



BY-LAW NO. 5764

OF

THE CORPORATION OF THE COUNTY OF SIMCOE

A BY-LAW FOR ESTABLISHING AND MAINTAINING A SYSTEM FOR COLLECTION, PROCESSING, MARKETING, TRANSFER AND/OR DISPOSAL OF GARBAGE, ORGANICS, RECYCLABLES AND OTHER OPTIONAL WASTE MATERIALS AND FOR OPERATING AND MAINTAINING WASTE MANAGEMENT FACILITIES IN THE COUNTY OF SIMCOE

NOTE: This by-law should be read in conjunction with the County's current Collection Calendar.

TABLE OF CONTENTS

SECTION 1 – INTERPRETATION	3
1.1 SHORT TITLE.....	3
1.2 APPLICATION	3
1.3 HEADINGS.....	3
1.4 SCHEDULES	3
1.5 SINGULAR, ETC	3
1.6 ADMINISTRATION.....	4
1.7 DEFINITIONS.....	4
SECTION 2 – DELEGATED AUTHORITY.....	9
2.1 GENERAL DELEGATED AUTHORITY.....	9
2.2 ROLE OF THE DIRECTOR OF THE ENVIRONMENTAL SERVICES DEPARTMENT.....	10
SECTION 3 – COLLECTION SERVICES	14
3.1 GENERAL INFORMATION.....	14
3.2 QUALIFICATIONS FOR SERVICE.....	15
3.3 REQUIREMENTS FOR SERVICE.....	16
3.4 WASTE STREAM PREPARATION AND LIMITS.....	17
3.5 PROHIBITIONS.....	19
3.6 EXCEPTIONS.....	20
SECTION 4 – WASTE MANAGEMENT FACILITIES	21
4.1 GENERAL INFORMATION AND REQUIREMENTS FOR SERVICE.....	21
4.2 PROHIBITIONS.....	22
4.3 EXCEPTION – SPECIAL ARRANGEMENTS AND NOTICE REQUIREMENTS.....	23
SECTION 5 – ENFORCEMENT.....	24
5.1 OFFENCE.....	24
5.2 ORDER TO REMOVE – COLLECTION SERVICES.....	24
5.3 ORDER TO LEAVE OR REFUSE ACCESS – WASTE MANAGEMENT FACILITY.....	25
5.4 SUSPENSION OF COLLECTION OR WASTE MANAGEMENT FACILITY SERVICES.....	25
5.5 APPEAL.....	26
5.6 PENALTY.....	26
5.7 SET FINES.....	26
5.8 PROHIBITION ORDER.....	27
5.9 COST RECOVERY.....	27
SECTION 6 – GENERAL PROVISIONS	27
6.1 REVOCATION OF CONSENT.....	27
6.2 SEVERABILITY.....	27
6.3 CERTIFICATE OF APPROVAL.....	27
6.4 RECITALS & SCHEDULES.....	27
6.5 EFFECTIVE DATE.....	27
SCHEDULE "A" -.....	28
Area Specific Information.....	28
SCHEDULE "B" -.....	29
Request Form for Collection Services (Sample).....	29
SCHEDULE "C" -.....	31
Waste Collection Design Standards Policy.....	31

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SIMCOE**

Section 209 of the *Municipal Act*, R.S.O. 1990, c. M. 45 ("*Municipal Act, 1990*") provided that when a by-law is passed under section 209, that the county would be responsible for the waste management responsibilities of all participating local municipalities.

The Council of The Corporation of the County of Simcoe ("County") passed By-law No. 3854 on February 22, 1990, and thereby assumed all waste management powers of the 16 member municipalities within the County of Simcoe pursuant to section 209 of the *Municipal Act, 1990*. Section 209 of the *Municipal Act, 1990* also provided under the heading 'exclusive jurisdiction' that when a county assumes the power of providing services or facilities for any part of a waste management system, no municipality under a similar or equivalent power and no person shall, within the participating local municipalities, provide services or facilities of the type authorized by the powers assumed by a county without the consent of council of that county, which consent may be given upon such terms including the payment of compensation, as may be agreed upon.

Furthermore, section 209 of the *Municipal Act, 1990* provided an exemption to the exclusive jurisdiction granted to a county when it assumed the waste management powers. This section provided that a person may, without the consent of county council, provide services and facilities for the collection or removal of waste from non-residential properties and residential properties containing more than five dwelling units (e.g. commercial units).

Section 12 of the *Municipal Act, 2001*, S.O. 2001 c.25 ("*Municipal Act, 2001*") provided that if a by-law was passed under section 209 of the *Municipal Act, 1990* the powers transferred continue despite the changes implemented in section 11 of the *Municipal Act, 2001*.

County Council, under the transfer of powers authority granted to it pursuant to section 12 of the *Municipal Act, 2001*, and for the benefit of residents in the County of Simcoe, has entered into contracts for the collection and removal of garbage, organics, recyclables and other optional waste materials from serviced units and other properties for which collection services have been approved in the County of Simcoe and operates waste management facilities.

Pursuant to Report #7 dated March 27th 1990, the County adopted Bill 201 in an effort to be "masters in their own house" and ensure that the County of Simcoe does not become the landfill centre for Southern Ontario.

Section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other Act.

Section 8 of the *Municipal Act, 2001*, provides that the powers of the municipalities under the *Municipal Act, 2001* or any other Act shall be interpreted broadly as to confer broad authority on the municipalities to enable municipalities to govern their affairs as they consider appropriate and to enhance the municipalities' ability to respond to municipal issues.

Section 10 of the *Municipal Act, 2001*, provides that county council may regulate matters for purposes related to health, safety and the well-being of persons.

Section 227 of the *Municipal Act, 2001*, provides that it is the role of the officers and employees of a county to implement council's decisions and establish administrative practices and procedures to carry out council's decisions.

Section 227 of the *Municipal Act, 2001*, provides that it is the role of officers and employees of the municipality to carry out duties required under the *Municipal Act, 2001* or any other Act and other duties assigned by the municipality.

Section 23 of the *Municipal Act, 2001*, authorizes a municipality to delegate legislative and quasi-judicial powers under the listed Acts to one or more members of its council or a council committee or to an individual officer, employee or agent of the municipality if the power being delegated is minor in nature.

Section 425 of the *Municipal Act, 2001*, provides that a county may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence.

Section 447 of the *Municipal Act, 2001*, provides that a county may enter into agreements with a person or a body in relation to matters of mutual interest for the purpose of coordinating the enforcement of by-laws, statutes and regulations.

Section 15 of the *Police Services Act*, R.S.O. 1990, c.P.15, provides that council may appoint persons to enforce the by-laws of a county.

The *Provincial Offences Act*, R.S.O. 1990, c. P. 33, provides that persons who contravene this by-law are guilty of an offence and upon conviction are liable to a fine.

The *Provincial Offences Act*, R.S.O. 1990, c. P. 33, provides that council may develop a ticketing and set fine system for non-compliance with this by-law, subject to the approval of the Chief Justice of the Ontario Court of Justice.

Section 391 of the *Municipal Act, 2001*, authorizes the municipality to impose fees and charges on persons for services or activities provided or done by or on behalf of it; for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and for the use of its property including property under its control.

Sections 398 and 446 of the *Municipal Act, 2001*, authorizes a county to request that the lower-tier municipalities add the costs of completing any matter or thing it has authority to direct to be done in this by-law, if the person directed to do so is in default, to the tax roll and collect the amount due in the same manner as property taxes.

County Council acknowledges the authority for the lower-tier municipalities to enact by-laws, pursuant to section 127 of the *Municipal Act, 2001*, dealing with enforcement for littering and property standards and County Council respects this authority.

By adoption of Waste Management Sub Committee Report No. WMS 09-001, County Council deems it desirable to prepare rules and regulations for establishing and maintaining a system for collection, removal and disposal of waste within the County of Simcoe and for the operation and management of waste management facilities in the County of Simcoe.

NOW THEREFORE the Council of The Corporation of County of Simcoe enacts as follows:

SECTION 1 – INTERPRETATION

1.1 SHORT TITLE

This by-law may be cited as the Waste Management By-law.

1.2. APPLICATION

This by-law applies to the collection, processing, marketing, transfer and/or disposal of Garbage, Organics, Recyclables and other Optional Waste Materials in the County's Collection Area, and for operation, administration and maintenance of County Waste Management Facilities.

1.3 HEADINGS

The headings inserted in this by-law are inserted for convenience only and should not be used as a means of interpretation.

