

BY-LAW NUMBER 017-2015
(as amended by By-Laws 006-2016 and 002-2018)

**BEING A BY-LAW TO REGULATE NEEBING'S LANDFILL
SITES**

Recitals:

The Corporation operates two landfill sites. By-laws 813-2009 and 952-2012 historically regulated the use of the sites.

Over the years, the Corporation has participated in more and more recycling programs and opportunities. Although pamphlets and advertisements were created to implement the rules surrounding recycling, the by-law was not amended or updated.

Council considers it appropriate to update the by-law regulating Neebing's landfill sites to keep the regulations current and provide an appropriate resource for members of staff and the public.

**ACCORDINGLY THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF
NEEBING ENACTS AS FOLLOWS:**

1. **DEFINITIONS:** Where they appear with their initial letters capitalized, the following terms in this By-law have the meanings set out for them in this Section 1.
 - a) "Attendant" means a person employed by the Corporation to oversee the operations of a Landfill Site during its operational hours.
 - b) "Bag Tag" means a coloured tag supplied by the Corporation and meant to be attached to a Garbage Bag (Waste only) as an indication that the Garbage Bag may lawfully be disposed of at the Landfill Site.
 - c) "By-law" means this By-law, together with its recitals and schedules, which are integral parts of it, as amended from time to time, including successor by-laws.
 - d) "Clerk" means the person employed or contracted to the Corporation to function as its "Clerk" in accordance with the Act. The term includes any person employed or contracted to the Corporation to function as its "Deputy Clerk" and any persons to whom the Clerk has properly delegated authority in writing.
 - e) "Commercial" includes agricultural; industrial and resort operations.

- f) "Corporation" means The Corporation of the Municipality of Neebing, a municipal corporation incorporated and in good standing in accordance with the laws of the Province of Ontario.
- g) "Council" means the elected Council of the Corporation.
- h) "Demolition Waste" means all inorganic solid wastes and includes shingles, siding, glass, plastics, wood or building construction materials.
- i) "Garbage Bag" means a standard size (26" x 36" or smaller) opaque plastic bag.
- j) "Good Neighbour Shed" means a structure, located on a Landfill Site into which second-hand goods may be placed in accordance with the terms and conditions of this By-law.
- k) "Hazardous Waste" means Waste that bears any one of the following symbols or signal words: danger, warning, poison, caution, caustic, irritant or volatile, or any material that is defined as "hazardous waste" by Provincial legislation.
- l) "Land" means surface land and all subsoil.
- m) "Landfill Site" means the Corporation's facilities known as the "Sandhill Site", located on Sandhill Road, and the "Scoble Site", located on East Oliver Lake Road. The term includes the entire property owned by the Corporation and incorporated into the Waste management operations, or held for future expansion or buffer purposes. Rules and Regulations in this By-law that apply to a Landfill Site apply equally to either the Sandhill Site or the Scoble Site, unless expressly indicated otherwise.
- n) "Neebing" is the geographic area under the authority of the Corporation, including the geographic townships of Scoble, Blake, Crooks, Pearson and Pardee.
- o) "Permit" means a pre-paid voucher authorizing the holder to dispose a large load of Waste.
- p) "Punch Card" means a card issued by the Corporation that allows a commercial entity access to the Landfill Site with Waste.
- q) "Residential" is an adjective describing the use of a building on property for human habitation. The term includes buildings that are occupied by humans for recreational purposes on other than a year-round basis.

- r) "Recyclable Material" means material designated from time to time by the Corporation as recyclable and for which alternative collection regulations apply.
- s) "Waste" means anything for which the holder has no further use and which the holder has discarded or wishes to discard. The term includes household garbage.

