

**The Corporation of the
Township of Smith-Ennismore-Lakefield**

By-law 2012-82

Waste By-law

**Being a By-law to Provide for the Collection,
Removal, and Disposal of Garbage and Other
Waste Material for the
Township of Smith-Ennismore-Lakefield**

Whereas the Ontario Municipal Act, 2001, S.O. 2001, c. 25, Section 2, as amended, states that municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction, and as such, municipalities are given powers and duties under this Act, and many other Acts, for the purpose of providing good government with respect to those matters; and

Whereas the Ontario Municipal Act, 2001, S.O. 2001, c. 25, Section 5.3, as amended, states that a municipal power shall be exercised by By-law unless the municipality is specifically authorized to do otherwise; and

Whereas the Ontario Municipal Act, 2001, S.O. 2001, c. 25, Section 11. (3) 3, authorizes municipalities to pass By-laws respecting waste management; and

Whereas Council deems it advisable to repeal By-law 2001-30, the Garbage By-law and all amendments thereto being By-laws 2001-36, 2005-42, 2007-110, and 2009-064;

Now Therefore the Council of the Township of Smith-Ennismore-Lakefield **Enacts** as follows:

Short Title

This By-law shall be referred to as the Waste By-law for the Corporation of the Township of Smith-Ennismore-Lakefield.

Section 1.0 - Definitions

Unless the context requires otherwise:

- 1.1 **Bag Tag** shall mean a tag or a sticker issued by the Municipality (available upon payment of the applicable fee, as set out in Schedule "A", from the Municipal Office and/or other outlets to be established), to be affixed to any bags of garbage and non-recyclable rubbish put out for curbside collection which are in excess of the collection limits set out in Section 3.6.
- 1.2 **Construction Debris** shall mean discarded building material, resulting from the erection, repair, demolition or improvement of buildings, structures or property.
- 1.3 **Container** shall mean a galvanized metal or plastic container with a maximum capacity of approximately 17 gallons (77 litres) being larger at the top than at the bottom and having a handle and fitted lid; or an opaque polyethylene plastic bag approximately 30 inches x 37 inches (76 cm x 93 cm) of 1.5 gauge thickness fastened at the top. No container shall weigh more than 30 pounds.

- 1.4 **Council** shall mean the Council of the Township of Smith-Ennismore-Lakefield.
- 1.5 **Garbage** shall mean kitchen and house refuse and table cleanings, fruit and vegetable parings, decaying vegetable, fruit and other food matter.
- 1.6 **Major Appliances and Large Household Furnishings** shall mean all large or bulky household mechanisms and/or other articles actually used in the home (refrigerators, stoves, washers, dryers, chairs, sofas, tables, beds, carpet, etc.)
- 1.7 **Non-Collectable Waste** shall mean any waste or matter other than garbage and non-recyclable rubbish and shall include the following:
1. Manufacturer's or Industrial Waste
 2. Any explosive, hazardous or highly combustible material of any nature whatsoever, including ashes
 3. Construction debris
 4. Sawdust and/or shavings
 5. Liquid waste
 6. Hay, straw and manure
 7. Carcass of any animal
 8. Leaves and grass clippings
 9. Major Appliances and/or Large Household Furnishings
 10. Any material which has become frozen to the container and cannot be removed by shaking
 11. Discarded tires
 12. Recyclable rubbish
- 1.8 **Non-Recyclable Rubbish** shall mean rags, sweepings, rubber, leather, crockery, shells, clothing, dirt, filth, and similar waste material.
- 1.9 **Recyclable Rubbish** shall mean:
- clean metal food and beverage containers and cans
 - clear and coloured glass food containers, bottles and jars with metal rings and tops removed
 - clean dry newspapers, magazines and phone books
 - clean plastic tubs, bottles and jugs
 - clean metal foil
 - clean polycoated paper gable-topped containers (e.g. dairy and juice containers)
 - household and office paper and envelopes
 - soft-cover bound books
 - film plastic
 - corrugated cardboard, boxboard, paper egg cartons and brown paper bags.
- 1.10 **Supervisor** shall mean any person or corporation from time to time named by the Council to carry out the collection and disposal of garbage and non-recyclable rubbish.
- 1.11 **Township** shall mean the Corporation of the Township of Smith-Ennismore- Lakefield.

Section 2.0 - Supervision

- 2.1 The proper collection and disposal of garbage and non-recyclable rubbish shall be placed under the control of the Supervisor who

shall be responsible to the Council either directly or through the Administrator as directed by Council.

- 2.2 In the event of it appearing during the administration of the provisions of this By-law that there is any matter or thing requiring to be dealt with as to which no provisions have been made or as to which the terms of this By-law are not clear, or which is in dispute, the Supervisor is hereby authorized to take such steps as are in their judgment advisable and to report the matter at the first opportunity to the Township Administrator and/or the Township Council.

