



THE CORPORATION OF THE COUNTY OF WELLINGTON

BY-LAW NUMBER 5450-15

A by-law to repeal and replace by-law 4547-03, being a by-law to authorize the Corporation of the County of Wellington ("County") to establish, maintain and operate facilities to provide for the transfer and disposal of waste and recyclable materials.

WHEREAS Section 8.1 of the Municipal Act provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues. 2006, c. 32, Sched. A, s. 8;

AND WHEREAS the County of Wellington Council deems it in the public interest to establish facilities for the transfer and disposal of waste and recyclable materials;

AND WHEREAS the Council of the County of Wellington has enacted its by-law number 4309-99 to assume the waste management powers of its member municipalities;

NOW THEREFORE the Council of the Corporation of the County of Wellington enacts as follows:

- A. THAT** by-law number 4547-03 be repealed and replaced with by-law 5450-15 and Section 7.4 be amended to include waiving tipping fees for brush material generated due to extreme weather events such as tornadoes or ice storms, at the direction of the CAO, County Engineer, or Solid Waste Services Committee; and
- B. THAT** the Manager of Solid Waste Services be allowed the discretion to waive tipping fees on a case by case basis for specific materials, such as clay, topsoil and clean fill, that could be used on landfill properties for cover material and/or road-building.

1.0 SHORT TITLE

1.1 This By-law may be cited as the "Solid waste Services Facilities By-law".

2.0 SCOPE OF THE BY-LAW

2.1 All solid waste transfer and disposal facilities owned or operated by the County shall be subject to the terms of this By-law.

3.0 GENERAL PROVISIONS

- 3.1 The Chief Administrative Officer (CAO) or his designate is authorized to administer this By-law.
- 3.2 All terms used in this By-law which have not been defined in this By-law in schedule "A" shall be given the meanings provided for such terms in the Environmental Protection Act and the regulations thereunder, as amended.
- 3.3 The necessary grammatical changes required to make the provisions in this By-law apply to corporations, partnerships, trusts, and individuals, male or female, and to include the singular or plural meaning where the context so requires, shall in all cases be assumed as though fully expressed.
- 3.4 The insertion of headings is for convenience of reference only and shall not affect the interpretation of the sections of this By-law to which they relate.
- 3.5 Where a provision of this By-law conflicts with a provision of another county of Wellington By-law, the provisions that establish the higher standards to protect the environment, and the health, safety and welfare of the general public shall prevail.
- 3.6 The schedules to this By-law form an integral part of this By-law.
- 3.7 If any provision of this By-law is declared invalid or inoperative in any respect by a court of competent jurisdiction, it is intended that such provision shall be severed from the By-law and the remainder of the Bylaw continues in full force and effect.

4.0 SITE OPERATIONS

- 4.1 The Chief Administrative Officer of the county shall from time to time designate the hours of operation for the solid waste transfer and disposal facilities, which will be posted at each site.
- 4.2 The County may close solid waste transfer and disposal facilities on the following statutory and County-recognized holidays, or on any other holiday as recognized by the county in the future.

New Year's Day
Good Friday
Easter Monday
Victoria Day
Canada Day
Civic Holiday
Labour Day
Thanksgiving Day
Remembrance Day
Christmas Day
Boxing Day

- 4.3 Notification of these closures may be posted at solid waste transfer and disposal facilities.
- 4.4 Public access to solid waste transfer and disposal facilities shall be limited to the designated hours as provided in section 4.1.

