

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

BY-LAW NO. 47-2021

Being a By-law for managing the disposal of solid wastes and recyclable materials within the Municipality of Whitestone and to repeal By-law No. 19-2010

WHEREAS Section 8.1 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended hereinafter referred to as the "*Municipal Act*" provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 11 (3) 3 of the *Municipal Act* allows Council to pass a By-law regarding waste management;

AND WHEREAS Council deems it in the public interest to establish facilities for the transfer and disposal of waste and recyclable materials within the municipality;

WHEREAS pursuant to Sections 11, 127, and 128 of the *Municipal Act*, a municipality may pass by-laws respecting the health, safety and well-being of persons, and the protection of persons and property; prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and prohibit and regulate with respect to matters considered to be a public nuisance, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 425 of the *Municipal Act*, permits a municipality to pass By-laws providing that any person who contravenes any By-law of the municipality passed under the *Municipal Act* is guilty of an offence;

AND WHEREAS Section 436 of the *Municipal Act*, permits a municipality to pass By-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a By-law passed under the *Municipal Act* or a direction or order made under such a by-law are being complied with;

AND WHEREAS Section 391 of the *Municipal Act*, authorizes a municipality to impose fees and charges on persons for services or activities provided or done by or on behalf of it, for costs payable by it for services or activities provided or done by or on behalf of the municipality, and for use of its property including property under its control;

AND WHEREAS Ontario Regulation 207/96 (Outdoor Fires) Section 4 (2) permits the burning of brush under controlled conditions where the property is owned by the Municipality of Whitestone;

AND WHEREAS the Council of the Corporation of the Municipality of Whitestone deems it expedient to establish and regulate the operation of its landfill sites and transfer disposal facilities;

NOW THEREFORE the Council of the Municipality of Whitestone hereby enacts as follows:

1. **SHORT TITLE**

1.1 The Short Title of this By-law is the "Waste Management By-law".

2. **SCOPE OF THE BY-LAW**

2.1 This By-law applies throughout the whole of the **Municipality**.

3. **DEFINITIONS**

3.1 In this By-law:

"**Ashes**" mean the residue, including soot, of any fuel or waste after it has been consumed by fire;

"**Bag Tag**" means a tag issued by the **Municipality** for the purpose of being affixed to a **clear plastic bag** or used to pay for the disposal of a **bulky item, construction or demolition waste or yard waste**;

"**Brush**" means any and all heavy or bulky household items such as furniture, appliances, televisions, bathtubs, water tanks, mattresses, carpet and bicycles;

"**Bulky Item**" means any and all heavy or bulky household items such as furniture, appliances, televisions, bathtubs, water tanks, mattresses, carpet and bicycles;

"**CAO/Clerk**" means the CAO/Clerk of the **Municipality** or their designate;

"**Clear Plastic Bag**" means a transparent and see-through plastic bag;

"**Construction or demolition waste**" means any discarded building material, resulting from the erection, demolition, repair, removal or improvement of any building, structure or property, including, but not limited to, concrete, stones, earth from excavations or grading, shingles, lumber, plaster, sawdust and shavings;

"**Costs**" means all monetary expenses incurred by the **Municipality** during and throughout the process to clean up **refuse**, including interest and may include an administrative surcharge amount as established by the **Municipality's Fees and Charges By-law**. Subject to section 398 (2) of the Municipal Act, amounts owing may be added to the tax roll;

"**Highway**" includes a common and public highway, street, road, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

"**Industrial/commercial/institutional waste**" means waste material from any one or more industrial or manufacturing processes, any waste produced by or at any commercial **property**, or waste from any industrial or institutional **property**;

"**Landfill access pass**" means a card issued by the **Municipality**;

"**Landfill Site and Transfer Disposal Facilities**" means an active provincially approved sanitary landfill site or transfer facility for **waste and recyclable materials** owned and / or operated by the **Municipality**;

"Municipality" means the Corporation of the Municipality of Whitestone and its land within the geographic limits of the Municipality as the context requires;

