

BY-LAW NO. 2006-001

THE CORPORATION OF THE CITY OF OWEN SOUND

**A BY-LAW TO REGULATE THE COLLECTION,
HANDLING AND RECYCLING OF WASTE AND
RECYCLABLE MATERIALS IN CERTAIN PREMISES
IN THE CITY OF OWEN SOUND**

WHEREAS the City of Owen Sound has regulations requiring the separation for recycling of certain materials; and

WHEREAS the City of Owen Sound is desirous of further reducing the Wastes generated in the City of Owen Sound, by requiring all commercial, industrial, institutional and restaurant premises in the City of Owen Sound to recycle the waste generated at those premises.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

1. In this By-law
- 1.1 **City** means the City of Owen Sound.
- 1.2 **Commercial Property** means a property used in whole or in part for retail establishments, service establishments, recreational purposes, entertainment purposes or offices.
- 1.3 **Customer Recycling Receptacles** shall mean clearly marked recycling containers located in public areas of Commercial, Industrial, Institutional and Restaurant premises. Said receptacles shall be plainly visible, identified as recycling receptacles and clearly state the materials accepted.
- 1.4 **Employee Recycling Receptacles** shall mean clearly marked recycling containers located in private areas of Commercial, Industrial, Institutional and Restaurant premises. Said receptacles shall be plainly visible, identified as recycling receptacles and clearly state the materials accepted.
- 1.5 **Curbside Recycling Container** shall mean a Blue Boxes sold by the City with the approximate dimensions (35cm x 50cm x 30 cm deep), or a 240 or 360 litre wheeled plastic Recycling Roll-out Cart provided for the collection of recyclable material from apartment buildings, businesses and institutions.
- 1.6 **Industrial Property** shall include property where economic activities including construction, manufacturing, transportation, communication, or wholesale uses are carried on.
- 1.7 **Institutional Property** means a school, hospital, library, place of worship, City-owned property, facility which provides community support services or other non-profit agency or other property designated by the City Environmental Superintendent.
- 1.8 **Materials** means any garbage, recyclable materials or waste as defined in this By-law.
- 1.9 **Person** includes an individual, association, partnership, corporation, Municipality or an agent or employee thereof.
- 1.10 **Recyclable Materials** means all waste items which are recyclable or reusable, and includes the items set out on Schedule 1 attached hereto.

- 1.11 **Restaurant** means an establishment where food and drink are prepared, served and consumed, and includes a drive-in restaurant and a take-out restaurant, the latter being restaurants where the food and drink may be consumed outside the confines of the restaurant premises.
- 1.12 **Waste** includes ashes, garbage, refuse, domestic waste, industrial waste, municipal refuse, and recyclable materials owned by any person, and located within the City.
- 1.13 **Waste Management System** means any facilities or equipment used in, and any operations carried out for, the management of waste including the collection, handling, transportation, storage, processing, or disposal of waste, by an owner, occupant, manager, tenant, employer, or employee of any commercial, industrial, institutional, or restaurant premises in the City; without limiting the generality of the foregoing, a Waste Management System includes any facilities or equipment used in or on the commercial, industrial, institutional or restaurant premises, and includes the collection, handling, transportation, storage, processing or disposal of the waste, including recyclables, by any owner, occupant, manager, tenant, employer, or employee, invitee, customer or other inhabitant of the said premises.
2. In case of any dispute as to whether or not a premise falls within any of the designations commercial, industrial, institutional, or restaurant as used herein, the designation which applies shall be determined by the Environmental Superintendent for the City, or his designate.
3. The Environmental Superintendent for the City, or his designate, may:
- 3.1 determine what items are recyclable materials;
- 3.2 discontinue the acceptance of waste from any commercial, industrial, institutional and restaurant premises at the City's Recycling Drop-off Centre or Transfer Station at the Miller Waste Systems Site, 1652 – 20th Street East, Owen Sound, Ontario, where the person having control or management of said premises does not comply with the requirements of this By-law, provided that the person in control of the waste at the premises is so advised in writing prior to the discontinuance of services;
- 3.3 determine whether Customer Recycling Receptacles and Employee Recycling Receptacles meet the City's requirements as set out in this By-law;
- 3.4 provide public notice of changes to the services provided pursuant to this By-law;
- 3.5 determine if persons required to do so pursuant to this By-law have satisfactorily provided a Waste Audit in compliance with this By-law;
- 3.6 establish such other things and make such other determinations as are necessary for the proper and efficient administration of this By-law;
4. No person shall store or set out for collection any waste unless all Recyclable Materials have been separated from the same and placed in a Customer Recycling Receptacle, Employee Recycling Receptacle or Curbside Recycling Container.

