

THE CORPORATION OF THE COUNTY OF NORTHUMBERLAND

BY-LAW NO. 15 -10

Being a by-law to amend by-law 09-02 being a by-law to provide a solid waste management system for the collection of household and commercial waste and recyclable material; to provide uniform standards as to containers, quantities of waste, preparation and collection procedures; to provide for fees for curbside collection, removal, processing and disposal of waste and recyclable material; and to provide for the prosecution of the unauthorized depositing of waste on highways and public lands within the County of Northumberland.

WHEREAS Section 208.2 of the Municipal Act, R.S.O. 1990, chapter M.45, as amended (the "Act"), authorizes a local municipality to pass by-laws to establish, maintain and operate a waste management system;

AND WHEREAS the Council of the Corporation of the County of Northumberland (the "Council") has enacted its By-law No. 24-90 to assume waste management powers conferred pursuant to section 208.2 of the Act, including such powers conferred upon the councils of local municipalities;

AND WHEREAS the Council, pursuant to such powers, has enacted its By-law No. 31-00, to provide for the establishment, maintenance and operation of a solid waste management system and to provide for the collection of waste, and other materials;

AND WHEREAS the Council deems it in the public interest to include in that By-law provisions to prohibit the unlawful and unauthorized depositing of waste, in order to maintain the health, safety and welfare of the inhabitants of the County of Northumberland, and to consolidate all such provisions of both enactments into a single by-law;

AND WHEREAS paragraph 210.82 of the Act authorizes councils of local municipalities to pass by-laws to prohibit the unauthorized throwing, placing or depositing of refuse or debris on private property or on property of the municipality;

AND WHEREAS paragraph 210.135 of the Act authorizes councils of local municipalities to pass by-laws for prohibiting or regulating and inspecting the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse or domestic or industrial waste of any kind;

AND WHEREAS paragraphs 314(1).5 and 314(1).6 of the Act authorize councils of all municipalities to pass by-laws prohibiting the throwing, placing or depositing of dirt, filth, glass, handbills, paper or other rubbish or refuse, or the carcass of any animal, on any highway or bridge and the obstruction of ditches or culverts upon highways;

AND WHEREAS section 320 of the Act authorizes councils of all municipalities to pass by-laws which provide that any person who contravenes any by-law of the council, passed under the authority of the Act, is guilty of an offence;

AND WHEREAS section 326 of the Act provides that where a council has authority to direct or require by by-law or otherwise that any matter or thing be done, the council may by the same or by another by-law direct that, in default of its being done by the person directed or required to do it, such matter or thing shall be done at the person's expense, and the corporation may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes, or the council may provide that the expense incurred by it, with interest, shall be payable by such person in annual instalments not exceeding ten years and may borrow money to cover such expense by the issue of debentures of the corporation payable in not more than ten years;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF NORTHUMBERLAND ENACTS AS FOLLOWS:

1.0 DEFINITIONS

For the purposes of this By-Law:

- (1) **“apartment building”** means a building which consists of six or more *dwelling units*;
- (2) **“ashes”** means the residue, including soot, of any fuel or *waste* after it has been consumed by fire;
- (3) **“bag tag”** means a tag or a sticker bearing the County of Northumberland logo and the word WASTE, issued by the *County* pursuant to this *By-law*;
- (4) **“blue box”** means an open-topped plastic box used for the collection of recyclable material;
- (5) **“bridge”** shall mean a public bridge, and includes a bridge forming part of a *highway* or on, over or across which a *highway* passes;
- (6) **“bulky household waste”** means any weighty or bulky articles commonly used in the home and shall include but not be limited to: mattresses, beds, carpets, chairs, sofas, tables, exercise equipment, refrigerators, freezers, stoves, washers, dryers, televisions, water tanks and other large appliances or furniture;
- (7) **“By-law”**, except where indicated otherwise, means this By-law and any amendments thereto including any Schedules forming any part of this By-law and any amendments thereto, as enacted by the *Council* from time to time;
- (8) **“by-law enforcement officer”** means a by-law enforcement officer for the *County* or any other person authorized by the *County* to enforce the by-laws of the *County*, and includes a police officer;
- (9) **“collector”** means any person designated or authorized by the *County* to collect *waste* pursuant to this *By-law*, and includes a *collection contractor*, and any person working for a *collection contractor*;
- (10) **“collection contractor”** means a company, person, corporation or partnership performing collection and haulage of *waste* under contract with the County of Northumberland;
- (11) **“commercial premises”** means premises in or at which a commercial business is being operated;
- (12) **“commercial waste”** means any *waste* produced by or at any *commercial premises*;
- (13) **“compostable waste”** means any *waste* capable of being composted either at a central composting site or in a backyard composter;
- (14) **“condominium building”** means a multi-dwelling unit building under individual *dwelling unit* ownership or under the ownership of a condominium corporation;

