

# **THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

By-Law 2004-68 for the Control and Management of Waste and Recycling

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BY-LAW 2004-68

By-law for the Control and Management of Waste and Recycling

REGULATIONS: (R.1.2.7) A By-law for the management of waste and recycling in the City of Sault Ste. Marie.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie, pursuant to Sections 11(1) and 74 – 77 of the Municipal Act, S.O. 2001, c. 25, and amendments thereto ENACTS as follows:

## 1. DEFINITIONS

In this By-Law,

- 1) "Ashes" means the residue including soot of any kind of fuel or waste after consumption by fire.
- 2) "City" means The Corporation of the City of Sault Ste. Marie.
- 3) "Collector" means a City employee or person under contract to the City to collect waste or recyclables under the provisions set forth in this By-Law.
- 4) "Commissioner" means the Commissioner of Public Works and Transportation or his/her designate.
- 5) "Commercial Waste Container" means a waste container with or without casters that conforms to the specifications described in Section 2(2) of this By-law.
- 6) "Compacted Waste" means garbage that has been compressed by mechanical or other means.
- 7) "Compostable Material" means organic material which through the process of decomposition becomes dark earthy material that can be returned to the soil and includes the following:
  - a) leaf and yard waste including grass clippings, leaves and garden waste; and
  - b) vegetable waste material.
- 8) "Curbside Recyclables" means recyclable material that is accepted in the City's curbside recycling program and includes:
  - a) Box Recyclables: steel cans, aluminum cans, glass bottles and jars, polyethylene plastic commonly referred to as #1 PETE plastic containers, high density polyethylene commonly known as #2 HDPE plastic containers, aluminum food and drink containers and all other containers when accepted in the recycling program.
  - b) Yellow Box Recyclables: fibre, including newspapers, flyers, magazines, catalogues, boxboard, cardboard boxes, paper cartons, milk cartons, all paper products, and hard and soft cover books, and all other products when included in the program.
- 9) "Dwelling" means a place of residence with its own sleeping, cooking, eating and sanitary facilities for persons, and includes a single family home and apartment units, tenement or other multiple dwellings.
- 10) "ICI Sector" means industrial, commercial or institutional premises.

11) "ICI Recyclables" means any recyclables resulting from the operation and maintenance of any industrial, commercial or institutional premises.

12) "ICI Waste" means any waste resulting from the operation and maintenance of any industrial, commercial or institutional premises.

13) "Multi-Family Dwelling" means any dwelling having five (5) units or more.

14) "Non-collectible Recyclables" means recyclable material that is not collected curbside and includes the following:

a) metal including, shelving, automotive parts, cable, and all clean metal products and large appliances;

b) old corrugated cardboard (OCC) in quantities above the allowable curbside limits as set out in this By-law;

c) wood products, including all clean wood products, wood building materials, tree branches and trees;

d) telecommunications and computer equipment; and

e) trees, batteries and all household special waste.

15) "Non-collectible Waste" means waste that is not collected curbside and includes the following:

a) explosives and any other highly flammable or volatile substances of any nature whatsoever;

b) liquid or gaseous wastes;

c) biomedical waste including waste generated by human health and residential materials;

d) organic material, including wet waste and animal feces which has not been drained of all liquids and wrapped;

e) carcasses or parts thereof of any animal or other creature, except kitchen and table waste from a household;

f) any materials which have become frozen to a waste container and cannot be removed therefrom by shaking at the time of collection;

g) construction materials, including broken plaster, lumber, broken concrete,

excavated material or other waste resulting from the construction, alteration, repair, demolition or removal of any building or structure;

h) discarded trucks, automobiles and other vehicles and the parts thereof, or accessories thereto, including tires;

i) septic tank pumpings, raw sewage sludge and industrial sludge;

j) trees and stumps, including tree branches;

k) asbestos;

l) sawdust or wood shavings in quantities of more than .1 cubic metre;

m) petroleum soaked rags;

n) industrial and hazardous waste as described in the Regulations to the Environmental Protection Act, R.R.O. 1990, Reg. 347;

o) radioactive waste;

p) PCB waste as defined in the Regulations to the Environmental Protection Act, R.R.O. 1990, Reg. 362;

q) ashes;

r) household special waste, including but not limited to, caustics, acids, aerosols, used motor oil, household batteries, poisons, pesticides, paint, reactive waste and sharps (needles); and

s) fluorescent tubes.

