

## The Corporation of the City of Peterborough

### By-Law Number 23-106

Being a by-law to establish a system for the collection of garbage, organic waste, recyclable materials and yard waste

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#### Recitals

1. Subsection 10(2) of the **Municipal Act, 2001** (the “Act”) permits a single-tier municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality, including respecting climate change.

**Now therefore**, The Corporation of the City of Peterborough by its Council hereby enacts as follows:

#### Short Title

1. This By-Law may be referred to as the “Waste Collection By-law”.

#### Interpretation

2. Unless otherwise stated:
  - a) a reference to any statute or regulation refers to a statute or regulation of Ontario as it may be amended or replaced from from time to time;
  - b) a reference to a by-law refers to a by-law of the City as it may be amended or replaced from time to time; and
  - c) a reference to a section, paragraph, clause or schedule is a reference to this By-law’s section, paragraph, clause or schedule.

3. The table of contents and headings in this By-law are for convenience only and do not form part of this By-law.
4. If any part of this By-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.
5. In the event of any inconsistency between a provision of this By-law and of any other City by-law, the provision that, in the Manager's determination, more restrictively regulates prevails to the extent of the inconsistency.

### **Definitions**

6. In this By-law:
  - a) "Administrative Order" means each of the orders described in paragraphs 20.a) and 20.b).
  - b) "Appeal Fee" means the fee from time to time established by Council for the hearing of an appeal pursuant to section 24.
  - c) "Appeal No-Show Fee" means the fee from time to time established by Council in respect of a Person's failure to appear at the time and in the manner scheduled for a hearing before a Hearing Officer.
  - d) "Boulevard" means that part of a Highway between its travelled part and
    - i) the nearest limit of any Sidewalk, or;
    - ii) if no Sidewalk exists at that part of the Highway, the outer limit of the Highway.
  - e) "By-law" means this by-law.
  - f) "City" means The Corporation of the City of Peterborough or the geographic area of the City of Peterborough as the context requires.
  - g) "City Clerk" means the City's Clerk.
  - h) "City Property" means land in respect of which the City is an Owner including Highways.
  - i) "Collection Period" means, in relation to a Property, the day on which and period of time during which the Manager determines Materials may be placed for the purposes of Services.
  - j) "Collection Spot" means the place or places within the Owner's Boulevard determined by the Manager within which Materials must be placed for the purposes of Services.
  - k) "Contaminated" means the state of having mixed:
    - i) Garbage with any thing not defined as Garbage;
    - ii) Organic Waste with any thing not defined as Organic Waste;
    - iii) Recyclable Material with any thing not defined as Recyclable Material; or
    - iv) Yard Waste with any thing not defined as Yard Waste.
  - l) "Council" means the City's Council.
  - m) "DBIA" means the geographic area or areas of the City from time to time established as a business improvement area pursuant to section 204 of the Municipal Act, 2001.
  - n) "Dwelling Unit" means that part of a Property comprising connected space for residential purposes within a building which space includes one or more rooms used or designed with the intended use for sleeping, sanitary facilities and cooking facilities, all provided for the exclusive use of the occupants of such space, with a private entrance from outside of the building or through a common area.
  - o) "Garbage" means waste but does not include:
    - i) Hazardous Waste;
    - ii) Large Items;

- iii) Liquid Waste;
  - iv) Organic Waste;
  - v) Recyclable Material;
  - vi) Unsuitable Items; and
  - vii) Yard Waste.
- p) "Garbage Bag" means a transparent plastic bag capable of supporting no less than 13.6 kg (30 lbs) when lifted.
- q) "Hazardous Waste" includes
- i) waste as defined in paragraphs (a) to (k), inclusive, of the definition of hazardous waste in subsection 1(1) of R.R.O. Regulation 347, General – Waste Management; and
  - ii) waste determined by the Manager to be hazardous waste.
- r) "Hearing Officer" means a hearing officer appointed pursuant to Hearing Officer By-law 20-077.
- s) "Highway" means a highway over which the City has jurisdiction pursuant to section 28 of the Municipal Act, 2001, S.O. 2001, c. 25.
- t) "Large Item" means such large or heavy Material determined by the Manager to be a large item for the purposes of Services.
- u) "Large Item Collection Fee" means the fee determined by Council for Services in relation to Large Items.
- v) "Liquid Waste" means any waste in liquid form.
- w) "Manager" means each of the City's
- i) Program Manager, Waste Diversion, of the Environmental Services Division; and
  - ii) Manager, Parks, Forestry and Sanitation Division.
- x) "Materials" includes
- i) Garbage;
  - ii) Hazardous Waste;
  - iii) Large Items;
  - iv) Liquid Waste;
  - v) Organic Waste;
  - vi) Recyclable Material;
  - vii) Unsuitable Items; and
  - viii) Yard Waste.
- y) "Municipal Remedial Work Administrative Fee" means the fee from time to time established by Council for administering municipal remedial work for the purposes of enforcing an Administrative Order.
- z) "Municipal Remedial Work Cost" means the cost incurred by the City to undertake municipal remedial work for the purposes of enforcing an Administrative Order.
- aa) "Non-residential Unit" means that part of a Property lawfully used other than as a Dwelling Unit or as ancillary to a Dwelling Unit.
- bb) "Officer" means
- i) the City's Manager, Municipal Law Enforcement Services Division;
  - ii) each individual from time to time appointed as a municipal law enforcement officer to enforce all or any of the City's by-laws;
  - iii) each assistant to the Fire Marshal employed by the City; and

