

## BY-LAW 2019/67

### A BY-LAW TO ESTABLISH, REGULATE AND PROVIDE A SYSTEM FOR THE HANDLING, REMOVAL AND DISPOSAL OF GARBAGE, RUBBISH, ASHES, RECYCLABLE MATERIAL AND OTHER WASTE MATERIAL AT THE CURBSIDE IN THE MUNICIPALITY OF WEST NIPISSING

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**WHEREAS** the *Municipal Act, S.O.2001, c.25* as amended, Section 11(1), states that a single-tier municipality may pass by-laws respecting waste management;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING HEREBY ENACTS AS FOLLOWS:**

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#### 1. DEFINITIONS

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For the purposes of this by-law, the following words shall have the meaning given herein:

- 1.1. **“Ashes”** shall mean the solid residue of any fuel for heating or cooking purposes and soot or other residue/cleanings from chimneys.
- 1.2. **“Bulky Items”** shall refer to household items other than those for which special collection services are provided, which are larger than 1.2 meters in any one dimension or weigh in excess of 20 kilograms, including furniture and appliances of whatever size and weight as may be determined by the Municipal Solid Waste Manager.
- 1.3. **“By-Law Enforcement Officer”** means any officer appointed by the Municipality for the enforcement of its by-laws
- 1.4. **“Commercial Solid Waste”** shall refer to all solid waste materials discarded from commercial enterprises engaged in buying and selling of goods and services. Commercial solid waste is commonly categorized as similar in nature to that of residential solid waste and would include mixed recyclables separated for the purposes of processing and preparation for recycling.
- 1.5. **“Container Recyclables”** shall refer to all recycled materials that fall under the category of plastics, glass and metals and consist of all aluminum cans, plastic containers with symbols (#1-7 – subject to change from time to time), cans, glass bottles and jars (lids removed), plastic bags, steel cans, and empty dry paint cans with lids removed. All recycled materials that do not fall under the category of paper recyclables.
- 1.6. **“Contamination”** refers to the mixing of an item referred to in the list below with a different item described in the list below:
  - (i) Recyclable materials
  - (ii) Garbage
  - (iii) Yard Waste
  - (iv) Prohibited
- 1.7. **“Curbside Collection”** refers to the collection of garbage, recyclable materials and yard waste in the appropriate containers as described in this by-law.
- 1.8. **“Dwelling”** shall mean any building or place of abode, other than a hotel, restaurant, apartment, house, tenement or building which accommodates more than two separate dwelling units.
- 1.9. **“Garbage”** shall mean all rejected, abandoned or discarded household waste, including accumulation of animal, fruit or vegetable matter used or intended for food or that intended for the preparation, use, cooking, dealing in or sorting of meat, fish, fowl, fruit or vegetable; wearing apparel, broken crockery, but shall **NOT** include weighty or bulky articles such as stoves, furnaces, bed springs, furniture, manufacturers’ waste, gasoline or oil-soaked rags or highly combustible material of any nature whatsoever, broken plaster, lumber or other waste or residue resulting from the construction, alteration, repair of any buildings or structure, saw-dust and/or shavings, swill or other organic material not properly drained or wrapped, liquid waste, carcass of any animal, wholesale or retail trade waste, any material which has

become frozen to the receptacle and cannot be removed by shaking, discarded truck and automobile tires. In lay terms, garbage is the equivalent of solid waste after separation of recyclables or other components.

