

CORPORATION OF THE MUNICIPALITY OF MARMORA & LAKE
BY-LAW 2001-28A

BEING A BY-LAW TO ESTABLISH A WASTE
MANAGEMENT SYSTEM AND RELATED MATTERS

WHEREAS S208.2 & 208.6 of the Municipal Act RSO 1990, M.45, as amended empower Councils of local municipalities to pass by-laws to establish, maintain and operate a waste management system and to prohibit or regulate the use of any part of a waste management system;

AND WHEREAS such by-laws may require the separation of any class of waste at the point of collection or acceptance and establish fees for the use of any part of the waste management system and may establish different rules, fees and incentives for different defined areas of the municipality, different classes of premises, and different classes of waste;

AND WHEREAS Council deems it expedient to enact such a by-law as part of its continuing effort to reduce waste in the municipality to the lowest amount feasible while increasing recycling to the highest rate possible and to achieve a cost-effective and equitable system of waste management;

NOW THEREFORE, the Council of the Corporation of the Municipality of Marmora and Lake enacts as follows:

1. APPLICATION

The provisions of this by-law apply to the owners and occupants of all residential and industrial, commercial or institutional establishments (as defined in paragraph 5 of this by-law) within the municipality.

2. SCOPE OF BY-LAW

a) Where the provisions of this by-law conflict with the provisions of any other by-law in force in the municipality, the provisions of this by-law shall prevail.

b) The provisions of this by-law shall not relieve any person from compliance with any provisions of the Public Health Act or regulations prescribed the Medical Officer of Health or requirements of the Ministry of Environment and Energy.

3. EFFECTIVE DATE

This by-law shall come into full force and take effect on January 1, 1997.

4. REPEAL OF BY-LAW

None are repealed as this by-law supersedes provisions of previous by-laws only where applicable.

5. DEFINITIONS

In this by-law:

a) "Bag" shall mean a polyethylene plastic bag measuring not more than 30 inches x 38 inches (76 cm x 96 cm) of minimum 1.5 gauge thickness securely fastened and closed at the top.

b) "Blue Box" shall mean the box or other device supplied by or on behalf of the municipality for the collection of recyclable waste.

c) "Industrial Commercial or Institutional Establishment" shall mean an industrial, commercial or institutional land use located on lands which have frontage on an open public road.

d) "Construction Debris" shall mean discarded building material resulting from the erection, repair, demolition, or improvement of buildings or structures.

e) "Container" shall mean a reusable galvanized metal or plastic container with a maximum capacity of 17 imperial gallons and having carrying handles and watertight lid which shall be securely attached.

f) "Council" shall mean the elected Council of the municipality.

g) "Dwelling Unit" means any part of a building or structure, used, designed, or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use.

