

CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 6079-94

A By-law to regulate the management, collection, removal and disposal of Waste Material in the Town of Smiths Falls.

WHEREAS Section 210, Sub-section 89 of the Municipal Act, Chapter M.45, R.S.O. 1990 authorizes municipalities to establish and maintain a system for the collection, removal and disposal of garbage,

NOW THEREFORE the Municipal Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. ESTABLISHMENT

There is hereby established a system for the collection of garbage, ashes and refuse in the Town of Smiths Falls, under the provisions of The Municipal Act.

2. DEFINITIONS

For the purpose of this By-law,

- 2.1 "Apartment" means a place of residence for persons consisting of four or more rental units;
- 2.2 "Ashes" means the residue of any household fuel, after such fuel has been consumed by fire, which would normally accumulate at a dwelling and which has completely cooled and ceased to burn such that it will not present the risk or hazard of fire;
- 2.3 "Commercial," "Industrial," and "Institutional" properties are as recognized in the Municipal Zoning By-law;
- 2.4 "Composting" means the process of collecting and depositing Type III garbage in a suitably constructed enclosure or composting unit (composter) for the purpose of converting this waste into fertilizer for soil;
- 2.5 "Container for Garbage" means
  - 2.5.1 a receptacle manufactured for or adapted for the use of the collection of household refuse,
    - (a) of a capacity of not more than 127 litres (28 Imperial gallons) and,
    - (b) constructed of materials which have an equivalent durability to number 20 gauge metal (0.952mm, 0.0375 inches),  
and
    - (c) have a water-tight lid and two (2) handles; or
  - 2.5.2 a non-returnable plastic bag
    - (a) of a capacity of not more than 127 litres (28 Imperial gallons) and
    - (b) composed of material of not less than 1.5 mil gauge (0.038mm, 0.0015 inches) material capable of carrying twenty-three (23) kg of contents without tearing; or
  - 2.5.3 a miscellaneous type of container, approved by the Director of Public Works, which may be picked up along with the contents thereof.
- 2.6 "Container for Recyclable Material" means a receptacle, generally known as a blue box, supplied by the Municipality specifically designated for the sole use of placing recyclable materials for municipal collection. These containers shall remain the property of the Town and must be left at the residence if and when the occupant relocates;
- 2.7 "Director of Public Works" means the person appointed by the Council of the Town of Smiths Falls to direct the municipal Department of Public Works or his/her designate;
- 2.8 "Dwelling" means a place of residence for people with its own sleeping, cooking, eating and sanitary facilities;
- 2.9 "Garbage" means local household generated waste material and includes the following categories:
  - 2.9.1 Type I Garbage - includes kitchen and table waste of animal origin, clothing, ashes, paper (except recyclable paper), broken crockery, and other such articles which would normally accumulate at a dwelling.
  - 2.9.2 Type II Garbage - includes tin, glass, recyclable paper and all other material which is being collected by the Municipality for recycling.

- 2.9.3 Type III Garbage - includes grass cuttings, garden refuse, leaves, kitchen and table waste of vegetable origin and all other material which is generally accepted to be compostable waste.
- 2.9.4 Type IV Garbage - includes brush, timber, clean lumber, rocks, bricks, concrete, gravel, sand, soil and other such material which is recognized by the Ministry of the Environment as being "environmentally friendly landfill material".
- 2.9.5 Type V Garbage - includes weighty, bulky articles such as major appliances, furnaces, bedsprings, mattresses, furniture, boxes, barrels, water tanks, and other such discarded material.
- 2.9.6 Type VI Garbage - includes Hazardous Waste as defined in Regulation 309 of the Ministry of Environment, and shall include such materials as paint, used oil, solvents, items containing asbestos insulation, fuel tanks, batteries, acids and prohibited waste.
- 2.10 "Item for Collection" means each individual container for garbage as defined herein or each individual article of Type V Garbage;
- 2.11 "Recycling" means the collection of Type II garbage for the purpose of processing and reusing the waste material in a useful fashion and specifically, for the purpose of this By-law recycling shall mean that process of collection as undertaken by the Town of Smiths Falls;
- 2.12 "Town" means the Corporation of the Separated Town of Smiths Falls.

