

The Corporation of the Township of Huron-Kinloss



BY-LAW No.

2023 - 121

Being a By-Law to Charge a Fee and Regulate the Collection and Disposal of Waste, and to Encourage Waste Reduction, Reuse and Recycling in the Township of Huron-Kinloss

WHEREAS Section 8(1) and 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provide 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 has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other Act;

AND WHEREAS Section 11(3.3) of the Municipal Act, 2001 authorizes a municipality to pass by-laws respecting waste management matters

AND WHEREAS through By-law No. 2009-02 the Council of the Township of Huron-Kinloss established a fee, regulations for the collection and disposal of waste and encouraged waste reduction, reuse and recycling within the Township;

AND WHEREAS Council deems it advisable to update the waste management by-law to reflect current uses and practices per Report PW-2023-11-55;

NOW THEREFORE the Council of The Corporation of the Township of Huron-Kinloss **ENACTS** as follows;

1. DEFINITIONS

in this By-law:

"Ashes" shall mean and include wood, coke or coal ash, cinders, clinkers, inert soil and sweepings.

"Bag Tag" shall mean a clearly identifiable tag used to indicate that a tipping fee has been paid and approved, by resolution, for sale by the Council of The Corporation of the Township of Huron-Kinloss

"Blue Box" shall mean a rigid plastic container for conveying acceptable recyclable materials.

"Box Board" shall mean non-corrugated cardboard.

"Brush" shall mean hedge, bush and tree trimmings, tree branches and tree stumps to 15 cm (6 inches) in diameter

"Cardboard" shall mean and include all material made from corrugated cardboard, excluding previously recycled products and specific imported cardboards.

"Commercial" shall mean anything pertaining to premises occupied and used solely for retail, wholesale, or service purposes, including recreational, office, non-residential, commercial and non-institutional purposes, or any properties zoned Commercial or Industrial as defined in the Township of Huron-Kinloss Comprehensive Zoning By-law 2001-87 as amended but shall not include a portion of a domestic residence.

“Container” shall mean a metal or plastic garbage container wider at the top than at the bottom, of a size no greater than 78 litres

Construction Material” shall mean waste that is derived from construction processes and of sufficient size, volume or weight that would make it unsuitable for its disposal in garbage bags or containers.

“Disposable Solid Waste” shall mean and include garbage and refuse but shall not include recyclable materials.

“Domestic” shall refer to anything pertaining to premises occupied and used solely as human habitation.

“Enforcing Officer” shall mean a municipal by-law enforcement officer appointed by the Township to enforce the provisions of Township by-laws.

“Fill Area” shall mean the portion of the Site approved for the disposal of solid waste by the Ministry of the Environment or other authorized Provincial agency.

“Garbage” shall mean and include all vegetable and animal matter subject to decay, whether household, commercial or industrial waste.

“Garbage Bags” shall mean garbage bags manufactured for the use of garbage disposal, as approved by the Council of the Township of Huron-Kinloss.

“Garbage Container” shall mean a garbage bag (as described in 1.20) or a rigid plastic or metal pail with a waterproof lid of a maximum capacity of 136 litres (30 Imperial gallons) and minimum capacity of 32 litres (7 Imperial gallons), with a maximum weight of 18 kilograms (40 pounds).

“Garbage Collection Schedule” shall mean a timetable established by the Township to give owners and occupiers of premises notice as to the day upon which vehicle will call to pick up disposable waste as described in Schedule “B” attached to this By-Law, as amended from time to time.

“Highly Combustible Material” shall include: photographic film, celluloid, gasoline, oil or other flammable liquid, or materials soaked with any of the same.

“Household Hazardous Waste” shall include: paints, stains, varnish, urethanes, oils, herbicides, pesticides, car batteries, pharmaceuticals, pool chemicals, gas cylinders, and any other matter as stated by the Ministry of the Environment.

“Industrial Waste” shall mean waste derived from industrial processes and being of sufficient size, volume or weight that would make it unsuitable for disposal using garbage tags or containers.