- h) "Hazardous Material" shall include the following: ammunition, antifreeze, auto batteries, brake fluid, degreasers, drain cleaner, gasoline, herbicides, waste oil, oven cleaner, paints, pesticides, preservatives, septic tank cleaners, solvents.
 - i) "Major Appliances and/or Large Household Furnishings" shall mean any and all large or bulky household mechanisms and/or other articles commonly used in the home including, without limiting the generality of the foregoing, refrigerators, freezers, stoves, washers, dryers, televisions, water tanks, chairs, sofas, tables, mattresses, beds, carpets, etc.
 - j) "Municipal Waste Collector" shall mean the person(s) authorized by the municipality from time to time to collect non-recyclable garbage and/or recyclable waste within the municipality.
 - k) "Municipality" shall mean the Corporation of the Municipality of Marmora and Lake.
 - l) "Non-Collectible Waste" shall mean the following:
 - i) any explosive or highly combustible materials of any nature whatsoever;
 - ii) construction debris;
 - iii) sawdust and/or shavings;
 - iv) liquid or semi-liquid waste;
 - v) hay, straw and manure;
 - vi) carcass or feces of any animal;
 - vii) grass clippings, garden material, tree limbs, branches and trunks, brush, stone;
 - viii) major appliances and/or large household furnishings;
 - ix) any material which is frozen to or otherwise stuck to a container;
 - x) tires;
 - xi) bio-medical waste;
 - xii) automobiles, vehicles or any parts thereof;
 - xiii) fences, fence posts, page wire;
 - xiv) hazardous waste as defined in the regulations to the Environmental Protection Act, RSO 1990 CE 19 as amended from time to time.;
 - xv) propane tanks;
 - xvi) crates or packing material.
 - m) "Non-Recyclable Garbage" shall mean all garbage, ashes, and other refuse except non-collectible waste and recyclable waste.
 - n) "Person" shall include individuals, corporations and partnerships.
 - o) "Recyclable Waste" shall mean such items as the municipality, by written resolution, identifies from time to time as being suitable for recycling purposes. Certain items defined in this By-law as non-collectible waste may, in Council's discretion, also be included in the list of recyclable waste. Council shall designate by resolution which items of recyclable waste are collectable by the municipal waste collector for recycling purposes and which items are not. All items acceptable by Centre and South Hastings Waste Management Board are considered "Recyclable Waste" in addition to any covered by resolution.
 - p) "Residential Establishment" shall mean a building or structure containing one or more dwelling units.
 - q) "Tag" shall mean a tag or sticker issued by the municipality, (upon payment of the applicable fee as determined by Council from time to time by resolution) to be affixed to containers or bags of non-recyclable garbage put out for collection by the municipal waste collector.
 - r) "Waste" shall mean non-recyclable garbage and/or recyclable waste.
 - s) "Waste Site" shall mean the municipally owned waste site or any other municipally approved waste site.
6. PREPARATION OF WASTE FOR COLLECTION OR DEPOSIT AT WASTE SITE
- a) All recyclable waste shall be separated from non-recyclable garbage and non-collectible waste and shall be prepared for collection or deposit at an approved recycling depot as follows:
 - i) clean newspapers and magazines shall be contained in bags (other than green or black garbage bags) or tied in bundles and may be placed beside

- the blue box;
- ii) corrugated cardboard shall be broken down, laid or folded flat and tied in a bundle not to exceed 30 inches x 30 inches and 8 inches;
 - iii) box board and household paper shall be cleaned of any food or liners and shall be flattened and placed inside a bag or box board box and placed beside the blue box;
 - iv) clean plastic bags and wrap shall be placed in a plastic bag (other than green or black garbage bags), tied shut and placed beside the blue box;
 - v) clean textiles shall be placed in a bag and the top tied with a piece of textile and placed beside the blue box; and
 - vi) all other recyclable waste shall be placed loose in the blue box. Glass bottles and jars shall be rinsed and their tops removed. Metal cans shall be rinsed and crushed when possible. Plastic bottles and jars shall be rinsed and crushed when possible and their tops removed. Aluminum trays and foil shall be clean, folded together and placed loose in the blue box.
- b) No person shall put any hazardous material out for collection or deposit it at the waste site. Hazardous materials shall be taken by the owner or occupant of the residential or industrial commercial or institutional establishment to approved depots.
 - c) Except as otherwise provided in this by-law, neither the municipality nor the municipal waste collector shall collect non-collectible or untagged waste from any residential or industrial commercial or institutional establishment within the municipality.
 - d) No person shall put out for collection and the municipal waste collector shall not collect any non recyclable garbage unless such garbage is placed in a container or bag which complies with the requirements of paragraph 5 of this by-law and to which a tag has been affixed in accordance with paragraph 9 of this by-law.
 - e) No person other than an owner or an occupant of a residential or industrial commercial or institutional establishment within the municipality, or their agents, shall set out waste for collection within the boundaries of the municipality or deposit it at the waste site. Waste set out for collection or deposited at the waste site shall not include waste from residential or industrial commercial or institutional establishments not within the municipality.
 - f) No person shall set out waste for collection except at the residential or industrial commercial or institutional establishment within the municipality, at which it is generated.
 - g) The municipal waste collector shall not collect from any residential or industrial commercial or institutional establishment within the municipality, a container or bag weighing more than 40 pounds when filled.
 - h) *No person shall pick over, interfere with, disturb, remove or scatter any garbage or recyclables placed at the curb for removal whether contained in a covered container or otherwise. However, that the householder shall be permitted access to any covered container placed by the said householder for garbage collection by the Municipality or contractor for the purpose of depositing therein additions to garbage or recycling prior to the said container's contents being collected or removed by the said Municipality or contractor. Recyclables placed at the curb or landfill site or other municipal recycling depot are considered municipal property and removal by other than authorized personnel is prohibited.*
 - i) All containers shall have the lid securely affixed thereto to prevent the entry of water, rain, flies, and animals and to prevent the escape of noxious odours therefrom.
 - j) Omitted.
 - k) In areas where non-recyclable garbage is picked up in a vehicle which must be manually emptied, such garbage cannot be loose in a container, but must be in an approved tagged garbage bag.

