

THE CORPORATION OF THE TOWN OF KEARNEY

BY- LAW NO. 2015 – 42

Being a By-law to Prohibit the Unauthorized Disposal of Waste and to Regulate Waste Disposition at Authorized Sites within the Municipality

WHEREAS the Municipal Act, 2001, as amended, authorizes a Municipality to provide for a waste management system and to regulate or prohibit the disposal of waste material in any undefined area or throughout the municipality;

AND WHEREAS it is in the interest of society as a whole and of the Town of Kearney, its ratepayers in particular, that the amount of waste material generated by private citizens and businesses be reduced;

AND WHEREAS wherever possible, such waste materials generated be re-used or recycled so that the environment be protected from contamination by hazardous substances;

AND WHEREAS recycling efforts shall extend the lifetime of existing and future Waste Disposal Sites.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KEARNEY ENACTS AS FOLLOWS:

1. TITLE

This By-Law may be cited as the "Comprehensive Waste Management By-Law".

2. APPLICATION

Unless otherwise expressly stated in specific sections hereof, this By-law shall apply to the whole area of the geographic Town of Kearney, in the District of Parry Sound, Province of Ontario.

3. DEFINITIONS

3.1 **COUNCIL** means the Council of the Corporation of the Town of Kearney.

3.2 **ELECTRONIC WASTE/ E-WASTE** means materials designated by the current Ontario Electronic Stewardship guidelines.

3.3 **MUNICIPAL RECYCLING CENTRE (MRC)** means the real property owned by the Town of Kearney, for which a license has been issued by the Ontario Ministry of the Environment for the operation of a Transfer Station and Recycling Centre.

3.4 **OCCUPANT** means any person or persons over the age of eighteen (18) years who is a tenant or lessee, who has changed his or her mailing address and with occupancy of six (6) months or more, or otherwise in lawful possession of a parcel of real property capable of being legally described in a deed or transfer document who shall constitute the occupant or occupants of that real property.

3.5 **OPERATING AUTHORITY** means the Corporation of the Town of Kearney. The Town may appoint such employees, contractors, or volunteers to enforce the Rules and Regulations

3.6 **Outdoor E-Waste Storage Receptacle** means a container in which Electronic Waste is stored outdoors.

3.7 **OWNER** means any of:

3.7.1 a person who is shown as one of the registered owners of real property in the records of the Land Registry or Land Title Office;
or

3.7.2 a person who is shown as the assessed owner of real property on a current assessment roll for the Town;
or

3.7.3 a person for the time being, managing or receiving the rent of the land or premises, whether on his own account or as an agent or trustee for any other person.

3.8 **PERSON** means a natural person or corporation and includes:

3.8.1 every general partner in a firm, partnership or joint venture;

3.8.2 the employee of any person who does something at the direction of his employer;

- 3.8.3 the parent or guardian of any person under the age of eighteen (18) years who resides in the parent or guardian's household and does something at the direction of the parent or guardian.
- 3.9 **PROHIBITED SUBSTANCES AND MATERIALS** means anything which is not permitted to be disposed of at the Transfer Station and includes each and every item of the substances and materials listed in Schedule 'C' annexed to and forming part of this By-law, and in addition thereto, any substance or material which the Operating Authority or its employees have refused to accept for disposal or recycling when it has been inspected by them at the Transfer Station.
- 3.10 **RECYCLABLE MATERIALS** means any discarded household item that is eligible for the recycling program of the Corporation of the Town of Kearney, as posted at the Kearney Township Transfer Stations and as set out in Schedule 'B' of this By-law.
- 3.12 **REFUSE/GARBAGE** means any discarded household food waste or any other unwanted or useless household material and is set out in Schedule 'D' of this By-law.
- 3.13 **RULES AND REGULATIONS** means the rules and regulations for the use and operation of the Transfer Station set out in Schedule 'A' annexed to and forming part of this By-law.
- 3.14 **TOWN** means the Corporation of the Town of Kearney.
- 3.15 **TS** means the Municipal Transfer Station designated by the Town in this By-law, located on Part Lot 18 Concession 1 Proudfoot and on Part Lot 1, Concession 10, Bethune Township, both in the Town of Kearney.