2. **Responsibility for Actions**: When this By-law requires someone to do something, the requirement may be met by directly undertaking the action or by causing someone else to undertake the action. When this By-law prohibits someone to do something, the prohibition applies to direct action and also to causing, permitting or allowing another person to undertake the prohibited action. Nothing in this Section 2 derogates from any person's ultimate responsibility for his or her actions.
3. **"Includes"**: The terms "include", "includes", and "including" must be interpreted in a manner that does not in any way limit the words or phrases that precede or follow them.
4. **Text Organization**: The headings and section numbers in this By-law are not to be considered interpretive tools. They are placed solely for ease of reference.
5. **Severability**: If any word, phrase, sentence or section of this By-law is ruled by a court or tribunal of competent jurisdiction to be invalid or unenforceable, that ruling does not apply to the balance of the By-law, which will remain in full force and effect.
6. **GENERAL PROVISIONS AND PROHIBITIONS**: This Section 6 sets out rules and regulations associated with use of the Corporation's Landfill Sites as well as other rules and regulations regarding the disposal of Waste in Neebing. Landfill Sites are operated by the Corporation under express authority issued by the Province of Ontario. Many of the rules and regulations in this Section are imposed to ensure that the Corporation operates the Landfill Sites in accordance with these authorities. Some of these rules and regulations are imposed to enable the Corporation to receive the full benefit of recycling programs offered by other orders of government. Failure to comply will result in increased costs to the Corporation and/or decreased revenues to the Corporation. Some of these rules and regulations are imposed for the health and safety of the Attendants or other persons on the Landfill Sites at any given time. Due to the severe consequences associated with violating these rules and regulations, the public is expressly notified that the rules and regulations will be strictly enforced
 - 6.1 **No Littering or Private Disposal**: No person shall dispose of Waste in any Land or in any structure situated within Neebing except at a Landfill Site.

- 6.2 Permit/Bag Tags Required: Despite the payment of a fee as required by this By-law, no person, other than a person in possession of a Permit or Bag Tags, shall dispose of Waste at a Landfill Site.
- 6.3 Must Apply Bag Tags: No person shall dispose of a Garbage Bag of Waste at a Landfill Site without first having attached to that Garbage Bag a Bag Tag. Untagged Bags will be refused by the Attendant.
- 6.4 Where to Place Material: No person shall dispose of Waste or Recyclable Materials at any place other than the respectively designated area at the Landfill Site, or at another place as directed by an Attendant, and in all cases, in accordance with this By-law.
- 6.5 No Hazardous Waste: No person shall dispose of Hazardous Waste at a Landfill Site.
- 6.6 No External Waste: No person shall dispose of any Waste which originated outside of Neebing at a Landfill Site.
- 6.7 Acceptable Waste: No person shall deposit any material at the Landfill Site unless it complies with the rules outlined in Schedule "B" to this By-law.
- 6.8 No Entry after Hours: No person shall dispose of Waste at a Landfill Site except during the posted hours of operation, without the prior permission of, or authority from, the Corporation.
- 6.9 No Scavenging: No person shall remove any material from a Landfill Site without the prior written permission of, or authorization from, the Corporation.
- 6.10 Exception: Section 6.9 does not apply to prohibit removal of material from the Good Neighbour Shed.
- 6.11 No Smoking: No person shall smoke tobacco or other products at the Landfill Site except in a designated smoking area. Where no designated smoking area exists, no smoking is permitted anywhere on the property.
- 6.12 Secure Loads: No person shall transport Waste material to the Landfill Site without having securely packaged the material and/or secured it in the transporting vehicle in a manner which prevents dropped or windblown materials.
- 6.13 No Loose Waste: No person shall deposit loose Waste, with the exception of Demolition Waste, into the Landfill Site. All Waste must be within Garbage Bags with Bag Tags applied and visible.
- 6.14 Good Neighbour Shed Operations: No person shall place in a Good Neighbour Shed any material other than that which is set out in Schedule "B" as material permitted for that purpose.

- 6.15 Use Restrictions at Scoble Site: No person shall deposit Demolition Waste or large non-burnable items at the Scoble Site. Such items may be taken to the Sandhill Site.
- 6.16 Respect: All persons using the Landfill Site shall show respect to the Attendants and follow instructions issued by the Attendants. Failure to follow such instructions or direction is an offence under this By-law.

Where a difference of opinion arises between an Attendant and a Landfill Site user, the Landfill Site user shall respect the instructions at the time they are provided, in accordance with this Section 6.16, and may bring the issue to the attention of the Clerk, in writing, for later resolution or clarification by Administration or Council of the Corporation.

- 6.17 No Interference: No person shall interfere with an Attendant who is undertaking his or her duties in accordance with this By-law or with his or her employment duties.

7. **DISPOSAL FEES**: Persons entitled to dispose of Waste at a Landfill Site in accordance with this By-law will be charged the fees set out in this Section 7 and in Schedule "A" for disposal of Waste.

- 7.1 Free Bag Tags for Residentially Occupied Properties: Owners of Residential housing units in Neebing will be supplied with a pre-determined number of Bag Tags annually, free of charge. The number is set out in Schedule "A" to this By-law.

No Bag Tags will be provided free of charge to any person who is not a property owner. Tenants and other occupiers will need to obtain their Bag Tags from their landlords, or purchase them from the Municipal Office.

No Bag Tags will be provided free of charge to owners of properties that do not contain Residential housing units.