- (15) **“construction or demolition debris”** means any discarded building material, resulting from the erection, demolition, repair, removal or improvement of any building, structure or property, including, but not limited to, concrete, stones, earth from excavations or grading, shingles, lumber, plaster, sawdust and shavings;
- (16) **“container”** means a vessel for placing *residential waste* or *recyclables* out for curbside collection; having dimensions of not more than 66 cm in height or 46 cm in diameter; and also having a maximum capacity of not more than 80 litres;
- (17) **“Council”** means the Council of the County of Northumberland;
- (18) **“County”** means the Corporation of the County of Northumberland, or the geographical area within the boundaries of the County of Northumberland, as the context allows;
- (19) **“designated disposal site”** means a disposal site designated and approved by the County of Northumberland;
- (20) **“dwelling unit”**, also referred to herein as a **“household”**, means a unit consisting of one or more rooms designed for use as a single housekeeping establishment;
- (21) **“highway”** includes a common and public highway, street or road and includes the shoulders, ditches, culverts and other untraveled portions of a highway;
- (22) **“household waste”** means waste material from a *residence*;
- (23) **“householder”** means any *owner*, occupant, lessee, tenant, or any person having use, occupation or charge of any *dwelling unit* or *multi-dwelling unit building*;
- (24) **“industrial premises”** means any building, structure or premises used for an industrial or manufacturing purpose;
- (25) **“industrial or trade waste”** means waste material from any one or more industrial or manufacturing processes, or *waste* from any industrial or manufacturing premises;
- (26) **“lands”** include lands, tenements and hereditaments, or any estate or interest therein, and any right or easement affecting them, and includes land covered by water;
- (27) **“leaf and yard waste”** means any organic or other material ordinarily associated with yards or gardens, including plants, grass, flowers, branches, leaves, or bushes;
- (28) **“local municipality”** means a local municipality forming part of the *County* for municipal purposes;
- (29) **“manufacturers' and trade waste”** means any abandoned, condemned or rejected product or by-product, or the *waste* from any process or by-product, produced as a result of the work of any manufacturer, builder or *contractor* in the operation of such business or trade, and scrap metal and motor vehicle parts from any garage or service station;

- (30) **“multi-dwelling unit building”** means a detached building containing up to five *dwelling units*, and includes a rooming, boarding or lodging house;
- (31) **“municipality”** means The Corporation of the County of Northumberland, or the geographical area within its jurisdiction, as the context allows;
- (32) **“offence”** means any offence under an Act or under a regulation or by-law made under the authority of an Act;
- (33) **“owner”**, when used in relation to property or premises, includes the occupant of real property or premises;
- (34) **“person”** includes a partnership or corporation, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- (35) **“private road”** means any road or laneway that has not been assumed by either the *local municipality* or the County of Northumberland;
- (36) **“provincial offences officer”** means any police officer or a *person* designated under subsection 1(3) of the Provincial Offences Act;
- (37) **“recyclables”** means recyclable material of a kind which is included in the County's recycling program, including, but not limited to, items or material listed under RECYCLABLE ITEMS in Schedule B to this *By-law*, and any other similar material;
- (38) **“residence”** includes a *dwelling unit* and unit in a *multi-dwelling unit building*;
- (39) **“residential waste”** means any *household waste* other than *recyclables*, including, but not limited to, those items listed under WASTE ITEMS in Schedule A to this *By-law*, and any other similar material;
- (40) **“serviced unit”** means any *dwelling unit* or residential, institutional, retail or *commercial premises* authorized to receive curbside collection services pursuant to this *By-law*;
- (41) **“set fine”** means the amount of fine set by the Chief Judge of the Superior Court of Justice for an *offence* for the purpose of proceedings commenced under the Provincial Offences Act ;
- (42) **“sharps”** means medical or veterinary equipment intended to be sharp for the purpose of cutting, piercing, or shaving, and includes medical needles, scalpels and knives;
- (43) **“street”** means any public *highway*, road, lane, alley, square, place, thoroughfare or way within the County of Northumberland;
- (44) **“waste”** means unwanted, superfluous or unneeded material discarded or intended to be discarded, and includes:
- (1) *bulky household waste*;
 - (2) *commercial waste*;
 - (3) *compostable waste*;
 - (4) *construction or demolition debris*;
 - (5) *recyclables*;

- (6) *hazardous waste;*
- (7) *industrial or trade waste;*
- (8) *leaf and yard waste;*
- (9) *manufacturers' and trade waste;* and
- (10) *residential waste*

all as defined herein;

- (45) **“unacceptable waste”** means any waste material or substance that, due to the hazardous associated with it (be it dangerous, corrosive, flammable, poisonous or explosive, etc.) are not accepted as part of the curbside collection program. A detailed listing of UNACCEPTABLE WASTE ITEMS is provided in Schedule C to this *By-law*;

- 1.1 Italicized terms in this *By-law* refer to such words or terms as defined in section 1.0.

2.0 SCOPE OF THE BY-LAW

- 2.1 The *Council* hereby declares and confirms its intent that should any provision or any part of any provision of this *By-law* be held by a court of competent jurisdiction to be invalid, or of no force and effect, it is the intent of the *Council* in enacting this *By-law*, that each and every other provision of this *By-law*, and every part of any provision, authorized by law, stand and be applied and enforced in accordance with its terms to the extent possible according to law.

3.0 APPLICATION

- 3.1 Curbside waste collection services may be provided, in accordance with this *By-law*, to any *dwelling unit*, or to any institutional, retail or *commercial premises* within the *County*, provided that such unit or premises is situated within a municipality or part of a municipality in respect of which the *County* has made arrangements for the provision of such services. In the case of *multi-dwelling unit buildings* and *apartment buildings*, the *County* may provide collection services to these buildings, provided that each individual *dwelling unit* has road frontage in front of the individual *dwelling unit*, on which to place their waste materials for collection. *Multi-dwelling unit buildings* and *apartment buildings* receiving curbside collection services from the *County* as of January 1, 2010, will continue to be entitled to this service, even if the road frontage requirement is not met.
- 3.2 The *owner* of any property in the *County* which is not included in section 3.1 shall provide a system for the collection, removal and disposal of all *waste* from such property.
- 3.3 Any *person* who generates *waste* in the *County* which is not eligible for collection services under this *By-law*, shall provide a system for the collection, removal and disposal of all *waste* so generated.
- 3.4 Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 are not applicable to dwelling units within Ward Two of the Municipality of Port Hope.