- 4.5 Signs shall be posted at each solid waste transfer and disposal facility that every person entering such facilities does so at their own risk, and together with the owner of any waste-hauling vehicle brought into a facility by the person, that it is a condition of being permitted entry that such persons save and hold harmless the county, its contractors, agents and employees from any damage or claims whatsoever to themselves or their property or to any other person or property whatsoever and whether arising from such person's negligence or otherwise.
- 4.6 Every person depositing material at a solid waste transfer and disposal facility shall ensure that no person other than a person twelve years of age or older required to unload a waste-hauling vehicle exits from the vehicle at any time.
- 4.7 Every person entering a solid waste transfer and disposal facility shall ensure that no animal exits from the vehicle at any time.
- 4.8 The county may refuse access to a person temporarily or permanently, at the Chief Administrative Officer's discretion, if in the Chief Administrative Officer's opinion:
- the person is in default of making any payment to the County pursuant to this By-law;*
- the person is transporting material which is unacceptable for deposit at the solid waste transfer and disposal facility; the person's vehicle's load is not fully covered and/or secured; or the person's conduct or actions may impede the safe and orderly operation of the solid waste transfer and disposal facility.*
- 4.9 All commercial waste haulers must possess a valid Certificate of Approval issued by the Ontario Ministry of Environment (MOE) to haul waste into the County's solid waste transfer and disposal facilities.
- 4.10 Site attendants may inspect loads, refuse loads, and redirect loads. Random spot tests may be conducted from time to time to confirm the acceptability of waste or recyclable material for disposal or deposit.
- 4.11 only waste or recyclable materials that conform to the facility's Certificate of Approval may be deposited at any solid waste transfer and disposal facility. The County may require that any person depositing any waste or recyclable material demonstrate such conformity to its satisfaction. Any testing required and costs associated therewith shall be the responsibility of the person seeking to deposit the waste or recyclable material.
- 4.12 All ashes must be cooled to ambient temperature before depositing at any solid waste transfer and disposal facility.
- 4.13 waste and recyclable materials delivered to the solid waste transfer and disposal facilities shall be separated and placed in the appropriate area or dedicated bin, as directed by solid waste Services personnel.
- 4.14 All loads entering the solid waste transfer and disposal facilities must be covered and securely tied.
- 4.15 All waste or recyclable materials properly deposited at any solid waste transfer and disposal facility shall become the property of the County and may be salvaged, reclaimed, recycled, disposed of, or otherwise dealt with by the county as the County may deem fit.

4.16 NO person shall:

- scavenge at any solid waste transfer and disposal facility;*
- deposit at any solid waste transfer and disposal facility any waste which is dangerous, hazardous, explosive, or not permitted by the facility's Certificate of Approval, including but not limited to the non-acceptable materials listed in schedule "B";*
- deposit at any solid waste transfer and disposal facility any waste or recyclables from outside the County municipal boundaries;*
- deposit at any solid waste transfer and disposal facility any waste banned from disposal from time to time by the Council of the County;*
- deposit any burning material or smouldering ashes or set any fire at any solid waste transfer and disposal facility;*
- deposit waste or recyclables at the gate or entrance to a solid waste transfer and disposal facility or at any place other than the place designated for its receipt;*
- deposit any recyclable material other than those prescribed in schedule "C" of this By-law and other than at a solid waste transfer or disposal facility designated by the County to receive such material;*
- neglect or refuse to provide proof of origin of waste tendered for disposal at a solid waste transfer and disposal facility when such is demanded; deposit waste at any solid waste transfer and disposal facility when such deposit has been forbidden by the Chief Administrative Officer or by the person in charge at the solid waste transfer and disposal facility on the grounds that the deposit would be contrary to this By-law or on the grounds that the origin of the waste has not been satisfactorily proved;*
- deposit waste or recyclables at any solid waste transfer and disposal facility if barred from doing so pursuant to section 4.17 of this By-law;*
- disobey the direction of on-duty County solid waste services personnel; or*
- attend at any solid waste transfer and disposal facility operated by the County except for the purposes of depositing waste or recyclables or other lawful business, except with the express permission of the Chief Administrative Officer or his designate.*

4.17 Violations of posted solid waste transfer and disposal facilities practices and procedure rules or of this By-law may result in the issue of a notice of such offence. Offenders may be charged with violating this By-law or refused entry to solid waste transfer and disposal facilities for a period of time as prescribed by the Chief Administrative Officer.

