

RESORT VILLAGE OF ELK RIDGE

BYLAW NO. 22 OF 2022

A BYLAW RESPECTING COLLECTION, DISPOSAL AND MANAGEMENT OF WASTE AND RECYCABLES

The Council of the Resort Village of Elk Ridge enacts as follows:

TITLE

This bylaw shall be referred to as the "Waste and Recyclable Management Bylaw".

PURPOSE

To protect the health and welfare of the environment and people by the Municipality providing a designated site for the management of the authorized collection, disposal and storage of bagged household waste, business/residential recyclables as well as bins supplied and collected for SARCAN refundable drink containers.

DEFINITIONS

1. In this bylaw:

- (a) "Acceptable recycle materials" means recyclables listed in Schedule "A" to this bylaw;
- (b) "Administrator" shall mean the administrator of the municipality.
- (c) "Building waste" means all waste produced in the process of constructing, altering or repairing a building, including earth, vegetation and rock displaced during the process of building;
- (d) "Collector" shall mean the authorized contractor providing waste/recycling collection services to the Municipality;
- (e) "Container" means a container or bin supplied by the Municipality for the disposal of waste as applied to automated Waste collection;
- (f) "Council" means the council of The Resort Village of Elk Ridge;
- (g) "Recycle Depot" means the designated area that contains household waste bins for use by residents of the Resort Village and Recycle bins for use of businesses and residents, with the collection of such provided by the Municipality as well as bins for

the collection of SARCAN refundable drink containers, the management of which by designated community members;

- (h) "Dangerous Object" shall mean an object or material that presents a health or safety risk to a person such as broken glass, sharp edged tin, exposed syringe.
- (i) "Designated Officer" means a person appointed by the Municipality to enforce this Bylaw and shall include the Administrator and a peace officer.
- (j) "Employee" means any person employed by the Resort Village of Elk Ridge;
- (k) "Garbage" means bagged, household waste that is not recyclable;
- (l) "Hazardous Substance" shall be defined according to the "Environmental Management and Protection Act, 2010"
- (m) "Litter" shall mean any and all waste or material which is blown, discarded, disposed of, dropped, left or placed onto any highway, park, public or private property that contributes to untidiness of the Resort Village;
- (n) "Municipality" means the Resort Village of Elk Ridge.
- (o) "Municipal inspector" means a person appointed pursuant to this Bylaw to act as an inspector for purposes of this Bylaw;
- (p) "Municipal Reserve" shall mean lands that are dedicated as municipal reserves, public reserves, environmental reserve, buffers and includes any other dedicated lands under The Planning and Development Act, 2007, or land that is owned, controlled or is being maintained by the Municipality, and is to include undeveloped road allowance, and untraveled portion of any highway;
- (q) "Occupant" means the occupant of a premises, the lessee or tenant of a premise, or the property management company that holds itself responsible for the maintenance of a premise;
- (r) "Owner" means any person who owns, occupies, or controls land with the Municipality;
- (s) "Peace Officer" means a peace officer as defined in "The Summary Offences Procedure Act, 1990";

- (t) "Person" means any individual, partnership, association, trustee, executor and includes a corporation and the heirs, executors, administrators or other legal representatives of a person;
- (u) "Premises" means a building containing a dwelling unit or number of dwelling units, or place of business or combination thereof, on a separately assessed parcel of land;
- (v) "Property" means a registered parcel of land;
- (w) "Property Maintenance Appeals Board" means a local appeal board established by the Municipality pursuant to The Municipalities Act;
- (x) "Unacceptable waste" means household waste listed in Schedule "A" to this Bylaw;
- (y) "Vegetation" includes all trees, shrubs, plants, flowers, and grass, or all ground cover, whether it is in its wild or natural state, or has been planted;
- (z) "Waste" means any residential solid that is an organic or inorganic material but does not include material or by-products discarded in a manufacturing or producing process; snow; ice; dirt; rocks; rubble; vegetation; recyclable empty tins, paper, boxes, cartons, bottles and containers; discarded household utensils; household furniture; household appliances of any nature; and human excrement;
- (aa) "Waste container" means the containers supplied by the Resort Village of Elk Ridge for bagged, household waste collection and the recycling bin located in the Waste Management Depot. The SARCAN refundable drink container recycling bins are supplied by and collected by designated community members;
- (bb) "Waste Management Depot" means the Municipally approved site for the receiving of recyclables, SARCAN refundables and bagged, household waste;
- (cc) "WMD" means the designated Waste Management Depot;
- (dd) "Yard Waste" means waste generated from residential gardening or horticultural activities

COLLECTION, TRANSPORTATION AND DISPOSAL OF WASTE

2. No owner or occupant of any land or building shall allow waste of any kind to accumulate in or on the land or building, except as may be approved or required by a designated officer.

