

# CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT

## BY-LAW NO. 46-03

BEING A BY-LAW TO ESTABLISH, MAINTAIN AND OPERATE A WASTE MANAGEMENT SYSTEM AND TO REPEAL ALL PREVIOUS BY-LAW'S GOVERNING ANY ASPECT OF COLLECTION AND DISPOSAL OF GARBAGE.

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WHEREAS Section 11(1)(3) of the Municipal Act, 2001, as amended, authorizes single tier municipalities to pass by-laws respecting waste management, and

WHEREAS the Council of the Municipality of Sioux Lookout deems it necessary and expedient that regulations be made for establishing, maintaining and operating a system for the collection of garbage and other refuse, and the removal and disposal thereof, for regulating type, size and location of garbage receptacles within the limits of the Municipality of Sioux Lookout, and to direct that the expenses of the said collection and disposal shall be recovered by a "User Pay" system;

NOW THEREFORE, the Council of The Corporation of the Municipality of Sioux Lookout ENACTS AS FOLLOWS:

1. THAT, In this By-Law:
  - a) "Ashes" means the solid residue of any kind of fuel remaining after burning including soot and any other chimney deposits, at any household, business or institution.
  - b) "Attendant" shall mean the person assigned by the Municipality from time to time to carry out the duties of landfill attendant.
  - c) "Commercial Waste" shall mean any matter resulting from the operation and maintenance of business.
  - d) "Compacted Garbage" shall mean garbage that has been compressed by mechanical or other means.
  - e) "Contaminated Soil" shall mean soil which has been exposed to, contains, is saturated with or is in any other way polluted with a foreign element which the Ministry of the Environment has directed be disposed of in a sanitary landfill.
  - f) "Corporation" or "Municipality" means the Corporation of the Municipality of Sioux Lookout.
  - g) "Domestic Waste" shall mean waste material resulting from the operation and maintenance of a dwelling.
  - h) "Dwelling" means any building or other structure occupied or used as a place of abode, other than a hotel or restaurant, or an apartment house, tenement or building that contains fewer than five separate residences [five-plex]. A dwelling of five residences or greater will be classified as a commercial enterprise for the purpose of garbage collection and disposal.
  - i) "Edge of Road" means the edge of the traveled portion of the street or edge of a hard surface where curbs are not provided.
  - j) "Garbage" means any waste materials from dwellings, institutions, and commercial enterprises including restaurants; vegetable and animal wastes from groceries, markets and other food establishments; discarded wearing apparel, rags, celluloid and straw, glass crockery and earthenware; household litter and trash. It does not include ashes; discarded furniture and household appliances; wood and metal scrap; trimmings from shrubs and trees and yard or garden waste; manure or night soil; or recyclable materials.

- k) "Garbage Collector" means and includes:
- i. Any employee of The Corporation assigned to collect and dispose of garbage and other refuse.
  - ii. A contractor, including its employees, engaged by The Corporation for the collection and disposal of garbage and other refuse.
- l) "Householder" means the owner, occupant, lessee, tenant or other person in charge of a dwelling, hotel, restaurant, apartment house, office building, shop or store, public institution or other premises.
- m) "Landfill Card" means a card that is sold by the Corporation or its agents that is purchased by the householder in order to access or place materials at the Municipal landfill site.
- n) "Lane" means a traveled roadway with approximately 6.1 m right-of-way owned by the Corporation.
- o) "Manufacturer and Trades Waste" means any abandoned, condemned or rejected product or the waste from any products or by-product used by a manufacturer, builder or contractor in the operation of their business or trade, and scrap metal and motor vehicle parts from garages and service stations.
- p) "Non-Collectable Waste" means any waste other than "garbage" or "refuse" and without limiting the generality of the foregoing shall include:
- i. manufacturing waste or industrial waste;
  - ii. explosives and any highly flammable or volatile substances of any nature whatsoever;
  - iii. liquid or gaseous wastes;
  - iv. infected materials including dressings or bandages;
  - v. organic materials including swill which has not been drained of all liquids and wrapped;
  - vi. carcasses or parts thereof of any animal or other creature, except kitchen and table waste from a household.
  - vii. hay, straw, manure, and excreta;
  - viii. any materials which have become frozen to a waste receptacle and cannot be removed therefrom by shaking at the time of collection;
  - ix. stock of any wholesaler, retailer, or merchandiser;
  - x. broken plaster, lumber, broken concrete, excavated material or other waste resulting from the construction, alteration, repair, demolition or removal of any building or structure;
  - xi. discarded trucks, automobiles and other vehicles and the parts thereof or accessories thereto, including tires;
  - xii. caustics and acids;
  - xiii. poisons, pesticides and herbicides;
  - xiv. septic tank pumping, raw sewage sludge and industrial process sludge;
  - xv. tree trunks and stumps;

