

CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY



By-law 1120-22

BEING A BY-LAW TO REGULATE AND GOVERN THE COLLECTION OF WASTE IN THE TOWNSHIP OF VAL RITA-HARTY

WHEREAS section 8 (1) of the Municipal Act 2001, S.O. 2001, c.25, as amended, confers broad authority 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 (1) of the Municipal Act 2001, S.O. 2001, c.25, as amended, states that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS section 11 (3) of the Municipal Act 2001, S.O. 2011, c.25, as amended, states that a municipality may pass a by-law in respect to matters concerning waste management;

NOW THEREFORE be it resolved that the Corporation of the Township of Val Rita-Harty enacts as follows:

1. Definitions

- a. "Bins" means waste containers obtained through the municipality which contains a serial number assigned to a specific property.
- b. "CAO" means the Chief Administration Officer for the Corporation of the Township of Val Rita-Harty.
- c. "Condemned" means a bin which is not suitable for garbage collection due to damage or its condition.
- d. "Dwelling" means a building used for human habitation.
- e. "Garbage" means any waste which cannot be recycled and is not considered to be special waste.
- f. "Garbage bag" means a solid manufactured bag made of plastic which is durable and can withstand normal handling and lifting, is free of rips and tears and can be securely tied at the top.
- g. "Municipality" means the Corporation of the Township of Val Rita-Harty.
- h. "Municipal Law-Enforcement Officer" means a person appointed and/or responsible for the enforcement of provisions of this by-law and may include his/her designate.
- i. "Officer" means Officers from the Ontario Provincial Police.

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- j. "Owner" means any registered owner of a property, including leased properties, including the owner's agent or property manager, or any other person having charge or control over the property, and shall include any occupants of the property in any portion thereof.
- k. "Person" means any individual, partnership or corporations.
- l. "Property" means any store, dwelling, offices, factory, warehouses, or any other building together with its land and other buildings.
- m. "Roadside" means the section between the edge of the property lot line that goes alongside the road, concession, or highway and the travelled portion of said road.
- n. "Special waste" means all waste defined under Ontario Regulation 542/06, MUNICIPAL HAZARDOUS OR SPECIAL WASTE.
- o. "Waste" means materials that are unwanted or unusable or of no value to someone which is discarded.

2. Garbage collection service established

- a. The Township of Val Rita-Harty as entered into a third-party service agreement to provide the collection of waste within its municipal boundaries in accordance with the terms and condition of this by-law.

3. Administration

- a. The CAO or Working Foreman, or any other official of the municipality appointed by the municipal council, shall be responsible for the administration of this by-law and shall have all necessary authority to administer this by-law.
- b. Without limiting subsection (a), the CAO shall have the authority to :
 - i. Designate collection days for roadside collection of waste;
 - ii. Designate additional collection days for roadside collection of waste, if deemed necessary;
 - iii. Suspend the collection of waste service to properties for which the owner and/or occupier is in contravention of the by-law.
- c. Without limiting subsection (a), the Working Foreman shall have the authority to :
 - i. Ensure the proper delivery of waste collection services according to this by-law;
 - ii. ensure the proper removal of waste from the roadside;
 - iii. Report any bins that are not kept in good repair;
 - iv. Report any contravention to this by-law;

4. Collection days

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- a. Only waste generated within the municipal boundaries shall be collected. Waste collection is a service offered by the municipality for its residents and constitutes the collection of waste from approved bins.
- b. A collection schedule indicating collection days shall be prepared annually and made available to the public.
- c. If a collection day falls on a public holiday, the collection day shall fall on the next regular business day where the garbage truck is available. The public shall be notified of such instances at least 48 hours in advance.
- d. In the event of a breakdown or malfunction of the garbage truck, the Township shall make every effort to keep the residents informed of the situation as soon as the break in service occurs through our social media. The public will be informed as soon as possible if the collection day falls on the next regular business day when the garbage truck is available through our social media.

5. Collection time

- a. No property owner shall set out their garbage bins for roadside collection earlier than the day before the designated collection day and not later than 7 a.m. on the designated collection day.
- b. Every property owner who set out their garbage bins in accordance with subsection (a), which as been emptied on the collection day, shall remove all garbage bins, together with any waste that was not collected for any reason, any spillage and/or excess waste from their garbage bins, from the roadside as soon as possible after the collection, but not later than one day following the designated collection day.

