

THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

BY-LAW NO. ____-10

BEING A BY-LAW TO ESTABLISH, REGULATE AND MAINTAIN A SOLID WASTE AND RECYCLE MATERIAL MANAGEMENT SYSTEM WITHIN THE MUNICIPALITY OF RED LAKE

WHEREAS Section 10(1) of the *Municipal Act, S.O. 2001, c.25, as amended*, enables a single-tier municipality to pass a by-law to provide any service or thing that the municipality considers necessary or desirable for the public; and

WHEREAS Section 10(2) of the *Municipal Act, S.O. 2001, c. 25, as amended*, provides that a single-tier municipality may pass by-laws respecting: economic, social and environmental well-being of the municipality and services and things the municipality is authorized to provide under subsection (1); and

WHEREAS the Council deems it expedient to adopt a by-law to regulate and maintain a solid waste and recycle material management system within the Municipality of Red Lake;

NOW THEREFORE the Council of The Corporation of the Municipality of Red Lake **HEREBY ENACTS AS FOLLOWS:**

1. Definitions

- 1.1 “**Apartment Building**” shall mean a building that contains four (4) or more apartment dwelling units and that has one (1) or more common entrances from street level and may be served by common corridors, and the occupants of such apartment building dwelling have the right to use in common, the corridors, stairs, elevators, yards and such similar facilities and equipment. An apartment building dwelling shall not include any other type of dwelling defined in the Zoning By-Law.
- 1.2 “**Ashes**” shall mean the solid residue of any household fuel remaining after burning, including but not limited to ashes, soot, and other chimney deposits.
- 1.3 “**Attendant**” shall mean the person appointed, from time to time, to carry out the duties of landfill attendant.
- 1.4 “**Bag Tag**” shall mean a bag tag sold by the Corporation in accordance with this By-Law. A fee is set in Schedule “B” of this By-Law.
- 1.5 “**Bear Resistant**” shall mean a fully enclosed metal container with metal lid which can be completely closed with a latching mechanism that prevents access by bears. Any container which is overfilled so as to prevent latching is not a bear resistant container.
- 1.6 “**Commercial**” shall mean a building or structure located in the Commercial Zones as outlined in the Zoning By-Law of the Municipality of Red Lake and amendments thereto excepting dwelling units in the same building above or behind a permitted commercial use.
- 1.7 “**Compostable Yard Material**” shall mean lawn clippings, leaves and yard waste.
- 1.8 “**Construction/Demolition Material**” shall mean discarded building material, concrete, stones, earth from excavations or grading and all other refuse matter resulting from the erection, repair, demolition of buildings, structures or other improvements of property and shall be the responsibility of the property owner and/or contractor for the disposal/transportation of said wastes.

1. **Definitions** - Continued

1.9 “**Containers**” shall mean the following:

1.9.1 **A Container** for garbage, rubbish and refuse, void of recyclable materials and shall take the form of:

A ridged container:

- a) In good working order;
- b) With a maximum capacity of 300 litres;
- c) With an external height no greater than 43 inches;
- d) With a width or diameter no greater than 26 inches;
- e) With a lid which may be easily and completely removed to facilitate collection and has any device used to tie down the lid completely removed prior to collection;
- F) With handles which are set above the midpoint of both sides of the garbage container; and
- g) Shall not be a freezer or fridge.

1.9.2 **Recycling Container** shall be used only for recyclable materials and shall take the form of:

- A) A curbside blue box provided by the Municipality for use as a recycling container; or
- b) Any container which meets the guidelines established by the Municipality from time to time for a recycling container.

1.9.3 **Metal Bins** (dumpsters) shall be used for garbage, rubbish, refuse and/or recyclable materials. Metal bins shall take the form of:

- A) A metal bin that is in good working order;
- b) Maximum size of 6 yards; and
- c) Bear resistant lids.

1.10 “**Contaminated Material**” shall mean material which has been exposed to, contains, is saturated with or is in any other way polluted with a foreign element which the Ministry of the Environment has directed be disposed of in a sanitary landfill.

1.11 “**Corporation**” shall mean the Corporation of the Municipality of Red Lake.

1.12 “**Council**” shall mean the Council of the Corporation of the Municipality of Red Lake.

