

**THE CORPORATION OF THE TOWNSHIP OF JOHNSON AND THE
CORPORATION OF THE TOWNSHIP OF TARBUTT
JOINT WASTE LANDFILL SITE BY-LAW**

**The Corporation of the Township of Johnson By-Law 2017-860
The Corporation of the Township of Tarbutt By-Law 13-2017**

**BEING A BY-LAW TO REGULATE AND MANAGE A JOINTLY OPERATED
LANDFILL SITE.**

WHEREAS the Municipal Act 2001, S. O. 2001, c. 25, Section 74, allows a municipality to... “*for its own purposes, exercise its powers under its ‘Waste Management Sphere of Jurisdiction’ in the municipality, in another municipality or in unorganized territory.*”

AND WHEREAS this landfill site located at 3860 Government Road and described as *S. Pt. Block A Plan 61, PCL, 1518, Lot 7 Plan H797 Johnson Township* and known as the Johnson / Tarbutt Waste Landfill Site has been in existence since 1994 and has received Environmental Assessment Act approval from the Provincial Government and has a Provisional Certificate of Approval as amended under the Environmental Protection Act:

AND WHEREAS the Townships of Johnson and the Township of Tarbutt deem it expedient to enact rules and regulations to establish and maintain a system to deal with the operation of a Landfill Site;

AND WHEREAS The Municipal Act, 2001, S.O. 2001, c. 25, Section 20(1) allows for one or more Municipalities to enter into a joint agreement.

AND WHEREAS The Municipal Act, 2001, S.O. 2001, c. 25, Section 76(1), allows for *Entry and Inspection*, “For the purpose of obtaining information that a municipality considers necessary for the municipality to meet the requirements of or to obtain an approval under any Act relating to the planning, establishment, operation, management, alteration or improvement of a waste disposal site or any other waste management facility, the municipality may, at reasonable times, enter onto and inspect any land including the conducting of tests of the land and the removing samples or extracts.”

AND WHEREAS The Municipal Act, 2001, S. O. 2001, c. 25, Section 391(1) & O. Reg. 244/02 provides municipalities with the authority to establish fees and charges for acceptance of waste;

AND WHEREAS the Township of Johnson and the Township of Tarbutt (collectively herein the “Townships”) deem it advisable to prescribe tipping fees for the acceptance of waste at the Landfill Site as well as to prescribe Rules governing the use and operation of the Landfill Site.

NOW THEREFORE THE COUNCILS OF THE CORPORATION OF THE TOWNSHIP OF JOHNSON AND THE CORPORATION OF THE TOWNSHIP OF TARBUTT DO HEREBY ENACT THE FOLLOWING:

1. **THAT** this by-law shall be known as *The Johnson and Tarbutt Joint Waste Landfill By-Law*.
2. **THAT** the attached schedules numbered 1 to 8 shall form a part of this By-Law.
3. **THAT** the Townships shall from time to time recalculate the Landfill Closing and Post Closing Liability costs to confirm they are sufficient to meet projected closure costs.
4. **THAT** a funded reserve in the required amount as calculated from time to time shall be established in each the Township of Johnson and the Township of Tarbutt and maintained for the Landfill Closing and Post Closing Liability and proof of the reserve shall be made available upon request by the partnering Township.

5. **THAT** the apportionment of the expenses of operation of the Landfill, including the Landfill Closing and Post Closing Liability shall be equal between The Corporation of the Township of Johnson and the Corporation of the Township of Tarbutt. For clarity, all expenses and costs including Landfill Closing and Post Closing Liability shall be borne by each of the Townships on a 50/50 basis.
6. **THAT** the Landfill Site shall be used and operated in accordance with the Landfill Rules set out in Schedule 2 hereto.
7. **THAT** the tipping fees set out in Schedule 4 hereto be adopted.
8. **THAT** the hours of operation of the Landfill Site set out in Schedule 5 hereto be adopted.
9. **THAT** where a provision of this By-Law conflicts with provisions of another By-Law in force in either of the Townships, then the provision that is more onerous or establishes the higher standard shall prevail.
10. **THAT** if any provision of this By-Law is declared invalid for any reason or if any Schedule of this By-Law is amended or added the remaining provisions and Schedules shall remain in effect.
11. **THAT** this By-Law repeals and replaces all previous By-Laws and all amendments to them that have been developed for the purpose of regulating and managing the Johnson/Tarbutt Landfill Site and;
12. **THAT** nothing in this by-law shall restrict the Committee from developing and managing the daily operations of the Landfill Site and;
13. **THAT** this By-Law comes into effect upon its passing.