1.4 SCHEDULES

Schedules attached to this by-law form part of this by-law and have the same force and effect as if the information on them were contained in the body of this by-law.

1.5 SINGULAR, ETC

The necessary grammatical changes required to make the provisions hereof apply to corporations, partnerships, trusts, and individuals, male or female, and to include the singular or plural meaning where the context so requires, will in all cases be assumed as though fully expressed.

1.6 ADMINISTRATION

- 1.6.1 This by-law will be administered by the Director of the Environmental Services Department or his or her designates except the provisions regarding recovery of costs which will be administered by the County's General Manager of Finance and Administration or his or her designate.
- 1.6.2 This by-law will be enforced by the persons appointed pursuant to section 15 of the *Police Services Act* and referred to in this by-law as Municipal Law Enforcement Officers.
- 1.6.3 All Non-Collectable Wastes that are placed at any Serviced Unit or other lands located in a Local Municipality within the County of Simcoe will be deemed to be "refuse" for the purpose of any by-law enacted by the Local Municipality under section 127 of the *Municipal Act, 2001*.

1.7 DEFINITIONS

In this by-law words that are capitalized are defined in this section. Words derived from these words have a similar meaning.

- 1.7.1 "**Administrative Powers, Duties and Functions**" means matters required for the management of the County and does not involve discretionary decision making.
- 1.7.2 "**Approved Container**" is as defined in section 3.4 for each Waste stream.
- 1.7.3 "**Brush**" includes tree branches, limbs, and twigs and other materials which may be designated in the County's Collection Calendar.
- 1.7.4 "**Bulky Item**" includes large household articles such as furniture, bed springs, mattresses, carpeting, barrels, boxes, and any other discarded material which would normally accumulate at a Serviced Unit which cannot be broken down to fit inside an Approved Container, but does not include Metal Items, Recyclable Material or Recyclables, Construction and Demolition Wastes and/or Hazardous Wastes and includes items which are designated in the County's Collection Calendar.
- 1.7.5 "**C.F.C. Appliances**" includes appliances potentially containing Freon (e.g. refrigerators).
- 1.7.6 "**Christmas Trees**" means natural trees used to celebrate Christmas.
- 1.7.7 "**Collection Area**" means the County of Simcoe, but does not include federal land and the cities of Barrie and Orillia.

- 1.7.8 “**Collection Calendar**” means the current calendar prepared by the Director of the Environmental Services Department and distributed or displayed by the County to provide information to residents on waste management services.
- 1.7.9 “**Collection Day**” means the days designated for Garbage, Organics, Recyclables, and Optional Waste Materials in the area in which the Serviced Unit is located.
- 1.7.10 “**Collection Services**” means services provided by the County for removal of Garbage, Organics, Recyclables, and Optional Waste Materials, where programs are available, from Serviced Units.
- 1.7.11 “**Commercial Unit**” includes Multi-Unit Residential Buildings and industrial, commercial or institutional units.
- 1.7.12 “**Construction and Demolition Wastes**” includes any materials relating to construction, demolition and/or renovation.
- 1.7.13 “**Council**” means the Council of The Corporation of the County of Simcoe.
- 1.7.14 “**County**” means The Corporation of the County of Simcoe.
- 1.7.15 “**County of Simcoe**” means the geographic area encompassing the 16 member municipalities but for the purposes of this by-law excludes federal lands and the separated cities of Barrie and Orillia.
- 1.7.16 “**Director of the Environmental Services Department**” means the Director of the Environmental Services Department for the County.
- 1.7.17 “**Divertible Waste**” means Waste for which a Waste Management Facility has an area designated for materials including, but not limited to, Brush, Christmas Trees, Recyclables, Leaf and Yard Waste, metal, wood, CFC Appliances, drywall, clean asphalt roofing shingles, clean fill, tires, electronics and such other materials as markets become available and as designated by the Director of Environmental Services.
- 1.7.18 “**Environmental Protection Act**” means *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended or any successor legislation.
- 1.7.19 “**Garbage**” means Waste destined for disposal at a County Waste Management Facility and does not include Divertible Waste.
- 1.7.20 “**Garbage Box**” means a box no deeper than 1 metre, if access to the Garbage Box is from the top it must be easy to open and must be capable of remaining open while Garbage is being removed and complies with any requirements imposed by the Local Municipality or the Director of the Environmental Services Department.

- 1.7.21 “**Garbage Tag**” or “**Tag**” means a sticker issued by the County for the purpose of allowing Garbage collection in excess of the Garbage limit for additional Approved Containers provided other limits and restrictions are adhered to.
- 1.7.22 “**Generator**” includes any Registered Owner, owner-occupant, tenant or other Person having use, occupation, charge, management or control of a Serviced Unit in, from or on which Waste is produced.
- 1.7.23 “**Hazardous Waste**” includes hazardous industrial waste, acute hazardous waste chemical, hazardous waste chemical, severely toxic waste, ignitable waste, corrosive waste, reactive waste, and any other items set out as Hazardous Waste in Ontario Regulation 347, as amended pursuant to the *Environmental Protection Act*.
- 1.7.24 “**Household Hazardous Waste**” includes any Hazardous Waste generated at a Residential Dwelling Unit.
- 1.7.25 “**Household Hazardous Waste Depot**” means a facility operated by the County to receive Household Hazardous Waste.
- 1.7.26 “**Leaf and Yard Waste**” includes plant material generated in the gardens and yards of a Serviced Unit such as leaves, grass trimmings, pumpkins, straw bales, corn stalks and brush trimmings (that are no larger than 8 mm in diameter) and other materials which may be designated as Leaf and Yard Waste in the County's Collection Calendar.
- 1.7.27 “**Liquid Waste**” means Waste that does not comply with the slump test as per the test method set out Ontario Regulation 347 in Schedule 9, as amended pursuant to the *Environmental Protection Act*, R.S.O. 1990, c. E.19.
- 1.7.28 “**Local Municipality**” includes the 16 member municipalities of the County of Simcoe.
- 1.7.29 “**Metal Items**” includes large household articles constructed predominately out of metal such as stoves, dishwashers, washers, dryers and bicycle frames, and other assorted items capable of being recycled for the metal content and other materials which may be designated as Metal Items in the County's Collection Calendar but does not include car parts, CFC Appliances, propane tanks or similar items.
- 1.7.30 “**Multi-Unit Residential Building**” includes a building used mainly for residential purposes containing 6 or more Dwelling Units (by reference to the database maintained and operated by the Municipal Property Assessment Corporation and information obtained from the Local Municipality or a Registered Owner).

- 1.7.31 "**Municipal Act**" means *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or any successor legislation.
- 1.7.32 "**Municipal Law Enforcement Officer**" includes a person appointed pursuant to section 15(1) of the *Police Services Act* by County Council or any of the Local Municipalities in the County of Simcoe for the purpose of carrying out the enforcement of by-laws.
- 1.7.33 "**Non-Collectable Wastes**" means materials not acceptable for Collection Services at the curb/roadside. These materials include: over limit, ineligible and/or overweight Waste and any Waste refused Collection Services for non-compliance with this by-law; Optional Waste Materials placed out on days other than the Optional Waste Materials Collection Week; materials placed out for Collection Services at times other than those times specified in this by-law.
- 1.7.34 "**Occupational Health and Safety Act**" means *Occupational Health and Safety Act*, R.S. O. 1990, c. 0.1, as amended or any successor legislation.
- 1.7.35 "**Optional Waste Materials**" includes materials not normally collected in the weekly curbside collection programs, but which may be collected during the designated collection week, where available (e.g. Bulky Items, Metal Items, Leaf and Yard Wastes, Brush and/or Christmas Trees).
- 1.7.36 "**Organic Waste**" or "**Organics**" includes all food materials such as, fresh, frozen, dried, cooked and prepared foods and leftovers, fruit, vegetables, pasta, bread, cereal, meat and fish products, plate scrapings, coffee grinds and filters, tea bags, dairy products, nuts, houseplants (no pots or baskets), food soiled paper toweling, tissues and wet paper, paper egg cartons, and any other material which may be designated as Organic Waste by the County in the County's Collection Calendar.
- 1.7.37 "**Owner**" includes an owner, occupant, lessee, tenant or any other Person in charge, management or control of a Serviced Unit in the County's Collection Area.
- 1.7.38 "**Pathological Waste**" including any human: organ, bone, muscle, tissue or part(s) thereof, and also including needles or any other similar material or substance which contains or may contain any material which may be hazardous or dangerous.
- 1.7.39 "**Person**" includes an individual and a corporation and the successors, assigns, heirs, executors, administrators, or other legal representatives of a person to whom the context may apply according to law.
- 1.7.40 "**Private Road**" includes any Roadway that is not assumed by a Local Municipality, the County or the Province of Ontario.

