

THE CORPORATION OF THE  
TOWNSHIP OF ASPHODEL-NORWOOD

BY-LAW No. 2017-67

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**A By-law to provide for the collection, removal and disposal of waste**

A By-law to repeal By-law 2005-75 of the Township of Asphodel-Norwood and to provide for the collection, removal and disposal of waste materials for the benefit of the residents/ratepayers of the Township pursuant to the Municipal Act SO 2001.

**WHEREAS** Section 11 (3) of the Municipal Act SO 2001 provides that a single-tier municipality may pass By-laws respecting matters within the jurisdiction of waste management; and

**WHEREAS** Section 391 (1) of the Municipal Act SO 2001, provides that a municipality may pass By-laws imposing fees or charges on any class of persons,

- a) for services or activities provided for or done by or on behalf of it;
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and
- c) for the use of its property including property not under its control; and

**WHEREAS** it has been deemed expedient to pass such a By-law;

**NOW THEREFORE** the Municipal Council of the Corporation of the Township of Asphodel-Norwood enacts as follows:

**1.0 DEFINITIONS**

**Appliances and Large Household Furnishings-defined**

"Appliances and large household furnishings" shall mean all large or bulky household mechanisms and/or other articles actually used in the home (refrigerators, stoves, washers, dryers, chairs, sofas, tables, beds, carpet, mattresses, etc)

**Attendant-defined**

"Attendant" shall mean a representative/employee of the Township of Asphodel-Norwood that oversees the Transfer Station during the operating hours within this by-law.

**Bag Tag-Approved-defined**

"Bag Tag"- Approved shall mean tags purchased for waste pick up that is placed in a container as defined in this by-law and for a fee as prescribed in accordance to the Township of Asphodel-Norwood current Fees and Charges By-law.

**Brush-defined**

"Brush" shall include tree limbs, branches, shrubs, twigs and leaves.

**Commercial Operation-defined**

Commercial operation shall mean any small or home based business or commercial operation within the Township of Asphodel-Norwood which produces 6 bags of waste and/or containers per week and which does not have a dumpster.

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**Collector/Contractor-defined**

"Collector/Contractor" shall mean any Township of Asphodel-Norwood employee or person or business performing collection and haulage of waste under contract with the Township of Asphodel-Norwood.

**Central Collection Area-defined**

"Central Collection Area" shall mean those areas where waste from residences on private roads will be collected.

**Collection Area-defined**

"Collection area" shall mean only locations within the boundaries of the Township of Asphodel-Norwood permitted to have curbside collection which includes residential households, multi-residential dwellings or commercial operations.

**Collection Point-defined**

"Collection Point" shall mean a location approved by the Township of Asphodel-Norwood for municipal residential household waste materials pick-up by the Collector/Contractor in the Township of Asphodel-Norwood collection area.

**Construction Materials-defined**

"Construction Materials" shall include pieces of plaster, lumber, broken concrete, excavated material, wall board, siding or any other materials resulting from the construction, alteration, repair, demolition or removal of any building or structure, including fence incidental to the operation of households, commercial establishments and public places.

**Container-defined**

"Container" shall mean a polyethylene plastic bag approximately 76 centimeters X 97 centimeters of approximately 1.5 gauge thickness fastened at the top or a container of no more than 77 to 120 litres in size. No container shall weigh more than 30 pounds or 14 kilograms.

**Council-defined**

"Council" shall mean the Council of the Township of Asphodel-Norwood

**County of Peterborough-defined**

"County of Peterborough" shall mean the upper tier government responsible for recycling and resource material collection and management on behalf of the lower tier municipalities within its jurisdiction.

**Diversion-defined**

"Diversion" shall mean methods to remove waste from the landfill stream thus utilizing alternative recycling uses for waste materials. (i.e. hard plastic and household recycling)

**Hard Plastics-defined**

"Hard Plastic" shall mean plastic materials that are too hard/heavy that cannot be included in the typical recycle collection stream. (i.e. lawn furniture, toys, pails)

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**Household-defined**

"Household" shall mean a single residential single dwelling unit, possibly contained within a multi residential unit.

**Dumping Approval Form-for private contractors-defined**

"Dumping approval forms" shall mean a prescribed form that will be obtained at the Township of Asphodel-Norwood municipal office for private contractors acting on behalf of the Township of Asphodel-Norwood residents/tenants/property owners granting approval for the disposal of construction materials to be disposed of at the Asphodel-Norwood Transfer Station site on their behalf.

**Landfill Site Property-defined**

"Landfill Site Property" shall mean the Asphodel-Norwood Transfer Station site located on Part 19 Concession 8 & 9, 187 County Road 40, Township of Asphodel-Norwood.

