

CORPORATION OF THE TOWNSHIP OF RUSSELL

BY-LAW # 2018-107

A BY-LAW FOR ESTABLISHING FEES AND YEARLY RATES FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND RECYCLING AND ALL RELATED WASTE MANAGEMENT ACTIVITIES AND PROVIDE FOR PENALTY AND INTEREST IN DEFAULT OF PAYMENT AND FOR REGULATING THE HOURS OF OPERATION AND TO REPEAL BY-LAW 2015-35 .

WHEREAS Section 11 of the Municipal Act 2001, as amended, gives municipalities the authority to pass by-laws respecting matters within their spheres of jurisdiction; and

WHEREAS Section 391 of the Municipal Act, 2001, as amended, gives municipalities the authority to pass by-laws respecting fees and charges on any class of persons for services or activities provided or done by or on behalf of it; and

WHEREAS Subsection 1 of Section 398 of the Municipal Act, 2001 as amended states that fees and charges imposed by a municipality on a person constitutes a debt of the person to the municipality; and

WHEREAS Subsection 2 of Section 398 of the Municipal Act 2001, as amended states that the Treasurer of a local municipality may add fees and charges imposed by a municipality to the tax roll for the property to which the public utility was supplied and collected in the same manner as municipal taxes; and

WHEREAS Council of the Corporation of the Township of Russell recognizes and has complied with the notice provisions O.Reg.244/02; and

WHEREAS the Council of the Corporation of the Township of Russell deems it necessary to establish user fees for the use of any part of the waste management system to recover some of its operating costs; now therefore be it

RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF RUSSELL HEREBY ENACTS AS FOLLOWS:

1. Application

The provisions of this By-Law apply to the owners and occupants of all residential, industrial, commercial, institutional or Agricultural establishments (as defined in section 4 of this By-Law) within the municipality.

2. Scope of By-Law

- a) Where the provisions of this By-Law conflict with the provisions of any other By-Law in force in the municipality, the provisions of this By-Law shall prevail.
- b) The provisions of this By-Law shall not relieve any person from compliance with any provisions of the Public Health Act or regulations prescribed by the Medical Officer of Health.

3. Effective Date

This By-Law shall come into full force and take effect on the 7th day of January 2019.

4. Definitions

- a) "Bag" shall mean a polyethylene plastic bag measuring not more than 76 cm x 96 cm (30 inches x 38 inches) of 1.5 mil gauge thickness securely fastened and closed at the top.
- b) "Blue Box" shall mean the box or other device supplied by or on behalf of the municipality for the collection of recyclable waste.
- c) "Compost Waste" includes grass cuttings, garden refuse, leaves, waste of vegetable origin and all other material, which is generally accepted to be compost, including hedge clippings, branches of a diameter smaller than 50 mm and Christmas trees.
- d) "Construction Debris" shall mean discarded building material resulting from the erection, repair, demolition, or improvement of buildings or structures.
- e) "Container" shall mean a reusable galvanized metal or plastic container with a maximum capacity of 28 imperial gallons (125 litres) and having carrying handles and watertight lid, which shall be securely attached.
- f) "Council" shall mean the elected Council of the municipality.
- g) "Dumpster" means a metal container for the use of securing garbage or recycling and must be compatible with the garbage or recycling truck.
- h) "Hazardous Material" shall include the following: ammunition, antifreeze, auto batteries, brake fluid, degreasers, drain cleaner, gasoline, herbicides, waste oil, oven cleaner, paints, pesticides, preservatives, septic tank cleaners, solvents.
- i) "Major Appliances and/or Large Household Furnishings" shall mean any and all large or bulky household mechanisms and/or other articles commonly used in the home including, without limiting the generality of the foregoing, refrigerators, freezers, stoves, washers, dryers, televisions, water tanks, chairs, sofas, tables, mattresses, beds, carpets, etc.
- j) "Municipal Waste Collector" shall mean the person(s) authorized by the municipality from time to time to collect non-recyclable garbage and/or recyclable waste within the municipality.
- k) "Municipality" shall mean the Corporation of the Township of Russell.
- l) "Non-Collectable Waste" shall mean the following:
 - (i) Ashes;
 - (ii) any explosive or highly combustible materials of any nature whatsoever;
 - (iii) construction debris;
 - (iv) sawdust and/or shavings;
 - (v) liquid or semi-liquid waste;
 - (vi) hay, straw and manure;
 - (vii) carcass of any animal;
 - (viii) grass clippings, garden material, tree limbs, Christmas trees and trunks, stones, leaves and yard waste;
 - (ix) major appliances and/or large household furnishings;
 - (x) any material which has become frozen or otherwise stuck to a container;
 - (xi) tires;
 - (xii) bio-medical waste;
 - (xiii) automobiles, vehicles or any parts thereof;
 - (xiv) fences, fence posts, fence wire;
 - (xv) hazardous waste as defined in the regulations to the Environmental Protection Act, R.S.O. 1990, C.E. 19, as amended from time to time;
 - (xvi) propane tanks;
 - (xvii) crates or packing material;
 - (xviii) recyclable waste.
- m) "Non-Recyclable Waste" shall mean all garbage, and other refuse except non-collectable waste, recyclable waste and compost waste.

