

# DISTRICT OF WELLS

## GARBAGE COLLECTION REGULATION BYLAW NO. 110, 2011

**A Bylaw to provide for the establishment and maintenance of a system for the collection, removal, storage and disposal of garbage and other solid wastes and to prescribe the terms and conditions for the use of the established system.**

**WHEREAS**, pursuant to Section 8 of the Community Charter, the Council may, by Bylaw, establish, maintain and operate a system to collect, remove and dispose of garbage and discarded matter; compel Persons to make use of the system; provide for contracts for all or part of the collection, removal, storage and disposal of garbage and other wastes; and prescribe the terms and conditions by which Persons may make use of the system;

**AND WHEREAS**, pursuant to Section 194 of the Community Charter, the Council may, by Bylaw, establish a scale of charges payable by owners or occupiers of real property for the removal of wastes, garbage, rubbish and matter, and for compelling payment of the charges so fixed;

**THEREFORE**, be it resolved that the Council of the District of Wells, in open meeting, **HEREBY ENACTS AS FOLLOWS:**

### **1. TITLE**

This Bylaw may be cited for all purposes as the "Garbage Collection Regulation Bylaw No. 110, 2011".

### **2. INTERPRETATION**

(1) In this Bylaw, the words or phrases used shall have their ordinary meaning, but where a word or phrase is specifically defined, either in this Bylaw or in the Community Charter, such word or phrase shall have the meaning prescribed for it by such enactment.

(2) In this Bylaw, unless the context otherwise requires:

**"Bulk Container"** means an object whose capacity is greater than 100 litres, which is used to contain **Garbage**.

**"Bulk Container Service"** means a commercial service that provides and services a bulk container with a capacity over 500 litres.

**"District"** means the **District of Wells**.

**"Chief Administrative Officer"** means the **Person** appointed by **Council** as the **Chief Administrative Officer** of the **District of Wells** or to act on his behalf.

"**Collection Period**" means the period of regular collection of **Garbage** on a periodic basis as specified in Schedule "B" of this Bylaw.

"**Collection Service**" means the collection, removal and disposal of **Garbage** from any **Premises**.

"**Council**" means the **Council** of the **District of Wells**.

"**Garbage**" means filth, waste wood, ashes, animal matter, refuse, noxious, offensive, unwholesome and discarded matter, but excludes soil, rocks, gravel, **Special Waste** or devices containing Ozone Depleting Substances.

"**Garbage Collection System**" means the Garbage removal system and works established by this Bylaw.

"**Garbage Container**" means a hollow object having a volume or capacity of less than 100 litres and which is used to contain **Garbage**.

"**Person**" means a corporation, partnership or individual, and the personal or other legal representatives of a **Person** according to law.

"**Premises**" means any land or building, or part thereof, capable of occupation by any **Person** for the purpose of business, trade or accommodation.

"**Special Waste**" means any substance prescribed by the "Special Waste Regulation" pursuant to the provincial Waste Management Act.

"**Street**" includes every Highway as defined as such by the provincial Highways Act.

"**Superintendent of Public Works**" means the Person designated by the **Chief Administrative Officer** to be the **Superintendent of Public Works** of the **District of Wells** or to act on his behalf.

### **3. ADMINISTRATION**

- (1) This Bylaw shall be administered by the **Superintendent of Public Works**.
- (2) Where, in this Bylaw, a **Person** is directed to do a matter or thing or observe regulations, the **Superintendent of Public Works** or any officer of the **District** directed by him, or any officer authorized to enforce Municipal Bylaws may enter, at all reasonable times, on any land that is subject to the regulations of this Bylaw, to ascertain whether the regulations or directions are being observed.

### **4. ESTABLISHMENT OF A GARBAGE COLLECTION SYSTEM**

- (1) The **District** hereby establishes a system to collect, remove and dispose of **Garbage** and such system is composed of the equipment and personnel used for collection, removal and disposal of **Garbage** at the times and on the terms prescribed by this Bylaw; and any contracts referred to in Section 4(2) of this Bylaw.

- (2) The **District** may enter into contracts with a **Person** for all or part of the collection, removal and disposal of **Garbage** upon such terms and conditions as may be specified by Bylaw.

