

THE CORPORATION OF THE TOWN OF HAWKESBURY

BY-LAW N° 51-2022

Being a by-law to replace By-law N°86-96, to regulate the storage, collection, and removal and disposal of residual waste in the Town of Hawkesbury

(consolidated with By-law N°8-2023)

WHEREAS section 11 (3) of the *Municipal Act, 2001*, 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 section 41(7) of the *Planning Act, R.S.O. 1990*, a municipality may require the owner of the land to provide to the satisfaction of and at no expense to the municipality any or all of the following: Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;

AND WHEREAS Section 127 of the *Municipal Act, 2001* authorize a municipality to require the owner or occupant of the land to clean refuse or debris from the land, not including the buildings AND prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land.

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

1. DEFINITIONS

Waste materials are comprised of various residues, many of which can be revalued either by reuse, recycling, or composting. In this By-law, unless the context indicates otherwise, the following definitions apply:

“Ashes” means the extinct residue from the burning of coal and wood which would normally accumulate at a dwelling or place of business and includes soot.
(“Cendres”)

“Back-load container” means a metal container with a cover which is weather-resistant and animal-resistant designed for the disposal of waste with a capacity of 1.5 to 6 m³, with handles on both sides, which must not be filled higher than its sides, and which can be collected using a back-load collection truck. Commonly referred to as a dumpster. (“Conteneur à chargement arrière”)

“Bag” means a plastic bag measuring no more than 30” x 38” (76 cm x 96 cm), and with no less than 1.2 mil gauge thickness, securely fastened and closed at the top. (*“Sac”*)

“Bulky material” includes large items which can be recycled or which cannot be placed in a bin with the lid closed, such as mattresses, rugs, exercise equipment, hot water tanks, pool filters, water softener tanks, large household electrical appliances and furniture. “Bulky materials” excludes “CRD”, car parts, scrapped cars, branches, logs, firewood, and all loose materials stacked in bulk. In case of disagreement about whether an article should be collected or not, the Director's decision is final. (*“Encombrant”*)
(amended by By-law N°8-2023)

“By-law Enforcement Officer” means anyone appointed by the Corporation of the Town of Hawkesbury to enforce the provisions of this by-law. (*“Agent chargé de l'application des règlements”*)

“Collection” means the action of collecting all the waste at the edge of the pavement, sidewalk, curb or shoulder of a street or other area according to established practice and approved by the Director, and of loading the contents into trucks. (*“Collecte”*)

“Collector” means a person or firm employed by the Town for the purpose of collecting waste material. (*“Éboueur”*)

“Commercial Establishment” includes any property, building or land classified as zone Community Core Commercial (CC), Highway Commercial (CH), Local Commercial (CL) or Regional Commercial (CR) as per the Town's Zoning By-law, as amended. (*“Établissement commercial”*)
(amended by By-law N°8-2023)

“Condominium” means a building or multiple unit development in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the *Condominium Act*. (*“Condominium”*)

“Condominium Corporation” means a corporation created pursuant to the provisions of the Condominium Act for the administration and management of a condominium. (*“Association condominiale”*)

“Council” means the Municipal Council of the Town of Hawkesbury. (*“Conseil”*)

“CRD” includes material from the construction, renovation and demolition (CRD) of residential buildings, for work carried out by the occupants of residential buildings placed in a container (other than the blue bin), or any other debris tied together allowing for safe manual handling. "CRD" material includes: timber; gypsum; ferrous and nonferrous metals; asphalt shingles; large plastic or cardboard packaging; doors and windows, vinyl coating; hard plastics; bricks and unistone placed in containers. "CRD" excludes demolition debris and work carried out by contractors; sharp or dangerous objects for collectors; tires; sand, concrete paver slabs, stone, soil, asphalt and concrete residues; and all materials stacked in bulk. In case of disagreement about whether an article should be collected or not, the Director's decision is final. (*“CRD”*)

“Director” means person serving as the Director of Public Works and Engineering Department of the Town and his or her delegates. (*“Directeur”*)

“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. (*“Résidence” ou “Unité résidentielle”*)

“Electronic Material” includes computer hardware such as CRT monitors or flat screens, printers, desktop computers, servers, laptops, scanners, mouse and keyboards; communication devices such as cellphones, landline phones and portable phones; office equipment such as copiers and fax machines; domestic appliances such as televisions, DVD and VHS players, radios, and in general, all equipment accepted by the Resource Productivity & Recovery Authority (RPR). (*“Résidus électroniques”*)

