

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW No. 2022-025

Being a By-law to Establish and Maintain a System for the Collection and Disposal of Waste in the Town of Amherstburg

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a single-tier municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction including but not limited to waste management;

AND WHEREAS Section 425 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws providing that any person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS the Essex-Windsor Waste Management Master Plan provides that it is the policy in Essex-Windsor to continually investigate and implement alternative ways and means of waste reduction and to pursue in conjunction with the Provincial Government and area Municipalities, active public education programs to this end;

AND WHEREAS the Council of the Corporation of the Town of Amherstburg recognizes the need to divert materials from the Regional Landfill Site through waste reduction, reuse and recycling;

AND WHEREAS Council deems it advisable to regulate the collection of certain classes of waste and to regulate certain other classes of waste, including recyclable material and yard waste material to be collected in the Town of Amherstburg;

THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1.1 Short Title

This by-law may be cited as the Waste Collection By-law

1.2 Definitions

In this by-law:

"Apartment Building/Condominium" means a residential detached building that consists of three or more dwelling units arranged so that there is a common hallway to the dwelling units;

"Ashes" means the solid residue of any fuel used for heating, cooking purposes and cleanings from chimneys;

"Blue Box" means a durable plastic container approved by the Town in accordance with the Essex-Windsor Solid Waste Authority (EWSWA) that is to be used for the collection of recyclable glass and plastic materials, as designated by EWSWA;

"Brush" means tree branches less than 7.5 centimeters (3 inches) in diameter, shrubs and twigs.

"Collection Services" means the services provided by the Town in accordance with this Bylaw for the collection of garbage, recyclable material and yard waste.

"Compost" means a mixture that consists largely of decayed organic matter and is used for fertilizing and conditioning land

"Contractor" means a person or company with whom the town has entered into a contract for the collection of refuse, and the employees of such person, or company;

"Corporation" means the Corporation of the Town of Amherstburg;

"Council" means the Council of the Corporation of the Town of Amherstburg;

"Curbside" means:

- i) on streets with a street curb, a place directly behind the curb that is in front of the dwelling unit, residence or commercial establishment;
- ii) on streets with an integral curb and sidewalk, a place directly behind the sidewalk that is in front of the dwelling unit, residence or commercial establishment;
- iii) on streets without concrete curbs, the edge of the shoulder of the street that is in front of the dwelling unit, residence or commercial establishment.

"Director" means the Director of Infrastructure Services or designate;

"Dwelling" means a building or place of abode including a street townhouse but not including a hotel, motel, restaurant or apartment building/condominium;

EWSWA means the Essex-Windsor Solid Waste Authority, which is the Regional body responsible for the implementation of the Regional Waste Management Master Plan.

"Garbage" means all rejected, abandoned or discarded household waste, either animal or vegetable, not including non-collectable waste or trade waste, but including without limiting the generality thereof, waste paper, organic yard waste, ashes and other refuse matter and also includes weighty or bulky articles such as Christmas trees, furniture, mattresses, or anything of a similar nature that is placed for collection in accordance with paragraphs 5 and 6 of this by-law;

"Garbage Container" means a hard sided container to place garbage in for storage and collection;

"Household Chemical Waste" means domestic products that contain ingredients which are toxic or potentially harmful to the environment;

"Household Waste" means all waste materials and refuse, including organic yard waste, abandoned, rejected or discarded from any dwelling, apartment building or residential condominium;

"Householder" means any owner, occupant, lessee or any person in charge of any dwelling, apartment building or residential condominium;

"Industrial waste" means waste produced or arising from manufacturing or industrial activities or processes;

"Landfill site" means the location designated in the County of Essex for the disposal of waste;

"Non-Collectible Waste" means:

- i. any garbage or material in receptacles or containers which do not conform to paragraphs 4 and 6 of this by-law;
- ii. discarded vehicle parts, tires, automotive wastes and other accessories;
- iii. concrete products, bricks, dirt, stones or tree stumps;
- iv. Trade Waste;
- v. any explosive or highly combustible material of any nature whatsoever;
- vi. Medical or Pathological waste, including syringes, medicines, drugs and similar refuse;
- vii. liquid wastes, including liquid in sealed containers;
- viii. hay, straw, manure;
- ix. roofing shingles;
- x. carcasses of any animal or bird;
- xi. live animals or birds;

xii. any material which has become frozen to the receptacle and cannot be removed by shaking;

"Occupant" means any person or persons over the age of eighteen years in possession of property;

"Organic Yard Waste" means garden refuse, grass, shrubbery and tree clippings, plant material and leaves;