### 3. SERVICE PROVIDED BY THE TOWN

- 3.1 The Town shall provide for all necessary equipment and labour for the regular and satisfactory collection of Type I, Type II and Type V Garbage from all dwellings, in accordance with the terms of this By-law. Without limiting the generality of the foregoing, no person shall place for collection and the Town shall not collect the following waste material which is deemed not acceptable for collection:
  - 3.1.1 Type IV Garbage as defined in section 2.8.4, generally known as clean fill;
  - 3.1.2 Type VI Garbage as defined in section 2.8.6, generally known as hazardous material;
  - 3.1.3 Industrial waste;
  - 3.1.4 Trade and Commercial waste;
  - 3.1.5 Institutional waste;
  - 3.1.6 Any rejected product, by-product or stock of any wholesale or retail establishment which in the opinion of the Director of Public Works has been condemned, abandoned or rejected;
  - 3.1.7 Moving picture films, celluloid cuttings, rags soaked with gasoline or oil, or other highly inflammable or explosive waste;
  - 3.1.8 Any liquid, whether in a container or not;
  - 3.1.9 Any waste or residue resulting from the erection, alteration or removal of any building or part thereof;
  - 3.1.10 Any material frozen to a receptacle which cannot be removed by shaking;
  - 3.1.11 Any garbage that has not been put for collection in conformity to the provisions of this By-law;
  - 3.1.12 Any garbage, ashes or refuse not resulting from the use of any premises as a dwelling unit located in the Town of Smiths Falls;
  - 3.1.13 Any accumulation of an unreasonable amount of garbage if the accumulation exists by reason of the householder failing to place such material for collection at each regular collection time;
  - 3.1.14 Any automobile body or parts, animal carcasses, or boulders; or
  - 3.1.15 Any material that may from time to time be considered by the Town as dangerous or hazardous or that is not acceptable in a Sanitary Landfill site under any Act or Regulation of the Provincial or Federal Government, or any material which may be defined by the Town from time to time as being unacceptable for collection.
- 3.2 The number of collections and the days and times that such collections are made shall be determined by the Town.
- 3.3 Notwithstanding paragraphs 3.1 and 3.2 in this section, the Town may enter into an agreement or contract with any person, firm or corporation for the provision of the service established by this By-law.

### 4. SCHEDULE OF COLLECTION

- 4.1 Collection shall be made from dwellings in accordance with a predetermined collection schedule.
- 4.2 Normal collection shall be made on Public or Statutory Holidays except Christmas Day and New Years Day, in which case collection will be on the next working day.
- 4.3 When the collection schedule is altered due to a Holiday, the Director of Public Works shall or cause to be published once, a notice in the local newspaper advising of such alteration.
- 4.4 A schedule of normal collection shall be available at the Office of the Director of Public Works.

### 5. PLACING MATERIAL FOR COLLECTION

- 5.1 Every person shall place items for collection at the curb prior to 7:00 a.m. on the day of collection. Notwithstanding, no person shall place such items for collection prior to 7:00 p.m. on the day preceeding the day of collection. Every person shall remove all empty containers and waste not acceptable for collection under the terms of this by-law from the curb not later than 9:00 p.m. on the scheduled collection day.
- 5.2 Every person shall place items for collection at or adjacent to the roadway curb or where there is no curb, adjacent to the edge of the sidewalk furthest from the roadway. Where it is not possible to comply with this requirement, items for collection shall be placed in a location satisfactory to the Director of Public Works. No person shall place garbage for collection at a location, either on public or private lands, other than at a location designated or approved for one's own dwelling.
- 5.3 No person shall place items for collection in any container other than that meeting the description of "Container for Garbage" pursuant to section 2.5 as it pertains to Type I Garbage or "Container for Recyclable Material" pursuant to section 2.6 as it pertains to Type II Garbage.
- 5.4 The number of items for collection placed from each dwelling shall be limited to a total of two (2). Items of collection in excess of this amount shall be affixed with a tag which may be purchased through the Town. Tag rates shall be as specified in Schedule "A". No person shall place in excess of a total of two (2) items for collection which have not been so tagged.
- 5.5 No person shall place a container for garbage which, when full, weighs in excess of twenty-three kilograms (23kg).

## 6. OBLIGATIONS OF RESIDENT

- 6.1 Every resident shall participate in the municipal recycling programme. No person shall place recyclable material together in the same container with Type I Garbage for collection. Recyclable material or Type II Garbage shall be placed separately in a container for recyclable material (blue box) supplied by the Town. No person shall utilize the blue box for any purpose other than for the collection of recyclable material and no person shall remove the blue box from the residence for which it was assigned.
- 6.2 Wherever possible residents shall maintain and use a viable composting system and thus dispose of Type III Garbage in lieu of depositing this into the municipal collection.
- 6.3 Residents who have accumulated Type IV Garbage shall transport and deposit same at an established clean landfill site.
- 6.4 Every resident who places Type II, Type IV or Type VI Garbage out for collection with Type I Garbage or disposes of it in an unlawful manner shall be guilty of an offence under this By-law and shall be subject to the penalty provisions of this By-law.