6. Roadside collection location and requirements

- a. Every property owner shall set out their garbage bins by placing it at the roadside and facing the road, within the extension of the property lines of the roadside premises as close as possible to the travelled portion of the road without obstructing or interfering with the travelled portion of the road.
- b. If more than one bin is owned by the property owner, they shall be at least 3 feet apart.
- c. The garbage bins set out must be at least 3 feet away from any obstruction.
- d. No property owner shall set out their garbage bins on the roadside :
 - i. In front of another owner's property without permission of said owner;
 - ii. That is not clearly visible or directly accessible;
 - iii. On top of a snow drift or other pile of snow created by snowplows or other snow clearing operations;

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- iv. In which waste cannot be freely discharged from the garbage bin when tipped because it is frozen or stuck to the garbage bin.
- v. That is not an approved garbage bin as provided and required by the by-law;
- vi. That is not maintained in a safe and efficient condition for normal collection activities and use;
- vii. That is not intact, as required, to prevent leaking, spillage or breakage during collection;
- viii. That is not sealed, as required, to prevent the attraction of animals;
- ix. That emits strong, foul, and offensive odours;
- x. That is not free of excess water, ice and snow or other substances which may interfere with collection;
- xi. That contains waste that falls out of or protrudes from the garbage bin
- xii. That contains special waste.
- e. Notwithstanding subsections (a),(b),(c) and (d) of this section, the CAO may designate an alternative location for roadside collection as a result of construction, road closures, or other route requirements and this section shall apply with necessary modification.

7. Collection bin rules and responsibilities

- a. Each occupied property within the municipality shall be sold one garbage bin. Any additional bins shall be obtained at the cost of the owner through the municipality.
- b. All garbage bins have a serial number which shall be assigned to a specific property. Only waste contained in bins having a serial number assigned by the municipality shall be collected.
- c. Waste included in the garbage bins shall be placed loosely and in such a way as to promote easy emptying.
- d. Owners shall ensure that their garbage bins lids are properly closed to avoid the unnecessary spillage of waste on their property or surrounding properties and shall ensure that their waste is contained in their garbage bins at all times.
- e. Owners shall maintain in proper order and repair the approved garbage bins. The garbage bins may be inspected at any time and may be condemned by an officer of the municipality. Condemned bins shall be replaced at the expense of the owner with approved municipal bins. Bins that have been condemned shall not be emptied by the municipality.
- f. The municipality shall not be responsible for the replacement or repair of any garbage bins, containers, or lids damaged or lost or for any other reason whatsoever.

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- g. All replacement bins are to be purchased through the municipality.

8. Suspension

- a. If the owner fails to comply with the requirements as set out in this by-law, the municipality, at the discretion of the CAO and upon written notice to the owner, may suspend the garbage collection services until such time that the owner is in compliance with this by-law.
- b. Any notice to an owner for the purposes of subsection (1) of this section shall be provided by regular mail or by personal service.

9. Landlords

- a. The owner of every apartment, apartment building and rental property are responsible for their property and shall ensure that their tenants comply with the requirements and rules of this by-law.

10. Spring clean-up

- a. The municipality may, at its own discretion, declare a spring clean-up as it deems necessary to pick up some oversized items. The proper notice and rules of this clean-up shall be given to the residents through the mail and will be posted on the social media pages of the municipality.

11. Special waste and oversized items

- a. Items identified as special waste according to the Ontario Regulation 542/06, MUNICIPAL HAZARDOUS OR SPECIAL WASTE, shall be the sole responsibility of the owner to dispose of in an appropriate manner at the owner's expense and in compliance with the federal, provincial, and municipal laws.
- b. It is the responsibility of the owner to dispose of oversized items in an appropriate manner and in accordance with federal, provincial and municipal legislation.

12. Regulation

- a. No person shall throw, or deposit, or cause to be thrown or deposited any garbage, refuse, trade waste, uncollectible waste, demolished buildings or any kind of waste on any private or public property within the municipality without authority from the owner.
- b. No person, except a municipal law enforcement officer, a police officer, or a municipal employee, shall disturb, remove, or scatter any waste from the garbage bins after it has been placed for collection on the roadside.