- 1.10. **“Household Hazardous Waste”** means household hazardous waste such as paint, aerosol cans, batteries, chemicals, propane tanks and other items not deemed appropriate to be land-filled.
- 1.11. **“Industrial Solid Waste”** shall refer to solid waste materials discarded from the manufacturing process and production of goods and products and non related non-manufacturing activities.
- 1.12. **“Institutional Solid Waste”** shall refer to solid waste materials discarded from institutional enterprises such as social, charitable, educational and government services
- 1.13. **“Municipal Solid Waste”** shall mean all garbage, refuse and similar solid waste materials discarded from residential, commercial, institutional and industrial sources and community activities, including recyclables that are to be separated. The term does not include any household hazardous waste or hazardous waste accumulated from any source.
- 1.14. **“Municipality”** shall mean the Corporation of the Municipality of West Nipissing.
- 1.15. **“Owner”** shall mean any owner, occupant, lessee, tenant or other person in charge of any dwelling, hotel, restaurant, apartment house, office building, public institution or other premises.
- 1.16. **“Paper Recyclables”** shall refer to all recycled materials that fall under the category of paper fibers and consist of broken down corrugated cardboard (no bigger than 60cmx60cm), newspaper and flyers, boxboard (cereal, tissue, cracker, boxes), catalogues and magazines, hard and soft cover books, writing paper, greeting cards, paper egg cartons and trays.
- 1.17. **“Prohibited Waste”** shall refer to items prohibited for the purpose of disposal into Municipal Landfill, consisting of items including acute hazardous waste chemicals, hazardous waste chemicals, corrosive waste, hazardous industrial waste, ignitable waste, PCP waste, radioactive waste, severely toxic waste, leachate toxic waste, pathological waste including biomedical waste, whether solid or liquid, as well as the above mentioned household hazardous waste products, including but not limited to pool or photographic chemicals, laundry bleach, drain, oven, toilet and carpet cleaning solutions, paint thinner and paint remover, rat and mouse poison, insect killers, weed killers, fungicides, wood preservatives, oil-based and latex paints, engine oil, brake and transmission fluid, antifreeze, automotive batteries, and such other matters as may be added in the future.
- 1.18. **“Recyclables”** shall refer to solid waste materials removed from the municipal garbage stream and separated by the generator, or owner of the solid waste for the purpose of recycling.
- 1.19. **“Recycling Blue Box”** refers to the designated, portable containerized unit, used for the collection as well as curbside placement of recycled materials.
- 1.20. **“Recycling Collection Services”** refers to the services provided by the Municipality for the removal of recyclable materials from designated areas within the Municipality.
- 1.21. **“Recycling Drop Off Box”** refers to a situated receptacle used by municipal residents for the purpose of discarding their separated recycled materials.
- 1.22. **“Residential Solid Waste”** shall refer to solid waste materials discarded from single and multi-family dwellings and individuals. Most commonly categorized by paper, plastics, glass, metal (ferrous and non-ferrous), rubber and leather textiles, food wastes, yard and wood waste, inorganic materials, including mixed recyclables separated for the purposes of processing and preparation for recycling.
- 1.23. **“Solid Waste Manager”** shall mean the person in charge of managing, administrating and overlooking all activities and operations resulting in the use of the municipal landfills, including the diversion of waste from the mentioned landfills in the form of recycling.
- 1.24. **“Street”** shall mean any public road, street, lane, alley, square, place, thoroughfare or way within the limits of the Municipality of West Nipissing.

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## 2. ADMINISTRATION

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- 2.1 The Municipality shall establish and provide a system for the collection, removal and disposal of garbage, ashes, recycled materials and other refuse in accordance with the terms of this by-law within the garbage area as defined from time to time by by-law of the Council of the Municipality of West Nipissing.
- i) It shall be the duty of the Solid Waste Manager or approved delegate of the Municipality to administer and to enforce the provisions of this by-law.
  - ii) The Municipality will remove and dispose of garbage, ashes, recyclable items and other refuse from all residential property in the following areas:
    - Sturgeon Falls, Cache Bay, Verner, Springer Township, Field Township, Grant Township and Falconer Township.