- xvi. asbestos in solid or liquid form resulting from the removal of asbestos containing construction or insulation materials or the making of asbestos-containing products containing asbestos in more than a trivial amount or proportion;
  - xvii. sawdust or wood shavings;
  - xviii. celluloid cuttings, film, petroleum-soaked rags;
  - xix. explosive or easily combustible substances;
  - xx. sharps including but not limited to broken glass, needles, blades and knives.
- q) "Occupant" includes any lessee, tenant, householder, owner or any person in charge of any "premises" as hereunder defined.
  - r) "Other Approved Materials" shall mean all other materials not within the definition of garbage which have been approved of by the Attendant as being material which does not form a health hazard or have a deleterious effect on the operation of the landfill. The Attendant shall have the sole right to determine whether material is approved or otherwise.
  - s) "Pick up Point" means that place, area or point on or adjacent to, the householder's property from which garbage will be collected by the garbage collector.
  - t) "Premises" includes any building, place, dwelling place, room or rooming house, apartment, hotel, motel, restaurant, shop, store, office, shopping centre, parking lot, vacant lot and any other property which is under separate occupation or control.
  - u) "Recyclable Material" includes clean white paper, magazines, newspaper, steel and aluminum cans, plastic containers, phone books, and such other materials as may from time to time be approved by Council as recyclable materials.
  - v) "Refubag" means plastic bags manufactured specifically for use as garbage disposal bags acceptable to the Corporation, and measuring approximately 660 mm by 910 mm, but no less than 450 mm x 900 mm.
  - w) "Regulation Bag Tag" means a tag that is sold by the Corporation or its agents that is purchased by the householder and applied intact to each bag for pick-up by the garbage collector.
  - x) "Street" means any public highway, road, street, lane, square, place, thoroughfare, walk or way within the Corporation.
  - y) "Swill" shall mean the undrained refuse resulting from the operation of any premise, and without restricting the generality of the foregoing, shall include any non-solid refuse from restaurant, hotels, hospitals and nursing homes.
  - z) "Waste" means any discarded material including:
    - i. garbage, as defined herein;
    - ii. refuse, including garden cuttings, leaves, twigs, branches, brush, tree limbs, and shrubs; and

iii. rubbish meaning weighty or bulky materials or articles, and without limiting the generality of the foregoing, includes such items as stoves, refrigerators, rugs, furniture, non-collapsible boxes, crates and barrels, bath tubs, water tanks; bicycles, tires, fence and wash line posts, and any other materials and articles which would normally accumulate at a dwelling and are not included in "Garbage" or "Refuse" but does not include "Non-collectable waste".

aa) "Waste Generator" means occupant, tenant, renter or owner of the dwelling within the Municipality or any institutional, commercial or industrial enterprise that produces waste.

bb) "Waste Receptacle" means a suitable device for holding the refuse in such a manner as to permit its use as a receptacle and shall be equipped with a hinged cover and includes garbage cans in good condition and fitted with a tight lid. All portable receptacles are to be acceptable to the Municipality.

