

THE CORPORATION OF THE TOWN OF SMOOTH ROCK FALLS

BY-LAW # 2024-44

Being a By-Law to Provide for the Collection and Removal of 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 2001*, 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 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 Council of the Corporation Town of the Smooth Rock Falls enacts as follows:

1. SHORT TITLE

This by-law may be cited as the "**Waste Management By-Law**".

2. SCOPE

2.1 The provisions of this by-law shall apply to persons, lands, structures and uses within the boundaries of the Corporation of the Town of Smooth Rock Falls.

2.2 No person shall dispose of, or cause to be disposed of, any waste, refuse or garbage except in conformity with the provisions of this by-law.

2.3 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 Minister of the Environment.

3. DEFINITIONS

In this By-law:

"Ashes" means the solid residue left from any fuel used for heating or cooking, including soot or other deposits removed from chimneys, fireplaces, or heating appliances.

"Automated Cart Collection" means a type of collection truck equipped with a mechanical arm controlled by the operator, enabling the pick-up and emptying of a roll-out cart without the need for manual handling of the refuse.

"Condemned" means a roll-out cart deemed unsuitable for use by a municipal officer due to its condition or damage.

"Construction Material" means waste generated from construction activities that is too large, bulky, or heavy to be disposed of in standard garbage bags or containers.

"Curb" shall mean the border along the edge of a road.

“Curbside Collection” means the collection of curbside roll-out cart by the municipality or third-party contractor in eligible areas as defined by the municipality.

“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 Hazardous and Special Waste.

“Hazardous and Special Products” means any and all residential hazardous waste originating from a place of residence, including but not limited to: caustics, acids, aerosols, used motor oil, household batteries, automotive batteries, poisons, pesticides, paint, reactive waste and sharps (needles), fluorescent lights, propane tanks, foam insulation tanks, helium tanks.

“Non-collectible Waste” means waste that is not collectible curbside and includes the following:

- a) Explosives, dynamite caps, ammunition, firearms, and any other highly flammable or volatile substances of any nature whatsoever;
- b) Liquid or gaseous wastes;
- c) Biomedical waste including waste generated by human health and residential materials such as needles, or syringes with needles, scalpels, blades, disposable scissors, suture equipment, stylets and trocars, broken test tubes, and glass that may contain human blood, fluids and tissues with pathogens that could cause harm to personnel handling them;
- d) Organic material, including wet waste and animal feces which has not been drained of all liquids and wrapped;
- e) Carcasses or parts thereof of any animal or other creature, except kitchen and table waste from a household;
- f) Construction materials including broken plaster, lumber, broken concrete, excavated material or other waste resulting from the construction, alteration, repair, demolition or removal of any building or structure;
- g) Discarded trucks, automobiles, and other vehicles and that parts thereof, or accessories thereto, including tires and rims;
- h) Septic tank pumping’s raw sewage sludge and industrial sludge;
- i) Trees and stumps, including tree branches, creosote treated timbers or poles;
- j) Asbestos;
- k) Sawdust or wood shavings in quantities of more than 0.1 cubic meter;
- l) Petroleum soaked rags;
- m) Industrial and hazardous waste as described in the Regulations to the Environmental Protection Act, R.R.O. 1990, Reg. 347
- n) Radioactive waste;
- o) Sharps;
- p) Household or office furniture;
- q) Mattresses; or
- r) Road salt and sand.

“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.

“Roll-out Cart” means a roll-out cart obtained through the municipality bearing a serial number which has been assigned to a specific property and is complete with wheels, a lid and nestable catch bar required for proper automated dumping function.

“Town” means the Corporation of the Town of Smooth Rock Falls.

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

4. APPLICATION

This by-law shall apply to any and all properties within the geographical limits of the Town of Smooth Rock Falls.

5. ROLES AND RESPONSIBILITIES

The administration of this by-law shall be overseen by the Public Works Coordinator, the Chief Administrative Officer (CAO), or any other municipal official as appointed by Council.

