

THE CORPORATION OF THE MUNICIPALITY OF CALLANDER

BY-LAW NO 2017-1522

Being a By-law to provide for the Collection, Removal and Disposal of Waste, Recyclable Material and Other Waste within the Municipality of Callander

WHEREAS Section 10(1) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25 as amended, authorizes a Municipality to provide any service or thing that is considered necessary or desirable for the public;

AND WHEREAS Section 10(2) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25 as amended, states that a single-tier Municipality may pass By-laws in respect of the economic, social and environmental well-being of the Municipality and the health, safety and well-being of its persons;

AND WHEREAS Council for the Municipality of Callander deems it necessary to pass such a By-law for waste management;

NOW THEREFORE the Council of the Corporation of the Municipality of Callander enacts as follows:-

SECTION 1 – SHORT TITLE

1.1 This By-law may be referred to as the “Waste Management By-law”.

SECTION 2 – DEFINITIONS

2.1 In this By-law:

- a) **“Approved Garbage Receptacle”** shall mean a bin, box or similar container designed to hold in a secure manner, protected from the elements, no more than 22 kilograms of collectable waste as defined in Section 5.1 of this By-law that allows for safe collection by the Municipality’s Collection Contractor.
- b) **“Approved Recycling Receptacle”** means a bin, box or similar container designed to securely hold no more than 22 kilograms of Recyclable Material, which can be identified from the exterior or by seeing the contained within, as containing Recyclable Materials.
- c) **“Bulky Items”** means large or weighty items such as stoves, refrigerators, furniture, table, mattresses, bathtubs, water tanks, bicycles and similar items that would normally accumulate at a dwelling unit.
- d) **“By-law Enforcement Officer”** means an officer appointed by Council for the enforcement of municipal By-laws.

- e) **“Collectable Waste”** means garbage, recyclable material and yard waste each of which individually constitutes a type of Collectable Waste, but shall not include Non-Collectable Waste, or Bulky Items.
- f) **“Collection”** means the collection and removal of one or more type of Collectable Waste by the Municipality or a contractor hired by the Municipality.
- g) **“Collection Contractor”** means a company or person hired by the Municipality with respect to the collection of Collectable Waste and Recyclable Material.
- h) **“Commercial Property”** means any premise that is designated as commercial under the Municipality’s Comprehensive Zoning By-law including stores, cafes, wholesale or retail business places, offices and includes any premises that are exempt from Municipal taxation.
- i) **“Compost”** means discarded organic material commonly referred to as compost, and includes leaves, grass clippings and kitchen waste.
- j) **“Contaminated Waste”** means the mixing of one type of Collectable Waste with another type of Collectable Waste or Non-Collectable Waste.
- k) **“Dwelling Unit”** means combination of rooms in which a kitchen, living quarters and sanitary conveniences are provided for habitation for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside. It may include a modular home constructed in accordance with the Building Code and C.S.A. A-277 Regulations.
- l) **“Garbage”** means and includes all household, commercial or industrial waste and wrappings, but does not include materials that can be recycled, composted or Non-Collectable Waste, or any other item or waste deemed uncollectable for any reason in accordance with this By-law.
- m) **“Leaf and Yard Waste”** means organic plant material generated from a yard or garden or household residence including but not limited to leaves, tree trimmings, hedge trimmings, plants, weeds, cones, fruit and vegetables and any other item designed as yard waste by the Collection Contractor.
- n) **“Multi-Residential”** means a building or complex consisting of five (5) or more dwelling units.
- o) **“Municipality”** means the Corporation of the Municipality of Callander.
- p) **“Non-Collectable Waste”** means the items referred to in Schedule “A” of this By-law.
- q) **“Person”** means any individual and includes a corporation and its directors, officers, sole proprietor or partnership and the heirs, executor’s assignees and administrators or the other legal representatives of an individual and their respective successors and assignees.

- r) **“Recyclable Material”** means the items referred to in Schedule “B” of this By-law.
- s) **“Residential Premise”** means land, buildings or structures or portions thereof used, designed, or intended to be used principally (or primarily) as living accommodation for one or more individuals and includes a house, duplex, fourplex or other building for residential purposes, but does not include a Multi-residential premise.

SECTION 3 – PROHIBITIONS

- 3.1 No person, owner, occupant, tenant, contractor or other individual in charge of a premise shall store or permit to be stored on any premise garbage, refuse, scrap metal, household waste or disposable waste material of any kind in sufficient quantities so as to create a nuisance in terms of odor, attraction of vermin, wind impact or similar, and shall ensure that said material is secured within properly designated containers that can be emptied, cleaned and otherwise maintained in a sanitary condition including the land upon which the waste sits.
- 3.2 Every person shall store Collectable Waste and Recyclable Materials on a premise in accordance with Section 3.1 of this By-law until such time as placed out for collection by the Municipality’s Collection Contractor in accordance with Section 4 of this By-law where appropriate, or until removed by a contractor or waste hauler hired by the owner or occupant of the premise.
- 3.3 No person shall interfere with, disturb or scatter any Collectable Waste or Recyclable Material set out for collection. This clause shall not prevent at any time, the collection of garbage, recyclable materials or other materials authorized to do so by the Municipality.

