

Authority: Works Committee Report No. 8, Clause No. 2, adopted as amended, by
City of Toronto Council on September 28, 29, 30 and October 1, 2004
Enacted by Council: September 30, 2004

CITY OF TORONTO

BY-LAW No. 746-2004

To adopt a new City of Toronto Municipal Code Chapter 846, Waste Transfer Stations and to amend Chapter 441, Fees, to include fees or charges for services at transfer stations.

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 sphere of waste management; and

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

WHEREAS under section 391 of the Municipal Act, 2001 a municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it; and

WHEREAS Council of the City of Toronto adopted, at its meeting held on January 27, 28 and 29, 2004, Clause No. 15 embodied in Report No. 1 of the Policy and Finance Committee, which approved an increase from \$110.00 to \$150.00 per tonne for the deposit of recyclable tires at designated transfer stations; and

WHEREAS Council of the City of Toronto adopted, at its meeting held on June 22, 23 and 24, 2004, Consolidated Clause No. 1 embodied in Works Committee Report No. 4, and adopted without amendment the report entitled “Modifications to Fees at City of Toronto Waste Transfer Stations” which approved continued application of a \$95.00 per tonne fee for residual waste effective July 16, 2004 and in subsequent years; and

WHEREAS the former Metropolitan Council adopted, at its meeting on March 8, 1994, Clause No. 1, embodied in Report No. 5 of its joint Management and Works Committee, which established a fee of \$50.00 per tonne for the deposit of recyclable material and yard waste at transfer stations; and

WHEREAS the former Metropolitan Council adopted, at its meeting on April 10, 1996, Clause No. 2 embodied in Report No. 5 of its Environment and Public Space Committee, which established limited exemptions from transfer station fees; and

WHEREAS under section 425 of the *Municipal Act*, a municipality may pass by-laws 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 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. The City of Toronto Municipal Code is amended by adding the following as a new chapter:

Chapter 846

WASTE TRANSFER STATIONS

§ 846-1. 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, and prohibited waste.

ORGANIC MATERIALS — The items, other than recyclable materials and yard waste, listed in Schedule A.

PROHIBITED WASTE — The waste items listed in Schedule B.

RECYCLABLE MATERIALS — The waste items, other than yard waste and organic materials, listed in Schedule A.

RESIDUAL WASTE – Garbage.

TRANSFER STATION — A City-owned and controlled facility used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal or processing site, including a municipal waste recycling site, a municipal waste recycling depot, and a leaf and yard waste composting site as defined in Ontario Regulation 101/94.

WASTE — Garbage, 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.

§ 846-2. Waste type separation; owner identification.

- A. The Commissioner shall make available, at each transfer station, the list of prohibited materials attached to this chapter as Schedule B, Prohibited Waste, and copies of regulations or standards referenced in that list.
- B. Materials listed in Schedule B, Prohibited Waste, shall not be delivered to transfer stations for disposal purposes.

- C. Vehicle operators with loads containing prohibited waste shall identify the owner of the waste.
- D. Vehicle operators with loads containing recyclable materials, organic materials, and yard waste shall identify the owner of the material.
- E. Vehicle operators shall deposit recyclable materials, yard waste and organic materials in areas designated for such materials and separated from other waste at the transfer station.

§ 846-3. Weighscale requirements.

- A. Vehicle operators shall bring their vehicles to a complete stop before driving onto the weighscale.
- B. Vehicle operators shall identify the waste material type and source to the weighscale operator.

§ 846-4. Operations at transfer station sites.

- A. Vehicle operators entering a transfer station site shall ensure that their loads are fully covered by tarpaulins or alternative coverings acceptable to the Commissioner.
- B. Vehicle operators shall not remove the covering on any load except as permitted in an unloading area.
- C. Vehicle operators and other users of a transfer station shall:
 - (1) obey any directions provided by City staff;
 - (2) use only designated entrance and exit routes; and
 - (3) obey all speed limits and signs posted on the site.

