

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD**BY-LAW NO.1621 -2005**

A BY-LAW TO PROVIDE FOR IMPOSING FEES AND CHARGES FOR THE SERVICES, ACTIVITIES AND USE OF THE WASTE MANAGEMENT SYSTEM.

WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, provides that a municipality may pass by-laws imposing fees or charges on any class of persons,

- a) for services or activities provided or done by or on behalf of it;
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and
- c) for the use of its property including property under its control

AND WHEREAS Ontario Regulation 244/02 regulates the power of a municipality to impose fees or charges for the use of a waste management system;

AND WHEREAS, as required by Ontario Regulation 244/02, the Corporation of the County of Prince Edward has held a public meeting at which any person attending was given an opportunity to make representation with respect to the by-law, and that 21 days notice of the public meeting was given;

NOW THEREFORE the Council of the Corporation of the County of Prince Edward enacts as follows:

1. Application

The provisions of this by-law apply to the owners and occupants of all residential, industrial, commercial and institutional establishments (as defined in clause 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

- a) This by-law shall come into full force and take effect on January 1, 2006 and expires on December 31, 2006, unless repealed sooner.

4. Definitions

In this by-law:

- a) "Ashes" means the solid residue of any household fuel remaining after burning and shall include soot and other chimney deposits.
- b) "Bag" shall mean a polyethylene plastic bag measuring not more than 30" x 38" (76 cm x 96 cm) of 1.5 gauge thickness securely fastened and closed at the top.

- c) "Bulk Garbage" shall mean any non hazardous waste that can be accepted at a Landfill/Transfer site, and cannot be recycled, burned or contained in a properly tagged bag.
- d) "I. C. or I." shall mean an industrial, commercial or institutional land use located on lands which have frontage on an open public road.
- e) "Construction Debris" shall mean building material resulting from the erection, repair and improvement of buildings or structures.
- f) "Container" shall mean a reusable galvanized metal or plastic container with a maximum capacity of 77.2 litres (17 gal) and having carrying handles and watertight lid which shall be securely attached.
- g) "Council" Shall mean the Council for the Corporation of the County of Prince Edward.
- h) "Demolition Debris" shall mean discarded building material resulting from the demolition of a building or structure or building material damaged by fire.
- i) "Dwelling Unit" means any part of a building or structure, used, designed, or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use.
- j) "Farm" shall mean those properties zoned for agricultural uses and used as business operations and for the purposes of this by-law a farm will be considered a commercial establishment.
- k) "Garbage" means waste from the kitchens of homes, hotels, institutions and restaurants, and the vegetable and animal wastes from groceries, markets and other food establishments and discarded wearing apparel, rags, excelsior, celluloid and straw, glass, crockery and earthenware.
- l) "Garbage Dumpster" means a container for the temporary storage of garbage.
- m) "Hazardous Material" shall include, but not be limited to, the following: ammunition, antifreeze, batteries, brake fluid, degreasers, drain cleaner, gasoline, herbicides, waste oil, oven cleaner, paints, pesticides, preservatives, septic tank cleaners, solvents, smoke detectors and such other items as may be identified from time to time that are deemed to be hazardous.
- n) "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.
- o) "Municipal Waste Collector" shall mean the person(s) authorized by the municipality from time to time to collect waste within the municipality.
- p) "Municipality" shall mean the Corporation of the County of Prince Edward.
- q) "Non-Collectible Waste" shall mean the following:
 - i) any explosive or highly combustible materials of any nature whatsoever;
 - ii) construction debris including wood;
 - iii) sawdust and/or shavings;
 - iv) liquid or semi-liquid waste;