“Food Residue for Industrial Composting” includes organic compostable materials in industrial installations and refused in household composters: meat, fish and bones; fats, sauces, cheeses, dairy products. Food oils should be disposed of with the household hazardous waste. (*“Matières alimentaires pour compostage industriel”*)

“Garbage” includes waste material which cannot be recycled and which is destined for landfill. Garbage excludes: reusable items, recyclable materials, green residue, trees, bulky materials and CRD, electronic materials, batteries, light bulbs, hazardous waste, tires, Christmas trees and any other waste material separately collected by the Town. (*“Ordures”*)

“Grasscycling & Leaf Mulching” means the recycling of dead leaves or grass by leaving the leaf debris or grass clippings on the lawn when mowing. (*“Feuillicyclage et herbicyclage”*)

“Green Residue” includes compostable materials from plant remains, from green space maintenance and from pruning of hedges. This includes grass; dead leaves, plants and other plant residues (coniferous needles, hedge clippings, weeds, etc.); bark, shavings, sawdust; residues from the garden, residues from fruit trees; branches tied in bundles; houseplants including potting soil and twigs. "Green residue" excludes food residue; recyclable materials; plastics; clothing; animal litter and excrement from domestic animals or humans; pieces of wood; lumber; paint, oil and other household hazardous waste; tree trunks, stumps; rocks, earth, pebbles and stone; dead animals. (*“Résidus verts”*)

“Grey Bin” means the plastic container on wheels, designed for the disposal of waste approved by the Town, with a capacity of 240 litres for a residential property and with a capacity of 360 litres for a commercial or multi-dwelling residential building, filled no higher than its sides. The grey bin is supplied by the Town, has a serial number and the Town logo and remains the property of the Town. (*“Bac gris”*)

“Household Appliance” means a large electrical appliance used in a household, such as a refrigerator, stove, dishwasher, hot water tank and other similar appliances. (*“Appareil électroménager”*)

“Household Composter” means a receptacle which can receive organic material for composter and serves to create household compost. (*“Composteur domestique”*)

“Hazardous Waste” includes any substance, which, by reason of its properties, presents a danger to health or the environment and which corresponds to the definition of corrosive, toxic, flammable, radioactive or oxidizing as identified by the Ministry of the Environment, as well as any substance or object treated as a hazardous material. Also referred to as household hazardous waste. (*“Résidus domestiques dangereux”*)

“Institutional Establishment” includes any property or building used by or for a religious institution, government institution, educational facility, retirement home or nursing home, as well as any other institutional use as defined in the Town’s Zoning By-law. (*“Établissement institutionnel”*)

“Multi-Dwelling Building” includes any property or building, with 5 or more units of occupation, classified as Apartment or Townhouse (Planned Unit) as per the Town's Zoning By-law, as amended. "Multi-Dwelling Building" may also be referred to as a multi-residential, multi-dwelling residential building, multidwelling apartment or multi-dwelling property. (*“Immeuble multi-résidentielle”*)
(amended by By-law N°8-2023)

“Occupant” is a

- i. the tenant of the property or part thereof whose consent shall extend only to the control of the land of which they are a tenant, and any parking spaces allotted to them under their lease or tenancy agreement;
- ii. the spouse of a tenant;
- iii. 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;
- iv. 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. (*“Occupant”*)

“Organic Material” includes green residue, waste from trees or shrubs, organic material for composter, food residue for industrial composting. (*“Matières organiques”*)

“Organic Material for Household Composter” includes waste materials of plant origin, with the exception of oils, such as: green residue; fruit and vegetable residue, bread, pasta, legumes, crushed eggshells; coffee filters and coffee grounds, tea and herbal tea bags and leaves, dead leaves, twigs, straw; shavings, pellets and sawdust; newspaper (grey ink only), cardboard egg boxes. Rejected materials: meat, fish, bones; fats and oils, sauces, cheeses, dairy products; animal feces; sick plants and sick leaves. (*“Matières organiques pour compsteur domestique”*)

“Owner” when used in relation to property means:

- i. the registered owner of the property;
- ii. the registered owner of a condominium unit, whose consent shall extend only to the control of the unit of which they are the owner and any parking spaces allotted to them by the condominium corporation or reserved for their exclusive use in the declaration or description of the property;
- iii. the spouse of a person described in clause i or ii;
- iv. where the property is included in a description registered under the *Condominium Act, S.O. 1998, C.19*, the board of directors of the condominium corporation;
- v. a person authorized in writing by the property owner as defined in clause i, ii, iii or iv;
- vi. to act on the owner's behalf for requesting the enforcement of a by-law passed under this paragraph. (*“Propriétaire”*)

“Person” includes an individual, an association, an organization, a firm, a partnership, a corporation, an agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law. (*“Personne”*)