"Non-acceptable waste" means any waste generated outside the **Municipality's** boundaries, any gaseous, liquid or solid waste that, because of its inherent nature and quality, requires special disposal techniques to avoid creating health hazards, nuisances or environmental pollution including but not limited to items or materials listed in Schedule A of this By-law, and any other materials designated by the **Municipality** from time to time;

"Officer" means a police officer or municipal law enforcement officer;

"Organics" means any compostable materials including food stuffs, plants, and non-recyclable paper products;

"Owner" means the registered owner of the **property**;

"Person" includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in their capacity as a trustee, executor, administrator, or other legal representative;

"Property" means a parcel of land which is capable of being legally conveyed;

"Recyclable materials" means material of any kind which is included in the **Municipality's** recycling program from time to time, including but not limited to, items or materials listed in Schedule B of this By-law;

"Regulation 347" means Regulation 347, R.R.O. 1990 under the Environmental Protection Act, R.S.O. 1990, c. E. 19, as amended or replaced;

"Refuse" means **waste, non-acceptable waste, recyclables** and any other discarded or abandoned commodities of any kind whatsoever;

"Scavenging" means to sort through, pick over, interfere with, disturb, remove or scatter any refuse, recyclables or material at any landfill site and transfer disposal facility;

"Sharp Objects" includes broken glass, a razor or other blade, sewing needle, clinical glass, knife, scissors, straight razor, screw, nail, axe, hatchet, lawn mower blade and the like;

"Untreated wood" means wood that is not painted, pressure-treated, soaked with creosote or any other toxic substance;

"Waste" means any residential, **industrial/commercial or institutional waste** including **bulky materials, organics, construction or demolition waste, sharp objects, untreated wood** and **yard waste** but does not include **non-acceptable waste** or **recyclable materials**,

"Yard Waste" means any excess organic material generated on a property including, but not limited to, tree trimmings, hedge trimmings, plants, weeds, spring rakings, sod, cones, fruits and vegetables from yard trees and gardens but does not include trees and/or branches over 8 inches (200 mm) in diameter;

4. GENERAL ADMINISTRATION

- 4.1 The **CAO/Clerk** is responsible for the administration of this By-law.
- 4.2 All terms used in this By-law that have not been defined in this By-law shall be given the meanings provided for in the Environmental Protection Act, R.S.O. 1990, c. E. 19, as amended or replaced.

5. LANDFILL SITE AND TRANSFER DISPOSAL FACILITIES - SITE OPERATIONS

- 5.1 Council shall designate the hours of operation for the **landfill site and transfer disposal facilities** and may close it on statutory holidays and other holidays recognized by the **Municipality** now or in the future:
- 5.2 The **Municipality** shall post the following at the entrance to the **landfill site and transfer disposal facilities**:
 - (a) the hours of operation;
 - (b) notice regarding the use of CCTV cameras for the purpose of security and protection of the **landfill site and transfer disposal facilities** and enforcement of this By-law.
- 5.3 The **Municipality** shall post the hours of operation of the **landfill site and transfer disposal facilities** on its website.
- 5.4 A **landfill site and transfer disposal facility** site attendant shall only permit use of the **landfill site and transfer disposal facility** upon production of the following:
 - (a) a **landfill access pass**;
 - (b) **waste or recyclable materials** with a **bag tag** or a **medical waste disposal bag tag**;
 - (c) **clear plastic bags only for waste and recycling**;
 - (d) **yard waste** in a clear bag or paper yard waste bag; and
 - (e) payment of any applicable fees in accordance with the **Municipality's Fees and Charges By-law**.
- 5.5 Cash shall not be accepted for payment of a fee at a **landfill site and transfer disposal facility**.
- 5.6 Every person entering a **landfill site and transfer disposal facility** shall:
 - (a) save and hold harmless the **municipality**, its contractors, agents and employees from any damage or claims whatsoever to themselves or their property or to any other person or property whatsoever whether arising from such person's negligence or otherwise (for example by accident);
 - (b) only deposit **waste or recyclable materials** that is permitted in accordance with the **municipality's** certificate of approval issued by the applicable provincial ministry for the **landfill site and transfer disposal facility**;
 - (c) ensure all loads entering a **landfill site and transfer disposal facility** are covered and secured tightly;