READ A FIRST, SECOND, THIRD AND FINAL TIME AND PASSED IN OPEN COUNCIL

THIS ____ day of _____ 2017.

THE CORPORATION OF THE TOWNSHIP OF JOHNSON

MAYOR _____
TED HICKS

SEAL

CLERK _____
RUTH KELSO

READ A FIRST, SECOND, THIRD AND FINAL TIME AND PASSED IN OPEN COUNCIL

THIS 15th day of November, 2017

THE CORPORATION OF THE TOWNSHIP OF TARBUTT

MAYOR _____
CHRIS BURTON

SEAL

CLERK _____
GLENN MARTIN

**THE JOHNSON AND TARBUTT
JOINT WASTE LANDFILL BY-LAW**

SCHEDULE # 1

DEFINITIONS

For the purpose of this By-Law the following words shall have the meaning given herein:

- a. 'Ashes' shall mean the solid residue of any fuel for heating or cooking purposes and also the cleanings from chimneys.
- b. 'Attendant' shall mean an employee or contractor, contracted specifically to attend at and monitor the landfill site described herein.
- c. 'Bag' shall mean a typical clear household garbage bag and shall contain a maximum weight of 40 pounds of Waste.
- d. 'By-Law Enforcement Officer' shall mean the person appointed by each of the Townships to carry out by-law enforcement duties.
- e. 'Councils' shall mean collectively the Council of the Corporation of the Township of Johnson and the Council of the Corporation of the Township of Tarbutt.
- f. 'Committee' shall mean a committee of appointed representatives from each of the respective Councils.
- g. 'Commercial Waste' shall mean all rejected, abandoned or discarded Waste of a nature generated by a business, industry and/or institution; but shall not include items listed under Prohibited Waste as defined in Schedule # 3 of this by-law.
- h. 'Funded Reserve' shall mean an actual fully funded, identifiable reserve set aside for a specific purpose.
- i. 'Hours of Operation' as defined in Schedule #5 shall mean the hours of which the Landfill Site is open to the public and shall include a list of Public Holidays and whether or not the Site is open on those specific days.
- j. 'Household' shall mean a unit consisting of one or more rooms designed for use as a single housekeeping dwelling. A household includes a single-family dwelling, a unit within an apartment building or other multiple dwelling and a seasonal residence.
- k. 'Household Waste' shall mean all rejected, abandoned or discarded Waste of a nature generated by a household; but shall not include items listed under Prohibited Waste as designated in Schedule # 3 of this by-law.
- l. 'Landfill or Landfill Site' shall mean the location of 3860 Government Road described as S. Pt. Block A Plan 61, PCL. 1518, Lot 7 Plan H797 Johnson Township, may also from time to time be referred to as Disposal Site
- m. 'Prohibited Waste' shall mean any refuse material of a class or kind not accepted at the Landfill Site as designated in Schedule # 3 of this by-law and such others that are defined from time to time by the Committee.
- n. 'Site' shall mean the location of 3860 Government Road described as S. Pt. Block A Plan 61, PCL. 1518, Lot 7 Plan H797 Johnson Township.
- o. 'Tipping Fees' shall mean the fees charged for the use of the Landfill Site as designated in Schedule # 4 of this by-law.

- p. 'Townships' shall mean collectively the Township of Johnson and the Township of Tarbutt.
- q. 'Trespass to Property Notice' shall mean a notice issued pursuant to the provisions of the Trespass to Property Act, R.S.O. 1990, c. T.21.
- r. 'Vector' shall mean a living insect, anthropoid or animal (not human) which transmits infectious disease from one human or animal to another.
- s. 'Vermin' shall mean a potential carrier of disease, germs, bacteria or viruses, such as but not limited to rodents, mosquitoes, flies, lice and fleas which transmit such infectious elements to humans and animals.
- t. 'Waste' shall mean all rejected, abandoned or discarded refuse material and shall include collectively all Permitted and Prohibited Waste as designated in Schedule # 3 of this by-law.