- 1.7.41 **"Prohibited Waste"** includes Hazardous Waste, Pathological Waste, manure, ammunition and explosives, and any Waste in semi-liquid or liquid form, pet excrement, and broken glass, Household Hazardous Waste, asbestos, carcasses, and contaminated soil and any other items as may be designated in the County's Collection Calendar, are not accepted except in accordance with sections 3.6 and 4.3.
- 1.7.42 **"Recyclables or Recyclable Material(s)"** are subdivided into the following two categories: Recyclable Containers and Recyclable Paper Fibres and includes items which are designated in the County's Collection Calendar.
- 1.7.43 **"Recyclable Containers"** includes clear and coloured glass bottles and jars, empty paint cans and lids with lids removed, aluminum, tin and steel cans, plastic bottles, tubs and jugs provided they are a maximum size of 4 litres and marked P.E.T. #1, H.D.P.E. #2, L.D.P.E. #4, P.P. #5, and Other #7 Plastics, gable top containers, Tetrapak containers, spiral wound containers, empty aerosol cans and any other material which may be designated as Recyclable Containers in the County's Collection Calendar.
- 1.7.44 **"Recyclable Paper Fibres"** includes clean paper products for example newspaper, mixed paper, fine paper, inserts, junk mail, catalogues, glossy flyers, paperback books, telephone books, magazines, envelopes, old corrugated cardboard (O.C.C.), box board, paper egg cartons, paper bags, shredded paper, computer and NCR paper, and any other material which may be designated as Recyclable Paper Fibres in the County's Collection Calendar.
- 1.7.45 **"Recycling Bins"** includes plastic boxes in a variety of colours including blue and grey, in a good state of repair, distributed by the County or approved by the Director of the Environmental Services Department for the purpose of containing recyclable materials for collection.
- 1.7.46 **"Refusal Sticker"** means an information sticker to be attached to ineligible Wastes or containers that exceed the limit(s) or do not comply with the requirements set out in this by-law.
- 1.7.47 **"Registered Owner"** includes a Person recorded in the records maintained in the Land Registry Office as an Owner of the property and includes a Person with legal right to control possession of that property, such as a property manager appointed by the Registered Owner, a mortgagee in possession under the terms of a mortgage of the property, or a receiver or receiver/manager in possession of the property.
- 1.7.48 **"Residential Dwelling Unit"** includes a domicile consisting of one or more rooms designed for use as a single housekeeping establishment including a building or one piece of property which consists of up to five separate Residential Dwelling Units.

- 1.7.49 **“Request Form for Collection Services”** means a form similar in format to the one attached as Schedule “B”.
- 1.7.50 **“Roadway”** includes the part of a public street that is improved, designed or ordinarily used for vehicular traffic.
- 1.7.51 **“Salvage”** means the authorized removal, reuse or recycling of Waste at Waste Management Facilities.
- 1.7.52 **“Scavenging”** means the unauthorized removal, reuse or recycling of Waste at Waste Management Facilities.
- 1.7.53 **“Service Provider”** means the contractor and its’ agents and employees, retained by the County to provide Collection Services.
- 1.7.54 **“Serviced Unit”** includes any Residential Dwelling Unit, within the Collection Area, located on a Municipal, Provincial or County road and any other properties that have been granted Collection Services by the Director of the Environmental Services Department.
- 1.7.55 **“Supervisor”** means a Person employed by the County in the Environmental Services Department in a management role being responsible for County Waste Management Facilities and/or County Waste collection programs.
- 1.7.56 **“Tagged Approved Containers”** includes any Approved Container bearing a Garbage Tag.
- 1.7.57 **“Transient Waste”** includes any Waste from outside the Collection Area of the County.
- 1.7.58 **“Waste”** means any material deemed by the Person who owns it to no longer be required (e.g. Garbage, Organics, Recyclables, Metal Items, Bulky Items Brush, Christmas Trees, Leaf and Yard Waste and Non-Collectable Waste).
- 1.7.59 **“Waste Management Facility”** includes a landfill site, transfer station or waste processing facility licenced for the processing, sorting, transfer or disposal of Waste.

NOTE: Many of the items defined above are subject to special requirements prior to being eligible for Collection Services, see section 3.

SECTION 2 – DELEGATED AUTHORITY

2.1 GENERAL DELEGATED AUTHORITY

County officials and staff are authorized, subject to any limitations contained in this by-law and the condition and restrictions on delegation set out in the Delegation of Powers

and Duties Policy: POL-STAT-003, to do each of the following with respect to Waste Management Services:

- 2.1.1 the Warden and County Clerk are authorized to execute agreements negotiated by the Director of the Environmental Services Department in compliance with the authority delegated in this by-law and take any actions necessary to complete the action;
- 2.1.2 the Director of the Environmental Services Department will implement the obligations under this by-law with the assistance of the Environmental Services staff. The Director of the Environmental Services Department may develop guidelines and policies to guide staff;
- 2.1.3 the Director of the Environmental Services Department, Supervisors, or Environmental Services staff under the direction of a Supervisor or the Director of the Environmental Services Department, have the authority to order Persons to leave or refuse access to Waste Management Facilities if the Person is in breach of any provision of this by-law, is under suspension, or has failed to pay a fine imposed under this by-law, as further set out in section 5.3;
- 2.1.4 the Director of the Environmental Services Department, Supervisors, or Environmental Services staff, under the direction of a Supervisor or the Director of the Environmental Services Department, have the authority to place a Serviced Unit or Person in breach or suspend Collection Services if this by-law is contravened;
- 2.1.5 written notice in the form of a notice of breach or a notice of suspension (depending on the severity of the issue) may be provided to a Person or Registered Owner of a Serviced Unit by a Supervisor or the Director of the Environmental Services Department;
- 2.1.6 a Supervisor or the Director of the Environmental Services Department has the authority to lift a suspension if the Registered Owner or Person demonstrates that he or she is in compliance with this by-law and has promised in writing to comply in the future and may impose such terms and conditions as considered necessary taking into consideration the reason for a suspension;
- 2.1.7 in the event that a Supervisor or the Director of the Environmental Services Department are absent or unable to carry out his/her duties under this by-law all authority granted herein shall be carried out by the General Manager of Corporate Services or Chief Administrative Officer.

2.2 ROLE OF THE DIRECTOR OF THE ENVIRONMENTAL SERVICES DEPARTMENT

The Director of the Environmental Services Department is authorized, subject to any limitations contained in this by-law and the condition and restrictions on delegation set

out in the Delegation of Powers and Duties Policy: POL-STAT-003, to do each of the following with respect to Waste Management Services provided by the County:

Collection Services

- 2.2.1 designate items to be included or excluded in Garbage, Organics, Recyclables and Optional Waste Material for Collection Services;
- 2.2.2 allow additional items to be set out for Collection Services and/or delivery to Waste Management Facilities in unusual or emergency situations;
- 2.2.3 determine the schedule for Collection Services, including the time, day and when necessary cancellation and alternative arrangements;
- 2.2.4 determine the limits for Waste;
- 2.2.5 determine collection locations for Waste;
- 2.2.6 determine whether Waste was generated at a Serviced Unit and whether it is eligible for Collection Services;
- 2.2.7 negotiate the terms and conditions for curbside collection contracts and present to Council for approval and authority to make minor changes to approved contracts and present such changes to Council for information;
- 2.2.8 in the event of road closures, determine if the plan provided by the road authority to manage Collection Services during the road closure is adequate;
- 2.2.9 determine whether to approve an application made, using the Request Form For Waste Collection Services, by an Owner whose property does not qualify as a Serviced Unit under the definition in this by-law and set the commencement date for services. The commencement date for new developments will be set based on the stage of the development and considerations made in consultation with the Service Provider about the ability for Collection Services to be undertaken in a safe and efficient manner;
- 2.2.10 determine whether an alternative service option may be provided to applicants that have been denied Collection Services including the provision of vouchers or an alternative collection location. The decision on whether either of these options may be offered will be dependent on the facts of each application;
- 2.2.11 negotiate individual agreements with Owners, Local Municipalities and Service Providers granting exemption from specific sections of this by-law on terms and conditions satisfactory to the County and present such agreements to Council for approval unless the process for approving Request Form for Waste Collection Services is utilized;