5.1 Public Works Coordinator

- a) Ensure the proper delivery of waste collection services in compliance with this by-law.
- b) Approve the disposal of special waste, subject to relevant regulations and guidelines.
- c) Authorize the removal of specific materials from the landfill site in accordance with operational policies.

5.2 Chief Administrative Officer (CAO)/Treasurer

- a) Issue and collect fees related to solid waste services, including diversion, collection, and disposal charges as outlined in the Town’s User Fees By-law, as amended from time to time.
- b) Enforce collection of outstanding fees and charges through applicable provisions.
- c) Apply interest to overdue accounts in accordance with the Town’s User Fees By-law.

5.3 Waste Collection Personnel

- a) Ensure the efficient and proper removal of waste from designated curbside locations.
- b) Report roll-out carts that are in need of repair or are not maintained in good condition.
- c) Identify and report any improper use of roll-out carts, such as disposal of recyclable items in waste roll-out carts.

For the provision of these services, the Town may utilize its own personnel and equipment or, when necessary, engage the services of a third-party contractor to fulfill operational needs.

5.4 Landfill Site Attendant

- a) Guide the public to ensure the correct disposal of special waste materials at the landfill site, in accordance with by-law requirements.
- b) Verify that individuals entering the landfill site are authorized to do so by checking appropriate documentation.

5.5 By-Law Enforcement Officer

- a) Enforce this By-law and issue fines for any violations of its provisions, ensuring compliance and adherence to all stipulated requirements.

6. COLLECTION

Only household waste generated within the Town boundaries shall be eligible for municipal collection services. Waste collection is provided exclusively for Town residents and includes the removal of waste from approved roll-out carts. Any additional services must receive prior approval from the Public Works Coordinator and will be charged at the rates specified in the Town's "User Fee By-Law", as amended from time to time.

6.1 Collection Days

- a) An annual waste collection schedule, detailing collection days, shall be prepared and made accessible to the public.
- b) If a scheduled collection day coincides with a public holiday, collection will occur on the next regular business day when the collection vehicle is available. The public will be notified of such changes at least 48 hours in advance via social media channels.
- c) In the event of a breakdown, the Town will make every effort to maintain the regular collection schedule. If collection cannot proceed as scheduled, it will occur on the next regular business day or as soon as the collection vehicle becomes available. The public will be notified of such delays at least 48 hours in advance, or as soon as the service interruption occurs, through social media updates. Should the breakdown extend beyond two days, the Town will make every effort to contract a third-party service to resume waste collection promptly.

6.2 Collection Roll-out carts

- a) Each property within the Municipality shall be provided with an approved waste roll-out cart. Property owners may apply to the Town for additional roll-out carts, which will be reviewed and assessed for necessity. If approved, any additional roll-out carts will be supplied at the owner's expense to ensure full cost recovery.
- b) Each roll-out cart shall be assigned a unique serial number, registered to a specific property and the current owner shall not remove it from the registered address upon moving. In the event a property owner relocates and takes the roll-out cart, the new owner will be required to obtain a replacement roll-out cart at 50% of the standard cost.
- c) Property owners are responsible for maintaining approved roll-out carts in proper condition and repair. Roll-out carts are subject to inspection at any time and may be deemed condemned by a Municipal Officer if found unsuitable for use. Condemned roll-out carts must be replaced by the owner with approved municipal roll-out carts, ensuring full-cost recovery. The municipality will not empty condemned roll-out carts.
- d) Property owners are required to store roll-out carts in a garage, backyard, outdoor storage unit, covered porch, balcony, or alongside the premises until the designated collection day. Owners or occupants are responsible for ensuring the security of their roll-out carts at all times.
- e) Roll-out carts that are damaged by Town snow removal equipment or waste collection truck will be repaired or replaced at no cost to

the owner, provided that the Public Works Coordinator or their designate determines that the damage occurred despite the owner's compliance with all provisions of this by-law.