- v) hay, straw and manure;
 - vi) carcass of any animal;
 - vii) grass clippings, garden material, tree limbs, leaves, branches and trunks, brush and stones;
 - viii) major appliances and/or large household furnishings;
 - ix) any material which has become frozen or otherwise stuck to a container;
 - x) tires;
 - xi) bio-medical waste;
 - xii) automobiles, vehicles or any parts thereof;
 - xiii) fences, fence posts, page wire;
 - xiv) 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;
 - xv) propane tanks;
 - xvi) crates or packing material;
 - xvii) demolition debris;
 - xviii) any material deemed harmful to the individual collection vehicle.
- r) "Person" shall include individuals, corporations and partnerships.
- s) "Residential Establishment" shall mean a building or structure containing on or more dwelling units.
- t) "Rubbish" means household litter, trash, leaves, grass cuttings, lawn rakings, trimmings from shrubs and trees, discarded garden roots but does not include manure or night soil.
- u) "Street" means a public highway, road, street, lane, alley, square, place or thoroughfare within the County of Prince Edward.
- v) "Tag" shall mean a tag or sticker issued by the municipality to be affixed to containers or bags of collectible waste put out for collection by the municipal waste collector.
- w) "Temporary Garbage Dumpster" means a container used temporarily only during the construction, re-construction or renovation of buildings.
- x) "Transfer Site or Station" (See Waste Disposal Site)
- y) "Waste" includes ashes, garbage, refuse, domestic waste, industrial solid waste, municipal refuse and such other materials as may be designated by by-law.
- z) "Waste Disposal Site/Transfer Site" shall mean those properties operated by the municipality for that purpose.
- aa) "Waste Disposal/Transfer Site Supervisor" shall mean the person retained by the municipality from time to time who is responsible for the operation and maintenance of the waste disposal/transfer site(s) or his or her designate or assistant.

5. Preparation of Waste for Collection

- a) All garbage/waste shall be separated from non-collectible waste and shall be set out for collection.
- b) No person shall put any hazardous material out for collection.
- c) Except as otherwise provided in this by-law, neither the municipality nor the municipal waste collector shall collect non-collectible waste from any residential, industrial, commercial or institutional establishment within the

municipality.

- d) No person other than an owner or occupant of a residential, industrial, commercial or institutional establishment 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, industrial, commercial or institutional establishments not within the municipality.
- e) No person shall set out waste for collection except at the residential, industrial, commercial or institutional establishment at which the waste is generated.
- f) The municipal waste collector shall not collect from any residential, industrial, commercial or institutional establishment a container or bag weighing more than 18 kg. (40 pounds) when filled.
- g) All collectible waste put out for collection shall have all liquid removed before placing it in a container or bag.
- h) All containers shall have the lid securely affixed thereto to prevent the entry of water, rain, flies and animals and to prevent the escape of noxious odours therefrom.
- i) Every bag of garbage/waste set out for collection shall have a tag affixed to the neck of the bag. Such tag shall be affixed so that the entire tag is visible to the collector.
- j) Every container of garbage/waste set out for collection shall have a tag affixed to the contents of the container in such a manner so as to be clearly visible to the waste collector upon removal of the container's lid.
- k) No tag shall be affixed to a bag or container of garbage/waste that is not issued by The Corporation of the County of Prince Edward.

6. Collection Procedures

- a) Collection of collectible waste will be made within the municipality or any part or parts thereof subject to the following schedule:

All garbage, where collected, will be done on a seasonal basis.

Bi-Weekly – 1st Monday in November to last Friday in April.

Weekly – All other times.

One (1) side collection on all roads except main roads and urban areas if needed to maintain safety or best routing.

- b)
 - i) On any one day designated by the municipality for the collection of collectible waste no more than two (2) tagged containers or bags per dwelling unit or five (5) tagged container or bags per industrial, commercial or institutional establishment of collectible waste shall be set out for collection by the municipal waste collector. During Bi-weekly collection, the above noted maximums are doubled (4 and 10 respectively).
 - ii) The municipal waste collector shall not collect any waste in excess of the maximum limits referred to in paragraph 6(b)(i).

