

Corporation of the Municipality of Chatham-Kent

By-law Number 122-2014

By-law to establish and maintain a system for the curbside collection of recyclable materials, ashes, garbage and other refuse within the Municipality of Chatham-Kent.

Whereas Section 11.3 of The Municipal Act, R.S.O. 2001 c.25 enables a lower-tier municipality and an upper-tier municipality to pass by-laws respecting matters regarding Waste Management;

Therefore the Council of the Municipality of Chatham-Kent enacts as follows:

1. In the By-law:
  - a) **"Ashes"** means the residue, including soot, of any fuel after it has been consumed by fire and is completely cold.
  - b) **"Central Business Districts"** means the area of business in Blenheim, Chatham, Dresden, Ridgetown, Tilbury and Wallaceburg as designated by the General Manager of Infrastructure and Engineering Services.
  - c) **"Municipality"** means the Municipality of Chatham-Kent.
  - d) **"General Manager of Infrastructure and Engineering Services"** means the General Manager of Infrastructure and Engineering Services of the Municipality of Chatham-Kent.
  - e) **"Collectable Refuse"** consists of:
    - i) Ashes;
    - ii) Garbage;
    - iii) Containers such as crockery, dishes, glassware;
    - iv) Packaging and clothing, household sweepings;
    - v) Grass clippings, tree and garden cuttings, brush, leaves and Christmas trees;
    - vi) Household Rubbish
  - f) **"Collectable Recyclables"** consists of:
    - i) Clear and coloured glass bottles and jars;
    - ii) Aluminum foil and foil containers and aluminum and steel cans;
    - iii) Household plastic bottles, jugs and tubs with recycling symbols #1 through #7;
    - iv) Paper, newsprint, envelopes including window envelopes, flyers, advertising mail;
    - v) All boxboard, cereal boxes, laundry soap and shoe boxes, egg and paper beverage cartons including Tetra Pak;
    - vi) Magazines and catalogues;
    - vii) Cardboard;
    - viii) Telephone directories
  - g) **"Day of Collection"** means the day designated by the General Manager of Infrastructure and Engineering Services as the day of the week on which collectable refuse and/or recyclable materials will be collected for a designated area. Should the regular collection day be affected by one of the Statutory Holidays, collection will be moved back one day accordingly.
  - h) **"Statutory Holiday"** will be considered:
    - (i) New Year's Day
    - (ii) Family Day
    - (iii) Good Friday
    - (iv) Victoria Day
    - (v) Canada Day
    - (vi) Civic Holiday

- (vii) Labour Day
  - (viii) Thanksgiving Day
  - (ix) Christmas Day
  - (x) Boxing Day
- i) **“Dwelling Unit”** means a suite of rooms occupied, or designed to be occupied as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the occupants.
- j) **“Garbage”** means all kitchen and table waste, of animal or vegetable origin, resulting from the preparation or consumption of food.
- k) **“Generator”** means any owner, occupant, tenant, or other person, firm or corporation, having use, occupation, charge or control of any institutional, commercial, or industrial establishment or dwelling unit.
- l) **“Household Rubbish”** means weighty or bulky materials or items such as mattresses, furniture, rugs, non-collapsible boxes, crates and barrels, bath tubs, fence and small quantities of building materials and any other non-metal materials and items which would normally accumulate at a dwelling unit;
- (i) Each bulky item including furniture etc. be considered one bag or item toward the weekly limit.
- m) **“Institutional, Commercial and Industrial Establishment”** shall mean one or more buildings under one ownership containing one or more commercial, industrial or institutional endeavors and which may include one or more dwelling units (including condominiums and a multi-residential complexes with six or more dwelling units).
- n) **“Non-Collectable Refuse”** means any waste, other than collectable refuse, and shall without restricting the generality of the foregoing include the following:
- (i) Manufacturer’s or industrial waste;
  - (ii) Explosives and any highly flammable or volatile substances of any nature whatsoever;
  - (iii) Liquid or gaseous waste, caustics and acids;
  - (iv) Poisons, pesticides and herbicides, radioactive material;
  - (v) Septage, raw sewage sludge and industrial process sludge;
  - (vi) Medical waste including but not limited to infected materials, including dressings and bandages, needles, syringes;
  - (vii) Organic material which has not been drained of all liquid in accordance with the provisions of the by-law;
  - (viii) Carcasses or parts thereof of any animal or other creature, save for bona fide kitchen and table waste;
  - (ix) Live animals or birds;
  - (x) Hay, straw and manure;
  - (xi) Any materials which have become frozen to a container and cannot be removed there from by shaking;
  - (xii) Stock of any wholesaler or retailer e.g. eggs, fish, pickles, fruit and vegetables;
  - (xiii) Sawdust and/or shavings of any kind from a commercial and/or industrial establishment;
  - (xiv) Broken plaster, railroad ties, pallets, lumber or other waste resulting from the construction, alteration, repair, demolition or removal of any building or structure;
  - (xv) Discarded tires with or without rims, trucks, automobiles and other vehicles and any parts thereof or accessories thereto;
  - (xvi) Refrigerant units and white goods including fridge, freezer, stove, microwave, dishwasher, drying and washing machines etc.;
  - (xvii) Scrap metal including water tank, stainless steel sink, fixtures, bed and bike frames, etc.;
  - (xviii) Tree trunks, stumps and sod;
  - (xix) Bricks, gravel, rocks, cement including patio stones and ornaments or fill of any kind;
  - (xx) Cardboard boxes that are wet and fall apart prior to or during collection;