- n) "Person" shall include individuals, corporations and partnerships.
- o) "Recyclable Waste" shall mean *waste that consists of the following materials, or any combination of them is prescribed as blue box waste for the purposes of the Act: Glass, Metal, Paper, Plastic and Textiles.* or other items as defined by Waste Free Ontario Act and as identified from time to time as being suitable for recycling purposes by the municipality.
- p) "Tag" shall mean a tag or sticker issued by the municipality (as defined in *section 8* of this By-Law) to be affixed to the *additional* items inside the containers, to the items (less than 50 lbs) put out for collection or to the *additional* bag(s) of non-recyclable garbage put out for collection by the municipal waste collector.
- q) "Unit and equivalent unit" shall mean:
 - (i) "Residential and equivalent unit": The use of a building or structure or parts thereof as a dwelling. An equivalent residential unit is a place of residence; in the case of an apartment and/or a semi-detached, duplex, three-units dwelling, multiple attached dwelling, apartment dwelling each place of residence shall be recognized as an equivalent unit.
 - (ii) "Commercial and equivalent unit": The use of building or structure for which the primary purpose is to sell, lease or rent a product or service directly to the public, including but not limited to retail sales, entertainment services and personal or professional services, but excluding any residential use. An equivalent commercial unit is a place of business; in the case of a mall and/or a building with more than one business each place of business shall be recognized as an equivalent unit.
 - (iii) "Nursing Home unit": The use of a building in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition provides nursing, medical, or similar care and treatment, if required and includes a rest home, or convalescent home, and any other establishment required to operate under the appropriate statute.
 - (iv) "Home Occupation unit": An occupation conducted for gain in a dwelling unit by the resident or residents. The use of part of a dwelling or part of any accessory building for pursuits compatible with a domestic household and which is carried on by members of one family residing in the dwelling house provided that: The use is clearly secondary to the used of the dwelling unit as a private residence; It does not change the external character of the dwelling unit as a private residence nor create or become a nuisance, in particular with regard to noise, traffic and parking; It does not occupy more than twenty-five per cent of the gross floor area of the dwelling.
 - (v) "Industrial unit": The use of building or structures for the manufacturing, processing, fabricating or assembly raw materials or good, warehousing or bulk storage of goods and related accessory uses.
 The use of building or structure is for one of the following operations:
 - a) the carrying on of any process of manufacture whether or not a finished article results there from;
 - b) the dismantling and separating into parts of any article, machinery, or vehicle;
 - c) the breaking up of any articles, goods, machinery, or vehicles;
 - d) the treatment of waste materials;

- e) the processing of sand, gravel, clay, turf, soil, rock, stone, or similar substances, but not the extraction thereof; and
 - f) the repairing and servicing of all vehicles, machinery and building.
- (vi) "Agricultural unit": The use of single-family dwelling house, and such principle or main buildings and structures as a barn or silo as accessory buildings and structures which are incidental to the operation of the farm.
- r) "Waste" includes non-recyclable waste, non-collectable waste, recyclable waste and compost waste.

