

Authority: Item #
Report CM:
Ward: City Wide

Bill No. 221

**CITY OF HAMILTON
BY-LAW NO. 25-XXX**

To Amend By-law No. 20-221, being a By-law to Provide for and Regulate a Waste Management System for the City of Hamilton

WHEREAS the 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 City of Hamilton By-law No. 20-221, on October 28, 2020;

AND WHEREAS there were further amendments to By-law 20-221 enacted on October 27, 2021;

AND WHEREAS on June 3, 2021, the Province of Ontario enacted the Blue Box Regulation (O. Reg. 391/21) transferring operational and financial responsibility for residential Blue Box recycling to producers, rather than municipalities, and the City of Hamilton's transition beginning on April 1, 2025;

AND WHEREAS City Council now deems it necessary to amend the City of Hamilton's Solid Waste Management By-law 20-221 where required, to reflect the change in the City's scope of responsibility under the new Blue Box Regulation;

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

1. That the amendments to this By-law include any necessary grammatical, numbering, and lettering changes.
2. That the Table of Contents section of By-law 20-221 be deleted.
3. That Section 2.1 of By-law 20-221 be amended by deleting clauses (a), (e) and (jj).
4. That Section 2.1 of By-law 20-22 be amended by deleting the lettered bullets beside each defined term.
5. That the following terms in Section 2.1 of By-law 20-221 be amended by substituting them with the following definitions:

"acceptable waste" includes garbage, recyclable containers material, recyclable fibres material, organic materials, yard waste, and Christmas trees, provided that it is free from contamination and otherwise compliant with this By-law;

"recyclable containers materials" means those waste items or materials referred to as recyclable containers materials in Schedule "A" to this By-law;

6. That Section 2.1 of By-law 20-221 be amended by adding the following definitions in alphabetical order:

"home health care waste" means any waste items used for personal home health care, including but not limited to incontinence products, sponges, catheters, disposable products, dialysis waste, intravenous bags and tubings, casts, gastric and nasal tubes, empty and rinsed out colostomy bags, and used COVID-19 rapid antigen test kits, but does not include needles, syringes or other pathological waste;

"municipal law enforcement officer" means a person appointed by the Council of the City to enforce this By-law;

"Waste Management Sub-Committee" means the Waste Management sub-committee established by Council, which may be replaced from time-to-time, and if such sub-committee ceases to exist without replacement, shall mean the Public Works Committee for the duration of time no sub-committee is deemed to replace the Waste Management Sub-Committee;

7. That Section 2.4 of By-law 20-221 be deleted and replaced with:

2.4 The provisions of this by-law shall be subject to the terms of the Environmental Compliance Approval for the waste management facilities of the City and its contractors, as defined under the *Environmental Protection Act*, R.S.O. 1990, C. E. 19, as amended, and any relevant statutes and regulations.

8. That Section 3.2 of By-law 20-221 be amended by adding the words, "acceptable waste" and "audited", such that Section 3.2 will read: "Subject to Section 3.3 all acceptable waste placed or apparently placed...may be audited, processed...".
9. That Section 3.6 of By-law 20-221 be amended by adding the words, "garbage, organic materials, yard waste, and bulk items", such that Section 3.6 will read: "...the following property types are eligible to receive garbage, organic materials, yard waste, and bulk items waste collection services."

10. That Section 3.6 of By-law 20-221 be further amended by adding subsections 3.6.1 and 3.6.1 (a), (b) and (c) immediately following Section 3.6 to read as follows:
 - 3.6.1 Subject to the serviceability requirements in Section 3.7, for the purposes of this By-law, the following property types are eligible to receive recyclable materials waste collection services:
 - (a) commercial properties;
 - (b) other properties through agreement with the City; and
 - (c) other properties deemed eligible by the General Manager.
11. That Section 3.7 of By-law 20-221 be deleted and replaced with:
 - 3.7 Notwithstanding Section 3.6, no property shall receive, or continue to receive, waste collection services unless the owner complies with all relevant requirements of this By-law and the City of Hamilton Waste Requirements for Design of New Developments and Collection, as amended from time to time.
12. That subsection 3.16.1 of By-law 20-221 be amended by adding the words, "exclusive of recyclable materials", such that subsection 3.16.1 will read: "single-family residential properties shall receive curbside collection services exclusive of recyclable materials."
13. That subsection 3.16.2 of By-law 20-221 be amended by deleting the words, "recycling and", such that subsection 3.16.2 will read: "multi-residential properties shall receive front-end collection services for garbage and shall receive curbside service for organic materials; and".
14. That Section 3.18 of By-law 20-221 be amended by adding the words, "or wheeled garbage carts as defined in Schedule D", such that Section 3.18 will read: "...for residential purposes will receive front-end garbage collection services, or wheeled garbage carts as defined in Schedule D, the property is deemed to be a multi-residential property for the purposes of this By-law."
15. That Section 4.1 of By-law 20-221 be amended by removing the words, "recyclable materials,", such that Section 4.1 will read: "The City shall collect garbage, organic materials, yard waste other than Christmas trees, and bulk items from single-family residential properties no more than once per week on a scheduled collection day."
16. That Section 4.2 of By-law 20-221 be amended by removing all references to "recyclable materials", such that Section 4.2 will read: "The City shall collect garbage, organic materials, yard waste other than Christmas trees, and bulk items from multi-residential properties no more than once per week on scheduled