4. **OPERATION**

- 4.1 The Town shall operate a Municipal Recycling Centre (MRC) and Transfer Stations (TS) on designated property owned by the Town. The use of the MRC for the disposal of refuse is a privilege and not a right which will normally be extended to all residents and ratepayers in the Town and such persons from whom the Town may, by contract, agree to accept refuse.
- 4.2 The Joint Landfill Site shall be operated by means of an agreement between the Corporation of the Township of Perry and the Corporation of the Town of Kearney and managed by the Joint Waste Management Committee, as appointed by the above, respective Councils.
- 4.3 The Rules and Regulations as set out in Schedule 'A' shall prescribe fees for the disposal of refuse of defined classes of refuse.
- 4.4 The Council of the Corporation of the Town Of Kearney shall appoint such employees, contractors or designated volunteers to enforce the Rules and Regulations at the Transfer Station as it deems necessary.
- 4.5 The Council of the Corporation of the Town Of Kearney shall utilize a Transfer Station Pass that has not been terminated pursuant to paragraph 4.6 below. The Transfer Station Pass may only be used by the person to whom it is issued or an employee, spouse or member of the household of such person acting with the knowledge or consent of such person. The person to whom the Transfer Station Pass is issued may be held responsible for misuse of the Transfer Station Pass, its use by an unauthorized person, or any violation of the Rules and Regulations by any person using the Transfer Station Pass. The person to whom a Transfer Station Pass is issued, is responsible for reporting its loss or theft and shall be responsible for the cost of replacement.
- 4.6 The Council, or its designate, may suspend, terminate or restrict the privilege of using the Transfer Station and cancel the Transfer Station Pass of any person who misuses or allows the misuse of a Transfer Station Pass or violates any of the Rules and Regulations, PROVIDED THAT such suspension, restriction or termination is in accordance with the procedure set out below:
- 4.6.1 An employee, contractor or designated volunteer of the Operating Authority may temporarily suspend the privileges of a Transfer Station Pass holder if, upon investigation of a person tendering refuse for disposal at the MRS or inspection of the said refuse, he reasonably believes a Transfer Station Pass is being used by an unauthorized person or the Rules and Regulations

are being violated and the person refuses to correct the violation when requested to do so. No such temporary suspension shall be for a period of more than seven (7) days and every person so suspended may appeal to the Operating Authority.

- 4.6.2 If the Operating Authority forms the opinion that the Transfer Station Pass holder has: allowed unauthorized persons to use his Transfer Station Pass; seriously and deliberately violated the Rules and Regulations; established a pattern of violating the Rules and Regulations; and/or permitted someone using his Transfer Station Pass to do any of the above, then the Operating Authority may restrict or terminate the privilege of such person to use the Transfer Station Pass and revoke his Transfer Station Pass.
- 4.6.3 Every decision of the Operating Authority to terminate or restrict the right of someone to whom a Transfer Station Pass has been issued, shall be set down in writing and delivered or mailed to the person at his address shown on the Assessment Roll for the Town or his/her last known address. Such written notice shall contain the following:
 - 4.6.3.1 a brief description of the alleged violation including the approximate date thereof;
 - 4.6.3.2 the date on which the termination or the restrictions come into effect;
 - 4.6.3.3 where applicable, the details of the restrictions imposed;
 - 4.6.3.4 the fact that this decision of the Operating Authority may be appealed in person or in writing to the Council.
- 4.7 If the Operating Authority forms the opinion mentioned in 4.6.2 above and elects to restrict rather than terminate the privileges of a Transfer Station Pass holder, or on appeal of a termination the Council so decides, any or all of the following conditions or restrictions may be imposed:
 - 4.7.1 a requirement that refuse be brought to the TS at specified times on specified days;
 - 4.7.2 a requirement that the person submit to a detailed inspection of refuse tendered;
 - 4.7.3 a requirement that the person pay a special fee, in addition to any other fee normally imposed, equal to a genuine pre-estimate of the actual cost of any detailed inspections or sorting by employees of the refuse.
- 4.8 Refuse/garbage and recyclable materials will be collected on a weekly basis for all properties with role numbers beginning with 4918 010 001 ...

