

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 1890

Being a by-law to regulate and provide for the storage, handling, collection and disposal of waste, and recyclable materials within the Municipality of Marathon.

WHEREAS Section 10 subsection (1), of the Municipal Act, 2001, S.O. 2001, c.25 provides that a single-tier municipality may provide any service or thing the municipality considers necessary or desirable for the public;

AND WHEREAS Section 11 subsections (3) (3) of the Municipal Act, 2001, S.O. 2001, c.25 provides for the establishment of a waste management system within the Municipality of Marathon;

AND WHEREAS Section 127 subsections (a) and (b) of the Municipal Act, 2001, S.O. 2001, c.25 provides for the regulation of clearing and cleaning land including refuse and debris by the owner or occupier of said land;

AND WHEREAS it is in the interest of society as a whole and the citizens of the Town of Marathon in particular that the amount of waste material generated by the community be reduced and whenever possible such materials be re-used or recycled and that the environment be protected from contamination from hazardous substances;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARATHON HEREBY ENACTS AS FOLLOWS:

1.0 TITLE AND SCOPE

1.1 Short Title:

This by-law may be cited as the "Waste Management By-law".

1.2 Scope

1.2.1 The provisions of this by-law shall apply to all persons, lands, structures and uses within the boundaries of The Corporation of the Town of Marathon.

1.2.2 No person shall dispose of, or cause to be disposed, any waste, debris or refuse except in conformity with the provisions of the by-law and schedules annexed thereto.

1.2.3 This by-law shall not be effective to relieve, reduce or mitigate any person from compliance with any provision of the Public Protection and Promotion Act, R.S.O. 1990, c.H.7 or the Environmental Protection Act, R.S.O. 1990, c.E.19 as amended or any regulation or order prescribed by the Medical Officer of Health or the Minister of Environment and Climate Change.

2.0 INTERPRETATION

2.1 In this by-law:

- (a) words importing the singular number only, include more persons, parties or things of the same kind than one and the converse; and
- (b) a word interpreted in the singular number has a corresponding meaning when used in the plural;

- (c) "may" shall be constructed as permissive;
 - (d) "shall" shall be constructed as imperative;
 - (e) "includes": the words - "include – includes – including and included" are not to be interpreted as restricting or modifying the words or phrases which precede them.
- 2.2 It is declared that if any Section, sub section or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such Section or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- 2.3 The schedules referred to in this by-law form an integral part of it. Each entry in a column of a schedule is to be read in conjunction with the entry or entries across from it.
- 2.4 Where the expression of time occurs, the time referred to is intended to be the system of time keeping in force in the municipality at the time of the by-law.
- 2.5 All words and personal pronouns relating to words contained in this by-law include the male and female.
- 2.6 Article, Section and paragraph headings are inserted solely for ease of reference.
- 2.7 References within this by-law to the titles of the Corporation's employees are references to the positions that held those titles at the time this by-law was enacted. Where a corporate restructuring has occurred such that there is no longer a person within the organization who holds a referenced title, the reference is to the person who undertakes the duties of the title holder at the time this by-law was enacted. In any case of doubt, the Chief Administrative Officer for the Corporation shall delegate the authority to the appropriate person and direct this by-law be amended to reflect the new title.

3.0 **DEFINITIONS**

For the purpose of this by-law:

Ashes means the solid residue from burnt materials, including but not limited to soot, and other chimney deposits.

Attendant means the person employed, by the Municipality, to carry out the duties associated with operating and maintaining the Municipal Waste Disposal Site and the Municipal Waste Transfer Station, Recyclable Material Depot, Yard Material Depot and the Household Hazardous Waste Depot.

Bag Tag means an adhesive strip authorized by the Municipality for the attachment to waste collection receptacles.

Collection means the activity of removing municipal waste or recyclable materials that originate from premises within the Town by employees of the Town or persons, firms or corporation under contract with the Town.

Collection Point means a location approved by the Works and Operation Manager for municipal waste and recyclable materials pick up by the collector.

Collection Waste means waste incidental to a commercial enterprise, including waste produced directly from a retail activity but shall not include trade waste.

Collector means a solid waste utility worker or any Town Employee or person under contract by the Town to collect municipal waste and recyclable materials under the

provisions set forth in this by-law.

Commercial Enterprise means any establishment set up for the purposes of providing goods and/or services for profit, but does not include manufacturing or industrial enterprises.

Commercial Premises means a specific property under registered ownership, including all buildings and accessory structures thereon, at which a commercial enterprise is conducted.

Commercial Waste means waste incidental to a commercial enterprise, including waste produced directly from a retail activity.

