

THE CORPORATION OF TOWNSHIP OF SOUTH FRONTENAC

BY-LAW 2005 - 98

BEING A BY-LAW FOR PROVIDING AND MAINTAINING A SYSTEM FOR THE COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE AND RECYCLABLE MATERIALS, AND TO REPEAL CERTAIN BY-LAWS FROM THE FORMER MUNICIPALITIES THAT DEAL WITH THE SAME SUBJECT MATTER.

WHEREAS Section 208.1 of the Municipal Act, R.S.O. 1990, chapter M.45, as amended, provides that a waste management system means facilities and services owned, operated or controlled by a municipality for the management of waste, including the collection, removal, transfer, processing, storage, reduction, reuse, recycling and disposal of waste;

AND WHEREAS Sections 208.2 and 208.3 of the Act state that the Council of a local municipality may pass bylaws to establish, maintain and operate a waste management system;

AND WHEREAS Section 208.6 of the Act permits a Council to require the separation of any class of waste at the point of collection, to establish fees for the use of any part of the waste management system and to establish different classes of premises, and different classes of waste;

AND WHEREAS Subsection 210(82) of the Act authorizes a Council to pass by-laws for the purposes of prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality without the authority of the owner or occupant of such property;

AND WHEREAS the Council of The Corporation of the Township of South Frontenac deems it desirable to collect revenues for waste management services in an equitable fashion based on use rather than through the imposition of special rates or an increase in municipal taxes;

AND WHEREAS the Council of The Corporation of the Township of South Frontenac deems it desirable to harmonize waste management services across the Districts of the Township;

AND WHEREAS the Council of The Corporation of the Township of South Frontenac deems it desirable to regulate the disposal of waste at the Municipal landfill sites located in the geographic areas of the Districts of Loughborough, Portland and Bedford

AND WHEREAS the Council of the Corporation of the Township of South Frontenac deems it desirable to make it unlawful to throw, place or deposit refuse or debris on private or municipal property;

NOW THEREFORE BE IT RESOLVED THAT:

Title

1. This By-law shall be entitled the "Waste Management By-law"

Part I – Definitions

2. For the purpose of this by-law:

- a) **“Acceptable Material”** in respect of a particular Waste Disposal Site shall mean material that is not included in Schedule “C” attached to this By-law, and that is not excluded from acceptance for deposit at a Waste Disposal Site pursuant to: (i) any applicable Ontario legislation, including, without limitation, the provisions of R.R.O. 1990, Reg. 347, as amended; and (ii) the terms and conditions contained in the Certificate of Approval issued by the Ministry of the Environment in connection with the operation of such Waste Disposal Site;
- b) **“Allowable Recyclable Waste”** shall mean any waste material designated by the Municipality from time to time as acceptable for collection for recycling purposes;
- c) **“Authorized Distributor”** shall mean the Municipality, or a Business approved by the Municipality that has agreed to sell Bag Tags on such terms and conditions as may be established by the Municipality from time to time;
- d) **“Blue Box”** shall mean the container or other device approved by the Municipality for the collection of Allowable Recyclable Waste;
- e) **“Business”** shall mean an undertaking, trade, business or occupation located within the geographic boundaries of the Municipality and carried on for the purpose of gain or profit, and without limiting the generality of the foregoing, includes the selling or offering for sale of goods or services by retail, but does not include public institutions or any manufacturing activity or industry;
- f) **“Council”** shall mean the Council of the Corporation of the Township of South Frontenac
- g) **“Curb side Collection”** means the collection of Garbage or Allowable Recyclable Waste placed, in accordance with the terms of this By-law, adjacent to, or on the edge of, the travelled portion of any street, road or highway having been assumed by the Municipality;
- h) **“Public Works Manager”** shall mean a person appointed by the Council of the Township of South Frontenac and shall include his or her designates;
- i) **“Dwelling Unit”** shall mean a room or suite of rooms located within the geographical boundaries of the Municipality, generally containing cooking, eating, living, sleeping and sanitary facilities, that is used or intended to be used as a principal residence by one or more persons and, without limiting the generality of the foregoing, shall include a house and a unit within a Multi-Residential Building;
- j) **“Garbage”** shall include and mean all animal, mineral and vegetable matter in any form or state abandoned, discarded or thrown out by an Occupant of any Dwelling Unit or by any owner, operator, employee or agent of a commercial, industrial or institutional establishment located within the geographical boundaries of the Municipality, but shall not include Household Hazardous Waste or any item included under paragraph 22 hereof;
- k) **“Garbage Container”** shall mean a receptacle, other than a Small Bag, for the storage of Garbage designed and suited to prevent the entry of water, flies and animals and the escape of noxious odours that, when filled and placed out for Curb side Collection, shall not exceed a gross weight of 20kg (45 lbs) and shall be comprised only of:
 - (i) a standard size (i.e. having a maximum capacity of approximately 77.2 litres) galvanized metal or plastic waterproof garbage container, being larger at the top than at the bottom, and having two secure carrying handles and a securely attached lid and used only for the placement of plastic garbage bags as defined in k(ii);
 - (ii) a standard opaque polyethylene plastic garbage bag having dimensions of no greater than 75 cm by 95 cm (30” x 38”);