- 2.2.12 designating Waste Management Facilities for Service Providers and Local Municipalities' use when providing Collection Services;
- 2.2.13 authorize use by Service Providers and Local Municipalities of alternative Waste processing locations including private facilities;
- 2.2.14 suspend, discontinue or revoke Waste Collection Services in whole or in part to a Serviced Unit and other properties for which services have been approved for breaching any provision of this by-law;
- 2.2.15 reinstate Waste Collection Services in whole or in part to a Serviced Unit after Waste Collection Services have been suspended, discontinued or revoked;
- 2.2.16 determine when Collection Services will be restricted to seasonal Collection Services due to the condition of the road or the time of use of the residences or other similar reasons;
- 2.2.17 refuse collection of any items based on size, weight, quantity or safety hazards;
- 2.2.18 deal with any other matter assigned by this by-law or necessary for the collection, removal, processing, marketing and disposal of Waste;

Waste Management Facilities

- 2.2.19 determine hours and days of operations for Waste Management Facilities;
- 2.2.20 allow deposit of items in unusual or emergency situations and vary the rate;
- 2.2.21 negotiate the terms and conditions of agreements for accepting Waste into Waste Management Facilities and recommend such agreements to Council;
- 2.2.22 apply for, revoke or amend Certificates of Approval and licences for Waste Management Facilities and systems;
- 2.2.23 take actions required to comply with terms and conditions of the Certificates of Approval and any amendments thereto and any Orders or obligations imposed by regulatory authorities;
- 2.2.24 take any actions necessary to comply or determine compliance with applicable laws and guidelines at Waste Management Facilities and related properties;
- 2.2.25 establish a repayment schedule for account holders more than 30 days in arrears;
- 2.2.26 designate items to be included or excluded in diversion programs at Waste Management Facilities;

- 2.2.27 determine whether to Salvage, reclaim, recycle, compost, process, landfill or otherwise deal with any items deposited at the Waste Management Facilities;
- 2.2.28 establish a Salvage program at Waste Management Facilities;
- 2.2.29 suspend, discontinue or revoke Waste Management Facility Services to any Person for breaching any provision of this by-law;
- 2.2.30 reinstate Waste Management Facility Services to any Person after Waste Management Facility Services have been suspended, discontinued or revoked;

General Waste Management

- 2.2.31 establish such things as are necessary to implement Council's decisions for the proper administration of this by-law;
- 2.2.32 represent the County on waste management matters with the general public, regulatory authorities or other groups or Persons;
- 2.2.33 establish programs and procedures to increase public awareness and understanding of Waste Collection Services and waste management issues, and undertake research and provide advice to Council on procedures, policies and guidelines;
- 2.2.34 locate markets for Waste materials and enter into verbal/written contracts to market items, even where processing costs are incurred;
- 2.2.35 sign documents on behalf of the County as the representative for waste management matters including credit applications, customs and NAFTA forms and other documents required to assist with the day to day operations of waste management;
- 2.2.36 negotiate with landowners for the purposes of acquiring groundwater easements or fee simple ownership of properties for purposes related to the operation, maintenance or establishment of Waste Management Facilities in accordance with County direction and policies;
- 2.2.37 negotiate the sale of land or releasing of easements or other agreements in compliance with the Real Property Purchase and Sale Procedure by-law, as amended, where applicable;
- 2.2.38 assist with the drafting of policies for implementing of the Ministry of Environment Guideline D-4 regarding proposed land use within the D-4 Assessment Areas.

SECTION 3 – COLLECTION SERVICES**3.1 GENERAL INFORMATION**

3.1.1 No Collection Services shall be made on the following observed holidays:

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

For information on alternative Collection Service arrangements as a result of observed holidays see the County's Collection Calendar.

3.1.2 Collection Services will be provided to Serviced Units but not to Commercial Units, unless Collection Services were provided on the day this by-law is adopted or Collection Services are granted approval by the Director of the Environmental Services Department.

3.1.3 In the event of hazardous road conditions due to snow and/or ice or emergency road closure, the County may find it necessary – in the interest of public safety – to authorize the cancellation of Collection Services. The normal practice is to collect double the limits on the next regularly scheduled Collection Day.

3.1.4 In the event of road closure due to road works the County will not provide Collection Services at the Serviced Unit affected by the road closure. It is the responsibility of the authority with jurisdiction for the road to:

3.1.4.1 provide information to the County on the location and length of disruption of services. Notice should be provided 30 days in advance where possible;

3.1.4.2 provide a plan of alternative arrangements, to the satisfaction of the Director of the Environmental Services Department, for management of Collection Services for the affected Serviced Units for the duration of the interruption;

3.1.4.3 notify the Owners of the affected Serviced Units of the approved alternative arrangements.

3.1.5 In the event Waste is refused for Collection Services due to non-compliance with this by-law the Owner is responsible to remove the Waste within 24 hours

after the Collection Service has been completed; remaining Waste will be considered “refuse” and subject to enforcement under section 127 of the *Municipal Act, 2001* and Local Municipalities’ litter by-laws.

- 3.1.6 In an effort to avoid human conflict with bears, every resident is encouraged to visit the Ministry of Natural Resources website located at www.mnr.gov.on.ca/en/Business/Bearwise/index.html.

3.2 QUALIFICATIONS FOR SERVICE

Medical Exemption

- 3.2.1 Owners may apply to the County to obtain a medical exemption. The “Medical Exemption Form” is available at the County Administration Building and at www.simcoe.ca. Upon approval by a Supervisor or the Director of the Environmental Services Department, the Owner will be entitled to up to 25 Garbage Tags for use by the Owner of the Serviced Unit during the year the application is approved.

Unit Eligibility

- 3.2.2 Owners may apply to obtain the County’s determination of their eligibility for Waste Collection Services by filling out the “Request Form for Waste Collection Services”, available at the County Administration Building and at www.simcoe.ca.

Private Roads

- 3.2.3 The County is not obligated to provide Collection Services from a residence located on a Private Road.
- 3.2.4 Owners can apply to the County for Waste Collection Services with the “Request Form for Waste Collection Service”, available at the County Administration Building and at www.simcoe.ca.

Individual Agreements

- 3.2.5 Nothing in this by-law will restrict the County from entering into individual agreements with Owners, Local Municipalities and Service Providers granting exemption from specific sections of this by-law on terms and conditions satisfactory to the County.
- 3.2.6 The County has developed a Waste Collection Design Standards Policy, attached as Schedule “C”. If developments are designed to meet the standards set out in this policy the development can be considered for Waste Collection Services. The Request for Waste Collection Services form is available at the County Administrative Building and at www.simcoe.ca.

Appeal

- 3.2.7 If the application for Collection Services is denied the applicant has the right to appeal the decision of the Director of the Environmental Services Department to the General Manager of Corporate Services upon submission of a request in writing to the County Clerk with the appropriate fee. No new evidence will be permitted and the decision of the General Manager of Corporate Services is final and binding.

3.3 REQUIREMENTS FOR SERVICE

- 3.3.1 Every Generator shall set out Garbage, Organics and Recyclable Materials in Approved Containers no later than 7:00 a.m. on the Collection Day and no earlier than 5:00 p.m. on the day prior, save and except those Local Municipalities with specific requirements regarding set out times as set out on Schedule "A".
- 3.3.2 Every Generator shall set out Optional Waste Materials no later than 7:00 a.m. and no earlier than Sunday immediately preceding the collection week on the Monday of the designated Optional Waste Materials collection week.
- 3.3.3 Every Generator shall only set out Garbage, Organics and Recyclable materials in quantities that would normally be generated at a Residential Dwelling during the collection week (e.g. Waste generated by commercial activity at the Serviced Unit is not permitted).
- 3.3.4 Every Generator shall remove empty Approved Containers for Garbage, Organic Waste, Recyclable Materials and any Waste that has a Refusal Sticker attached, by 7:00 p.m. on the Collection Day, or on the first Collection Day of the week following the Optional Waste Materials Collection, unless the empty Approved Containers have been placed inside a Garbage Box, save and except those Local Municipalities with specific requirements as set out on Schedule "A".
- 3.3.5 Every Generator using a Garbage Box shall ensure it is in a good state of repair and clean.
- 3.3.6 Every Generator shall set out Approved Containers in an accessible location, where possible, at the edge of the Roadway (no further than three meters from the traveled portion of the Roadway, unless the Local Municipality has rules that might apply for instance regarding snow removal), directly in front of the Serviced Unit, but in a location that will not impede or obstruct pedestrian or vehicular traffic or interfere with road maintenance operations including winter snow removal or so as to endanger the safety of any Person.
- 3.3.7 Refer to the County website at www.simcoe.ca for Collection Calendar.

