

CORPORATION OF THE TOWN OF SMOOTH ROCK FALLS

BY-LAW #2016-28

BEING A BY-LAW TO PROVIDE FOR THE COLLECTION AND REMOVAL OF SOLID WASTE IN THE TOWN OF SMOOTH ROCK FALLS

WHEREAS Section 8 of the Municipal Act 2001 confers 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 Section 10 of the Municipal Act 200 authorizes a municipality to pass by-laws to provide any service or thing that the municipality considers necessary or desirable for the public including the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the services and things that the municipality is authorized to provide;

AND WHEREAS Council wishes to establish policies for waste collection and to reduce the amount of waste being diverted to the municipal landfill site in order to create a greener environment and to expand the life of the municipal landfill site;

NOW THEREFORE, the Council of the Corporation of the Town of Smooth Rock Falls enacts as follows:

1. DEFINITIONS

In this by-law:

"Bins" means waste containers obtained through the municipality bearing a serial number which has been assigned to a specific property for the collection of waste;

"Condemned" means a bin which, in the opinion of an officer of the Municipality, is unsuitable for use due to condition or damage;

"Dwelling" means a building used or intended to be used for human habitation and in which all usual domestic functions may be carried on;

"Garbage" means any waste material that cannot be recycled but does not include any materials listed as special waste;

"Garbage Bag" means a bag manufactured from durable plastic that is strong enough to withstand normal handling and lifting, is free from rips or tears and is capable of being securely tied at the top;

"Municipality" means the Corporation of the Town of Smooth Rock Falls;

"Owner" means the registered owner of property, including leased premises, and the owner's agent or property manager, or any other Person having charge or control of the property, and shall include the occupant of a property or any portion thereof;

"Person" includes an individual, partnership or corporation;

"Property" means a store, office, warehouse, factory, building, house enclosure, or any other building together with its lands and other buildings;

"Recycle Materials" means Waste, other than Garbage or Special Waste, capable of being recycled, a list of which is made available to the public through the Town office.

"Special waste" means all wastes defined under Ontario Regulation 542/06, *MUNICIPAL HAZARDOUS OR SPECIAL WASTE*;

"Waste" means materials that are unwanted or unusable or of no value to someone which is discarded.

2. SERVICE ESTABLISHED

The Town of Smooth Rock Falls hereby establishes the service of municipal waste collection within its municipal boundaries, the conditions of which are set in this by-law.

3. APPLICATION

This by-law applies to the collection of waste within the boundaries of the Town of Smooth Rock Falls.

4. ADMINISTRATION

This by-law shall be administered by the Public Works Superintendent, or Chief Administrative Officer or any other official of the Municipality who may be appointed from time to time by the Municipal Council. The Town shall be responsible for the setting of tipping fees as identified in Schedule "A".

a. The Public Works Superintendent shall

- i. Ensure the proper delivery of waste collection services according to this By-Law;
- ii. Approve the disposal of special waste;
- iii. Approve the removal of material from the landfill site.

b. The Treasurer shall

- i. Invoice and collect the solid waste fees or charges related to waste diversion, collection and disposal as outlined in Schedule "A";
- ii. Implement enforcement provisions for outstanding fees or charges;
- iii. Charge interest on any uncollected fees or fines as per the Town's interest charge policy.

c. The Waste Collection Personnel shall

- i. Ensure the proper removal of waste from curbside;
- ii. Report any bins that are not kept in good repair;
- iii. Report any misuse of bins including garbage being disposed of in recycling bins and recycling being disposed of in garbage bins.

For the purposes of providing the service, the Town may utilize its own labour and equipment or the labour and equipment of a third party contractor when necessary.

d. The Landfill attendant shall

- i. Direct the public to ensure the proper disposal of special waste material at the Landfill Site;
- ii. Ensure people attending the landfill site are authorised to do so by providing proper documentation.

e. The By-law Enforcement Officer shall

- i. Enforce this By-Law and Issue Fines when provisions of this By-Law are not complied with.

