

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2021-02

Being a By-law to prohibit the unauthorized disposal of waste and regulate waste disposition at authorized sites within the Municipality

WHEREAS Section 11 (3), and 11 (4) of the *Municipal Act, S.O. 2001, Chapter M.25*, as amended, a By-law may be passed by Council for the establishment of a waste disposal system and to regulate or prohibit the disposal of waste material in any defined area or throughout the Municipality.

AND WHEREAS it is in the interest of the Municipality, its ratepayers in particular that the amount of waste material generated be reduced; that wherever possible such materials be reused or recycled, that the environment be protected from contamination by hazardous substances, and the lifetime of existing and future Sanitary Landfill Sites be extended;

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

1. This By-law may be cited as the "Magnetawan Landfill Management/Illegal Dumping By-law".
2. In this By-law unless otherwise stated in specific sections hereof, this By-law shall apply to the entirety of the Municipality of Magnetawan.

3. DEFINITIONS

- a. "**Chapman Landfill**" means the real property owned by the Municipality at Lot 109 Concession A, Chapman, in the Municipality of Magnetawan, for which a license has been issued by the Ministry of the Environment and Energy for the operation of a waste disposal site, but does not include any part of the said property located between the public road and the fence and gates located at the entrance to the property.
- b. "**Council**" means the Council of The Corporation of the Municipality of Magnetawan.
- c. "**Croft Landfill**" means the real property at Lot 26 Concession 11, Croft, in the Municipality of Magnetawan, for which a license has been issued by the Ministry of the Environment and Energy for the operation of a waste disposal site, but does not include any part of the said property located between the public road and the fence and gates located at the entrance to the property.
- d. "**Garbage Bag**" shall mean a container to hold Refuse/Debris or Recyclable Materials that is a non-returnable clear plastic bag
- e. "**Garbage Bag Tag**" means a sticker, tab, tie or label issued by Municipality for the purpose of identifying Refuse and/or Debris contained in a garbage bag which is permitted to be deposited at the Municipal Landfill Sites.
- f. "**Hazardous Waste**" means waste requiring special care as defined by the *Environmental Protection Act R.S.O. 1990, c. E.19*
- g. "**Landfill Site(s)**" means either or both the Chapman Landfill and the Croft Landfill.
- h. "**Municipal Landfill Card**" shall mean a card provided to "Users" which allows access and use of the Landfill Sites.
- i. "**Municipality**" means the Corporation of the Municipality of Magnetawan.
- j. "**Occupant**" means any person(s) over the age of 18 who is a tenant or lessee, who has changed his or her mailing address and with occupancy of six months or more, or otherwise in lawful possession of a parcel of real property capable of being legally described in a deed or transfer who shall constitute the occupant or occupants of that real property.
- k. "**Owner**" means any of the following:
 1. A person who is shown as one of the registered owners of real property in the records of the Land Registry or Land Titles Office or
 2. A person who is shown as the assessed owner of real property on a current assessment roll for the Municipality, or
 3. A person who, for the time being, is managing or receiving the rent of the land or premises, whether on his own account or as an agent or trustee for any other person.

- l. **“Prohibited Substances and Materials”** means anything which is not permitted to be disposed of at the Landfill Site(s) as prescribed by the *Environmental Protection Act R.S.O. 1990, c. E. 19* any Regulations passed thereunder or the Certificate of Approval for the applicable Landfill Site(s) and includes any substance or material as designated by the Municipality.
- m. **“Recyclable Material(s)”** means any of those materials intended to be diverted from long term disposal in or at the Landfill Sites as set out in Schedule “A” to this by-law.
- n. **“Refuse and/or Debris”** (also Refuse/Debris) shall have the meaning normally attributed to them and, without limiting the generality of foregoing shall include:
 - 1. The portions and containers of food unused or discarded in the preparation, serving, and consuming thereof.
 - 2. All discarded materials arising or resulting from the operation of a household, business, enterprise, or public places.
 - 3. Brush, stones, surplus concrete or asphalt, broken concrete or asphalt, tires, appliances, furniture, clothing, material from construction or demolition projects, vehicles, or equipment.
 - 4. Any liquid, substance, or material which was purchased, otherwise acquired, made, constructed, or combined for use on any land or in any household, business, enterprise, or public places.
 - 5. Any natural plant material or substance, whether cultivated or not, which has been removed from the place where it originally grew.
 - 6. The carcass of any dead animal or any part thereof.
- o. **“Roadside Collection”** shall mean the collection of Refuse/Debris and Recyclable Material by the Municipality from properties with the Roadside Collection Area on the day designated for such collection.
- p. **“Roadside Collection Area”** shall mean those properties fronting on the public highways or portions thereof that pay the special tax rate and are generally located within the boundaries of the Village.
- q. **“User”** shall mean an Owner or Occupant or a person who has entered into a contract with the Municipality that is authorized to deposit Refuse/Debris and/or Recyclable Materials at the Municipal Landfill Site(s) and includes persons who receive Roadside Collection.
- r. **“Waste”** shall have the meaning ascribed to it in the *Environmental Protection Act R.S.O. 1990, c. E. 19*.

