

THE CORPORATION OF THE MUNICIPALITY OF SOUTHWEST MIDDLESEX
Bylaw No. 2018/025

**BEING A BYLAW FOR ESTABLISHING AND MAINTAINING A SYSTEM FOR THE
COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS**

WHEREAS the Municipal Act, 2001, Section 5, provides that the powers of a municipality shall be exercised by its council and that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

WHEREAS the Municipal Act, 2001, Section 8, provides that the powers of a municipality 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 the Municipal Act, 2001, Section 460, provides that a lower-tier municipality that is lawfully providing a waste management service or facility on December 31, 2002 may, despite s. 11 of the Municipal Act, 2001, continue to provide the service or facility so long as there is no interruption in the continuity of providing the service or facility; and

WHEREAS the Municipal Act, 2001, Section 11, Subsection 3, provides that a lower-tier municipality may pass by-laws respecting waste management matters;

WHEREAS the Municipal Act, 2001, Section 391 provides that a municipality may pass By-laws imposing fees or charges on any class of persons:

- a) For services or activities provided or done by or on behalf of it; and
- b) For costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and
- c) For the use of its property including property under its control; and

WHEREAS the goal of the Municipality of Southwest Middlesex is to reduce waste through various public and private initiatives and thus minimize environmental impacts of waste disposal; and

WHEREAS the aim is to use the Landfill and/or Transfer Station in a sustainable manner so as to reserve the facility as long as possible for the benefit of the Municipality of Southwest Middlesex.

WHEREAS the solid waste management program shall be a user pay program and be self-funded from user fees and Landfill and/or Transfer Station tipping fees.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE MUNICIPALITY OF

SOUTHWEST MIDDLESEX ENACTS AS FOLLOWS:

1. DEFINITIONS

(a) Waste Types

- i) **"Backyard Composting"** is encouraged with the following household waste – fruit and vegetable peelings, egg shells, coffee grounds, ashes and any other organic matter. Composting information is available from the Municipal office.
- ii) **"Blue Box Program"** means all materials accepted in the **curbside** recycling program provided by the Municipality and shall include glass bottles and jars, newspapers, magazines, phone books, food and beverage cans, plastic bottles, plastic tubs, mixed paper, corrugated cardboard and boxboard. Further details can be obtained at the Municipal office and may change from time to time.
- iii) **"Construction Debris"** shall mean discarded building material, concrete, stones, earth from excavations or grading and all other refuse matter resulting from the erection, repair, and demolition of buildings, structures or other improvements of property and shall be the responsibility of the property owner and or contractor for the disposal/transportation of said waste.
- iv) **"E-Waste"** consists of audio and video players, cameras, cell phones, computers, printers, radios, receivers, scanners, telephones, televisions, and other electrical waste products. These types of products can be disposed of at the Landfill and/or Transfer Station.
- v) **"Household Waste"** means all rejected, abandoned or discarded household waste including that of animal origin, packaging material, unusable clothing etc. These wastes are to be set out for **curbside** pickup provided by the Municipality in clear plastic bags not weighing more than 45lb. (20kgs). Each bag must have a bag tag attached to it in order to be picked up. Bag Tags may be purchased at various locations throughout the Municipality at the current price. Further details can be obtained at the Municipal office and may change from time to time.
- vi) **"Household Hazardous Waste"** shall include propane cylinders, petroleum distillates, light fuels, household waste paints, acute hazardous waste chemicals, waste crankcase oils and lubricants, inorganic chemicals, halogenated pesticides and herbicides, non-halogenated organic pesticides. Residents can drop off their household hazardous waste at the City of London's W12A Landfill Site located at 3502 Manning Drive south of Highway 401. Further details can be obtained at the Municipal office and may change from time to time.