- c) Waste, which is set out for collection, shall be placed at the applicable curb before 7:00 a.m. on the scheduled collection day, but shall not be set out prior to 6:00 p.m. the previous day. The containers shall be removed no later than 8:00 p.m. on the day of collection.
- d) Containers and bags, which are set out for collection shall be placed as close to the street as reasonably possible without obstructing the traveled portion of the roadway and/or any sidewalk.
- e) Any waste which is set out for collection and which has not been properly prepared for collection according to the provisions of this by-law shall not be collected. Any waste which the municipal waste collector declines to collect, shall be removed by the owner or occupant of the residential, industrial, commercial or institutional establishment by or on whose behalf the waste was placed for collection before 8:00 p.m. on the day on which the collection was scheduled.
- f) No person shall pick over, interfere with, disturb, remove or scatter any garbage / waste which has been set out for collection.
- g) Nothing in this by-law shall prevent any owner of an apartment building, a commercial establishment, an industrial operation or an institutional operation from entering into a private contract for the collection, storing, disposition and transportation of such garbage or other waste shall be governed by the following:
 - i) The container for the collection of such garbage or other waste shall be placed on the apartment building or commercial property in such location and in such a manner that papers or loose garbage and objectionable odours shall not (so far as possible) escape to the property of the adjoining or neighboring householders, and the containers shall be placed at least 4.5m (15') from the lot line.

In the case of a container used for apartment building or commercial establishment use, and where there is not sufficient area to permit the minimum 4.5m setback from lot lines, said container shall be placed on the lot as far away as possible from all adjoining property owners.
 - ii) The garbage or other waste so collected, shall be disposed of as soon as possible and shall not be allowed to accumulate for longer than two weeks in the winter months and, if odorous, not longer than one week during the summer months.
 - iii) The container for such garbage or other waste shall be of solid steel construction and shall be equipped with doors or other apparatus to ensure that the container is entirely enclosed and such container shall be kept closed while not in use.

7. Waste Disposal Site/Tipping Fees

- a) Notwithstanding anything to the contrary in this by-law, only those types of waste and non-collectible waste that are permitted by the Certificate of Approval (as amended from time to time) for the waste disposal/transfer sites shall be accepted at the respective waste disposal/transfer sites.
- b) The waste disposal/transfer site supervisor shall refuse to accept any type of waste or non-collectible waste at the waste disposal/transfer site where the acceptance of such waste or non-collectible waste would be contrary to the

provisions of this by-law and/or the Certificate of Approval for the waste disposal/transfer site.

- c) Schedules "A", "B", & "C" to this by-law setting out general provisions, landfill/transfer site fees and hours of operation are hereby declared to form part of this by-law.
- d) All waste and non-collectible waste taken to the waste disposal site from any residential or I.C. or I. establishment within the municipality shall be subject to the applicable tipping fees set out on Schedule "B" hereto. However, the provisions of this paragraph shall not apply to waste taken to the waste disposal/transfer site(s) by the municipal waste collector(s).
- e) The waste disposal/transfer site supervisor shall have the authority to demand from any person wishing to use the waste disposal/transfer site proof that such person is (or is acting on behalf of) an owner or occupant of a residential and/or I.C. or I. establishment within the municipality.

8. General

- a) No owner or occupant of a residential, industrial, commercial or institutional establishment within the municipality shall permit any waste and/or non-collectible waste to accumulate upon such owner's lands or those lands in use by the occupant.
- b) No person shall sweep, throw or deposit, or allow to fall from any vehicle, any waste and/or non-collectible waste on to any street, lane, watercourse or any public lands.
- c) No person shall throw waste and/or non-collectible waste over the fence into the waste disposal/transfer site(s) or leave or deposit waste and/or non-collectible waste anywhere in the municipality that is outside of the fence at the waste disposal/transfer site(s).
- d) No person shall convey through the streets any garbage, ashes, rubbish or other refuse or any swill, liquid waste or offensive matter, except in properly covered receptacles or in vehicles equipped with canvas covers or tarpaulins, which canvas cover or tarpaulin shall be placed and fastened in such manner as to prevent such matter from falling on to the streets.
- e) No person shall have in his or her possession any firearm within the boundaries of the waste disposal / transfer site(s).
- f) The municipality shall not be liable to any person for any damage, loss or injury, including death, however caused to that person or his or her property, while that person is at a waste disposal/transfer site.
- g) No person shall smoke or light any cigarette cigar or pipe at a waste disposal / transfer site.
- h) The waste disposal/transfer site supervisor shall have the authority to direct where any and all waste and non-collectible waste shall be deposited at the waste disposal/transfer site.
- i) Scrap/debris/rubble from burned buildings will not be accepted at any transfer/landfill site.
- j) The headings in this by-law are included solely for the convenience of reference