7. COLLECTION PROCEDURE

- a) Collection of non-recyclable garbage will be made within the municipality or any part or parts thereof on the day or days of the week or at periodic intervals to be determined by resolution of the Council from time to time, subject to the provisions of this by-law.
- b) Collection of recyclable waste will be made within the municipality or any part or parts thereof on the day or days of the week or at periodic intervals to be determined by resolution of the Council from time to time, subject to the provisions of this by-law.
- c) Where non-recyclable garbage and recyclable waste are set out for collection on the same day, containers or bags of non-recyclable garbage shall be placed together but set apart from the recyclable waste. Recyclable waste shall be set out in or beside the blue box. In certain areas of the Municipality, it may be required to set recyclable waste on one side of the street and non-recyclable waste on the other side to accommodate pickup routes.
- d) All waste that is set out for collection shall be placed at the curb or on the boulevard of a public street in front of, or adjacent to, or across from if required, the residential or the industrial commercial or institutional establishment at which the waste is generated.
- e)
 - i) The municipality may by resolution limit the number of bags or containers that may be set out for collection by the municipal waste collector or delivered to the waste site on any one day designated by the municipality for the collection of non-recyclable garbage, or recyclable garbage,.
 - ii) The municipal waste collector shall not collect any waste in excess of the maximum limits referred to in paragraph 7(e)(i) above.
- f) Waste which is set out for collection shall be placed at the applicable curb or on the boulevard before 7:00 a.m. in the forenoon of the day on which collection of that waste is scheduled but shall not be set out prior to 6:00 p.m. in the afternoon of the previous day and the containers and/or blue box as the case may be, shall be removed no later than 7:00 p.m. in the afternoon on the day of collection. If the containers are not removed by the municipal waste collector for any reason, it is the responsibility of the waste generator to remove it by 7:00 p.m. on the day scheduled for collection, until the next appropriate collection date.
- g) Containers and bags which are set out for collection shall be placed as close to the street as reasonably possible without obstructing the travelled portion of the roadway and/or any sidewalk.
- h) Any waste which is set out for collection or delivered to the waste site and which has not been properly separated (eg. recyclable waste from non-recyclable garbage), or which has not been prepared for collection or deposit at the waste site according to the provisions of this or any other by-law or resolution of council, shall not be collected or accepted at the waste site.
- i) Notwithstanding anything in this by-law to the contrary, the municipality, by notice to the public from time to time, may designate days and times for the collection of such types of non-collectible waste as may be designated by council from time to time.
- j) No person not so authorized by the municipality, shall pick over, interfere with, disturb, remove, or scatter any waste which has been set out for collection provided that the municipality, by notice to the public from time to time, may designate certain days for the salvaging or scavenging of major appliances and/or household furnishings any other items that may be specified by the municipality, subject to such terms and conditions as are specified by the municipality.

8. COLLECTOR'S RESPONSIBILITIES

- a) The municipality shall be entitled to enter into contracts with any person or persons or businesses for the collection, removal, transfer, processing, storage, reduction, reuse, recycling, and/or disposal of waste and/or non-collectible waste.
- b) The municipal waste collector shall follow the laid out routes and comply with the requirements of this by-law and all instructions given by the municipality

from time to time.

- c) The municipal waste collector shall handle all containers, bags and blue boxes with due care, and after thoroughly removing their contents, (except in the case of unbagged manually handled waste) shall replace the containers and blue boxes from where taken from. The municipal waste collector shall not overload any truck nor allow any of the contents to fall therefrom, and shall carefully gather up any waste which may have fallen or been spilled to the ground.
- d) In no instances shall the municipal waste collector be called upon to make collections from any point which is unreasonably inconvenient or dangerous to any employee, nor shall the collector be required to removed containers, bags or blue boxes from any point other than that designated in this by-law and then only from containers, bags or blue boxes that meet the requirements of this by-law.

