

THE CORPORATION OF THE TOWN OF HEARST

By-law No. 87-16

As amended by By-laws No. 31-17, 25-18 and 37-18

Being a by-law to establish a system
for the collection and disposal of
garbage, recyclables and other refuse
in the Town of Hearst

WHEREAS under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a 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 under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

WHEREAS the Corporation of The Town of Hearst deems it desirable to regulate the disposal of garbage by way of landfill bans and recycling,

NOW THEREFORE BE IT ENACTED by the Council of the Corporation of The Town of Hearst as follows:

1. THAT Municipal Council adopts a "Solid Waste Management" Policy, a copy of which is attached hereto as "Schedule A" and forming part of this by-law; and
2. THAT this By-law shall become effective on the date of passing thereof;
3. THAT By-law No. 8-01, is hereby repealed;
4. THAT the Clerk of the Town of Hearst is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law.

READ IN FIRST AND SECOND READING

This 14th day of November, 2016.

(signed Roger Sigouin)
Mayor

(signed Janine Lecours)
Clerk

READ A THIRD TIME AND ADOPTED

This 14th day of February, 2017.

(signed Roger Sigouin)
Mayor

(signed Janine Lecours)
Clerk



By-law No. 87-16

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SOLID WASTE MANAGEMENT POLICY

Table of Contents

Section 1 – Title, Application and Scope

- 1.1 Short Title
- 1.2 Application
- 1.3 Conflicts
- 1.4 Enforcement

Section 2 – Definitions

Section 3 – Administration

- 3.1 Solid Waste Management
- 3.2 Performance of Work described in By-law
- 3.3 Waste Diversion Levy
- 3.4 Waste Diversion Plan
- 3.5 Duties – Director of Public Works and Engineering Services
- 3.6 Duties – Treasury / Finance
- 3.7 Duties – Owner
- 3.8 Duties – Construction Companies

Section 4 – Collection Services

- 4.1 Single Dwelling
- 4.2 Low-Density Residential Building
- 4.3 Multi-Unit Residential Building
- 4.4 Industrial, Commercial and Institutional (ICI) Establishments
- 4.5 Frequency of Collection Services / Limitations
- 4.6 Statutory Holidays
- 4.7 Yard Waste
- 4.8 Bulky Items

B-L 31-17

B-L 37-18

Section 5 – Private Waste Collection Operations

- 5.1 Private Collection Services
- 5.2 Arrangements for Private Collection
- 5.3 Private Collection – Provisions

Section 6 – Landfill Site / Transfer station

- 6.1 Landfill Site / Transfer station – General Restrictions
- 6.2 Asbestos Waste Disposal
- 6.3 Refusal Rights
- 6.4 Order to Leave Landfill Site / Transfer station
- 6.5 Trespassing – Police Assistance
- 6.6 Landfill Site / Transfer station Operation – Disposal Fees
- 6.7 Landfill Site / Transfer station Operation - Hours of Operation

Section 7 – Privately-Owned Waste Disposal Sites

- 7.1 Authorization to Operate Private-Owned Waste Disposal Site
- 7.2 Right to impose conditions for Operation of Privately-Owned Waste Disposal Site
- 7.3 Other Approvals required to Operate Privately-Owned Waste Disposal Site

Section 8 – General Provisions and Prohibitions

- 8.1 General Waste Provisions
- 8.2 Inspection
- 8.3 Notice to Remove Waste
- 8.4 Notice of Default
- 8.5 Order to Suspend Waste Collection Services
- 8.6 Service of Notices and Orders
- 8.7 Reinstatement of Waste Collection Services
- 8.8 Liability for Damage to Landfill Site and/or Transfer Station
- 8.9 Costs Recoverable in like manner as Property Taxes

Section 9 – Enforcement and Penalties

- 9.1 Penalties – Individuals
- 9.2 Penalties – Corporation
- 9.3 Subsequent Conviction
- 9.4 Order of Prohibition
- 9.5 Set Fines

Appendix 01 – Recyclable Materials

Appendix 02 – Yard Waste & Amnesty Program

Appendix 03 – Tipping Fees

Appendix 04 – Prohibited Waste

Section 1 – Title, Application and Scope

1.1 Short Title

This By-law shall be cited as the “Solid Waste Management” By-law.

1.2 Application

The Provisions of this By-law shall apply to all properties within the geographic limits of the Town of Hearst.

1.3 Conflicts

Where a provision of this By-law conflicts with a provision of another By-law in force in the Town of Hearst; the provisions that establish the higher standard shall prevail in order to protect the health, safety and welfare of the general public.

When any provision of this By-law is declared invalid for any reason by a court of competent jurisdiction, the remainder of this By-law shall continue to be in force. An invalid provision will not void the entire By-law.

1.4 Enforcement

This By-law shall be enforced by the *Director of Public Works and Engineering Services*, the *Public Works Foreman*, a *By-law Enforcement Officer*, a *Fire Chief* or a *Police Officer*.

Section 2 – Definitions

For the purpose of this By-law, the words and terms in italics in the by-law shall have the following definitions and interpretations given in this section shall govern. The use of the defined terms in either its singular or plural form shall have the same meaning. Words and phrases used in this By-law which are not included in Section 2.0 shall have the meanings which are commonly assigned to them in the context in which they are used.

