

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 8660-2014

BY-LAW TO AMEND BY-LAW 8392-2011 BEING A BY-LAW TO REGULATE THE MANAGEMENT, COLLECTION, REMOVAL AND DISPOSAL OF WASTE MATERIAL IN THE TOWN OF SMITHS FALLS

WHEREAS Section 8 of the Municipal Act, SO 2001, as amended provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 9 of the Municipal Act, SO 2001, as amended provides that Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS By-law 8392-2011 being a By-law to regulate the management, collection, removal and disposal of Waste Material in the Town of Smiths Falls was passed on the 22nd day of February, 2011;

AND WHEREAS Council deems it appropriate to amend Section 5.2;

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

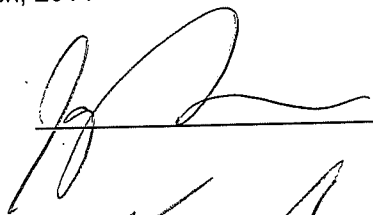
1. THAT Section 5.2 of By-law 8392-2011 is hereby amended to add the following:

5.2 *No person shall pilfer or remove materials from recycling containers unless approved by the Town (Town representatives/collection contractors).*
2. THAT Schedule A (attached hereto) be amended and form part of this By-law.
3. THAT the following set fines be approved by the Council of the Corporation of the Town of Smiths Falls:

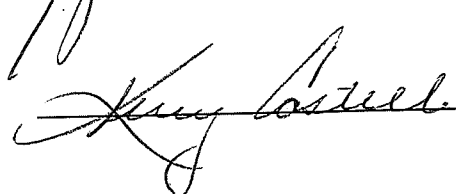
<u>Description</u>	<u>Fine</u>
Violation to pilfer/remove material from recycling containers unless approved by the Town (once recycling is placed for collection it becomes Town property)	\$ 50.00/ occurrence
Violation to place recyclable materials into regular garbage	\$ 20.00/occurrence
4. All other provisions of By-law 8392-2011 as amended, shall remain the same and adhered to.
5. The provisions of this by-law shall come into force and take effect upon passing thereof.

Read a first and second time this 3rd day of March, 2014

Read a third time and passed this 3rd day of March, 2014



Mayor



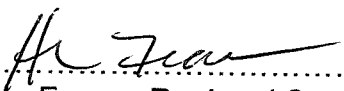
Clerk

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 8392-2011 as amended of the Corporation of the Town of Smiths Falls attached hereto is the set fine for that offence. This Order is to take effect on May 26th, 2014.

Dated at Ottawa this 26th day of May 2014.


.....
Hugh L. Fraser, Regional Senior Justice
Ontario Court of Justice
East Region

SET FINES FOR INFRACTIONS: Part 1 Provincial Offences Act

TOWN OF SMITHS FALLS

BY-LAW NO. 8392-2011, AS AMENDED

TITLE: WASTE BY-LAW

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Violation to pilfer/remove material from recycling containers unless approved by the Town (once recycling is placed for collection it becomes Town property)	5.2	\$50.00
2	Violation to place recyclable materials into regular garbage	6.1	\$20.00

THE PENALTY PROVISIONS OF THE OFFENCES INDICATED ABOVE ARE IN SECTION 9 OF BY-LAW NO. 8392-2011, AS AMENDED, A CERTIFIED TRUE COPY OF WHICH HAS BEEN FILED.

Approved.
H. H. H.

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 8660-2014

BY-LAW TO AMEND BY-LAW 8392-2011 BEING A BY-LAW TO REGULATE THE MANAGEMENT, COLLECTION, REMOVAL AND DISPOSAL OF WASTE MATERIAL IN THE TOWN OF SMITHS FALLS

WHEREAS Section 8 of the Municipal Act, SO 2001, as amended provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 9 of the Municipal Act, SO 2001, as amended provides that Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS By-law 8392-2011 being a By-law to regulate the management, collection, removal and disposal of Waste Material in the Town of Smiths Falls was passed on the 22nd day of February, 2011;

AND WHEREAS Council deems it appropriate to amend Section 5.2;

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

1. THAT Section 5.2 of By-law 8392-2011 is hereby amended to add the following:

5.2 No person shall pilfer or remove materials from recycling containers unless approved by the Town (Town representatives/collection contractors).
2. THAT Schedule A (attached hereto) be amended and form part of this By-law.
3. THAT the following set fines be approved by the Council of the Corporation of the Town of Smiths Falls:

Description	Fine
Violation to pilfer/remove material from recycling containers unless approved by the Town (once recycling is placed for collection it becomes Town property)	\$ 50.00/ occurrence
Violation to place recyclable materials into regular garbage	\$ 20.00/occurrence
4. All other provisions of By-law 8392-2011 as amended, shall remain the same and adhered to.
5. The provisions of this by-law shall come into force and take effect upon passing thereof.

Read a first and second time this 3rd day of March, 2014

Read a third time and passed this 3rd day of March, 2014

I, Nadine Bennett
do hereby certify that to the best
of my knowledge, this photocopy is a true
likeness to the original.

