

**THE CORPORATION OF THE TOWNSHIP OF PERRY
BY-LAW NO. 2023-63**

**BEING A BY-LAW FOR ESTABLISHING AND MAINTAINING A
SYSTEM FOR THE DISPOSAL OF GARBAGE, RECYCLABLE
MATERIALS, YARD WASTE AND OTHER REFUSE AND TO
PROHIBIT THE UNAUTHORIZED DISPOSAL OF WASTE WITHIN
THE MUNICIPALITY**

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, the Council is authorized to pass By-laws providing that a person who contravenes a by-law of the Township 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 Perry deems it necessary to establish rules and regulations governing policies relating to the disposal of garbage and to implement a "Partial Pay-Per-Bag" 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;

NOW THEREFORE, THE COUNCIL OF THE TOWNSHIP OF PERRY ENACTS AS FOLLOWS:

1. TITLE:

This By-Law may be cited as the "Township of Perry Comprehensive Waste Management By-Law".

2. APPLICATION:

Unless otherwise expressly stated in specific sections hereof, this By-Law shall apply to the whole geographic area of the Township of Perry, in the District of Parry Sound, Ontario.

3. DEFINITIONS

- 3.1. "Council" means the Council of the Corporation of the Township of Perry;
- 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 Perry;
- 3.3. "Operating Authority" means the Staff as appointed by the Council of the Township of Perry;
- 3.4. "Township" means The Corporation of the Township of Perry;

- 3.5. "Transfer Station and Recycling Centre" means the real property owned by the Township, legally described as Part of Lot 23, Concession 5, located at 775 Highway 592, Township of Perry, District of Parry Sound, for which a license has been issued by the Ontario Ministry of the Environment and Climate Change for the operation of a Transfer Station and Recycling Centre;
- 3.6. "Occupant" means any person or persons over the age of eighteen (18) years who is a tenant or lessee, or otherwise in lawful possession of parcel of real property capable of being legally described in a deed or transfer document who shall constitute the occupant or occupants of that real property;
- 3.7. "Owner" means any of:
- 3.7.1. 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
 - 3.7.2. A person who is shown as the assessed owner of real property on a current assessment roll for the Township; or
 - 3.7.3. 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;
- 3.8. "Person" means an individual, partnership, association, firm or corporation;
- 3.9. "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;
- 3.10. "Refuse" means the same as "waste";
- 3.11. "Household Waste" means the waste produced by residents in their homes. This shall not include construction waste, furniture or fixtures.
- 3.12. "Construction Waste" or "Building Materials" 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 Fees and Charges By Law;
- 3.13. "Hazardous Waste" means waste requiring special care as defined by the Environmental Protection Act R.S.O. 1990, c. E.19;
- 3.14. "One-Time Use Pass" means a card available for purchase from the Municipal Office or Transfer Station at a rate set out in the current Township Fees and Charges By-law which allows a one-time access to vacation renters, in conjunction with the Vacation Rental Kit, to all onsite diversion programs and provides for the disposal of one clear/transparent bag along with unlimited properly cleaned and sorted recycling;
- 3.15. "Prohibited Waste" means waste not accepted at the Transfer Station and shall include any hazardous or toxic substances, materials or chemicals; animal carcasses; rocks, stumps and logs; motor vehicles; canoes, kayaks and boats; hot tubs; 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; cement; railway timbers; asphalt; biomedical waste; and any other waste which is deemed unacceptable by the Attendant on duty;
- 3.16. "Recyclable" means those classifications of waste capable of being diverted from the normal waste stream;
- 3.17. "Transfer Station Pass" means a card provided to "Users" which allows

access to all on site diversion programs and provides a system to control the disposal of clear/transparent bags per household or commercial business;

3.18. "Privacy Bag" means a bag to provide an adequate method to enable residents to shield material that they would prefer not to be exposed for view. Such items may include sanitary products, diapers, or incontinence products;

3.19. "Attendant" means an employee of the Township, reporting to the Clerk-Administrator and/or designate, and responsible for the day to day operations of the facility and enforcing the rules and regulations according to the Waste Management By-law and current Township Fees and Charges By-Law;

3.20. "Scavenging" or "Salvaging" means the process of finding items for the purpose of reuse;

3.21. "User" means an owner of a residence or multi-residential property, or a tenant of a residence or multi residential property entitled to place refuse into the Transfer Station and Recycling Centre;

3.22. "Vacant Land" means land with no houses, offices or other permanent structures. An active building permit must be obtained prior to a Transfer Station Pass being issued.

4. PARTIAL PAY-PER-BAG and TIPPING FEES

4.1. Users will be provided with one Transfer Station Pass annually which will specify the number of free clear or transparent bags/containers the User is entitled to dispose of per year. Additional clear bags over the annual limit may be disposed of at a cost set in the current Township Fees and Charges By-law. Non-recyclable waste and durable plastics may be included with the annual bag limit, provided it is in clear, properly sized bags. Construction waste will be subject to tipping fees as per the current Township Fees and Charges By-Law. The Transfer Station Pass can be picked up by the Owner at the Municipal Office with valid identification. It is the responsibility of the Owner to provide the Transfer Station Pass to their tenant(s). The person to whom the Pass 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 Fees and Charges By-law.