16) "Occupant" means any lessee, tenant, householder, owner or any person in charge of any "premises" as hereunder defined in Section 1(17) of this By-law.

17) "Premises" means any building, place, dwelling place, room or rooming-house, apartment, hotel, motel, restaurant, shop, store, office, shopping centre, parking lot, and any other property which is under separate occupation or control.

18) "Residential Dwelling" means any dwelling having four (4) units or less.

19) "Residential Waste Container" means a container used for curbside collection that can easily be emptied by the collector and conforms to the specifications described in Section 3(1) of this By-law.

20) "Street" means any public highway, road, street, lane, alley, square, thoroughfare, walk or way within the City of Sault Ste. Marie and maintained as a thoroughfare by the City.

21) "Unit" means any self contained apartment, residence or business existing in a premises.

22) "Waste" means all non-recyclable and non-compostable material resulting from the operation and maintenance of any premises.

23) "Wet Waste" means the undrained refuse resulting from the operation of any premises.

## 2. WASTE COLLECTION SERVICE

### 1) Residential Waste Containers

The City and its authorized collectors shall be responsible for the collection and disposal of residential waste subject to the following:

a) All waste shall be kept in plastic bags as described in Section 2(1)(d) of this By-law or water tight metallic or plastic residential waste containers having a tightly fitting cover of non-corrosive material and shall be equipped with proper carrying handles.

b) Each waste container shall be of a capacity not exceeding 121 litres and which, when filled, shall not exceed 20 kilograms in weight and 92 centimetres in height.

c) All waste containers greater than 121 litres are considered storage containers and all waste must be contained in bags inside these units as described in Section 2(1)(d) of this By-law. Each bag will be counted individually as a bag under Sault Ste. Marie By-Law 2003-140.

d) The use of plastic bags as residential waste containers are acceptable, providing they are a minimum of 1.5 mils in thickness and no less than 66X90 centimetres, nor greater than 76X98 centimetres when empty, and when filled shall not exceed 20 kilograms in weight.

e) Residents shall ensure that all plastic bags containing waste are securely tied or otherwise sealed when set out for collection.

f) Cardboard boxes are not acceptable waste containers.

g) Leaf and yard waste for special collection as noted in Section 7(3) must be

placed in an approved paper biodegradable bag and when filled shall not exceed 20 kilograms in weight.

## 2) Multi-Family Waste Containers

Multi-family commercial waste containers shall be constructed to industry standards and may be used for the storage of garbage provided they are located on a concrete surface or alternate surface. All containers must be capable of being emptied by waste trucks, shall be equipped with a leak-proof cover, and shall be kept closed at all times. This container shall be kept in a clean and sanitary condition at all times, and the gross weight shall not exceed 750 kg.

## 3) ICI Waste Containers

All ICI sector premises of four (4) units or less that are receiving curbside collection will be required to place waste curbside using residential containers as specified in Section 2(1) of this By-law.

## 4) Residential Curbside Limits

a) Dwellings of four (4) units or less are required to place waste curbside according to Sault Ste. Marie By-Law 2003-140. Residential curbside limits apply to each legal unit of the dwelling.

The weekly curbside limit collected from any premises shall conform to the following:

- (i) 4 bags or containers / unit effective January 1st, 2004;
- (ii) 3 bag or container limit / unit effective May 1st, 2004; and
- (iii) 2 bag or container limit / unit effective January 1st, 2005.

b) Waste containers in excess of the curbside limit as noted in Section 2(4)(a) must have a municipal identification tag or they will not be collected.