Construction Materials means pieces of plaster, lumber, broken concrete, excavated material, wall board, siding or any other waste material resulting from the construction, alteration, repair, demolition or removal of/from any building or structure, including a fence.

Contaminate Soil means soil which has been exposed to, contains, is saturated with or is in any way polluted with a foreign element which the Ministry of the Environment and Climate Change had directed may be disposed of in a municipal waste disposal site.

Corporation means The Corporation of the Town of Marathon.

Dwelling Unit means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof; which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment.

Garbage means and includes all drained animal and vegetable waste material from the preparation of food, sweepings, ashes, discarded household utensils and wearing apparel, ceramics, multi-material products and packages, non-recyclable glass containers, dog, cat and other pet feces and litter placed inside a sealed and leak-free bag, diapers placed in a sealed and leak-free bag, and any other materials designated by the Works and Operations Manager from time to time.

Hazardous Waste means waste and materials defined within the Environmental Protection Act, R.S.O. 1990, c.E. 19 and specifically R.R.O. 1990, Reg. 347: General – Waste Management as hazardous waste and shall include:

- a) hazardous industrial waste
- b) acute hazardous waste chemical
- c) hazardous waste chemical
- d) severely toxic waste
- e) ignitable waste
- f) corrosive waste
- g) reactive waste
- h) radioactive waste, except radioisotope wastes disposed in a landfill site in accordance with the written instructions of the Canadian Nuclear Safety Commission

- i) pathological waste
- j) leachate toxic waste, or
- k) PCB waste

but does not include,

- l) hauled sewage
- m) waste from the operation of a sewage works subject to the Ontario Water Resources Act where the works,
 - i. is owned by a municipality
 - ii. is owned by the Crown or the Ontario Clean Water Agency, subject to an agreement with a municipality under the Ontario Water Resources Act, or
 - iii. receives only waste similar in character to the domestic sewage from a household,
- n) domestic waste
- o) incinerator ash resulting from the incineration of waste that is neither hazardous waste nor liquid industrial waste
- p) waste that is a hazardous industrial waste, hazardous waste chemical, ignitable waste, corrosive waste, leachate toxic waste or reactive waste and that is produced in any month in an amount less than five kilograms or otherwise accumulated in an amount less than five kilograms
- q) waste that is an acute hazardous waste chemical and that is produced in any month in an amount less than one kilogram or otherwise accumulated in an amount less than one kilogram
- r) an empty container or the liner from an empty container that contained hazardous industrial waste, hazardous
- s) an empty container of less than twenty litres capacity or one or more liners weighing, in total, less than ten kilograms from empty containers that contained acute hazardous waste chemical
- t) the residues or contaminate materials for the clean-up of a spill of less than five kilograms of waste that is a hazardous industrial waste, hazardous waste chemical, ignitable waste, corrosive waste, leachate toxic waste or reactive waste, or
- u) the residues or contaminated materials from the clean-up of a spill of less than one kilogram of waste that is an acute hazardous waste chemical

Household Hazardous Waste means and includes aerosol cans containing product, leach, cleansers, drain cleaners, flashlight batteries, flea powder, medicine, nail polish and remover, oven cleaners, photographic chemicals, thermometers/thermostats, antifreeze, car batteries, brake fluid, gasoline, glues, motor oil, oil filters, paint, paint thinners, solvents, turpentine, fertilizers, herbicides, insecticides, pesticides, pool chemicals, propane tanks, propane cylinders, fluorescent light bulbs and driveway sealers.

Household Hazardous Waste Depot means a location designated by the Works and Operations Manager at which residents may drop off identified household hazardous waste in accordance with the posted regulations.

Householder means the owner, occupant, lessee, tenant or other person in charge of a dwelling.

Manufacturer Waste means any waste produced directly from a manufacturing or industrial activity including any abandoned, condemned or rejected product or by-product used by a manufacturer, builder or contractor in the operation of his/her business or trade and scrap metal and motor vehicle parts from garages and service stations.

MOECC means the Ministry of the Environment and Climate Change for the Province of Ontario.

Multi-Residential means a building which consists of two or more dwelling units.

Municipality means the Corporation of the Town of Marathon.

Municipal Waste means garbage collected from residential curbside premises, from multi-residential premises and commercial waste collected from commercial premises.

Municipal Waste Disposal Site means a solid waste management facility owned by the Town of Marathon.