"Owner" includes the registered owner and the person for the time being managing or receiving the rent of the land or premises 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 such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards of this by-law;

"Person" includes any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires;

"Public View" means a view of the front yard, Curbside, or front porch, but does not include a view of the side yard or rear yard;

"Recyclable Materials" means materials deemed to be recyclable by the Essex-Windsor Waste Management Committee;

"Red Box" means a durable plastic container approved by the Town in accordance with the Essex-Windsor Solid Waste Authority that is to be used for the collection of recyclable paper products, as identified by the EWSWA;

"Refuse" means garbage, wastepaper, ashes and rubbish;

"Rubbish" means brush, crates, cans, bottles, and other ordinary household waste of a wooden, metal or plastic nature;

"Scavenge" means to sort through, pick over, interfere with, disturb, remove or scatter refuse or material that is set out for collection;

"Street" means any public road, avenue, parkway, lane, alley or highway as defined in the Municipal Act, 2001, S.O. 2001, c.25, as amended;

"Town" means the geographic entity of the Corporation of the Town of Amherstburg;

"Trade Waste" means any industrial, commercial, or manufacturer's waste;

"Waste" shall include refuse, and rubbish, but shall not include Noncollectable waste as defined herein;

"Waste Management Committee" means the Essex-Windsor Waste Management Committee;

"Wastepaper" includes excelsior and other packing materials, wrappings, and paper, cardboard or plastic containers or scraps;

"Yard Waste" means organic growth on property including brush, leaves, hedge, tree and garden trimmings but does not include sod, turf, soil, earth, sand, clay, rocks, stone or other similar items.

2.1 Administration of By-law

This By-law shall be administrated by the Director of Infrastructure Services or designate;

2.2 Responsibilities of the Town of Amherstburg

- a) The Corporation shall provide for the collection of waste within the Town in accordance with the provisions of this by-law.
- b) The Corporation may contract with any person for the collection of waste within the Town.
- c) The Director shall, from time to time, fix the areas of collection and the day of collection for each area, and the same shall be advertised by the Town of Amherstburg.
- d) Nothing in this by-law shall be deemed to require the collection by the Corporation of:
 - i. any industrial waste;
 - ii. any refuse from a supermarket having a floor area greater than 464 square metres (5,000 square feet);
 - iii. any materials being waste or residue resulting from the erection, alteration, or removal of any building or part thereof;
 - iv. straw, hay, manure;
 - v. any refuse not prepared and placed for collection in the manner prescribed by the terms of this by-law;
 - vi. any automotive parts and accessories including all types of tires;
 - vii. any articles included herein that are unacceptable at the Landfill Site;
 - viii. Recyclable items as defined from time to time by the Waste Management Committee.
- e) To address operational issues, the Director may, at their sole discretion, exempt an Owner or Occupant from any part or parts of the provisions of Section 3 for a specified period of time.

3 - Responsibilities of the Contractor

- a) The Contractor shall collect all waste and recyclable materials in accordance with the provisions of this by-law and any contract entered into with the Town of Amherstburg.
- b) Waste and recyclable material shall be collected from areas approved by the Director.
- c) The service of collection and other related duties from each area shall be completed on the approved collection day and the Contractor shall be courteous and render every reasonable effort for the proper execution of this service.
- d) The Contractor shall be responsible for the collection, removal, transportation and unloading of garbage at a waste disposal site approved by the Ministry of Environment and Energy.
- e) The Contractor shall provide all necessary equipment and labour for the collection, removal, transportation and unloading of waste materials from all dwellings buildings and areas to which this by-law applies.
- f) The Contractor shall not be required to enter any dwelling or other building; ascend or descend any stairway; or enter any elevator, hoist or unloading platform for the purpose of collecting or removing garbage.
- g) The Contractor shall not be required to remove any garbage from a chute.
- h) The Contractor shall not be required to enter a privately owned driveway, roadway, or lane for the purpose of collecting ashes, garbage or rubbish 3

from privately owned property, except where special arrangements have been made.

- i) The Contractor shall handle all receptacles with due care and after thoroughly removing their contents, shall replace the receptacles with covers secured at the location from which they were collected.
- j) No person, agent or employee of the Contractor shall sweep, throw, cast, lay or deposit any garbage, non-collectible waste or trade waste on any land, creek, street or public property or place in the Town or on any site other than one approved pursuant to the Environmental Protection Act.
- k) The Contractor shall enforce the provisions of this by-law which affect the collection of waste and recyclable material by its employees.