All commercial users shall purchase Punch Cards or other applicable Permits and/or pay the tipping fee as outlined in Schedule "A" to this By-law.

- 7.2 Additional Tags: Should any Neebing property owner or occupier require additional Bag Tags, these may be purchased at the Municipal Office at the price and in the numbers indicated in Schedule "A" to this By-law. Proof of property ownership or residential address within Neebing will be required at time of purchase.

- 7.3 Large Loads: Subject to Section 7.4, fees for disposal of Waste by load rather than in Garbage Bags must be pre-paid at the Municipal Office before the Waste will be accepted at the Sandhill site.

- 7.4 Promise to Pay/Invoice: Persons attending the Sandhill Site not having pre-paid but attending with larger Waste loads will be required to sign an

acknowledgement of the load, including a promise to pay. The person will be required to demonstrate proof of either residency or property ownership in Neebing. The Municipal Office will issue an invoice, which will be mailed to the person who signed the promise to pay, at the earliest opportunity. Invoices will require remitting payment to the Municipal Office within fifteen (15) days from the date of the invoice. Late payments will be subject to the interest and/or penalties set out in Schedule "A" to this By-law. Where a person has an outstanding invoice under this section, his or her privileges under this By-law may be revoked until such time as all payments are up to date.

A person signing a promise to pay is deemed to sign on behalf of every owner of the property which entitled him or her to use the Landfill Site. The promise to pay document will contain a statement whereby the person signing the document expressly acknowledges that he or she has the authority of the other property owners to sign the document and bind all of them to the payment. Disputes with respect to this authority are disputes between the property owners and/or occupants themselves and cannot involve the Corporation.

7.5 Collection Through Tax Roll: In addition to being subject to penalties, the amount of money that is outstanding after an invoice has been issued under Section 7.5 but has not been paid, may be added to the municipal tax roll for the qualifying property, and collected in like manner as municipal taxes.

8. **SPECIAL ACCESS**: Special access may be provided to a Landfill Site, either within or outside of regular operating hours, where such access is required by a Commercial enterprise. Special access will be considered on a case by case basis.

Persons wishing to request the access shall submit the request, in writing, to the Clerk. The Clerk will place the request before Council at a regular Council meeting at the earliest opportunity. Only Council can authorize special access.

If special access is granted outside of regular operating hours, the person to whom access was granted shall pay a fee, in addition to any other fees Council may have imposed, for the Attendant, as set in Schedule "A".

Unless Council otherwise authorizes, all fees for special access under this Section must be pre-paid. Where the amount of time required is not certain, Council may require pre-payment of a deposit to cover the maximum applicable fee, and the Municipal Office staff will process a refund to the payor once the final fee has been determined.

9. **LANDFILL SITE HOURS OF OPERATION**: Summer hours occur between April 1st and September 30th annually. Summer hours are:

Saturdays from 9:00 am to 5:00 pm; and
Sundays and Wednesdays from 4:00 pm to 8:00 pm.

Winter hours occur between October 1st and March 31st annually. Winter hours are:

Saturdays from 9:00 am to 5:00 pm; and
Sundays from 12:00 pm to 4:00 pm.

10. **FEES**: The Schedule of fees to be charged for use of the Landfill Site is appended to this By-law as Schedule "A".
11. **ENFORCEMENT**:
Attendants have the right to refuse to allow a person to dispose of Waste outside the terms and conditions of this By-law.

Any person who contravenes the provisions of this By-law is guilty of an offence and, upon conviction, is subject to the penalties prescribed by the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
12. **USE RIGHT REVOCATION**: Subject to applicable law, the rights and privileges granted to any person under this By-law may be revoked by the Council.
13. **REPEALS**: By-law Numbers 813-2009 and 952-2012 are repealed.
14. **EFFECTIVE DATE**: This By-law shall come into force and take effect on the date that it is passed.

ENACTED AND PASSED IN COUNCIL this 3rd day of June, 2015 as witnessed by the corporate seal of the Corporation and the hands of its proper Officers duly authorized in that behalf.

THE CORPORATION OF THE
MUNICIPALITY OF NEEBING

Ziggy Polkowski

Mayor

Rosalie Evans

Solicitor-Clerk

Read for a first and second time on the 20th day of May, 2015.

Read for a third time and finally passed this 3rd day of June, 2015.

SCHEDULE "A" TO BY-LAW 007-2015
 CONSOLIDATED WITH BY-LAWS 038-2016 AND 002-2018
 WASTE DISPOSAL FACILITY FEES

The fees for disposing of Waste material and/or other associated services, at either Landfill Site, are as set out in the table in this Schedule.