Non-Collectable Waste means, but is not limited to grass clippings, washers, dryers, refrigerators, stoves, dehumidifiers, freezers, air conditioners, televisions, monitors, computers, computer peripherals, printers, copying and multi-function copying devices, telephones, answering machines, cellular devices, pagers, image devices, audio and video devices, explosives, flammable or volatile substances, liquid or gaseous waste, caustic substances and acids, poisons, pesticides, herbicides, radioactive materials, septic tank pumpings, industrial process sludge, biohazardous waste, infected material including dressings and bandages not placed inside a sealed and leak-free bag, live animals or birds, carcasses or parts thereof of any animal or bird saved for food preparation and consumption wastes, tree trunks and stumps, vehicles or vehicle parts, tires, construction materials, scrap metals, propane tanks, sharps not packaged and labelled in rigid containers, organic material which has not been drained of all liquid and other materials as designated by the Works and Operations Manager from time to time.

Occupant means any lessee, tenant, owner, agent of a lessee, tenant owner or any person in control of a premises.

Official means the Manager of the Works and Operations Department, the Municipal By-Law Enforcement Officer or their designates.

Receptacles means waste collection receptacles and recyclable material collection receptacles.

Recyclable Material means material designated from time to time by the Works and Operations Manager as recyclable and for which alternative collection regulations apply.

Recyclable Material Collection Receptacles means see-through blue plastic bags or clear plastic bags and other receptacles as designated by the Works and Operations Manager from time to time for residential premises and curbside collection.

Recyclable Material Depot means a location designated by the Works & Operations Manager at which residents or their agents may drop off identified recyclable material in accordance with the posted regulations.

Residential Waste means garbage and rubbish collected from residential curbside premises.

Roadway means the part of a street that is improved, designated or ordinarily used

for vehicular traffic.

Rubbish means household litter, trash and any other materials and articles which would normally accumulate at a household excluding garbage, non-collectable waste and recyclable materials.

Street means a highway, road, lane, avenue, court, boulevard, crescent, walk or other public way under the jurisdiction of the Town.

Town means the Corporation of the Town of Marathon.

Transfer Station means a Town-owned and controlled facility used for the purpose of transferring waste from one vehicle to another for transportation to the Municipal Waste Disposal Site for processing and includes the Recycling Material Depot, Household Hazardous Waste Depot and a Leaf and Yard Material Depot.

Trash means something worth little or nothing; something in a crumbled or broken condition or mass.

Waste means garbage, trash and rubbish, but shall not include non-collectable waste or recyclable material as defined herein.

Waste Collection Receptacles means metallic or plastic cans or polyethylene bags and bins.

Waste Collection Receptacle Enclosure means:

- a) any existing waste storage enclosed structure located on any multi-residential, industrial, commercial or institutional property,
- b) a newly constructed waste collection receptacle enclosure shall conform to the following guidelines:
 - i) be constructed of wood or steel; and
 - ii) the roof of the enclosure is to be constructed in such a manner as to prevent water, snow, or ice falling on the entrance side of the unit; and
 - ii) a water proof roofing material shall be used to prevent infiltration of water; and
 - iv) the door(s) will have sufficient hinges to support it and handles to accommodate easy entry by the collector and the removal of receptacles with little difficulty.

Yard Material means material designated from time to time by the Manager of the Works and Operations Department for which alternative collection regulations apply. Yard material shall include hedge trimmings, leaves, brush, grass clippings, branches no bigger than 100 mm (3") in diameter, tree bark and plant matter, excluding garden waste produce (i.e. pumpkins, tomatoes, etc.)

Yard Material Waste Depot means a location designated from time to time by the Works and Operations Manager at which residents or their agents may drop off identified yard material in accordance with the posted regulations.

4.0 **General Provisions and Prohibitions**

- 4.1 This by-law shall be administered by the Manager of the Works and Operations Department.
- 4.2 This by-law shall be applicable to residential waste, multi-residential waste, commercial waste, manufacturer waste, institutional waste and recyclable

material collection conducted by or on behalf of the Town.