## 5) Multi-Family Limits

a) Dwellings of five (5) units or greater are considered multi-family and the weekly waste collected from these premises shall not exceed:

- i) 1.50 cubic metres for any premises containing at least five (5) dwellings and up to and including twelve (12) dwellings;
- ii) 2.25 cubic metres for any premises containing at least thirteen (13) dwellings and up to and including twenty (20) dwellings;
- iii) 3.00 cubic metres for any premises containing at least twenty-one (21)

dwellings and up to and including twenty-five (25) dwellings;

iv) 4.50 cubic metres for any premises containing at least twenty-six (26) dwellings and up to and including fifty (50) dwellings;

v) 6.75 cubic metres for any premises containing at least fifty-one (51) dwellings up to and including fifty-six (56) dwellings;

vi) 9.00 cubic metres for any premises containing at least fifty-seven (57) or more dwellings;

vii) any premises consisting of dwelling units abutting one another and sharing a common building wall and arranged in a linear manner along a municipally owned right-of-way will be allowed those quantities stated in Section 2(4) of this By-law;

viii) any premises consisting of dwelling units abutting one another and sharing a common building wall and arranged in a linear manner along a privately owned right-of-way will be allowed those quantities stated in Section 2(4) of this By-law. The waste must be readily accessible on municipally owned property;

ix) if garbage is compacted, a commercial waste container no larger than 2.25 cubic metres and weighing no more than 750 kg. must be used.

b) In exceptional circumstances, approval may be given by the Commissioner to a multi-family premises of five (5) units or more to place one (1) untagged residential container per unit curbside to a maximum of twenty (20) containers. All containers in excess of the allowable limit must have a municipal identification tag.

#### 6) ICI Limits

ICI premises with four (4) units or less will be provided standard curbside collection and allowed those quantities stated in Section 2(4)(a) of this By-law. ICI premises with five (5) units or greater require their own private waste collection services. All costs and fees associated with private collection shall be the responsibility of the industrial, commercial or institution premises.

#### 7) Collection, Storage and Maintenance of Residential and ICI Curbside Waste

a) Residential waste containers as described in Section 2(1) of this By-law shall be covered as to prevent the scattering of loose waste, the ingress and egress of flies, and shall be kept clean, sanitary and free from rodents, rats, vermin, insects, scavenging animals, maggots and odours at all times.

- b) All waste from the preparation of food shall be drained and thoroughly wrapped before being placed in the container.
- c) The pick up area must meet the requirements as set out in Section 4 of this By-Law and shall be kept clear of ice, snow, motor vehicles or any other obstruction so that convenient access is provided for the collector.
- d) No container shall have bleach or other hazardous chemicals on its surface.
- e) Plastic bags, as approved in Section 2(1)(d) of this By-law, shall be stored in a manner which affords them protection from domestic and other scavenging animals, and when set out for collection shall be securely tied or otherwise sealed to prevent the contents from being scattered;
- f) The clean up of scattered, loose waste is the responsibility of the occupant who placed the waste for collection.

#### 8) Collection, Storage & Maintenance of Multi-Family & Non-Curbside ICI Waste

- a) ICI and multi-family premises using commercial waste containers shall place waste in the containers as described in Section 2(2) of this By-law unless otherwise approved.
- b) The pick up area shall be kept clear of ice, snow, motor vehicles or any other obstruction so that convenient access is provided for the collector.
- c) Commercial waste containers shall meet the requirements of the City Zoning By-law 4500, and any site plan agreements.
- d) Commercial waste containers as described in Section 2(2) of this By-law shall be covered as to prevent the scattering of loose waste, the ingress and egress of flies, and shall be kept clean, sanitary and free from rodents, rats, vermin, insects, scavenging animals, maggots and odours at all times.

#### 9) General Provisions for Waste

- a) The City shall not be required to collect waste:
  - i) that is defined as non-collectible waste in Section 1(15) of this By-law;
  - ii) that is generated from any multi-family dwelling where quantities are more than the allotment set out in Section 2(5) of this By-Law. The City reserves the right to make changes as deemed necessary;