- (xxi) Household paints, solvents;
  - (xxii) Loose items not properly contained in a prescribed garbage container or tied and bundled including branches, cuttings, grass or leaves;
  - (xxiii) Brush not in dimensions set out in Section 14 and/or properly tied and bundled;
  - (xxiv) Items placed in oversized garbage bags;
  - (xxv) Litter and broken or ripped open garbage bags;
  - (xxvi) Electronic and electrical waste (E-waste);
  - (xxvii) Excess waste or waste over the allotted limit for the property.
- o) **“Non-Collectable Recyclables”** means any recyclable, other than collectable recyclables, and shall without restricting the generality of the foregoing include the following:
- (i) Fax, carbon, wax or foil covered paper;
  - (ii) Waxed cardboard, foil pouches and aluminum foil lined containers, hardcover books or their covers;
  - (iii) Ceramics, china, light bulbs, window glass, crystal drinking glass;
  - (iv) Coat hangers, aerosol cans, pots, baking and frying pans, silverware, oil filters;
  - (v) Needles and syringes;
  - (vi) Plastic oil, antifreeze or pesticide containers, plastic film and wrap, and all utensils;
  - (vii) Styrofoam;
  - (viii) Plastic toys, plant pots and trays, and unmarked plastics;
  - (ix) Containers that have residual food left inside;
  - (x) Broken glass, window glass;
  - (xi) Non-fibre material being placed in the black recycling box or in the recycling toter cart used for paper and newsprint only.
- p) **“Person”** includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.
- q) **“Prescribed Garbage Container”** means
- i) A returnable receptacle, manufactured for the purpose of storing collectable refuse and constructed of materials which have an equivalent durability to 0.4 millimetre thickness and not exceeding 0.10 cubic metres or 98 litres (3.5 cubic feet) in volume, and a weight including contents, not exceeding 20 kilograms (44 lbs), with two handles and being water proof and leak proof (otherwise referred to as a garbage can). A container 98 litres or less be equivalent to one bag; a container over 98 litres and up to 196 litres (6.9 cubic feet) be equivalent to two bags and not exceeding 27 kilograms (60 lbs);
  - ii) A non-returnable plastic bag, securely tied, not more than 30 inches by 36 inches in size and having a capacity of not more than 0.13 cubic metres or 132 litres (4.7 cubic feet) and composed of material of not less than 0.04 millimetres thickness capable of carrying 20 kilograms (44 lbs) without tearing (otherwise referred to as a garbage bag). A bag 132 litres or less be equivalent to one bag;
  - iii) A non-returnable cardboard carton not more than 30 inches by 30 inches by 36 inches in size and having a capacity of not more than 0.53 cubic metres (18.75 cubic feet) with the top flaps turned in to cover the contents, and a weight including contents, not exceeding 20 kilograms (44 lbs) and secured with tape, rope or twine (otherwise referred to as a cardboard box). A box/carton 531 litres or less be equivalent to one bag;
  - iv) A returnable manufactured roll-out toter cart, not to exceed 431 litres or 95 US gallons in volume or 100 kilograms (220 lbs) in weight, and being capable of being automatically loaded onto a truck hopper. A toter cart 431 litres or less be equivalent to three bags; a toter cart 257 litres or 68 US gallons or less be equivalent to two bags.