and are not intended to be full or accurate descriptions of the contents hereof and are not to be considered as part of the by-law.

- k) the invalidity of any particular provision of this by-law shall not affect any other provision hereof, but the by-law shall be construed as if such invalid provision were omitted.

9. Enforcement

- a) Every person who contravenes any provision or requirement of this by-law is guilty of an offence and is liable, upon conviction, to a fine of not more than Three thousand dollars (\$3,000.) exclusive of costs, and all fines shall be collected pursuant to the Provincial Offences Act, R.S.O. 1990 c.P.33.
- b) The municipality's by-law enforcement officer is hereby authorized and empowered to enforce the provisions of this by-law.
- c) In the event that any person fails to comply with the requirements or provisions of this by-law the rectification of this matter may be carried out by the municipality with the cost thereof being recoverable by the municipality from that person either by suit or, in the alternative, in like manner as municipal taxes.
- d) Service Charge for Improperly Disposed Waste

Without limiting the application of clause 9 (a),(b),(c) of this by-law, every person who contravenes clauses 8(a) and 8(b) of this by-law shall be liable to pay the municipality a service charge of \$50.00 for each container or bag of waste improperly disposed of by that person. This service charge is imposed to help offset the costs associated with collecting waste improperly disposed of.

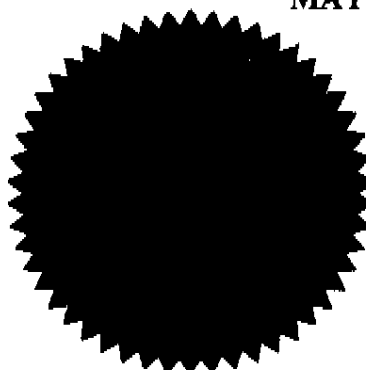
10. THAT the following by-laws are hereby repealed:

By-law No. 224-1999, By-law No. 698-2001 and By-law 1520-2005

Read a first, second and third time and finally passed this 19th day of December, 2005.


