

CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Operations and Waste Management Division

TO: Chair and Members Public Works Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: November 5, 2012	
SUBJECT/REPORT NO: Amendments to Solid Waste Management By-law 09-067 (PW09021a) – (City Wide)	
SUBMITTED BY: Gerry Davis, CMA General Manager Public Works Department	PREPARED BY: Anne Winning (905) 546-2424, Extension 5521 Adam Watson (905) 546-2424, Extension 5522 Raffaella Morello (905) 546-2424, Extension 3445
SIGNATURE:	

RECOMMENDATION

- (a) That Report PW09021a, respecting changes to the Solid Waste Management By-law 09-067 be received;
- (b) That the by-law amending the Solid Waste Management By-law 09-067 attached as Appendix A to Report PW09021a, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

EXECUTIVE SUMMARY

This report outlines amendments to the Waste Management By-law to prepare for previously approved waste collection changes for April 2013, address various housekeeping issues and to improve the operation of the multi-residential diversion programs.

The proposed changes relating to the 2013 waste collection system include the introduction of year-round collection of leaf and yard waste and call-in bulk waste, the use of alternative waste diversion containers and a garbage tag system for the residential curbside collection program.

The proposed housekeeping amendments relate to used tires, disposal of animal carcasses in the green cart, container limits for places of worship and the collection of waste on private property.

The proposed amendments pertaining to the multi-residential sector include the clear establishment of allowable garbage collection limits and to update language to permit the removal of non-compliant eligible properties from municipal waste collection service. Although the by-law changes would be effective immediately, enforcement would be progressive and focused on working with the building superintendents/property managers.

Alternatives for Consideration – See Page 11

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: The financial implications associated with the Ontario Used Tires Program are a potential increase in revenues. Participating in the Ontario Stewardship Program with respect to diverting tires from the curbside bulk waste program helps to increase revenues and extend landfill capacity while still providing a diversion option to Hamilton residents. Revenues cannot be estimated however the City received approximately \$13,000 in funding under the Used Tires Program and an estimated savings of \$130,000 in haulage and disposal costs in 2011 from tires that are dropped off at the Community Recycling Centres (CRCs).

The other proposed amendments for the By-law are not expected to have any financial impact.

Staffing: There are no staffing implications associated with the recommendations.

Legal: There are no legal implications associated with the recommendations. Legal Services has provided advice in the preparation of the draft by-law.

HISTORICAL BACKGROUND

On April 1, 2009, Council approved an updated Solid Waste Management By-Law 09-067. Since that time, regulations have changed, programs have evolved and service levels have been adjusted which need to be addressed by means of an amending By-law. These matters include:

1. updating the definitions of waste to take into account the designation of tires under the Waste Diversion Act, 2002;
2. clarifying the type of animal carcasses that are considered as organic waste;
3. specifying a container limit for the collection of garbage from places of worship;
4. specifying the requirements for collection of waste materials on private property;
5. inserting provisions to allow for the removal of non-compliant properties from municipal waste collection services;

6. clearly establishing the allowable garbage limit for multi-residential properties;
7. implementing changes to reflect the new waste collection system commencing in April 2013; and
8. clarifying other collection program changes.

POLICY IMPLICATIONS

The recommendations in this report are guided by the Solid Waste Management Master Plan (SWMMP).

Solid Waste Management Master Plan

The proposed amendments to the Waste Management By-law are consistent with the following guiding principles and recommendations of the Solid Waste Management Master Plan (SWMMP):

Guiding Principle 2 - The Glanbrook Landfill is a valuable resource. The City of Hamilton must minimize residual waste and optimize the use of the City's diversion and disposal facilities.

The amendments proposed to the by-law will improve the overall operation of the City's waste diversion programs, including leaf and yard waste collection, bulk waste collection and reuse and multi-residential waste diversion.

Recommendation 3 - Increase waste diversion through the implementation of the Council approved:

- (a) Commercial Green Cart Collection Program;
- (b) Improvements to the multi-residential recycling and green cart programs; and,
- (c) Improvements to the recycling program and expansion of the green cart program in municipal buildings and facilities.

The changes proposed regarding the multi-residential sector will assist staff in improving the waste diversion programs in these buildings.

RELEVANT CONSULTATION

Staff consulted with the Solid Waste Management Master Plan Steering Committee, staff from the Legal Services Division and the Municipal Law Enforcement Section in the preparation of this report as well as the previous staff reports pertaining to the by-law amendments being proposed.

Additionally, the following outlines consultation activities that took place on some of the matters that require changes to the by-law.

1. Used Tires and Animal Carcasses

By-laws and policies from Guelph, Halton, Niagara and Ottawa revealed the following concerning best practices and definitions involving tires and animal carcasses:

a) City of Guelph:

- Schedule C of By-Law (2003)-17070 specifies that “an animal carcass, other part or any portion thereof of any dog, cat, fowl or any other creature with the exception of bona fide kitchen or food waste” is a “Non –collectable Waste”
- Tires are still defined as bulk waste items.

b) Region of Halton:

- Dead animals are not accepted in Green Cart or curbside collection.
- Tires are not accepted in the landfill nor are they collected with regular garbage or bulk items. A tire amnesty day is held annually allowing for 8 rimmed tires to be dropped off at the Region’s waste facilities.

c) Region of Niagara:

- “Non-Collectable Material” is defined as “live animals or fowl or carcasses or part of an animal or other creature, save for normal and bona fide Green Bin Material”.
- Tires are not accepted in curbside collection and can be recycled at no charge at the four Regional drop off depots. Niagara Region supports the Ontario Stewardship Tire Program.

d) City of Ottawa:

- Schedule J of By Law 2006-300 specifies that “Carcasses or parts thereof of any animal with the exception of normal and bone fide kitchen waste” are a Prohibited Material.
- Tires are not picked up by the City’s curbside collection service; residents are encouraged to participate in the Ontario Tire Stewardship Tire Used Tires Program and dispose of used tires at various retailers.

