

**THE CORPORATION OF THE TOWNSHIP OF HARLEY**

**BY-LAW 2024-17**

**BEING A BY-LAW FOR ESTABLISHING AND MAINTAINING A SYSTEM FOR  
THE DISPOSAL OF GARBAGE, RECYCLABLE MATERIAS, YARD WASTE  
AND OTHER REFUSE AT THE HARLEY TOWNSHIP MUNICIPAL LANDFILL  
SITE**

**(WASTE MANGEMENT BY-LAW)**

**WHEREAS** Section 8 of the Municipal Act, 2001, S.O. 2001, c.25. provides that the powers of a municipality 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 a municipalities' ability to respond to municipal issues; and

**WHEREAS** section 10(1) of the Municipal Act, S.O. 2001, c.25 as amended, specifies that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

**WHEREAS** Section 425 (1) of the Municipal Act, S.O. 2001, c.25 as amended, specifies that a municipality may pass By-laws providing that a person who contravenes a By-law of the municipality passed under that Act is guilty of an offence; and

**WHEREAS** it is in the interest of society as a whole and of the Township's ratepayers in particular, that the amount of waste generated by private citizens and businesses be regulated and reduced; and

**WHEREAS**, the Council of the Township of Harley deems it necessary to establish rules and regulations governing policies relating to the disposal of garbage and to implement a "punch card" system for residents and to implement tipping fees to cover costs associated with the disposal of garbage and other refuse; and

**WHEREAS**, wherever possible, such waste materials generated shall be reused or recycled so that the environment is protected from contamination by hazardous substances; and

**WHEREAS** recycling efforts shall extend the lifetime of existing and future landfill sites;

**NOWHEREFORE** the Council of the Corporation of the Township of Harley hereby enacts as follows:

**1. TITLE:**

1.1 This By-Law may be cited as the "Township of Harley Waste Management By-Law".

**2. APPLICATION:**

2.1 Unless otherwise expressly stated in specific sections hereof, this By-law shall apply to any landfill site as designated by the Township of Harley, in the District of Temiskaming, Ontario which has the required approval from the appropriate Ministry to operate as a landfill.

**3. DEFINITIONS**

3.1. "Attendant" means an employee or contractor hired by the Township, reporting to the Clerk-Treasurer and/or designate, and responsible for the day-to-day operations of the landfill site and enforcing the rules and regulations according to the Waste Management By-law and current Township Landfill Tipping Fees By- law;

3.2. "By-law Enforcement Officer" means the Township's By-law Enforcement Officer, and/or designate, as appointed by the Council of the Township of Harley;

3.3. "Building Materials" means the same as "Construction Waste";

- 3.4. "Construction Waste" means any and all items associated with building, including but not limited to drywall, shingles, flooring, siding, insulation, windows, doors, wood. No recyclables or household waste shall be mixed in with construction waste. Tipping fees will apply as per the current Township Landfill Tipping Fees By-law;
- 3.5. "Council" means the Council of the Corporation of the Township of Harley;
- 3.6. "Household Waste" means the waste produced by residents in their homes and shall not include construction waste, furniture or fixtures.
- 3.7. "Hazardous Waste" means waste requiring special care as defined by the Environmental Protection Act R.S.O. 1990, c. E.19;
- 3.8. "Landfill Site" means the real property owned by the Township, legally described as HARLEY CON 1 N PT LOT 12 PCL 24942SST LAND FILL SITE located at 119114 Sales Barn Rd in the Township of Harley, District of Temiskaming, for which a license has been issued by the Ontario Ministry of the Environment for the operation of a Landfill Site.
- 3.9. "Operating Authority" means the staff as appointed by the Council of the Township of Harley.
- 3.10. "Owner" means any of:
- 3.10.1. A person who is shown as one of the registered owners of real property in the records of the Land Registry or Land Title Office; or
  - 3.10.2. A person who is shown as the assessed owner of real property on a current assessment roll for the Township; or
  - 3.10.3. A person for the time being managing or receiving the rent of the land or premises, whether on his own account or as an agent or trustee for any other person;
- 3.11. "Person" means an individual, partnership, association, firm or Corporation;
- 3.12. "Prohibited Waste" means waste not accepted at the landfill site and shall include but is not limited to any hazardous or toxic substances, materials or chemicals; animal carcasses; rocks; human pathological waste; human excrement or urine; livestock excrement or urine; the former contents of any septic tank or holding tank; explosives or highly flammable materials, substances or chemicals; railway timbers; asphalt; biomedical waste; and any other waste which is deemed unacceptable by the attendant on duty;
- 3.13. "Punch Card" means a card provided to "Users" which allows access to all on site diversion programs and provides a system to control the disposal of garbage bags per household or commercial business;
- 3.14. "Recyclable" means those classifications of waste capable of being diverted from the normal waste stream;
- 3.15. "Refuse" means the same as "waste";
- 3.16. "Scavenging" or "Salvaging" means the process of finding items for the purpose of reuse;
- 3.17. "Township" means The Corporation of the Township of Harley.
- 3.18. "User" means an owner of a residence or a tenant of a residence entitled to place refuse at the landfill site.

