

BYLAW NO. S-7

**A BYLAW TO REGULATE THE COLLECTION AND DISPOSAL
OF GARBAGE AND OTHER MATERIAL**

BE IT ENACTED BY THE COUNCIL OF THE TOWN OF ST. STEPHEN AS FOLLOWS:

1. In this bylaw, unless the context otherwise requires:

"ashes" means the residue from fires used for cooking or heating,

"collection day" means the day of the week on which garbage and refuse is collected,

"collection points" means each separate and individual residential dwelling premises within the Town but does not include schools, businesses, commercial accommodation, apartment houses, hospital, institutions, restaurants, stores or shops,

"combustible material" includes paper and paper products, bottles and cans,

"council" means the Mayor and Councillors of the Town of St. Stephen,

"garbage" means residential garbage,

"garbage container" means the garbage container prescribed in this bylaw,

"garden refuse and waste" means waste matter from gardens, consisting of dead branches, bushes, weeds, plants and similar materials,

"household" means a single residential dwelling,

"incombustible material" means metals, dirt and similar rubbish, which cannot be burned,

"premises" includes all lands within the boundaries of the lot occupied by a residential dwelling,

"residential dwelling" means any housing structure with at least one unit, including, but not limited to, single-family homes, mobile homes and duplexes but does not include multi-family dwellings that exceed duplexes,

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"residential garbage" means waste produced within a residential dwelling and without limiting the generality of the foregoing term shall mean and include contaminated meat or fish, deteriorated or decayed food, glassware, crockery, bottles, rubbers, seashells, cans, rags, waste paper and sweepings produced from the interior of a residential dwelling and lawn grass, provided such lawn grass is bundled separately from other garbage in a separate disposable container having a capacity of not more than 27 kilograms,

"refuse" includes residential garbage, rubbish, ashes, street cleanings, and solid market and industrial wastes,

"street cleanings" means sweepings, dirt, leaves, catch-pit dirt and similar rubbish,

"shared accommodation" means any room or rooms forming part of the residence of a landlord, or his or her agent, and of which the entrance and any facilities are used in common by the landlord, or his or her agent, and the occupant and occupants of the room or rooms.

2. The Council shall cause all residential garbage accumulated within the Town to be collected, conveyed and disposed of in accordance with this bylaw.

3.01 No person other than a person authorized by the Council shall collect, or convey over any street and dispose of any residential garbage within the Town.

3.02 Notwithstanding section 3.01, the producer of garbage or the owner, lessee or occupant of premises upon which garbage has accumulated may collect, convey, and dispose of that refuse provided that he or she complies with this bylaw and such other schedules, policies and regulations, which from time to time may be approved by the Council.

4. CONTAINERS FOR GARBAGE AND OTHER MATERIALS

4.01 The owner, lessee or occupant of every housing unit and the landlord of shared accommodation shall provide sufficient garbage containers for his or her own use and the use of his or her tenants, if any, and shall maintain them in good condition.

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4.02 Every person required to provide garbage containers shall place or cause to be placed therein in accordance with subsection 4.03 for collection all refuse produced by him or her or any other person on his or her premises or accumulated on his or her premises.

4.03 Subject to subsection 4.04, garbage and rubbish shall be placed in garbage and rubbish containers prescribed in section 4.06 for collection provided that before being so placed, all garbage and rubbish shall be drained of all free liquids and cans, bottles and containers which have contained food shall be thoroughly rinsed and drained and wrapped in dry paper bags or plastic bags and securely tied.

4.04 Notwithstanding subsection 4.03, paper and cardboard material may be placed for collection but must be flattened and securely tied in the package, and stored separately for pick-up.

4.05 Subject to subsection 4.04, hereof and the definition of garbage, combustible and non-combustible material, street cleanings, garden and yard waste and clippings, broken or discarded household furniture or furnishings, waste material or rubbish left on premises following the construction, alteration, demolition or repair of a building or erection shall not be placed for collection but shall be disposed of by the owner of the property upon which it is located as promptly as possible at his or her own expense.

4.06 Garbage containers

(a) shall be water-tight, shall be made of metal or plastic equipped with handles and metal or plastic covers which fit tightly,

(b) shall not be placed in wooden bins permanently located at the front of any property,

(c) the standard lidded type shall have a capacity of not more than 77 litres and weighing, when full, not more than 27 kilograms and when empty, weighing not more than 6.8 kilograms,

(d) plastic garbage bags may be used if such are not larger than approximately 57 centimetres by 79 centimetres,

(e) cardboard or paper containers shall not be used as residential garbage containers unless specifically manufactured and treated for that purpose.

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5 GENERAL

5.01 The Council may enter into an agreement with any person, herein referred to as the garbage collector, for the collection of garbage under the provisions of this bylaw and may from time to time define the duties of the garbage collector.

5.02 No person other than employees of the Town, or agents or contractors hired by the Town, shall pick over or remove any garbage placed at the curb for collection.

5.03 The Town, or the garbage collector, shall exercise all reasonable care and precaution in emptying the garbage containers so as to prevent damage to the container and to ensure that garbage is not deposited on the street, sidewalk, or residential dwelling premises.

5.04 The Town, or the garbage collector, shall not be obliged to collect garbage from containers, the diameter of which is smaller at the top or opening than in the middle or bottom of such container.