4.18 Due to the presence of low-level explosive gases, solid waste transfer and disposal facilities are designated as a "No Open Flame" area.

4.19 NO person shall trespass on an existing or former landfill site or solid waste transfer and disposal facility.

5.0 HOUSEHOLD HAZARDOUS WASTE

5.1 Materials designated as household hazardous wastes in schedule "D" delivered to the solid waste transfer and disposal facilities, shall be separated and disposed of in the dedicated bin, appropriate tank or area, as directed by solid waste Services personnel.

5.2 Generators of these materials shall be required to provide their name, address, and other pertinent information to solid waste Services personnel prior to disposal of this material.

- 5.3 Where no dedicated bin, appropriate tank or area is available for household hazardous waste, this material will not be accepted unless or until the county operates a household hazardous waste event day for that material.
- 5.4 Quantities of household hazardous wastes delivered to approved facilities or event days shall not exceed five (5) kilograms or twenty-five (25) litres from any person on any one day.
- 6.1 Notwithstanding any other provision of this By-law, hazardous waste materials generated by industrial/commercial/institutional premises shall be managed by these generators at their own expense.
- 6.2 No person shall dump or deposit waste, recyclable material or other material at the solid waste transfer and disposal facilities which was generated from any source located outside of the municipal boundaries of the county of Wellington.
- 6.3 Any loads of waste or recyclables entering the site which contain materials not accepted for disposal or recycling shall be refused entry at the solid waste transfer and disposal facilities.
- 6.4 if a load of waste or recyclables deposited at the site is found to contain material that is non- acceptable, the carrier of the waste or recyclables will be required to remove the subject load of waste at his own expense.

7.0 DISPOSAL FEES

- 7.1 The county may from time to time establish rates or fees for the use of the waste disposal facilities by By-law, and may inform users of the facilities of any changes to the disposal fees by posting notice at the solid waste transfer and disposal facilities.
- 7.2 Disposal fees established by the county shall be applicable to all persons authorized to use the solid waste transfer and disposal facilities. These fees will be clearly posted at each facility.
- 7.3 Every person shall pay disposal fees in full by cash or cheque to the County before leaving the facility unless a charge account has been approved in accordance with County policy.
- 7.4 Notwithstanding section 7.3, disposal fees shall be waived for wastes collected under County-recognized community-wide roadside cleanup programmes and Adopt-A-Road programmes, if run in accordance with County protocol; and fees also waived for brush material generated due to extreme weather events such as tornadoes or ice storms; at the discretion of the CAO, County Engineer or Solid Waste Services Committee; and the Manager of Solid Waste Services be allowed the discretion to waive tipping fees on a case by case basis for specific materials, such as clay, topsoil and clean fill, that could be used on landfill properties for cover material and/or road building
- 7.5 Any person applying disposal fees to a charge account in good standing will be required to provide the vehicle license plate to the Solid waste Services personnel for proper processing of said account.
- 7.6 No person shall by-pass the weigh scales, the scalehouse, or Solid waste Services personnel, or attempt weight manipulation, or by any other means attempt to avoid assessment of disposal fees.

8.0 OFFENCES

8.1 Every person who:

- (1) contravenes any provision of this By-law;
- (2) maliciously, willfully or negligently tampers with any facility, structure, equipment used in the transfer or disposal of waste or recyclables pursuant to this By-law; or
- (3) obstructs, hinders, or causes to be obstructed any employee of the County or its Contractor(s) in the performance of any work duty or the exercise of any power in relation to this By-law is guilty of an offence, and upon summary conviction, shall be liable to a fine of not more than \$5,000.00 for a first offence and not more than \$25,000.00 for any subsequent offence.

8.2 Each day on which an offence occurs or continues under this By-law shall constitute a separate offence.

8.3 Any person who contravenes any provision of this By-law may be barred access to solid waste transfer and disposal facilities for a period determined by county Council.

