

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 181-2008

A BY-LAW TO ESTABLISH, REGULATE AND MAINTAIN A SOLID WASTE AND RECYCLE MATERIAL MANAGEMENT SYSTEM

WHEREAS Section 208.2 of The Municipal Act R.S.O. 1990 c.M.45, as amended, provides that a local municipality may pass by-laws to establish, maintain and operate a waste management system; and

WHEREAS Section 208.6, Subsection (1) of The Municipal Act R.S.O. 1990, c.M.45 as amended, provides that a local municipality may pass by-laws to prohibit or regulate the use of any part of a waste management system; and;

WHEREAS Section 314, Subsection (1) 5 of the Municipal Act R.S.O. 1990, c.M.45 as amended, provides that councils may pass by-laws prohibiting the throwing, placing or depositing of dirt, filth, glass, handbills, paper or other rubbish or refuse or the carcass of any animal, on any highway within the City; and;

WHEREAS Section 210 (82) of The Municipal Act R.S.O. 1990, c.M.45 as amended, provides for prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the City or any local board thereof without the authority of the owner or occupant of such property; and

WHEREAS Section 320 of The Municipal Act R.S.O. 1990, c.M.45 as amended, empowers Council to pass certain by-laws creating offences for the contravention of by-laws passed under The Municipal Act; and

WHEREAS the Council of The Corporation of the City of Kenora deems it necessary and expedient that regulations be made for establishing and maintaining a system for collection, removal and disposal of waste, set out provisions for rates for the aforementioned service and for creating offences for any contravention to the By -law;

NOW THEREFORE The Corporation of the City of Kenora hereby enacts as follows:

1.0 SHORT TITLE

1. This By-law may be cited as the "Waste and Recycle Management By-law".

2.0 DEFINITIONS AND WORD USAGE

For the purposes of this By-law:

- a. "**Act**" shall mean The Municipal Act, 1990, including amendments thereto.
- b. "**Apartment Building**" shall mean multi-residential dwelling premise: A premise which contains four or more individual dwelling units which are self-contained.
- c. "**Ashes**" shall mean the solid residue of any household fuel remaining after burning, including but not limited to ashes, soot, and other chimney deposits.
- d. "**Attendant**" shall mean the person appointed, from time to time, to carry out the duties of Transfer Facility Attendant.
- e. "**Bag Tag**" shall mean an adhesive coloured tag bearing the words Kenora Garbage Bag Tag.

- f. **"Commercial"** shall mean a use of land or premises permitted in a C1, C2, C3, or C4 zone pursuant to the Town of Kenora zoning by-law 50/91, or such Zoning Bylaw for the City of Kenora, as maybe in affect from time to time.
- g. **"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 to property.
- h. **"Contaminated Soil"** shall mean soil, which has been exposed to, contains, is saturated with or is in any other way polluted with a foreign element that the Ministry of the Environment has directed to be disposed of in a sanitary landfill site.
- i. **"City"** shall mean the City of Kenora being the former town's of Kenora, Keewatin and Jaffray Melick.
- j. **"Council"** shall mean the Council of The Corporation of the City of Kenora.
- k. **"Domestic Waste"** shall mean and include all rejected, abandoned or discarded garbage, refuse, or litter, void of recycle material, thrown out by any household or generated from a residential property or dwelling, all animal, mineral and vegetable matter abandoned, discarded or thrown out by any householder or generated from a residential property or dwelling, but shall not include any non-collectable waste.
- l. **"Domestic Waste Collector"** shall mean and include:
- i. any person employed for the purpose of collection and disposal of domestic waste, rubbish and other refuse.
 - ii. a contractor, including the employees, employed by the City for the collection and disposal of domestic waste, rubbish and other refuse.
- m. **"Dwelling"** shall mean a building, or part of a building used as a place of abode, but shall not include any apartment building, motel, or institutional building.
- n. **"Health Officer"** shall mean the District Medical Officer of Health or any public health inspector authorized to act on his behalf.
- o. **"Householder"** shall mean the registered owner of a dwelling and includes a lessee, occupant, tenant, mortgagee in possession or other person in charge of the dwelling.
- p. **"Industrial"** shall mean a use of land or premises permitted in a M1 or M2 zone pursuant to the Town of Kenora Zoning By-law 50/91, or such Zoning Bylaw for the City of Kenora, as maybe in affect from time to time.
- q. **"Institutional"** shall mean a use of land or premises permitted in a M5 zone pursuant to the Town of Kenora Zoning By-law 50/91, or such Zoning Bylaw for the City of Kenora, as maybe in affect from time to time.