5.05 The Town, or the contractor authorized by it, shall not be required to return to the residential dwelling any jute bag, box or crate used as a container for garbage.

5.06 The garbage containers shall be readily accessible and shall be placed in plain view within the boundaries of the residential dwelling premises and near the street line. In no event, shall the containers be placed more than 7.6 metres from the street line.

5.07 The residential dwelling owner, lessee and occupant shall be responsible for ensuring that all collection points are kept in a neat and tidy condition, and that no garbage is left lying at these point.

5.08 No person shall place any garbage in a street or public place or upon private property whether owned by that person or not except for collection as prescribed by this bylaw.

5.09 No person shall deposit any garbage in any stream or other body of water within the Town.

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5.10 The Town is obligated hereunder to collect and dispose of residential garbage but not other refuse and rubbish such as household furniture or materials or things in the nature of building materials and structures, plumbing or heating equipment or parts, boughs, garden mulch, hot ashes, stones, rocks, Christmas trees, fill, sand, gravel, trees or automobile parts or accessories unless there is a separate agreement with the garbage contractor to pick up these items.

5.11 Multi-family dwellings larger than duplexes, apartments, cooperatives, condominiums, group homes, rooming houses, boarding houses, schools, businesses, commercial accommodations, apartment houses, hospital, institutions, restaurants, stores or shops shall be responsible for the collection and disposal of their residential garbage and the Town is not obligated to provide collection and disposal thereof.

6. SCHEDULE FOR GARBAGE COLLECTION

6.01 On the day of collection, every person required to provide garbage containers shall place them or cause them to be placed at collection points.

6.02 The Chief Administrative Officer, or designate, shall specify from time to time the day on which garbage shall be collected in an advertisement in a newspaper or distributed by hand to the residential dwellings.

6.03 All garbage placed for collection shall be collected once every week during the year from the collection points.

6.04 The collection of garbage shall commence on collection day not earlier than 6:30 in the forenoon and all garbage placed for collection, as prescribed by this bylaw, shall be collected.

6.05 Garbage containers shall not be placed for collection earlier than 10 o'clock in the evening of the day prior to collection day but shall be placed for collection before 6 o'clock in the morning of collection day and shall be removed from the edge of the street within 8 hours of collection.

6.06 No owner of a residential dwelling shall permit a garbage container containing garbage to remain upon his or her premises for a period longer than 7 days ~~→~~ without placing it for collection.

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6.07 When funding allows, the Town shall provide at least three special collections, one to take place during the spring season, one to take place during the fall season and one to collection Christmas trees. During these special collections the Town may collect items not normally collected and the Council will identify such items from time to time.

7. GARBAGE COLLECTOR OR AGENT

7.01 The Council may appoint a Town garbage collector who shall supervise the collection, conveyance and disposal of all garbage accumulated within the Town under the provisions of this bylaw, who may, subject to the approval of Council, make schedules, policies and regulations concerning collection, conveyance and disposal of garbage.

7.02 The Council may tender, enter into agreements, and appoint contractors for collection, conveyance and disposal of garbage pursuant to the provisions of this bylaw.

7.03 The Council may define the duties and responsibilities of the contractor, establish zones for residential garbage collection within the Town, and grant contractors exclusive rights to perform residential garbage collection and disposal services within such zones.

8. LANDFILL SITE

8.01 The Council shall provide an area of land designated as the "landfill site".

8.02 All garbage collected pursuant to the provisions of this bylaw shall be disposed of in the landfill site.

8.03 The Council shall establish from time to time by resolution the rate to be charged each residential dwelling for residential garbage collection and disposal and may add such amount to the property tax rate for such residential dwelling.

8.04 No person shall enter upon or remove any material from the Town landfill site, except with permission of the Chief Administrative Officer or person duly authorized by Council.

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9. ENFORCEMENT

9.01 Pursuant to section 14 of the *Police Act* the Bylaw Enforcement Officer is duly appointed by resolution of Council to enforce the provisions of this bylaw, and amendments thereto.

9.02 The Bylaw Enforcement Officer may give a direction in writing to the owner of premises to remove within a specified time all waste material and rubbish from the premises of which he or she is owner.

9.03 Upon failure of such owner to comply with such direction, the Bylaw Enforcement Officer may cause such waste material and rubbish to be removed at the expense of the Town and the owner shall, upon demand of the Bylaw Enforcement Officer, reimburse the Town for such expense.

10. PENALTY PROVISION

Every person who violates any provision of this bylaw is guilty of an offence and is liable on conviction to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00).

11. REPEAL PROVISION

11.01 Bylaw No. 90-1, A Bylaw Respecting The Disposal Of Refuse, passed by Town Council on February 19, 1990, and amendments thereto, and Bylaw No. 97-6, A Bylaw Respecting The Collection And Disposal Of Garbage & Refuse, passed by Town Council on November 17, 1997, and amendments thereto, are hereby repealed.

11.02 Bylaw No. 90-1, A Bylaw Respecting The Disposal Of Refuse, and amendments thereto, and Bylaw No. 97-6, A Bylaw Respecting The Collection And Disposal Of Garbage & Refuse, and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

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Read a first time this 16th day of February, 2004.

Read a second time this 15th day of March 2004

Read a third time and passed this 19th day of April, 2004



W. Robert Brown, Mayor



Brenda Knight, Town Clerk