

Solid Waste Collection and Disposal By-Law # 050



Town of Quispamsis

BY-LAW NO. 050
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
THE COLLECTION AND DISPOSAL OF SOLID WASTE

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The Council of the Town of Quispamsis, under authority vested in it by the Municipalities Act of New Brunswick, enacts as follows:

1. TITLE

1.A. This By-law may be cited as the Solid Waste By-law.

2. DEFINITIONS

2.A. **“Bulky Item”** means large items of a household nature including but not limited to furniture, mattresses, bed springs, boxes, barrels, pieces of fencing, barbecues (excluding propane tanks), refuse packages and the like that would normally accumulate at a dwelling unit and which do not exceed twenty five (25) kilograms each.

2.B. **“Collectible Solid Waste”** means solid waste that can be stored or handled in solid waste containers or refuse packages, including both organic materials and refuse, but excluding those listed in Schedule “B”.

2.C. **“Commercial Establishment”** includes any shop, restaurant, office, industry, institution, day care centre, business establishment, trailer park, and building with three or more apartment units.

2.D. **“Contamination”** means the mixing of an item referred to in the list below with a different item described in the list below:

- i. Recyclable waste,
- ii. Garbage,
- iii. Non-collectible (prohibited) waste,
- iv. Organic waste,
- v. Hazardous material waste.

2.E. **“Curb Service”** means collection of collectible solid waste placed at curbside.

2.F. **“Curbside”** means the area between the street or highway and the private residential lot line, not being more than two (2) metres from the curb or the traveled road, on the street side of any drainage ditch, or any other area designated by the Town as a collection area.

- 2.G. **“Disposal Site”** means the area or areas designated by Fundy Regional Service Commission for the disposal of Solid Waste.
- 2.H. **“Hazardous Waste”** means any waste that is potentially damaging to the environment or human health or safety because of toxicity, ignitability, corrosivity, chemical reactivity or other reasons and includes, but is not limited to, petroleum products, solvents, paints, acids, chemicals and coolants.
- 2.I. **“Dwelling Unit”** means a residential property, or unit in a residential building, occupied or intended to be occupied as a home, residence or sleeping place by an individual or one (1) family, but does not include a motel or hotel, a mobile home in a mobile home park, or an apartment or condominium building of three (3) or more units.
- 2.J. **“Garbage”** shall have the same meaning as “Solid Waste”.
- 2.K. **“Litter”** means any material left or abandoned in a place other than a container or place intended or approved for receiving such material.
- 2.L. **“Non-collectible waste”** means all material other than collectible solid waste and without limitation includes all those items listed in Schedule “B”.
- 2.M. **“Person”** includes a corporation, partnership or society and the heirs, executors, administrators or other legal representatives of a person as well as any owner, occupant, tenant, or other person having use, occupation, charge or control of any building, structure or place in, from, or on which any solid waste is generated.
- 2.N. **“Recyclable Container Materials”** means containers as listed in Schedule “C”.
- 2.O. **“Recyclable Paper Materials”** means those materials as listed in Schedule “C”.
- 2.P. **“Recyclables”** means recyclable container materials and recyclable paper materials as defined in this by-law.
- 2.Q. **“Redeemable Beverage Container”** means a plastic or aluminum beverage container for which the consumer was required to pay a deposit.

- 2.R. **“Refuse Packages”** means packages or bundles of refuse either baled or tied, not exceeding one decimal three (1.3) metres in length and not exceeding one (1) metre in width or depth, and not weighing more than twenty five (25) kilograms, and cardboard boxes which may be used for the disposal of bottles and paper. Such cardboard boxes so used shall be non returnable. Broken glass must be secured in a cardboard box and clearly marked on the outside as to the contents. In the case of tree cuttings, brush, old lumber, etc., the items must be bundled together in bundles not to exceed one decimal three (1.3) metres long by one (1) metre diameter, and not to exceed twenty five (25) kilograms per bundle.
- 2.S. **“Residential Property”** means all single and duplex dwelling units, individual terrace dwelling units, apartment and condominium buildings with not more than two apartment or condominium units, but excludes institutions, day cares, commercial property, vacant land, and mobile homes in mobile home parks.
- 2.T. **“Solid Waste”** includes:
- i. Organics - which means any putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, plus other biodegradable items as listed in Schedule “A”,
 - ii. Recyclables - means recyclable container materials and recyclable paper materials as defined Schedule “C”,
 - iii. Refuse - means:
 - a. Any non-putrescible, worthless, discarded remains, whether included under other definitions or not;
 - b. Non-recyclable papers, plastics, glass and metal containers or wrappings/packaging.
- 2.U. **“Solid Waste Container”** means the receptacle used for the storage and handling of solid waste and must conform to the following specifications:
- i. For Refuse:
 - a. A metal or plastic wheeled container with cover, not less than sixty (60) litres and not more than three hundred sixty

(360) litres in capacity and shall not weigh more than seventy five (75) kilograms with contents.