- 3.3.8 Collection Services shall be denied to Owners at a Serviced Unit if:
- 3.3.8.1 the Waste is frozen or stuck to the Approved Container or to the ground;
 - 3.3.8.2 the Waste has blown away or otherwise escaped in any manner e.g. scattered by animals;
 - 3.3.8.3 access to the Waste is blocked at the time of collection;
 - 3.3.8.4 the Waste is placed in contravention of this by-law or not in compliance with the directions of the Collection Calendar, e.g. not prepared according to the requirements of this by-law;
 - 3.3.8.5 the Waste set out for Collection Services is in excess of an amount that would normally be generated at a Residential Dwelling Unit;
 - 3.3.8.6 there is any present danger to the Service Providers including, but not limited to, aggressive animals, bees and Pathological Waste;
 - 3.3.8.7 Waste Collection Services have been suspended, discontinued or revoked in accordance with this by-law.

3.4 WASTE STREAM PREPARATION AND LIMITS

For preparation requirements refer to the County's Collection Calendar. The County reserves the right to refuse collection of any items based on size, weight, quantity or safety hazards.

Garbage

- 3.4.1 **Approved Containers for Garbage** include:

A Garbage bin provided it is a rigid container with suitable handles and a tight fitting cover which facilitates the easy removal of Waste; having a capacity of not more than 80 litres and weighing not more than 20 kgs, when filled with Garbage for collection, and that is otherwise suitable for the purpose of containing Garbage.

A Garbage bag provided it is a standard size disposable plastic bag, having a maximum size of 90cm x 75cm, not weighing more than 20 kgs, when filled with Garbage for collection and it is in good working order and is not torn, punctured or ripped. See Schedule "A" for area specific requirements – note Garbage bags are not permitted to be set out at the Roadway in some Local Municipalities.

Such other container as may be designated by the Director of the Environmental Services Department.

3.4.2 **Garbage Limit**

See Schedule "A" for area specific requirements. The limits are subject to change, the County's Collection Calendar should be consulted.

Recyclable Materials

3.4.3 **Approved Containers for Recycling** include:

A Recycling Bin provided it is a plastic box in a variety of colours including blue and grey, in a good state of repair, issued by or purchased from the County which meets the requirements of the County or such other container as may be designated by the Director of the Environmental Services Department.

3.4.4 **Recyclables Limits**

There is no limit on the number of Approved Containers for Recyclable Materials or the quantity of Recyclable Materials that may be set out for Collection Services. Each Approved Container shall have a maximum weight limit of 20 kgs. The limits are subject to change, the County's Collection Calendar should be consulted.

Organics

3.4.5 **Approved Container for Organics** includes a green plastic container, in a good state of repair, issued by or purchased from the County for Organics; and weighs not more than 20 kgs; a compostable bag, that is not torn or ripped, and weighs not more than 20 kgs; and such other container as may be designated by the Director of the Environmental Services Department.

3.4.6 **Organics Limit**

There is no limit on the number of Approved Containers of Organics that may be set out for Collection Services. Each Approved Container shall have a maximum weight limit of 20 kgs. The limits are subject to change, the County's Collection Calendar should be consulted.

Leaf and Yard Waste

3.4.7 **Approved Containers for Leaf and Yard Waste** include a Kraft paper bag specifically designed for Leaf and Yard Waste and is capable of being securely closed when filled and capable of supporting 20 kgs when lifted that is not torn or ripped; a non-waxed corrugated cardboard box; open top rigid containers (excluding Recycling Bins) with a capacity of not more than 125 litres and capable of supporting 20 kgs when lifted; and such other container as may be designated by the Director of the Environmental Services Department.

3.4.8 Leaf and Yard Waste Limits

There is no limit on the number of Approved Containers for Leaf and Yard Waste that may be set out for Collection Services. The limits are subject to change, the County's Collection Calendar should be consulted.

Brush**3.4.9 Brush Limits**

There is no limit on the amount of Brush that may be set out for Collection Services. The limits are subject to change, the County's Collection Calendar should be consulted.

Christmas Tree**3.4.10 Christmas Tree Limit**

No more than three Christmas Trees will be collected per Serviced Unit. The limits are subject to change, the County's Collection Calendar should be consulted.

Bulky Items**3.4.11 Bulky Item Limit**

No more than five Bulky Items will be collected. See Schedule "A" for area specific requirements – note: Bulky Item Collection and limits may vary in some Local Municipalities. The limits are subject to change, the County's Collection Calendar should be consulted.

Metal Items**3.4.12 Metal Item Limit**

No more than five Metal Items will be collected. See Schedule "A" for area specific requirements – note: Metal Item Collection and limits may vary in some Local Municipalities. The limits are subject to change, the County's Collection Calendar should be consulted.

Combined Bulky and Metal Items**3.4.13 Combined Bulky and Metal Item Limit**

No more than five Bulky Items and five Metal Items will be collected. See Schedule "A" for area specific requirements – note: Combined Bulky and Metal Item Collection and limits may vary in some Local Municipalities. The limits are subject to change, the County's Collection Calendar should be consulted.

3.5 PROHIBITIONS

No Person shall:

- 3.5.1 set out any Waste for Collection Services unless it is in an Approved Container and/or properly sorted and prepared as required under this by-law, and as scheduled and directed within the County's Collection Calendar;
- 3.5.2 set out Waste that is inaccessible for any reason including snow, ice, blockage, or not visible;
- 3.5.3 set out for Collection Services any Transient Waste, Non-Collectable Waste, including, but not limited to, Prohibited Waste either on its own or mixed with any other Waste, or Waste which does not comply with this by-law, except as provided in section 3.6;
- 3.5.4 set out any form of Waste at a collection location for a Serviced Unit entitled to receive Waste Collection Services unless the Waste was generated in that Serviced Unit;
- 3.5.5 set out Waste in excess of the limits for the type of Waste, or where no limits in excess of the amount that would normally be generated at a Residential Dwelling Unit during the Collection Week;
- 3.5.6 set out Waste defined as "Non-Collectable Waste";
- 3.5.7 set out hot ashes; see section 3.6 for preparation of cold ashes;
- 3.5.8 allow any liquid matter to flow or drain upon streets, Roadways, ditches, gutters, public or private lands, and fail to clean up any mess or debris;
- 3.5.9 permit any animal to pick over, interfere with, remove or scatter any Waste out for Collection Services and fail to clean up any mess or debris;
- 3.5.10 leave Waste set out for Collection Services beyond 24 hours after the Collection Services for the particular Waste have been completed for that Serviced Unit;
- 3.5.11 Scavenge any Recyclable Materials or Metal Items set out for Waste Collection Services, save and except the following: the County's authorized agents, the Owner who set out the Waste or other Person authorized by the Owner;
- 3.5.12 behave in a manner that is offensive to County staff, the Service Provider, its representatives and agents including indulging in violent, threatening or illegal conduct or use of profane or abusive language or create a nuisance or in any way interfere with municipal services.

3.6 EXCEPTIONS

- 3.6.1 **Ashes:** Despite section 3.5 ashes can be set out if cold and placed in an Approved Container for Organics.

- 3.6.2 **Broken Glass:** Despite section 3.5 and the inclusion of broken glass in the definition of Prohibited Waste, an Owner of a Serviced Unit may place broken glass out for Waste Collection Services, for Garbage provided that the broken glass is first securely wrapped so that the broken glass cannot pierce the wrapper and endanger the Service Provider, and then placed in an Approved Container.
- 3.6.3 **Pet Excrement:** Despite section 3.5 and the inclusion of pet excrement in the definition of Prohibited Waste, an Owner of a Serviced Unit may dispose of excrement of dogs or cats with Garbage provided the Owner first wraps in absorbent paper (e.g. newspaper), any feces of dogs or cats, places same in a sealed leak-proof bag, which is mixed in with Garbage in an Approved Container which contains by volume, not more than ten percent excrement from dogs or cats and 90 percent other Garbage.

