

TOWN OF MARKHAM

ONTARIO



BY-LAW 32-95

A BY-LAW TO ESTABLISH AND MAINTAIN A SYSTEM FOR THE COLLECTION AND DISPOSAL OF REFUSE IN THE TOWN OF MARKHAM

This By-law is printed under and
by authority of the Council of
the Town of Markham

(Consolidated for convenience only to December 18, 2012)

(Schedule/Attachment Included)

AS AMENDED BY:

- By-Law No. 208-95 - Nov. 28, 1995
- By-law No. 70-96 - April 23, 1996 (REPEALED)
- By-law No. 233-96 - September 24, 1996
- By-law No.10-97 -January 28, 1997 (REPEALED)
- By-law No. 259-97 - October 14, 1997
- By-law No. 24-98 - February 24, 1998
- By-law No. 195-98 -September 29, 1998
- By-law No. 2004-265 – September 14, 2004
- By-law No. 2005-74 – March 29, 2005
- By-law No. 2005-160 – June 14, 2005
- By-law No. 2012-260 – December 18, 2012
- By-law No. 2017-19 – April 11, 2017

BY-LAW 32-95

A By-law to establish and maintain a
system for the collection and
disposal of refuse in the Town of Markham

WHEREAS paragraph 89 of section 210 of the Municipal Act, R.S.O. 1990, c. M.45 authorizes a municipality to pass by-laws for establishing and maintaining a system for the collection and disposal of refuse;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

I. DEFINITIONS

In this by-law,

1. **"Approved Refuse Container"** means a durable, rust-resistant, non-absorbent container larger at the top than at the bottom, having a close fitting cover and adequate handles to facilitate collections, with a diameter not more than 0.5 metres and a height not more than 0.9 metres, or a plastic Clear Bag designed for the purpose of containing garbage and secured so as to prevent any spillage.

(Amended by By-law 2017-19)

2. **"Ashes"** means the solid residue of any fuel used for heating or cooking purposes, cleanings from chimneys, and includes wood, coal or charcoal ashes.
3. **"Blue Box"** (Recyclable Material Container) means a durable plastic container approved by the Town in accordance with the policy established by the Commissioner to be used for the collection of recyclable materials.
4. **"Blue Box Materials"** means all materials collected through the curbside recycling and recycling depot collection programs.

(Amended by By-law No. 2005-160)

5. **"Bundle"** means a bundle of magazines, newspapers, cardboard or other waste paper which is securely tied with a non-ferrous material and weighs less than 22.0 kilograms, or a bundle of branches, twigs, cuttings, boards or lumber which is securely tied with a non-ferrous material and which does not exceed 1.2 metres in length or 0.9 metres in any other dimension or 22.0 kilograms in weight.

6. **"Collection Area"** means all the areas of the Town not designated as the Non-collection Area.

7. **"Waste Residuals"** means any material discarded from a private dwelling that is not Comingled Recyclable Material, Organic Material, Yard Material, or Non-Collectible Refuse;

(Amended by By-law No. 2004-265)

- 7A. **"Comingled Recyclable Materials"** means Blue Box Materials set out for collection in an unsorted manner.
(Amended by By-law No. 2004-265)
8. **"Commissioner"** means the Commissioner of Community and Fire Services for the Town of Markham or an authorized agent or representative.
(Amended by By-law No. 2005-160)
9. **"Contractor"** means the company or individual with whom the Town has entered into a contract for the collection of refuse, and includes all employees, agents or servants of such company or individual.
10. **"Dwelling"** means any building or place of abode other than a hotel, motel, restaurant, or industrial, commercial or institutional establishment.
11. **"Electronic Waste and Electronic Equipment"** means electronic waste and electronic equipment as defined in the *Waste Diversion Act* under the Ontario Electronic Stewardship and includes Household Batteries.
(Amended by By-law 2012-260)
12. **"Financial Services"** means the Tax Section of the Revenues Division of the Financial Services Department.
13. **"I.C. & I."** means industrial, commercial or institutional establishment.
14. **"Non-collection Area"** means the area of the Town identified in Schedule "A" that is excluded from municipal garbage collection including those streets listed in Schedule "B".
15. **"Non-collectible Refuse"** means
- (a) liquid waste;
 - (b) concrete products, bricks or stones and tree branches or roots exceeding 0.15 metres in diameter;
 - (c) carcass of any animals, or live animals or birds;
(Amended by By-law No. 2004-265)
 - (d) material from the construction, alteration, repair or demolition of any building or structure;
 - (e) swill, manure, hay, straw or any other organic material not properly drained or wrapped;
 - (f) bandages, poultices, dressings or similar waste;
 - (g) discarded vehicle parts, tires and other automotive waste;
 - (h) stock of wholesalers' and manufacturers' waste, including wire;
 - (j) household hazardous waste materials such as, but not limited to, paints, solvents, batteries, propane tanks, pharmaceuticals and oil;