- l) **“Household Hazardous Waste”** shall mean those products identified in Section 9 of Schedule ‘C’ attached hereto;
- m) **“Multi-Residential Building”** shall mean a building containing 2 or more distinct Dwelling Units;
- n) **“Municipality”** means The Corporation of the Township of South Frontenac and includes its agents, employees, representatives and contractors;
- o) **“Municipal Property”** means any land or premises situated within the geographical boundaries of the Municipality that is owned or controlled by the Municipality by lease or otherwise;
- p) **“Occupant”** shall mean the owner, tenant, superintendent or occupier of any Dwelling Unit or Multi-Residential Building as the case may be;
- q) **“Bag Tag”** shall mean an identification marker as authorized by Council and designated for use on Garbage Containers in accordance with Part IV of this By-law;
- r) **“Small Bag”** shall mean either: (i) a bag issued by a supermarket or retail store to its customers for the carriage of groceries or other merchandise purchased at such store; or (ii) a bag intended for indoor transitory storage of Garbage of the type commonly referred to as “kitchen catchers”; or (iii) a bag having dimensions of equal to or less than 51 x 56 cm;
- s) **“Portland District** shall mean the former Township of Portland;
- t) **“Loughborough District** shall mean the former Township of Loughborough;
- u) **“Bedford District”** shall mean the former Township of Bedford; and
- v) **“Storrington District** shall mean the former Township of Storrington
- w) **“Waste Disposal Sites”** shall mean the Loughborough Waste Disposal Site, the Portland Waste Disposal Site, the Massassauga Waste Disposal Site, the Salem Waste Disposal Site, the Bradshaw Waste Disposal Site and the Green Bay Waste Disposal Site.

Part II – Waste Disposal Sites

3. The Waste Disposal Sites will be closed to the public at all times except during those hours detailed in Schedule “A” attached hereto, such hours to be subject to amendment by the Municipality from time to time.
4. No waste, refuse or debris produced, generated or collected outside the geographical boundaries of the Municipality shall be accepted at a Waste Disposal Site without the express approval of Council given in accordance with the terms of that Waste Disposal Site’s Certificate of Approval.
5. Subject to paragraph 6 hereof, Acceptable Material brought to a Waste Disposal Site by or on behalf of a resident of the Municipality, or a commercial, institutional or industrial establishment located within the geographical boundaries of the Municipality, shall be accepted for disposal upon payment of the appropriate tipping fees as detailed in Schedule 'B', which Schedule may from time to time be amended by resolution of Council.
6. The determination of whether material brought to a Waste Disposal Site constitutes Acceptable Material shall be for the Municipality alone, and for the purposes of making such determination, the Municipality may, prior to accepting material for disposal in accordance with paragraph 5 hereof, direct, at the expense of the person in control of such material, such tests to be conducted as it deems necessary in order to ascertain the composition of such material.
7. The Municipality shall have the authority to demand from any person wishing to use a Waste Disposal Site, proof that such person is or is acting on behalf of a resident of the Municipality, or a commercial, institutional or industrial establishment located within the geographical boundaries of the Municipality.