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## 3. ELIGIBILITY OF SERVICES

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- 3.1 Subject to the terms and conditions contained in this by-law and any directives issued by Municipal Council from time to time, the Municipality shall collect garbage and recyclable materials, yard waste and items eligible for special collection services from designated properties.
- 3.2 No owner shall be eligible to receive services unless the owner complies with all relevant requirements contained in the by-law established to regulate and provide a system for the handling, collection, removal and disposal of garbage, rubbish, ashes, recyclable materials and other waste materials in the Municipality of West Nipissing.
- 3.3 Every owner of a multiple household residence shall ensure that specific recycling instructions for residents are posted in locations at the multiple household residences as designated by the Solid Waste Manager.
- 3.4 The Solid Waste Manager may determine that owners who do not participate fully in the Municipality's collection of recycled materials are not eligible for any services.
- 3.5 No owner shall be eligible to receive or to continue to receive services unless the owner sets out for collection all waste in respect of which the Municipality provides services to the owner.
- 3.6 Newly constructed dwelling shall not receive curbside services until final Occupancy Permit has been issued by the Chief Building Inspector.

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## 4. COLLECTION PROCEDURE

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- 4.1 Except as herein otherwise provided, garbage, and ashes will be removed from all premises in the approved garbage areas of the Municipality of West Nipissing once each week.
- 4.2 The Municipality shall collect recyclable materials once every two weeks from designated household residences and multiple household residences that receive curbside collection of garbage. Schedules are subject to change.
- 4.3. Collection from any dwelling shall consist of a total of not more than four (4) receptacles or bundles per collection. Limits are subject to change.
- 4.4 Collection from any multi-dwelling or apartment shall consist of not more than **twelve (12)** receptacles or bundles **per unit**, per collection
- 4.5 There shall be no limit on the amount of recyclable materials or yard waste which may be set out by an owner of a household residence, provided that the owner of the household residence complies with all relevant provisions of this by-law.
- 4.6 The collector shall follow such routes as laid out by the Solid Waste Manager and shall conform to all instructions from him.
- 4.7 Recyclable items for collection shall be separated as follows by the householder:
- i) All paper fibers including corrugated cardboard, newspaper and flyers, boxboard (cereal, tissue, cracker etc... boxes), catalogues and magazines, hard and soft cover books, phone books, writing paper, greeting cards, paper egg cartons and trays.

- ii) All container recyclables including cans, glass bottles and jars and plastics (#1-7 – subject to change from time to time)
- iii) All large, oversize cardboard boxes must be broken down to size no larger than 60cm by 60cm and must be free from all non-cardboard items such as shrink and bubble wrap, Styrofoam and wood pieces.

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## 5. RECEPTACLES

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### 5.1 For Garbage and Recycling

- i) Every householder shall provide and constantly maintain in proper order and repair for the purpose of putting out for collection of garbage, a sufficient number of covered metal containers or polyethylene plastic bags or containers, of design approved by the Solid Waste Manager.
- ii) Every such metal or polyethylene plastic container shall have proper handles and a water-tight cover, which cover shall at all times remain in position. No container shall be greater than **100cm** in height or have a diameter larger than **45cm** or weigh more than 18 kilograms including contents.
- iii) Two free Blue Box for recycling purposes shall be made available to householders new to the program at the Municipal Office in Sturgeon Falls; additional Blue Boxes are also available at a fee pre-determined by the Municipality of West Nipissing. Such fees may vary from time to time.

### 5.2 For Ashes:

- i) Every householder shall provide and constantly maintain in proper order and repair for the purpose of putting out for collection of ashes, a sufficient number of metal containers having a capacity of not greater than **1 ½ cubic feet**.

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## 6. PREPARATION OF GARBAGE, ASHES, RECYCLING, ETC. FOR COLLECTION

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- 6.1 Garbage shall be drained of all liquids and be securely wrapped and then placed in a receptacle conforming to the requirements of this by-law.
- 6.2 Ashes shall be cold and placed in proper receptacles.
- 6.3 Materials classified as “non-collectable” of this by-law or placed for collection in such manner or in such containers as to be in variance with the terms and conditions set forth in this by-law shall be refused by the collector and shall be removed from the roadside and disposed of by the owner at his own expense on the same day that the garbage is collected or the material refused.
- 6.4 Materials classified as “recyclable” shall be placed in the desired receptacle at curbside situation as follows: two streams clearly separated, with all dry paper recyclables, broken down and neatly placed in a Blue Box, cardboard box, paper bag or tightly tied bundle. Placed right next shall be a second stream consisting of a co-mingle of container recyclables, placed in either a second Blue Box or clear plastic bag(s).
- 6.5 The Municipality shall not collect prohibited waste.
- 6.6 No owner shall set out prohibited waste for collection by the Municipality, either on its own or mixed with any waste with respect to which the Municipality provides service.

