



THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

BY-LAW NO. 77-2018

BEING A BY-LAW TO ESTABLISH, REGULATE AND MAINTAIN A SOLID WASTE AND RECYCLE MATERIAL MANAGEMENT SYSTEM WITHIN THE MUNICIPALITY OF RED LAKE

WHEREAS Section 10(1) of the *Municipal Act*, S.O. 2001, c.25, as amended, enables a single-tier municipality to pass a by-law to provide any service or thing that the municipality considers necessary or desirable for the public; and

WHEREAS Section 10(2) of the *Municipal Act*, S.O. 2001, c. 25, as amended, provides that a single-tier municipality may pass by-laws respecting: economic, social and environmental well-being of the municipality and services and things the municipality is authorized to provide under subsection (1); and

WHEREAS the Council deems it expedient to adopt a by-law to regulate and maintain a solid waste and recycle material management system within the Municipality of Red Lake;

NOW THEREFORE the Council of The Corporation of the Municipality of Red Lake **HEREBY ENACTS AS FOLLOWS:**

1. Definitions

- 1.1 “**Ashes**” shall mean the solid residue of any household fuel remaining after burning, including but not limited to ashes, soot, and other chimney deposits.
- 1.2 “**Attendant**” shall mean the person appointed, from time to time, to carry out the duties of transfer station attendant.
- 1.3 “**Bag Tag**” shall mean a bag tag sold by the Corporation in accordance with this By-Law at a fee as set out in the User Fees and Charges By-Law.
- 1.4 “**Bear Resistant**” shall mean a fully enclosed metal container with metal lid which can be completely closed with a latching mechanism that prevents access by bears. Any container which is overfilled so as to prevent latching is not a bear resistant container.
- 1.5 “**Blanket**” shall mean a large piece of material used for covering.
- 1.6 “**Commercial**” shall mean a building or structure located in the Commercial Zones as outlined in the Zoning By-Law of the Municipality of Red Lake and amendments thereto excepting dwelling units in the same building above or behind a permitted commercial use.
- 1.7 “**Compostable Yard Material**” shall mean lawn clippings, leaves and yard waste.
- 1.8 “**Construction/Demolition Material**” shall mean discarded building material, concrete, stones, earth from excavations or grading and all other refuse matter resulting from the erection, repair, demolition of buildings, structures or other improvements of property and shall be the responsibility of the property owner and/or contractor for the disposal/transportation of said wastes.

1. **Definitions** - Continued

1.9 “**Containers**” shall mean the following:

1.9.1 **Container** for garbage, rubbish and refuse, void of recyclable materials and shall take the form of:

- a) A stable container:
 - i) In good working order;
 - ii) With a maximum capacity of 300 litres;
 - iii) With an external height no greater than 43 inches;
 - iv) With a width or diameter no greater than 26 inches;
 - v) With a lid which may be easily and completely removed to facilitate collection and has any device used to tie down the lid completely removed prior to collection;
 - vi) With handles which are set above the midpoint of both sides of the garbage container; and
 - vii) Shall not be a freezer or fridge; or
- b) A blanket.

1.9.2 **Recycling Container** shall be used only for recyclable materials and shall take the form of:

- a) A curbside blue box provided by the Municipality for use as a recycling container; or
- b) Any container which meets the guidelines outlined in section 1.9.1 a), exempting a lid.

1.9.3 **Metal Bins** (dumpsters) shall be used for either:

- a) Garbage, rubbish and refuse; or
- b) Recyclable materials; but
- c) Shall not contain a combination of a) and b).

Metal Bins shall also take the form of:

- a) A metal bin that is in good working order;
- b) Maximum size of 6 yards; and
- c) Have bear resistant lids.

1.10 “**Contaminated Material**” shall mean material 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.

1.11 “**Corporation**” shall mean the Corporation of the Municipality of Red Lake.

1.12 “**Council**” shall mean the Council of the Corporation of the Municipality of Red Lake.

1.13 “**Designate**” shall mean the person designated, to have the authority to act under this By-Law in the absence of the Recreation & Facilities Supervisor.