4.2. The size of the clear/transparent 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 Transfer Station and Recycling Centre shall provide a valid building permit or contractor authorization form from the Municipal Office proving that they are entitled to use the Transfer Station and Recycling Centre and shall pay for any waste to be deposited based on the current Township Fees and Charges By-law.

4.4. Vacant landowners without a valid building permit are not classified as Users as defined in this By-law and will not be provided with a Transfer Station Pass.

4.5. Tipping fees for building materials and other non-recyclable waste shall be as prescribed in the current Township Fees and Charges By-law.

5. SITE OPERATION

5.1. The Township of Perry operates the Transfer Station and Recycling Centre. 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 Joint Landfill Site shall be operated by means of an agreement between the Corporation of the Township of Perry and the Corporation of the Town of

Kearney and managed by the Joint Waste Management Committee as appointed by the above, respective Councils. It is a closed landfill not accessible to the public.

- 5.3. The Transfer Station and Recycling Centre shall be available for the depositing of waste produced within the Township of Perry in accordance with this By-law. Waste must be in a clear/transparent bag or reusable waste container for disposal. All waste must be free of recyclable items and contain no hazardous waste materials or other prohibited waste.
- 5.4. No person shall enter and/or leave the Transfer Station and Recycling Centre without:
 - 5.4.1. Showing their Transfer Station Pass or One-Time Use Pass to the Attendant;
 - 5.4.2. Giving their name and address to the Attendant upon request;
 - 5.4.3. Declaring the nature and origin of the waste, if requested.
- 5.5. The Transfer Station and Recycling Centre shall only be used when an Attendant is on duty.
- 5.6. All waste material shall be transported to the Transfer Station and Recycling Centre in a manner so as to prevent scattering of waste while on route to the Transfer Station and Recycling Centre.
- 5.7. 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 Fees and Charges 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.
- 5.8. Hazardous Waste as defined by the Environmental Protection Act shall not be accepted at the Transfer Station and Recycling Centre. This waste must be disposed of on the Hazardous Waste Day Events, on such days designated and advertised for that purpose.
- 5.9. Scavenging and salvaging will not be permitted at the Transfer Station and Recycling Centre at any location. This applies to the entire site and includes the scrap metal and electronics.
- 5.10. All on-site health, sanitary and site operations shall be maintained in accordance with the Environmental Protection Act and Certificates of Approval.
- 5.11. All Users shall ensure that children remain inside the motor vehicle at all times.
- 5.12. All Users shall ensure that animals remain inside the motor vehicle at all times.
- 5.13. The Township will not tolerate any threats, intimidation, violence, threats or illegal conduct, or any profane or abusive language directed at any Township employee or designate. Such offenses by any person or User may be grounds for refusal of service up to and/or including being asked to leave the Transfer Station and Recycling Centre 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 offenses may be subject to further action as outlined in Section 5.14.
- 5.14. The Township of Perry reserves the right to prohibit any person, firm or Corporation from using the Transfer Station and Recycling Centre. The Operating Authority may suspend, terminate or restrict the privilege of using the Transfer Station and Recycling Centre and cancel the Transfer Station Pass 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:

5.14.1.1.A brief description of the alleged violation including the approximate date thereof;

5.14.1.2.The date in which the restrictions or suspensions come into effect;

5.14.1.3.The fact that this decision may be appealed in person or in writing to the Council;

5.14.1.4.Where applicable, the details of the restrictions imposed, and may include the following:

5.14.1.4.1.A requirement that refuse be brought in only at specified times and days;

5.14.1.4.2.The User may be required to submit to a detailed inspection of refuse tendered;

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

5.15.All waste is to be in clear or transparent bags where contents are visible to Attendants. One small opaque privacy bag is permitted per clear bag and shall be no greater than 12" x 22" in size. Attendant reserves the right to refuse any waste that is not in clear bags and direct the User to transfer the waste to a clear bag or remove the waste from the Transfer Station and Recycling Centre. Clear bags can be purchased at the Transfer Station and Recycling Centre by Users at a cost set in the current Fees and Charges By-law.

5.16.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.

5.17.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. TRESPASSING

6.1. No person shall unlawfully enter the Transfer Station and Recycling Centre during the time that it is closed.

7. PROHIBITIONS

No Person Shall:

7.1. Dump or dispose of refuse on a Highway as defined in the Municipal Act including both the travelled and untraveled portions thereof.

7.2. Dump or dispose of refuse on any land owned by the Township or His Majesty the King in right of either Canada or Ontario, except the Transfer Station and Recycling Centre or other site designated by Council from time to time for this purpose.

7.3. Dump or dispose of any refuse on any private land within the Township unless the land is described in a license to operate a Waste Disposal Site issued by the Ontario Ministry of the Environment which was in existence on the date this By Law comes into force.

