

CORPORATION OF THE CITY OF KAWARTHA LAKES

CONSOLIDATED BY-LAW NO. 2007-024

**A BY-LAW DEALING WITH THE COLLECTION, REMOVAL AND DISPOSAL
OF SOLID WASTE WITHIN THE CITY OF KAWARTHA LAKES**

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THE CORPORATION OF THE CITY OF KAWARTHA LAKES

OFFICE CONSOLIDATION OF BY-LAW 2007-024

Consolidated on June 19, 2009

Passed by Council on January 30, 2007

Amendments:

1) By-law 2007-161	July 1, 2007	Schedule "G"
2) By-law 2007-228	October 9, 2007	Schedule "H"
3) By-law 2007-250	October 30, 2007	Schedule "H"
4) By-law 2009-124	June 9, 2009	Definitions Section 4.05 Schedule "E"

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2007-024

**BEING A BY-LAW OF THE CITY OF KAWARTHA LAKES
DEALING WITH THE COLLECTION, REMOVAL AND DISPOSAL
OF SOLID WASTE WITHIN THE CITY OF KAWARTHA LAKES**

Recitals

1. Council of the City of Kawartha Lakes wishes to enact a By-law for the purposes of regulating the collection, removal and disposal of solid waste; and
2. Section 11 (1) and Section 391 (1) of the Municipal Act 2001 authorizes a municipality to pass By-laws dealing with Waste Management and the imposing of fees and charge.

Accordingly, the Council of the City of Kawartha Lakes enacts this By-law 2007-024.

Section 1.00: Definitions and Interpretation

Definitions

1. In this By-law:

"approved container" includes a garbage container, a leaf and yard material container or a recycling container, all as defined in Schedule "A";

"ashes" includes the solid residue of any household fuel after such fuel has been consumed by fire and includes soot, but shall not include ashes which accumulate as a result of building construction or demolition;

"bag tag" includes single use tags affixed to acceptable waste receptacles bearing the City of Kawartha Lakes identification issued by the City pursuant to this By-law;

"blue box" includes an open-topped plastic box used for the collection of recyclable material;

"bulky items" includes those forms of waste identified on Schedule "B";

"by-law" except where indicated otherwise, includes this By-law and any amendments thereto including any Schedules forming any part of

this By-law and any amendments thereto, as enacted by the Council from time to time;

“**by-law enforcement officer**” includes a by-law enforcement officer for the City or any other person authorized by the City to enforce the by-laws of the City, and includes a police officer;

“**construction or demolition waste**” includes waste which results from the erection, alteration, or demolition of any building or part thereof, including earth or stone from excavations,

“**Certificate of Approval or Provisional Certificate of Approval**” for the purposes of this By-law means a Certificate issued by the appropriate Provincial or Federal agency permitting the Municipality to operate a waste management system or waste disposal site and related activities

“**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes.

“**clean wood waste**” includes untreated lumber and wood products such as pallets and raw lumber, but does not include painted wood, treated wood, paneling, pressboard or similar products;

“**collection contractor**” includes a company, person, corporation or partnership performing collection and haulage of waste under contract with the City of Kawartha Lakes;

“**collection location**” includes the location, as designated by the Director or his designate, where garbage, recyclable materials, leaf and yard materials and bulky items are to be placed out for collection by persons entitled to collection services;

“**commercial premises**” includes premises in or at which a commercial business is being operated;

“**commercial waste**” includes any waste produced by or at any commercial premises;

“**Council**” includes the Council of the City of Kawartha Lakes;

“**Director**” includes the Director of Public Works for the City of Kawartha Lakes and includes his or her designate;

“**downtown cores**” includes the area identified on the map attached hereto as Schedule “C”;

“**front-end loading container**” includes a metal container used for the collection of garbage by a front-end vehicle;

“**garbage**” includes waste other than recyclable materials, leaf and yard materials, bulky items and prohibited waste;

“**garbage container**” is a form of approved container for the storage and collection of garbage and which meets the requirements of garbage containers established in Schedule “A”;

“**hailed sewage**” includes domestic waste that is human body waste, toilet or other bathroom waste, waste from other showers or tubs, liquid or water borne culinary or sink waste or laundry waste, and other waste that is suitable for storage, treatment or disposal in a sewage system or waste in a vehicle sewage holding tank;

“**hazardous waste**” includes any substance for household or commercial use that is dangerous, corrosive, flammable, poisonous or explosive, including, but not limited to, those items listed under HAZARDOUS WASTE ITEMS in Schedule E to this By-law, and any other similar material;

“**high density multi-residential building**” includes an apartment building, condominium complex, townhouse complex, co-operative housing complex,

or other similar residential complex containing more than six residential dwelling units provided that each residential dwelling therein, is rented on not less than a monthly basis;

“household hazardous waste” includes materials used or stored in the home that can be potentially hazardous to human health and the natural environment and includes but is not limited to paint, oil, pesticides and insecticides.

“industrial premises” includes any building, structure or premises used for an industrial or manufacturing purpose;

“industrial or trade waste” includes waste material from any one or more industrial or manufacturing processes, or waste from any industrial or manufacturing premises;

“leaf and yard material” has the meaning as described in Schedule “F”;

“leaf and yard material container” is a type of approved container for the storage and collection of leaf and yard material and which meets the requirements for leaf and yard material containers established in Schedule “A”.

“low density multi-residential building” includes a single family dwelling, a duplex, an apartment building, townhouse complex, co-operative housing complex, or other similar residential complex containing six or fewer residential dwelling units provided that any residential dwelling therein, is rented on not less than a monthly basis;

“medical waste” means tubing, intravenous bags etc. used as part of home care but does not include diapers or solid/liquid bio-medical waste.

(2009-124, effective June 9/09)

“mobile home park” includes an establishment comprising land or premises under single ownership designed and intended for residential use where residence is exclusively for two or more mobile homes, but does not include a trailer camp or trailer park.