- (d) no person shall smoke or vape any substances on any municipal landfill site and transfer station;
 - (e) ensure no **person** under the age of twelve (12) years of age exits from the vehicle at any time;
 - (f) ensure no animal exits from a vehicle at any time;
 - (g) separate and place all **waste** and **recyclable materials** in the appropriate area or dedicated bin as directed by the **landfill site and transfer disposal facility** site attendant;
 - (h) place **untreated wood** in the designated brush pile and treated wood as designated by the Municipality of Whitestone Employee;
 - (i) place **sharp metal objects** in the metal waste bin.
- 5.7 A commercial waste hauler must possess a valid Certificate of Approval issued by the applicable provincial Ministry to haul waste from the **landfill site and transfer disposal facility**.
- 5.8 A **landfill site and transfer disposal facility** site attendant may:
- (a) inspect a load, refuse a load or redirect a load;
 - (b) conduct random spot test to determine the acceptability of **waste** and **recyclable materials**;
 - (c) require any **person** depositing or placing **waste** and **recyclable materials** to demonstrate conformity to this By-law to their satisfaction.
- 5.9 Any testing required and **costs** associated with confirming compliance with this By-law shall be the responsibility of the **person** seeking to deposit or place the **waste** and **recyclable materials**.
- 5.10 If any load of **waste** or **recyclable materials** deposited or placed at a **landfill site and transfer disposal facility** is found to contain **non-acceptable waste** or non-acceptable **recyclable materials**, the carrier shall be required to remove the **non-acceptable waste** or non-acceptable **recyclable materials** at their expense.
- 5.11 All **waste** and **recyclable materials** deposited or placed in accordance with the provisions of this By-law at a **landfill site and transfer disposal facility** shall become the property of the **Municipality** and may be salvaged, reclaimed, recycled, disposed of, or otherwise dealt with by the **Municipality** as it deems appropriate.
- 5.12 The **Municipality** may refuse access to a **landfill site and transfer disposal facility** on a temporary or permanent basis where the **CAO/Clerk** is of the opinion that the **person**:
- (a) is in default of making payment to the **Municipality** pursuant to this By-law or the **Municipality's** Fees and Charges By-law;
 - (b) is or has transported **non-acceptable material** for deposit or placement at the **landfill site and transfer disposal facility**;
 - (c) has not used a **clear plastic bag** for the **waste** or **recyclable materials**;
 - (d) is or has conducted themselves in a manner that may impede the safe and orderly operation of the **landfill site and transfer disposal facility**.

6. **LANDFILL ACCESS PASS AND COUPONS**

- 6.1 The **municipality** shall issue to each **property owner** of the **municipality** a:
- (a) **landfill access pass**;
 - (b) **yard waste** coupon on an annual basis.
- 6.2 A **landfill access pass** may be used to deposit or place **waste** and **recyclable materials** in accordance with the provisions of this By-law and payment of the applicable fee as set out in the **Municipality's Fees and Charges By-law** as amended from time to time.
- 6.3 A **yard waste** coupon entitles a **property owner** of the **Municipality** to place and deposit one free load of **yard waste** at the Auld's Road **landfill site and transfer disposal facility** in a calendar year.
- 6.4 A **landfill access pass** and a **yard waste** coupon are non-transferable.

7. **BAGS / BAG TAGS / MEDICAL WASTE DISPOSAL BAG TAGS**

- 7.1 The **Municipality** shall make available for purchase **bag tags**.
- 7.2 A **bag tag** may be purchased at the Municipal Office or any other location as determined by the **Municipality** for a fee as set out in the **Municipality's Fees and Charges By-law**.
- 7.3 Where a **person** does not have a **landfill access pass**, a **bag tag** is required to place and dispose of **waste** or **recyclable materials**.
- 7.4 Any **person** who rents or otherwise occupies a **property** in the **Municipality** including a camper may purchase a **bag tag** to place and dispose of **waste** or **recyclable materials** at a **landfill site and transfer disposal facility**.
- 7.5 Every **person** shall use a **clear plastic bag** for **waste** and **recyclable materials**.
- 7.6 Every **person** shall use a paper yard waste bag or a clear plastic bag for **yard waste**.
- 7.7 Notwithstanding Section 7.5, a **person** may use one small bag that is not a **clear plastic bag** such as a kitchen catcher bag for **waste** to place inside a **clear plastic bag** to protect their privacy.