1.13 “**Designate**” shall mean the person designated, in writing, to have the authority to act under this By-Law in the absence of the Operations Superintendent.

1.14 “**Dwelling**” shall mean a building, or part thereof in the case of a mixed-use building, that is used or designed to be occupied exclusively as a home or residence and where one (1) or more persons may sleep and prepare and serve meals, but shall not include hotels, motels, boarding houses or institutional uses. A dwelling contains one (1) or more dwelling units.

1.15 “**Garbage**” shall mean all animal, mineral and vegetable matter in any form or state abandoned, discarded or thrown out by any householder or generated from a residential property or dwelling, but shall not include any non-collectable waste.

1.16 “**Garbage Collector**” shall include:

- (a) any person employed for the purpose of the collection and disposal of garbage, rubbish and other refuse or employed to supervise the collection.
- (b) a contractor, including his or her employees, employed by the Municipality for the collection and disposal of garbage, rubbish and other refuse.

1. Definitions - Continued

- 1.17 “**Householder**” shall mean the owner, occupant, lessee, tenant or other person in charge of a dwelling.
- 1.18 “**Household Hazardous Waste**” shall mean waste generated from a residential property or dwelling which may be defined from time to time by the Ministry of Environment as hazardous, and shall include but not be limited to, the following:
 - A) Flammable or incendiary materials and liquids, offal, drugs and medicines, chemical waste; dry cell and wet cell batteries; paint containers; pathological waste; motor oil; propane tanks; other similar materials that may be hazardous to the public health, safety or environment.
- 1.19 “**Industrial**” shall mean a building or structure located in the Industrial Zones as outlined in the Zoning By-Law of the Municipality of Red Lake and amendments thereto.
- 1.20 “**Institutional**” shall mean a building or structure located in the institutional zone as outlined in the Zoning By-Law of the Municipality of Red Lake and amendments thereto.
- 1.21 “**Manufacturers/Trade Waste**” shall mean any abandoned, condemned or rejected product or by-product or the waste from any product or by-product used by a manufacturer, builder or contractor in the operation of his or her business or trade, and scrap metal and motor vehicle parts from garages and service stations.
- 1.22 “**Mixed Load**” shall mean any load of garbage found to visibly contain recyclable material.
- 1.23 “**Non-Collectable Waste**” shall mean all materials designated by the Corporation of the Municipality of Red Lake and as prescribed in Schedule “C” attached hereto and forming a part of this By-Law, that shall not be collected by the garbage collector.
- 1.24 “**Other Approved Material**” shall mean all other material not within the definition of “garbage” which has been approved of by the Attendant as being material which does not form a health hazard or have a deleterious effect on the operation of the sanitary landfill.
- 1.25 “**Operations Superintendent**” shall mean the person appointed by Council to perform the duties of the Operations Superintendent.
- 1.26 “**Person**” shall mean the owner, occupant, lessees, tenant or other person in control of a dwelling, business, commercial, or industrial property located within the Municipality of Red Lake boundaries.
- 1.27 “**Pickup Point**” shall mean the place, area or point from which garbage will be collected by the garbage collector.
- 1.28 “**Public Health Inspector**” shall mean the Medical Officer of Health or any Public Health Inspector authorized to act in that behalf.
- 1.29 “**Receptacle**” shall mean a 1 ½ mil plastic, or greater, garbage bag of not less than 50 litres’ nor more than 120 litres’ capacity, filled to a gross weight of not more than 15 kilograms, and securely tied in such a way as to allow a garbage collector to carry it in one hand.

- 1.30 “**Recyclable Material**” shall mean all materials designated by the Corporation of the Municipality of Red Lake and as prescribed in Schedule “A” attached hereto and forming a part of this By-Law.
- 1.31 “**Recyclable Transfer Station**” shall mean the designated area at the Waste Disposal Site where the recyclable materials are stored.
- 1.32 “**Refuse**” shall include garbage, rubbish, ashes, cinders, and street refuse.

