

**CORPORATION OF THE MUNICIPALITY OF WEST GREY**

**BY-LAW NUMBER 34 - 2009**

**BEING, A BY-LAW TO REGULATE THE HANDLING AND COLLECTION OF GARBAGE, RUBBISH, AND OTHER WASTE MATERIAL AND ESTABLISH A SCHEDULE OF FEES FOR THE USE OF THE MUNICIPALITY OF WEST GREY WASTE DISPOSAL SITES**

**WHEREAS**, the Municipal Act, S.O. 2001, C.25, section 11 (1) and 11 (2) provides that lower-tier municipalities may pass by-laws within certain spheres of jurisdiction, including waste management;

**AND WHEREAS**, Council deems it to be in the public interest to establish a system for such collection, removal and disposal of garbage and other refuse, which includes a requirement to separate recyclable waste from other forms of garbage and refuse prior to its collection, as per Ministry of the Environment guidelines to reduce waste;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST GREY ENACTS THE FOLLOWS:**

**Section 1 – Definitions**

1.1 In this by-law:

- a) “Apartment Building” means a building which consists of more than five dwelling units, but the term shall not include a group of dwellings;
- b) “Blue Box Items” means clean old newspapers and inserts, magazines, glass bottles and jars, food and beverage cans, plastic soft drink bottles, small and large mouth plastic tubs, bottles and containers, box board, and such other items as the Municipality may, from time to time, by resolution, authorize for collection within its blue box program;
- c) “By-law Enforcement Officer” means the person or persons appointed to that position by the Council of the Corporation of the Municipality of West Grey, or any other person appointed by the Municipality from time to time for purposes of enforcement of this by-law;
- d) “Commercial” means buildings or structures located in the commercial zones as outlined in the Municipality’s zoning by-law or used for any retail or business use;
- e) “Construction Waste” means discarded building material, concrete, stones, earth from excavations or grading and all other refuse material resulting from the erection, repair or demolition of buildings, structures or other improvements of property;
- f) “Corrugated Cardboard” means clean, non-contaminated, non-waxed layered cardboard with a rippled middle layer;
- g) “Council” means the Council of the Corporation of the Municipality of West Grey;
- h) “Garden Waste” means all wastes generated from a garden, and includes all vegetable waste whether generated from a garden or otherwise;
- i) “Hazardous Waste” means waste and materials as may be defined from time to time by the Ministry of the Environment as hazardous and shall include but not be limited to the following:  
flammable or incendiary materials and liquids, incinerator ash; explosives; offal; sewage; drugs and medicines, chemical wastes, dry cell and wet cell batteries, paint containers, pathological waste including syringes, needles, dressings, body parts and fluids, tissues, medical instruments and other such items as may or could reasonably contain pathogenic bacteria or micro-organisms; dead animals, motor oil, propane tanks; radioactive materials; and other similar materials that may be hazardous or dangerous to the public health, safety or environment;