- (k) celluloid cuttings, moving picture film, ammunition, oil or gasoline soaked materials, liquid chlorine, acid or any explosive or combustible materials;
- (m) any sharp edged material such as broken glass, broken crockery, cut metal or anything of a similar nature unless such material is placed in separate, secure containers and clearly marked as to contents;
- (n) needles, syringes, or any other similar device used, or capable of being used, for the injection or extraction of liquid substances, including bodily fluids.
- (p) oil tanks or drums unless such items are halved or have both ends removed
- (q) grass clippings;
(Section 14 (q) amended by By-law 259-97)
- (r) medical waste;
(Amended by By-law No. 2004-265)
- (s) Used deposit beverage containers, lead acid batteries, yard material, low level radioactive waste, sewage, PCBs (Polychlorinated Biphenyls), asbestos.
(Amended by By-law No. 2004-265)
- (t) Electronic Waste and Electronic Equipment and Household Batteries". Items include:
 - Computer peripherals including modems
 - Floor standing printing devices including printers, photocopies, multi-function devices
 - Scanners, typewriters
 - Telephones and answering machines
 - Cellular phones and pagers
 - PDAs
 - Audio and video players and recorders (ex. MPS, cassette, digital)
 - Cameras (web, digital, analog)
 - Equalizers/(pre)amplifiers
 - Radios
 - Receivers
 - Speakers
 - Turntables
 - Video players/projectors, digital frames
 - Video recorders
 - Personal hand help computers
 - Desktop computers
 - Portable computers

- Computer peripherals (keyboards, mice, hard drives, optical drives – CD, Blu-ray, DVD, HD-DVD)
- Monitors
- Televisions
- Desktop printing devices including desktop copiers and multi-function devices

Console television units are exempt from this provision and considered refuse.

(u) Textile Materials

(v) Black, translucent, tinted, coloured, opaque or white garbage bags

(Amended by By-law 2012-260 and By-law 2017-19)

16. **"Recycling Depot or Drop-off Centre"** means a Town operated facility designed for the collection and temporary storage of recyclable materials including all blue box materials, scrap metal, textiles, boxboard, fine paper, used tires, and any other materials deemed acceptable by the Commissioner from time to time.

17. **"Recyclable Material"** means all materials collected through the blue box program and special collection programs.

18. **"Refrigerant"** means the cooling liquid used in refrigerators, freezers, air conditioners and heat pumps.

19. **"Refuse"** means Waste Residuals and Non-collectible Refuse;
(Amended by By-law No. 2004-265)

20. **"Rural Property"** means a residential property located within the collection area identified in Schedule 'A' that is not serviced by municipal water and sewer infrastructure.

(Section 19 amended by By-law 259-97)

21. **"Rural Property Rate"** means the flat rate assessed to each rural property located within the collection area identified in Schedule 'A' for the collection and disposal of refuse and recyclable materials.

(Section 20 amended by By-law 259-97)

22. **"Special Area Mill Rate"** means the residential and commercial mill rate required when multiplied by the assessment to generate the revenues necessary to balance the annual budget for collection and disposal of refuse and recyclable materials.