- 4.3 For the purposes of residential waste, multi-residential waste, commercial waste and recyclable material, the Manager of the Works and Operations Department may direct the Town be divided into collection zones and (s)he may fix a day or days on which the aforementioned waste and recyclable material be collected in said collection zones, as outlined in Schedule A.
- 4.4 The Municipality shall ensure that a copy of the current Solid Waste and Recycling Schedule for residential and commercial properties is distributed and made available to the occupants of properties located within the boundaries of the Town.
- 4.5 Every owner or occupant shall maintain the land that is contiguous with their lot line(s) and adjacent to the roadway, free of municipal waste, recyclable materials and non-collectable waste in accordance with the requirements of this by-law.
- 4.6 No person shall direct or permit anyone to deposit garbage, non-collectable waste, trash, yard material upon any street within the Town of Marathon.
- 4.7 No person shall place or cause to be placed any waste, non-collectable waste or recyclable material on any street within the municipality which may cause an obstruction to vehicular and/or pedestrian traffic.
- 4.8 No person shall pick over, disturb, remove or scatter any waste or recyclable material placed for collection by a householder in accordance with the provisions of this by-law whether the same is contained in a proper receptacle/recyclable material receptacle or not.
- 4.9 No person shall deposit or permit to be deposited any waste, non-collectable waste or recyclable material on the property of another person without the expressed permission of the person in control of that property.
- 4.10 The owner or occupant of any property within the municipality shall cause the said property to be kept free from the accumulation of waste, non-collectable waste and recyclable material.
- 4.11 No person shall place or cause to be placed waste or recyclable material for collection by the collector in a receptacle that does not comply with this by-law.
- 4.12 No person shall place or cause to be placed non-collectable waste at a collection point or at the edge of the roadway for collection by the collector.
- 4.13 No person shall place or cause to be placed non-collectable waste in the same receptacle as residential waste, commercial waste, institutional waste or recyclable material.
- 4.14 No person shall fail to maintain a collection point free of waste, non-collectable waste and recyclable material.
- 4.15 Notwithstanding anything herein contained, no person shall place for collection any material, substance or object which may or is likely to be injurious to the health or safety of any person.
- 4.16 No person shall package waste in a manner that presents a hazard to persons involved in any part of the collection process on behalf of the Town.
- 4.17 No person, other than a collector or person employed or contracted by the Municipality and/or designated by the Works and Operations Manager or his/her designate, shall remove any item of yard material from a receptacle, pile or container located at the Yard Material Depot, unless authorized to do so.

- 4.18 No person, other than a collector or person employed or contracted by the Municipality and/or designated by the Works and Operations Manager or his/her designate, shall remove any item of recyclable material from a receptacle, pile or container located at the Recyclable Material Depot unless authorized to do so.

5.0 Receptacles for Residential Waste

5.1 Metallic or Plastic Cans

Occupants shall place residential waste in metallic or plastic cans for collection provided the containers conform to the following:

- a) each metallic or plastic can shall be constructed so as to be impermeable with a securely fitting watertight lid;
- b) each metallic or plastic can shall be of a capacity of not less than 75 litres (16.5 gallons) and not more than 189 L (50 gallons);
- c) each metallic or plastic can shall have handles or indentations to facilitate the lifting and emptying of the said receptacle;
- d) each metallic or plastic can plus residential waste contained therein and put out for collection shall not have a weight of more than twenty (20) kilograms (44 pounds); and
- e) occupants shall keep all metallic and plastic cans in a satisfactory and sanitary condition.

5.2 Polyethylene Bags

Occupants shall place residential waste in polyethylene bags for collection provided the polyethylene bags are placed in a receptacle(s) described in Section 5.1 and conform to the following:

- a) each bag shall be 1.5 mils (0.06 inches) or greater in thickness;
- b) each polyethylene bag shall not be less than 66.04 centimetres (26 inches) x 91.44 centimetres (36 inches) in size when empty;
- c) each polyethylene bag shall not be greater than 88.9 centimetres (35 inches) x 127 centimetres (50 inches) in size when empty;
- d) each polyethylene bag plus waste contained therein and put out for collection, shall not weigh more than 20 kilograms (44 pounds); and
- e) occupants shall ensure that polyethylene bags containing residential waste are securely tied or otherwise sealed when set out for collection.

5.3 See-Through Polyethylene Bags

No occupant shall place recyclable material in polyethylene bags for collection unless the polyethylene bags conform to the following:

- a) are see-through blue or clear polyethylene;
- b) each see-through blue or clear polyethylene bag shall be 1.5 mils (0.06 inches) or greater in thickness;
- c) each see-through blue or clear polyethylene bag shall not be less than 66 centimetres (26 inches) x 82.5 centimetres (32.5 inches) in size when

empty.

- d) each see-through blue or clear polyethylene bag shall not be greater than 88.9 centimetres (35 inches) x 127 centimetres (50 inches) in size when empty;
- e) each see-through blue or clear polyethylene bag plus recycling material contained therein, put out for collection, shall not weigh more than 18 kilograms (40 pounds); and
- f) each see-through blue or clear polyethylene bag shall contain only recyclable paper products or recyclable containers.