2. THAT the Corporation may contract for the collection and disposal of all waste within the Municipality of Sioux Lookout, upon such terms and conditions and at such price or prices as may appear reasonable to the Corporation.
3. THAT all waste within the limits of the Municipality of Sioux Lookout, except as hereinafter mentioned, shall be collected, removed and disposed of by the garbage collector or other service engaged to collect same, and the expenses of collecting and disposing of such garbage and other refuse shall be paid by the waste generator.
4. THAT no person shall sweep, throw, cast, lay, deposit, direct, suffer or permit any servant, agent or employee to sweep, throw, cast, lay or deposit any ashes, garbage, dirt, stones, or refuse of any kind whatsoever in or upon any streets or roads within the Municipality of Sioux Lookout.
5. THAT no person shall permit the accumulation of ashes, waste or other refuse, or any swill or liquid waste, upon their premises or upon premises occupied or controlled by them, the existence of which is likely to be detrimental to the public health.
6. THAT no person shall pick over, disturb, remove or scatter any ashes, garbage or other refuse placed for collection or disposal by a householder in accordance with the provisions of this By-Law whether the same is contained in a receptacle or not.
7. THAT notwithstanding anything in this By-Law, no person shall place for collection any material, substances or object which may or is likely to burn, detonate or explode as a result of improper handling or exposure to weather.
8. THAT no person shall place a permanent waste receptacle between the edge of the road and the householder's property line, i.e. not on the Municipal right-of-way or boulevard.
9. THAT all waste receptacles shall comply with the following:
  - a) Every householder using a waste receptacle shall provide and maintain in good repair receptacles in sufficient number to hold all garbage or other waste produced or emanating from their premises, and such waste receptacles shall be kept on a portion of the householder's premises.
  - b) All waste receptacles shall have a tightly fitting hinged lid or cover of non-corroding material, be equipped with proper carrying handles and be constructed and maintained to adequately contain and protect the material placed therein, and in all cases, shall be acceptable to the Municipality.

10. THAT notwithstanding the above, the following shall also apply:

- a) The occupant shall place waste receptacles at the curbside on the day of the collection, and shall remove same from the curbside following pick-up of wastes on the same day. Receptacles shall not be allowed at the curbside overnight.
- b) All wastes placed into receptacles shall be contained in refubags which shall be affixed with a regulation bag tag when the receptacle is placed at the curbside.
- c) Occupant shall store the waste receptacle immediately adjacent to their residence, or a legal accessory building thereto.
- d) A refubag that contains waste shall not weigh more than 40 pounds or 18 kilograms.
- e) Waste and other refuse placed for collection shall be drained of all liquid matter before placed in a receptacle and all table and kitchen waste shall be well wrapped in paper and placed in a refuse bag. A regulation bag tag must be applied to each bag and/or cardboard carton for broken glass in a manner in which the tag is clearly visible and cannot be removed.
- f) Refubags shall be sealed by tying a knot at the top of the plastic bag and applying regulation bag tags intact around the bag below the knot in a fashion so that the tag is clearly visible and cannot be removed.
- g) Any ashes shall be completely extinguished, cold and placed into a sealed container.

11. THAT recyclable materials shall be handled as follows:

- a) All recyclable materials shall be separated from the waste stream and placed into separate approved containers for pick-up by the Corporation or a contractor retained by the Corporation.
- b) All materials identified as recyclable by Council from time to time, must be recycled and will not be picked up as garbage.
- c) Occupants shall place all separated residential recyclable bags at the curbside prior to 8:00 a.m. on the day of collection.

12. THAT the collection of waste shall be undertaken as follows:

- a) The Utilities Manager shall, from time to time, name one or more days in each week for the collection of waste and other refuse from premises within the Municipality or in any defined areas thereof.
- b) Collection shall be made by the Corporation or its contractor once each week per dwelling between the hours of 8:00 a.m. and 5:00 p.m.
- c) The owner/operator of any institutional, commercial or industrial enterprises including residential complexes of five or more units shall be responsible for the collection and disposal of waste generated. The terms are:
  - i) That Industrial, Commercial and Institutional garbage collected by private or individual contractors will be accepted at the Landfill Site.
  - ii) That recyclables and cardboard generated from Industrial, Commercial and Institutional shall be prohibited from disposal at the Municipal Landfill Site
- d) Commercial Waste pick-up/removal shall be allowed without restrictive hours.

