

THE DISTRICT MUNICIPALITY OF MUSKOKA

BY-LAW 2023-52

Being a by-law to update certain fees
(use of solid waste disposal sites)

WHEREAS pursuant to section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, Muskoka District Council may pass by-laws imposing fees or charges for services provided or for the use of municipal property;

AND WHEREAS Muskoka District Council, by By-law 2023-7 established certain fees and charges with respect to solid waste disposal sites;

AND WHEREAS it is desirable to provide for and update the fees and charges for the use of solid waste disposal sites;

AND WHEREAS pursuant to section 23.2 of the *Municipal Act, 2001*, S.O., 2001, c. 25, as amended Muskoka District Council may delegate its powers;

THEREFORE the Council of The District Municipality of Muskoka ENACTS AS FOLLOWS:

A. Interpretation

1. (1) In this by-law:

- (a) "asbestos-containing material" means material that contains 0.5 percent or more asbestos by dry weight;
- (b) "Chief Administrative Officer" means the person designated as the Chief Administrative Officer by Council for The District Municipality of Muskoka;
- (c) "chippable wood/brush" means tree limbs, branches, shrubs and twigs;
- (d) "clean sawdust" means sawdust from wood that has not been treated with any preservative, finish or coating of any type;
- (e) "clean shingles" means new or used asphalt shingles including roofing nails but not including other roofing materials or waste;
- (f) "clean wood" includes clean used lumber, shipping pallets and dry timbers; in all cases the wood must be untreated by any preservative or finish or coating of any type;
- (g) "clean wood chips" means wood chips from wood that has not been treated with any preservative, finish or coating of any type;
- (h) "commercial, institutional and industrial waste" means solid non-hazardous waste generated from industrial, institutional (including but not limited to schools, hospitals, long term care facilities or similar uses) or commercial enterprises and includes waste generated from a home occupation use;
- (i) "compostable waste" includes clean wood chips, clean sawdust, yard waste comprised of leaves, stalks, grass and Christmas trees;
- (j) "construction waste" means waste generated from construction activities and includes waste generated from demolition activities;
- (k) "contaminated soil/waste" means soil or aggregate containing

pollutant(s) at a non-hazardous concentration, or waste that is asbestos-containing material;

- (l) "Commissioner" means the person designated as Commissioner of Engineering and Public Works by Council for The District Municipality of Muskoka;
- (m) "District of Muskoka" means The District Municipality of Muskoka;
- (n) "extreme weather event" means a weather event such as snow, rain, drought, flood or storm that is rare for the place or magnitude it occurs and includes unusual or severe or unseasonal weather as determined by the District Chair, Chair of Engineering and Public Works, Chief Administrative Officer and Commissioner;
- (o) "Green Bin Program" means the collection of source-separated organic waste for the purpose of diversion from landfill;
- (p) "Household Hazardous Waste" means items that are corrosive, flammable, explosive or poisonous, as indicated by consumer warning labels on the packaging;
- (q) "Invasive Species" means a plant species that is not native to Ontario, or to a part of Ontario, and,
 - a. is harming or causing a deleterious impact to the natural environment of Ontario or the part of Ontario in which it is present, or
 - b. is likely to harm or cause a deleterious impact to the natural environment of Ontario or a part of Ontario, regardless of whether it is present in Ontario or in a part of Ontario, under the *Invasive Species Act*, 2015, S.O. 2015, c. 22 – Bill 37 and any of its associated regulations;
- (r) "item" means tire(s) on or off a rim, Freon unit(s), white good(s), scrap metal, propane tank(s), municipal hazardous or special waste material(s), reuse building materials and electronic waste;
- (s) "minimum load fee" means the minimum dollar amount charged per visit in accordance with Schedule "A" to this by-law as applicable therein for all Residential or Commercial/Industrial/Construction/Institutional waste, excluding those items listed as "no charge";
- (t) "mixed load" means any volume of waste that has more than 20% divertible materials by volume such as recyclables, compostable waste, chippable wood/brush, divertible construction waste, scrap metal, organics;
- (u) "non-hazardous concentration" means in concentrations less than the concentration specified for a contaminate, as listed in schedule 4 to R.R.O. 1990, Regulation 347, as amended, using the Toxicity Characteristic Leaching Procedure;
- (v) "organic waste" or "organics" includes all food materials such as fresh, frozen, dried, cooked and prepared foods and leftovers, fruit, vegetables, pasta, bread, cereal, cooked meat and fish products, nuts, houseplants (no pots or baskets), food soiled paper towelling, tissues and wet paper, paper egg cartons and any other material designated as acceptable for inclusion in the Green Bin Program by the Commissioner from time to time in

accordance with section 15 (1)(a);

