

TORONTO MUNICIPAL CODE
CHAPTER 548, LITTERING AND DUMPING OF REFUSE

Chapter 548

LITTERING AND DUMPING OF REFUSE

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Schedule A, Recyclable Materials, Yard Waste, and Organic Materials

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[HISTORY: Adopted by the Council of the City of Toronto 2004-07-22 by By-law No. 695-2004.¹ Amendments noted where applicable.]

General References

Property standards - See Ch. 629.

Abandoned refrigerators and other appliances - See Ch. 659.

Snow and ice removal - See Ch. 719.

Waste collection, commercial properties - See Ch. 841.

Waste collection, residential properties - See Ch. 844.

Waste transfer stations - See Ch. 846.

Planning Act - See R.S.O. 1990, c. P.13.

¹ Editor's Note: This by-law was passed under the authority of sections 11(1), 77, 127, 130, 131, 425 and 427 of the *Municipal Act, 2001*, S.O. 2001, c. 25. Section 2 of this by-law provided that: A. Except for the purposes set out in Subsections B and C of this Section 2, Chapter 623, Property Maintenance, of The City of Toronto Municipal Code, is repealed; B. Chapter 623 continues to apply for purposes of any notice given under the chapter until the work required by the notice is completed or any enforcement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. Section 3 of this by-law provided that 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* (R.S.O. 1990, c. P.33) for an offence under Chapter 548 of The City of Toronto Municipal Code; set fines were approved September 21, 2004.

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§ 548-1. Definitions.

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

GARBAGE - Waste other than recyclable materials, organic materials, yard waste, special collection materials, and prohibited waste.²

GENERAL MANAGER - The General Manager of the Solid Waste Management Division, or his or her designate. **[Added 2009-10-27 by By-law No. 1066-2009]**

HEALTH HAZARD - Includes: **[Amended 2009-10-27 by By-law No. 1066-2009]**

- A. A condition of a premises,
 - B. A substance, thing, plant or animal other than man, or
 - C. A solid, liquid, gas or combination of any of them,
- that has or that is likely to have an adverse effect on the health of any person.

INOPERATIVE VEHICLE - A vehicle having missing, damaged or deteriorated parts or any condition that may prevent its mechanical function. **[Amended 2009-10-27 by By-law No. 1066-2009]**

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.

PERSON - Includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law. **[Added 2009-10-27 by By-law No. 1066-2009]**

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.

² Editor's Note: The former definition of "Commissioner," which immediately preceded this definition, was repealed October 27, 2009 by By-law No. 1066-2009.

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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.

VEHICLE - A wheeled or tracked device, either self-propelled or capable of being pulled by a self-propelled device, for moving persons or objects, or used for construction, agriculture or recreation. **[Added 2009-10-27 by By-law No. 1066-2009]**

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, Waste Collection, Residential Properties.

§ 548-3. Littering and depositing refuse prohibited.

[Amended 2009-10-27 by By-law No. 1066-2009]

- A. No person shall, throw, place, dump, deposit or permit or cause 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 or cause 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, Waste Collection, Residential Properties.

§ 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.³

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 maintained for use.

[Amended 2009-10-27 by By-law No. 1066-2009]

§ 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.

³ Editor's Note: A technical amendment is required to change the subsections in this section from (1) and (2) to A and B.

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- 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.⁴
- 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.

⁴ Editor's Note: This section was passed under the authority of section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, and, under section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, a person convicted of an offence under this section is liable to a fine of not more than \$5,000.

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SCHEDULE A
RECYCLABLE MATERIALS, YARD WASTE AND ORGANIC MATERIALS
[Amended 2009-10-27 by By-law No. 1066-2009]

- 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 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) Plastic food jars, tubs and lids;
 - (17) Spiral-wound containers (for example, orange juice, dough and potato chip containers);
 - (18) Paper gift wrap and cards; and
 - (19) Any other item designated as a recyclable material by the General Manager.
- 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 General Manager.

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- 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 General Manager.

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SCHEDULE B
PROHIBITED WASTE
[Amended 2009-10-27 by By-law No. 1066-2009]

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;

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- (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 General Manager;
- 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. Tires;
- W. Designated materials and other items which have been banned from landfill or for which reasonable alternative disposal methods are available, as determined by the General Manager; and

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- X. Any other item or thing designated as prohibited waste by the General Manager.

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SCHEDULE C

SPECIAL COLLECTION MATERIALS
[Amended 2009-10-27 by By-law No. 1066-2009]

- 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); and
 - (11) (Reserved)
 - (12) Any other item designated by the General Manager as eligible for special collection services.