5. PROHIBITIONS

No Person Shall:

- 5.1 Dump or dispose of any refuse on a Highway as defined in the Municipal Act, including both the travelled and untravelled portions thereof;
- 5.2 Dump or dispose of any refuse on any land owned by the Town or Her Majesty the Queen in right of either Canada or Ontario, except the TS or other site designated by Council from time to time for this purpose;
- 5.3 Dump or dispose of any refuse on any private land within the Town unless the land is described in a license to operate a 'Waste Disposal Site', issued by the Ontario Ministry of the Environment which was in existence on the date this By-law comes into force, provided that this subparagraph shall not prohibit the temporary storage of refuse pending other disposal or the composting of organic material, all of which refuse or organic material originated on the parcel of land where it is stored.
- 5.4 No person shall store or compost refuse in a manner which permits the escape of noxious or unpleasant odours onto the property of any other person, however this subparagraph does not apply to a farmer's manure pile or the spreading of manure on fields or gardens.
- 5.5 No person shall carry or transport refuse which originated outside the Town, into the Town for dumping or disposal in the Town, except under a contract approved by the Council.
- 5.6 No person who is not either the holder of a Transfer Station Pass or an employee, agent or member of the household of a person who holds a Transfer Station Pass and who is acting with the knowledge and consent of such holder, shall dispose of refuse at the TS.

- 5.7 No person shall deposit or dispose of refuse at or near the gates when the TS or the joint Landfill Site is closed.
- 5.8 No person shall dispose of Prohibited Substances or materials at the TS.
- 5.9 Hazardous Waste days will be scheduled a minimum of once annually for the collection of certain Prohibited Substances or Materials.
- 5.10 No person shall dispose of Recyclable Materials except by tendering them at the TS or other designated site properly sorted and bundled as required by the Rules and Regulations.
- 5.11 No person shall bring Recyclable Materials or Prohibited Substances or materials to the TS or other designated site concealed or packaged in such a way as to make them appear to be items, substances or materials which are not recyclable materials or prohibited substances

6. OFFENSE AND PUNISHMENT

Any person who:

- 6.1 does any act prohibited by Section 5; or
- 6.2 permits the performance of any act which is prohibited by Section 5 on real property of which he is the owner or occupier; or
- 6.3 being the employer, parent or guardian of another person, directs his employee or a person under the age of eighteen (18) years who resides in his household to do any act prohibited by Section 5;

is guilty of an offense and is punishable upon conviction under the Provincial Offenses Act by a fine of not more than Five Thousand (\$5,000.00) Dollars.

7. REPEAL CLAUSE

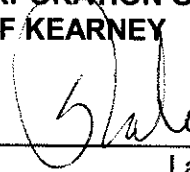
By-law No. 2014-12 of the Corporation of the Town of Kearney is hereby repealed, effective immediately.

8. DATE AND EFFECT

This By-law shall come into force and effect on January 1st, 2016.

READ A FIRST, SECOND AND THIRD TIME, passed, signed and the Corporate Seal attached hereto, this 18th day of September, 2015.

