

PROPERTY MAINTENANCE

Chapter 877 SOLID WASTE MANAGEMENT

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Article 1 INTERPRETATION

877.1.1 City - defined

"City" means The Corporation of the City of Orillia.

877.1.2 Donation box - defined

"donation box" means a receptacle used for the purpose of collecting any item donated by the public, including clothing or electrical and electronic equipment.

877.1.3 Garbage - defined

"garbage" means any dry waste other than readily compostable organics, recycling box materials and non-collectible waste.

877.1.4 Garbage lot - defined

"garbage lot" means a container, bag or bundle where: containers shall be waterproof with tight-fitting lids, with handles, maximum size is 133 litres; bags shall be maximum 80 cm x 95 cm and be polyethylene, securely fastened at the top; bundles shall be tied and not exceed 1 m x 50 cm x 50 cm; each container, bag or bundle shall weigh less than 20 kg including contents; after July 1, 1997, each garbage container, bag or bundle set out for collection shall have an Orillia Garbage Tag easily visible and securely

attached to it; for containers the tag is to be attached to the topmost garbage; for bags the tag is to be attached around the top; a bundle is to have the tag attached to the string or otherwise securely fastened to it. Tags must be attached in such a fashion that the City Logo "Orillia Garbage Tag" and serial number are visible to collection staff.

877.1.5 Readily compostable organics - defined

"readily compostable organics" means any plant material such as leaves, grass clippings, house and garden plants, hedge trimmings and branches less than 25mm in diameter, Christmas trees, kitchen food organics including vegetables, fruit, coffee grounds, tea bags, eggshells, bread, pasta, rice, meat, bone, dairy products, soiled compostable food packaging materials, and soiled paper towels and tissues.

877.1.6 Readily compostable organics lot - defined

"readily compostable organics lot" means a container, bag, bundle or Christmas tree where: containers shall be waterproof, maximum 75 cm in any direction and wider at the top than the bottom and shall be clearly marked compostable organics; bags shall be paper or "City - approved compostable"; bundles shall be tied with string or twine made from natural fibres and not exceed 1 m x 50 cm x 50 cm; each container, bag or bundle shall weigh less than 20 kg including contents. "City - approved compostable" bags shall include those certified through ASTM D6400-04 and/or BNQ 9011-911/2007 as amended from time to time. Paper bags or containers of grass clippings set out for collection shall have an Orillia Garbage Tag easily visible and placed on the top of the grass clippings; for compostable bags, the tag can be attached to the bag.

877.1.7 Recycling box material - defined

"recycling box material" means any material designated by the City as being acceptable for collection by the City or its agent for the purpose of recycling. Without limiting the generality of the foregoing, it shall include newspaper, magazines, catalogues, telephone books, paperback books, junk mail, envelopes, office paper, mixed paper, egg cartons, wrapping paper, empty paper cups, boxboard, corrugated cardboard, metal food and beverage cans, aluminum cans and foil, empty paint cans, empty aerosol cans, glass bottles and jars, plastic bottles and containers (recycling codes 1,2,4,5,6, and 7), plastic tubs and lids, empty plastic food trays, plastic film and bags, polystyrene styrofoam packaging and trays, and polycoat/aseptic cartons.

877.1.8 Non-collectible waste - defined

"non-collectible waste" means:

- i) any explosive or highly combustible materials of any nature whatsoever;
- ii) construction debris or building materials;
- iii) liquid or semi-liquid waste;
- iv) carcass of any animal;

- v) major appliances;
- vi) furniture;
- vii) tires;
- viii) bio-medical waste;
- ix) automobiles, vehicles or any parts thereof;
- x) hazardous waste as defined in the regulations to the *Environmental Protection Act, R.S.O. 1990, c.E. 19*, as amended from time to time;
- xi) propane tanks;
- xii) scrap metal;
- xiii) industrial or business equipment and parts.

877.1.9 Occupant - defined

"occupant" means the person in possession of a building or unit and includes an owner or tenant.

877.1.10 Person - defined

"person" means an individual, a corporation, a partnership or an association.

877.1.11 Business - defined

"business" means industrial, commercial (incl. retail, hotel, motel) and institutional (incl. residential facilities with communal kitchen and/or dining); the schools of the Simcoe County Boards of Education are excluded.

877.1.12 Scavenging - defined

"scavenging" means the unauthorized removal of material or waste.

877.1.13 Non-portable receptacle - defined

"non-portable receptacle" means an enclosed receptacle that is used for storage of garbage lots for direct removal by the City or its agent. Such receptacle shall provide protection against animals, shall be easy to open and shall provide easy access for removal of garbage lots.

877.1.14 Garbage tag - defined

"garbage tag" shall mean:

- i) an adhesive strip that bears the wording "Orillia Garbage Tag", includes the City of Orillia corporate logo, includes a serial

number and is a colour as approved by the City from time to time; or

- ii) a rectangular label that bears the wording “Special Garbage Tag”, includes the City of Orillia corporate logo, includes a serial number and is green in colour; or
- iii) an adhesive strip that bears the wording “Special Garbage Tag” includes the City of Orillia corporate logo, includes a serial number and is green in colour.