2. On-Site Collection of Municipal Solid Waste on Private Property

Staff reviewed the waste collection practices for private roadways in other Ontario municipalities in developing the Agreement for On-Site Collection of Municipal Solid Waste. By-laws for some municipalities, including London and Durham Region, incorporate clauses that identify the process for waste collection on private property. Durham Region requires the property owner to complete a release form in order to receive collection on private property.

3. Provision for Removal of Non-Compliant Eligible Properties from Waste Collection Services

Staff consulted with Legal Services Division to determine the preferred means of amending the current by-law to provide Public Works staff with the authority to effectively enforce compliance with the waste diversion components of the Waste Management By-law.

4. Multi-residential Garbage Container Limits

The City of Toronto Solid Waste Management Services staff was consulted to obtain information on their multi-residential container limits and the methodology they employed to determine their current limit. Toronto employs a similar methodology for assessing their allowable bin container volume for each property and it is an important tool in their multi-residential diversion program.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. Ontario's Used Tires Program

Staff is recommending that By-law 09-067 be amended to no longer permit tires to be collected as bulk waste at curbside. By doing so, tires would be properly recycled at over 200 participation locations across the city rather than going to landfill and taking up valuable landfill space.

In August 2010, the City became a registered collector of used tires under the Ontario Tire Stewardship (OTS) program. The Program allows for used tires to be processed into a variety of products including crumb rubber, tire shred, tire derived fuel, blasting mats, traffic cone bases and some asphalt.

The City is defined as a collector under the Used Tires Program, funded and overseen by OTS. Residents drop off their used tires at the City's Community Recycling Centres (CRCs) and staff collect illegally dumped tires from City property. The requirements of the Program have been minimal and the transition for the CRCs as well as for residents has been seamless.

a) Benefits

Benefits of the implementation of the Used Tires Program include:

- Residents no longer have to pay to dispose of their tires.
- The disposal of tires is no longer financed through municipal taxes, placing the onus on consumers with vehicles/tires to subsidize the recycling costs. In essence this is a form of user pay and more equitable.
- Residents have over 200 disposal location options for their tires across the city, and when purchasing new tires can leave old tires at the retail location or garage – most of which are registered collectors. Tires can also be dropped off at no charge at the City's Community Recycling Centres (CRCs).
- The number of tires being illegally dumped has been significantly reduced with the number of options available.
- The City's cost of managing tires has decreased through the OTS program.
- More tires can be diverted and landfill capacity will be extended.

b) Budget Impact

The rate per tire paid to a collector by OTS varies dependent upon the type of tire collected. Passenger vehicle tires represent the majority of tires collected by the City and OTS reimburses \$0.88 per tire. Based on 2011 tonnages, the City collected 210 tonnes of used tires and received approximately \$13,000 in funding under the Used Tires Program for tires received at the CRCs. In addition, the City no longer pays haulage and disposal costs which generate an additional savings of approximately \$130,000 in 2011, for a total savings of \$143,000.

The introduction of the Used Tires Program increased landfill capacity and revenues, without a decrease in service level to the residents of Hamilton. With the introduction of the Used Tires Program, residents have approximately 215 locations, including the City's three Community Recycling Centres, where tires can be disposed free of charge.

With all of these diversion options it is no longer necessary that tires be collected as bulk at curb side and disposed of in the landfill.

The following revisions are recommended to By-Law 09-067 that would support the program and help provide a consistent message regarding the disposal of used tires in Hamilton:

- Delete "tires without rims" from the definition of "Bulk Waste".
- Add "tires without rims" to the definition of "Unacceptable Bulk Waste".
- Add "tires without rims" to the definition of "Unacceptable Garbage".

Implementing these revisions will discontinue the curbside collection of tires without rims as bulk waste. Residents needing to dispose of tires with rims must remove the rim and can recycle both the tire and rim at the CRCs free of charge. However if a resident does not wish to remove the rims, the tires/rims must be disposed of and the CRC disposal rates apply.

2. Animal Carcasses

The following definitions have caused some difficulty for Municipal Law Enforcement staff in interpreting and enforcing By-Law 09-067:

PART 1.0 DEFINITIONS

1.1 In this By-law:

(nn) "Unacceptable Garbage" means:

(iii) carcasses of dogs, cats, fowl and other creatures or part thereof which are not Organic Waste;

(oo) "Unacceptable Organic Waste" means:

(i) animal carcasses;

The first definition suggests that some carcasses are acceptable Organic Waste while the second suggests that no animal carcasses are acceptable organics waste. This

means that a chicken carcass is not acceptable in the green cart, however it is acceptable. It is recommended that both paragraphs be changed to read as follows:

(nn) "Unacceptable Garbage" means:

(iii) "animal carcasses or parts of animal carcasses and normal and bona fide kitchen or food waste"

(oo) "Unacceptable Organic Waste" means:

(iii) "animal carcasses or parts of animal carcasses except normal and bona fide kitchen or food waste"

This amendment will provide Municipal Law Enforcement staff with clear direction for interpretation.