**Non-Collectable Waste-defined**

"Non-Collectable waste" shall include but not be limited to any recyclable materials, swill or other organic matter not properly drained or wrapped, liquid waste or pathogenic wastes, bio-medical wastes, any material which has become frozen to the container and cannot be easily removed, industrial or trade waste, including any abandoned, condemned or rejected product or waste material, builders or contractors' refuse, and stock of any wholesale or retail merchant, discarded vehicle parts, and accessories from automotive service stations or other automotive establishments, medical waste, any material in a receptacle or container which does not conform to this by-law, hot ashes or any other waste materials that may be capable of starting fires, sod, earth, tree trunks and branches, stone, building materials or building rubbish, live creatures, carcasses or parts thereof of any dog, cat, fowl, fish or any other creature (with the exception of normal kitchen waste), any hazardous waste or any sharps, any materials that have been banned from the City/County landfill site, hay, straw and manure, major appliances or large household furnishings, explosive or highly combustible materials, leaf and yard waste, tires used for automobiles, trucks, trailers, motorcycles, bicycles or any other mechanized equipment, bulky household wastes, manufacturers and trade waste, construction or demolition debris and other materials as designated by the Township from time to time.

**Non-recyclable waste-defined**

"Non-recyclable waste" shall mean rags, sweepings, rubber, leather, crockery, shells, clothing, dirt, filth, and similar waste materials.

**Person-defined**

"Person" shall include a corporation

**Private Contractor-defined**

"Private Contractor" shall mean any persons, firm or corporation who collects municipal waste or recycling/resource materials from premises within the Township and includes all persons who dispose of waste from their own premises, but does not include employees of the Township or persons, firms or corporation under contract with the Township for the collection of municipal waste or resource materials.

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**Proof of Residency-defined**

"Proof of residency" shall mean a form of identification demonstrating residency/property ownership within the Township of Asphodel-Norwood boundaries such as a drivers licence, photo identification, or special dump passes authorized and provided by the Township.

**Recyclable/Resource Materials-defined**

"Recyclable/Resource Materials" shall mean material designated as recyclable and identified in schedule "A" of the Peterborough County's Waste By-law #2016-17, and as updated from time to time.

**Refrigerant (Freon)-defined**

Refrigerant (Freon) shall mean the cooling liquid used in refrigerators, freezers, air conditioners and heat pumps.

**Residents/Tenants/Property Owners/Rate Payers-Township of Asphodel-Norwood-defined**

"Township of Asphodel-Norwood residents/tenants/property owners/ratepayers" shall mean those persons entitled to dispose of waste materials at the Asphodel-Norwood Transfer Station site as defined in this by-law by virtue of the fact that they reside in and/or pay taxes on property in their ownership within the boundaries of the Township of Asphodel-Norwood and can provide proof of same.

**Scrap Metal-defined**

"Scrap Metal" shall include but not be limited to any objects containing or made up of 85% metal materials.

**Supervisor-defined**

"Supervisor" shall mean the Manager of Public Works and Environmental Services or Township representative or any person or corporation from time to time named by Council to oversee the collection and disposal of waste materials and non-recyclable waste products.

**Township-defined**

"Township" shall mean the corporation of the Township of Asphodel-Norwood.

**Township Representative-defined**

"Township Representative" shall mean the employee(s) or delegate(s) of the Township of Asphodel-Norwood acting on behalf of the Township in terms of administration and enforcement of this by-law.

**Waste-defined**

"Waste" shall mean any collectable and properly prepared household waste that is not recyclable and that is not deemed to be collectable as outlined in the non-collectable waste as defined in this by-law. Waste shall include 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, other materials designated by the Township from time to time.

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**2.0 GENERAL PROVISIONS ADMINISTRATIVE MATTERS/SUPERVISION**

**2.1 Administration of By-Law**

This By-law shall be administered by the Manager of Public Works and Environmental Services or other appointed Township representative.

**2.2 Supervision of By-law**

The proper collection and disposal of waste and non-recyclable waste shall be placed under the control of the Manager of Public Works and Environmental Services or designate who shall be responsible to the Chief Administrative Officer.

During administrations of the provisions of this By-law, if it appears that there is any matter or thing required to be dealt with, for which no provisions have been made or as to which the terms of this By-law are not clear, or which is in dispute, the Manager of Public Works and Environmental Services or their designate is hereby authorized to take such steps as are in their judgment advisable and to report the matter at the first opportunity to the Chief Administrative Officer.

**2.3 Application of By-Law**

This By-law shall be applicable to residential waste, multi-family waste and commercial waste collection conducted by or on behalf of the Township.