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## 7. PLACING RECEPTACLES FOR COLLECTION

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- 7.1 Receptacles set out for collection shall be placed as close as possible to the edge of the roadway without obstructing the roadway, sidewalk or footpath and shall be placed in a position easily accessible to the collector, and in any case, the Solid Waste Manager shall have the power to designate the precise point at which the receptacles or bundles of refuse shall be placed for collection. It is urged that on applicable days, blue boxes of recycled material accompany garbage receptacles.

- 7.2 Material for collection shall not be placed at the curbside before eight (8) p.m. on the day preceding collection and shall be placed at the prescribed location for collection not later than seven (7) a.m. on the collection day.
- 7.3 No single family household shall store garbage at the curbside before 8pm of the day preceding collection.
- 7.4 Empty receptacles as well as all material which the collector refuses must be removed from the highway or from public property by the householder of the premises from which they came before eight (8) p.m. on the same day that the garbage is collected or the material refused.

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**8. GENERAL NUISANCE**

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- 8.1 No person shall permit garbage, ashes or other refuse including paper of any description to be blown or dropped from the premises occupied by that person **or** from a vehicle owned or operated by that person onto a lane, street, creek, roadway or other public property in the Municipality of West Nipissing.
- 8.2 No person shall convey through the streets within the Municipal limits any garbage, ashes or other refuse or any non-collectable waste except in properly covered containers or otherwise in carts, wagons or vehicles totally enclosed or covered with canvas or tarpaulins so fastened down around the edges as to prevent any of the contents falling upon the streets and to protect the same from flies and to control, as far as possible, the escape of any offensive odors there from.
- 8.3 No person shall pick over, interfere with, disturb, remove or scatter any recycling or waste disposal items which have been so placed for removal whether contained in any receptacles or otherwise, except and until the same is removed by the collector.
- 8.4 No person shall allow garbage, ashes or other refuse to accumulate upon any premises nor keep a garbage dump or receptacle for waste material on his or hers premises in such condition or in such location that the same is a nuisance or emits foul or offensive odors or harbors or attracts rats/rodents or other vermin or insects. The body of a dead animal shall be properly disposed of by the owner thereof, so that the same shall not become a nuisance.
- 8.5 All recyclable material once placed on municipal property at the curbside becomes the property of the municipality. No person shall take material from blue boxes placed at curbside.

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**9. DISPOSAL OF NON-COLLECTABLE WASTE**

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- 9.1 Any person wishing to dispose of non-collectable waste shall bring such waste to the Municipal landfill site at his own expense and shall deposit the same in accordance with the directions of the Solid Waste Manager or of the employee in charge of the disposal site acting under his direction. The person is also responsible to pay the applicable landfill site fees.

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**10. HAZARDOUS WASTE MATERIAL**

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- 10.1 The Municipality or Solid Waste Manager may be contacted when the matters of Hazardous Waste Materials are to be dealt with. See definitions for full explanation of Hazardous Waste Materials.
- 10.2 All hazardous waste shall be brought to the Hazardous Waste Depot located in North Bay.

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**11. ENFORCEMENT**

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- 11.1 The provisions of this by-law shall be enforced by any Police Officer or By-Law Enforcement Officer as appointed, from time to time, by the Municipality of West Nipissing.

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**12. PENALTY**

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- 12.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

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**13. GENERAL**

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- 13.1 The provisions of this by-law shall not relieve any person from compliance with any provision of the Public Health Act for regulation prescribed by the Medical Office of Health.

**ENACTED AND PASSED THIS 13<sup>th</sup> DAY OF AUGUST, 2019 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.**

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JOANNE SAVAGE  
MAYOR

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MELANIE DUCHARME  
CLERK