

***TOWN OF RICHMOND HILL***

**BY-LAW 159-07**

**A BY-LAW TO ESTABLISH AND MAINTAIN A SYSTEM  
FOR THE COLLECTION AND DISPOSAL  
OF HOUSEHOLD WASTE IN THE TOWN OF RICHMOND HILL**

## **BY-LAW 159-07**

A By-law to establish and maintain a system for the collection and disposal of waste in the Town of Richmond Hill

**WHEREAS** pursuant to the *Municipal Act 2001*, S.O. 2001, c. 25, subsection 11(3), as amended, the Corporation of the Town of Richmond Hill is authorized to pass by-laws respecting waste management matters;

**AND WHEREAS** the Town deems it expedient to establish rules and regulations for the collection of waste within the Town.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF RICHMOND HILL HEREBY ENACTS AS FOLLOWS:**

### **ARTICLE 1 DEFINITIONS AND INTERPRETATION**

#### **1.1 Approved Garbage Collection Tag - defined**

“Approved Garbage Collection Tag” means an official tag or sticker affixed to any Approved Container, or Bundle of household waste in excess of the four (4) item limit available for purchase from the Town.

#### **1.2 Approved Container – defined**

"Approved Container" means those containers described in Schedule “A” and Schedule “B” attached.

#### **1.3 Ashes - defined**

“Ashes” means the solid residue of any fuel used for heating or cooking purposes, cleanings from chimneys, and includes wood, coal or charcoal ashes.

#### **1.4 Bundle - defined**

“Bundle” means a bundle of similar Household Waste, including branches, twigs, cuttings, boards, roll of carpet or lumber, which is securely tied with a non-ferrous material and which does not exceed 1.2 metres in length or 18.0 kilograms in weight.

#### **1.5 By-law Enforcement Officer - defined**

“By-law Enforcement Officer” means any person designated by Council or by a delegate of Council for the purpose of enforcing the by-laws of the Town.

#### **1.6 Commissioner – defined**

“Commissioner” means the person from time to time occupying the office of Commissioner of Engineering and Public Works for the Town or such successor office as the case may be.

#### **1.7 Diversion Programs – defined**

“Diversion Programs” mean the Town’s programs relating to the collection of Recyclable Materials, Organic Materials, Yard Materials and Large Appliances that intended to divert Household Waste from landfills.

#### **1.8 Contractor – defined**

“Contractor” means a company or individual with whom the Town has entered into a contract for the collection of Household Waste and includes all employees, agents or servants of such company or individual.

#### **1.9 Dwelling Unit - defined**

“Dwelling Unit” means any property, building or structure or part of a property, building or structure used, designed or intended to be used as a domestic residence by one or more persons, usually containing culinary, sleep and sanitary facilities, and does not include a hotel, motel, restaurant or an I.C. & I. Property.

### **1.10 Eligible Property - defined**

“Eligible Property” means one of the following:

- (a) a Single Family Residential Property;
- (b) a Multi Family Residential Property; or
- (c) any other property that is designated by the Commissioner as an Eligible Property from time to time.

### **1.11 Garbage - defined**

“Garbage” means any material or item discarded by the occupant of Dwelling Unit that is not Recyclable Material, Organic Material, Yard Material, a Large Appliance or Non-Collectible Refuse.

### **1.12 Household Waste - defined**

“Household Waste” means Garbage, Recyclable Material, Organic Material, Yard Material and Large Appliances discarded by the occupant of a Dwelling Unit.

### **1.13 I.C. & I. Property - defined**

"I.C. & I. Property" means industrial, commercial or institutional establishment or property.

### **1.14 Large Appliances - defined**

“Large Appliances” means refrigerators, stoves, freezers, washing machines, dryers, dishwashers, furnaces, hot water tanks, metal sinks and bathtubs, pool heaters, air conditioning units, metal water softeners, dehumidifiers, water heaters and barbecues and/or any other items which may be designated Large Appliances by the Commissioner from time to time.

