



The Corporation of the County of Essex

By-Law Number 2023-40

A By-law to transfer all power of the lower-tier municipalities of the County of Essex with respect to the collection of waste and the delivery of such waste in the County of Essex, pursuant to the provisions of Sections 189 and 190 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

Whereas, on or about September 19, 1990, pursuant to the provisions of Section 209(a) of the Municipal Act, R.S.O. 1980, c. 302, by way of By-law No. 2847 all waste management functions, except the collection of waste, the delivery of waste, and the treatment of sewage sludge, were transferred from the lower-tier municipalities of the County of Essex to the upper-tier County of Essex;

And whereas Section 188 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that both "lower-tier power" and "upper-tier power" means a power that may be exercised, among other things, with respect to "waste management";

And whereas Section 189 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that "[a]n upper-tier municipality may pass a by-law to provide for, (a) the transfer of all or part of a lower-tier power to the upper-tier municipality from one or more of its lower-tier municipalities which are specified in the by-law; and (b) transitional matters to facilitate the assumption of the lower-tier power";

And whereas Council for the Corporation of the County of Essex deems it expedient to transfer the powers of the lower-tier municipalities of the County of Essex with respect to the collection of waste and the delivery of such waste to the County of Essex;

And whereas this By-law Number 2023-40 is related to By-law No. 2847 (a copy of which is appended hereto as Schedule "A"), By-law No. 2866 (a copy of which is appended hereto as Schedule "B"), By-law No.

3201-95 (a copy of which is appended hereto as Schedule "C"), and By-law No. 3272-97 (a copy of which is appended hereto as Schedule "D").

Now therefore the Council of the Corporation of the County of Essex hereby enacts as follows:

- 1) Section 3(c) of By-law No. 2847 be and is hereby repealed, but with all other provisions of By-law No. 2847 remaining in full force and effect;
- 2) The Corporation of the County of Essex hereby assumes all powers and transfers all powers from its lower-tier municipalities with respect to the collection of waste and the delivery of such waste;
- 3) Nothing in this **By-law Number 2023-40** shall be deemed to include the storage, processing, and/or treatment of sewage sludge, which power is expressly preserved for the lower-tier municipalities of the County of Essex;
- 4) This **By-law Number 2023-40** shall come into force and take effect after:
 - (i) the final passing of this **By-law 2023-40** by Council for the Corporation of the County of Essex; and
 - (ii) a majority of the councils of the lower-tier municipalities forming part of the County of Essex for municipal purposes have passed resolutions giving their consent to this **By-law Number 2023-40**, with the total number of electors in the lower-tier municipalities that have passed resolutions giving their consent to this **By-law Number 2023-40** forming a majority of all electors in the County of Essex.
- 5) Following this **By-law Number 2023-40** coming into force and taking effect:
 - (i) the Corporation of the County of Essex may exercise the transferred lower-tier power specified in this **By-law number 2023-40**;
 - (ii) the lower-tier municipalities of the County of Essex are bound by the **By-law Number 2023-40** and no longer have the power to exercise the transferred lower-tier power;

- (iii) any existing by-law or resolution of a lower-tier municipality that relates to the transferred lower-tier power specified in this **By-law 2023-40** shall, to the extent it applies in any part of the affected lower-tier municipality, be deemed to be a By-law or resolution of the County of Essex; and
 - (iv) iv. any existing by-law or resolution referred to in clause iii. above shall remain in force in the affected lower-tier municipality, or the affected part of the said lower-tier municipality, until the earlier of:
 - a) two years after this **By-law Number 2023-40** comes into force; and
 - b) the day the existing lower tier by-law or resolution is repealed by the County of Essex.
- 6) Further, following this **By-law Number 2023-40** coming into force and taking effect, the County of Essex may continue anything that any of its lower-tier municipalities began under the transferred lower-tier power specified by this **By-law Number 2023-40** but did not complete.
- 7) Further, following this **By-law Number 2023-40** coming into force and taking effect, no lower-tier municipality of the County of Essex may exercise any power related to the collection of waste and the delivery of such waste, without the consent of the Corporation of the County of Essex, which consent may be provided by the Corporation of the County of Essex on such terms and conditions as may be deemed expedient during the transition of the power of collection of waste and the delivery of such waste from the lower-tier municipalities of the County of Essex to the Corporation of the County of Essex.
- 8) Council for the Corporation of the County of Essex specifically authorize the Warden and Clerk of the Corporation of the County of Essex to execute such further and other documents as may be required to give effect to this **By-law Number 2023-40**, including, but not limited to, for the assignment of contracts related to the collection of waste and the delivery of such waste from the lower-tier municipalities to the Corporation of the County of Essex.

