

**GARBAGE COLLECTION**

**Chapter 149**

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**[HISTORY: Adopted by the Municipal Council of the Corporation of the Borough of Etobicoke: Art. I, 1967-08-1908 by By-Law No. 401; Art. II, 1967-09-1918 by By-Law No. 400. (NOTE: The City Council of the City of Toronto enacted By-Law No. 235-2001 on 2001-04-27. Said By-Law No. 235-2001 created Chapter 844, Waste Collection, Residential Properties, of the Code of the City of Toronto. It also stated that this Chapter 149 shall continue to be in effect; provided that, in the event of a conflict between this chapter and Chapter 844 of the**

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**City of Toronto Code, said Chapter 844 shall prevail.)  
Amendments noted where applicable.]**

### GENERAL REFERENCES

Nuisances — See Ch. 177.  
Refuse in parks — See Ch. 190.  
Streets and sidewalks — See Ch. 231.

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## ARTICLE I

**Rates for Collection by Borough**  
**[Adopted 1967-08-08 as By-Law No. 401<sup>1</sup>]****§ 149-1. Levy on assessed value of property.**

Ashes, garbage and other refuse shall be collected in the Borough of Etobicoke at the expense of the borough, and the cost thereof shall be raised by a levy on the assessed value of all rateable property in the borough.

## ARTICLE II

**Receptacle and Collection Regulations**  
**[Adopted 1967-09-18 as By-Law No. 400]****§ 149-2. Littering or deposit of rubbish and debris prohibited. [Amended 1992-09-21 by By-Law 1992-166]**

No person shall dump, sweep, throw, drop or place or cause to be dumped, swept, thrown, dropped or placed any rubbish or debris of any kind whatsoever on any lane, street, creek, roadway or private or public property in the City of Etobicoke except as hereinafter provided.

**§ 149-2.1. Clearing away and removal of garbage from highways. [Added 1990-06-11 by By-Law No. 1990-139]**

The owners of buildings containing more than one dwelling unit and the owners or occupants of buildings or parts thereof used or intended for use for commercial or industrial purposes are required to clear away and remove garbage or other debris from the highways abutting their land, except the portions thereof used for motor vehicle traffic or from which pedestrians are excluded by law.

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<sup>1</sup> Editor's Note: This by-law also provided that it take effect 1967-01-01.

**§ 149-3. Scattering of rubbish and debris from property or vehicles prohibited. [Amended 1992-09-1921 by By-Law No. 1992-166]**

No person shall permit rubbish or debris to be dumped, blown or dropped from the premises occupied by him or her or from a vehicle owned or operated by him or her onto any lane, street, creek, roadway or other public or private property in the City of Etobicoke.

**§ 149-3.1. Definition of debris. [Added 1992-09-21 by By-Law No. 1992-166]**

"Debris" includes refuse, rubbish, junk or disused material of any kind whatsoever and, without limiting the generality of the foregoing, includes a motor vehicle that appears, by reason of its age, appearance, mechanical condition or lack of license plate, to be inoperative, inoperative mechanical equipment, automotive and mechanical parts, disused furniture, old clothing, garden refuse, earth or rock fill, old or decayed lumber, material from construction or demolition projects and other vehicles, machinery equipment, materials or structures apparently disused in their existing location.

**§ 149-3.2. Reward for information. [Added 1992-09-21 by By-Law No. 1992-166]**

Subject to a favourable solution, a reward of \$200 shall be paid by the Works Commissioner, upon the conviction of any offender, to any person who supplies information leading to the conviction of such person guilty of an offence under this chapter, and the Commissioner of Works is authorized to post suitable notices to that effect.

**§ 149-4. Collection schedule. [Amended 1995-10-02 by By-Law No. 1995-174]**

Collection by and in the City of Etobicoke of waste and recyclables shall be made not more than twice each week unless authorized by the Commissioner of Works.

**§ 149-4.1. Method of collection. [Added 1995-10-02 by By-Law No. 1995-174]**

The Commissioner of Works is authorized to designate the type or method of collection from any location collected by the City of Etobicoke. The Commissioner of Works is further authorized to withdraw collection service from any location found to be in violation of compliance with the type or method of collection designated for that location with 30 days' written notice.

**§ 149-4.2. Establishment of recycling programs in apartment and multiresidential buildings and properties. [Added 1997-09-22 by By-Law 1997-181]**

Owners of all apartment and multiresidential buildings and properties containing more than two-family housing units shall be required to establish, operate and maintain a blue box recycling program for such locations. The Commissioner of Works is authorized to designate the types of recyclable materials, separation requirements, types of storage and containment and frequency of collection, which shall be provided by the city. The Commissioner of Works, at his sole discretion, is further authorized to withdraw waste collection services from any location where the owner, property manager, superintendent or other agent of the owner refuses to establish, operate and maintain such recycling program, upon 30 days' written notice.

