

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 25 - 2001

*A By-law to establish, maintain and operate a
waste management system in the
Corporation of the Town of Kingsville.*

WHEREAS pursuant to Section 208.2 of the Municipal Act R.S.O. 1990, c.M.45, as amended a local municipality may pass by-laws to establish, maintain and operate a waste management system;

AND WHEREAS Section 208.6 of the Municipal Act R.S.O. 1990, c.M.45, as amended states that for the purpose of Section 208.2, a local municipality may pass by-laws to prohibit or regulate the use of any part of a waste management system within the Corporation of the Town of Kingsville.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

A. DEFINITIONS:

1. **"Collectible Garbage or Waste"** shall include all household garbage or waste from any residential premises and any trade garbage or waste from any place of business including such items as kitchen and table waste of animal or vegetable origin resulting from the preparation or consumption of food, ashes, broken crockery, non-recyclable paper, wearing apparel and glassware and such other discarded materials which are generated at a residential premises and/or place of business but does not include household trash or trash accumulated from a place of business, hazardous waste, transient waste or recyclable material or other non-collectible waste as hereinafter defined.
2. **"Employee"** means any person employed or hired by the Town.
3. **"Hazardous Waste"** means waste that poses a present or potential danger to human beings or other organisms because it is toxic, explosive, reactive, corrosive, radioactive, pathological or otherwise poses substantial risk to human life and includes, but is not limited to:
 - i) tires, paint, batteries, automotive parts, propane tanks;
 - ii) insecticides, herbicides, acids, caustics, infected materials; and
 - iii) any substance which may be classed as a "designated substance" pursuant to the Occupational Health and Safety Act, R.S.O. 1990 c.0.1, as amended.
4. **"Highway"** shall have the same meaning as provided in the Municipal Act, R.S.O. 1990, c.M.45.
5. **"Household Trash"** includes weighty or bulky materials such as bedsprings, mattresses, furniture, boxes, barrels, and any other large discarded materials, which are generated on residential premises but shall not include trade waste, construction or renovation waste or any trash accumulated from a place of business or other non-collectible wastes as defined in this by-law.

Rep. 25
85-1999

6. **“Non-collectible Garbage or Waste”** shall mean any garbage or waste that is not collectible garbage or waste and shall include but not be limited to:
- i) Plaster, lumber or other waste resulting from building, alteration or demolition operations;
 - ii) Swill, liquid waste, or organic matter which has not been drained and wrapped in accordance with the provisions of this by-law;
 - iii) dressings, needles or syringes, bandages, or other infected materials from hospitals, surgeries, or offices of physicians, surgeons, dentists or veterinarians;
 - iv) faecies of any dog, cat or fowl that is not normally accumulated in a litter box situated in a dwelling;
 - v) carcasses or part thereof, of any dog, cat, fowl or any other creature with the exception of bonafide kitchen waste;
 - vi) transient waste;
 - vii) collectible waste which has not been put out for collection in conformity with the provisions of this by-law;
 - viii) trade waste;
 - ix) recyclable material;
 - x) natural soil, earth, sand, clay, gravel, loam, stones, rocks or other similar material;
 - xi) any material which has become frozen to the receptacle and cannot be removed by shaking;
 - xii) septic tank pumpings, raw sewage sludge and industrial process sludge;
 - xiii) hazardous waste;
 - xiv) trees or tree stumps, with the exception of used Christmas Trees;
 - xv) yard waste;
 - xvi) white goods; and
 - xvii) water-soaked or broken containers.
7. **“Place of Business”** means any place other than residential premises and includes any hotel, motel, restaurant, shop, store, shopping centre, plaza, service station, commercial or industrial office, industrial plant or other commercial establishment, school, institution and public building.
8. **“Public Lane”** means any lane or alley accepted by by-law of the Corporation as a public thoroughfare, and which is deemed to be of sufficient width and condition for use by vehicles used for the collection of all collectible garbage or waste as defined in this by-law.
9. **“Recyclable material”** includes any material designated by the Essex Windsor Solid Waste Authority as recyclable.
10. **“Recycling Receptacle”** shall mean a container suitable for placing recyclable material as approved and/or provided by the Essex Windsor Solid Waste Authority.
11. **“Residential Premises”** means any individual property designated residential under the Town’s Comprehensive Zoning By-law.
12. **“Town”** means the Corporation of the Town of Kingsville.
13. **“Town Council”** means the Council of the Town.
14. **“Public Works Manager”** means the superintendent employed by the Town.
15. **“Trade Waste”** includes Non-Collectible Garbage or Waste which is generated at a place of business.