6.0 Residential Waste Collection

- 6.1 Occupants shall ensure all residential waste collection receptacles containing residential waste for removal by the collector, shall be placed to the edge of the street, plainly visible to the collector, before 7:00 A.M. local time on the day scheduled for collection.
- 6.2 Occupants shall ensure all emptied or rejected receptacles are removed from the edge of the street and returned to private property on the same day as is scheduled for collection and no later than 9:00 P.M.
- 6.3 The Town is not responsible for the collection of residential waste placed at the edge of the street after 7:00 A.M. local time on the day scheduled for collection.
- 6.4 Occupants shall ensure all receptacles are placed on a smooth hard surface, in a location that is easily and safely accessible to the collection vehicle and collectors.
- 6.5 Occupants shall ensure the area surrounding the receptacles is kept clear of snow, ice or any other obstructions including vehicles affording collection vehicles proper access to the receptacles.
- 6.6 Occupants shall ensure all collection points are maintained free of residential waste of any kind except during the period of time for setting out residential waste as authorized by this by-law.
- 6.7 Waste placed for collection shall be drained of all liquid matter before being placed in receptacles.
- 6.8 Every receptacle placed for collection shall have an approved "bag tag" attached in such a manner as to be clearly visible to the collector.
- 6.9 No collector, town employee or person(s) under contract by the Corporation shall, in order to collect waste, enter any dwelling, multi-residential building or hotel, ascend any stairway, enter an elevator, hoist or lift for the purpose of carrying out or returning thereto any receptacle, except into a shed or room specifically designated and authorized by the Manager of the Works and Operations Department for the storage of waste at a business, residential or multi-residential building located at ground level.
- 6.10 The collector or person(s) under contract may refuse to collect any waste which is in contravention of any provision of this by-law.
- 6.11 Receptacles of waste, in the estimation of the collector, exceeding 20 kilograms shall become the responsibility of the property owner or occupant to properly transport and dispose of said waste at the Municipal Waste Transfer Station.
- 6.12 The determination of compliance with the provisions of Section 6.11 shall be at the sole unfettered discretion of the collector.

- 6.13 The occupant shall be responsible for the removal and disposal, in an approved manner, of any accumulation of scattered waste which may be the result of tipped over receptacles, animal attacks or windblown waste.

7.0 Multi-Residential Collection

- 7.1 The Works and Operations Department Manager may authorize the collection of multi-residential waste and recyclable material from private property at multi-family building premises.
- 7.2 The Works and Operations Department Manager may designate or authorize a specific location on private property as a collection point. The Manager of the Works and Operations Department may consider the following factors in deciding to authorize multi-residential or recyclable material collection from private property and/or designating a collection point:
- a) the availability of a collection point freely accessible to collection vehicles;
 - b) the configuration of streets and roadways on a multi-residential property and the ability of collection vehicles to manoeuvre on such streets and roadways;
 - c) the desirability of an enclosure for the storage of waste collection receptacles as well as the availability of a freely accessible site for such an enclosure; and
 - d) requirements under the Site Plan Control By-Law.
- 7.3 Property owners shall ensure a designated or authorized collection point or waste collection receptacle enclosure is maintained free from snow, ice and any other obstructions which may impede access to the multi-residential waste or recyclable material by collection vehicles and crew.
- 7.4 Property owners and occupants shall ensure multi-residential waste or recyclable material for collection is placed at a collection point or within an enclosure after such location receives the approval of the Works and Operations Department Manager and multi-residential waste or recyclable material is not placed at any other location for collection.
- 7.5 Property owners and occupants shall ensure all collection points, excluding enclosures are maintained free of multi-residential waste or recyclable material of any kind except during the period of time for setting out multi-residential waste or recyclable material as authorized by this by-law.
- 7.6 Occupants shall not store multi-residential waste at a collection point, unless a waste collection receptacle enclosure for such storage has been constructed as approved by the Manager of the Works and Operations Department.
- 7.7 Property owners shall ensure waste collection receptacle enclosures are constructed as approved by the Works and Operations Manager and maintained in a clear and sanitary manner, free from loose waste, rodents, vermin and scavenging animals.
- 7.8 Property owners and occupants shall ensure waste collection receptacle enclosures are fully accessible to collection vehicles and crew.
- 7.9 Multi-residential properties upon which the occupants utilize a common waste collection receptacle enclosure and whereby the property owner has entered into a Customer Service Agreement with the Corporation for the collection of waste no "bag tags" are required.

- 7.10 Occupants of row houses, townhouses or apartments who individually put out waste receptacles for collection shall have an approved "bag tag" attached to waste receptacles in such a manner as to be clearly visible to the collector.