Read a first, second and third time and Finally Passed this Sixteenth day of August, 2023.


Hilda MacDonald

Hilda MacDonald, Warden

Mary Birch

Mary S. Birch, Clerk

Clerk's Certificate

I, Mary S. Birch, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy, of **By-law Number 2023-40** passed by the Council of the said Corporation on this **Sixteenth day of August, 2023.**

Mary Birch

Mary S. Birch, Clerk
Corporation of the County of Essex

Schedule "A"

THE CORPORATION OF THE COUNTY OF ESSEX

BY-LAW NO. 2847

Per Bylaw 3272-97

IN THE MATTER of a by-law to empower the County to prepare and adopt a waste management plan and to assume selected waste management powers now vested with the local municipalities in the County of Essex.

2090 20 01/10/2847 Oct 17/90

WHEREAS Section 290a of the Municipal Act, R.S.O. 1980 Chapter 302, authorizes a County to pass by-laws to adopts a waste management plan and to assume any and all of the waste management powers of the local municipalities forming part of the County for municipal purposes;

AND WHEREAS the Council of the County may enter into an agreement with any person or municipality for operating or managing any waste mangement service or facility;

AND WHEREAS it is deemed expedient for The Corporation of the County of Essex to assume selected waste management powers and to adopt a waste management plan;

AND WHEREAS The Corporation of the County of Essex and various municipalities have entered into agreements for the care, control and operation of Landfills Sites Number 1, 2 and 3 in the County of Essex;

NOW THEREFORE the Council of The Corporation of the County of Essex enacts as follows:

1. In this by-law:

"waste management plan" means a document adopted by the council of a county containing objectives and policies related to waste management powers and which may contain a description of the measures and procedures proposed to attain the objectives of the plan;

2. The Council of The Corporation of the County of Essex is hereby empowered to prepare and adopt a waste management plan.

3. The Corporation of the County of Essex hereby assumes the following waste management powers from all local municipalities forming part of The Corporation of the County of Essex for municipal purposes;

(a) effective October 1, 1990 all powers related to the storage, processing (including composting), transfer, incineration, reduction, re-use, recovery and recycling (including collection of recyclable material) of waste, except sewage sludge;

(b) effective November 1, 1990 power over the disposal of waste at existing Landfill Sites 1, 2, and 3 and any future Landfill Sites.

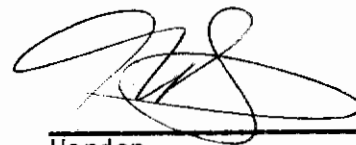
(c) nothing herein shall be deemed to include the collection of waste in any municipality in the County of Essex or the delivery of such waste.

