

THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

BY-LAW NO. 4007-2023

BEING a bylaw to provide for the collection of household garbage and recycling materials in the Township of Montague.

A By-law to provide for the collection of Household garbage and other household waste material in the Township of Montague.

WHEREAS section 11 (3) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended gives a lower-tier municipality authority to pass by-laws, respecting waste management;

AND WHEREAS pursuant to Section 391(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, authorize a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS the Council of the Township of Montague deems it expedient to pass a by-law setting out new policies and procedures for the collection, removal and disposal of household garbage in the Township;

AND WHEREAS the Council wishes to provide a means of reducing the amount of garbage directed to landfill sites;

NOW THEREFORE the Municipal Council of the Township of Montague enacts as follows:

1. DEFINITIONS:

For the purpose of this by-law the following works shall have the meaning given herein:

- 1.1 **“Bio-medical Waste”** is defined as waste that is generated by the following:
 - 1.1.1 Human anatomical waste
 - 1.1.2 Human blood waste
 - 1.1.3 Animal anatomical waste
 - 1.1.4 Animal blood waste
 - 1.1.5 Microbiology laboratory waste
 - 1.1.6 Sharps waste
 - 1.1.7 Cytotoxic waste
 - 1.1.8 Waste that has come into contact with human blood waste that is infected or suspected of being infected with any infectious substance (human), or
 - 1.1.9 A waste containing or derived from one or more wastes described in clauses (1.1.1) through (1.1.8)
- 1.2 **“Bundle of Waste”** means any permitted waste securely tied into a bundle having dimensions of 1.5m x 0.6m x 0.6m or less and having a weight of 15kg or less. Must be waste which is permitted into landfills other than those materials defined as uncollectable Waste.
- 1.3 **“Collectable”** means Garbage, and Recyclable Materials, which may be collected at curbside or at a Collection Point in accordance with the provisions of this By-law.
- 1.4 **“Collection Point”** means the area that has been designated by the Manager for the Set Out and municipal collection of Garbage,

Recyclable Materials, or any other Collectable Waste, shall mean the location the Waste is Set Out for collection.”

- 1.5 “**Contractor**” means any individual, firm, company or corporation and its employees or agents with whom the Township has entered into a contract or agreement for the collection, processing, marketing, transfer or disposal of Waste.
- 1.6 “**Council**” means the Council of Montague Township.
- 1.7 “**Diversions**” means those facilities, equipment, programs, and services of the Solid Waste Management System operated for the purpose of diverting Waste from landfill, including but not limited to, recycling, composting and Municipal Hazardous or Special Waste.
- 1.8 “**Eligible Property**” means one of the following: For Garbage and Recycling collection:
 - 1.8.1 Any property in the residential Property Class as per the Township of Montague treasury department, including multi-residential properties with six or less units.
 - 1.8.2 Vacant Land as per the Township of Montague treasury department is not considered eligible under section 1.8.1.
 - 1.8.3 Other property as approved in writing by the Manager of Public Works and Clerk Administrator.
- 1.9 “**Fee**” means any monies payable as determined by the Township for Garbage Bag Tags, additional blue or yellow recycling boxes, backyard composters, or for any other service as provided in accordance with this By-law.
- 1.10 “**Garbage**” means solid, non-hazardous Waste other than Unacceptable Items as described on Schedule “C.”
- 1.11 “**Garbage Bag Tag**” means a sticker, approved by the Township for the purpose of identifying any Garbage Receptacles for collection above the Garbage Limit as identified in Schedule “A” of this bylaw.
- 1.12 “**Garbage Limit**” means the maximum allowable number of Garbage Receptacles that may be Set Out without a Garbage Bag Tag, as described on Schedule “A”
- 1.13 “**Garbage Receptacle**” means:
 1. A rigid container having:
 - 1.1. Must have a watertight lid which can be easily removed to facilitate collection;
 - 1.2. Molded or attached handles designed for lifting;
 - 1.3. A capacity no greater than one-hundred and twenty-one (121) litres
 - 1.4. Maximum weight per container (including receptacle and waste) of 18kg (40lbs)
 - 1.5. A diameter which is smaller at the bottom than at the top; or
 2. A plastic bag:
 - 2.1. With a maximum size of 66cm (26in) by 91cm (36in) capable of being closed or tied and containing the Garbage without tearing;
 - 2.2. Maximum weight of 15kg (33lbs); or
 3. A tied bundle:
 - 3.1. That is no greater than 1.5m x 60cm x 60cm
 - 3.2. Maximum weight of 15kg (33lbs);
- 1.14 “**Household Hazardous Waste**” means Municipal Hazardous

(batteries, electronics, tires) or Special Waste.

