

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL**

BY-LAW NO. 2023-

**“A BY-LAW TO ESTABLISH, MAINTAIN AND REGULATE A WASTE
MANAGEMENT SYSTEM AND TO PROVIDE FOR THE ESTABLISHMENT OF
POLICIES, REGULATIONS AND FEES FOR THE DISPOSAL OF MUNICIPAL
WASTE AND OTHER REFUSE AT THE MUNICIPAL TRANSFER STATION”**

WHEREAS Section 270(1)(7) of the Municipal Act 2001, S.O 2001, c. 25, as amended, authorizes the Council of a municipality to pass bylaws respecting matters within their jurisdiction of waste management; and

WHEREAS the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it advisable to establish, maintain and regulate a system or the disposal of waste within the municipality and to establish policies, regulations, and fees for the disposal of waste and other refuse materials;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. SCOPE

- 1.1 The provisions of this by-law shall apply to all persons, lands, structures and uses within the Township of Edwardsburgh Cardinal.
- 1.2 No person shall dispose of, or cause to be disposed of, any waste, refuse, debris, or garbage except in conformity with the provisions of this By-law, the schedules attached thereto and By-law 2019-64, Collection of Garbage and Other Waste Materials.
- 1.3 This By-law shall not be effective to relieve, reduce or mitigate any person from compliance with any provisions of the Environmental Protection Act, 1990 or any regulations or orders prescribed by the Minister of the Environment, Conservation and Parks.

2. DEFINITIONS

For the purposes of this By-law:

“Commercial Waste” – means waste, refuse, debris, garbage and litter generated from and incidental to any business operation.

“Construction Waste” – means any non-hazardous waste, refuse, debris, garbage and litter generated from and incidental to lawful construction activities and shall include items such as, but not limited to: concrete, bricks, cement, ceramics, glass, insulation and asbestos materials, bituminous mixtures, tar, soil, stones, dredging, scrap lumber, non-treated wood products, asphalt and roofing shingles, roofing materials, plaster, drywall, plywood, oriented chip board, milled lumber, vinyl siding, eavestrough, cabinets, fencing, flooring materials including but limited to carpet, tiles, laminate, vinyl and wood flooring.

“Council” – means the Council of the Corporation of the Township of Edwardsburgh Cardinal.

“Electronics” – means residential household electronics including but not limited to: televisions, audio and video players (CD, DVD, Blu-ray, VCR, VHS), cameras, computers, laptops, tablets, video game consoles, home

theatre equipment, digital clocks, printers, scanners, cellphones, mp3 players, modems, routers.

“ECA” – means the Environmental Compliance Approval issued by the Ministry of Environment, Conservation and Parks.

“Enforcement Officer” – means a municipal bylaw enforcement officer authorized by the Council of the Township of Edwardsburgh Cardinal, any member of the Ontario Provincial Police, and any Provincial Offences Officer pursuant to the Provincial Offences Act.

“Hazardous Waste” – means waste and materials as may be defined from time to time by the Ministry of the Environment Conservation and Parks “MECP” as hazardous and shall include but not limited to the following: Flammable or incendiary materials or liquids, incinerator ash, explosives, sewage, drugs and medicine, chemical wastes, dry cell or wet cell batteries, pathological waste including syringes, needles, dressings, body parts and fluids, tissues, medical instruments or other such items as may or could reasonably contain pathogenic bacteria or micro-organisms, dead animals, motor oil, propane tanks, radioactive materials and other similar materials that may be hazardous or dangerous to the public health, safety or environment.

“Household” – means a residential unit occupied or used as a place of abode other than an industrial, commercial or institutional premise.

“Industrial Waste” – means waste materials from any one or more industrial or manufacturing process, or waste from my property assessed for industrial or manufacturing uses.

“Large Items” – means large residential household furniture items including but not limited to: chesterfields, couches, sofas, chairs, mattresses, box springs, tables, cabinets, dressers, desks.

“Manager of Public Works” – means the person hired as the Manager of Public Works for the Township of Edwardsburgh Cardinal, or in their absence, the Director of Operations for the Township of Edwardsburgh Cardinal.

“Official” – means an officer or employee duly authorized to act on behalf of the Corporation of the Township of Edwardsburgh Cardinal.

“Person” – means any human being, association, firm, corporations and partnerships, incorporated company, agent or trustee and any heirs, executors, successors, assigns or other legal representative of a person to whom a contract can apply according to law.