4.0 LOCATION OF WASTE FOR COLLECTION

4.1 Every *owner* of property, and every *person* putting out *waste* for collection by the *County*, shall comply with the following requirements as a condition of the provision of such collection service:

- (1) all containers shall be placed within three metres of the edge of the street along which collection service is provided;
- (2) containers shall be placed either on the property from which they are to be collected, or on the road allowance nearest to the curb at the front or rear of the property, in the place of easiest access to the *collector* and at ground level;
- (3) where compliance with paragraph (2) cannot reasonably be effected, *County* staff may designate the location at which containers shall be placed for collection;
- (4) in all cases, every container shall be placed so as not to obstruct the travelled portion of a street, public sidewalk or any other public way;
- (5) during times of snow accumulation, every container shall be left for pick-up on the driveway of the property adjacent to the ploughed portion of the roadway, or at such other location as may be designated by *County* staff;
- (6) no *collector* shall be required, in order to collect *waste*, to enter into any building, ascend any stairway, or enter into any elevator, hoist or lift;
- (7) except by order of *County* staff where entry is deemed to be feasible, no collection vehicle owned, rented or operated under contract to the *County* shall enter a privately-owned driveway or land, or other private property, for the collection of *waste*;
- (8) the following are factors which *County* staff may consider in deciding whether or not to authorize *waste* collection from private property, or in designating a *waste* collection point:
 - a) the availability of a *waste* collection point that is freely accessible for collection vehicles;
 - b) the configuration of private streets and roadways, and the ability of collection vehicles to maneuver safely on such streets and roadways;
 - c) the desirability of an enclosure for the storage of *waste* as well as the availability of a freely accessible site for such an enclosure; and

4.2 in order to be considered for curbside collection by the *County*, private roadways must service more than one residence and meet and maintain the minimum specifications contained in Schedule E Private roadways being provided with curbside collection services from the County as of May 1, 2009, will continue to be entitled to this service, provided that items e and f of Schedule E are adhered to.

5.0 FREQUENCY AND TIMES OF COLLECTION

5.1 Except for the central business districts of the Towns of Cobourg and Port Hope, collection service shall be provided once per week per *serviced unit* between the hours of 7:00 a.m. and 5:00 p.m. Exceptions to collection hours and schedules shall be affected only upon the approval of *County* staff.

5.2 Collection times and routes and alterations thereto may be proposed by the *collection contractor* engaged by the *County*, but shall be subject to the approval by *County* staff.

5.3 Collection service shall be provided to the central business districts of the Towns of Cobourg and Port Hope twice per week as outlined in Schedule D to this *By-law*.

6.0 TIME OF PLACEMENT

6.1 Every *owner* of property or other *person* putting out *waste* for curbside collection shall place such *waste* at the curb or roadside no earlier than 4:30 p.m. on the day before the scheduled collection, and no later than 7:00 a.m. on the day of the scheduled collection.

6.2 The *owner* of property shall remove or arrange for the removal of any *waste*, receptacle or material remaining for any reason on public property after the time for pick-up under section 6.1 has expired, and in any event, before 10:00 p.m. on the day of the scheduled collection, whether or not municipal collection has occurred.

6.3 Where the *owner* fails to remove remaining waste in accordance with Section 6.2, the *County* may issue a notice and a fine for this offence. If after 24 hours from the issuance of this notice, the waste still has not been removed, the County will make arrangements for the proper collection and disposal of the waste. All costs associated with collecting and disposing of the waste will be billed to the *owner*. In addition to this bill for collection and disposal of the waste materials, the County may also issue a second fine for failure to remove waste materials within 24 hours of notification.

7.0 HOLIDAY EXCLUSIONS

7.1 No collection shall be made on the following Statutory Holidays:

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

7.2 Where a designated holiday falls on a regular collection day, the collection shall be made on the following working day unless an alternate collection schedule is devised by *County* staff to accommodate such changes. Such changes shall be designed to minimize the number of necessary changes and the impact of change on *County* residents and businesses.

- 7.3 Changes to the collection schedule due to the holiday exclusions shall be advertised by the *County* to ensure that residents have been adequately notified of such changes.

8.0 LIMITATIONS ON NUMBER OF ITEMS PLACED OUT FOR COLLECTION

- 8.1 Unless otherwise provided in this *By-law*, no more than the following combined number of containers of *residential waste* shall be collected by the *County* on any collection day:
1. up to three containers per *serviced dwelling unit*;
 2. up to three containers per *serviced dwelling unit* in a *multi-dwelling unit building*, up to a maximum of fifteen for a building containing five such units.
- 8.2 Unless otherwise provided in this *By-law*, no more than twenty containers of *recyclables* shall be collected by the *County* on any collection day from any institutional, retail or *commercial premises* or unit.
- 8.3 There is no limit to the amount of *recyclables* that may be placed out for curbside collection from a *dwelling unit* or a *multi-dwelling unit building*.
- 8.4 A collector may collect waste only:
1. from a *serviced unit*;
 2. if the waste is of a nature authorized to be collected; and
 3. where such waste is placed for collection,
- all in accordance with the provisions of this *By-law*.

9.0 MATERIALS NOT COLLECTED BY THE COUNTY

- 9.1 All materials not collectable or collected by the *County* shall be disposed of properly by and at the expense of the *owner* of such materials, or the *owner* of the property from or on which such materials were generated.
- 9.2 The following materials shall not be collected by the *County* or its *contractor*:
- 1) swill or other organic matter not properly drained or wrapped;
 - 2) liquid waste or pathogenic wastes;
 - 3) bio-medical wastes;
 - 4) any material which has become frozen to the container and cannot be easily removed;
 - 5) *industrial* or trade *waste*, including any abandoned, condemned or rejected product or waste material, builders' or contractors' refuse, and stock of any wholesale or retail merchant;
 - 6) discarded vehicle parts, and accessories from automotive service stations or other automotive establishments;
 - 7) medical wastes;

- 8) any material in a receptacle or container which does not conform to this *By-law*;
- 9) hot *ashes* or any waste material capable of starting fires;
- 10) sod, earth, tree trunks and branches, stone, drywall, building materials or building rubbish;
- 11) live creatures, carcasses or parts thereof or any dog, cat, fowl, fish, or any other creature (with the exception of normal kitchen *waste*);
- 12) any *hazardous waste* or any *sharps*;
- 13) any material that has been banned from the *County* landfill sites;
- 14) hay, straw and manure;
- 15) major appliances or large *household* furnishings;
- 16) explosive or highly combustible materials;
- 17) *leaf and yard waste*, except at times designated under section 12.1;
- 18) tires used for automobiles, trucks, trailers, motorcycles, bicycles, or any other mechanized equipment;
- 19) *bulky household wastes*;
- 20) *manufacturers and trade waste*;
- 21) *construction or demolition debris*.