**THE JOHNSON AND TARBUTT
JOINT WASTE LANDFILL BY-LAW**

SCHEDULE # 2

LANDFILL RULES

- a. Waste shall be accepted at the Landfill Site only from within the boundaries of the Townships unless otherwise approved by the Committee.
- b. All Waste deposited at the Landfill Site becomes the property of the Townships and may be salvaged, reclaimed, recycled, disposed of or otherwise dealt with by the Townships as the Townships deem fit, subject to the Environmental Protection Act, but in so doing the person depositing the Waste is not relieved of their obligations under this by-law.
- c. All Waste and/or other material must only be deposited in the areas designated by signage or as directed by the site Attendants.
- d. No land within the boundaries of the Townships is to be used for dumping, disposing or storing of Waste of any kind except at the Landfill Site and any other area (s) within the boundaries of the Townships that may be approved by the Councils from time to time.
- e. Public access to the Landfill Site shall be limited to Hours of Operations as per Schedule # 5 of this by-law.
- f. No person shall:
 - deposit Waste generated outside of the Township boundaries except as authorized by the Committee; e.g. non-resident or Commercial Waste.
 - attend or trespass on the Landfill Site except for lawful purposes.
 - deposit Prohibited Waste or Waste or materials not listed as Permitted Waste except as may be allowed in a designated area and except as approved in advance in writing by the Committee.
 - light any fire, or cause any fire to be lit at the Landfill Site without the approval of MOE, MNR and in accordance with the Johnson burning by-law.
 - deposit Waste at the gate or entrance to the Landfill Site or any place other than the designated area (s).
 - neglect or refuse to provide proof of the origin of the Waste presented for disposal at the Landfill Site when such a request is made; and may not provide such proof, provided the Waste is removed from the Landfill Site without having been unloaded.
 - deposit Waste when such Waste has been prohibited by the Attendant on grounds that the deposit would be contrary to this by-law or the origin of the Waste has not been satisfactorily proven and if unloaded at the Landfill Site shall remove the Waste and assume all costs involved in the removal and clean up of the affected area.
 - deposit Waste or materials at the Landfill Site without proof of the right to access.
 - deposit allowable Waste or materials in any area of the Landfill except in designated areas for depositing of Waste.

- deposit dangerous and hazardous material such as poisons, hot live ashes or coals, caustics, acids, infected materials, explosives, pesticides, herbicides, radio-active material, raw animal manure, raw sewage, sludge, bulk liquids, semi-solids, highly flammable or volatile substances, industrial process sludge, animal carcasses or parts, biomedical waste, live animals, or birds, Vector, Vermin, or substances which may cause personal or environmental dangers.
 - deposit trees or untreated lumber or parts thereof greater than eight (8) feet in length.
 - deposit waste of a class or kind which has been designated by the Townships as Prohibited Waste.
- g. The use of firearms or other weapons dangerous to the peace and safety around or in the vicinity of the site is prohibited, this does not prohibit the Committee from contracting a person (s) to deal with sick, injured, dangerous or nuisance wildlife i.e. Bears at the Landfill Site in order to ensure public and Attendants safety.
- h. The Committee may contract from time to time an Attendant (s) to be in charge of the Landfill Site and they will have all the authority to carry out their duties as defined in this by-law and to enforce all provisions of this by-law.
- i. The Committee may revise and/or prescribe tipping fees or user fees from time to time.
- j. Access rights to the Landfill Site may be verified by the use of a sticker/card or other identifiable method selected from time to time by the Landfill Committee, or by verification to the Attendants' satisfaction that the person is a resident of the Townships or by prior approval of the Committee.
- k. The Committee and/or the Attendant may at any time order any person found conducting unauthorized activities on the site or having an unlawful reason to be there, to leave the Landfill forthwith; and if any such person fails or refuses to leave, may call for police assistance and cause trespassing charges to be laid.
- l. The tipping fees as set out in Schedule # 4 of this by-law shall be payable to the Attendant or at one of the Township offices and failure to pay requested tipping fee amounts may result in the person or persons being prohibited from further use of the Landfill Site until all past due tipping fees and associated costs are paid in full.
- m. Any person who violates any provision of this by-law may be prohibited or restricted by the Township from using the Landfill Site in the future and will be notified by the Township of which such person is a resident of in writing to cease such violations forthwith. .
- n. Any person who violates any provision of this by-law shall be guilty of an offence and shall be liable upon conviction to a fine pursuant to the provisions of the *Provincial Offences Act*.
- o. In addition to any other enforcement remedy available, a Township may issue a Trespass to Property Notice to the Township's own resident found violating the provisions of this by-law. Only the Township whose resident is found violating the provisions of this by-law may issue the Trespass to Property Notice to such resident.

