

**(THE CORPORATION OF THE TOWNSHIP OF
OTONABEE-SOUTH MONAGHAN**

BY-LAW NUMBER 2021- 07

Being a By-law to provide for the collection, removal
And disposal of garbage for the Township of Otonabee-South Monaghan

WHEREAS The *Municipal Act*, S.O. 2001, c25, Section 5, provides that the powers of a municipality shall be exercised by its council and that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

WHEREAS the *Municipal Act*, S.O. 2001, c.25, Section 8, provides the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS the Municipal Act, S.O. 2001, c.25, Section 11(3), as amended, provides that a lower tier municipality may pass by-laws respecting waste management matters;

WHEREAS the goal of the Township of Otonabee-South Monaghan is to reduce waste through various public and private initiatives and thus minimize environmental impacts of waste disposal; and

WHEREAS the aim is to use the Landfill and/or Transfer Station in a sustainable manner so as to reserve the facility as long as possible for the benefit of the Township of Otonabee-South Monaghan;

AND WHEREAS the Township of Otonabee-South Monaghan deems it in the best interest to continue the establishment of and to maintain and regulate a system to collect and dispose of certain garbage and refuse within the Township of Otonabee-South Monaghan;

NOW THEREFORE The Municipal Council of the Township of Otonabee-South Monaghan **ENACTS** as follows:

SECTION 1.0 TITLE OF BY-LAW

This By-law may be cited as the "***Waste Collection & Disposal***" By-law

SECTION 2.0 APPLICATION

This By-law shall apply to the owners and occupants of all lands within the Municipality.

SECTION 3.0 SCOPE OF BY-LAW

- a) 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.
- b) If any provisions 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 served from the By-law and that the remainder of the By-law shall continue in full force and effect.

SECTION 4.0 DEFINITIONS

Unless the context requires otherwise:

- 4.1 ***Ashes*** shall mean any cooled solid residue of any household fuel after such fuel has been consumed by fire and includes soot, but shall not include ashes which accumulate as a result of building construction or demolition.
- 4.2 ***Backyard Composting*** shall mean is encouraged with the following household waste – fruit and vegetable peelings, egg shells, coffee grounds, ashes and any other organic matter. Composting information is available through the County of Peterborough.
- 4.3 ***Bag Limit*** shall mean the number of approved containers allowed for waste materials as defined or outlined in the program guidelines or by-laws.

- 4.4 **By-law** or **By-laws** except where indicated otherwise, includes this By-law and any amendments thereto including any Schedules forming any part of this By-law and amendments thereto, as enacted by the Council from time to time.
- 4.5 **Certificate of Approval** or **Provisional Certificate of Approval** or **Environmental Compliance Approval** shall mean a Certificate issued by the appropriate Provincial or Federal agency permitting the Township and/or County to operate a waste management system or waste disposal site and related activities.
- 4.6 **Collection Contractor** shall mean a company, person, corporation or partnership performing collection and haulage of waste under contract with the municipality.
- 4.7 **Collection Day** shall mean between the hours of **7:00 am** (0700 hours) and **7:00 pm** (1900 hours).
- 4.8 **Construction or Demolition Debris** shall mean waste which results from erection, alteration, or demolition of any structure or part thereof, including earth or stone from excavations.
- 4.9 **Container** (or **Bag**) shall mean a galvanized metal or plastic container for the storage and collection of garbage. One container shall mean one standardized size of garbage bag of dimensions of approximately 24 inches x 36 inches (61 cm x 91 cm) or 17 imperial gallons (77 L). No container shall weigh more than **30** pounds (13.6 kg).
- 4.10 **Council** shall mean the Council of the Township of Otonabee-South Monaghan.
- 4.11 **County** shall mean The Corporation of the County of Peterborough.
- 4.12 **Director/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 waste
- 4.13 **Dwelling** or Household shall mean a unit consisting of one or more rooms designed for use as a single housekeeping establishment.

- 4.14 **Garbage** (Household Waste) shall mean all rejected, abandoned, or discarded household waste, sweepings including that of animal origin.
- 4.15 **Garbage (Large)** shall include mattresses, crates, packing material, major appliances (refrigerators (once freon is removed), washers, dryers, stoves, etc.) ordinarily operated by gas or electric, large household furnishings such as all other large and/or bulky articles actually used in the home (chairs, sofas, tables, beds, carpets, etc.) and can be disposed of at the Landfill and/or Transfer Station.
- 4.16 **Hazardous Waste** or **Biohazardous or Household Hazardous Waste** or **Municipal Hazardous and/or Special Waste (MHSW)** shall mean any substance for household or commercial use that is dangerous, corrosive, flammable, poisonous or explosive, including but not limited to, those items listed in *Schedule "A"* to this By-law and any other similar material.
- 4.17 **Leaf and Yard Waste** shall mean items listed in *Schedule "A"* to this By-law.
- 4.18 **Non-Collectable Waste** or **Prohibited Waste** shall mean any waste or matter other than garbage and non-recyclable material as set out in *Schedule "B"* to this By-law.
- 4.19 **Non-Recyclable Waste** shall mean rags, sweepings, rubber, leather, crockery, shells, clothing, dirt, filth, and similar waste material.
- 4.20 **Recyclable Waste** shall mean the list of items as set out on the County of Peterborough's website (www.county.ptbo.ca).
- 4.21 **Re-use** shall mean the action of taking something and using it again.
- 4.22 **Scavenge** or **Salvage** shall mean to sort through and collect materials from recyclable materials, leaf and yard materials, household hazardous waste, bulky items, white goods or garbage, that has been deposited at a waste disposal site without permission.