4. The Corporation of the County of Essex hereby adopts, ratifies, confirms and assumes all responsibilities and obligations of the said local municipalities in those agreements more particularly set forth in Schedule "A" to this By-law and also any other agreements that relate to the care, maintenance and operation of the said Landfills;
5. The waste management plan provided for in Section 2 herein shall not be adopted until notice of the proposed plan containing all necessary information is given in the manner and to the persons and agencies prescribed.
6. No municipality and no person, after the effective date of this by-law shall provide services or facilities for the collection of recyclables, removal, disposal, treatment, storage, processing, transfer, reduction reuse, recovery or recycling of waste, except sewage sludge, within the Corporation of the County of Essex without the consent of the Council of that County, which consent may be given upon such terms and conditions, including the payment of compensation as may be agreed upon.
7. Any capital trust funds or perpetual care trust funds established by any of the Landfills referred to in this by-law shall be retained by the municipalities responsible for the establishment of such trust funds. Any current operation funds held by Landfills Number 1 and Number 3 shall be transferred to the County of Essex as of November 1, 1990 and such funds held by Landfill Number 2 shall be transferred to the County of Essex as of January 1, 1991. These funds shall be used by the County for the operation of the respective Landfills.
8. Those assets listed in Schedule "B" attached hereto and forming a part of this by-law for each of the said Landfills shall be retained by the County of Essex and used for the operation in such Landfills. At the time of closing of each Landfill the assets so listed shall be valued and be divided among the participating municipalities of such Landfill on the basis of the tonnage depositing in that Landfill by each municipality in relation to the total tonnage deposited therein.
9. This By-law shall be in full force and effect upon the final passing thereof by at least two-thirds of all of the votes on County Council of which at least one vote is cast in favour of this By-law by the majority of the local municipalities forming part of the County for municipal purposes.

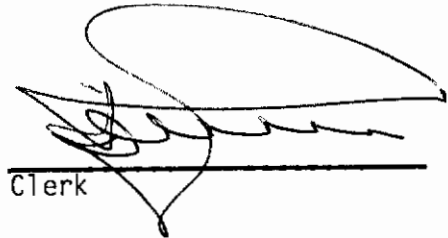
Page 3
By-law 2847

READ a first and second time and FINALLY PASSED this 19th day of September, 1990.

1st reading - September 19, 1990.
2nd reading - September 19, 1990.
3rd reading - September 19, 1990.



Warden



Clerk

SCHEDULE "A"

BY-LAW #2847

AGREEMENTS ASSUMED BY THE COUNTY OF ESSEX
FOR LANDFILL SITES 1, 2 AND 3

Landfill Site Number 1

1. Landfill Operations Agreement - December 30, 1969 - between 9 member municipalities and the County of Essex.
2. Compensation Agreement - April 1990, between 9 member municipalities and the County of Essex.

Landfill Site Number 2

1. Landfill Operations Agreement - December 20, 1989 - between 5 member municipalities and the County of Essex.
2. Landfill Lease Agreement - December 20, 1989 - between 5 member municipalities and the County of Essex.
3. Sanitary Landfill Operations Contract - January 1, 1990 to December 31, 1994 - between 5 member municipalities, Board of Management of Landfill Site Number 2, and Countryside Farms Limited.
4. Leachate Hauling Contract - March 1, 1990 to February 29, 1991 - between Board of Management of Landfill Site Number 2 and Jarsno Equipment Ltd.
5. Agreement to undertake a study on the removal of specific leachate constituents - March 29, 1990 with work to be completed in October 1990 - between Board of Management of Landfill Site Number 2 and Proctor & Redfern Limited.
6. Supply of cover material contract - January 1, 1989 to December 31, 1991 - between Board of Management of Landfill Site Number 2 and Ridge Sand & Gravel Ltd.
7. Supply of Disposal Containers - June 1, 1990 to May 31, 1991 - between Board of Management of Landfill Site Number 2 and C & S Trucking Ltd.
8. Ground and Surface Water Monitoring - May 1, 1990 to December 31, 1994 - between Board of Management of Landfill Site Number 2 and Groundwater Technology Inc.
9. Perpetual Care Agreement - May 28, 1987.

SCHEDULE "A"
cont'd

Landfill Site Number 3

1. Landfill Operations Agreement - 1972 - between 9 member municipalities and the County of Essex.
2. Perpetual Care Agreement.

SCHEDULE "B"

BY-LAW #2847

ASSETS OF LANDFILL SITES 1, 2 AND 3

List of Assets - Essex County Landfill Sites

Landfill Site No. 1

- 1- 40 foot truck scale
- 1- Scale House
- 1- Electronic Weigh Scale System

Landfill Site No. 2

- 1- 40 foot truck scale
- 1- Scale House
- 1- Electric Weigh Scale System
- 1- 8 x 10 foot tool shed

Miscellaneous tools including lawn mower, wheel barrow, and assorted hand tools.