- f) The Municipality shall not be responsible for the replacement or repair of any roll-out carts, container, or lids damaged or lost for any reason whatsoever with the exception of the circumstances outlined in Section 6.2 (e).
- g) All replacement roll-out carts must be purchased from the Municipality at the rate specified in the Town's User Fees By-Law, as amended from time to time.
- h) No person shall set out, nor shall any owner permit the setting out of, any receptable or container for collection that:
 - a. Is not an approved roll-out cart as specified in this by-law
 - b. Is unsightly or detracts from the surrounding environment
 - c. Emits strong, foul, or offensive odours
 - d. Attracts or harbors rats, vermin, or insects
 - e. Contains waste that protrudes from or falls out of the container
 - f. Is unclean or unsanitary
 - g. Is damaged to the extent that it is unsafe to handle or manoeuvre
 - h. Contains recyclable materials
 - i. Contains hazardous or special waste

7. Preparing Waste for Collection

- 7.1 Only waste in roll-out carts with an official serial number assigned by the Municipality will be collected.
- 7.2 Only household waste is allowed in the roll-out cart, and it must be placed loosely to facilitate efficient emptying. Loose bags or any waste placed outside the roll-out cart will not be collected.
- 7.3 The owner shall ensure that all plastic bags containing waste are securely tied or otherwise sealed when set out for collection.
- 7.4 The owner shall ensure that the roll-out cart lid is fully closed once loaded with collectible waste.
- 7.5 The owner shall ensure all waste is drained of all liquids and securely wrapped and deposited in the Town's approved roll-out cart.
- 7.6 The owner shall not place in a roll-out cart, any sharp objects, broken glass, and cutlery without it being securely wrapped with materials, so that no sharp object or broken glass can cause injury.
- 7.7 Waste shall not be placed in roll-out carts 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 content from emptying easily.
- 7.8 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.

- 7.9 No person shall dispose of waste in another's waste roll-out cart without the owner's express permission.
- 7.10 All wet garbage, including animal waste, shall be thoroughly drained, wrapped in paper and sealed in plastic bags before being placed in a garbage roll-out cart to prevent spillage and maintain cleanliness within the container.
- 7.11 All garbage placed in a roll-out cart shall be contained within one or more garbage bags.

8. Non-Collection

- 8.1 The Town's waste collection system shall not include the collection of hazardous or special waste unless specifically permitted by the Public Works Coordinator.
- 8.2 Items identified as hazardous or special waste shall be disposed of in an appropriate manner at the owners expense and in compliance with all Federal, Provincial and Municipal laws;
- 8.3 Roll-out carts that contain any of the "non-collectible waste" items per Section 3 of this by-law will not be collected. These items are the responsibility of the owner and the owner shall find proper means of disposing of non-collectible waste.
- 8.4 The Municipality reserves the right to suspend collection services from commercial or residential properties where the roll-out carts or containers or the location for roll-out carts or containers are contrary to the provisions of this by-law.

9. Where and when to place the roll-out carts

- 9.1 Roll-out carts shall be placed curbside with the wheels and handle facing the dwelling for the automated collection arm to work properly.
- 9.2 Roll-out carts shall be placed curbside facing the street, 2 feet apart from any other roll-out cart and at least 2 feet from any obstruction.
- 9.3 Roll-out carts shall not be placed on a sidewalk.
- 9.4 Roll-out carts shall not be placed on snowbanks.
- 9.5 Roll-out carts shall not be placed in front of another's property unless specific permission has been given by the property owner.
- 9.6 Roll-out carts 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.
- 9.7 The owner or occupant of the dwelling or business shall be responsible for the placement and removal of their property's roll-out carts.
- 9.8 Collection roll-out carts shall be placed at the curbside no earlier than 12 hours before the designated collection time and no later than 7:00 a.m. on collection day. Carts must be promptly removed within 12 hours after collection.

