

THE CORPORATION OF THE CITY OF ELLIOT LAKE***B*Y-LAW No. 21-28**

Being a by-law to regulate the collection, removal and disposal of garbage, recycling and other refuse within the City of Elliot Lake and to repeal by-law 05-74

WHEREAS, pursuant to Sections 11(1), 77 and 127 of *the Municipal Act*, S.O. 2001, c.25, a local municipality may pass by-laws to prohibit or regulate the use of any part of a waste management system and to require the owner or occupant of land to clean and clear land of refuse and debris.

NOW THEREFORE, the Council of The Corporation of the City of Elliot Lake, hereby,
ENACTS AS FOLLOWS:

DEFINITIONS**1.1 In this by-law,**

“ashes” means the solid residue of any household fuel remaining after burning.

“bag tag” means a specially marked tag issued by the City of Elliot Lake for the purpose of allowing collection of additional garbage containers in excess of the garbage limit, provided other limits and restrictions are adhered to.

“biomedical waste” means whether solid or liquid, including but not limited to, any animal or human organ or part thereof, bone, muscle, or animal or human tissue or part thereof, used bandages, poultices, dressings, medicines, vitamins, drugs, vaccines, needles, syringes, vials or any other similar material or substance which contains or may contain pathogenic micro-organisms or which may be hazardous or dangerous.

“building materials” means all waste materials generated from the renovation, demolition or repair of a structure.

“bulky item” means any weighty or bulky materials that do not fit in a garbage container, including but not limited to furniture, mattresses, carpet, appliances, outdoor equipment and any other large discarded material as designated by the Director of Public Works

“carcass” means the remains of an animal.

“collectible waste” means waste which may be collected pursuant to this by-law.

“collection contractor” means any person or business association which has entered into a contract with the City of Elliot Lake for the collection and/or processing and/or disposal of garbage and/or recycling.

“compostable materials” means solid non-hazardous waste derived from plants or animals, including waste consisting of compounds of carbon, all readily biodegradable, and limited to materials as designated by the Director of Public Works.

“Corporation” means The Corporation of the City of Elliot Lake.

“Director of Public Works” means the Director of the Public Works Department of the City of Elliot Lake or their designate.

“dwelling” means any building or other structure occupied or used as a place of abode, other than a hotel, restaurant, apartment house or tenement.

“food source” shall mean anything or any substance contained within the garbage that can be taken into or assimilated by a plant or animal to keep it alive and enable it to grow and repair tissue.

“garbage” means solid waste destined for disposal other than recyclable materials, yard trimmings, bulky items and non-collectable waste.

“garbage collection day” means the regular scheduled garbage pickup day established for each location in the City by the Corporation in accordance with this by-law and shall include the adjusted date where public holidays occur.

“garbage container” means a rigid metal or plastic container having a removable watertight lid and has a capacity of no more than twenty kilograms (20 kg) or eighty litres (80 L).

“highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for

or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

“householder” means an owner, occupant, lessee, tenant or other person in charge of a dwelling, hotel, restaurant, apartment house, office building, shop, store, public institution or other property.

“IC&I” means any industrial, commercial or institutional premises including but not limited to businesses, organizations, offices, stores, malls, restaurants, hotels, schools, healthcare facilities, manufacturers, factories, places of worship and warehouses.

“landscaping and yard debris” means plant materials including grass, plant clippings, leaves, roots and branches.

“non-collectible waste” includes,

- (a) ashes;
- (b) carcasses or parts of any animal or fowl with the exception of bona fide kitchen waste;
- (c) biomedical wastes;
- (d) building materials or building rubbish;
- (e) compressed gas cylinders, explosive or incendiary materials of any kind whatsoever;
- (f) hay, straw, manure and animal litter;
- (g) human or animal excrement;
- (h) biological, toxic or hazardous waste;
- (i) rags soaked in oil, gasoline or any other inflammable substance;
- (j) swill, organic matter not drained or wrapped or liquid waste; or
- (k) automotive parts.

“recyclables” include all materials set out in Schedule “A”. Recyclables shall not include any item with grease, food, dirt, or oil residue.

“refuse” includes debris, rubbish, junk or disused materials of any kind whatsoever and without limiting the generality of the forgoing, includes a motor vehicle that appears by reason of its age, appearance, mechanical condition or lack of license plate, to be inoperative, inoperative mechanical equipment, automotive and mechanical parts, disused furniture, old clothing, garden refuse, earth or rock fill,

old or decayed lumber, material from construction or demolition projects and other vehicles, machinery equipment, materials or structures apparently disused in their existing location.