- 2.1 **Aerosol container** means any empty aerosol container, which falls within the meaning of the definition of “empty container” in the regulations made under the *Environmental Protection Act*;
- 2.2 **Alternating Weekly Collection** means where the *garbage container* and the *recycling container* is collected on the next alternating week;
- 2.3 **Appendix** means all regulations attached to and forming part of this By-law including any amendments thereto;
- 2.4 **Approved Container** includes:
 - i. **Garbage Container** means the container approved by the *Town* for the *storage of garbage*; designed for *automated collection services*.
- 2.5 **Ashes** means the solid residue for any household fuel after such fuel has been consumed by fire, and tins, bottles, metals, crockery and glass.
- 2.6 **Recycling Container** means the container approved by the *Town* for the storage of recyclable materials; designed for *automated collection services*;
- 2.7 **Automated Collection** means the collection of waste by means of the mechanical lifting and tipping of *approved containers* into specially designed collection vehicles;
- 2.8 **Bi-Weekly Collection** means materials are collected one day every two weeks ;
- 2.9 **Books** means all soft and hard covered *books*;
- 2.10 **Boxboard** means non-corrugated cardboard packaging such as cereals and shoeboxes, and any similar rigid paper packaging with the metal or plastic portion or both removed;
- 2.11 **Bulky Items** means large items including, but not limited to, *white goods*, bicycles, floor lamps, mattresses, furniture, microwaves, sinks, toilet bowls, barrels, pool pumps, pool covers and any other similar discarded material;
- 2.12 **By-law Enforcement Officer** means the *person* or *persons* duly appointed by Council as Municipal Law Enforcement Officers for the purpose of enforcing regulatory by-laws of the *Town*;
- 2.13 **Chief Fire Official** means the assistant to the Fire Marshall who is the Municipal Fire Chief or a member or members of the Fire Department appointed by the Municipal Council or a *person* appointed by the Fire Marshall under Article 11 (1) (d) of the Fire Protection and Prevention Act, 1997.
- 2.14 **Christmas Trees** means trees including but not limited to the pine, spruce, balsam or fir species, which are typically decorated for display during the Christmas season;
- 2.15 **Collection Location** means the location designated by the *Director of Public Works and Engineering Services* for placement or *approved containers* for collection and removal as part of the *Town's waste collection system*;

- 2.16 **Collection System** means the *Town's collection system* for permitted waste, where collection services are provided.
- 2.17 **Common Pad Location** means the system of collection of permitted waste placed in *approved containers* at a shared common area location;
- 2.18 **Contamination** means the co-mingling of material in *approved containers* and/or dumpsters for *containerized collection*, referred to in the list below:

- i. *Recyclable materials*
- ii. *Garbage*

Generally refers to any item which is not acceptable in either of the *garbage* containers or dumpster and/or *recycling containers* or dumpsters. In the case of *recyclable materials*, *contamination* also refers to *recyclable materials* which may be soiled or dirty, which renders such items non-recyclable.

- 2.19 **Contractor** means any *person*, partnership or corporation and the employees of any such *person*, partnership or corporation with whom the *Town* has entered into a contract or agreement;
- 2.20 **Corrugated Cardboard** means any paper board product which is composed of a rippled, flute or wave/shaped paper insert with paper liners bonded to the outside of the product and which does not have contaminants;
- 2.21 **Council** means the *Municipal Council* of the *Town of Hearst*;
- 2.22 **Curbside Collection** means the system of collection of permitted waste placed in *approved containers* at a *collection location*, which is at or near the curb;
- 2.23 **Director of Public Works and Engineering Services** means the *Director of Public Works and Engineering Service* for the *Town* and where applicable, includes a *person* designated by the *Director of Public Works and Engineering Services* to perform that task or exercise that power in his or her place and stead;
- 2.24 **Environmental Protection Act** means the *Environmental Protection Act*, R.S.O 1990, c.E.19, as amended;
- 2.25 **E-Waste** means electronic items as defined by Phase 1 of the Waste Electrical Electronics Equipment (WEEE) Program and includes: laptop computers, desktop computers, peripherals such as keyboards and mice, monitors, desktop printers, disk drives, printers, fax machines and televisions;
- 2.26 **Farm Waste** means any waste which is the normal by-product of farming operations within the *Town* and excludes construction and demolition materials from any building or structure, compostable materials other than what result from clearing land for farm operation purposes, *recyclable material* that can be placed for *curbside collection*, and other material deemed unacceptable for disposal at a *landfill site* by the Ministry of Environment or under this By-law;
- 2.27 **Fine Paper** means computer paper and all white and colored ledger, including writing pad paper, letterhead, reports, business forms, copy paper and scratch pads, flyers and envelopes;
- 2.28 **Gable Top Cartons** means milk and juice cartons constructed of coated paper and opened by unfolding the top or screw cap;
- 2.29 **Garbage** means all materials permitted to be discarded, save and except those materials defined by this By-law as *bulky items*, *recyclable material*, *yard waste*, *sharp items*, *sharps*, *white goods*, *Christmas trees*, *organic material*, *prohibited wastes*, and *other non-collectable waste*;

- 2.30 **Glass Bottles and Jars** means all glass food and beverage bottles and jars;
- 2.31 **ICI Establishments** (Industrial, Commercial and Institutional) means a:
- i) **multi-unit residential building**; i.e. a building containing more than six (6) *dwelling units*;
 - ii) any establishment within the *Town* that is not defined as a *Residential Building*; and
 - iii) any other establishment as designated by the *Director of Public Works and Engineering Services*;
- 2.32 **Ineligible Properties** means all *properties that shall not receive collection services, including but not limited to*:
- i) Tax exempt properties
 - ii) Other properties as determined by Council;
- 2.33 **Landfill Site** means an area of land designated by the *Town* and approved by the Ministry of the Environment and Climate Change to be used for the disposal of *solid waste, except for items listed in Appendix 01 and in Appendix 04 of this By-law*;
- 2.34 **Magazines/Catalogues** means all *magazines and catalogues bound with glue or stapled along the spine*;
- 2.35 **Metal Food and Beverage Containers** means all steel and aluminum food and beverage cans and containers;
- 2.36 **Municipality** means the municipal land within the geographic limit of the Town of Hearst;
- 2.37 **Newspapers** means all *newspapers including the inserts that are delivered therein*;
- 2.38 **Non-Collectible Waste** means any item designated by *Council or the Director or Public Works and Engineering Services* which is not permitted to be collected within the *Town's* waste collection system;
- 2.39 **Occupant** means any *person over the age of eighteen (18) years in possession of property, or any person who occupies the premise under a lease of license, or with the permission of the owner*;
- 2.40 **Owner** includes but is not limited to:
- i) A *person, corporation, partnership or any other legal entity that is the registered owner of a property, land or premise*;
 - ii) Both the owner in trust and the beneficial owner of property which is subject to this By-law;
 - iii) The *person for the time being managing or receiving the rent of the property, which is subject to this By-law, 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 receive the rent if the property was let; and*
 - iv) A lessee or occupant of the *private property, which is subject to this By-law*;
- 2.41 **Paper Cores** means the cardboard paper roll used for the toilet paper or paper towels;