5. Waste Management Fees

- a) The fees for waste collection and disposal within the Township are described in the "Fees and Charges By-law" in effect.
- b) All units except as per subsection 5 c) & d) will be charged per unit the fixed user fee described in the "Fees and Charges By-law" in effect for the yearly waste management fee of non-recyclable and recyclable waste.
- c) All units having a garbage dumpster will not be charged for the non-recyclable waste management fee but will be charge for the recycling management fee.
- d) A residential unit with a home occupation that has a commercial assessment of more than 25% of the residential assessment therefore this residential unit with a home occupation will be considered as two (2) separate units and will be charged the user fees for two (2) units.
- e) All added units, changes of users using dumpster and new houses and businesses as per the supplementary assessment roll(s) issued by the Municipal Property Assessment Corporation, shall be levied and imposed a monthly rate from the date of occupancy or changes specified by the user, the waste collector contractor, the municipality or specified in the supplementary assessment roll to the end of the current calendar year. The monthly rate shall be determined by using as its numerator the special rate as determined in item b) above and using as its denominator 12 and consequently multiplying the results by the number of months of occupancy or changes.
- f) The user fees will be charged to all units on the final tax bill and these fees will be for the service provided in the current year starting January 1st to December 31st of each consecutive year until repealed.
- g) Penalty and interest charges will be applicable on all past due accounts the same manner as municipal taxes.
- h) A penalty of 1.25% shall be added to each amount remaining unpaid after the due date and a further 1.25% shall be added the first day of each month during which the default in payment continues, but such charges are not to continue after the end of the year in which the special charges are levied;
- i) An interest is imposed on unpaid special charges after the end of the year in which they are levied at a rate of 1.25% on the first day of each calendar month thereafter in which the default continues until all special charges are paid.

6. Preparation of Non-Recyclable and Recyclable Waste for Collection

- a) All recyclable waste shall be separated from non-recyclable garbage and non-collectable waste. All units or equivalent unit as described in

section 4(q) are permitted to use blue boxes, black boxes or two wheels large blue and black box to place recyclables out for collection.

- b) All units or equivalent units as described in section 4(q) are permitted to use a recycling or garbage dumpster, except for single family dwellings, semi-detached, duplex, home occupation and/or multi-residential establishment having less than four (4) units, inclusively.
- c) As per section 6(b) all users having a garbage and recycling dumpsters are required to make their own arrangements with a waste collector contractor for the collection of the dumpster. These dumpsters shall be emptied, purchased and/or rented at the owner's expense.
- d) No person shall put any hazardous material out for collection. Hazardous materials shall be taken to the Township of Russell's municipal garage on the event held on the Saturday of the first full week of May, as described in section 10 b) or other depot.
- e) Except as otherwise provided in this By-Law, neither the municipality nor the municipal waste collector shall collect non-collectable waste from any residential or industrial, commercial or institutional establishment within the municipality.
- f) No person other than an owner or an occupant of a unit within the municipality, or their agents, shall set out waste for collection within the boundaries of the municipality. Waste set out for collection shall not include waste from residential or industrial, commercial or institutional establishments outside the municipality.
- g) No person shall set out waste for collection except at the unit at which the waste is generated.
- h) The municipal waste collector shall not collect from any unit a container or bag weighing more than 23 kg (50 lbs.) when filled.
- i) All waste that is set out for collection shall be placed at the curb or on the boulevard of a public street in front of or adjacent to the unit at which the waste is generated. No person shall place waste for collection on a sidewalk or in a way to disrupt or hinder municipal maintenance operations or traffic. All waste shall be set out in an orderly manner.
- j) Where a dumpster is used, no waste shall be placed beside the dumpster.

7. Collection Procedures

- a) All non-recyclable waste put out for collection, except as per clause 7 (b), is limited to one bag per unit. Additional bag(s) must have a tag, to be purchase from the municipality's administration building, both libraries, and with local municipal partners (see website for full list of local stores) during the regular operational working hours, to be affixed on the bag, on the item or on top of the waste, inside the container in such a manner to be clearly visible by the collector. Additional bags to be picked up must be tagged.
- b) All non-recyclable garbage put out for collection from Multi-unit establishments with more than one (1) unit will be required to have a tag on the bag, on the item or on top of the waste, inside the container in such a manner to be clearly visible by the collector.
- c) Collection of non-recyclable waste will be made within the municipality or any part or parts thereof once a week, or as otherwise established by Council.
- d) Collection of recyclable waste will be made once a week alternating from fiber one week and metal, plastic and glass the other week (see collection calendar), or as otherwise established by Council.