RESIDENTIAL GARBAGE

2.1 No person shall,

- (a) accumulate or permit the accumulation of garbage, recycling, landscaping or yard debris, non-collectible waste, bulky items or other refuse, upon their property or upon property occupied or controlled by them;
- (b) store garbage improperly; or
- (c) place garbage at the highway or curbside,
 - i) on any day other than garbage day;
 - ii) before 5:00 AM on garbage collection day; or
 - iii) unless the garbage is in a garbage can and complies with the provisions of Sections 9.4 to 9.8 and 9.10 inclusive.

2.2 For the purposes of Section 2.1(b) above, “Store garbage improperly” means garbage that is kept outside of the main building or secure accessory building and is not within a secure enclosure for garbage cans, sealed to prevent the entry by vermin or wild animals including bears.

IC&I

3.1 IC&I premises

- (a) shall collect and store recyclables separately from waste generated by tenants, employees and/or customers.
- (b) shall ensure recyclables meet the standards set out in the by-law.
- (c) shall ensure recyclables are either collected by a recycling processor or taken to a recycling depot. (This will be in-effect starting January 1st of 2022)

3.2 No person,

- (a) shall deposit garbage in a bulk garbage disposal container located on a commercial, industrial, institutional or multi-unit residential zoned property

unless such person is a householder on the same property or unless the bulk garbage disposal container is clearly designated by authorized signs for general public use.

- (b) who is a householder at a commercial, industrial, institutional, or multi-unit residential zoned property, shall store garbage, which is a food source, in a garbage disposal container or a garbage storage facility unless such container or facility is sealed to prevent the entry of vermin and wild animals including bears.

SCAVENGING, SCATTERING OR DISTURBING GARBAGE

- 4.1** No person besides those designated by the Director of Public Works shall pick over, disturb, remove or scatter any garbage, ashes, rubbish, recycling or other refuse placed for collection or disposal by a householder or deposited at the Municipal Waste Disposal Site.

LITTERING AND DEPOSITING WASTE

- 5.1** No person shall throw, place, deposit or permit or cause to be thrown, placed or deposited any waste on any highway within the City.
- 5.2** In the case of land that is not a highway, no person shall throw, place or deposit or permit or cause to be thrown, placed or deposited any waste on any land not including buildings, within the City, including ponds, lakes, rivers and watercourses, without the consent of the owner or occupant of the property.

WASTE DUMPING

- 6.1** No person shall place, dump or deposit or permit to be placed, dumped or deposited any quantity of waste on any land, not including building, within the City, including ponds, lakes and streams, except as permitted by the Director of Public Works.
- 6.2** No person shall place, dump or deposit their privately generated waste into:
1. Public litter and recycling bins/ receptacles; or

2. Regulation containers belonging to another person or entity, without that person or entity's consent.

DISPOSAL OF NON-COLLECTABLES

- 7.1** Landscaping or yard debris (excluding leaves on an established leaf collection day), and non-collectable waste shall not be collected by the Corporation but shall be disposed of by the householder at their expense in such manner as the Director of Public Works may from time to time direct.
- 7.2** Every householder shall ensure that animal and human excrements shall be flushed in a sanitary manner when possible or otherwise wrapped in absorbent paper and placed in a leak proof bag, mixed in with residential refuse and put out in small quantities of no more than 10% by volume of a garbage container.

CONTAMINANTS

- 8.1** No person shall dispose of any waste or refuse specified in Ontario Regulations 347 (as amended from time to time) and 558 by land disposal at the Municipal Landfill or any area within City limits, including contaminants and contaminated refuse not limited to, asbestos and contaminated soil, unless in compliance with the criteria and guidelines set out by Ministry Standards and Ontario Regulations 347 and 558.

COLLECTION DAYS

- 9.1** The Director of Public Works is authorized to designate the type or method of collection from any location collected by the City. The Director is further authorized to withdraw collection service from any location found in violation of compliance with the type or method of collection designated for that location within 30 days written notice.
- 9.2** The Director of Public Works may from time to time alter the times and frequency of collection in each area of the City.