“Recyclable” – means materials and items as the Township identified as being suitable for recycling purposes.

“Tire” – means personal vehicle tires only, not commercial or industrial tires permitted.

“Township” – means the Corporation of the Township of Edwardsburgh Cardinal.

“Transfer Area” – means that operative area of a municipal transfer station site which is designated as an area for the transfer of waste.

“Transfer Station Attendant” – means an official duly authorized to act on behalf of the Corporation of the Township of Edwardsburgh Cardinal responsible for the supervision and operation of a Township Transfer Station Site and for the administration of this By-law.

“Transfer Station Site” – means any land designated and operated by the Corporation of the Township of Edwardsburgh Cardinal where recyclables and refuse are collected and sorted in preparation for processing in accordance with the provisions of this By-law and the terms and conditions of a certificate of approval issued by the Ministry of Environment, Conservation and Parks.

“Waste” – means garbage, refuse and other waste materials approved for disposal by the Ministry of Environment, Conservation and Parks and the Township Council at the Transfer Station Site and shall for the purpose of this definition shall not include residential/commercial/industrial/institutional waste, hazardous waste, or construction waste.

“White Goods” – means refrigerators, freezers, stoves, ovens, hot water tanks, water tanks, washing machines, clothes dryers, dishwashers, microwaves, range hoods, window air conditioner units and similar such items, goods and materials, and the condenser/compressor shall be removed prior to depositing at the Transfer Station Site.

3. MUNICIPAL TRANSFER STATION SITE

3.1 The following area shall be designated as the Municipal Transfer Station Site for the Township of Edwardsburgh Cardinal:

3.1.1 Scott Road Transfer Station Site – Located within the Contamination Retention Zone and referred to by the Ministry of Environment, Conservation and Parks Environmental Certificate Approval No. A441403, as amended.

3.2 No person shall use any lands within the Township of Edwardsburgh Cardinal for that of a transfer station site except lands designated for sure use by by-law by the Council of the Corporation of the Township of Edwardsburgh Cardinal.

3.3 The Transfer Station Site shall be operated and maintained by the Township in accordance with the terms and conditions of the Environmental Certificate Approval, the provisions of this by-law, Provincial legislation, and the requirements of the Ministry of Environment, Conservation and Parks.

3.4 No waste shall be accepted by the Transfer Station Attendant other than from an owner or resident of a property within the geographic limits of the Township, who is able to produce a Transfer Station payment card, with the fees as set out in Schedule “C” of this by-law.

3.5 No waste shall be accepted by the Transfer Station Attendant from any commercial, construction, industrial or institutional business or from any commercial waste collector unless said collector is contracted and authorized by the Township.

3.6 All materials shall be deposited under the direction of the Transfer Station Attendant.

3.7 Notwithstanding any other penalty or remedy of law available to the Township, the owner, occupant, lessee or person using any structure or lands within the boundaries of the Township for the dumping or disposing of garbage, refuse, industrial waste, hazardous waste or materials of any kind where such lands or structures are not designated as a waste disposal site, shall cease using such lands or structures for such purposes and to remove such garbage, refuse, industrial waste, hazardous waste or materials in the manner as may be prescribed by the Township or Ministry of Environment, Conservation and Parks.

4. HOURS OF OPERATIONS OF TRANSFER STATION SITE

- 4.1 The Transfer Station Site shall be open for the disposal of waste and other permitted materials in accordance with the times set out in Schedule "A" of this by-law.
- 4.2 No person shall access or enter onto the Transfer Station Site property other than during operating hours.
- 4.3 Notwithstanding Section 4.2, Township employees, consultants, contractors and other authorized persons shall have access to the Transfer Station Site as required.

5. GENERAL PROVISIONS

- 5.1 Persons shall dispose of permitted waste at the Transfer Station Site in accordance with the directions of the Transfer Station Attendant and in accordance with the provisions of this by-law.
- 5.2 Waste materials conveyed to the Transfer Station Site shall be so contained and transported as not to be blown or scattered from the transport vehicle or to leave deposits along road allowances and abutting lands.
- 5.3 The Transfer Station Attendant shall be and is hereby authorized to refuse access to the Transfer Station Site any person who is in contravention of any provisions of this by-law, as may be reasonably determined by the Attendant. All such persons refused access to or use of the Transfer Station Site shall be referred to the Manager of Public Works by the Attendant to review the grounds of such refusal, such grounds to be provided to that person by the Attendant.
- 5.4 Persons who desire to access the Transfer Station Site will be required to provide evidence or documentation upon request acceptable to the Transfer Station Attendant or other Township official so as to determine the residency of that person or the origination of the waste to be disposed of and the conformity of such residency or origination of waste with the provisions of this by-law.

