

BY-LAW NUMBER 176-2023
OF
THE CORPORATION OF THE CITY OF BRANTFORD

*Being a By-law to amend Amend Section 440 of the Municipal Code dealing with Solid
Waste Collection – Disposal and Recycling*

WHEREAS there is in effect in the City of Brantford a by-law, which provides for collection and removal of garbage matters;

AND WHEREAS the Council of the City of Brantford has approved revisions to Chapter 440;

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

1. THAT Chapter Index, Article 1, INTERPERTATION, of the City of Brantford Municipal Code is amended by adding the words “440.1.10 Organic materials – defined” as well as “440.1.11 Officer - defined” so it will read:

“Article 1

INTERPERTATION

- 440.1.1 General Manager – defined
- 440.1.2 Compostable materials – defined
- 440.1.3 Condominium corporation – defined
- 440.1.4 Core area – defined
- 440.1.5 Dwelling – defined
- 440.1.6 Dwelling unit – defined
- 440.1.7 Recyclable materials – defined
- 440.1.8 Solid waste – defined
- 440.1.9 Non-profit multi-residential complex - defined
- 440.1.10 Organic materials - defined
- 440.1.11 Officer – defined”;

2. THAT Chapter Index, Article 7, SOLID WASTE – PRIVATE COLLECTION, of the City of Brantford Municipal Code is amended by adding the words “440.7.6 Private Waste Service Rebate Program – Residential Condominiums Only” and changing the existing 440.7.6 Exemption to read “440.7.7 Exemption” so it will read:

“Article 7

SOLID WASTE – PRIVATE COLLECTION

- 440.7.1 Containers – requirements – set out
- 440.7.2 Construction – metal – sufficient gauge
- 440.7.3 Container – leak proof
- 440.7.4 Container – watertight cover – closed at all times
- 440.7.5 Container – maintained – clean – sanitary condition
- 440.7.6 Private Waste Services Rebate Program - Residential Condominiums Only
- 440.7.7 Exemption”

3. THAT Chapter Index, Article 10, DOWNTOWN CORE – EXCEPTION, of the City of Brantford Municipal Code is amended by adding the words “– organic materials” to 440.10.8 so it will read “440.10.8 Recyclable – compostable – organic materials” as well as deleting the words “Core area – recyclable materials – collection frequency and substituting “440.10.9 Organic materials – no limit” so it will read:

“Article 10

DOWNTOWN CORE - EXCEPTION

- 440.10.1 Curbside collection – provisions
- 440.10.2 Corrugated cardboard – no limit
- 440.10.3 Curbside collection – exemption
- 440.10.4 Number of containers – not limited
- 440.10.5 Placement – for collection – period for setting out
- 440.10.6 Wastes –not collected – removed immediately – owner
- 440.10.7 Compostable materials – no limit
- 440.10.8 Recyclable – compostable – organic materials
- 440.10.9 Organic materials - no limit”

4. THAT Chapter Index, Article 12, ENFORCEMENT, of the City of Brantford Municipal Code is amended by deleting it in its entirety and substituting the following words:

“Article 12

ORGANIC MATERIAL

- 440.12.1 Placement – for separate collection
- 440.12.2 Limitation
- 440.12.3 Curbside collection – provisions
- 440.12.4 Green Bin Container – water tight – covered – with handles – size
- 440.12.5 Container – maintained – prevention – spillage – pests
- 440.12.6 Quantity – limited – Schedule ‘F’;

5. THAT Chapter Index, Article 13, REPEAL - ENACTMENT, of the City of Brantford Municipal Code is amended by deleting it in its entirety and substituting the following words:

“Article 13

ADMINISTRATION

- 440.13.1 Administration – by Solid Waste & Gas Utilization
- 440.13.2 Orders
- 440.13.3 Notice Provisions
- 440.13.4 Inspections
- 440.13.5 Obstruction
- 440.13.6 Compliance – failure – cleaned – owner expense
- 440.13.7 Cost Recovery”;

6. THAT Chapter Index, of the City of Brantford Municipal Code is amended by adding the following words so it will read:

“Article 14

ENFORCEMENT

- 440.14.1 Fine – for contravention
- 440.14.2 Continuation – repetition – prohibited – by order”;

