

## BY-LAW NUMBER 2016-23

### BEING A BY-LAW TO ESTABLISH, MAINTAIN AND REGULATE A SYSTEM FOR THE COLLECTION, REMOVAL AND DISPOSAL OF WASTE IN THE TOWNSHIP OF NAIRN AND HYMAN

**WHEREAS** the Municipal Act, S. O. 2001, Section 11(1) provides in part, that a single-tier municipality may pass by-laws respecting matters within the following spheres of jurisdiction, waste management;

**AND WHEREAS** the Council of the Corporation of the Township of Nairn and Hyman deems it expedient to so establish, maintain and regulate a system for the disposal of waste within the municipality and to establish procedures, regulations, policies and fees for the disposal of waste;

**NOW THEREFORE** the Council of the Corporation of the Township of Nairn and Hyman enacts as follows:

#### 1. TITLE, SCOPE AND DEFINITIONS

##### 1.1 SHORT TITLE

This by-law may be cited as the "Waste Disposal By-law"

##### 1.2 SCOPE

1.2.1 The provisions of this by-law shall apply to persons, lands, structures and uses within the boundaries of the Corporation of the Township of Nairn and Hyman.

1.2.2 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 and schedules annexed hereto.

1.2.3 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.

##### 1.3 DEFINITIONS

For the purpose of this by-law:

1.3.1 "Ashes" shall mean the solid residue of any fuel for heating or cooking purposes, and soot or other cleaning from chimneys, fireplaces or heating appliances.

1.3.2 "Clear Transparent Plastic Bag" shall mean a plastic bag that is made from a plastic resin in which no colour dyes have been added.

1.3.3 "Commercial" shall mean anything pertaining to premises occupied and used as a retail or wholesale outlet for services or materials that are or intended to be offered for sale to the general public.

- 1.3.4 “Commercial Garbage” shall mean any and all refuse generated by any hotel, apartment block greater than six units, marina, store or industrial manufacturing establishment, or any premises occupied and used for any retail wholesale or service outlet where goods and/or services are intended to be offered for sale.
- 1.3.5 “Contractor” shall mean the person, persons, limited company or Corporation retained by the municipality to collect, remove, transport and deliver to an approved site, ashes, garbage or other refuse, and where the context permits, the workers and employees of the contractor.
- 1.3.6 “Construction Material” shall mean waste that is derived from construction processes and of sufficient size, volume or weight that would make it unsuitable for its disposal in garbage bags or containers.
- 1.3.7 “Council” shall mean the Corporation of the Township of Nairn and Hyman.
- 1.3.8 “Disposable Solid Waste” shall mean and include garbage, refuse and litter but shall not include recyclable materials.
- 1.3.9 “Domestic” shall refer to anything pertaining to premises occupied and used solely as human habitation which includes apartment blocks six units or less.
- 1.3.10 “Fill Area” shall mean the operative area of the Landfill Site which is designated as an area for disposal of waste and the subsequent covering by earth fill.
- 1.3.11 “Garbage” shall mean and include all vegetables and animal matter subject to decay, whether it be household, commercial or industrial waste and shall include the receptacles and wrappings in which the same is placed.
- 1.3.12 “Garbage Bags” shall mean garbage bags manufactured for the use of garbage disposal.
- 1.3.13 “Garbage Collection Schedule” shall mean a schedule prepared by the municipality to give owners and occupiers of the premises notice as to the day upon which vehicles will call to pick up disposable solid waste.
- 1.3.14 “Garbage Packer Truck” shall mean a truck with an enclosed load-carrying receptacle and machinery used to compact the load.
- 1.3.15 “Highly Combustible Material” shall include: photographic film, celluloid, gasoline, oil or other flammable liquid, or materials soaked with any of the same.
- 1.3.16 “Household Hazardous Waste” shall include: paints, stains, varnish, urethane, oils, herbicides, pesticides, car batteries, pharmaceutical, pool chemicals, gas cylinders and any items considered a risk.
- 1.3.17 “Industrial Waste” shall mean waste derived from industrial processes and being of sufficient size, volume and weight that would make it unsuitable for disposal using garbage bags or containers.