- 4.23 **Street** shall mean any public highway, road, lane, alley, square, place, thoroughfare or way within the Township of Otonabee-South Monaghan.
- 4.24 **Township** shall mean the Corporation of the Township of Otonabee-South Monaghan
- 4.25 **Tree Limbs, Brush and Clean Wood** (over 1 1/2" in diameter) and these wastes can be disposed of at the Landfill and/or Transfer Station. Clean wood includes untreated lumber and wood products such as pallets and raw lumber, but does not include painted wood, treated wood, paneling, pressboard or similar products.
- 4.26 **Waste Disposal Site** or **Depot** or **Transfer Station** shall include any area of land designated as such to be used for the waste approved by the Ministry of the Environment and Climate Change.
- 4.27 **Waste** or **Solid Waste** or **Municipal Solid Waste** shall include recyclable materials, household hazardous waste, waste electronic or electrical equipment, source separated organics, leaf and yard material, bulky items, and garbage.

SECTION 5.0

SUPERVISION

- 5.1 The proper collection and disposal of garbage and non-recyclable waste 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.
- 5.2 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 Director and/or Supervisor is hereby authorized to take such steps as are in his/her judgement advisable and to report the matter at the first opportunity to the Township Administrator and/or the Township Council.

SECTION 6.0 COLLECTION PROCEDURE

- 6.1 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.
- 6.2 The collection of garbage and non-recyclable waste in, and on behalf of the Township, shall be made once each week from each collection point.
- 6.3 Material set out for collection shall normally be placed on the same side of the road as mailboxes are, or would be placed as close as possible to the edge of the road, or at the curb or on the boulevard or a public street in front of or adjacent to the residential or industrial establishment, without obstructing the roadway, sidewalk, mail delivery and/or snowplowing. The Director and/or 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 Director and/or Supervisor, written notice shall be given to affected property owner/resident
- 6.4 Material for collection shall not be placed beside 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 a.m.** on the "***collection day***".
- 6.5 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.

6.6 **Collection from:**

1. Any dwelling shall consist of a total of not more than **two (2) containers** as defined in Section 4.3, 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 4.3, per collection.

6.7 Notwithstanding Section 4.6 containers in excess of the limits established in Section 4.6 shall be the responsibility of the owner to take to the Landfill or Transfer Station and pay the required disposal fee.

6.8 Construction debris, major appliances and large household furnishings, and recyclable waste shall not be collected curbside by the Township but may be disposed of by an owner or tenant of land in the Township or his/her authorized agent at the Landfill or Transfer Station where charges will be assessed for the use of the site.

6.9 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 the Transfer Station Fees and Charges. 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.

6.10 Notwithstanding Section 4.14:

1. Recyclable Material will be accepted at the Township Transfer Station.

6.11 Notwithstanding Section 4.14 and 4.17 Garbage and Non-recyclable material may be disposed of by an owner or tenant of land in the Township, or his authorized agent, at the Township Transfer Station where charges will be assessed

SECTION 7.0 HOUSEHOLDERS' RESPONSIBILITIES

- 7.1 No person shall permit garbage, or other refuse matter to be blown or dropped from the premises occupied by that person or from a vehicle owned or operated by that person onto any land, street, roadway, lake, river, or other waterway, or other public property in the Township of Otonabee-South Monaghan.
- 7.2 No person shall sweep, throw, drop or place, or cause to be swept, thrown, dropped or placed, any garbage, or other refuse matter of any kind on any land, street, roadway, lake, river or other waterway, or other public property in the Township of Otonabee-South Monaghan except for and in the manner approved for collection as hereinafter provided.
- 7.3 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 Director and/or Supervisor.
- 7.4 Recyclable material must be separated from garbage and non-recyclable material and kept in receptacles or containers in accordance with the provisions herein.
- 7.5 Every household & business shall provide sufficient proper receptacles of not more than a maximum capacity of approximately standardized size of garbage bag of dimensions of approximately 24 inches x 36 inches (61 cm x 91 cm) or 17 imperial gallons (77 L). No container shall weigh more than **30** pounds (13.6 kg).