3. Subject to section 4, no person shall discard, or abandon or cause to be discarded or abandoned or allow to be discarded or abandoned, any waste on any public land or land that is owned by another person.
4. A person who has placed waste contrary to the provisions of this Bylaw shall remove the waste or cause the waste to be removed upon being directed to do so by the owner or occupant of the land, a Medical Health Officer, or a Designated Officer.
5. If the identity of the person who placed waste on the land contrary to the provisions of the Bylaw cannot reasonably be ascertained, the owner or occupant of the land shall remove the waste or cause the waste to be removed upon being directed to do so by a Medical Health Officer or a Designated Officer.
6. The Administrator may approve the use of an approved container for the collection of waste or recyclable material, to be placed within the Municipality for any property, or premises it deems necessary.
7. The Collector shall be responsible for regular container maintenance.
8. The Administrator or the Waste Depot Site Manager shall establish collection dates for the removal of waste and or recyclable material.

TYPES OF WASTE

9. Animal Waste - Animal waste may be disposed of in waste containers at the WMD only if it is double bagged and securely tied.
10. Dusty Waste - Dusty waste such as sawdust, powders, ashes (cooled), vacuum cleaner bags, furnace filters may be placed in waste containers if it is bagged.
11. Medical Waste - Medical waste generated from residential premises may be placed in containers only if the waste is double bagged, securely tied and does not contain medical sharps or pharmaceuticals.
12. Sharp Objects - Sharp objects such as glass, nails, screws, razor blades, knives, metal scraps must be secured in an appropriate container and marked as sharp to prevent possible injury. Medical sharps may not be placed in waste containers.

WASTE MANAGEMENT CENTRE, RECYCLE AND WASTE DISPOSAL

13. No person shall place or allow to be placed in any container designated for recyclable materials, any item that is not approved by the Municipality in accordance with Schedule A.
14. No person shall place or allow to be placed in any waste bin, any item that is listed as unacceptable waste in Schedule "A".
15. No person shall overfill any waste container or recycle bin or leave waste outside of bins.
16. No person shall place, or allow to be placed, any hazardous waste in any waste container or recycle bin.
17. Any unpaid fines or penalties that have been assessed for bylaw infractions shall be added to the person's municipal taxes.
18. No person shall operate on a roadway or highway, a vehicle or combination of vehicle and trailer unless it is so constructed, loaded, or covered as to prevent any of its load from dropping, shifting, leaking, or otherwise escaping therefrom.
19. Should any material, due to any cause whatsoever, fall from the vehicle, the operator shall forthwith take all reasonable precautions to safeguard traffic from the consequences thereof and shall remove such material from the spillage area.
20. No person shall place, throw, deposit or discard on any roadway, highway or Municipal owned or maintained property any rubbish, litter or waste material of any description.
21. No person shall deliver to Waste Management Depot restricted hazardous waste, liquid waste, biomedical waste or other such waste that is unacceptable for disposal in a municipal waste disposal ground as defined by The Environmental Management and Protection Act, 2010 and any regulations made pursuant thereto.
22. No person shall burn any waste or other material within the Municipality without written permission from a designated officer.
23. No waste originating from outside the municipality, other than recyclables that earn deposit rebates at SARCAN, are allowed to be deposited in either waste or recycle bins at the Waste Management Depot.

CONSTRUCTION WASTE

24. It is unlawful to dump, or cause to be dumped, construction waste in any waste or recycle bin or upon a public or private highway or road, including any portion of the right-of-way thereof, or in or upon private property into or upon which the public is admitted by easement or license, or upon private property without the consent of the owner, or in or upon a municipal reserve or other public property other than property designated or set aside for that purpose by the governing board or body having charge of that property.
25. It is unlawful to place, deposit, dump, or cause to be placed, deposited, or dumped, rocks, concrete (wet or dry), asphalt, or dirt in or upon a highway, municipal reserve, including any portion of the right-of-way of the highway, or private property, without the consent of the owner or Municipality.
26. A person convicted on summary conviction of a violation of either section 24 or 25 shall be subject to a fine of not less than five hundred dollars (\$500) for first offence, \$1000 for second offence, of a fine for each additional day of \$250 per day. If the offending person is a business, the mandatory fine shall be not less than one thousand dollars (\$1000) for a first offence, eighteen hundred dollars (\$1800) for second or subsequent offence and of a fine for each additional day of \$250 per day.

RIGHT OF INSPECTION

27. The Administrator and/or designate shall be appointed as the municipal inspectors for the administration of this bylaw.
28. The WMD Site Manager or the Administrator may inspect any waste brought to the WMD, and placed in an approved container, waste container or bin to determine if the waste is acceptable.
29. A person who brings waste to the WMD must either comply with a lawful inspection or must immediately remove the waste from the WMD.
30. No person shall bring waste from outside municipality.
31. Waste inspection could be visual, automated or manual, use of handheld test instruments, and laboratory analysis of the waste in question.
32. When the nature of the waste is unknown or the proper disposal or handling method is in doubt, the waste shall not be accepted at a WMD.
33. When the Municipality determines through inspection that waste is not acceptable at the WMD, the person who delivered the waste must remove the waste within 24 hours of being informed. If the waste is determined to pose an environmental or safety risk, the Municipality may dispose of the waste immediately for a charge to the hauler.