### **1.15 Multi Family Residential Property - defined**

“Multi Family Residential Property” means a residential building, including an apartment, block or townhouse complex, containing seven (7) or more Dwelling Units.

### **1.16 Municipal Act - defined**

“*Municipal Act*” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

### **1.17 Non-collectible Refuse - defined**

"Non-collectible Refuse" means:

- (a) liquid waste;
- (b) concrete products, bricks or stones;
- (c) tree branches exceeding ten (10) cm in diameter and root balls;
- (d) carcass of any animals, or live animals or birds;
- (e) material from the construction, alteration, repair or demolition of any building or structure;
- (f) swill, manure, hay, straw or any other organic material not properly drained or wrapped;
- (g) bandages, poultices, dressings or similar waste;
- (h) discarded vehicle parts, tires and other automotive waste;
- (i) stock of wholesalers' and manufacturers' waste, including wire;

- (j) household hazardous waste materials such as, but not limited to, paints, solvents, batteries, propane tanks, pharmaceuticals and oil;
- (k) celluloid cuttings, moving picture film, ammunition, oil or gasoline soaked materials, liquid chlorine, acid or any explosive or combustible materials;
- (l) any sharp edged material such as broken glass, broken crockery, cut metal or anything of a similar nature unless such material is placed in separate, secure containers and clearly marked as to contents;
- (m) needles, syringes, or any other similar device used, or capable of being used, for the injection or extraction of liquid substances, including bodily fluids.
- (n) oil tanks or drums unless such items are halved or have both ends removed
- (o) grass clippings;
- (p) medical waste;
- (q) ashes;
- (r) used deposit beverage containers;
- (s) lead acid batteries;
- (t) yard waste;
- (u) low level radioactive waste;
- (v) sewage;
- (w) PCB's (Polychlorinated biphenyls); and
- (x) asbestos.

**1.18 Organic Materials - defined**

“Organic Materials” means food waste, houseplants, soiled paper towels, tissues and wet paper, diapers and sanitary products, pet waste, litter or bedding, and/or any other materials or items which may be designated Organic Materials by the Commissioner from time to time.

**1.19 Occupant - defined**

“Occupant” means any lessee, tenant, inmate, Owner, or any other person in possession of a property, or that person’s agent authorized in writing.

**1.20 Owner - defined**

“Owner” means the person having right, title, interest or equity in a property as shown on the records of the land registry office, or that person’s agent authorized in writing;

**1.21 Person - defined**

“Person” means any entity, including an individual, partnership, firm and corporation;

**1.22 Recyclable Materials - defined**

“Recyclable Materials” means materials deemed to be recyclable under the Town’s recycling collection program as determined by the Commissioner from time to time.

**1.23 Scheduled Collection Day - defined**

“Scheduled Collection Day” means the day or days designated for collection of Household Waste from an Eligible Property in the Town’s waste collection calendar, which is distributed to residents of the Town as well as posted on the Town’s website.

**1.24 Single Family Residential Property**

“Single Family Residential Property” means a single detached Dwelling Unit, a semi-detached Dwelling Unit, a duplex, a freehold or private frontage townhouse, and an apartment building with a maximum of six (6) Dwelling Units.

**1.25 Street**

"Street" means a common or public highway, street, avenue, boulevard, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for or used by the general public for the passage of vehicles.

**1.26 Town - defined**

"Town" means The Corporation of the Town of Richmond Hill.

**1.27 Yard Materials - defined**

"Yard Materials" means brush, leaves, hedge or tree and garden cuttings, and Christmas trees.

**ARTICLE 2  
ADMINISTRATION**

**2.1 Application of By-law – Town lands**

The provisions of this By-law shall apply to all lands within the boundaries of the Town.

**2.2 Administration of By-law – Commissioner responsible**

The Commissioner shall be responsible for the administration of this By-law and is authorized to delegate the responsibility for the administration of the By-law to any employee or agent of the Engineering & Public Works Department (or any successor department) of the Town.

