

Authority: Planning and Transportation Committee Report No. 5, Clause No. 7,
as adopted by City of Toronto Council on July 20, 21 and 22, 2004
Enacted by Council: July 22, 2004

CITY OF TORONTO

BY-LAW No. 695-2004

To adopt a new City of Toronto Municipal Code Chapter 548, Littering and Dumping of Refuse, and to repeal Chapter 623, Property Maintenance, as part of the Clean and Beautiful City initiative.

WHEREAS subsection 11(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 (the “Municipal Act”) provides that municipalities may pass by-laws within the spheres of highways, waste management, and parks; and

WHEREAS section 127 of the Act specifically authorizes a municipality, under clause 127(a), to pass by-laws requiring the owner or occupant of land to clean and clear the land, not including buildings, and to clear refuse or debris from the land, not including buildings, under clause 127(b), to regulate when and how matters required under clause 127(a) shall be done and, under clause 127(c), to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land, and, under clause 127(d), to define “refuse” for the purpose of this section; and

WHEREAS section 130 of the Act authorizes a municipality to regulate matters not specifically provided for by the Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality; and

WHEREAS section 131 of the Act authorizes a municipality to prohibit and regulate the use of any land for the storage of used motor vehicles for the purposes of wrecking or dismantling them or salvaging parts for sale or other disposition; and

WHEREAS under section 425 of the *Municipal Act*, by-laws may be passed by a municipality for providing that any person who contravenes any by-law of a municipality passed under the authority of the *Municipal Act* is guilty of an offence; and

WHEREAS under subsection 427(1) of the *Municipal Act*, if a municipality has authority by law or otherwise to direct or require that a matter or thing be done, the municipality may, in the same or another by-law direct that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person’s expense, under subsection 427(2) a municipality may enter upon land and into structures at any reasonable time for the purposes of subsection 427(1), and under subsection 427(3) the municipality may recover the costs of doing a thing or matter under subsection 427(1) from the person directed or required to do it and may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes; and

WHEREAS under section 77 of the *Municipal Act* a municipality may, in a by-law prohibiting or regulating any matter passed under the “waste management” sphere of jurisdiction, provide for fines of up to \$10,000 for individuals and \$50,000 for corporations on a first conviction and \$25,000 for individuals and \$100,000 for corporations on a second conviction;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Municipal Code Amendments.

The City of Toronto Municipal Code is amended by adding the following as a new chapter:

Chapter 548

LITTERING AND DUMPING OF REFUSE

§ 548-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMISSIONER — The Commissioner of the City's Works and Emergency Services Department and includes his or her designate.

GARBAGE — Waste other than recyclable materials, organic materials, yard waste, special collection materials, and prohibited waste.

HEALTH HAZARD — A hazard to health as defined in the *Health Protection and Promotion Act*.

INOPERATIVE VEHICLE — A vehicle having missing, damaged or deteriorated parts or any condition that may prevent its mechanical function, and includes any vehicle that does not display a vehicle permit number plate with evidence of the current validation of the permit affixed to it, issued under the *Highway Traffic Act*, or as issued by another provincial, state or national government.

LAND — includes structures other than buildings.

OFFICER — A City employee whose duties include the enforcement of this chapter, including exercising a power of entry upon land or into structures.

ORGANIC MATERIALS — The items, other than recyclable materials and yard waste, listed in Schedule A at the end of this chapter.

OWNER — Includes:

- A. The person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
- B. A lessee or occupant of the property who, under the terms of a lease, is required to maintain the land.

PROHIBITED WASTE — The waste items listed in Schedule B at the end of this chapter.

RECYCLABLE MATERIALS — The waste items, other than yard waste and organic materials, listed in Schedule A at the end of this chapter.

REFUSE— Includes:

- A. Debris, junk or effluent belonging to or associated with a house or household or any industry, trade or business, and without limiting the generality of the foregoing, includes all of the items in the definition of waste;
- B. Inoperative vehicles, vehicle parts or accessories; and
- C. Any other unused or unusable material that by reason of its state, condition or excessive accumulation:
 - (1) Appears to have been cast aside, discarded or abandoned;
 - (2) Appears to be worthless, useless or of no particular value; or
 - (3) Appears to be used up, expended or worn out in whole or in part.

SPECIAL COLLECTION MATERIALS — The waste items listed in Schedule C at the end of this chapter.

SWIMMING POOL — Any outdoor structure or thing located on privately owned property that is capable of being used for swimming, wading or bathing and in which the water depth at any point can be more than 600 millimetres.

WASTE — Garbage, special collection materials, recyclable materials, organic materials, yard waste and prohibited waste.

YARD WASTE — The waste items, other than recyclable materials and organic materials, listed in Schedule A at the end of this chapter.

§ 548-2. Exceptions.

- A. Nothing in this chapter applies to prevent a lawfully licensed premises operating within the scope of a licence that specifically permits that which is prohibited by the provisions of this chapter.
- B. Nothing in this chapter applies to prevent the lawful outside storage of materials or things:
 - (1) If this use is permitted under the applicable zoning by-law and the use is in compliance with the requirements of the zoning by-law; or
 - (2) If this use is permitted as a legal non-conforming use under subsection 34(9) of the *Planning Act*.