8.0 Commercial Enterprise and Institution Collection

- 8.1 Commercial and institutional establishments shall keep their property free of accumulated waste except that which is stored in an approved waste collection receptacle enclosure.
- 8.2 Commercial and institutional establishments selecting collection by the Municipality shall make individual arrangements with the Corporation for the removal of waste.
- 8.3 If the commercial or institutional property owners or occupants wish to retain the Corporation of the Town of Marathon for collection and disposal services they shall enter into a Customer Service Agreement with the Municipality.
- 8.4 The Corporation of the Town of Marathon will determine which collection classification group, as per the Fees and Charges By-Law, as amended, each commercial or institutional property owner or occupant will be assessed.
- 8.5 All waste receptacles shall be placed in a waste collection receptacle enclosure approved by the Works and Operations Manager.
- 8.6 Occupants of commercial or institutional premises shall ensure waste collection receptacle enclosures are fully accessible to collection vehicles and crew.
- 8.7 Receptacles used by commercial or institutional establishments shall be in accordance with Section 5.1 and 5.2 of this by-law.
- 8.8 No bag tags are required for waste receptacles collected by collectors from commercial or institutional properties, under contract with the Municipality.

9.0 Recyclable Material Collection

- 9.1 The Manager of the Works and Operations Department may designate specific types of items as recyclable material and may direct those items so designated be set out for collection in a separate receptacle provided for such purpose or as otherwise directed. Refer Schedule B.
- 9.2 All recyclable material shall be separated from regular waste, with the exception of boxboard and cardboard, and shall be placed in approved receptacles as per Section 5.2 for collection.
- 9.3 Boxboard and cardboard shall be folded or cut into pieces not exceeding 91.4 cm x 60.9 cm x 30.4 cm (3'x2'x1') and securely tied with heavy cord or twine.
- 9.4 The weight of boxboard and/or cardboard bundles shall not exceed 20 kilograms (44 pounds).
- 9.5 Occupants shall ensure all recyclable material packaged in accordance with Sections 9.2 and 9.3 for removal by the collector shall be placed to the edge of the street, plainly visible to the collector, before 7:00 A.M. local time on the day scheduled for collection.
- 9.6 Occupants shall ensure all rejected receptacles, boxboard and/or cardboard bundles are removed from the edge of the street and returned to private property on the same day as is scheduled for collection and no later than 9:00 P.M.

- 9.7 No person shall deposit or cause to be deposited any waste into a blue/clear bag containing recyclable material.

10.0 Municipal Waste Disposal Sites and Drop Off Depots

- 10.1 Municipal waste disposal sites shall be located in accordance with Schedule C of this by-law.
- 10.2 The Manager of the Works and Operations Department may designate a location or locations within the Town of Marathon listed in Schedule A at which occupants of town properties or their agents may drop off yard waste, recyclable material, metal, household hazardous waste or any other waste material designated by the Works and Operations Department Manager.
- 10.3 The municipal waste disposal site(s) and depots shall be open for the disposal of waste and other designated materials in accordance with the times set out in Schedule C.
- 10.4 No person shall use any lands within the Town of Marathon for that of a waste disposal site except lands designated for such use by a by-law of the Corporation of the Town of Marathon.
- 10.5 Notwithstanding the provisions of Section 10.3, public access to the municipal waste disposal sites shall be restricted to those times when a waste disposal attendant is on duty and present at the site.
- 10.6 Persons using the municipal waste disposal site shall do so in adherence to the instructions of the waste disposal attendant on duty and in accordance with the provisions of this by-law.
- 10.7 Persons depositing waste or recyclable material at the municipal waste transfer station shall place the said waste or recyclable material in approved bins or containers.
- 10.8 Waste carried in a vehicle or trailer and conveyed to the municipal waste transfer station shall be so contained as not to be blown or dropped from the transport vehicle or trailer.
- 10.9 Waste carried in a vehicle or trailer and conveyed to the municipal waste transfer station shall be so contained as not to leak any type of fluid or liquefied matter on or along roadways or abutting lands.
- 10.10 No person shall dispose of, or cause to be disposed any non-contaminated waste material listed in Schedule D at the transfer (a.k.a. Transtor) bins of the municipal waste transfer station.
- 10.11 No person shall pick over, remove or scatter any waste material within the municipal waste disposal sites without the express permission of the Manager of the Works and Operations Department or his/her designate.
- 10.12 No person shall dispose of waste at the municipal waste disposal sites without paying the required tipping fees unless exempted by the Works and Operations Department Manager or his/her designate.
- 10.13 The municipal waste disposal site attendant(s) shall have the sole right to determine the proper classification of waste being disposed at the said site including the fees for the disposal of the aforementioned waste.
- 10.14 All appliances containing refrigerant must have the refrigerant removed by a licensed technician prior to disposal.
- 10.15 All appliances which operate using refrigerants that are presented at the

municipal waste transfer station for disposal shall have affixed to each appliance a certificate by a licenced technician or a Town of Marathon Refrigeration Appliances' tag.

