

CORPORATION OF THE TOWNSHIP OF MCKELLAR

**CONSOLIDATED BY-LAW NO. 08-25 AS AMENDED BY
BY-LAW NO. 2010-05 AND BY-LAW NO. 2013-06**

Being a By-law to regulate the use and operation of the
Township Transfer Station

WHEREAS the Ontario *Environmental Protection Act R.S.O. 1990, CHAPTER E. 19*, Section 27.(1) states: “No person shall use, operate, establish, alter, enlarge or extend, (a) a waste management system; or (b) a waste disposal site, unless a certificate of approval or provisional certificate of approval therefor has been issued by the Director and except in accordance with any conditions set out in such certificate”;

AND WHEREAS the Council of the Corporation of the Township of McKellar has received a Certificate of Approval for a Waste Transfer Station as issued by the Ontario Ministry of the Environment dated September 5, 2007.

AND WHEREAS Section 11(1) of the *Municipal Act, S.O. 2001, c.25*, authorizes municipalities to pass by-laws respecting waste management;

AND WHEREAS Section 391(1) of the *Municipal Act, S.O. 2001, c.25*, authorizes a municipality to pass By-laws dealing with Waste Management and the imposing of fees and charges;

AND WHEREAS Section 119 of the *Municipal Act, S.O. 2001, c. 25*, authorizes Councils to pass by-laws for prohibiting or regulating the discharge of guns or other firearms within the boundaries of the municipality or any defined areas thereof;

AND WHEREAS the Council of the Corporation of the Township of McKellar deems it expedient to regulate the operation of the Municipal Transfer Station located at 13 Lees Road;

NOW THEREFORE the Council of the Corporation of the Township of McKellar hereby enacts as follows:

1.0 DEFINITIONS

1.01 In this by-law,

“commercial collector” means any person, persons, business or corporation which collects and/or disposes of waste for a fee.

“corporation” means the Corporation of the Township of McKellar, hereinafter referred to as the “Owner” and the “Operator”.

“household” means any residential property used as a domestic establishment in which one or more persons may sleep or prepare meals;

“person” includes a Corporation, the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

“refrigeration equipment” means an air-conditioning, heat pump, refrigeration or freezer unit; or as may be defined in Ontario *Regulation 189/94* as amended by Ontario *Regulation 180/07*;

“transfer station” means an area operated by the Township of McKellar for the temporary storage and transfer of waste and recyclable wastes as approved by the Ministry of the Environment operating under a Certificate of Approval issued by the Ministry;

“unauthorized persons” means all persons save and except those people legislated to enter the premises, including inspectors; Township of McKellar public works employees; waste disposal and recycling contractors and other persons that the Council may authorize from

time to time as circumstances may dictate.

“waste” includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse whether or not such wastes are further defined but including such definition if the same exists in the Environmental Protection Act and the regulations thereunder, and such other wastes as are designated in *Regulation 347, R.R.O. 1990*, of the *Environmental Protection Act* as amended;

“waste disposal site” means,

(a) any land upon, into, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and

(b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (a);

[*Environmental Protection Act R.S.O. 1990, CHAPTER E. 19*]

2.0 AUTHORIZED TRANSFER SITES/STATIONS

The Township has established the following waste transfer site/station for the disposal of waste in the municipality:

(a) Lees Road Transfer Station, 13 Lees Road

3.0 CERTIFICATE OF APPROVAL

At all times, the Township of McKellar will ensure compliance with all the terms and conditions of the Certificate of Approval for a Waste Transfer Station as issued by the Ministry of the Environment dated September 5, 2007.

3.01 The Transfer Station shall be used only for the receiving and transferring of solid, non-hazardous waste and recyclable waste generated from residences located within the geographic boundaries of the Township of McKellar. The Transfer Station is prohibited from accepting the following wastes as defined in *Regulation 347, R.R.O. 1990*, of the *Environmental Protection Act* as amended;

- (a) liquid, non-hazardous waste;
- (b) liquid, hazardous waste;
- (c) biomedical waste;
- (d) PCB wastes;
- (e) explosive waste;
- (f) compressed gas cylinders, excluding propane tanks used for cooking;
- (g) commercial, industrial or institutional waste.