- (w) "ozone depleting substance" means any and all chemical agents that, upon release into the atmosphere, have a detrimental effect on ozone levels, including but not limited to, Freon containing units;
 - (x) "recyclables" means the materials and items designated as recyclables pursuant to this by-law and as set out in Schedule "B", attached to and forming part of this by-law, as amended from time to time;
 - (y) "residential waste" means solid non-hazardous waste generated from a residential premise that is used solely for residential use;
 - (z) "solid waste disposal site" means those sites owned or operated by the District of Muskoka that are available to receive garbage, refuse, domestic waste, commercial, institutional and/or industrial solid non-hazardous waste or municipal refuse and includes transfer sites, depots and bin sites;
 - (aa) "staffed solid waste disposal site" means any solid waste disposal site, at which an attendant is on duty;
 - (bb) "standard size garbage bags" means plastic garbage bags marketed generally for curbside collection use and less than 75 litres in size or approximately 1 metre by 0.7 metres and with a maximum weight of 20 kilograms;
 - (cc) "tagged" means any appliance, equipment or device that has attached to it a notice under section 9 (1) of O. Reg. 189/94 (Refrigerants), as amended;
 - (dd) "unclean wood" includes wood treated by any type of preservative or finish or coating of any type, and all plywoods;
 - (ee) "untagged" means any appliance, equipment or device that does not have attached to it a notice under section 9 (1) of O. Reg. 189/94 (Refrigerants), as amended; and
 - (ff) "waste" includes but is not limited to garbage, refuse, domestic waste, commercial, institutional and/or industrial solid waste, municipal refuse and any other materials designated by resolution of the Engineering and Public Works Committee in accordance with section 15 (2)(a).
- (2) Where a fee or charge is payable on a "per unit" basis, the per unit charge applies to each separate item regardless of whether or not the item in question is functional, whole or complete.
 - (3) Where the waste proposed to be deposited at a staffed solid waste disposal site includes more than one type of waste, for the purpose of determining the amount payable the waste shall be categorized in accordance with the provisions of this by-law.
 - (4) In the event of a dispute as to the categorization of waste, the size of a load or any other matter related to the calculation of the fees payable under this by-law, the determination of the site attendant in accordance with section 9 shall be final.

B. Fees and Charges

- 2. No person shall, at any time, deposit, leave or abandon any waste at a manned solid waste disposal site without paying fees and charges in accordance with

this by-law.