- iv) a police officer employed by Peterborough Police Service, the Ontario Provincial Police or the Royal Canadian Mounted Police.
- cc) "Organic Waste" means solid biodegradable waste derived from a plant or an animal but does not include Yard Waste.
- dd) "Organic Waste Container" means, for the purposes of Services respecting Organic Waste, an organic waste container provided by the City or determined by the Manager to be acceptable.
- ee) "Owner" includes each Person who or that has any right, title, interest or equity in land.
- ff) "Owner's Boulevard" means that part or parts of a Boulevard that is or are adjacent to an Owner's Property.
- gg) "Person" includes an individual, corporation or partnership.
- hh) "Privacy Bag" means a translucent or opaque bag.
- ii) "Property" means land designated as a property pursuant to
  - i) subsection 141(2) or (4) of the Land Titles Act, R.S.O. 1990, c. L.5; or
  - ii) subsection 21(2) or 4 of the Registry Act, R.S.O. 1990, c. R.20.
- jj) "Recyclable Material" means
  - i) newspaper;
  - ii) unwaxed corrugated cardboard;
  - iii) boxboard;
  - iv) magazines;
  - v) household fine paper;
  - vi) soft cover books;
  - vii) aluminum foil;
  - viii) containers made of metal, glass or plastic; and
  - ix) any Materials determined by the Manager to be acceptable as recyclable.
- kk) "Recycling Container" means
  - i) a blue, rigid plastic container without a lid, the top opening of which is larger than its base;
  - ii) where all or part of Recyclable Material consists solely of corrugated cardboard, a bundle of the corrugated cardboard; and
  - iii) such container as may be determined by the Manager to be acceptable for the disposal or depositing of Recyclable Material.
- ll) "Services" means those services provided by the City in relation to the collection of Materials.
- mm) "Sidewalk" means that part of a Highway as defined by subsection 1(1) of O.Reg. 239/02, Minimum Maintenance Standards for Municipal Highways.
- nn) "Unsuitable Items" means waste items determined by the Manager to be unsuitable for collection by virtue of their size, shape, weight or potential danger.
- oo) "Waste Disposal Site" means a waste disposal site as defined in section 25 of the Environmental Protection Act, R.S.O. 1990, c. E.19.
- pp) "Yard Waste" means plant material originally grown on an Owner's Property including tree branches, shrub trimmings, grass clippings, bedding plants, weeds and leaves.
- qq) "Yard Waste Container" means
  - i) an open, circular, wooden basket with a maximum capacity of 1 bushel with tapered sides and handles;

- ii) a wet strength kraft paper bag without ties with a minimum total wall thickness of 23 mm (0.87 inch) and a flat base when unfolded; and
- iii) where all or part of Yard Waste consists solely of tree branches or shrub trimmings, a bundle of the branches or trimmings.

**Application of By-law**

- 7. This By-law applies within the territorial limits of the City.
- 8. This By-law does not apply to activities or matters undertaken by or on behalf of the City.
- 9. This By-law does not prevent the disposal, depositing, handling, transferring, treating or processing of Materials at a Waste Disposal Site in accordance with applicable law.

**Prohibitions**

- 10. No Person may dispose of or deposit any Materials on City Property except pursuant to this By-law.
- 11. No Person may remove from an Owner’s Boulevard any Materials disposed of or placed by an Owner.
- 12. No Owner may dispose of or deposit any Materials or permit the disposal or depositing of any Materials except on the Owner’s Boulevard and pursuant to this By-law.