6. SPECIAL PROVISIONS

- 6.1 Waste:
 - 6.1.1 No person shall dispose of construction waste, commercial waste, industrial waste and/or hazardous waste at the Transfer Station Site.
- 6.2 Recyclables, Scrap Metal, White Goods, Large Items, Electronics, Brush and Leaf:
 - 6.2.1 Accepted recyclable waste shall be identified in Schedule "D" of this by-law.
 - 6.2.2 Recyclable waste shall be separated from other waste to be disposed of in the Transfer Station Site and shall be deposited in the recycling container at the site in accordance with the directions of the Transfer Station Attendant and the provisions of Schedule "D" of this by-law.

- 6.2.3 Scrap metal, white goods, large items, electronics, tires and tire rims shall be separated from other waste to be disposed of at the Transfer Station Site and shall be deposited in the designated areas located within the Transfer Station Site only and in accordance with the directions of the Transfer Station Attendant.
- 6.2.4 No person shall dispose of waste, white goods, electronics, or scrap metal that contains residue of propane, gasoline, toxic chemicals, polychlorinated biphenyls (PCB), chlorofluorocarbons (CFC, otherwise known as freons) or other such hazardous materials at the Transfer Station Site.
- 6.2.5 All waste and materials that contain chlorofluorocarbon condenser/compressor (freon) must be removed prior to disposal at the Transfer Station Site.
- 6.2.6 Tree brush and stumps/limbs may be deposited for disposal at the Transfer Station Site if the tree stumps and limbs are under 30 cm. (12 inches) in length and diameter and in accordance with the directions of the Transfer Station Attendant.
- 6.2.7 No person shall dispose of recyclable waste, material, white goods, large items, electronics, tires or scrap metal except in the areas of the Transfer Station Site designated for such items at the time of visit.

7. PROHIBITIONS

- 7.1 No person shall trespass on the Transfer Station Site except as is required to transfer material to the site in accordance with this by-law, or as is necessary to conduct lawful business with the Township during designated hours of operation in the presence of the Transfer Station Attendant or other Township official.
- 7.2 No person shall salvage, interfere with or scatter any materials from the Transfer Station Site.
- 7.3 No person shall create or cause to be created malicious damage to or at the Transfer Station Site.
- 7.4 No person shall deposit or cause to be deposited waste of any kind on any road, highway, land, street, watercourse, private or public property.
- 7.5 No person shall dispose of any waste without first providing the Transfer Station Attendant with payment by way of the Transfer Station payment card.
- 7.6 No person shall place any waste or recyclable materials, commercial waste, construction waste, industrial waste, hazardous waste, goods, white goods, large items, electronics, scrap metal, refuse or debris or any other materials outside of the gates of the Transfer Station Site.
- 7.7 No person shall dispose of, or cause to be disposed of, any waste at the Transfer Station Site that originates or is generated from a location or use outside of the Township boundaries.
- 7.8 No person shall offer to, or give to, any Transfer Station Attendant any fee or gratuity for services provided by the Township, nor shall any Transfer Station Attendant accept any fee or gratuity.

- 7.9 No person shall dispose of, or cause to be disposed of, in the Transfer Station Site any prohibited material as listed in Schedule "B" of this by-law or any other materials as previously described.
- 7.10 No person shall discharge a firearm in the Transfer Station Site.

8. ADMINISTRATION

- 8.1 The Transfer Station Attendant shall supervise all operations at the Transfer Station Site and shall enforce compliance with the provisions of this by-law.
- 8.2 Council may by resolution authorize the waiving or reduction of fees or grant minor variances to provisions of this by-law for community groups, special activities/events and other circumstances where Council in its autonomous sole discretion deems that such actions are within the public interest, are not exposing the Township to any risk or liability and not contrary to the intent of this by-law.
- 8.3 Council may authorize studies and programs and prepare policies for the maximization of the life expectancy, efficiency and effectiveness of the Transfer Station Site and the reduction, reuse and recycling of waste.