1. Definitions - Continued

- 1.14 **"Dwelling"** shall mean a building, or part thereof in the case of a mixed-use building, that is used or designed to be occupied exclusively as a home or residence and where one (1) or more persons may sleep and prepare and serve meals, but shall not include hotels, motels, boarding houses or institutional uses.
- 1.15 **"Garbage"** shall mean all animal, mineral and vegetable matter in any form or state abandoned, discarded or thrown out by any person or generated from a property or dwelling, but shall not include any non-collectable waste.
- 1.16 **"Garbage Box"** shall mean any box, container or bin used for the storage of garbage.
- 1.17 **"Garbage Collector"** shall include:
- (a) any person employed for the purpose of the collection and disposal of garbage, rubbish and other refuse or employed to supervise the collection.
 - (b) a contractor, including his or her employees, employed by the Municipality for the collection and disposal of garbage, rubbish and other refuse.
- 1.18 **"Householder"** shall mean the owner, occupant, lessee, tenant or other person in charge of a dwelling.
- 1.19 **"Household Hazardous Waste"** shall mean waste generated from a residential property or dwelling which may be defined from time to time by the Ministry of Environment as hazardous, and shall include but not be limited to, the following:
- a) Flammable or incendiary materials and liquids, offal, drugs and medicines, chemical waste; dry cell and wet cell batteries; paint containers; pathological waste; motor oil; propane tanks; other similar materials that may be hazardous to the public health, safety or environment.
- 1.20 **"Industrial"** shall mean a building or structure located in the Industrial Zones as outlined in the Zoning By-Law of the Municipality of Red Lake and amendments thereto.
- 1.21 **"Institutional"** shall mean a building or structure located in the institutional zone as outlined in the Zoning By-Law of the Municipality of Red Lake and amendments thereto.
- 1.22 **"Manufacturers/Trade Waste"** shall mean any abandoned, condemned or rejected product or by-product or the waste from any product or by-product used by a manufacturer, builder or contractor in the operation of his or her business or trade, and scrap metal and motor vehicle parts from garages and service sites.
- 1.23 **"Non-Collectable Waste"** shall mean all materials designated by the Corporation of the Municipality of Red Lake and as prescribed in Schedule "C" attached hereto and forming a part of this By-Law, that shall not be collected by the garbage collector.
- 1.24 **"Other Approved Material"** shall mean all other material not within the definition of "garbage" which has 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 sanitary landfill.

1. **Definitions** - Continued

- 1.25 "Recreation & Facilities Supervisor" shall mean the person required to fulfill the duties of the Recreation & Facilities Supervisor.
- 1.26 "**Pickup Point**" shall mean the place, area or point from which garbage will be collected by the garbage collector.
- 1.27 "**Public Health Inspector**" shall mean the Medical Officer of Health or any Public Health Inspector authorized to act in that behalf.
- 1.28 "**Public Property**" shall mean any property that is not owned by a private individual or company and includes premises and facilities owned by the Corporation.
- 1.29 "**Receptacle**" shall mean a 1 ½ mil plastic, or greater, garbage bag of not less than 50 litres' nor more than 120 litres' capacity, filled to a gross weight of not more than 15 kilograms, and securely tied in such a way as to allow a garbage collector to carry it in one hand.
- 1.30 "**Recyclable Material**" shall mean all materials designated by the Corporation of the Municipality of Red Lake and as prescribed in Schedule "A" attached hereto and forming a part of this By-Law.
- 1.31 "**Refuse**" shall include garbage, rubbish, ashes, cinders, and street refuse.
- 1.32 "**Residential**" shall mean building, structure or property located in the Residential Zones as outlined in the Zoning By-Law of the Municipality of Red Lake and amendments thereto.
- 1.33 "**Rubbish**" shall mean household litter and trash, including ashes, but not including trimmings from hedges, trees, discarded small furniture and household items and appliances, manure or night soil.
- 1.34 "**Street**" shall mean a public highway, road, street, lane, alley, square, place or thoroughfare within the Municipality of Red Lake.
- 1.35 "**Unsanitary Conditions**" shall mean any nuisance or any condition, matter, accumulation or thing which, in the opinion of the Public Health Inspector, may be injurious to health or which, in his or her opinion, may result in the creation of a nuisance.
- 1.36 "**Waste**" shall mean garbage, refuse and other waste materials generated from domestic household sources and similar uses approved for disposal by the Ministry of Environment and Council at the Municipal Transfer Station and shall, for the purpose of definition, include commercial/residential waste, but shall not include; recyclable materials, hazardous waste or industrial waste.
- 1.37 "**Waste Transfer Station**" shall mean the designated area in the Municipality where waste and recyclable materials are sorted for appropriate disposal.

