

THE DISTRICT MUNICIPALITY OF MUSKOKA

BY-LAW 2019-7

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 2018-30 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) “clean sawdust” means sawdust from wood that has not been treated with any preservative, finish or coating of any type;
 - (c) “clean shingles” means new or used asphalt shingles including roofing nails but not including other roofing materials or waste;
 - (d) “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;
 - (e) “clean wood chips” means wood chips from wood that has not been treated with any preservative, finish or coating of any type;
 - (f) “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;
 - (g) “compostable waste” includes clean wood chips, clean sawdust, yard waste comprised of leaves and grass, brush containing stems and branches and green chippable wood less than 300 mm in diameter;
 - (h) “construction waste” means waste generated from construction activities and includes waste generated from demolition activities;
 - (i) “contaminated soil/waste” means soil or aggregate containing pollutant(s) at a non-hazardous concentration, or waste that is asbestos-containing material;
 - (j) “Commissioner” means the person designated as Commissioner of Engineering and Public Works by Council for The District Municipality of Muskoka;
 - (k) “District of Muskoka” means The District Municipality of Muskoka;
 - (l) “Household Hazardous Waste” means items that are corrosive, flammable, explosive or poisonous, as indicated by consumer warning labels on the packaging;

- (m) “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;
- (n) “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;
- (o) “kitchen organics” means the materials designated as acceptable for inclusion in green bins by the Commissioner from time to time in accordance with section 13 (1)(a);
- (p) “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”;
- (q) “mixed load” means any volume of material that has more than 20% recyclable or compostable materials by volume including scrap metal, containers, assorted plastics, organics, fibre or leaf and yard waste;
- (r) “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;
- (s) “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;
- (t) “recyclables” means materials designated as recyclables by the Commissioner from time to time in accordance with section 13 (1)(a);
- (u) “residential waste” means solid non-hazardous waste generated from a residential premises that is used solely for residential use;
- (v) “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 and bin sites;
- (w) “staffed solid waste disposal site” means any solid waste disposal site, at which an attendant is on duty;
- (x) “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;
- (y) “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;
- (z) “unclean wood” includes wood treated by any type of preservative or finish or coating of any type, and all plywoods;
- (aa) “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

(bb) "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 13 (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 March 1, 2019 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 and 9 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. No person shall exit a manned solid waste disposal site without first paying the fees and charges established by this by-law.
- 11. 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.
- 12. "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

- 13. (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 13 (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 13 (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)(i) of Schedule "A" designated solid waste disposal sites for specified periods of time; and
 - (ii) designate "waste" for the purposes of section 1 (1)(bb) of this by-law.
- (b) In exercising the delegation in section 13 (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 13 (2)(a) shall be exercised by resolution.

- (d) Notice of a decision of the Engineering and Public Works Committee under section 13 (2)(a) shall be given to the public by publishing a copy of the resolution described in section 13 (2)(c) either in writing or electronically.

E. Enforcement

- 14. 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 exceed \$500 and a maximum fine shall not exceed \$100,000.00.

F. General

- 15. 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 2018-30 shall be and is hereby repealed effective March 1, 2019.
- 16. This by-law shall come into force and take effect on March 1, 2019.

READ A FIRST AND
SECOND TIME:

February 19, 2019

THE DISTRICT MUNICIPALITY OF MUSKOKA
Per:

Chair

Acting Clerk

READ A THIRD TIME
AND FINALLY PASSED:

February 19, 2019

THE DISTRICT MUNICIPALITY OF MUSKOKA
Per:

Chair

Acting Clerk

**SCHEDULE "A" TO BY-LAW 2019-7
SOLID WASTE DISPOSAL RATE STRUCTURE**

TYPE OF WASTE

(a) Residential Waste

(i) Facility with Weigh Scales

Minimum Load Fee	\$	12.00	
Three (3) standard size garbage bags or less			no charge
Four (4) or more standard size garbage bags	\$	5.00	per bag over 3
Eleven (11) or more standard size garbage bags	\$	190.00	per tonne
Bag Tags	\$	5.00	
Compostable Waste			no charge
Kitchen Organics			no charge
Invasive Species (contained in 6 mil plastic bags)*			no charge
Chippable Wood/Brush <300 mm (12 in) diameter	\$	10.00	per tonne
Chippable Wood/Brush >300 mm (12 in) diameter	\$	95.00	per tonne
Clean Wood	\$	95.00	per tonne
Unclean Wood	\$	190.00	per tonne
Clean Shingles (<i>only at sites designated by the District</i>)			
quantities ≤ ten (10) cubic yards	\$	95.00	per tonne
quantities > ten (10) cubic yards	\$	190.00	per tonne
Mixed load	\$	360.00	per tonne
Residential waste not within any other category in this schedule	\$	190.00	per tonne