7. THAT Chapter Index, of the City of Brantford Municipal Code is amended by adding the following words so it will read:

“Article 15

REPEAL - ENACTMENT

440.15.1 By-law – previous

440.15.2 Effective date”;

8. THAT Chapter Index, SCHEDULES, of the City of Brantford Municipal Code is amended by adding the following words “Schedule ‘F’ – Organic Materials” so it will read:

“SCHEDULES

Schedule ‘A’ – Landfill Site Rules – Regulations

Schedule ‘B’ – Landfill Site – Unacceptable Material

Schedule ‘C’ – Recyclable Materials

Schedule ‘D’ – Compostable Material

Schedule ‘E’ – Bulky Material Call-in Collection Events

Schedule ‘F’ – Organic Materials”;

9. THAT Article 1, INTERPERTATION, of the City of Brantford Municipal Code is amended by adding the words so it will read:

“440.1.10 Organic materials – defined

organic materials” means the varieties of solid waste listed in Schedule ‘F’. By-law XXX-2022.”;

10. THAT Article 1, INTERPERTATION, of the City of Brantford Municipal Code is amended by adding the words so it will read:

“440.1.11 Officer – defined

“officer” means an employee in the Solid Waste division who has been appointed as a municipal by-law officer for the purposes of administration and enforcement of this Chapter or other person appointed or employed by the City for the enforcement of by-laws. By-law XXX-2022, ?? MONTH 2022.”;

11. THAT Article 2, GENERAL PROVISIONS, Section 440.2.4 of the City of Brantford Municipal Code is amended by adding words to include “440.2.2” so it will read:

“440.2.4 Exemption - City - employees - duties

Sections 440.2.1, 440.2.2 and 440.2.3 shall not apply to The Corporation of the City of Brantford or any of its employees while in the course of their duties as such. By-law XXX-2022, ?? MONTH 2022.”;

12. THAT Article 2, GENERAL PROVISIONS, Section 440.2.5 of the City of Brantford Municipal Code is amended by adding the words “organic materials” so it will read:

“440.2.5 Interference - with curbside collection – prohibited

No person shall scavenge, interfere with, remove, or scatter any solid wastes, recyclable materials, organic materials or compostable materials which have been left at curbside for collection. By-law XXX-2022, ?? MONTH 2022.”;

13. THAT Article 2, GENERAL PROVISIONS, Section 440.2.6 of the City of Brantford Municipal Code is amended by adding the words “organic materials” so it will read:

“440.2.6 Interference - with curbside collection – exemption

Section 440.2.5 shall not apply to prevent the curbside collection of solid wastes, recyclable materials, organic materials or compostable materials by the Corporation of the City of Brantford or any person authorized by The Corporation of the City of Brantford to act on its behalf.; By-law XXX-2022, ?? MONTH 2022.”;

14. THAT Article 3, CURBSIDE COLLECTION, Section 440.3.2 ,of the City of Brantford Municipal Code is amended by deleting the words “Solid wastes left at curbside for collection shall be within one or more of the following containers” and adding words “No person shall place solid waste in a container which does not meet the following requirements “ so it will read:

“440.3.2 Containers - requirements - set out

No person shall place solid waste in a container which does not meet the following requirements set out in Sections 440.3.3 through 440.3.5 inclusive. By-law XXX-2022, ?? MONTH 2022.”;

15. THAT Article 3, CURBSIDE COLLECTION, Section 440.3.15 of the City of Brantford Municipal Code is amended by deleting the word “three” and substituting the word “six” so it will read:

“440.3.15 Multiple dwellings - commercial and institutional establishments - commencement of pickup

Where the occupants of a dwelling in which there are six or more dwelling units or the occupants of commercial or institutional establishments (where such establishments are on an existing collection route in the City of Brantford) wish to avail themselves of curbside pickup of solid wastes pursuant to this Chapter, they shall apply to the General Manager on at least fourteen days’ notice to be added to the collection route. By-law 152-2001, 24 September 2001; By-law 116-2005, 20 June, 2005; By-law XXX-2022, ?? MONTH 2022.”;