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13. Enforcement

- a. This by-law may be enforced by the CAO, a municipal law enforcement officer, a police officer or any other officers appointed by the municipality to enforce this by-law.
- b. A Municipal Law Enforcement Officer may enter upon, at a reasonable time, any property in order to ascertain whether the regulations and provisions of the by-law are being, or have been, complied with. No person shall obstruct, interfere with, or hinder in any way, a Municipal Law Enforcement Officer exercising his or her authority to enter private property.
- c. The municipality reserves the right to not remove waste that does not comply with the requirements of this by-law. The owner shall be responsible for the proper disposal of such waste.
- d. If the CAO or a municipal law enforcement officer is satisfied that a contravention of this by-law has occurred, the CAO or municipal law enforcement officer may make an order requiring the person who contravened this by-law or who caused or permitted the contravention to discontinue and remediate the contravening activity.
- e. No owner shall fail to comply with an order issued under section 13(d).
- f. An order under subsection (d) of this section shall set out:
 - i. Reasonable particulars of the contravention adequate to identify the contravention and the location of the premises on which the contravention occurred;
 - ii. The date by which there must be compliance with the order.

14. Offences and penalties

- a. Every person who contravenes this by-law, including an order issued under this by-law, is guilty of an offence.
- b. Every person who is convicted of an offence under this by-law is liable to a fine as provided in the Provincial Offence Act, R.S.O. 1990, Chapter p.33, as amended.
- c. Where an offence against any provision of the by-law is of continuing nature, a separate offence shall be deemed to have occurred on each day that the offence occurs or continues.
- d. Any costs and/or fines resulting from any persons refusing to comply with this by-law shall be paid within 30 days. Any unpaid fines shall be recovered in the same manner as municipal taxes.
- e. No action or other proceeding for damages shall be instituted against any municipal employees or municipal contracted employees for any act done in good faith, in execution of any power or duty under this by-law.

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15. Remedial action

- a. Where any person who contravenes this by-law or an order made pursuant to section 13(d) of this by-law, the municipality may take remedial actions at the sole cost of the person contravening this by-law or an order made pursuant to section 13(d) of this by-law to ensure that this by-law is complied with. The municipality may recover the costs of such remedial work by invoicing the property owner and may be added to the property taxes for collection.

16. Severability

- a. If any provision of this by-law is declared invalid for any reason by a court of competent jurisdiction, only that invalid portion of the by-law shall be severed, and the remainder of the by-law shall continue in force.

17. Schedules

- a. The following schedule attached hereto are hereby made part of this by-law:
 - i. Schedule "A" : Short Form Wording

18. Short title

- a. This by-law may be referred to or cited as the "Garbage collection by-law".

19. Effective date

- a. This by-law comes into force on the day on which it is adopted.

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READ A FIRST TIME ON THIS 19TH DAY OF APRIL 2022


Alain Tremblay– Deputy Mayor

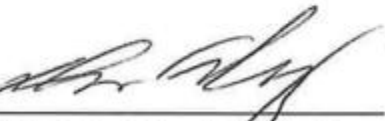

Eric Bizier – Clerk

READ A SECOND TIME ON THIS 19TH DAY OF APRIL 2022


Alain Tremblay– Deputy Mayor


Eric Bizier – Clerk

READ A THIRD TIME AND ADOPTED ON THIS 19TH DAY OF APRIL 2022


Alain Tremblay– Deputy Mayor


Eric Bizier – Clerk

I hereby CERTIFY that the above is a true copy of By-Law 1120-22 as enacted and adopted by the Council of the Corporation of the Township of Val Rita-Harty on the 19th day of April 2022.

Dated in Val Rita this 20th day of June 2022.

*Eric Bizier
Clerk*

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Schedule "A" To by-law 1120-22 Short Form Wording

ITEM	SHORT WORD FORMING	PROVISIONS CREATING OR DEFINING OFFENCE	SET FINE
1	Owner placed garbage bin earlier than one (1) day before collection	5(a)	\$75.00
2	Owner failed to remove garbage bin or waste not collected one (1) day after collection	5(b)	\$75.00
3	Owner placed garbage bin on roadside obstructing or interfering with traveled portion of the road	6(a)	\$75.00
4	Owner set garbage bin on roadside in front of another property without permission	6(d)(i)	\$75.00
5	Owner set garbage bin on roadside - not an approved garbage bin	6(d)(v)	\$75.00
6	Owner set garbage bin on roadside with waste that falls out or protrudes out.	6(d)(xi)	\$75.00
7	Failure to contain garbage	7(d)	\$75.00
8	Fail to maintain garbage bin in proper order and repair	7(e)	\$75.00
9	Illegal dumping	12(a)	\$150.00
10	Scavenging, disturbing, removing, scattering of garbage	12(b)	\$75.00
11	Obstruct, interfere, or hinder an officer	13(b)	\$250.00
12	Failure to comply with an order	13(e)	\$150.00