- e) Every householder shall place all waste at the pick up point no later than 8:00 a.m. on the day fixed for collection.
- f) No Collection shall be made on the following holidays:
 

New Years Day	Labour Day
Good Friday	Thanksgiving Day
Victoria Day	Christmas Day
Dominion Day	Civic Holiday
Boxing Day	Remembrance Day

Collection missed on a holiday shall be made the following working day.

- g) Hours of operation at the Landfill Site shall be established from time to time by Council resolution.
- h) i. The pickup points for householders that must use lane access for safety reasons as determined by the Utilities Manager will be at one edge of the lane right of way.
- ii. The pickup point for householders with and without lane access will be at the edge of the traveled portion of the road (i.e. edge of shoulder) or curbside where curbs exist.
- iii. All householders must provide an adequate path so that the receptacle is accessible all year round.
- i) No Garbage Collector shall:
  - i) In the case of residential pickup, enter private property; or
  - ii) In the case of commercial pickup, enter any dwelling, hotel, apartment or retail business for the purpose of carrying out or returning thereto any receptacle.

13. THAT the location of waste to be collected shall be as follows:

- a) No person shall place waste out for collection except in accordance with this Section.
- b) No householder shall store waste and/or refuse, except in approved receptacles placed in a location described herein and which is not a nuisance to any neighbor;
 

The Utilities Manager may determine where approved receptacles shall be located and his determination shall be final.
- c) The Sioux Lookout waste collection system is a "roadside collection service" for collection at ground level and all waste shall be placed for collection in accordance with the following:
  - i) Roads with concrete curbs
    - garbage shall be placed directly behind the curb
  - ii) Roads with concrete sidewalks tightly abutting the curb
    - garbage shall be placed directly behind sidewalk on the property owners side
  - iii) Roads with boulevards between sidewalks and curbs
    - garbage shall be placed directly on the boulevard behind the curb
  - iv) Roads with asphalt gutter and asphalt shoulder
    - garbage shall be placed on edge of asphalt shoulder

- v) Roads with gravel shoulders
  - garbage shall be placed directly on road shoulder
- vi) Where back lanes must be used for the safety of the collection person or the vehicle may be at risk, the collection point will be assigned by the Utilities Manager to one side of the lane to cover both sides.
- d) No person shall place garbage or refuse to impede or obstruct pedestrian and/or vehicular traffic or maintenance operations.

14. THAT the Garbage Collector shall not collect the following:

- a) Refubags weighing more than 40 lbs or 18 kg. The collector will attach a "tag" to the bag explaining reason for non-pick-up.
- b) Any non-collectable waste;
- c) Any collectable waste from waste receptacles or waste containers that are inaccessible to the collectors;
- d) Any collectable waste not placed for collection as stipulated in Section 14;
- e) Any collectable waste in a waste container not situated in a location approved by the Utilities Manager;
- f) Any waste that is not deposited according to the requirements set out by this By-Law;
- g) Any waste that has been scattered and strewn about. The clean-up of such waste shall be the responsibility of the occupant or the person who set out the waste for collection purposes.

15. THAT Industrial, Commercial and Institutional waste shall be stored and maintained on all premises in accordance with the following:

- a) Occupants will cover waste receptacles to prevent the scattering of loose waste, the ingress and egress of flies, the escape of offensive odors, and at all times, shall be kept in a proper, clean, and sanitary condition. All waste from the preparation of food shall be drained and thoroughly wrapped before being placed in the receptacle;
- b) Waste receptacles shall be kept in proper sanitary condition as described in Section (a) above. The pick up area shall be kept clear of ice, snow, motor vehicles or any other obstruction so that convenient access is provided for the collector;
- c) Non-collectable waste shall not be placed with waste that has been placed for normal collection;
- d) Where private collection is utilized at residential buildings, schools, hospitals, places of business and other institutions, properly constructed and maintained waste containers are acceptable for the storage of garbage and/or refuse until it is collected privately. However, such waste container shall:
  - i. Be constructed of metal or other material approved by the Director of Operations;
  - ii. Be leak-proof;
  - iii. Preclude the ingress or egress of flies or the escape of odors therefrom;
  - iv. Be of acceptable appearance and painted to the satisfaction of the Utilities Manager;

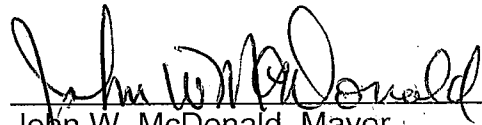
- v. Be kept in a clean and sanitary condition;
  - vi. Be emptied frequently enough so as not to be allowed to overflow; and
  - vii. Be placed on private property in a location satisfactory to Municipal staff or Council or be placed on any street or public property only with the express written permission of Council
16. THAT fees or other charges shall be established for the collection and disposal of certain items as determined from time to time by Council resolution.
17. THAT,
- i. Manufacturer or trade waste shall not be collected by the Corporation but shall be removed or disposed of by the owner or person responsible therefor in such manner as the Municipality may deem and all costs, and expenses incurred or necessitated in disposing of same in accordance with Municipal regulations; Shall be borne by the owner or person responsible.
  - ii. Where any expense is incurred by the Municipality in arranging for the disposal of any manufacturer or trade waste for which a manufacturer, builder, contractor, or other person is responsible, such person shall forthwith pay to the Municipality the amount of the expense so incurred.
18. THAT no person shall remove or convey, or cause or permit to be removed or conveyed, any waste, non-collectable material, or liquid material upon or along any public street or any other public place within the Municipality except in vehicles with properly covered, leak-proof containers or properly covered with tarpaulins or canvas, so fastened down around the edges so as to prevent any of the contents falling therefrom.
19. THAT an owner, lessee, tenant or other person in charge of a hotel, apartment block, tenement, shop, store or public institution shall make arrangements with a private contractor and at his own expense for the collection and removal of waste.
20. THAT the occupant of any dwelling or structure is responsible for the disposal of non-collectable waste in accordance with Municipal and Provincial regulations made under the Environmental Protection Act.
21. THAT any person convicted of a violation of any of the provisions of this By-Law may lose garbage pick-up or incur a penalty, or both, and such penalty, at the discretion of the Judge, shall not exceed the sum of Five Thousand Dollars [\$5000.00] (exclusive of costs) for each offense, and such penalty shall be recoverable under the provisions of the Provincial Offences Act.
- In addition to any penalty prescribed by Section 21, at the discretion of the Utilities Manager, any person in violation of the provisions of this By-Law may lose municipal garbage pick-up services.
22. THAT where waste is not collected for any reason or reasons and is left by the Occupant to cause untidy or unsanitary condition, and if after a demand in writing by the Corporation it is not removed, the work necessary to remove it shall be performed by the Corporation, and failing payment by the Occupant within ten (10) days after notice in writing of the cost of such work, the cost may be recovered from the Occupant.
23. THAT for the purpose of garbage collection, the Utilities Manager may direct that the Municipality be divided into as many collection zones or districts as may be deemed necessary for the convenient collection of garbage and/or refuse and may fix a day or days on which the same shall be collected in the said districts.



24. THAT all previous By-Laws governing any aspect of collection and disposal of garbage be and are hereby repealed.
25. THAT this By-Law shall come into force and take effect on the date of its final passing.

READ A FIRST AND SECOND TIME THIS TWENTIETH DAY OF AUGUST 2003.

READ A THIRD TIME AND PASSED THIS TWENTIETH DAY OF AUGUST 2003.

  
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John W. McDonald, Mayor

  
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Mary L. MacKenzie, Clerk

9/2/03