9.3 Materials not collected by the *County* shall be source-separated and recycled where possible.

10.0 PREPARATION OF RESIDENTIAL WASTE AND RECYCLABLES FOR COLLECTION

- 10.1 No *person* shall set out *waste* for collection except at the residential, institutional, retail or *commercial premises* at which the *residential waste* or *recyclable* material is generated within the *County*.
- 10.2 Materials which are non-collectable, as provided by this *By-law*, shall not be placed at curbside for collection and shall be refused by the *collector*. Any non-collectable material shall be removed and disposed of by the *owner* of such materials, or the *owner* of the property from or on which such materials were generated, at their own expense.
- 10.3 It shall be the responsibility of the *owner* of the *serviced unit*, and any *person* putting out *waste* for collection, to ensure that no material is scattered by wind, animals, or other cause, or by improper preparation of *waste* material. *Waste* shall be drained of all liquids and be secured and then placed in the appropriate container or bag, as defined in this *By-law*.
- 10.4 All *residential waste* shall be placed in disposable plastic bags measuring not more than 76 cm X 96 cm (30 inches X 38 inches), of a minimum of 1.5 mil thickness and must be capable of being lifted with 18 kg (40 lbs) of

contents. Plastic bags must be securely tied before being placed into a container as described in this *By-law*.

10.5 Every property *owner* shall ensure that containers used to hold *residential waste* and *recyclables* for collection comply with the following requirements:

- 1) the containers must not exceed a maximum volume of 0.08 cubic metres or 80 litres (17 gallons);
- 2) containers shall be covered, watertight, have suitable handles, and not be more than 66 cm (26 inches) high, or 46 cm (18 inches) in diameter;
- 3) containers, when filled with *residential waste* or *recyclables*, must not weigh more than 18 kg (40 lbs). The decision as to whether or not there is compliance with this requirement shall be at the discretion of the *County* staff or its *collection contractor*;
- 4) no container shall be filled above the top level, and all containers shall be maintained so as to prevent access by insects or animals, or the escape of odours therefrom;
- 5) all containers described in this section shall be labeled appropriately to indicate whether *residential waste* or *recyclables* are contained therein;
- 6) every container shall contain either *recyclables* exclusively or *residential waste* exclusively, with no mixing of the two types of *waste*.

10.6 Cardboard placed out at curbside for collection shall be prepared so as not to exceed the dimensions of 76 cm X 76 cm X 25 cm (30 inches X 30 inches X 10 inches). Further, cardboard must be flattened and tied so it conforms to these dimensions.

10.7 (1) *Recyclables* shall be contained in *blue boxes*, clear blue plastic bags, clear plastic bags or a container conforming to the requirements of Section 10.5 of this *By-law* and clearly marked "RECYCLABLES".

(2) *Residential wastes* shall be contained in plastic bags of any colour other than clear blue or clear, or in a container conforming to the specifications in section 10.5 of this *By-law*, which is clearly marked "GARBAGE" or "WASTE".

(3) Half bags of *residential waste*, for the purposes of half *bag tags*, as defined in section 11.1 of this *By-law*, must be contained in grocery bags and must weigh no more than 9 kg (20 lbs).

10.8 No person shall fail to separate *recyclables* from *residential waste* items.

10.9 No *person* shall pick over, interfere with, disturb, remove or scatter any *residential waste* or *recyclables*, or any articles placed out for collection, whether housed in containers or otherwise.

11.0 USER PAY

11.1 (1) Subject to subsection (2), every item or container of *residential waste* set out for collection shall have a complete valid *bag tag* affixed to its exterior in a clearly visible location.

(2) A grocery bag, defined as a plastic bag having maximum dimensions of 40 cm by 40 cm, containing *residential waste*, may, instead of a complete *bag tag*, have affixed to it one half-*bag tag*, being a *bag tag* cut in half lengthwise.

11.2 Where plastic bags are used for *residential waste*, the *bag tag* shall be attached to the plastic bag. To enhance the visibility, the *bag tag* must be positioned so that the *collector* may easily see the entire *bag tag*. When containers are used, the *bag tags* must be attached to a large article positioned at the top, inside of the container so that the *collector*, upon removal of the container's lid, easily sees it. The *County* accepts no responsibility for *bag tags* lost or removed from *waste* bags or containers.

11.3 Any *residential waste* item not having the required *bag tag*, or half *bag tag*, shall not be collected by the *collector*.

11.4 *Bag tags* must be purchased from the *County* at locations designated by the *County* at a price established by County Council resolution, as may be amended from time to time, which price constitutes a user fee for the collection of *residential waste* and *recyclables* by the *County* pursuant to this *By-law*.

11.5 The payment of such fee shall be made to the Corporation of the County of Northumberland through the purchase of *residential waste bag tags* from the *County* or its authorized agents.

11.6 The monies so collected shall be used by the *County* to assist in maintaining a system for the collection, removal and disposal of *waste* and to assist the *County* in its initiatives to reduce, reuse and recycle *waste* products.

11.7 No person shall use counterfeit *bag tags*. Persons found to be using counterfeit *bag tags* will be subject to a fine. Upon a repeat offence, curbside collection services may be suspended and / or terminated.