9. USER FEES

- a) Every bag of non-recyclable garbage set out for collection or deposited at the waste site shall have a tag, affixed to its exterior in a clearly visible location. Such tag shall be a tag bearing the name of the municipality from which the waste was generated and the year issued, with the tag acceptable no later than the end of the year after the year on the tag.
- c) Every container of non-recyclable garbage set out for collection shall have a tag per 9a) affixed to its contents in such a manner as to be clearly visible when the lid is removed.

10. GENERAL

- a) No owner or occupant of a residential or industrial commercial or institutional establishment within the municipality shall permit any waste and/or non-collectible waste to accumulate upon such owner's or occupant's lands in a manner which may be injurious to public health or safety.
- b) No person shall sweep, throw or deposit or allow to fall from any vehicle, any waste and/or non-collectible waste onto any streets, lanes, water courses and/or public lands within the municipality except waste placed on the public boulevard for collection in accordance with the requirements of this by-law.
- c) The addendum to this by-law is considered a section of the by-law at the time of passing, but rates and provisions of the addendum may be changed at any time by a resolution of council.
- d) The headings in this by-law are included solely for the convenience of reference and are not intended to be full or accurate descriptions of the contents thereof and are not to be considered part of the by-law.
- e) If any provision or requirement of this by-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable the remainder of this by-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable shall not be affected thereby, and it is hereby declared to be the intention of Council that each provision and requirement of this by-law shall be separately valid and enforceable to the fullest extent permitted by law.

11. ENFORCEMENT AND PENALTY

- a) Every person who contravenes any provision or requirement of this by-law is guilty of an offence and is liable, upon conviction, to a fine of not more than ten thousand dollars (\$10,000.00) for every individual who is convicted of a first offence and twenty-five thousand dollars (\$25,000.00) for any subsequent offence under this by-law. Where a corporation is convicted of an offence under this by-law, the maximum penalty that may be imposed upon the corporation is fifty thousand dollars (\$50,000.00) for the first offence and one hundred thousand dollars (\$100,000.00) for any subsequent offence under this by-law.
- b) The municipality's Municipal Law Enforcement Officer is hereby authorized and empowered to enforce the provisions of this by-law.
- c) Where any person fails to comply with the requirements or provisions of this by-law, such matter or thing may be done at such person's expense by the municipality, and the municipality may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes, or the Council may provide that the expense incurred by the municipality, with

interest, shall be payable by such person in annual installments not exceeding 10 years and may borrow money to cover such expense by the issue of debentures of the municipality payable in not more than 10 years.

- d) Where this by-law is contravened and a conviction entered, in addition to the imposition of any other remedy and to any penalty imposed by the by-law, a court of competent jurisdiction may issue an order prohibiting the continuation of repetition of the violation by the person convicted.

READ A FIRST, SECOND AND A THIRD TIME AND FINALLY PASSED
THIS 27th DAY OF AUGUST, 2001.

CLERK FRANK MILLS

REEVE LIONEL BENNETT

ADDENDUM TO BY-LAW 2001-28A

July 13, 2001

1. Tags shall be \$1.00 each as of this date, and numbered consecutively. The compactor trucks must refuse to take untagged garbage.
2. Tags will be sold by the municipalities and the library in this area, and at a Commercial or Residential outlet as determined, with a ten cent commission paid to the seller.
3. The starting rate is: One dollar (\$1.00) a bag for all bags and \$60.00 per dumpster.
4. Tags will be mailed on request or with tax bills if prepayment is sent.
5. People arriving at the waste site with untagged garbage will be charged \$1.00 a bag. User fees for other goods are:
WHITE GOODS
Discharged - \$10.00, Not discharged - \$15.00. Hot water, propane tank, TV - \$5.00
UPHOLSTERY - Couch, day be \$10.00, Chair, mattress, carpet - \$5.00

BUILDING/DEMOLITION/YARD WASTE -\$20.00 ½ ton or trailer; larger truck or container \$50.00; completely burnable or metal recyclable tandems with all other recyclables removed \$50.00; tandems loads going in dry trench \$100.00. Wet garbage, \$1.00 a bag regardless of size of load. ½ Ton, Trailer of Brush \$5.00, larger truck \$10.00. Leaves and appropriately bundled brush (as determined by manager) shall be accepted at no charge.

SHINGLES ½ ton, trailer - \$20.00, larger truck, container \$50.00

TIRES - Rimless, car, light truck \$2.00, truck & implement \$20.00

SCRAP METAL - Manager's discretion if not white goods.
6. Revenues will be used to cover the expenses at the waste site.