5. COLLECTION

Only waste generated within the Town boundaries shall be collected. Waste collection is a service offered by the Municipality for its residents and constitutes the collection of waste from approved bins. Any additional services shall be approved by the Public Works Superintendent and charged at a rate specified in the Schedule "A" attached hereto.

a. Collection Days

- i. A collection schedule indicating collection days shall be prepared annually and made available to the public.
- ii. If a collection day falls on a public holiday, the collection day shall fall on the next regular business day where the truck is available. The public shall be notified of such instances at least 48 hours in advance.
- iii. In the event of a breakdown, the Town shall make every effort to maintain the regular collection schedule including contracting out services to a third party; if not able to, the collection day shall fall on the next regular business day where the truck is available. The public shall be notified of such instances at least 48 hours in advance or as soon as the break in service occurs through a mail out and social media.

b. Collection Bins

Each property within the Municipality shall be provided with waste bins. An owner may make an application to the Town for additional bins. The application shall be reviewed and an assessment shall be made to determine if additional bins are required. Any approved additional bins shall be obtained at the cost of the owner.

- i. All bins shall have a serial number which shall be assigned to a specific property. Only waste contained in bins having a serial number assigned by the municipality shall be collected.
- ii. Only recyclable material shall be included in the recycling bin and shall be placed loosely and in such a way as to promote easy emptying
- iii. Only garbage shall be included in the garbage bin and shall be placed loosely and in such a way as to promote easy emptying.
- iv. Owners shall maintain in proper order and repair the approved bins. Bins may be inspected at any time and may be deemed condemned by an officer of the Municipality. Condemned bins shall be replaced at the expense of the Owner with approved municipal bins. Bins that have been condemned shall not be emptied by the municipality.
- v. The Municipality shall not be responsible for the replacement or repair of any bins, containers, or lids damaged or lost for any reason whatsoever.
- vi. All replacement bins are to be purchased from the Municipality.
- vii. No Person shall set out a receptacle or container for collection, and no Owner shall allow or permit a Person to set out a receptacle or container for collection, that:
 - (a) is not an approved bin as provided and required by this by-law;
 - (b) is unsightly to the neighbouring environment;
 - (c) emits strong, foul or offensive odour;
 - (d) harbours or attracts rats, other vermin or insects;
 - (e) contains waste that falls out of or protrudes from it;
 - (f) is unclean or unsanitary;
 - (g) is damaged to the extent that it is unsafe to manoeuvre;
 - (h) contains Recyclable Materials, if the Bin is designated for Garbage;
 - (i) contains Garbage, if the Bin is designated for Recyclable Materials; or,
 - (j) contains Special Waste.

c. Non-Collection

- i. The Town's waste collection system shall not include the collection of special waste unless specifically permitted by the Superintendent;
- ii. Items identified as special waste shall be disposed of in an appropriate manner at the owner's expense and in compliance with all Federal, Provincial and Municipal laws.
- iii. The Municipality reserves the right to suspend collection services from commercial property or residential properties where the bins or containers or the location for bins or containers are contrary to the provisions of this Bylaw.

d. Waste to be removed

No person shall place a bin for collection, unless it meets the following requirements:

- i. Both recycling bins and garbage bins shall be placed curbside facing the street, 2 feet apart and at least 2 feet from any obstruction.
- ii. Bins shall not be placed on a sidewalk.
- iii. Bins shall not be placed on snow banks.
- iv. Bins shall not be placed in front of another's property unless specific permission has been given by the property owner.
- v. Bins shall be placed at curbside in such a manner as to not interfere with the ordinary travel or parking of vehicles and passage of pedestrians.
- vi. The owner or occupant of the dwelling or business shall be responsible for the placement and removal of their property's bins.

- vii. Collection bins shall only be placed at the curbside on collection days prior to 7:00am and no more than 12 hours from collection time, and shall be promptly removed within 12 hours of collection.

A bin shall be considered to be set out for collection where it has been placed or stored within 1 meters of a roadway.

e. Landlords

The owner of every apartment, apartment building and rental property are responsible for their property and shall ensure that their tenants comply with every requirement of this by-law. Failure to do so may result in charges being added to their property taxes.

f. Special Cleaning Events

The Municipality may, at its discretion, declare special clean-up events from time to time, as it deems necessary. The Public Works Superintendent shall ensure proper notice of the special clean-up event and the rules for participating in the event.

g. Oversized item

It is the responsibility of the Owner to dispose of oversized items in an appropriate manner and in accordance with Federal, Provincial and Municipal legislation.