“owner” includes any registered owner, occupant, resident, lessee, tenant of any low density residential building, high density residential building or small commercial establishment, or any person managing any high density residential building, low density residential building or small commercial establishment;

“person” includes an individual, corporation, association or other business firm;

“private road” includes any road or laneway that has not been assumed by the City of Kawartha Lakes as a public road

“prohibited waste” includes waste as outlined in Schedule “E”;

“recyclable materials” has the meaning set out in Schedule “D”;

“recycling container” includes an approved container for the storage and collection of recyclable materials and which meets the guidelines for recycling containers established in schedule “A”;

“residential dwelling unit” includes one or more rooms connected together as a self-contained, separate unit in the same building comprising all or part of the building and constituting an independent housekeeping unit for residential occupancy by persons with facilities for persons to sleep, cook and eat and including its own sanitary facilities;

“resort” includes a tourist establishment that operates throughout all or part of the year, that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or other similar recreational activity but shall not include any establishment otherwise defined herein.

“**seasonal trailer parks**” includes a parcel of land made available to members of the public containing sites upon which to locate Trailers, Tents or Recreational Vehicles, and includes a campground. Seasonal trailer parks includes any parcel of land with more than three Trailers or Tents erected or stored constitutes a “Trailer Park”, with the exception of the land of any lawful commercial operation which wholesales or retails Trailers, Tents or Recreational Vehicles. It includes parks where there is a combination of seasonal/permanent trailer sites.

“**scavenge**” includes to sort through and collect materials from recyclable materials, leaf and yard materials, household hazardous waste, bulky items, white goods or garbage, that has been placed out for collection or deposited at a waste disposal site;

“**tipping fee**” shall mean the charge per tonne or unit or cu. yd. or item levied by the City at the Landfill site for disposable waste under the terms of this by-law

“**transient waste**” includes any waste carried into the City of Kawartha Lakes outside its boundaries by any person;

“**user**” includes a person or persons utilizing any waste disposal facilities or services of the City, including in particular any person or persons depositing waste at any waste disposal site;

“**user pay waste system**” is a system where those who use the waste system pay proportionally to their rate of usage.

“**waste**” includes anything discarded for collection or brought to a landfill site for disposal from any source and includes garbage, recyclable materials, leaf and yard materials, bulky items and litter;

“**waste disposal site**” includes any area of land designated as such by the City to be used for the disposal of waste as approved by the Ministry of the Environment.

“**white goods**” includes scrap items that include but not limited to stoves, fridges, refrigerators, freezers, washers and dryers.

1.02 Interpretation Rules:

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.01 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2: ADMINISTRATION

2.01 This By-Law shall be administered and enforced by the Director or his or her designates save and except for the provisions regarding fees which shall be administered by the Director of Finance or his or her designate.

2.02 The Director’s powers shall, subject to any limitations contained in this By-law, include but not be limited to:

a. determine collection schedules, specifying the time, day and frequency of collection services and to give notice to the public of such collection schedules and of changes to the collection schedules;

- b. determine the classification or designation of specific items as waste to be collected or as Prohibited Waste;
 - c. determine the collection locations for approved containers, bulky items, household hazardous products or any other items that are designated for receiving collection services and give notice to the public of same;
 - d. determine whether a building, collection location, or property is safe for entry by an employee or agent of the City having regard to the physical conditions and layout, loading facilities, method of handling collectible waste at the building, or collection location of the property, the presence of a troublesome or nuisance animal or any other factor;
 - e. impose limits to the level of collection services including the quantities and classes of waste to be collected;
 - f. determine whether an approved container or any other container or storage unit is suitable and safe for collection;
 - g. determine the method, manner or other requirements for the collection and disposal of waste for which there are collection services;
 - h. establish and enforce guidelines and policies governing the restriction, suspension or termination of collection services and/or disposal privileges to any person or business for failure to comply with the provisions of this By-law;
 - i. establish and enforce the terms and conditions on which collection services which have been restricted, suspended or terminated under this By-law may be resumed in whole or in part;
 - j. establish guidelines for the handling and disposal of prohibited waste and provide information to the public regarding such handling and disposal;
 - k. suspend collection services in all or part of the City for a specified time in the event of inclement weather or other conditions which renders the provision of collection services unsafe;
 - l. establish the terms of an agreement with any person for the acceptance of waste at the waste disposal site;
 - m. establish the terms of an agreement with any person for the acceptance of recyclable materials at the waste disposal site;
 - n. determine the guidelines for the disposition of asbestos waste in accordance with Regulation 347, R.R.O. 1990, as amended; and
 - o. deal with any other matter assigned by this By-law or necessary for the collection, removal and disposal of solid waste and administration of this By-law;
- 2.03 Any waste lawfully placed out at collection locations for collection by the City may be salvaged, reclaimed, recycled, composted, disposed of or otherwise dealt with by the City as the City may deem fit.
- 2.04 The items described as Recyclable Materials in Schedule D, scrap tires, scrap metal and leaf and yard waste are banned from landfill sites in the City for the purpose of disposal.
- 2.05 The City shall provide collection or removal services in accordance with this By-law to:
- a) Single unit, low-density residential buildings, nursing homes and mobile home park for:
 - (i) garbage;

- (ii) recyclable materials;
 - (iii) leaf and yard material; and
 - (iv) bulky items and appliances;
- b) High density residential buildings for:
- (i) garbage;
 - (ii) recyclable materials
- c) Industrial, commercial establishments for:
- (i) garbage; and
 - (ii) recyclable materials; (limited to 4 carts either 95 or 65 gallon)
- d) Seasonal trailer parks and resorts for:
- (i) garbage;
 - (ii) recyclable materials (unlimited amounts of recyclable material collected)

2.06 Despite any other provision of this By-law, collection services shall not be provided, except by agreement, to any land or building owned or leased by the Crown in Canada, the Crown in right of Ontario, a school board, a university, a community college, a hospital, or to any property for which no taxes are paid and for which no grants in lieu are received or any vacant or for any unoccupied structure or property that does not contain a structure.