9. ENFORCEMENT AND PENALTIES

- 9.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P. 33, as amended.
- 9.2 A person who is convicted of an offence under this by-law is liable for each day or part of a day that the offence continues, where the minimum fine shall not exceed \$500.00 and a maximum fine of \$10,000.00 and the total of all daily fines for the offences is not limited to \$100,000.00 as provided for in Section 429(3) of the Municipal Act, SO 2001, c. 25, as amended.
- 9.3 Upon registering a conviction for a contravention of any provision of this by-law, the court in which the conviction has been entered, may in addition to any other remedy and to any penalty imposed by this by-Law, make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to Section 431 of the Municipal Act 2001, SO 2001, c.25, as amended.
- 9.4 Where a person fails or defaults to carry out any direction or action required by the Township as authorized by this by-law, upon reasonable and written notice, the Township may proceed to do such things or carry out such actions as directed at the expense of the person and such expense may be recovered by the Township in a like manner as taxes in accordance with the provisions of Section 326 of the Municipal Act, 2001, S.O. c. 25.
- 9.5 Every person who contravenes this by-law, including a notice to remedy issued under this by-law is guilty of an offence.
- 9.6 No person shall obstruct or hinder or attempt to obstruct or hinder an Enforcement Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this by-law.

- 9.7 An Enforcement Officer who has reasonable grounds to believe that a person has contravened any provision of this by-law may issue a notice to remedy, notice of violation, an order to comply and every person shall comply with said notice or order.

10. VALIDITY AND SEVERABILITY

- 10.1 If any section, subsection, clause, paragraph or provision of this by-law or parts thereof are declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Municipal Council to enact, such section, subsection, clause, paragraph, provision or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the bylaw as a whole or part thereof and all other sections of the by-law shall be deemed to be separate and independent there from and enacted as such.
- 10.2 Whenever any reference is made under this by-law to a statute or regulation of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute or regulation and all successor legislation to such legislation.
- 10.3 Nothing in this policy takes precedence over any bylaws, resolutions, plans or agreements of the Township or other legislation.

11. GENERAL

- 11.1 That the following Schedules attached shall form and constitute part of this by-law:
Schedule "A" – Transfer Station Site Hours of Operation
Schedule "B" – Prohibited Materials
Schedule "C" – Fee Schedule
Schedule "D" – Recycling Policy
- 11.2 That By-law 2011-07 and 2014-37 and all other by-laws previously passed that are inconsistent with the provisions of by-law are hereby repealed in its entirety.
- 11.3 That this bylaw shall come into force and take effect on the date of passing.

Read a first and second time in open Council this 27 day of November, 2023.

Read a third and final time, passed, signed, and sealed in open Council this 27 day of November, 2023.

Mayor

Clerk

Schedule "A"
By-law 2023-
Transfer Station Site
Hours of Operations

Scott Road Transfer Station Site:

Saturdays from 8:00 a.m. to 12:00 p.m. (noon), or as determined to be necessary by the Manager of Public Works.

The Transfer Station Site shall be closed on all statutory holidays.

The Transfer Station Site shall be closed to the public during any absence of the Transfer Station Attendant from the site.

Schedule "B"
By-law 2023-
Transfer Station Site
Prohibited Materials

The following items shall be prohibited from disposal within the Transfer Station Site:

- Residential waste as defined in the Collection of Garbage and Other Waste Material By-law, and as amended from time to time.
- All commercial waste
- All construction waste
- All industrial waste
- All hazardous waste
- Household construction waste
- Dead animals
- Vehicle bodies
- Farm machinery
- Recyclable waste defined in the Collection of Garbage and Other Waste Material By-law, and as amended from time to time.

Schedule "C"
By-law 2023-
Transfer Station Site
Fee Schedule

Type of Waste	Fee
Residential waste that cannot be accommodated in the weekly collection provided for in the Collection of Garbage and Other Waste Material By-law, and as amended from time to time.	\$1.00 per cubic foot
Tires and/or tires with rims	Free
White goods as defined in this by-law	\$10.00 each
Large items as defined in this by-law	\$10.00 each
Brush, tree limbs, tree stumps, leaves and garden waste	\$5.00 per load
Scrap metal	\$10.00 per load
Electronics	Free

Schedule "D"
By-law 2023-
Transfer Station Site
Recycling Policy

Brush shall be accepted at the Transfer Station Site in accordance with the provisions of this by-law.

Scrap metal, white goods, electronics, and tires shall be accepted for recycling at the Transfer Station Site and in accordance with the provisions of this by-law.

Scrap metal, white goods, electronics, and tires shall be placed within the designated collection areas in accordance with the directions of the Transfer Station Attendant.