- 1.3.18 “Landfill Site” shall mean waste disposal sites designated and operated by the Corporation of the Township of Nairn and Hyman for the disposal or transfer of waste in accordance with the provisions of this by-law and the terms and conditions of a certificate of approval issued by the Ministry of the Environment and set out in Schedule “A” to this By-law.
- 1.3.19 “Occupier” shall mean a person who is in physical possession of premises or who has responsibility for control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises.
- 1.3.20 “Operating Authority” shall mean the Corporation of the Township of Nairn and Hyman or its authorized representatives.
- 1.3.21 “Owner” shall include the occupier of property and the person from the time being, managing or receiving rent of the land or premises in connection with which the work is used whether on their own account or as an agent or trustee of any other person or who would so receive the rent of such land and premises where rented, and shall also include a lessee or occupier of the property who under the terms of the lease is required to repair and maintain the property in accordance with municipal by-laws.
- 1.3.22 “Premises” shall mean and include, one self-contained dwelling unit, residential or commercial; and in cases where buildings are subdivided and in possession of two or more occupiers, each occupier shall be deemed to be an occupier or premises within the meaning of this by-law.
- 1.3.23 “Prohibited Waste Materials” shall mean any waste other than garbage and as set out in Schedule “C” to this by-law.
- 1.3.24 “Refuse” shall mean and include all waste material such as broken crockery and glass, jars, bottles, bones, discarded wearing apparel and all kinds of refuse not subject to decay other than those items accepted by recycling.
- 1.3.25 “Scavenging” shall mean the unauthorized removal of reusable materials from in, around or among disposable solid waste at the Sites.
- 1.3.26 “Scrap Metal Area” shall mean the area on the Sites designated by signs or otherwise for the placement of metal, steel, iron, aluminum or other materials.
- 1.3.27 “Septic Waste” shall mean all the household wastes that are disposed of through a home or business’ plumbing system.
- 1.3.28 “Tipping Fees” shall be a fee, as established by the Council and set out in Schedule “B” to this by-law.
- 1.3.29 “Township” shall mean the Township of Nairn and Hyman.
- 1.3.30 “Waste” shall mean garbage, refuse and other materials generated from domestic household sources and similar uses approved for disposal by the Ministry of the Environment and the Township, at the Landfill Site and shall for the purpose of this definition include solid industrial waste.
- 1.3.31 “Waste Disposal Attendant” shall mean and official duly appointed by the Council responsible for the supervision and operation of the Landfill Site and for the administration of this By-law.

1.3.32 “White Metals” shall mean refrigerators, freezers, stoves, ovens, hot water heaters, water tanks, washing machines, clothes dryers and similar such items, goods and materials.

1.3.33 “Wood Area” shall mean the area in the Site designated by signs or otherwise for the placement of wood, brush, tree branches or other wood materials at the municipal landfill site.

## 2. **MUNICIPAL LANDFILL SITE**

2.1 No person shall use any lands within the Township of Nairn and Hyman for the purpose of a waste disposal site except lands designated by by-law for such use by the Council of the Corporation of the Township of Nairn and Hyman and the Ministry of the Environment.

2.2 The municipal Landfill Site shall be operated and maintained by the Township in accordance with the terms and conditions of the Site Certificate of Approval, the provisions of this by-law, and the requirements of the Ministry of Environment.

2.3 Notwithstanding any other penalty or remedy of law available to the Township, the owner, occupant, lessee or person using any structure or lands within the boundaries of the municipality for the dumping or disposing of garbage, refuse, industrial waste, hazardous materials or waste of any kind where such lands or structures are not designated as a waste disposal site, shall upon notice served by the Township cease using such lands or structures for such purposes and to remove such garbage, refuse, industrial waste, hazardous materials or other waste in the manner as may be prescribed by the Township.