2.07 No garbage and, where applicable, no recyclable materials or leaf and yard materials will be collected:

- a) which is not in a garbage container which meets the requirements set out in Schedule "A" or a recycling container which meets the requirements of Schedule "A", or a leaf and yard material container which meets the requirements of Schedule "A", or a waste storage box which meets the requirements of Schedule "A", or a commercial wheeled cart/caddie which meets the requirements of Schedule "A", as the case may be;
- b) if the recyclable material is not packed in accordance with the requirements established by the Director or his or her designate from time to time;
- c) if the leaf and yard material is not bundled or packed in accordance with the requirements established by the Director or his designates from time to time; or
- d) if the garbage or recyclable material is frozen to the approved container and cannot be dislodged by shaking.

2.08 Where the City provides collection services for garbage and recyclable materials, such collection services shall be provided at collection locations once a week, except when a normal collection day falls on a holiday as provided herein;

No collection shall occur on the following designated holidays:

New Year's Day	Labour Day
Good Friday	Thanksgiving Day
Victoria Day	Christmas Day
Canada Day	Boxing Day (Dec. 26)
Civic Holiday	

On weeks with a holiday, collection will take place on the day following the holiday and all subsequent days will receive collection one day later than their regular collection day. The only exception shall be where Christmas Day and Boxing Day are both on collection days and then collection for Christmas Day will occur on Boxing Day and all subsequent days shall receive collection one day later than their regular collection day.

2.09 Where the City provides collection or removal service for bulky items, such collection or removal services shall be provided at collection locations and in accordance with the guidelines established in Schedule “B”.

2.10 This by-law may be enforced by every municipal law enforcement officer and police officer.

2.11 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.

2.12 Where provisions of this By-law conflict with the provisions of any other City By-law, the provisions of this By-Law shall prevail.

Section 3.00: PUTTING OUT WASTE FOR COLLECTION – ROADSIDE COLLECTION

3.01 The Director shall determine collection schedules for waste which is collected and may designate areas in the City for special collection times differing from normal daytime collection.

3.02 During normal daytime collection, the approved user shall put out all items to be collected at the collection location prior to the time scheduled for collection, and no earlier than 5:00 pm on the previous evening or no later than 7:00 am on the day of collection. The only exception to this shall be areas identified as “Downtown cores” as identified in Schedule C and then the commercial user shall put out all items to be collected at the collection location prior to the time scheduled for collection, and no earlier than 5:00 pm on the previous evening or no later than 6:00 am on the day of collection.

3.03 After collection, the owner shall ensure that all approved containers and any uncollected or refused waste, recyclable materials, leaf and yard materials and/or large items are returned to the owner’s property by no later than 7:00 p.m. on the day of collection.

Section 4.00: PREPARATION OF WASTE - GENERALLY

4.01 Every person who puts garbage out for collection shall ensure that:

- a) waste set out for disposal, recycling or composting shall be in approved containers as described in Schedule “A” and in accordance with the collection requirements set out in Schedule “I”
- b) each residential dwelling, low density multi-residential dwelling and high density multi residential dwelling is allowed to place two untagged residential waste containers as described in Schedule “A” at the collection locations designated by the Director for collection, if more then two residential waste containers are placed out for collection in any one collection period the additional waste containers must have a user pay bag tag affixed;
- c) each Industrial, Commercial or Institutional unit is allowed to place four untagged residential waste containers as described in Schedule “A” at the collection locations designated by the Director for collection, if more then four residential waste

containers are placed out for collection in any one collection period the additional waste containers must have a user pay bag tag affixed;

- d) the waste for disposal does not contain recyclables as described in Schedule “D”, or Leaf and Yard Waste as described in Schedule “G”;
- e) all wet waste is drained, wrapped in absorbent materials such as dry paper, and placed in a leak-proof container or bag prior to placement in a garbage container which meets the requirements of Schedule “A”;
- f) ashes which are put out for collection are to be:
 - (i) cold;
 - (ii) placed in a sealed non-refundable plastic bag;
 - (iii) not in excess of 40 pounds in total weight; and
 - (iv) separated from flammable waste;
- g) feces of dogs or cats which cannot be flushed in a sanitary manner are first wrapped in absorbent paper and placed in a sealed leak-proof bag, mixed in with garbage, and represent not more than ten percent by volume of the garbage container.
- h) any sharp objects or broken glass are securely wrapped so that the sharp object or broken glass cannot pierce the waste container;
- i) he or she forthwith cleans up any mess or debris created if all or any of the waste spills from, or for any reason is no longer contained in the approved container;
- j) no prohibited waste is mingled with garbage; and
- k) he or she places the approved container at the collection locations designated by the Director for collection but not so as to impede or obstruct pedestrian or vehicular traffic or maintenance operations;
- l) waste and recyclable materials including those which are stored in a waste storage box are not more than 7 feet from the edge of the traveled portion of the road.

4.02 An owner may provide a waste storage box for waste provided that it meets the requirements set out in Schedule A.

4.03 Every owner shall maintain his or her approved containers, storage boxes, and the immediate vicinity of where they store and where they set out there containers for collection in a clean and sanitary condition.

4.04 In areas where access to materials set out for collection is prevented due to construction, it is the responsibility of the contractor to bring material out to the nearest public collection point for access by the collection contractor.

4.05 An owner who requires an increase to the untagged bag limit because of the requirement to dispose of medical waste such as medical tubing while such is being administered through home care may register with the City to become exempt from the two bag set out limit. (2009-124, effective June 9/09)

Section 5.00 GENERAL PROVISIONS AND PROHIBITIONS

5.01 No person shall:

- a) unless authorized by the Director, scavenge, salvage, pick over, interfere with, remove or scatter or any like or similar activity in relation to any waste set out for collection;

- b) permit any animal owned by him or her or under his or her control to pick over, interfere with, remove or scatter any garbage, leaf and yard material, recyclable materials or bulky items placed out for collection;
- c) throw, cast or otherwise deposit or permit any contractor, agent or employee of such person to throw, cast or otherwise deposit any waste whatsoever on or in any street, public property or private property without the prior consent of the owner, except as expressly authorized by this By-Law;
- d) place waste on public property for collection by a private collection agency; or
- e) deposit waste generated on private property into public waste receptacles located on public streets.