- iii) that is generated from the ICI sector with five (5) units and over unless otherwise approved;
  - iv) where, in the opinion of the Commissioner, the premises is unsafe or in a difficult location for collection; or
  - v) where the bags or containers at curbside are in excess of the limits set out in Section 2(4)(a) of this By-law and they do not bear a municipal identification tag;
- b) The City has the authority to make a final determination as to the proper type of waste container or collection method to be used by the occupant of the premises.
- c) All non-collectible waste must be disposed of in accordance with all provincial and municipal legislation.
- d) All household special waste (HSW) must be delivered to the HSW depot during the regular HSW hours.
- e) The occupants are responsible for the proper disposal of all waste generated at the occupants' premises and the waste from any such premises shall not be placed, stored or discarded on any other property.
- f) Waste shall be drained of all liquids and securely wrapped and deposited in an approved receptacle supplied by the occupants and any sharp objects or broken glass shall be securely wrapped with materials so that no sharp object or broken glass can pierce the wrapper and no non-collectible waste shall be placed therein.
- g) Where waste collection has been approved on private property, the owner must grant the municipality or its agents permission to enter upon private property for the purpose of waste collection and further, save harmless the municipality or its agents from any damages that may occur while conducting refuse collection operations. The property owner must sign an appropriate waiver form provided by the City.
- h) The City shall collect only sawdust that has been securely wrapped in small bundles. The small bundles shall be placed in the waste receptacle so that the material is completely surrounded by other refuse.
- i) The City shall collect branches only in bundles not exceeding 100 cm in length, 60 cm in diameter and weighing 20 kg. or less. Each bundle shall be securely bound using light rope or twine and one bundle will be counted as one residential waste container as referred to in Section 2(4)(a) of this By-law.

### 3. RECYCLING COLLECTION SERVICE

#### 1) Residential Recycling Containers

Residential recyclers are required to use blue and yellow residential recycling containers, which must meet with City approval.

#### 2) Multi-Family Recycling Containers

Multi-family recyclers are required to use:

- a) blue and yellow recycling bags as approved by the City; or
- b) blue and yellow recycling boxes as approved by the City; and
- c) multi-family owners and/or landlords are required to supply 295 litre recycling carts as specified. The recycling cart must have lift handles that are compatible with the collection vehicles and colour coded or identified to match the City's recycling program.

#### 3) ICI Recycling Containers

ICI premises that have four (4) units or less and have curbside waste collection are required to use blue and yellow residential recycling containers as specified in Section 3(1) of this By-law.

#### 4) Residential Recycling Limits

A residential curbside limit is one (1) blue box, one (1) yellow box and three (3) bundles of cardboard per unit.

#### 5) Multi-Family Recycling Limits

Recycling limits are subject to approval by the Commissioner.

#### 6) ICI Recycling Limits

An ICI curbside limit is one (1) blue box, one (1) yellow box and three (3) bundles of cardboard per unit.

#### 7) Residential Recycling Collection

Recyclable material from residential dwellings with four (4) units or less must be placed at the curbside as stated in Section 4 of this By-law on residential collection day in containers as specified in Section 3(1) of this By-law.

#### 8) Multi-Family Recycling Collection

Recyclable material from multi-family units must be placed at the curbside on residential collection day in containers as specified in Section 3(2)(c) of this By-law unless otherwise approved by the Commissioner.

#### 9) ICI Recyclables Collection

Any industrial, commercial or institutional premises that receives curbside waste collection as defined in this By-Law shall receive recycling collection, and must meet the provisions in Section 4 of this By-law. Private collection is required for recyclables that are over and above the amount allowed in this By-Law. All costs and fees associated with private collection shall be the responsibility of the ICI premises.

#### 10) General Provision for Recycling

a) The City shall not be required to collect recyclables:

- i) that are not set out for collection in accordance with this By-Law;
- ii) that are not a collectible product as set out in this By-Law; or
- iii) which are generated from any ICI premise that has five (5) units or greater.

b) The City shall require that all recyclable materials:

- i) be clean; and
- ii) have caps removed from all bottles.

c) The City shall require that any cardboard set out for collection is securely tied in bundles not exceeding 60 cm long X 60 cm wide X 30 cm high and tied with heavy cord or twine.

d) The City shall require that recyclable items, wood products, brush and metal be brought to the appropriate depot for recycling.

e) Where recycling collection has been approved on private property, the owner must grant the municipality or its agents permission to enter upon private property for the purpose of curbside recyclable collection, and further, save harmless the municipality or its agents from any damages that may occur while conducting collection operations. The property owner must sign an appropriate waiver form.