16. **“Transient Waste”** means any refuse, trash, garbage or waste carried into the Town from outside its boundaries by any person.
17. **“White Goods”** means large steel based appliances which have been used on residential premises which include washers, dryers, stoves, refrigerators, hot water tanks, air conditioners and furnaces.
18. **“Yard Waste”** shall include grass clippings, leaves, flowers, weeds, small sticks and twigs and garden waste.

B. GENERAL PROVISIONS:

1. The Town shall operate a system for the collection, removal and disposal of collectible garbage or waste, household trash and yard waste, including all new single family residential units (including six multi-residential units or less) but excluding:
 - a) all new multi-unit apartments (over six multi-residential units or more);
 - b) all new commercial and industrial development;
 - c) all new greenhouse development.
2. Collectible garbage or waste shall be placed in non-returnable plastic bags or receptacles as defined below
 - i) Non-returnable bags shall be an approximate size of 26” wide x 48” high (.65m x 1.20m) and are to be tied as to provide a condition of being airtight and sanitary.
 - ii) Containers shall be constructed of a durable non-flammable material and be not more than 0.7 M in height and 0.4 M in diameter and shall contain a water tight lid and two (2) handles.
 - iii) Containers to weigh no more than total 40 lbs. or 18 kilograms or a maximum of five (5) containers.
3. All collectible garbage or waste shall be drained and placed in a non-returnable plastic bag or wrapped and tied and placed in a container as defined above.
4. Any sharp objects or broken glass shall be secured with material and wrapped in a way so as not to pierce the wrapper.
5. Containers for collectible garbage or waste shall be placed for collection in accordance with the following:
 - i) highways with concrete curbs or in the Downtown Business Improvement Area -- to be placed directly behind the curb.
 - ii) highways with concrete sidewalks tightly abutting the curb except in the downtown business improvement area -- to be placed directly behind the sidewalk on property owner’s side.
 - iii) highways with boulevards between sidewalks and curbs -- to be placed directly behind the curb.
 - iv) public lane or alleyway -- to be placed as close as possible to the edge of the lane or alleyway.
 - v) Containers are to be no closer than five (5) feet from the travel portion of the road.
6. Garbage or waste shall be placed in a suitable container the night before the collection day.
7. The Town will publish an annual collection schedule which will contain the descriptions of routes, dates for pick-up and holiday changes.
8. All bins, structures or buildings for the storage of collectible garbage or waste shall at all times be maintained in a clean and sanitary condition and constructed so as to prevent entry of rodents or insects.

C. HOUSEHOLD TRASH / WHITE GOODS / YARD WASTE

1. For the purpose of collection of household trash, white goods and yard waste the Town will publish an annual collection schedule which will contain the dates for pick-ups, prescribed fees if applicable, and other pertinent information.

D. RECYCLABLE MATERIALS / HAZARDOUS WASTE

1. For the purpose of collection of Recyclable Material and Hazardous Waste Essex Windsor Solid Waste Authority will be responsible for setting out a schedule which will contain the dates for pick-ups.
2. Leaves and refuse shall not be raked or piled on the street except in containers and such refuse shall not be burned.