**THE CORPORATION OF THE
TOWN OF KEARNEY**



Lance Thrale, Mayor



Brenda J. Fraser, Clerk Administrator

SCHEDULE 'A'
TO BY-LAW NO. 2015 - 42

RULES AND REGULATIONS

1. No person shall carry or transport any materials from the following categories, which originated outside of the Town, into the Municipal Recycling Centre for dumping, disposal or recycling purposes:
 - 1.1 recyclable materials (as listed on Schedule 'B', each of which is a separate category)
 - 1.2 metals
 - 1.3 burnable items
 - 1.4 building debris including building debris to be burned
 - 1.5 household or commercial garbage, recycling or refuse of any other type
 - 1.6 electronic waste (as listed in Schedule 'E')
2. Users will separate, sort and place each type of garbage, recycling or refuse in particular areas as directed by site attendants or signs.
3. No user will set fire to any material.
4. **Tipping Fees** will be assessed as published in the By -law to Establish Fees or Charges for services or activities provided or done by the Corporation of the Town of Kearney.
 - 4.1 The payment of fees does not relieve the user of the requirement to sort.
 - 4.2 The payment of Tip-age Fees shall be done at the time of dumping, unless prior arrangements are made.
 - 4.3 Attendant will set fees for over and undersized loads
5. **Garbage Bag Limit**
 - 5.1 Each household will be allowed a maximum of five (5) bags per month.
 - 5.2 Additional bags will be assessed as published in the By -law to Establish Fees or Charges for services or activities provided or done by the Corporation of the Town of Kearney.
 - 5.3 There will be no carry over of bag limit from one month to the next month.
 - 5.4 A garbage bag for the purpose of this By-law shall not exceed 79 centimeters (31 inches) x 107 centimeter (42 inches) in size and thirty (30 lbs) in weight.
 - 5.5 Garbage Bags shall be clear – no colour.

SCHEDULE 'B'
TO BY-LAW NO. 2015 - 42

RECYCLABLE MATERIALS

Fibres – Paper Products

- Catalogues, Magazines
- Newspapers, Flyers/Inserts
- Telephone Books
- Corrugated Cardboard Boxes - broken down
- Boxboard (cereal, soap, tissue, etc)
- Fibre Egg Cartons
- Mixed Household Paper
- Brown Paper Bags
- Office (fine) paper
- Wax Coated Milk and Juice Cartons

Containers - Metals, Plastics, Glass, Styrofoam Products

- Glass (clear and coloured)
- Steel/Tin/Aluminum Food/Drink Cans
- Aluminum Trays and Foil
- Polystyrene (Styrofoam) trays / containers
- Rigid plastic containers (HDPE)
- Plastic soft drink bottles (PET)
- Plastic bags / film wrap
- Tires with Rims Removed
- Steel parts of motor vehicles
- Oil Containers

SCHEDULE 'C'
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PROHIBITED SUBSTANCES AND MATERIALS

- Hazardous or toxic substances, materials or chemicals
- Products containing mercury
- Paint and stain
- Propane cylinders
- Railroad ties
- products containing asbestos
- Condemned or dead animals or animal carcasses or part thereof
- Human pathological waste
- Human excrement or urine
- Livestock excrement or urine
- The former contents of any septic tank or holding tank
- Explosives or highly flammable materials, substances or chemicals
- Rocks, logs or stumps
- Waste oil or other petroleum products
- Motor vehicles

SCHEDULE 'D'
TO BY-LAW NO. 2015 - 42

REFUSE

- Any non-toxic liquid, substance or material which was purchased, otherwise acquired, made, constructed or combined for use on any land or in any residence or business enterprise, or
- any non-toxic by-product or excess liquid, substance or material produced as a result of the creation of anything mentioned in the previous, or
- any natural plant material or substance, whether cultivated or not, which has been removed from the place where it originally grew, and without limiting the generality of the foregoing, also includes - new brick or used building or construction materials except brick, stone or concrete when used as fill material with the permission of the owner of land where they are deposited
- animal or vegetable or other waste resulting from the handling, preparation, cooking and consumption of food or drink
- household animal fecal material except when used as manure
- soiled diapers in normal household quantity
- Non- burnable Construction Debris
- **All refuse is to be transported and delivered in a colourless, transparent Plastic Bag that does not exceed 79 centimeters (31 inches) x 107 centimeters (42 inches) in size and thirty (30 lbs) pounds in weight.**