16. THAT Article 5, “COMPOSTABLE MATERIALS – as defined in Schedule D”, of the City of Brantford Municipal Code is amended by deleting the words “– as defined in Schedule D” so it will read:

COMPOSTABLE MATERIALS

17. THAT Article 5, COMPOSTABLE MATERIALS, Section 440.5.7 of the City of Brantford Municipal Code is amended by deleting the words “pursuant to Section 440.5.4” so it will read:

“440.5.7 Seasonal collection- compostable materials-separated

During the seasonal dates fixed by the General Manager pursuant to Section 440.5.6, the compostable materials listed in Sections 440.5.1 and 440.5.2 shall be separated from any other solid wastes left at curbside for collection. By-law XXX-2022, ?? MONTH 2022.”;

18. THAT Article 6, CURBSIDE COLLECTION - SPECIAL, Section 440.6.3 of the City of Brantford Municipal Code is amended by adding the words “No person shall place bulky material at the curbside except as authorized under the special collection program schedule.” So it will read:

“440.6.3 Service event - timing - minimum seven days’ notice

Where the occupants of a dwelling wish to avail themselves of a bulky material call-in collection event pursuant to this Chapter, they shall apply to the City’s solid waste collection contractor on at least seven days’ notice to be added to the special collection program schedule. No person shall place bulky material at the curbside except as authorized under the special collection program schedule. By-law XXX-2022, ?? MONTH 2022.”;

19. THAT Article 7, SOLID WASTE – PRIVATE COLLECTION, Section 440.7.6 of the City of Brantford Municipal Code is amended by changing the existing “440.7.6 Exemption” to read as “440.7.7 Exemption” so it will read as follows:

“440.7.7 Exemption

Sections 440.7.1 through 440.7.5 inclusive do not apply to the containers described in Article 3 of this Chapter. By-law 151-92, 13 October, 1992”;

And replacing Section 440.7.6 so it will read as follows:

“440.7.6 Private Waste Services Rebate Program - Residential Condominiums Only

Where an eligible residential condominium corporation located on private property and retains private waste collection services, such residential condominium corporation may apply to the General Manager on at least thirty days’ notice to request participation in the Private Waste Services Rebate Program. By-law XXX-2022, ?? MONTH 2022.”;

20. THAT Article 10, DOWNTOWN CORE - EXCEPTION, Section 440.10.3 of the City of Brantford Municipal Code is amended by adding the words “and 440.12.3” as well as “organic materials” so it will read as follows:

“440.10.3 Curbside collection - exemption

Despite Sections 440.4.2, 440.5.5 and 440.12.3, Sections 440.3.8 and 440.3.13 shall not apply mutatis mutandis to the curbside collection of recyclable materials, organic materials and compostable materials in the core area. By-law XXX-2022, ?? MONTH 2022.”;

21. THAT Article 10, DOWNTOWN CORE - EXCEPTION, Section 440.10.5 of the City of Brantford Municipal Code is amended by deleting the word “or” and adding the words “compostable materials or organic materials” so it will read as follows:

“440.10.5 Placement - for collection - period for setting out

In the core area, solid wastes, recyclable materials, compostable materials or organic materials shall only be left at curbside for collection from 12:00 a.m. to 9:00 a.m. on the day of collection. By-law 152-2001, 24 September, 2001; By-law XXX-2022, ?? MONTH 2022.”;

22. THAT Article 10, DOWNTOWN CORE - EXCEPTION, Section 440.10.8 of the City of Brantford Municipal Code is amended by adding the words “ – organic” as well as “compostable materials and organic materials listed in Section 440.4.1, 440.5.1 and 440.12.1” so it will read as follows:

“440.10.8 Recyclable compostable – organic

Sections 440.10.5 and 440.10.6 shall apply mutatis mutandis to the curbside collection of recyclable materials, compostable materials and organic materials listed in Section 440.4.1, 440.5.1 and 440.12.1, in the core area. By-law 151-92, 13 October, 1992; By-law XXX-2022, ?? MONTH 2022.”;

23. THAT Article 10, DOWNTOWN CORE - EXCEPTION, Section 440.10.9 of the City of Brantford Municipal Code is amended by deleting this Section in its entirety and substituting it with the following wording:

“440.10.9 Organic materials - no limit

In the core area any number of Green Bins may be placed at curbside for the collection of the organic materials. By-law XXX-2022, ?? MONTH 2022.”;

24. THAT Article 11, COLLECTION - PRIVATE PROPERTY EXCEPTION, Section 440.11.1 of the City of Brantford Municipal Code is amended by deleting the word “and” and adding the words “compostable materials and organic materials” so it reads as follows:

“440.11.1 Collection - commencement of pickup

Where a condominium corporation or non-profit multi-residential complex located on private property wishes to avail itself of the pickup of solid wastes, recyclable materials, compostable materials and organic materials pursuant to this Chapter on private property, it shall apply to the General Manager on at least fourteen days’ notice to be added to the collection program. By-law 177-2020, 27 October 2020; By-law XXX-2022, ?? MONTH 2022.”;

25. THAT Article 11, COLLECTION - PRIVATE PROPERTY EXCEPTION, Section 440.11.2 of the City of Brantford Municipal Code is amended by deleting the word “and” and adding the words “compostable materials and organic materials” so it reads as follows:

“440.11.2 Collection - location - requirements

The condominium corporation or non-profit multi-residential complex located on private property shall be permitted, in accordance with this Article, to leave solid wastes,

recyclable materials, compostable materials and organic materials at the nearest fire route or either in centralized containers for collection on such private property. By-law 177-2020, 27 October 2020; By-law XXX-2022, ?? MONTH 2022.”;

26. THAT Article 11, COLLECTION - PRIVATE PROPERTY EXCEPTION, Section 440.11.4 of the City of Brantford Municipal Code is amended by adding the words “compostable materials, organic materials” so it will read as follows:

“440.11.4 Location - on fire route - without obstruction

Solid waste, compostable materials, organic materials and recyclable materials set out for collection on a fire route shall be placed a minimum distance from the travelled portion of the nearest fire route without obstructing the fire route. By-law XXX-2022, ?? MONTH 2022.”;

27. THAT Article 11, COLLECTION - PRIVATE PROPERTY EXCEPTION, Section 440.11.6 of the City of Brantford Municipal Code is amended by deleting the word “or” and adding the words “compostable materials or organic materials” so it will read as follows:

“440.11.6 Collection method - determined by General Manager

Despite the forgoing, the General Manager is authorized to fix the type of collection to be provided on private property and no person shall leave solid wastes, recyclable materials, compostable materials or organic materials out for collection except in a specified manner. By-law XXX-2022, ?? MONTH 2022.”;

28. THAT Article 11, COLLECTION - PRIVATE PROPERTY EXCEPTION, Section 440.11.7 of the City of Brantford Municipal Code is amended by deleting the word “and” and adding the words “compostable materials or organic materials” so it will read as follows:

“440.11.7 Waste containers - size - design

The General Manager is authorized to fix the size and design of the container(s) to be used for the collection of solid wastes, recyclable materials, compostable materials and organic materials. By-law XXX-2022, ?? MONTH 2022.”;

29. THAT Article 11, COLLECTION - PRIVATE PROPERTY EXCEPTION, Section 440.11.9 of the City of Brantford Municipal Code is amended by deleting the word “and” and adding the words “compostable materials or organic materials” so it will read as follows:

“440.11.9 Collection dates - set by General Manager

The General Manager is authorized to fix dates for the collection of solid wastes, recyclable materials, compostable materials and organic materials from time to time and no person shall leave solid wastes, recyclable materials, compostable materials and organic materials for collection except on such dates. By-law 116-2005, 20 June, 2005; By-law XXX-2022, ?? MONTH 2022.”;

30. THAT Article 12, ENFORCEMENT of the City of Brantford Municipal Code is amended by deleting the existing “Article 12, ENFORCEMENT “ in its entirety and substituting the following wording:

“Article 12

ORGANIC MATERIALS

440.12.1 Placement – for separate collection

The occupants of each dwelling unit or dwelling in which there are five or less dwelling units shall be permitted, in accordance with this Article, to leave organic materials at the nearest adjoining curbside for collection. By-law XXX-2022, ?? MONTH 2022.