3.02 (a) The Township shall set operational hours which provide an adequate level of service. The hours of operation shall be any day of the week, during daylight hours.

(b) Hours of operation may be changed by the Township at any time, provided that the hours are correctly posted at the Site gate and that suitable public notice is given of any change.

(c) No person shall deposit or otherwise dispose of waste, as herein defined, at the transfer station except during the hours of operation.

3.03 The Township shall erect a sign at the entrance to this Site stating the name of the Owner of the Site, the hours of operation of the Transfer Station, waste acceptance procedure and a phone number to contact in the event of an emergency or complaint. The sign shall state that the Site does not accept hazardous or liquid wastes and shall direct persons with hazardous and/or liquid wastes to the nearest appropriate facility.

3.04 The Township shall ensure that an attendant is on duty at all times when the Transfer Station is open to ensure proper supervision of all activities.

- (a) Everyone using the transfer station must first see the Attendant when entering the site. The attendant has the right to inspect all material entering the transfer station site and may not accept materials that are contaminated with items not accepted at the transfer station site. All materials being deposited at the transfer station site must be disposed of at the areas designated by the Attendant.

3.05 The Township shall ensure that:

- (a) the Transfer Station is separated from other portions of the Site by fencing;
- (b) fencing and lockable gates are kept in good repair; and
- (c) gates are kept locked to prevent entry by unauthorized persons outside of the posted operating hours.

3.06 All waste types shall be segregated either into bins with lids or doors, or in designated areas as defined by barriers. All bins and designated waste storage areas shall be clearly labelled. All lids or doors on all storage bins shall be kept locked where possible, when an attendant is not on Site.

3.07 (a) The Township shall not accept white goods which contain refrigerants unless they have a tag indicating that the refrigerants have been removed; and

- (b) Propane tanks used for cooking purposes shall be stored in a clearly marked, segregated area.

3.08 Tires shall be stockpiled in the following manner:

- (a) The stockpile shall be located a minimum of 15 metres from the property line, any buildings, active landfilling area and transfer station bins; and
- (b) An area around the stockpile of no less than 4.5 metres shall be kept free of vegetation.

3.09 Litter from the Transfer Station shall be picked up on each operating day and along the Site's perimeter and access road as needed.

3.10 Burning of any wastes or materials is prohibited.

4.0 PROHIBITIONS

4.01 No person shall deposit any waste in any location within the Township of McKellar except at a waste transfer site/station established in accordance with this by-law.

4.02 No person shall deposit or otherwise dispose of any waste brought in from outside the Township of McKellar, upon any lands, whether publicly or privately owned, including any waste transfer site/station established by the Township of McKellar.

4.03 No person shall deposit or otherwise dispose of the following items at any waste transfer site/station within the municipality:

- a) liquid, toxic or hazardous waste of any type
- b) explosives or highly combustible or flammable materials
- c) condemned or dead animals
- d) agricultural or similar waste
- e) raw sewage
- f) used cars or car parts or machinery

- g) used propane cylinders over 20 lbs.
 - h) stumps
 - i) mobile homes or trailers
 - j) night soil
 - k) toxic industrial waste
 - l) oils, solvents or distillates
 - m) used boats or boat parts
 - n) any "hazardous waste" as defined in Regulation 347, R.R.O. 1990, as amended
 - o) any "hauled liquid industrial waste" as defined in Regulation 347, R.R.O. 1990, as amended
 - p) construction waste, building materials, demolition rubble, shingles, cement blocks or brick
- 4.04 No person shall, unless authorized by Council, scavenge, pick over, interfere with, remove, exchange or scatter any commercial or household waste after the same has entered the gate at the Transfer Station.

Section 42.(1) (4) of the *Environmental Protection Act, R.S.O. 1990, Chapter E.19* as amended, states as follows:

Ownership of waste (*Environmental Protection Act, R.S.O. 1990, Chapter E.19*)

42.(1) The ownership of waste that is accepted at a waste disposal site by the operator of the site is transferred to the operator upon acceptance.