(ii) Facility without Weigh Scales

Minimum Load Fee	\$	12.00	
Three (3) standard size garbage bags or			no charge
Four (4) or more standard size garbage bags	\$	5.00	per bag over 3
Bag Tags	\$	5.00	
½ Ton Truck (extra-low) 10% load or equivalent	\$	21.70	per discharge
½ Ton Truck (low) 40% load or equivalent	\$	76.00	per discharge
½ Ton Truck (medium) 70% load or equivalent	\$	133.00	per discharge
½ Ton Truck (heavy) 100% load or equivalent	\$	190.00	per discharge
½ Ton Truck Mixed load	\$	360.00	per discharge
Kitchen Organics			no charge

(b) Commercial/Industrial/Construction/Institutional Waste

(i) Facility with Weigh Scales

Minimum Load Fee	\$	12.00	
Chippable Wood/Brush	\$	95.00	per tonne
Clean Wood	\$	95.00	per tonne
Unclean Wood	\$	190.00	per tonne
Compostable Waste	\$	57.00	per tonne
Invasive Species (contained in 6 mil plastic bags)*	\$	190.00	per tonne
Contaminated Soil/Waste	\$	266.00	per tonne
Clean Shingles (<i>only at sites designated by the District</i>)			
quantities ≤ ten (10) cubic yards	\$	95.00	per tonne
quantities > ten (10) cubic yards	\$	190.00	per tonne
Mixed Load	\$	360.00	per tonne
All Other Waste	\$	190.00	per tonne

(ii) <u>Facility without Weigh Scales</u>		
Minimum Load Fee	\$	12.00
½ Ton Truck (extra-low) 10% load or equivalent	\$	21.70 per discharge
½ Ton Truck (low) 40% load or equivalent	\$	76.00 per discharge
½ Ton Truck (medium) 70% load or equivalent	\$	133.00 per discharge
½ Ton Truck (heavy) 100% load or equivalent	\$	190.00 per discharge
½ Ton Truck Mixed Load	\$	360.00 per discharge
1 Rear Axle - Stake Truck	\$	228.00 per discharge
1 Rear Axle – Stake Truck – Mixed Load	\$	456.00 per discharge
1 Rear Axle - Dump Truck	\$	380.00 per discharge
1 Rear Axle – Dump Truck – Mixed Load	\$	760.00 per discharge
2 Rear Axle - Dump Truck	\$	522.00 per discharge
2 Rear Axle – Dump Truck – Mixed Load	\$	1,044.00 per discharge

(c) White and Household Goods

(i) <u>Facility with Weigh Scales</u>		
Furniture	\$	190.00 per tonne
Mattress or Box Spring (any size)	\$	26.00 per unit
Untagged Appliances, Equipment or Devices	\$	24.00 per unit
Tagged Appliances, Equipment or Devices (Washers, Dryers or Ranges)		no charge
(ii) <u>Facility without Weigh Scales</u>		
Furniture, Mattresses, Box Springs	\$	26.00 per unit
Mattress or Box Spring (any size)	\$	26.00 per unit
Untagged Appliances, Equipment or Devices	\$	24.00 per unit
Tagged Appliances, Equipment or Devices (Washers, Dryers or Ranges)		no charge
(iii) Facility with or without Weigh Scales		
Refillable propane tanks (any size)	\$	10.00 per unit

(d) Tires

(i) Tires of any kind		no charge
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(e) Recyclables

- (i) Where recyclables are deposited in the designated locations at a site, there shall be no charge. Otherwise, the fees and charges set forth in this schedule shall apply.
- (ii) Recycling and Green Bins (inclusive of HST) Actual Cost

(f) 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 section (g)(i), the leaving, depositing or abandoning of household hazardous waste is prohibited.

(g) Other Services

(i) Vehicle Weight Record \$ 25.00 each