3. The rates and charges set forth in Schedule "A" attached hereto and forming part of this by-law, shall be and are hereby fixed and established as the rates and charges for the respective activity, work or service shown thereon, commencing on January 1, 2024 and continuing until amendment or repeal of this by-law. For the purposes of calculating amounts due for previous time periods, the charges as established by by-laws in force at the time the work or services were provided or the activity occurred shall be used.
- C. Implementation
4. Every person entering a staffed solid waste disposal site shall, prior to leaving, depositing or abandoning any waste:
 - (a) advise the attendant of the waste that the person proposes to leave, deposit or abandon;
 - (b) identify the location where the waste was generated or picked up; and
 - (c) permit the attendant to inspect the same.
5. Every person present at a manned solid waste disposal site shall fully and promptly carry out the instructions of the attendant.
6. When the solid waste disposal site at which waste is proposed to be deposited, left, or abandoned is equipped with weigh scales and such weigh scales are in use, the quantity of the waste shall be determined by the weight according to the weigh scales and sections 8, 9 and 10 of this by-law.
7. When the solid waste disposal site at which waste is proposed to be deposited, left, or abandoned is not equipped with weigh scales or the weigh scales are not in use or are otherwise not available, the fees payable shall be determined by the rates set forth under the headings "Facility without Weigh Scales" in Schedule "A".
8. Where weigh scales are available and in use and the waste is in a vehicle, trailer or other conveyance, the weight of the waste disposed of shall be determined by weighing the conveyance when full immediately upon entry and immediately prior to exiting and subtracting the latter weight from the former.
9.
 - (1) In the event of any dispute involving waste that has been weighed, the quantity determined by weigh scales at the solid waste disposal site shall govern.
 - (2) In the event of any dispute as to the fee applicable to the leaving, depositing or abandoning of waste that has not been weighed, the determination of the site attendant shall be final.
10. In the event where weigh scales are available and in use and the waste is in a vehicle, trailer or other conveyance, and the conveyance is weighed when full immediately upon entry but not weighed prior to exiting the facility, the empty (tare) weight of the vehicle, trailer or other conveyance shall be:
 - (a) determined by subtracting the reasonable average of the vehicle, trailer or other conveyance's previous outbound weights from their previous inbound weights; or
 - (b) determined by assessing a new empty (tare) weight for the vehicle, trailer or other conveyance prior to disposing of any further material (i.e. the customer shall return with the same empty vehicle, trailer or other conveyance, in order to determine the applicable empty (tare) weight; or

- (c) determined by District staff using an average empty (tare) weight as deemed appropriate based on the type of vehicle, trailer or other conveyance.
- 11. No person shall exit a manned solid waste disposal site without first paying the fees and charges established by this by-law. Should a person exit a manned disposal site without paying but return for payment by the end of the next business day, applicable tipping fees will be applied as outlined in section C 6, 7, 8, 9 and 10.
- 12. Should a person exit a manned solid waste disposal site without paying and not return for payment by the end of the next business day, the applicable fees will be applied as outlined in section C 6, 7, 8, 9, and 10 and, in addition, a forced charge shall be applied as set forth in Schedule "A" attached hereto.
- 13. Clean Shingles shall only be accepted for disposal at site(s) designated by the Commissioner and shall only be received from residents of the District of Muskoka and roofing contractors performing services in the District of Muskoka. The rate for clean shingles shall be as set out in Schedule "A" to this by-law.
- 14. "Invasive Species" shall only be accepted for disposal in a 6 mil plastic bag at all District Transfer Stations. Giant Hogweed shall be contained in a 6 mil plastic bag and will only be accepted for disposal by appointment only at the Rosewarne Landfill.

D. Delegated Authority

- 15. (1) (a) The Commissioner shall be and is hereby delegated authority to:
 - (i) designate recyclables for the purposes of this by-law;
 - (ii) designate the materials acceptable for inclusion in the Green Bin program for the purposes of this by-law; and
 - (iii) designate site(s) for the purposes of receiving clean shingles.
- (b) In exercising the delegation in section 15 (1)(a), the Commissioner shall consider:
 - (i) the compostability or recyclability of materials proposed to be designated;
 - (ii) whether or not the materials would be an attractant to animals or otherwise create nuisances;
 - (iii) the compatibility of the materials with the District of Muskoka recycling and composting programs; and
 - (iv) such other matters that the Commissioner deems appropriate.
- (c) A designation made under section 15 (1)(a) is not effective until the public has been given notice, either in writing or electronically of the designation.
- (2) (a) The Engineering and Public Works Committee shall be and is hereby delegated authority to:
 - (i) temporarily exempt commercial and/or industrial enterprises from the compostable waste charge described in section (b) of Schedule "A" designated solid waste disposal sites for specified periods of time; and
 - (ii) designate "waste" for the purposes of section 1 (1)(ff) of this by-law.
- (b) In exercising the delegation in section 15 (2)(a), the Engineering and Public Works Committee shall consider:

- (i) the District of Muskoka's need for such materials to meet operational requirements;
 - (ii) the specific waste disposal sites where such materials may be required;
 - (iii) the volumes of materials that may be required;
 - (iv) the length of time for which the materials may be required; and
 - (v) such other factors as the Committee may deem appropriate.
- (c) The delegated authority in section 15 (2)(a) shall be exercised by resolution.
 - (d) Notice of a decision of the Engineering and Public Works Committee under section 15 (2)(a) shall be given to the public by publishing a copy of the resolution described in section 15 (2)(c) either in writing or electronically.
- (3) (a) The Commissioner and Chief Administrative Officer shall be and are hereby delegated authority to:
 - (i) waive residential waste fees for waste or chippable wood/brush resulting from an extreme weather event to a maximum of \$10,000 and for a period of 1 (one) month following the conclusion of the event or emergency declaration, if applicable; and
 - (ii) provide a report to District Council regarding the fees waived, if applicable.