23. **"Special Collection Materials"** means:
- (a) white goods such as, but not limited to, refrigerators, stoves, freezers, washers, dryers and dishwashers;
 - (b) scrap metal items such as, but not limited to, furnaces, hot water tanks, metal sinks and bathtubs, pool heaters, central air conditioning units and barbecues;
 - (c) Christmas trees;
24. **"Street"** means a common or public highway, street, avenue, boulevard, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for or used by the general public for the passage of vehicles.
25. **"Town"** means The Corporation of the Town of Markham.
26. **"Waste Management Contract"** means an agreement between the contractor and the Town providing for the collection and disposal of refuse and recyclable materials in the Town of Markham.
27. **"Yard Material"** means brush, leaves, hedge or tree and garden cuttings.
(Section 26 amended by By-law 259-97)
28. **"Composter"** means a retail or home-made unit of reasonable appearance and in reasonable condition designed to enhance the decomposition of organic materials into a compost soil or soil supplement.
(Section 27 amended by By-law 233-96)
29. **"Compost Heap"** mean designated area of the property intended for the collection of organic materials suitable for composting for which the dimensions and appearance of same are deemed to be reasonable to the size of the property and for easy maintenance.
(Section 28 amended by By-law 233-96)
30. **Composting"** means the natural decomposition of organic materials into a soil supplement called humus.
(Section 29 amended by By-law 233-96)
31. **"Organic Materials"** include, but are not limited to, food waste, houseplants, soiled paper towels, tissues and wet paper, diapers and sanitary products, pet waste, litter or bedding, and any other item which may be designated as Organic Materials by the Commissioner from time to time.
(Amended by By-law No. 2004-265)
32. **"Organic Material Container"** means a container approved by the Town to be used for the collection of Organic Materials.
(Amended by By-law No. 2004-265)

33. **“Bag Limit System”** means a limit on the number of items of collectible refuse allowed each week and involves an economic incentive imposed upon a waste generator to promote waste reduction by making the generator of the waste more fiscally responsible for the management and disposal of that waste.

(Section 31 amended by By-law 259-97)

34. **“Approved Tag/Sticker”** means an official tag/sticker affixed to any item of collectible refuse in excess of the set-out limit identified in Section II, Subsection 4 (j) of this By-law.

(Section 32 amended by By-law 259-97)

35. **“Set-Out”** means any combination of up to three of the following:

- one regular size garbage bag
- one garbage can (0.5m x 0.9m)
- one group of four grocery bags of garbage tied together
- one group of household furniture or cabinetry
- one pile of bundles of similar refuse material (each bundle to be less than 4 feet in length and weigh under 48 lbs.)

(Section 33 amended by By-law 259-97)

36. **“Three-Stream Waste Collection”** means the curbside collection of Comingled Recyclable Materials, Organic Materials, and Waste Residuals.

(Amended by By-law No. 2004-65)

37. **“Clear Bag”** means a fully transparent and tint-free plastic garbage bag approved by the City for the collection of Waste Residuals. Black, translucent, tinted, coloured, opaque or white garbage bags are not approved for use.

(Amended by By-law 2017-19)

38. **“Textile Materials”** include, but are not limited to, clothing and clothing accessories, footwear, linens, bedding, backpacks and purses, outerwear, stuffed toys and any other item designated as textile materials by the commissioner. Excluded from this designation are any of the formerly captioned materials when soaked by water, contaminated by blood, vomit or other biological agents, contaminated by flammable or combustible agents or infested with insects or other pests.

(Amended by By-law 2017-19)

II. COLLECTION PROGRAM

1. Private dwellings in the Collection Area as shown in Schedule "A" to this by-law will be provided with the Three-Stream Waste Collection Program collected in accordance with a program established by the Commissioner.

(Amended by By-law No. 2005-160)

2. The following types of special collection materials:

- (a) Christmas trees,
- (b) white goods,
- (c) scrap metal items,

will be collected on special collection dates as established by the Commissioner and published in the local media.

3. All refuse shall be placed as close as possible to a curb or private driveway, but not so as to impede or interfere with the flow of vehicular or pedestrian traffic or maintenance of such street or driveway;

4. Any refuse placed out for collection that does not conform with the following requirements shall be deemed to be Non-collectible Refuse:

- (a) all refuse, other than bundles, shall be placed in an Approved Refuse Container and shall not be mixed with any Yard Material, Recyclable Material, Organic Material or Non-collectible Refuse. All Approved Refuse Containers shall be drained of liquid and securely covered, wrapped or tied. Loose plastic shopping or grocery bags will be collected by the Contractor only if they are securely tied together in bundles of no more than four;
(Amended by By-law No. 2017-19)
- (b) all ashes must be cold and placed in plastic bags;
- (c) all containers placed out for blue box collection must be rinsed of all residue;
- (d) newsprint and magazines placed outside the blue box must be bundled;
- (e) yard materials must be placed out, unmixed with any other refuse, only in kraft paper bags specifically designed for the curbside collection of yard materials or reusable, rigid tapered containers such as bushel baskets and refuse containers. Twigs and branches must be less than 15cm (6 inches) in diameter and tied using a non-ferrous material in bundles no longer than 1.2m (4 feet) in length;
(Amended by By-law No. 2005-74)
- (f) unwaxed corrugated cardboard must be flattened and tied in bundles measuring approximately 2 feet x 2 feet x 1 foot;
- (g) Christmas trees must be free of all nails, wire and decorations;
- (h) the weight of any container or bundle, including contents, shall not be more than 22.0 kilograms;
- (j) the number of containers or bundles of refuse placed out for curbside collection shall not be more than three for each residential property.

All containers or bundles of refuse in excess of this limit must have an approved tag/sticker attached;

(sub-section (j) amended by By-law 10-97)
(sub-section (j) amended by By-law 259-97)

- (k) materials shall be set out before 0700 hours on the day of collection, and shall not be placed out for collection before 1900 hours on the day preceding collection;
 - (m) empty containers and any refuse not removed by the contractor shall be removed from public view by the occupant of the premises from which it was placed for collection before 1900 hours on the day of collection;
 - (n) neither the Contractor nor the Town shall be responsible for the collection or disposal of non-collectible refuse;
 - (p) occupiers of commercial premises and owners of buildings containing more than one dwelling unit shall provide receptacle storage enclosures which shall be large enough to hold the number of receptacles or bundles required by the premises. Such enclosures shall be approved by the Commissioner as to structure, maintenance and location.
 - (q) any material frozen to a receptacle which cannot be removed by shaking, or any material frozen to the ground.
5. The boundary of the Non-collection Area identified in Schedule "A" is described as follows:
- From the intersection of Steeles Avenue and Highway No. 404, northerly to the intersection of Major MacKenzie Drive;
easterly to Woodbine Avenue;
southerly to Apple Creek Boulevard;
easterly to Warden Avenue;
southerly to the CNR tracks;
easterly to Kennedy Road;
southerly to Denison Street;
westerly to Warden Avenue;
southerly to Steeles Avenue East;
westerly to Highway No. 404 with the exception of the area bounded by Lunar Crescent, Highway No. 7, Blackwell Court, McPhail Court, Montgomery Court and Hughson Drive.
6. (Amended by By-law 70-96)
(REPEALED by By-law No. 259-97)
7. Three-Stream Waste Collection shall consist of:
- a. weekly collection of Comingled Recyclable Materials and Organic Materials
 - b. collection of Waste Residuals every two weeks
 - c. collection of Yard Material every two weeks from April to November on the same day as the collection of Waste Residuals.

(Amended by By-law No. 2004-265)

8. The City requires the separation of Comingled Recyclable Material, Organic Material, and Yard material from refuse by any person or Corporation when offered as part of the City collection services.

The City reserves the right to determine what shall constitute a serviced unit whether residential, multi-residential, commercial, and institutional.

To encourage compliance the City may use friendly reminders to inform persons or Corporations of Non-Compliance with this By-law.

Continued non-compliance may result in a fine in accordance with Sections IV. and V.

(Amended by By-law 2012-260)

III. GENERAL

1. Financial Services is authorized to assess a Special Area Mill Rate on all fully serviced residential properties and multiple dwelling buildings located within the Collection Area identified in Schedule 'A' subject to the exceptions listed in 2. and 3. below.
(Section 1 amended by By-law 259-97)
2. Financial Services will be provided with a written list annually on or before April 1st by the Commissioner identifying each property by roll number and street address for any fully serviced residential property or multiple dwelling building located within the collection area identified in Schedule "A" that has been exempted from the Special Area Mill Rate for collection of refuse and recyclable materials.
(Section 2 amended by By-law 259-97)
3. Financial Services will not impose the Special Area Mill Rate for collection of refuse and recyclable materials on any residential unit, industrial, commercial or institutional establishment, or multiple dwelling building located within the Non-collection Area identified in Schedule "A" including those streets listed in Schedule "B" unless provided with a list of appropriate exemptions by the Commissioner on or before April 1st of each year identifying each exemption by roll number and street address.
4. The Contractor shall not be required to enter any private dwelling, apartment or other building, ascend or descend any stairway, enter any elevator, chute, hoist or loading platform, or enter onto private property, for the purpose of collecting or removing any refuse or recyclable material.
5. No person shall deposit or permit to be deposited upon any lands belonging to, occupied by or under such person's control, refuse or any other material which may endanger public health or safety.
6. No person shall sweep, throw, deposit or allow his agents or employees to sweep, throw or deposit any refuse on any street, creek or other public place or on any lands not owned by such person.