- vii) **“Large Garbage”** shall include mattresses, crates, packing material, major appliances (refrigerators-(once Freon is removed) washers, dryers, stoves, etc.) ordinarily operated by gas or electric, large household furnishings such as all other large and/or bulky articles actually used in the home (chairs, sofas, tables, beds, carpets, etc.) and can be disposed of at the Landfill and/or Transfer Station.
- viii) **“Manufacture and Trade Waste”** shall mean any abandoned, condemned or rejected product or by-product, builders' and contractors' refuse and garbage and service station waste and shall be the responsibility of the property owner and/or contractor for the disposal/transportation of said waste.
- ix) **“Tree Limbs, Brush and Clean Wood”** (over 1 ½” in diameter) and these wastes can be disposed of at the Landfill and/or Transfer Station and will be burnt. Only wood without surface treatment such as paint or stain will be allowed to be burnt. No other types of waste will be allowed to be mixed or burnt with these items.
- x) **“Yard Waste”** shall mean all leaves, grass clippings, garden trimmings, and small branches and these wastes can be disposed of at the Landfill and/or Transfer Station.

(b) Types of Generators

- i) **“Householder”** shall mean the owner, occupant, lessee, tenant, or any person having use, occupation and/or charge of any dwelling, apartment house, townhouse or any portion thereof, or any other premises.
- ii) **“Commercial”** shall mean buildings or structures located in the commercial zones as outlined in the Zoning By-law.
- iii) **“Industrial”** shall mean building or structures located in the industrial zones as outlined in the Zoning By-law.
- iv) **“Institution”** shall mean any public building, hospital or nursing home as outlined in the Zoning By-law.

(c) Location of Generators

- i) **“Premises”** shall mean a full self-contained dwelling unit, or in the case of commercial industrial or institutional establishments, fully self-contained units, each with a separate external access.
- ii) **“Apartment Building”** shall mean a building which consists of five or more

dwelling units but the term shall not include a group of dwellings.

- iii) **“Street”** shall mean any public highway, road, lane, alley, square, place, thoroughfare or way within the Municipality of Southwest Middlesex.

(d) General

- i) **“By-law Enforcement Officer”** shall mean the By-law Enforcement Officer for the Municipality of Southwest Middlesex or any other officer authorized by the Municipality of Southwest Middlesex for the enforcement of By-laws in the Municipality of Southwest Middlesex.

- ii) **“Downtown Core”** shall include premises that have addresses on the following streets:

Within the Community of Glencoe, generally bounded by:

- John Street to the North
- Deane Street to the South
- Victoria Street to the East
- Currie and O’Mara Streets to the West

Within the Community of Wardsville, generally bounded by:

- From Kennedy Street along the Westerly limit
- Hannah Street to the South
- William and Church Streets to the North

- iii) **“I.C.I”** shall mean waste or recyclables produced by the Industrial, Commercial and Institutional sector.

- iv) **“Municipality”** shall mean the Municipality of Southwest Middlesex.

- v) **“Owner”** shall include the legal title holder of the property, the occupier of the property or the person, for the time being managing or receiving rent of the land or premises 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 bylaws.

- vi) **“Public Works Manager”** shall mean the Public Works Manager of the Municipality of Southwest Middlesex or his/her authorized representatives.

- vii) **“Recyclable Material”** shall mean all materials accepted in the curbside-recycling program provided by the Municipality.

- viii) **“Waste”** shall mean all waste generated, produced or created within the Municipality of Southwest Middlesex and includes woodstove/fireplace ashes

and garbage generated, produced or created, but excludes: recyclable material, explosive or highly combustible material of any nature, care bodies, sheet iron and scrap metal, tree stumps, corrosive or toxic material, animal carcasses, liquid waste, bio-medical waste and waste of any nature and kind as is now or may hereafter at any time be prohibited for disposal at the Landfill Site and/or Transfer Station by reason of any statute hereafter enacted or amended.