## 2.4 **HOURS OF OPERATION**

2.4.1 No person shall deposit refuse, garbage, trade and industrial waste and building materials in the site other than those days and during those times as may be established by the Council from time to time. Notice of such dates and times and any changes thereto shall be published by the Township in an appropriate manner.

2.4.2 Notwithstanding the provisions of Section 2.4.1 above, public access to the Municipal Landfill Site shall be restricted to those times when a Township Waste Disposal Attendant is on duty and in attendance at the site.

2.4.3 No person shall trespass on the Municipal Landfill Site except as is required to transfer material to the site in accordance with this by-law, or as is necessary to conduct lawful business with the Township during the designated hours of operation of the Municipal Landfill Site in the presence of the Waste Disposal Attendant or other Township Official.

## 3.1 **GENERAL PROVISIONS-DOMESTIC WASTE**

3.1.1 No person shall dispose of, or cause to be disposed, domestic waste at the Municipal Landfill Site that originates or is generated from a location or use outside of the municipal boundaries of the Townships of Nairn and Hyman. No person whose property is vacant shall be permitted to dispose of waste at the Municipal Landfill Site.

- 3.1.2 Persons shall dispose of permitted waste at the Municipal Landfill Site in accordance with the directions of the Waste Disposal Attendant and in accordance with the provisions of this by-law and the Ministry of the Environment.
- 3.1.3 Domestic waste shall include waste from residential buildings, motels, campgrounds and residential apartments which includes apartment blocks with six units or less.

### 3.2 **INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL COLLECTION**

- 3.2.1 Commercial, Industrial and Institutional establishments shall keep their premises free of accumulated garbage or rubbish and shall make such arrangements at their own expense for the collection and removal thereof.
- 3.2.2 Commercial, Industrial and Institutional garbage is not permitted at the Nairn and Hyman Township Waste Disposal Site. They must make arrangements with a licensed hauler to collect and dispose of this garbage at an alternative licensed waste disposal site.

### 3.3 **CONTAINERS AND GARBAGE BAGS**

- 3.3.1 Every owner of property shall place clear transparent plastic garbage bags for collection on the road allowance directly adjacent to their own property and may place the bag in a plastic or aluminum garbage can.
- 3.3.2 No person shall place garbage for collection by the Township unless the same has been packaged or prepared in accordance with this by-law.
- 3.3.3 Garbage may be placed in containers equipped with tightly fitted lids and proper handles and may be refused for collection if the containers are not in a safe condition in the opinion of the municipality and/or contractor. All waste is to be securely placed inside clear transparent plastic bags and tied. White goods are not to be used as storage containers at the curb.
- 3.3.4 Garbage bags and containers:
- a) Shall be kept on the premises that is the source of the waste being disposed of; and
  - b) Shall be placed for collection by the Township in the manner and location prescribed in this by-law prior to 6:00 am on the day of collection.
  - c) A maximum of three (3) bags of household waste shall be collected from each individually assessed property for each collection.
  - d) A maximum of three (3) bags of household waste generated from each unit in a multi-unit apartment or condominium buildings shall be collected from each individually assessed property for each collection.
  - e) Every owner of property can use up to three opaque or solid coloured privacy bags for personal garbage items per week and is to be placed inside the larger clear bag. The privacy bag can be no larger than 50.8 centimeters by 55.88 centimeters (20" by 22").
  - f) Any garbage bags that are not clear and transparent plastic and have any visible recyclable materials in the clear bag will be left at the curb and turned away for the landfill site.
- 3.3.5 Garbage collection shall be carried out by the Township/Contractor on a weekly basis and is subject to change with notice being given by advertisement whenever possible.