- 2.42 **Person** means an individual, firm, partnership, association, corporation, company, or organization of any kind, and may include the heirs, executors or legal representatives of a person;
- 2.43 **Plastic Film** refers to all plastic grocery, retail store, milk bags and pouches, frozen food, bulk food, bread, meat and cheese bags and wrap, overwrap from boxed products, stretch wrap, cereal wrap, snack food bags and the like;
- 2.44 **Police Officer** means a member of the Ontario Provincial Police;
- 2.45 **Private Collection** means a *person* or corporation in the business of transporting waste to the *landfill site* or *transfer station* by any means, including but not limited to personal vehicles and commercial vehicles, except while operating such vehicles under contract to the *Town*;
- 2.46 **Private Property** means property, which is privately-owned and is not the *Town's* property, or property of a local board, or property of the Crown in Right of Ontario, the Crown in Right of Canada or any emanations thereof;
- 2.47 **Prohibited Wastes** means those items described in *Appendix 01* or as designated by the *Director of Public Works and Engineering Services*;
- 2.48 **Public Property** means property, which is the *Town's* property, or property of a local board, or property of the Crown in Right of Ontario, the Crown in Right of Canada of any emanations thereof;
- 2.49 **Recyclable Materials** means those items described in *Appendix 01* or as designated by the *Director of Public Works and Engineering Services*;
- 2.50 **Residential Building includes:**
- i) **Low-Density Residential Building** means a property on which is situated a duplex, apartment building, townhouse complex, co-operative housing complex or other similar residential complex containing less than seven (7) *dwelling units*;
 - ii) **Dwelling Unit** means one or more rooms occupied or capable of being occupied by an individual or individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual, with a private entrance from outside the building or from a common hallway or stairway inside the building;
 - iii) **Single Dwelling** means a residence designed for one household only;
- 2.51 **Scavenge/Scavenging** means the unauthorized removal of *solid waste*;
- 2.52 **Semi-automated collection** means manually assisted *automated collection* of waste from *collection locations* in *approved containers*;
- 2.53 **Sharp Items** includes windows, drinking glasses, dishes, ceramics, mirrors, light bulbs, sheet metal and other objects capable of cutting or puncturing but does not include *sharps*;
- 2.54 **Sharps** includes used and unused hypodermic needles, insulin pen tips, lancets and glass pipe stems;

2.55 **Solid Waste** means discarded materials which:

- i) Materials set forth in *Appendix 01* and *Appendix 04* to this By-law and such other materials as may from time-to-time be designated by the *Director of Public Works and Engineering Services* as *solid waste*;
- ii) Includes, but is not limited to *garbage, bulky items, yard waste, farm waste, Christmas Trees, non-collectable waste, white goods, E-Waste, sharp items,* and
- iii) Are in a solid physical state, as determined by the "slump test" prescribed by the regulations passed under the provisions of the Environmental Protection Act; and

2.56 **Street** means a common and public highway, *street, roadway, crescent, avenue, parkway, driveway, square, place, bridge, viaduct, trestle* or other such place designated and intended for, or used by the general public for the passage or parking of vehicles and includes the area of land between the lateral property lines thereof;

2.57 **Transfer Station** means any area of land or buildings in the *Town* designated as a *transfer station* by the *Town* for the temporary storage of *recyclable materials* intended to be transferred to a recycling processing facility;

2.58 **Transient Waste** shall mean any solid waste including *recyclable materials* carried into the *municipality* from outside its boundaries by any person;

2.59 **Town** means the Corporation of the Town of Hearst;

2.60 **Town Manager** means the *Chief Administrative Officer* for the *Town* and where applicable includes a person designated by the CAO to perform that task or exercise that power in his or her place and stead;

2.61 **White Goods** includes, but may not be limited to refrigerators, ovens/stoves, washers, dryers, dishwashers, freezers, air conditioning units, microwave ovens, hot water tanks, or other items containing ozone depleting substances; and

2.62 **Yard Waste** means those items described in *Appendix 02* or as designated by the *Director of Public Works and Engineering Services*.

Section 3 – Administration

3.1 Solid Waste Management

The *Town* shall operate a *solid waste* management system for the collection, removal and disposal of *solid waste* in accordance with the provisions of this By-law.

3.2 Performance of Work Described in the By-law

The *Town* may contract with any person or company for the performance of the whole of or any part of the work described in this By-law.

3.3 Waste Diversion Levy

Each *single dwelling, dwelling unit and ICI establishment* entitled to the *Town's collection system* will be subject to a waste diversion levy set forth by Council.

3.4 Waste Diversion Plan

An owner or his/her agent shall submit a Waste Diversion Plan to maximize the amount of construction, renovation, or demolition (CRD) waste to be diverted from disposal through salvage, reuse and recycling, prior to the issuance of a building or demolition permit.

3.5 Duties – Director of Public Works and Engineering Services

3.5.1 Collection Program

- i) The *Director of Public Works and Engineering Services* shall supervise and administer a *solid waste* management system and shall be responsible for its operation in accordance to this By-law.
- ii) The *Director or Public Works and Engineering Services* shall establish waste reduction, recycling and recovery programs as deemed appropriate.
- iii) The *Director or Public Works and Engineering Services* shall administer the By-law with the power to determine:
 - a) the level and type of collection service provided to *residential buildings* and *ICI establishments*;
 - b) the location where *garbage, bulky items, recyclable materials, yard waste* and *organic materials* are placed out for collection at *residential buildings* and *ICI establishments*;
 - c) the location where *approved containers* are stored at the property for *residential buildings* and *ICI establishments*;
 - d) the scheduling of collection services, including collection day or the changes to collection schedules or services;
 - e) whether a building, *collection location*, or property is safe for entry by any employees of the *Town* or its *contractor* having regard to the physical condition and layout, loading facilities, method of handling collectible waste at the building, *collection location* or property;
 - f) new types of *non-collectable waste* and new types of *recyclable materials* and *organic materials*;
 - g) the level and type of service to any land or building owned or leased by the Crown in right of Canada, the Crown in right of Ontario, a school board, a university, a community college, a hospital, or to any property for which no taxes are paid and for which no grants in lieu are received;
 - h) the refusal to collect permitted *solid waste* at a property otherwise entitled to collection services, and can designate this authority to the *Contractor*; and/or other municipal representative;
 - i) any other matter necessary for the administration of this By-law.
- iv) Should emergency conditions arise that, in the opinion of the *Director of Public Works and Engineering Services*, imperil the municipal *landfill site*, the *transfer station* or other *solid waste* handling facility(s) and the *collection system*, the *Director of Public Works and Engineering Services* shall:
 - a) take all remedial measures as may be deemed necessary, which may include limiting or stopping the collection of *solid waste* in any area for any purpose;

- b) expend money and employ workers as needed to restore the *Town's solid waste collection system*; and
- c) report to *Council* as soon as practical after such measures have been taken.

