

TOWN OF MIDLAND

BY-LAW 2001-48

A By-law to regulate the collection and removal of solid waste within the Town of Midland

WHEREAS the County of Simcoe assumed all waste management powers by means of County By-law 3954, under authority of Bill 201, being a bill to amend the Municipal Act; and

WHEREAS the County of Simcoe appointed the Town of Midland as agent for the collection and removal of solid wastes, excluding recycling, within the boundaries of the Town of Midland, under authority of the Municipal Act, R.S.O. 1990, M.45, Section 209, Clause 10; and

WHEREAS the Municipal Act, R.S.O. 1990, M.45 208.2 empowers Municipal Councils to pass by-laws to regulate the collection and removal of wastes; and

WHEREAS the Council of The Corporation of the Town of Midland has reviewed the process of collection, removal of management of waste and now deems it expedient to provide a by-law to regulate the placing of all waste materials by persons of the Town of Midland on property within the boundaries of the Town of Midland and to provide for the efficient collection, disposal and processing of same by the authorized waste collection contractors.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND ENACTS AND BE IT ENACTED AS FOLLOWS:

1.0 DEFINITIONS

For the purpose of this by-law, the following words shall have the meaning as ascribed herein:

- 1.1 “Assorted Metals and White Goods” means household appliances such as air conditioners, refrigerators and freezers, stoves, dishwashers, washers and dryers and assorted items capable of being recycled for their metal content. Air conditioners, refrigerators and freezers must have the freon (CFC’s) removed prior to being eligible for disposal.
- 1.2 “Construction and Demolition Wastes” means materials used in the construction of a serviceable unit such as drywall, plaster, wood or metal framing, plywood, bricks, rocks, concrete, shingles, nails, metal strapping, asphalt, kitchen and bathroom cupboards and fixtures, furnaces and related equipment.
- 1.3 “Enforcement Personnel” means a Police Officer, Municipal Law Enforcement Officer or Peace Officer, duly appointed for the purposes of enforcing the Municipality’s by-laws.
- 1.4 “Heavy Pick-Up Wastes” means weighty or bulky articles such as furniture, bed springs, mattresses, water and furnace fuel tanks (empty only), assorted metals and white goods and other discarded materials which would normally accumulate at a serviceable unit, but shall not include construction and demolition wastes, hazardous wastes, wood wastes, yard wastes, discarded automobile bodies, larger parts of automobiles, tires, batteries, manufacturer’s waste, agricultural wastes, carcasses of any dead bird or animal, feces, natural soil, earth, sand, clay, gravel, stones, excavated materials, fence wire, boulders, trees, tree stumps, tree roots or any liquid waste accumulated at a serviceable unit.

- 1.5 “Household Wastes” means garbage, rubbish, discarded materials, broken crockery, glassware and other such articles as would normally accumulate at a serviceable unit, but shall not include Heavy Pick-Up Wastes or Non-Collectable Wastes.
- 1.6 “Non-Collectable Wastes” means materials not accepted for disposal or recycling at landfill sites. These materials include industrial liquid waste, hazardous waste, carcasses of any dead bird or animal, feces, clothing, lice, maggots or other insect infestations, liquid slurries or similar materials that are prone to spillage, excavated materials such as boulders, construction materials such as concrete and asphalt, and tree stumps, roots, twigs or branches
- 1.7 “Receptacle” means a rigid or non-rigid container, with the exception of corrugated cardboard boxes, to a maximum filled weight of 20 kg. (44 lbs.) and a maximum capacity of 133 litres (60 imperial gallons), manufactured for the proper storage of Household Wastes and Trade Wastes. Plastic garbage bags shall have a maximum empty size of 660mm x 920mm (26” x 36”) and be capable of holding their contents without ripping or tearing when held by closed top of bag. Metal or plastic “garbage cans” shall have two handles on opposite sides and have a lid.
- 1.8 “Serviceable Unit” means each house apartment or dwelling unit, comprised of a suite operated as a housekeeping unit, used or intended to be used as a domicile by one (1) or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities, and in compliance with the zoning of the property and each improved commercial, industrial or institutional property.
- 1.9 “Trade Wastes” means household wastes which would normally accumulate in a ship, factory, store, restaurant, hotel, office building, public building and other place of business, but shall not include weighty or bulky articles such as automobile parts, tires, barrels, trees, earth, stones, waste from demolished buildings, renovation or construction projects.
- 1.10 “Waste Material” means assorted metals and white goods, heavy pick-up wastes, household wastes, trade wastes and yard wastes.
- 1.11 “Yard Wastes” means organic material from a household yard, such as leaves and grass cuttings and may include a separate collection of garden wastes and Christmas trees, but does not include stumps, tree roots, twigs or branches. Organic materials are characterized by their ability to be composted.