collection days; except and provided that the City may collect garbage up to three times per week from multi-residential properties at the sole and unfettered discretion of the General Manager.”.

17. That subsection 5.4.3 of By-law 20-221 be amended by adding the words, “and diapers”, such that subsection 5.4.3 will read: “home health care waste, diapers, and household pet waste are double-bagged before...”.
18. That subsection 5.4.4 of By-law 20-221 be amended by adding the words, “or SHARP WASTE”, such that subsection 5.4.4 will read: “...in a cardboard box and marked ‘BROKEN GLASS’ or ‘SHARP WASTE’ so that...”.
19. That Section 5.5 of By-law 20-221 be amended by adding the words, “of a property eligible for recyclable materials waste collection service under subsection 3.6.1” and “such”, such that Section 5.5 will read: “No owner of a property eligible for recycling materials waste collection service under subsection 3.6.1 shall set out such recyclable materials for collection unless:”.
20. That subsection 6.4.6 of By-law 20-221 be amended by adding the words, “under pads and linoleum”, such that subsection 6.4.6 will read: “carpets, under pads and linoleum are rolled and securely tied.”.
21. That subsection 6.4.9 of By-law 20-221 be amended by deleting the word “and”, such that subsection 6.4.9 will read: “all toilets must have toilet tanks removed, if possible;”.
22. That subsection 6.4.10 of By-law 20-221 be amended by adding the words, “or biohazardous waste materials (i.e. bodily fluids)” and “and”, such that subsection 6.4.10 will read as follows: “all items that are known to have been in contact with bed bugs, are infested with bed bugs or that show visible signs of bed bugs or biohazardous waste materials (i.e. bodily fluids) shall be wrapped in plastic to the satisfaction of the City; and,”.
23. That Section 6.4 of By-law 20-221 be amended by adding subsection 6.4.11 such that subsection 6.4.11 will read:

6.4.11 All mattresses and boxsprings must be wrapped and sealed in plastic to the satisfaction of the City.
24. That Section 8.6 of By-law 20-221 be amended by removing the word, “a” such that Section 8.6 will read: “No person shall use Community Recycling Centres...”.
25. That subsection 8.8.1 of By-law 20-221 be amended by replacing the word, “abusing” with “abusive”, such that subsection 8.8.1 will read: “engage in any riotous, violent, threatening or abusive conduct ...”.

26. That subsection 8.8.4 of By-law 20-221 be amended by replacing the word, "fourteen" with "14", such that subsection 8.8.4 will read: "permit any child under the age of 14 years who...".
27. That Section 8.10 of By-law 20-221 be amended by substituting the numbers "3.3" with "8.4", such that Section 8.10 will read: "Subject to Section 8.4,...".
28. That Section 9.3 of By-law 20-221 be amended by replacing all references to "Waste Management Advisory Committee" with "Waste Management Sub-Committee", such that Section 9.3 will read: "The General Manager shall notify the Waste Management Sub-Committee of...before the next scheduled meeting of the Waste Management Sub-Committee. This requirement may be satisfied by notifying the Waste Management Sub-Committee...".
29. That subsection 1.1.12 of Schedule A of By-law 20-221 be amended by removing the word, "and", such that subsection 1.1.12 will read: "...such as plastic tubs and lids;".
30. That subsection 1.1.13 of Schedule A of By-law 20-221 be amended by adding the word, "and", such that subsection 1.1.13 will read: "... potato chip containers; and".
31. That Section 1.1 of Schedule A of By-law 20-221 be amended by adding subsection 1.1.14 immediately following subsection 1.1.13, with subsection 1.1.14 reading as follows: "1.1.14 paper coffee cups."
32. That Sections 3.9, 3.10, 3.11, 3.12 and 3.13 of Schedule A of By-law 20-221 be deleted and replaced with:
 - 3.9 pasta, potatoes, rice and grains;
 - 3.10 sawdust, excelsior and wood shavings, except from pressure treated wood, oriented strand board or medium density fibre board;
 - 3.11 soiled newsprint, paper bags, paper plates, pizza boxes, paper towels, microwave popcorn bags;
 - 3.12 cooking oil or grease that has solidified; and
 - 3.13 pet hair.