8. Where any person is in default of payment of charges levied under paragraph 5 above, the Municipality's Treasurer is authorized to recover the cost or expense involved by action or the same may be recovered in like manner as municipal taxes.
9. In lieu of the curb side collection of allowable recyclable waste in Bedford District, materials as determined by the Township, shall be accepted for recycling at the Salem Bradshaw, Green Bay, Massassauga Waste Disposal Sites at no charge provided they are first sorted and then placed in the appropriate locations as designated by the Municipality.

Part III – Collection

10. The Municipality shall provide Curbside Collection in the Districts of Storrington, Loughborough and Portland of the Municipality on such days as may be declared and published from time to time.
11. Curbside Collection of Garbage and Allowable Recyclable Waste in Bedford District will not be provided by the Township. Residents of Bedford are responsible to deliver their Garbage and Allowable Recyclable Waste to the Salem, Green Bay, Bradshaw and Massassauga Waste Disposal Sites.
12. No person shall place for Curbside Collection any item identified as Household Hazardous Waste.
13. All Allowable Recyclable Waste placed for Curbside Collection shall be placed in a Blue Box or shall be bundled or otherwise prepared in accordance with any applicable rules and regulations that may be passed by the Municipality from time to time.
14. No person, apart from the Municipality or persons approved by the Municipality, or the person who placed the material out for collection, shall pick over, interfere with, disturb, remove or scatter any Allowable Recyclable Waste, bundle, article or thing placed out for Curbside Collection, during regularly scheduled recycling collection periods,
15. No person, apart from an Occupant of a Dwelling Unit or Multi-Residential Building, or an owner, operator, employee or agent of a commercial, institutional, or industrial establishment within the geographical boundaries of the Municipality, shall set out Garbage or Allowable Recyclable Waste for Curbside Collection.
16. No person shall set out any Garbage or Allowable Recyclable Waste for Curbside Collection except at the Dwelling Unit, Multi-Residential Building, or commercial, institutional, or industrial establishment at which it was generated, except, if the dwelling unit, etc. is located on a private lane, it shall be placed where the private lane meets the public road, or where designated by the Municipality.
17. Garbage and Allowable Recyclable Waste will be picked up once per week in the District of Storrington, or at such other frequency as may be determined by Council from time to time. In the Districts of Loughborough and Portland, Garbage shall be picked up once per week and Allowable Recyclable Waste every other week or at such other frequency as may be determined by the Council from time to time.
18. When a normal Curbside Collection day falls on a statutory holiday and no collection is provided, the Municipality may provide an alternate collection day.
19. Garbage placed for Curbside Collection shall be drained of all liquids.
20. None of the following materials shall be set out for Curbside Collection .
 - a. Hazardous waste, liquids or waste containing free moisture, waste oil, batteries, explosives, sewage sludge, infectious wastes, pesticides, herbicides, paints, preservatives, cleaners, chemistry sets, ammunition, medicines, hairspray, dyes, petroleum products;
 - b. Automobile products including brake fluid, antifreeze, tires or batteries;
 - c. Construction items including drywall, scrap lumber, brush, metal, stone, brick or concrete;
 - d. Electrical appliances including stoves, fridges, freezers or television sets;
 - e. Grass clippings or leaves.
 - f. Dead Animals

