

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW NUMBER 98-175

A BY-LAW FOR ESTABLISHING AND MAINTAINING A SYSTEM FOR THE COLLECTION AND DISPOSAL OF WASTE AT THE EXPENSE OF THE CORPORATION OF THE CITY OF BELLEVILLE AND FOR THE ESTABLISHMENT OF USER FEES FOR THE COLLECTION AND DISPOSAL OF WASTE IN THE BELLEVILLE WARD OF THE MUNICIPALITY OF THE CORPORATION OF THE CITY OF BELLEVILLE.

WHEREAS the Council of The Corporation of the City of Belleville hereinafter referred to as "**The City**" deems it expedient to provide for the collection of waste within the Belleville Ward boundaries of the City and the removal and disposal thereof and to direct that the expenses of the said collection and disposal shall be borne by the City and for the establishment of user fees for the collection and disposal of waste and to provide for such terms and conditions for the collection and disposal of waste for residential, commercial and institutional establishments within the Belleville Ward boundaries of the City as established in this by-law.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF BELLEVILLE ENACTS AS FOLLOWS:

1. CONTRACTS

THAT a contract or contracts be made from time to time with some person or persons, firm or corporation for the collection and disposal of all waste within the Belleville Ward boundaries of the City upon such terms and conditions and at such price or prices as may appear reasonable to the City Council and that the Mayor and Clerk be and they are hereby authorized to execute such contract or contracts on behalf of the City and to affix the City's seal to such contract or contracts.

2. DUTIES OF THE CONTRACTOR

THAT all waste within the Belleville Ward boundaries of the City except as hereinafter mentioned under Section 4 of this by-law shall be collected, removed and disposed of, by the contractor so employed to collect the same and the expenses of collecting and disposing of such waste shall be paid by the said City.

3. DEFINITIONS

- (a) "**ashes**" means the solid residue of any household fuel remaining after burning, soot and other chimney deposits.
- (b) "**The City**" means The Corporation of the City of Belleville.
- (c) "**collection**" means the collection of waste as set out in Section 3(r) of this by-law.
- (d) "**collection date**" means the date for collection of waste as determined or revised by the City from time to time.
- (e) "**contract**" means any agreement entered into by the City for the collection and disposal of waste.
- (f) "**contractor**" means the person, persons, firm or corporation to whom the City has contracted with for the collection and disposal of waste.
- (g) "**dwelling**" means any building or other structure occupied or used as a place of abode other than a hotel or motel, restaurant, apartment house, tenement or building in which more than two (2) families dwell or which contains more than two (2) separate places of dwelling.
- (h) "**downtown commercial area**" means the lands fronting on Front Street extending from Dundas Street northerly to Station Street, and the lands fronting on Pinnacle Street extending from Station Street southerly to Dundas Street and shall include the lands fronting on Victoria Avenue, Campbell Street, Bridge Street, Market Street and McAnnany Street between Front Street and Pinnacle Street.
- (i) "**garbage**" means any waste materials from the kitchens of dwellings, hotels, motels, institutions, restaurants and the vegetable and animal waste from groceries, markets and other food establishments, discarded apparel, wood and metal scrap, rags, excelsior, celluloid, straw, broken glass, crockery and earthenware.
- (j) "**household trash**" means discarded household items, including but not limited to bedsprings, mattresses, furniture, wooden boxes, wooden barrels, wood and metal doors and windows, electronic equipment, carpets and rugs which are rolled, folded and tied, and any other discarded material which would normally accumulate and not normally be included as garbage.

3. DEFINITIONS (Cont'd)

- (k) "**leaf and yard waste**" means leaves, grass clippings, flowers, fruits, vegetables, organic plant materials generated from gardening and yard maintenance, tree limbs and brush in accordance with size restrictions as set out in Section 8(e) of this by-law.
- (l) "**lift**" means a receptacle as set out in Section 3(o) of this by-law containing specified waste as set out in Section 3(r) of this by-law. All singular items placed for collection shall constitute *one* lift.
- (m) "**manufacturers' or trade waste**" means any abandoned, condemned or rejected product or by-product or the waste from any product or by-product used by a manufacturer, builder or contractor in the operation of his business or trade including but not limited to scrap metal and motor vehicle parts from garages and service stations.
- (n) "**person**" means an owner, tenant, sub-tenant, occupant, lessee, corporation, partnership, individual or person in charge of a dwelling, residential unit, commercial unit or institution.
- (o) "**receptacles**" means metal, plastic or other suitable watertight vessels or polyethylene or paper bags manufactured specifically as disposable garbage bags and/or cardboard cartons.
- (p) "**residential unit**" means any dwelling as set out in Section 3(g) of this by-law and shall include but not be limited to an apartment building, rooming house, condominium or any other building in which more than two (2) families dwell or which contain more than two (2) separate places of dwelling.
- (q) "**street**" means any public highway, road, street, lane, alley or square.
- (r) "**waste**" includes garbage, ashes, household trash and non-recyclable waste.
- (s) "**white goods**" means household appliances including but not limited to refrigerators, freezers, air conditioners, dehumidifiers, humidifiers, microwaves, stoves, dishwashers, washers and dryers, whether or not they use any gas in their operation.