5. No person shall dispose of any Recyclable Materials except through the curbside collection of Recyclable Materials or at the City Recycling Drop-off Centre at the Miller Waste System Site, 2125 20th Avenue East, Owen Sound, Ontario or other acceptable private recycling program.
6. No person in any commercial, industrial, institutional, or restaurant premises shall deposit Recyclable Materials in any container except a Customer Recycling Receptacle, Employee Recycling Container or Curbside Recycling Container.
7. No person shall transfer Recyclable Materials from any Customer Recycling Receptacle or Employee Recycling Container except to deposit the same in a Curbside Recycling Container or vehicle for conveyance of the same for recycling at the City Recycling Drop-off Centre at the Miller Waste System Site, 2125 20th Avenue East, Owen Sound, Ontario.
8. Every owner, occupant, manager, employer, or person in control or managing of any premises used for commercial, industrial, institutional or restaurant uses shall within sixty (60) days of the passage of this By-law provide a Waste Audit to the City Environmental Superintendent or his designate, outlining in detail all the Recyclable Materials normally found in the waste generated by the premises.
9. Any person commencing a commercial, industrial, institutional or restaurant use in the City after the passage of this By-law, shall within thirty (30) days of commencement of said use provide a Waste Audit as described in subparagraph (a) to the Environmental Superintendent of the City or his designate.
10. Every owner, occupier, manager, employer, or person in control of any commercial, industrial, institutional, and restaurant premises shall within sixty (60) days of the passage of this By-law adopt and implement a Recycling Policy as herein set out.
 - 10.1 Every owner, occupant, manager, employer or person in control of, or managing of the premises described herein shall within sixty (60) days of passage of this By-law adopt and implement a Recycling Policy which shall:
 - 10.1.1 ensure compliance with this By-law, and other applicable By-laws relating to recycling in the City;
 - 10.1.2 inform all managers, tenants and employees at the premises of the provisions of this By-law;
 - 10.1.3 at all times, provide, maintain, and keep located on the premises sufficient Customer Recycling Receptacles and Employee Recycling Receptacles as defined herein in order to allow the employees, customers, and other persons using the premises to comply with this By-law;
 - 10.1.4 post and keep continuously displayed a copy of the Recycling Policy in a prominent place accessible to all employees, customers, and other persons on the premises;
 - 10.1.5 place posters or signs in prominent places on the premises listing Recyclables that must be deposited in Customer Recycling Receptacles and Employee Recycling Receptacles;

- 10.1.6 prohibit employees, customers, and other persons on the premises from disposing of Recyclables in any but the required Customer Recycling Receptacles and Employee Recycling Receptacles;
- 10.1.7 requiring managers and employees to ensure that Recyclables, after deposit therein, are maintained in the separate Customer Recycling Receptacles, and Employee Recycling Receptacles and that the said Recyclables are maintained separate from other Waste and are located for pick up by the recyclable hauler operating under contract with the owner or occupant or the City;
- 10.1.8 ensure that any commercial hauler picking up Recyclables from the Customer Recycling Receptacles under contract with the owner or occupant is informed of the provisions of this By-law, and the requirement to maintain the recyclables separate from all other waste.
11. The owner, occupant, or manager or other person in control of a shopping centre or shopping mall shall at all times provide in any walkways or common areas of the said premises sufficient Customer Recycling Receptacles for use by persons using or attending at those premises.
12. No person shall own, or occupy, or manage any commercial, industrial, institutional or restaurant premises within the City without providing for staff, clients, customers, and members of the public using those premises a sufficient number of Customer Recycling Receptacles and Employee Recycling Receptacles as required to receive all Recyclable Materials on the premises.
13. Every owner, occupant, manager, lessee or employee of commercial, industrial, institutional and restaurant premises shall at all times ensure that Recyclable Materials are separated, stored, and set out for pick up by authorized contractors in secure Curbside Recycling Containers provided for the Recyclable Materials, all to the satisfaction of the City's Environmental Superintendent or his designate.
14. No person shall collect waste for disposal from any commercial, industrial, institutional and restaurant premises the owner, occupant, or manager of which does not comply with this By-law.
- 14.1 No person shall dispose of any waste from any commercial, industrial, institutional and restaurant premises through City curbside collection or the Transfer Station at 2125 20th Avenue East, Owen Sound, Ontario, except waste from which the Recyclable Materials have been separated in accordance with this By-law.
- 14.2 No owner or operator or manager of a Waste Transfer Station shall accept waste at any Transfer Station within the City unless the Recyclables are separated from the waste and disposed of in accordance with this By-law.
- 14.3 No person in any commercial, industrial, institutional or restaurant premises shall place Recyclables into a Trash/Garbage receptacle other than a Curbside Recycling Receptacle as defined in this By-law.
- 14.4 No person shall use any part of the Waste Management System of the City unless the user fully complies with the provisions of this By-law.

15. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction therefore is subject to the penalty set out in the Provincial Offences Act.
16. This By-law shall come into full force and effect on the 9th day of January, 2006.

FINALLY PASSED AND ENACTED THIS 9th day of January, 2006.

Mayor

SCHEDULE 1 TO BY-LAW NO. 2006-001

RECYCLABLE MATERIALS

1. For the purposes of this By-law, **Recyclable Materials** shall include:
 - 1.1 Newspaper, inserts and flyers, fine paper including office paper, construction paper and envelopes without plastic windows.
 - 1.2 Glossy magazines and catalogues, telephone directories and paperback books.
 - 1.3 Boxboard including wax and plastic coated boxboard and polycoat containers such as drinking boxes.
 - 1.4 Aluminium and steel food and beverage cans.
 - 1.5 Aluminium pie plates and foil.
 - 1.6 Bottles, jars and glass beverage containers excluding drinking glasses, tumblers and cups.
 - 1.7 PETE #1 plastic scoops, beverage and food containers.
 - 1.8 Plastic containers (excluding 20 litre (5 gallon) pails and motor oil containers) marked as being manufactured from HDPE #2, V or PVC #3, LDPE #4, PP #5, and Other #7.
 - 1.9 Empty steel paint cans with the lids removed for inspection and empty aerosol cans.
 - 1.10 Clean metal pots, pans and kitchen utensils without plastic handles and smaller than 46 cm (18 inches) in any dimension.
 - 1.11 Styrofoam and Polystyrene #6 plastics without cardboard or any other material attached.
 - 1.12 Corrugated Cardboard.

Clerk