21. All garbage and allowable recyclable waste placed out for curb side collection, shall be placed at the location designated by the Municipality and should not be placed so as to impede pedestrian or vehicular traffic.
22. All Garbage and Allowable Recyclable Waste placed for Curbside Collection shall remain the property of the person having so placed it until such time as the Municipality collects it.
23. No person shall set out any Garbage or Allowable Recyclable Waste for Curbside Collection before 6:00 A.M. on the day scheduled for collection, unless it is placed in bins approved by the Township. Garbage and Allowable Recyclable Waste must be placed at roadside no later than 7:00 A.M. on the day of collection to ensure pickup.
24. Any material which is set out for Curbside Collection and which is not Garbage or Allowable Recyclable Waste or has not been properly prepared for collection according to the provisions of this By-law shall not be collected.
25. Any waste which the Municipality declines to collect, and all reusable Garbage Containers, Blue Boxes, garbage bins and recycling receptacles, shall be removed from the curbside or collection site by the owner, operator, or Occupant of the Dwelling Unit, Multi-Residential Building, or commercial, institutional, or industrial establishment by or on whose behalf same was placed for collection, before 8:00 p.m. on the day on which the collection was scheduled to be made.

Part IV –Bag Tags

26. Effective September 1st, 2005, no person shall place any Garbage Container for Curbside Collection without first affixing one Bag Tag on each bag or garbage container positioned so that the South Frontenac Township bag tag is clearly visible.
27. The Township shall supply a “set” number of tags per user on an annual basis.
28. The cost of additional Bag Tags shall be \$3.00 per tag subject to amendment or adjustment by Council from time to time.
29. The general shape and form of the Bag Tags is authorized by Council , and Council. may from time to time change the authorized shape and colour of the Bag Tag.
30. No person shall remove any Bag Tag from a Garbage Container set out for curbside collection.
31. No person shall affix a bag tag that resembles or purports to be a Bag Tag other than a Bag Tag purchased from an Authorized Distributor.
32. No person shall alter an approved Township of South Frontenac issued Bag Tag by cutting or otherwise marking the tag in any manner.
33. No person who is not an Authorized Dealer shall sell Bag Tags without the written authorization of the Municipality.
34. Authorized Distributors must sell Bag Tags to the public at the face value as established by Council from time to time.
35. Authorized Distributors located within the Municipality’s geographical boundaries will receive a commission for the sale of Bag Tags, at a rate as may be established by Council from time to time.

Part VII –Prohibitions

36. No owner or Occupier of a Dwelling Unit, Multi-Residential Building, or commercial, industrial, or institutional establishment located within the geographical boundaries of the Municipality, shall permit any waste, refuse or debris to accumulate upon his or her lands or those lands in use by him or her.
37. Except as may be expressly permitted by this by-law, no person shall place any material out for Curbside Collection within the geographical boundaries of the Municipality.

38. No person shall disturb or interfere with any Garbage or Allowable Recyclable Waste set out for Curbside Collection on or about a street, alley, laneway, public or private way, public square, place, private lot or other land located within the geographical boundaries of the Municipality.
39. No owner or Occupant of a Dwelling Unit, Multi-Residential Building or commercial, industrial or institutional establishment located within the geographical boundaries of the Municipality, shall keep a garbage dump or container for waste material, refuse or debris upon his or her lands, or those lands in use by him or her, in such a condition or in such a location that the same shall be a nuisance or emit foul or offensive odours or harbour or attract rats or other vermin or insects.
40. No person shall throw, place or deposit waste, refuse, debris, or Garbage on private property or Municipal Property, on any roadway within the boundaries of the Municipality or on any property owned or operated by any local board thereof without the authority of the owner or occupant of such property.