## 7. RENTAL PROPERTIES

- 7.1 The resident of every dwelling shall ensure that the placing of items for collection shall be done in conformity with this By-law. Notwithstanding the above every owner of a dwelling shall be jointly responsible with the tenant to ensure that the provisions of this By-law are adhered to.
- 7.2 Every Owner of an apartment building shall provide adequate facilities and enclosures for the storage of garbage satisfactory to the Director of Public Works. Moreover every apartment building containing seven (7) or more units shall be equipped, at Owner's expense, with an appropriate steel container, commonly known as a dumpster, to be maintained in a location as approved by the Director of Public Works.
- 7.3 Containers located at apartment buildings shall be limited in number and size so as to be in conformance the items for collection limit established pursuant to section 5.4.

## 8. OTHER RECEPTACLES

Except as otherwise permitted in this By-law, no person shall place or use any type of receptacle for the temporary storage of garbage, ashes or refuse, including material resulting from the demolition or renovation of buildings, on any street or public lands except where permission to do so has been given in writing by the Director of Public Works.

## 9. PENALTY

- 9.1 Any person violating any of the provisions of this by-law, either by doing any act forbidden or by failing to do any act required by this by-law is guilty of an offence and on conviction shall be liable to a penalty pursuant to the Provincial Offences Act.
- 9.2 Set fines may be established for certain offences contained in this by-law. Such set fines shall be established pursuant to the Provincial Offences Act.
- 9.3 In addition to the above and pursuant to section 326 of the Municipal Act, in default of any matter or thing being done by the person directed or required to do it, such matter or thing may be done at the

person's expense and the Town may recover the expense incurred in doing it by action or the same may be recovered in like manner as municipal taxes."

10. SUPERVISION/ENFORCEMENT

The proper collection of garbage, ashes and refuse as set out in this By-law shall be under the general control and direction of the Director of Public Works. The provisions of this by-law may be enforced by the Smiths Falls Police Service and/or the municipal By-law Enforcement Officer.

11. SEVERABILITY

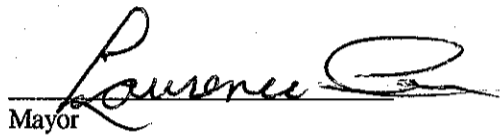
The provisions of this By-law are severable. If any provision, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.

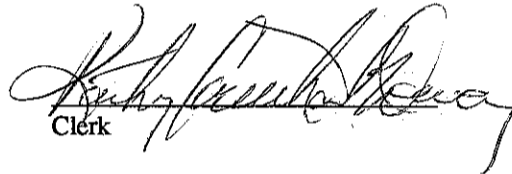
12. By-law #5822-92 and #6009-94 are hereby repealed.

13. This By-law shall take effect on the passing thereof.

Read a first and second time this third day of October 1994.

Read a third time and PASSED this third day of October 1994

  
Mayor

  
Clerk

**SCHEDULE "A"**

**TAG RATES**

The cost to Residents for each items placed for collection in excess of the items for collection limit legislated in this by-law shall be \$2.00 per item.

**SET FINES FOR INFRACTIONS: Part 1 Provincial Offences Act**

<b>TOWN OF SMITHS FALLS</b>		<b>BY-LAW NO. 6079-94</b>	<b>TITLE: THE GARBAGE BY-LAW</b>
<b>ITEM</b>	<b>COLUMN 1 SHORT FORM WORDING</b>	<b>COLUMN 2 OFFENCE PROVISION</b>	<b>COLUMN 3 SET FINE</b>
1.	Waste not acceptable for collection Type IV – clean fill	3.1.1	\$100.00
2.	Waste not acceptable for collection Type VI – hazardous waste	3.1.2	\$100.00
3.	Waste not acceptable for collection- Industrial Waste	3.1.3	\$100.00
4.	Waste not acceptable for collection- Trade and Commercial Waste	3.1.4	\$100.00
5.	Waste not acceptable for collection- Institutional Waste	3.1.5	\$100.00
6.	Waste not acceptable for collection- Liquid	3.1.8	\$100.00
7.	Waste not acceptable for collection- Construction Material	3.1.9	\$100.00
8.	Waste not acceptable for collection- Auto Parts/Animal Carcass	3.1.14	\$100.00
9.	Item for collection placed prior to 7:00 p.m. on the preceding day	5.1	\$100.00
10.	Failure to remove item for collection by 9:00 p.m.	5.1	\$100.00
11.	Improperly placed item for collection	5.2	\$100.00
12.	Non-conforming container for garbage	5.3	\$100.00
13.	Untagged item for collection	5.4	\$100.00
14.	Container of garbage exceeding weight limit	5.5	\$100.00
15.	Recyclable material not separated from type Type 1 Household Garbage	6.1	\$100.00
16.	Removal of Blue Box from the assigned property	6.1	\$100.00

THE PENALTY PROVISIONS OF THE OFFENCES INDICATED ABOVE ARE IN SECTION 9 OF BY-LAW NO. 6079-94,  
A CERTIFIED TRUE COPY OF WHICH HAS BEEN FILED.

Approved by Order: \_\_\_\_\_