3.5.2 **Acceptance of Solid Waste at Landfill Site and Transfer Station**

- a) The *Town Manager* and/or the *Director of Public Works and Engineering Services* is authorized, subject to any limitations contained in the By-law or applicable legislation, to do each of the following with respect to accepting *solid waste*:
 - i) negotiate the terms and conditions of an agreement accepting waste, other than *recyclable materials*, into a *landfill site* where not otherwise authorized under this By-law, and recommend such agreement to *Council*; and
 - ii) negotiate the terms and conditions of an agreement accepting *recyclable materials* at a *transfer station* where not otherwise authorized under this By-law, and to sign such an agreement.

3.5.3 **Guidelines**

The *Director of Public Works and Engineering Services* is authorized, subject to any limitations contained in this By-law or applicable legislation, to establish from time-to-time, guidelines:

- i) for the disposition of various forms of waste in accordance with federal or provincial statutes and regulations and municipal by-laws;
- ii) as to what constitutes *non-collectible waste* and other forms of waste for which no waste collection services are available; and
- iii) for the packing of various forms of waste.

3.5.4 **Residential Densities**

The *Director of Public Works and Engineering Services* is authorized, subject to any limitations contained in this By-law, to determine whether a property is a *multi-unit residential* building, or a *low-density residential* building, by reference to the number of *dwelling units* recorded for that property in the data base maintained, and operated by the Municipal Property Assessment Corporation (MPAC) and used by the *Town*.

3.5.5 **Amnesty Program**

The *Director of Public Works and Engineering Services* is authorized, subject to any limitations contained in this By-law, to establish for the purposes of *Appendix 02* to this By-law, to establish for the annual amnesty program.

3.5.6 **Treasure Hunt Days**

The *Director of Public Works and Engineering Services* is authorized, subject to any limitations contained in this By-law, to establish for the purposes of *Appendix 02* to this By-law, the associated dates for the annual "Treasure Hunt Days", whereby items placed at the curbside on the specified day or time may be removed by other residents of the *Town* for the purpose of reuse. Residents are responsible for removing uncollected items following Treasure Hunt Days.

3.5.7 **General Provision**

The *Director of Public Works and Engineering Services* is authorized, subject to any limitations contained in this By-law or applicable legislation, to deal with any other matter necessary for the administration of this By-law.

3.6 **Duties – Treasury / Finance**

The Department shall collect fees associated with the *solid waste management system*.

3.7 **Duties – Owner**

3.7.1 **Approved Containers**

- i) The *approved container(s)* is/are assigned to the owner;
- ii) Each owner shall only utilize the *approved container(s)* for *automated collection and semi-automated collection*;
- iii) Each owner shall maintain the *approved container(s)* at the owner's expense;
- iv) Each owner shall contact the *Town* if an *approved container* is damaged by the *Contractor* or by the *Town*, for the repair of the container at no cost to the owner;
- v) No owner shall alter or modify the *approved containers* without the written consent of the *Director of Public Works and Engineering Services*;
- vi) No owner shall damage the *approved containers* through neglect, willful damage or non-compliance with any part of this By-law. The owner shall be responsible for the full cost of replacement of the *approved container* or parts for the container(s), along with any applicable fees;
- vii) Each owner shall contact the local police detachment to file a police report if an *approved container(s)* is stolen. The owner shall provide the *Town* with a copy of the police report, or a signed affidavit confirming that a police report has been filed, prior to the *Town* issuing a new container at no cost to the owner;
- viii) No owner shall set out a container for collection that:
 - a) Is not an *approved container*;
 - b) Contains *contamination*;
 - c) Is damaged to the extent that it is unsafe to manoeuvre;
 - d) Has graffiti;
 - e) Is not properly placed at the *collection location*, as defined in subsection 3.7.3 of this By-law;
 - f) Exceeds the allowable weight limits for the *approved container*;
 - (1) *Garbage Container* – 100 pounds (45.4 kg);
 - (2) *Recycling Container* – 120 pounds (54.4 kg);
 - g) Has not been cleared of snow and/or ice;
 - h) Is secured with bungee cords, ties, or other lid securing device(s);
and/or
 - i) Is unclean or unsanitary.

3.7.2 Storage Area

- i) No owner shall store, place or leave any *solid waste* for collection in a location which is a nuisance to any person, whether or not in an *approved container*.
- ii) No owner shall store an *approved container* at the *collection location* unless authorized by the *Director of Public Works and Engineering Services*.
- iii) No owner shall keep the storage area for *approved containers* in an unclean or unsanitary condition.

3.7.3 Placement of Approved Containers for Curbside Collection

- i) Each owner shall place *approved containers* as close as possible to the edge of the street off of the travelled portion of the road.
- ii) Each owner shall place the *approved containers* in an accessible location to ensure that the operator of the collection vehicle does not exit the vehicle to facilitate *automated collection*.
- iii) Each owner shall place an approved container no closer than three (3) feet from any obstruction.
- iv) Each owner shall keep the *collection location* clear of snow and litter.
- v) Each owner shall place the *approved container* with the arrows on the lid pointing towards the street.
- vi) No owner shall place *approved containers* to obstruct pedestrian and vehicular traffic, or maintenance operations
- vii) No owner shall place *approved containers* in a location which the *Director of Public Works and Engineering Services* deems *unreasonable, inefficient or dangerous*.

3.7.4 Semi-Automated Collection – Common Pad Location

- i) No owner shall keep the storage area for *approved containers* in an unclean or unsanitary condition.
- ii) Each owner shall keep the *common pad location* clear of snow and litter.