- C. Nothing in this chapter applies to prevent the deposit of waste for pick-up as required or permitted under Chapter 841, Waste Collection, Commercial Properties and Chapter 844, Garbage Collection, Residential Properties, of the City of Toronto Municipal Code.

§ 548-3. Littering and depositing refuse prohibited.

- A. No person shall throw, place, dump, deposit or permit to be thrown, placed, dumped or deposited any refuse on any highway within the City.
- B. In the case of land that is not a highway, no person shall throw, place, dump or deposit or permit to be thrown, placed, dumped or deposited any refuse on any land, not including buildings, within the City, including ponds, lakes, rivers and watercourses, without the consent of the owner or occupant of the property.

§ 548-4. Waste dumping prohibited.

No person shall place, dump or deposit or permit to be placed, dumped or deposited any quantity of waste on any land, not including buildings, within the City, including ponds, lakes and streams, except as required or permitted under Chapter 841 Waste Collection, Commercial Properties and Chapter 844, Garbage Collection, Residential Properties, of the City of Toronto Municipal Code.

§ 548-5. Cleaning and clearing.

The owner of land on which refuse has been thrown, placed, dumped or deposited shall immediately clean and clear the refuse from the land.

§ 548-6. Draining and filling of depression or hole.

If an owner has been advised that, in the opinion of the Medical Officer of Health, a health hazard exists or may exist as a result of water or other liquid collecting on the land, the owner shall:

- (1) immediately drain the area of the water or other liquid and cause the area to be filled with clean earth or levelled so as to prevent ponding; and
- (2) prevent accumulation of water in any swimming pool not in use.

§ 548-7. Notice of intent.

- A. An officer may issue a written notice to the owner of the land or structure informing the owner of any action required to be taken, and notifying the owner that if the required action is not taken within the specified time period, which shall not be less than 72 hours after service of the notice, the City intends to proceed under § 548-8.
- B. The notice may be served personally on the owner or sent by registered mail to the address of the owner shown on the last revised assessment roll.

- C. If a notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing.
- D. If the officer is unable to effect service of the notice by personal service or registered mail, notice may be served by placing a placard containing the terms of the notice in a conspicuous place on the land described in the notice, and the placing of the placard shall be deemed to be sufficient service of the notice on the owner.

§ 548-8. Failure to comply; recovery of expenses.

- A. If a person is served with a notice under § 548-7, informing the person of the requirement to take any action within a specified time period, in default of it being done by the person directed or required to do it, the action may be taken under the direction of an officer at the person's expense and the City may recover the costs incurred in doing it by legal action or the costs may be recovered in the same manner as taxes.
- B. The costs recovered under Subsection A include interest at a rate established by Council commencing on the day the municipality incurs the costs and ending on the day the costs, including the interest, are paid in full.

§ 548-9. Offences.

- A. Any person who contravenes § 548-3, 548-5, or 548-6 is guilty of an offence.
- B. Any person who contravenes § 548-4 is guilty of an offence and upon a first conviction is liable to a fine of not more than \$10,000 and \$25,000 for any subsequent conviction, except that where a corporation is convicted of an offence the maximum penalties shall be \$50,000 for the first conviction and \$100,000 for any subsequent conviction.

2. Repeal; transition.

- A. Except for the purposes set out in Subsections B and C, Chapter 623, Property Maintenance, of The City of Toronto Municipal Code, is repealed.
- B. Chapter 623 continues to apply for purposes of any notice given under the chapter until the work required by the notice is completed or any enforcement proceedings in respect of the notice have been concluded.
- C. Where a person is alleged to have contravened Chapter 623 before the date this by-law comes into force, Chapter 623 continues to apply for purposes of any enforcement proceedings brought against the person until the proceedings have been concluded.

3. This by-law comes into force on the 30th day after the date on which the first set fine is established pursuant to the *Provincial Offences Act* for an offence under Chapter 548 of The City of Toronto Municipal Code.

ENACTED AND PASSED this 22nd day of July, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE A TO CH. 548