- r. "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, contractor, or other commercial enterprise in the operation of his/her business or trade, and scrap metal and motor vehicle parts from garages, services stations, automotive wrecking yard and scrap metal dealers.
- s. **"Non-Collectable Waste"** shall include the following:
- 1) Trade waste.
 - 2) Celluloid cuttings, oil soaked rags, and any explosive or highly combustible material of any nature whatsoever.
 - 3) Broke plaster, lumber or other waste or residue resulting from construction alterations, repairs, demolition or removal of any building or structure.
 - 4) Sawdust and/or shavings from a commercial and/or industrial establishment.
 - 5) Organic matter not properly drained or wrapped.
 - 6) Liquid wastes
 - 7) Hay, straw and manure.
 - 8) Human and animal bodily waste (Diapers are acceptable).
 - 9) Raw carcass of any animal, bird or fish
 - 10) Bandages, sharps, dressings, and other such waste from hospitals, nursing homes, clinics, etc.
 - 11) Any material, which has become frozen to the container and cannot be removed by shaking.
 - 12) Any organic or other like compostable material from yards or gardens such as plants, leaves, grass clippings, and small bushes.
 - 13) Trimmings from hedges, trees and shrubs.
 - 14) Recyclable materials, namely, any materials for which a system has been established to collect and recycle the materials such as tin and aluminium cans, newspapers, magazines, flyers, white paper, box board, certain plastic containers, old corrugated cardboard (OCC), commercial cooking oil, and hazardous materials.
 - 15) Glass bottles and jars.
 - 16) Discarded furniture, household items and appliances.
 - 17) Smoke Detectors/Alarms.
 - 18) Asbestos.
- t. **"Other Approved Material"** shall mean all other material not within the definition of "domestic waster" which has been approved by the Solid Waste Supervisor as being material which does not form a health hazard or have a deleterious effect on the operation of the Landfill Site or the **Transfer Facility**.
- u. **"Pick-up Point"** shall mean that place, area or point from which domestic and recycling waste will be collected by the waste collector.

v. **“Receptacles”**

- 1) *Solid Waste*: shall mean a 1-1/2 mil plastic or greater, garbage bag of not more than 46 litres, filled to a gross weight of not more than 11.36 kilograms (25 pounds), and securely tied in such a way as to allow a Waste Collector to carry it in one hand.
- 2) *Recyclable*: Residential Blue Box, Commercial Blue Box and Roll-out Container.

w. **“Street”** shall mean a public highway, road, street, lane, alley, square, place or thoroughfare within the City of Kenora.

x. **“Unsanitary Condition”** shall mean any nuisance or any condition, matter, accumulation of things, which, in the opinion of the Health Officer may be injurious in his/her opinion to health or may result in the creation of a nuisance.

y. **“Waste”** shall mean waste of any kind, including domestic waste, non-collectable waste, and commercial, institutional or industrial waste, residential blue box, commercial blue box and roll-out recycle containers.

3.0 GENERAL PROHIBITIONS

3.1 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, domestic waste, dirt, stones, rubbish or waste of any kind whatsoever in or upon any street or roadway within the City of Kenora.

3.2 No person shall obstruct any highway, street, lane, alley or public place by placing or leaving thereon any domestic waste container, domestic waste or non-collectible waste.

3.3 No person shall pick over, disturb, remove or scatter any waste placed for collection or disposal by a householder, whether the same is contained in a receptacle or not, and whether such waste is collectable or not.

3.4 No person shall deposit or cause to be deposited any waste, on private property or property of the City or any local board thereof without the express permission of the person in control of the property.

3.5 No person shall dispose of refrigerated appliance not bearing a certificate stating that the chlorofluorocarbons (CFC's) have been removed by a licensed person.

3.6 Notwithstanding anything herein contained, no person shall place for collection any material, substance or object which is toxic, hazardous, flammable or explosive or is likely to be injurious to the health or safety of any person, including any asbestos material.