10.16 Refrigerated appliances with doors, brought to the municipal waste transfer station for disposal must have the doors removed prior to disposal.

11.0 Administration

11.1 The Chief Administrative Clerk of the Town may authorize the waiving or reduction of 'bag tag' requirements, on fees for collection and disposal services provided to commercial and institutional properties, community groups, non-profit organizations, special events or activities and any other circumstances where such action is deemed to be in the public interest to do so.

12.0 Enforcement and Penalties

12.1 This by-law may be enforced by an official.

12.2 Every person who contravenes any provision of this by-law is guilty of an offence under the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33, as amended, and is liable on conviction to a penalty not exceeding \$5,000.00, exclusive of costs, subject to the provisions of the Act.

12.3 Every person who contravenes any provision of this by-law, and every director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c.25 as amended.

12.4 Where any person contravenes any provision of this by-law, the Manager of the Works and Operations Department, his/her designate or any official may, by written notice delivered by personal service, require such person to comply with this by-law within the time specified in the notice.

12.5 Every such notice shall identify the provision the person has breached, and indicate how that person is in breach of such provision.

12.6 Every person to whom a notice has been delivered shall comply with such notice without delay and within the time specified on the notice calculated from the delivery of such notice.

12.7 Where a person does not comply with a notice issued pursuant to Section 12.6, the Manager of the Works and Operations Department may perform or carry out that which is required to be done or cause it to be performed or carried out at that person's expense.

12.8 Where waste or recyclable material is removed from private property or public property pursuant to Section 12.7 of this by-law, the Manager of the Works and Operations Department may immediately dispose of it.

12.9 The Corporation of the Town of Marathon may recover all costs associated with the actions taken to do that which is required to effect compliance with this by-law plus interest from the day the Municipality incurs such costs and ending on the day the costs, including the interest is paid in full.

12.10 All costs referred to in Sections 12.7 and 12.9, including any interest on such costs, recoverable by the Municipality pursuant to this by-law or otherwise pursuant to the Municipal Act, 2001, S.O. 2001. c.25 or any successor legislation, may be recovered by any lawful means available to the Corporation, and such recovery methods may include adding such amounts to the tax roll and collecting such amounts in the same manner as taxes.

- 12.11 The Corporation of the Town of Marathon shall not be obligated to collect any waste that is not set out as prescribed by this by-law.
- 12.12 The Town may, at the discretion of the Manager of the Works and Operations Department and upon written notification, suspend waste collection where the occupant/owner(s) set out waste for collection which is not in compliance with the provisions of this by-law.
- 12.13 No occupant/owner shall set out for collection any waste except as permitted by this by-law.
- 12.14 Every person who contravenes any of the provisions of this by-law or who obstructs or attempts to obstruct an official or employee or agent of the municipality in carrying out his or her duties under this by-law is guilty of an offence and is liable, upon conviction, to a maximum fine as established pursuant to the Provincial Offences Act, R.S.O. 1990, c.P.33 as amended.
- 12.15 An offence shall be deemed to occur on each day for which a contravention of this by-law occurs or continues.
- 12.16 The Manager of the Works and Operations Department, at his/her sole discretion, may waive strict compliance with any provision of this by-law, save and except for items relating to fees and charges, which must be approved by Council and as otherwise required.

THEREFORE THE CORPORATION OF THE TOWN OF MARATHON ENACTS AS FOLLOWS:

- 13. THAT By-Law No. 1743 and all subsequent by-laws that amended by-law No. 1743 are hereby repealed and replaced with this By-Law.
- 14. THAT this By-Law shall come into force and take effect upon the final passing thereof.

READ A FIRST AND SECOND TIME THIS 19TH DAY OF DECEMBER, 2016, A.D.

.....
Acting Mayor

(SEAL)

.....
Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 19TH DAY OF DECEMBER, 2016, A.D.