E. Collection

- 16. Users who pay a bill with a cheque, which is returned by the bank as non-sufficient funds shall be charged an administration fee as outlined in the District of Muskoka's General User Fees, Charges and Rates By-law, as amended.
- 17. The fees and charges listed in Schedule "A" of this by-law and imposed on a person or party, constitute a debt of the person or the party to the District. Where there is statutory authority to do so, the District may request that the treasurer of the local municipality add fees and charges imposed by this bylaw to the tax roll for the property in the same manner as municipal taxes.

F. Enforcement

- 18. Every person who contravenes the provisions of any section of this By-law and every director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation, is guilty of an offence pursuant to the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended and shall be liable on conviction to a penalty where the minimum fine shall not be less than \$500 and a maximum fine shall not exceed \$100,000.00.

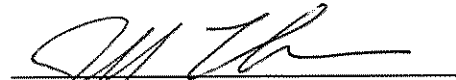
G. General

- 19. Except for the purposes of establishing the fees and charges payable prior to the fees and charges set forth in this by-law being applicable, By-law 2023-7 shall be and is hereby repealed effective January 1, 2024.
- 20. This by-law shall come into force and take effect on January 1, 2024.

Enacted and Passed this 20th day of November, 2023.

THE DISTRICT MUNICIPALITY OF MUSKOKA

Per:


District Chair J. Lehman


District Clerk A. Back

**Schedule "A" to By-law 2023-52
Solid Waste Disposal Rate Structure**

(a) Residential Waste

Facility with Weigh Scales	Rate
Minimum Load Fee	\$12.00
Two (2) standard size garbage bags or less per calendar week	No Charge
Additional standard size garbage bags beyond weekly allowance of two bags	\$8.00 per bag
One (1) standard size clear garbage bag of diapers or incontinence products per calendar week	No Charge (1 bag)
Compostable Waste	No Charge
Organic Waste	No Charge
Invasive Species (contained in 6 mil plastic bags)*	No Charge
Chippable Wood/Brush	\$101.00/tonne
Clean Wood	\$101.00/tonne
Unclean Wood	\$239.00/tonne
Clean Shingles (only at Rosewarne Landfill)	\$101.00/tonne
Mixed load	\$453.00/tonne
Residential waste not within any other category in this schedule	\$239.00/tonne

* By appointment, delivered to Rosewarne Landfill

Facility without Weigh Scales	Rate
Minimum Load Fee	\$12.00
Two (2) standard size garbage bags or less per calendar week	No Charge
Additional standard size garbage bags beyond weekly allowance of two bags	\$8.00 per bag
One (1) standard size clear garbage bag of diapers or incontinence products per calendar week	No Charge (1 bag)
1/2 Ton Truck (extra-low) 10% load or equivalent	\$27.00/discharge
1/2 Ton Truck (low) 40% load or equivalent	\$96.00/discharge
1/2 Ton Truck (medium) 70% load or equivalent	\$167.00/discharge
1/2 Ton Truck (heavy) 100% load or equivalent	\$239.00/discharge
1/2 Ton Truck Mixed load	\$453.00/discharge
Organic Waste	No Charge

(b) Commercial/Institutional/Industrial/Construction Waste

Facility with Weigh Scales	Rate
Minimum Load Fee	\$12.00
Chippable Wood/Brush	\$101.00/tonne
Clean Wood	\$101.00/tonne
Unclean Wood	\$239.00/tonne
Compostable Waste	\$60.00/tonne
Blue Box Recyclables (under 20 kg)	No Charge
Blue Box Recyclables (over 20 kg)	\$150.00/tonne
Invasive Species (contained in 6 mil plastic bags)*	\$201.00/tonne
Contaminated Soil/Waste	\$334.00/tonne
Clean Shingles (only at Rosewarne Landfill)	\$101.00/tonne
Mixed load	\$453.00/tonne
All Other Waste	\$239.00/tonne