“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, the District Medical Officer or any person authorized by the Medical Officer. (*“Personne autorisée par la Ville”*)

“Police Force” means the Ontario Provincial Police (OPP) and includes any detachment to the Town of Hawkesbury by agreement or otherwise having jurisdiction in the Town of Hawkesbury. (*“Services policiers”*)

“Public Property” means the streets, alleys, squares and public places, including sidewalks, medians, stairs, off-street bike paths, excess right-of-way of the public road, watercourses, parks and public gardens. (*“Propriété publique”*)

“Recyclables” includes any material accepted in the blue box program, to be disposed of by an occupant or owner in the blue box along with other recyclables too bulky to be placed in the blue box, such as tied paper or cardboard bundles. The list of materials accepted under the blue box program generally includes paper, cardboard, aluminum, glass containers and select plastics. The list of accepted materials is subject to change and the updated list is published by the Town annually. (*“Recyclables”*)

“Reusable” includes any items for which a real and practical secondary application exists, without substantial change to its form or function, including appliances and furniture which can be economically repaired or refurbished and building materials and textiles, which can be re-utilized in further building or textile applications. (*“Matières réutilisable”*)

“RFID Technology” means the wireless reading technology of identification markers (transponders) by radio frequency. (*“Technologie RFID”*)

“Special Collection” means collection of household trash articles which are not normally picked up in the regular weekly collection. Special Collection shall take place in accordance with a predetermined schedule. (*“Collecte spéciale”*)

“Tag” means a tag used for the identification of excess garbage bags, available at the Town at a predetermined and published cost. (*“Étiquette”*)

“Town” means the Corporation of the Town of Hawkesbury. (*“Ville”*)

“Transponder” means the identification marker comprised of an encapsulated microchip, readable at a distance by RFID technology. The transponder affixed to a bin links it to a property. (*“Transpondeur”*)

“Unit of Occupancy” means a room or suite of rooms used or destined to be used as a residence or for commercial, institutional or industrial activities. (*“Unité d’occupation”*)

“Waste Material” means all abandoned materials or materials destined to be abandoned and shall not include reusable items. More specifically, waste material includes recyclable materials, organic materials, bulky materials and CRD, electronic materials, household hazardous waste and garbage. (*“Matières résiduelles”*)

2. APPLICATION

- 2.1. The provisions of this by-law apply to the owners and occupants of all residential, multi-residential, commercial and institutional establishments within the Town of Hawkesbury as defined in Section 1 of this by-law.
- 2.2. Non-residents and persons not owning property within the Town of Hawkesbury shall not at any time have access to or use of the Town’s waste collection services and, if found in contravention of this rule, shall be held accountable as per the offences and penalties set out in Section 16 of this by-law.
- 2.3. The Police Force 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.

3. WASTE MATERIALS

3.1. WASTE COLLECTION SERVICES

3.1.1. The Town offers a waste collection service for materials generated by units of occupancy within its territory. Subject to the terms and conditions contained in this by-law, the Town shall collect recyclable materials, green residue, branches, bulky materials, garbage and items eligible for special collection services. The collection of waste materials is carried out according to the day and schedule determined by Council resolution.

(amended by By-law N°8-2023)

3.1.2. The fee structure for the services authorized by this by-law is determined on an annual basis and provided in the following by-laws:

3.1.2.1. For residential units: A by-law to impose a rate for the collection, removal and disposal of garbage and recyclable material (blue box program).

3.1.2.2. For non-residential units: A by-law to impose a rate for the collection, removal and disposal of garbage for non-residential units.

3.2. OBLIGATIONS OF AN OWNER OR OCCUPANT

3.2.1. Every property owner or occupant in the Town shall promptly remove or place for removal all waste material which must be removed from the said property which he owns or occupies, in accordance with the provisions of this by-law. Every owner or occupant must ensure that he has separate regulation containers for waste material collection. Any private truck or vehicle carrying waste material shall be covered in such manner that the contents will not spill.

3.2.2. Every owner of a property containing more than one dwelling unit shall be responsible for the management of waste material containers and for any infringement of this by-law occurring upon their property whether or not such owner was the occupant of the property at the time the infringement occurred.

3.2.3. A condominium corporation shall be responsible for any infringement of this by-law occurring upon their shared property.

3.2.4. In an effort to reduce waste, the Town encourages all persons to assess whether an item is reusable and make use of an appropriate reuse centre or service for all items deemed reusable. A table of local options for such reusable items is provided on the Town's website.