**§ 149-5. Receptacle size and weight.**

Receptacles used to contain garbage, rubbish, ashes or other waste material to be collected by the Borough of Etobicoke shall be covered, watertight containers not more than 30 inches high or 18 inches wide and shall not weigh more than 50 pounds when full. Receptacles which are smaller at the top than at the bottom, such as five-gallon paint cans, shall not be used. In addition to the above receptacles, the term "receptacles" shall include a tubular receptacle not more than 26 inches by 36 inches, made of not less than 1.5 mils opaque plastic with a one-fourth-inch bar heat-sealed in the bottom thereof and closed with paper and wire reinforced ties not weighing more than 50 pounds when full.

**§ 149-6. Placement of garbage in receptacles.**

All garbage, rubbish, ashes or other waste material to be collected by the Borough of Etobicoke must be placed in receptacles in accordance with § 149-5 herein or, in the case of certain materials, in bundles, in accordance with § 149-8 herein.

**§ 149-7. Draining and wrapping.**

Garbage must be drained of all liquid and securely wrapped in paper before being placed in receptacles.

**§ 149-8. Bundles of newspapers or brush; furniture.**

Such articles as crates, newspapers, packing materials, brush, bedding, old furniture and material of like nature may be collected in like manner as garbage and ashes, but must be securely tied into compact bundles or parcels not exceeding 2½ feet in any dimension or weighing over 50 pounds, or placed in sufficient receptacles as specified in § 149-5 herein so that they will not be scattered.



**§ 149-9. Amount placed for collection.**

- A. Not more than 10 lots of garbage, rubbish, ashes or other waste material shall be placed out for each collection for any residence. A "lot" of garbage shall mean either receptacle or bundle, in accordance with §§ 149-5 and 149-8 herein respectively. **[Amended 1990-12-1910 by By-Law No. 1990-260]**
- B. Not more than 10 lots of garbage, rubbish, ashes or other waste material shall be placed out for each collection for any commercial or industrial establishment. A "lot" of garbage shall mean either receptacle or bundle, in accordance with §§ 149-5 and 149-8 herein respectively.

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**§ 149-10. Storage receptacles for commercial premises.**  
[Amended 1974-06-24 by By-Law No. 3201;  
1995-10-02 by By-Law No. 1995-174]

Owners and occupiers of commercial premises and multi-unit residential dwellings shall provide garbage storage receptacles for each and every premises, which receptacles shall be large enough to hold the number of lots as specified in § 149-9 which that premises would require. These receptacles shall be approved in structure and maintenance by the Medical Officer of Health and in location by the Commissioner of Works. The Commissioner of Works is further authorized to require enclosures for bin storage areas where the location of such bins impacts negatively on the aesthetics of the area. [Owners of apartment buildings housing more than two (2) families shall be deemed owner of commercial premises for the purpose of providing receptacles and storage areas.]

**§ 149-11. Materials that will not be collected.** [Amended  
1977-02-14 by By-Law No. 4028]

The following shall not be collected by the Borough of Etobicoke:

- A. Swill or other organic matter not properly drained or wrapped.
- B. Liquid waste.
- C. Hay, straw or manure.
- D. Night-soil.
- E. Any material which has become frozen to the receptacle and cannot be removed by shaking.
- F. Any material in receptacles or bundles which does not conform to §§ 149-5 and 149-8 herein.
- G. Hot ashes or any other material capable of starting fire.
- H. Pathological wastes, including solid and liquid human and animal waste, all or parts of organs, bones, muscles

and other tissues, bandages, poultices, dressings, medicines, vitamins, drugs, vaccines, vials and other similar materials or substances which contain or could contain pathogenic bacteria or micro-organisms that may be hazardous or dangerous. Needles, syringes and glass slides may only be included for collection if they are first broken, then placed in a seal-tight container in such a way that the articles in question will be inaccessible to anyone handling the garbage.

- I. Any material banned by the Municipality of Metropolitan Toronto. [Added 1995-10-02 by By-Law No. 1995-174]

**§ 149-12. Hours for placement.**

- A. Material for collection shall not be placed on a highway or other public property before 6:00 p.m. on the day preceding collection.
- B. Material for collection shall be placed at the prescribed location for collection not later than 7:00 a.m. on the collection day.

**§ 149-13. Removal of empty receptacles.**

Empty receptacles and all material which the collector refused must be removed from the highway or from public property by the occupant of the premises from which it was taken before 8:00 p.m. on the same day that the garbage is collected or the material refused.

**§ 149-14. Placement locations. [Amended 1974-06-24 by By-Law No. 3201]**

Material set out for collection shall normally be placed as close as possible to the edge of the roadway without obstructing the roadway, sidewalk or footpath. In any case, the Commissioner of Works shall have the power to designate

collection locations other than as indicated in the foregoing sentence.

**§ 149-15. Collection vehicles not to enter property.  
[Amended 1974-06-24 by By-Law No. 3201]**

Except by order of the Commissioner of Works, no garbage collection vehicle owned or rented by the Borough of Etobicoke shall enter a privately owned driveway or roadway or land or other private property for the purpose of collecting garbage, ashes, rubbish or other waste material.