5.02 Except where permitted in this Bylaw, no person shall:

- a) Deposit or cause to be deposited any waste within the City limits other than in authorized waste disposal sites; provided however, natural soil, earth, sand, clay, gravel, loam, stones or any similar excavated materials may be used to fill low lots within the City with the approval of the Director
- b) Throw or deposit or cause to be thrown or deposited any waste upon any vacant lot or yard or any public or private road or store or keep waste other than in an approved container.

- 5.03
- a) Except as provided herein, the City shall not operate a system for the collection and removal of prohibited waste;
 - b) Every owner of a premises producing prohibited waste which is not collectable waste shall:
 - i) Provide or arrange for the provision of an appropriate storage container, or containers for each type of prohibited waste, each of which shall be adequate to contain all of the prohibited waste of the type being disposed of;
 - ii) Ensure such waste is conveyed to the point of disposal by and at the expense of the consignee or owner of such waste;
 - iii) Ensure no such waste is placed at the curb for collection unless otherwise permitted by the City; and
 - iv) Ensure no such waste is combined or mixed with waste which is collected by the City

Section 6.00 PRIVATE WASTE COLLECTION
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- 6.01 Every owner of a premises not entitled to City collection services or who generates waste of a type for which collection services are not provided, shall ensure the provision of a receptacle storage enclosure which is adequate to contain all of the waste to be disposed of and such waste shall be conveyed to the point of disposal by and at the expense of the consignee or owner of such waste. Every person not entitled to waste collection, pursuant to the provisions of this By-law, shall not place waste for collection.
- 6.02a) Where private commercial collection services are utilized, the owner shall ensure waste is stored until collected in properly constructed and maintained containers which are emptied as necessary in order to prevent development of odours or nuisances and which are not allowed to overflow.
- b) The owner shall ensure all containers, structures or buildings provided for the storage of waste shall at all times be maintained in a secure, clean,

dry and sanitary condition so as to prevent entry of rodents, insects or other vector and vermin.

Section 7.00 TIPPING AT WASTE DISPOSAL SITES

- 7.01 Public access to a waste disposal site shall be limited to hours permitted in the Certificate of Approval and/or determined by the Director and posted at the site and set out in Schedule “H”.
- 7.02 All waste deposited at any waste disposal site shall become the property of the City and may be salvaged, reclaimed, recycled, composted, disposed of or otherwise dealt with by the City as the City may deem fit.
- 7.03 No person shall deliver or deposit at any waste disposal site any waste not generated in the City of Kawartha Lakes, or waste which does not comply with this By-law or unload such waste at a waste disposal site, and, whether unloaded or not, all such waste shall be removed by or at the expense of the person seeking to or who did dispose of it.
- 7.04 No person or account holder shall deliver or deposit at any waste disposal site loads for disposal that are contaminated with recyclable material as described in Schedule “D”, Leaf and Yard Waste as described in Schedule “F”, Tires, or Scrap Metal.
- Loads containing more than 20% divertible material shall be deemed not to comply.
- Any person who fails to comply will be sent a warning in writing, at the property address, by the Director sent by prepaid regular mail and shall be deemed delivered five days after being posted by the City in relation to a first occurrence;
- Any person who fails to comply will be charged two times the tipping fee for the non-compliant load in relation to a second occurrence;
- Any person who fails to comply will be charged three times the tipping fee for the non-compliant load and denied access to any City landfill until all accounts owed to the City for waste management are paid for the third occurrence.
- 7.05 Accounts holders in arrears at any City landfill for more than 60 days shall be denied access until all accounts are paid in full or paid according to an agreed repayment schedule approved by the Director in writing.

Section 8.00 FEES - GENERALLY

- 8.01 The City may from time to time prescribe rates or charges for the use of waste disposal sites and provide for terms of payment thereof.
- 8.02 a) No person shall deposit or deliver waste to any waste disposal site operated by the City without paying the appropriate fee as set forth in Schedule “G” – Solid Waste Tipping Fees,
- b) Notwithstanding subsection a), no fees shall be payable under Schedule “G” in the circumstances set out in Schedule “K” – Exemptions from Tipping Fees.

Section 9.00 PROHIBITIONS

- 9.01a) No person shall:

- i) deposit waste at any waste disposal site outside the hours of operation as determined by the Director and posted at the site and set out in the Certificate of Approval ;
- ii) except as provided in subsections (6) and (7), deposit any prohibited waste at any waste disposal site;
- iii) deposit any recyclable materials, scrap metal, bulky items, white goods, leaf and yard material, clean construction waste, or household hazardous waste material at the waste disposal site except at the location designated by the Director for that purpose;
- iv) deposit hauled sewage at any location in a waste disposal site other than the location designated by the Director for that purpose;
- v) deposit any burning material or set or cause to be set any fire at any waste disposal site;
- vi) deposit waste outside the gate or entrance to a waste disposal site or at any place other than the place designated for its receipt thereof;
- vii) neglect or refuse to provide proof of the origin of waste tendered for disposal at a waste disposal site when such is demanded, provided that in lieu of providing such proof the person tendering the waste may remove it without unloading it;
- viii) deposit waste at any waste disposal site when such deposit has been forbidden by the Director or the person for the time being in charge at the waste disposal site on the ground that the deposit would be contrary to this By-law or on the ground that the origin of the waste has not been satisfactorily determined in the sole discretion of the Director or their designate;
- ix) operate a motor vehicle on a waste disposal site other than on a designated roadway or highway; or without due care and attention; or at greater than the posted rate of speed;
- x) scavenge, salvage, pick over, interfere with, remove or scatter or like or similar any waste at any waste disposal site or at curbside unless authorized by the Director;
- xi) transport waste to or at any waste disposal site except in properly covered containers or in carts, wagons, or vehicles, totally enclosed or covered in canvas, tarpaulins or nets, so fastened down around the edges so as to prevent any of the contents from falling upon the ground during transport;
- xii) transport waste to or at any waste disposal site except in such a manner so as to protect the same from insects, vector and vermin, and to control the escape of any offensive odours there from;
- xiii) deposit waste at any waste disposal site while prohibited from doing so pursuant to the terms of this By-Law or an Order of the Director;
- xiv) deposit in the designated area of any waste disposal site any refrigerator, freezer, air conditioning unit or other appliance that may contain or have contained chlorofluorocarbon refrigerants unless it displays a City tag or notice signed by a Provincially certified person that it has been emptied of chlorofluorocarbon refrigerants in accordance with Provincial regulations or has paid the landfill fee for Freon removal services as per Schedule H;

- xv) attend at any waste disposal site except for the purposes of depositing waste or for other lawful business, without the written approval of the Director; or
- xvi) attend at any waste disposal site without the written approval of the Director except during the posted hours of operation.