“Institutional” shall mean any properties as defined in the Township of Huron-Kinloss Comprehensive Zoning By-law 2001-87 as amended.

“Night Soil” shall mean any human excrement.

“Occupier” shall mean a person who is in physical possession of premises or who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises.

“Operating Authority” shall mean The Corporation of the Township of Huron-Kinloss or its authorized representative.

“Owner” shall include the occupier of property and the person, for the time being, managing or receiving rent of the land or premises in connection with which the work is used whether on their own account or as agent or trustee of any other person or who would so receive the rent of such land and premises where rented, and shall also include a lessee or occupier of the property who under the terms of the lease is required to repair and maintain the property in accordance with municipal by-laws.

“Premises” shall mean and include one self-contained dwelling unit, residential or commercial; and in cases where buildings are subdivided and in possession of two or more occupiers, each occupier shall be deemed to be an occupier of premises within the meaning of this By-law.

“Recyclable Cardboard” shall include only clean, dry corrugated cardboard, excluding all wax or plastic coated cardboard and box board.

“Recyclable Cardboard Depot” shall mean a bulk containers provided by the Township for the collection of acceptable recyclable cardboard to be deposited by the occupants of Commercial, Industrial, Institutional and Residential premises located within the Township.

“Recyclable Material” shall mean aluminum & tin food containers, beverage cans, glass jars & containers (clear & coloured), PET plastic, newspapers, magazines, telephone books, flyers and catalogues and other items determined to be recyclable by the Bruce Area Solid Waste Recycling.

“Refuse” shall mean and include all waste such as broken crockery and glass, jars,

“Site” shall mean the Township Waste Disposal Sites as described in Schedule “A”.

“Tipping Fee” shall be a fee charged for the placement of disposable solid waste at the site, as established by the Township of Huron-Kinloss’ Consolidated Fee By-law as amended from time to time.

“Township of Huron-Kinloss” shall mean The Corporation of the Township of Huron-Kinloss, also referred to in this By-law as the “Township”.

“Yard Waste” shall mean organic material having grown on the premises of an owner or occupier of said premises and consisting of yard and garden plants and weeds, leaves and grass.

2. RESPONSIBILITIES OF THE TOWNSHIP

- 2.1. Where a property owner has entered into a site plan or other contractual agreement with the Township, that agreement shall take precedence over this By-law as it applies to the subject premises.
- 2.2. A collection service for disposable solid waste for occupied residential and commercial premises within the limits of the Township shall be provided weekly.
- 2.3. A schedule of collection shall give notice as to the day upon which vehicles will call to pick up disposable solid waste, said notice to be given by mail, delivery or publication by the Township or the Township’s Waste Collection Contractor.
- 2.4. Bag tags shall be made available and obtained from the Sites, Township of Huron-Kinloss Municipal Office or other locations as designated by the Director of Public Works.
- 2.5. All net revenues collected from the sale of bag tags shall be used by the Township to assist in maintaining a system for the collection, removal and disposal of waste and to assist the Township in its initiatives to reduce, reuse and recycle all waste products.
- 2.6. When garbage collections cannot be made on the regular day as prescribed by the collection schedule, due to the following holidays:

Good Friday
Christmas
New Year’s Day

or for any other reason, collection will fall on the following day. In the event that collection on the subsequent day is not viable, users will be notified of the date rescheduled for that week’s collection.

- 2.7. The contractor shall not remove any manure, night soil, springs, mattresses, appliances, furniture or construction materials, nor any crates, wooden boxes from any premises except for special pickups arranged by the Township. The owner or occupier will have to make special arrangements for any pickups not provided for in this By-law.
- 2.8. The contractor shall not collect any tagged container or bag in excess of 18 kilograms.