4.0 ABATEMENT OF UNSANITARY CONDITIONS

4.1 The owner or occupier of any grounds, yards, vacant lots or real estate shall cause the same to be drained and kept free of domestic waste, rubbish, refuse, debris, waste or like material.

4.2 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/her control or management.

- 4.3 Where the Health Officer becomes aware of the existence of any unsanitary conditions, said Officer may serve written notice to abate the unsanitary conditions on the person(s) responsible. Failing such abatement within the time stipulated in the said notice, the Health Officer may cause the abatement or removal of said unsanitary conditions at the expense of the person(s) responsible.

5.0 DOMESTIC WASTE COLLECTOR

- 5.1 That a contract or contracts may be made from time to time with some person or persons, firm or corporation for the collection, transportation, and disposal of all domestic waste and rubbish from within the City of Kenora. Upon such terms and conditions as determined by the Council and that the Mayor and CAO/CLERK be and are hereby authorized to execute such contract or contracts on behalf of the City and to affix the Corporation's seal thereto.

6.0 COLLECTION

- 6.1 Domestic and recycle waste placed for collection shall be drained of all liquid matter before being placed in a garbage bag or blue box.
- 6.2 Waste that will not readily fit into the specified receptacle will be collected provided it is cut or folded into pieces not more than one metre in length and securely tied in bundles, the weight of which shall not exceed 11.36 kilograms (25 pounds) in weight, and of such shape and so tied that the collector can carry such bundle in one hand.
- 6.3 Council shall approve a collection schedule for the collection of domestic and recycle waste from premises within the City of Kenora in any defined area or areas thereof.
- 6.4 Every householder shall place all domestic and recycle waste at the pick-up point on the day designated for collection no later than 8:00 a.m.
- 6.5 Except as otherwise provided, all domestic and recycle waste placed for collection may be placed in receptacles herein described as residential or commercial.
- 6.6 Every householder shall remove all waste that was not collected and any waste receptacles from any pick-up point or street no later than 6:00 p.m. on the day following the day designated for collection.
- 6.7 The Solid Waste Supervisor shall be responsible to designate pick-up points for all dwellings, on or near the street line as may best facilitate collection.
- 6.8 In no event shall an employee of the City or an employee of a contractor engaged by the City to collect and dispose of domestic waste enter any dwelling, hotel, apartment, building, 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 to a shed or room specifically designed, constructed and designated for storage of domestic waste at an apartment building.
- 6.9 Trade waste and construction/demolition materials and other non-collectable waste shall not be collected by the City but shall be removed and disposed of by the owner or person responsible therefore in such manner as approved by the Solid Waste Supervisor and all costs, charges and expenses incurred or necessitated in disposing of same in accordance with such agreement be borne by the owner or person responsible.
- 6.10 Where any expense is incurred by the City in arranging for the disposal of any manufacturers or trade waste or construction/demolition material and other non-collectable waste for which a manufacturer, builder, contractor, or other person is responsible, such person shall forthwith pay to the City the amount of the expense so incurred.

- 6.11 No person shall convey through the streets any domestic waste, ashes, rubbish, or other refuse or any swill, liquid waste or offensive matter, except in properly constructed and covered containers or in a vehicle equipped with canvas covers or a tarpaulin shall be placed and fastened in such a manner as to prevent such matter from falling onto the streets.
- 6.12 Industrial, Commercial and Institutional (ICI) establishments shall keep their premises free of accumulated waste, rubbish and other refuse. Curbside collection service shall be provided to ICI customers whose waste is placed in a prominent location or in an approved receptacle and having a City of Kenora bag tag properly affixed around the neck of the bag. All other ICI establishments shall make such arrangements at their own expense for the collection and removal of waste.
- 6.13 Domestic waste placed at the pick-up point shall have a bag tag affixed around the neck of the bag and placed in a prominent location or in an approved receptacle.
- 6.14 Any bags placed at the pick-up point not having a bag tag shall not be collected by the Waste Collector.
- 6.15 For a multi-residential dwelling premise, recyclable materials must be collected in commercial use, 90 gallon recycling barrels which must be compatible with the City of Kenora's collection vehicles. These barrels must be placed in the designated collection area as approved by the city. The designated collection point and access route MUST be clear of vehicles, snow, ice and other possible obstructions that may impede the collection of waste / recyclable materials. There shall be no requirement for the collection crew to return to the premise until the next scheduled pick up day if access is unattainable or bins are not out. The fee for collection of recycle materials from multi-residential dwelling premise shall be in accordance with Schedule "D" of the Tariff of Fees By-Law.