.....
Acting Mayor

(SEAL)

.....
Clerk

SCHEDULE A**BY-LAW NO. 1890
MUNICIPAL WASTE AND RECYCLABLE MATERIAL COLLECTION ZONES****WEEK DAY – WEDNESDAY**

Aspendale Drive East	Michano Drive
Aspendale Drive West	Nicolet Drive
Birch Drive	Nugget Street
Evergreen Drive	Ontario Street
Hemlo Drive South of Michano Drive	Peninsula Road
Johnston Street	Poplar Crescent
Laurier Street	Radisson Crescent
LaVerendrye Crescent	Spruce Court
Lloyd Irwin Street	Steedman Drive
Manitoba Street	Sund Crescent
McFarland Street	Van Horne Crescent
McKenzie Street	

WEEK DAY - FRIDAY

Abrams Street	Jackson Crescent
Armour Street	Jones Street
Bastedo Crescent	King Street
Bissell Street	McCullough Street
Brown Street	McLeod Drive
Cedar Walk	Mill Road
Chisholm Trail	Pinewood Walk
Coveney Street	Ross Avenue
Croy Court	Stewart Street
Drake Street	Stevens Avenue
Gilbert Street	Whitman Court
Godfrey Drive	Wildwood Trail
Graham Crescent	Winton Street
Gullwing Street	Woodson Street
Hemlo Drive North of Michano Drive	Yawkey Avenue
Howe Street	

NOTE: Residential recyclable material collection is bi-weekly

Business recyclable material collection is weekly on Monday and Thursday

All businesses with municipal contracts for waste collection are included in the aforementioned collection times and locations

SCHEDULE B**BY-LAW NO. 1890
RECYCLABLE MATERIAL PROGRAM****Containers – Blue or Clear Bag #1**

Plastic Containers

- lids removed
- only containers bearing the symbol   accepted

Food, Beverage, Metal and Aluminium cans

- metal cans and lids to be rinsed
- lids to be placed inside cans prior to depositing in blue/clear polyethylene bag

Aluminium Foil Wrap and Trays

- rinse
- crumple foil
- flatten trays
- place loose in blue/clear polyethylene bag

Milk Cartons and Juice Boxes

- remove straws
- rinse
- flatten
- place flattened cartons inside an open carton

Fibres – Blue or Clear Bag #2

- Non contaminated – newspapers, flyers, magazines, telephone books, game books, hardcover books (cover removed), fibre egg cartons, paper towel and toilet tissue roll cores, cereal boxes (liner removed), office paper, envelopes, paperbacks, fine paper.

Cardboard Boxes (corrugated waffle)

- flattened
- bundled
- cut to size if necessary
- securely tied with heavy cord or twine
- maximum size of bundle:
91.4cm x 60.9 cm x 30.4cm (3' x 2' x 1')

NOTE: Pizza boxes to be clean

Non Collectables

- styrofoam
- household hazardous waste
- dishes
- container lids
- plastic bags or film
- wrapping paper
- wax covered boxes (e.g. detergent boxes)

Glass Recycling

- household glass jars and bottles only will be accepted – no plate glass

NOTE: There is no curbside collection; household glass must be deposited at the Recyclable Material Depot (year round)

SCHEDULE C**BY-LAW NO. 1890
MUNICIPAL WASTE DISPOSAL SITES****SITE****LOCATION**

Municipal Waste Disposal Site

Camp 19 Road, approximately
1 km east of Highway 17,
O'Neil Unorganized Township,
District of Thunder Bay

Municipal Waste Transfer Station

Recyclable Material Depot

Household Hazardous Waste Depot

Yard Material Waste Depot

Part of Lot 20, Concession 10,
Town of Marathon,
District of Thunder Bay, known
Municipally as 5 Penn Lake Road,
An area on the northeast side of
Penn Lake Road approximately
370 metres from its intersection with
Peninsula Road**HOURS OF OPERATION**

Municipal Waste Disposal Site

Closed to the public

Municipal Waste Transfer Station

Recyclable Material Waste Depot

Household Hazardous Waste Depot (May – Oct)

Yard Material Waste Depot (May – Oct)

Tuesday, Thursday, and Saturday
2:00 P.M. to 6:00 P.M.

- Notwithstanding the above all sites will be closed Sundays and statutory holidays.
- Furthermore, the sites shall be closed to the general public at such times and during any absence of the waste disposal attendant(s) on duty.
- The hours of operation may be changed as necessary by the Corporation of the Town of Marathon.

SCHEDULE D**BY-LAW NO. 1890
TRANSFER/TRANSTOR BINS PROHIBITED
WASTE MATERIAL**

Disposal of the following items is prohibited at the Waste Transfer/Transtor bins located on Penn Lake Road at the Municipal Waste Transfer Station and the Municipal Waste Disposal Site on Camp 19 Road:

- derelict vehicles or parts thereof
- loose asbestos fibres
- household hazardous waste (as defined)
- recyclable material listed in Schedule B
- waste electrical and electronic equipment (W.E.E.E.) – see below
- yard material (as defined)

W.E.E.E. – means but is not restricted to:

amplifiers	audio/video player
monitors	scanners
fax machines	cameras
cell phones	printers
computers	copiers
radios	receivers
telephones	televisions
turntables	video projectors