3. RESPONSIBILITIES OF RESIDENTIAL AND COMMERCIAL ESTABLISHMENTS

- 3.1. Garbage bags and containers:
- a) shall be kept on the premises that is the source of the waste being disposed of;
- and-
- b) shall be placed for collection by the Township in the manner and location prescribed in this by-law between 9:00 p.m. of the evening prior to the day of collection and 7:30 a.m. of the day of collection.
- 3.2. Occupiers of premises shall utilize the services of the Blue Box collection and Recyclable Cardboard Depots for all recyclable materials. Recyclable materials mixed in with garbage for collection may result in garbage not being removed from the premises and it will be up to the occupier to dispose of the garbage in a manner conforming to this By-law.
- 3.3. No person shall allow empty garbage containers, or any disposable solid waste not collected by the Township to remain in the location specified in the By-law; for pick up of such waste after 9:00 p.m. on the day specified in this By-law for collection.
- 3.4. In all residential premises garbage may be placed in containers equipped with tightly fitted lids and proper handles if all waste is first securely placed inside a plastic bag. The top garbage bag shall have affixed to it a bag tag that is clearly visible when the lid of the container is removed unless Township bags are being used.
- 3.5. In all residential premises each garbage bag shall have affixed to it an approved Township of Huron-Kinloss garbage bag tag.
- 3.6. In all institutional properties each garbage bag shall have affixed to it an approved Township of Huron-Kinloss garbage bag tag.
- 3.7. In all industrial properties each garbage bag shall have affixed to it an approved Township of Huron-Kinloss garbage bag tag.
- 3.8. In all commercial properties each garbage bag shall have affixed to it an approved Township of Huron-Kinloss garbage bag tag.
- 3.9. No person shall place garbage for pick up by the Township unless the same has been packaged or prepared in accordance with this By-law.
- 3.10. Owners of residential premises depositing disposable solid waste at the Site into the fill area shall have affixed to it an approved Township of Huron-Kinloss garbage bag tag.
- 3.11. All institutional and commercial properties depositing disposable solid waste at the Site into the fill area shall have affixed to it an approved Township of Huron-Kinloss garbage bag tag.

- 3.12. Owners of property, where it is deemed more convenient in the opinion of the Township of Huron-Kinloss to make collection from the rear of the premises, shall be notified that collections may be made by entering lanes or alleys. During winter months pathways must be maintained clear of snow and ice where necessary to permit convenient access to receptacles placed for collection. In the case of premises located in outlying districts of the Township situated on streets which may not be open for traffic during winter months, receptacles shall be placed by the occupier at the nearest practical point at the curb or on the boulevard of the nearest street which is open for traffic.
- 3.13. No person shall place disposable solid waste materials for collection in accordance with this By-law except during the time specified herein for collection of the same by the Township.
- 3.14. In all commercial premises including restaurants, grocery stores, fruit and vegetable stores, butcher shops, refreshment stands, flour and feed stores or in any premises where it is necessary to accumulate garbage in large amounts, the same shall be placed in a garbage room or bin so constructed that the same prevents the entrance of flies, rats or vermin, and the said room or bin shall be maintained in a sanitary condition at all times.
- 3.15. Garbage shall be drained and wrapped in layers of paper sufficient to absorb surplus moisture and shall be placed in metal or plastic containers equipped with tightly fitted lids and proper handles or commercially manufactured plastic garbage bags. Bag tags shall either be affixed to the garbage bags or placed so on top of the contents of any container so that the tag is clearly visible when the container lid is lifted. Ashes shall be placed in metal containers with proper handles. No ashes other than cold ashes shall be placed for pick up. Such garbage containers and their contents shall not exceed eighteen (18) kilograms (40 pounds) in weight. Individual garbage bags, not placed in containers, shall not exceed eighteen (18) kilograms (40 pounds) in weight.
- 3.16. No person shall place highly combustible material in a garbage container for pick up by the Township in accordance with this By-law, either in a separate form or combined with other disposable solid waste materials.
- 3.17. No person shall place ashes in a garbage container for pick up by the Township in accordance with this By-law, either in a separated form or combined with other disposable solid waste materials.
- 3.18. No person shall pick over, interfere with, disturb, remove or scatter any disposable solid waste materials or any container therefore, placed for removal in accordance with this By-law, whether the same is contained in a garbage container or otherwise, unless the person is a representative of the Township authorized by the owner or occupier.
- 3.19. No person shall remove a bag tag from a bag of refuse belonging to another.
- 3.20. No person shall copy, counterfeit or in any other way attempt to replicate the Township of Huron-Kinloss bag tag.
- 3.21. Every person shall place waste for disposal on the road allowance directly adjacent to their own property.
- 3.22. No person shall knowingly spill, scatter, deposit, throw, cast, lay or cause to be thrown any waste on any street, lane, alley, laneway, public or private way, or in any public square, place or private lot.