7.4. Store compost refuse in a manner which permits the escape of noxious or

unpleasant odours onto the property of any other person, excluding a agriculturalist's manure pile or the spreading of manure on fields and gardens.

- 7.5. Transport refuse which originated outside the Township into the Township for dumping or disposal except under a contract approved by the Council.
- 7.6. Dump or deposit refuse at or near the gates when the Transfer Station and Recycling Centre is closed.
- 7.7. Dispose of Prohibited Substances or Materials at the Transfer Station and Recycling Centre, except on designated Hazardous Waste Day Events. Such materials shall not be mixed in with or disguised as other waste.
- 7.8. Mix recyclable materials with other waste. Recycling is mandatory and recyclables shall be properly sorted, cleaned and disposed of in the corresponding areas at the Transfer Station and Recycling Centre.

8. OFFENCES

- 8.1. Any person who fails to comply with this By-Law is guilty of an offence.
- 8.2. Any person who breaches any provision of this By-law is guilty of an offence.
- 8.3. 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.

9. OBSTRUCTION

- 9.1. 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.
- 9.2. 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).

10. PENALTIES

- 10.1. 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.
- 10.2. 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.

11. SEVERABILITY

11.1. 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.

12. SCHEDULES

12.1. Schedule "A" as attached shall form part of this By-law.

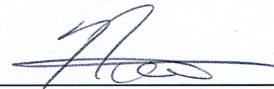
13. REPEAL

13.1. THAT By-Law 2009-14 and By-law 2016-40 are hereby repealed.

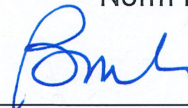
14. IMPLEMENTATION

14.1. THAT By-law shall come into force and effect on January 1st, 2024.

READ a First, Second, and Third Time and Finally Passed and Enacted in Open Council this 20th day of December, 2023.



Norm Hofstetter, Mayor



Beth Morton, Clerk-Administrator

SCHEDULE "A" TO BY-LAW 2023-63

**CORPORATION OF THE TOWNSHIP OF PERRY
Part I Provincial Offences Act
By-law #2023-63: Waste Management By-law**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Enter Waste Disposal Site When Closed	Section 6.1	\$100.00
2	Dispose of Waste on any Highway	Section 7.1	\$100.00
3	Dispose of Waste on Public Property	Section 7.2	\$100.00
4	Dispose of Waste at entrance of Transfer Station and Recycling Centre	Section 7.6	\$100.00
5	Dispose of Prohibited Substances or Materials at the Transfer Station and Recycling Centre, except on designated Hazardous Waste Day Events	Section 7.7	\$100.00
6	Mix recyclable materials with other waste	Section 7.8	\$100.00

NOTE: The general penalty provisions for the offences listed above is Section 10 of By-law #2023-63, a certified copy of which has been filed.

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

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPALE RÉGIONALE
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624

January 22, 2024

Ms. Erica Cole, Deputy Clerk
The Township of Perry
1695 Emsdale Road
P.O. Box 70
Emsdale, Ontario
P0A 1J0

Dear Ms. Cole;

Re: Set Fines – Provincial Offences Act
Part I – Township of Perry, Parry Sound District

Enclosed herewith is an original Order and an original schedule of set fines for By-law No. 2023-63, the By-law indicated in the schedule. Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Township of Perry.

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 copy of the Order and the schedules of these set fines to the Ontario Court of Justice in Parry Sound, together with a certified copy of the By-Law.

Yours truly,

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

KLL/hrd

Encl.

c.c.: His Worship Gary McMahon, Regional Senior Justice of the Peace
Her Worship Ruby Beck, Local Administrative Justice of the Peace

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

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPALE RÉGIONALE
COUR DE JUSTICE DE L'ONTARIO
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159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624

January 22, 2024

Ms. Melissa Adams, Crown Counsel
Crown Law Office, Criminal
720 Bay Street, 10th floor
Toronto, Ontario
M5G 2S9

Dear Ms. Adams:

***Re: Set Fines – Provincial Offences Act
Part I – Township of Perry, Parry Sound District***

Please find enclosed a copy of an Order dated January 22, 2024, and a copy of a letter to Ms. Erica Cole, Deputy Clerk for the Township of Perry.

Should you have any questions, please do not hesitate to contact me at (705) 564-7624.

Yours truly,

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

KLL/hrd

Encl.

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

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPALE RÉGIONALE
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
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SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624

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. 2023-63, of the Township of Perry, Parry Sound District, attached hereto is the set fine for that offence. This Order is to take effect January 22nd, 2024.

Dated at the City of Greater Sudbury, this 22nd day of January, 2024.

A handwritten signature in blue ink that reads 'Karen Lische'.

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

SCHEDULE "A" TO BY-LAW 2023-63

**CORPORATION OF THE TOWNSHIP OF PERRY
Part I Provincial Offences Act
By-law #2023-63: Waste Management By-law**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
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NOTE: The general penalty provisions for the offences listed above is Section 10 of By-law #2023-63, a certified copy of which has been filed.

K. Fischer