3.3. OBLIGATIONS OF A MULTI-DWELLING BUILDING OWNER & CONDOMINIUM CORPORATION

3.3.1. Every owner of a multi-dwelling residential building and condominium corporation shall maintain and keep located at all times, on the premise, sufficient separate regulation containers for waste materials to allow any occupant using the premises to comply with this by-law. Every owner of a multi-dwelling residential building and condominium corporation shall ensure that instructions regarding the collection of waste materials are posted in locations visible to any occupant residing in the building.

3.4. SETTING OUT OF WASTE MATERIALS IN A DESIGNATED CONTAINER

3.4.1. It is specifically prohibited to dispose of any waste material in a container other than the designated container for this material, which container shall exclusively be used for the storage of the waste material for which it is designated under the by-law. For example, green residue cannot be placed in plastic bags and garbage must be placed exclusively in the grey bin.

3.5. INTERRUPTION OF SERVICES BY THE TOWN

3.5.1. The Town reserves the right to interrupt its collection for any unit of occupancy where waste materials are not stored, placed or sorted according to this by-law.

3.6. MAINTENANCE OF CONTAINERS

3.6.1. No one shall set out any waste material in a container that is not in good working order. It shall be the responsibility of the owner or occupant of a unit of occupancy to ensure that all containers and the space where they are placed or stored is properly maintained and cleaned regularly, particularly to prevent the accumulation of waste material, or the presence of any insect, rodent, vermin, or noxious odour.

4. RECYCLABLE MATERIALS

4.1. OBLIGATIONS FOR COLLECTION

4.1.1. Recyclable materials will only be collected if stored and placed in accordance with the present by-law. They will not be collected if the recyclables container contains materials other than recyclable materials.

4.1.2. For collection purposes, the recyclable materials must be prepared as follows:

- cardboard must be reduced, folded or compacted in order to be included inside the container used, or tied neatly in a bundle not exceeding 30" (76 cm) in height, width or length
- glass, metal and plastic packaging must be emptied of all contents, cleaned, rinsed and with caps or lids removed
- paper, flyers and newspapers must be removed from their delivery bags.

4.2. CONTAINERS

4.2.1. For collection purposes, recyclable materials must be placed exclusively in the following containers:

- a blue box designated for recyclables (available for purchase at Town hall)
- a blue bin designated for recyclables and compatible with the collection vehicle
- a cardboard box, not exceeding 30" (76 cm) in height, width or length
- a clear bag, tied to secure its contents

4.2.2. No container shall weigh in excess of 50 lbs (22.6 kg) when set out for collection.

- 4.2.3. Each commercial establishment is limited to three (3) blue bins of 360 litres, or 1080 litres. Any commercial or industrial establishment that generates recyclable materials in excess of the amount provided under this section is not entitled to municipal collection services and must be served by a private collection.
- 4.2.4. Any recyclable materials, whether compliant or non-compliant, which are placed elsewhere than in a container described in paragraph 4.2.1. will not be collected.
- 4.2.5. The Town does not offer a collection for recyclable materials for institutional and industrial and commercial buildings that are not served by a designated blue bin.

5. ORGANIC MATERIALS

TYPES OF ORGANIC WASTE MATERIALS

The following categories represent organic waste materials:

- Green residue
- Branches, trees, trunks, stumps, shrubs and roots
- Christmas trees
- Organic material for household composter
- Food residue for industrial composting

5.1. GREEN RESIDUE – OBLIGATIONS FOR COLLECTION

Green residue will only be collected if it is stored and placed in accordance with the present by-law. During green residue collection, the following requirements apply:

- 5.1.1. Whole trees, pieces of wood, lumber, shrubs, roots, stumps, trunks, food residue for industrial composting and organic material for household composter are NOT accepted in the green residue collection.
- 5.1.2. Branches of a diameter not exceeding 6 inches (15 centimetres) diameter and 39.3 inches (1 metre) in length may be collected separately when prepared as provided in paragraph 5.1.3.
- 5.1.3. Branches must be tied together neatly in bundles not exceeding 39.3 inches (1 metre) in length and 12 inches (30 centimetres) in diameter each. The cord shall be of sufficient strength to permit the lifting and loading of the bundle into the collection vehicle. Branch bundles should be placed next to the green residue for collection, perpendicular to the land, with the largest end at the curb of the street.
- 5.1.4. Tree residues, including branches, from tree felling are not accepted during branch collection. The owner or occupant of any building is

responsible for removing or arranging for the removal and transport of all residues from tree felling to an appropriate treatment centre.

5.2. GREEN RESIDUE – CONTAINERS

5.2.1. For collection purposes, green residue materials must be placed exclusively in a compostable paper bag or a bin as provided in paragraph 5.2.2. The only exception made is for bundles of branches prepared in accordance with Section 5.1.