4. BLUE BOX REGULATIONS

- 4.1. Only those materials approved by BASWR shall be placed at the curb side for collection in a blue box on the day prescribed.
- 4.2. All new home construction within the Township shall receive one free blue box. It will be delivered in conjunction with the Chief Building Official's final inspection report. Additional Blue Boxes will be sold at a fee as set out in the Township's consolidated fee By-Law, as amended from time to time.

- 4.3. No person or business transporting third party waste for profit, whether or not operating under the authority of a Ministry of the Environment Certificate of Approval for a Waste Management System, shall deposit any materials at Recycling Depots or drop-off locations operated by the Township with the exception of the drop-off facilities at the Township's landfill site.
- 4.4. All cardboard shall be collapsed or flattened prior to being deposited into the bins.
- 4.5. Curbside Blue Box collection will be made to Domestic, Commercial and Institutional premises on an every-other-week basis as prescribed by Blue Box Collection Timetable (Schedule "C"). Where the holidays of Good Friday, Christmas Day or New Year's Day interfere with normal collection, collection will be made on the following day. In the event that collection on the subsequent day is not viable, users will be notified of the date rescheduled for that week's collection.

5. RECYCLABLE CARDBOARD DEPOTS

- 5.1. No person shall utilize the Recyclable Cardboard Depots listed on Schedule "E" who is not a resident or ratepayer of the Township of Huron-Kinloss.
- 5.2. Corrugated cardboard shall be deposited from residential and commercial properties at Recyclable Cardboard Depots in the bins established for that purpose.
- 5.3. Cardboard boxes shall be flattened prior to being deposited into bins.
- 5.4. It shall be an offence to deposit any other waste, garbage or refuse or recyclable materials at the recyclable cardboard depot other than recyclable cardboard as defined in this by-law.
- 5.5. No person or business transporting third party waste for profit, whether or not operating under the authority of a Ministry of the Environment and Energy Certificate of Approval for a Waste Management System, shall deposit any materials at Recyclable Cardboard Depots or drop-off locations operated by the Township with the exception of the drop-off facilities at the Township's landfill site.
- 5.6. Recyclable materials once placed at the curbside for collection becomes the property of the Township.

6. MANAGEMENT/OPERATION OF THE WASTE DISPOSAL – HURON SITE

- 6.1. The Township shall provide and designate such areas within the waste disposal site as it deems necessary and appropriate for the deposition, temporary storage, handling and processing of all wastes regulated under this By-law.
- 6.2. All disposable solid waste collected within the limits of the Township (excluding the former Village of Lucknow) shall be deposited at the Huron Site.
- 6.3. Recyclable material and cardboard will be accepted only at the recycling depot provided for the collection of these materials at the Huron Site.
- 6.4. The Huron Site shall be under the supervision of the Director of Public Works or other authorized Township Official. Adequate staff shall be maintained by the Director of Public Works to supervise the dumping of disposable solid waste and to cover the same with earth following the sanitary fill method of disposal.
- 6.5. No person shall place disposable solid waste at the Huron Site except during the hours of operation.
- 6.6. Waste of sufficient size, volume or weight that would make it unsuitable for its disposal in garbage bags or containers, shall be placed in the appropriate area of the Site. In such cases the tipping fees, based on weight, established in the Township of Huron-Kinloss' Consolidated Fee By-law shall be applied to each load.