4. GENERAL PROHIBITIONS AND RESTRICTIONS

- (a) It shall constitute an offence for a person to put out for collection any waste that is not:
- (i) the type or composition of waste; or
 - (ii) placed during or removed after the time or times; or
 - (iii) in the receptacles or containers including the size and weight thereof; or
 - (iv) deposited within such receptacles or containers; or
 - (v) secured or wrapped within such receptacles or containers; or
 - (vi) placed in the location designated; or
 - (vii) in receptacles or containers tagged with a "Belleville Garbage Tag" or a "Leaf and Yard Waste" tag as the case may be;

as prescribed in accordance with the terms of this by-law.

- (b) It shall constitute an offence for a person to sweep, throw, cast, lay, deposit or direct, suffer or permit any servant, agent or employee to sweep, throw, cast, lay or deposit any waste, dirt, leaves, stones or garbage of any kind whatsoever in or upon any street within the Belleville Ward boundaries of the City.
- (c) It shall constitute an offence for a person to permit the accumulation of any type of waste, swill and/or liquid waste upon his premises or upon premises occupied or controlled by him that he knows or ought to know is likely to be detrimental to public health.
- (d) It shall constitute an offence for a person to pick over, disturb or scatter any waste placed for collection in accordance with the provisions of this by-law whether the waste is contained in a covered receptacle or not.

4. GENERAL PROHIBITION AND RESTRICTION (Cont'd)

- (e) Notwithstanding anything contained herein it shall constitute an offence for a person to place for waste collection any of the following:
- (i) any material, substance or object which may or is likely to detonate or explode as a result of improper handling, exposure to anything, or by any other means.
 - (ii) any material classified as hazardous waste as defined by the schedules attached to "Dangerous Goods Transportation Act", RSO 1990, c. D1 as amended and regulations thereto or any Ontario or Federal Statute of Canada.
 - (iii) any scrap metal, including but not limited to bath tubs, hot water tanks, empty propane tanks, empty fuel tanks, and large metal items.
 - (iv) any white goods as defined in Section 3(s) of this by-law.
 - (v) tires used for automobiles, trucks, trailers, motorcycles or any other mobile mechanical equipment.
 - (vi) bodies or large parts of motorized vehicles, boulders or blocks of concrete or asphalt in excess of 28 cubic decimetres (1 cubic foot), trade waste, industrial waste, or trash accumulated from a place of business.
 - (vii) animal carcasses.
 - (viii) leaf and yard waste.
 - (ix) tree stumps larger than 15 centimetres (6 inches) in diameter.
 - (x) for residential locations all cardboard except cartons that are utilized as receptacles under Section 5(b) of this by-law and cardboard that is contaminated or waxed or Asian.
 - (xi) any other objects deemed unacceptable for collection by the City.

4. GENERAL PROHIBITION AND RESTRICTION (Cont'd)

- (f) It shall constitute an offence for a person to exceed the following number of lifts for each regular waste collection
 - (i) Residential - six (6) lifts.
 - (ii) Commercial and Institutional (excluding the downtown commercial area) - sixteen (16) lifts.
 - (iii) Commercial and Institutional in the downtown commercial area - eight (8) lifts per collection, twice weekly collections.

5. RECEPTACLES

- (a) Every person shall provide and maintain receptacles in good condition and in sufficient number to hold all waste or other garbage produced from or originating from their premises.
- (b) Dry waste or other garbage may be enclosed in cardboard cartons, however, it shall constitute an offence for a person to allow dry waste or other garbage to be enclosed in cardboard cartons that exceed a maximum weight of 23 kilograms (50 lbs.) and/or exceed a maximum size of 61 cm. x 61 cm. x 106 cm. (24 in. x 24 in. x 42 in.).
- (c) Except for disposable bags, it shall constitute an offence for a person to use a receptacle that is not equipped with handles and properly fitted lids which cover the receptacle at all times. Such receptacles shall be in the form of a pail manufactured for the purpose of collecting garbage.
- (d) It shall constitute an offence for a person to use disposable bags unless the disposable bags are tightly sealed with suitable enclosures.
- (e) It shall constitute an offence for a person to use a receptacle under this section that exceeds 77 litres (17 imperial gallons) and exceeds in weight more than 34 kilograms (75 lbs.) including contents.

