLECTION**

- 1) Household refuse, household special collection, IC&I waste and recyclable material shall be collected:
 - a) at least once in every seven (7) days, from each dwelling, building or premises entitled to such service in accordance with the provisions of this by-law, except when a normal collection day falls on a public or statutory holiday as provided herein;

- b) no collection shall be made on the following holidays which fall on a normal collection day:

New Year's Day	Labour Day
Good Friday	Thanksgiving Day
Easter Monday	Christmas Day
Victoria Day	Civic Holiday
Dominion (Canada) Day	

- c) when a normal collection day falls on a holiday referred to in subsection 1) b), the collection shall be made one (1) day late for the remainder of the week, but in no case shall the change in schedule result in a collection not being made for a period greater than eight (8) days;
- d) collections will normally be carried out starting not earlier than 6:30 a.m. daily;
- e) the service authorized by this by-law shall not be made available, except by agreement, to any land or building owned or leased by the Government of Canada, to educational establishments or institutional buildings;
- f) the service authorized by this by-law shall not include the collection of commercial containers or hazardous waste.

4. CONTAINERS

- 1) Where containers are required as specified in accordance with this by-law, every occupant of a dwelling from which household refuse is to be collected in household-type containers or bins shall ensure that the containers or bins are in good condition.
- 2) Bundles shall be compacted and tied. The cord shall be of sufficient strength to permit the lifting and loading of the bundle into the collection vehicle.
- 3) Each household-type container when full shall weigh not more than eighty (80) pounds and shall have a tight-fitting lid, two (2) handles and shall be not greater than (42) forty-two inches in height and not greater than (24) twenty-four inches in diameter.
- 4) A non-returnable plastic bag shall be securely tied when put out for collection.
- 5) Every householder, occupant, owner or person in charge of any dwelling shall deposit for removal, or cause to be removed, all household refuse, household trash, IC&I waste and recyclable materials from the building, in accordance with this by-law.
- 6) The Corporation may, at the written request and expense of any householder, occupant, owner or person in charge of any building, or in the exercise of any of its legal or statutory powers, or in the implementing of any orders made by the Medical Officer of Health, remove and dispose of household refuse, household trash and IC&I waste, which has not been put out in accordance with the provisions of this by-law, with the householder, occupant, owner or person in charge of the building to pay to the Town Treasurer of the Corporation the actual costs of the removal and disposal of the household refuse, trash or IC&I waste.
- 7) The provision of containers as required in accordance with this by-law is the sole responsibility of the householder, occupant, owner or person in charge of a dwelling.

5. PREPARATION

- 1) All garbage shall be drained, wrapped in dry paper, and placed in a container or in a plastic bag.
- 2) All household recyclable material shall be placed in the household bin supplied by the municipality. Cardboard and paper which the household bin cannot hold shall be neatly tied in bundle and placed under, over or along the household bin.
- 3) Occupiers of premises shall place their containers on the edge of their property at 1 meter of the sidewalk, the curb or the pavement of the street. The intent and purpose of this section being that the containers be placed so that the collector can get same with the least possible loss of time; and no container shall weigh more than eighty (80) pounds.
- 4) Save as hereinafter otherwise provided, the owners of such containers shall keep them on the premises occupied by them and shall not leave them whether in use or not upon any street or public place except between 5:00 p.m. of the night before the day specified for collection of garbage or refuse and shall immediately after such garbage or refuse is removed, take same off the street or public place.
(Amended by By-law N° 91-2009)
- 5) No person, unless authorized by the By-law Enforcement Officer, shall pick over, interfere with, remove or scatter any household refuse, household trash, IC&I waste or recyclable material placed at the curb for removal except and until the same is removed as herein provided.

6. NON-COLLECTABLE MATERIAL

The Corporation shall not be required to collect or dispose of the following:

- 1) ashes or other residue from the burning of coal, coke and wood and includes soot;
- 2) explosive, or highly combustible materials, oil-soaked or gasoline-soaked rags, old batteries, paint residual or any material of a similar nature;
- 3) plaster, ashes or other waste residue resulting from building alterations or demolition operations, with the exception of those materials which would normally accumulate at a dwelling;
- 4) liquid waste or organic matter which has not been drained;
- 5) hay, straw, manure or light soil;
- 6) faeces of any dog, cat or fowl that is not normally accumulated in a litter box situated in a dwelling;
- 7) carcasses or parts thereof, of any dog, cat, fowl or any other creature with the exception of bonafide kitchen waste;
- 8) household refuse, household trash or trade waste which has not been put out for collection in conformity with the provisions of this by-law.

7. ASHES

Ashes shall be cold and extinct and shall be placed in a sealed non-returnable bag or in a sealed throw-away type carton and the occupier of the premises shall be responsible to deposit the ashes in a container specially provided for that purpose at the Municipal Garage during normal working hours from Monday to Friday.

8. ENFORCEMENT

The Hawkesbury Police Force of the Town of Hawkesbury which includes Police Officer, Constable or Special Constable, the By-law Enforcement Officers and any person authorized by the Town are hereby appointed for the purposes of the enforcement of this by-law as it applies within the geographic limits of the Town of Hawkesbury.

9. OFFENCES, PENALTIES AND PAYMENT OUT OF COURT

- 1) Any person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine of not more than Five Thousand (\$5,000.00) Dollars, exclusive of costs and upon conviction thereof, forfeit and pay a penalty as set out in the general penalty provision found under the Provincial Offences Act, R.S.O. 1990, c. P.33.
- 2) When a person has been convicted of an offence under this by-law in:
 - a) the Ontario Court (Provincial Division);
 - b) any court of competent jurisdiction thereafter,may, in addition to any penalty impose on the person convicted, issue an Order prohibiting the continuation or repetition of the offence or doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.
- 3) The receipt of payment, signed by the person to whom is assigned to the duty of receiving payments out of Court, shall be sufficient evidence of payment of the penalty for the violation.

10. SEVERABILITY

If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

11. By-laws N^o 2450, 2831, 36-81 and 79-96 be and are hereby repealed.

12. This by-law shall come into force and take effect on the date of its passing.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING THIS
30th DAY OF SEPTEMBER 1996.**

Clerk or Acting Clerk

Mayor or Reeve