h. Waste Preparation

- i. Waste shall not be placed in bins or containers in such a manner as to prohibit the closing of the attached covers or packed in such a way as to prevent the contents from emptying easily.
- ii. Waste shall be stored and placed in a sanitary and inoffensive manner, and in a way that will not create a nuisance or harm or injure a person.
- iii. No person shall dispose of waste in another's waste bin without the owner's express permission.

iv. Garbage

- (a) All wet garbage, including animal waste, shall be thoroughly drained and wrapped in paper and sealed in plastic bags before being placed in a garbage bin and in such a way as to avoid spillage.
- (b) All garbage placed in a bin shall be contained within one or more garbage bags.

v. Recycling

- (a) Clean recyclables shall be placed directly in the recycle bins.
- (b) Cardboard crates, cartons and all other similar containers shall be broken down and compacted flat before being placed in the recycling bin.
- (c) Only items specified in Schedule "C" shall be recycled.

6. LANDFILL

a. Landfill Access

The municipal landfill site shall be open to the public two days per week as set out in the annual schedule to allow the public to dispose of excess waste, special waste(where allowed), and oversized objects. Paperwork including a landfill card or receipt for the disposal of such objects shall be provided to the landfill attendant when required. Failure to provide a landfill attendant with proper paperwork may result in the refusal to accept waste and/or a fine.

b. Order to leave

An officer of the Municipality may require an individual to leave the municipal landfill site if the individual is conducting illegal activities, has no lawful reason to be at the municipal landfill site or is harassing another individual or wildlife or is performing acts contrary to this by-law. If the individual refuses to leave, an officer of the law may be called for assistance and a fine may be issued.

c. Scavenging

No person unless authorized by the Public Works Superintendent, shall pick over, remove or scatter any waste once it has been deposited in the municipal landfill site.

d. Special Waste and Stewardship Bins

Certain special waste can be brought to the landfill site where they are disposed of in specific areas or special bins. No Person shall dispose of Special Waste in a place that has not been designated for that type of waste.

7. REGULATION

- a. No person shall store or dispose of waste in the municipality except in accordance with this bylaw or where specific permission has been given and all other applicable enactments are complied with.
- b. No person shall dispose of garbage, refuse, trade waste, uncollectible waste, recyclables, or demolished buildings on any public property or on a private property unless approved for the use as fill.
- c. No person shall store waste on their property, and no owner shall allow or permit the storage of waste on their property, unless it:
 - i. is not unsightly to the neighbouring environment;
 - ii. does not emits strong, foul or offensive odour;
 - iii. does not harbours or attracts rats, other vermin or insects;
 - iv. is in a closed bin or other container, and does not contains waste that falls out of or protrudes from the bin or container; and,
 - v. is in a sanitary manner;
- d. No person shall scavenge or remove material from the waste bins unless they are expressly authorised to do so by the owner.
- e. The Owner or occupier of property shall be responsible for the clean-up of any spillage and/or excess waste from their garbage and/or recycling bins, and shall remove any spillage and/or excess waste within 12 hours of collection.
- f. Where a bin has been stored or set out for collection in contravention of a provision of this by-law, the Municipality may seize and remove the bin, and the costs of a replacement bin shall be paid prior to the resumption of service
- g. It is the responsibility of every property owner to ensure that the recycling of recyclable materials is being conducted. Owners may be charged for not recycling recyclable materials.

8. FEES

a. Collection fees

The owner or occupant of each separately assessed parcel of land shall pay a waste collection fee which shall be added to the owner's property taxes.

b. Waste and Landfill disposal Fees

Waste and landfill disposal fees are set by the municipality as per Schedule "A" attached hereto.

9. ENFORCMENT

- a. A Bylaw Enforcement Officer and any other officer appointed by the municipality to administer this Bylaw may enter upon, at a reasonable times, any property in order to ascertain whether the regulations and provisions of this Bylaw are being, or have been, complied with as per the Town's Power of Entry By-Law; No person shall obstruct, interfere with, or hinder in any way, an Officer exercising his or her authority to enter private property.
- b. The Municipality reserves the right to not remove waste that does not comply with the terms set in this By-Law. The owner shall be responsible for the proper disposal of such waste. Should the Town deem it necessary to remove the waste from a private property, the cost of the removal of such waste material shall be charged back to the individual which may be added to the property taxes for collection.