- 1.15 **“Industrial, Commercial and Institutional (IC&I)”** means Industrial, Commercial, and Institutional businesses.
- 1.16 **“Occupant”** has the same meaning as **“occupier”** as defined in the Occupiers' Liability Act further described as any Owner, lessee, tenant, agent, authorized employee, or Person otherwise in care and control of any property.
- 1.17 **“Officer”** means By-Law Enforcement Officer as appointed by Montague Township Council, including police officer.
- 1.18 **“Permitted Waste”** means any waste which is permitted into landfill other than those materials defined as uncollectable Waste
- 1.19 **“Private Property”** means property which is privately owned and is not the Township property, or property of a local board, or property of the Crown in Right of Ontario, the Crown in Right of Canada, or any emanations thereof, unless it is leased to a person or corporation not listed above.
- 1.20 **“Public Property”** means any property, which is owned or leased by the Township, or property of a local board.
- 1.21 **“Recyclable Materials”** means any material designated by O. Reg. 101/94 under the Environmental Protection Act, as amended, or otherwise designated by the Township as a material to be collected for the purpose of recycling as described in the most current Recycling collection and disposal contract.
- 1.22 **“Recycling Receptacle”** means a Blue or Yellow Box that is used for the collection of Recyclable Materials.
- 1.23 **“Residential Property”** shall not include those properties assessed as residential due to commercial or industrial vacancies, or vacant land properties;
- 1.24 **“Residential Unit”** means a self-contained place of residence approved by the Township and recognized by the Municipal Property Assessment Corporation, with its own culinary and sanitary facilities provided for the exclusive use of the Person or Occupant who resides therein, with a private entrance from outside the building.
- 1.25 **“Scheduled Collection Day”** means a day of Waste collection for a particular geographic area within the Township to be collected by a 3rd Party Contractor.
- 1.26 **“Street”** shall mean any public road allowance within the Township of Montague.
- 1.27 **“Tagged”** means having an Unacceptable Set Out Tag attached.
- 1.28 **“Township”** shall mean the Corporation of the Township of Montague.
- 1.29 **“Unacceptable Item”** means an item described as unacceptable on Schedule “C,”
- 1.30 **“3rd Party Contractor”** means any individual, firm, company or corporation and its employees or agents with whom Commercial

Properties has hired or entered into a contract or agreement for the collection, processing, marketing, transfer, or disposal of Waste.

- 1.31 Construction Waste - Construction Waste means discarded building material resulting from the erection, repair, demolition, or improvement of buildings or structures. Examples of Construction waste are (but not limited to) the following: wood, cement/concrete, porcelain, rigid plastics, insulation, tile, metals, gypsum, roofing materials, masonry, and items such as vanities, sinks, toilets, etc..

2. Application & Interpretation

- 2.1. The purpose of this By-law is to protect the health, safety, and welfare of the public and to provide for the abatement of nuisances and the protection of the environment by regulating and monitoring the collection, processing, transfer and/or disposal of Waste within the Township.
- 2.2. The provisions of this By-law shall apply to all properties within the Township.
- 2.3. Unless otherwise provided for, Waste Collection and Disposal Services, as set out under this By-law, are provided only to Eligible Properties.
- 2.4. All attached Schedules form part of this By-law.
- 2.5. Where a provision of this By-law conflicts with a provision of another By-law in force in the Township or any other statute or regulation, the provision that establishes the higher standards to protect the health, safety and welfare of the public shall prevail.

3. ADMINISTRATION

- 3.1 The Manager shall administer the provisions of this By-law.
- 3.2 All Officers are authorized to enforce this By-law.
- 3.3 Fees related to this By-law shall be Identified in the current "User Fees and Charges" By-Law.