Landfill Site No. 3

- 1- 80 foot truck scale
- 1- Scale House
- 1- Electric Weigh Scale System
- 1- 40 x 80 foot maintenance building - pole barn structure
- 1- 1986 Ford Ranger pickup truck
- 1- 1986 Ford Ranger 4 wheel drive crew cab pickup truck
- 1- 1990 Chevy pickup truck
- 1- 1990 John Deere Model 125 flail power
- 1- Lawnboy model YT16 yard tractor
- 1- 18 foot trailer
- 1- Sokkisha model total station survey system
- 6- portable hand held radio units
- Miscellaneous office furniture

Miscellaneous office equipment, including Cannon photocopier, Xerox PC and printer

Miscellaneous tools including lawn mower, wheel barrow, ladders hand tools, weed eater, etc.

Miscellaneous monitoring equipment, including conductivity meter, Ph meter, etc.



Corporation of the County of Essex

Office of the County Administrator

John H. Curran
Administrator

CLERK'S CERTIFICATE

I, John H. Curran, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy of By-law Number 2847 passed by the Council of the said Corporation on the 19th day of September, A.D. 1990.

A handwritten signature of John H. Curran is written over a horizontal line. The signature is in cursive and appears to read "John H. Curran".

John H. Curran, Clerk
Corporation of the County of Essex

Schedule "B"

THE CORPORATION OF THE COUNTY OF ESSEX

BY-LAW NO. 2866

*See By-law
3201-95*

A By-law to amend the By-law Number 2847 passed on
the 19th day of September, 1990


WHEREAS The Corporation of the County of Essex has passed a by-law
relating to waste management on September 19, 1990;

NOW THEREFORE the Council of the Corporation of the County of Essex enacts
as follows:

1. That the first paragraph of By-law #2847 of the Corporation of the
County of Essex, passed on September 19, 1990, which reads "Whereas
Section 290a of the Municipal Act R.S.O. 1980 Chapter 302, authorizes
the County to pass a by-law to adopt a waste mangement plan and to
assume any and all of the waste management powers of the local
municipalities forming part of the County for municipal purposes;" be
amended by changing the number of the section of the Municipal Act
from 290a to read 209a.
2. This by-law shall come into force and effect on the 17th day of
October, 1990.

Read a first and second time and FINALLY PASSED this 17th day of
October, 1990.

1st reading -	October 17 1990
2nd reading -	October 17 1990
3rd reading -	October 17 1990



Warden



Clerk



Corporation of the County of Essex
Office of the County Administrator

John H. Curran
Administrator

CLERK'S CERTIFICATE

I, John H. Curran, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy of By-law Number 2866 passed by the Council of the said Corporation on the 17th day of October, A.D. 1990.

A handwritten signature in dark ink, appearing to read "John H. Curran", is written over a horizontal line.

John H. Curran, Clerk
Corporation of the County of Essex

Schedule "C"

THE CORPORATION OF THE COUNTY OF ESSEX

BY-LAW NUMBER 3201-95

A BY-LAW TO AMEND BY-LAW NUMBER 2847, PASSED ON
THE 19TH DAY OF SEPTEMBER, 1990.

WHEREAS The Corporation of the County of Essex has passed a By-law on September 19th, 1990 to empower the County to prepare and adopt a Waste Management Plan and to assume selected Waste Management Powers now vested with the local municipalities in the County of Essex;

AND WHEREAS by that by-law the County enacted that no person or municipality is to provide services or facilities for the collection of recyclables, removal, disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste, except sewage sludge, within the County of Essex, without the consent of the Council of that County;

AND WHEREAS The Corporation of the County of Essex wishes to enforce this provision of the said by-law by imposition of a fine for contravention of the said by-law;

AND WHEREAS pursuant to The Municipal Act, R.S.O. 1990, c.M. 45, Section 320, municipalities are given authority to impose fines for the contravention of by-laws;

NOW THEREFORE The Council of the Corporation of the County of Essex enacts as follows:

1. That the By-law No. 2847 is to be amended by adding to it a new paragraph to be cited after paragraph 9 of the said by-law, to state as follows:

"Any person who contravenes any provision of this by-law or any part thereof, shall upon conviction, be liable to a penalty not to exceed \$5,000.00 exclusive of costs, such penalty to be recoverable under the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33."

