

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 10-028

Being a by-law to regulate the disposal of waste, recyclables and compostables and to establish fees for waste disposal at the Township of Tay Valley Waste Disposal Sites.

WHEREAS Section 11 of the *Municipal Act, 2001*, as amended provides that lower-tier municipalities may pass by-laws within certain spheres of jurisdiction, including waste management;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, as amended provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 391 of the *Municipal Act, 2001*, as amended provides that a municipality may pass by-laws imposing fees or charges on any class of persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and
- (c) for the use of its property including property under its control.

AND WHEREAS Council deems it in the public interest to establish a system for the collection, removal and disposal of garbage and other refuse which includes a mandatory requirement to separate recyclables and compostable waste from non-recyclable material prior to its disposal;

AND WHEREAS the Township operates Waste Disposal Sites at Part of Lot 20, Concession 3 in the former Township of Bathurst, under Certificate of Approval No. A450601; N ½ Lot 16, Concession 8 in the former Township of North Burgess, under Certificate of Approval No A450801; Lot 12, Concession 9 in the former Township of South Sherbrooke, under Certificate of Approval No. A451806 as amended;

NOW THEREFORE, the Council of the Corporation of Tay Valley Township hereby enacts as follows:

PREVIOUS BY-LAWS

1. That all previous by-laws pertaining to waste, recycling and composting be rescinded.

TITLE of BY-LAW

2. This by-law may be cited as the "Waste Disposal and Mandatory Recycling / Composting By-law"

EFFECTIVE DATE

3. This by-law shall come into force and take effect of the 1stth day of April, 2010.

DEFINITIONS

4.
 - a) Bag Tag and Tag shall be used interchangeably and shall mean a tag that was issued by the municipality for the purpose of garbage disposal.
 - b) Blue Box shall mean the container or other device (ie. 63 litres) supplied by the municipality for the collection of recyclable waste.
 - c) Bulk Waste shall mean any commercial, industrial or institutional waste, other than non-compostable, non-recyclable household waste, that is larger in volume than waste contained in a standard garbage bag. All non-compostable, non-recyclable household waste shall be enclosed in a standard size garbage bag prior to being deposited at the Waste Site.
 - d) Business Establishment shall include a commercial, industrial, and/or institutional land use listed in the assessment roll, registered farming operations, but shall not include Tourist Establishment.
 - e) Compostables shall include kitchen and yard waste as defined by this by-law.

- f) Construction Debris shall mean discarded building material, resulting from the erection, repair, demolition or improvement of buildings, structures or property (including land).
- g) Council shall mean the elected Council of the municipality.
- h) Garbage and Waste shall be used interchangeably and shall mean municipal waste pursuant to Ontario Regulation 555/92 and amendments thereto.
- i) Export shall mean to transport or relocate construction and/or demolition waste from the Waste Site.
- j) Municipal Waste means any waste except hazardous, liquid industrial, or gaseous waste. Notwithstanding the above, in this by-law garbage and waste shall NOT include liquid waste, ashes and recyclables and compostables.
- k) Hazardous Materials shall include however not be limited to the following: antifreeze, auto batteries, oil filters, degreasers, disinfectants, drain cleaner, drycell batteries, flea powder, floor wax, herbicides, metal polish, motor oil, nail polish, oven cleaner, wet paints, pesticides, pharmaceuticals, propane tanks containing propane, septic tank cleaners, solvents, wood preservatives.
- l) Kitchen Waste shall include but not be limited to fruit and vegetable scraps, tea bags, coffee grounds and egg shells, but does not include meat, bones, fish scraps, fatty or dairy food or animal feces.
- m) Major appliance and Large Household Furnishings shall mean all large or bulky household mechanisms and/or other articles usually used in the home (e.g. refrigerators, freezers, stoves, washers, dryers, upholstered chairs and sofas, tables, beds, carpets, etc.)
- n) Municipality shall mean the Corporation of Tay Valley Township.
- o) OCC shall mean old corrugated cardboard, but shall not mean waxed cardboard, boxboard or pizza boxes.
- p) Person shall mean person or association of persons or corporation.
- q) Recyclables shall include plastic containers (categories 1 to 7), glass jars and bottles, metal food cans, corrugated cardboard, boxboard, newspapers, magazines, a variety of mixed paper, clothing and textiles. (This definition may be subject to amendments from time to time, as deemed necessary by Council)
- r) Residential Dwelling shall mean a building occupied as the home, residence or living quarters of one or more persons and shall include Permanent, Seasonal and Limited Services Residential Dwellings and Dwelling Units.
- s) Standard Garbage Bag shall be defined as (26" x 36") 66 cm x 92 cm or weighs (40lbs) 18 kgs or less.
- t) Tourist Establishment shall mean a tourist camp, lodge, rental cabin, rental cottage or motel unit designed or used for the accommodation of the travelling public.
- u) Vacant Land shall mean land that is designated Residential, Seasonal, Limited Service Residential and Marginal Resource.
- v) Waste Disposal Sites shall mean the area designated at Part of Lot 20, Concession 3 in the former Township of Bathurst, under Certificate of Approval No. A450601; N ½ Lot 16, Concession 8 in the former Township of North Burgess, under Certificate of Approval No A450801; Lot 12, Concession 9 in the former Township of South Sherbrooke, under Certificate of Approval No. A451806 as amended.
- w) Yard Waste shall consist of grass and yard clippings, leaves and garden debris.

