

BY-LAW # 15-36

Being a by-law to regulate the collection, disposal and handling of waste and recyclable materials within the Township of the North Shore.

WHEREAS, pursuant to Sections 11(1), 77 and 127 of the Municipal Act, S.O. 2001, c.5 a local municipality may pass by-laws to prohibit or regulate the use of any part of a waste management system;

NOW THEREFORE, the Council of the Corporation of the Township of the North Shore hereby ENACTS AS FOLLOWS:

1. DEFINITIONS

- 1.1 "**ashes**" means the solid residue to any household fuel remaining after burning.
- 1.2 "**building materials**" means all waste materials generated from the renovation, demolition or repair of a structure.
- 1.3 "**carcass**" mean the remains of an animal.
- 1.4 "**Corporation**" means the Corporation of the Township of the North Shore.
- 1.5 "**commercial**" means a commercial business operating within the municipality.
- 1.6 "**garbage**" means household litter, trash, table and kitchen waste whether animal or vegetable, fish, fruit and dairy products, magazines, newsprint and waste paper, boots, shoes, and other wearing apparel, broken glass, crockery and metal, glass and plastic containers.
- 1.7 "**garbage collection day**" means the regular scheduled garbage pickup day established for each location in the city by the Corporation.
- 1.8 "**landfill attendant**" means the landfill attendant of the Township of the North Shore or his/her designate.
- 1.9 "**landfill site**" means the municipal landfill site located at 5951 Highway 17, Serpent River, Ontario.
- 1.10 "**resident**" means an owner, occupant, lessee, tenant or other person in charge of a dwelling, hotel/motel, restaurant, apartment house, office building, shop, store,
- 1.11 "**industrial**" means an industrial business operating within the municipality.
- 1.12 "**institution**" means an establishment such as schools, hospitals or museums.
- 1.13 "**non-collectable waste**" at bin transfer stations, include:
 - (a) ashes
 - (b) carcasses or parts of any animal or fowl with the exception of bonafide kitchen waste
 - (c) building materials or building rubbish
 - (d) compressed gas cylinders, explosive or incendiary materials of any kind whatever
 - (e) biological, toxic or hazardous waste
 - (f) rags soaked in oil, gasoline or any other inflammable substance

- (g) swill, organic matter not drained or wrapped or liquid waste, or
- (h) automotive parts

1.14 **"recycling"** means those materials determined by the Corporation from time to time to be acceptable through the Corporation's recycling programs;

1.15 **"refuse"** includes debris, rubbish, junk or disused materials 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, garden refuse, earth or rock fill, old or decade lumber, material from construction or demolition projects and other vehicles, machinery equipment, materials or structures apparently disused in their existing location.

1.16 **"transfer stations"** means areas for the deposit of household and recycling materials.

2.0 HOUSEHOLD/RECYCLING GARBAGE DISPOSAL AND COLLECTION

2.1 Household and recycling garbage collection will be at the discretion of the collection contractor and at the frequency as set out by the Corporation.

2.2 Such collection will be at three transfer stations located throughout the municipality, namely 1385 Hwy 17, Algoma Mills; 1067 Old Hydro Road, Spragge; 5951 Hwy 17, Serpent River.

2.3 The Corporation will designate the type or method of collection of garbage and may, from time to time, alter the times and frequency of collection throughout the municipality.

2.4 Every householder shall deposit household and recycling debris in the containers available at these sites. Commercial, industrial and institutional enterprises shall deposit recycled products at these sites. Commercial, industrial and institutional enterprises may deposit household products at these sites, if they have opted not to participate in private or municipally arranged bin pickups.

2.5 All household garbage shall be placed in plastic bags and placed in the appropriate bin(s). Recycled products shall be separated and placed in the appropriate bin(s).

2.6 The Transfer Stations will be monitored by security cameras.

2.7 The owner of a vehicle involved in an offence referred to in this Section is guilty of the offence, unless that vehicle owner satisfies the Court that the vehicle was:
(a) not being operated by the owner; and
(b) that the person operating the vehicle at the time of the offense did so without the vehicle owner's express or implied consent.

3.0 COMMERCIAL/INDUSTRIAL/INSTITUTIONAL COLLECTION

3.1 Commercial/Industrial/Institutional enterprises may agree to have municipal collection of private bins at a cost and frequency as set by the Corporation.

3.2 The Corporation shall invoice quarterly, those enterprises that are in agreement with municipal collection. Interest penalties will apply for unpaid invoices.

4.0 SUSPENSION AND TERMINATION OF SERVICE

4.1 The Corporation may suspend or discontinue the private bin collection of commercial/industrial/institutional enterprises if, in the opinion of the Corporation, it is necessary or desirable to do so, upon giving reasonable notice to the customer.

5.0 PROHIBITIONS

5.1 No person shall place:

- (a) Prohibited Materials;
 - (b) Hazardous waste as defined in the Environmental Protection and Enhancement Act, RSA 2000 c E-12;
 - (c) Dangerous goods as defined in the Dangerous Goods Transportation and Handling Act, RSA 2000 c D-4
 - (d) Biomedical waste as defined in the Waste Control Regulation, AR 192/1996; or
 - (e) Industrial, Commercial Institutional or Construction waste except as authorized pursuant to an agreement with the Corporation;
- at any Transfer Station located in the municipality or in the landfill site.

5.2 No person shall deposit in the Transfer Station recycle bins any materials or substances which are not listed in Schedule "A" to this bylaw

5.3 No person shall deposit in the Transfer Station any waste or recyclable materials unless that person is the owner or occupant of a premises within the boundaries of the municipality, or has the authorization of the owner or occupant of such premises.

