

**THE CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC****Bylaw No. 41-13****BEING A BYLAW FOR ESTABLISHING AND MAINTAINING A SYSTEM FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS**

**AND WHEREAS** Subsection 8(3), paragraphs (a) and (b) of the *Municipal Act, 2001, Chapter 21*, as amended (the *Municipal Act, 2001*) provide that a by-law under Section 11 respecting a matter may regulate or prohibit respecting the matter and may require persons to do things respecting the matter;

**AND WHEREAS** Section 127 of the *Municipal Act, 2001* further authorizes a local municipality to prohibit the depositing of refuse on land without the consent of the owner or occupant of the land, and to define "refuse" for this purpose;

**AND WHEREAS** Section 128 of the *Municipal Act, 2001* authorizes a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances, and provides that the opinion of council, if arrived at in good faith, is not subject to review by any court;

**AND WHEREAS** Council has determined that Waste which is in such a condition that it can be blown in the wind, allows odour to escape, is likely to attract animals, including, but not limited to, insects or birds, or presents a health, safety or fire risk, is, or could become or cause a public nuisance;

**AND WHEREAS** Subsection 446(1) of the *Municipal Act, 2001* provides that if a municipality has the authority under a by-law to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

**AND WHEREAS** Section 11(2) of the *Municipal Act, 2001*, gives municipalities the authority to pass bylaws respecting matters within the spears of jurisdiction as outlined in The *Municipal Act*.

**NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE MUNICIPALITY OF STRATHROY-CARADOC ENACTS AS FOLLOWS:**

## **Definitions**

### **Automated Collection Method**

Shall mean the collection of Waste and Recycling by means of the mechanical lifting and tipping of Carts into specially designed collection vehicles;

### **Biomedical Waste**

Shall mean 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, vials or any other similar material or substance which contains or may contain pathogenic micro-organisms or which may be hazardous or dangerous.

### **By-law**

Means this By-law including any schedules forming part of it, together with any amendments to this By-law or its schedules;

### **Cart**

Means a Waste or Recycling Container, approved by the Director of Building and Waste Services, designated for the Automated Collection Method;

### **Collection Point**

Means that part of a property which has been designated by the Director of Building and Waste Management for the setting out and collection of waste;

### **Downtown Core Business Area**

Shall include premises that have addresses on the following Streets

- Front Street, from Thomas Street to Head Street
- Frank Street, from Metcalfe Street to North Street

### **Enforcement Officer**

Means a By-law Enforcement Officer appointed by the Municipality to enforce the provisions of this By-law, and a Police Officer of the Strathroy-Caradoc Police Service;

### **Household Hazardous Waste**

Include paints, stains, varnish, urethanes, oils, pesticides, herbicides, household and automotive batteries, pharmaceuticals, pool chemicals, fuel and gas cylinders.

### **I.C.I.**

Shall mean waste or recyclables produced by the Industrial, Commercial and Institutional Sector.

### **Municipality**

Shall mean The Corporation of the Municipality of Strathroy-Caradoc.

**Owner**

Shall include the legal title holder of the property, the occupier of the property or the person, for the time being managing or receiving rent of the land or premises and shall also include a lessee or occupier of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with municipal bylaws.

**Premises**

Shall mean and include one self-contained dwelling unit, residential or commercial.

**Recyclable Material**

Shall mean all materials accepted in the curbside-recycling program provided by the Contractor.

**Municipality**

Shall mean The Corporation of the Municipality of Strathroy-Caradoc.

**Waste**

Shall mean all waste generated, produced or created within the Municipality of Strathroy-Caradoc and includes ashes and garbage so generated, produced or created but excludes: recyclable material, explosive or highly combustible material of any nature, car bodies, sheet iron and scrap metal, tree stumps, corrosive or toxic material, animal carcasses, liquid waste, bio-medical waste and waste of any nature and kind as is now or may hereafter at any time be prohibited for disposal at the Landfill Site by reason of any statute hereafter enacted or amended.

