

**The Corporation of the
Township of Selwyn**

By-law 2019-088

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

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 2012-082, the Waste By-law and all amendments thereto being By-laws 2014-063 and 2016-014;

Now Therefore the Council of the Township of Selwyn enacts as follows:

Short Title

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

Section 1.0 - Definitions

Unless the context requires otherwise:

- 1.1 **Bag Tag** shall mean a tag or a sticker issued by the Township (available upon payment of the applicable fee, as set out in the Township's applicable User Fees and Charges By-law), 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:**

Effective until February 29, 2020 - a 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 a polyethylene plastic bag with a maximum size of 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.

Effective March 1, 2020 - a 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 a clear transparent polyethylene plastic bag with a maximum size of 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 **Contractor** 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.
- 1.5 **Council** shall mean the Council of the Township of Selwyn.
- 1.6 **Garbage** shall mean kitchen and house refuse and table cleanings, fruit and vegetable parings, decaying vegetable, fruit and other food matter.
- 1.7 **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.)
- 1.8 **Non-Recyclable Rubbish** shall mean rags, sweepings, rubber, leather, crockery, shells, clothing, dirt, filth, and similar waste material.
- 1.9 **Privacy Bag** shall mean a non-transparent bag no larger than 12" by 18" (30 cm by 45 cm) that may contain personal/private waste, which may be placed in a Container.
- 1.10 **Recyclable Rubbish** shall mean, recycling as defined by the County of Peterborough, as amended from time-to-time:
- clean metal food and beverage containers and cans
 - clean 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
 - corrugated cardboard, boxboard, paper egg cartons and brown paper bags.
- 1.11 **Township** shall mean the Corporation of the Township of Selwyn.

1.12 **Waste – Classifications**

Collectable Waste - shall mean waste, as defined herein, that is accepted for curb-side collection:

- Garbage
- Non-recyclable rubbish

Collectable Recycling Rubbish – shall mean recycling, as provided for by the County of Peterborough that is accepted for curb-side collection.

Landfill Waste – shall mean waste that is accepted at the Landfill and kept separated to be disposed of in the appropriate areas in the Landfill:

- Garbage
- Non-recyclable rubbish
- Recycling rubbish
- Construction and demolition debris, including clean wood and drywall
- Shingles
- Sawdust and/or shavings
- Leaves and grass clippings
- Brush and stumps
- Hay and straw
- Major Appliances and/or Large Household Furnishings
- Non-hazardous solid domestic, commercial and industrial waste

- Non-hazardous contaminated soil
- Waste electronics/e-waste
- Tires
- Ashes
- Scrap metal
- Hazardous Waste (only during operating the season of the Household Hazardous Waste Depot). Items include, but are not limited to: batteries, cleaners, fuels, paint, fertilizers, fluorescent lights, cleaners, antifreeze, compressed gas cylinders
- Asbestos

Unaccepted Waste

- Mattresses and box springs
- Explosives
- Manure
- No hazardous waste or liquid industrial waste as defined under O. Reg. 347

Section 2.0 - Contractor

- 2.1 The proper collection and disposal of Garbage and Non-Recyclable Rubbish shall be placed under the control of the Contractor. Through the Contractor, the Manager of Public Works shall be responsible for the supervision of the contract.
- 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 Contractor is hereby authorized to take such steps as are in their judgment advisable and to report the matter at the first opportunity to the Manager of Public Works.

Section 3.0 – Collection/Disposal Procedures

Collectable Waste

The Contractor shall be responsible to pick-up Collectable Waste as follows:

- 3.1 Curbside collections shall be made from all residential, commercial, industrial and institutional premises in the Township except for:
 - those which are located on roads that are not passable
 - those located on islands
 - those Containers where any material which has become frozen to the container and cannot be removed by shaking
- 3.2 The collection of Garbage and Non-Recyclable Rubbish on behalf of the Township, shall be made once each week from each collection point.
- 3.3 Collectable Waste 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, commercial, industrial or institutional premises, without obstructing the roadway, sidewalk and/or mail delivery. In consultation with the Township, the Contractor 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

Contractor, written notice shall be given to affected property owner/resident.

- 3.4 Collectable Waste 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 Contractor 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 residential premises shall consist of a total of not more than two (2) Containers as defined in Section 1.3, per collection.
2. Any commercial, industrial or institutional premises shall consist of a total of not more than four (4) Containers, as defined in Section 1.3, per collection.
3. **Effective September 1, 2021** - A limit of one (1) additional Bag Tag affixed to the extra Container, as defined in Section 1.1 will be permitted.

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 Township, as defined in Section 1.1, is affixed thereto.