§ 846-5. Prohibited activities.

- A. No person shall knowingly deliver or permit to be delivered to a transfer station any material listed in Schedule B, Prohibited Waste, for disposal purposes.
- B. No person shall:
 - (1) enter a transfer station site with an unsafe vehicle or load;
 - (2) scavenge at a transfer station site; or
 - (3) smoke in an unloading area.

§ 846-6. Operating area restrictions.

All persons using a transfer station shall comply with the following operating area requirements:

- A. Safety helmets and safety boots or shoes shall be worn at all times;
- B. Unloading shall be performed only in authorized areas as designated by City staff;
- C. Only the driver shall leave the vehicle while in an unloading area;
- D. Unloading doors shall be secured with chains or acceptable alternatives, and all doors shall be closed and secured before departure from the unloading area;
- E. Tarpaulins and turnbuckles shall not be removed or released except in an unloading area; and
- F. Loose material shall be removed from truck boxes before the vehicle leaves the unloading area.

§ 846-7. Failure to comply.

Any person who commits three similar violations of the requirements of this chapter may be denied entry to all City transfer stations and may be re-admitted only with written permission from the Commissioner.

§ 846-8. Offences.

Any person who contravenes §§ 846-2B-E, 846-3, 846-4, 846-5, or 846-6 is guilty of an offence and is liable to a fine of not more than \$10,000 for a first conviction and \$25,000 for any subsequent conviction, except that if 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. Chapter 441, Fees, of The Toronto Municipal Code, is amended by adding the following:

§ 441-18. Transfer station fees.

- A. As used in this section, the following terms have the meanings indicated:

TRANSFER STATION — A City-owned and controlled facility used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal or processing site, including a municipal waste recycling site, a municipal waste recycling depot, and a leaf and yard waste composting site as defined in Ontario Regulation 101/94.

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

- B. The fees and charges set out in Column 2 of the following table shall apply at transfer stations:

Column 1 Material Class/Type	Column 2 Fee per Tonne
Garbage	\$95.00
Recyclable materials, yard waste and organic materials (excluding tires)	\$50.00
Dedicated loads of passenger tires (without rims)	\$150.00

- C. The charges established in subsection B do not include taxes, and any applicable taxes will be added to the fee or charge.
- D. All vehicle operators shall drive their vehicles over the inbound scale and, for cash, credit card and debit card transactions, leave a security deposit with the weighscale operator.
- E. The security deposit will be determined by the weighscale operator based on transfer station fees set out in Subsection B.
- F. An appropriate adjustment will be made on the outbound scale by securing additional funds or refunding the difference from the initial security deposit.
- G. In the event that a weighscale is not in service, the charge will be based on vehicle axle rates using the vehicle estimate weight multiplied by the rate standard factor.
- H. Any person who disposes of waste without paying the appropriate fee may be denied entry to all City transfer stations by the Commissioner at his sole discretion.
- I. Exemptions from the requirement to pay fees or charges apply for:
- (1) one load of home improvement waste per year per household, up to a maximum of one tonne net weight, with prior approval;
 - (2) one load of material, up to a maximum of one tonne net weight per household per year, that is the result of the clean-up of waste illegally dumped on a householder's property, with prior approval;
 - (3) one load of less than 150 kilograms of recyclable material per day per household at designated transfer stations; and

- (4) one load of material, up to a maximum of one tonne net weight per business per year, that is the result of the clean-up of waste illegally dumped on a business owner's property, with prior approval.
- J. In order to be eligible for an exemption under Subsections I(1), I(2) and I(4), a householder or business owner shall submit an application that is satisfactory to the Commissioner in form and content.
- K. An application for exemption from transfer station fees under Subsections I(1), I(2) and I(4) shall be made to the Director, Transfer, Processing and Disposal, Solid Waste Management Division, Works and Emergency Services Department, City of Toronto.
- L. Each applicant for an exemption under Subsections I(1), I(2) and I(4) is subject to an audit and review process to verify the source of the waste.
- M. Policies providing for exemptions from fees or a reduction in fees may be approved by Council of the City of Toronto from time to time.
- 3. In force date.**
- A. This by-law comes into force on October 1, 2004.