4 - Responsibilities of the Householder

- a) The householder shall place waste and recyclable material out for collection in accordance with the provisions of this by-law.
- b) The householder shall not deposit or permit the deposit upon any lands belonging to the householder, in the householder's occupation or under the householder's control of any garbage, or any material or any thing which may endanger public health.
- c) The householder shall not keep a receptacle or repository for garbage on the householder's premises in such condition or in such a location that the same is a nuisance or emits foul or offensive odours or harbours or attracts rats or other vermin or insects.
- d) Every householder shall keep and maintain that portion of the property utilized for the purpose of the placement of trash for pick up, free and clear of weeds, dirt, filth, ashes, paper, building material, rubbish and other refuse, at all times.
- e) The householder shall ensure all garbage, recyclable material and yard waste are to be set out for collection in accordance with the provisions of this by-law. All approved containers shall be drained of liquid and securely covered wrapped or tied.
- f) Every owner and occupant shall rinse all residue from all containers set out for collection as recyclable materials.
- g) Every owner and occupant of a multi-residential unit shall place all recyclable material set out for collection in plastic containers known as a Blue Box and a Red Box or approved roll-out carts or any other container determined by the Director as approved for the purpose of storing or setting out of recyclable material.
- h) Every owner and occupant shall set out materials for collection before 6:00 a.m. on the day of collection but not earlier than 5:00 p.m. on the day preceding collection.
- i) All empty containers, following waste collection, shall be removed from public view by the owner and occupant of the premises from which it was placed for collection before 8:00 p.m. on the day of collection.
- j) No person shall keep a garbage container, recycling material container or yard waste container in such condition or such location as to create a nuisance or emit offensive odours or harbour or attract insects, rats or other vermin or to present a safety hazard to collectors.

5 - Procedures for Collection

All refuse to be collected by the Corporation of the Town of Amherstburg shall be placed in the following manner:

- a) At the curb line in front of the property in the evening before the day(s) designated by the Director for the collection thereof as outlined in Schedule "A" to this by-law. No person shall place garbage or recyclable materials out for collection other than at the designated times.
- b) Waste and recyclable material set out at the curbside or in the designated collection area for curbside collection shall be aligned along the street and as close as possible to the curb and gutter or edge of the pavement of the street but not so as to impede or interfere with the flow of traffic or maintenance of such street. In the event of a dispute, the Director shall have the power to designate the precise point at which refuse for collection shall be placed for the collectors
- c) Empty receptacles and all waste and recyclable material not collected as a result of non-compliance with this By-law, shall be removed by the householder before 8:00 pm on the day of collection.
- d) The householder shall only place garbage, household waste and recyclable materials in approved receptacles out for collection.
- e) Thoroughly drained garbage and wastepaper shall be securely wrapped in a paper wrapper or bag before being deposited in a water-tight iron, nonferrous metal or plastic container with a securely fitting lid and suitable handles; or, in the alternative, a sturdy commercial type disposable plastic garbage bag securely tied may be used.
- f) Rubbish and ashes shall be placed in a wooden, galvanized iron, nonferrous metal or plastic container, provided that no such container when filled weighs over 22 kilograms (50 pounds). All ashes shall be cold.
- g) Newspapers may be placed in or alongside the Red Boxes provided they are compactly and securely tied in neat bundles.
- h) In the event of a traffic conflict on the private access route to the garbage storage facility, which cannot be resolved immediately at the time of collection, the collection vehicle will leave the site and no collections will be made until the following collection date.

6 - Approved Garbage Containers

- a) All refuse to be collected shall be placed in proper garbage containers and shall not be filled to a greater height than 50 mm (2 inches) from the top thereof.
- b) Garbage containers shall be durable, rust resistant, non-absorbent containers having a close fitting cover and two suitable handles. The garbage container's diameter shall not exceed 0.9 m (3 feet) and its height shall not exceed 1.5 m (5 feet). The diameter at the top of the garbage container shall be larger than the bottom.
- c) Non-Returnable Plastic Bags: must be plastic bags designed and sold for the purpose of containing garbage and secured so as to prevent any spillage.
- d) Minimum bag material thickness shall be 1.5 mil. Bags that break when lifted are not acceptable.
- e) The Blue Box and Red Box: must be used for disposal of recyclable materials, but not organic yard waste.
- f) Other containers which are irregular in shape such as paint cans, pails, oil drums and other smaller receptacles shall not be used unless the receptacle is

intended for disposal with the contents. Such containers shall be securely covered to prevent the contents from being scattered.

g) Garbage, other than bundles, shall be in securely covered receptacles unmixed with any liquid and all meats, fish, fruit, vegetables and other waste likely to attract animals, vermin and flies shall be drained of liquids and securely wrapped and tied.

h) The total weight of any full garbage container shall not exceed 22.0 kilograms (50 pounds).

i) The amount of waste and recyclable material placed at the curb shall not be of an excessive amount. What is determined to be excessive will be decided by the Director.