(1) A plastic (aerated) organics collection cart as supplied by the Fundy Regional Service Commission for the collection of organic materials may not be used for refuse. Any refuse placed for pickup in such bin shall not be collected.

b. A plastic bag of a capacity not less than seventy (70) litres, a gauge of not less than one (1) mil and shall not weigh more than twenty five (25) kilograms with contents.

c. A Refuse Package.

ii. For Organics:

a. A plastic (aerated) organics wheeled collection cart as supplied by the Fundy Regional Service Commission for the collection of organic materials and shall not weigh more than seventy five (75) kilograms with contents.

b. A clear transparent compostable plastic bag (approved by the Fundy Regional Service Commission) of a capacity not less than sixty (60) litres, a gauge of not less than 1 mil and shall not weigh more than twenty five (25) kilograms with contents.

c. An (organic) Refuse Package.

iii. For Recyclables:

a. Plastic recycling bins, one (blue) bin with cover for paper and fibres, and one (1) green bin for plastics and metals, as supplied by the Town, for the collection of recyclables.

(1) Plastic bags may not be used for recyclables. Any recyclables placed for pickup in a plastic bag shall not be collected.

b. Plastic recycling bins not larger than sixty (60) litres (and with a cover if used for recyclable paper materials) as may be purchased locally.

c. A (recyclables) Refuse Package.

2.V. **“Town”** means the Town of Quispamsis, a Municipality in the County of Kings and the Province of New Brunswick.

2.W. **“Scheduled Collection Days”** means the days designated by the Town for the collection of collectible solid waste on a collection route.

2.X. **“Waste”** shall have the same meaning as “Solid Waste”.

2.Y. **“White Goods”** means any large household appliance including but not limited to refrigerators, freezers, air conditioners, stoves, washers and dryers, and dishwashers.

3. SERVICE

3.A. The Town shall supply a Solid Waste collection and disposal service to all dwelling units in the Town in accordance with this by-law.

3.B. Every person in the Town who owns a property which is not a Residential Property, must make bona fide arrangements for the collection and disposal of their solid waste.

4. COLLECTION

4.A. The collection of solid waste in the Town will be done by a contractor hired by the Town for that purpose.

4.B. Curb service shall be the method of solid waste collection in the Town.

4.C. The Town shall on the scheduled collection days remove all collectible solid waste (organics/recyclables or refuse, as the case may be) which has been placed at curbside along the collection route.

4.D. Notwithstanding anything to the contrary in this by-law, the Town is not responsible for the collection and disposal of solid waste for properties which are not Residential Properties.

5. STORAGE AND CONTAINERS

- 5.A. The owner or occupant of any property, regardless of zoning, shall be responsible to contain solid waste so as to prevent the escape of waste materials into the environment.
- 5.B. The owners or occupants of any property, regardless of zoning, are responsible to gather waste material placed for collection that has escaped from its container.
- 5.C. Solid Waste stored on any premises within the Town, other than when placed at curbside, shall be stored in such a manner so as not to be visible from the street or road.
- 5.D. The owners of properties which are not Residential Properties, or their agents shall provide adequate storage areas for solid waste as approved by the Kennebecasis Valley Fire Chief.
- 5.E. No solid waste containers and no refuse packages shall be stored in any manner which blocks the entrance or exit of any dwelling unit.
- 5.F. All solid waste shall be stored in solid waste containers or refuse packages.
- 5.G. The occupant or owner of every property shall provide sufficient solid waste containers for the disposal of solid waste.
- 5.H. The occupant of every Residential Property is encouraged to use the compost cart as distributed by the Fundy Regional Service Commission.
- 5.I. The occupant of every Residential Property is encouraged to use the recycling bins as distributed by the Town.
- 5.J. No owner or occupant of a property shall permit the accumulation of solid waste in or around the property to the extent that it is or is likely to become a nuisance or cause adverse effect.
- 5.K. All owners and/or occupants of a property shall ensure that solid waste is stored and contained in such a manner that protects it from rodents, vermin, pests and other disturbances whether at curbside or on the property.