10. Landlords

- 10.1 The owner of any apartment, apartment building, or rental property is responsible for ensuring that their property and tenants remain in full compliance with all provisions of this by-law. Non-compliance may result in charges being applied to the property owner's tax account.

11. Special Cleaning Events

- 11.1 The Municipality may, at its discretion, declare special clean-up events as deemed necessary. The Public Works Coordinator shall ensure proper notice of the special clean-up event and the rules for participating in the event.

12. LANDFILL

12.1 Landfill Access

The municipal landfill site will be open to the public two days per week, as outlined in the Smooth Rock Falls Landfill Site Operational Plan, to allow for the disposal of excess waste, special waste (where permitted), and oversized items. Required documentation, including a landfill card or receipt, must be presented to the landfill attendant when requested. Failure to provide the required documentation will result in refusal of waste acceptance and may lead to the issuance of a fine.

12.2 Order to Leave

The Landfill Site Attendant may require an individual to leave the municipal landfill site if they are engaged in illegal activities, lack a lawful purpose for being on-site, are harassing other individuals or wildlife, or are acting in violation of this by-law. If the individual refuses to comply, law enforcement assistance may be sought, and a fine may be issued.

12.3 Scavenging

No individual shall sort through, remove, or disperse any waste after it has been deposited at the municipal landfill site unless expressly authorized by the Public Works Coordinator.

12.4 Special Waste

Certain types of hazardous or special waste may be brought to the landfill site for disposal in designated areas or specific roll-out carts. No individual shall dispose of hazardous or special waste in any location not expressly designated for that type of waste.

13. GENERAL PROVISIONS

- 13.1 No person shall store or dispose of waste within the municipality except in compliance with this by-law or where specific permission has been granted, provided all other applicable regulations are also observed.
- 13.2 No person shall dispose of garbage, refuse, trade waste, uncollectible waste, recyclables, or demolition debris on public or private property, unless that property has been approved for use as fill.
- 13.3 No person shall scavenge or remove material from waste roll-out carts unless expressly authorized by the property owner.
- 13.4 Property owners or occupiers are responsible for promptly cleaning up any spilled or excess waste around their roll-out cart, ensuring removal within 12 hours of collection.

14. FEES

14.1 The owner of each separately assessed parcel of land shall be responsible for an annual waste collection fee, which will be added to the property owner's tax bill.

14.2 Waste and landfill disposal fees are outlined in the Town's "User Fees By-Law", as amended from time to time.

15. ENFORCEMENT

15.1 A By-Law Enforcement Officer, or any other officer appointed by the municipality to enforce this by-law, may enter on any property at reasonable times to determine compliance with the regulations and provisions of this By-law, as permitted under the Town's Power of Entry By-law No. 2014-26, as amended from time to time. No individual shall obstruct, interfere with, or hinder an Officer in the exercise of their authority to enter private property.

15.2 The Municipality reserves the right to refuse collection of any waste that does not comply with the terms of this By-law. In such cases, the property owner is responsible for the proper disposal of the non-compliant waste. If the Municipality determines it necessary to remove the waste from private property, the costs incurred for removal shall be charged to the property owner and may be added to their property taxes for collection.

16. OFFENCES AND PENALTIES

16.1 Any person who contravenes, or permits the contravention of, any provision of this By-law is guilty of an offence and liable to a fine ranging from \$100.00 to \$5,000.00, exclusive of court-ordered costs.

16.2 Where an offence under any provision of this By-law is of a continuing nature, each day that the offence occurs or continues shall be deemed a separate offence.

16.3 The Town reserves the right to suspend services to any property where the owner and/or occupier is in contravention of this By-law. Such suspension does not affect the fees payable for the property under this By-law.

16.4 No action or proceeding for damages shall be instituted against any Town employee or Town-contracted personnel for acts done in good faith while executing any power or duty under this By-law.