Disposal

- 3.8 Landfill Waste, as defined herein, 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 the Township's applicable User Fees and Charges By-law.
- A current Landfill pass shall presented to gain access to the Landfill site.
 - Landfill Waste shall be separated and disposed of in the designated areas in the Landfill.
 - Hazardous Waste may be disposed of at the Township Landfill site during the seasonal operating hours of the Household Hazardous Waste Depot (HHWD).
- 3.9 Unaccepted Waste, as defined herein, shall not be disposed of at the Township Landfill site.
- 3.10 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 the Township's applicable User Fees and Charges By-law. 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.
- 3.11 Recyclable Rubbish will be accepted at the Township Landfill Site with no charges assessed on using the site for this purpose and shall be separated and disposed of in the designated areas in the Landfill.
- 3.12 Garbage and Non-Recyclable Rubbish being disposed of at the Landfill and shall comply with the requirements of Section 1.3 and Section 3.8.

Notwithstanding Section 1.3, there is no weight limitation on Garbage and Non-Recyclable Rubbish being disposed of at the Landfill.

3.13 All persons shall allow their vehicles and container(s) as defined in Section 1.3 to be inspected by the Landfill Attendant to ensure compliance. Any person refusing an inspection shall be refused access to the Landfill.

3.14 Where there are extraordinary circumstances, i.e. medical requirements, a request may be submitted to the Municipal Clerk or their designate, for the provision of additional Bag Tags.

Section 4.0 - Contractor's Responsibilities

4.1 The persons employed as the Contractor shall follow the laid out routes and conform to all instructions as set out by the Township. The work of each route shall be completed daily and the Contractor shall be courteous and render every reasonable service to the householders for the proper execution of the work.

4.2 The Contractor shall handle all receptacles with due care and after thoroughly removing their contents, shall replace the lids and place them where taken from. The Contractor 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 Contractor be called upon to make collections from any point which, in the opinion of the Township and/or the Contractor, is unreasonably inconvenient or dangerous to any employee, nor shall the Contractor be required to remove Containers from any point other than that designated by the Township, 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 Contractor 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 Contractor, there are reasonable grounds to suspect that there is recyclable rubbish in any garbage Container placed for collection; the Contractor is authorized to open such Container to ascertain the contents thereof and collection may be refused.

Effective September 1, 2021, the Contractor shall not collect any Container(s) that do not comply with the requirements set out in Section 1.3 and 1.9.

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 their premises in such a condition or in such a location that the same is a nuisance or emits foul or offensive odours 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, Non-Recyclable Rubbish, Recyclable Rubbish 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 Contractor.
- 6.5 No person shall be permitted to dispose of Unaccepted Waste, including mattress(es) including a box spring(s), at the Township of Selwyn Landfill.

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, ie. 40% will be deducted from the current tipping fee.
- 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, ie. 40% will be deducted from the current tipping fee.
- 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...
- 7.15 The C.A.O or their designate, will determine if an event is to be deemed a "large scale event affecting multiple properties" and if deemed appropriate, grant a reduced tipping fee in the amount of 40% of the current approved fees at the time of the event.

Section 8.0 Enforcement and Penalty

Clear Bag Provisions

- 8.1 **(Effective March 1, 2020 to August 31, 2021)**
- Non-compliant properties/landfill site customers identified by collection Contractor and/or staff.
 - Direct outreach to non-compliant properties/customers via educational materials and/or follow-up letters to individuals.
- 8.2 **Effective September 1, 2021**
- Non-compliant containers will be left at the curb with a tag affixed thereto.
 - No more than one additional compliant container with a bag tag affixed thereto will be collected at the curb.
 - Non-compliant waste/containers will not be accepted at the landfill site.
- 8.3 For the purposes of this By-law, Collectable Waste (Garbage and Non-Recyclable Rubbish) shall not be collected unless the Recyclable Rubbish components have been separated.
- 8.4 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.

- 8.5 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.
- 8.6 Duplication of the Bag Tag as described in Section 1.1, without the express written consent of the Township of Selwyn is a contravention of this By-law.
- 8.7 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 Township, and the Township may recover expenses incurred by adding them to the tax roll and collecting them in the same manner as municipal taxes.
- 8.8 The Contractor shall collect from each residential, commercial, industrial, institutional or municipal establishment only the number of bags as set out in Section 3.6(1), 3.6(2) and 3.6(3) hereof.

Section 9.0 – Fees

- 9.1. Applicable Tipping Fees to dispose of Waste at the Township Landfill are established through the Township's applicable User Fees and Charges By-law, as amended from time to time.

Section 10.0 - Repeal

- 10.1 By-law 2012-082, the Waste By-law and all amendments thereto being By-laws 2014-063 and 2016-014 are hereby repealed.

Section 11.0 – Effective

- 11.1 This By-law shall come into full force and effect as of December 10th, 2019.

READ a First, Second and Third time and finally passed this 10th day of December, 2019.

Mayor, Andy Mitchell

Clerk, Angela Chittick