Dated this 25 day of March, 2014

Nadine Bennett
Commissioner for Taking Affidavits

Nadine Bennett, Deputy Clerk, a Commissioner, etc.,
County of Lennox, for Corporation of the
Town of Smiths Falls.

[Signature] Mayor
[Signature] Clerk

CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 8392-2011

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 place of residence for persons consisting of four or more Rental units.
- 2.2 "Ashes" meant residue of any household fuel, after such fuel has been consumed by the 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, of a capacity of not more than 127 litres (28 Imperial gallons) and,
 - (a) constructed of materials which have an equivalent durability to number 20 gauge metal (0.925mm, 0.0375 inches), and
 - (b) 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)
 - (b) composed of material of not less than 1.5 mil gauge (0.038mm, 0.0015 inches) material capable for 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 and the yellow (Gold) box supplied by the municipality specifically designated for the sole use of placing designed recyclable materials for municipal collection (bi-weekly collection; fibre – blue box and containers (1-7 plastics with exception of plastic bags and Styrofoam as well as glass, tin and aluminum) – yellow (gold) box). 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 Administration and Planning Services" means the person appointed by the Council of the Town of Smiths Falls to direct the municipal Department of Waste management 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 1-7 plastics (except Styrofoam and plastic bags) 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 materials 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 (resident responsible to remove Freon prior to placement to the curb and a sticker is found stating as such), 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 “Take Back Programs” means that residents should consider using Ontario’s www.dowantyoucan.ca website to determine where items considered for reuse/recycling can be managed. Manage waste by utilizing alternative reuse depot sources such as clothing pickup services, good used furniture stores, recycling businesses and reusable construction materials, prior to placing in the municipal collection system.

2.13 “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; can be managed through our joint municipal depot found in Carleton Place on Patterson Cres., at the Carleton Place Public Works Facility.
- 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 Administration and Planning services 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 of 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 There is no collection on Public or Statutory Holidays, in which case collection will be made on the next working day.
- 4.3 When the collection schedule is altered due to a Holiday, the Director of Administration and Planning services 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 Administrative and Planning Office at Town Hall.

5. PLACING MATERIAL FOR COLLECTION

- 5.1 Every person shall place items for collection at the curb prior to 7:00am. on the day of collection. Notwithstanding, no person shall place such items for collection prior to 7:00p.m., on the day preceding 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 9:00pm, on the scheduled collection day. Garbage & Recycling within the downtown core shall be placed to the curb the day of collection during winter (Nov. 15 to March 15) prior to 7:00 a.m. and receptacles removed by 9:00 p.m. on the scheduled collection day due to snow removal activities.
- 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 away from the roadway. Notably during winter, that garbage & recycling be placed back from the sidewalk to ensure there is no impediment of snow removal equipment. Where it is not possible to comply with this requirement, collection shall be placed in a location satisfactory to the Superintendent of Works and Utilities. 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 or in an area approved by Director of Administration and Planning services. All recyclables, once placed at the curb, are the property of the Town.

- 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 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 not 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 the containers for recyclable material (blue box & yellow (Gold) box) supplied by the Town. No person shall utilize these boxes for any other purpose other than for the collection of recyclable material and no person shall remove these boxes or its contents (Town staff & collection contractor exempt) 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 To consider all take back programs (www.dowhatyoucan.ca) and available services (clothing pickup, gently used furniture pickup) as well as other reuse/recycle initiatives prior to placing waste into your municipal collection system.
- 6.5 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 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 Administration & Planning Services. 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 Administration and Planning Services. Recycling totes (360l) shall be supplied by the Town and are to be maintained by the apartment owner or his/her designate.
- 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 the 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 Administration & Planning Services.

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 Administration and Planning Services. 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

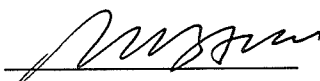
The provisions of this By-law are severable. If any provision, section or work is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.

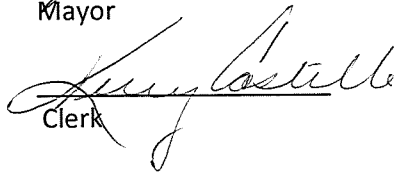
12. By-law #6079-94 is hereby rescinded..

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

Read a first and second time this 22nd day of February 2011.

Read a third time and PASSED this 22nd day of February 2011.


Mayor


Clerk

Schedule “A”

TAG RATES

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

SET FINES FOR INFRACTIONS: Part 1 Provincial Offences Act

TOWN OF SMITHS FALLS

BY-LAW NO. 8392-2011

TITLE: WASTE BY-LAW

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Violation to pilfer/remove material from recycling containers unless approved by the Town (once recycling is placed for collection it becomes Town property).	5.2	\$ 50.00/occurrence
2	Violation to place recyclable materials into regular garbage	6.1	\$ 20.00/occurrence

THE PENALTY PROVISIONS OF THE OFFENCES INDICATED ABOVE ARE IN SECTION 9 OF BY-LAW NO. 8392-2011 A CERTIFIED TRUE COPY OF WHICH HAS BEEN FILED.

SET FINES FOR INFRACTIONS: Part 1 Provincial Offences Act

TOWN OF SMITHS FALLS

BY-LAW NO. 8392-2011

TITLE: WASTE BY-LAW

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