1. Definitions - Continued

- 1.33 “**Rubbish**” shall mean household litter and trash, including ashes, but not including trimmings from hedges, trees, discarded small furniture and household items and appliances, manure or night soil.
- 1.34 “**Street**” shall mean a public highway, road, street, lane, alley, square, place or thoroughfare within the Municipality of Red Lake.
- 1.35 “**Transfer Station**” shall mean the designated area at the Waste Disposal Site where materials are sorted.
- 1.36 “**Unsanitary Conditions**” shall mean any nuisance or any condition, matter, accumulation or thing which, in the opinion of the Public Health Inspector, may be injurious to health or which, in his or her opinion, may result in the creation of a nuisance.
- 1.37 “**Waste**” shall mean garbage, refuse and other waste materials generated from domestic household sources and similar uses approved for disposal by the Ministry of Environment and the Council at the Municipal Waste Disposal Sites and shall, for the purpose of definition, include commercial/residential waste, but shall not include; recyclable materials, hazardous waste or industrial waste.

2. General

- 2.1 No person shall sweep, throw, cast, lay or deposit, or direct, suffer or permit any servant, agent or employee to sweep, throw, cast, lay or deposit, any ashes, garbage, dirt, stones, rubbish or refuse of any kind whatsoever in or upon any street with the Municipality of Red Lake.
- 2.2 No person shall obstruct any highway, street, lane, ally or public place by placing or leaving thereon any garbage container, garbage or non-collectible waste.
- 2.3 No person shall pick over, disturb, remove or scatter any ashes, garbage, rubbish or other refuse placed for collection or disposal by a householder in accordance with the provisions of this By-Law whether the same is contained in a receptacle or not.
- 2.4 No person shall deposit or cause to be deposited any garbage, rubbish, refuse, waste or like material on the property of another person without express permission of the person in control of that property.
- 2.5 No person shall place a garbage box on Municipal property.

3. Abatement of Unsanitary Conditions

- 3.1 No person shall fail to keep grounds, yards, vacant lots or real estate drained and kept free of garbage and other refuse.
- 3.2 No person, firm or corporation shall create or maintain an unsanitary condition or permit the existence of an unsanitary condition upon a premises, or upon the streets, lanes and private lands in the rear of or adjoining a premises, or in any place or in any manner within his or her control or management.

- 3.3 Where the Public Health Inspector becomes aware of the existence of any unsanitary condition, he or she shall serve written notice to abate the unsanitary condition on the person(s) responsible. Failing such abatement within the time stipulated in the notice, the Public Health Inspector may cause the abatement or removal of same at the expense of the person at fault.
- 3.4 The failure of the person(s) responsible to comply with a notice shall be considered a breach of this By-Law and subject to the penalties provided herein.
- 3.5 Notwithstanding anything herein contained, no person shall place for collection any material, substance or object which may or is likely to be injurious to the health or safety of any person.

4. Garbage Collector

- 4.1 A contract, or contracts, shall be made from time to time with some person or persons, firm or corporation for the collection and disposal of all garbage, rubbish, refuse and recyclable materials from within the Municipality of Red Lake, upon such terms and conditions as determined by the Council of the Municipality of Red Lake, and the Mayor and Clerk be and are hereby authorized to execute such contract or contracts on behalf of the Corporation and to affix the Corporation's seal thereto.
- 4.2 All garbage, rubbish, refuse and recyclable materials within the limits of the Municipality of Red Lake, except as hereinafter provided, shall be collected, removed and disposed of by the garbage collector employed to collect the same, and the expenses of collecting and disposing of such garbage, rubbish refuse and recyclable materials shall be paid by the said Corporation.

5. Collection

- 5.1 No person shall fail to place for collection all garbage, rubbish, refuse or recyclable materials in receptacles and containers hereinbefore described.
- 5.2 No person shall fail to drain all liquid matter from any garbage, rubbish and other refuse before being placed in the receptacle for collection.
- 5.3 No person shall place any container, receptacle, garbage, rubbish, refuse or recyclable materials out for collection prior to the day of collection.
- 5.4 No person shall leave any container, receptacle, garbage, rubbish, refuse or recyclable materials out after dusk on the day of collection.
- 5.5 Cardboard that will not readily fit into the specified containers will be collected, provided it is cut or folded into pieces not more than one (1) metre in length and securely tied in bundles. The weight of such bundle shall not exceed 15 kilograms in weight, and of a shape and so tied that the collector can carry such bundle in one hand.
- 5.6 Any number of receptacles placed at a pickup point on the designated day will be collected by the garbage collector, but only if the receptacle has a bag tag adhered to it.
- 5.7 Materials designated by the Municipality of Red Lake as recyclable material are not to be collected as waste, and the garbage collector shall not collect any waste that appears to contain any recyclable material. This includes material generated by industrial, commercial and institutional establishments.
- 5.8 The garbage collector is not required to collect any garbage, rubbish, refuse or recyclable materials that are not properly disposed of.
- 5.9 The Garbage Contractor shall provide a schedule regarding the collection of waste, rubbish, refuse and recyclable materials for residential, commercial and institutional properties.