3.7.5 Waste Disposal Packing Standards

- i) Each owner shall pack any wet waste such as food waste, food contaminated paper, kitty litter and any other compostable material in a leak-proof bag prior to placement in the *approved container*.
- ii) No owner shall bag *recyclable materials* within an *approved container*, except for shredded paper which shall be packaged in a clear plastic bag.
- iii) No owner shall fail to clean up any mess or debris created if waste spills from, or for any reason is no longer contained in the *approved container*.
- iv) No owner shall place *garbage and/or recyclable material* in such a manner that the lid of the *approved container* cannot completely close.

- v) No owner shall pack *garbage and/or recyclable material* too tightly that it cannot be emptied from the *approved container*.

3.7.6 Timing

- i) No owner of a *residential building* shall place *approved containers* for *curbside collection* at ground level earlier than 8:00 p.m. on the evening before collection, but no later than 6:00 a.m. on the designated day for collection.
- ii) No owner of a *residential building* shall fail to remove the empty *approved container* from the *collection location* before 10:00 p.m. on the day of collection.
- iii) No owner of a *residential building* shall fail to remove uncollected waste from the *collection location* before 10:00 p.m. on the day of collection.
- iv) No owner of an *ICI establishment* shall place *approved container* for *curbside collection* at ground level earlier than 5:00 p.m. the evening before collection, but no later than 6:00 a.m. on the designated day for collection.
- v) No owner of an *ICI establishment* shall fail to remove the empty *approved container* from the *collection location* before 5:00 p.m. on the day of collection.
- vi) No owner of an *ICI establishment* shall fail to remove uncollected waste from the *collection location* before 5:00 p.m. on the day of collection.

3.8 Duties – Construction Companies

In the event that any construction will disrupt *automated collection services*, each construction company shall be responsible to find an alternative solution of *collection location* for the *approved containers*, to the satisfaction of the *Director of Public Works and Engineering Services*.

Section 4 – Collection Services

The *Town* will not provide waste collection services to any residential building or *ICI establishment* in the *Town* for any form of waste, except as provided for in this Section, or by approval from the *Director of Public Works and Engineering Services*.

4.1 Single Dwelling

The *Town* will provide garbage and recycling collection services to each *single dwelling* by allowing one (1) *garbage container* and one (1) *recycling container* each designed for *automated collection*.

4.2 Low-Density Residential Building

The *Town* will provide *garbage* and recycling collection services to *low-density residential buildings*. The service will be provided in the form of:

- i) *Automated Collection* – *garbage containers* for collection of *garbage* and *recycling containers* for the collection of *recyclable materials*.

The quantities of *approved containers* shall be based on the maximum number of *dwelling units* within a *residential building*. An owner of a *low-density residential building* may choose the quantity of the *garbage and recycling containers*, but if no choice is made, the *Director of Public Works and Engineering Services* will select the default quantity of containers, i.e. one (1) *garbage container* and one (1) *recycling container* per *dwelling unit*.

4.3 Multi-Unit Residential Building

The Town will provide the same garbage and recycling collection services to *multi-unit residential buildings* as for *low-density residential buildings*.

4.4 Industrial, Commercial and Institutional Establishments

The Town may provide each *ICI establishment* with one (1) garbage container and up to eight (8) recycling containers, each designed for automated collection. The Town may provide garbage and recycling collection services to *ICI Establishments*. The service may be provided in the form of:

Semi-Automated Collection – garbage containers for collection of garbage and recycling containers for the collection of recyclable materials.

4.5 Frequency of Collection Services/Limitations

4.5.1 The collection system for *single dwellings* and *multi-residential buildings* occurs on an *alternating weekly collection* schedule one day per week, between *garbage and recyclable materials*.

B-L 31-17

4.5.2 Owners of *multi-residential buildings* may request for collection twice per week, if they opted to purchase a lesser amount of containers than prescribed, and in the event of such, said owners shall submit a written request to the *Director of Public Works and Engineering Services*.

4.5.3 Where access is restricted or limited for *automated collection* or for *semi-automated collection*, alternative collection methods may be approved by the *Director of Public Works and Engineering Services*.

4.5.4 The owner of a *residential building* or an *ICI establishment* shall be responsible for the cost of any additional services and waste collections above the limits prescribed in this By-law.

4.5.5 For *low-density residential*, the *bi-weekly collection (every two weeks)* limits per dwelling unit shall be:

i) *Garbage* – four (4) regular sized garbage bags (26" X 32.5"), or capacity not to exceed a 65 gallons; and

ii) *Recyclable Materials* – the equivalent of six (6) regular sized garbage bags (26" x 32.5"), or capacity not to exceed a 95 gallons; and

iii) *Non-collectable Waste* – not permitted.

4.5.6 For *ICI Establishments*, the *bi-weekly collection (twice per week)* limits shall be:

i) *Garbage* – forty-eight (48) regular sized garbage bags (26" X 32.5"), or capacity not to exceed a 760 gallons; and

ii) *Recyclable Materials* – the equivalent of forty-eight (48) regular sized garbage bags (26" x 32.5"), or capacity not to exceed a 760 gallons; and

iii) *Non-collectable Waste* – not permitted, owners of ICI establishments may request for collection twice per week, if they have opted to reduce the number of containers.

4.5.7 For *recycling containers*, the Town may allow *recyclable materials* to be collected in clear recyclable bags only.

B-L 37-18

4.6 Statutory Holidays

No *automated collection*, *semi-automated collection*, or *containerized collection* shall be made on the following holidays which fall on normal collection days:

New Year's Day	Good Friday	Victoria Day
Canada Day	Civic Holiday	Labour Day
Thanksgiving Day	Christmas Day	Boxing Day

or any other day designated as a holiday, unless an emergency or exceptional situation, as deemed by the *Town*, arises and collection must occur on a holiday.

When a normal *curbside collection* day falls on a holiday, the collection shall be made one (1) day later, or as advertised by the *Town*.

4.7 Yard Waste

The *Town* does not collect *yard waste* of any nature, unless authorized by the *Director of Public Works and Engineering Services*. Owners are responsible for the proper disposal of *yard waste*. *Yard waste* can be disposed of at a *landfill site* in accordance to the applicable tipping fee, described in *Appendix 03* of this By-law.

4.8 Bulky Items

The *Town* does not collect *bulky items* of any nature. Owners are responsible for the proper disposal of bulky items. Bulky items can be disposed of at a *landfill site* in accordance to the applicable tipping fee, outlined in *Appendix 03* attached hereto.