- j) “Household Waste” means all rejected, abandoned or discarded household waste of food, packaging material, unusable clothing; sweepings, and does not include items for which the Municipality makes provision for disposal other than burial in a landfill site;
- k) “Householder” means any owner, occupant, lessee, tenant, or any person having use, occupation and/or charge of any dwelling, apartment house, townhouse or any portion thereof, or any other premises;
- l) “Industrial” means buildings or structures located in the industrial zones as outlined in the Municipality’s zoning by-law or used for any industrial, production or manufacturing use;
- m) “Industrial Waste” means waste materials from any one or more industrial or manufacturing process, or waste from any property assessed for industrial or manufacturing uses;
- n) “Institutional” means any public building, hospital, nursing home, school, as outlined in the Municipality’s zoning by-law;
- o) “Landfill Area” means that operative area of a municipal waste disposal site, which is designated as an area for the disposal of waste by the deposition, or dumping of waste and subsequent covering by earth fill.
- p) “Landfill Site Attendant” means any person designated by the Municipality of West Grey or the municipality in which the landfill site is located, having control and authority over the site,
- q) “Large Garbage” includes mattresses, crates, packing material, large appliances usually operated by gas or electricity, household furnishings, and other large or bulky items normally used in a home;
- r) “Manufacture and Trade or Industrial Waste” means any abandoned, condemned or rejected product or by-product, builders’ and contractors’ refuse and garbage, and service station waste.
- s) “Municipal Waste Disposal Site” means a waste disposal site designated and operated by the Corporation of the Municipality of West Grey for the disposal or transfer of waste in accordance with the provisions of this by-law and the terms and conditions of a certificate of approval issued by the Ministry of the Environment;
- t) “Municipality” means the Corporation of the Municipality of West Grey;
- u) “Municipality of West Grey Garbage Tag” shall mean a tag or sticker purchased from the Municipality or its authorized agents, at a fee approved by Council, to be affixed to each waste container, or bag set out for collection by the Municipality, and “bag tag” or “garbage tag” shall have the same meaning;
- v) “Premises” means a full, self-contained dwelling unit or, in the case of commercial, industrial or institutional establishments, fully self-contained units, each with a separate external access;
- w) “Public Works Manager” shall mean the person appointed to that position by the Council or the Corporation of the Municipality of West Grey;
- x) “Recyclable” means those materials and items, which are accepted by the Municipality at the municipal waste disposal sites for collection, transfer and processing at a recycling centre or third party re-user;
- y) “Street” means any public highway, road, lane, alley, square, place, thoroughfare or way within the Municipality of West Grey;
- z) “Townhouse Complex” means a residential detached building or buildings in a development that has frontage on a private or public road and that consists of three or more attached dwelling units each of which has a separate entrance and which do not share a common internal hallway;
- aa) “Yard Waste” means all leaves, grass clippings, twigs and brush.

## Section 2 – Authority of Waste Management

- 2.1 All collection of waste and recyclable materials by employees of the Municipality or by contractors engaged by the Municipality shall be under the direction of the Public Works Manager, and the Municipality may determine the frequency of each type of collection provided, fee to be charged for collection, and the manner in which the fee is to be levied.

- 2.2 The Municipality shall have full authority to collect such waste and recyclable materials, as it considers appropriate, either by its own staff or by hired contractor, to enter into contracts for collection of such waste and recyclable materials, and to provide such collection service to such class or classes of premises as the Municipality, in its sole discretion, deems advisable.
- 2.3 The Municipality shall have full authority to prohibit certain types and classes of waste from being deposited at the landfill site, to require separation of materials, as it considers appropriate, and to levy fees for the depositing of certain types, classes and quantities of waste at the landfill site.

### Section 3 – Collection Procedures

- 3.1 The collection of household waste in, by and on behalf of the Municipality shall be made not more than once each week in the former Town of Durham; not more than once each week from June 1<sup>st</sup> to September 30<sup>th</sup> in Ayton, Elmwood and Neustadt; and bi-weekly in other areas of the Municipality, from each collection point. Collection of yard waste and large garbage shall take place on designated days as deemed necessary by the Public Works Manager.
- 3.2 Collection of blue box items shall be made bi-weekly, per residence, on the days and at the times to be determined, and published from time to time by the Municipality and/or contractor, subject to the provisions of this by-law.
- 3.3 All waste other than household waste and blue box items shall not be collected, but shall be separated according to the type of waste, delivered to the landfill site and placed in the appropriate location as directed by the landfill site attendant.
- 3.4 The collector shall collect only bags with bag tags attached.
- 3.5 The Municipality will not collect any quantities of waste material from apartment buildings, which shall have centralized storage and collection facilities and which shall make private arrangements for collection of waste.
- 3.6 Except by order of the Public Works Manager, no garbage collection vehicles owned by or under contract to the Municipality shall enter a privately owned driveway or roadway or lane or other private property for the purpose of collecting garbage or waste material. Such order shall not be given unless it is feasible and economical for the Municipality contracted haulers to so enter private property.
- 3.7 Every plastic bag or similar type bag, both inside accepted containers or alone, shall be securely tied to prevent spillage and shall be of sufficient thickness to eliminate tearing and the weight of the contents shall not cause breakage of the bag.
- 3.8 Every plastic bag or similar type bag must have attached and clearly visible a tag provided by the Municipality. The tag shall be securely wrapped around the bag and shall be attached end to end in order for the contractor to clearly recognize the lettering.

### Section 4 – Materials Not Collected by the Municipality

- 4.1 All materials not collected by the Municipality shall be disposed of as directed by the Public Works Manager, and at the expense of the consignee or owner of such materials so abandoned, condemned or rejected. The decision of the Public Works Manager shall be final as to the quantities and class of material in question.