- r) **“Prescribed Recycling Container”** means
    - i) A blue box for collectable cans, plastics and glass provided by the Municipality, not exceeding 18 kg (40 lbs);
    - ii) A black box for collectable fibre material provided by the Municipality, not exceeding 18 kg (40 lbs);
    - iii) A blue recycling toter cart provided and subsidized by the Municipality.
  
  - s) **“Non-Prescribed and Non-Collectable Containers”** means
    - i) Grocery bags/kitchen catcher bags;
    - ii) Cardboard boxes that are wet and fall apart;
    - iii) Containers that have lids fastened or tied (except toter carts);
    - iv) Barrels, crates;
    - v) Oversized garbage or other bags;
    - vi) Other containers not listed within section q) and r) above.
  
  - t) **“Roadway”** shall mean a common and public highway, street, avenue, parkway, square, place, or bridge that is designed or ordinarily used for vehicular traffic.
2.
    - a) The Municipality shall provide for the collection of all collectable refuse once per week, and all collectable recyclables every two weeks.
    - b) Central Business Districts shall receive basic collection of all collectable refuse two times per week.
  
  3.
    - a) In addition to the basic collection service outlined in paragraph 2 (a) and (b) above, the following enhanced collection of collectable refuse and recycling shall be provided, the cost of which shall be area rated to the geographic area receiving the enhanced services;
      - (i) The Blenheim Central Business District shall receive recycling collection weekly,
      - (ii) The Chatham Central Business District shall receive refuse collection three times per week.
  
  4. Properties with dwelling units including those within apartment buildings of less than six units will be provided with a blue box and a black box for each unit, to store recyclable material. Both recycling containers must be kept clean at all times.
  
  5. Notwithstanding the above, institutional, commercial and industrial (ICI) properties are eligible for collection of recyclable material and are encouraged to use subsidized recycling toter carts. ICI properties are not entitled to free recycling boxes. Recommendations for container use and program requirements are available from the Municipality.
  
  6. The amount of collectable refuse, including yard waste, put out for collection from any one residential property per dwelling unit (including properties with five or less dwelling units) shall be three bags and/or items per week commencing January 2015.
  
  7. The amount of collectable refuse, including yard waste, put out for collection from any one institutional, commercial, or industrial property (including condominiums and multi-residential properties with six or more dwelling units), shall not exceed 2.0 cubic metres or 24 bags and/or items per week commencing January 2015.
  
  8. The Municipality reserves the right to decline collection service to any residential, commercial, institutional or industrial property (including condominiums and multi-residential properties with six or more dwelling units) if:
    - a) The refuse or recyclables are not placed at the curb within the prescribed time period;
    - b) The refuse is not considered collectable;
    - c) The recyclables are not considered collectable;
    - d) The refuse and/or recyclables are not in a prescribed container;

- e) The limits as set out in sections 6 and 7 are exceeded;
  - f) The refuse and/or recyclables are not located in a designated location for collection;
  - g) The container(s) and/or refuse (including bulky materials or items) is a health and safety concern for contracted or municipal collection crews.
9. Non-collectable refuse and any bundles/items over the prescribed limits shall be removed and disposed of by the generator, or if necessary the property owner, on the same day of collection.
10. No person shall place any refuse and/or recycling container in such manner as to interfere with vehicular or pedestrian traffic and every refuse and/or recycling container placed out for collection must be freely accessible to the collector.
11. No collector of refuse and/or recycling shall accept or ask for any gratuity, gift, payment or consideration for the performance of his or her duties from any person other than the employer.
12. The General Manager of Infrastructure and Engineering Services or designate shall have the power to designate the precise point at which collectable refuse and/or recycling shall be placed for collection. During the winter months, when snow may be stored along the edge of the traveled roadway, it shall be the responsibility of the generator to provide for the placing of refuse and recyclable material at the designated location.
13. No collector of refuse and/or recycling will enter a privately owned driveway, roadway, lane or property for the purpose of collecting collectable refuse or recyclable material without permission of the General Manager of Infrastructure and Engineering Services or his/her designate.
14. Every generator shall:
- a) Provide and maintain, in good repair and sanitary condition, a sufficient number of prescribed containers to hold the collectable refuse and/or recycling generated;
  - b) Maintain prescribed containers and the storage area to store the prescribed containers in a clean, neat and sanitary condition;
  - c) Drain garbage of all liquids;
  - d) Deposit ashes in only non-returnable plastic bags not more than 30 inches by 36 inches in size and having a capacity of not more than 0.13 cubic metres or 132 litres (4.6 cubic feet) and composed of material of not less than 0.04 millimetres thickness capable of carrying 20 kilograms (44 lbs) without tearing (otherwise referred to as a garbage bag).
  - e) Deposit or recycle newspapers, magazines and other collectable paper in sheet form by either:
    - (i) Placing it in a prescribed container, or;
    - (ii) Placing it in a prescribed recycling fibre box or blue toter cart or;
    - (iii) Tying it securely in bundles having a weight not exceeding 27 kilograms (60 lbs) and dimensions not exceeding 40 centimetres by 40 centimetres by 60 centimetres and placing it beside the fibre box and/or blue toter cart.
  - f) Deposit cardboard cartons, crates and other packaging, brush, smaller items of household rubbish, tree or garden cuttings by either:
    - (i) Placing it in a prescribed container, or;
    - (ii) Tying it securely with rope or twine in bundles having a weight of not more than 20 kilograms (44 lbs) and dimensions of not more than 1 ½ metres by 1 metre by 1 metre (5 feet by 3 feet by 3 feet).
  - g) Ensure all recyclable material placed for recycling collection is deposited in a prescribed blue box and/or black box container or a recycling toter cart in accordance with the Municipality of Chatham-Kent Guide to Recycling.