Section 5 – Private Waste Collection Operations

5.1 Private Collection Services

The *Town* does not provide *collection services* to *residential buildings* or *ICI establishments*, beyond the limits established in Section 4 of this By-Law.

5.2 Arrangements for Private Collection

The *owner* shall arrange for the *private collection* of waste if:

- i) the property is ineligible to receive collection services from the *Town*;
- ii) collection services have been discontinued for any type of waste;
- iii) limitations established in Section 4 of this By-law are exceeded; or
- iv) waste is of a type for which collection services are not provided by the *Town*.

5.3 Private Collection – Provisions

The *owner* who is required to arrange for *private collection* services shall ensure:

- i) that all waste is stored in properly constructed and maintained waste storage containers;
- ii) every storage container is emptied as necessary to prevent odors or other nuisances;
- iii) material does not overflow the storage container and lids or doors of storage containers are kept closed;
- iv) a container storage enclosure is provided which is adequate to contain all of the storage containers;
- v) that every storage container and any enclosure or other structure or building provided for the housing of storage containers are at all times maintained in a secure, clean, dry and sanitary condition, to prevent entry of or occupation by rodents, insects or other vermin;
- vi) that the waste is conveyed to the point of disposal at the expense of the owner of such waste;
- vii) that proof is provided if requested by the *Director of Public Works and Engineering Services* that the waste has been transported to an appropriate *landfill site* in accordance with this By-law or legislative requirements; and
- viii) that *prohibited waste(s)* is/are kept separate from all other waste and stored in a container adequate for the safe storage and disposal of the *prohibited waste(s)*.

Section 6 – Landfill Site / Transfer station

6.1 Landfill Site/Transfer station – General Restrictions

- 6.1.1 No person shall deposit waste at the *landfill site* outside the hours of operation as posted at the site.
- 6.1.2 No person shall deposit *recyclable materials* at the *transfer station* outside of hours of operation.
- 6.1.3 No person shall, except as provided herein, deposit *any prohibited waste* at the *landfill site* or at the *transfer station*.
- 6.1.4 No person shall deposit for landfilling purposes any *recyclable materials*, any *e-waste* or any other form of waste determined by the *Director of Public Works and Engineering Services* collectable under another type of diversionary program.
- 6.1.5 No person shall deposit at the *landfill site* or at the *transfer station* any waste determined by the *Director of Public Works and Engineering Services* to require segregation or special handling contrary to the site attendant's direction;
- 6.1.6 No person shall deposit septic tank effluent at any location in the *landfill site*, or at the *transfer station*.
- 6.1.7 No person shall set any fire at the *landfill site* or at the *transfer station*.
- 6.1.8 No person shall deposit waste at the gate or entrance to the *landfill site* or to the *transfer station*, or at any place other than the designated location.
- 6.1.9 No person shall neglect or refuse to provide proof of the origin of waste tendered for disposal at the *landfill site* or at the *transfer station* when such is demanded.
- 6.1.10 No person shall deposit waste at the *landfill site* or at the *transfer station* when the attendant at the site refuses deposit of the waste on the grounds that the origin of the waste has not been satisfactorily proven.
- 6.1.11 No person shall deposit waste at the *landfill site* or at the *transfer station* when such deposit has been forbidden by the *Director of Public Works and Engineering Services*.
- 6.1.12 No person shall operate a motor vehicle at the *landfill site* or at the *transfer station* other than on a designated route, without due care or attention.
- 6.1.13 No person shall scavenge at the *landfill site*, or *transfer station* without prior written approval of the *Director of Public Works and Engineering Services*.
- 6.1.14 No person shall transport waste to or at the *landfill site* or the *transfer station* except in properly covered containers or in carts, wagons, or vehicles, totally enclosed or covered in canvas, tarpaulins or nets, so fastened down around the edges to prevent any of the contents from falling upon during the transport.
- 6.1.15 No person shall deposit waste at the *landfill site* or at the *transfer station* while barred from doing so.
- 6.1.16 No person shall deliver any tires to the *landfill site* co-mingled with any other waste.
- 6.1.17 No person shall deposit tires with attached rims at the *landfill site* or *transfer station*.

- 6.1.18 No person shall co-mingle *white goods* with other waste delivered to the *landfill site* or the *transfer station*.
- 6.1.19 No person shall deposit an ozone depleting appliance at the *landfill site* or at the *transfer station* in any location other than the location designated by the *Director of Public Works and Engineering Services* for that purpose.
- 6.1.20 No person shall deposit any containing ozone depleting appliances at the *landfill site* unless in an upright position.
- 6.1.21 No person shall attend at the *landfill site* or at the *transfer station* except for the purposes of depositing waste, or for other lawful business, without the written approval of the *Director of Public Works and Engineering Services*.
- 6.1.22 No person shall trespass on the *landfill site* or the *transfer station*.
- 6.1.23 No person shall deliver or deposit at the *landfill site*, or *transfer station* any *transient waste* unless they have entered into an agreement with the *Town*.

6.2 Asbestos Waste Disposal

- 6.2.1 No person shall unload or dispose of asbestos waste.
- 6.2.2 Notwithstanding subsection 6.2.1., the unloading or disposal shall be in accordance with the following conditions:
- i) Comply with O.Reg 347, Section 17, Management of Asbestos Waste
 - ii) A written request shall be made to the *Director of Public Works and Engineering Services* prior to disposal and shall contain the following information:
 - a) A Certificate of Approval for Waste Management System detailing authorization of your hauler to transport asbestos;
 - b) The name of the product;
 - c) The source of the product;
 - d) The quantity of the product.
 - iii) All asbestos waste must be contained in a rigid, impermeable, sealed container of sufficient strength to accommodate the weight and nature of the waste. If the container is a cardboard box, the waste must be placed in a polyethylene bag placed within the box. The container must be free from punctures, tears or leaks. The external surface of the container and the vehicle used for the transport of the asbestos waste must be free from asbestos waste;
 - iv) During unloading, the packaged asbestos waste materials shall be handled individually and care taken to place the package in the designated area to avoid spillage. This unloading shall be the responsibility of the contractor and shall not be done by a site attendant;
 - v) The unloading shall only be done in the presence of a site attendant to ensure that no loose asbestos waste or broken containers are unloaded and that no airborne particulate is generated;
 - vi) In the event that loose asbestos waste or broken containers are found, the contractor shall repackage the material with additional containers or bags;

- vii) The containers shall be placed directly in the designated area determined by the attendant and which has been prepared by the Contractor and immediately after unloading, the containers shall be covered by the Contractor;
- viii) The contractor shall contact the *Town* twenty-four (24) hours prior to delivery to allow for preparation of the location; and
- ix) Asbestos waste is only accepted by appointment booked in advance. The *Director of Public Works and Engineering Services* reserves the right to limit or refuse the acceptance of asbestos waste.