9.0 ENFORCEMENT

9.1 This By-law may be enforced by a county By-Law Enforcement Officer or a Police Officer.

10.0 COME INTO FORCE

10.1 This By-law shall come into force and effect on the date it is passed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED NOVEMBER 26, 2015.





GEORGE BRIDGE, WARDEN



DONNA BRYCE, COUNTY CLERK

DEFINITIONS

For the purposes of this By-law, the following terms shall have the corresponding meanings:

- (i) "*ashes*" means the residue, including soot, of any fuel or waste after it has been consumed by fire;
- (ii) "*bin*" means a storage unit of any size used to hold waste or recyclables of a capacity equal to or greater than one (1) cubic yard;
- (Hi) "*bulky materials*" means any and all heavy or bulky household items such as furniture, appliances, televisions, bathtubs, water tanks, mattresses, carpet, and bicycles;
- (iv) "*By-law*" means this By-law and any amendments thereto including any Schedule forming part of this By-law and any amendments thereto, as enacted by County Council from time to time;
- (v) "*By-law Enforcement Officer*" means a designated employee or officer for the County or any other person authorized by the County to enforce the By-laws of the County;
- (vi) "*Chief Administrative Officer*" means the Chief Administrative Officer of the county of Wellington;
- (vii) "*clean fill*" means any inert non-waste material without contamination, large boulders or rubble;
- (viii) "*commercial hauler*" means any person or company in the business of transporting waste or recyclable materials from households or industrial/commercial/institutional premises;
- (ix) "*construction or demolition waste*" means any discarded building material, resulting from the erection, demolition, repair, removal or improvement of any building, structure or property, including, but not limited to, concrete, stones, earth from excavations or grading, shingles, lumber, plaster, sawdust and shavings;
- (x) "*Council*" means the Council of the county of Wellington;
- (xi) "*County*" means the Corporation of the County of Wellington, or the geographical area within the boundaries of the County of Wellington, as the context allows;
- (xii) "*generator*" means any owner, occupant, tenant, or other person having use, occupation, charge or control of any household, institution, or place of business that produces or stores waste;
- Cxiii) "*industrial/commercial/institutional (ic&i) waste*" means waste material from any one or more industrial or manufacturing processes, any waste produced by or at any commercial premises, or waste from any industrial or institutional premises;

DEFINITIONS

- (xiv) "*manure*" means animal feces from any animal not considered a household pet;
- (xv) "*member municipality*" means a local municipality forming part of the County of Wellington for municipal purposes and includes the corporations of the Town of Erin, the Town of Minto, the Township of Centre Wellington, the Township of Guelph-Eramosa, the Township of Mapleton, the Township of Puslinch, and the Township of Wellington North;
- (xvi) "*non-acceptable waste*" means any waste generated outside of county boundaries, any gaseous, liquid or solid waste that, because of its inherent nature and quality, requires special disposal techniques to avoid creating health hazards, nuisances or environmental pollution including but not limited to items or materials listed in schedule "B" to this By-law, and any other materials designated by the County from time to time;
- (xvii) "*owner*", when used in relation to property or premises, includes the occupant of real property or premises;
- (xviii) "*recyclables*" means recyclable material of a kind which is included in the County's recycling program, including, but not limited to, items or material listed in schedule "C" to this By-law;
- (xix) "*Regulation 347*" - means Regulation 347, R.S.O. 1990, under the Environmental Protection Act, as same may be amended or replaced from time to time;
- (xx) "*Schedule*" means all regulations attached to and forming part of this By-law including any amendments thereto;
- (xxi) "*sharps*" means medical or veterinary equipment intended to be sharp for the purpose of cutting, piercing, or shaving, and includes medical needles, scalpels and knives;
- (xxii) "*solid waste transfer and disposal facilities*" - means an active provincially approved sanitary landfill site or transfer facility for waste or recyclables owned or operated by the county;
- (xxiii) "*waste*" means any residential, commercial or institutional waste including ashes, bulky materials, construction debris, demolition debris, sharps, and yard waste, other than recyclables or non- acceptable wastes or clean fill, accepted at solid waste transfer and disposal facilities by the County;
- (xxiv) "*yard waste*" means any excess organic material generated on a property including, but not limited to, tree trimmings, hedge trimmings, plants, weeds, spring rakings, sod, cones, fruits and vegetables from yard trees and gardens.