7.0 BAG TAGS

- 7.1 Bag tags shall be available for sale at a price to be determined by Council from time to time and sold through retail outlets as determined from time to time, as well as City Hall and the Kenora Area Solid Waste Transfer Facility.
- 7.2 The monies collected from the sale of bag tags shall be used by the City to assist in maintaining the Solid Waste Management System and shall be structured to offset the costs incurred by the City to perform domestic waste curbside collection services.

8.0 SOLID WASTE TRANSFER FACILITY

Off Loading:

- a. The Transfer Facility Attendant shall have the sole right to determine whether material is acceptable. Only material which in the sole judgement of the Transfer Facility Attendant is acceptable shall be off-loaded. Such materials shall be off-loaded and source separated as indicated by the instructions or signs or by verbal instruction by the Transfer Facility Attendant on duty.
- b. Verbal instructions by the Transfer Facility Attendant on duty shall have precedence over instructions on signs.
- c. Materials rejected by the Transfer Facility Attendant shall be disposed of as he/she directs or removed from the facility, at the owner's expense.
- d. Large loads requiring off loading by hand will not be accepted within 10 minutes of closing time.
- e. Recyclable material delivered to the Transfer Station must be placed in proper drop off areas.

8.2 Prohibitions:

- a. No person shall dispose of material containing loose asbestos fibre.
- b. No person shall dispose of refrigerated appliance not bearing a certificate that a licensed person has removed the chlorofluorocarbons.
- c. Cardboard (OCC) and paper quantities greater than 0.25 cubic yards shall be disposed of at the OCC Transfer Facility building.
- d. Commercial recycling containers (roll-out containers) delivered to the Transfer Station will be subject to a charge according to the General Tariff of Fees and Charges for the City of Kenora.

8.3 Hours of Operation:

The Solid Waste Transfer Facility will be in operation year round:

Monday - Friday inclusive	from 8:00 a.m. to 5:30 p.m.
Saturday	from 9:00 a.m. to 4:30 p.m.
Sunday	from 12:00 noon to 4:00 p.m.

Closed Statutory and Civic Holidays

8.4 Transfer Facility Fees: (plus applicable taxes)

The fees collected shall be used by the City to assist in maintaining the Solid Waste Management system and shall be structured to off-set the costs incurred by the City to operate the Transfer Facility.

Fees plus applicable taxes, shall be based on scaled weight measurement as determined by Council from time to time.

In the event the weigh scales are inoperative for any reason, fees including applicable taxes, shall be based on volume as determined by Council from time to time.

The Transfer Facility Attendant shall have the authority to pro-rate part loads or intermediate size vehicles.

9.0 **PENALTY**

Any Person violating any of the provisions of this By-law is guilty of an offence and upon conviction shall be subject to a penalty as provided for under The Provincial Offences Act.

10.0 **ILLEGAL DUMPING**

The City will invoice any person, business, industry or institution disposing of solid waste, rubbish, or debris illegally on property belonging to another person or corporation without the express written permission of that person or corporation for the cost of the clean up and will be subject to a minimum fee of \$75.00.

11.0 **BY-LAW REPEALED**

The following By-law is hereby repealed: By-Law Number 145-2000 as amended.

12.0 **EFFECTIVE DATE**

That this By-law shall come into full force and effect on December 15, 2008.

That the Mayor and Clerk be hereby authorized to execute all documents related to this By-law on behalf of The Corporation of the City of Kenora.

BY-LAW READ A FIRST AND SECOND TIME THIS 15TH DAY OF DECEMBER, 2008.

BY-LAW READ A THIRD AND FINAL TIME THIS 15TH DAY OF DECEMBER, 2008.

THE CORPORATION OF THE CITY OF KENORA:

Per: _____ Leonard P. Compton, MAYOR

Per: _____ Joanne McMillin, CITY CLERK