- 3.3.6 Every clear transparent plastic bag shall be securely tied to prevent spillage and be of sufficient thickness to eliminate tearing and the weight of the contents shall not cause breakage of the bag and shall not weigh more than 20 kilograms (forty-four pounds) and be no larger than eighty (80) litres.
- 3.3.7 No person shall allow garbage or other refuse to accumulate upon any premises or keep any container, receptacle or repository for waste material on premises in such a condition or in such a location that the same is a nuisance or emits foul or offensive odors, harbors or attracts rodents or insects, animals or birds. All garbage/refuse not contained in a covered container shall be protected from rodents, animals, insects or birds. Should the container(s), receptacles(s) be damaged prior to collection, the municipality will not be obligated to pick up the disturbed garbage/refuse until the debris is placed in an approved container/receptacle.
- 3.3.8 No person shall place containers and/or bags for collection in accordance with this by-law except during the time specified herein for collection for the same by the Township/Contractor.
- 3.3.9 No person shall place hazardous or highly combustible materials in a garbage container for collection by the Township/Contractor in accordance with this by-law, either in a separated form or combined with other disposable solid waste material.
- 3.3.10 No person shall knowingly spill, scatter, deposit, throw, cast, lay or cause to be thrown any waste on any street, lane, alley, laneway, public or private way, or in any public square, place or private lot.
- 3.3.11 For the purpose of this by-law, the definitions and interpretations given in this by-law shall govern. In this by-law, "Shall" is mandatory; words in the singular include the plural; words used in the masculine gender include the feminine and vice versa.
- 3.3.12 Recyclable materials shall not be mixed with waste.

#### 4.0 **MANAGEMENT/OPERATION OF THE MUNICIPAL LANDFILL SITE**

- 4.1 The Municipal Landfill Site shall be under the supervision of the Municipal Superintendent or other authorized Township Official. Adequate staff shall be maintained by the Township to supervise the dumping of disposable solid waste and to cover the same with earth following the sanitary fill method of disposal.
- 4.2 No person shall place disposable solid or septic waste at the Site as specified on Schedule "C" attached to this by-law except during the hours of operation without approval from the Township.
- 4.3 No person shall deposit disposable solid or septic waste at the Site coming from a source as not prescribed on the Certificate of Approval.
- 4.4 All waste delivered to the Site as authorized by the operating authority shall be placed under the direction of the Waste Disposal Attendants and/or other authorized authorities. No scavenging shall be permitted at the landfill site.

- 4.5 No person shall enter onto the Site for any purpose other than depositing disposable solid waste in permitted areas without prior approval of the operating authority. Any person or business that violates any of the sections in this by-law may be prohibited from using the landfill site.
- 4.6 Fees for the disposal of waste at the Site shall be established by Council and as set out in Schedule "B" as attached to this by-law. Notice of such fees and any charges thereto shall be published by the Township in an appropriate manner, and shall be applicable to all persons authorized to use the Site. The municipal supervisor or designate will set the applicable fees according to the size of the load(s).
- 4.7 Tipping fees shall apply to anyone if they are disposing of waste or materials from highway accidents or construction materials from residential homes.
- 4.8 The municipality reserves the right to determine specific tipping fees for individuals that request special consideration due to large volumes of material.
- 4.9 The municipality reserves the right to request a soils report or analysis to determine the classifications of materials to be accepted prior to arrival on site. The municipality may refuse to accept any refuse for any length of time should circumstances warrant it.
- 4.10 All concrete, wood, metal, tires and domestic garbage must be separated prior to dumping and these must be dumped in the proper designated areas.
- 4.11 White goods delivered to the landfill site, must not be mixed with other waste. Any white goods containing (Freon) fluorocarbon refrigerants, commonly known as Freon must display a proper tag or notice signed by a certified person, that it is empty of fluorocarbon refrigerants. This certified person must be registered with the municipality. If these items are not tagged, they are not permitted to be disposed of at our Landfill Site. Individuals disposing of white goods are responsible to ensure that these items are properly tagged. These costs are not the responsibility of the municipality.
- 4.12 Property owners will be allowed up to two passes per year for a half ton truck of household waste at no charge.
- 4.13 The municipality may refuse to take any waste if it may affect the operation or life span of the landfill site.
- 4.14 Proper identification, in the form of a landfill pass, is required for entry to the landfill site to the satisfaction of the municipality.
- 4.15 The municipality may grant permission to contractors engaged in disposal business to enter the landfill site after hours and they must supply a written report upon request.
- 4.16 From time to time items with a salvage value may come available for sale. These items will be reasonably valued by the Municipal Superintendent, or his designate and upon sale, a receipt shall be issued. There will be no guarantee of merchantability for any item purchased.