4. CONDITIONS

- 4.1. **General Conditions**
 - 4.1.1. All occupants shall thoroughly strain all garbage before placing it in garbage containers and no garbage of a semi-liquid consistency shall be collected from any premises whatsoever.
 - 4.1.2. Every occupant shall place garbage in a suitable container sufficient to prevent the entry of water, rain, flies and animals and the escape of noxious odours therefrom.
 - 4.1.3. All garbage shall be placed in an enclosed garbage container of a maximum size of 121 Litres or in plastic disposable garbage bags the size of which shall not be greater than 66cm (26 inches) by 91cm (36 inches). No bag shall exceed 15kg (33lbs), and no rigid container shall exceed 18kg (40lbs) in weight.
 - 4.1.4. Multiple Family Dwellings – The Owner, lessee, or person in charge of every building in which more than two (2) families live, or which contains more than two (2) separate places of living shall supply

and maintain “containers for garbage” conforming of this by-law for each unit and shall ensure that the waste has been put out for collection in conformity with this by-law. Except as otherwise permitted in this by-law, no person shall place or use any type of container for the storage of waste on any street except where permission to do so has been given in writing by the Public Works Manager.

- 4.1.5. Waste shall be set out for collection in a location as close as practical to the travelled portion of the street directly adjacent to the property of the Owner or Occupant but not to impede or interfere with the flow of traffic or maintenance of the roadway and sidewalks.
- 4.1.6. Containers shall be placed at the edge of public roads for collection prior to 7:00 a.m. on the day of collection, but shall not, however, be placed before 5:00 p.m. on the day preceding the collection day. Empty containers or material not collectable under the terms of this By-law shall be removed from the edge of public roads and returned to private property no later than 9:00 p.m. on the scheduled collection day. The Township shall not be responsible to any resident or occupant for loss or damage to waste or recyclable receptacles.
- 4.1.7. No person shall place garbage on another person’s property or spill, scatter, deposit, throw, cast, lay or cause to be thrown, cast or laid any garbage on any street, public property, or private property.
- 4.1.8. No Person shall throw, place, or deposit any waste refuse on any property of the Township or any local board thereof.
- 4.1.9. No person, unless authorized by the Township, shall scavenge any waste that has been placed out for collection, except for the removal of loose, uncontained items such as bulky items, furniture, and similar items.
- 4.1.10. Spillage from containers or bags caused by animals or persons shall not be gathered up by the Township, its agent or independent contractor and shall be the responsibility of the occupant to clean up the spillage.
- 4.1.11. No person shall set out for collection any hazardous waste, grass clippings, leaves, branches, garden waste, scrap lumber, logs, metal, stone, brick, concrete, ashes, refrigerators, freezers, stoves, ovens, water heaters, washers, dryers, furniture, or other large items. Unless a designated large item pickup day has been established by Township Council.
- 4.1.12. No item not contained within a garbage bag or approved containers shall be set out for collection. No garbage or waste from any industrial, commercial, or institutional property or premise shall be set out for collection regardless of the type of container, the disposal of waste and refuse of an institutional, commercial, or industrial establishment shall be the sole responsibility of the occupant of such establishment and the Township shall bear no responsibility for collection or disposal of the same.
- 4.1.13. Waste that is frozen to, or in any way attached to, or packed so tightly or in a condition such that it cannot discharge freely from a Receptacle with minimal effort by the collection operator will not be collected.

- 4.1.14. The number of collections per week and days and times that such collection is made shall be determined by the Township, but in no case shall collection be made less than once in each week from those premises to which the service is provided.
- 4.1.15. When a normal collection day falls on a Public or Statutory Holiday, such collection shall be made:
- 4.1.15.1 When one collection per week is normally made, the collection shall be made on a suitable day prior to or after the Public or Statutory Holiday.
- 4.1.16. The garbage that shall be collected by the Township, its agent or independent contractor shall be only that garbage as set out in this by-law, in an approved container as set out in this by-law and in the quantities as set out in this by-law.
- 4.1.17. The Township shall not collect waste from properties abutting unassumed road allowances with no approved entrance on a Township or County maintained roadway.
- 4.1.18. Private road property owners must place their waste at a collection point as determined and approved by the Public Works Manager.
- 4.1.19. The Township may direct properties on class 6B and 6C roadways as per the current road classification By-law to place their waste at a collection point as determined and approved by the Public Works Manager in writing. Class 6B and 6C must have a sufficient turnaround space for Waste collection vehicles which shall be determined by the Manager.
- 4.1.20. The monies collected shall be used by the Township to assist in maintaining a system for the collection, removal, and disposal of garbage from residential dwelling units. The monies collected shall be deposited in the general Township account.