8. **RECYCLABLE MATERIALS**

- 8.1 Every **person** shall separate **recyclable materials** from **waste** as outlined on Schedule B to this By-law.

9. **GENERAL PROHIBITIONS**

- 9.1 No **person** shall trespass on a **landfill site and transfer disposal facility**.

- 9.2 No **person** shall place or deposit **waste** or **recyclable materials** at a **landfill site and transfer disposal facility** other than in accordance with the provisions of this By-law.
- 9.3 No **person** shall place or deposit **waste** or **recyclable materials** at, near, outside of or in the vicinity of the gates or fence of a landfill site and transfer disposal facility.
- 9.4 No **person** shall place or deposit **non-acceptable waste** at a **landfill site and transfer disposal facility**.
- 9.5 No **person** shall place or deposit **waste** and **recyclable materials** at any **landfill site and transfer disposal facility** upon being refused access by the **municipality**.
- 9.6 No **person** other than Municipality of Whitestone employees (and only when approved by the Manager of Public Works) shall scavenge, interfere with, remove, exchange or scatter **waste** or **recyclables** at any **landfill site and transfer disposal facility**.
- 9.7 No **person** shall refuse to provide proof of origin of **waste** or **recyclable materials** tendered for disposal at a **landfill site and transfer disposal facility**.
- 9.8 No **person** shall disobey the direction of a **landfill site and transfer disposal facility** site attendant.
- 9.9 No **person** shall throw, place, deposit or dump or cause or permit to be thrown, placed, deposited or dumped **refuse** on **property** without the approval of the **owner** of the **property**.
- 9.10 No **person** shall throw, place, deposit or dump or cause or permit to be thrown, placed, deposited or dumped **refuse** on any **highway**.
- 9.11 Any **person** who throws, places, deposits or dumps or permits to be thrown, placed, deposited or dumped **refuse** on **property** is responsible for the removal of the **refuse** and all **costs** related to the removal of the **refuse**.

10. ENFORCEMENT AND PENALTY PROVISIONS

- 10.1 The enforcement of this By-law shall be conducted by an **Officer**.
- 10.2 For the purposes of an inspection under this By-law, an **Officer** may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any **person** concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a **person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

10.3 Every **person** who contravenes any provision of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:

- (a) on a first offence, to a fine not more than \$50,000.00; and
- (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00

10.4 Every **person** who is issued a Part 1 offence notice or summons and is convicted is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

10.5 No **person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Officer** exercising a power or performing a duty under this By-law.

10.6 Every **person** who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an **Officer** upon request, failure to do so shall be deemed to have hindered or obstructed an **Officer** in the execution of their duties.

10.7 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

10.8 If a **person** is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the **person** convicted.

10.9 In a proceeding where it is alleged a violation pursuant to this by-law has occurred evidence of any personal markings, writings, or inscriptions found in any **refuse** deposited in contravention of this by-law that identifies the name and address of any **person** shall be prima facie evidence that the **refuse** was deposited unlawfully by such **person**.

11. COSTS

11.1 The **Municipality** may recover its **costs** of remedying a violation of this By-law by invoicing the **person** owing the **costs** or by initiating court proceedings and the exercise of any one remedy shall not preclude the exercise of any other available remedy.

11.2 All **costs** owed to the **Municipality** are due and payable within thirty (30) days of the billing date set out on the invoice and, in the event of failure to pay the entire amount due within the said thirty (30) days, interest may be applied at the rate of 1.25% per month (15% annually).

12. SEVERABILITY

12.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the **Municipality** that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

13. INTERPRETATION

13.1 References in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.

13.2 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

13.3 The Schedules appended to this By-law are incorporated into and form part of this By-law.

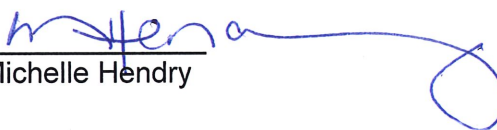
14. REPEAL

14.1 By-law No. 19-2010 is hereby repealed.

Read a First and Second time this 13th day of December, 2021.