Section 10.00	PRIVATE WASTE DISPOSAL SITES
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- 10.01a) All privately-owned waste disposal operations shall comply with and be operated in accordance with all other relevant City by-laws and all Provincial legislation and Federal legislation and standards and with the approval, when required, of the Medical Officer of Health.

Section 11.00	SCHEDULES
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- 11.01 The following schedules attached hereto form a part of this By-law and are enforceable fully as part of this By-Law:

Schedule "A" – Approved Containers;

Schedule "B" – Bulky Items;

Schedule "C" –Streets to be Collected as Downtown Business Sectors;

Schedule "D" – Recyclable Materials;

Schedule "E" – Prohibited Waste;

Schedule "F" – Leaf and Yard Materials;

Schedule "G" – Solid Waste Tipping Fees;

Schedule "H" – Landfill Hours of Operation;

Schedule "I" – Collection Requirements;

Schedule "J" – Guidelines for Collection on Private, Seasonal and Unassumed Roads;

Schedule "K" – Exemptions from Tipping;

Schedule "L" – Procedure for Receipt of Contaminated Soil;

Section 12.00	PENALTIES, SANCTIONS, ETC.
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- 12.01 The Director, or the employees of the City who are designated by the Director as being in charge of a waste disposal facility may at any time order any person found scavenging or conducting any activity contrary to the terms of this By-law other illegal activity on a waste disposal site or having no lawful reason to be there to leave forthwith, and if any such person fails to or refuses to leave, may call for police assistance and cause trespass charges to be laid.
- 12.02a) Any registered owner of a property who fails to remove uncollected waste from public property or the collection location shall be notified in writing by the Director or designate that the City may remove the waste at the registered owner's expense.
- b) If a registered owner refuses delays or fails in removing waste not collected after written request to do so, the Director or his designate is

hereby authorized to have the waste removed at the expense of the registered owner.

- c) All costs incurred, including the expenses of the City for the removal and disposal of the waste shall be paid by the registered owner forthwith after mailing of a written invoice setting out the costs incurred by the City.
- d) If payment is not made by the registered owner within thirty days of mailing of the invoice, the City is entitled to use all legal means at its disposal to collect the fees applicable, including placement of unpaid fees on the tax collector's roll for the property in question, which unpaid fees shall be collected in the same manner as municipal taxes pursuant to the Municipal Act 2001, c. 25, s. 398 (2).

- 12.03a) Where an owner contravenes any of the provisions of this By-law, the Director or designate may in his or her sole discretion give notice in writing to the owner, at the property address, that unless the owner remedies the default within a specified time, and complies thereafter with the By-law, the Director may suspend, revoke or discontinue collection services and/or disposal privileges to the owner.
- b) Where, in the opinion of the Director or his designate, there has been a failure to comply with the Notice provisions in subsection (a), or there is a subsequent contravention of the By-Law, the Director may issue an Order to suspend, discontinue or revoke collection services and/or disposal privileges to the owner for a fixed period of time.
 - c) Notice of the Order of the Director shall be given in writing to the owner, at the property address, delivered by prepaid regular mail and shall be deemed to be delivered five days after being posted by the City.
 - d) Any owner may apply to the Director in writing for termination of the Order, and upon the owner demonstrating to the Director that he or she is in compliance with the By-law and undertaking in the future to comply with the By-law, the Director may:
 - i) terminate the Order, in whole or in part;
 - ii) impose such conditions or terms as he or she considers appropriate to reinstate full or partial collection services and/or disposal privileges; or
 - iii) make a new Order, on different terms and conditions
 - e) In the event that the address of the owner changes, then the Director may continue the Order with respect to the new address of the owner as shown on the most recent tax roll.

12.04 Every person who commits an act prohibited under sections 25 and 37 or contravenes any other provision of this By-law is guilty of an offence and upon conviction therefore is liable to a fine of not more than \$10,000.00 for the first conviction and \$25,000.00 for any subsequent conviction, except that where a corporation is convicted of an offence the maximum penalties shall be \$50,000.00 for the first conviction and \$100,000.00 for any subsequent conviction.

12.05 In the event that the Director suspends, revokes or discontinues collection services, the owner shall arrange for private collection services in accordance with the By-law.

12.06 In addition to any penalties imposed through prosecution of an offence pursuant to this By-law, the City is entitled to use all legal means at its disposal to collect the fees applicable pursuant to this By-law. Any and all collection methods lawfully applicable may be relied upon, including placement of unpaid fees on the tax collectors roll for the property in question.

- 12.07 The conviction of a person for the contravention of any provision of this By-law shall not operate as a bar to a prosecution against the same person for any subsequent or continued contravention of this By-law.
- 12.08 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to a penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Section 13.00	General Provisions
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13.01 **SHORT TITLE:** This By-Law shall be known and may be cited as the “Solid Waste Management By-Law”.

13.02 This By-Law comes into force and takes effect on April 1, 2007 .

By-law read a first, second and third time, and finally passed this 30th day of January, 2007

Mayor

Clerk

SCHEDULE “A” TO BY-LAW 2007-024

APPROVED CONTAINERS

1. For the purpose of this by-law;

“residential waste/garbage container” shall be a standard size waste bag no larger than 24 inches X 36 inches and/or a standard sized waste receptacle/pail with approximate dimensions of 24 inches X 36 inches and weighing no more than 40 pounds when full.

“residential paper fibre recycling container” shall be a 14 – 16 gallon green recycling box or similar sized box or container. Large barrels, waste receptacles, and plastic bags including clear plastic bags are prohibited.