6.3 Refusal Rights

The *Town* reserves the right to refuse the disposal of any material. Under special or emergency conditions, the *Director of Public Works and Engineering Services* may accept waste which has been approved by the Ministry of the Environment and Climate Change.

6.4 Order to Leave Landfill Site/Transfer station

The *Director of Public Works and Engineering Services* or *By-Law Officer* may at any time order any person to leave the *landfill site* or *transfer station* if such person:

- i) is scavenging;
- ii) is depositing waste contrary to this By-law;
- iii) is conducting any illegal activity; or
- iv) has no lawful reason to be at the *landfill site* or at the *transfer station*.

6.5 Trespassing – Police Assistance

If any such person fails or refuses to leave in response to an order under Subsection 6.4, the *Director of Public Works and Engineering Services* or contractor may call for police assistance and cause trespass charges to be laid.

6.6 Landfill / Transfer Station Operation – Disposal Fees

- 6.6.1 The *Town* may from time-to-time establish fees for the use of the *landfill site* or the *transfer station* by amendment to *Appendix 03*, and may inform users of the facilities of any changes to the disposal fees by posting a notice at the *landfill site* and *transfer station*.
- 6.6.2 Every person shall pay the applicable disposal fees and surcharges in full by debit card to the site attendant before depositing waste at the landfill site and/or station unless a charge account has been approved by the Treasurer.
- 6.6.3 Any person applying the disposal fees or surcharges to a charge account in good standing will be required to provide information required by the attendant for proper processing of said account.
- 6.6.4 Every person, group or municipality located outside the boundaries of the *Town* who disposes of *recyclable materials* at the *transfer station* must have approval from the *Director of Public Works and Engineering Services*. Fee associated with the disposal agreement shall be in accordance with *Appendix 03* of this By-law.

6.7 Landfill Site/Transfer Station Operation – Hours of Operation

The *landfill site* and/or *transfer station* shall be open to the public at times determined by the *Director of Public Works and Engineering Services*.

Section 7 – Privately-Owned Waste Disposal Sites

7.1 Authorization to Operate Private-Owned Waste Disposal Site

No *person* shall operate a privately-owned waste disposal site or other operation for the disposal of waste, either for his or her own use or for the use of others, without having first received authorization from the Ministry of the Environment and Climate Change and shall comply with all applicable Official Plan and zoning by-laws prior.

7.1.1 Right to Impose Conditions for Operation of Privately-Owned Waste Disposal Site

The *Town* may impose conditions on privately-owned waste disposal sites, and the applicant shall maintain his or her operation in conformity with the conditions.

7.1.2 Other Approvals Required to Operate Privately-Owned Waste Disposal Site

All privately-owned waste disposal sites shall comply with all relevant *Town*, Provincial and Federal approvals and standards.

Section 8 – General Provisions and Prohibitions

8.1 General Waste Provisions

- 8.1.1 No person shall, unless authorized by the *Director of Public Works and Engineering Services*, scavenge, interfere with, or scatter any waste or cause or permit the scavenging, interference with, or scattering of any waste, placed at a *collection location* for collection, whether or not in an *approved container*.
- 8.1.2 Once waste enters the collection vehicle, it becomes the property of the *Town*.
- 8.1.3 No person shall place any form of waste at the *collection location* for a property, unless waste collection services are provided for that type of waste at the property.
- 8.1.4 No person shall, unless authorized by the *Director of Public Works and Engineering Services* in writing, deposit or cause to be deposited or permit any *contractor, agent or employee* of such person to deposit any waste on or in any street, *public property, private property, vacant lot, yard or watercourse*.
- 8.1.5 No person, unless authorized by the *Director of Public Works and Engineering Services* in writing, shall place waste on *public property* for collection by a *private waste collection operator*.
- 8.1.6 No person shall permit any animal owned by him or her or under his or her control to pick-over, interfere with, remove or scatter any waste placed out for collection.
- 8.1.7 No person shall deposit waste generated on *private property* into or beside public waste receptacles located on a street or *public properties*.
- 8.1.8 No person shall deposit or cause to be deposited any waste other than in an *landfill site and/or transfer station*.
- 8.1.9 No person shall allow any liquid matter from any cesspool, septic field or vehicle, or allow any other objectionable liquid from any source whatsoever, to flow or drain upon *streets, roadsides, ditches, gutters, public property or private property*.
- 8.1.10 No person shall burn waste and/or recyclable materials within *Town limits*.

8.2 Inspection

- 8.2.1 A *By-law Enforcement Officer, a Town employee or contractor* responsible for the administration or collection of *solid waste*, may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- i) This By-law;
 - ii) A notice, direction or order made under this By-law;
 - iii) A condition of a notice or order issued under this By-law; or
 - iv) An order made under s. 431 of the Municipal Act.

8.2.2 A *By-law Enforcement Officer*, a *Town* employee or contractor may for the purpose of the inspection under subsection 8.4.1 of this By-law:

- i) require the production for inspection of documents or things relevant to the inspection;
- ii) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- iii) require information in writing or otherwise as required by the *By-law Enforcement Officer* from any person concerning a matter related to the inspection; or
- iv) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

8.2.3 A *By-law Enforcement Officer* may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001* where he or she has been prevented or is likely to be prevented from carrying out an inspection under subsection 8.4.1 and 8.4.2 of this By-law.

8.3 Notice to Remove Waste

The *By-law Enforcement Officer* may give written notice to any person who deposits waste on *public property* advising that if such person fails to remove the waste within the time specified in the notice, the *Town* may remove the waste at the expense of the person who deposited the waste.