ENACTED AND PASSED this 30th day of September, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE A TO CH. 846**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, including beverage containers, made of high density polyethylene (HDPE #2) or polyethyleneterapthalate (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;
 - (16) Scrap metal, including but not limited to refrigerators, stoves, freezers, air conditioners, dehumidifiers, washing machines, clothes dryers, dishwashers, barbecues, and large metal objects;
 - (17) Drywall;
 - (18) Polystyrene;

- (19) Passenger tires without rims; and
 - (20) 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. 846**PROHIBITED WASTE**

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

- A. Acute hazardous waste chemical as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- B. Biomedical waste, and pathological 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 Revised Regulations of Ontario, 1990, Regulation 347;
- C. Hazardous waste chemical as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- D. Corrosive waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- E. Hazardous industrial waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- F. Ignitable waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- G. PCB waste as defined in Revised Regulations of Ontario, 1990, Regulation 362;
- H. PCB waste as defined by the United States Environmental Protection Agency in 2003 40 CFR 761, in force on October 1, 2004;
- I. Radioactive waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- J. Low-level radioactive waste as defined in section 2 of Michigan's *Low-Level Radioactive Waste Authority Act*, 1987 PA 204, MCL 333.26202, in force on October 1, 2004;
- K. Reactive waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- L. Severely toxic waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- M. Leachate toxic waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- N. Pharmaceutical waste;

- O. 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 (including lead acid batteries);
 - (17) Ni-cad rechargeable batteries (including lead acid batteries);
 - (18) Propane tanks;
 - (19) Other gas tanks, including lighters;
 - (20) Aerosol containers; and
 - (21) Fire extinguishers.

- P. Waste generated as a result of construction, demolition or renovation, including but not limited to soil, drywall, bricks, concrete, concrete or cinder blocks, paving stones, asphalt, wood greater than 1.2 metres (4 feet) in length, scrap metal, and asbestos;
- Q. Hay, straw, manure or animal excrement;
- R. Any waste in liquid form including but not limited to swill or other organic matter not properly drained and securely wrapped;
- S. Sod, grass, grass clippings;
- T. Mixed loads of waste and recyclable material or recyclable (Blue Box) materials that have been mixed with garbage;
- U. Beverage containers, including aluminum food or beverage cans (including cans made primarily of aluminum), glass bottles and jars for food or beverages, steel food or beverage cans (including cans made primarily of steel), polyethylene terephthalate bottles for food or beverages (including bottles made primarily of polyethylene terephthalate), from all generators of industrial, commercial and institutional waste;
- V. Municipal wastewater sewage sludge or any other type of industrial sludge;
- W. Catch basin and screening waste;
- X. Incinerator ash, red ash and any other type of ash;
- Y. Dusty materials;
- Z. Contaminated soil;
- AA Tires, shredded rubber, and any tire residue;
- BB. Drums (plastic or metal drums/uncrushed drums);
- CC. Waste logs and trees;
- DD. Leaf and yard waste as defined in Ontario Regulation 101/94;
- EE. Railway ties, telephone poles and any wood waste greater than 1.2 metres (4 feet) in length;
- FF. Clean fill, soil, sand, and aggregates;
- GG. Street sweepings;
- HH. Animal carcasses, animal by-products, slaughterhouse remains;
- II. Alternate daily cover inclusive of de-watered paper fibre, wood chips, road base;

- JJ. Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof identified and listed as toxic hazardous wastes under Rule 226 and enumerated in the Michigan Department of Environmental Quality Waste Management Division's Hazardous Waste Management Program Administrative Rules promulgated pursuant to Part 111 of the *Natural Resources and Environmental Protection Act, 1994 PA 451, as amended*, Rule 299.9226 Table 205c, in force on October 1, 2004; and
- KK. 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.