- 5.10 The designate pickup point shall be within 1 metre of the traveled road, lane or curb as may best facilitate collection.
- 5.11 No employee of the Corporation or an employee of the contractor engaged by the Corporation to collect and dispose of garbage, rubbish, refuse or recyclable material shall enter any dwelling, hotel, apartment, tenement or building or ascend any stairway or enter an elevator, hoist or lift for the purpose of carrying out or returning thereto any receptacle except a shed or room specifically designated for storage of garbage at a business or apartment dwelling.
- 5.12 Manufacturers, trade waste and non-collectable waste shall not be collected by the Corporation but shall be removed and disposed of by the owner or person responsible therefore in such manner as approved by the Operations Superintendent or designate, and all costs, charges and expenses incurred or necessitated in disposing of the same in accordance with such agreement shall be borne by the owner or person responsible.

5. Collection - Continued

- 5.13 Where any expense is incurred by the Corporation in arranging for the disposal of any manufacturers, trade waste and non-collectable waste for which a manufacturer, builder, contractor or other person is responsible, such person shall forthwith pay to the Corporation the amount of the expense so incurred.
- 5.14 Industrial establishments shall keep their premises free of accumulated garbage, rubbish and other refuse and shall make such arrangements at their own expense for the collection and removal thereof.

6. Waste Disposal Site

- 6.1 The Attendant shall have the sole right to determine whether material is approved or otherwise.
- 6.2 Only material which in the sole judgment of the Attendant is garbage or other approved material shall be off-loaded. Such material shall be off-loaded as indicated by the instructions on signs or by verbal instructions by the Attendant on duty.
- 6.3 Verbal instructions by the Attendant on duty shall have precedence over instruction on signs.
- 6.4 Any loads of waste which visibility contain recyclable materials as designated in Schedule "A" shall be separated at the Transfer Station by the user.
- 6.5 All accepted items and fees for the Waste Disposal Site are listed in Schedule "B" attached hereto and forming part of this By-Law.
- 6.6 All items prohibited from curbside pick-up are listed in Schedule "C" attached hereto and forming part of this By-law.

7. Offences

- 7.1 Any person who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, is liable to a penalty as provided in the Provincial Offences Act.

8. Effective Date

- 8.1 By-Law Nos. 530-04, 661-05, 711-06, 745-06 and 1261-09 shall be repealed on August 1st, 2010.
- 8.2 This By-Law shall come into force and effect on August 1st, 2010.

Phil T. Vinet, Mayor

Shelly L. Kocis, Clerk

READ a THRD TIME and FINALLY PASSED this 21st day of June, 2010.

Phil T. Vinet, Mayor

Shelly L. Kocis, Clerk

DRAFT

March 25th, 2010

Schedule "A"

