

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2009-56

WASTE MANAGEMENT BY-LAW

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THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2009-56

WASTE MANAGEMENT BY-LAW

WHEREAS The Corporation of the City of North Bay (the "City") is the owner and operator of the Merrick Landfill Site located in Merrick Township (the "Landfill Site");

AND WHEREAS the City is authorized to enact by-laws imposing fees or charges for services or activities provided or done by or on behalf of it pursuant to section 391 of the *Municipal Act, 2001* (S.O. 2001, c.25);

AND WHEREAS the City is authorized to regulate and inspect the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind;

AND WHEREAS the Council deems it desirable to regulate the disposal of garbage by way of landfill bans, recycling and home composting systems;

AND WHEREAS Notice of the Public Meeting in the matter of current waste management fees and charges was given as required by Ontario Regulation 244/02 made under the *Municipal Act, 2001* (S.O., 2001, c.25) by advertisement in the North Bay Nugget on the 14th day of March, 2009 and the 21st day of March, 2009;

AND WHEREAS a Public Meeting under the *Municipal Act* in the matter of the current waste management fees and charges was held on the 6th day of April, 2009

AND WHEREAS by Engineering & Works Committee Report No. 2009-02 passed at its Regular Meeting held on Tuesday, April 14, 2009 Council authorize a by-law to increase the current fees and charges in place for waste management.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS:

In this By-law,

- (a) "Garbage Area" means that all lands within the boundaries of the City of North Bay as approved by the Ontario Municipal Board for a special charge for garbage collection.
- (b) "Landfill Site" means the Merrick Landfill Site located at Lots 11 and 12, Concession 4, in the Township of Merrick and designated as Part 1, on Reference Plan 36R-9691.
- (c) "Multi-Residential Building" means a building with a single municipal address having more than three (3) residential dwelling units which is principally used or held out to be used for apartment or townhouse accommodation and excluding any building used or held out to be used for hotel or motel accommodation but shall include a mobile home park where each mobile home is served by individual hydro service, the units are permanently occupied and are in excess of thirty (30) feet in length.
- (d) "Solid Waste" means discarded materials which:
 - (i) Are in a solid physical state, as determined by the "slump test" prescribed by the regulations passed under the provisions of the *Environmental Protection Act*; and
 - (ii) Do not contain any of the unacceptable substances or materials set forth in Schedule "D" to this By-law.

- (e) "Recyclable Materials" means newsprint, old corrugated cardboard, box board, fine paper, narrow mouth containers meeting plastic specifications, steel and aluminum cans, clear and coloured glass and such other materials as may be designated by the Director of Engineering, Environmental & Works from time to time.

2. COLLECTION TIMES:

- (1) No person shall leave solid waste at the curbside for collection sooner than 6:00 p.m. on the day preceding the day of collection or later than 7:00 a.m. on the day of collection.
- (2) The Director of Engineering, Environmental & Works is authorized to fix dates for the collection of solid waste from time to time and to publish notice thereof at least once in a newspaper having general circulation in the City.
- (3) In the event that solid waste has been left at curbside for collection and all or any portion of the solid wastes have not been collected prior to 8:00 p.m. on that date, the solid waste shall be immediately removed from the curbside by the owner or occupant of the self-contained residential unit from which the waste originated.
- (4) Garbage and ashes will be collected within the garbage area of the City of North Bay,
 - (a) once weekly from all residential properties; and
 - (b) twice weekly from all commercial and institutional properties.
- (5) No person shall leave solid waste at curbside for collection except on such dates as are approved pursuant to this section.
- (6) "Curbside Collection" applies to single family dwellings, semi-detached units and up to nine (9) dwellings units per building.

3. CURBSIDE COLLECTION OF RECYCLABLE MATERIALS:

- (1) The occupants of each self-contained dwelling unit within the Garbage Area which receive curbside collection in the City of North Bay shall be permitted, in accordance with this section, to leave recyclable materials at the nearest adjoining curbside for collection once every second week according to a schedule fixed by the Director of Engineering, Environmental & Works.
- (2) Notwithstanding subsection (1), the occupants of buildings in which there are three (3) or more self-contained dwelling units shall only leave solid waste at curbside for collection if the solid waste is left at a common point on the curbside.
- (3) Recyclable Materials left at curbside for collection shall have been placed within the container commonly known as a "Blue Box" or within such other container as may be approved by the Director of Engineering, Environmental & Works from time to time.
- (4) Recyclable Materials shall be separated from any Solid Wastes left at curbside for collection.
- (5) No person shall pick over, interfere with, disturb, remove or scatter any garbage or recyclable materials set out for collection. This clause shall not prevent, at any time, the collection of garbage, recyclable materials or other materials by persons authorized to do so by The Corporation of the City of North Bay.