4.2. **Conditions for Garbage Collection**

- 4.2.1. Owners or Occupants shall only set out garbage for collection using Garbage Receptacles as defined in this By-law.
- 4.2.2. All residential households and multi-residential properties with six or less units are allowed to place a maximum of two (2) non-stickered approved waste receptacles per unit at the curb each collection day effective January 1st, 2023. Additional waste bags may be placed at the curb provided they are appropriately stickered (one approved sticker per bag). Each bag cannot exceed 15kg (33lbs).
- 4.2.2.1.1. Condominium properties and cooperative housing properties do not receive curbside garbage collection as defined in this By-law. Properties under 4.2.2.1 shall submit the same plans and practices set out under item 4.2.2.2.
- 4.2.2.1.2. Multi-residential properties with seven (7) or more residential / units will be required to utilize carts or rear tip dumpsters for solid waste and source separated recycling collection. Individual garbage bags shall not be permitted curbside for collection. These properties shall be required to submit a written "Waste & Recycling Plan" for approval which shall include a site plan (if waste is to be stored outside the building), demonstrate storage capacity, and

detail how the property will collect and dispose of waste and recyclable materials. The Plan shall also include a commitment from the property owner to communicate with residents regarding the importance of recycling.

- 4.2.3. There is no limit on the amount of legal waste which can be put at the curb by eligible households.
- 4.2.4. Only permitted waste shall be put out for collection as per schedule "B".
- 4.2.5. Stickers shall be prominently displayed on the exterior of the waste bag or bundle facing the travelled portion of the road, or for a ridged waste receptacle, the sticker must be visible upon removal of the lid.
- 4.2.6. Rigid waste receptacles must have a sealed waterproof lid, and total height cannot exceed 33cm.
- 4.2.7. There will be a new style of sticker (Schedule 'A') effective January 1st, 2023.
- 4.2.8. Additional stickers may be purchased from the Township Office, Milano's Pizza in Merrickville (cash only) or Mr. Gas in Smiths Falls (cash only, for a purchase price of \$3.00 per tag. Stickers are non-returnable, and no refunds shall be provided. The municipality is not responsible for lost or stolen stickers. Should the municipality detect any counterfeit waste collection stickers, the property owner is subject to the refusal of waste collection and a fine as outlined by this By-law.
- 4.2.9. The previously acceptable fluorescent orange waste tag will be accepted on additional waste bags as per this by-law, until January 1st, 2025. Beyond January 1st, 2025, all existing fluorescent orange tags will be considered uncollectable if used on permitted waste beyond the untagged limit.
- 4.2.10. Residents can place three (3) non-stickered approved waste receptacles per residential unit on their next scheduled collection date following December 25th

4.3. **Conditions for Recycling**

- 4.3.1. All occupants are encouraged to recycle any waste that can be recycled.
- 4.3.2. Circular Materials Ontario is responsible for issuing and replacing recycling bins.
- 4.3.3. Effective July 1st, 2023, Circular Materials Ontario is responsible for all recycling matters in Montague Township.

4.4. **Conditions for Composting**

- 4.4.1. All residents are encouraged to compost any suitable organic material such as kitchen greens, kitchen browns, yard greens, and yard browns.
- 4.4.2. The Township may provide at the municipal purchase cost composting units to residents.