3. Places of Worship

The By-law does not adequately address the allowable weekly garbage set out for Places of Worship which presently could be interpreted as unlimited. Commercial Properties and Places of Worship are permitted to set out for collection no more than six containers of garbage once per week, and required to participate in the City's recycling program and Organic Waste program when available.

Container limits are set out in Part 8.0 of By-law 09-067. Staff recommends that Subsection 8.6(i) should specify places of worship in addition to commercial property with respect to the container limit for Garbage Collection.

4. On-Site Collection of Municipal Solid Waste on Private Property

This recommendation is proposed to make the By-law consistent with the approval of the Agreement for On-Site Collection of Municipal Solid Waste ("Agreement"). Staff prepared a standard Agreement to address the requirements for municipal collection of waste materials on private property. This Agreement was approved by Council as part of Public Works Report PW11066 in September 2011 where this was not contemplated when the by-law was written and passed in 1999. Properties which receive waste collection services on private property include multi-residential buildings with front-end bin garbage collection and multi-unit properties such as condominiums with internal roadways which are designed to allow door-to-door collection services in front of individual dwelling units.

The City has waste collection design standards which include criteria to determine the eligibility for on-site collection services for new development. Waste collection on private property is based on the ability of the waste collection vehicles to safely travel through the property.

Staff recommends that information be added to the By-Law to indicate that an Agreement must be in place to receive municipal waste collection on private property, and that property owners must conform to the standards required in the Agreement to receive on-site waste collection services.

5. Provision of Removal of Non-Compliant Eligible Properties from Waste Collection Services

The existing Waste Management By-law already requires that multi-residential properties participate in the waste diversion programs made available to them to be eligible for municipal garbage collection services. This requirement provides the City with one of its key tools to ensure that multi-residential properties participate in the waste diversion programs. The enforcement of the By-law is through an order from the General Manager of Public Works. The By-law gives the General Manager the authority to delegate his authority to Waste Management Division staff. As the divisional reference is outdated and to provide flexibility relative to the delegation, it is recommended that the reference be to Public Works staff.

6. Multi-Residential Garbage Container Limits

On June 18, 2012, Report PW11096b, *Multi-Residential Waste Diversion Plan and Green Cart Program for City Buildings*, was presented to the Public Works Committee. The plan for improving waste diversion in multi-residential buildings indicated consideration would be given to container limits, declining to provide waste collection service and enforcement. The Public Works Committee was concerned that the multi-residential sector was not participating in waste diversion programs and the time had come for stricter actions with this sector to equalize the service level with the curbside collection program. The focus was intended on the buildings receiving bin garbage collection service as these are the buildings that are more difficult to enforce.

This proposed By-law amendment will provide a more explicit definition on the one-container limit in place for bin-serviced multi-residential properties. Stricter container limits promote participation in waste diversion programs. Container limits have been effectively employed for the single-family residential sector since the implementation of the Green Cart Program in 2006. The rollout of the Green Cart Program to all municipally-serviced multi-residential properties in the City has been completed however the reduction of the allowable garbage limit is needed to continue to promote waste diversion activity in the multi-residential sector. Waste audit data, current multi-residential waste collection service levels and information from other municipalities, suggests that a reduction of the allowable limit of three containers per unit per week to a one container per unit per week be implemented. This limit will provide a strong incentive for buildings to comply with the waste diversion programs to receive full collection of all the garbage generated by the building tenants.

The implementation of the one container limit will result in changes to the bin collection operations at each property. A reduction in the number of weekly visits and/or the resizing of the garbage bins in place will likely be required at many properties. Staff will work with the building management and the current bin garbage service provider, GFL Environmental, to implement these changes. This should also improve collection efficiencies.

To give all multi-residential properties the means to comply with the new container limit, a six month grace period from the date of the approval of the amending by-law by

Council is proposed prior to any enforcement and staff will assist buildings needing to reduce the amount of garbage generated. Enforcement would be undertaken by staff in consultation with the Ward Councillor as necessary.

7. Waste Collection System Changes for 2013-2020

The new waste collection system approved by Council on February 8, 2012 (Report PW11030e) will start in April 2013. Council approved enhanced services to be provided as part of the waste collection system between 2013 to 2020. A number of by-law amendments are required to reflect the program changes. The proposed amendments include the following:

- Weekly year-round collection of unlimited leaf and yard waste.
- Weekly year-round collection of bulk waste on a call-in basis.
- Removal of the phasing in of the weekly one-container garbage limit and the introduction of the garbage tag system.
- Changes to the eligibility for the Special Considerations Policy from 3 children under 5 to 2 children under 4.
- Changes to waste diversion containers including larger blue boxes and smaller green carts and allowable weight limits.

8. Waste Collection Program Clarifications

Several amendments are proposed for the Waste By-law to clarify items in the existing waste collection programs. The items that are proposed for revision include the following:

- Compostable products—clarify acceptable compostable liner products in the organics program, eliminate the size restriction for certified compostable BPI/BNQ liner bags and clarify that oxo-degradable plastic packaging is not permitted in the organics program.
- Household pet waste—clarify that household pet waste is to be double-bagged prior to placing it into a garbage container, to improve the safety of waste collection operators.
- Acceptable bulk waste – clarify that metal is not collected in the bulk waste program as the City has not collected scrap metal since 2008 due to higher collection costs, increased scavenging and other disposal options available for residents such as charities or free recycling at CRCs.
- Eligible properties – inclusion of City-owned facilities as an eligible property.
- Unacceptable Recyclable Materials – adding a definition similar to definitions for unacceptable bulk waste, garbage, organic waste and leaf and yard waste.