6. COMPOSITION OF A LIFT

- (a) It shall constitute an offence for a person to place for collection, waste and other garbage in a receptacle before it is drained of all liquid.

6. COMPOSITION OF A LIFT (Cont'd)

- (b) It shall constitute an offence for a person to place in a receptacle household, table and/or kitchen waste that is not first securely wrapped.
- (c) Waste that will not readily fit into receptacles as set out in Section 5 of this by-law will be collected provided it is cut or folded into pieces not more than 1.2 metres (4 feet) in length and securely tied in bundles.
- (d) Paper products and cartons from commercial and institutional establishments will be collected provided they are collapsed and securely tied in bundles measuring approximately 76 cm. x 76 cm. x 20 cm. (30 in. x 30 in. x 8 in.). A limit of two bundles per collection will apply. The downtown commercial area shall be limited to one bundle for each of the twice weekly collections.

7. COLLECTION, REMOVAL AND DISPOSAL OF WASTE

- (a) The Council of the City shall name one or more days in each week for the collection of waste from within the Belleville Ward boundaries of the City or in any areas defined thereof.
- (b) It shall constitute an offence for a person to place waste for collection unless the waste is at the property side of the sidewalk abutting their property, or at the curb line where there is no sidewalk, or at the edge of the travelled portion of the street abutting their property where there is no curb or sidewalk.
- (c) It shall constitute an offence for a person to place waste on the street for collection any earlier than 12:00 noon local time on the day before the scheduled collection of waste for that area and/or any later than 7:00 a.m. local time on the day scheduled for collection in that area.
- (d) Except as otherwise provided all waste placed for collection shall be placed in receptacles as set out in Section 5 of this by-law.
- (e) It shall constitute an offence for a person to leave any receptacle on any street past 12:00 noon local time on the day after collection has taken place.

7. COLLECTION, REMOVAL AND DISPOSAL OF WASTE (Cont'd)

- (f) No employee of the City or the contractor engaged by the City to collect and dispose of waste on behalf of the City shall enter onto or into any lands, premises, dwelling, hotel, apartment house, tenement or building or ascend any stairway or enter an elevator, hoist or lift for the purposes of carrying out or returning thereto any receptacle.

8. LEAF AND YARD WASTE

- (a) The Council of the City may name one or more days throughout the year for the collection of Leaf and Yard Waste from within the Belleville Ward boundaries of the City or in any areas defined thereof.
- (b) It shall constitute an offence for a person to use any receptacle for Leaf and Yard Waste during the scheduled collection dates unless one of the following receptacles is used:
- (i) receptacles and cardboard cartons used for waste as defined in Section 5 of this by-law but lids off the receptacles.
 - (ii) an open, circular wooden basket or bushel basket with handles having a volume of approximately one bushel and not exceeding 23 kilograms (50 lbs.).
 - (iii) double walled kraft paper bags without ties having a minimum total wall thickness of 0.23 millimetres, a flat base when unfolded and not exceeding 23 kilograms (50 lbs.).
- (c) It shall constitute an offence for a person to put out for collection Leaf and Yard Waste in plastic garbage bags unless a Leaf and Yard Waste Tag purchased in accordance with Section 8(d) of this by-law is affixed to the exterior of the bag.
- (d) Leaf and Yard Waste Tags must be purchased from the City or from designated outlets determined by the City at a cost established by the City as revised from time to time.
- (e) Tree limbs and brush shall be tied securely in small bundles and not exceed 23 kilograms (50 lbs.) in weight. Tree limbs shall not exceed 70 millimetres (2 $\frac{3}{4}$ inch) trunk diameter and 1.2 metres (4 feet) in length.

