

Authority: Item 5, Public Works Committee
Report 12-012 (PW09021a)
CM: November 28, 2012

Bill No. 260

CITY OF HAMILTON

BY-LAW NO. 12-

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 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) large 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, except for 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;

"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 Operations and Waste Management Division 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) 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. Subsection 8.4(e) is amended by deleting the words “on Collections Days designated for the collection of Leaf and Yard Waste” and replacing them with “once per week on the scheduled Collection Day.”
- 15. Subsection 8.4(f) is deleted.
- 16. Subsection 8.6(e) is amended by adding the words “and Household Pet Waste” after “Home Health Care Waste”.
- 17. 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) 2 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.
18. 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)”.
19. Subsection 8.6(i) of By-law No. 09-067 is amended by adding the words “or place of worship” after “commercial property”.
20. 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.
21. 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.
22. Subsection 8.7(h) is deleted.
23. This By-law comes into force on April 1, 2013.

PASSED this 28th day of November, 2012.

R. Bratina
Mayor

R. Caterini
City Clerk