- 9.3** Every householder owning or controlling property within the City of Elliot Lake shall, prior to the time of collection, place all garbage and recycling accumulated on their property in front of that portion of their property adjoining the highway along which collection is to be made, in containers authorized by this by-law. Such garbage and recycling placement shall be as close as possible to the edge of paved or improved road surface portion of the highway but shall not obstruct traffic on the highway, sidewalk or footpath.
- 9.4** Garbage and recycling placed for collection shall be set out not later than 7:00 a.m. on the designated collection day and no earlier than 5:00 a.m. on the designated collection day.
- 9.4.1** Subject to Section 10.7, all garbage placed for collection shall be disposed of in an average sized garbage bag and contained in a metal or plastic garbage can or cans with secure water tight lids. Garbage placed out in smaller individual bags will not be picked up.
- 9.5** Garbage placed for collection shall be drained of all liquid, and shall be securely wrapped and tied.
- 9.6** Garbage placed for collection shall weigh no more than twenty (20 kg) kilograms and be no larger than eighty (80 L) litres.
- 9.8** Empty garbage containers, recycling and all material which the collector refused must be removed from the highway or from public property by the occupant of the property from which it was taken before 7:00 pm on the same day that the garbage is collected or the material refused.
- 9.9** No collection contractor or employee of the City shall enter any dwelling, apartment house or other building or ascend or descend any stairway or enter any elevator or hoist or a loading platform for the purpose of collecting garbage, recycling, rubbish or other material or for returning garbage or recycling containers.
- 9.10** No more than two (2) garbage bags per household per week shall be placed curbside for garbage collection, unless garbage bags placed curbside in excess of two (2) possess a bag tag issued by the City of Elliot Lake. Any garbage bags placed curbside in excess of two (2) without a bag tag will not be collected by the collection contractor or the City of Elliot Lake.

CURBSIDE LIMITS

- 10.1** No person shall exceed the garbage limits established in Section 9.10 without the proper identification and purchase of a bag tag.
- (a) Effective January 1st, 2022 any bags or containers in excess of the limits set out in this by-law must possess a bag tag.
 - (b) Bag tags will be available at City Hall and the Collins Hall beginning November 1st, 2022 at a fee of \$2.00 per tag or \$20.00 per booklet.
 - (c) Any bags or containers in excess of the limits set out in this by-law without a bag tag affixed will not be collected by the collection contractor or the City of Elliot Lake.
 - (d) There is no limit at a dwelling on the number of approved containers for recycling or the quantity of recyclable materials that may be set out for curbside collection services.

BUILDER, CONTRACTOR AND CONSTRUCTION SITE RESTRICTIONS

- 11.1** No person,
- (a) engaged in any excavation, construction or demolition work shall encumber the streets and sidewalks adjacent thereto with any earth, stones, garbage, landscaping or yard debris, or waste material created by or resulting from such work;
 - (b) shall remove any earth, stones, landscaping or yard debris, or other waste material from the site of any excavation, construction or demolition work without first obtaining the permission of the Director of Public Works.
- 11.2** All waste material removed from the site of any work mentioned in Section 10.1(b) above, shall be disposed of in such manner as the Director of Public Works may direct and all costs, charges and expenses incurred or necessitated in disposing of the same in accordance with such directions, shall be borne by the builder, contractor or other person concerned.

TRANSPORTATION OF GARBAGE, ETC.

- 12.1** No person shall convey through a highway any garbage, recycling, landscaping or yard debris, non-collectable waste or other refuse, except in properly covered metal receptacles or in vehicles equipped with canvas covers or tarpaulins.
- 12.2** Where a vehicle is used to carry refuse, recycling or waste material of any kind, the canvas cover or tarpaulin shall be placed and fastened in such manner as shall prevent the refuse or waste matter from falling onto the highway.

ENCUMBERING PRIVATE PROPERTY

- 13.1** No person shall throw, place or deposit refuse or debris on any private property or on property of the Corporation or any local board thereof.
- 13.2** The provisions of Section 12.1 above shall not apply where consent of the owner or occupant of the property is given and all other provisions of this by-law are complied with.

ENCUMBERING HIGHWAYS/ SIDEWALKS PROHIBITED

- 14.1** Every owner, tenant or occupant of a dwelling, hotel, apartment house, tenement, building or other premises and every person having the control or charge of any church, school, or other public institution fronting or abut on any highway where the sidewalks are paved shall keep the same free of all obstructions.

ANIMAL CARCASSES

- 15.1** Where a carcass of any animal is found on any highway or private property, the owner thereof, or where the owner is unknown, the owner upon whose premises the animal lies shall notify the office of the Director of Public Works and shall dispose of the animal in accordance with the instructions of the Director of Public Works.