Effect of contract

(4) Subsection (1) applies only in the absence of a contract to the contrary.

- 4.05 No person shall deposit any waste at or near, or outside the gate, or around at the transfer station except in the appropriate areas for waste and/or recycling materials.
- 4.06 No person shall deposit unwrapped or loose household waste at the Transfer Station except in the recycling containers.
- 4.07 No person shall deposit waste at the Transfer Station unless such waste is deposited in areas prescribed by clearly marked signs, or in the location directed by the Attendant on duty.
- 4.08 The Township may from time to time adopt procedures and policies to improve the operation of the Transfer Site.

5.0 HOUSEHOLD WASTE

- (a) Subject to Section 6 and 7 hereof, only household waste may be deposited at the Transfer Station.
- (b) Household waste may include such articles, substances and materials as:
 - (i) food waste
 - (ii) paper waste - recyclable
 - (iii) cans - recyclable
 - (iv) bottles - recyclable
 - (v) jars - recyclable
 - (vi) cardboard boxes - recyclable
 - (vii) small plastic containers - recyclable
 - (viii) grass and plant clippings
 - (ix) clothing
 - (x) cold ashes
 - (xi) small household articles or fixtures

6.0 RECYCLING

Ratepayers are encouraged to deposit separately into the appropriately marked recycling containers located at the Transfer Station such articles and materials as cans, bottles, jars, plastics, paper and cardboard, and any other materials as may be designated from time to time by the Township.

7.0 OTHER WASTE

The following waste must be deposited in areas designated by the Transfer Station Attendant on duty and are subject to disposal fees as per the attached Schedule "A";

- (i) brush, wood
- (ii) household furniture, mattresses, etc.
- (iii) tires
- (iv) household appliances (white goods)
- (v) bulky items

7.01 Construction waste, demolition waste, shingles, drywall, block, brick and similar construction and demolition material is not accepted at the Transfer station. Construction and demolition waste may be disposed of at the McDougall Township landfill site located on McDougall Road by showing the McDougall attendant a valid McKellar Transfer Site User Permit and paying the required tipping fee.

8.0 FIREARMS

- (a) No person shall discharge a firearm within one hundred (100) metres of the Transfer Station.
- (b) Notwithstanding subsection (a) above, the Corporation may authorize the discharge of a firearm within one hundred (100) metres of the Transfer Station in order to deal with animal nuisances.

9.0 PERMITS

The principal resident of every household in the Township shall be required to obtain a permit from the Municipal Office for the use of the Transfer Station.

10.0 COMMERCIAL COLLECTORS

No Commercial Collector may use the Transfer Station except with the expressed consent in writing of the Township of McKellar.

11.0 FEES

The Township may from time to time prescribe rates or charges for the use of the Waste Transfer Station and provide for terms of payment thereof.

- (a) Schedule 'A' attached to and forming part of this by-law, establishes fees for the disposal of waste.

12.0 PRESUMPTION

- (a) In any proceedings pursuant to this By-law, evidence of any personal marking, writings or inscriptions found on or in any waste deposited in contravention of the By-law which identify the name or address of any person shall be prima facie evidence that the waste was deposited unlawfully by such person.
- (b) Subsection (a) does not apply to industrial or commercial markings.

13.0 OWNER'S LIABILITY

The owners of a residence, real property, or commercial establishment are liable to any penalty provided by this By-law for an offence relating to waste from such residence, real property or commercial establishment.

14.0 TRANSPORTATION

- (a) All persons shall ensure that waste being hauled to the Transfer Station is in compliance with all Provincial and Municipal Regulations.