7. No person shall keep a receptacle for refuse in such condition or location so as to create a nuisance or emit foul or offensive odours or harbour or attract insects, rats or other vermin.
8. Any material placed on a road allowance or any other location for collection by the Town is the property of the Town or its authorized collection agent(s). No person or corporation, unless authorized by the Commissioner, shall interfere with, or cause or permit any person to interfere with or collect, pick over, disturb, remove or scatter any materials described in Part I of this by-law as Refuse, Bundle, Blue Box Materials, Collectible Refuse, Recyclable Material or Special Collection Materials placed on a road allowance or any other location for collection by the Town as herein provided, except the person(s) who placed the material for collection.

(Section 8 amended by By-law No. 208-95)

9. No person shall convey through the streets any refuse or recyclable material, unless it is carried in properly covered containers or in vehicles totally enclosed or covered with canvas or tarpaulins, fastened down so as to prevent any of the contents from falling upon the streets or any escape of offensive odours.
10. Any person who fails to observe subsection 5. and consequently causes refuse to fall upon any street shall remove the refuse immediately. If such refuse is not removed immediately, the Town will do so and any person contravening this provision will be liable for all expenses so incurred.
11. No person shall place a large appliance, such as but not limited to, a dishwasher, refrigerator or freezer, out for collection prior to removing the door, lid or cover.
12. Receptacle storage enclosures large enough to hold the required number of receptacles or bundles shall be provided by the owners of the types of premises listed in (a), (b), (c), and (d) below. Such enclosures shall be approved by the Commissioner as to structure, maintenance and location.
 - (a) Combined commercial and residential establishments with more than one residential unit.
 - (b) Commercial establishments with more than one occupant.
 - (c) Multi-unit residential buildings such as a duplex or fourplex.
 - (d) Townhouse complexes without internal roadways that receive centralized collection of waste and recyclables.
13. All waste haulers operating in the municipality shall not be permitted to collect waste and/or recyclable materials from any property between the hours of 11:00 p.m. and 7:00 a.m. on any day.

(Section 13 amended by By-law 195-98)

14. No person shall maintain a composter or compost heap in such condition or locations so as to create a nuisance or emit foul or offensive odours or harbour or attract insects, rats or other vermin.

(Section 14 amended by By-law 233-96)

IV. ENFORCEMENT

The provisions of this by-law are enforceable by the Commissioner in accordance with the legislation contained in the Provincial Offences Act, R.S.O. 1990, c. P. 33, or any successor legislation in substitution therefor.

V. PENALTY

Every person who contravenes any provisions of this by-law is guilty of an offence and on conviction is liable to a fine in the amount provided for by section 62 of the Provincial Offences Act, R.S.O. 1990, c. P.33, or any successor legislation in substitution thereof.

(Part V amended by By-law 208-95)

(Part V amended by By-law 24-98)

VI. REPEAL

By-law No. 167-89, as amended, is hereby repealed.