**2.3 Retention of contractor – Town not liable**

The Town may retain a Contractor to fulfill any of the requirements of this By-law, provided that if the Household Waste collection cannot be made due to a breakdown of equipment, strike, inclement weather, or any other cause whatsoever, the Town shall not be liable to any person for any losses or damages due to such Household Waste collection not taking place.

**2.4 Change of collection day - Notice**

If the Town changes a Household Waste collection day, the Town shall provide notice of the change to affected persons by either placing a prominent notice in a local newspaper at least two (2) weeks prior to the change or by identifying the change in the Town’s waste management calendar.

**2.5 Conflict in by-laws – restrictive provisions prevail**

In the event of any conflict between the provisions of this By-law and the provisions of any other By-law, the provisions that are the most restrictive shall prevail.

**ARTICLE 3**  
**ENFORCEMENT AND PENALTIES**

**3.1 By-law Enforcement Officers to enforce**

All By-law Enforcement Officers are authorized to enforce this By-law;

**3.2 Notice to comply – work order**

Where Household Waste or Non-Collectible Refuse has not been set out in accordance with the provisions of this By-law, or where a By-law Enforcement Officer has become aware of any other contravention of this by-law, a By-law Enforcement Officer may provide an Occupant, Owner or other Person with written notice requiring that the Occupant, Owner or other Person immediate comply with the provisions of this By-law and/or do work to correct the contravention of this By-law. The notice shall set out:

- (a) the particulars of the contravention;
- (b) a date by which there must be compliance with the notice and/or by which work must be done to correct the contravention, which date shall not be less than twenty four (24) hours after the date of the notice; and
- (c) if the notice requires work to be done pursuant to (b), that if the work is not done in accordance with the notice by the specified date, the Town may have the work done at the expense of the Occupant, Owner or other Person served with the notice to comply.

**3.3 Notice to comply - delivery - when deemed served**

The notice to comply may be either served personally on the Occupant, Owner or other Person in person, or mailed by prepaid registered mail to the last known address of the Occupant, Owner or any other Person to be served and shall be deemed to have been given on the on the 5<sup>th</sup> day after it is mailed.

**3.4 Notice to comply – address unknown**

If the address of the Occupant or Owner is unknown or the Town is unable to effect service on the Occupant or Owner under Section 3.3, a placard stating the terms of the notice and placed in a conspicuous place upon or near the property of the said Occupant or Owner shall be deemed to be sufficient notice to the Occupant or Owner.

**3.5 Failure to comply - work done by Town**

If the work required by a notice under section 3.2 of this By-law is not completed by the date set out in the notice, the Town, in addition to all other remedies it may have, may do the work at the owner's expense and may enter upon land or property for this purpose upon providing notice of such entry in accordance with the provisions of the *Municipal Act*. The Town may recover the actual costs incurred in conducting the work in the same manner as municipal taxes, as provided in Subsection 446(3) of the *Municipal Act*.

**3.6 Failure to comply with By-law – Offence - Fines**

Any person who contravenes any of the provisions of this By-law or fails to comply with a notice to comply issued pursuant to this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.

## **ARTICLE 4 PROHIBITIONS**

### **4.1 Prohibitions - listed**

In addition to being required to comply with all the other requirements of this By-law, no person shall:

- (a) set out for collection, permit or cause to be set out for collection any Non-collectable Refuse;
- (b) if that person's Dwelling Unit is vacant, set out for collection permit or cause to be set out for collection any Household Waste or Non-collectible Refuse on said vacant property;
- (c) set out for collection, permit or cause to be set out for collection Recyclable Material, Organic Material, Yard Material or Large Appliances as Garbage;
- (d) sweep, throw, cast or deposit, permit or cause any other person to sweep, throw, cast or deposit any Household Waste or Non-collectable Refuse on or onto any Street or public property;
- (e) set out Household Waste for collection, permit/ cause Household Waste to be set out for collection prior to 6:00 p.m. of the day preceding the Scheduled Collection Day and not after 7:00 a.m. of the Scheduled Collection Day;
- (f) fail to remove reusable containers and/or any non-collected material from the curb prior to 7:00 p.m. on the Scheduled Collection Day;
- (g) permit/ cause the accumulation or storage of Household Waste or Non-collectible Refuse so that it becomes a public nuisance or emits offensive odours or is likely to attract pests, vermin or insects;
- (h) permit/ cause any container to emit offensive odours or attract pests, vermin or insects;
- (i) pick over, interfere with, disturb, remove or scatter, permit/ cause any Household Waste set out for collection to be picked over, interfered with, disturbed, removed or scattered unless authorized by the Commissioner;
- (j) allow any animal owned by him or under his care or control to pick over, interfere with, disturb, remove or scatter any Household Waste set out for collection;
- (k) set out, permit/ cause Household Waste or Non-collectable Refuse to be set out on public property for collection by a private service provider, unless authorized to do so by the Commissioner;
- (l) deposit, permit/ cause to be deposited Household Waste or Non-collectable Refuse in public space receptacles;
- (m) set out for collection, permit/ cause to be set out for collection Household Waste generated on his property onto any other person's property or onto a Street abutting any other person's property.
- (n) set out for collection, permit/ cause to be set out for collection any Household Waste unless it is in an Approved Container, as prescribed in Schedule B.
- (o) collect Household Waste unless he has the necessary licenses and complies with all relevant Federal, Provincial and Municipal legislation, regulations and by-laws.

**ARTICLE 5**  
**AUTHORITY OF THE COMMISSIONER**

**5.1 Commissioner's powers - listed**

The Commissioner is authorized to:

- (a) determine the frequency and scheduling of Household Waste collection services, in accordance with the provisions of this By-law;
- (b) designate Household Waste collection locations;
- (c) discontinue or refuse Household Waste collection services to any person whose Dwelling Unit in the sole opinion of the Commissioner is unsafe for entry or egress by the Town or its Contractor with respect to physical layout, loading facilities and the methods of handling Household Waste on the property;
- (d) require that the Owner or Occupant of an Eligible Property actively participate in the Town's waste Diversion programs, such as Recycling, Organics collection, Yard Waste and Large Appliance Collection;
- (e) require that the Owner of a Multi Family Residential Property distribute information related to collection and Diversion Programs to all Dwelling Units within that Multi Family Residential Property;
- (f) suspend Household Waste collection services in all or part of the Town for specific periods of time, in the event of inclement weather, labour disputes or conditions that may render the provision of Household Waste collection services unsafe;
- (g) establish site specific Household Waste collection, Non-collectable Refuse conditions and storage requirements for both Multi Family Residential Properties and I.C. & I. Properties;
- (h) establish such other measures as required for the proper administration of the Town's waste management system.

**ARTICLE 6**  
**HOUSEHOLD WASTE COLLECTION GENERAL CONDITIONS**

**6.1 Town to provide – Eligible Properties**

Subject to the terms and conditions of this By-law and any directives issued by Council from time to time, the Town shall provide collection services for Household Waste to all persons occupying Eligible Properties within the Town.

**6.2 Compliance with By-law - required**

No person shall be eligible to receive Household Waste collection services unless that person complies with all relevant requirements of this By-law.

**6.3 Person not occupying Eligible Property – responsible for waste disposal**

Any person residing in the Town who does not occupy an Eligible Property or whose property is excluded from being an Eligible Property under conditions of site plan approval shall be responsible for arranging for the collection and disposal of Household Waste and Non-Collectible Refuse such person generates in accordance with all applicable statutes, by-laws and regulations respecting health and safety.

**6.4 Approved Containers – provision, maintenance and replacement**

The provision, maintenance and replacement of Approved Containers is the sole responsibility of the occupant of an Eligible Property.