10. OFFENCES AND PENALTIES

- a. Every person who contravenes a provision of this bylaw, or permits a contravention of this bylaw, is guilty of an offence and is liable to a fine of not less than \$100.00 and not exceeding \$5,000.00, exclusive of costs ordered through court as identified in Schedule "B".
- b. Where an offense against any provision of this Bylaw is of a continuing nature, a separate offense shall be deemed to occur on each day that the offense occurs or continues.
- c. The Town may suspend the provision of the service to real property for which the owner and/or occupier is in contravention of this bylaw, but the suspension shall not affect the fees payable in respect of the real property under this bylaw.
- d. No action or other proceeding for damages shall be instituted against any Town employee or Town contracted employees for any act done in good faith, in execution of any power or duty under this by-law.
- e. Any costs and or fines resulting from a person refusing to comply with this By-Law shall be paid within 30 days. Any unpaid fines shall be recovered in the same manner as municipal taxes.

11. SCHEDULES

The following schedules attached hereto are hereby made part of this Bylaw:

Schedule "A" – Annual Fees and Disposal Fees

Schedule "B" –Fines, Charges and actions

Schedule "C" – Recyclable Materials

12. SERVIABILITY

If any part of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

13. SHORT TITLE

This by-law may be referred to or cited as the "Waste Management By-Law".

14. REPEALS

That By-Law # 95-01 is hereby repealed.

15. EFFECTIVE DATE

This by-law comes into force on the day on which it is passed.

READ THIS FIRST AND SECOND TIME this 7 day of November, 2016.


MAYOR – Michel Arseneault


CLERK – Veronique Dion

READ A THIRD AND FINAL TIME this 7 day of November, 2016.


MAYOR – Michel Arseneault


CLERK– Veronique Dion

Schedule "A" to By-Law #2016-28; A by-law to provide for the collection and removal of solid waste in the Town of Smooth Rock Falls, enacted on November 7, 2016.

Annual Fees and Disposal Fees

Associated Disposal Fees	SRF Residential Fee	Non-Residential Fee
1. Private Passenger Vehicle – Car, Mini-van, Small SUV Up to ¾ Ton Pick-up Truck, Full Size Van, or Single-axle Utility Trailer	Covered by Annual Permit (\$30.00)	Covered by Annual Permit (\$100.00)
2. Tandem-axle Trailer (Heavy Utility Trailer)	Covered by Annual Permit	\$190.00
3. Single-axle Truck (Maximum 5 ton capacity)	\$300.00	\$550.00
4. Tandem-axle Dump Truck or Single-axle Packer (i.e. Garbage Truck)	\$395.00	\$790.00
5. Tri-axle Dump Truck, Tandem-axle Dump Truck with pup, or Tandem-axle Packer (i.e. Garbage Truck)	\$500.00	\$900.00
6. Tractor-trailer	\$1200.00	\$2400.00
7. Roll-off Box	\$20.00 / cubic yard	\$30.00 / cubic yard
8. Tires (each) Passenger, large truck, heavy equipment, off-road – no rim Passenger, large truck, heavy equipment, off-road – rim Not included – tires on toys, bicycles, personal motor devices, aircraft	Covered by Annual Permit	Covered by Annual Permit
9. Freon Evacuation (items also require a disposal fee) (i.e. air conditioner, freezer, refrigerator, dehumidifier)	\$40.00	\$80.00
10. Brush (i.e. shrubs, hedges, trees, large branches (greater than 1.5" diameter), stumps, roots, timber and logs)	Tipping fees apply	Tipping fees apply
11. Leaf and Yard Waste (i.e. plants and flowers, compost, leaves, grass clippings, small branches (less than 1.5" diameter) and tree/shrub trimmings)	Covered by Annual Permit	N/A
12. Christmas Trees (Expires January 31 st , after the Christmas holiday)	Covered by Annual Permit	N/A
13. Contaminated Waste (Hydrocarbons)	\$300.00	\$400.00
14. Asbestos (minimum \$500.00)	100\$ / Bag + Admin Fees	100\$ / Bag + Admin Fees
Additional Service Fees		
Special pick-ups	Cost of performing the service	
Landfill open on non-operation days	Cost of performing the service	

Schedule "B" to By-Law #2016-28; A by-law to provide for the collection and removal of solid waste in the Town of Smooth Rock Falls, enacted on November 7, 2016.

