

THE CORPORATION OF THE CITY OF ELLIOT LAKE***B*Y-LAW No. 05-74**

Being a by-law to provide for the collection, removal and disposal of garbage and other refuse within the City of Elliot Lake.

WHEREAS, pursuant to Sections 11(1), 77 and 127 of *the Municipal Act*, S.O. 2001, c.25, a local municipality may pass by-laws to prohibit or regulate the use of any part of a waste management system and to require the owner or occupant of land to clean and clear land of refuse and debris.

NOW THEREFORE, the Council of The Corporation of the City of Elliot Lake, hereby,
ENACTS AS FOLLOWS:

DEFINITIONS

1. 1 In this by-law,

“ashes” means the solid residue of any household fuel remaining after burning.

“biomedical waste” means 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, medicines, vitamins, drugs, vaccines, needles, syringes, vials or any other similar material or substance which contains or may contain pathogenic micro-organisms or which may be hazardous or dangerous.

“building materials” means all waste materials generated from the renovation, demolition or repair of a structure.

“carcass” means the remains of an animal.

“Corporation” means The Corporation of the City of Elliot Lake.

“Director of Operations” means the Director of the Operations Department of the City of Elliot Lake or his designate.

“dwelling” means any building or other structure occupied or used as a place of abode, other than a hotel, restaurant, apartment house or tenement.

“garbage” means household litter, trash, table and kitchen waste whether animal or vegetable, fish, fruit and dairy products, magazines, newsprint and waste paper, boots, shoes, and other wearing apparel, broken glass, crockery and metal, glass and plastic containers not over five gallons in capacity.

“garbage collection day” means the regular scheduled garbage pickup day established for each location in the city by the Corporation in accordance with Section 6.1 of this By-Law and shall include the adjusted date where public holidays occur.

“highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

“householder” means an owner, occupant, lessee, tenant or other person in charge of a dwelling, hotel, restaurant, apartment house, office building, shop, store, public institution or other property.

“landscaping and yard debris” means plant materials including grass, plant clippings, leaves, roots and branches.

“non-collectable waste” includes,

- (a) ashes;
- (b) carcasses or parts of any animal or fowl with the exception of bonafide kitchen waste;
- (c) biomedical wastes;
- (d) building materials or building rubbish;
- (e) compressed gas cylinders, explosive or incendiary materials of any kind whatever;
- (d) hay, straw and manure and animal litter;
- (e) human or animal excrement;
- (f) biological, toxic or hazardous waste;
- (g) rags soaked in oil, gasoline or any other inflammable substance;
- (h) swill, organic matter not drained or wrapped or liquid waste; or

(i) automotive parts.

“refuse” includes debris, rubbish, junk or disused materials of any kind whatsoever and without limiting the generality of the forgoing, includes a motor vehicle that appears by reason of its age, appearance, mechanical condition or lack of license plate, to be inoperative, inoperative mechanical equipment, automotive and mechanical parts, disused furniture, old clothing, garden refuse, earth or rock fill, old or decayed lumber, material from construction or demolition projects and other vehicles, machinery equipment, materials or structures apparently disused in their existing location.

RESIDENTIAL GARBAGE

2.1 No person shall,

- (a) accumulate or permit the accumulation of garbage, landscaping or yard debris, non collectable waste or other refuse, upon his property or upon property occupied or controlled by him;
- (b) store garbage improperly; or
- (c) place garbage at the highway or curbside as provided in Section 6.3,
 - (i) on any day other than garbage day;
 - (ii) before 6:00 AM on garbage collection day; or
 - (iii) unless the garbage is in a garbage can and complies with the provisions of Sections 6.4 to 6.6 inclusive.

2.2 For the purposes of Section 2.1(b) above, “Store garbage improperly” means garbage that is kept outside of the main building or secure accessory building and is not within a secure enclosure for garbage cans, sealed to prevent the entry by vermin or wild animals including bears.

COMMERCIAL GARBAGE

3.1 No person,

- (a) shall deposit garbage in a bulk garbage disposal container located on a commercial, industrial, institutional or multi-unit residential zoned property unless such person is

a householder on the same property or unless the bulk garbage disposal container is clearly designated by authorized signs for general public use.

(b) who is a householder at a commercial, industrial, institutional, or multi-unit residential zoned property, shall store garbage, which is a food source, in a garbage disposal container or a garbage storage facility unless such container or facility is sealed to prevent the entry of vermin and wild animals including bears.

3.2 For the purposes of Section 3.1(b) above “Food Source” shall mean anything or any substance contained within the garbage that can be taken into or assimilated by a plant or animal to keep it alive and enable it to grow and repair tissue.

SCAVENGING, SCATTERING OR DISTURBING GARBAGE

4.1 No person shall pick over, disturb, remove or scatter any garbage, ashes, rubbish or other refuse placed for collection or disposal by a householder or deposited at the Municipal Waste Disposal Site.

DISPOSAL OF NON-COLLECTABLES

5.1 Landscaping or yard debris (excluding leaves on an established leaf collection day), and non-collectable waste shall not be collected by the Corporation but shall be disposed of by the householder at his expense in such manner as the Director of Operations may from time to time direct.