11.8 No person shall use partial *bag tags* on bags of *residential waste* unless the requirements of Section 11.1 of this *By-law* are met. Persons found to be using partial *bag tags* will be subject to a fine, unless the requirements of Section 11.1 are met.

12.0 SPECIAL PICK-UPS

12.1 The *County*, by notice to the public from time to time, may designate days and times for the collection of special items such as *leaf and yard waste*.

12.2 No material from special pick-ups will be collected unless it meets all requirements concerning weight, size and non-collectable restrictions, contained in the notice to the public.

13.0 WASTE STORAGE BINS

13.1 In rural areas, bins may be used to hold *residential waste* and *recyclables* for curbside collection purposes. Every *owner* of property where such a bin is so used shall ensure that every bin complies with the following provisions:

(1) every bin shall be constructed in such a manner as to protect *residential waste* and *recyclables* from being exposed to precipitation, animals and insects;

(2) every bin shall be easily accessible to the *collector* for the removal of *residential waste* and *recyclables* by having a proper lid that can be

easily opened and stay in an open position, unassisted by the *collector* while the items are removed;

- (3) bins shall be placed as close to the road as possible, and in any event, within 3 metres (10 feet) of the travelled street surface, but remain on private property unless permission is granted by *County* staff for an acceptable site on public property or the road allowance;
- (4) every bin shall have a bright red coloured, rigid flag of at least 7.5 cm X 7.5 cm (3 inches X 3 inches) mounted on an arm that can be raised and lowered as appropriate. The flag must be in the upright position if the bin contains acceptable *residential waste* or *recyclables* for collection. No collection shall occur if the flag is in the down position. The *collector* shall place the flag in the down position after removing the *waste*;
- (5) if the *collector* fails or refuses to collect any *waste*, it shall be the *owner's* responsibility to remove all uncollected *waste* from the bin and ensure its proper disposition;
- (6) every bin shall be kept in a sanitary condition at all times. Any unsanitary, improperly constructed or unmaintained bins will be tagged by the *County* with a notice to correct the problem, and no *waste* shall be collected from the bin until such problem has been corrected. The *collector* shall notify the *County* immediately of any unsanitary, improperly constructed or unmaintained bin;
- (7) the fact that more than one *dwelling unit* uses a bin shall not be used to increase the maximum number of *residential waste* containers produced by any single *dwelling unit* for collection
- (8) any *waste* deposited in or around the bin from any source will be the responsibility of the *owner* to remove and dispose of appropriately.

14.0 COLLECTION CONTRACTOR'S RESPONSIBILITIES

- 14.1 The *collector* shall follow the laid-out routes and conform to all instructions contained in this *By-law* established by contract, or otherwise as set out by *County* staff. The work of each route shall be completed daily and the *collectors* shall be courteous and render every reasonable service to the *householder* for the proper execution of work.
- 14.2 The *collector* shall handle all containers with due care. The *collector* shall not overload any truck or allow any of the contents to fall therefrom and shall carefully gather up any *waste* which may have been spilled onto the ground.
- 14.3 Any container damaged by the *collector*, due to negligence shall be replaced in kind, by the *collector*, at the *collector's* sole expense.
- 14.4 No person shall salvage waste items set out for curbside collection or waste items in and around the disposal areas.
- 14.5 In no instances shall the *collector* be called upon to make collections from any point which is unreasonably inconvenient or dangerous to any employee or equipment, nor shall the *collector* be required to remove containers from any point other than that designated by or under this *By-law*.

15.0 GENERAL

- 15.1 No *person* shall convey on or through any street any *residential waste* or *recyclables*, *bulky household wastes*, *construction or demolition debris*, *industrial waste*, *leaf and yard waste*, or other refuse, or any swill, liquid waste or offensive matter unless it is secured or properly covered in containers, or in vehicles equipped with canvas covers or tarpaulins which must be placed and fastened in such a manner as to prevent such matter from falling onto the street, or on any public or private *lands* within the *County*.
- 15.2 An *owner*, lessee, tenant or other *person* in charge of a hotel, *apartment building*, tenement, *commercial premises*, shop, store or public institution who finds the collections established by the *County* pursuant to this *By-law* inadequate to keep such premises free of accumulated *waste* and other refuse, shall make such other arrangements at such *person's* own expense for the collection and removal thereof as may be required.
- 15.3 Where this *By-law* imposes a duty or requirement upon one or more *persons*, it shall be the duty and responsibility of every such *person* to fulfill the duty or requirement or ensure that it is fulfilled.
- 15.4 (1) The *County* does not, through the enactment of this *By-law*, contract for or undertake a duty to collect *waste* beyond any existing requirements imposed upon in this *By-law*, and undertakes no liability in respect of any *waste* not collected;
- (2) Failure by any *person* to comply with any of the requirements of this *By-law* with respect to *waste* may result in the refusal by the *collector* to collect any such *waste*.

16.0 PROHIBITIONS ON DEPOSITS OF WASTE

16.1 No *person* shall throw, place or deposit, or cause, permit or allow to be thrown, placed or deposited:

- (1) any *waste* on any *highway*, street, *private road*, bridge or in any ditch or culvert on or adjacent to a *highway* within the *municipality*;
- (2) any *waste* on any *lands* owned by the *County* or any of its local municipalities, or any of their local boards, except with the authority of the *Council*, or the council of the *local municipality*, or of the local board, as the case may be;
- (3) *waste* generated at or by a *residence*, *dwelling unit*, retail or *commercial premises*, or other business, in a public area or by means of a garbage or recycling container which has been provided for the use of pedestrians or other public recreational use;
- (4) *waste* at any location other than for collection at the designated pickup point in front of the premises at which it was generated, or at a disposal site, waste collection point, or other location designated by or under the Waste Management By-law for such purpose.