- 15.2** Where the owner of the animal is known, all expenses of disposing of its carcass shall be borne by the owner.

PENALTY

- 16.1** Any person other than a corporation who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$10,000.00 for a first offense and not more than \$25,000.00 for any subsequent offence under the by-law.
- 16.2** Notwithstanding any other provision of this by-law, a corporation upon conviction of a contravention of this by-law is liable for a fine of not more than \$50,000.00 for a first offence and not more than \$100,000.00 for any subsequent offences.
- 16.3** Where any person fails to comply with provisions set out by this by-law, the persons may be fined accordingly. A list of fines is set out in Schedule “B”.

VALIDITY

- 17.1** If a court of competent jurisdiction declares any provision, or any part of a provision of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every other provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

SHORT TITLE

- 18.1** This by-law may be cited as the Garbage By-Law.

REPEAL

- 19.1** By-Law No. 85-58 is hereby repealed.

EFFECTIVE DATE

20.1 That the following updated schedules attached hereto shall form part of this by-law;

- Schedule “A”- Recyclables
- Schedule “B”- Set Fine Schedule

20.2 This by-law comes into effect on the first day of January, 2020.

PASSED this _____th day of _____, 2019.

MAYOR

CITY CLERK

GARBAGE BY-LAW 05-74
BEING A BY-LAW TO REGULATE THE COLLECTION, REMOVAL AND
DISPOSAL OF GARBAGE, RECYCLING AND OTHER REFUSE IN THE CITY
OF ELLIOT LAKE

SCHEDULE “A”
RECYCLABLES

Symbol F:

- Newspaper
- Magazines
- Catalogues
- Phone books
- Advertising inserts
- Glossy flyers
- Photocopy paper and envelopes
- Shredded paper in clear bags
- Corrugated cardboard
- Cereal and shoe boxes
- Cardboard and boxboard milk and juice cartons

Symbol C:

- Metal food and beverage cans
- Aluminum food and beverage cans
- Aluminum foil trays
- Rinsed jar lids
- Containers marked #1 through #6

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SCHEDULE “A”
RECYCLABLES CONTINUED

Non-recyclable items:

- Any symbol F or symbol C items with oil, grease, dirt or food residue.
- Disposable coffee cups
- Plastic bags including shopping bags, milk bags, chip bags and bread bags
- Plastic wrapper surrounding cases of water, juice boxes, pop, etc.
- Wrapping paper
- Tissue paper
- Carbon paper
- Styrofoam
- Broken glass

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SCHEDULE “B”

SET FINES

By-law 05-74 Re: Garbage by-law

ITEM	SHORT FORM WORDING	OFFENCE CREATING PROVISION OR DEFINING OFFENCE	SET FINES
1	Accumulate waste upon property	2.1 (a)	\$300
2	Store garbage improperly	2.1 (b)	\$200
3	Place garbage at highway or curbside improperly	2.1 (c)	\$200
4	Not recycling Residential - IC&I	3.1 (a), 3.1 (c)	\$500
5	Recycling improperly residential - IC&I	3.1 (b)	\$200
6	Dump garbage in a bulk container	3.2 (a)	\$200
7	Scavenging, scattering or disturbing garbage	4.1	\$200
8	Littering	5.1, 5.2	\$300
9	Illegal dumping- land	6.1	\$300 + cost
10	Illegal dumping- receptacles and containers	6.2	\$300 + cost
11	Encumbering streets or sidewalks	10.1 (a), 13.1	\$200
12	Removal of waste material	10.1 (b)	\$200
13	Improper transportation of garbage or recyclables	11.1, 11.2	\$300
14	Encumbering private property	12.1	\$300

from development projects.	
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SCHEDULE “D”
LANDFILL TIPPING FEE
STRUCTURE

Fee Structure

TYPE OF WASTE	COST
Household, construction, demolition and bulky items	\$60.00 per tonne plus HST. A minimum of \$5.00 will be charged for each visit.
Contaminated material (determined by testing)	\$60.00 per tonne plus HST.
Asbestos waste	\$225.00 per load
Appliances (units with Freon must be drained and tagged)	No charge
Appliances (units not drained of Freon)	\$35.00 per unit
Scrap metal	No charge
Grass clippings and yard trimmings (not including branches, trees or roots)	No charge
Tree stumps and material removed	\$60.00 per tonnes