RECYCLABLE MATERIALS, YARD WASTE AND ORGANIC MATERIALS

- A. The following items shall be deemed to be recyclable materials for the purposes of this chapter:
- (1) Glass bottles and jars;
 - (2) Metal food and beverage cans;
 - (3) Plastic bottles and jugs made of high density polyethylene (HDPE #2) or polyethyleneterephthalate (PET #1);
 - (4) Household paper (including junk mail, writing and computer paper and envelopes);
 - (5) Paper egg cartons, rolls and bags;
 - (6) Boxboard;
 - (7) Newspapers;
 - (8) Telephone directories;
 - (9) Magazines and catalogues;
 - (10) Clean, unwaxed corrugated cardboard;
 - (11) Aluminium foil trays;
 - (12) Polycoat milk and juice cartons;
 - (13) Aseptic drink boxes;
 - (14) Empty paint cans;
 - (15) Empty aerosol cans; and
 - (16) Any other item designated as a recyclable material by the Commissioner.
- B. The following items shall be deemed to be yard waste for the purposes of this chapter:
- (1) Plant cuttings, roots, weeds and leaves;
 - (2) Hedge and shrub trimmings, brush cuttings, twigs and branches under 7.5 centimetres in diameter;
 - (3) Christmas trees; and
 - (4) Any other item designated as yard waste by the Commissioner.
- C. The following items shall be deemed to be organic materials for the purposes of this chapter:
- (1) All food materials, including fresh, frozen, dried, cooked and prepared foods and leftovers;
 - (2) Fruit and vegetable scraps;
 - (3) Pasta, bread and cereal;
 - (4) Meat and fish products;
 - (5) Egg shells;
 - (6) Coffee grinds and filters;
 - (7) Tea bags;
 - (8) Houseplants (no pots or baskets);
 - (9) Soiled paper towels, tissues and wet paper;
 - (10) Diapers and sanitary products;

- (11) Animal waste, litter or bedding; and
- (12) Any other item designated as organic materials by the Commissioner.

SCHEDULE B TO CH. 548

PROHIBITED WASTE

The following items shall be deemed to be prohibited waste for the purposes of this chapter:

- A. Acute hazardous waste chemical;
- B. Hazardous waste chemical;
- C. Corrosive waste;
- D. Hazardous industrial waste;
- E. Ignitable waste;
- F. PCB waste;
- G. Radioactive waste;
- H. Reactive waste;
- I. Severely toxic waste;
- J. Leachate toxic waste;
- K. Pathological waste, including biomedical waste, whether solid or liquid, including but not limited to any animal or human organ or part thereof; bone, muscle or other animal or human tissue or part thereof; used bandages, poultices, dressings, medicines, vitamins, drugs, vaccines, needles, syringes, vials or any other similar material or substance which contains or may contain pathogenic micro-organisms or which may be hazardous or dangerous and anything designated as pathological waste by Regulation 347;
- L. Any household product, material or item labelled as “corrosive,” “toxic,” “reactive,” “explosive,” “oxidizing,” “poisonous,” “infectious” or “flammable,” including but not limited to the following:
 - (1) Pool or photographic chemicals;
 - (2) Laundry bleach;
 - (3) Drain, oven, toilet and carpet cleaning solutions;
 - (4) Paint thinner and paint remover;
 - (5) Rat and mouse poison;
 - (6) Flea collars and powders;
 - (7) Insect killers;
 - (8) Moth balls;
 - (9) Weed killers;
 - (10) Fungicides;
 - (11) Wood preservatives;
 - (12) Oil-based and latex paints;
 - (13) Engine oil;
 - (14) Brake and transmission fluid;
 - (15) Antifreeze;
 - (16) Automotive batteries;
 - (17) Ni-cad rechargeable batteries;
 - (18) Propane tanks;
 - (19) Other gas tanks, including lighters;
 - (20) Aerosol containers; and
 - (21) Fire extinguishers.

- M. Waste generated as a result of construction, demolition or renovation, including but not limited to soil, plaster, drywall, masonry and tile, bricks, concrete, concrete or cinder blocks, paving stones, asphalt, wood, windows and window glass, shingles, scrap metal, insulation (such as fibreglass or styrofoam), asbestos, urea formaldehyde;
- N. Scrap wood or carpeting, unless it is cut, broken or securely tied into bundles or pieces less than 120 centimetres by 80 centimetres by 80 centimetres and free of all nails and staples, or as may otherwise be designated by the Commissioner;
- O. Hay, straw, manure or animal excrement;
- P. Any waste in liquid form including but not limited to swill or other organic matter not properly drained and securely wrapped;
- Q. Sod, grass, grass clippings;
- R. Waste produced by a person or organization involved in the processing or fabrication of products;
- S. Waste produced by a person or organization as a result of commercial or retail activity;
- T. Any material which has become frozen to or otherwise attached to its regulation container which cannot be removed by shaking;
- U. Broken glass, crockery and other sharp objects not packaged in a manner to prevent injury to any person;
- V. Designated materials and other items which have been banned from landfill or for which reasonable alternative disposal methods are available, as determined by the Commissioner; and
- W. Any other item or thing designated as prohibited waste by the Commissioner.

SCHEDULE C TO CH. 548

SPECIAL COLLECTION MATERIALS

- A. The City provides special collection services to owners with respect to the following items:
- (1) Refrigerators;
 - (2) Stoves;
 - (3) Freezers;
 - (4) Air conditioners;
 - (5) Dehumidifiers;
 - (6) Washing machines;
 - (7) Clothes dryers;
 - (8) Dishwashers;
 - (9) Barbecues;
 - (10) Large metal objects (e.g. aluminium door);
 - (11) Tires (maximum of five); and
 - (12) Any other item designated by the Commissioner as eligible for special collection services.