5.2.2. If green residue is placed in a bin for collection, the bin must have a capacity of 40 L or more and have a fully closed lid. Use of any other container, including a blue bin, a blue box, a grey bin or a plastic bag, is prohibited.

5.2.3. The recipient (bag or bin) should not contain more than 150 litres or weigh more than 25 kg and must not be filled higher than its sides.

5.2.4. No plastic bag (whether biodegradable or not) will be collected.

5.3. CHRISTMAS TREES – OBLIGATIONS FOR COLLECTION

5.3.1. During the month of January, Christmas trees can be placed at curbside during the Christmas tree collection period predetermined and published by the Town. All lights and decorations, including garlands, must be removed. The Christmas tree cannot be placed in a plastic bag. Christmas trees will not be collected during garbage collection.

5.4. ORGANIC MATERIAL FOR HOUSEHOLD COMPOSTER

5.4.1. Compostable materials should be disposed of in a composter available for this purpose. Only organic materials for household composter (of plant origin and excluding oils) can be placed in a household composter. Once compost is ready, it should be used on the private property.

5.4.2. If an occupant elects not to use a household composter, organic materials for household composter must be disposed of with garbage in the grey bin in accordance with the requirements of Section 8.

5.5. FOOD RESIDUE FOR INDUSTRIAL COMPOSTING

5.5.1. Food residue for industrial composting must be disposed of with garbage in the grey bin in accordance with the requirements of Section 8.

5.6. GRASSCYCLING AND LEAF MULCHING

5.6.1. Placing grass clippings or leaf debris in a container destined for a recyclable material or garbage collection is prohibited.

5.6.2. In order to reduce the amount of green residue which must be collected and transported to a composting site, the Town strongly recommends that residents adopt grasscycling and leaf mulching practices while conducting lawn maintenance work.

6. ELECTRONIC MATERIALS

6.1. OBLIGATIONS FOR COLLECTION

6.1.1. Electronic materials must only be disposed of according to the provisions of the present by-law.

6.1.2. Electronic materials cannot be stored and will not be collected at the curbside waste material collection.

6.2. COLLECTION POINTS

6.2.1. Recycling and disposal of electronic material is available at the following collection points:

- at most retail stores where an equivalent new product is purchased
- at the recycling drop-off site
- at a reuse or resale location if it is in good condition

7. HAZARDOUS WASTE

7.1. OBLIGATIONS FOR COLLECTION

7.1.1. Household hazardous waste must only be disposed of according to the provisions of the present by-law. Household hazardous waste cannot be stored and will not be collected at the curbside waste material collections.

7.2. COLLECTION POINTS

7.2.1. Household hazardous waste is accepted at various designated drop-off points according to the nature of the hazardous waste. A reference document listing the preferred drop-off and collection options for the respective waste types is published by the Town.

7.2.2. Household hazardous waste is also accepted on one predetermined day per year, during the household hazardous waste collection event. The following materials are not accepted during this collection event: tires, biomedical materials, products containing asbestos, compressed air containers, and contaminated soil.

8. GARBAGE

8.1. OBLIGATIONS FOR COLLECTION

8.1.1. Garbage will only be collected if it is stored and placed in accordance with this by-law. Garbage will not be collected if the container contains recyclable materials, green residue, tree residue, bulky materials and CRD, electronic materials, household hazardous waste, tires and Christmas trees. Garbage can be placed in plastic bags within the designated grey bin or back-load container.

8.2. CONTAINERS

8.2.1. For purposes of collection, garbage must be placed exclusively in the following containers:

- a grey bin designated for properties which are served by Town collection
- a bag properly identified with a tag especially provided by the Town for this purpose. Any such excess garbage bags must not exceed 13.6 kg (30 lb) each and must be placed alongside a designated grey bin served by Town collection.
- a back-load container for the buildings which are served by private collection

8.2.2. The Town does not provide, maintain, repair or sell back-load containers. The provision of such containers must be arranged by the owner.

8.2.3. The Town provides all eligible properties with their initial grey bin(s) at half cost, in accordance with the quantity limitations set in Section 8.3. Any additional or subsequent grey bins required can be purchased from the Town at cost. Any properties requiring designated bins after the initial distribution in 2023 will be required to purchase them from the Town at cost. (amended by By-law N°8-2023)

8.2.4. The grey bin is and remains the property of the Town. It must not, under any circumstances, be removed from the property to which it is assigned. The occupant or property owner is responsible for the grey bin. Should damage occur to a grey bin which is not attributable to collectors, or accidental fire, the owner or occupant must pay the replacement costs. (amended by By-law N°8-2023)

8.2.5. A designated grey bin must not be filled higher than its sides and must not contain more than:

- 50 kg of garbage in a 240-litre bin
- 60 kg of garbage in a 360-litre bin

8.2.6. Any garbage, whether compliant or non-compliant, which is placed elsewhere than in the designated containers described in section 8.2.1. will not be collected.