6.7. The following materials will be accepted at no charge at the Huron Site:

Brush & Yard Waste
White Steel – Refrigerators (with CFC removal tag), stoves, washers and dryers
Scrap Steel
Clean Bale Wrap]
Tires
Propane Canisters
Electronics designated by the Ontario Electronic Stewardship (as amended from time to time)

6.8. All garbage bags prior to being deposited at the site shall bear an approved Township of Huron-Kinloss bag tag.

6.9. Mixed loads of waste (that contain items that are of no charge and items for which a weight based fee will be assessed) will be required to be sorted by the depositor at the site. Once free of charge items have been removed and deposited in the appropriate area the vehicle shall enter the scales with only those items that will be assessed the weight-based tariff. In the event the depositor wishes to forego sorting of materials they will have the option of paying the full weight based tariff for the mixed load save and except garbage bags.

6.10. Refrigeration devices (air conditioners, refrigerators) shall bear a CFC removal tag prior to being allowed to be deposited at the Huron Site.

6.11. No person shall enter the Site for any purpose other than depositing disposable solid waste in permitted areas without the prior approval of the operating authority.

6.12. No person shall enter the Site who is not a resident or the authorized agent of a resident of the Township of Huron-Kinloss.

6.13. Fees for the disposal of waste at the Site into the fill area shall be as established by the Township of Huron-Kinloss' Consolidated Fee By-law as amended from time to time.

6.14. Fees for Township bag tags shall be as established in the Township of Huron-Kinloss' Consolidated Fee By-law as amended from time to time.

6.15. All fees shall be paid in cash unless the fee exceeds the amount of \$30.00 (thirty dollars). The special rate indicated in this By-law may be collected or recovered in the manner provided by Section 326 of the Municipal Act, R.S.O. 1990.

6.16. Notice of such fees, and any changes thereto shall be published by the Township in an appropriate manner, and shall be applicable to all persons authorized to use the Huron Site.

6.17. No person shall deposit refuse, garbage, trade and industrial waste and building materials in the Site other than on the days and during those times as established by Schedule "F" attached to this By-law, as amended from time to time.

6.18. Notice of such dates and times, and any changes thereto shall be published by the Township in an appropriate manner.

7. MANAGEMENT/OPERATION OF THE WASTE DISPOSAL – KINLOSS SITE

7.1. The Township shall provide and designate such areas within the site as it deems necessary and appropriate for the deposition, temporary storage, handling and processing of all wastes regulated under this section 7 of this By-Law.

7.2. Recyclable material and cardboard will be accepted only at the recycling depot provided for the collection of these materials at the Kinloss Site.

7.3. The Kinloss Site shall be under the supervision of the Director of Public Works or other authorized Township Official.

- 7.4. No person shall place items at the Kinloss Site except during the Hours of operation.
- 7.5. Only the following materials will be accepted at the Kinloss Site:
 - Brush & Yard Waste
 - White Steel – Refrigerators, stoves, washers and dryers
 - Scrap Steel
 - Tires
- 7.6. All items will be accepted at no charge to the depositor.
- 7.7. It shall be at the discretion of the Director of Public Works or their designate to determine if items are acceptable for disposal at the Kinloss Site.
- 7.8. Refrigeration devices (air conditioners, refrigerators) shall bear a CFC removal tag prior to being allowed to be deposited at the Kinloss Site.
- 7.9. No person shall enter the Site for any purpose other than depositing acceptable disposable solid waste in permitted areas without the prior approval of the operating authority.
- 7.10. No person shall deposit acceptable materials in the Site other than on the days and during those times as established by Schedule “F” attached to this By-law, as amended from time to time.
- 7.11. Notice of such dates and times and any changes thereto shall be published by the Township in an appropriate manner.