Section A. Responsibilities of the Municipality of Southwest Middlesex

1. A collection service of disposable solid waste for the following occupied premises within the limits of the Municipality:
 - a. Residential premises – weekly
 - b. Multi-residential premises – weekly
 - c. Commercial – Downtown Core Business area as defined – weekly
 - d. Commercial and Institutional premises in any location but who generate 5 or less tagged bags per pickup - weekly

2. A collection service of recyclable materials for the following occupied premises within the limits of the Municipality:
 - a. Residential premises – weekly
 - b. Multi-residential premises – weekly
 - c. Commercial – Downtown Core Business area as defined – weekly
 - d. Commercial and Institutional premises in any location but who generate 5 or less tagged bags per pickup - weekly

3. The Trillium Drive Landfill and/or Transfer Station shall be open on the days outlined in Schedule “A”. This site is available for residents and ICI premises of Southwest Middlesex only. Details concerning tipping fees and other information concerning the Transfer Station are also available on Schedule “A” of this By-Law, from the municipal office, and from municipality’s web site.

Section B. I.C.I. Sector – Industrial, Commercial or Institutional

With the exception of the Downtown Core Business Area, and those small premises who generate 5 tagged bags per pickup, the Municipality does not collect or dispose of any material, waste or recyclables from the I.C.I. Sector. Larger ICI generators must make private arrangements for waste disposal.

Section C. Responsibilities of the Residents

1. The participation in the collection of solid waste is mandatory as set out in **Section A. Responsibilities of the Municipality of Southwest Middlesex – subsection 1.**
2. The participation in the collection of recyclable materials is mandatory as set out in **Section A. Responsibilities of the Municipality of Southwest Middlesex – subsection 2.**
- ~~3. No person shall set out for collection any waste or recyclable material before 7:00 p.m. on the evening prior to the day of collection.~~
4. Waste and recyclable material must be set out for collection by 7:00 a.m. on the day of collection to ensure pick-up.
5. No person shall set out material, waste or recyclable materials for collection in a manner not provided for in this bylaw.
6. All waste and recyclable material set out for collection shall be placed as close as possible to the edge of the roadway without obstructing the roadway, sidewalk or footpath. No waste or recyclable material set for collection shall be placed in the gutter or ditches or on the traveled portion of the roadway. The Municipality shall have the right to designate the most convenient point for collection.
7. No person shall throw, place or deposit in or on any street, highway, land, alley or other public place within the Municipality any material, waste or recyclable material, except as provided for in this bylaw.
8. In I.C.I. premises (requiring private waste disposal services as set out in Section B) including, but not limited to restaurants, grocery stores, food stores, butcher and meat shops or on any premises where it is necessary to accumulate waste in large amounts, the same shall be placed in containers and the contents shall be stored in a waste room or bin so constructed to prevent the entrance of flies, rats or other vermin, and the said room or bin shall be maintained in a sanitary condition at all times. No person shall deposit or place any waste, material or other refuse in any location or manner within the Municipality of Southwest Middlesex other than in such locations and at such times as are provided for in this by-law.
9. No person shall pick over, interfere with, scavenge, disturb, remove or scatter any waste, recyclable material or other refuse set out for collection except any employee, authorized agent or representative of the Municipality.
10. No person shall deposit, cause, permit or allow to be deposited any waste, recyclable materials or other refuse on any lands not owned by him or her unless

Section
C.3.
rescinded
July 31/19
#2019-0402

the owner of the lands has authorized the materials to be deposited thereupon in writing. This section does not apply to the placement of waste, recyclables or other permitted material on the road allowance for the purpose of collection by the Municipality or its agent under the provisions of this bylaw;

11. No person shall set out wood stove/fireplace ashes out for collection until at least 5 days after they have been removed from fire and are kept in a separate, non-flammable container placed inside the waste receptacle;
12. No person shall set out waste unless it is drained of liquid before it is placed in a container or bag for collection and the liquids are to be managed appropriately;
13. Recyclables are free of any solid, semi-solid or liquid contaminant which would render them non-recyclable;
14. Waste set out for collection is separated into Garbage and Recyclables;
15. Each type of collectable Waste (Household waste and Recyclables) shall be separated when set out for collection, Garbage shall be placed in clear garbage bags with appropriate bag tags on each bag and Recyclables shall be placed in a separate Recycling Container;
16. For every property which is leased, the Property Owner shall provide sufficient containers for Recyclables for every tenant;
17. Damaged blue boxes issued by Southwest Middlesex can be returned to the Municipal Office for replacement at no charge.