E. OTHER SERVICES:

1. **WOOD TRAILER:** The Town will make available the use of the Town owned wood trailer for the purpose of disposal of used and scrap lumber. Particulars of the availability and prescribed fee, if applicable, will be published in the annual collection schedule.
2. **CHIPPER:** The Town will provide the service of the Town owned chipper for the purpose of disposal of small twigs and branches. Particulars of the availability and prescribed fee will be published in the annual collection schedule.

F. RESTRICTIONS:

1. No collectible garbage or waste or non-collectible garbage or waste shall be placed on any property other than that upon which it is generated or so located on the occupants property as to cause a public nuisance to the adjoining property owner.
2. A passageway affording a convenient and unimpeded means of access to the items to be collected pursuant to this by-law shall be maintained and the passageway shall be of sufficient dimensions to enable the employees of the Town or of its contractors, servants, workmen and agents to load the items to be collected pursuant to this by-law on the collection vehicles.
3. Collection of collectible garbage or waste may be refused for any premises which in the opinion of the Town Superintendent present an unsafe situation for employees or agents.
4. The Town may, in the exercise of any of its legal or statutory powers, or in the implementing of any orders made by the Medical Officer of Health remove and dispose of any garbage or other waste within the Town and charge the costs incurred by the Town to the Owner of the premises upon which the garbage or other waste was generated.
5. Any costs incurred by the Town pursuant to Section 208.2 of the Municipal Act, R.S.O. 1990, c.M.45 as amended includes the power to provide waste management services to the Town at the expense of the owners and occupants of the land in the area, and impose upon that land, according to its assessed value, a special rate to defray the expense of the waste management services and may be collected or recovered in the same manner as municipal taxes provided in Section 326 of the Municipal Act, R.S.O. 1990, c.M.45 as amended.
6. Every person shall provide for the proper storage, collection and disposal of non-collectible garbage or waste generated upon a property of which that person is an owner.
7. No person shall deposit or permit the deposit of non-collectible garbage or waste, yard waste, recyclable material, or household trash, during regular collection dates as set out by the Town.

8. Through site plan control agreements, all new development shall be responsible for the collection and disposal of collectible garbage or waste generated by the new development.
9. Every person shall be responsible for the collection and disposal of any non-collectible garbage or waste at a site as approved by the Ministry of Energy and Environment for such garbage or waste in some method other than collection by the Town.
10. No person shall pick over, interfere with, disturb, remove or scatter any recyclable material, collectible garbage or waste, non-collectible garbage or waste, bundle, article or any other item placed out for collection whether contained in recycling receptacles, containers or bundles, or otherwise placed for collection.
11. No person shall permit empty containers or receptacles, after the contents have been removed, to remain on the boulevards, curbs, or street for a period longer than midnight of the normal day of collection.
12. No person shall haul, convey or transport through or upon any street within the Town limits any collectible garbage or waste material or any non-collectible garbage or waste material except:
 - i) in properly covered containers; or
 - ii) in vehicles totally enclosed; or
 - iii) in vehicles covered in canvas or tarpaulins, so fastened down around the edges to prevent any of the contents from falling upon the streets and to protect the same from flies and to prevent the escape of any offensive odours.

G. ADMINISTRATION:

1. It shall be the duty of the By-law Enforcement Officer or Public Works Manager to enforce the provisions of this by-law.
2. Interpretation of any of the definitions, provisions or restrictions contained in this by-law shall be at the sole discretion of the Public Works Manager of the Town.
3. Fees relating to this by-law will be updated from time to time in the Town's "Fees By-law" pursuant to Section 220.1 of the Municipal Act, R.S.O. 1990, c.M.45 as amended.

H. PENALTY PROVISION:

1. Any person who violates any provision of this By-law or causes or permits a violation shall be liable on conviction to a penalty not exceeding \$2,000.00 exclusive of costs for each offense and every such penalty shall be recoverable under the provisions of the Provincial Offenses Act.