4. MUNICIPAL LANDFILL SITE(S)

- a. The Landfill Site(s) is for the disposal of Refuse/Debris and Recyclable Materials only. Access to and use of the Landfill Site(s) is extended to all Owners and/or Occupants of property in the Municipality and such persons from whom the Municipality may by contract and upon the payment of the required fee, agree to accept Refuse/Debris and Recyclable Materials.
- b. Owners and/or Occupants of property in the Municipality will be issued a Municipal Landfill Card and for those properties within the Roadside Collection Area, Roadside Collection will also be provided.
- c. The Municipal Landfill Card may only be used by the Owner or an Occupant of the property and/or dwelling unit for which the Card has been issued. The person to whom a Municipal Landfill Card is issued may be held responsible for misuse of the Municipal Landfill Card, its use by an unauthorized person, or any violation of this By-law by any person using the Municipal Landfill Card.
- d. No person shall enter and/or leave the Landfill Site(s) without:
 - 1. Showing their Municipal Landfill Card to the Landfill Attendant.
 - 2. Giving their name and address to the Landfill Attendant upon request.
 - 3. Declaring the nature and origin of the Refuse/Debris and/or Recyclable Materials upon request by the Landfill Attendant.
- e. No person shall deposit Refuse/Debris and/or Recyclable Materials at a Landfill Site originating from properties outside of the Municipality of Magnetawan except as permitted under contract with the Municipality.
- f. No person shall enter upon or dispose of any Refuse/Debris or Recyclable Materials at or upon Landfill Site(s) outside of the operating hours of the Landfill Site(s) or when a Landfill Attendant is not present.
- g. No person shall dispose of Prohibited Substances or Materials at the Landfill Site(s).

- h. No person shall dispose of Refuse/Debris and/or Recyclable Materials at the Municipal Landfill Site(s), who is not authorized under a Municipal Landfill Card or who is not acting with the knowledge and consent of such Municipal Landfill Card holder.
- i. No person shall transport Refuse/Debris or Recyclable Materials to the Landfill Site(s) in a manner that permits the scattering or dispersal of such while en route to the Landfill Site(s).
- j. All Refuse/Debris and Recyclable Materials must be properly sorted and deposited in the designated areas or as directed by the Landfill Site Attendant(s).
- k. Hazardous Waste shall not be accepted at the Landfill Site(s). Hazardous Waste shall only be disposed of at the Hazardous Depot located within the Municipality, on such days designated and advertised for that purpose.
- l. Scavenging and salvaging is not permitted at the Landfill Site(s) except where the Municipality has established or designated an area within the Landfill Site(s) for the purpose of allowing such scavenging and salvaging of reusable materials (a "Re-use Area"). The selection and retrieval of any materials from a Re-Use Area shall be on a "first come, first serve basis".
- m. At the discretion of the Public Works Superintendent, a Municipal Landfill Card may be revoked where the User or persons using such Card have failed to adhere to the provisions of this by-law or the directions of Landfill Attendants. Upon the revocation the holder of the Municipal Landfill Card may apply to Council to reinstate the Card and the privileges granted thereunder.