CLERK, Victoria Leskie


MAYOR, Leo P. Finnegan



CORPORATION OF THE COUNTY OF PRINCE EDWARD

SCHEDULE "A" TO BY-LAW NO. 1621-2005

GENERAL PROVISIONS

1. Every householder shall provide and maintain in good repair, receptacles, in sufficient number to hold all garbage, ashes, rubbish or other refuse produced, such receptacles shall be kept on a portion of the householder's premises.
2. All metal receptacles shall be equipped with handles and properly fitted covers and shall not exceed 73.66cm (28") in height and be more than 45.72cm (18") in diameter and shall weigh no more than 18 kgs (40lbs) when filled.
3. Bags of disposable garbage/waste shall be tightly sealed suitable enclosures and shall weight no more than 18kgs (40lbs) when filled.
4. Ashes, garbage, rubbish and other refuse placed for collection shall be drained of all liquid matter before being placed in the receptacles and all household table and kitchen waste shall be well wrapped.
5. Collectible garbage/waste that will not readily fit into the specified receptacles will be collected provided it is cut or folded into pieces not more than one meter (1m) in length and securely tied in bundles.
6. Paper products and cartons from retail merchants will be collected provided they are collapsed and securely tied in bundles.
7. A fence to secure the said dumpster shall enclose every garbage dumpster located on private property. The enclosure shall be equipped with a gate, which will provide adequate access to the dumpster. This gate shall be capable of being locked.
8. Temporary dumpsters may be located on private property to provide for the disposal of construction materials during the construction, re-construction or renovation of buildings.
9. All garbage dumpsters shall be properly maintained and deodorized at the time of dumping.
10. In no event shall any person employed or engaged by the County for the collection and disposal of garbage/waste, enter any dwelling, hotel, apartment house, tenement or building or ascend any stairway, or enter an elevator, hoist or lift for the purpose of carrying out or returning thereto any receptacle.
11. Manufacturers' or trade waste shall not be collected but shall be removed and disposed of by the owner or person responsible in such manner as Council may agree and all costs, charges and expenses incurred or necessitated in disposing of the same shall be borne by the owner or person responsible.
12. Where any expense is incurred by the County in arranging for the disposal of any manufacturers' or trade waste for which a manufacturer, builder, contractor or other person is responsible, such person shall forthwith pay to the County the amount of the expense incurred.

CORPORATION OF THE COUNTY OF PRINCE EDWARD

SCHEDULE "A" TO BY-LAW NO.1621 -2005

13. Where the owner, lessee, tenant or other person in charge of a hotel, apartment block, tenement, shop, store or public institution finds the regular collections established by Council inadequate to keep his/her premises free of accumulated ashes, garbage, rubbish and other refuse, he/she shall make such other arrangements at his/her own expense for the collection and removal thereof as may be required.

14. Asphalt roofing shingles are only accepted at the North Marysburgh (Ward 8) transfer site at the rate or rates set out on Schedule "B". as amended from time to time.

Corporation of the County of Prince Edward

Schedule 'B' to By-law 1621 -2005

WASTE MANAGEMENT**Household Waste**

Collected at curb -18kg/bag or container

\$1.00 bag tag

Deposited at Landfill or Transfer site
for each bag:May 1st to October 31st
(\$2.00)2 -\$1.00 bag tags or
cash equivalent (\$2.00)November 1st to April 30th\$1.00 bag tag or cash
equivalent**Bulk Waste**

Passenger car trunk load

\$5.00

Pickup truck/van/similar sized utility trailer

\$20.00

Larger vans and trailers

To be charged as an equal percentage of
pickup truck cost at the sole discretion
of the site operator.

Other loose garbage

To be charged as an equal percentage of
pickup truck cost at the sole discretion
of the site operator.**Construction Waste (Building debris, soil, drywall etc.) – Will be Accepted at Landfills Only**

Pickup truck/van/similar sized utility trailer

\$50.00

Larger or smaller loads

To be charged as an equal percentage of
pickup truck cost at the sole discretion
of the site operator.- minimum \$25.00**Metal**

Non contaminated

N/C

All non refrigerated white goods – each

\$10.00

All refrigerated white goods with freon removed – each

\$10.00

All refrigerated white goods with freon – each

\$25.00

Tires

Up to 16" –typical car and light truck

\$5.00 each

17" – 22" tires

\$10.00 each

Over 22" – not accepted

Brush and Clean Lumber

At sites that accept

N/C

(All contaminated lumber treated as bulk waste)

Shingles

Not accepted unless at sites than can weigh

\$0.15 per pound

Recyclable Materials

N/C

CORPORATION OF THE COUNTY OF PRINCE EDWARD

SCHEDULE "C" TO BY-LAW NO. 1621 -2005

HOURS OF OPERATION

Ward 1 Picton
Ward 2 Bloomfield
Ward 3 Wellington
Ward 4 Ameliasburgh
Ward 5 Athol
Ward 6 Hallowell
Ward 7 Hillier
Ward 8 North Marysburgh
Ward 9 South Marysburgh
Ward 10 Sophiasburgh

Wednesday 8:00 a.m. to 4:00 p.m.

Saturday 8:00 a.m. to 4:00 p.m.