SECTION 4 – WASTE MANAGEMENT FACILITIES

4.1 GENERAL INFORMATION AND REQUIREMENTS FOR SERVICE

- 4.1.1 Waste Management Facility services are provided to residents upon proof of residency in the County of Simcoe for Waste generated in the County of Simcoe.
- 4.1.2 Public access to a Waste Management Facility is limited to the hours determined by the Director of the Environmental Services Department and posted at the Waste Management Facility.
- 4.1.3 While attending a Waste Management Facility every Person must conform strictly to all requirements of the *Environmental Protection Act*, the *Occupational Health and Safety Act* and other relevant legislation, any relevant regulations thereunder, any relevant Certificates of Approval and any relevant County policies and procedures.
- 4.1.4 Persons depositing or delivering Waste to any Waste Management Facility operated by the County must pay the appropriate fee for that type of Waste, as set out in the Tipping Fees By-law.
- 4.1.5 Persons purchasing materials, products or services (e.g. Bag Tags, Recycling Bins and other items available at most Waste Management Facilities) must pay the appropriate fee as set out in the Tipping Fees By-law.
- 4.1.6 Account holders in arrears to the County for more than 30 days may be denied credit or access to the Waste Management Facilities.
- 4.1.7 Every Person depositing material at a Waste Management Facility of the County shall deposit only such types of materials as are acceptable for deposit at the Waste Management Facility as designated by the County.

- 4.1.8 All Waste deposited at any Waste Management Facility becomes the property of the County and may be Salvaged, reclaimed, recycled, composted, processed, disposed of, or otherwise dealt with by the County as the Director of the Environmental Services Department deems fit.
- 4.1.9 Despite subsection 4.2, a Person may remove Salvage from a County Waste Management Facility only in accordance with a Salvage program as approved by the Director of the Environmental Services Department.

4.2 PROHIBITIONS

- 4.2.1 No Person shall:
- 4.2.1.1 deposit Waste or enter any Waste Management Facility outside the hours of operation;
 - 4.2.1.2 deposit Waste at any Waste Management Facility when such deposit has been forbidden by the Director of the Environmental Services Department or the person in charge at the Waste Management Facility on the grounds that the deposit would be contrary to this by-law;
 - 4.2.1.3 attempt to deposit at any Waste Management Facility any Waste not generated in the County of Simcoe, or Waste which does not comply with this by-law or the Waste Management Facility's Certificate of Approval. Any Waste attempted to be delivered or deposited that was not generated in the County of Simcoe or which does not comply with this by-law shall be removed by or at the expense of the Person seeking to dispose of it;
 - 4.2.1.4 attend at any Waste Management Facility except for the purposes of depositing Waste or for other business, without the written approval of the Director of the Environmental Services Department;
 - 4.2.1.5 behave in a manner that is offensive to County staff and/or any other persons in attendance, including indulging in any riotous, violent, threatening or illegal conduct, or use profane or abusive language, or create a nuisance or in any way interfere with the use of the Waste Management Facility by any other person;
 - 4.2.1.6 deposit any Waste that might pose a safety hazard to any person without first notifying the site staff of the risk and be authorized to deposit such Waste as instructed if deemed acceptable;
 - 4.2.1.7 breach the requirements for service as set out in section 4.1;

- 4.2.1.8 deposit Waste at a Waste Management Facility other than at the locations designated for the specific Waste type and in the manner required for the Waste type;
- 4.2.1.9 deposit any Prohibited Waste at any Waste Management Facility, except as provided in section 4.3;
- 4.2.1.10 deposit any burning or hot material, (e.g. embers and coals) or set fire at any Waste Management Facility;
- 4.2.1.11 except as in section 4.1, Scavenge, collect, pick over, interfere with, remove or scatter any Waste or cause or permit the Scavenging, collecting, picking over, interference with, removal or scattering of any Waste at any Waste Management Facility;
- 4.2.1.12 fail to pay the appropriate fees as set out in the Tipping Fees By-law.

4.3 EXCEPTION – SPECIAL ARRANGEMENTS AND NOTICE REQUIREMENTS

Special Arrangements

The following items require the County to be contacted so the resident can be directed to the appropriate person to make special arrangement for the delivery of these Wastes and the applicable fee.

- 4.3.1 **Asbestos:** Despite section 4.2, a Person may deliver asbestos to a Waste Management Facility provided that the asbestos is disposed of in accordance with provincial or federal statutes or regulations in effect at the time and at the time of delivery of the asbestos the Person notifies the operator of the Waste Management Facility that the Waste is asbestos in order that the operator may ensure the immediate disposal of that asbestos. The Supervisor shall have the authority to direct the delivery to a suitable site at a suitable time.
- 4.3.2 **Carcasses:** Despite section 4.2, a Person may deliver the carcass of animals and slaughterhouse Waste to a Waste Management Facility provided that the Person has first contacted the Waste Management Facility Supervisor to obtain preapproval for the delivery. The Person will need to provide particulars including, but not limited to, the quantity to be delivered. The Supervisor shall have the authority to direct the delivery to a suitable site at a suitable time.
- 4.3.3 **Contaminated Soil:** Despite section 4.2, a Person may deliver contaminated soil (e.g. oil, gas, diesel etc.) to a Waste Management Facility provided the Director of the Environmental Services Department has permitted it. The following procedure is normally followed: A Toxicity Characteristic Leaching Procedure (TCLP analysis) has been performed on the material and submitted to the Director of the Environmental Services Department, the Director of the Environmental Services Department or his or her designate has reviewed the

TCLP analysis to the Leachate Quality Criteria (Schedule 4) as amended in the *Environmental Protection Act* and determines that there are no exceedances, arrangements have been made with the Supervisor at the Waste Management Facility that will receive the contaminated soil.

Notification Requirements

The following items can only be deposited if the resident first notifies County site staff and follows any requirements placed on the deposit:

- 4.3.4 **Broken Glass:** Despite section 4.2 and the inclusion of broken glass in the definition of Prohibited Waste, a Person may deliver broken glass to a Waste Management Facility provided the operator of the Waste Management Facility is advised of the contents of the Garbage in order that he or she may ensure it does not create a hazard to other Waste Management Facility users or staff.
- 4.3.5 **Household Hazardous Waste:** Despite section 4.2, a Person may deliver Household Hazardous Waste to a Household Hazardous Waste Depot provided products are properly sealed and labeled and the quantity is what would reasonably accumulate at a Serviced Unit. For more information on when and where Household Hazardous Waste will be accepted at County Waste Management Facilities and what specific items are permitted, see County's Collection Calendar.

SECTION 5 – ENFORCEMENT

5.1 OFFENCE

No Person will deal with Wastes except in accordance with this by-law.

5.2 ORDER TO REMOVE – COLLECTION SERVICES

- 5.2.1 Where Waste is put out for Collection Services in contravention of this by-law, a Supervisor or the Director of the Environmental Services Department may give written notice to the Person who generated that Waste and/or the Owner, advising that if such Person and/or Owner fails to remove the Waste or cause the Waste to be removed within the time specified in the notice, the County or the County's designate may remove and dispose of the Waste at the expense of the Owner or Person who generated the Waste and may immediately dispose of it at the expense of the Registered Owner.
- 5.2.2 The County may recover all costs by action, or in the case of a Registered Owner, the same may be recovered in the same manner as municipal taxes by making a request to the lower-tier municipality to add the costs of completing any matter or thing to the tax roll.

5.3 ORDER TO LEAVE OR REFUSE ACCESS – WASTE MANAGEMENT FACILITY

The Director of the Environmental Services Department, a Supervisor, or any Environmental Services staff under the direction of a Supervisor or the Director of Environmental Services, may order a Person to leave the Waste Management Facility if they determine a Person:

- 5.3.1. fails to provide proof of residency, as required, when requested;
- 5.3.2 is Scavenging;
- 5.3.3 is behaving in a manner that is offensive to County staff or any other Persons in attendance;
- 5.3.4 is depositing Waste contrary to this by-law;
- 5.3.5 is conducting any illegal activity;
- 5.3.6 has no lawful reason to be at the Waste Management Facility;
- 5.3.7 has failed to pay a fine imposed under this by-law; or
- 5.3.8 has breached any provision of this by-law.

The Director of the Environmental Services Department, a Supervisor or Environmental Services staff under the direction of a Supervisor or the Director of the Environmental Services Department, may refuse access if they determine a Person:

- 5.3.9 owes money pursuant to this by-law and fails to pay the balance owing on demand;
- 5.3.10 is transporting material which is unacceptable for deposit at the Waste Management Facility; or
- 5.3.11 has violated this by-law.