3.19. "Vacant Land" means land with no houses, offices or other permanent structures.

3.20. "Waste" means domestic and solid non-hazardous, non-recyclable refuse and other wastes as designated and as approved by the Ministry of Environment. Tipping fees may apply;

#### **4. PUNCH CARD SYSTEM**

4.1. Users will be provided with one punch card annually which will specify the number of free garbage bags the user is entitled to dispose of per year. Additional garbage bags over the annual limit may be disposed of at a cost set in the current Township Landfill Tipping Fees By-law. Only non-recyclable waste that fits in a garbage bag may be included with the annual bag limit. Construction waste will be subject to tipping fees as per the current Township Landfill Tipping Fees By-Law. The punch card can be picked up by the Owner at the Landfill Site with valid identification. It is the responsibility of the Owner to provide the punch card to their tenant(s). The person to whom the punch card is issued is responsible for reporting its loss or theft and shall be responsible for the cost of replacement as set out in the current Township Landfill Tipping Fees By-law. Replacement punch cards can only be obtained at the municipal office.

4.2. The size of the garbage bag permitted shall be no greater than 31" x 42". Users using reusable waste containers or bags larger than specified may be subject to additional charges at the discretion of the attendant.

4.3. Commercial Contractor Users of the landfill site shall provide a valid building permit or contractor authorization form from the Municipal Office proving that they are entitled to use the landfill site and shall pay for any waste to be deposited based on the current Township Landfill Tipping Fees By-law.

4.4. Vacant landowners without an active valid building permit are not classified as users as defined in this By-law and will not be provided with a punch card.

4.5. Tipping fees for all waste such as, but not limited to, building materials and other non-recyclable waste shall be as prescribed in the current Township Landfill Tipping Fees By-law.

#### **5. SITE OPERATION**

5.1. The Township of Harley operates the landfill site. The use of this site is a privilege and not a right, which will normally be extended to all residents and ratepayers in the Township and such persons from whom the Township may by contract agree to accept waste.

5.2. The landfill site shall be available for the depositing of waste produced within the Township of Harley and any other person or municipality with whom the Township may by contract agree to accept waste from in accordance with this By-law. Waste must be in garbage bags or reusable waste containers for disposal. All waste must be free of recyclable items and contain no hazardous waste materials or other prohibited waste.

5.3. No person shall enter the landfill site without:

5.3.1. Showing their punch card to the attendant;

5.3.2. Giving their name and address to the attendant upon request;

- 5.3.3. Declaring the nature and origin of the waste, upon request.
- 5.4. The landfill site shall only be used by a user when an attendant is on duty, or as authorized by municipal staff.
- 5.5. All waste material shall be transported to the landfill site in a manner so as to prevent scattering of waste while on route to the landfill site.
- 5.6. All waste must be properly sorted e.g. household, construction, recyclable, and non-recyclable and must be disposed of in the designated areas. Tipping fees may apply as per the current Township Landfill Tipping Fees By-law. Fees may be increased for unsorted loads, and if hazardous waste or any other prohibited waste may be concealed within the load, the load may be refused.
- 5.7. Hazardous Waste as defined by the Environmental Protection Act shall not be accepted at the landfill site. This waste must be disposed of on the Hazardous Waste Day Events, on such days designated and advertised for that purpose.
- 5.8. Scavenging and salvaging will not be permitted at the landfill site. This applies to the entire landfill site and includes the scrap metal and electronics.
- 5.9. All on-site health, sanitary and site operations shall be maintained in accordance with the Environmental Protection Act and Certificates of Approval.
- 5.10. All Users shall ensure that children remain inside the motor vehicle at all times.
- 5.11. All Users shall ensure that animals remain inside the motor vehicle at all times.
- 5.12. The Township will not tolerate any threats, intimidation, violence, threats or illegal conduct, or any profane or abusive language directed at any Township employee, contractor hired by the Township or designates. Such offences by any person or user may be grounds for refusal of service up to and/or including being asked to leave the landfill site with their waste. Furthermore, the user may be subject to a written notice mailed to the user's address shown in the assessment roll. Additional offences may be subject to further action as outlined in Section 9.
- 5.13. The Township of Harley reserves the right to prohibit any person, firm or Corporation from using the landfill site. The Operating Authority may suspend, terminate or restrict the privilege of using the landfill site and cancel the punch card of any person who violates any of the rules and regulations. The decision of the Operating Authority to suspend, terminate or restrict the right of a user shall be set down in writing and delivered or mailed to the person at their address shown on the assessment roll. Such written notice shall contain the following:
- 5.13.1 A brief description of the alleged violation including the approximate date thereof;
  - 5.13.2 The date in which the restrictions or suspensions come into effect;
  - 5.13.3 The fact that this decision may be appealed in person or in writing to Council;
  - 5.13.4 Where applicable, the details of the restrictions imposed, and may include the following:
    - 5.13.4.1 A requirement that refuse be brought in only at specified times and days;
    - 5.13.4.2 The user may be required to submit to a detailed inspection of refuse tendered;