5. **SEPTIC WASTE DISPOSAL**

5.1 Septic waste from either residential or commercial properties will only be accepted if it has originated from a property within the geographical boundaries of the Township of Nairn and Hyman.

5.2 Septic waste will only be disposed of at the township landfill by those companies registered to do so with the township.

5.3 Those septic waste disposal companies registered with the township will submit monthly invoices detailing which residence or business material has been taken from for that month. This is in order to catalogue where septic waste is coming from in order to prolong the life of the township landfill and to maintain necessary regulations from the Ministry of the Environment.

6. **LANDFILL SITE SECURITY**

6.1 Keys to the landfill gates will at times be lent out to those companies authorized by the township to use the landfill after hours. If found to be in violation of this by-law, the Township of Nairn and Hyman reserves the right to deny access of the landfill to any company who was authorized to have a key and use the landfill after hours.

7. **PENALTIES AND ENFORCEMENT**

7.1 Any person guilty of an infraction of any provisions of this by-law shall on conviction pay a fine or penalty not exceeding \$5,000.00 exclusive of costs, for each and every offence and such penalty shall be recoverable under the Provincial Offenses Act. Upon conviction for a breach of the provisions of this by-law, the court of jurisdiction may make an order prohibiting the continuation or repetition of the offence by the offender, and denied entrance into the Municipal Landfill Site for up to five (5) years.

8. **ADMINISTRATION**

8.1 The Waste Disposal Attendant shall supervise all operations at the Municipal Landfill Site and shall enforce compliance with the provisions of this by-law.

8.2 Council may authorize studies and programs and prepare policies for the maximization of the life expectancy, efficiency and effectiveness of the Municipal Landfill Site and the reduction, reuse and recycling of waste.

8.3 Written authorization for commercial and/or industrial businesses must be obtained at the municipal office prior to disposing of any waste and/or tires at our Landfill Site. The applicable forms must be completed prior to disposal. Residents may be allowed to pay tipping fees at the landfill site or they may prepay at the municipal office.

8.4 The Township may by resolution of Council grant minor variances to the provisions of this By-law where Council in its sole discretion deems that such actions are within the public interest and not contrary to the intent of this By-law.



9. **SCHEDULES**

9.1 The following schedules annexed and attached to this by-law shall form a part of this by-law:

- Schedule "A" - Description of Landfill Site
- Schedule "B" - Tipping Fees
- Schedule "C" - Prohibited Waste Materials

10. **IMPLEMENTATION**

10.1 Should any provision of this By-law including any provision contained in one or more of the attached Schedules be determined by a court of competent jurisdiction to be invalid or void and of no force and effect, it is the stated intention of Council that such invalid provision shall be severable and the remainder of this By-law including any applicable Schedule shall continue in full force and effect.

10.2 Should any Section or part of a Section of this By-law or Schedule hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the provisions of this By-law as a whole or any part thereof other than the part declared to be invalid.

10.3 The use of clear transparent plastic bags for garbage shall take effect on September 2, 2015.

10.4 That this by-law rescinds By-law number 2015-26.

Read a first and second time this 11<sup>th</sup> day of October, 2016.

Read a third time and finally passed this 11<sup>th</sup> day of October, 2016.