Section D. Removal of Waste Not Collected and Containers

Every Waste Generator and Property Owner shall ensure that Waste not collected and all Containers are removed from the Collection Point before 7:00 p.m. on the day of collection;

TYPE OF WASTE	COLLECTION METHOD
Garbage:	
a) General	In a clear plastic bag
b) Sharp Objects	In a rigid container, no larger than 0.6 metres (2 feet) in any dimension, securely taped to ensure security of contents, clearly labelled as containing sharp objects
c) Pet Feces	In a clear plastic bag

Recyclables:	
a) General	Loose in a recycling container or in a clear plastic bag placed inside a recycling container
b) Cardboard	Loose, but broken down to be no more than 1.0 metre (3.28 feet) long by 0.6 (2 feet) in any other dimension, placed inside a recycling container
c) Shredded Paper	In a clear plastic bag placed inside a recycling container

Section E. General and Enforcement Provisions

1. For the purposes of this bylaw, the definitions and interpretations given in this bylaw shall govern. In this bylaw, "shall" is mandatory; words in the singular include the plural, words in the plural include the singular; words used in the masculine gender include the feminine and vice versa.

2. Where an owner or occupier sets out waste for collection that is not contained inside of the approved receptacles as required under this bylaw;

a. Such waste may be collected by the Municipality or its agent and a collection service fee of \$150.00 shall be charged to the owner or occupier. The owner or occupier shall be sent notice of such fee and the fee shall be payable to the Municipality; and,

b. The fee imposed under this section, if unpaid after sixty (60) days, shall be added to the municipal tax roll for any real property in the municipality which benefits from such collection and fee unpaid in accordance with subsection "a" above may be collected in a like manner as taxes or in such manner as the Municipality deems appropriate.

3. Any person who breaches any provision of this bylaw and consequently causes or permits collectible material and/or non-collectible material to fall upon property of the Municipality or any other person, shall pick and gather up the same immediately; otherwise,

a. The Municipality shall collect the material and charge a waste collection service fee for illegal dumping in the amount of \$150.00. Any person who breaches this provision of the bylaw shall receive notice of such fee and the fee is payable to the Municipality; and,

b. If the said fee is not paid within 60 days, same may be collected in such manner, as the Municipality deems appropriate.

4. This bylaw shall be enforced by the Municipality's Enforcement Officer or his/her designate. For the purposes of enforcing the provisions of this bylaw, such Enforcement Officer(s) may inspect waste and material set out for collection on public property and/or on private property upon the request of the owner or occupier of such property.

5. Every person who contravenes any provisions of this bylaw, or any owner or originator of waste thrown, deposited or placed in contravention of this bylaw, upon conviction, is guilty of an offence and is subject to the penalties as prescribed in the Provincial Offences Act, R.S.O. 1990, Chapter P.33 or any successor legislation in substitution therefore, and as set out in Schedule "B" of this by-law.

6. All bylaws or provisions or any other bylaws inconsistent with this bylaw are hereby repealed.

7. This bylaw may be referred to as the Municipality of Southwest Middlesex's "Waste Management Bylaw".

Read a First and Second time this 21st day of March, 2018

M. Kiehris Deputy Mayor
as per V. Blackmore Mayor
J. Billchamber-Glazi CAO- Clerk

Read a Third time and Finally Passed in Open Council this 28th day of March, 2018.