Mayor George Comrie

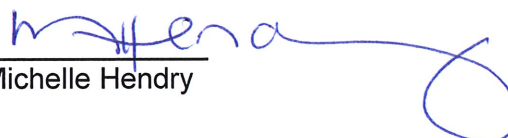


CAO-Clerk Michelle Hendry

Read a Third time and Passed, Signed and Sealed this 13th day of December, 2021



Mayor George Comrie



CAO-Clerk Michelle Hendry



Schedule A
(By-law 47-2021 – Waste Management)

Non-acceptable waste:

- a) Hazardous waste as defined by **Regulation 347**;
- b) Hazardous waste materials which are corrosive, toxic, reactive or flammable such as car batteries, drain and oven cleaners, paints, solvents, oils, varnishes, stains, gasoline, kerosine, BBQ starters, lighter fluid, pesticides, rat poison, pool chemicals, ammonia and cleaning fluids;
- c) Biomedical or pathological waste, whether solid or liquid, as designated and regulated by **Regulation 347**, including syringes and pen needles;
- d) Non-anatomical waste infected with a communicable disease;
- e) PCB waste;
- f) Radioactive waste;
- g) Fiberglass or wooden boats and non-metal vehicle parts thereof;
- h) Live animals or birds, and carcasses or parts thereof of any animal or other creature, save for normal kitchen **organic** waste, which has been drained of all liquids;
- i) Manure, septic or holding tank pumpings, or raw sewage;
- j) Materials of any kind or nature that contain hot live coals or hot **ashes**;
- k) Explosive, highly combustible, or ignitable waste;
- l) Any gaseous, semi-liquid, or liquid waste;
- m) A designated substance as prescribed by the Occupational Health and Safety Act, R.S.O. 1990, C. O.1, as amended;
- n) Sealed metal drums or barrels;
- o) Aerosol cans;
- p) Materials or items as designated in the relevant Certificate of Approval issued to the **Municipality** for the **landfill site and disposal facility**;
- q) Any other material or item as designated by the **Municipality** from time to time.

Schedule B
(By-law 47-2021 – Waste Management)

Recyclable Materials

Recyclable materials are to be separated as follows:

1. FIBRES

- Newsprint
- Magazines
- Fine Paper
- Wrapping materials and paper rolls
- Books (hard cover removed)
- Telephone directories
- Fibre Egg Cartons
- Brown Paper and Bags
- Boxboard and paperboard
- Polycoat paperboard containers, being containers made primarily of paperboard and coated with low density polyethylene or aluminum, and used for food or beverages
- Cardboard (corrugated)

2. CONTAINERS – EMPTIED AND RINSED

- Glass bottles and jars for food or beverages (including broken glass)
- Aluminum food or beverage cans (including cans made primarily of aluminum)
- Polyethylene terephthalate bottles for food or beverages (including bottles made primarily of polyethylene terephthalate) also known as Tetra Pak's
- Steel food or beverage cans (including cans made primarily of steel)
- Aluminum foil (including items made from aluminum foil)
- Rigid plastic containers being:
 - i) High density polyethylene bottles (recycling numbers 1 through 7) used for food, beverages, toiletries or household cleaners (including bottles made primarily of high-density polyethylene), and
 - ii) Polystyrene containers used for food or beverages (including containers made primarily of polystyrene).

Schedule B continued
(By-law 47-2021 – Waste Management)

Recyclable Materials

3. METAL

- Metal debris whether whole or in parts
- Lawn mowers and equipment (including sharp metal blades, knives or other **Sharp Objects** that are metal only)
- Metal siding or roofing
- Car parts, tractors, riding mowers, or vehicles with all fluids drained
- Boats with oil reserves and fuel tank removed
- Large appliances (refrigerator, freezer, or cooler (a fee is charged for removal of refrigerant), stove, dishwasher, washer, and dryer)
- Aluminum siding
- Bed springs and metal beds

4. ELECTRONIC DEVICES

- Televisions, monitors, computers, printers
- Fans
- Small Appliances (non-metal)