to By-Law No. ____-10

The Corporation of the Municipality of Red Lake

Recyclable Materials

1. In this By-Law "Recyclable Material" shall include:
 - 1.1 All steel or tin cans
 - 1.2 All aluminum beverage cans
 - 1.3 All plastic containers with Recycle Symbol #1 - #7
 - 1.4 Waxed milk and juice cartons
 - 1.5 Tetrapacks (juice boxes)
 - 1.6 Newspaper, white paper, brown paper, wrapping paper
 - 1.7 Corrugated cardboard, broken down
 - 1.8 Box board (single layer, non-corrugated)
 - 1.9 Books (remove hard cover)
 - 1.10 Cardboard egg cartons, mailing tubes
 - 1.11 Magazines, catalogues
 - 1.12 Re-usable Items – See Section 4 of Schedule "A"
2. In this By-Law "non-recyclable" items shall include:
 - 2.1 Aerosol cans, propane bottles
 - 2.2 Plastic with no recycle symbol
 - 2.3 Plastic bags, plastic packaging
 - 2.4 Toys, flower pots
 - 2.5 Styrofoam
 - 2.6 Aluminum foil, pie plates, etc.
 - 2.7 Scrap metal (ex. hangers)
 - 2.8 Anything containing a hazardous substance (motor oil, paint, etc.)
 - 2.9 1.12 Glass – See Section 3 of Schedule "A"
3. Glass shall be recycled but must be placed in a separate recycling container for collection. It is not to be included in the one stream recycling program.
4. Re-useable items may be recycled by dropping them off at the Transfer Station located at the Waste Disposal Site. Re-usable items shall not be collected by the garbage collector.
5. Shredded paper is the only item accepted in clear plastic bags.
6. All recyclables are to be place in a blue box. Recyclable items do not have to be sorted, except glass and re-usable items.
7. Cans, bottles and cartons may be crushed to save space.
8. Plastic screw caps are to be removed from containers and added to recycling.
9. All containers are to be rinsed prior to placing them in the blue box.

DRAFT

March 25th, 2010



Schedule "B"
to
By-Law No. _____-10

The Corporation of the Municipality of Red Lake

Waste Disposal Site Fees

Waste Disposal Site Entry Tickets and Bag Tags can be purchased at the Red Lake Municipal Office, Municipal Waste Disposal Site and at other locations as may be authorized, from time to time, by the Municipality of Red Lake.

1. Weigh Scales

1.1 \$0.10/Kg. (Minimum 10 Kg - \$1.00.)

1.2 An additional fee for items containing Freon will be \$20.00 per item.

2. Bag Tags

2.1 \$2.00 per tag

3. Contaminated Material

Types of material that are classified as contaminated are Asbestos and Contaminated soil. Contaminated material will only be accepted at the Waste Disposal Site if it is from within the boundaries of the Municipality of Red Lake and a certificate of approval from a laboratory clearing the material for disposal has been produced. Asbestos shall not be loose.

3.1 \$0.75/Kg & any costs associated with disposal.

4. Tires, Clean Wood, Brush & Household Hazardous Waste

4.1 Tires – No Charge

4.2 Clean Wood (non-painted, stained or treated) – No Charge

4.3 Brush – No Charge

4.4 Household Hazardous Waste – No Charge

5. In the event that the weigh scales are inoperable, the following fees are to be charged:

5.1 \$2.00 for each bag, bundle or carton of waste;

5.2 \$5.00 for each load of large individual items;
(e.g. couch, chair, mattress, etc.)

5.3 \$10.00 for each load of loose sorted construction material;

5.4 \$20.00 for each load of sorted material;
(3 ton vehicle or larger)

5.5 \$20.00 for equipment containing refrigerant;

Non-Collectable Waste

In this By-Law "Non-Collectable Waste" shall mean the

1. Manufacturers/Trade Waste.
2. Construction/Demolition Material
3. Celluloid cuttings, oil soaked rags, and any explosive or highly combustible material of any nature whatsoever.
4. Organic matter not properly drained or wrapped.
5. Liquid wastes.
6. Hay, straw and manure.
7. Human bodily waste (Diapers are acceptable).
8. Dead Animals.
9. Any material, which has become frozen to the container and cannot be removed by shaking.
10. Any organic or other like compostable material from yards or gardens such as plants, leaves, grass clippings, and small bushes.
11. Trimmings from hedges, trees and shrubs.
12. Discarded furniture, household items and appliances.
13. Smoke Detectors/Alarms.
14. Asbestos.

Schedule "D"
to By-Law No. ____-10

Set Fines

The Corporation of the Municipality Of Red Lake

Municipality of Red Lake By-Law No. ____-10 Title: Waste Management By-Law

Item #	Column 1 (Short Form Wording)	Column 2 (Provisions Creating or Defining Offence)	Column 3 (Set Fines)
1.	Once the draft Waste Management By-Law has been accepted and is ready to be forwarded to Council for adoption, detailed list of set fines (\$100.00) will be completed.		

"Note: The general penalty provision for the offences listed above is Section ___ of By-Law No. ____-10, a certified copy of which has been filed and section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33."

DRAFT

March 25th, 2010