“residential recycling container” shall be a 14 – 22 gallon blue recycling box or similar sized box or container. Large barrels, waste receptacles, and plastic bags including clear plastic bags are prohibited.

“waste storage boxes” shall be permitted for end of laneway use, to be placed within seven feet from traveled portion of the roadway, provided same is no more than 40 inches high at the front of the box. If the box has a hinged lid the lid shall be of a weight and so constructed that the collector can easily open the lid for removal of the waste.

“leaf and yard material container” shall be a standard sized waste receptacle/pail with approximate dimensions of 24 inches X 36 inches or approved clear bio-degradable plastic bags or approved compostable paper bags only. None of these containers shall exceed 40 lbs. in weight.

“commercial use wheeled caddies/carts” shall include units approved by the City with a capacity of either 65 or 95 gallons. The 65 gallon container shall be used for mixed paper fibre or containers and the 95 gallon unit shall be used for containers only as described in Schedule “D”. Industrial, commercial and Institutional users shall be limited to setting out four of either the 65 or 95 gallon caddies/carts.

SCHEDULE “B” TO BY-LAW 2007-024

BULKY ITEMS

1. For the purposes of this By-Law,
“bulky items” include but is not limited to:
 - (a) refrigerators;
 - (b) ovens and stoves;
 - (c) washers;
 - (d) dryers;
 - (e) dishwashers;
 - (f) freezers;
 - (g) air conditioning units;
 - (h) microwave ovens;
 - (i) barbeques;
 - (j) patio furniture;
 - (k) piano;
 - (l) oil tanks;
 - (m) furnace;
 - (n) TVs and monitors;
 - (o) vacuum cleaner;
 - (p) hot water heater;
 - (q) woodburning stoves;
 - (r) child’s swing set;
 - (s) humidifier;
 - (t) toilet;
 - (u) sink;
 - (v) furniture; and
 - (w) any items so designated by the Director from time to time

2. Collection or removal services for white goods and bulky items shall be provided to the residential sector only and provided the resident has first;
 - (a) contacted the City’s service provider;
 - (b) advised of the particulars of the bulky items to be collected;
 - (c) confirmed that the item falls into the category of white goods and/or bulky items;
 - (d) prepared the item in accordance with the directions provided by the City’s service provider;

- (e) purchased a large item tag from the City or one of its registered vendors and affixed the large item tag to the bulky item and or large item(s);
 - (f) confirm no single item exceeds 250 lbs. (100 Kg.) in weight
 - (g) purchased a paid Freon removal tag from the City or one of its registered vendors for a white good which contains Freon; and
 - (h) set the item out at the collection point on the day of collection no later than 7:00 am on the morning of collection.
3. Notwithstanding subsection (2), the Director may, in his or her sole discretion, limit or refuse collection or removal services for white goods and/or bulky items from any residential building or limit or refuse collection services for any bulky item or items for the benefit of any owner of a residential dwelling.
4. Notwithstanding Subsection (2), no collection or removal services shall be provided, and no person shall put out for collection, or disposal any refrigerator, freezer, air conditioning unit or any other Freon containing white good unless:
- (a) all of the doors thereon have either been first removed or latches have been removed such that the unit can in no way be closed;
 - (b) all fluorocarbon refrigerants have been removed there from by a licensed "Ozone Depletion Technician" or a paid Freon removal tag has been purchased; and
 - (c) either a tag or notice is displayed thereon signed by a person certified pursuant to regulations indicating that the unit is empty of fluorocarbon refrigerants; or the "paid Freon removal" tag has been affixed on the large item tag.

SCHEDULE “C” TO BY-LAW 2007-024

STREETS TO BE COLLECTED AS DOWNTOWN BUSINESS SECTORS

Bobcaygeon

Bolton, Canal, Front, Joseph and Main St.

Fenelon Falls

From West Street at Lindsay Street, north to the corner of Bond Street and Colborne.
also Francis St, west and the commercial section of Francis St, east and Oak Street,
May Street, Water Street and Market Street.

Lindsay

The area bounded by Lindsay St south in the east and Sussex Street in the west to
include Peel in the north and Russell in the South and all of Kent.

Omeme

King Street

SCHEDULE “D” TO BY-LAW 2007-024

RECYCLABLE MATERIALS

1. In this By Law:

“recyclable containers” includes but is not limited to:

- (a) food and beverage glass bottles and jars;
- (b) metal food and beverage cans;
- (c) aluminum foil and trays;
- (d) #1 (PET) plastics, #2 (HDPE) plastics, #3 (PVC), #4 (LDPE) plastics, #5 (PP) plastics, #6 (PS) and #7 (OTHER PLASTIC) plastics and consisting of bottles, containers, trays, tubs, lids and film, but not including motor oil containers; bail wrap and twine, toys, and plant trays;
- (e) polycoat milk and juice cartons;
- (f) tetrapak drinking boxes;
- (g) empty and dry paint, stain and coating cans with lid removed;
- (h) empty aerosol cans; and
- (i) any other container designated by the Director to be a recyclable container.

“recyclable paper” includes but is not limited to:

- (a) newspaper and insert flyers
- (b) magazines, catalogues and telephone directories
- (c) household paper, including junk mail, writing and computer paper and envelopes;
- (d) paper bags;
- (e) fibre egg cartons
- (f) paper rolls such as the inserts for toilet paper and paper towels;
- (g) boxboard and waxed boxboard;
- (h) hard and soft cover books;
- (i) paper cups;
- (j) greeting cards and gift wrap;
- (k) “recyclable cardboard” includes, clean, unwaxed corrugated cardboard and
- (l) any other paper designated by the Director to be recyclable paper

“recyclable materials” includes but is not limited to:

- (a) recyclable containers;
- (b) recyclable papers;

- (c) recyclable cardboard;
- (d) ink jet cartridges;
- (e) cell phones;
- (f) rechargeable batteries; and
- (g) any other item designated by the Director to be recyclable materials.