6. PLACEMENT FOR COLLECTION

- 6.A. On all collection routes there shall be a separate collection of refuse and organics/recyclables on a biweekly basis, on alternate weeks. Only one and not the other may be placed for collection on the designated collection day in the appropriate solid waste containers. Refuse and/or Organics/Recyclables shall be collected on the same day of the week, each week.
- i. All waste placed for collection must be free from contamination.
- 6.B. No person shall place refuse out for collection on the organic/recyclables collection day applicable to the collection route.
- 6.C. No person shall place organic/recyclables out for collection on the refuse collection day applicable to the collection route.
- 6.D. Residents shall place at curbside, at the appropriate time for collection subject to Subsection (A), all the eligible collectible solid waste which has accumulated on that property.
- i. Every owner and/or occupant shall make his or her best efforts to set out the applicable solid waste on each day that the Town provides collection services for that waste, and in no case shall an owner/occupant fail to set out items eligible for collection under this by-law for more than one collection period.
- 6.E. Collectible solid waste shall not be placed at curbside earlier than noon on the day preceding the scheduled collection day, and no later than 7:00 a.m. on the scheduled collection day, and empty containers must be removed from curbside by 10 p.m. on the scheduled collection day.
- 6.F. Persons placing collectible solid waste at curbside shall be responsible for that collectible solid waste until it has been collected by the Town.
- 6.G. All material which is placed for curbside collection must be placed on the street side of the residential property from which it has accumulated, or between the street or highway and the private residential lot line, not being more than two (2) metres from the curb or the traveled road, on the street side of the drainage ditch, and within two (2) metres of the driveway access for the property.

- 6.H. Collectible solid waste, placed at curbside, shall not block or restrict pedestrian access along the sidewalk.
- 6.I. Every person shall ensure that waste set out for collection is not located on top of any snowbank nor in an area not cleared of snow and ice, nor in any storm drainage ditch.
- 6.J. Organics collection carts must be placed at the curb in an upright position with the lid closed and the front of the cart facing the street, road or highway.
- 6.K. Recyclables bins must be placed at the curb in an upright position with the lids closed (if paper recyclables) and may be stacked one on the other, but not taller than three (3) high.
- 6.L. No person shall place for collection any solid waste not belonging to them.
- 6.M. No person shall pick up, remove, disturb or otherwise interfere with solid waste placed at the curb for collection by the Town.
- 6.N. No person shall permit any animal owned by him or her, or under his or her care or control, to pick over, interfere with, disturb, remove or scatter any waste set out for collection.

7. SPECIAL WASTE COLLECTION PROGRAMS

- 7.A. The collection of waste, other than organics, recyclables or refuse, may be provided under programs designed and funded specifically for that purpose. Such programs may be provided at times and under conditions as determined by the Town subject to funding and may include but are not limited to:
 - i. A year round service which could provide for the curbside collection of up to three (3) bulky items on scheduled collection days designated for such a purpose.
 - ii. A Christmas Tree program which may consist of designated special drop off disposal/mulching sites.
 - iii. A periodic collection of hazardous materials which may consist of designated special drop off sites.
 - iv. Other special collections that may occur on an occasional basis.

7.B. Conditions for the provision of any Special Waste Collection Program shall be set by the Town.

8. DISPOSAL

8.A. No person shall dispose of, or cause to be disposed, or permit to be disposed, any solid waste on any public or private lands within the Town, whether owned by that person or not, except for disposal as prescribed in this By-law.

8.B. Notwithstanding Subsection (A), persons may compost suitable organic material on private properties.

8.C. No person shall deposit any solid waste or hazardous waste in any stream, storm sewer, sanitary sewer or body of water within the Town.

8.D. No person shall dispose or cause to be disposed of on any private or public land within the Town any hazardous waste.

8.E. No person shall deposit solid waste in a bulk “garbage bin” or “dumpster” not specifically designated for use by their dwelling unit.

8.F. No person shall deposit waste generated on private property in public street or park receptacles.