8.3. DISTRIBUTION OF GREY BINS

- 8.3.1. Only one 240 L grey bin will be distributed per unit of occupancy for all residential properties other than multi-dwelling properties.
- 8.3.2. For eligible multi-dwelling, commercial and institutional buildings, only 360 L grey bins will be distributed. The quantity of grey bins distributed will be a function of the units of occupancy, the typology of the property and the respective waste disposal requirements, and will be subject to the grey bin quantity limits set out in paragraphs 8.3.5., 8.3.6, 8.3.7. and 8.3.8.
- 8.3.3. The designated number of grey bins will be assigned to each property address with the help of a transponder.
- 8.3.4. Any additional grey bins required will incur additional collection and disposal fees as regulated in the respective by-laws defined in Section 3.1.2.
- 8.3.5. Each commercial or industrial establishment is limited to three (3) grey bins of 360 litres, or 1080 litres. Any commercial or industrial establishment that generates garbage in excess of the amount provided under this section is not entitled to municipal collection services and must be served by a private collection.
- 8.3.6. Each institutional establishment is limited to eight (8) grey bins of 360 litres, or 2880 litres. Any establishment that generates garbage in excess of the amount provided under this section is not entitled to municipal collection services and must be served by a private collection.
- 8.3.7. Each multi-dwelling residential property is limited to eight (8) grey bins of 360 litres, or 2880 litres. Any multi-dwelling residential property that generates garbage in excess of the amount provided under this section is not entitled to municipal collection services and must be served by a private collection, unless they have previously entered into an agreement with the Town. A table for the recommended number of bins per total units of occupancy has been provided as a guide in Schedule A of this by-law.
- 8.3.8. Each condominium can elect the number of 360L grey bins required to service their collective property only if the respective condo management association provides adequate management of these shared grey bins as per the provisions of this by-law. Each condominium is limited to eight (8) grey bins of 360 litres, or 2880 litres. Any condominium property that generates garbage in excess of the amount provided under this section is not entitled to municipal collection services and must be served by a private collection. A table for the recommended number of bins per total units of occupancy has been provided as a guide in Schedule A of this by-law.

9. BULKY MATERIALS

9.1. OBLIGATIONS FOR COLLECTION

- 9.1.1. Bulky materials will only be collected during the special collections as defined in Section 12 if they are stored and placed in accordance with the present by-law.
(amended by By-law N°8-2023)
- 9.1.2. If a container is used, it should not contain more than 150 litres or weigh more than 25 kg and must not be filled higher than its sides. The usage of a blue bin is prohibited. No plastic bag will be collected.
- 9.1.3. Bulky materials must be placed away from garbage and recycling, and stacked in an orderly and safe manner. Pool, spa and other filters must be emptied of their sand content.
(amended by By-law N°8-2023)
- 9.1.4. For curbside collection, the amount of bulky materials is limited to what can be loaded manually by two (2) collectors in less than five (5) minutes.
(amended by By-law N°8-2023)
- 9.1.5. No person shall deposit for collection a crate, box or other container with a door or lid unless the door or lid has been removed beforehand.
- 9.1.6. Debris from demolition and from work carried out by contractors, sharp or dangerous objects for collectors, tires, stone, sand, soil, asphalt, slab and concrete residues and all materials stacked in bulk will not be collected.
- 9.1.7. Nails must be removed or folded so as to present no risk for collectors.

10. STORAGE OF WASTE MATERIALS

10.1. MULTI-DWELLING BUILDING, CONDOMINIUM & COMMERCIAL ESTABLISHMENT

- 10.1.1. Waste materials shall be kept inside or outside the building in an appropriate container stored in an area reserved for this purpose or in a room dedicated to waste materials which complies with the following conditions:
- It is built of non-combustible materials with a fire resistance of at least two (2) hours, including the doors which themselves are in accordance with the requirements of the *Canadian National Building Code*;
 - It is used exclusively for the storage of waste materials between two collections;
 - The surface of the floor, walls and ceiling is non-porous and washable;
 - It is connected to a water retention reservoir which complies with the *Ontario Provincial Building Code*;
 - It is ventilated to eliminate odours except if it is refrigerated;
 - Its area is sufficient to store waste materials between two collections;

- It is equipped with an automatic fire extinguishing system which complies with the requirements of the Town's fire prevention by-laws and the *Canadian National Building Code*.