- e) Collection of compost waste will be made twice a year, on the first Saturday of June and the first Saturday of November. Compost waste shall be in paper bags or reusable containers. Branches shall be of a maximum diameter of 50 mm, tied in bundles and cut in lengths smaller than 1.2 meter.
- f) Collection of household large items will be made once a year, during the last full week of April.
- g) There is no limit on the quantity of recyclable waste that shall be set out for collection at any one time.
- h) No person shall set out for collection any waste prior to 6:00 p.m. in the evening of the day prior to regular scheduled collection and no later than 7:00 am on the day of collection. The containers and/or blue box, as the class may be, shall be removed no later than 9:00 p.m. in the evening on the day of collection. Containers must be placed outside the sidewalk or shoulder in order to not interfere with snow removal.
- i) Any waste which is set out for collection and which has not been properly separated (e.g. recyclable waste from non-recyclable garbage), or which has not been prepared for collection according to the provisions of this By-Law, shall not be collected. Any waste that the municipal waste collector declines to collect shall be removed by the owner or occupant of the residential, industrial, commercial or institutional establishment before 9:00 p.m. on the day on which the collection was scheduled.
- j) Notwithstanding anything in this By-Law to the contrary, the municipality, by notice to the public from time to time, may designate days and times for the collection of such types of waste as may be designated by Council.
- k) No person shall pick over, interfere with, disturb, remove, or scatter any waste or recyclable, which have been set out for collection.
- l) Regular collection shall not be made on the following Civic or Statutory Holidays, in which case collection will be on the next working day or days:

New Year's Day	August Civic Holiday
Family Day	Labor Day
Good Friday	Thanksgiving Day
Victoria Day	Christmas Day
Canada Day	Boxing Day

8. Tags Information

- a) Holographic tags for additional bags put out for collection can be purchased from the municipality's administration building, both libraries, and with local municipal partners (see website for full list of local stores) during the regular operational working hours, to be affixed on the bag, on the item or on top of the waste, inside the container in such a manner to be clearly visible by the collector. Additional bags to be picked up must be tagged. Holographic tags never expire.
- b) Multi-unit establishments with more than one (1) unit will be receiving fifty two (52) tags per unit a year and any additional bag(s) put out for collection must have a tag. Surplus multi-unit tags from one year are not transferable to the following year. Tags for multi-unit are only valid for the year identified on the tags.
- c) Tags do not have a monetary value and will not be accepted as a method of payment for the purchase of recycling bin or composter.

9. Municipality Waste Collector's Responsibilities

- a) The municipality shall be entitled to enter into contracts with any person or persons for the collection, removal, transfer, processing, storage, reduction, reuse, recycling and/or disposal of waste and/or non-collectable waste.
- b) The municipality's waste collector shall follow the laid out routes and comply with the requirements of this By-Law and all instructions given by the municipality.
- c) The municipal waste collector shall handle blue and black boxes, or two wheels large blue box containers with due care. The municipal waste collector shall not overload any truck nor allow any of the contents to fall there from, and shall carefully gather up any waste, which may have fallen or been spilled on the ground.

10. Other Operations

- a) Recycling of household batteries, power tool batteries, rechargeable batteries, cellular phone batteries, computer batteries, camera and camcorder batteries and any other type accepted by the Call 2 Recycle program can be disposed of, at no cost, at the municipality's administration building during the regular operational working hours.
- b) An annual event to collect Hazardous material will be held once a year, on a Saturday of the first full week of May from 8:00 am to 2:00 pm at the municipal garage.
- c) Christmas trees will be accepted at the Embrun and Russell Arenas at the designated areas, from December 26th to the second Sunday of January.
- d) Notwithstanding anything in this By-Law to the contrary, the municipality, by notice to the public from time to time, may designate other operations of such types as may be designated by Council.

11. General

- a) No owner or occupant of a residential or industrial, commercial or institutional establishment within the municipality shall permit any waste and/or non collectable waste to accumulate upon such owner's or occupant's lands in a manner which may be injurious to public health or safety.
- b) No person shall sweep, throw or deposit or allow to fall from any vehicle, any waste and/or non-collectable waste onto any streets, lanes, water courses and/or public lands within the municipality except waste placed on the public boulevard for collection in accordance with the requirements of this by-law.
- c) If any section or portion of this by-law is found by a court of competent jurisdiction to be invalid, it is the intent of Council of the Corporation of the Township of Russell that all remaining sections and portions of this by-law continue in force and effect.

12. Penalties

Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

13. By-laws Repealed

That By-law # 2015-35, being a by-law to establish fees and yearly rates for garbage, recycling and waste management approved on April 13, 2015, be and the same is hereby repealed in its entirety.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
13TH DAY OF AUGUST, 2018.



Pierre Leroux
Mayor



Joanne Camiré Laflamme
Clerk