(Original signature on file)

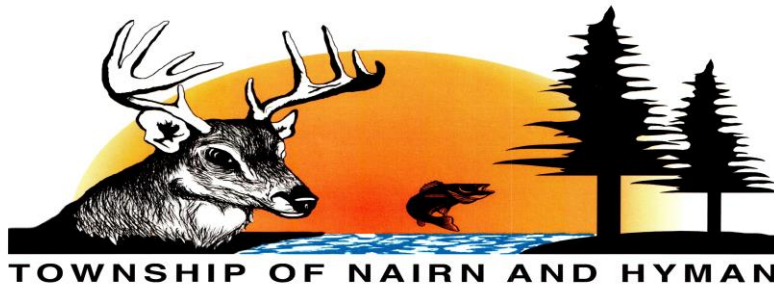
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MAYOR

(Original signature on file)

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CLERK



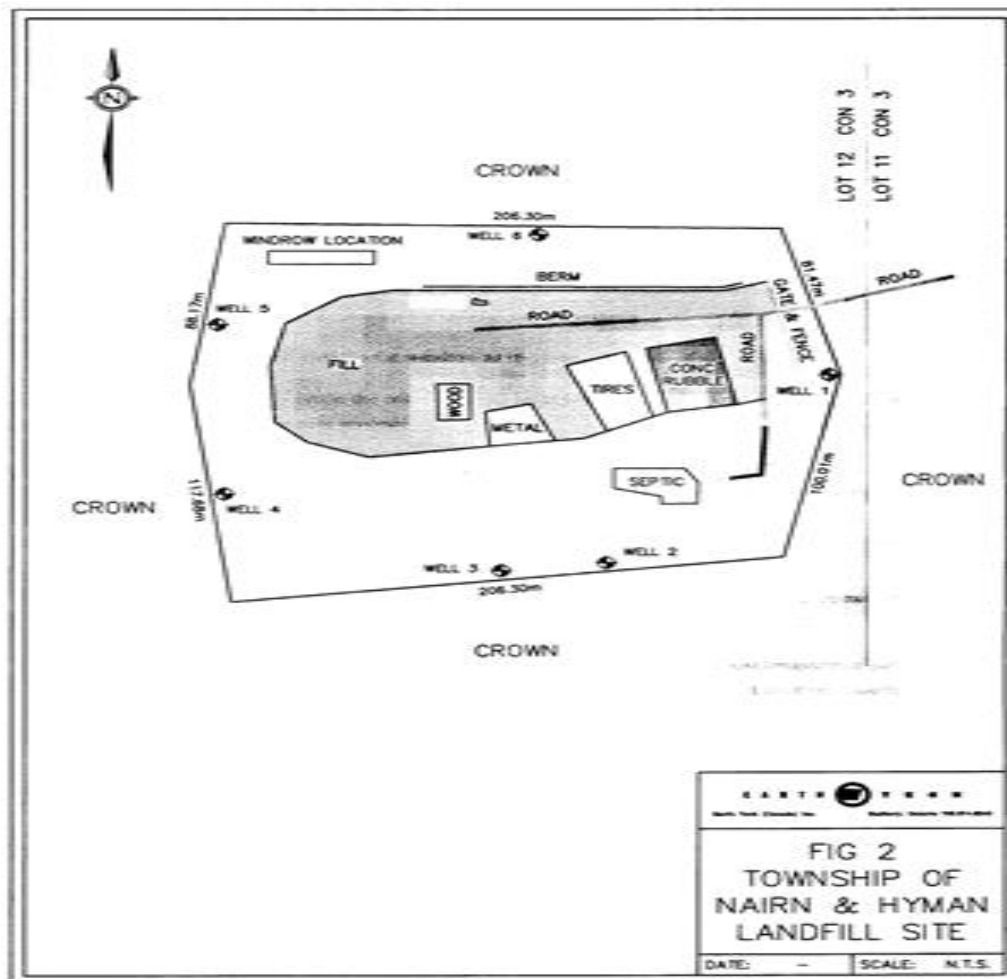
**SCHEDULE "A"**

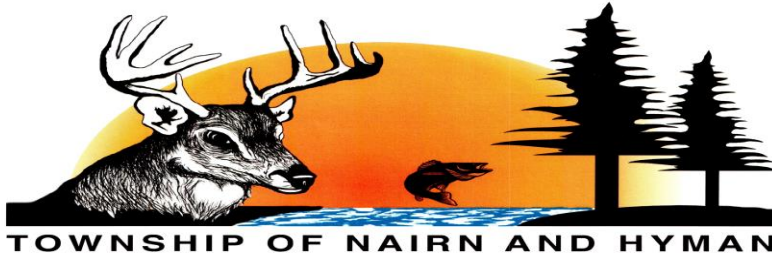
**TO BY-LAW # 2016-23**

**DESCRIPTION OF LANDFILL SITE**

The landfill site is located in the geographic Township of Nairn, Concession 3, Part of Lots 11 and 12, with an approved Certificate of Approval from the Province of Ontario C of A No. A541805). The site is located approximately 60 kilometers east of the City of Greater Sudbury.

**MAP OF LANDFILL SITE**





**TOWNSHIP OF NAIRN AND HYMAN**

**SCHEDULE "B"**

**TO BY-LAW # 2016-23**

**TIPPING FEES**

Tipping fee schedule for all garbage and refuse brought for deposit in the Township's Landfill Site. The person designated by the municipality will estimate the amount of waste at his or her discretion.

**DESCRIPTION**

**FEE CHARGED**

White goods, upholstered couches or chairs, mattresses, box springs, oil tanks, electronic items

\$ 5.00 each item

Boats (20 feet or less)

\$ 20.00 each

Disposable Solid Waste

\$ 10.00 per cubic yard

Disposal of brush or clean scrap wood with a one ton vehicle or less

No charge

Disposal of domestic garbage from residence who do not receive regular curb side garbage pickup (limit three (3) bags per week)

No charge

Disposal of bagged waste in excess of the three (3) bag limit