Receptacles shall have suitable handles, shall be kept dry and regularly disinfected. Receptacles which are smaller at the top than at the bottom shall not be used for the deposit of garbage and all receptacles therefore shall be circular or rectangular in construction and every householder shall maintain the said receptacles in proper order and repair for the dwelling occupied by said person.

Effective **January 11, 2021**, notwithstanding any other provisions of this By-law proper receptacles shall be deemed to be **clear** polyethylene plastic bags of minimum 1.5 gauge thickness, and sound condition, with maximum content of thirty (30) pounds (13.6 kg).

7.6 Pick-Up Limits - Households

Every clear polyethylene plastic bag may contain one (1) small privacy bag (shopping or grocery bag) for personal items.

Bags or receptacles, in excess of two (2) per collection shall **NOT** be collected by the collector.

7.7 Pick-Up Limits – Businesses

Bags or receptacles, in excess of four (4) per collection shall **NOT** be collected by the collector.

Every clear polyethylene plastic bag may contain one (1) small privacy bag (shopping or grocery bag) for personal items.

7.8 Every householder and business shall thoroughly drain all garbage, before placing it in receptacles or containers. No liquid materials shall be placed in receptacles or containers and receptacles and containers having such materials mixed with garbage shall not be emptied by the collector.

7.9 No householder or business shall allow garbage, or other refuse to accumulate upon any premises nor keep a garbage dump or receptacle or repository for waste materials on his/her premises, in such 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.

- 7.10 All garbage and non-recyclable material to be collected by the Township must be placed and kept in containers. 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.
- 7.11 On the days of collection all such receptacles shall be placed as close to the edge of the roadway without obstructing the roadway, sidewalk, or footpath and shall be placed in a position easily accessible to the collector and approved by the Director and/or Supervisor.

SECTION 8.0 COLLECTOR'S RESPONSIBILITIES

- 8.1 The person(s) employed as collectors shall follow the laid out routes and conform to all instructions as set out by the Collector. 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.
- 8.2 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. The collector shall not overload any truck nor allow any of the contents to fall therefrom and shall carefully gather up any refuse, which may have been spilled on the ground.
- 8.3 In no instances shall the collector be called upon to make collections from any point which, in the opinion of the Director and/or 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 4 of this by-law.
- 8.4 No salvaging of any description shall be conducted either on the collection routes or in and around the disposal area.
- 8.5 The Collector 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.

- 8.6 Except by order of the Director and/or Supervisor, no township vehicle shall enter a privately owned roadway or land or other private property for the purpose of garbage collection.
- 8.7 No Collector shall be required to enter any house, apartment house, or other building or ascend or descend any stairway or enter any elevator, hoist or loading platform for the purpose of garbage collection.
- 8.8 Where, in the opinion of the Collector, there are reasonable grounds to suspect that there is recyclable waste in any garbage container placed for collection, the Collector is authorized to open such container to ascertain the contents thereof. The garbage container will be tagged and the Collector shall not pick up the container.

SECTION 9.0 ADMINISTRATION

- 9.1 The Director and/or Supervisor is hereby authorized and required to do all things which are required or empowered to do under the provisions of this By-law or any other By-law of the Township relating thereto.
- 9.2 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 provision has been made or as to which the terms of this By-law are not clear, or which is in dispute, the Director and/or Supervisor is hereby authorized to take such steps as are in his/her judgement advisable and to report the matter at the first opportunity to the C.A.O. or designate.

SECTION 10.0 SCOPE, DEFRAYMENT, OR EXPENSE

- 10.1 The expense of the collection, removal and disposal of garbage and refuse from the Township of Otonabee-South Monaghan shall be borne by the owners or occupants of the land in the municipality.

SECTION 11.0 TRANSPORTATION OF REFUSE

- 11.1 Any person or persons carrying or taking garbage or other refuse to the Township Transfer Station in an uncovered vehicle of any kind shall at all times have and keep the said garbage or other refuse covered by a tarpaulin, canvas covering or other suitable covering, within a vehicle whose sides extend higher than the content therein, in such a manner as to prevent the said garbage or other refuse falling upon the streets or highways leading thereto.
- 11.2 The above provision shall apply when garbage or other refuse is being transported upon any highway, so defined by the Highway Traffic Act, within the Township of Otonabee-South Monaghan and upon any other such highway leading to the Township of Otonabee-South Monaghan transfer station provided, however that such regulation is not contrary to any regulation imposed by any other municipality or authority having jurisdiction over such other highway.
- 11.3 Any vehicle traversing the Township Transfer Station shall do so under the direction of the Director and/or Supervisor or the Transfer Station Attendant in charge of the site be directed or dispersed by said person in such a manner and to such place or position as he/she may deem fit, in order that the intent and purpose of this By-law may be carried out and the said Director and or Supervisor or Transfer Station Attendant may at any time refuse any person dumping or disposal privileges upon the said Site if his/her directions and instructions are not carried out in the satisfactory manner by such person. Such vehicles using the said Transfer Station shall do so at their own risk and shall save the Township harmless from any damages or claims which may arise from their use of the said site.
- 11.4 The decision of the Director and/or Supervisor or the Transfer Station Attendant shall be final.