- 4.2 The following materials shall not be collected by the Municipality:
- a) Any item which is eligible for collection in the blue box program;
  - b) Swill or other organic matter not properly drained or wrapped;
  - c) Liquid waste and pathogenic wastes from hospitals;
  - d) Hay, straw or manure;
  - e) Septic Sludge;
  - f) Any material which has become frozen to the receptacle and cannot be removed by shaking;
  - g) Industrial or trade waste including any abandoned, condemned or rejected product or by-product or waste material, builders' and contractors' refuse, and the stock of any wholesale or retail merchant;
  - h) Discarded truck and automobile parts and accessories from automotive service stations or similar automotive establishments or any other premises, apartment buildings or townhouse complexes;
  - i) Any material in receptacles or bundles which do not conform to the specifications set out in Section 5 of this by-law;
  - j) Discarded furniture or appliances, except during the days designated by the Public Works Manager for collection of large garbage;
  - k) Hot ashes or any waste materials capable of starting fires;
  - l) Explosive or highly combustible materials;
  - m) Sod, earth, brick, stone, building material or building rubbish, except from individual residences and in quantities of less than 40 lbs. per specified receptacle;
  - n) Carcasses or parts thereof of any dog, cat, fowl or any other creature, with the exception of bona fide kitchen waste.

#### Section 5 – Receptacles for Household Waste

- 5.1 All garbage or other refuse to be collected by or on behalf of the Municipality shall be placed and kept in receptacles or containers in accordance with the regulations of this by-law.
- 5.2 Except as otherwise provided, every householder shall provide sufficient receptacles of not more than 20 gallon capacity which, with the contents shall weigh not more than 40 lbs, and which are satisfactory to the Public Works Manager for the deposit of household wastes.
- 5.3 Receptacles shall be covered, watertight containers, with suitable handles.
- 5.4 Non-returnable plastic bags, maximum size of 26" x 36", capable of being lifted with 40 lbs. of contents, may be used.
- 5.5 Receptacles which are smaller at the top than the bottom, paper boxes, five-gallon paint cans, oil drums, lard cans, and other similar containers shall not be used.
- 5.6 No receptacle shall be filled above the top level, and all receptacles, except plastic bags, shall be provided with good water-tight covers which shall be properly placed and maintained on such receptacles at all times, so as to preclude ingress and egress of insects and pests, or the escape of odours.
- 5.7 All waste not authorized for collection by or on behalf of the Municipality shall be placed in a container suitable for pickup by private hauler and kept covered and in a good state of repair, or shall be delivered to the landfill site for disposal in accordance with the instructions of the landfill site attendant.

#### Section 6 – Preparation of Garbage for Collection

- 6.1 Household garbage must be drained of all liquid and securely wrapped before being placed in receptacles.

- 6.2 Garbage receptacles and all waste emanating from any building shall, at all times, be kept on a portion of the property owner's premises. All such receptacles and waste shall be placed at such points to be served on the days of collection as may be authorized by the Public Works Manager, in order to facilitate collection.

#### Section 7 – Placing Receptacles for Collection

- 7.1 Collection of garbage or other waste materials, by or on behalf of the Municipality, shall be made only in the areas and on the days, which are designated by the Public Works Manager.
- 7.2 Material set out for collection shall, unless otherwise instructed by the Public Works Manager, be placed as close as possible to the edge of the roadway without obstructing the roadway, sidewalk or footpath.
- 7.3 Material for collection shall be placed at the prescribed location for collection not later than 6:00 a.m., in the former Town of Durham and not later than 7:00 a.m. in other areas of the Municipality.
- 7.4 If garbage collection is not to be provided on proclaimed holidays, notification of the change in collection day may be provided by publication in a newspaper having general circulation in the Municipality.
- 7.5 Empty receptacles and all material, which the collector refuses, shall be removed from the street or from public property by the occupant of the premises from which it was taken before 8:00 p.m. on the day of collection.