**2.4 Collection Zones**

For the purpose of residential waste, multi-family waste, commercial waste and resource materials collection, the Township will be divided into collection zones with fixed days on which residential waste, multi-family and commercial waste may be collected in the said zones. Said zones information may be found at the Township office as well as advertised on Township/County web pages.

**3.0 COLLECTION**

**3.1** Curbside collection shall be made from all residential and commercial premises in the collection area.

**3.2** The collection of residential household waste and non-recyclable materials as defined in, and on behalf of the Township, shall be made once each week in the collection area.

**3.3** Residents are encouraged to make use of the curbside pickup program as defined in this By-law and limit the materials transferred to the Asphodel-Norwood Transfer Station site.

**3.4** Material set out for collection shall normally be placed on the same side of the road as mailboxes, or should be placed as close as possible to the edge of the road without obstructing the roadway or mail delivery services. The Manager of Public Works and Environmental Services or their designate shall have the authority to designate the precise point at which material shall be placed for collection.

**3.5** Occupants shall ensure that each individual and separate residential waste collection container is located so as not to impede or obstruct pedestrian or vehicular traffic or road maintenance operations, so as not to endanger the safety of the contractor or any other persons.

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- 3.6 Occupants shall ensure that each individual and separate waste container as defined in Section 1, containing household/residential waste material for removal by the Collector/Contractor shall be placed at the edge of the roadway and not on a highway or other public property (i.e. parks, township roadway, thoroughfare) and in no case before 6 p.m. local time on the day prior to the date fixed for collection and shall be placed at the prescribed location not later than 7 a.m. on the day of collection.
- 3.7 Every owner and/or occupant shall ensure that, during winter conditions no waste collection container set out for collection is located on top of any snow bank and that the area in which the waste container is located is clear of snow and ice to provide for ready and safe access by the Collector/Contractor.
- 3.8 Occupants shall ensure that all waste containers and/or recycling/resource receptacles are removed from the edge of the roadway and returned to private property no later than 8 p.m. local time on the same day as is fixed for collection.
- 3.9 Every owner or occupant shall maintain the edge of the roadway that is continuous with their lot lines, free of household residential waste, recyclable/resource materials and non-collectible waste. Every effort must be made during significant weather events such as winds to maintain waste materials in the container.
- 3.10 The total amount of residential waste that will be collected from any one residential curbside premise is limited to two (2) containers (as defined in Section 1) per collection.
- 3.11 Any commercial, educational, religious, multi residential or municipal establishment in the collection area shall consist of a total of not more than six (6) containers, (as defined in section 1), per collection.
- 3.12 Construction debris, major appliances, and large household furnishings shall not be collected by the Township but may be disposed of by an owner or their authorized agent at the Asphodel-Norwood Transfer Station site where charges will be assessed for the use of the site in accordance to the current Township of Asphodel-Norwood Fees and Charges By-law.
- 3.13 Recyclable/resource materials as defined shall be collected curbside and the program is administered by the County of Peterborough's recycling program once each week in the collection area and in accordance with the County of Peterborough Recycling Collection Program Policy and Procedures.
- 3.14 Notwithstanding Section 3.1 and 3.2, waste materials and non-recyclable waste may be disposed of by an owner or tenant of land in the collection area, or their authorized agent, at the Asphodel-Norwood Transfer Station site with proof of residency, where charges will be assessed for the use of the site according to the current Township of Asphodel-Norwood Fees and Charges By-law.
- 3.15 No salvaging of any description shall be conducted either on the collection routes or in and around the Asphodel-Norwood Transfer Station site.

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**4.0 ROAD CONSTRUCTION**

- 4.1 When construction is being performed on any road or road allowance, all items are to be placed as close as practical to an access point for the collection unit.
- 4.2 The contractor shall make reasonable efforts to traverse roads under construction in order to provide collection service, but if the contractor deems the road impassable, the contractor shall notify the Township immediately. The Township shall advise the Collection Contractor of the agreed solution between the Township and the Construction Contractor. It is the Construction Contractors responsibility to get the waste containers to a safe area for the Collection Contractor to collect. It shall also be the Construction Contractor's responsibility to communicate with the residents as well as return any waste containers to the rightful owners after the day's collection.

**5.0 BAG TAG POLICY**

- 5.1 A user pay system has been implemented within the Township, whereby only waste placed in the appropriate container (as defined in Section 1) and that is affixed with the proper "bag tag" will be collected by the Collector/Contractor. Any waste that is not properly tagged with an official Township of Asphodel-Norwood "bag tag" will not be picked up, and a sticker will be placed on the waste by the Collector/Contractor indicating that the waste was not collected because it was not tagged. Official Township "bag tags" can be purchased at the Municipal Office and local authorized retail outlets in the amount that is prescribed in the current Township of Asphodel-Norwood Fees and Charges By-law.