4. CURBSIDE COLLECTION OF SOLID WASTE:

- (1) Solid waste left at curbside for collection shall be within one (1) or more of the following containers:
- (a) An opaque bag constructed of plastic or other flexible material, having the following dimensions,
- | | |
|-------------------------|-------------------|
| Minimum thickness: | 1.5 millimetres |
| Maximum volume: | 0.15 cubic metres |
| Maximum mass when full: | 15 kilograms |
| Minimum volume: | 0.08 cubic metres |
- or,
- (b) Any other opaque receptacle or container, other than a bag, having sufficient structural integrity to hold the solid waste, and having the following dimensions:
- | | |
|-------------------------|-------------------|
| Maximum volume: | 0.15 cubic metres |
| Maximum mass when full: | 15 kilograms |
| Minimum volume: | 0.08 cubic metres |
- (c) Corrugated, cardboard boxes shall not be a permitted receptacle except in the Downtown Improvement Area.
- (2) (a) The total number of containers placed at curbside for the collection of solid waste shall not exceed three (3) per week from each self-contained dwelling unit.
- (b) The total number of containers placed at curbside for the collection of solid waste from non-residential premises shall not exceed six (6) containers twice per week.
- (c) Collection from any multi-residential building having more than two (2) dwelling units but fewer than ten (10) dwelling units shall consist of not more than twenty (20) receptacles or bundles which comply with Section 4 of this by-law.
- (d) Collection from any multi-residential building having ten (10) to twenty (20) dwelling units shall consist of one (1) lift per week of one 4 cubic yard container placed and maintained on the site in a location and a manner and on terms satisfactory to the Director of Engineering, Environmental & Works.
- (e) Collection from any multi-residential building having twenty-one (21) to fifty (50) dwelling units shall consist of one (1) lift per week of one 6 cubic yard container placed and maintained on the site in a location and a manner and on terms satisfactory to the Director of Engineering, Environmental & Works.
- (f) Collection from any multi-residential building having fifty-one (51) to seventy-five (75) dwelling units shall consist of two (2) lifts per week of one 6 cubic yard container placed and maintained on the site in a location and a manner and on terms satisfactory to the Director of Engineering, Environmental & Works.
- (g) Collection from any multi-residential building having more than seventy-five (75) dwelling units shall consist of three (3) lifts per week of one 6 cubic yard container placed and maintained on the site in a location and a manner and on terms satisfactory to the Director of Engineering, Environmental & Works
- (h) Any owner entitled to the minimum level of container collection service as set out in subsection (d), (e), (f) and (g) who desires a higher level of service may release the City from providing the

minimum level of service by so advising the Director of Engineering and Environmental Services in the prescribed form.

- (i) Notwithstanding that the City is released from providing the minimum level of service pursuant to subsection (h), the City shall,
 - (i) maintain payment to the prime City Contractor of the amount otherwise payable for the minimum level of service;
 - (ii) monitor the service being provided to any owners from time to time to determine whether the service provided otherwise conforms to this By-law; and
 - (iii) provide the minimum level of service upon request of the owner in the prescribed form on fifteen (15) days notice.
- (j) The Collector shall follow such routes as approved by the Director of Engineering, Environmental & Works and conform with all instructions from him.

- (3) Where solid waste cannot be fit into the containers described in subsection (2) because of the size and shape of the solid waste, it may be left at curbside for collection if it is securely bound into one or more bundles and if the bundles have the following dimensions:

Maximum Volume	0.15 cubic metres
Maximum Mass	15 kilograms
Maximum Length	1 metre
Maximum Width	1 metre
Maximum Height	1 metre

Each such bundle shall be deemed to be a container for the purpose of subsection (3), and the bundles shall not be stacked to a height exceeding one (1) metre.

- (4) No person shall leave ashes for collection unless the ashes are cold and placed in metal containers having a capacity of not greater than fifty (50) litres or zero point zero five (0.05) cubic metres which container shall have a watertight cover.