33. That Section 1.5 of Schedule B of By-law 20-221 be amended by replacing the word, "earth" with "soil", such that Section 1.5 will read: "soil, rocks, sod and stone;"
34. That Sections 1.3 through 1.12, inclusive, of Schedule C of By-law 20-221 be deleted and replaced with the following:
 - 1.3 clean wood and lumber, which is free of hardware and nails, and which does not contain a painted or treated surface;
 - 1.4 expandable polystyrene, which is free from residue, such as packaging from televisions and appliances;
 - 1.5 garbage;
 - 1.6 municipal hazardous or special waste, including:
 - 1.6.1 aerosols;
 - 1.6.2 antifreeze;
 - 1.6.3 batteries;
 - 1.6.4 bulked fuel placed in containers less than 20 litres in volume;
 - 1.6.5 fire extinguishers;
 - 1.6.6 fertilizers;
 - 1.6.7 flammable liquids and solids;
 - 1.6.8 gas cylinders, including propane tanks;
 - 1.6.9 household solvents, chemicals and cleaners;
 - 1.6.10 inorganic acids and bases;
 - 1.6.11 inorganic cyanides;
 - 1.6.12 isocyanates;
 - 1.6.13 light bulbs and lamps, including fluorescent, halogen, high-intensity discharge (HiD), sodium and ultraviolet (UV);

- 1.6.14 oil and oil filters;
 - 1.6.15 oxidizers;
 - 1.6.16 paint and paint sludge;
 - 1.6.17 pathological waste, including sharps, needles and syringes placed in plastic or metal containers with a lid labelled "syringes";
 - 1.6.18 pesticides and herbicides;
 - 1.6.19 pharmaceuticals; and,
 - 1.6.20 mercury switches, thermometers and thermostats.
35. That Section 2.4 of Schedule C of By-law 20-221 be amended to remove the word "and", such that Section 2.4 will read: "toner/ink cartridges;"
36. That Section 2 of Schedule C of By-law 20-221 be amended by adding Sections 2.6 and 2.7 immediately following Section 2.5, as follows:
- 2.6 soil, rocks, sod and stone; and
 - 2.7 mercury not contained in thermometers or thermostats.
37. That Section 2.1 of Schedule D of By-law 20-221 be deleted and replaced with,
- 2.1 for uncompacted garbage, any number of front-end containers with a volume of no more than 6120 litres, or any number of wheeled garbage carts provided by the City, provided that the total combined volume of all front-end containers or wheeled garbage carts set out is not more than 135 litres per dwelling unit for the property per week;
38. That Sections 4 and 5 of Schedule D of By-law 20-221 be deleted.
39. That Section 6 of Schedule D of By-law 20-221 be renumbered as Section 4 of Schedule D.
40. That Section 7 of Schedule D of By-law 20-221 be renumbered as Section 5 of Schedule D.
41. That Section 8 of Schedule D of By-law 20-221 be renumbered as Section 6 of Schedule D.

42. That Section 9 of Schedule D of By-law 20-221 be renumbered as Section 7 of Schedule D.
43. That Section 10 of Schedule D of By-law 20-221 be renumbered as Section 8 of Schedule D.
44. That Section 6.1 of Schedule D of By-law 20-221 (now Section 4.1) be amended by removing the words, "provided by the City", such that Section 6.1 (now Section 4.1) will read: "any number of blue boxes or comparable containers ...".
45. That Section 7 of Schedule D of By-law 20-221 (now Section 5) be deleted and replaced with,
 5. Owners of single-family residential properties shall set out organic materials as follows:
 - 5.1 in any number of organic containers provided by the City or comparable containers with a handle, hinged lid, wheels and a maximum volume of 45 litres and a maximum weight of 23 kilograms each; or,
 - 5.2 in any number of organic containers provided by the City having a handle, hinged lid, wheels, a maximum volume of 120 litres and a maximum weight of 60 kilograms.
46. That Section 8 of Schedule D of By-law 20-221 (now Section 6) be amended by removing the words, "or comparable containers with a handle and hinged lid," such that Section 6 will read, "Owners of multi-residential properties shall set out organic materials in any number of organics carts provided by the City with a maximum volume of...".
47. That Section 9 of Schedule D of By-law 20-221 (now Section 7) be amended by removing the words, "or comparable containers with a handle and hinged lid", such that Section 7 will read, "Owners of commercial properties shall set out organic materials in any number of organics carts provided by the City with a maximum volume of...".
48. In all other respects, By-law 20-221 is confirmed.
49. The provisions of this By-law shall become effective on April 1, 2025.

PASSED this _____ day of _____, 20_____.

A. Horwath
Mayor

Matthew Trennum
City Clerk