8. GENERAL PROVISIONS

- 8.1. Contractors engaged in garbage collection shall be provided with suitable tools and shall gather up and remove any of the contents of the receptacles, which may be spilled in handling. The said employees shall replace them as nearly as possible in the same location in which they were placed by occupiers and/or owners of premises for pick up purposes.
- 8.2. In cases where the occupier and/or owner of any premises is physically incapacitated to such an extent that the occupier and/or owner is unable to comply with the regulations, special arrangements may be made with the Director of Public Works.
- 8.3. For the purposes of this By-law, the definitions and interpretations given in this By-law shall govern. In this By-law, “shall” is mandatory; words in the singular include the plural; words in the plural include the singular; words used in the masculine gender will include the feminine and vice versa.
- 8.4. This By-law shall be enforced by enforcing officers as defined herein. For the purposes of enforcing the provisions of this By-law, enforcing officers may inspect garbage placed on public property.
- 8.5. Every person who contravenes any provisions of this By-law:
 - a) is guilty of an offense; and,
 - b) upon conviction therefore is liable to a fine or penalty of not more than Five Thousand Dollars (\$5000.00) as prescribed in The Provincial Offenses Act, R.S.O. 1990 c.P 33, as amended
9. That By-law No. 2009-02 and 2011-09 are hereby repealed.
10. That this by-law shall come into full force and effect upon its final passage.
11. That this by-law may be cited as the “Waste Management 2023 By-law”.

READ a FIRST and SECOND TIME this 20th day of November, 2023.

READ a THIRD TIME and FINALLY PASSED this 20th day of November, 2023.

Mayor

Clerk

DRAFT

SCHEDULE "A"

Location of the Waste Disposal Sites:

Huron Site

- 1) Fire #2087 Concession 6, former Township of Huron, County of Bruce

Kinloss Site

- 2) Fire #690 Kairshea Avenue, former Township of Kinloss, County of Bruce

SCHEDULE "B"

Schedule of Garbage Collection:

Weekly Collection

Mondays

Section 1: Lakeshore South – Ashfield boundary to south side of Pine River, Lake Huron shoreline east to and including both sides of Lake Range Drive and Arthur Street

Tuesdays

Section 2: Lakeshore North – North of Pine River to Kincardine boundary, Lake Huron shoreline east to and including both sides of Lake Range Drive.

Section 5: Village of Ripley

Wednesdays

Section 3: All rural properties east of Lake Range Drive to and excluding Bruce Road 7 (excluding Arthur Street).

Section 4: All rural properties east of and including Bruce Road 7 excluding properties east of Bruce Road 1 **except Silver Lake Road**; and Hamlet of Kinlough

Section 6: All rural properties east of Bruce Road 1 and from Grey Ox Avenue north.

Thursdays

Section 7: All rural properties east of Bruce Road 1 and south of Grey Ox Avenue; and Village of Lucknow; and Hamlet of Whitechurch.

SCHEDULE "C"

Schedule of Curbside Blue Box Recycling:

Bi-Weekly Collection

Wednesdays

- Section 1: Lakeshore South – Ashfield boundary to south side of Pine River, Lake Huron shoreline east to and including both sides of Lake Range Drive and Arthur Street
- Section 4: All rural properties east of and including Bruce Road 7 excluding properties east of Bruce Road 1 except Silver Lake Road; and Hamlet of Kinlough
- Section 6: All rural properties east of Bruce Road 1 and from Grey Ox Avenue north.
- Section 7: All rural properties east of Bruce Road 1 and south of Grey Ox Avenue; and Village of Lucknow; and Hamlet of Whitechurch.

Thursdays

- Section 2: Lakeshore North – North of Pine River to Kincardine boundary, Lake Huron shoreline east to and including both sides of Lake Range Drive.

Fridays

- Section 3: All rural properties east of Lake Range Drive to and excluding Bruce Road 7 (excluding Arthur Street).
- Section 5: Village of Ripley

SCHEDULE "D"

Recycle Depots for all recyclable materials (including cardboard)

Township of Huron Waste Disposal Site located on the 2087 Concession 6 East.

Township of Kinloss Waste Disposal Site located on 690 Kairshea Avenue.

SCHEDULE "E"

Recyclable Cardboard Depots:

Point Clark & District Community Centre – 344 Lake Range Drive

Public Works Shed – 12 Blake Street, Ripley

Old Fire Hall – 592 Willoughby Street, Lucknow

SCHEDULE "F"

Hours of Operation:

Huron Site

Year Round

Tuesday, Friday and Saturday 10:00 a.m. to 4:00 p.m.

Kinloss Site

April 1- October 31 only

Saturday 10:00 a.m. to 2:00 p.m.