2.0 WASTE COLLECTION PROVISIONS

- 2.1 No person shall place waste for collection except in receptacles that meet the specifications described in Article 1.7 of this by-law; and
- 2.2 No person shall place waste for collection except on the untravelled portion of the highway directly in front of the serviceable unit where the waste was generated, at a maximum of three (3) metres from the edge of the travelled highway, except where a property is serviced by a rear lane along which collections are made regularly by the municipality, the waste materials shall be placed within three (3) metres of the lane; and

- 2.3 No person shall place waste for collection except in a location and manner that does not impede vehicular or pedestrian traffic, nor cause a nuisance; and
 - 2.4 No person shall place waste for collection unless separated from other waste classifications, such that the separated groups of materials shall be left in close proximity to each other, in one location in front of the serviceable unit; and
 - 2.5 No person shall place waste for collection except within the hours described in Article 4.1 and 4.2; and
 - 2.6 No person shall leave waste material not collected due to non-compliance with this by-law after 7:00 a.m. of the day following the scheduled collection day; and
 - 2.7 No person shall place non-collectable waste materials for collection; and
 - 2.8 No person shall place assorted metals and white goods, heavy pick-up wastes or yard wastes from commercial, industrial or institutional properties; and
 - 2.9 No person shall place yard wastes for collection unless bundled in clear plastic bags or as set out from time to time by public notice; and
 - 2.10 No person shall place heavy pick-up waste materials and assorted metals and white goods wastes unless separated into categories and separated from all other waste materials; and
 - 2.11 No person shall place more than a maximum of four (4) assorted metal and white goods or heavy pick-up waste items for collection on the scheduled collection day for each house or apartment serviceable unit; and
 - 2.12 No person shall place more than a maximum of three (3) receptacles of household wastes each week on the scheduled collection day for each house or apartment serviceable unit. The limits for apartments within non-residential properties shall be in addition to Article 2.13; and
 - 2.13 No person shall place more than a maximum of six (6) receptacles of trade wastes each week on the scheduled collection day for each improved commercial, industrial or institutional property; and
 - 2.14 Notwithstanding the preceding provisions, waste materials may be deemed ineligible for collection by the by-law administrator or enforcement personnel if the nature, condition, size, shape, weight or other characteristics would render expectation of collection unreasonable.
- 3.0 UNAUTHORIZED REMOVAL OF WASTE**
- 3.1 No person, except under the authority of the Town of Midland, shall remove any waste material once set out for collection.

4.0 SCHEDULE OF COLLECTION

- 4.1 Household wastes, yard wastes and trade wastes may only be placed for collection between the hours of 7:00 a.m. on the day prior to the scheduled collection and 7:00 a.m. on the day of the scheduled collection, or as set out from time to time by Public Notice; and
- 4.2 Heavy Pick-Up Waste may only be placed for collection before 7:00 a.m. on the day of the scheduled collection and in any case no earlier than 7:00 a.m. of the preceding day; and

5.0 ENFORCEMENT

- 5.1 This by-law shall be enforced by the following enforcement personnel duly appointed for the purposes of enforcing the Municipality's by-laws:
 - 5.1.1 Police Officers; and
 - 5.1.2 Municipal Law Enforcement Officers; and
 - 5.1.3 Peace Officers.

6.0 REMEDIES

- 6.1 Where waste material has been deposited not in accordance with the terms of this by-law and remains uncollected or removed, enforcement personnel may have the waste materials removed at the property owners expense; and
 - 6.1.1 Where waste material has been removed by enforcement personnel, the Town of Midland may recover expenses in like manner as municipal taxes; and
 - 6.1.2 Where waste material has been removed by enforcement personnel and expenses recovered in like manner as municipal taxes, an administration fee of twenty percent (20%) shall be levied and also collected in like manner as municipal taxes.
- 6.2 Where any waste material has been removed by enforcement personnel in accordance with Article 6.1, the waste material may be immediately disposed of by enforcement personnel.
- 6.3 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.

7.0 WORD USAGE

- 7.1 As used in this by-law, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular; and
- 7.2 The word "May" shall be construed as permission; and
- 7.3 The word "Shall" shall be construed as imperative; and
- 7.4 The headings and subheadings used in this by-law shall not form a part of the by-law, but shall be deemed to be inserted for convenience and reference only.

8.0 INTERPRETATION

- 8.1 Should any section, sub-section, clause, paragraph or provision of this by-law be declared by a Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of enforceability of any other provisions of this by-law or of the by-law as a whole.
- 8.2 Where the provisions of any other by-law, resolution or action of Council are inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail.

9.0 EXPRESSION OF TIME

- 9.1 Where in this by-law any expression of time occurs or when any hour or other point of time is stated, the time referred to or intended shall be reckoned as standard time except in periods when daylight saving time is declared to be in effect, then, during such periods, the time referred to or intended shall be reckoned as daylight saving time.

10.0 ADMINISTRATION

- 10.1 This by-law shall be administered by the General Manager of Public Works.

11.0 TITLE

- 11.1 This by-law shall be known as the Solid Waste Management By-law.

12.0 REPEAL OF BY-LAWS

- 12.1 By-law 88-53 and amending By-law 94-65 be herein repealed.

13.0 EFFECTIVE DATE

- 13.1 This By-law shall come into full force and effect on the final passage thereof.

By-law read a first, second and third time and finally passed at a meeting of the Open Council held this twenty-fifth day of June, 2001.

G. J. MacDonald (Signed)
Mayor

F. G. Flood (Signed)
Clerk