**6.5 Waste blown away – nuisance, litter – not permitted**

No Occupant of an Eligible Property shall permit any Household Waste that has been set out for collection to blow away or otherwise become a nuisance or litter in any manner prior to collection. Where Household Waste that has been set out for collection has blown away or otherwise escaped in any manner, it is the responsibility of the Occupant of the Eligible Property to clean up the Household Waste.

**6.6 Household Waste placement for collection – not to impede traffic**

Household Waste shall be placed for collection as close as possible to the curb and gutter or at a point where the Street pavement edge meets the Eligible Property's driveway but not so as to impede or interfere with the flow of traffic or maintenance of the Street and/or sidewalk. In the event of a dispute, the Commissioner may further specify the location where Household Waste is to be placed.

**6.7 Household Waste set out – as required by by-law**

Except as otherwise approved by the Commissioner, no person occupying an Eligible Property shall set out, permit or cause Household Waste to be set out for collection unless all Household Waste is set out as required by this By-law.

**ARTICLE 7**

**HOUSEHOLD WASTE COLLECTION SPECIFIC REQUIREMENTS**

**7.1 Approved Container - Bundle**

Household Waste will only be collected if set out in an Approved Container or in a Bundle. A Bundle shall not exceed 1.2 meters in length and shall be securely tied.

**7.2 Approved Container – Bundle – maximum weight**

The weight of any Approved Container or Bundle, including contents, shall not exceed eighteen (18) kilograms, except for Multi Family Residential Property Approved Containers.

**7.3 Yard Materials – Bundle**

Branches, brush and woody material must be tied in Bundles with twine. Individual branches included in Yard Materials shall not exceed ten (10) centimetres in diameter and not exceed 1.2 meters in length.

**7.4 Maximum number of Approved Containers – Single Family Residential Property**

The number of Approved Containers or pieces of furniture placed out for Garbage collection by occupants of a Single Family Residential Property shall not exceed four (4) in total.

**7.5 Maximum number of Approved Containers – Bundles – Multi Family Residential Property**

The Maximum quantity of Approved Containers or Bundles placed out for municipal collection by occupants of a Multi Family Residential Property shall not exceed the equivalent of two (2) bags or thirty six (36) kilograms of Garbage per unit per week.

**7.6 Approved Containers of Recyclable Materials – Organic Materials – Yard Materials – no limit**

There is no limit on the number of Approved Containers containing Recyclable Materials, Organic Materials or Yard Materials, or the number of Bundles of Yard Materials, set out for collection.

**7.7 Approved Garbage Collection Tag – required for excess of limit**

Notwithstanding any other provisions of this Chapter, all Containers or Bundles placed out for Garbage collection at Single Family Residential Properties in excess of the limit must have an Approved Garbage Collection Tag attached.

**7.8 Household Waste collection frequency – Single Family Residential Property**

Occupants of Eligible Single Family Residential Properties shall set out Garbage for collection once every second week on the Scheduled Collection Day and Recyclable Materials and Organic Materials for collection once a week on the Scheduled Collection Day. Yard Materials shall be set out for collection on the collection days indicated in the Town’s annual Waste Management Calendar.

**7.9 Household Waste collection frequency – Multi Family Residential Property**

Eligible Multi Family Residential Properties shall receive municipal Garbage, and/or Recyclable Materials and/or Organic Materials collection once a week on the Scheduled Collection Day. Yard Materials shall be set out for collection on the collection days indicated in the Town’s annual Waste Management Calendar.

**7.10 Christmas trees – annual collection**

Christmas Trees may be set out for collection once a year on the Scheduled Collection Day. Only natural Christmas Trees, less than 2.0 Meters in length will be collected. Christmas Trees will not be collected if placed out for collection in a plastic bag or with decorations. There is no limit on the number of Christmas Trees which may be placed out for collection. Christmas Trees will not be collected from Christmas Tree vendors.