5. HOME COMPOSTING:

- (1) In this section,
 - (a) "Compost" means discarded organic material commonly referred to as compost, and includes leaves, grass clippings and kitchen waste.
- (2) The occupants of each self-contained dwelling unit in the City of North Bay shall be entitled, in accordance with this section, to keep and maintain containers and piles of non-putrid compost.
- (3) No container or pile of compost shall have a volume greater than two (2) cubic metres.
- (4) Compost shall consist of plant material only, and shall contain no animal matter.
- (5) Notwithstanding subsection (2), no person shall keep or maintain any container or pile of compost unless:
 - (a) There is individual rear yard space, appurtenant to the self-contained dwelling unit, and the container or pile of compost is situated on such individual rear yard space; or

- (b) There is side yard space of at least eight (8) feet in perpendicular width appurtenant to the self-contained dwelling unit on which side yard does not abut the living accommodation of the dwelling unit and the container or pile of compost is situated in such side yard common area.
- (c) The self-contained dwelling unit is situated within a building containing three (3) or more self-contained dwelling units, there is a rear yard common area appurtenant to the building and the container or pile of compost is situated in such rear yard common area.

6. GENERAL PROVISIONS:

- (1) No person shall deposit any material in any landfill site owned by The Corporation of the City of North Bay except according to the terms of this by-law.
- (2) No person shall place any material out for curbside collection within the City of North Bay except as may be expressly permitted in this by-law.
- (3) No person shall keep or maintain any container or pile of compost or any other decaying organic material on any property within the City of North Bay except as may be expressly permitted in this by-law.
- (4) Subsections (1) and (3) shall not apply to The Corporation of the City of North Bay or any of its employees or agents while in the course of their duties as such.
- (5) No person shall leave or deposit any solid waste on any land in the City or North Bay except as expressly permitted by this by-law.

7. GENERAL NUISANCE:

- (1) No person shall permit any solid waste to be blown or dropped from their premises or of from their vehicle onto a public lane, highway or public highway in the City of North Bay.
- (2) No person shall pick over, disturb or scavenge any bundle, paper or articles placed at the curbside for removal except the collector appointed by North Bay City Council.
- (3) No person employing or using trucks, graders or loaders for excavation for public purposes or for conveying earth, solid waste, rubbish or other materials from such excavations, or road works, or from any other place shall permit earth, solid waste, rubbish or other material to remain on a public highway.
- (4) Any person employing or using trucks as set out in paragraph (3) shall employ such sweepers, workers or other means as may be necessary to keep all pavement and sidewalks in a clean condition and free from earth, material causing dust or any other material.
- (5) No person shall:
 - (a) allow garbage, solid waste, or other refuse to accumulate upon any premises;
 - (b) keep a garbage dump or receptacle for solid waste on their premises in such condition or in such location that the same is a nuisance or emits foul or offensive odours or harbours or attracts rats or other vermin;
 - (c) keep a garbage dump;

- (d) keep a receptacle for solid waste except in conformance with this by-law;
 - (e) dispose of the body of a dead animal in such a way as for it to become a nuisance.
- (6) The owner of any multi-residential building shall ensure that garbage is placed within the container prescribed by this by-law and that any garbage which cannot be disposed of within the terms of this by-law shall be disposed of by the owner at his expense.
 - (7) No person shall deposit any materials in the Merrick Landfill Site except as may be expressly permitted in this by-law.
 - (8) No person shall leave or deposit at the landfill site any appliance which contains or is intended to contain a refrigerant substance other than in the location so designated by the Director of Engineering, Environmental & Works.

8. LANDFILL SITE – ACCESS AND USE / TIPPING FEES:

- (1) Subject to subsection (2), no person shall deposit or cause to be deposited any waste in or about any landfill site owned by The Corporation of the City of North Bay except waste originating from the City of North Bay or the Municipality of Callander.
- (2) Subsection (1) does not apply to any person who is authorized under a subsisting agreement with The Corporation of the City of North Bay for the receipt of waste from lands within the Townships of Blyth, Lyman, Notman (Tilden Lake), Merrick or Stewart (Little Tomiko Lake).
- (3)
 - (a) Any person depositing solid waste at the Landfill Site, except the City, its employees or agents while in the course of their duties as such, shall pay the tipping fees set forth in Schedule “A” to this by-law.
 - (b) The Director of Engineering, Environmental & Works shall establish an accounting system for the payment of tipping fees, either at the Landfill Site or by prior contract and either by prior deposit or invoice.
 - (c) In the event that scales are not in place or are out of service, then the tipping fee shall be based upon the weight estimate of the Landfill Site Inspector appointed by the City, subject to an appeal, after payment in full, to the Director of Engineering, Environmental & Works.
- (4) No person shall use the Landfill Site except in compliance with the rules set forth in Schedule “C” to this by-law.
- (5) No load containing solid waste shall be admitted to the Landfill Site unless it is covered or otherwise securely bound.