SECTION 12.0 ENFORCEMENT AND PENALTY

- 12.1 For the purposes of this by-law, household garbage and non-recyclable waste shall not be collected unless the recyclable waste components have been separated and garbage is contained within clear bags.
- 12.2 **No** collection if visually more than **10%** of recyclable materials is contained within the container or clear bags.
- 12.2 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.
- 12.3 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 set out in the Provincial Offences Act.
- 12.4 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.
- 12.5 The Collector shall collect from each dwelling, business, educational, religious or municipal establishment only the number of bags as set out in section 6.6(1) and (2) hereof.

SECTION 13.0

- 13.1 This by-law shall come into full force and effect on January 11th, 2021 and that By-law 2007-21 is hereby repealed in its entirety.

Read a First time this 11th day of January, 2021.

Read a Second and Third time, signed and sealed with the Corporate Seal this 11th day of January A.D. 2021.

Mayor – Joe Taylor

Clerk – Heather Scott

SCHEDULE "A"

THIS IS SCHEDULE "A" TO BY-LAW NO. 2021-

Recyclable/Blue Box Materials Hazardous Waste or *Biohazardous* or *Household Hazardous Waste* or *Municipal Hazardous and/or Special Waste (MHSW)*

1. Recyclable/Blue Box Materials

List of items as set out on the County of Peterborough's website
(www.county.ptbo.ca)

The following materials are accepted for the purposes of recycling or reclamation and/or appropriate disposal at designated depots or the Transfer Station:

2. *MHSW* and/or *Household Hazardous Waste (HHW)* includes any household product, materials or item labelled as "corrosive" or "toxic"; "reactive"; "explosive"; "oxidizing"; "poisonous"; "infectious"; and or "flammable"; including but not limited to:

- Aersols (with contents);
- Antifreeze;
- Automotive fluid (all);
- Cosmetics/make-up;
- Fertilizers;
- Fuel/gasoline;
- Fire extinguishers;
- Flammable liquids and solids;
- Fluorescent light bulbs (compact and tubes);
- Halogenated pesticides;
- Ignitable gas cylinders;
- Inorganic acids, bases, cyanides and oxidizers;
- Isocyanides;
- Medications (all);
- Mercury switches;
- Non-basic fire suppressants;
- Non-ignitable gas cylinders;

- Non-PCB light ballasts;
- Non-halogenated pesticides;
- Oil/motor-oil;
- Oil-filters;
- Organics oxidizers;
- Paint and strain and paint sludge;
- Pool chemicals;
- Propane cylinders and small tanks (50 kg/100lb max)
- Sealants and glues;
- Soap and toiletries;
- Thinners;
- Any other item designated by the "**County**" to be "**MHSW**" (See www.county.ptbo.ca)

3. **Waste Electronic** and **Electrical Equipment** or "**WEEE**" includes:

- Televisions;
- Computers;
- Desktop monitors;
- Printers;
- Computer components;
- Photocopiers;
- Telephones;
- Tape and disk players;
- VHS/DVD players;
- Cameras;
- Ink jet cartridges;
- Cell phones and PDAs;
- Any other item designated by the "**County**" to be "**MHSW**" (See www.county.ptbo.ca)

4. **Leaf and Yard Material** includes but is not limited to:

- Leaves;
- Limited amounts of grass clippings (10% total volume);
- Garden roots and cuttings;
- Hedge and shrub trimmings;
- Brush cuttings;
- Twigs and branches;
- Christmas trees;
- Other plant material

Schedule "B"

THIS IS SCHEDULE "B" TO BY-LAW NO. 2021-

1. Any load containing more than 10% by volume of recyclable materials may be refused.
2. Any garbage not in clear bags may be refused or residents will be asked to re-bag at the Transfer Station.
3. **Controlled Waste** is prohibited from acceptance for disposal at the Transfer Station as it requires special handling. Inquiries regarding disposal may contact the Peterborough County/City Waste Management Facility. Controlled waste includes but is not limited to:
 - Asbestos, dry or slurry
 - Contaminated soil
4. **Prohibited Waste** is non-acceptable waste materials at the Transfer Station:
 - Pathological waste;
 - Pharmaceuticals including sharpies;
 - Manure originating from agricultural activity;
 - Sludge or any product from a Waste Treatment Plant