I. This by-law hereby repeals By-law-law 85-1999 and shall come into force and effect upon the third reading and being.

READ a FIRST and SECOND time this 26th day of November, 2001.

READ a THIRD time and FINALLY passed this 26th day of November, 2001.

**THE CORPORATION OF THE TOWN OF
KINGSVILLE**



MAYOR, Patrick M. O'Neil



ACTING CLERK, Linda Burling

PART I PROVINCIAL OFFENCES ACT

TOWN OF KINGSVILLE – BY-LAW 25-2001

BEING A BY-LAW TO ESTABLISH, MAINTAIN AND OPERATE A WASTE MANAGEMENT SYSTEM
IN THE CORPORATION OF THE TOWN OF KINGSVILLE

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OR DEFINING OFFENSE	COLUMN 3 SET FINE (includes costs)
1.	Fail to drain garbage or waste	Section B. 3.	\$105.00
2.	Fail to place garbage or waste in proper bag or container as required.	Section B. 3.	\$105.00
3.	Fail to properly secure sharp objects or broken glass	Section B.4.	\$105.00
4.	Fail to place garbage or waste container in approved location	Section B.5.	\$105.00
5.	Place garbage or waste so as to cause a public nuisance	Section F.1.	\$105.00

6.	Fail to maintain sufficient access to facilitate collection of garbage or waste	Section F.2.	\$105.00
7.	Fail to properly store non-collectible garbage or waste	Section F.6.	\$105.00
8.	Fail to provide for proper collection and disposal of non-collectible garbage or waste	Section F.6.	\$105.00
9.	Pick over garbage or waste placed for collection	Section F.10.	\$105.00
10.	Interfere with garbage or waste placed for collection	Section F.10.	\$105.00
11.	Disturb garbage or waste placed for collection	Section F.10.	\$105.00
12.	Remove garbage or waste placed for collection	Section F.10.	\$105.00
13.	Scatter garbage or waste placed for collection	Section F.10.	\$105.00

COLUMN 1 - SHORT FORM WORDING

COLUMN 2 - OFFENCE CREATING PROVISION
OR DEFINING OFFENCECOLUMN 3
SET FINE
(includes costs)

14.	Leave empty container or receptacle in a location longer than permitted	Section F.11.	\$105.00
15.	Fail to transport garbage or waste in properly covered container	Section F.12(i)	\$105.00
16.	Fail to transport garbage or waste in enclosed vehicle	Section F.12.(ii)	\$105.00
17.	Fail to properly secure covering for vehicle transporting garbage or waste	Section F.12.(iii)	\$105.00

NOTE: The general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33.

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 25-2001 of the Town of Kingsville, attached hereto is the set fine including costs, for those offences. This Order is to take effect March 30, 2004.

Dated at London this 30th day of March, 2004.



Alexander M. Graham
Regional Senior Justice
West Region

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

COURT HOUSE
15TH FLOOR, UNIT "G"
80 DUNDAS STREET
LONDON, ONTARIO
N6A 6B3



CABINET DU JUGE PRINCIPAL REGIONAL
COUR DE JUSTICE DE L'ONTARIO
REGION DE L'OUEST

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

March 30, 2004

Ms. Linda Burling, Acting Clerk
Corporation of the Town of Kingsville
2021 Division Road North
Kingsville ON N9Y 2Y9

Dear Ms. Burling:

**Re: Set Fines - Provincial Offences Act - Part I
Town of Kingsville**

Enclosed herewith are copies of Orders, and copies of schedules of set fines for the By-Laws listed below, the By-laws indicated in the schedules:

23-2001	25-2001	31-2000	30-2000
23-2000	103-2003	72-2001	69-2003
28-1999			

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the originals of the Orders and the schedules of the set fines to the Ontario Court of Justice in Windsor, together with a certified copy of the By-law.

Yours truly,

Alexander M. Graham
Regional Senior Justice
West Region

Enclosures
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