#### Section 8 – Large Garbage Collection

- 8.1 Special collections may be provided to dwelling units in the Municipality, at times to be determined by the Public Works Manager, and the dates shall be advertised in advance in a newspaper having general circulation in the Municipality.
- 8.2 Material picked up will include items not included in normal weekly household waste collection, such as discarded household accumulation of furniture, clothing, and rubbish resulting from the cleaning up of grounds, branches and hedge trimmings, or from minor household repairs. Material not included in this collection are large quantities of waste building material and waste food products in excess of the amounts handled in regular garbage collections, yard waste, garden debris and household hazardous waste.
- 8.3 These special collections apply only to dwelling units and do not include commercial, industrial or institutional premises.

#### Section 9 – Landfill Sites

- 9.1 Access to the landfill sites shall be restricted to the following;
- a) Private property owners within the Municipality;
  - b) Building Contractors under contract to private property owners within the Municipality doing major renovations, construction, roofing etc.;
  - c) Industrial, Commercial institutions either by owner or by contractor/hauler under contract;
- 9.2 All access shall be within the normal hours of operation of the site as determined from time to time by resolution of , or during a time arranged with the Public Works Manager outside of normal hours of operation upon payment of the required fee.

- 9.3 A contractor/hauler who is collecting garbage and disposing of it in the Municipality landfill sites may operate only under the terms of a written contract between the Municipality and the collector/hauler.
- 9.4 All refuse must conform to Ministry of Environment Guidelines, must be separated and disposed of in accordance with the requirements of the Municipality in effect from time to time, and will be accepted at the sole discretion of the Municipality.
- 9.5 The Municipal Waste Disposal Sites referred to herein is located at Part Lots 16 & 17, Concession 7, in the former Township of Bentinck, County of Grey, Part Lot 7, Concession 14, in the former Township of Normanby, County of Grey, and Plan 505, Park Lots 4 & 7, Pt Park Lot D, RP 17R3582 Parts 8 & 9, in the former Town of Durham, County of Grey. The hours of operation are outlined in Schedule "A".
- 9.6 No person shall dispose of or cause to be disposed, waste at the Municipal Waste Disposal Sites that originates or is generated from a location or use outside of the municipal boundaries of the Municipality.
- 9.7 Persons shall dispose of permitted waste at the Municipal Waste Disposal Sites in accordance with the directions of the Landfill Attendant and in accordance with the provisions of this By-Law and Ministry of Environment.
- 9.8 No person shall deposit or cause to be deposited waste of any kind on any land, highway or street, watercourse, private or public property, in the Municipality, other than at the Municipal Waste Disposal Sites, or on lands designated as a waste disposal site by the Ministry of Environment.

#### Section 10 – Penalties & Enforcement

- 10.1 The By-Law Enforcement Officer is hereby authorized and empowered to enforce the provisions of this By-Law.
- 10.2 This By-Law shall not be effective to relieve, reduce or mitigate any person from compliance with any provisions of the Public Health Act or Environmental Protection Act or any regulations or order prescribed by the Medical Officer of Health or the Ministry of the Environment.
- 10.3 Any person guilty of an infraction or any provisions of this by-law shall, on conviction, pay a fine or penalty not exceeding five thousand (\$5,000.00) exclusive of costs, for each and every offence and such penalty shall be recoverable under the Provincial Offences Act. Upon conviction for any breach of the provisions of this by-law, the court of jurisdiction may make an order prohibiting the continuation or repetition of the offence by the offender and the offender may be denied entrance into the Municipal Waste Disposal Sites.

#### Section 11 – Schedule of Fees

- 11.1 The Waste Disposal fee rates outlined in Schedule "A", shall be applicable to all persons using the Municipal Waste Disposal Sites, unless specifically exempted by a resolution of Council.
- 11.2 Fees levied at the Municipal Disposal Sites shall be payable by cash or cheque at the corresponding waste disposal site, unless alternative arrangements are agreed upon by municipal office staff. Receipts will be issued by the Landfill Attendant for the charge levied to the operator of each vehicle using the facility and the duplicate copy along with the fees collected shall be submitted to the Municipal Office on a regular basis.

11.3 If the said fees remain unpaid on the last day of the month in which they were incurred, a statement of the outstanding amount will be issued from the office of the Treasurer. If the said fees remain unpaid at the end of the following month, interest at the rate of 1.25% will be added onto the original amount, and will continue to be added on the first day of each month thereafter, until the account is paid in full. If the account remains unpaid at December 31<sup>st</sup> of the year in which it was incurred it shall be added, in the following year, onto the tax roll of the property owner who incurred the debt.