NON-ACCEPTABLE WASTES

The following materials are not acceptable at solid waste transfer and disposal facilities for landfilling:

Hazardous waste, as defined in Regulation 347, as amended from time to time;

Household hazardous waste materials which are corrosive, toxic, reactive, or flammable;

Biomedical or pathological waste, whether solid or liquid, as designated and regulated in Regulation 347, as amended from time to time;

Non-anatomical waste infected with a communicable disease;

PCB waste;

Radioactive waste;

Motor vehicle bodies or parts thereof;

Live animals or birds, and carcasses or parts thereof of any animal or other creature, save for normal kitchen organic waste, which has been drained of all liquids;

Manure, septic or holding tank pumpings, or raw sewage;

Materials of any kind or nature that contain hot live coals or fire;

Explosive, highly combustible, or ignitable waste;

Any gaseous, semi-liquid, or liquid waste;

A designated substance as prescribed by the Occupational Health and Safety Act, *R.s.o.* 1990, c.o.1, as amended;

Sealed metal drums or barrels;

Any waste material not generated within the corporate limits of the County of Wellington;

other material as designated in the relevant Certificate of Approval for the solid waste transfer and disposal facility; and

Other material as designated by the County from time to time.

RECYCLABLE MATERIALS

The following materials are accepted for the purposes of recycling through the county of Wellington's blue box programme:

PAPER PRODUCTS

Newspapers and inserts;
Magazines and glossy paper;
Catalogues, phone books and directories;
Boxboard (non-waxed);
Clean paper egg cartons;
Hard covered books (covers removed);
Soft covered books;
Fine paper eg. Envelopes and computer paper; and
Any other paper product as designated by the County from time to time.

CONTAINERS (EMPTIED AND RINSED)

Class bottles and jars which previously contained a food or beverage product;
Tin and aluminum cans which previously contained a food or beverage product;
Rigid shell #1 PETE (polyethylene terephthalate) plastic containers which previously contained a non-hazardous consumer product;
Rigid shell #2 HDPE (high-density polyethylene) narrow-necked plastic bottles and jugs which previously contained a non-hazardous consumer product, excluding empty motor oil containers;
Aluminum foil and formed aluminum containers; and
Any other container material as designated by the County from time to time.

The following materials are accepted for the purposes of recycling or reclamation at designated solid waste transfer and disposal facilities only:

Old corrugated cardboard;
Scrap tires;
Appliances;
Scrap metal; wood and
brush; and
Any other material as designated by the County from time to time.

HOUSEHOLD HAZARDOUS WASTES

The following materials are accepted for the purposes of recycling or reclamation at designated solid waste transfer and disposal facilities only:

- used motor oil and filters;
- Used glycol (antifreeze); propane cylinders;
- Aerosol cans;
- Automotive batteries;
- Household batteries; and
- Any other material as designated by the county from time to time.

in addition to the above items, the following materials are accepted for the purposes of recycling, reclamation, or appropriate disposal at household hazardous waste event days:

- Oil-based and latex paints;
- Paint thinner and solvents; wood preservatives and stains;
- Brake and transmission fluid;
- Household cleaners;
- Pool or photographic chemicals;
- Pesticides, herbicides, and fungicides;
- Expired pharmaceuticals;
- Rat and mouse poison;
- Fire extinguishers; and
- Any other household product or item labelled as corrosive, toxic, reactive, explosive, oxidizing, poisonous, or flammable