**6.0 COLLECTOR'S RESPONSIBILITIES**

- 6.1 All persons employed by the Collector/Contractor shall follow the laid out routes as described in the terms and conditions of their contract with the Township. The work of each route shall be completed in accordance with the terms and conditions of the Waste Collection Contract.
- 6.2 The Collector/Contractor shall handle the receptacles with due care and in accordance with all relevant federal, provincial and municipal statutes and by-laws including the Township of Asphodel-Norwood's Health and Safety Policy and Procedures. The contractor shall be responsible for ensuring similar compliance by its suppliers and sub-contractors.
- 6.3 The Collector/Contractor shall not overload the collection vehicle. Every attempt will be made to prevent the contents or debris to fall from the vehicle however, should this occur the Collector/Contractor shall remove and clear any refuse which may have spilled on the ground.
- 6.4 Under no circumstance will the Collector/Contractor be called upon to make collections from any point which in the opinion of the Collector/Contractor or Manager of Public Works and Environmental Services is unreasonably inconvenient or dangerous to an employee, nor shall the Collector/Contractor be required to remove containers from any point not designated by the Manager of Public Works and Environmental Services or their designate but only from containers as defined in Section 1 of this by-law.

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- 6.5 The Collector/Contractor shall provide the materials to the Township to advertise and communicate holiday pick-up schedules, alternative collection dates and/or major disruptions to the Township staff and residents.

**7.0 WEATHER CONDITIONS**

- 7.1 If the Collector/Contractor cannot collect waste on any day due to weather conditions, the Collector/Contractor shall ensure that the waste is collected at the earliest opportunity, unless otherwise directed by the Township representative.
- 7.2 If the Collector/Contractor cannot collect waste on any day because of weather conditions, the Collector/Contractor shall notify the Township immediately, so this information can be passed on to the public.

**8.0 PRIVATE PROPERTY**

- 8.1 No waste collection vehicle owned or contracted by the Township shall enter a privately owned roadway or land or other private property for the purpose of waste collection save and except those roadways determined by the supervisor in consultation with the Township administrator and/or Council, to be safe for passage and so designated for curbside collection as defined in section 1-Central Collection Area.
- 8.2 Collection from private roads will occur at a central collection area near the private road, but on the public road as defined in Section 1 Central Collection Area.
- 8.3 The Collector/Contractor will not provide collection services to the privately maintained roads within the Township, but will collect materials deposited at the designated locations known as the central collection area. Aside from the designated Private Roads no collection unit working under contract with the Township of Asphodel-Norwood shall enter a privately owned driveway or roadway or land or private property for the collection of waste except by order of the Manager of Public Works and Environmental services or their designate.

**9.0 HOUSEHOLDER'S RESPONSIBILITIES**

- 9.1 Recyclable/Resource materials must be separated from household residential waste and non-recyclable waste in accordance with the County of Peterborough Recycle Program Guidelines.
- 9.2 For pick-up by the Township and/or Collection/Contractor in the collection area, all acceptable residential household waste and non-recyclable waste must be placed and kept in containers as defined in Section 1 of this By-law.
- 9.3 Residents of the Township of Asphodel-Norwood shall purchase "bag tags"- one for each container of residential household waste in accordance with the current Township of Asphodel-Norwood Fees and Charges By-law.
- 9.4 Residents are encouraged to make use of the curbside waste collection system. Waste disposed of at the Asphodel-Norwood transfer



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station site will have an additional fee charge in accordance with the current Township of Asphodel-Norwood Fees and Charges By-law as "bag tags" are not applicable on site.

- 9.5 Proof of residency/ownership must be presented to the Transfer Station attendant prior to being permitted to make use of the Asphodel-Norwood Transfer Station site.

**10.0 LOCATION FOR WASTE CONTAINERS**

- 10.1 All containers to be collected shall be placed at one location on the boulevard as near as possible to the curb or travelled roadway or, where the curb forms part of the sidewalk at the front or rear of the property in a place of easiest access to the Contractor/Collector and at ground level. Where this cannot be reasonably observed, the Township shall have the power to designate the location at which the containers shall be placed for collection. In all cases, the containers shall in no way obstruct the travelled portion of a public road, public sidewalk or other public way.
- 10.2 Where, for any reason, collection cannot be made from the locations specified in this section, items to be collected shall be placed at locations agreed upon by the Collector/Contractor and the Township representatives.