**A. Responsibilities of the Municipality of Strathroy-Caradoc**

1. A collection service of disposable solid waste for the following occupied premises within the limits of the Municipality:
  - a. Residential premises – weekly
  - b. Multi-residential premises – weekly
  - c. Commercial – Downtown Core Business area as defined – weekly
2. A collection service of recyclable materials for the following occupied premises within the limits of the Municipality:
  - a. Residential premises – bi-weekly
  - b. Multi-residential premises – bi-weekly
  - c. Commercial – Downtown Core Business area as defined – weekly
3. The Ward 1 Transfer Station shall be open from 8:30am to 4:30 pm, March to November Wednesday's and Saturday's of every month and on the 2<sup>nd</sup> Saturday of the month from December to February, and any other additional days as determined by the Director of Building and

Waste Services. The Ward 2 Transfer Station shall be open from 8:30am to 4:30 pm on the 2<sup>nd</sup> and 4<sup>th</sup> Saturday of the month from April to November and on the 4<sup>th</sup> Saturday of the month from December to March.

The Transfer Stations are available for both Ward 1 and 2 residents. Details' concerning tipping fees and other information concerning the Transfer Station is available upon request from the Director of Building and Waste Services and from the municipality's web site.

## **B. I.C.I. Sector – Industrial, Commercial or Industrial**

With the exception of the Downtown Core Business Area the Municipality does not collect or dispose of any material, waste or recyclables from the I.C.I. Sector.

## **C. Responsibilities of the Residents**

1. No person shall set out for collection any waste or recyclable material before 7:00 p.m. on the evening prior to the day of collection.
2. Waste and recyclable material shall be set out for collection by 7:00 a.m. on the day of collection.
3. No person shall set out material, waste or recyclable materials for collection in a manner not provided for in this bylaw.
4. All waste and recyclable material set out for collection shall be placed as close as possible to the edge of the roadway without obstructing the roadway, sidewalk or footpath. No waste or recyclable material set for collection shall be placed in the gutter or ditches or on the traveled portion of the roadway. The Municipality shall have the right to designate the most convenient point for collection.
5. No person shall throw, place or deposit in or on any street, highway, land, alley or other public place within the Municipality any material, waste or recyclable material, except as provided for in this bylaw.
6. In commercial premises including, but not limited to restaurants, grocery stores, food stores, butcher and meat shops or on any premises where it is necessary to accumulate waste in large amounts, the same shall be placed in containers and the contents shall be stored in a waste room or bin so constructed to prevent the entrance of flies, rats or other vermin, and the said room or bin shall be maintained in a sanitary condition at all times. No person shall deposit or place any waste, material or other refuse in any location or manner within the Municipality of Strathroy-Caradoc other than in such locations and at such times as are provided for in this by-law.
7. No person shall pick over, interfere with, scavenge, disturb, remove or scatter any waste, recyclable material or other refuse set out for collection except any employee, authorized agent or representative of the Municipality.

8. No person shall deposit, cause, permit or allow to be deposited any waste, recyclable materials or other refuse on any lands not owned by him or her unless the owner of the lands has authorized the materials to be deposited thereupon in writing. This section does not apply to the placement of waste, recyclables or other permitted material on the road allowance for the purpose of collection by the Municipality or its agent under the provisions of this bylaw.
9. Ashes are not set out for collection until at least 5 days after they have been removed from fire and are kept in a separate, non-flammable container placed inside the waste cart;
10. Waste shall be drained of liquids before it is placed in a Container for collection and the liquids are managed appropriately;
11. Recyclables are free of any solid, semi-solid or liquid contaminant which would render them non-recyclable;
12. Waste set out for collection is separated into Garbage and Recyclables ; and,
13. Each type of collectable Waste (Garbage and Recyclables) is placed in a separate Container when set out for collection;
14. For every property which is leased, the Property Owner shall provide, for the use of every tenant, sufficient Carts for Garbage and Recyclables.
15. Every Waste Generator and Property Owner to whom a Cart has been provided by the City shall:
  - (a) Ensure such Cart is kept in good condition, and not in a condition that is noxious, offensive or dangerous to public health;
  - (b) Ensure the safekeeping of such Cart;
  - (c) Promptly notify the Director of Building and Waste Services if such Cart is lost or stolen;
  - (d) Be responsible for the cost of repairing such Cart if it is damaged, or of replacing such Cart if it is lost or stolen, if either occurs through the negligence of the Waste Generator or Property Owner, or if the damage or loss is not covered by warranty; and
  - (e) Promptly return each Cart to the Director of Building and Waste Services upon request.