4.5. **Conditions for Large Item Pickup**

- 4.5.1. The acceptable items for large item pickup are listed in schedule B, this list includes any permitted household waste which exceeds 15kg (33lbs), does not fit in an acceptable waste bag, or is a bulky item (i.e., couches, white metals, mattresses, large or small furniture).
- 4.5.2. All large items must have two (2) visible approved waste tags (Schedule A) affixed to each item.
- 4.5.3. No item shall exceed 80kg (176lbs) in weight.
- 4.5.4. Large item bundles of waste shall have a dimension no greater than 0.6m (23in) x 0.6m (23in) x 1.5m (59in).
- 4.5.5. Construction Waste will not be accepted.
- 4.5.6. Any items containing refrigerant must have refrigerant drained and tagged by a certified technician.
- 4.5.7. Uncollectable large items will be tagged, and material not collectable under the terms of this by-law shall be removed from the edge of public roads and returned to private property no later than 9:00 p.m. on the scheduled collection day.
- 4.5.8. The Township shall complete a large item collection twice yearly; the first being the first full week of June, and the second being the first full week of October.
- 4.5.9. The large item pickup day shall be determined by Council, and shall be publicized in the Township newsletter, Municipal website, and in any additional media outlet that may be used by the Township.
- 4.6. Acceptable and prohibited items will be set out as per Schedule "B" and Schedule "C"
- 4.7. **Conditions for Hazardous Household Waste**
 - 4.7.1. Hazardous materials are not collected curbside.
 - 4.7.2. Hazardous material collection sites for batteries, electronics, tires, and special material shall be posted on the municipal website.

5. Enforcement and Penalty

- 5.1. Any Person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction, is subject to a fine as provided for in the Provincial Offences Act R.S.O chapter 33 as amended and to any other applicable penalties.
- 5.2. Any or all waste left at the roadside in contravention of this By-law may be removed forthwith by municipal staff or by a private contractor engaged by the municipality for that purpose. The total cost of such removal together with an administrative fee shall be invoiced to the registered owner of the adjacent property. Such invoices, if not paid, shall be deemed to be Municipal property taxes and may be added by the Treasurer of the Municipality to the Collector's Roll and collected in the same manner and with the same priorities as municipal real property taxes.
- 5.3. Each day that this infraction exists may be considered a separate offence under this By-law.

- 5.4. This By-law shall be enforced by the Municipal By-law Enforcement Officer, as appointed from time to time and/or an Officer with the Ontario Provincial Police.
- 5.5. For the purposes of enforcing the provisions of this By-law, such enforcement officer may inspect waste and material set out for collection on public property and on private property upon the request of the owner or occupier of such property.

6. Severability

- 6.1. Where a court of competent jurisdiction declares any section or part of a section of the By-law invalid, it is the intention of Council that the remainder of the By-law shall continue in force unless the court makes an order to the contrary.

7. Short Title

- 7.1. This By-law may be referred to as the “Waste Management and Collection By-law.”

8. Repeal of By-law

- 8.1. That By-law 3892-2022, be hereby repealed.

9. EFFECTIVE DATE

This by-law shall come into force and take effect on the 5th day of September, 2023.

READ A FIRST, SECOND & THIRD TIME & FINALLY PASSED THIS 5TH DAY OF SEPTEMBER, 2023.

REEVE

CLERK

THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

BY-LAW NO. 4007-2023

SCHEDULE "A"

MUNICIPAL WASTE COLLECTION STICKER

All residential households and multi-residential properties with six (6) or less units are allowed to place two (2) non-stickered waste bags per unit at the curb each collection day effective January 1st, 2023. Additional waste bags may be placed at the curb provided they are appropriately stickered (one approved sticker per bag). Each bag cannot exceed 15kg (33lbs). Residents may place three (3) non-stickered waste bags per residential unit at the curb for collection, on their next scheduled collection date, after December 25th each year.

If residents exceed the two (2) untagged waste bags per week, each waste bag thereafter must have an approved waste tag (Figure 1 below) on each waste bag or be deemed uncollectable.

Residents with existing valid fluorescent orange waste tags will be an accepted garbage bag tag until January 1st, 2025. After January 1st, 2025, fluorescent orange bag tags will no longer be accepted.

Effective at the passing of this By-law, large item collection will be utilizing the silver tag as noted in Figure 1. Each large item will require two (2) silver tags affixed to the item for collection. Fluorescent orange waste tags will no longer be accepted for large items.

Tags can be purchased at the Township Municipal Office during regular business hours at a cost of \$3.00 per tag.,

Tags may also be purchased from the selected commercial outlets for a purchase price of \$3.00 per tag at the direction and approval of the Clerk Administrator.