8.G. Any vehicle transporting solid waste to a disposal site shall be equipped with a tarpaulin or other cover which is capable of preventing the escape or spillage of any collected solid waste and such cover shall comply with the provisions of the New Brunswick Motor Vehicle Act and with the provisions of the Traffic By-law of the Town.

8.H. No person shall dispose of “non-collectible waste” except in a manner and at a location approved by the Fundy Regional Service Commission. Without limiting the foregoing “non-collectible waste” shall not be included with collectible waste which is being disposed of.

8.I. No person shall burn solid waste in a barrel, stove, fire pit or other device or in the open as a method of waste disposal, except for brush and tree limbs as may be provided for in the Town’s Fire Prevention By-law.

8.J. No person shall release or cause litter to be released into the environment, except in accordance with this by-law.

9. PENALTIES

9.A. A person who violates or fails to comply with any provision of this By-law commits an offence punishable under Part II of the *Provincial Offences Procedure Act of New Brunswick* as a category D offence.

9.B. Every person charged with an offence under this By-law may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of seventy five dollars (\$75.00) to the Quispamsis Town Clerk as follows:

- i. in person at the Quispamsis Town Hall, 12 Landing Court, Quispamsis, NB, in cash, debit or credit card or by cheque or money order made payable to the Town of Quispamsis; or
- ii. by mail to the Town of Quispamsis, P.O. Box 21085, Quispamsis, NB, E2E 4Z4, Attention Town Clerk, by cheque or money order only, payable to the Town of Quispamsis;

at which time the ticket or ticket number shall be surrendered and such payment shall be deemed payment in full.

9.C. If the voluntary payment set out in Subsection 9(B) has not been received in accordance with the provisions of Section 9(B), the person charged with the offence may make a voluntary payment of one hundred fifty dollars (\$150.00) to the Quispamsis Town Clerk as follows:

- i. in person at the Quispamsis Town Hall, 12 Landing Court, Quispamsis, NB, in cash, debit or credit card or by cheque or money order made payable to the Town of Quispamsis; or
- ii. by mail to the Town of Quispamsis, P.O. Box 21085, Quispamsis, NB, E2E 4Z4, Attention Town Clerk, by cheque or money order only, payable to the Town of Quispamsis;

at which time the ticket or ticket number shall be surrendered and such payment shall be deemed payment in full.

9.D. If the voluntary payments set out in Subsection 9(B) and Subsection 9(C) have not been received before a plea is entered in Provincial Court, the person charged with the offence is liable, on summary conviction, to a fine not less than two hundred fifty dollars (\$250.00) and not more than the

maximum fine which may be imposed for commission of an offence punishable under PART II of the Provincial Offences Procedure Act as a Category D Offence.

9.E. Each day that a person commits an offence under this by-law constitutes a separate offence.

10. ENFORCEMENT

10.A. This by-law may be enforced by:

- i) A Town of Quispamsis By-law Enforcement Officer; or
- ii) A Member of the Kennebecasis Regional Police Force.

11. SEVERABILITY

11.A. If any part of this By-law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this By-law.

12. BY-LAW REPEALED

12.A. All By-laws, rules and regulations heretofore passed, adopted and observed by the Council of the Town of Quispamsis, including By-law Number 26 "*Solid Waste By-law*", relating to Garbage and/or Solid Waste Collection or Disposal and any amendments thereto are hereby repealed on the effective date.

12.B. The Repeal of By-law 26, a By-law of the Municipality of Quispamsis Respecting Solid Waste, shall not affect any By-law infraction, 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 Agreement completed, existing or pending at the time of repeal.

13. EFFECTIVE DATE

13.A. This By-law comes into effect on January 4, 2016, with the exception of the sections dealing with recyclables, which sections come into effect on May 2, 2016.

READ FIRST TIME: November 17, 2015

READ SECOND TIME: November 17, 2015

READ THIRD TIME & ENACTED: December 1, 2015

SEAL

MAYOR

CLERK

SCHEDULE "A"

ORGANICS ELIGIBLE FOR COLLECTION

Food Waste

- Vegetable and fruit peelings
- Eggshells
- Cooked or raw food
- Table scraps (including bread, rice & pasta)
- Meat, chicken & fish (incl. bones & shells)
- Coffee grounds & filters
- Tea leaves & bags
- Dairy products
- Cooking oil, fat, grease
- Candy