#### **D. Removal of Waste Not Collected and Containers**

Every Waste Generator and Property Owner shall ensure that Waste not collected and all Containers are removed from the Collection Point before 7:00 p.m. on the day of collection;

<b><u>Type of Waste</u></b>	<b><u>Automated Collection Method</u></b>
<b>1. Garbage:</b>	
(a) General	-loose in a Garbage Cart; -in a plastic bag or plastic liner placed inside the Garbage Cart
(b) Sharp Objects	-in a rigid container, no larger than

	0.6 metres (2.0 feet) in any dimension, securely taped to secure the contents, clearly labeled as containing Sharp Objects, placed inside a Garbage Cart
(c) Pet Feces	-in colorless Plastic Bag placed inside a Garbage Cart

**2. Recyclables:**

(a) General	-loose in A Recyclables Cart
(b) Cardboard	-loose, but broken down to be no more than 1.0 metre (3.28 feet) long by 0.6 (2.0 feet) in any other dimension, placed inside a Recyclables Cart
(c) Shredded Paper	-in a clear or blue plastic bag placed inside a Recyclables Cart

**E. General and Enforcement Provisions**

1. For the purposes of this bylaw, the definitions and interpretations given in this bylaw shall govern. In this bylaw, "shall" is mandatory; words in the singular include the plural, words in the plural include the singular; words used in the masculine gender include the feminine and vice versa.
2. Where an owner or occupier sets out waste for collection that is not contained inside of the approved cart as required under this bylaw;
  - a. Such waste may be collected by the Municipality or its agent and a collection service fee of \$50.00 shall be charged to the owner or occupier. The owner or occupier shall be sent notice of such fee and the fee shall be payable to the Municipality; and,
  - b. The fee imposed under this section, if unpaid after sixty (60) days, shall be added to the municipal tax roll for any real property in the municipality which benefits from such collection and fee unpaid in accordance with subsection "a" above may be collected in a like manner as taxes or in such manner as the Municipality deems appropriate.
3. Any person who breaches any provision of this bylaw and consequently causes or permits collectible material and/or non-collectible material to fall upon property of the Municipality or any other person, shall pick and gather up the same immediately; otherwise,
  - a. The Municipality shall collect the material and charge a waste collection service fee for illegal dumping in the amount of \$50.00. Any person who breaches this provision of the bylaw shall receive notice of such fee and the fee is payable to the Municipality; and,

- b. If the said fee is not paid within 60 days, same may be collected in such manner, as the Municipality deems appropriate.
4. This bylaw shall be enforced by the Municipality's Enforcement Officer or his/her designate. For the purposes of enforcing the provisions of this bylaw, such Enforcement Officer(s) may inspect waste and material set out for collection on public property and on private property upon the request of the owner or occupier of such property.
5. Every person who contravenes any provisions of this bylaw, or any owner or originator of waste thrown, deposited or placed in contravention of this bylaw, upon conviction, is guilty of an offence and is subject to the penalties as prescribed in the Provincial Offences Act, R.S.O. 1990, Chapter P.33 or any successor legislation in substitution therefore.
6. All bylaws or provisions or any other bylaws inconsistent with this bylaw are hereby repealed.
7. This bylaw may be referred to as the Municipality of Strathroy-Caradoc's "Waste Management Bylaw".

**Read a First, Second and Third time and Finally Passed in Open Council this 15<sup>th</sup> day of April, 2013.**

Original signed by Brad Richards

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Deputy Mayor

Original signed by Angela Toth

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Clerk