2. General

- 2.1 No person shall sweep, throw, cast, lay or deposit, or direct, suffer or permit any servant, agent or employee to sweep, throw, cast, lay or deposit, any ashes, garbage, dirt, stones, rubbish or refuse of any kind whatsoever in or upon any street with the Municipality of Red Lake.
- 2.2 No person shall obstruct any highway, street, lane, ally or public place by placing or leaving thereon any garbage container, garbage or non-collectible waste.
- 2.3 No person shall pick over, disturb, remove or scatter any ashes, garbage, rubbish 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.
- 2.4 No person shall deposit or cause to be deposited any garbage, rubbish, refuse, waste or like material on the property of another person or public property without express permission of the person in control of that property.
- 2.5 No person shall place a garbage box on Municipal property.
- 2.6 No person shall deposit or cause to be deposited any recyclable materials in the garbage, rubbish, refuse or waste at the Waste Transfer Station.
- 2.7 No person shall deposit or cause to be deposited any garbage, rubbish, refuse, waste or like material in the recyclable materials at the Waste Transfer Station.

3. Abatement of Unsanitary Conditions

- 3.1 No person shall fail to keep grounds, yards, vacant lots or real estate drained and kept free of garbage and other refuse.
- 3.2 No person, firm or corporation shall create or maintain an unsanitary condition or permit the existence of an unsanitary condition upon a premises, or upon the streets, lanes and private lands in the rear of or adjoining a premises, or in any place or in any manner within his or her control or management.
- 3.3 Where the Public Health Inspector becomes aware of the existence of any unsanitary condition, he or she shall serve written notice to abate the unsanitary condition on the person(s) responsible. Failing such abatement within the time stipulated in the notice, the Public Health Inspector may cause the abatement or removal of same at the expense of the person at fault.
- 3.4 The failure of the person(s) responsible to comply with a notice shall be considered a breach of this By-Law and subject to the penalties provided herein.
- 3.5 Notwithstanding anything herein contained, no person shall place for collection any material, substance or object which may or is likely to be injurious to the health or safety of any person.

4. Garbage Collector

- 4.1 A contract, or contracts, shall be made from time to time with some person or persons, firm or corporation for the collection and disposal of all garbage, rubbish, refuse and recyclable materials from within the Municipality of Red Lake, upon such terms and conditions as determined by the Council of the Municipality of Red Lake, and the Mayor and Clerk be and are hereby authorized to execute such contract or contracts on behalf of the Corporation and to affix the Corporation's seal thereto.
- 4.2 All garbage, rubbish, refuse and recyclable materials within the limits of the Municipality of Red Lake, except as hereinafter provided, shall be collected, removed and disposed of by the garbage collector employed to collect the same, and the expenses of collecting and disposing of such garbage, rubbish refuse and recyclable materials shall be paid by the said Corporation.

5. Collection

- 5.1 No person shall fail to place for collection all garbage, rubbish, refuse or recyclable materials in receptacles and containers hereinbefore described.
- 5.2 No person shall fail to drain all liquid matter from any garbage, rubbish and other refuse before being placed in the receptacle for collection.
- 5.3 No person shall place any container, receptacle, garbage, rubbish, refuse or recyclable materials out for collection prior to the day of collection.
- 5.4 No person shall leave any container, receptacle, garbage, rubbish, refuse or recyclable materials out over night.
- 5.5 Cardboard that will not readily fit into the specified containers will be collected, provided it is cut or folded into pieces not more than one (1) metre in length and securely placed in another cardboard box no larger than 1 metre cubed. The weight of such cardboard box shall not exceed 15 kilograms in weight.
- 5.6 Any number of receptacles placed at a pickup point on the designated day will be collected by the garbage collector, but only if the receptacle has a complete bag tag adhered to it.
- 5.7 Materials designated by the Municipality of Red Lake as recyclable material are not to be collected as waste, and the garbage collector shall not collect any waste that appears to contain any recyclable material. This includes material generated by industrial, commercial and institutional establishments.
- 5.8 The garbage collector shall not collect any recyclable material that appears to contain any garbage, rubbish or refuse. This includes material generated by industrial, commercial and institutional establishments.
- 5.9 The garbage collector is not required to collect any garbage, rubbish, refuse or recyclable materials that are not properly disposed of.
- 5.10 Any garbage, rubbish, refuse or recyclable material that is not collected due to improper disposal is the responsibility of the property owner.