7.1 Additional Provisions for Commercial for Landlords, Multi-Residential Dwelling Units & Commercial Establishments

Receptacle storage enclosures/stands large enough to hold the required number of receptacles or bundles shall be provided by the owners of the types of premises listed below. The Director and his/her designate shall approve the structure, maintenance and location of the receptacle storage enclosures/stands:

7.1.1 Combined commercial and residential establishments with more than one residential unit;

7.1.2 Commercial establishments regardless of the number of occupants;

7.1.3 Homes with two or three dwelling units;

7.1.4 Multi-residential dwelling units;

7.1.5 Townhouse complexes without internal roadways that receive centralized collection of garbage, recyclable material and yard waste.

7.2 Roll-Out Carts and Bulk Lift Containers Occupants of, or those responsible for setting out of materials for collection at multi-residential units and food service establishments shall place all garbage, recyclable material and yard waste in approved roll-out carts and/or in bulk lift containers.

7.3 Obligation on Owner of Multi-Residential Units regarding garbage and recyclables

7.3.1 In a building containing less than four dwelling units, one or more suitable containers or compactors shall be provided for garbage and recycling in a manner acceptable to the Officer

7.3.2 In a building containing six or more dwelling units, one or more suitable hard-sided animal-proof containers or compactors shall be provided for garbage and recycling in a manner acceptable to the Officer

7.3.3 Garbage in a container or compactor provided in accordance with subsection (1) shall be stored and either placed for pick-up or regularly disposed of so as not to cause a risk to the health or safety of any person.

7.3.4 A container or compactor provided in accordance with subsection (1) shall:

a) be maintained in a clean and sanitary condition;

b) be maintained in good repair;

c) constructed of watertight materials, provided with a tight fitting cover

d) be accessible to residents; and

e) not obstruct an emergency route, driveway, walkway or alleyway.

7.3.5 All garbage containers used for the storing and disposing of domestic waste shall be covered tightly at all times except when the garbage container is being filled or emptied.

7.3.6 Building owners shall ensure that tenants are provided with approved and adequate recycling containers

8 - Schedule

Schedule "A" attached hereto forms part of this by-law.

9 - Non-Placement of Materials

No person shall sweep, throw, deposit or allow their agents or employees to sweep, throw or deposit any garbage, non-collectible material, recyclable material or yard waste on any street or other public place or on any lands not owned by such person.

10 - Prevention of Nuisance

No person shall place garbage, non collectible material, recyclable material or yard waste on property or in the alleyway abutting property in such a way as to attract rodent, insect and animal infestation.

11 - Prohibition of Scavenging

Any material placed at curbside, alleyway or in any other location for collection by the Town is the property of the Town or its authorized collection agent(s). No person or corporation, unless authorized by the Director, shall interfere with or cause or permit any person to interfere with or collect, scavenge, disturb, remove or scatter any garbage, recyclable material or yard waste excluding bulk items not bagged or placed in a container, placed out for collection by the Town except for the person(s) who placed the material for collection, or if authorized under law.

12 - Compost Heaps

The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than one square meter and 1.2 meters in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting.

13 - Permission to Enforce

The Director and his/her designate and all By-law Enforcement Officers appointed by the Town are authorized to enforce this by-law

14 - Entry onto Land

14.1 Entry to Inspect:

For the purposes of inspecting any land to determine compliance with the terms of this by-law, the Director and his/her designate may enter onto any public or private land.

14.2 Non-Obstruction of Director:

No person shall hinder or obstruct the Director and his/her designate in the enforcement of this by-law or from carrying out an inspection of land."

15 - Penalties

Every person who contravenes any of the provisions of this by-law is guilty of an offence, and upon conviction, is liable to a fine and any other penalties as provided for in the Provincial Offences Act, R.S.O. 1990, c.P33, as amended.

16 - Severability

If a Court of competent jurisdiction should declare any section or a part of a section of this by-law to be invalid, the remainder of this by-law shall continue in force unless the court makes an order to the contrary.

17 - Repeal of By-Laws

- a) That By-law 2005-29 be repealed.
- b) This by-law shall come into force and take effect on the day of final passing thereof.



Mayor Aldo DiCarlo



Valerie Critchley, Clerk

First Reading – March 14, 2022

Second Reading – March 14, 2022

Third Reading – March 14, 2022