9. Content of the Amending By-Law (Appendix A)

The following paragraphs are intended to take the reader through the amending by-law section by section, to indicate how sections 1 to 8 of this Analysis/Rationale for Recommendation are addressed.

Sections 1 to 4 of the amending by-law are recommended by Legal Services to make the By-law consistent with City By-law format, to correct grammar and punctuation and to make use of the word “permit” to replace “allow, acquiesce in or cause” or “allow”.

Section 5 replaces the Definitions section of By-law 09-067, to format numbering, to add or remove definitions or parts of definitions and to renumber definitions or parts as necessary.

Section 6 includes the provisions to support the approved On-site Collection Services requirements.

Section 7 pertains to the revised delegation of authority from the General Manager to Public Works staff.

Section 8 inserts the provision for the discontinuation of waste collection services to non-participating properties.

Section 9 revises the eligibility for the special considerations policy from 3 children under the age of 5 to 2 children under the age of 4.

Section 10 inserts the 135 litre volume limit for curbside recycling containers.

Section 11 inserts a weight limit of 23 kilograms for a 135 litre recycling container.

Section 12 removes the 10 litre capacity limit for compostable liners used in the organics program.

Section 13 inserts a weight limit of 23 kilograms for an organic container.

Section 14 removes the green cart as an acceptable container for leaf and yard waste. Green carts will still be an acceptable container for organic waste, which includes the topping up of leaf and yard waste as an acceptable practice.

Section 15 alters the leaf and yard waste collection frequency to once per week.

Section 16 also supports the introduction of weekly leaf and yard waste collection.

Section 17 inserts the requirement for Household Pet Waste to be double-bagged when placed in the garbage.

Section 18 removes the phasing in of the weekly one-container garbage limit and introduces the garbage tag system.

Section 19 inserts the 1 container per unit per week volume limit for bin-serviced multi-residential properties.

Section 20 includes places of worship with the same weekly 6 container garbage limit as commercial properties.

Section 21 inserts the change to year-round weekly call-in bulk waste collection.

Section 22 clarifies the bulk waste collection service level provided to multi-residential dwellings.

Section 23 also clarifies the bulk waste collection service level provided to multi-residential dwellings.

Section 24 indicates that the By-law will come into force April 1, 2013.

ALTERNATIVES FOR CONSIDERATION

As most of the proposed amendments are intended for clarity or implementation of approved waste collection programs, the alternative of not addressing them would not be appropriate. As such there are no other alternatives for consideration.

CORPORATE STRATEGIC PLAN

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Skilled, Innovative & Respectful Organization

- ◆ More innovation, greater teamwork, better client focus

Financial Sustainability

- ◆ Financially Sustainable City by 2020
- ◆ Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative and cost effective manner

Intergovernmental Relationships

- ◆ Acquire greater share of Provincial and Federal grants (including those that meet specific needs)

Growing Our Economy

- ◆ An improved customer service

Environmental Stewardship

- ◆ Natural resources are protected and enhanced
- ◆ Aspiring to the highest environmental standards

APPENDICES / SCHEDULES

Appendix A - Amendment to the By-Law

Authority: Item , Committee
Report (Staff report
number)
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

To Amend By-law No. 09-067, the Solid Waste Management By-law.

WHEREAS Council of the City of Hamilton enacted a by-law to provide for and regulate a Waste Management System for the City of Hamilton being By-law No. 09-067, the Solid Waste Management By-law;

AND WHEREAS this By-law provides for various housekeeping and technical amendments to the Solid Waste Management By-law;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 09-067 is amended in accordance with sections 2 to 23 and these sections are deemed to include all necessary amendments to grammar including punctuation.
2. By-law No. 09-067 is amended by replacing every occurrence of the words “allow, acquiesce in or cause” with “permit”.
3. By-law 09-067 is amended by replacing every occurrence of the words “allow or cause” with “permit”.
4. Section 6.9 and paragraph 9.1(i)(iv) are amended by replacing the word “allow” with “permit”.
5. Section 1.1 is deleted and replaced with the following new section 1.1:
 - 1.1 In this By-law:
"Acceptable Waste" means Waste that is acceptable at Transfer Stations and Community Recycling Centres, namely:
 - (a) Bulk Waste;

- (b) clean wood less than 1.2 metres long and broken down wooden crates, excluding pressure treated wood and railway ties;
- (c) Garbage;
- (d) Household Hazardous Waste;
- (e) Leaf and Yard Waste;
- (f) Recyclable Materials;
- (g) Scrap Metal;
- (h) tires and tire rims (from cars and small pick ups);
- (i) waste electrical and electronic equipment as defined in O. Reg. 393/04 under the Waste Diversion Act, 2002; or
- (j) **White Goods**;

"Bin Container" means a receptacle manufactured for the deposit of Waste which is made of metal or plastic with a secure cover and is capable of being emptied by a forklift packer truck;

"Bulk Waste" means large household items, including but not limited to:

- (a) carpet;
- (b) clean wood less than 1.2 metres long and broken down wooden crates, excluding pressure treated wood and railway ties;
- (c) computers;
- (d) discarded plumbing, sinks, toilet bowls and seats, fittings and pipe;
- (e) floor lamps;
- (f) furniture, mattresses and bed springs;
- (g) pool filters;
- (h) pool pumps;
- (i) pool covers and solar blankets; or
- (j) televisions;

"Central Composting Facility" means a Facility for the receipt, processing and marketing of Organic Waste, which is not accessible to the public;

"City" means the geographical area of the City of Hamilton or the municipal corporation as the context requires;

"City Landfill Site" means the landfill site of the City located in the former Township of Glanbrook in the Province of Ontario composed of part of Lots 26, 27 and 28, Concession 9, in the Geographic Township of Binbrook, and being more particularly described as Part 4 according to a Reference Plan received and deposited in the Land Registry Office for the Registry Division of Wentworth as Plan No. 62R-5286;

"Collection Operator" means staff retained to collect, remove and transport Waste, whether employed by a Contractor or directly by the City;

"Collection Day" means the specific days of the week and/or dates for the collection of Waste, prescribed by notice given by the City to Owners and Occupants of Eligible Properties;

"Commercial Vehicle" means a vehicle operated for the transport of Waste by or in association with any commercial, industrial or institutional activity and includes any vehicle with commercial markings, a commercial registration or an increased carrying capacity such as a dump trailer but does not include a vehicle operated by a driver who produces his or her Farmer ID card issued by the Ontario Federation of Agriculture, the Christian Farmers Federation of Ontario or the National Farmers Union;

"Community Recycling Centre" means a Facility for the receipt and transfer of Waste where residents of the City may drop off Acceptable Waste;

"Container" means a receptacle for the purpose of depositing Waste and includes a Bin Container;

"Contractor" means a private company under contract with the City to collect, transfer or process Waste, or to operate a Facility, or any combination of the foregoing;

"Council" means the Council of the City as elected from time to time;

"Eligible Property" means:

- (a) single detached dwellings and multiple dwellings with a maximum of 5 dwelling units, including street townhouse dwellings and excluding block townhouse complexes;
- (b) multiple dwellings with 6 or more dwelling units, including block townhouse complexes and trailer parks;
- (c) other residential property, including lodging houses and residential care facilities in residential neighbourhoods;
- (d) commercial properties, excluding commercial properties with four or more floors, regional shopping centres, community shopping centres, neighbourhood shopping centres and strip malls;
- (e) places of worship, except uses that are accessory or ancillary to the place of worship;
- (f) elementary and secondary schools, for the collection of Organic Waste and Recyclable Materials only; or
- (g) City-owned or City-leased property used for the purposes of administering the City or providing City services,

and each term for a built form or use in this subsection is deemed to include similar terms, such as "single detached dwelling" including "single family dwelling", that have been, are or may be used to describe such built form or use;

"Facility" means a City-owned property used for the transfer, processing or disposal of Waste, or any combination of the foregoing, as set out Schedule "A";

"Garbage" means discarded material other than:

- (a) Bulk Waste;
- (b) Hazardous Waste;
- (c) Household Hazardous Waste;
- (d) Leaf and Yard Waste;
- (e) Liquid Waste;
- (f) Organic Waste (where Organic Waste is not collected by a Collection Operator);
- (g) Pathological Waste;
- (h) Recyclable Materials; or
- (i) White Goods;

"Garbage Tag" means a tag issued by the City of Hamilton to be attached to a plastic garbage bag or attached to Garbage contained inside a rigid, reusable Garbage Container as permitted under this By-law;

"General Manager" means the General Manager of Public Works for the City of Hamilton or his or her duly appointed designate, or successor;

"Hazardous Waste" means:

- (a)(i) acute hazardous waste chemical;
 - (ii) corrosive waste;
 - (iii) hazardous industrial waste;
 - (iv) hazardous waste chemical;
 - (v) ignitable waste;
 - (vi) leachate toxic waste,
 - (vii) pathological waste;
 - (viii) radioactive waste, except radioisotope wastes disposed of in a landfilling site in accordance with the written instructions of the Canadian Nuclear Safety Commission;
 - (ix) reactive waste; or
 - (x) severely toxic waste,
- all as defined in Reg. 347 under the Environmental Protection Act;

- (b) explosive waste; or
- (c) PCB waste as defined in Reg. 362, R.R.O. 1990 under the Environmental Protection Act,

and includes a mixture of acute hazardous waste, chemical hazardous waste, chemical hazardous industrial waste, pathological waste, radioactive waste or severely toxic waste and any other waste or material, and any other waste identified as a hazardous waste in any Provincial or Federal statute, regulation, Order in Council or otherwise from time to time;

"Home Health Care Waste" means:

- (a) casts;
- (b) catheters;
- (c) disposable pads, gloves and masks;
- (d) dialysis wastes such as tubing, filters, disposable towels and sheets;
- (e) empty and rinsed out colostomy bags;
- (f) gastric and nasal tubes;
- (g) IV bags and tubing;
- (h) soiled dressings and incontinence products; or
- (i) sponges;

that are not Pathological Waste;

"Household Hazardous Waste" means any household product, material or item labelled as "corrosive", "toxic", "reactive", "explosive" or "flammable", and which is accepted under the City's household hazardous waste program, if any, in effect from time to time including:

- (a) aerosols;
- (b) antifreeze;
- (c) asbestos;
- (d) bulked fuel;
- (e) car/vehicle batteries;
- (f) dry-cell batteries;
- (g) fire extinguishers;
- (h) flammable liquids;
- (i) flammable solids;
- (j) fluorescent light bulbs;
- (k) halogenated pesticides;
- (l) ignitable gas cylinders;
- (m) inorganic acids;
- (n) inorganic bases;
- (o) inorganic cyanides;

- (p) inorganic oxidizers;
- (q) isocyanates;
- (r) propane tanks;
- (s) mercury switches;
- (t) non-basic fire suppressants;
- (u) non-ignitable gas cylinders;
- (v) non-PCB light ballasts;
- (w) non-halogenated pesticides;
- (x) oil;
- (y) oil filters;
- (z) organic oxidizers;
- (aa) paint;
- (bb) paint sludge;
- (cc) PCB contaminated waste;
- (dd) PCB light ballasts;
- (ee) pharmaceuticals; or
- (ff) small gas cylinders;

"Household Pet Waste" means animal excrement generated by a domesticated animal that is not living on a farm;

"Ineligible Property" means any property within the City:

- (a) that is not defined as an Eligible Property; or
- (b) where the General Manager has discontinued or refused Waste Collection Services under subsection 7.1(d);

"Leaf and Yard Waste" means leaves, grass, weeds, garden hedge and tree trimmings, branches, brush, house and garden plants;

"Liquid Waste" means Waste which is not solid and which exhibits evidence of free water, or other liquids, whether or not contained;

"Materials Recycling Facility" means a Facility for the receipt, processing and marketing of Recyclable Materials, which is not accessible to the public;

"Municipal Law Enforcement Officer" means any person appointed by Council for the enforcement of this By-Law or any other by-law;

"Occupant" means any person over the age of eighteen years in possession of property which is subject to this By-Law;

"Organic Waste" means animal and vegetable waste, excluding Household Pet Waste and including, but not limited to, the following kitchen, yard and other source separated organic waste materials:

- (a) baked goods, bone, coffee filters and grounds, tea bags, dairy products, eggs, grains, meat, fish, poultry, pasta, vegetables, fruits, peelings and nut shells;
- (b) Leaf and Yard Waste, grass clippings, plants, leaves, flowers and vegetable garden waste; or
- (c) soiled newsprint, paper bags, greasy pizza boxes, paper towels and microwave popcorn bags;

"**Owner**" includes, but is not limited to:

- (a) both the owner in trust and the beneficial owner of property which is subject to this By-Law;
- (b) the person for the time being managing or receiving the rent of the property, which is subject to this By-Law, in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person or who would receive the rent if the property was let; or
- (c) a lessee or occupant of the property who manages or controls the condition of the property, which is subject to this By-Law;

"**Pathological Waste**" means:

- (a) bandages, dressings, drugs, medicines, needles, poultices, syringes, vaccines, vials and other similar materials or substances which contain or could reasonably be expected to contain pathogenic bacteria or micro-organisms or could reasonably be expected to be infectious, hazardous or dangerous; or
- (b) anything designated as pathological waste by O. Reg. 347 under the Environmental Protection Act;

"**Private Hauler**" means an individual or corporation in the business of transporting Waste to a Facility including Residential Vehicles and Commercial Vehicles, except while operating such vehicles under contract to the City;

"**Recyclable Materials**" means Recyclable Containers and Recyclable Fibres, including:

- (a) Recyclable Containers:
 - (i) aseptic containers (e.g. drinking boxes);
 - (ii) cardboard cans (e.g. frozen juice containers, potato chip containers);
 - (iii) empty metal paint and aerosol cans
 - (iv) film plastic (e.g. grocery bags);
 - (v) gable-top containers (e.g. juice and milk cartons);
 - (vi) glass bottles and jars;
 - (vii) metal beverage and food containers;
 - (viii) plastic bottles and jugs (high density polyethylene #2);

- (ix) plastic soft drink and water containers (polyethylene terephthalate #1);
 - (x) polystyrene and styrofoam containers (#6); or
 - (xi) tubs and lids (#5); and
- (b) Recyclable Fibres:
- (i) boxboard (e.g. cereal and cracker boxes);
 - (ii) corrugated cardboard;
 - (iii) envelopes, direct mail advertising, paper egg cartons, greeting cards and all remaining paper and paper products generated by households (currently referred to as the "paper box concept");
 - (iv) fine paper;
 - (v) magazines;
 - (vi) newsprint; or
 - (vii) telephone books;

"Residential Vehicle" means a private vehicle for personal use not normally used for purposes of Waste haulage associated with a commercial, industrial or institutional activity and includes a vehicle operated by a driver who produces his or her Farmer ID card issued by the Ontario Federation of Agriculture, the Christian Farmers Federation of Ontario or the National Farmers Union;

"Scrap Metal" includes but is not limited to:

- (a) aluminium siding;
- (b) automotive parts;
- (c) barbeques excluding propane tanks;
- (d) hot water tanks;
- (e) metal bed frames;
- (f) metal bicycles;
- (g) metal desks;
- (h) metal fencing/posts;
- (i) metal filing cabinets;
- (j) metal furniture parts;
- (k) metal lawnmowers;
- (l) metal no longer than 1.8 metres in length;
- (m) metal shelves;
- (n) metal sinks;
- (o) nuts/bolts/nails/screws;

- (p) passenger vehicle tire rims; or
- (q) pipe fittings;

"Special Policy Area" means a downtown core area and/or a Business Improvement Area, including but not limited to:

- (a) Hamilton District - Queen Street to Wellington Street and Cannon Street to King Street, and along the spine of James Street from Aberdeen Avenue to Guise Street;
- (b) Stoney Creek District - King Street from New Mountain Road to Battlefield Drive; Lake Avenue South;
- (c) Ancaster District - Wilson Street from Rosseaux/Mohawk Road to Todd Street;
- (d) Dundas District - King Street from York Street to Bond Street;
- (e) Flamborough District - Dundas Street East from Perrelli Street to Pamela Street and Hamilton Street North from Dundas Street to Parkside Drive;

"Street" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between lateral property lines thereof;

"Transfer Station" means a Facility for the receipt and transfer of Waste, and may include one or more areas accessible to the public;

"Unacceptable Bulk Waste" means:

- (a) automotive parts;
- (b) construction materials, including but not limited to drywall, electrical wiring and various other home renovation materials;
- (c) earth, brick and stone;
- (d) Garbage and Unacceptable Garbage;
- (e) Household Hazardous Waste;
- (f) Items weighing more than 90 kilograms;
- (g) Leaf and Yard Waste;
- (h) loose carpets;
- (i) Organic Waste;
- (j) pipes and swing sets exceeding 1.2 metres in length;
- (k) pressure treated lumber, railway ties and painted/stained wood;
- (l) Recyclable Materials;
- (m) rolled and tied carpets longer than 1.2 metres in length;
- (n) Scrap Metal;

- (o) steel and plastic barrels;
- (p) tires with rims;
- (q) tires without rims;
- (r) tree stumps;
- (s) wheel rims;
- (t) White Goods; or
- (u) wood in excess of 1.2 metres in length;

"Unacceptable Garbage" means:

- (a) animal carcasses or parts of animal carcasses, and normal and bona fide kitchen or food waste;
- (b) automotive parts;
- (c) Bulk Waste and Unacceptable Bulk Waste;
- (d) earth, brick and stone;
- (e) hay and straw;
- (f) Hazardous Waste;
- (g) Household Hazardous Waste;
- (h) human and animal excrement, except for Household Pet Waste and diapers;
- (i) industrial, commercial and trade Waste from Ineligible Properties;
- (j) Leaf and Yard Waste;
- (k) Liquid Waste;
- (l) metal;
- (m) Organic Waste, where Organic Waste is collected by a Collection Operator;
- (n) Pathological Waste;
- (o) pressure treated lumber, railway ties;
- (p) Recyclable Materials;
- (q) sawdust, shavings, excelsior and vermiculite;
- (r) Scrap Metal;
- (s) steel and plastic barrels;
- (t) tree stumps;
- (u) White Goods;
- (v) wire, wire mesh and fencing;
- (w) wood ashes; or

- (x) wood in excess of 1.2 metres in length, wooden boxes and barrels;

"Unacceptable Organic Waste" means:

- (a) animal carcasses or parts of animal carcasses, except for normal and bona fide kitchen or food waste;
- (b) batteries;
- (c) bio-degradable or oxo-degradable plastics that do not have BPI and/or BNQ certification;
- (d) BPI and/or BNQ certified compostable materials that are not designed and used as a Container for Organic Waste;
- (e) Bulk Waste;
- (f) diapers;
- (g) dirt/sod;
- (h) dryer sheets;
- (i) electronic and electrical equipment;
- (j) Garbage;
- (k) glass jars/containers and lids;
- (l) Home Health Care Waste;
- (m) Household Hazardous Waste;
- (n) Household Pet Waste;
- (o) metal;
- (p) Pathological Waste;
- (q) plastic bags;
- (r) plastic containers;
- (s) plastic plates/cutlery;
- (t) rocks;
- (u) sanitary products;
- (v) Scrap Metal;
- (w) styrofoam;
- (x) textiles/clothing/twine;
- (y) tree stumps;
- (z) White Goods; or
- (aa) wood, except untreated wood that is sawdust, cold ashes in a paper bag or wood chips;

"Unacceptable Recyclable Materials" means:

- (a) animal carcasses or parts of animal carcasses;
- (b) automotive parts;
- (c) batteries;
- (d) bio-degradable or oxo-degradable plastics;
- (e) BPI and/or BNQ certified compostable materials;
- (f) Bulk Waste;
- (g) crockery and dishes
- (h) diapers;
- (i) dirt/sod;
- (j) dryer sheets;
- (k) earth, brick and stone;
- (l) electronic and electrical equipment;
- (m) Garbage;
- (n) glass other than glass jars/containers and lids;
- (o) Home Health Care Waste;
- (p) Household Hazardous Waste;
- (q) Household Pet Waste;
- (r) Leaf and Yard Waste;
- (s) metal;
- (t) metal cutlery;
- (u) Pathological Waste;
- (v) plastic materials other than materials accepted as Recyclable Containers;
- (w) plastic plates/cutlery;
- (x) propane tanks and gas cylinders
- (y) rocks;
- (z) sanitary products;
- (aa) Scrap Metal;
- (bb) Styrofoam insulation;
- (cc) textiles/clothing/twine;
- (dd) toys;
- (ee) tree stumps;
- (ff) waxed cardboard;

(gg) White Goods; or

(hh) wood;

"Waste" means Bulk Waste, Garbage, Hazardous Waste, Household Hazardous Waste, Leaf and Yard Waste, Liquid Waste, Organic Waste, Pathological Waste, Recyclable Materials and White Goods;