440.12.2 Limitation

No person shall leave organic materials, other than those set out in Section 440.12.1, at curbside for the separate collection. By-law XXX-2022, ?? MONTH 2022.

440.12.3 Curbside collection - provisions

The provisions of Sections 440.3.8, 440.3.9, 440.3.10, 440.3.11, 440.3.12, 440.3.13, and 440.3.14 shall apply mutatis mutandis to the curbside collection of organic materials. By-law XXX-2022, ?? MONTH 2022.

440.12.4 Green Bin Container- water tight - covered – with handles - size

Subject to the requirements set out in Schedule ‘F’, organic materials left at curbside for collection shall be placed within the container commonly known as a “Green Bin” or within such other water tight plastic container equipped with handles and attached lid as may be approved by the General Manager from time to time and having the following dimensions:

- (a) maximum volume 0.05 cubic metres
- (b) maximum weight 25 kg
- (c) minimum volume 0.035 cubic metres

By-law XXX-2022, ?? MONTH 2022.

440.12.5 Container - maintained - prevention - spillage - pests

The containers described in Section 440.12.4 shall be maintained as necessary to prevent spillage or breakage during removal, the attraction of animals (including insects), and the release of odours. By-law XXX-2022, ?? MONTH 2022.

440.12.6 Quantity - limited - Schedule 'F'

No person shall leave organic materials at curbside for collection in greater quantities than as set forth in the applicable portions of Schedule 'F'. By-law XXX-2022, ?? MONTH 2022.”;

31. THAT Article 13, REPEAL – ENACTMENT of the City of Brantford Municipal Code is amended by deleting the existing “REPEAL - ENACTMENT “in its entirety and substituting the following wording:

“ Article 13

ADMINISTRATION

440.13.1 Administration – by Solid Waste & Gas Utilization

This Chapter is administered by the Solid Waste & Gas Utilization division of the City.

440.13.2 Orders

An officer may make an order, sent by pre-paid regular mail to the last known address, posted on site or personally delivered to an owner, requiring the owner, within the time specified in the order that they shall:

(a) clean and clear up the lands and to otherwise bring the lands into compliance with any Section of this Chapter.

440.13.3 Notice provisions

Every order sent shall identify the land or structure and shall be sent to the address shown on the last revised assessment roll or to the last known address.

440.13.4 Inspections

For purposes of ensuring compliance with the provisions of this Chapter, the officer may, at all reasonable times, inspect any land where waste materials have been placed for collection.

440.13.5 Obstruction

Every owner shall permit an officer to inspect the land for the purpose of 440.13.4 and shall not hinder or obstruct any employee or agent authorized to carry out work for the City specified in an order issued hereunder.

- **Compliance – failure – cleaned – owner expense**

Where the owner fails to comply with the order of the officer within a prescribed period of time, the Officer may cause the required work to be done at the cost of the owner. Where any of the materials or things are not removed in accordance with Section 440.13.2, the matters or things may be immediately disposed by the officer, and any recovered salvage value or other actual recovery of money made upon such disposal shall be credited first against costs incurred under this Section and then if sufficient to eliminate those costs the balance shall be refunded to the persons

who was in possession of the materials or things prior to their removal from the land.

▪ **Cost recovery**

The City shall recover all costs and expenses associated with actions taken and work done to the lands under this Article in a manner as provided by statute, whether by action or as otherwise provided.

By-law XXX-2022, ?? MONTH 2022.”;

32. THAT the City of Brantford Municipal Code is amended by adding the following wording:

**“Article 14
ENFORCEMENT**

440.14.1 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a penalty as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33, and every such penalty shall be recoverable pursuant to the said Act.

440.14.2 Continuation – repetition – prohibited – by order

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

By-law XXX-2022, ?? MONTH 2022.”;

33. THAT the City of Brantford Municipal Code is amended by adding the following wording:

**“Article 15
REPEAL - ENACTMENT**

440.14.1 By-law - previous

By-law 100-76, as amended, is hereby repealed.