GENERAL PROVISION

5.

- a) No person or persons shall throw, place or deposit garbage refuse or debris on property of

the municipality except within the confines of the areas designated as a Waste Disposal Sites under the authority of a Certificate of Approval.

- b) No person or persons shall throw, place or deposit any type of garbage, refuse or debris on property owned by the municipality and designated by the municipality as a Waste Disposal Site except during hours posted at the waste disposal sites.
- c) Only waste generated within the municipality shall be disposed of at the waste disposal sites.
- d) All waste must be separated and disposed of on the sites in accordance with instructions of the site attendant.
- e) Recyclable and compostable waste are banned from the active face of the sites. It shall be separated and disposed of pursuant to Section 7 of this by-law.
- f) Construction and demolition waste with the exception of shingles and drywall, are banned from the active face of the sites. It will be accepted at a set fee at the Bathurst site and placed in a special dumpster for export.
- g) There will be no burning at the Waste Disposal Sites, other than that controlled by the Public Works Superintendent in accordance with Provincial legislation and regulations.
- h) Hazardous materials shall not be disposed of at the Waste Disposal Sites.
- i) Council may declare an Amnesty at any site for a set time period by resolution of Council.
- j) All residents of Tay Valley Township shall be granted access to all sites in the Township provided that such use does not create an increase of 25% at any site, as prescribed by the Ministry of the Environment and Energy. Waste Disposal Site Attendants shall monitor and report the amount of waste coming into each site by residents from other wards.
- k) Every person disposing waste at a Waste Disposal Site must possess a valid Waste Disposal Site Card.

6. BAG TAG SYSTEM

- a) Each standard garbage bag, bundle or container equal in size to a standard garbage bag entering the sites shall have affixed thereto, a tag issued by the Township. Notwithstanding, a full blue box of recyclables waives the bag tag requirement as per Schedule "A" excluding export waste.
- b) For the annual allocation, each residential dwelling shall receive from the Township 40 tags. Additional tags may be purchased as per Schedule "A".
- c) Tourist establishments shall receive 26 tags per camp site, per rental cabin, per rental cottage, motel unit or lodge. In addition, Tourist establishments shall receive 40 tags under section 6(d).
- d) For the annual allocation, each business establishment in the municipality shall receive from the Township 40 tags.
- e) For the annual allocation, vacant land shall be entitled to receive 12 tags.
- f) Additional waste may be disposed of at the Township Waste Disposal Sites pursuant to the schedule of fees contained in this by-law.
- g) Notwithstanding section 6(c) and 6(d), a resident shall only be entitled to one allocation.

7. RECYCLABLE AND COMPOSTABLES

All Waste brought to the Waste Disposal Site shall be separated, removing all recyclable and compostable waste which shall be disposed of in the following manner:

- a) Clean newspapers and magazines shall be bundled.
- b) Corrugated cardboard shall be broken down, laid or folded flat.

- c) Non-waxed boxboard and household paper shall be free from any food or liners and shall be flattened.
- d) Clean textiles and shoes shall be placed in a bag.
- e) Glass bottles and jars shall be rinsed and their tops removed. Metal cans shall be rinsed. Categories 1 to 7 plastic containers shall be rinsed and their tops removed.
- f) Compostables, whenever possible, should be disposed of by home composting. Compostables brought to the Waste Disposal Sites shall be disposed of in a designated area.
- g) Major appliances, large household furnishings and bulk waste may be disposed of at the Waste Disposal Sites subject to supervision of the site attendants and pursuant to the schedule of fees contained in this by-law.
- h) All permitted recyclable and compostables shall be disposed of in locations as may be determined by the Council from time to time, subject to the supervision of the site attendants.
- i) Bags of garbage containing recyclable and/or compostable materials shall be placed in a designated area to be exported from the Sites and subject to the charges pursuant to the schedule of fees contained in this by-law.
- j) The management of recyclables and compostables will be under the direction of the site attendants.