Fines, Charges and Actions

Offence	Section	Fine, Charge or Action
Failure to replace condemned bins	5.b.iv.	A fine of \$100.00 shall be issued; Non-collection of waste shall occur.
Set out a non-approved bin	5.b.vii.(a)	Non-collection of waste shall occur.
Set out a bin that is unsightly to the neighboring environment	5.b.vii.(b)	A fine of \$100.00 shall be issued.
Set out a bin that emits strong, foul or offensive odour	5.b.vii.(c)	A fine of \$100.00 shall be issued; Non-collection of bins shall occur.
Set out a bin that harbours or attracts rats, other vermin or insects	5.b.vii.(d)	A fine of \$100.00 shall be issued; Non-collection of bins shall occur.
Allowing waste to fall out of or protrude from bins	5.b.vii.(e)	A fine of \$100.00 shall be issued; Non-collection of bins shall occur.
Failure to maintain bins in a clean and sanitary manner	5.b.vii.(f)	A fine of \$100.00 shall be issued; Non-collection of bins shall occur.
Setting out a bin that is damaged to the extent that it is unsafe to manoeuvre;	5.b.vii.(g)	The bin shall be deemed as condemned and an order to replace the bin shall be issued.
Setting out Recyclable Materials, in a Bin that is designated for Garbage	5.b.vii.(h)	A fine of \$100.00 shall be issued; Non-collection of bins shall occur; If noticed after collection, the cost of separating the material shall be charged.
Setting out Garbage, in a Bin that is designated for Recyclable Materials	5.b.vii.(i)	A fine of \$100.00 shall be issued; Non-collection of bins shall occur; If noticed after collection, the cost of separating the material shall be charged.
Setting out Special waste in collection bins.	5.b.vii.(j)	A fine of \$100.00 shall be issued. Non-collection of bins shall occur; If noticed after collection, the cost of separating the material shall be charged.
Improper placement and removal of bins	5.d.	A fine of \$100.00 shall be issued and an order rectify issue shall be issued.
Failure to dispose of oversized items in an appropriate manner	5.g.	A fine of \$150.00 shall be issued and an order rectify issue shall be issued.
Improper waste preparation	5.h.	A fine of \$150.00 shall be issued and an order rectify issue shall be issued.
Dumping at the landfill site without proper paperwork	6.a.	A fine of \$250.00 shall be issued plus cleanup costs if not cleaned by offending individual shall be charged.
Failure to comply with an order to leave from the landfill site	6.b.	A fine of \$250.00 shall be issued plus any enforcement costs incurred shall be charged.
Scavenging (Landfill)	6.c.	A fine of \$150.00 shall be issued.
Failure to dispose of special waste in appropriate area	6.d.	A fine of \$250.00 shall be issued plus the cost of separating items shall be charged.
Improper disposal of waste on public or private property	7.b	A fine of \$200.00 shall be issued plus cleanup costs shall be charged if not cleaned by offending individual.
Improper storage of waste	7.c.	A fine of \$100.00 shall be issued and an order rectify issue shall be issued.
Scavenging (Private Property)	7.d.	A fine of \$150.00 shall be issued.
Failure to remove spillage and excess waste not picked up	7.e.	A fine of \$150.00 shall be issued plus Cleanup costs if not cleaned by offending individual

Schedule "C" to By-Law #2016-28; A by-law to provide for the collection and removal of solid waste in the Town of Smooth Rock Falls, enacted on November 7, 2016.

Recyclable material

An exhaustive list of recyclable material shall be dependent of the recycling facility and shall be obtained from the recycling facility.

This list shall be made available to the public upon request.

Cardboards and Papers

Newspapers and flyers
Corrugated cardboard
Boxboard
Telephone books and directories
Fine paper
Advertising mail
Egg cartons (paper)
Paper cores
Kraft/paper bags
Hard and soft cover books
Other clean paper packaging

Plastics and Foams

In order to identify which plastic containers are recyclable, please look on the underside or side of the container for one of these symbols:



Glass

Clear and colored glass jars and bottles

Metals

Steel/aluminum food trays and plates
Aluminum beverage cans
Aluminum foil
Metal lids
Empty aerosol containers