8. LEAF AND YARD WASTE (Cont'd)

- (f) Any Leaf and Yard Waste not placed during the scheduled times for pickup; contained in the receptacles listed; bundled appropriately as required by this section; or in the case of plastic bags, not exhibiting a "Leaf and Yard Waste Tag" shall not be collected by the contractor. Such Leaf and Yard Waste may be collected by the City. The person who directly or by means of an agent discarded the Leaf and Yard Waste shall be liable for the total expense incurred for the removal of such Leaf and Yard Waste at a rate set by the City, as revised from time to time, plus any applicable interest or penalties. Payment shall be made within 30 days after receipt of an invoice indicating the total expenses incurred.
- (g) Any invoices that remain unpaid for the removal of Leaf and Yard Waste shall be added to the tax roll of the person responsible to pay and collected in like manner as municipal taxes.
- (h) In the case of a condominium corporation, the condominium corporation shall remain liable to the City for any costs incurred by the City, at a rate set by the City, as revised from time to time in collecting Leaf and Yard Waste without the appropriate "Leaf and Yard Waste Tag" or Leaf and Yard Waste that is set out for collection which is not in accordance with this section regardless of whether such Leaf and Yard Waste can be attributed to the condominium corporation, an owner or tenant of a condominium unit or any other person. All invoices shall be payable within 30 days after receipt. Invoices that remain unpaid for such Leaf and Yard Waste shall be added to the tax roll of the condominium corporation and be collected in like manner as municipal taxes.
- (i) In the case of multi-residential, institutional or commercial properties the owner of such property shall remain liable to the City for any costs incurred by the City at a rate set by the City as revised from time to time in collecting Leaf and Yard Waste without the appropriate "Leaf and Yard Waste Tag" or Leaf and Yard Waste that is set out for collection which is not in accordance with this section regardless of whether such untagged Leaf and Yard Waste can be attributed to such multi-residential, institutional or commercial property, an owner, tenant of such property or any other person. All invoices shall be payable within 30 days after receipt. Invoices that remain unpaid for such Leaf and Yard Waste shall be added to the tax roll of such property and collected in like manner as municipal taxes.

9. MANUFACTURERS' OR TRADE WASTE

- (a) It shall constitute an offence for an owner or person responsible therefore to place manufacturers' or trade waste for disposal by the City. All costs, charges and expenses incurred or necessitated in disposing of manufacturers' or trade waste shall be borne by the owner or person responsible who shall indemnify and save harmless the City regarding any liability therefore.
- (b) Where any expenses are incurred by the City in the arrangement for the disposal of any manufacturers' or trade waste for which a manufacturer, builder, contractor or other person is responsible such person shall forthwith pay to the City within 30 days of receipt of an invoice indicating the total expenses incurred.
- (c) Any expenses incurred by the City that remain unpaid for the removal of manufacturers' or trade waste shall be added to the tax roll of the person responsible to pay and collected in a like manner as municipal taxes.

10. REQUIREMENT TO COVER WASTE IN TRANSPORTATION

It shall constitute an offence for a person to transport through the streets any waste, swill, liquid, or offensive matter except through properly covered receptacles or vehicles designed for that particular purpose or in vehicles equipped with canvas covers or tarpaulins which shall be placed and fastened in such a manner to prevent waste or refuse from falling onto the streets.

11. OBLIGATION TO PROVIDE OWN WASTE COLLECTION

It shall constitute an offence for an owner, lessee, tenant or other person in charge of a hotel, apartment house, tenement, condominium, shop, store, institution, office, manufacturer or person who finds that the regular waste collection established by the City inadequate to keep their premises free of accumulated waste to not make suitable arrangements at their own expense for the collection and removal of accumulated waste.

12. REQUIREMENT FOR BELLEVILLE GARBAGE TAG

- (a) It shall constitute an offence for a person to set out for collection any bag or cardboard carton of waste unless:
 - (i) it has a "Belleville Garbage Tag" affixed to its exterior.
 - (ii) the "Belleville Garbage Tag" is affixed in such a fashion as to be clearly visible to the contractor; and
 - (iii) the "Belleville Garbage Tag" is purchased in accordance with Section 12(d) of this by-law.
- (b) It shall constitute an offence for a person to set out for collection a receptacle of waste unless:
 - (i) it has a "Belleville Garbage Tag" affixed to the top item inside the receptacle.
 - (ii) the "Belleville Garbage Tag" is affixed in such a fashion as to be clearly visible to the contractor upon removal of the receptacle's lid; and
 - (iii) the "Belleville Garbage Tag" is purchased in accordance with Section 12(d) of this by-law.
- (c) It shall constitute an offence for a person to place any other item out for collection in accordance with this by-law unless:
 - (i) it has a "Belleville Garbage Tag" affixed to its exterior.
 - (ii) the "Belleville Garbage Tag" is affixed in such a fashion as to be clearly visible to the contractor; and
 - (iii) the "Belleville Garbage Tag" is purchased in accordance with Section 12(d) of this by-law.
- (d) "Belleville Garbage Tags" must be purchased from the City or from designated outlets determined by the City at a cost established by the City as revised from time to time.