- p. In the event that a Township proceeds in issuing a Trespass to Property Notice, the protocol for same shall be as follows:
- i. **On the first occurrence, the Township shall issue a warning in writing;**
 - ii. **On the second occurrence, the Township's solicitor shall issue a second warning in writing advising that the next action to be taken will be the issuance of a Trespass to Property Notice; and**
 - iii. **On the third occurrence, the Township through its solicitor shall issue a Trespass to Property Notice for an indeterminate period of time.**
- q. No person shall operate a motorized vehicle of any type on any part of the Landfill Site other than on the designated roadways and must at all times operate such vehicle with great care and awareness of the safety of others.
- r. No person shall deposit Waste at the Landfill during such time that such person is the subject of a Trespass to Property Notice issued pursuant to this by-law or otherwise barred from depositing Waste pursuant to this by-law.
- s. All Waste shall be transported to the Landfill Site in a manner that will prevent any Waste from being spilled or falling on or in any manner littering the public roadways.
- t. The Committee reserves the right to request a Soils Report to determine the classification of materials to be accepted prior to their arrival at the Landfill Site.
- u. In the case of Waste deposited at the Landfill in plastic bags, then only clear plastic bags are permitted. Waste deposited in plastic bags which are not clear plastic bags shall not be deposited.

**THE JOHNSON AND TARBUTT
JOINT WASTE LANDFILL BY-LAW**

SCHEDULE # 3

PERMITTED & PROHIBITED WASTE

The Committee reserves the right to change and/or modify the Permitted Waste and Prohibited Waste items from time to time during the management of the Landfill Site. Such changes will be effected by way of resolution of the Committee and posted at the Site.

PERMITTED WASTE (as restricted by the Certificate of Approval, MOE)

- Household
- Institutional
- Commercial
- Industrial
- Tires (in designated area)
- Scrap metal (in designated area)
- Wood/brush (in designated area)
- Organic yard and garden waste (in designated area)
- Electronic (in designated area)
- Blue Bin recyclable items (in designated area)
- Household batteries only (in designated area)
- Cold Ashes (in designated area)
- Some types of Styrofoam (in designated area)

PROHIBITED WASTE (as restricted by the Certificate of Approval, MOE)

- Liquid or gaseous waste
- Hazardous waste of some types
- Industrial waste of some types
- Commercial Waste of some types
- Septic tank pumping of raw sewage sludge and industrial processed sludge
- Explosives and/or any highly flammable or volatile substances
- A pathological diseased material i.e. syringes dressings, etc.
- Fridges, freezers and air conditioner units
- Household Hazardous Waste

**THE JOHNSON AND TARBUTT
JOINT WASTE LANDFILL BY-LAW**

SCHEDULE # 4

TIPPING FEES

The following Tipping Fees shall be payable prior to or at the time of deposit of Waste at the Landfill Site.

Household Garbage	No Charge
Farm machinery	No Charge
Boats (priced per foot)	\$6.00/foot

Solid waste including but not limited to: building blocks, concrete slabs, bricks, asphalt, aggregate, etc.

Do to variations in size and design of Utility Trailers, tipping fees for Utility Trailers will be at discretion of Attendant based on tipping fees below for trucks.

i. half ton truck (max 2 yd.) or utility trailer or van load	\$15.00
ii. single axle (1 ton >)	\$50.00
iii. double axle truck	\$150.00
iv. tri axle truck	\$250.00

Hazardous Waste: contaminated soils, as accepted in Certificate of Approval.