5.4 SUSPENSION OF COLLECTION OR WASTE MANAGEMENT FACILITY SERVICES

- 5.4.1 In addition to any other remedy under this by-law, where the Owner of a Serviced Unit or a Person attending at a Waste Management Facility, contravenes any of the provisions of this by-law, a Supervisor or the Director of the Environmental Services Department may give written notice (in the form of a notice of breach or a notice to suspend) to a Person attending a Waste Management Facility or to the Owner of the Serviced Unit by mail or hand delivery, advising of the particulars of the breach under this by-law and whether

the breach has resulted in a suspension of services, or providing a timeline to remedy the breach, taking into consideration the particulars of the breach.

- 5.4.2 Where there has been a failure to remedy the breach in the timeline provided, or on a subsequent contravention of this by-law, or failure to pay any fines or other monies owing under this by-law, a Supervisor or the Director of the Environmental Services Department may issue a notice to suspend Collection Services to that Serviced Unit or to a Person for access to Waste Management Facilities.
- 5.4.3 Any Owner or Person may apply to a Supervisor or the Director of the Environmental Services Department, in writing, to lift the suspension, and upon the Owner or Person demonstrating that he or she is in compliance with the by-law and has promised in writing to comply in the future with this by-law, the Supervisor or the Director of Environmental Services may:
- 5.4.3.1 lift the suspension; and
 - 5.4.3.2 impose such conditions or terms as he or she considers appropriate to reinstate Collection Services and/or disposal privileges.

5.5 APPEAL

If a Person wishes to appeal a decision of a Supervisor or the Director of the Environmental Services Department under sections 5.2, 5.3, or 5.4, a written notice of appeal must be delivered to the Clerk of the County within 10 days of the decision setting out the reasons for appeal and provide the fee of \$50.00. The appeal will be reviewed by the General Manager of Corporate Services. No new evidence will be permitted and the decision of the General Manager of Corporate Service is final and binding.

5.6 PENALTY

Any Person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to the maximum fine as provided for in the Provincial Offences Act, R.S.O. 1990 c.P33, as amended, and every fine is recoverable under the Provincial Offences Act, R.S.O. 1990 c. P33, as amended.

5.7 SET FINES

Any Person may, upon being served with an offense notice issued by a Municipal Law Enforcement Officer indicating the commission of an offence as designated by this by-law and showing a set fine as approved by the Chief Justice of the Ontario Court of Justice may exercise the options as set out on the reverse side of the offense notice. If the out of court payment option is chosen, such payment must be received by the Provincial Offences Office at the address noted on the offense notice within fifteen days of the date on which the ticket was issued, inclusive of Saturdays, Sundays and holidays.

5.8 PROHIBITION ORDER

If a Person has been convicted of an offence under this by-law, pursuant to section 431 of the *Municipal Act, 2001*, the court in which the conviction has been entered may, in addition to any other penalty or other remedy imposed, make an order prohibiting the continuation or repetition of the offence.

5.9 COST RECOVERY

Where any Person fails to comply with the requirements or provisions of this by-law, the County may recover the expense incurred for any actions taken in the same manner as municipal taxes.

SECTION 6 – GENERAL PROVISIONS

6.1 REVOCATION OF CONSENT

Any consent previously given by Council to any Local Municipality to do any work under the sphere of Waste Management is hereby revoked, excepting those by-laws authorized under section 127 of the *Municipal Act, 2001*.

6.2 SEVERABILITY

If any provision of this by-law is declared invalid for any reason by a court of competent jurisdiction the remainder of this by-law shall still continue in force.

6.3 CERTIFICATE OF APPROVAL

The provisions of this by-law shall be subject to the terms of the Certificates of Approval for the Waste Management Facilities of the County and any relevant statutes and regulations.

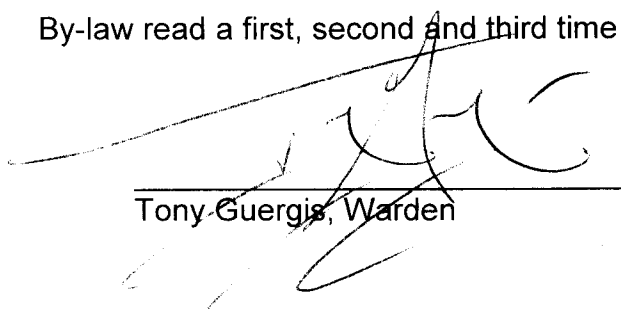
6.4 RECITALS & SCHEDULES

That the recitals and schedules with attached documents form part of this by-law.


6.5 EFFECTIVE DATE

This by-law will come into force and take effect on the date it is passed by Council.

By-law read a first, second and third time and finally passed this 24th day of March, 2009.



Tony Guergis, Warden



Glen Knox, County Clerk

SCHEDULE "A" -
Area Specific Information

1. Specific Garbage Limits

The Garbage limit is one Approved Container weekly per Serviced Unit plus any Tagged Approved Container(s) where Organics Collection Services are provided. Where Serviced Units are not eligible for Organics Collection Service the Garbage limit is two Approved Containers weekly per Serviced Unit.

In the Township of Adjala-Tosorontio Garbage Tags are not permitted. In the Township of Adjala-Tosorontio a clear bag containing only diapers or incontinence products is permitted weekly per Serviced Unit provided that the clear bag meets the size and weight limits of an Approved Container.

2. Garbage Bag Set Out

Garbage bags are not permitted to be set out at the Roadway in the Town of Wasaga Beach. They must be contained in Garbage Bins or Garbage Boxes.

3. Garbage Boxes

In the Town of Wasaga Beach Garbage Boxes must be placed at the property line of the Serviced Unit.

4. Specific Set Out Requirements

In an effort to reduce human conflict with bears and at the request of the Ministry of Natural Resources the following municipalities are required to not set out their Waste for collection prior to 6:30 am on the scheduled Collection Day:

Township of Severn
Township of Ramara
Township of Springwater
Township of Oro Medonte
Township of Tay
Township of Tiny

5. Bulky Items/Metal Collection

In Severn Township the Combined Bulky and Metal Items collection limit is a maximum of five items in total including one appliance only.

SCHEDULE "B" - Request Form for Collection Services (Sample)



Request Form for Waste Collection Services

Local
Municipality

In the event that an owner, resident or proprietor of a property in the County of Simcoe requires clarification on the number of units eligible for waste collection services or collection services on a private road, to a multi-unit residence, or development which would not normally qualify for waste collection services this form must be completed and submitted to the County to begin the investigation to determine the correct unit count or if collection services will be granted.

By submitting this form you consent to the information submitted being utilized for investigations by appropriate authorities for purposes including, but not limited to, correct property assessment values, and proper utility taxation rate values, and that the taxes for the property in question may be adjusted, if necessary, to account for service levels.

If collection services are denied the applicant has the right to appeal the decision of the Director of Environmental Services to the General Manager of Corporate Services upon submission of a request in writing to the County Clerk and the fee of \$50.00. No new evidence will be permitted and the decision of the General Manager of Corporate Services is final and binding.

Please either print, in space provided, or circle all of the information requested below:

Address (number and street): _____

Municipality: _____

Name of applicant: _____

Property Tax Roll No.: _____

Relationship of applicant to property: *Owner* *Tenant* *other:* _____

Number of Residential Units: _____

Application Fee \$ _____
(\$50.00 per application or \$10 per unit whichever is greater)

Multi-Unit Residences/Private Road/New Development

The Corporation of the County of Simcoe ("County") will provide waste collection services to the applicant provided that:

- the County has determined that the private road has the required widths, and road strength, turning radii, means of access, and means of egress required for the waste collection vehicles;
- there is appropriate overhead clearance;
- the road is clear of snow and ice;
- there is unobstructed access to the waste to be collected.

** If New Development it must comply with the Waste Collection Design Standards Policy

**The County reserves the right to revoke services if any of the requirement set out above are not complied with.

** Seasonal services are provided from the first full week in May until the last full week of October.

The applicant grants the service provider access to their property for waste collection services including vehicle turnaround if necessary. In exchange for services for which the applicant would not otherwise be entitled he/she confirms that the County and the service provider are not liable for any damage done to the property or any damage resulting from the provision of waste collection services.

By signing this application upon approval the applicant commits to retaining the County as its waste collection service provider for a period of 5 years, which will be automatically renewed if notice of cancellation is not received prior to the services being provided in the final year of this agreement in the applicable 5 year term. Both parties have the option of cancelling collection services by providing one year of notice to the other party.