9. ADMINISTRATION:

- (1) The Director of Engineering, Environmental & Works shall establish and provide a system for the collection and removal of solid waste in accordance with the terms of this by-law within the “garbage area” of the City of North Bay.
- (2) The Director of Engineering, Environmental & Works shall establish and provide a system for the disposal of solid waste in accordance with the terms of this by-law and the current Certificate of Approval issued under the *Environmental Protection Act*.

- (3) The Director of Engineering, Environmental & Works and his authorized delegates shall administer and enforce the provisions of this by-law.

10. PENALTIES:

- (1) Every person who,
- (a) Does any thing which is prohibited by this by-law;
 - (b) Fails to comply with any order or direction given by a municipal official pursuant to this by-law;
 - (c) Otherwise contravenes any provision of this by-law,
- is guilty of an offence and upon conviction is liable to pay a penalty recoverable under the provisions of the Provincial Offences Act.
- (2) (a) Any person who deposits any waste at the Landfill Site contrary to this by-law may, in addition to any other penalties which may apply, be suspended from further access to the Landfill Site for any purpose by the Director of Engineering, Environmental & Works by written notice setting out the grounds for the suspension subject to a hearing before the Council to be held pursuant to the *Statutory Powers Procedure Act*.
- (b) The Council shall consider whether the suspended person will continue to contravene the by-law and may maintain or revoke the suspension subject to such conditions as it may determine.
- (3) Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit any pay a penalty of not more than Five Thousand (\$5,000.00) Dollars, exclusive of costs and such fine is recoverable under the *Provincial Offences Act*.

11. This by-law comes into effect as of the 1st day of May, 2009.

12. By-law No. 2008-86 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS 14TH DAY OF APRIL, 2009.

READ A SECOND TIME IN OPEN COUNCIL THIS 14TH DAY OF APRIL, 2009.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED THIS 14TH DAY OF APRIL, 2009.

"original signature on file"
MAYOR VIC FEDELI

"original signature on file"
CITY CLERK CATHERINE CONRAD

THIS IS SCHEDULE "A" TO BY-LAW NO. 2009-56 OF THE CORPORATION OF THE CITY OF NORTH BAY

TIPPING FEES

- 1) The City of North Bay shall charge on a per metric tonne basis or flat fee basis the following rates for waste or other materials disposed of at the Merrick Landfill Site (Tonne – Metric).
- 2) Where wastes/materials may be classified into more than one of the following categories the waste/material shall be deemed to fall within that category with the higher applicable tipping fee.

CLASSIFICATIONS	EFFECTIVE DATE
WASTE	MAY 1, 2009
a) Solid waste from industrial, commercial and institutional sources	\$68.00/tonne (\$20.00 load minimum)
b) Solid waste from municipal collection	nil
c) Sludge from the North Bay Sewage Treatment Plant	nil
d) Clean fill free of contaminants	nil
e) Contaminated fill in compliance with ON. Reg. 347 (Quantities up to 2499 tonnes/project)	\$20.00/tonne
f) Contaminated fill in compliance with ON Reg. 347 (Quantities + 2500 tonnes/project)	\$16.00/tonne
g) Organics free of contaminants and not requiring processing (chipped wood, grass and leaves)	nil
h) All private vehicles, solid waste in small quantities (equivalent to 6 bags or less)	\$5.00/load
i) All private vehicles with quantities exceeding 6 bags	\$20.00/load
j) Appliances containing refrigerant substances (any untagged appliance requiring tagging)	\$25.00 each + applicable tipping fee
k) Processed biomedical waste	\$100.00/load + applicable tipping fee
l) Commercial loads containing asbestos (exceeding 6 bags)	\$200.00/load + applicable tipping fee
m) Whole tires free of rims	
i) Tires – rim diameter of 16 inches or less (1 to 9 quantity)	\$2.00 each + vehicle fee
ii) Tires – rim diameter of 16 inches or more (10 or more)	\$225.00/tonne (\$20.00/load minimum)
iii) Tires – rim diameter greater than 16 inches (any quantity)	\$225.00/tonne (\$225.00/load minimum)