\$ 2.00 per item

To open landfill site after hours

\$40.00 for the 1<sup>st</sup> hour or part hour and \$20.00 per hour after the 1<sup>st</sup> hour plus a 10% administration fee

Septic waste - Tipping fees for septic waste disposal are assigned to those companies registered to dispose of septic waste within the township.

\$ 30.00 per residential property.

\$ 100.00 per commercial property

Landfill site passes

No charge

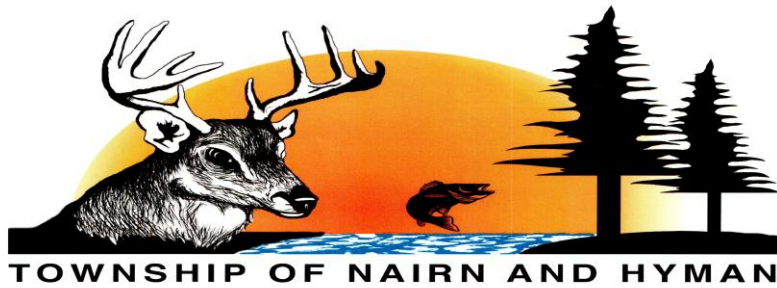
Landfill site replacement passes

\$ 5.00 for each pass

Landfill Gate Key

\$100.00 deposit

All applicable taxes are included in the above noted fees.



## **SCHEDULE "C"**

### **TO BY-LAW # 2016-23**

#### **PROHIBITED WASTE MATERIALS**

The following items shall be prohibited from disposal within the licensed landfill area of the Municipal Landfill Site:

- ▶ hazardous waste, except those approved by the Ministry of the Environment.
- ▶ Car bodies
- ▶ Farm machinery
- ▶ Recyclable waste (includes clean corrugated cardboard)
- ▶ Hay, straw, manure and grass clippings
- ▶ Hot ashes
- ▶ White metal with (Freon) fluorocarbon refrigerants
- ▶ Propane tanks

The following materials will be accepted for disposal in designated areas and under the provisions of this by-law:

- ▶ Asphalt shingles
- ▶ Cardboard
- ▶ Household garbage
- ▶ Scrap metal
- ▶ Shingles/drywall
- ▶ Septic Waste
- ▶ Tires/tires on rims
- ▶ White metal that has been drained of (Freon) fluorocarbon refrigerants and properly tagged by an authorized person.