5.4 No person shall deposit or dispose of materials at a transfer station, materials other than those materials described as permitted by signage located at the station.

5.5 No person shall deposit materials of any kind at a transfer station except in the bins provided.

5.6 No person shall tamper with, interfere with or damage a bin at the transfer stations.

5.7 No person shall deposit all types of waste on the grounds of the transfer station site.

6.0 PENALTIES AND ENFORCEMENT PROCEDURES

6.1 A person who:

- (a) does something that is prohibited by this bylaw;
- (b) fails to do something that is required in this bylaw; or
- (c) does something in a manner different from that which is required or permitted in this bylaw;

is guilty of an offence.

6.2 Where a contravention of this bylaw is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any Person guilty of such offence is liable to a fine in an amount not less than that established by this bylaw for each such day or part of a day.

6.3 Where a Peace Officer believes that a Person has contravened any provision of this bylaw, that Peace Officer may serve that Person with a Violation Ticket pursuant to the provisions of Part 1 of the Provincial Offences Procedure Act.

- 6.4 The penalty shall be as set out in Schedule "B" of this bylaw for penalties in lieu of prosecution.
- 6.5 A person who pays the amount specified in respect of a contraventions of a provision of this bylaw within the time allowed for payment as specified shall not be liable for prosecution for that contravention.
- 6.6 Nothing in this bylaw shall prevent a Peace Officer from issuing a summons for the mandatory court appearance of any Person who the Peace Officer has reason to believe is committing, or has committed, a breach of any provision of this bylaw.
- 6.7 It is the intention of the Council that all offences created pursuant to this bylaw be construed and considered as strict liability offences.
- 6.8 Any person that breaches any part of this bylaw shall be responsible for all costs incurred in cleaning, repairs or otherwise remedying such breach, and such payment shall not limit prosecution of such Person for such contravention.
- 6.9 Whenever this bylaw imposes an obligation or prohibition on an Owner, Occupant or Manager of a premises, the obligation or prohibition shall apply to both or all of the Owner, Occupant or Manager and each of them separately.
- 6.10 Whenever this bylaw imposes an obligation or prohibition on more than one Person, each Person shall be liable to prosecution for a breach of this bylaw, and it shall be no defence for any such Person that any other Person is responsible for such breach.
- 6.11 Any Person who disposes of waste or recyclable materials in any manner contrary to this bylaw shall immediately take all reasonable measures to clean up such waste or recyclable materials or mitigate the effects of such disposal. This shall be in addition to any other penalties or fines established pursuant to this bylaw.

7.0 ACCESS TO LANDFILL SITE

- 7.1 Access to the Corporation's landfill site is restricted to the residents of the Corporation only.
- 7.2 Notwithstanding the above statement, contractors from out of the Corporation who are working for residents or landowners of the Corporation are permitted access to the site.
- 7.3 Persons may be required to show identification to the landfill attendant for verification purposes, prior to gaining access to the site.
- 7.4 All persons shall be required to report at the gate, to the landfill attendant, before proceeding to the dump site.
- 7.5 All persons shall be required to deposit waste as instructed by the landfill attendant.

8.0 LANDFILL SITE TIME SCHEDULE

- 8.1 The site shall be accessible as per the time schedule as set by the Corporation, and is stated on the attached Schedule "C";
- 8.2 This schedule may be amended, from time to time, by the Corporation.

9.0 TIPPING FEES

9.1 Tipping fees as per Schedule "D" to this bylaw may be amended, from time to time, by the Corporation.

10.0 PAYMENT OF TIPPING FEES

10.1 The landfill attendant will not collect tipping fees.

10.2 The landfill attendant will issue a notice to the Corporation that lists the resident name, address and the quantity and description of the waste deposited in the landfill site.

10.3 The Corporation will issue an invoice using this information. Interest charges will be applicable for outstanding invoices.

11.0 GENERAL PROVISIONS AND COMING INTO FORCE

11.1 If any term, clause or condition of this bylaw or the application thereof is found to be invalid or unenforceable, the remainder of this bylaw or application of such term, clause or condition shall not be affected and shall remain in force and effect.

11.2 The Schedules of this bylaw may be amended or replaced from time to time by resolution of Council.

11.3 Nothing in this bylaw relieves any Person from compliance with any other bylaw or any applicable federal or provincial law, regulation or enactment.

11.4 In the event of a conflict between this bylaw and any other bylaw or any applicable federal or provincial law, regulation or enactment respecting public health and safety, the other bylaw, law, regulation or enactment shall prevail to the extent of the conflict.

Read a first, second and third time and enacted on the Second of November, 2015

Randi Condie, Mayor

Brenda Green, Clerk Treasurer

Schedule "A"

Recyclables

1. Glass bottles and jars, including all glass containers which previously contained a food or beverage product.
2. Metal food and beverage cans, including all hard shell steel or aluminum containers which previously contained a food or beverage product.
3. Aluminum foil meaning food wrap, food packaging and kitchenware such as pie plates made from a thin sheet of aluminum.
4. Rigid shell plastic containers including Polyethylene Terephthalate (PETE#4), High Density Polyethylene (HDPE #2), Low Density Polyethylene (LDPE #4), Polypropylene (PP#5) and Polystyrene (PS#6) which previously contained a non-hazardous consumer product.
5. Rigid foam plastic containers
6. Newspapers, magazines, flyers and household papers.
7. Old boxboard and old cardboard (non-waxed, flattened and bundled no larger than 30" x 30" x 8")
8. Bundled plastic bags (LDPE)
9. Other material as designated by the Corporation from time to time