- | | | |
|-----|---|---|
| iv) | Tires – (any size and any quantity split and cut into quarters) | \$110.00/tonne
(\$110.00/load minimum) |
| n) | Annual pass for non-resident private vehicles | \$50.00 per year |

CLASSIFICATIONS

EFFECTIVE DATE

VEHICLE

MAY 1, 2009

- | | | |
|----|--------------------------------------|--|
| o) | All commercial vehicles | Charged on a per weight basis @ applicable tipping fee |
| p) | All private vehicles | Charged on a flat fee basis |
| q) | Vehicles with a valid window sticker | nil |
- 3) The above fees shall be payable prior to depositing any solid waste at the landfill site or in accordance with the accounting system established pursuant to Section 8(3)(b).
- 4) Where any waste originating from an unauthorized area outside of the City of North Bay or the Municipality of Callander is accepted, the minimum fee shall be \$20.00/day (N.B. – no small quantity exceptions).

TIPPING FEES

- 1) The City of North Bay shall charge on flat fee basis the following rates for organic waste material disposed of at the Organic Drop-Off Centre (112 Patton Road).

CLASSIFICATIONS	EFFECTIVE DATE
ORGANIC WASTE	May 1, 2009
a) Commercial Vehicle Organics (equivalent 8 bags or less)	\$5.00/load
b) Commercial Vehicle Organics (9 bags or ½ tonne truck)	\$20.00/load
c) Commercial Vehicle Organics (½ tonne truck / van with trailer)	\$40.00/load

THIS IS SCHEDULE "C" TO BY-LAW NO. 2009-56 OF THE CORPORATION OF THE CITY OF NORTH BAY

LANDFILL SITE RULES

The following are the Rules and Regulations which govern the conduct of all those who enter the limits of Merrick Township Landfill Site, and the specialized preparation, (acceptance criteria) and the disposal of permitted waste types.

1. Waste loads entering the site must be tarped or securely tied down which shall be removed at the staging areas and prior to the working face.
2. Contaminated soil and other suspect wastes may be required to undergo an Ontario Regulation 347, Schedule 4, Leachate Toxicity Test and/or slump test to determine its acceptability as a solid non-hazardous waste.
3. Asbestos waste will be accepted for disposal if it is packaged and transported in accordance with Ontario Regulation 347.
4. All drums shall be empty, the tops and bottoms cut off and the drum crushed or flattened, before it will be accepted for disposal.
5. Scrap metal, fuel tanks shall be thoroughly drained, flushed and cut into sections before they will be accepted for disposal.
6. (1) All traffic control directions given by the scale masters or other site personnel shall be strictly observed.
(2) Drivers shall stay with vehicles.
7. All posted traffic signs shall be strictly observed.
8. There shall be no smoking or lit smoking material within the site. For this purpose the site is defined as all lands beyond the entrance gate to the site.
9. All vehicles (unless otherwise directed) shall come to a full stop on the inbound and outbound scales for processing.
10. No person shall scavenge or pick through waste.
11. Children under 14 years of age must remain in the vehicle.
12. No person shall unload garbage from one (1) vehicle for more than thirty (30) minutes in any three (3) hour period.
13. (1) No person shall place solid waste except according to the directions of the landfill attendant.
(2) Recyclable materials, tires and white goods delivered to the Landfill Site shall be deposited by the driver at the designated areas only.
14. No person shall operate a vehicle at more than 20 kilometres per hour where signs are on display.
15. Unless otherwise authorized in writing by the Director of Engineering, Environmental & Works, no person shall enter the Landfill Site when the site is designated to be closed (before 7:30 a.m. and after 5:00 p.m. on weekdays; before 8:00 a.m. or after 5:00 p.m. Saturdays and before 12:00 noon or after 4:00 p.m. on Sundays, Easter to Thanksgiving, or at any time on Sundays, Thanksgiving to Easter).

LANDFILL SITE – UNACCEPTABLE MATERIALS

The following materials are unacceptable for collection and / or disposal without the prior written consent of the Director of Engineering, Environmental & Works:

1. Pathological waste from the industrial, commercial or institutional sectors, as defined and regulated in Regulation 347 under the *Environmental Protection Act*.
2. Biomedical waste.
3. Hazardous waste, as defined and regulated in Regulation 347 under the *Environmental Protection Act*.
4. Liquid waste, as defined and regulated in Regulation 347 under the *Environmental Protection Act*.
5. Appliances containing CFC's or refrigerants.
6. Whole tires.
7. Corrugated cardboard (outside of the Downtown Improvement Area).