5. Collection - Continued

- 5.11 The Garbage Contractor shall provide a schedule regarding the collection of waste, rubbish, refuse and recyclable materials for residential, commercial and institutional properties.
- 5.12 The designate pickup point shall be within 1 metre of the traveled road, lane or curb as may best facilitate collection.
- 5.13 Manufacturers, trade waste and non-collectable waste shall not be collected by the Corporation but shall be removed and disposed of by the owner or person responsible therefore in such manner as approved by the Recreation & Facilities Supervisor or designate, and all costs, charges and expenses incurred or necessitated in disposing of the same in accordance with such agreement shall be borne by the owner or person responsible.
- 5.14 Where any expense is incurred by the Corporation for the disposal of any manufacturers, trade waste and non-collectable waste for which a manufacturer, builder, contractor or other person is responsible, such person shall forthwith pay to the Corporation the amount of the expense so incurred.
- 5.15 Industrial establishments shall be responsible for the removal of their garbage, rubbish, refuse and recyclable materials and shall make such arrangements at their own expense.

6. Waste Transfer Station

- 6.1 The Municipality shall have the sole right to determine whether material is approved or otherwise.
- 6.2 Only material which in the sole judgment of the Municipality is garbage or other approved material shall be off-loaded. Such material shall be off-loaded as indicated by the instructions on signs or by verbal instructions by the attendant on duty.
- 6.3 Verbal instructions by the attendant on duty shall have precedence over instruction on signs.
- 6.4 Any loads of waste which visibly contain recyclable materials as designated in Schedule "A" shall be separated at the Transfer Station by the user.
- 6.5 All accepted items for the Waste Transfer Station are listed in Schedule "B" attached hereto and forming part of this By-Law.
- 6.6 All items prohibited from curbside pick-up are listed in Schedule "C" attached hereto and forming part of this By-law.
- 6.7 All fees for the Waste Transfer Station are listed in the Municipality of Red Lake User Fees and Charges By-Law.

7. Offences

- 7.1 Any person who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, is liable to a penalty as provided in the Provincial Offences Act.

8. Short Title

- 8.1 This By-Law may be cited as the Municipality of Red Lake's "Waste Management By-Law."

9. Effective Date

- 9.1 By-Law 68-2016 shall be repealed on the date the Ministry of Attorney General approves the Set Fines under By-Law No. 77-2018.
- 9.2 This By-Law shall come into force and effect on the date the Ministry of the Attorney General approves the Set Fines under By-Law No. 77-2018.

READ a FIRST and SECOND TIME this 15th day of October, 2018.


Sandy Middleton, Mayor
Christine G. Goulet, Clerk

READ a THIRD TIME and FINALLY PASSED this 15th day of October, 2018.


Sandy Middleton, Mayor
Christine G. Goulet, Clerk

Schedule "A"
to By-Law No. 77-2018

The Corporation of the Municipality of Red Lake

Recyclable and Non-Recyclable Materials

1. In this By-Law "**Recyclable Materials**" shall include:
 - 1.1 All steel or tin cans
 - 1.2 All aluminum beverage cans
 - 1.3 All plastic labeled with recycle symbols #2 - #7
 - 1.4 Clear plastic labeled with recycle symbol #1(ex: water bottles, soda bottles)
 - 1.5 Waxed milk and juice cartons
 - 1.6 Tetrapacks (juice boxes)
 - 1.7 Newspaper, white paper, brown paper
 - 1.8 Corrugated cardboard, broken down
 - 1.9 Box board (single layer, non-corrugated)
 - 1.10 Books (remove hard cover)
 - 1.11 Cardboard egg cartons, mailing tubes
 - 1.12 Magazines, catalogues
 - 1.12 Paper coffee cups free of plastic/wax coating
 - 1.14 Tim Hortons coffee cups
2. In this By-Law "**Non-Recyclable Materials**" shall include:
 - 2.1 Aerosol cans, propane bottles
 - 2.2 Plastic with no recycle symbol
 - 2.3 Plastic bags, plastic packaging
 - 2.4 Toys, flower pots
 - 2.5 Styrofoam
 - 2.6 Aluminum foil, pie plates, etc.
 - 2.7 Scrap metal (ex. hangers)
 - 2.8 Anything containing a hazardous substance (motor oil, paint, etc.)
 - 2.9 Glass
 - 2.10 Plastic/wax coated coffee cups and boxes
 - 2.11 Solid colour plastic labeled with recycle symbol #1 (ex: black microwave trays, tide pod trays)
 - 2.12 Paper with plastic coating
3. Shredded paper is the only item accepted in clear plastic bags.
4. All recyclables are to be placed in a blue box. Recyclable items do not have to be sorted.
5. Cans, bottles and cartons may be crushed to save space.
6. Plastic caps and lids are to be removed from containers and added to recycling.
7. All containers shall be **rinsed** prior to placing them in the blue box.