16.5 Any costs or fines resulting from non-compliance with this By-law must be paid within 30 days. Unpaid fines shall be collected in the same manner as municipal taxes.

17. SCHEDULES

17.1 The following schedule attached hereto is hereby made part of this by-law:

- Schedule 'A' – Fines, Charges and Actions

18. VALIDITY

18.1 Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision

or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.

19. REPEALS

13.1 That By-Law No. 2016-28 is hereby repealed.

20. EFFECTIVE DATE

14.1 That this By-law shall come into force on the day on which it receives third and final reading.

READ a first and second time this _____ day of _____, 20____.

MAYOR
Patrick Roberts

MUNICIPAL CLERK
Nathalie Vachon

READ a third and final time this _____ day of _____, 20____.

MAYOR
Patrick Roberts

MUNICIPAL CLERK
Nathalie Vachon

Schedule 'A'

To by-law No. 2024-39; A by-law to provide for the collection and removal of solid waste in the Town of Smooth Rock Falls.

Fines, Charges and Action

Offence	Section	Fine, Charge or Action
Failure to replace condemned roll-out carts	6.2 (c)	A fine of \$100.00 shall be issued; Non-collection of waste shall occur.
Set out a non-approved roll-out cart	6.2 (h)(a)	Non-collection of waste shall occur
Set out a roll-out cart that is unsightly or detracts from the surrounding environment	6.2 (h)(b)	A fine of \$100.00 shall be issued; Non-collection of waste shall occur.
Set out a roll-out cart that emits strong, foul, or offensive odours	6.2 (h)(c)	A fine of \$100.00 shall be issued; Non-collection of waste shall occur.
Set out a roll-out cart that attracts or harbors rats, vermin, or insects	6.2 (h)(d)	A fine of \$100.00 shall be issued; Non-collection of waste shall occur.
Roll-out cart that contains waste that protrudes from or falls out of the container	6.2(h)(e)	A fine of \$100.00 shall be issued; Non-collection of waste shall occur.
Failure to maintain roll-out carts in a clean and sanitary manner	6.2 (h)(f)	A fine of \$100.00 shall be issued; Non-collection of waste shall occur.
Setting out a roll-out cart that is damaged to the extent that it is unsafe to handle or manoeuvre	6.2 (h)(g)	The roll-out cart shall be deemed as condemned and an order to replace the roll-out cart shall be issued.
Setting out recyclable materials in a roll-out cart that is designated for garbage	6.2 (h)(h)	A fine of \$100.00 shall be issued; Non-collection of waste shall occur.
Setting out hazardous or special waste in roll-out cart	6.2 (h)(i)	A fine of \$100.00 shall be issued; Non-collection of waste shall occur; If noticed after collection, the cost of separating the material shall be charged.
Improper waste preparation	7.1 to 7.11	A fine of \$150.00 and an order to rectify issue shall be issued.
Improper placement of roll-out carts	9.1 to 9.8	A fine of \$150.00 and an order to rectify issue shall be issued.
Failure to dispose of oversized items in an appropriate manner	8.2	A fine of \$150.00 and an order to rectify issue shall be issued.
Dumping at the landfill site without proper paperwork	12.1	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	12.2	A fine of \$250.00 shall be issued plus any enforcement costs incurred shall be charged.
Scavenging at the landfill site	12.3	A fine of \$150.00 shall be issued.
Failure to dispose of hazardous or special waste in appropriate area	12.4	A fine of \$250.00 shall be issued plus the cost of separating items shall be charged.
Improper storage of waste	13.1 & 13.2	A fine of \$100.00 and an order to rectify shall be issued.
Scavenging on private property	13.3	A fine of \$150.00 shall be issued.
Failure to remove spillage and excess waste not picked up	13.4	A fine of \$150.00 shall be issued plus cleanup costs if not cleaned by offending individual.