**11.0 PROHIBITIONS**

- 11.1 No person shall pick over, interfere with, disturb, remove or scatter any bundle, article or thing placed for removal in containers, or otherwise placed for removal.
- 11.2 No person shall keep a waste dump or container for waste material on their premises in such a condition or in such a location that the same is a nuisance or emits foul or offensive odours or harbours or attracts unwanted animals, rats or other vermin or insects, and the body of any such dead animal must be disposed of promptly by the owner, so that the same shall not become a nuisance.
- 11.3 Any materials being transported to the Asphodel-Norwood Transfer Station site must be covered in such a manner as not to blow with the wind or leave deposits along the roadways in accordance with the Highway Traffic Act. Failure to transport materials in said manner could result in refusal to entry to the Transfer Station site.
- 11.4 No person shall permit any waste materials or recyclables to be blown or dropped from the premises occupied by them on to any roadway or private property in the Township.
- 11.5 No person shall place, or permit to be placed, or remain on or in any street, any article or object in the nature of waste except as herein expressly authorized or as may be approved by the Supervisor.
- 11.6 Transfer Station attendants are authorized to check all waste entering the site to ensure that no recyclable items are being dumped. Any person(s) caught disposing of recyclable materials improperly at the site shall be refused entry to dispose.

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- 11.7 The use of the Transfer Station site by contractors with prior arrangements and such contractors/agents of residents/ratepayers will be limited to the number of dumps permitted pursuant to the prior agreement.

**12.0 ENFORCEMENT OF PENALTY**

- 12.1 For the purpose of this by-law, household waste and non-recyclable waste shall not be collected in the collection area unless the recyclable waste components have been separated.
- 12.2 In the event that any section or sections of the by-law or parts thereof are found by a court of competent jurisdiction to be invalid or ultra vires, such sections or parts thereof shall be deemed to be severable, with all other sections or parts of this by-law remaining in full force and effect.
- 12.3 Every person who is convicted of an offence under any provisions of this By-law shall be liable to the maximum penalty as set out in Section 429 (3) of the Municipal Act, 2001, S.O. 2001 as amended from time to time or any successor thereof, which states:

**429 (1) Authority to Establish Fines**

Subject to subsection (4), a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act. 2006, c.32, Sch. A, s. 1984, part.

**429 (2) System of fines – provisions**

Without limiting subsection (1), a system of fines may,

- a) designate an offence as a continuing offence and provide for a minimum and maximum fine for each day or part of a day that the offence continues;
- b) designate an offence as a multiple offence and provide for a minimum and maximum fine for each offence included in the multiple offence;
- c) establish escalating fines for a second and subsequent convictions for the same offence; and
- d) establish special fines in addition to the regular fine for an offence which are designated to eliminate or reduce any economic advantage or gain from contravening the by-law. 2006, c. 32, Sch. A, s. 184, part.

**429 (3) Restrictions**

The following rules apply to the system of fines:

1. A minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000. However, a special fine may exceed \$100,000.
2. In the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, despite paragraph 1, the total of all of the daily fines for the offence is not limited to \$100,000.
3. In the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, despite paragraph 1, the total of all fines for each included

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offence is not limited to \$100,000. 2006. C. 32, Sch. A, s.  
184, part.

12.4 The Manager of Public Works and Environmental Services, and the By-Law Enforcement Officer will be responsible for the enforcement of compliance to this By-law on behalf of the Township of Asphodel-Norwood.

**13.0 TRANSFER STATION HOURS OF OPERATION AND WASTE DISPOSAL & COLLECTION FEES SCHEDULE**

13.1 The hours of operation at the Asphodel-Norwood Transfer Station site shall be as follows; Mondays and Saturdays 8:00 A.M. until 2:00 P.M. April 1<sup>st</sup> until December 31<sup>st</sup>.

13.2 The hours of operation during the winter months at the Asphodel-Norwood Transfer Station are as follows; Saturdays 8:00 A.M. until 2:00 P.M. and Mondays 9:00 A.M. until 12:00 P.M. January 1<sup>st</sup> until March 31<sup>st</sup>.

**14.0 COLLECTION AREA**

The collection area as defined for the Township of Asphodel-Norwood is attached as Schedule "A".

**15.0 THAT** the Township of Asphodel-Norwood By-law number 2005-75 is hereby repealed.

Read a first, second and third time and finally passed this 14<sup>th</sup> day of November, 2017.



Mayor, Terrence J. Low



Clerk, Candice White

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A By-law to provide for the collection, removal and disposal of waste

Schedule "A"

GARBAGE COLLECTION SCHEDULE