440.14.2 Effective date

This Chapter shall come into effect on the date of passage of the enabling by-law. By-law 151-92, 13 October, 1992; By-law XXX-2022, ?? MONTH 2022.”;

34. THAT Schedule 'E' of the City of Brantford Municipal Code is amended by deleting the existing word "TV " adding the words "(wrapped)" as well as "box springs (wrapped)" so it will read:

"Schedule 'E' - Bulky Material Call-in Collection Events

- The following items shall be accepted for pick-up during bulky material call-in collection events provided that they are prepared for collection as described below:
- Appliances (such as stoves, washers, dryers but not any refrigeration or air-conditioning appliances containing or which formerly contained fluorocarbon refrigerants) that have the doors removed or otherwise tightly secured so as to prevent a danger to small children, and are not used as a receptacle to contain other solid waste.
- Furniture, mattresses (wrapped), box springs (wrapped), and other bulky items that are of a size and weight that can safely be handled by two persons , and shall not exceed 91 kilograms (200 pounds).
- Brush, hedge clippings, scrap wood, wood fencing and wooden skids which have a maximum diameter of 100 mm (4 inches) are to be securely bundled. Bundles shall have a diameter of less than 0.9 metres (3 feet) and 1.2 metres (4 feet) in length.
- All small material scraps (wood, metal, etc.) shall be securely bundled or contained in approved solid waste containers.
- Scrap metal such as bicycles, ladders, fencing etc. that have all wood and plastic removed, and are segregated to facilitate efficient removal for recycling.
- Large items such as swing sets, slides and picnic tables are to be broken down and bundled to facilitate efficient removal.
- Appliances (such as refrigerators, freezers, air conditioners, etc.) utilizing fluorocarbon refrigerants which have been first inspected, certified and tagged by a licensed refrigerant handler in accordance with all the requirements of R.R.O. 1990, Reg. 189 under the Environmental Protection Act indicating that the appliance no longer contains any refrigerant.
- By-law 151-92, 13 October, 1992; Schedule 'E'; By-law 116-95, 18 September, 1995; By-law 152-2001, 24 September, 2001; By-law 116-2005, 20 June, 2005. By-law XXX-2022, ?? MONTH 2022.";

35. THAT the City of Brantford Municipal Code is amended by adding the following words

“ Schedule ‘F’ – Organic Materials

Only the following are considered to be Organic Waste materials:

FOOD WASTES:

1. Meat, poultry and fish (including bones)
2. Vegetables and peelings
3. Corn cobs and husks
4. Nuts
5. Pumpkins (in pieces)
6. Salads and dressings
7. Fruits and seeds
8. Pasta, flour and grains
9. Dairy products
10. Breads, buns, pitas, etc.
11. Baked goods (cakes, pies, muffins, cookies snack foods, etc.)
12. Coffee grounds and filters, tea bags and leaves
13. Sauces and gravies
14. Syrups, jams, jellies and food spreads such as peanut butter
15. Eggs and eggshells
16. Pet food (wet and dry) and bird seed
17. Solid fats/grease (lard, butter and bacon fat)
18. Food liquids including oils and grease (500 ml or less)
19. Frozen foods (all packaging removed)

PAPER FIBER:

1. Paper bags (popcorn, sugar, potato and flour)
2. Paper muffin cups
3. Paper towels, napkins and tissues
4. Paper plates and cups
5. Pizza boxes (broken down)
6. Paper takeout containers
7. Parchment paper

OTHER COMPOSTABLE ITEMS:

1. House plants (with soil, containers and decorations removed), stem less than 1" (2.5cm) in diameter
2. Cut flowers (all containers and decorations removed)
3. Shredded paper
4. Green bin liners

Green Bins may be lined to assist with proper container maintenance. Only certified compostable or paper liners are accepted. Plastic bags are not permitted.

Certified compostable liners will have one of the following logos on the packaging;



COMPOSTABLE
IN INDUSTRIAL FACILITIES
Check locally, as these do not exist in many communities. **Not suitable for backyard composting.** CERT # 0000000

PROHIBITED ORGANIC WASTE MATERIALS:

1. Noxious plants and/or weeds as defined by the Weed Control Act."
2. Pet Waste
3. Diapers, hygiene products
4. Plastic Bags

By-law XXX-2022, ?? Month, 2022."

READ A FIRST TIME: October 24, 2023

READ A SECOND TIME: October 24, 2023

PASSED: October 24, 2023

MAYOR

CLERK