16.2 Where *waste* belonging to or originating from an identifiable *person* is found on *lands* owned by the *municipality* or on a *highway* within the *municipality*, such *person* shall be presumed, in the absence of evidence to the contrary, to have deposited or permitted the depositing, of the *waste*, at the place where it is found.

16.3 No *person* other than the *County*, or its authorized agents, may sell or otherwise distribute *bag tags* or make any charge therefore, and the *County* shall not honour any tag issued, made, sold, transferred or distributed other than in accordance with this *By-law*.

16.4 No person other than the *County*, or its authorized printer, shall print *bag tags*.

17.0 APPLICATION OF BY-LAW

The provisions of this By-law apply throughout the *County of Northumberland*, including, without limiting the generality of the foregoing, *Ferris Provincial Park*, the *Brighton Provincial Wildlife Area*, and the *South Hastings Conservation Area*.

18.0 ENFORCEMENT AND PENALTY

18.1 Any person who contravenes any portion of this *By-law* is guilty of an offence and upon conviction shall be liable to such fines and penalties as are provided under the *Provincial Offences Act*.

18.2 The provisions of this *By-law* shall be enforced by one or more *by-law enforcement officers*, as designated by the *County of Northumberland*.

19.0 CONFLICT

19.1 Where the provisions of any other by-law, resolution or action of the *Council* of the *County of Northumberland*, or the provisions of any by-law, resolution or action of the council of a *local municipality* in the *County of*

Northumberland are inconsistent with the provisions of this *By-law*, the provisions of this *By-law* shall prevail.

20.0 HEADINGS

20.1 Section headings in this *By-law* are not to be considered part of this *By-law*, are included solely for convenience of reference and are not intended to be full or accurate descriptions of the sections of this *By-law* to which they relate.

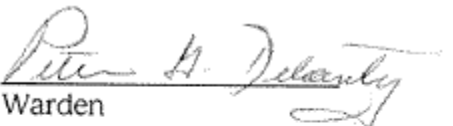
21.0 SCHEDULES

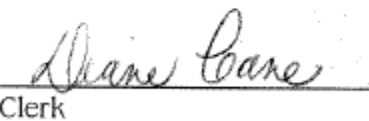
21.1 Schedules "A", "B", "C", "D" and "E" form part of this *By-law*.

22.0 IN FORCE DATES

22.1 This *By-law* comes into force upon its enactment.

That By-law 15-10 be introduced, and be deemed to be read a first, second and third time, be passed and properly signed and sealed this 17th Day of March, 2010.


Warden


Clerk

SCHEDULE A TO BY-LAW NO. 09-02

RESIDENTIAL WASTE ITEMS

| | | |
|-------------------------|--------------------|-----------------------|
| ashes | feminine hygiene | pet droppings |
| baby wipes | products | pizza |
| bandages, gauze | fish | plants |
| bones | flour | plate scrapings |
| bread | flowers | popcorn |
| butter | food scraps | poultry |
| cake | fruit | pumpkins |
| candy | grains | rice |
| cereal | grape squeezing | salad, salad dressing |
| cheese | grease, lard | sanitary napkins |
| chicken | gum | sawdust |
| cigarettes, butts | hair | seeds |
| coffee filters, grounds | herbs | serviettes |
| condoms | incontinence pads | shellfish |
| cooking oils | kitty litter | sour cream |
| corn cobs | lint | spices |
| cotton balls | markers | sunflower seeds |
| dental floss | mayonnaise | tampons |
| diapers | meat | tea bags |
| dairy products | nail clippings | tissues |
| dried flowers | napkins | tobacco |
| dryer lint, dirt, dust | nuts, shells | vacuum bags |
| eggs, egg shells | oatmeal, oats | vegetables |
| facial tissue | paper towels | water filters |
| fat | pasta | wood shavings |
| feathers | peels | yogurt |
| | pencil sharpenings | |

SCHEDULE B TO BY-LAW NO. 09-02

RECYCLABLE ITEMS

ALUMINUM (e.g. foil, pop cans, pie plates)

BOXBOARD (e.g. cereal boxes (*liners removed*), paper towel rolls, frozen juice containers)

CARDBOARD (e.g. flattened boxes, pizza boxes, brown Kraft bags)

GLASS (e.g. bottles & jars – all colours)

NEWSPRINT (e.g. newspapers, flyers / inserts, egg cartons & flats, magazines & catalogues, telephone books)

PAPER (e.g. writing paper, envelopes (*including windowed*), calendars (*spiral binding removed*), books (*hard covers removed*), Christmas wrap (*non-metallic*))

PLASTIC (e.g. jars, bottles & containers (*with recycling symbol and number 1, 2, 3, 4, 5 or 7*))

POLYCOATED CONTAINERS (e.g. drink boxes, paper coffee cups, milk & juice cartons)

PLASTIC BAGS & FILM (e.g. grocery sandwich, dry cleaning and bread bags, overwrap from toilet tissue rolls, rinsed milk pouches) NOTE: Plastic Bags & Films must be bagged separately from other recyclables in a clear or clear blue bag

SCHEDULE C TO BY-LAW NO. 09-02

UNACCEPTABLE WASTE ITEMS

| | | |
|---|-----------------------------|-----------------------------|
| aerosol cans with (or without) contents | floor polish and wax | nail polish and remover |
| antifreeze fluid | fluorescent light bulbs | paints |
| batteries | fungicides | pesticides |
| bleach | gasoline | pharmaceuticals |
| pool chemicals | glue | |
| butane cartridges | herbicides | propane tanks and cylinders |
| car care products | insecticides | razor blades |
| caulking | kerosene | rubbing alcohol |
| chemicals | lighters | rust remover |
| cleaning products | medications/pharmaceuticals | sharps |
| contact cement | mercury | solvents |
| diesel fuel | metal polish | stains |
| driveway sealants | methanol | syringes |
| ethanol | mineral spirits | varnish |
| fertilizers | motor oil and filters | |
| flea powder | | |

Also included as unacceptable wastes are human/animal/blood or anatomical wastes, flammable or incendiary materials and liquids, incinerator ash, explosives, offal, sewage, pathological waste including syringes, needles, dressings, medical instruments and other such items that may contain pathogenic bacteria or micro-organisms, dead animals, motor oil, propane tanks, radioactive materials, and other materials that may be hazardous or dangerous to the public health, safety or environment, or is included in the definition of "hazardous waste", in Ontario Regulation 347 R.S.O. 1990, pursuant to the Environmental Protection Act.