5. GENERAL PROHIBITIONS

No person(s) shall:

- a. Spill, scatter, deposit, throw, cast, lay or cause to be thrown any waste on any street, lane, alley, laneway, roadway, road allowance, public or private way or in any public square, place or private lot without the consent of the owner of the property. Dump or dispose of any refuse on a highway or municipal road as defined in the Municipal Act and including both travelled and untraveled portions thereof;
- b. Dump or dispose of any waste on any land owned by the Municipality or Her Majesty the Queen in right of either Canada or Ontario, except the Landfill Site(s);
- c. Dump or dispose of any waste on any private land within the Municipality unless the land is described is a waste disposal site operated in accordance with an approval issued under the Environmental Protection Act R.S.O. 1990, c. E.19 provided that this subparagraph shall not prohibit the temporary storage of refuse pending other disposal or the composting of organic material all of which refuse or organic material originated on the parcel of land where it is stored.

6. PROHIBITIONS: ROADSIDE COLLECTION AREA

- a. No person shall place Refuse/Debris or Recyclable Materials at the roadside on a day other than on the specified day for Roadside Collection.
- b. No person shall place Refuse/Debris out for Roadside Collection in a garbage bag that has a volume greater than 170 litres and/or that exceeds 18.1 kg (40 lbs).
- c. No person shall place Recyclable Materials out for Roadside Collection except in an open container or a garbage bag that is transparent and has a volume greater than 170 litres and/or that exceeds 18.1 kg (40 lbs).
- d. No person shall place Refuse/Debris and Recyclable Materials in the same container for Roadside Collection;
- e. No person shall place or permit to be placed any Prohibited Substances or Materials in any container intended for Roadside Collection.
- f. No person shall place a garbage bag for Roadside Collection unless a garbage bag tag is affixed to it.

7. COST FOR USE

- a. Users of the Landfill Site(s) shall pay the fees/charges for the deposit of materials, as set out in the Municipality's most current "By-law to Establish Fees and Charges".

8. OFFENCE AND PUNISHMENT

- a. Any person(s) who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine, to a maximum of \$5,000 (five thousand dollars) for each offence exclusive of the costs, as prescribed by the *Provincial Offences Act, R.S.O. 1990, c.P. 33*, as amended.

- b. Any person who directs another person(s) to contravene any of the provisions of this By-law is also guilty of an offence and upon conviction is liable to a fine, to a maximum of \$5,000 (five thousand dollars) for each offence exclusive of the costs, as prescribed by the *Provincial Offences Act, R.S.O. 1990, c.P. 33*, as amended.
- c. Any person(s) who permits the doing of any act which contravenes any of the provisions of this By-law, on real property of which he is the owner or occupant is also guilty of an offence and upon conviction is liable to a fine, to a maximum of \$5,000 (five thousand dollars) for each offence exclusive of the costs, as prescribed by the *Provincial Offences Act, R.S.O. 1990, c.P. 33*, as amended.

9. SEVERABILITY


If a court of competent jurisdiction should declare any section or part of any section of this By-law to be invalid, such section or part or a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared the remainder of the By-law shall be valid and shall remain in force.

10. EXISTING BY-LAWS REPEALED


THAT By-laws 2002-21, 2003-10, 2003-26 and 2005-24 are hereby repealed in their entirety.

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 13th day of Jan, 2021

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**



Mayor



CAO/Clerk

RECYCLABLE MATERIALS

CATEGORY 1: FIBRES

Newsprint

Magazines

Fine Paper

Telephone directories

Fibre Egg Cartons

Brown Paper and Bags

Boxboard and paperboard

Polycoat paperboard containers, being containers made primarily of paperboard and coated with low density polyethylene or aluminum, and used for food or beverages

CATEGORY II

Glass bottles and jars for food or beverages

Aluminum food or beverage cans (including cans made primarily of aluminum)

Polyethylene terephthalate bottles for food or beverages (including bottles made primarily of polyethylene terephthalate) also known as Tetra Pak's.

Steel food or beverage cans (including cans made primarily of steel)

Aluminum foil (including items made from aluminum foil)

Expanded polystyrene food or beverage containers and packing materials

Rigid plastic containers being,

- i. high density polyethylene bottles used for food, beverages, toiletries or household cleaners (including bottles made primarily of high-density polyethylene), and
- ii. polystyrene containers used for food or beverages (including containers made primarily of polystyrene).

CATEGORY III

Cardboard (corrugated)