GARBAGE COLLECTION DAY

6.1 The Director of Operations is authorized to designate the type or method of collection from any location collected by the City. The Director is further authorized to withdraw collection service from any location found in violation of compliance with the type or method of collection designated for that location within 30 days written notice.

6.2 The Director of Operations may from time to time alter the times and frequency of collection in each area of the City..

- 6.3** Every householder owning or controlling property within the City of Elliot Lake shall, prior to the time of collection, place all garbage accumulated on his property in front of that portion of his property adjoining the highway along which collection is to be made, in containers authorized by this By-Law. Such garbage placement shall be as close as possible to the edge of paved or improved road surface portion of the highway but shall not obstruct traffic on the highway, sidewalk or footpath.
- 6.4** Subject to Section 6.7 all garbage placed for collection shall be in plastic bags and contained in a metal or plastic (receptacle at the owner's discretion) garbage can or cans with secure water tight lids.
- 6.5** Garbage placed for collection shall be drained of all liquid, and shall be securely wrapped and tied.
- 6.6** Garbage placed for collection shall weigh no more than twenty (20 kg) kilograms and be no larger than eighty (80L) litres.
- 6.7** Empty garbage cans or containers and all material which the collector refused must be removed from the highway or from public property by the occupant of the property from which it was taken before 8:00 pm on the same day that the garbage is collected or the material refused.
- 6.8** No employee of the City shall enter any dwelling, apartment house or other building or ascend or descend any stairway or enter any elevator or hoist or a loading platform for the purpose of collecting garbage, rubbish or other material or for returning garbage cans or containers.

BUILDER, CONTRACTOR AND CONSTRUCTION SITE RESTRICTIONS

- 7.1** No person,
- (a) engaged in any excavation, construction or demolition work shall encumber the streets and sidewalks adjacent thereto with any earth, stones, garbage, landscaping or yard debris, or waste material created by or resulting from such work;
 - (b) shall remove any earth, stones, landscaping or yard debris, or other waste material from the site of any excavation, construction or demolition work without first obtaining the permission of the Director of Operations.

7.2 All waste material removed from the site of any work mentioned in Section 7.1(b) above, shall be disposed of in such manner as the Director of Operations may direct and all costs, charges and expenses incurred or necessitated in disposing of the same in accordance with such directions, shall be borne by the builder, contractor or other person concerned.

TRANSPORTATION OF GARBAGE ETC.

8.1 No person shall convey through a highway any garbage, landscaping or yard debris, non-collectable waste or other refuse, except in properly covered metal receptacles or in vehicles equipped with canvas covers or tarpaulins.

8.2 Where a vehicle is used to carry refuse or waste material of any kind, the canvas cover or tarpaulin shall be placed and fastened in such manner as shall prevent the refuse or waste matter from falling onto the highway.

ENCUMBERING PRIVATE PROPERTY

9.1 No person shall throw, place or deposit refuse or debris on any private property or on property of the Corporation or any local board thereof.

9.2 The provisions of Section 9.1 above shall not apply where consent of the owner or occupant of the property is given and all other provisions of this by-law are complied with.

ENCUMBERING HIGHWAYS/ SIDEWALKS PROHIBITED

10.1 No person shall foul a highway by depositing any garbage, ashes, dirt, stones, carcass, rubbish or refuse of any kind whatever, in or upon any highway or public place within the city, except that sand may be spread upon slippery highways and sidewalks as a measure of safety.

10.2 Every owner, tenant or occupant of a dwelling, hotel, apartment house, tenement, building or other premises and every person having the control or charge of any

church, school, or other public institution fronting or abut on any highway where the sidewalks are paved shall keep the same free of all obstructions.

ANIMAL CARCASSES

11.1 Where a carcass of any animal is found on any highway or private property, the owner thereof, or where the owner is unknown, the owner upon whose premises the animal lies, shall notify the office of the Director of Operations and shall dispose of the animal in accordance with the instructions of the Director of Operations.

11.2 Where the owner of the animal is known, all expenses of disposing of its carcass shall be borne by the owner.

PENALTY

13.1 Any person other than a corporation who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$10,000.00 for a first offence and not more than \$25,000.00 for any subsequent offence under the by-law.

13.2 Notwithstanding any other provision of this by-law, a corporation upon conviction of a contravention of this by-law is liable for a fine of not more than \$50,000.00 for a first offence and not more than \$100,000.00 for any subsequent offences.

13.3 Where any person fails to comply with provisions required in Sections 2.1(a), 3.1(b), 5.1, 6.7 7.1(a), and 10.1 the Corporation may carry out or do the works so required at the owner's expense and may recover the costs by adding the costs to the tax rolls and collecting in like manner as municipal taxes.

VALIDITY

14.1 If a court of competent jurisdiction declares any provision, or any part of a provision of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every other provision of this by-law authorized by

law be applied and enforced in accordance with its terms to the extent possible according to law.

SHORT TITLE

15.1 This by-law may be cited as the Garbage By-Law.

REPEAL

16.1 By-Law No. 85-58 is hereby repealed.

EFFECTIVE DATE

17.1 This by-law comes into effect on the first day of September, 2005.

PASSED this 8th day of August, 2005.

MAYOR

CITY CLERK