10.1.2. This area or, as the case may be, this room, shall be cleaned regularly, particularly to prevent the accumulation of waste material, or the presence of insects, rodents, vermin or noxious odour.

10.2. STORAGE IN A RESIDENTIAL BUILDING

10.2.1. For a residential building, any waste material must be kept indoors, or outdoors provided that it is kept at all times in a tightly covered container.

10.3. PESTS AND VERMIN

10.3.1. Any owner or occupant must ensure that waste material is stored on their premises and contained in a manner that protects it from any rodent, vermin, pest and any other disturbance.

10.4. DISPERSAL OF WASTE MATERIALS IN THE ENVIRONMENT

10.4.1. The owner or occupant of any unit of occupancy is responsible for keeping waste materials in their respective container so as to prevent their dispersal into the environment. The owner or occupant is responsible for collecting any waste material that has fallen out of the containers on public or private property.

10.5. PRIVATE COLLECTION

10.5.1. A commercial, institutional, or industrial establishment or a multi-dwelling residential property or condominium may elect to enter into a separate agreement with a service provider for the removal of recyclable materials and garbage. Such an agreement must state that the service provider must execute its collection on designated days during specified collection hours and that any waste material will be transported to an appropriate treatment centre located outside of the Town.

11. WASTE MATERIAL COLLECTION

11.1. COLLECTION HOURS

11.1.1. Collections will normally be carried out starting no earlier than 6:00 a.m. daily.

11.2. COLLECTION DAYS

11.2.1. The frequency and days of collection of waste materials shall be determined by Council.

11.3. COLLECTION ON STATUTORY HOLIDAYS

11.3.1. No collection shall be made on the following holidays which fall on a normal collection day:

- New Year's Day
- Good Friday
- Easter Monday
- Victoria Day
- Canada Day
- Civic Holiday
- Labour Day
- Thanksgiving
- Christmas Day
- Family Day
- Boxing Day

(amended by By-law N°8-2023)

When a normal collection day falls on a holiday referred to above, the collection for that day shall be made one (1) day late, but in no case shall the change in schedule result in a collection not being made for a period greater than eight (8) days;

11.4. DISPOSAL OF WASTE MATERIALS

11.4.1. Every owner or occupant of a unit of occupancy is responsible for placing any container or bulky material destined for collection outside, in front of the unit of occupancy, as close as possible to the edge of the sidewalk or roadway, so as to make it accessible to the collectors. The container shall not be placed on the sidewalk, in the street or any other public space. The container must be accessible to the collectors at all times during collection periods and during all seasons. The owner or occupant is responsible for maintaining an appropriate area, cleared of obstacles and snow, for the container(s) to be safely set out for collection. The container must be placed no less than 1m from the curb, street and sidewalk to ensure it does not impede street and sidewalk maintenance operations.

(amended by By-law N°8-2023)

11.4.2. Any container placed for collection must be placed in an upright position with the lid closed, the front of the container facing the street, with the wheels facing the unit of occupancy.

11.4.3. It is forbidden to place any container destined for collection curbside before 5:00 p.m. on the day preceding the next scheduled collection. All containers shall be removed by the owner or occupant of the property in front of which they are placed no later than 11:00 p.m. on the collection day. It is forbidden to place any container destined for collection curbside on a day other than the scheduled collection day, unless after 5:00 p.m. on the day preceding the next scheduled collection day.

(amended by By-law N°8-2023)

11.4.4. The services 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, industrial or institutional buildings. Any such properties currently receiving services authorized by this by-law will be provided with an opportunity to enter into an agreement with the Town in

order to continue such services in accordance with the provisions of this by-law;

11.4.5. The services authorized by this by-law shall not include the collection of back-load containers, except by agreement and at the full discretion of the Director.

12. SPECIAL COLLECTION

12.1. The special collection is a limited collection service for certain approved materials which are not normally collected by ordinary collections. Consult the Town's published list of accepted bulky waste items with their respective restrictions. Where provided, an appropriate drop-off location is the preferred method of disposal for any given item. A reference document listing the preferred drop-off and collection options for the respective waste types is published by the Town.

12.2. Each household is permitted to place two (2) large items as per the provisions of Section 9 on each designated special collection day predetermined and published by the Town. Pick up will be done within the week following that day.
(amended by By-law N°8-2023)

12.3. The materials in question must be placed at curbside as per the provisions of this by-law. The weight of each item must not exceed 90 kg (200 lbs) and the dimensions must not exceed 2 metres (80 inches) in length, height, or width. The Town reserves the right to refuse to collect such material if it is mixed with materials not authorized for collection.