**§ 149-16. Collectors not to enter buildings.**

No borough garbage collector shall be required to enter any house, apartment house or other building or ascend or descend any stairway or enter any elevator or hoist or a loading platform for the purpose of collecting garbage, ashes, rubbish or other waste material.

**§ 149-17. Tipping collectors prohibited.**

No person shall offer to or give any borough garbage collector any fee or gratuity in addition to his wages for services rendered.

**§ 149-18. Removal or scattering of waste or recyclables prohibited. [Amended 1995-10-02 by By-Law No. 1995-174]**

No person, vehicle owner or operator shall permit or shall pick over, interfere with, disturb, remove, scatter, receive or purchase any waste or recyclables placed out by residents or other authorized persons for collection by the City of Etobicoke as herein provided unless authorized by the Commissioner of Works.

**§ 149-18.1. Solicitation for removal or purchase of waste or recyclables prohibited. [Added 1995-10-02 by By-Law No. 1995-174]**

No person shall permit or shall solicit the removal or purchase of any waste or recyclable materials from any location for which the City of Etobicoke provides waste or recyclables collection services, unless authorized by the Commissioner of Works. The Commissioner of Works is authorized to withdraw all collection services from any location whose owner, occupant, superintendent or property manager is engaged in the unauthorized removal or sale of any waste or recyclable material for which a collection service is provided by the City of Etobicoke.

**§ 149-19. Receptacles to be kept clean; nuisances prohibited.**

No person or persons shall keep a garbage dump or receptacle or repository for waste material on his premises in such a condition or in such a location that the same is a nuisance or emits foul or offensive odours or harbours or attracts rats or other vermin or insects, and the body of any dead animal must be promptly disposed of by the owner thereof, so that the same shall not become a nuisance.

**§ 149-20. A noncompliance; charging of expenses against property. [Amended 1978-04-24 by By-Law No. 1978-96]**

**A. [Amended 1990-06-11 by By-Law No. 1990-139; 1990-07-23 by By-Law No. 1990-173]**

- (i) In the event that an owner does not comply with § 149-2, 149-3, 149-6 or 149-19 of this Article within twelve (12) hours, does not comply with § 149-2.1 within seventy-two (72) hours or does not comply with § 149-10 within two (2) weeks from delivery of a written notice of noncompliance, the Commissioner of Works, or anyone

appointed by him, may forthwith cause such work to be done as stated in the notice of noncompliance; and in every such case, an account shall be kept of all expenses relating to and incidental to such work and of the properties in respect of which such expenses have been incurred.

(ii) For §§ 149-2, 149-3, 149-6 and 149-19, a notice required to be delivered to an owner may be delivered by handing it to the owner, but where the notice cannot be delivered by reason of the owner's absence from his premises or by reason of his evading delivery of the notice, then the notice may be delivered:

- (a) By handing it to any apparently adult person on the premises;
- (b) By posting it up in a conspicuous place upon some part of the premises; or
- (c) By sending it by mail to the owner at the address of the premises.

(iii) For §§ 149-2.1 and 149-10, a notice required to be delivered to an owner may be given to the owner by personal service upon the person to whom it is directed or by sending it by registered mail to that person. A notice sent by registered mail shall be sent to the last known address of the person to whom it is directed, and it shall be deemed to have been given on the day it is delivered to that address.

B. The Commissioner of Works shall make an annual return to the Treasurer of the said expenses incurred with the number of the revised assessment roll of each property in respect of such expense and the names of owners thereof as appearing on the said roll, and the said expense shall be charged as a special assessment against each of the said properties, respectively, and shall be levied and collected in the following year in the same manner as municipal taxes.

**§ 149-20.1. Penalties for offences. [Added 1983-06-13 by By-Law No. 1983-127; amended 1992-09-21 by By-Law No. 1992-166; 1995-10-02 by By-Law No. 1995-174]**

Any person who contravenes the provisions of this chapter is guilty of an offence and upon conviction therefor is liable to a fine of not more than ten thousand dollars (\$10,000.) for a first offence and twenty-five thousand dollars (\$25,000.) for any subsequent offence, except that where a corporation is convicted of an offence, the maximum penalties shall be fifty thousand dollars (\$50,000.) for the first offence and one hundred thousand dollars (\$100,000.) for any subsequent offence.

**§ 149-21. Compliance with other regulations.**

The provisions of this Article shall not relieve any person from compliance with any provision of the Public Health Act for regulation prescribed by the Medical Officer of Health.

**§ 149-22. Regulations amended.**

Sections 4, 5, 6, 19 and 20 of the by-law set out as Schedule B of the Public Health Act are hereby amended insofar as is necessary to give effect hereto.

**§ 149-23. When effective.**

This Article shall take effect upon the approval of the Minister of Health.<sup>2</sup>

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<sup>2</sup> Editor's Note: By-Law No. 400 was approved 1987-09-08.