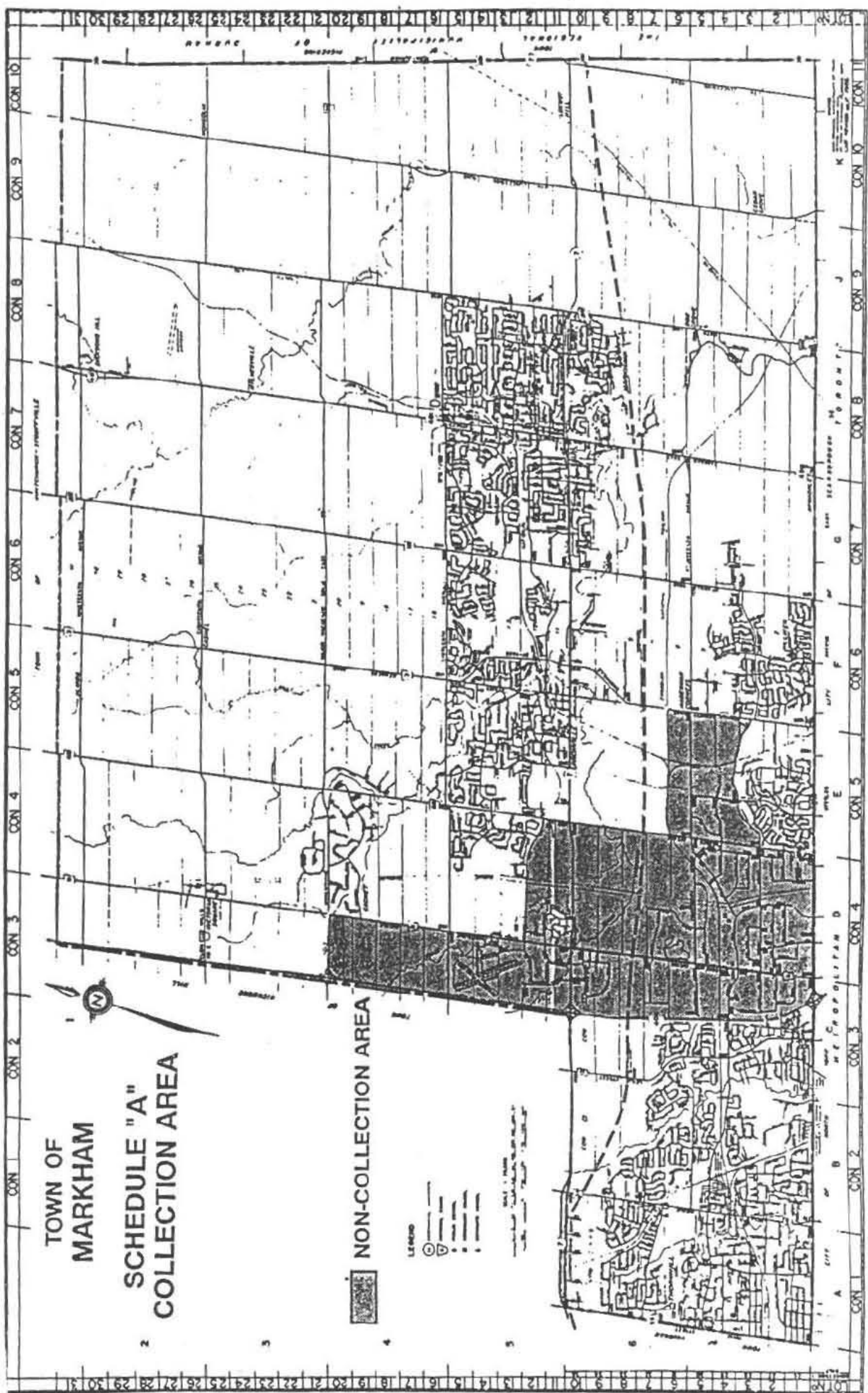
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
14TH DAY OF FEBRUARY, 1995.

“Bob Panizza”

BOB PANIZZA, TOWN CLERK

“Don Cousens”