Waste Disposal Facility Permit Fees:	
<p><u>Free Bag Tags:</u></p> <p>Owners of Residential housing units that are occupied on a year-round basis will be provided an annual disbursement of 100 Bag Tags in accordance with Section 7.1 of this By-law.</p> <p>Owners of Residential housing units that are occupied on a seasonal basis will be provided an annual disbursement of 50 Bag Tags in accordance with Section 7.1 of this By-law.</p> <p>Property owners of more than one property will be limited to one set of free Bag Tags per year per occupied Residential housing unit.</p> <p>Regardless of the number of persons registered as property owners, only one set of free Bag Tags is provided under this Schedule. The allotment is per property, and not per person on title to the property.</p>	
<p><u>Bag Tags for Purchase:</u></p> <p>Fifty Bag Tags may be purchased for a price of \$10.00.</p>	
<p>Commercial and/or larger loads of debris require payment of the tipping fees set out in this Schedule. Please note that Waste must be in Garbage Bags and Bag Tags must be applied to the bags. Loose Waste in trucks or trailers is not accepted in accordance with Section 6.13 of this By-law.</p>	
Tipping Fees	
Single large household item (for example, an upholstered chair or rolled up carpet) \$10 per item	Loose demolition waste (for example, shingles or bricks) in an amount less than 1 cubic meter in volume \$10 per cubic meter
Single axle passenger truck-per load which is level with the original side panels of the bed of the truck: \$ 25.00 per load	Single axle passenger truck – per load which extends above the original side panels of the bed of the truck: \$ 150.00 per load
Single Axle Trailer 9' and Under: \$ 25.00 per load	Tandem Truck: \$ 200.00 per load
Single Axle Trailer over 9' or dual wheel passenger truck: \$ 50.00 per load	Tri-Axle Truck or Larger: \$ 300.00 per load
Single Axle 2 or 5 Ton Truck: \$ 150.00 per load	A Punch Card which provides for 5 pre-paid loads that would regularly qualify for \$25/load in this schedule, may be purchased for \$100.00.

Penalty on past due tipping fees: 1.25% per month

Burnable Waste	No Charge	Metal	No Charge
Compost Material	No Charge	Recyclable Items*	No Charge
Electronics	No Charge	Tires	No Charge
Good Neighbour Shed, reusable items			No Charge

***only** clear or blue recycle bags can be put in the bins

*Recyclable Material accepted may vary with municipal programs available – users should check current information before depositing items in the recycling areas

“Sample of COMMERCIAL Punch Card”

Municipality of Neebing Commercial Card				
1	2	3	4	5

SCHEDULE "B" TO BY-LAW 007-2015
PERMISSABLE AND NON-PERMISSABLE WASTE

The Rules set out in this Schedule must all be followed. Please note that Recycling programs are subject to change in accordance with government programs and available markets. The items listed in this Schedule as being accepted for recycling purposes were current as at the date the By-law was passed.

1. The following items are permitted at the Landfill Sites

Sandhill Site	Scoble Site
Household Waste	Household Waste
Ashes	Ashes
Compost	Compost
Clean Wood and Brush	Clean Wood and Brush
Electronics	Electronics
Metal	Metal
Fridges/Freezers without Freon	Fridges/Freezers without Freon
Recyclable Material	Recyclable Material
Paper products:	Paper products:
Flyers	Flyers
Flattened Cardboard	Flattened Cardboard
Paper, Newspaper	Paper, Newspaper
Magazines	Magazines
Cereal Boxes, box board	Cereal Boxes, box board
Containers:	Containers:
Pop Cans	Pop Cans
Metal Cans	Metal Cans
Milk Cartons	Milk Cartons
Juice Boxes	Juice Boxes
Plastic Bottles (#1 PETE and #2 HDPE)	Plastic Bottles (#1 PETE and #2 HDPE)
Tires	Tires
Items for the Good Neighbour Shed	Items for the Good Neighbour Shed
Demolition Waste	

2. Fridges and freezers must display a sticker indicating that the Freon has been removed.
3. Items in good condition can be dropped off and picked up from the Good Neighbour Shed. Upholstered furniture, baby furniture, car seats and electrical items are not permitted in the Good Neighbour Shed.
4. The following items are not permitted at the Landfill Sites:
 - a. Fluorescent Lights;
 - b. Hazardous Waste;
 - c. Dead animals;
 - d. Sewage; and/or
 - e. Fridges and freezers **with** Freon.