34. When a person does not comply with the Municipality's direction to remove waste within the allowed time, the Municipality may arrange for immediate transport and disposal of the waste and assess a fee to that person or business.
35. When waste delivered to the WMD is determined to be unacceptable, the person who delivered the waste shall be liable for any related costs incurred by the Municipality including:
 - a) Inspection costs;
 - b) Laboratory analysis fees;
 - c) Administrative fees;
 - d) Hauling and disposal costs;
 - e) Facility decontamination.

OFFENCES AND PENALTIES:

36. A person commits an offence against this bylaw who:
 - (a) Allows waste or recyclable material of any kind to accumulate on or in any land or building other than as permitted in this Bylaw;
 - (b) Places or disposes of waste or recyclable material other than as permitted in this Bylaw;
 - (c) Fails to take proper measures to prevent waste or recyclable material from escaping the transporting vehicle;
 - (d) Being the owner or operator of a vehicle used in carrying any waste where that waste is to be deposited upon a highway or municipal reserve from a vehicle, or fails to remove such waste from the highway or municipal reserve;
 - (e) Fails to comply with this bylaw;
 - (f) Obstructs, interferes or fails to comply with a designated officer or municipal inspector.
37. A designated officer may issue an order to comply, pursuant to The Municipalities Act, to any person failing to comply with the conditions of the bylaw.
38. A conviction of failing to comply with an order does not relieve the person convicted from complying with the order.
39. A conviction for a violation of this bylaw does not relieve the person convicted from complying with the bylaw. The convicting judge or justice of the peace may, in addition to any fine imposed, order the person to do any act or work, within specified time, to comply with the bylaw with respect to which the person was convicted.
40. The court may, in default of payment of a fine imposed under this Bylaw, order imprisonment of the individual for a term not exceeding one (1) year.

41. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction to:

(a) in the case of an individual, to a fine not less than \$250 and not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues; and

(b) in the case of a corporation, to a fine not less than \$450 and not exceeding \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues.

42. Notwithstanding section 41, the minimum fine for violating:

(a) Section 3 shall be:

- i. in the case of an individual, a fine of not less than \$500 for a first offence.
- ii. in the case of a corporation a fine of not less than \$1000 for a first offence.

(b) Section: 21 shall be:

- i. in the case of an individual, a fine of not less than \$100 for a first offence.
- ii. in the case of a corporation a fine not less than \$175 for a first offence.

The imposition of any penalty for a violation of this bylaw shall not relieve the person or corporation from complying with this bylaw.

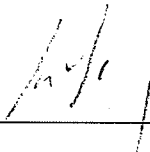
43. Any person or corporation who fails to or neglects to do anything that is required by this bylaw shall be liable for costs incurred by the Municipality for the remedy of any contravention, and such costs may be added to the tax roll of the person or corporation pursuant to The Municipalities Act.

44. If any section, subsection, sentence, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portion of the bylaw.


COMING INTO FORCE

45. This bylaw shall come into force and take effect on final passing thereof.





Mayor



Administrator

Read a third time and adopted
this 12th day of July, 2022.

SCHEDULE "A"

Section 13 — Acceptable recycle material

Newspapers, flyers, inserts, flattened cardboard, box and paperboard, cans, milk cartons, juice cartons, paper, office bond, photocopier paper, paper bags, envelopes, letter paper and computer printouts, telephone books, catalogues, magazines, household tin cans, aluminum cans, plastic shopping/store and grocery bags, plastic soft drink and water bottles, household plastic containers and bottles.

Above items must be free from any soil or contamination and in the case of any container must be rinsed and caps removed. Plastic items must have the recycling arrows with a number 1 through 7 on the bottom.

Styrofoam is NOT acceptable. Broken glass, razor blades, knives, sharp edge tins, nails, screws, metal scraps and other sharp objects that pose a risk to persons, ONLY if placed in an appropriate container marked "SHARP" and placed in a WASTE container.

Section 14 - "unacceptable waste" includes;

Unacceptable waste in a household waste container includes any automobile parts, batteries, building materials, vegetation, fences gates or similar fixtures, dead animals, concrete, grease, liquid waste, hazardous substance such as bio-medical waste/syringes, flammable substance such as gasoline/propane, paint/stains or rags used for painting/staining, aerosol cans, furniture, major appliance, oil, propane tank, paint, sod/vegetation, soil, tires, items over 1 meter in length and shall also mean any object or material that presents a health or safety risk to a person such as broken glass, razor blades, sharp edged tins, unless such objects are contained in appropriate container marked "SHARP". Used syringes are NOT acceptable at this time.