SILVER MONTAGUE WASTE STICKER



Figure 1: Silver Montague Waste Sticker

THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

BY-LAW NO. 4007-2023

SCHEDULE “B”

ACCEPTABLE ITEMS WEEKLY COLLECTION

DESCRIPTION OF WASTE	MAXIMUM SIZE	MAXIMUM WEIGHT	MUNICIPAL BAG TAGS
Standard waste bag – 2 or less	66cm (26in) by 91cm (36 in)	15kg (33lbs)	No tag required
Standard waste bag – each bag exceeding 2	66cm (26in) by 91cm (36 in)	15kg (33lbs)	1 Tag
Bundle of Waste - 2 or less	1.5m x 0.6m x 0.6m	15kg (33lbs)	No tag required
Bundle of Waste – each bundle exceeding 2	1.5m x 0.6m x 0.6m	15kg (33lbs)	1 Tag
Rigid container – must have a lid	121 L	18 kg (40lbs)	No tag required
Rigid container – must have a lid – each container exceeding 2	121 L	18 kg (40lbs)	1 Tag

ACCEPTABLE ITEMS LARGE ITEM PICKUP

DESCRIPTION OF WASTE	MAXIMUM SIZE	MAXIMUM WEIGHT	MUNICIPAL BAG TAGS
A Large household article (couch, chair, mattresses, empty hot water tanks, furniture, end tables, dressers, etc..)	2m Long	80kg	2 Tags
Securely tied bundle of waste	1.5m x 60cm x 60cm	50kg	2 Tags
Appliances	The owner shall have refrigeration drained and appropriately tagged by a certified technician prior to placing it at the curb for collection		2 Tags

THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

BY-LAW NO. 4007-2023

SCHEDULE “C”

UNCOLLECTABLE HOUSEHOLD WASTE WEEKLY COLLECTION

ITEM	OPTION
Articles which are not bundled	Contact private waste contractor disposal contractor
Articles greater than 1.5m x 60cm x 60cm and/or great than 15kg (33lbs)	
Waste bag exceeding the dimensions of 66cm (26in) by 91cm (36 in).	
Bagged or bundled articles exceeding 15kg (33lbs)	
Rigid containers exceeding 18kg (40lbs) including container weight, and/or waste receptacle overfilled (lid cannot be properly secured to the receptacle)	
Construction Waste	
Stones, earth, stumps	
Scrap metal including iron or steel	
Liquid or medical waste	Hazardous material collection sites for batteries, electronics, and special material can be found on the Municipal website
Household Hazardous Wastes (paint, oil, chemicals, batteries, etc.)	
Yard Waste (Grass Leaves, Brush, etc.)	Contact a private waste disposal contractor
Articles which are not appropriately tagged, and or a breach of any statement herein	Contact private waste contractor disposal contractor and or place for disposal the following week following appropriate guidelines
Tires	Contact a tire retailer for disposal information
Bio-medical Waste	Follow best practices as per C-4 The Management of Biomedical Waste in Ontario
Carcass of any animal	Contact Veterinarian

THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

BY-LAW NO. 4007-2023

SCHEDULE “C” CONTINUED

UNCOLLECTABLE LARGE ITEM COLLECTION

ITEM	OPTION
Articles which are not bundled	Contact private waste contractor disposal contractor
Articles greater than 1.5m x 60cm x 60cm and/or great than 50kg (110lbs)	
Articles which are not appropriately tagged, and or a breach of any statement herein	
Yard Waste (Grass Leaves, Brush, etc.)	
Articles exceeding 80kg (176lbs)	
Scrap metal including iron or steel	
Construction Waste	
Animal waste	
Liquid or medical waste	
Any explosive or highly combustible materials	
Stones, earth, stumps	
Household Hazardous Wastes (paint, oil, chemicals, batteries, etc.)	Hazardous material collection sites for batteries, electronics, and special material can be found on the Municipal website
Tires	Contact a tire retailer for disposal information
Bio-medical Waste	Follow best practices as per C-4 The Management of Biomedical Waste in Ontario
Carcass of any animal	Contact Veterinarian