Section 3.0 - Collection Procedures

- 3.1 Curbside collections shall be made from all residential and business premises in the Township except for those which are located on roads that are not passable or located on islands.
- 3.2 The collection of garbage and non-recyclable rubbish in, and on behalf of the Township, shall be made once each week from each collection point.
- 3.3 Material set out for collection shall normally be placed on the same side of the road as mail boxes are, or would be placed as close as possible to the edge of the road, or at the curb or on the boulevard of a public street in front of or adjacent to the residential or industrial establishment, without obstructing the roadway, sidewalk and/or mail delivery. The Supervisor shall have the authority to designate the precise point at which material shall be placed for collection.
1. Where there is a change made to the precise point at which material shall be placed for collection, as determined to be necessary by the Supervisor, written notice shall be given to affected property owner/resident.
- 3.4 Material for collection shall not be placed on a highway, roadway, or other public property before 6:00 p.m. on the day preceding collection and shall be placed at the prescribed location for collection not later than 7:00 am on the collection day.
- 3.5 Empty containers as well as all material which the collector refuses must be removed from the highway or from public property by the occupant of the premises from which they came, before 8:00 p.m. on the same day that the garbage is collected or the material refused.
- 3.6 Collection from:
1. Any dwelling shall consist of a total of not more than two (2) containers as defined in Section 1.3, per collection.
 2. Any business, educational, religious, or municipal establishment shall consist of a total of not more than four (4) containers, as defined in Section 1.3, per collection.
- 3.7 Notwithstanding Section 3.6 containers in excess of the limits established in Section 3.6 shall be collected if a bag tag issued by the Municipality, as defined in Section 1.1, is affixed thereto.

- 3.8 Construction Debris, major appliances and large household furnishings, and recyclable rubbish shall not be collected by the Township but may be disposed of by an owner or tenant of land in the Township or his authorized agent at the Township Landfill site where charges will be assessed for the use of the site according to Schedule "A" attached hereto.
- 3.9 Any appliances or other items (e.g. refrigerator, freezer, and air conditioner) containing freon will be subject to a charge, in addition to the normal tipping fee, as set out in Schedule "A". This fee will be waived if the appliance or item has attached thereto a certificate duly completed by a proper licenced authority that the freon has been removed.
- 3.10 Notwithstanding Section 3.9:
1. Recyclable Rubbish will be accepted at the Township Landfill Site with no charges assessed on using the site for this purpose.
 2. The first Saturday of June from 9:00 a.m. to 3:00 p.m. is designated each year when Major Appliances and Large Household Furnishings will be accepted at the Landfill Site with the tipping fee being waived.
- 3.11 Notwithstanding Section 3.6(1) and 3.6(2) Garbage and Non-Recyclable Rubbish may be disposed of by an owner or tenant of land in the Township, or their authorized agent, at the Township Landfill Site where charges will be assessed for the use of the site according to Schedule "A" attached hereto.
- 3.12 Subject to the approval of the Chief Administrative Office, bag tags may be provided free of charge to an owner or tenant where there are extraordinary circumstances i.e. due to medical requirements.

Section 4.0 - Collector's Responsibilities

- 4.1 The persons employed as collectors shall follow the laid out routes and conform to all instructions as set out by the Supervisor. The work of each route shall be completed daily and the collectors shall be courteous and render every reasonable service to the householders for the proper execution of the work.
- 4.2 The collector shall handle all receptacles with due care and after thoroughly removing their contents, shall replace the lids and place them where taken from. He shall not overload any truck nor allow any of the contents to fall there from and shall carefully gather up any refuse, which may have been spilled on the ground.
- 4.3 In no instances shall the collector be called upon to make collections from any point which, in the opinion of the Supervisor, is unreasonably inconvenient or dangerous to any employee, nor shall the collector be required to remove containers from any point other than that designated by the Supervisor, and then only from containers in accordance with the definition provided in Section 1.3 of this By-law.
- 4.4 No salvaging of any description shall be conducted either on the collection routes or in and around the Landfill Site.
- 4.5 The Supervisor shall provide a vehicle, which is suitable to travel private roads in order to provide collection services to cottages where the private road is maintained in a passable condition.

- 4.6 Where, in the opinion of the Collector, there are reasonable grounds to suspect that there is recyclable rubbish in any garbage container placed for collection; the Collector is authorized to open such container to ascertain the contents thereof and collection may be refused.