8.4 Notice of Default

8.4.1 If the *By-law Enforcement Officer* is satisfied that a contravention of this By-law has occurred, he or she may give notice requiring the person who contravened this By-law or who caused or permitted the contravention, or the owner of the property on which the contravention occurred to cease the specified contravention, and/or take action to correct the contravention.

8.4.2 A notice under subsection 8.6.1 of this By-law shall set out:

- i) Reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred;
- ii) The action to be completed, if applicable, and
- iii) The date or dates by which there must be compliance with the notice.

8.5 Order to Suspend Waste Collection Services

Where a person or an owner of the property on which the contravention occurred, fails to remedy the contravention, the *By-law Enforcement Officer* may issue an order to suspend or discontinue waste collection services.

8.6 Service of Notices and Orders

8.6.1 A notice made under subsection 8.4 and/or 8.6 of this By-law, or an order made under subsection 8.5 of this By-law, may be served personally or by registered mail to the last known address of:

- i) the owner of the property where the contravention occurred; and

- ii) such other persons affected by it as the *Director of Public Works and Engineering Services* making the notice determines.

Service by registered mail shall be deemed to have taken place five business days after the date of mailing.

8.6.2 In addition to service given in accordance with subsection 8.8.1, a notice made under section 8.6.1 of this By-law, or an order made under section 8.5 of this By-law, may be served by a *By-law Enforcement Officer* placing a placard containing the notice in a conspicuous place on the property where the contravention occurred.

8.6.3 Where service cannot be given in accordance with subsection 8.6.1, sufficient service is deemed to have taken place when given in accordance with subsection 8.6.2.

8.7 Reinstatement of Waste Collection Services

Any person or owner may apply to the *By-law Department* in writing for the reinstatement of waste collection services, and upon satisfying the *Director Public Works and Engineering Services* that he or she are in compliance with this By-law, and that further contravention of this By-law is unlikely to occur, the *By-law Department* may reinstate full or partial waste collection services, subject to such conditions or terms as he or she considers appropriate.

8.8 Liability for Damage to Landfill Site and/or Transfer Station

Every person who, by act, offence, default, neglect or omission; occasions any loss, cost, damage or injury to the *landfill site or transfer station* or any part or appurtenance thereof, is liable to the *Town* for any and all financial losses and costs incurred as a result.

8.9 Costs Recoverable in Like Manner as Property Taxes

If payment is not made, the *Town* may recover the outstanding amount by action or in the case of an owner, the same may be recovered in like manner as property taxes, in the sole discretion of the *Town Manager* and the *Town Treasurer* is hereby authorized to take all necessary action to do so.

Section 9 – Enforcement and Penalties

9.1 Penalties – Individuals

Every *person* who contravenes any provision of this By-law is, upon conviction, guilty of an offence, and shall be liable:

- i) to a fine of not more than \$25,000 as authorized by the Municipal Act S.O. 2001 Chapter 25 Section 77 (1).

9.2 Penalties – Corporation

Despite subsection 9.1, where the *person* convicted is a corporation, the maximum fines in Subsections 9.1 ii) are \$50,000 and \$100,000 respectively, as authorized by the Municipal Act S.O. 2001 Chapter 25 Section 77 (2).

9.3 Subsequent Conviction

Where an offence is a continuing offence, each new day that the offence is continued shall constitute a separate and distinct offence.

9.4 Order of Prohibition

Where a *person* has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any other penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the *person* convicted.

9.5 Set Fines

- 9.5.1 Pursuant to Part 1 of the *Provincial Offences Act, R.S.O. 1990, Chapter P.33*, every *person* who contravenes this By-law is liable to a set fine for each offence committed, as established under the set fines By-law No.39-16, as amended.
- 9.5.2 No action or proceeding under the provisions of this By-law shall preclude the *Municipality* from the right and power to exercise any other right or remedy available to the *Municipality*.

Recyclable Materials

In this By-law "recyclable materials" include:

Recyclable containers include the following forms of containers, which have been emptied of the contents and rinsed clean:

- a) *metal food and beverage containers*;
- b) *cardboard cans such as form frozen juice, refrigerated dough, chips, and nuts*;
- c) *aluminum cans, foil, foil plates and foil trays*;
- d) *aseptic packaging, such as drink boxes*;
- e) *empty plastic containers (with numbered symbol 1 to 7, EXCEPT no. 6)*
- f) *empty aerosol containers*;
- g) *polycoat containers or gable top cartons, such as for milk and juice*; and
- h) *any other container designated by the Director of Public Works and Engineering Services to be a recyclable container.*

Recyclable papers include the following:

- a) *household paper, including junk mail, fine paper, non-foil gift wrap, non-foil greeting cards and envelopes*;
- b) *shredded paper (required packaging in a clear plastic bag)*;
- c) *paper egg cartons*;
- d) *paper cores*;
- e) *paper bags, other than treated bags, such as flour, sugar, potato and pet food bags*;
- f) *newspapers and inserts*;
- g) *magazines/catalogues and glossies*;
- h) *telephone directories*;
- i) *soft covered books and hard covered books (hardcover removed and recycled separately)*; and
- j) *any other paper or paper products designated by the Director of Public Works and Engineering Services to be recyclable papers.*

Recyclable cardboard includes clean, unwaxed *corrugated cardboard and box board*.

Yard Waste

In this By-law, yard waste means:

- a) leaves;
- b) grass clippings;
- c) trees (excluding root balls);
- d) garden roots and cuttings;
- e) hedge and shrub trimmings;
- f) brush cuttings;
- g) twigs and branches;
- h) natural *Christmas Trees*, decorations removed;
- i) any other item determined by the *Director of Public Works and Engineering Services* from time-to-time to be yard waste.

Amnesty Program

In this By-law, "amnesty program" means a program that permits residents to drop off garbage in the *landfill* site without the application of a tipping fee.

The amnesty program shall have the following restrictions/conditions applied:

- a) Applicable to residents of the Town of Hearst and is **not** applicable to ICI establishments;
- b) Deposit up to a maximum of two (2) cubic yards of waste (equivalent to a ½ ton truck load) per amnesty week;
- c) Tipping Fees remain applicable for prohibited waste;
- d) Surcharge fee remains applicable for *White Goods* containing Freon gas or ozone depleting substances.

The *Director Public Works and Engineering Services* shall establish one Amnesty Week annually, in the spring.