**7.11 Large Appliances – maximum set out – monthly collection - scheduled**

No more than a total of four (4) Large Appliances in the case of Single Family Residential Properties and a total of twelve (12) in the case of Multi Family Residential Properties may be set out once a month for collection on a day to be scheduled by appointment with the Town.

**7.12 Storage Facilities- Multi Family Residential Properties – IC&I Properties**

Whether or not a new construction and/or development of Multi Family Residential Property, Townhouse complex or municipal building qualifies as an Eligible Property, all Household Waste generated within it must be stored indoors within a specifically designed waste handling room, or within an approved external enclosure, and the process to handle and store all such Household Waste must be approved by the Commissioner.

**ARTICLE 8  
SEVERABILITY**

**8.1 Section declared invalid – remainder in force**

Where a court of competent jurisdiction declares any Section of part of a Section of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

**ARTICLE 9  
REPEAL**

**9.1 By-law - previous**

By-law No. 186-80, as amended, is hereby repealed.

## SCHEDULE

### Schedule “A” – Approved Containers for Single Family Residential Properties

1. An Approved Container for Garbage shall:
  - (a) weigh less than 18 Kg;
  - (b) be a rigid reusable container having:
    - (i) a lid which is readily separable from the container, which, when covered is watertight;
    - (ii) handles that are attached or molded into the exterior of the container;
    - (iii) a volume of less than 125 Litres; and
    - (iv) a diameter which is smaller at the bottom than at the top.
  - (c) be non-returnable plastic garbage bags capable of being securely closed and designed for the purpose of containing garbage;
  - (d) be a sealed cardboard box containing only broken glass and marked “GLASS FOR DISPOSAL” visible to the Contractor;
  - (e) a Bundle of Garbage.
  
2. An Approved Container for Recyclable Materials shall be:
  - (a) a reusable durable plastic container known as a “Blue Box” available from the Town;
  - (b) any rigid, reusable plastic container comparable in size and dimension to a Blue Box issued by the Town; or
  - (c) any bundle of the same type of recyclable material (generally paper or cardboard) tied with string and no larger than 60 cm x 60cm x 30cm.
  
3. An Approved Container for Yard Materials shall be:
  - (a) a rigid, reusable container with the lid removed when set out for collection and which clearly contains only Yard Materials; or
  - (b) kraft paper bags with the tops folded to prevent precipitation from entering; or
  - (c) bushel baskets; or
  - (d) a Bundle of Yard Material.
  
4. An Approved Container for Organic Materials shall be:
  - (a) a green rigid reusable container known as a “Green Bin” available from the Town under its GoingGreen program; or
  - (b) a clear plastic bag, tied and secured from pests.

## **SCHEDULE**

### **Schedule “B” – Approved Containers for Multi Family Residential Properties**

1. An Approved Container for Garbage shall be:
  - (a) a metal container not exceeding:
    - (i) 8 cubic meters in size for loose Garbage; or
    - (ii) 4 cubic meters in size for compacted Garbage; and
  - (b) specifically designed for “front end” type commercial collection equipment.
2. An Approved Container for Recyclable Materials shall be:
  - (a) a rigid reusable plastic container having a hinged lid, wheels and a volume not exceeding 365 litres, as approved by the Commissioner; or
  - (b) a metal container not exceeding 8 cubic meters in size, specifically designed for collection by “front end” type commercial collection equipment, and uniquely identified as a container for Recyclable Materials only.
3. An Approved Container for Yard Materials shall be:
  - (a) a rigid, reusable container with the lid removed when set out for collection and which clearly contains only Yard Materials; or
  - (b) kraft paper bags with the tops folded to prevent precipitation from entering; or
  - (c) bushel baskets; or
  - (d) a Bundle of Yard Material.
4. An Approved Container for Organic Materials shall be:
  - (a) a green rigid reusable container known as a “Green Bin” supplied by the Town under its Going Green program; or
  - (b) other rigid reusable containers if approved by the Commissioner for use on a site by site basis.