M. Kiehris Deputy Mayor
as per V. Blackmore Mayor
J. Billchamber-Glazi CAO- Clerk

**Municipality of Southwest Middlesex
Schedule "A" to By-law No. 2018/025**

Southwest Middlesex Landfill/Transfer Station

1. Materials accepted

- Large Garbage other than bagged household waste collected by Municipal pick-up (**refrigerators and freezers must be certified Freon free**) - charges apply.
- Recyclables other than those collected by Municipal pick-up of Blue Box Program Items – charges apply.
- Treated/Painted Wood and Limited Quantities of Construction Debris – charges apply.
- Clean Wood and Brush – free
- Scrap Metal – free
- E-Waste – free
- Compostable Materials (Yard Waste) – free
- Tires (without rims) - free

ALL ITEMS MUST BE SORTED BY HAND INTO SEPARATE BINS AND/OR AREAS AS SIGNED AND DIRECTED BY STAFF.

2. Items not accepted

- Bagged Household waste collected by Municipal pick-up.
- Blue Box Program Items collected by Municipal pick-up.

Schedule "A" Continued

- Household Hazardous Waste.
- Roof Shingles.
- Construction Debris over one pick-up load per day.
- Biomedical, Radioactive, or Explosive Wastes

3. Operations

- Southwest Middlesex Landfill/Transfer Station is open to owners of Southwest Middlesex premises only – **Identification may be required.**
- All incoming loads of waste will be inspected and fees paid on arrival for all/or partial contents as described above.
- All/or partial loads may be rejected at the gate by staff if not acceptable as described above.
- Information will be requested and recorded as required by staff, the appropriate fees paid, and a duplicate receipt will be issued.
- Staff will help direct dumping of materials to ensure proper segregation.
- **NO** scavenging or removal of materials from the site will be allowed.
- Staff will complete Daily and Weekly site inspections as required, as well as the required Monthly Material Logs.

Schedule "A" Continued

- The Southwest Middlesex Landfill/Transfer Station will be open from 9:00 am to 4:00 pm every **Saturday of the Month**.

4. Rates

a. **Household Waste Bag Tags (for roadside pick-up)**
\$ 1.75 each.

b. **Landfill/Transfer Station Dumping Rates**

- **Minimum Charge \$ 10.00 (for chargeable items only)**
- **Pick-up (fully loaded) \$ 30.00**
- **Single-Axle Trailer \$ 35.00 - \$ 50.00**
- **Oversize Trailer or Larger Truck \$ 55.00 - \$ 150.00**

Municipality of Southwest Middlesex
 Schedule "B" to By-law No. 2018/025

PART I PROVINCIAL OFFENCES ACT

SET FINE SCHEDULE

GARBAGE/RECYCLING COLLECTION AND DISPOSAL BY-LAW

Section
 C.3.
 rescinded
 July 31/19
 #2019-0402

REFUSE SET FINE SCHEDULE

<u>ITEM</u>	<u>COLUMN 1</u> Short Form Wording	<u>COLUMN 2</u> Provision Creating or Defining Offence	<u>COLUMN 3</u> Set Fine
1	Set out waste before 7 p.m. on the evening prior to the day of collection	C-3	\$250
2	Set out materials for collection in a manner that is not allowed.	C-5	\$250
3	Fail to ensure that waste and recyclable materials set out for collection is placed as close as possible to the edge of the roadway without obstructing the roadway, sidewalk or footpath.	C-6	\$250
4	Place waste or recyclable materials set out for collection in the gutter or ditches or on the traveled portion of the roadway.	C-6	\$250
5	Deposit material/waste on street, highway, land, alley or any public space	C-7	\$500
6	Interfere or scavenge/salvage or disturb material/waste	C-9	\$500
7	Deposit material/waste on private property without permission	C-10	\$500
8	Deposit ashes in waste that are less than 5 days old	C-11	\$500
9	Place liquids in material/waste – not	C-12	\$500

	properly drained		
10	Owner of rental/lease property fails to provide sufficient containers for waste and recycling	C-16	\$500

Note: The general penalty provision for the offences listed above is section E-5 of By-law No. 2018/025, a certified copy of which has been filed.