2. This by-law shall come into force and effect on the final passing thereof.

Read a first and second time and FINALLY PASSED this 18th
day of October, 1995.

Page 2

By-law #3201-95


1st reading - October 18 /95
2nd reading - October 18 /95
3rd reading - October 18 /95


WARDEN


CLERK

CLERK'S CERTIFICATE

I, John H. Curran, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy of By-law Number 3201-95 passed by the Council of the said Corporation on the 18th day of October, A.D. 1995.


John H. Curran, Clerk
Corporation of the County of Essex



Corporation of the County of Essex

Office of the County Administrator

John H. Curran
Administrator

CLERK'S CERTIFICATE

I, John H. Curran, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy of By-law Number 3201-95 passed by the Council of the said Corporation on the 18th day of October, A.D. 1995.

A handwritten signature of John H. Curran is written over a horizontal line. The signature is in cursive and appears to read "John H. Curran".

John H. Curran, Clerk
Corporation of the County of Essex

Schedule "D"

1

THE CORPORATION OF THE COUNTY OF ESSEX

BY-LAW NUMBER 3272-97

A BY-LAW TO AMEND BY-LAW 2847.

WHEREAS, under authority of The Municipal Act, Chapter 45, Section 209 (10), R.S.O. 1990, the Corporation of the County of Essex has an exclusive jurisdiction and has assumed the powers described therein as they pertain to waste disposal,

AND WHEREAS, the Corporation of the County of Essex desires to designate Site Service Areas for the disposal of solid waste in order to maintain an orderly transfer of waste upon the closure of Landfill Site #3 and the opening of the Essex-Windsor Regional Landfill Site,

NOW THEREFORE, the Corporation of the County of Essex requires that municipal waste shall be delivered to Landfill sites for disposal, according to the municipality of origin of such waste, as described in Schedule A, attached.

AND, that this amendment to By-law 2847 shall come into force and take effect on June 30, 1997,

AND FURTHER, that the Warden and Clerk be and they are hereby authorized to sign and execute the necessary By-law.


WARDEN


CLERK

1st reading - May 21st, 1997
2nd reading - May 21st, 1997
3rd reading - May 21st, 1997

CLERK'S CERTIFICATE

I, John H. Curran, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy of By-law Number 3272-97 of the County of Essex passed on the 21st day of May, 1997.



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Corporation of the County of Essex

SCHEDULE A

CURRENT AND PROPOSED DISPOSAL SITES FOR LOCAL MUNICIPALITIES IN THE COUNTY OF ESSEX

<u>Municipality</u>	<u>Current Disposal Site</u>	<u>Proposed Disposal Site</u>
Amherstburg	Landfill 1	Regional Landfill
Belle River	Landfill 3	Transfer Station 1
Essex	Landfill 1	Regional Landfill
Harrow	Landfill 1	Regional Landfill
Kingsville	Transfer Station 2	Regional Landfill
LaSalle	Landfill 1	Regional Landfill
Leamington	Transfer Station 2	Transfer Station 2
Tecumseh	Landfill 3	Transfer Station 1
St. Clair Beach	Landfill 3	Transfer Station 1
Anderdon	Landfill 1	Regional Landfill
Colchester North	Landfill 1	Regional Landfill
Colchester South	Landfill 1	Regional Landfill
Gosfield North	Transfer Station 2	Regional Landfill
Gosfield South	Transfer Station 2	East of Division Road - Transfer Station 2 West of Division Road - Regional Landfill
Maidstone	Landfill 3	Regional Landfill
Malden	Landfill 1	Regional Landfill
Mersea	Transfer Station 2	Transfer Station 2
Rochester	Landfill 3	Transfer Station 2
Sandwich South	Landfill 3	North of 401 - Transfer Station 1 South of 401 - Regional Landfill
Tilbury North	Landfill 3	Transfer Station 2
Tilbury West	Landfill 3	Transfer Station 2