SCHEDULE D TO BY-LAW NO. 09-02

Collection service shall be provided to the central business districts of the Towns of Cobourg and Port Hope twice per week as outlined below:

Cobourg Parameters

- Both sides of King Street business section (front and rear of businesses), from Ball Street to College Street.
- Both sides of Division Street business section (front and rear of businesses), from Chapel Street to Charles Street.
- Downtown sidewalk containers as outlined in the contract.
- All downtown collection will commence no sooner than 7:00 a.m. and be completed by no later than 9:00 a.m.

Port Hope Parameters

- South side of Walton Street, from John to Brown Street.
- Businesses located on Walton and Ontario Streets from Cavan to Mill Street.
- Ontario Street south of Walton Street.
- Brogden's Lane.
- Queen Street from Walton to Augusta Street (rear of buildings).
- Both sides of John Street from Augusta to Walton Street.
- Downtown sidewalk containers as outlined in the contract.
- All downtown collection will commence no sooner than 7:00 a.m. and be completed by no later than 9:00 a.m.

SCHEDULE E TO BY-LAW NO. 09-02

PRIVATE ROAD DESIGN SPECIFICATIONS FOR CURBSIDE WASTE COLLECTION

For residential units fronting on a private road, curbside collection may be provided subject to the following requirements:

- a) The internal road layout should be designed to permit continuous collection without reversing. Where the requirement for continuous collection cannot be met, a cul-de-sac or “T” turn-around will be permitted in accordance with the specification shown in Figures 1 and 2;
- b) All roads shall have a minimum width of 4.0 metres and have lay-bys for two way traffic at a spacing of not more than 300 metres. A By-Law must be passed by the municipality, regulating parking on the road, such that parking will not be permitted along the roadway between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, year round. If lay-bys are not provided, the minimum road width shall be 6.0 metres. If the minimum road width is 6.0 metres or greater, a By-Law regulating parking will not be required;
- c) The turning radii from the centre line of the road must be a minimum of 13.0 metres on all cul-du-sacs and turning circles;
- d) The turning radii for curbs and internal roads must be a minimum of 9 metres;
- e) A vertical clearance of 5.0 metres shall be observed throughout the entire access route;
- f) The roadway shall be kept in a state of good repair (meaning that it will be free from large pot holes, bumps, depressions, standing water and the like). The roadway shall also be cleared of ice and snow prior to 7:00 a.m. on waste collection day(s);
- g) The County will not be responsible for any roadway damage caused by normal use. As such, the access road shall be capable of holding heavy trucks without damage, at all times of year and be constructed to the following minimum standards:
 - a. Gravel road
 - i. 300 mm of compacted granular “B” base; and
 - ii. 150 mm or compacted granular “A” surface.
 - b. Paved road
 - i. 300 mm of compacted granular “B” sub-base;
 - ii. 150 mm of compacted granular “A” base; and
 - iii. 50 mm of HL-3 asphalt surface.