SCHEDULE “E” TO BY-LAW 2007-024
(2009-124, effective June 9, 2009)

PROHIBITED WASTE

For the purpose of this By-law:

1. **“dangerous, hazardous or toxic waste” includes but is not limited to:**
 - (a) acute hazardous waste
 - (b) chemical hazardous waste;
 - (c) chemical corrosive waste;
 - (d) hazardous industrial waste
 - (e) ignitable waste;
 - (f) PCB waste;
 - (g) radioactive waste;
 - (h) reactive waste;
 - (i) severely toxic waste;
 - (j) leachate toxic waste; or
 - (k) any otherwise determined by the Director to be hazardous or toxic;

2. **“Pathological waste” includes biomedical waste, whether solid or liquid, including but not limited to:**
 - (a) any animal or human organ or part thereof;
 - (b) bone, muscle or other animal or human tissue or part thereof;
 - (c) medicines, vitamins, drugs, or vaccines;
 - (d) loose needles, syringes, or lancets;
 - (e) vials;
 - (f) any other similar material or substance which contains or may contain pathogenic micro-organisms;
 - (g) any material which may be hazardous or dangerous;
 - (h) anything designated as pathological waste under Regulation 347 of the Environmental Protection Act; and
 - (i) any other waste determined by the Director to be pathological waste;

3. **“household hazardous waste” includes any household product, material or item, other than empty containers, labeled as:**
 - (a) “corrosive” or “toxic”;
 - (b) “reactive”;
 - (c) “explosive”;
 - (d) “oxidizing”;
 - (e) “poisonous”;

- (f) “infectious”;
- (g) “flammable”; or
- (h) established by the Director from time to time as being prohibited and set out in information publications produced by the Director;

4. “prohibited waste” includes but is not limited to:

- (a) dangerous, hazardous or toxic waste;
- (b) pathological waste;
- (c) household hazardous waste;
- (d) manure originating from agricultural activity;
- (e) any waste in liquid form; and
- (f) any other item or thing designated as prohibited waste by the Director.

SCHEDULE “F” TO BY-LAW 2007-024

LEAF AND YARD MATERIAL

1. In this By-law, “leaf and yard material” includes but is not limited to:
 - (a) leaves;
 - (b) grass clippings;
 - (c) trees (excluding root balls);
 - (d) garden roots and cuttings;
 - (e) hedge and shrub trimmings;
 - (f) brush cuttings;
 - (g) twigs and branches;
 - (h) Christmas trees;
 - (i) Other plant material; and
 - (j) Any other item determined by the Director from time to time to be leaf and yard material.

SCHEDULE “G” TO BY-LAW 2007-024

SOLID WASTE TIPPING FEES

No Charge Shall be Made/Collected For

Residential Recyclable Containers and Fibres
 Residential brush and leaves
 Residential Household Hazardous Waste at designated sites and times only
 Metal (all metal that can be recycled including appliances that do not contain Freon)
 Passenger car or truck tires not exceeding 20 inches and limited to four per household per year

Tipping Fees

Solid Waste Tipping Fees shall always be based on weight unless there is a failure of the scale system and then fees will be based on the rates described below. The only exception shall be when bagged garbage is tagged and then it shall be received at no charge or when it is eligible for the sliding tip fees as described below.

Weight based tipping fees

Contaminated Fill (see Schedule “L”) (suitable for daily cover)	\$40.00/tonne
Contaminate Fill (see Schedule “L”) (not suitable for daily cover)	\$85.00/tonne
All other waste for disposal	\$85.00/tonne

Tip Fees when scales are inoperative or for Freon removal

Bags of garbage \$2.00 for each untagged bag of residential waste with the standard bag dimensions of 24” x 36”. Large leaf bags and oversized bags count as 2 bags.

Boats \$3 per foot

Small tire – under 20 inches \$3 per tire

Large tire – 20 inches and larger \$10.00

Appliances containing Freon \$20.00 for Freon removal (such as refrigerators, air conditioners, dehumidifiers, freezers etc.)

Loose waste \$8.00/cubic yard

All Other Waste \$40.00/cubic yard

Contaminated fill (see Schedule “L”) (suitable for cover material) \$20.00/cubic yard

Contaminated fill (see Schedule “L”) (not suitable for cover material) \$40.00/cubic yard

Sliding Tipping Fee (2007-161, effective July 1, 2007)

The Industrial, Commercial and Institutional Tipping Fee for material delivered to landfill shall be based on the following sliding scale:

Weight Disposed	Tip Fee
0 to 3500 tonnes	\$85.00/tonne
Greater than 3501 tonnes	\$75.00/tonne

THAT this fee schedule come into effect on July 1, 2007, and

THAT the differential tipping fee schedule shall remain in place for three (3) years commencing on July 1st and ending June 30th of each year; and

The application of this Sliding Tipping Fee schedule shall expire effective July 1st, 2010.

SCHEDULE “H” TO BY-LAW 2007-024

By-law 2007-228, effective October 9, 2007
 By-law 2007-250, effective October 30, 2007

LANDFILL HOURS OF OPERATION

ELDON

Winter Hours	Saturday	12:00 pm to 5:00 pm
	Wednesday	9:00 am to 5:00 pm
Summer Hours	Saturday	12:00 pm to 5:00 pm
	Wednesday	9:00 am to 5:00 pm
	Sunday	12:00 pm to 6:00 pm
	Holiday Mondays	12:00 pm to 6:00 pm

FENELON

Winter Hours	Monday, Wednesday and Saturday	9:00 am to 5:00 pm
Summer Hours	Monday, Wednesday and Saturday	9:00 am to 5:00 pm
	Holiday Mondays	9:00 am to 5:00 pm

LAXTON

Winter Hours	Thursday	1:00 pm to 5:00 pm
	Sunday	noon to 5:00 pm
Summer Hours	Thursday	10:00 am to 5:00 pm
	Sunday	noon to 5:00 pm
	Holiday Mondays	10:00 pm to 6:00 pm

LINDSAY-OPS

Winter and Summer Hours	Mon, Tues, Thurs, Fri	9:00 am to 6:00 pm
	Sat	9:00 am to 3:00 pm
	Holiday Mondays	CLOSED

SOMERVILLE

Winter Hours	Monday, Tuesday, Friday, Saturday	noon to 6:00 pm
Summer Hours	Monday, Tuesday, Friday, Saturday	noon to 6:00 pm
	Holiday Mondays	noon to 6:00 p.m.