Part VIII – Enforcement

41. The Municipality's by-law enforcement officer is hereby authorized and empowered to enforce the provisions of this by-law.
42. Any person who fails to comply with any of the provisions of this by-law shall be guilty of an offence and upon conviction is liable to a fine as set out under the Provincial Offences Act, R.S.O. 1990. c. P. 33, as amended.
43. In the event that any person fails to comply with the requirements or provisions of this by-law, the rectification of such matter may be carried out by the Municipality with the cost thereof being recoverable by the Municipality from that person either by suit, or in like manner as municipal taxes.

Part IX – General

44. If any provision of this by-law is, for any reason, held to be invalid, it is hereby declared to be the intention of Council that all the remaining provisions shall remain in full force and effect until repealed, notwithstanding that such one or more provisions shall have been declared to be invalid.
45. In the event of inconsistency or conflict between the provisions of this by-law and any term or condition of a Certificate of Approval issued in respect of a Waste Disposal Site, the Certificate of Approval shall prevail.
46. Any By-Laws' or parts thereof the Township of South Frontenac or the former Townships of Loughborough, Portland, Bedford or Storrington which conflict with the provisions of this by-law are hereby repealed.
47. This by-law comes into force and takes effect on November 15, 2005

Dated at the Township of South Frontenac this 15th day of November 2005.

Read a first and second time this 15th day of November 2005.

Read a third time and finally passed this 6th day of December 2005.

**The Corporation of the
Township of South Frontenac**

Bill Lake

Bill Lake, Mayor

Gordon Burns

Gordon Burns, Clerk-Administrator

SCHEDULE 'A' TO BY-LAW 2005- 98

Landfill Hours of Operation

All Township sites will be closed on the following holidays:

- Victoria Day
- New Year's Day
- Canada Day
- Good Friday
- Easter Monday
- Civic Holiday (August)
- Labour Day
- Thanksgiving Day
- Christmas Eve at 12:00 noon
(Bedford Sites only)
- Christmas Day
- Boxing Day

Portland Waste Disposal Site

Tuesday, Thursday and Saturday from 9:00 a.m. to 4:00 p.m.,

Loughborough Waste Disposal Site

Tuesday, Thursday and Saturday from 8:00 a.m. to 5:00 p.m.

Bedford District Landfill Sites:

Day	Hours	Location
Tues.	8-12, 1-5	Salem
Wed.	8-12, 1-5	Green Bay
Thurs.	8 – 12, 1-5	Bradshaw
Fri.	8-12	Salem
	1-5	Massassauga
Sat.	8-12	Bradshaw
	1-5	Salem

From Victoria Day to Thanksgiving Weekend extra hours are available as follows:

Day	Hours	Location
Sun.	8-12,1-5	Green Bay
Mon.	8-12	Bradshaw
	1-5	Massassauga

Note: Bedford sites will be open on Statutory Holidays during the summer if the Statutory Holiday falls on a day that the site would normally be open to the public.

SCHEDULE 'B' TO BY-LAW 2005-98

**As approved under authority of Township By-Law 2005-77
Rates for Disposal of Material
at Township's Landfill Sites**

The following disposal fees apply to all Township Waste Disposal Sites except as noted:

ITEM	DISPOSAL FEE
- Bag Tags	- \$3.00 each
- Tires on rims	- \$7.00
- Small Tires	- \$5.00
- Large Tires (over 50cm)	- \$30.00
- Appliances (not refrig.)	- \$10.00 (stove, washer, dryer)
- Large Furniture Items	- \$20.00 (couch, beds)
- Small Furniture Items	- \$5.00 (tables, chairs)
- Electronic Items	- \$5.00 (computers, TV's, radios)
- Plumbing Items	- \$5.00 (toilets, sinks, tubs)
- Boats – up to 4.5m	- \$100.00
- Boats – 4.6m to 5.5m	- \$125.00
- Boats – 5.6m to 6.5m	- \$200.00
- Boats – over 6.5m	- \$200.00 + \$25 per each additional 0.5m
- Shingles (where accepted)	- \$100.00 per cubic metre (building permit required)
- Other loose materials	- \$25.00 per cubic metre (approximately equivalent to a level ½ ton truck load)

Please note:

1. Bag tag charges do not apply to Bedford residents.
2. Effective November 1, 2005, brush and leaves are no longer accepted at any of the Sites.
3. Effective November 1, 2005 the hours of operation of the Portland Site will be reduced to Tuesday, Thursday, and Saturday from 9:00 a.m. to 4:00 p.m.