SECTION 4 – COLLECTION

- 4.1 Person making use of any collection shall comply with the following:
 - a) No person shall set out for collection any item not defined as Collectable Waste or Recyclable Material in this By-law.
 - b) No person shall deposit or place out for collection Collectable Waste or Recyclable Material on a property not owned by that person or adjacent to a property occupied by that person without the express permission of the property owner.
 - c) Collectable Waste or Recyclable Material set out for collection shall be placed as close as practicable to the municipally assumed roadway upon which the premises generating the Collectable Waste or Recyclable material fronts, without obstructing the passage of vehicles, pedestrians or both.
 - d) No person shall set out Collectable Waste or Recyclable Material earlier than 7:00 p.m. on the day immediately prior to collection.

- e) Persons setting out Collectable Waste or Recyclable Material shall remove any waste uncollected for any reason before 9:00 a.m. on the day following collection, whether or not collection has occurred.
 - f) No person shall place out for collection contaminated waste.
 - g) No person shall hinder or interrupt or cause another person to hinder or interrupt the Municipality or its contractor's agents or employees in the exercise of the powers and duties identified under this By-law.
- 4.3 The owner or occupier of a premise shall ensure that all spillage of Collection Waste, Recyclable Material or other substances placed out for collection is promptly cleaned up.

SECTION 5 – WASTE COLLECTION

- 5.1 No Collectable Waste shall be collected unless it is properly located in either:
- a) An approved Garbage Receptacle in accordance with the requirements of this By-law; or
 - b) A returnable Garbage Receptacle that is waterproof, durable, and non-absorbent with a close fitting cover and two suitable handles. Such receptacle shall not weigh more than 22 kilograms including contents. Every container shall be provided with a good watertight cover, so as to preclude the ingress and egress of flies, rodents, vermin, insects or the escape of odours there from.
 - c) A communal receptacle which has been authorized by the Municipality.
- 5.2 All Collectable Waste shall be placed in garbage bags constructed of plastic or other flexible material. No loose garbage shall be placed in the approved garbage receptacles to hold waste.
- 5.3 No more than three (3) approved Garbage Receptacles shall be collected from each dwelling unit or residential premise on the day of collection.
- 5.4 No more than six (6) approved Garbage Receptacles shall be collected from each Commercial premise on the day of collection.
- 5.5 Notwithstanding the limits identified in Section 5.3 and Section 5.4 additional Collectable Waste may be set out for collection if a Municipal Garbage Bag Tag is displayed on the Collectable Waste.
- 5.6 Municipal Garbage Bag Tags are available for purchase to allow residents to place additional Garbage Receptacles out for collection when the number of Garbage Receptacles in excess of the limits identified in Section 5.3 and Section 5.4.
- 5.7 The cost of a Municipal Garbage Bag Tag shall be established in accordance with the Municipality's Fees and Charges By-law.

SECTION 6 – RECYCLABLE COLLECTION

- 6.1 The occupants of each residential premise and dwelling unit which receive Collection services with respect to Collectable Waste shall be permitted, in accordance with this Section, to leave Recyclable Materials for collection in accordance with Section 4 of this By-law once every second week.
- 6.2 Recyclable Materials shall be separated from any Collectable Waste when left at the curbside for collection.

SECTION 7 – COMPOSTING

- 7.1 The occupants of each residential premise and dwelling unit shall be permitted, in accordance with this Section, to keep and maintain piles of non-putrid compost.
- 7.2 No container or pile of compost shall have a volume greater than two (2) cubic metres.
- 7.3 Notwithstanding Section 7.2, no person shall keep or maintain any container or pile of compost unless:
- a) There is individual rear yard space, appurtenant to the self-contained dwelling unit, and the container or pile of compost is situated on such individual rear yard space; and
 - b) There is side yard space of at least eight (8) feet in perpendicular width apparent to the self-contained dwelling unit on which the side yard does not abut the living accommodation of the dwelling unit and the container or pile of compost is situated in such side yard common area; and
 - c) The self-contained dwelling unit is situated within a building containing three (3) or more self-contained dwelling units and there is a rear yard common area appurtenant to the building and the container or pile of compost is situated in such rear yard common area.

SECTION 8– ENFORCMENT AND PENALTIES

- 8.1 It is an offence for a person to contravene any provision of this By-law, and every person who contravenes this By-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990 c.35 as amended and to any other applicable penalty.

SECTION 9 – SEVERABILITY

- 9.1 If any section or sections of the By-law or parts thereof, are found in any court of law to be illegal or beyond the power of the Municipality to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of the By-law shall be deemed to be separate and independent thereof and have been enacted as such.

SECTION 10 – CONFLICT

- 10.1 If a provision of this By-law conflicts with an Act or Regulation or another By-law, the provision that is the most restrictive shall prevail.

SECTION 11 – ADMINISTRATION

11.1 The Municipality may suspend or discontinue Collection of Collectable Waste or Recyclable Materials to a premise, if in the opinion of the Municipality; it is necessary or desirable to do so.