8. FEE SCHEDULE

- a) Schedule "A" attached hereto forms part of this by-law
- b) Estimated volumes are to be determined by the Waste Site Attendants. Disposal of items that are not included on the Fee Schedule shall be charged accordingly at the discretion of the Waste Site Attendant.
- c) Items not paid for at the time of disposal will be invoiced by Tay Valley Township.

9. EXEMPTIONS

Land and buildings of places of worship shall be exempt from tipping fees.

10. ENFORCEMENT

- a) In addition to any applicable fines, a clean up fee will be charged to any person(s) who throws, places or deposits garbage at or near the Waste Disposal Sites gates or any other area that has not been designated for the specific purpose of segregating garbage.
- b) In addition to remedies available under this or any other by-laws or legislation the municipality may also immediately ban any person who has failed to pay tipping fees after 30 days from accessing the Waste Disposal Sites until fees and accumulated charges are paid. Further more, any unpaid fees and accumulated charges may be added to the collector's roll and recovered in a similar manner as municipal taxes pursuant to section 398 (2) of the Municipal Act, 2001 as amended.
- c) 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.
- d) If any provision of this by-law is declared invalid for any reason by a court of competent jurisdiction, it is intended that such a provision shall be severed from the by-law and that the remainder of the by-law shall continue in full force and effect.

- 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 provisions or requirements to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby, and each provision and requirement of this by-law shall be separately valid and enforceable to the fullest extent permitted by law.

11. FINES

Every person who contravenes any provision of this by-law is guilty of an offence, and shall upon conviction thereof, pay a prescribed fine, exclusive of costs, and every such fine is recoverable under the Provincial Offences Act as set out in Schedule "B".

12. IMPLEMENTATION

The provisions of this by-law shall come into force and take effect on the 1st day of April 2010.

By-law No. 09-041 is hereby rescinded.

READ A FIRST AND SECOND TIME THIS 23rd day of March, 2010.

READ A THIRD TIME AND PASSED THIS 23rd day of March, 2010.



Reeve



Clerk

SCHEDULE "A" To By-law No. 10-028
Waste Disposal

FEE SCHEDULE

ITEM	FEE
Bag Tag (additional beyond the annual allocation)	\$1.00
Tire without rim (all sizes)	\$0.00 / no fee
Tire with rim (under 20")	\$10.00
Tire with rim (over 20")	\$20.00
Recyclables & Compostables	No charge
Scrap Metal	\$10.00/cubic yard (less for single item)
Propane Tank (small cylinder)	\$2.00
Propane Tank (large)	\$5.00
Appliances	
Stove, washer & dryer	\$5.00
Refrigerator (freon removed /licensed sticker applied)	\$5.00
Refrigerator (with freon – accepted at Glen Tay Site only)	\$25.00
Small (eg. blender & toaster)	No charge
Electronics	
Large (eg. television, monitor, microwave)	\$5.00
Small (eg. keyboard, personal printer, stereo)	\$2.00
Reusable furniture	No charge
Large non-reusable furniture (eg. couch, upholstered chair, table, mattress)	\$15.00
Small non-reusable furniture (eg. bookshelf, chair)	\$10.00
Bulk and Compacted Residential, Industrial, Commercial and Institutional Waste, including Construction and Demolition Waste (accepted at Glen Tay Site only)	\$50.00/cubic yard
Brush	\$5.00/cubic yard
Clean up fee for disposing of waste at a non-designated area	\$125.00/hour
Sorting at Site (for tagged bag improperly containing recyclables or compostables)	\$5.00

ANNUAL FEES	
Provincial Parks (Murphy's Point / Silver Lake)	\$2,500
Scouts Canada National Capital Camp	\$2,500
Christie Lake Community Camp	\$2,500
Ministry of Transportation	\$250
SPECIAL PROVISIONS	
1 standard bag of residential waste accompanied by 1 full (63 litre) container of recyclables	No charge / no bag tag required

SCHEDULE "B" TO By-law No. 10-028
Waste Disposal

SET FINES

ITEM	OFFENCE	AUTHORITY	PROPOSED FINE
1	Deposit of garbage on municipal property outside a waste disposal site	5a)	\$250.00
2	Deposit of garbage on municipal property outside posted hours of waste disposal site operations	5b)	\$250.00
3	Deposit of waste generated outside the municipality	5c)	\$500.00
4	Failure to separate waste as instructed by waste site attendant	5d)	\$250.00
5	Deposit of hazardous waste at the waste disposal site	5h)	\$500.00