RECYCLING DEPOTS IN PORTLAND & LOUGHBOROUGH DISTRICTS

Effective November 1, 2005 the depots operated at the Portland Site and the Loughborough Stage Coach Road Site will close.

SCHEDULE 'C' TO BY-LAW 2005 - 98

**Materials banned for disposal at the
Township Landfill Sites**

1. All allowable recyclable waste as defined by the Township's Recycling Service provider from industrial, institutional or commercial generators except for recyclable material defined in clause 9 of the by-law.
2. Logs, stumps and brush
3. Hazardous Waste as defined by the Township's Household Hazardous Waste service provider and to include:
 - a) Pesticides and Garden Products
 - b) Household Cleaning Products
 - c) Paints and Solvents
 - d) Automotive and Garage Products
 - e) Miscellaneous
 - i) mercury batteries
 - ii) butane lighters & cylinders
 - iii) fluorescent lamp ballast (made before 1978)
 - iv) lighter fluid
 - v) photographic chemicals
 - vi) propane canisters
 - vii) smoke detectors (ionizing type)
 - viii) swimming pool chemicals
4. Medical and dental clinic wastes
5. Lawn and garden waste
6. Dead animals (**unless authorized by the Public Works Manager**)
7. Septic tank wastes
8. Earth and/or rock fill, except when authorized by the Public Works Manager

SCHEDULE "D" TO BY-LAW 2005-98

Disposal of Household Hazardous Wastes

South Frontenac Township has entered into an agreement with the Kingston Area Recycling Centre (KARC) to allow Township residents to make use of KARC's Household Hazardous Waste Depot. Days and Time of operation are set by KARC. Permits must first be purchased at the Township Office and presented at KARC when the material is taken to their site for disposal.

THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC

PART 1 *Provincial Offences Act*

By-Law #2005-98 Waste Management By-Law

Page # 1

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine (includes costs)
1	Unlawfully set out garbage for collection prior to 6:00 am on the day as scheduled collection.	Section # 25	\$125.00
2	Unlawfully set out recyclable waste for collection prior to 6:00am on the day of scheduled collection.	Section # 25	\$125.00
3	Fail to remove any garbage container from curbside before 8:00pm on the day scheduled for collection.	Section # 27	\$ 125.00
4	Fail to remove any recycling receptacle from curbside before 8:00pm on the day scheduled for collection.	Section # 27	\$ 125.00
5	Fail to position Bag Tag on bag so that the tag is clearly visible.	Section # 28	\$ 125.00
6	Unlawfully affix a bag tag, which resembles but is not an approved bag tag.	Section # 33	\$ 300.00

NOTE: Penalty provision for the offences indicated above is Section 53 of By-law No. 2005-98, a certified copy which has been filed.

THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC

PART 1 *Provincial Offences Act*

By-Law #2005-98, Waste Management By-Law

Page # 2

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine (includes costs)
7	Permit waste to accumulate on private land.	Section # 38	\$ 125.00
8	Unlawfully interfere with any garbage set out for collection.	Section # 40	\$ 125.00
9	Unlawfully deposit garbage on private property.	Section # 42	\$ 300.00
10	Unlawfully deposit garbage on municipal property.	Section # 42	\$ 300.00
11	Failure to place an approved bag tag on each garbage container set out for pick-up	Section # 28	\$300.00

NOTE: Penalty provision for the offences indicated above is Section 53 of By-law No. 2005-98, as amended, a certified copy which has been filed.