15.
  - a) No generator shall place or permit placement of any refuse or recyclable material out for collection before 7:00 p.m., local time on the day prior to day of collection, and not after 7:00 a.m. local time on the day of collection;
  - b) Notwithstanding (a) above, no generator shall place or permit placement of refuse and/or recycling out for collection in the Chatham Central Business District before 6:45 a.m. or after 8:45 a.m. on the day of collection.
16. Every generator, or if necessary the property owner, shall ensure the return of all prescribed containers, excess garbage and non-collectable items to private property by no later than 7:00 p.m. on the day of collection.
17.
  - a) No person shall deposit, accumulate or permit to be deposited or accumulated within the Municipality upon any premises owned by him, occupied by him or under his charge or control, any garbage, animal or vegetable matter, offal or any other matter or thing which may be injurious to or a hazard to health;
  - b) No person shall sweep, throw, lay or deposit or permit any agent or employee to sweep, throw, lay or deposit any dirt, offal, collectable refuse or rubbish of any kind whatsoever in or on any street, creek, watercourse or contracted garbage and/or recycling truck within the Municipality.
18. No person shall pick over, interfere with, disturb, remove or scatter any refuse or recyclable material placed for collection.
19.
  - a) No person shall, within the corporate limits of the Municipality, deposit, leave or abandon or permit to be deposited, left or abandoned, any collectable refuse or non-collectable refuse or recyclable generated outside the Municipality;
  - b) No person shall, within the corporate limits of the Municipality, deposit leave or abandon or permit to be deposited, left or abandoned, any collectable refuse or non-collectable refuse or recyclable anywhere within the Municipality except where they reside or as designated by the General Manager of Infrastructure and Engineering Services or his/her designate;
  - c) Collectable or non-collectable refuse and recyclable material shall be deemed to be generated outside the Municipality if the generator thereof is not a resident of the Municipality of Chatham-Kent.
20.
  - a) Every person who contravenes any of the provisions of this By-law upon conviction thereof, shall be subject to a penalty recoverable under the Provincial Offences Act, R.S.O. 1990 c. P. 33 and amendment thereto;
  - b) The imposition of a penalty for a contravention of this By-law shall not excuse the condition or matter resulting in such contravention or permit it to remain or continue, and the person who has contravened the By-law shall rectify any condition or matter resulting there from;
  - c) An offence shall be deemed to occur for each day for which a contravention of this By-law continues;
  - d) Nothing herein contained shall in any way modify, affect or derogate from any other remedy available to The Corporation of the Municipality of Chatham-Kent or any other person, firm or corporation with respect to such contravention.
21. That By-Law 119-2005 be repealed as of July 14, 2014.

This By-law shall come into full force and effect upon final passage thereof.

**Read a First, Second and Third time this 14<sup>th</sup> DAY OF JULY, 2014.**

Original Signed By:

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Mayor - Randy R. Hope

Original Signed By:

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Clerk - Judy Smith