**Garbage**

- 13. No Owner may permit the disposal or depositing of Garbage except pursuant to the following conditions:
  - a) The Garbage must not be Contaminated.
  - b) The Garbage must be within a Garbage Bag.
  - c) The number of Privacy Bags in each Garbage Bag must not exceed 3.
  - d) Each Privacy Bag must not exceed a volume of 25 litres (5.5 imperial gallons).
  - e) Each Garbage Bag must be securely sealed and watertight.
  - f) Each Garbage Bag must not be within a container.
  - g) Each Garbage Bag must be placed within the Collection Spot during the Collection Period.
  - h) Each Garbage Bag must not exceed a weight of 13.6 kg (30 lbs).
  - i) The number of Garbage Bags must not exceed:
    - i) for a Property exclusively comprised of six (6) or fewer Dwelling Units, a number not exceeding the product of the number of Dwelling Units and four (4);
    - ii) for a Property comprised of six (6) or fewer Dwelling Units and at least one (1) Non-residential Unit, a number not exceeding
      - (1) the product of the number of Dwelling Units and four (4); plus
      - (2) twelve (12);
    - iii) for a Property comprised exclusively of one or more Non-residential Units, twelve (12);
    - iv) for a Property within the DBIA, six (6); or
    - v) the number determined by the Manager for the Owner’s Property.
  - j) The disposal or depositing of the Garbage must comply with conditions determined by the Manager.

**Recyclable Material**

- 14. No Owner may permit the disposal or depositing of Recyclable Material except pursuant to the following conditions:
  - a) The Recyclable Material must not be Contaminated.

- b) The Recyclable Material must be sorted between types determined by the Manager and each type contained within a Recycling Container or as otherwise determined by the Manager.
- c) Each Recycling Container must be placed within the Collection Spot during the Collection Period.
- d) Subject to the following paragraph e), each Recycling Container must not exceed a weight of 23 kg (50.7 lbs).
- e) Each Recycling Container that is a bundle of corrugated cardboard contemplated by clause 6.kk)ii)
  - i) must not exceed a weight of 23 kg (50.7 lbs);
  - ii) must not exceed dimensions of 76 cm x 76 cm x 20 cm (29.9 inches x 29.9 inches x 7.9 inches); and
  - iii) must be securely tied by string or twine.
- f) The number of Recycling Containers must not exceed the number determined by the Manager for the Owner's Property.
- g) The disposal or depositing of the Recyclable Material must comply with conditions determined by the Manager.

### **Organic Waste**

15. No Owner may permit the disposal or depositing of Organic Waste except pursuant to the following conditions:

- a) The Organic Waste must not be Contaminated.
- b) The Organic Waste must be within an Organic Waste Container.
- c) The Organic Waste Container must be securely sealed and watertight.
- d) The Organic Waste Container must be placed within the Collection Spot during a period determined by the Manager for the purposes of Services.
- e) The number of Organic Waste Containers must not exceed the number determined by the Manager for the Owner's Property.
- f) The disposal or depositing of the Organic Waste must comply with conditions determined by the Manager.
- g) The Owner's Property must not be within the DBIA.

### **Yard Waste**

16. No Owner may permit the disposal or depositing of Yard Waste except pursuant to the following conditions:

- a) The Yard Waste must not be Contaminated.
- b) The Yard Waste must be within a Yard Waste Container.
- c) The Yard Waste Container must be placed within the Collection Spot during the Collection Period.
- d) Each Yard Waste Container that is a bundle of branches or trimmings contemplated by clause 6.qq)iii)
  - i) must not exceed a weight of 13.6 kg (30 lbs);
  - ii) must not exceed a length of 1 metre (39.4 inches); and
  - iii) must be securely tied by string or twine.
- e) The number of Yard Waste Containers must not exceed the number determined by the Manager for the Owner's Property.
- f) The disposal or depositing of Yard Waste must comply with conditions determined by the Manager.

### **Large Items**

17. No Owner may permit the disposal or depositing of a Large Item except pursuant to the following conditions:

- a) The Large Item must not be Contaminated.
- b) The Large item must be placed within the Collection Spot during the Collection Period.
- c) The Owner must pay to the City the Large Item Collection Fee.
- d) The disposal or depositing of the Large Item must comply with conditions determined by the Manager.

### **Administration of By-law**

18. The Manager may do such things as the Manager considers appropriate in the administration of this By-law including making determinations from time to time respecting any determination to be made by the Manager pursuant to this By-law. Without limiting section 29, publication on the City's website of a determination by the Manager is conclusive evidence of the Manager's determination. In the event of any disagreement between the Managers as to the administration of this By-law including any determination to be made by a Manager, the Managers must attempt to resolve such disagreement in consultation with their respective Directors provided, however, that if the disagreement remains unresolved, the subject matter of the disagreement may be determined by the City's Commissioner, Infrastructure and Planning Services.
19. It is Council's opinion that the powers delegated pursuant to this By-law are of a minor nature having regard to the number of people, the size of geographic area and the time period affected by an exercise of the power.