12.4. If refused, the material shall:

- Be removed immediately by the person in charge or the contractor.
- Be placed, as the work progresses, in an adequate container located on the site.
- Not, in any case, be permitted to accumulate on a site.

13. DISPOSAL OF VARIOUS OBJECTS

13.1. Anyone who wishes to dispose of explosives or explosive weapons such as dynamite, grey powder, rockets, firecrackers, ammunition, or grenades, should contact the Ontario Provincial Police (OPP).

13.2. Anyone who wishes to dispose of a dead animal should contact the Public Works department of the Town of Hawkesbury. Owners or occupants are responsible for the removal and disposal of dead animals on their property.

13.3. The owner or occupant of any building is responsible for removing or arranging for the removal and transport of waste materials that Town collectors are not obliged to collect, to an appropriate treatment facility, at their expense.

14. INFRINGEMENT

14.1. In addition to the prohibitions provided in the sections above, it is prohibited:

- i. To rummage through waste materials which have been placed for collection;
- ii. To dispose of waste materials on public property or a vacant lot;
- iii. To dispose of waste materials in a waste basket on the street, in a park or other public property, other than small refuse or recyclable materials of a passer-by;
- iv. To dispose of waste materials in a bin, a container or recipient belonging to another person without their approval;
- v. To dispose of household hazardous waste with curbside waste material collections;
- vi. To throw waste materials, including household hazardous waste in the sewers;
- vii. To place garbage, or allow garbage to be placed in bins designated for recyclable materials;
- viii. To place garbage or recyclable materials, or allow these to be placed in designated containers for green residue;
- ix. To place recyclable materials, or allow recyclable materials to be placed in bins designated for garbage;
- x. To place waste materials in corridors, staircases and non-designated areas by the owner;
- xi. To modify or alter a grey bin, a blue bin or the serial number or Town logo on a bin;
- xii. To dispose of, or allow the disposal of, items other than garbage for the garbage collection;
- xiii. To dispose of, or allow the disposal of, items other than recyclable materials for the recyclable materials collection;
- xiv. To dispose of, or allow the disposal of, items other than bulky materials and CRD for the special collections;
- xv. To pick over, interfere with, remove or scatter any waste material placed at the curb for removal except and until the same is removed as herein provided.

15. OFFENCES AND PENALTIES

15.1. Any person who commits an act prohibited under this by-law or contravenes any other provision of this by-law is guilty of an offence and upon conviction is subject

to the suspension of any or all collection services provided by the Town in this by-law until the person demonstrates to the Town that he or she is in compliance with this by-law. In the event the Town suspends any or all collection service in accordance with this by-law, the affected owner shall obtain a private collection service during the period for which the Town collection service is suspended, at the same or greater frequency at which the service was provided prior to its suspension.

15.2. 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 \$) 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.

15.3. When a person has been convicted of an offence under this by-law:

- a) In the Ontario Court (Provincial Division), or;
- b) In 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.

15.4. 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.

15.5. Any person who commits an act prohibited under this by-law or contravenes any other provision of this by-law is guilty of an offence and may be subject to a fine.

15.6. No person shall hinder, obstruct, or attempt to hinder or obstruct the Municipal By-law Enforcement Officers or the Police Officers while exercising a power or performing a duty under this by-law. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

(amended by By-law N°8-2023)

15.7. Every person who acts in contravention of this by-law so as to cause the Town to incur costs due to his actions shall, in addition to any penalty provided for herein, be liable to the Town for all expenses incurred for the purpose of repairing or replacing damaged property or removing unauthorized materials, and such expenses may be recovered by court action or in a like manner as municipal taxes.

(amended by By-law N°8-2023)

16. SCOPE AND SEVERABILITY

- 16.1. In the event of a conflict between this by-law and amendments thereto and any other by-law, the most restrictive shall prevail.
- 16.2. The provisions of this by-law shall not relieve any person from compliance with any provisions of the *Public Health Act* or regulations prescribed by the Medical Officer of Health.
- 16.3. 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.

17. REPEAL

- 17.1. That 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 and its amending by-law N° 91-2009, are hereby repealed in their entirety.

18. EFFECTIVE DATE

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

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 13th DAY OF FEBRUARY 2023.

Paula Assaly, Maire

Myriam Longtin, Greffière

consolidated

SCHEDULE “A”

Guide to determine number of bins needed per total units of occupancy

Total # units of occupancy	# of 360L garbage bins
9 - 11	2
12 - 17	3
18 - 23	4
24 - 29	5
30 - 35	6
36 - 41	7
42 - 47	8