SECTION 12 – EFFECTIVE DATE

12.1 This by-law will come into force on June 1, 2017.

READ A FIRST TIME THIS 28th DAY OF MARCH, 2017.

READ A SECOND TIME THIS 28th DAY OF MARCH, 2017.

READ A THIRD TIME AND FINALLY PASSED THIS 28th DAY OF MARCH, 2017.

MAYOR, HECTOR D. LAVIGNE

CLERK, MAIRGHREAD KNOUGHT

SCHEDULE "A" to By-law No 2017-1522
NON-COLLECTABLE WASTE

- Acute hazardous waste chemical;
- Hazardous waste chemical;
- Corrosive waste;
- Ignitable waste;
- Hazardous industrial waste;
- PCB waste;
- Radioactive waste;
- Reactive waste;
- Severely toxic waste;
- Leachate toxic waste;
- Pathological waste, including biomedical waste, whether solid or liquid, including but not limited to any animal or human organ or part thereof; bone, muscle or other animal tissue or part thereof; used bandages, poultices, dressings, medicines, vitamins, drugs, vaccines, needles, syringes, vials or any other similar material or substance which may contain pathogenic micro-organisms or which may be hazardous or dangerous or anything designated as pathological waste by legislation;
- Any household product, material or item labeled as "corrosive", "toxic", "reactive", "explosive", "oxidizing", "poisonous", "infectious" or "flammable", including but not limited to:
 - Pool or photographic chemicals;
 - Laundry bleach;
 - Drain, oven, toilet and carpet cleaning solutions;
 - Paint thinner and paint remover;
 - Rat and mouse poison;
 - Flea collars and powder;

- Insect killers;
 - Moth balls;
 - Weed killers;
 - Fungicides;
 - Wood preservatives;
 - Oil-based and latex paints;
 - Engine oil;
 - Brake and transmission fluid;
 - Antifreeze;
 - Automotive batteries;
 - Ni-cad rechargeable batteries;
 - Propane tanks;
 - Other gas tanks, including lighters;
 - Aerosol containers;
 - Fire extinguishers; and
 - Fuels.
- Waste generated as a result of construction, demolition or renovation, including but not limited to soil, plaster, drywall, masonry and tile, bricks, concrete, concrete or cinder blocks, paving stones, asphalt, wood, windows and window glass, shingles, scrap metal, insulation (such as fiberglass or styrofoam), asbestos, urea formaldehyde;
 - Scrap wood or carpeting, unless it is cut, broken or securely tied into bundles or pieces less than 120 centimetres by 80 centimetres by 80 centimetres and free of all nails and staples, or as may be otherwise designated by the Municipality;
 - Hay, straw, manure or animal excrement;
 - Any waste in liquid form including but not limited to swill or other organic material not properly drained and securely wrapped;
 - Sod, grass, grass clippings;
 - Tires;
 - Waste produced by a person or organization involved in the processing or fabrication of products;
 - Waste produced by a person or organization as a result of a commercial or retail activity;
 - Any material which has become frozen to or otherwise attached to its regulation container which cannot be removed by shaking;
 - Broken glass, crockery and other sharp objects not packaged in a manner to prevent injury to any person;
 - Designated materials and other items which have been banned from landfills or for which reasonable alternative disposal methods are available; and
 - Any other item or thing designated as prohibited waste by legislation, the Municipality or the Collection Contractor.

RECYCLABLE MATERIALS

As a minimum the following are considered recyclable materials:

- Newspapers/newsprint including coloured flyers and inserts;
- Glass containers: clear and coloured food and beverage glass bottles and jars;
- Aluminum cans;
- Steel cans;
- Empty paint, stain and coating cans;
- Aseptic containers including tetrapaks;
- Empty aerosol cans;
- Fine paper including computer paper, all white and coloured ledger paper, which includes but is not limited to writing pad paper, letterhead, reports, business forms, copy paper, scratch pads, flyers, envelopes, carbonless paper, fax paper, shredded paper etc.;
- Household paper including fine paper, junk mail, envelopes, paper bags, egg cartons, toilet paper and paper towel cores and other clean paper packaging;
- Magazines and catalogues and telephone books;
- Old corrugated cardboard (O.C.C): any craft paper board with rippled medium which does not have contaminants, such as wax and plastic, and is free from absorbed contaminants such as oil, blood, etc. Unflattened pizza boxes and other boxes can be used to contain other Recyclable material;
- Polyethylene terephthalate (P.E.T. or P.E.T. #1) plastic containers. Polycoated containers means non-corrugated cardboard packaging with a polyethylene exterior coating such as but not limited to gable top containers;
- High density polyethylene (HDPE #2 plastic bottles);
- Boxboard: non-corrugated cardboard packaging such as cereal and shoe boxes, and any similar rigid paper packaging with the metal and/or plastic portion removed;
- Mixed food and beverage plastics #3-#7.

If the Province or Waste Diversion Ontario or Stewardship Ontario mandates the collection of additional recyclable materials either through curbside or depot collection, the Collection Contractor shall collect these items as required.