12. REQUIREMENT FOR BELLEVILLE GARBAGE TAG (Cont'd)

- (e) Any waste not exhibiting a "Belleville Garbage Tag" shall not be collected by the contractor. Waste without the appropriate "Belleville Garbage Tag" may be collected by the City. The person who directly or by means of an agent discarded the waste shall be liable for the total expense incurred for the removal of the waste at a rate set by the City as revised from time to time plus any applicable interest or penalties. Payment shall be made within 30 days after receipt of an invoice indicating the total expenses incurred.
- (f) Any invoices that remain unpaid for the removal of non-recyclable waste shall be added to the tax roll of the person responsible to pay and collected in like manner as municipal taxes.
- (g) In the case of a condominium corporation, the condominium corporation shall remain liable to the City for any costs incurred by the City at a rate set by the City as revised from time to time in collecting waste without the appropriate "Belleville Garbage Tag" from or adjoining the premises of the condominium corporation regardless of whether such untagged garbage can be attributed to the condominium corporation, an owner or tenant of a condominium unit, or any other person. All invoices shall be payable within 30 days after receipt. Invoices that remain unpaid for such waste shall be added to the tax roll of the condominium corporation and be collected in like manner as municipal taxes.
- (h) In the case of multi-residential, institutional or commercial properties the owner of such property shall remain liable to the City for any costs incurred by the City at a rate set by the City as revised from time to time in collecting waste without the appropriate "Belleville Garbage Tag" from or adjoining the premises of such property regardless of whether such untagged garbage can be attributed to such multi-residential, institutional or commercial property, an owner, tenant of such property or any other person. All invoices shall be payable within 30 days after receipt. Invoices that remain unpaid for such waste shall be added to the tax roll of such property and collected in like manner as municipal taxes.

13. PENALTIES

Every person who commits an offence pursuant to the provisions of this by-law shall be liable, upon conviction, to the penalties prescribed by the Provincial Offences Act, R.S.O. 1990 c.P33, or any legislation passed in succession thereto.

14. SEVERABILITY

Should any section of this by-law be declared ultra vires by a court of competent jurisdiction the remaining sections shall nevertheless remain valid and binding and shall be read as if the offending section had been struck out.

15. SINGULAR, PLURAL AND GENDER

Words in this by-law importing the singular shall include the plural and words importing the plural shall include the singular and words importing the masculine shall include the feminine and neutered gender where the context so requires.

16. That By-Law Number 14163 be and is hereby rescinded.

THIS BY-LAW SHALL COME INTO FORCE AND EFFECT IMMEDIATELY ON AND AFTER THE PASSING THEREOF.

Read the first time this **14th** day of **December, 1998**.

Read a second time this **14th** day of **December, 1998**.

Read a third time and finally passed, this **14th** day of **December, 1998**.

ROSS L. McDougall

MAYOR

JARY PLAMONDON

CITY CLERK

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW NUMBER 99-18

A BY-LAW TO AUTHORIZE THE AMENDMENT AND EXTENSION OF AN AGREEMENT BETWEEN THE FORMER TOWNSHIP OF THURLOW (NOW CITY OF BELLEVILLE, THURLOW WARD) AND LAIDLAW WASTE SYSTEMS LTD. FOR CURBSIDE WASTE COLLECTION

WHEREAS Sections 208.2 and 208.3.(1)(g) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, authorize a local municipality to pass by-laws to establish, maintain and operate a waste management system and further to contract for same;

AND WHEREAS the Council of The Corporation of the City of Belleville deems it necessary and expedient to amend and extend the contractual agreement with Laidlaw Waste Systems Ltd. for Thurlow Ward for curbside waste collection.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF BELLEVILLE ENACTS AS FOLLOWS:

1. THAT Subsection 2. (b) of the Agreement made the 1st day of November, 1995 between The Corporation of the Township of Thurlow and Laidlaw Waste Systems Ltd. be replaced with the following:
 - "2. (b) The per capita ratio of 10.27 shall be adjusted on January 1, 1999 in accordance with the Consumer Price Index for Canada for the change from the previous year. The rate commencing January 1, 2000 shall be established on a similar basis."
2. THAT the termination date in Section 6 be extended to December 31, 2000.

THIS BY-LAW SHALL COME INTO FORCE AND EFFECT IMMEDIATELY ON AND AFTER THE PASSING THEREOF.

Read the first time this **1st day of March, 1999**.

Read a second time this **1st day of March, 1999**.

Read a third time and finally passed, this **1st day of March, 1999**.

ROSS L. McDougall

MAYOR

JARY PLAMONDON

CITY CLERK