5.13.4.3 User may be required to pay additional fees, plus the other fees normally imposed.

5.14. Recycling shall be in a recycle bin or clear/transparent bag and shall be clean, properly sorted and loose when placed into the Transfer Station and Recycling Centre Bins.

5.15. The Township shall not be obligated to accept waste that is not disposed of in accordance with this By-law. Should the Township accept waste that is not disposed of in accordance with this By-law, said actions by the Township shall be construed as a waiver of the requirements of this By-law.

## **6. PROHIBITIONS**

No person shall:

6.1 Deposit waste at the landfill site unless they have shown their punch card to the attendant.

6.2 Deposit waste at the landfill site unless the applicable tipping fee has been paid to the attendant in accordance with the Townships Landfill Tipping Fee By-Law.

6.3 No person shall unlawfully enter the landfill site during the time that it is closed.

6.4 Hinder or obstruct the Township, its employees, contractors, officers or agents.

## **7. OFFENCES**

7.1. Any person who fails to comply with this By-Law is guilty of an offence.

7.2. Any person who breaches any provision of this By-law is guilty of an offence.

7.3. If this By-law is contravened and a conviction is entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any other penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

## **8. OBSTRUCTION**

8.1. No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this By-law.

8.2. Every Person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the By-law Enforcement Officer, or their designate(s) upon request. Failure to do so shall be deemed to have hindered or obstructed the By-law Enforcement Officer or their designate(s).

## **9. PENALTIES**

9.1. Every Person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

9.2. Every Person guilty of an offence under this By-law may, if permitted under the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended, pay a set fine and the Chief Judge of the Ontario Court Provincial division, shall be requested to establish set fines in accordance with Schedule "A" attached to this By-law.

**10. SEVERABILITY**

10.1. If a Court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

**11. SCHEDULES**

11.1. Schedule 'A' as attached shall form part of this By-law.

**12. REPEAL**

12.1. THAT all By-laws of parts thereof and all and any resolutions of Council, contrary hereto or inconsistent herewith, be and the same are hereby repealed.

**13. IMPLEMENTATION**

13.1. THAT By-law 2024-17 shall come into force and effect on December 10<sup>th</sup>, 2024.

13.2. That the Clerk-Treasurer for the Township of Harley is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law.

**READ a FIRST, SECOND, and THIRD TIME and FINALLY PASSED** this 10<sup>th</sup>, day of December, 2024.



*Pauline Archambault*  
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REEVE

*[Signature]*  
\_\_\_\_\_  
CLERK

**Certified True Copy**

*[Signature]*  
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**The Corporation of the Township of Harley**  
**Schedule 'A' to**  
**By-Law 2024-17: "Waste Management By-Law"**  
**Part I Provincial Offences Act**

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Deposit waste without showing punch card to attendant.	Sch. 'A', s. 6.1	\$250.00
2	Deposit waste without paying applicable tipping fee.	Sch. 'A', s. 6.2	\$250.00
3	Enter waste disposal site when closed.	Sch. 'A', s. 6.3	\$250.00
4	Hinder or obstruct the Township, its employees, contractors, officers or agents.	Sch. 'A', s. 6.4	\$250.00

*Note: The general penalty provision for the offences listed above is section 6 of by-law 2024-17, a certified copy of which has been filed.*