NOTE: This fee schedule does not preclude a special rate being negotiated with the Committee on a case-by-case basis

Loads	% reduced	Fee
1 to 25	0.0%	\$100.00/per load
26 to 50	-20%	\$80.00/per load
51 to 75	-40%	\$60.00/per load
76 and above	-60%	\$40.00/per load

Tipping Fees:

1. Tipping Fees shall be reconciled from time to time and at least yearly as between the Townships. The reconciliation shall be effected by way of invoices exchanged between the Townships. All Tipping Fees collected by the Townships shall be divided equally as between the Townships as part of the reconciliation process.
2. Where Tipping Fees will exceed the sum of \$5,000.00 the approval of councils of both Townships shall be required prior to deposit of Waste at the Landfill Site.
3. Tipping Fees shall be paid in advance of the deposit of Waste at the Landfill Site either at the appropriate Township Office or with the Landfill Attendant.

*Refer to Prohibited and Permitted Waste Schedule # 3

+ All tires must be removed from rims

***THE JOHNSON AND TARBUTT
JOINT WASTE LANDFILL BY-LAW***

SCHEDULE # 5

HOURS OF OPERATION

The Landfill Site will be open for public access under the supervision of the Attendant(s):

The hours of operation and the days of the week the Landfill site is open to the public shall be established by a resolution of support from both Councils.

From time to time the days of operation and/or the hours of operation may be altered by way of resolution of support from both Councils.

A recommendation for days of operation and hours of operation shall come from the Joint Landfill Committee.

WINTER Hours: October 1st to March 31st

SUMMER Hours: April 1st to September 30th

Statutory Holidays: Landfill will be closed when a Statutory Holiday falls on a regular operating day.

Labour Day – New Year’s Day – Victoria Day – Thanksgiving Day – Canada Day – Christmas Day – Easter Monday – Civic Holidays.

Additional non-statutory days:

Remembrance Day – Good Friday

***THE JOHNSON AND TARBUTT
JOINT WASTE LANDFILL BY-LAW***

SCHEDULE # 6

LANDFILL ATTENDANT(S)

- Health and Safety for Landfill employees shall be through the Johnson H & S Committee
- Payroll shall be through the Tarbutt Office
- Landfill Committee members shall be responsible to monitor Health & Safety at the Site along with the attendants.
- Chain of command for the attendants shall be through the office to/from the Clerks and to/from the Clerks to the Landfill Committee
- A list of duties and responsibilities shall be provided to the attendants and updated on a regular basis.
- Complaints by residents using the site and/or staff shall be accepted in written format.

***THE JOHNSON AND TARBUTT
JOINT WASTE LANDFILL BY-LAW***

SCHEDULE # 7

COMMITTEE STRUCTURE AND FUNCTIONS

At the beginning of each term of Council appointments shall be made for members of the Landfill Committee, two from each Council.

The Committee structure will be as follows:

- A Chair person (to rotate each year amongst Committee members)
- A Vice-Chair (to rotate each year amongst Committee members)
- Frequency of meetings will be at the discretion of the Committee minimum of three per year, with at least one prior to budgets being set.
- Location of general meetings will be at the location of the presiding Clerk
- The Clerk attending general meetings will rotate with the Chair
- Work load will be shared between both offices, with the bulk being done by the presiding Clerk
- Review monthly inspection reports from staff

***THE JOHNSON AND TARBUTT
JOINT WASTE LANDFILL BY-LAW***

SCHEDULE # 8

SITE MAINTENANCE

1. Burning shall be done in accordance with the Burning Policy of Johnson Township
2. The Committee shall monitor the site to ensure continued compliance with the Certificate of Approval.
3. The Committee shall develop such Policies as they deem necessary to assist in the daily operation of the site.
4. Signage shall be maintained at the Site to direct and inform residents as to the Landfill Site rules in place from time to time.
5. Winter maintenance shall be completed by Johnson Township Roads Department with summer maintenance being completed by Tarbutt Township Roads Department. The costs of materials and services shall be reconciled in the annual shared costs.