Section 5.0 - Householder's Responsibilities

- 5.1 Recyclable Rubbish must be separated from garbage and non-recyclable rubbish.
- 5.2 All garbage and non-recyclable rubbish to be collected by the Township must be placed and kept in containers, which meet with the standards set out in Section 1.3. Containers shall be kept dry and regularly disinfected and shall be maintained in proper order and repair. No containers shall be filled above the top level.
- 5.3 A current Township Landfill Card shall be presented to the Landfill Site Attendant prior to admission to the Landfill Site.

Section 6.0 - Prohibitions

- 6.1 No person shall pick over, interfere with, disturb, remove or scatter any bundle, article or thing placed for removal, in containers or otherwise placed for removal.
- 6.2 No person shall keep a garbage dump or container 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 odors 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.
- 6.3 No person shall permit garbage, rubbish, recyclable garbage or other waste material to be blown or dropped from the premises occupied by him on to any roadway or private property in the Township.
- 6.4 No person shall place, or permit to be placed or remain on or in any street; any article or thing in the nature of garbage except as herein expressly authorized or as may be authorized by the Supervisor.
- 6.5 No person shall be permitted to dispose of a mattress(es) including a box spring(s) at the Township of Selwyn Landfill as of September 1, 2014. (*Amendment passed September 16, 2014. By-law 2014-063*)

Section 7.0 Tipping Fees – Special Considerations

Roadside Clean-up

- 7.1 Groups/Individuals conducting an organized roadside clean-up shall be permitted to dispose of the garbage collected at the Township Landfill Sites free of charge.
- 7.2 The group/individual must provide written notice to the Municipal Clerk at least one week in advance of the date(s) of the clean-up advising when the work is to take place and what roads are affected.

- 7.3 The Public Works Department may inspect the area before and/or during and/or after the clean-up takes place.
- 7.4 A temporary disposal site pass will be provided to the group/individual for presentation to the Landfill Site Attendant to accommodate the acceptance of the material at no charge.

Charitable Fundraising Events

- 7.5 Charitable organizations conducting fundraising events shall be permitted to dispose of garbage generated at these events at the Landfill Site free of charge.
- 7.6 The organization must provide a written request to the Municipal Clerk at least three weeks in advance of the date of the event advising of the details of the event, including the date, location, and intended use of proceeds.
- 7.7 A temporary disposal site pass will be provided to the organization for presentation to the Landfill Site Attendant to accommodate the acceptance of the material at no charge.
- 7.8 Where the fundraising event being held is a yard sale, there shall be a limit of five half-ton truckloads of material accepted free of charge/year.

Disaster Debris

Individual Property

- 7.9 Debris being disposed of due to a disaster, including but not limited to fire, flood, windstorm, shall be charged a tipping fee in the amount of 40% of the current approved fees at the time of the request.
- 7.10 The reduced tipping fee is subject to the clean-up of the property being completed within six months of the date of the disaster.
- 7.11 The property owner must provide written notice to the Municipal Clerk at least one week in advance of the date that the debris is to be delivered to the landfill site.
- 7.12 A letter will be provided to the property owner for the presentation to the Landfill Site Attendant to accommodate the acceptance of the material.

Large Scale Event Affecting Multiple Properties

- 7.13 Debris being disposed of due to a disaster that affects multiple properties, including but not limited to fire, flood, windstorm, shall be charged a tipping fee in the amount of 40% of the current approved fees at the time of the event.
- 7.14 A timeframe in which the reduced tipping fee will apply will be established at the time of the event and will be communicated to affected property owners through the media, website, etc...

Section 8.0 Enforcement and Penalty

- 8.1 For the purposes of this By-law, household garbage and non-recyclable rubbish shall not be collected unless the recyclable rubbish components have been separated.
- 8.2 In the event that any section or sections of this By-law or parts thereof are found by a Court of competent jurisdiction to be invalid or ultra vires, such sections or parts thereof shall be deemed to be severable, with all other sections or parts of this By-law remaining in full force and effect.
- 8.3 Every person who contravenes any of the provisions of this By-law is guilty of an offence and is liable, upon conviction, to a fine as provided for in the Provincial Offences Act.
- 8.4 Duplication of the Official Bag Tag as described in Section 1.1, without the express written consent of the Township of Smith-Ennismore-Lakefield is a contravention of this By-law.
- 8.5 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 expenses therein incurred.
- 8.6 The Collector shall collect from each dwelling, business, educational, religious or municipal establishment only the number of bags as set out in Section 3.6 (1) and 3.6 (2) hereof.

Section 9.0 - Repeal

- 9.1 By-law 2001-30, the Garbage By-law and all amendments thereto being By-laws 2001-36, 2005-42, 2007-110, and 2009-064 be and are hereby repealed.

Section 10.0 – Effective

- 10.1 This By-law shall come into full force and effect as of January 1st, 2013.

READ a First, Second and Third time and finally passed this 11th day of December, 2012.

Mayor Mary Smith

Clerk, Angela Chittick