By signing below the applicant acknowledges that they have read and understood the implications of this document and also certify that the information they have provided is accurate to the best of their knowledge:

Signature of applicant: _____ Date: _____

Contacts (phone, email and/or fax): _____

Personal Information contained on this form is collected pursuant to the Waste By-law, the General Rating By-law or Special Service By-law (as applicable) and sections 310(1) and (2) and sections 326(1) and (4) and section 391 (as applicable), of the *Municipal Act, 2001*, S.O. 2001, c.25 and will be used the purpose of responding to your application. By submitting this application, you are consenting to the collection and sharing of this information. Questions about the collection of personal information should be directed to the County's Freedom of Information and Privacy Co-ordinator: Mr. Glen Knox, County of Simcoe Administration Centre, 1110 Highway 26, Midhurst, ON L0L 1X0, facsimile 705-726-3991.

OFFICE USE ONLY	OFFICE USE ONLY	OFFICE USE ONLY	OFFICE USE ONLY
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Please provide Municipal response for above noted property as follows:

Local Municipality Review:

Application for ___ eligible units approved for collection services.

Application for ___ units denied for collection services. State Reason: _____

Municipal portion completed by: _____ Date: _____

County Review

The County has determined, in consultation with the contractor, that the private road has:

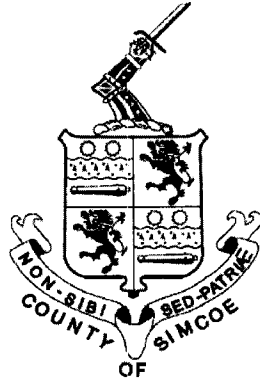
- the required widths
- road strength
- turning radii
- appropriate means of access, and means of egress
- appropriate overhead clearance
- is clear of snow and ice
- unobstructed access to the waste to be collected

Collection Services will be granted: YES NO

If denied, state reason: _____

Mail or Fax completed form to: (705) 726-9832 County of Simcoe, Attn: Environmental Services Department
County of Simcoe Administration Centre, 1110 Hwy. 26, Midhurst, ON L0L 1X0
For questions call the Contracts & Collection Supervisor at 705-726-9300 ext. 1350

**SCHEDULE "C" -
Waste Collection Design Standards Policy**



ENVIRONMENTAL SERVICES DEPARTMENT

Waste Collection Design Standards Policy

INDEX

1.0 INTRODUCTION 1

 1.1 General Information..... 1

 1.2 General Requirements..... 1

 1.3 Subdivision and Site Plan Approval Requirements..... 2

 1.4 Approval Process 2

 1.5 Definitions..... 2

2.0 WASTE COLLECTION FROM RESIDENTIAL DEVELOPMENTS 3

 2.1 Serviced Units Fronting on a Public Road..... 3

 2.2 Serviced Units Fronting on a Private Road..... 4

3.0 DRAFT CONDITIONS 4

 3.1 Design Standards Waste Collection Services 4

1.0 INTRODUCTION

1.1 General Information

The County is responsible for Waste Collection Service for the member municipalities. The County is available to comment on all development and redevelopment applications in the County's Collection Area.

This Waste Collection Design Standards Policy has been prepared to provide information for developers about the County's requirements for the provision of Waste Collection Services and the requirements for notice of waste related information to landowners. These requirements must be met before the County will provide Waste Collection Services and/or development clearance approval.

This document is a guideline only and will be applied to land development applications on an individual basis unless specific exemptions are provided.

All requirements of the Waste By-law must be complied with for Waste Collection Services.

1.2 General Requirements

Outlined in the following section are the general requirements which must be adhered to for Waste Collection Services to be provided.

- The County will only provide Waste Collection Services if the requirements set out in this policy to provide proper access for collection vehicle are adhered to.
- Private roads have the required widths, and road strength, turning radii, means of access, and means of egress required for the waste collection vehicles, appropriate overhead clearance, the road is clear of snow and ice, unobstructed access to the waste to be collected.
- The County reserves the right to revoke Collection Services to any Serviced Unit that does not adhere to the requirements as laid out in this document and within the County's Waste By-law.
- For detailed information on Waste Collection Services and schedules, refer to the County of Simcoe's website at www.simcoe.ca

1.3 Subdivision and Site Plan Approval Requirements

To ensure that the County has the opportunity to review all subdivision and site plans as they pertain to waste collection, all applicants who intend on applying for Waste Collection Services should include details on the following during the subdivision/site plan application process:

- number of Serviced Units in the development; and
- roadway design to accommodate waste collection vehicles.

1.4 Approval Process

If during the approval process the County approves eligibility for Waste Collection Services, an Application for Collection Services must be completed before the Collection Services will be provided. These forms can be obtained by contacting the County's Environmental Services Department at 705-726-9300 or at www.simcoe.ca and once completed, are to be mailed to:

County of Simcoe Administration Centre
1110 Highway 26
Midhurst, ON L0L 1X0

1.5 Definitions

The following definitions apply to the Waste Collection Design Standards Policy.

"Collection Area" means the member municipalities within the County of Simcoe, but does not include federal land and the cities of Barrie and Orillia

"Collection Services" means services provided by the County for removal of Waste from Serviced Units within the Collection Area.

"Council" means the Council of The Corporation of the County of Simcoe.

"County" means The Corporation of the County of Simcoe.

"County of Simcoe" means the geographic area encompassing the 16 Area Municipalities but for the purposes of this Manual excludes federal lands and the separated cities of Barrie and Orillia.

"Director of Environmental Services" means the Director of Environmental Services for the County of Simcoe, or his or her designate, authorized to act on his or her behalf.

“**Multi-Unit Residences**” includes a building or property mainly for residential purposes containing 6 or more Dwelling Units per one building or piece of property, (by reference to the database maintained and operated by the Municipal Property Assessment Corporation and information obtained from the Local Municipality).

“**Owner**” includes an Owner, occupant, lessee, tenant or any other Person in charge, management or control of a Serviced Unit in the County’s Collection Area.

“**Private Road**” includes any Roadway that is not assumed by a Local Municipality, the County or the Province of Ontario.

“**Residential Dwelling Unit**” includes a domicile consisting of one or more rooms designed for use as a single housekeeping establishment including a building or one piece of property which consists of up to five separate Residential Dwelling Units.

“**Service Provider**” means the contractor and its agents and employees retained by the County to provide Waste Collection Services.

“**Serviced Unit**” includes any Residential Dwelling Unit and Multiple Residential Dwelling Unit within the Collection Area, located on a Municipal or County road.

“**T-turnaround**” refers to a “T”-shaped area that allows vehicles to reverse direction through a 3-point turn.

“**Turning Radius**” means the minimum radius required for a vehicle to turn around.

“**Waste**” means garbage, brush waste, leaf and yard waste, metal items, bulky items, recyclables, organics, and non-collectable waste.

2.0 WASTE COLLECTION FROM RESIDENTIAL DEVELOPMENTS

2.1 Serviced Units Fronting on a Public Road

2.1.1 For Serviced Units fronting on a public road, Waste Collection Services will be provided subject to following requirements:

- a) The roadway is designed to accommodate collection vehicles. Road layouts are designed to permit continuous collection by the collection vehicle without reversing. Where the requirement for continuous collection cannot be met, a cul-de-sac or a T-turnaround may be permitted.
 - b) All roads are designed to have a minimum width of approximately 6 metres. The turning radius from the centre line must be a minimum of
-

approximately 13 metres on all turns.

2.1.2 The developer will be responsible for the collection and disposal of Waste until the County grants Collection Services.

2.2 **Mult-Unit Residences/Residential Dwelling Units**

2.2.1 For residences fronting on a Private Road Collection Services will be provided, subject to the following requirements:

- a) The roadway is designed to accommodate collection vehicles. The internal road layout is designed to permit continuous collection without reversing. Where the requirement for continuous collection cannot be met, a cul-de-sac or a "T"-turnaround may be permitted.
- b) Private roads have the required widths (approximately 6 metres), and road strength, turning radii (approximately 13 metres), means of access, and means of egress required for the waste collection vehicles, appropriate overhead clearance, the road is clear of snow and ice, unobstructed access to the waste to be collected. Any variation from the requirements would have to be acceptable to the Service Provider and the Director of Environmental Services.
- c) An Application for Waste Collection Services must be completed and submitted for approval prior to the commencement of Collection Services, see section 1.4.

3.0 **DRAFT CONDITIONS**

3.1 **Design Standards Waste Collection Services**

This clause is to be set out in subdivision agreement, condominium documents, and development agreement and included in all agreements of purchase and sale or lease if the developer will be applying for Waste Collection Services from the County.

The Developer is required to comply with the County's Waste Collection Design Standards Policy. Failure to comply could result in Waste Collections Services being withheld or suspended.