Garbage tags are issued by the Corporation of the City of Orillia.

877.1.15 Small vehicles - defined

"small vehicles" means cars with or without trailers, pickup trucks and/or small vans.

877.1.16 Multi-unit residential building - defined

"multi-unit residential building" means townhouse, condominium or apartment complexes, which contain six or more dwelling units. Effective January 1, 2006.

877.1.17 Land - defined

"land" includes buildings or structures other than a dwelling unit.

877.1.18 Waste generator - defined

"waste generator" means any person, registered property owner, occupant, or business, who generates garbage, readily compostable organics, and/or recycling box material.

**Article 2
GENERAL PROVISIONS**

877.2.1 Materials - prohibited

No person shall place out for collection any non-collectible waste or material which is not garbage, readily compostable organics or recycling box material.

877.2.2 Material - containers, bags, bundles

No person shall place out for collection any material which is not a garbage lot, a readily compostable organics lot, or recycling box material prepared as designated by the City.

877.2.3 Collection - cardboard boxes

Material set out in cardboard boxes will not be collected.

877.2.4 Material - readily compostable organics

Readily compostable organics shall be prepared and set out for collection in readily compostable organics lots. Readily compostable organics not set out in readily compostable organics lots will not be collected.

877.2.5 Material - leaves

No person shall cause leaves to be left on a City property except as prepared in readily compostable organics lots for collection.

877.2.6 Repealed: By-law 2006-175, 23 October 2006**877.2.7 Origin of waste**

No person shall deposit any garbage, readily compostable organics or recycling box material at any location other than for collection in front of the premises where it was generated, or at an approved site.

877.2.8 Repealed: By-law 2002-14, 28 January 2002**877.2.9 Recycling box material - limit**

For both residential and business properties, each bundle of cardboard in excess of four must have a garbage tag attached to it to be collected. For multi-unit residential buildings, each bundle of cardboard in excess of eight must have a garbage tag attached to it to be collected.

877.2.10 Recycling box material - limit

Businesses are limited to recycling box material which is not part of their primary business function.

877.2.11 Readily compostable organics - limit

Businesses are limited to set out up to 10 readily compostable organics lots per week. For businesses, each lot of readily compostable organics in excess of 10 lots per week must have a garbage tag attached to it to be collected.

877.2.12 Material - placement - permissible locations

Garbage, readily compostable organics and recycling box material shall be placed separately by the occupant in front of his or her building or unit, just off the travelled portion of the street and sidewalk so as not to interfere with traffic, or at any other convenient location as may be approved by the City.

877.2.13 Material - placed for collection - times

Garbage, readily compostable organics and recycling box material shall be placed out for collection by the occupant not later than 7:00 a.m. on the day of collection and not earlier than 11:00 a.m. on the previous day. Within the Business Improvement Area, material shall be placed out for collection not later than 5:00 a.m. on the day of collection and not earlier than 4:00 p.m. on the previous day. Empty containers and any materials not collected for any reason shall be removed by the occupant by 11:00 a.m. on the day following collection.

877.2.14 Non-portable receptacles

All non-portable receptacles shall be placed and collected in a location designated by the City. No person shall place a non-portable receptacle in or upon City property without having first applied to and receiving approval from the City. The applicant shall pay the prescribed fee, as set from time to time by resolution of Council.

877.2.15 Scavenging - prohibited

No person, other than the occupant, or the City or its agent, shall scavenge garbage, readily compostable organics and recycling box material placed out for collection pursuant to the provisions of this by-law.

877.2.16 Sale of recyclable materials

Any person may donate or sell recyclables to any other person whether that person operates for profit or not for profit. Under no circumstances, however, may the transferred recyclables be picked up from curbside whether or not said recyclables are placed at the curbside on or immediately preceding the scheduled curbside collection day.

877.2.17 Recycling boxes and carts

The City issues recycling boxes and carts for the purpose of facilitating recycling box material collection. No person shall use recycling carts for other than their intended purpose. While recognizing that recycling boxes are still partially subsidized by the taxpayer, they should be used for the purpose of facilitating recycling box material collection. Carts shall remain the property of the City.

877.2.18 Bins - City property

No person shall place or cause to be placed bins for garbage or bins for material recovery on City property without having first applied to and receiving approval from the City. The applicant shall pay the prescribed fee, as set from time to time by resolution of Council.

877.2.19 Deposit Garbage - public area container

No person shall deposit garbage, readily compostable organics or recycling box material which was generated at a residence or business in a public area garbage or recycling container which has been provided for use of pedestrians.

877.2.20 Garbage - tag - altered - prohibited

No person shall alter, deface, change, modify and/or tamper with an approved City of Orillia garbage tag as defined in Section 877.1.13.