Notes:

Winter Hours are from October 16 to April 30
 Summer Hours are from May 1 to October 15
 All Landfills are closed on New Year’s Day, Good Friday, Christmas Day and Boxing Day

SCHEDULE “I” TO BY-LAW 2007-024

COLLECTION REQUIREMENTS

The following guidelines must be observed in order for waste and recycling collection services to be guaranteed:

- (a) waste, recyclables, leaf and yard materials and bulky items shall be set out no later than 7:00 am on the morning of collection except in the areas described as Downtown Business Cores when waste and recyclables will be set out no later than 6:00 a.m.;
- (b) waste, recyclables and leaf and yard materials shall be the responsibility of the homeowner until it is collected by the City. If animals tear into and strew waste about the roadside, it is the homeowner’s responsibility to clean it up;
- (c) “one bag” shall mean one standard size garbage bag of dimensions of approximately 24 inches X 36 inches or container of approximately 15 gallons.
- (d) Industrial, Commercial and Institutional users shall be restricted to recycling using containers approved and described in Schedule “A” and limited to either four 65 gallon or 95 gallon caddies/carts and containing materials described in Schedule “A”
- (e) over-sized bags shall count as two bags of garbage
- (f) bags or containers shall not weigh more than 40 pounds
- (g) waste tags shall be wrapped around the neck of the waste bag and the ends adhered to each other to form a “flag” that is visible to the collection staff.
- (h) where receptacles are used to contain waste, waste tags shall be attached in some fashion to the garbage inside the container such that it is visible when the lid is removed;
- (i) waste, recyclables, leaf and yard materials and bulky items shall be visible to the collection staff from the road;
- (j) waste, recyclables, leaf and yard materials and bulky items shall not be placed more than seven feet from the property owner’s side of the edge of the road or seven feet from the edge of the driveway or property access.
- (k) waste, recyclables, leaf and yard materials and bulky items shall not be placed atop or behind a snow bank
- (l) waste, recyclables, leaf and yard materials and bulky items shall be out of the path of the snow plough;
- (m) waste contained in white bags shall not be accepted during the winter months;
- (n) waste shall not contain household hazardous waste; household hazardous waste shall not be collected; and
- (o) construction and demolition waste, including wood, drywall, carpet, tiles etc, shall not be collected; construction and demolition waste must be self-hauled to landfill.

SCHEDULE “J” TO BY-LAW 2007-024

**GUIDELINES FOR COLLECTION ON PRIVATE, SEASONAL
AND UNASSUMED ROADS**

Residents residing on a private, seasonal or unassumed road will receive curbside collection services provided that the road is accessible to a small collection vehicle and maintained to the following standards:

- (a) snow ploughed to a minimum of 3 metres width;
- (b) sand and salt applied during icy conditions;
- (c) vegetation cut back to 3 metres height and width
- (d) all potholes, cracks and grading shall be repaired as directed and required by the Director and /or his designates

Residents living on private, seasonal and unassumed roads shall be responsible for arranging their own road maintenance as set herein.

SCHEDULE “K” TO BY-LAW 2007-024

EXEMPTIONS FROM WASTE DISPOSAL SITE TIPPING FEES

1. Notwithstanding the fees set out in Schedule “H”, no tipping fees shall be payable with respect to:
 - (a) recyclable materials source-separated to the satisfaction of the Director and deposited in the appropriate container or area specified for such use by the Director;
 - (b) leaf and yard material source-separated to the satisfaction of the Director and deposited in the appropriate container or area specified for such use by the Director;
 - (c) clean wood waste source-separated to the satisfaction of the Director and deposited in the appropriate container or area specified for such use by the Director;
 - (d) granular materials determined by the Director in his or her sole discretion to be suitable as cover material at the waste disposal site, and source-separated to the satisfaction of the Director and deposited in the appropriate container or area specified for such use by the Director;
 - (e) garbage collected from single unit residential buildings, multi-unit residential buildings and small commercial establishments delivered by waste collection vehicles of the City.

SCHEDULE “ L ” TO BY-LAW 2007-024

PROCEDURE FOR RECEIPT OF CONTAMINATED SOIL

The City of Kawartha Lakes can accept contaminated soil at our landfill sites provided it is classified as “non-hazardous” as per O. Reg 558.

Procedure

1. Contractor shall obtain a City of Kawartha Lakes “Soil Disposal Approval Form” from Solid Waste Services office, 50 Wolfe Street, Lindsay, Ontario.
2. Contractor to complete upper portion of document and forward same to the Manager of Solid Waste Services, together with any available chemical analysis on material and copy of Phase I/II Environmental Assessment document.
3. The Solid Waste Services Division shall review application and documentation provided. The City may request that additional chemical analysis be performed on areas of soil with the highest concentration of contaminants. In relation to large projects, the City may require, at its sole and absolute discretion, additional sampling.
4. A site visit at the source of such soil by City staff may be conducted by City staff or their agents in their sole and absolute discretion.
5. Once chemical properties of the material are reviewed and determined to be below Schedule 4, O. Reg 558, the physical characteristics of the material will be reviewed by the Director. The soils will be accepted as landfill daily cover provided the material is:
 - Dry
 - Free of garbage/debris
 - Contains little stone
 - Sand based (soils with high clay content will not be accepted as cover at Lindsay/Ops)
6. The City shall charge \$40.00/tonne for such soil determined to be suitable for cover material and the soil shall be delivered to the appropriate site as determined and directed by the City.
7. Soils determined not to be suitable for cover material but classed non-hazardous (i.e. contain garbage, rubble, large stones, wet but not liquid) shall be subject to a fee of \$85/tonne and will be directed to be delivered to the appropriate site by the City.
8. The bottom portion of the “Soil Disposal Approval Form” shall be completed by Solid Waste Services Division staff and forwarded to contractor.
9. Contractor shall deliver the fully completed form to the landfill site so designated and shall provide the fully completed and approved form to the attendant of the designated landfill site with the first load of approved soil.