15.0 PENALTY AND LIABILITY FOR EXPENSES

- (a) Every person who contravenes or fails to comply with any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine not exceeding the maximum provided under the Provincial Offences Act, exclusive of costs, and every such fine shall be recoverable under the Provincial Offences Act.
- (b) Any costs and expenses for services provided by or on behalf of the municipality, or for which the Municipality is liable in endeavoring to remove waste, garbage or other refuse caused by or resulting from a person contravening or failing to comply with any provision of this By-law shall be a service charge pursuant to Section 391 of the *Municipal Act, R.S.O. 2001* as amended and shall constitute a debt of such person to the Township of McKellar. Service charges pursuant to this By-law shall be as set out in Schedule 'B' to this By-law.
- (c) Any service charge imposed pursuant to this By-law shall be payable within thirty (30) days after the Township of McKellar has delivered or sent by prepaid first class mail an invoice to the person in contravention of the By-law, and interest shall accrue and be added to the amount at the rate established in Schedule 'B' to this By-law, commencing on the 31st day following the delivery or mailing of the invoice.

16.0 PROVINCIAL LEGISLATION

This By-law shall be construed subject to the Environmental Protection Act, R.S.O. 1990, Chapter E.19 as amended, and the Regulations thereunder.

17.0 SEVERABILITY

The Township intends that any section or sections of this By-law which may be held to be invalid shall be severable from the remainder, and not be deemed to have persuaded or influenced Council to pass the remainder of the By-law.

18.0 REPEAL OF PREVIOUS BY-LAWS

By-law No. 94-16 as amended and any and all by-laws contrary hereto or inconsistent herewith be and the same are hereby repealed.

19.0 EFFECTIVE DATE

This By-law shall come into effect on the day of passing.

READ a FIRST and SECOND time this 6th day of October, 2008.

"original signed by Reeve"

"original signed by Clerk"

READ a THIRD time, PASSED in OPEN COUNCIL this 6th day of October, 2008.

"original signed by Reeve"

"original signed by Clerk"

SCHEDULE "A"
to
BY-LAW NO. 2008-25
AMENDED BY BY-LAW NO. 2011-21 AS AMENDED

WASTE DISPOSAL SITE FEE SCHEDULE

WASTE DISPOSAL

Specific Service	Fee
Household Waste/Recyclables - includes small appliances, lawn chairs, etc.	No Charge
Large Appliances - includes stoves, washers, dryers, BBQ's, etc.	No Charge
Scrap metal recycling stream (ferrous/non-ferrous/white goods, tire rims)	No Charge
Tires - intact tires of any size, absolutely no rims on tires	No Charge
Electronics as per material acceptable under the Ontario Electronic Stewardship program, ie. computers, TV's, printers, stereos, etc.	No Charge
Household Bulk items - furniture, sofas, beds, mattresses, dressers, toilets, carpet, shelving units, etc.	\$10.00 each
Yard Waste/Brush - up to 1 Garbage Can (28 gallons/121 litres) - 1 can/visit/day	No Charge
Up to 3/4 ton truck or trailer load of yard waste/brush	\$30.00/load
Vehicles, Vehicle Parts, Boats, Trailers, Mobile Homes, Propane Cylinders over 20 lbs., Farm & industrial machinery, etc.	Not Accepted
Refrigeration Equipment that has a Notice issued under Section 9(1) of O. Reg. 189/94 as amended, attached to the equipment	No Charge
Refrigeration Equipment that does not have a Notice issued under Section 9(1) of O. Reg. 189/94 as amended, attached to the equipment	Not Accepted
Hazardous Materials, Dirt, Soil, Brick, Rock, Cement and Stone rubble	Not Accepted

Clean brush, leaves and yard waste shall be accepted at the Transfer Site free of charge from April 15th - June 15th and September 15th - November 15th in any year provided:

- i. clean brush deposited does not exceed 6" in diameter.
- ii. leaves and yard waste are deposited in clear plastic bags or compostable paper bags only.
- iii. The fee schedule shall apply to all yard waste not meeting the above criteria.

NO HAZARDOUS MATERIALS ACCEPTED

SCHEDULE "B"
to
BY-LAW NO. 2008-25

1. **SERVICE CHARGES**

Pursuant to Section 15.0 (b) of this By-law, Service Charges shall be as follows:

\$100.00/ hour, minimum charge \$100.00

2. **RATE OF INTEREST**

Pursuant to Section 15.0 (c) of this By-law, the rate of 1.25% per month shall be used to calculate interest on unpaid service charges.