Section 12 – Implementation

12.1 Schedule “A” and notations thereon attached hereto, are hereby declared to form part of this by-law.

12.2 That By-Law No. 23-2006 is hereby repealed.

12.3 The short title of this by-law shall be “Waste Disposal By-Law”.

12.4 This by-law shall be deemed to come into full force and effect on the date of its passing thereof.

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Read a first and second time this 21<sup>st</sup> day of May, 2009.

Read a third time and finally passed this 21<sup>st</sup> day of May, 2009.

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Kevin Eccles, Mayor

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Christine Robinson, CAO/Clerk

**SCHEDULE "A" TO BY-LAW NUMBER 34 - 2009**

**WASTE DISPOSAL FEES & HOURS OF OPERATION**

Hours of Operation

The hours of operation of the Municipal Waste Disposal Sites at the former Normanby and Bentinck are Saturdays, 8:00 a.m. to 4:00 p.m. and the former Town of Durham site are Tuesdays, Fridays and Saturday, 9:00 a.m. to 3:00 p.m., and Thursdays from 9:00 a.m. to 5:00 p.m.

Residential Materials

- |  |  |            |
|--|--|------------|
| 1. Vehicles with recyclable materials only<br>(i.e. corrugated cardboard, tin, glass, plastic, paper, clean dry wood, burning material, scrap metal) |  | N/C        |
| 2. Residential Household Garbage with bag tags   |  | N/C        |
| Residential Household Garbage without bag tags   |  | \$1.00/bag |

Industrial, Commercial & Institutional Materials & Other Materials (including unsorted Household materials)

- |  |               |                 |
|--|---------------|-----------------|
| 1. Vehicles with recyclable material only (i.e. cardboard, clean dry wood)   |               | N/C             |
|  | <u>Sorted</u> | <u>Unsorted</u> |
| 2. Industrial, Commercial & Institutional Materials,<br>And other materials (including unsorted Household Materials) | \$12.00/yd.   | \$20.00/yd.     |

Construction, Roofing & Demolition Materials

- |   |               |                 |
|---|---------------|-----------------|
| 1. Construction, Roofing & Demolition Materials | <u>Sorted</u> | <u>Unsorted</u> |
|   | \$24.00/yd.   | \$60.00/yd.     |

Materials are deemed to be sorted when clean, burnable wood, scrap metal, and any other material recycled by the Municipality, is separated from non-recyclable material and placed in the appropriate location at the waste disposal site. The determination of fees and what constitutes sorted or unsorted materials shall be at the sole discretion of the landfill site attendant.

Miscellaneous

- |  |         |
|--|---------|
| Toilets, sinks                                   | \$ 5.00 |
| Large Furniture (i.e. dining tables, mattresses) | \$10.00 |
| Small Furniture (i.e. chairs, coffee tables)     | \$ 5.00 |

Appliances

- |  |         |
|--|---------|
| 1. Refrigerators, Freezers, Air Conditioning Units,<br>Dehumidifiers or any other appliance, refrigerant not removed       | \$25.00 |
| 2. Refrigerators, Freezers, Air Conditioning Units,<br>Dehumidifiers or any other appliance, refrigerant certified removed | \$ 5.00 |
| 3. All others, including water tanks   | \$ 5.00 |
| 4. Small Appliances (computer, TV, microwave)  | \$ 2.00 |

Tires

- |   |         |
|---|---------|
| 1. Car tires, 15" or smaller, with rims removed | \$ 3.00 |
| 2. Car tires, 15" or smaller, with rims         | \$ 5.00 |
| 3. Tires larger than 16" with rims removed      | \$ 6.00 |
| 4. Tires larger than 16" with rims              | \$10.00 |
| 5. Truck Tires – 20" and over                   | \$15.00 |
| 6. Tractor Tires                                | \$20.00 |



**SCHEDULE "A" TO BY-LAW NUMBER 34 - 2009 (continued)**

**WASTE DISPOSAL FEES & HOURS OF OPERATION**

Contaminated Soil

1. Contaminated Soil \$60.00/cu. yd.

Contaminated soil is only accepted at the Municipal Waste Disposal Sites if it originates within the boundaries of the Municipality, and if it has the approval of the Ministry of Environment and Council.

Bag Tags \$1.00 per bag tag

Blue Box \$10.00 per blue box

E-Waste Materials \$2.00 each