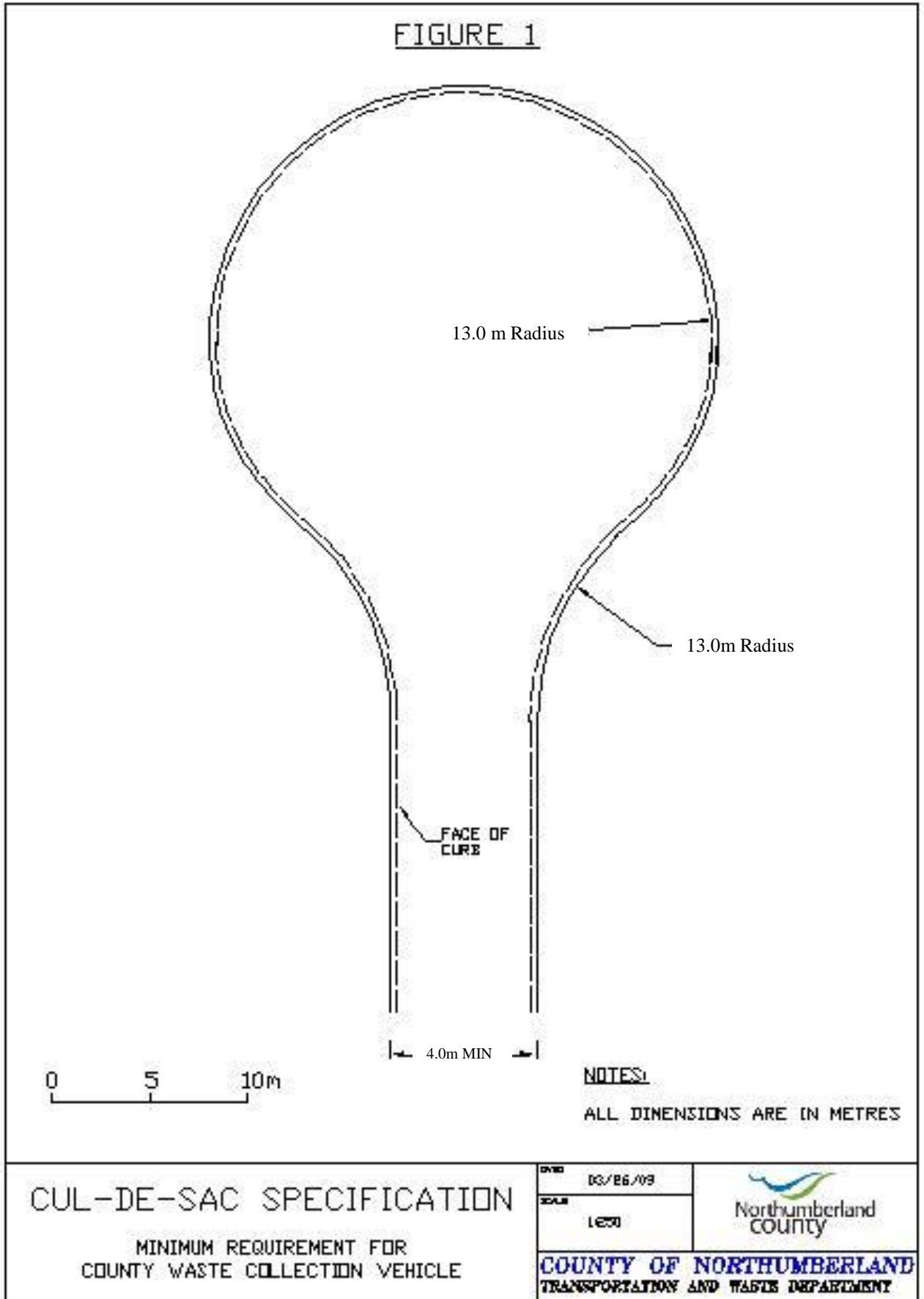
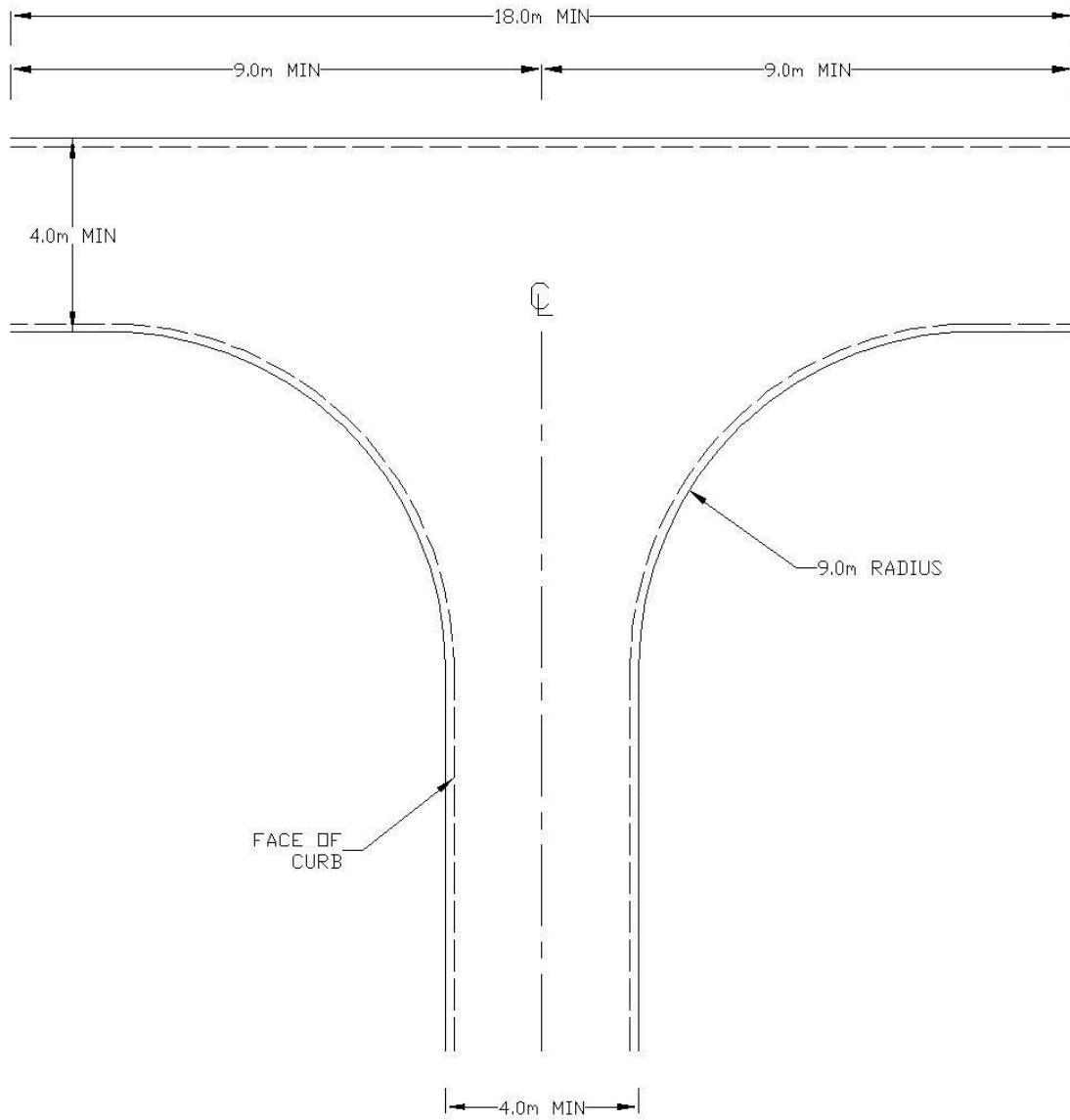


FIGURE 2



0 5 10m

NOTES:

ALL DIMENSIONS ARE IN METRES

"T" TURN-AROUND
SPECIFICATION

MINIMUM REQUIREMENT FOR
COUNTY WASTE COLLECTION VEHICLE

DATE: 05/08/09

SCALE: 1:250



COUNTY OF NORTHUMBERLAND
TRANSPORTATION AND WASTE DEPARTMENT