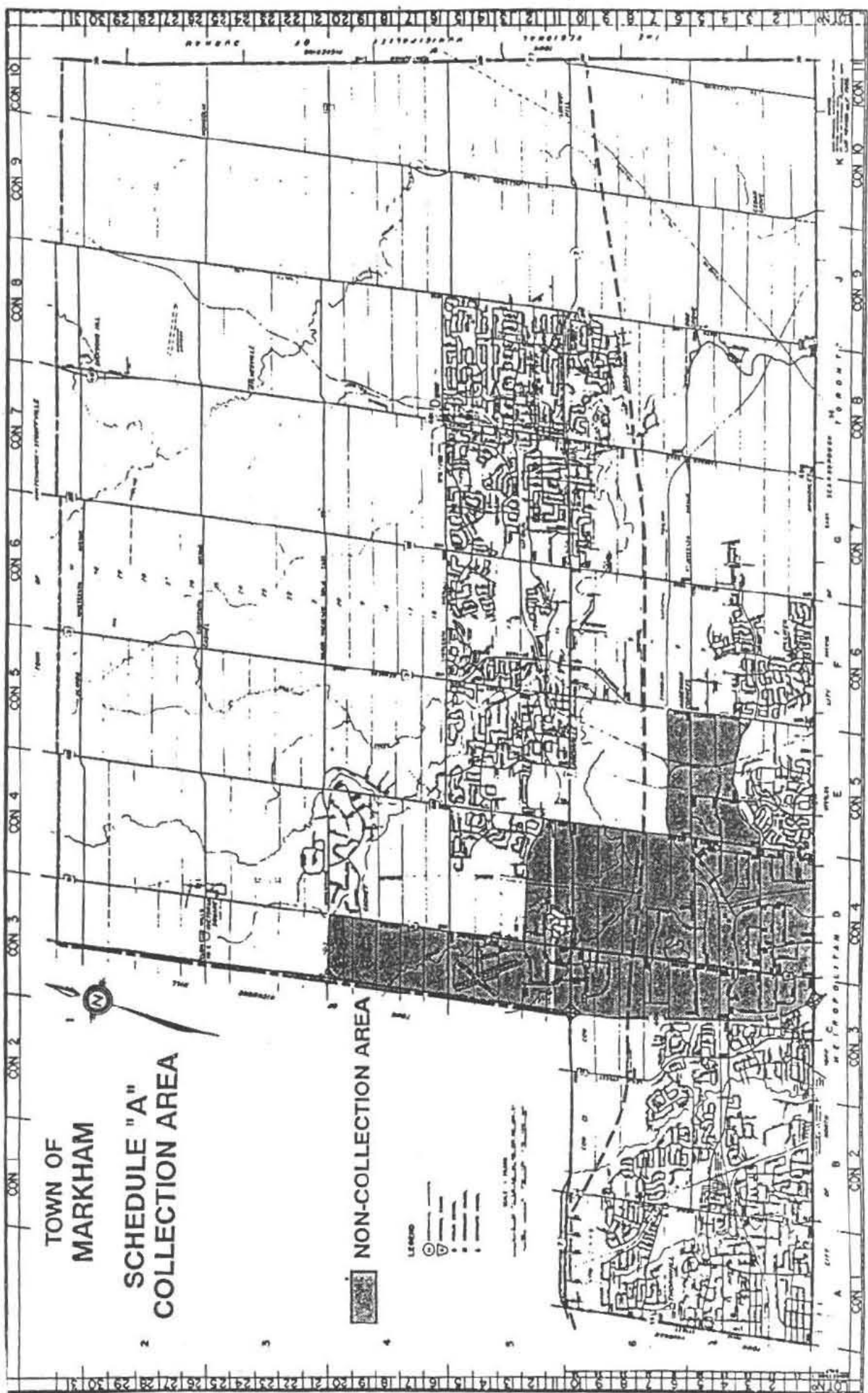
DON COUSENS, MAYOR



TOWN OF
MARKHAM
SCHEDULE "A"
COLLECTION AREA

NON-COLLECTION AREA

- LEGEND
- CITY
 - NON-COLLECTION AREA
 - SCHEDULE "A" COLLECTION AREA



SCHEDULE "B"

The following streets shall be included in the non-collection area:

- Anderson Avenue
- Apple Creek Boulevard (south side)
- Bullock Drive
- Camfield Drive
- Clayton Drive
- Commerce Valley Drive (east and west)
- Denison Street (south side between Warden Avenue and Kennedy Road)
- Doncaster Avenue
- Glen Cameron Road (south side)
- Grovette Road
- Guardsman Road
- Harlech Court
- Heritage Road
- Laidlaw Boulevard
- Minthorn Court
- Rodick Road (south of Apple Creek Blvd.)
- Travail Road
- Unionville Gate

(Schedule "B" amended by By-law 70-96)
(Schedule "B" amended by By-law 259-97)

SCHEDULE "C"
THREE-STREAM COLLECTION AREA

Deleted by 2005-160