### **Administrative Orders**

20. In addition to any other remedy, if an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an Administrative Order:
- a) requiring the Person who contravened this By-law to discontinue the contravening activity; and
  - b) requiring the Person who contravened this By-law to do work to correct the contravention at the Person's expense.
21. A Person to whom or to which an Administrative Order has been given may appeal to the Hearing Officer against the order pursuant to section 24.
22. An Administrative Order that has not been appealed pursuant to section 24 is final and not subject to review including review by any Court.

### **Municipal Remedial Work**

23. In addition to any other remedy, the Officer may cause to be done the work set out in the Administrative Order in which case which each Person to whom or to which the Administrative Order has been given must pay to the City the Municipal Remedial Work Cost and the Municipal Remedial Work Administrative Fee if the Officer is satisfied that the Person has failed to comply with the Administrative Order and:
- a) the Person has not appealed to the Hearing Officer pursuant to section 24; or
  - b) the Person has appealed to the Hearing Officer pursuant to section 24, the Hearing Officer has confirmed or modified the Administrative Order in whole or in part and the work done is consistent with the Administrative Order as confirmed or modified.

### **Appeal to Hearing Officer**

24. The following rules and conditions apply to appeals to the Hearing Officer:
- a) A Person's right to appeal expires if it has not been exercised in the manner prescribed in paragraph b) before 4:30 p.m. on the fifth (5<sup>th</sup>) day after the Administrative Order has been given to the Person.
  - b) A right to appeal is exercised by:
    - i) giving to the City Clerk written notice of the appeal that includes particulars of all grounds upon which the appeal is made; and by
    - ii) paying to the City the Appeal Fee.

- c) The City Clerk will cause to be given to the Person no fewer than seven (7) days' notice of the date, time and place of the hearing of the appeal.
- d) Where the Person fails to appear at the time and place scheduled for a hearing of the appeal, the Person's appeal is deemed to be dismissed and the Person must pay to the City an Appeal No-Show Fee.
- e) Subject to paragraph d), the Hearing Officer may not decide the appeal unless the Hearing Officer has given each of the Person and the Officer an opportunity to be heard at the time and place scheduled for the hearing of the appeal.
- f) The Person is only entitled to be heard to the extent of the particulars included in the Person's notice given pursuant to clause b)i).
- g) The Hearing Officer may make any decision that the Officer could have made pursuant to this By-law.
- h) The decision of the Hearing Officer is final and not subject to review including review by any Court.

### **Administrative Penalties**

25. AMP System By-law 20-073 applies to each administrative penalty issued pursuant to this By-law.
26. In addition to any other remedy, each Person that contravenes this By-law is, upon issuance of a penalty notice in accordance with AMP System By-law 20-073, liable to pay to the City an administrative penalty of:
- a) subject to the following paragraph b), \$250; and
  - b) \$500 for each contravention that occurs within the two (2) month period immediately following the date of the last contravention.

### **Offences**

27. Subject to section 28, each Person that contravenes this By-law is guilty of an offence and, upon conviction, is liable to a fine for each day or part of a day on which the offence occurs or continues of:
- a) not less than \$300 and not more than \$10,000;
  - b) not less than \$400 and not more than \$25,000 for a second conviction of the same offence; and
  - c) not less than \$500 and not more than \$50,000 for a third or subsequent conviction of the same offence.
28. A Person is not guilty of an offence for which a penalty notice has been issued pursuant to section 26.

### **General**

29. Subject to AMP System By-law 20-073, any notice to be given to a Person other than the City is sufficiently given:
- a) when given verbally to the Person;
  - b) when delivered in writing to the Person;
  - c) on the third (3<sup>rd</sup>) day after it is sent by regular lettermail to the Person's last known address; or
  - d) when sent to the Person by e-mail or by other means of electronic transmission.
30. Subject to AMP System By-law 20-073, any notice to be given to the City is sufficiently given:
- a) on the third (3<sup>rd</sup>) day after it is sent by regular lettermail to "Municipal Law Enforcement Services Division, City of Peterborough, 500 George St. N, Peterborough, ON K9H 3R9"; or
  - b) when sent by e-mail to [by-laws@peterborough.ca](mailto:by-laws@peterborough.ca).
31. No proceeding for damages or otherwise may be commenced against the City, a member of Council, or an officer, employee or agent of the City or a Person acting under the instructions of the officer, employee or agent for any act done in good faith



in the performance or intended performance of a duty or authority under this By-law or for any alleged neglect or default in the performance in good faith of the duty or authority.

32. By-law 18-103 is repealed.

33. This By-law is in effect when it is passed.

By-law passed this 23<sup>rd</sup> day of October, 2023.

Sgd. Jeff Leal, Mayor

Sgd. John Kennedy, City Clerk