Schedule "B"
to By-Law No. 77-2018

The Corporation of the Municipality of Red Lake

Accepted Waste Transfer Station Items

1. Accepted Items (fees set out in the User Fees and Charges By-Law) shall include:

- 1.1 Construction/Demolition Material (including plywood materials)
- 1.2 Garbage
- 1.3 Refuse
- 1.4 Rubbish
- 1.5 Waste
- 1.6 Manufacturers/Trade Waste
- 1.7 Discarded furniture & household items
- 1.8 Items containing Freon
- 1.9 Household Hazardous Waste
- 1.10 Other Approved Materials
- 1.11 Residential Tires
- 1.12 Clean Wood (non-painted, stained treated or glued)
- 1.13 Brush
- 1.14 E-Waste
- 1.13 Scrap Metal
- 1.14 Recyclable materials

2. Contaminated Material

Types of material that are classified as contaminated includes Asbestos. Contaminated material will only be accepted at the Waste Transfer Station if it is from within the boundaries of the Municipality of Red Lake and a certificate of approval from a laboratory clearing the material for disposal has been produced. Asbestos shall not be loose.

- * The Municipality shall have the sole right to determine whether material is approved or otherwise.

Schedule "C"

to By-Law No. 77-2018

The Corporation of the Municipality of Red Lake

Non-Collectable Waste (Curbside)

In this By-Law "**Non-Collectable Waste (Curbside)**" shall include:

1. Manufacturers/Trade Waste
2. Construction/Demolition Material
3. Celluloid cuttings, oil soaked rags, and any explosive or highly combustible material of any nature whatsoever
4. Organic matter not properly drained or wrapped
5. Liquid wastes
6. Hay, straw and agricultural manure
7. Human bodily waste (diapers are acceptable)
8. Dead Animals
9. Any material, which has become frozen to the container and cannot be removed by shaking
10. Any organic or other like compostable material from yards or gardens such as plants, leaves, grass clippings, and small bushes
11. Trimmings from hedges, trees and shrubs
12. Discarded furniture, household items and appliances
13. Smoke Detectors/Alarms
14. Asbestos
15. Automotive parts/scrap metal

By-Law No. 77-2018

Set Fines

Part 1 Provincial Offences Act

The Corporation of the Municipality Of Red Lake

Municipality of Red Lake

By-Law No. 77-2018

Title: Waste Management
By-Law

Item #	Column 1 (Short Form Wording)	Column 2 (Provisions Creating or Defining Offence)	Column 3 (Set Fines)
1.	Allow deposit of (ashes) (garbage)(dirt)(stones)(rubbish) (refuse) upon any street within the Municipality of Red Lake.	Sec. 2.1	\$200.00
2.	Obstruct any (highway)(street) (lane)(alley)(public place) by leaving any (garbage container)(garbage)(non-collectible waste).	Sec. 2.2	\$200.00
3.	Pick over (disturb)(remove)(scatter) ashes (garbage)(rubbish)(refuse) placed for collection(disposal).	Sec. 2.3	\$100.00
4.	Deposit garbage (rubbish) (refuse)(waste) or like material on the property of another person or public property without permission.	Sec. 2.4	\$300.00
5.	Place a garbage box on Municipal Property.	Sec. 2.5	\$200.00
6.	Deposit recyclables material in the garbage (waste)(rubbish) (refuse) at the Waste Transfer Station.	Sec. 2.6	\$100.00
7.	Deposit garbage (waste) (rubbish)(refuse) in the recyclable materials at the Waste Transfer Station.	Sec. 2.7	\$100.00
8.	Fail to keep grounds (yard)(vacant lots)(real estate) drained and kept free of garbage.	Sec. 3.1	\$300.00
9.	Create (maintain)(permit) an unsanitary condition upon a premises (street)(lane)(private lands).	Sec. 3.2	\$300.00
10.	Place for collection material (substance)(object) which may be injurious to the health or safety of any person.	Sec. 3.5	\$300.00
11.	Fail to place for collection all garbage (rubbish)(refuse) (recyclable materials) in approved receptacles (containers).	Sec. 5.1	\$100.00
12.	Fail to drain all liquid matter from any garbage (rubbish) (refuse) before placing in receptacle for collection.	Sec. 5.2	\$100.00
13.	Place any container (receptacle)(garbage)(rubbish)(refuse)(recyclable materials) out for collection prior to the day of collection.	Sec. 5.3	\$100.00
14.	Leave any container (receptacle)(garbage) (rubbish)(refuse)(recyclable materials) out over night.	Sec. 5.4	\$100.00

"Note: The general penalty provision for the offences listed above is Section 7 of By-Law No. 77-2018, a certified copy of which has been filed and section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33."