"Waste Management System" means Facilities and equipment used in and operations carried out for the management of Waste by the City including but not limited to the planning, collection, handling, transportation, storage, processing, marketing and/or disposal; and may also include Waste diversion programs; and

"White Goods" means:

- (a) air conditioners, window mounted and central air systems;
- (b) clothes dryers;
- (c) dehumidifiers;
- (d) dishwashers;
- (e) freezers;
- (f) hot water tanks, drained;
- (g) microwave ovens;
- (h) metal weighing 23 kilograms or more;
- (i) ovens;
- (j) pool heaters;
- (k) refrigerators;
- (l) stoves;
- (m) water pressure tanks; or
- (n) water coolers;

6. Section 2 is amended by adding the following new subsection 2.3 after the first subsection 2.2 and renumbering the subsequent subsections accordingly:

2.3(1) For the purposes of this subsection, "On-Site Collection Services", "Current Owner" and "Property" are as defined in the City's Agreement For On-Site Collection Of Municipal Solid Waste.

(2) On-Site Collection Services are provided to a Property only if an Agreement For On-Site Collection Of Municipal Solid Waste is in force between the City and the Current Owner.

(3) All provisions in this By-law governing Waste collection shall apply, with necessary modifications, to On-site Collection Services, including but not limited to provisions governing when and how Waste can be set out for collection.

(4) In the event of any conflict between the provisions of an Agreement For On-Site Collection Of Municipal Solid Waste and the provisions of this By-law, the

provisions of the Agreement For On-Site Collection Of Municipal Solid Waste prevail.

7. Subsection 4.1(c) is deleted and replaced with the following new subsection 4.1(c):
 - (c) The General Manager is authorized to delegate the responsibility for the administration of this By-law to any employee or agent of the Public Works Department of the City;
8. Subsection 7.1(d) is deleted and replaced with the following new subsection 7.1(d):
 - (d) discontinue or refuse Waste collection services to any Owner or Occupant:
 - (i) whose property, in the opinion of the General Manager, is unsafe for entry or egress by Collection Operators for any reason, including but not limited to, the physical layout, loading facilities or the methods of handling Waste on the property;
 - (ii) who, in the opinion of the General Manager, is not participating in a Waste diversion program as required under this By-law.
9. Subsection 7.1(g) is amended by deleting the words “if 3 or more of the occupants of residential property are children under the age of 5” and replacing them with “if 2 or more of the occupants of residential property are children under the age of 4”.
10. Paragraph 8.2(a)(iv) is amended by adding the following new subparagraph 8.2(a)(iv)4:
 4. a rigid, reusable Container not exceeding 135 litres.
11. Subsection 8.2(f) is deleted and replace with the following new subsection 8.2(f):
 - (f) The weight including contents of any Container:
 - (i) permitted in paragraphs (a)(i) to (iii) inclusive or bundle permitted under subsection (c) does not exceed 13 kilograms;
 - (ii) permitted in paragraph (a)(iv)(4) does not exceed 23 kilograms.
12. Subsection 8.3(b) is deleted and replaced by the following new subsection 8.3(b):
 - (b) Organic Waste deposited in a Container permitted under subsection (a) may be in a certified compostable liner that is not paper in origin and BPI and/or BNQ certification.
13. Subsection 8.3 is amended by adding the following new subsection 8.3(f):
 - (f) The weight including contents of the Container permitted in subsection (a) does not exceed 23 kilograms.
14. Paragraph 8.4(a)(iv) is deleted.
15. Subsection 8.4(e) is amended by deleting the words “on Collection Days designated for the collection of Leaf and Yard Waste” and replacing them with “once per week on the scheduled Collection Day.”

16. Subsection 8.4(f) is deleted.
17. Subsection 8.6(e) is amended by adding the words “and Household Pet Waste” after “Home Health Care Waste”.
18. Subsection 8.6(g) is deleted and replaced with the following new subsection 8.6(g):
 - (g) Where the property generating the Garbage is a single detached dwelling, multiple dwelling with a maximum of 5 dwelling units or lodging house, no more than:
 - (i) 1 Container permitted under paragraphs (a)(i) and (ii); and
 - (ii) plastic garbage bags permitted under paragraph (a)(ii), each with a Garbage Tag attached,are set out for collection per dwelling unit once per week on the schedule Collection Day.
19. Paragraph 8.6(h)(iii) is amended by adding the words “with a total volume of no more than the volume of 1 Container permitted under paragraph (a)(i) multiplied by the number of dwelling units” after “paragraph (a)(iv)”.
20. Subsection 8.6(i) of By-law No. 09-067 is amended by adding the words “or place of worship” after “commercial property”.
21. Paragraph 8.7(f)((ii) is deleted and replaced by the following new paragraph 8.7(f)(ii):
 - (ii) a call is made to the City at least one week prior to the designated Collection Day and the Bulk Waste is set out for collection on that Collection Day.
22. Subsection 8.7(g) is deleted and replaced by the following new paragraph 8.7(g):
 - (g) Where the property generating the Bulk Waste is a multiple dwelling with 6 or more dwelling units:
 - (i) not more than 8 Bulk Waste items are set out for collection; and
 - (ii) a call is made to the City at least one week prior to the designated Collection Day and the Bulk Waste is set out for collection on that Collection Day.
23. Subsection 8.7(h) is deleted.
24. This By-law comes into force on April 1, 2013.

PASSED this day of , 20 .

R. Bratina
MAYOR

R. Caterini
CITY CLERK