877.2.21 Collection at multi-unit residential buildings

Owners of multi-unit residential buildings shall maintain a demonstrated recycling and/or readily compostable organics collection program if they receive collection services from the City for garbage, readily compostable organics, and/or recycling box material. If it is found that the owner does not participate fully in the City's collection of recycling box material and/or readily compostable organics material, eligibility for other collection

services will be suspended for a period of up to 90 days.

877.2.22 Source separation

Every waste generator shall ensure that garbage set out for collection contains no more than 30% by either weight or volume of recycling box material and/or readily compostable organics even if the garbage lot is otherwise properly prepared.

877.2.23 Donation box - private property

No person shall place or cause to be placed a donation box on private property without consent.

877.2.24 Donation box - City property

No person shall place or cause to be placed a donation box on any street or property owned or maintained by the City.

**Article 3
WASTE DIVERSION SITE**

877.3.1 Hours of operation

The hours of operation of the Waste Diversion Site shall be as set by Council resolution from time to time.

877.3.2 Tipping fees

Every person shall pay tipping fees for materials received at the Waste Diversion Site in accordance with the tipping fee schedule established by Council resolution from time to time.

877.3.3 Credit - dump lock, delinquent accounts

Access to the Waste Diversion Site is denied to any charge account customer whose account is over 90 days past due. Credit may be withdrawn from customers who are delinquent in payment of their accounts.

877.3.4 Weighing and payment

No person shall bypass the weigh scales unless so directed by Waste Diversion Site staff; attempt weight manipulation; or by any other means avoid assessment of tipping fees. During peak traffic periods, customers entering the Waste Diversion Site with loads of material in small vehicles may either have staff estimate the weight of their load and pay the necessary tipping fee or utilize the weigh scales and pay the necessary tipping fee.

877.3.5 Location for disposal - signs, direction from staff

No person shall dispose of material at the Waste Diversion Site other than at the proper location as directed by signage or verbally by City staff.

877.3.6 Separation of materials

No person shall dispose of material that has not been sorted and separated as directed by the Tipping Fee Schedule and other City Policy as may be revised from time to time.

877.3.7 Scavenging - prohibited

No person shall scavenge anything deposited at the Waste Diversion Site.

**Article 4
ENFORCEMENT****877.4.1 Entry and inspection**

A Municipal By-law Enforcement Officer or Police Officer may at all reasonable times, enter on land for the purposes of carrying out an inspection to determine compliance with this Chapter.

877.4.2 Hinder or Obstruct

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this Chapter, or any person lawfully acting in aid of such an Officer. Without limiting the generality of the meaning of “hinder” or “obstruct”, a person shall be deemed to have obstructed or hindered an Officer in the execution of their duties if he or she:

- (a) provides false information to an Officer; or
- (b) is alleged on reasonable and probable grounds to have contravened any of the provisions of this Chapter, and fails to identify themselves to an Officer upon request.

877.4.3 Fine - for contravention

- (a) Any person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.
- (b) Where a section of this Chapter has been contravened, a director or officer of a corporation who knowingly concurs in the contravention is guilty of an offence.
- (c) Upon conviction, in addition to any other remedy and to any penalty imposed by this Chapter, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

877.4.4 Enforcement

A Municipal By-law Enforcement Officer or Police Officer is hereby vested with the authority of enforcing the provisions of this Chapter.

877.4.5 Validity and severability

Every provision of this Chapter is declared severable from the remainder and if any provision of this Chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder.

877.4.6 Expenses - recovery - by City

The City, by its employees, officers or agents, may collect and dispose/recycle unsorted garbage at the expense of the registered property owner and such expense, if not paid, may be collected in the same manner as property taxes.

877.4.7 Rebuttable presumption - identification

In a prosecution for a contravention of this Chapter, evidence of identification shall be presumed to be correct and accurate, unless rebutted by evidence to the contrary.

**Article 5
REPEAL****877.5.1 By-laws Previous**

By-laws 1050, 1944 and 3432 are hereby repealed.

Adopting By-law: By-law 1995-46, 3 April 1995.

By-law Amendments: By-law 1996-25, 4 March 1996; By-law 1997-46, May 26, 1997; By-law 2000-7, 17 January 2000; By-law 2002-14, 28 January 2002; By-law 2002-25, 4 March 2002; By-law 2002-62, 3 June 2002; By-law 2002-129, 7 October 2002; By-law 2005-15, 31 January 2005; By-law 2005-128, 8 August 2005; By-law 2006-175, 23 October 2006; By-law 2007-78, 7 May 2007; By-law 2008-8, 21 January 2008; By-law 2008-33, 17 March 2008; By-law 2009-150, 30 November 2009; By-law 2011-138, 28 November 2011; By-law 2012-89, 28 May 2012; By-law 2012-133, 1 October 2012; By-law 2013-7, 21 January 2013; By-law 2013-33, 18 March 2013; By-law 2013-60, May 2013; By-law 2016-8, 18 January 2016; By-law 2016-134, 12 December 2016; By-law 2017-14, 13 February 2017; By-law 2018-13, 12 February 2018; By-law 2020-48, 25 May 2020.