#### 4) PLACEMENT OF CURBSIDE WASTE AND RECYCLABLES

- 1) The Sault Ste. Marie residential waste and recyclable collection system is a “curbside collection service” for the collection of waste and/or curbside recyclables that shall be placed for collection in accordance with the following:
  - a) for roads with concrete curbs, waste or recyclables shall be placed directly behind the curb; and
  - b) for roads with concrete sidewalks tightly abutting the curb, waste or recyclables shall be placed directly behind the sidewalk on the property owners side; and
  - c) for roads with boulevards between sidewalks and curbs, waste or recyclables shall be placed directly on the boulevard behind the curb; and
  - d) for roads with asphalt or gravel shoulder, waste or curbside recyclables shall be placed directly on edge of the road shoulder.
- 2) No person shall place waste or recyclables so as to impede or obstruct pedestrian and vehicular traffic or maintenance operations.
- 3) Waste placed in residential waste containers or plastic waste bags for collection purposes shall not be placed or piled in such a way as to exceed 1.50 metres in height measured from the highest point of any waste container to the ground surface at a location as set out in Section 4(1) of this By-law. Ground surface shall be considered to mean any surface normally experienced during the summer season.
- 4) All waste and recyclables shall be placed on the property owners frontage adjacent to the access / egress of the premises.
- 5) Waste and recycling containers shall not be placed behind snowbanks unless a clear unobstructed path is available for the collector to reach the container.

## 5. TRANSPORTATION OF WASTE AND RECYCLABLES

No person engaged in collecting, hauling or transporting waste or recyclables shall transport such material within the City of Sault Ste. Marie unless he or she does so with a vehicle that has an enclosed body or a covering securely fastened to the body of the vehicle as to prevent any of the contents falling therefrom. All such vehicles must conform to any and all relevant legislation including the Highway Traffic Act.

## 6. COLLECTION ROUTES – WASTE AND RECYCLING

The Commissioner shall direct that the City be divided into as many collection routes as necessary for the convenient collection of waste and recyclables.

## 7. COLLECTION TIMES – WASTE AND RECYCLING

- 1) Residential waste and recycling containers that are ready for removal by the collector shall not be placed curbside, as stipulated in Section 4(1) of this By-law before 7:00 p.m. local time prior to the day fixed for collection and not later than 7:30 a.m. local time on the day of collection.
- 2) Multi-family recycling containers that are ready for removal by the collector shall not be placed curbside, as stipulated in Section 4(1) of this By-law before 7:00 p.m. local time prior to the day fixed for collection and not later than 7:30 a.m. local time on the day of collection.
- 3) The City will determine and announce the time for placing items for special collection, such as leaf collection.

## 8. GENERAL PROVISIONS FOR PRIVATE COLLECTION – WASTE & RECYCLING

- 1) Where private collection of waste and recyclables is utilized, the containers must:
  - a) be emptied at least once weekly regardless of the volume of the contents unless otherwise approved and in all cases, not allowed to overflow; and
  - b) be placed on private property in a location satisfactory to the City; and
  - c) not be placed on any street, or public property except with the express written permission of the Commissioner; and
  - d) be of acceptable appearance.
- 2) The commercial waste container must be placed at a point freely accessible by the collector, free from hazards and kept in the same place at all times.

## 9. OCCUPANTS RESPONSIBILITY AND CONSEQUENCES OF CONTRAVENTION

- 1) The Occupant is responsible for the proper disposal of non-collectible waste.

- 2) The Occupant is responsible for the proper disposal of non-collectible recyclables.
- 3) Every person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.
- 4) The Occupant is responsible for ensuring that his or her waste and recyclable materials are in compliance with this By-Law.
- 5) Where waste or recyclables are not collected for any reason and are left to cause an untidy or unsanitary condition, the Commissioner shall make a written demand to the Occupant requesting removal. Should the Occupant fail to perform the work necessary to remove the waste, it will be performed by the City, and failing payment by the Occupant within ten (10) days after notice in writing of the cost of such work, the cost will be recovered in the same manner as Municipal taxes.

#### 10. ADMINISTRATION OF THIS BY-LAW

The Commissioner shall be responsible for the administration of the By-Law.

#### 12. EFFECTIVE DATE

This by-law shall be effective from the date of its final passing.

READ THREE TIMES and PASSED in Open Council this 5th day of April, 2004.

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MAYOR – JOHN ROWSWELL

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DEPUTY CLERK - MALCOLM WHITE

Revision 2004 03 29

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