Yard Waste

- Brush and leaves
- Cedar clippings and pine cones
- Grass clippings (not chemically treated)
- Plants and roots
- Sawdust & wood shavings
- Seeds
- Straw & hay
- Twigs & branches (2-inch diameter or less)
- Weeds

Other

- Feathers and hair (human & pet)
- Ice cream and pizza boxes
- Kitty litter (Clay-based or from compostable materials like corn, wheat, pine shavings, etc. Must wrap in compostable bag or newspaper.)
- Paper food wrap & bags
- Paper plates and cups (no Styrofoam)
- Paper napkins & paper towels (when soiled with food waste)
- Pet waste (must be in compostable bag or wrapped in newspaper)
- Popcorn & microwaveable bag
- Popsicle sticks and wine corks
- Muffin liners
- Damp or soiled paper & cardboard
- Paper napkins/tissues
- Sugar, flour, potato paper bags
- Meat and poultry paper wrap

SCHEDULE "B"

NON-COLLECTIBLE WASTE

- liquid waste or material that has attained a fluid consistency and has not been drained;
- highly combustible or explosive materials, including without limitation, oil, paint, solvents, celluloid cuttings, motion picture film, oil or gasoline soaked rags, gas containers, chemicals, acids or other combustible residues, fine dry sawdust, ammunition, dynamite, or other similar material;
- material that is considered pathogenic or biomedical including, without limitation, dressings, bandages or other infected material or hypodermic needles discarded in the course of the practice of physicians, surgeons, dentists or veterinarians;
- trade waste;
- carcasses or parts of any animal except food waste;
- waste listed or characterized as hazardous by any federal or provincial law;
- sheet iron, large pieces of scrap metal or machine parts, automobile or vehicle parts, fuel tanks and bodies and tires;
- septic tank pumpings, raw sewage or industrial sludge;
- radioactive materials;
- soil, rock and stumps;
- waste material resulting from construction, demolition or renovation activities including planking, siding, bricks, masonry, wood, beams and gyprock left by any contractor or property owner except as permitted in this By-law;
- industrial waste material from factories or other manufacturing processes;
- manure, kennel waste, excreta, fish processing waste;
- waste material from commercial containers;
- lead-acid automotive batteries;
- propane tanks;
- waste material which has not been placed for collection in accordance with the provisions of this By-Law;
- residential oil tanks;
- white goods and large appliances (fridges, freezers, air conditioners, stoves, washers, dishwashers, dryers, etc.)
- cardboard, (except when it holds allowable items); and
- materials banned from landfill disposal by the New Brunswick Department of the Environment and Local Government.

SCHEDULE "C"

RECYCLABLE WASTE

Recyclable Container Materials (Please rinse all containers)

- Redeemable beverage containers (no glass)
- Steel, tin or aluminum food containers or cans
- Low density polyethylene bags, grocery and shopping bags, and bubble wrap
- Metal coat hangers
- Aluminum pie plates and clean aluminum foil
- Any plastic product stamped with the recycling symbol 1, 2 or 5
- Ice cream tubs, yogurt, cottage cheese, sour cream, margarine containers
- Bleach, detergent and antifreeze bottles
- Peanut butter containers
- Plastic milk jugs and bags and juice jugs,
- Ketchup, mustard, oil & vinegar and salad dressing bottles,
- Shampoo, conditioner and pill bottles
- Dry cleaner and clean 'shrink' wrap
- Clean bread and frozen food bags
- If you can easily stretch a plastic bag, it is recyclable
- All cardboard milk, cream and buttermilk cartons

Recyclable Paper Materials

- Newspapers and flyers
- Magazines, brochures and glossy paper
- Telephone books, hardcover and paperback books
- Computer or office paper, coloured or white
- Posters
- Envelopes (windows acceptable)
- Cereal boxes, tissue boxes, cracker boxes and shoe boxes
- Paper towel rolls, toilet paper rolls and cores
- Appliance and other packaging boxes
- Egg cartons

Unacceptable Items

- No wax cardboard nor wax paper nor styrofoam
- No gift wrap, gift bags, wrapping paper ribbon nor bows
- No chip bags nor chocolate bar wrappers
- No glass
- No plastic without a recycle number (toys & furniture)
- No garden hoses
- No coffee cups & lids nor bottle caps or lids less than 3"
- No paint cans or aerosol cans
- No food contaminated paper or cardboard
- No black or coloured garbage bags