* By appointment, delivered to Rosewarne Landfill

Facility without Weigh Scales	Rate
Minimum Load Fee	\$12.00
Blue Box Recyclables (up to four standard Blue Boxes or clear bags, large quantities/bulk materials not accepted)	No Charge

Facility without Weigh Scales	Rate
Blue Box Recyclables (loose/bulk materials or materials exceeding four standard blue boxes)	Not Accepted
1/2 Ton Truck (extra-low) 10% load or equivalent	\$27.00/discharge
1/2 Ton Truck (low) 40% load or equivalent	\$96.00/discharge
1/2 Ton Truck (medium) 70% load or equivalent	\$167.00/discharge
1/2 Ton Truck (heavy) 100% load or equivalent	\$239.00/discharge
1/2 Ton Truck Mixed load	\$453.00/discharge
1 Rear Axle - Stake Truck	\$287.00/discharge
1 Rear Axle - Stake Truck - Mixed load	\$572.00/discharge
1 Rear Axle - Dump Truck (Landfill only)	\$476.00/discharge
1 Rear Axle - Dump Truck (Landfill only) - Mixed load	\$955.00/discharge
2 Rear Axle - Dump Truck (Landfill only)	\$656.00/discharge
2 Rear Axle - Dump Truck (Landfill only) - Mixed load	\$1,312.00/discharge

(c) White and Household Goods

Facility with Weigh Scales	Rate
Furniture	\$239.00/tonne
Mattress or Box Spring (any size)	\$28.00/unit

Facility without Weigh Scales	Rate
Furniture	\$32.00/unit
Mattress or Box Spring (any size)	\$28.00/unit

Facility with or without Weigh Scales	Rate
Refillable propane tanks (any size)	\$10.00/unit
Tires of any kind	No Charge
Untagged Appliances, Equipment or Devices	\$26.00/unit
Tagged Appliances, Equipment or Devices (Washers, Dryers or Ranges)	No Charge

(d) Household Hazardous Waste

- (i) Where household hazardous waste facilities at a solid waste disposal site are in operation and household hazardous waste is left or deposited at such operating facilities, no charge.
- (ii) In all circumstances not described in (d)(i), the leaving, depositing or abandoning of household hazardous waste is prohibited.

(e) Miscellaneous Fees

Facility with Weigh Scales	Rate
Vehicle Weight Record	\$32.00 each
Bag Tags (individual)	\$8.00 per tag
Bag Tags (bundle of 5)	\$35.00 per 5 tags
Recycling and Curbside Green Bin (inclusive of HST)	Actual Cost

(f) Failure to Pay

Facility with or without Weigh Scales	Rate
Forced Charge	\$100.00 + applicable tipping fees

Schedule "B" to By-law 2023-52

Recyclables Accepted in the District's Recycling Program

- i. plastic bags;
- ii. plastic tubs, margarine tubs, yogurt containers;
- iii. plastic jugs or bottles (five litres or less in size such as shampoo bottles, laundry soap bottles, dish soap containers);
- iv. beverage containers, soft drink and water bottles;
- v. glass bottles and jars;
- vi. spiral cardboard cans;
- vii. aluminum and tin food and beverage containers and small neck bottles;
- viii. aluminum foil (including items made from aluminum foil);
- ix. clamshell food trays;
- x. empty dry metal paint cans and empty aerosol cans;
- xi. plastic garden pots;
- xii. boxboard (including detergent, cracker and cereal boxes);
- xiii. milk and juice gable top cartons and juice boxes;
- xiv. paper egg cartons, toilet and paper towel rolls;
- xv. corrugated cardboard;
- xvi. newsprint (including inserts and flyers);
- xvii. writing and computer paper;
- xviii. magazines, catalogues and telephone books; and
- xix. non-metallic wrapping paper, greeting cards, and kraft paper.