## **5. PARTICIPATION**

- (1) Every Person who is the Owner or Occupier of **Premises** situated within the **District** shall make use of the **Garbage Collection System** unless:
- (a) such **Person** has applied to Council and Council, on application by that Person, has waived the charges imposed under this Bylaw and is satisfied that such Person or his/her property does not require the services provided for under this Bylaw; or
  - (b) the **Premises** of such Person is situated outside of the Residential Garbage Collection area as shown on Schedule "D"; or
  - (c) the Owner or Occupier of a **Premises**, satisfies the **Public Works Supervisor** that he/she is utilizing a **Bulk Container Service** in lieu of the **Garbage Collection System**.
- (2) For purposes of establishing and billing fees under this Bylaw, every **Premises** shall be classified within a category of Schedule "A" in accordance with its primary use.

## **6. GARBAGE CONTAINER REGULATIONS (EXCLUDES BULK CONTAINERS)**

### **(1) Garbage Containers**

Unless an **Owner** or **Occupier** is authorized to use a **Bulk Container**, all Garbage of an **Owner** or **Occupier** of a **Premises** shall be contained in a **Garbage Container**:

- (a) constructed of galvanized iron, steel, or rigid plastic; and
- (b) tapered so that the top is larger than the bottom; and
- (c) having a height not greater than 1 meter; and
- (d) equipped with lifting handles; and
- (e) covered with a water shedding cover or lid; or
- (f) which may be a securely tied disposable plastic bag having a minimum thickness of 1.5 mm in place of (a) through (e) above; and
- (g) which, when combined with the weight of the Garbage shall not exceed 22 kilograms.

### **(2) Number of Garbage Containers permitted**

The maximum number of **Garbage Containers** collected from a **Premises** classified as a "Single Family Dwelling" per **Collection Period** shall be two (2).

(3) Unacceptable **Garbage Container** Waste:

Only **Garbage** may be placed in a **Garbage Container**. Notwithstanding the foregoing, the following types of **Garbage** shall not be placed in a **Garbage Container**:

- (a) an explosive substance; or
- (b) animal excretion unless contained in a sealed disposal container; or
- (c) liquids; or
- (d) ashes; or
- (e) any item which exceeds the capacity of the **Garbage Container**; or
- (f) wet or saturated **Garbage**, unless it is contained in a sealed, water-tight container prior to being placed in a **Garbage Container**; or
- (g) any substance prescribed under the "Special Waste Regulation" or the "Ozone Depleting Substances Regulation" pursuant to the Waste Management Act.

(4) Location of **Garbage Containers**

- (a) The Owner or Occupier of a **Premises** shall locate any **Garbage Container**, for purposes of the **Collection Service**, on or adjacent to the boulevard, curb or shoulder of the Street or Lane where the **Collection Service** for the **Premises** occurs and to which the **Premises** has direct access, prior to 9:00 A.M. on a day specified for **Collection Service**.
- (b) Where access to the **Premises** is hampered by any condition or where more than one access exists, the **Public Works Supervisor** shall designate the location where the **Collection Service** shall occur.
- (c) The Owner or Occupier of the **Premises** shall ensure that empty **Garbage Containers** are removed from any **Street** on the day **Collection Services** have occurred.
- (d) The Owner or Occupier of a **Premises** may construct a shed or bin to store **Garbage** between scheduled collection days. Such enclosures shall be of solid construction and strong enough to prevent access to the **Garbage** by both domestic and wild animals. Enclosures shall be readily accessible from the curb and kept clear of snow and obstructions to allow removal of refuse by the garbage collector.

(5) **Garbage Container Collection Times**

- (a) **Garbage Containers** shall only be placed for purposes of collection on the days specified for **Collection Service** in **Appendix "B"** of this Bylaw and prior to 9:00 A.M., but no earlier than 6:00 A.M. on such days.

(6) **Damage to Garbage Containers**

- (a) The **District** shall not be responsible or liable for any damage to or loss of any **Garbage Container** or lid.

**7. BULK CONTAINER REGULATIONS**

- (1) The Owner or Occupier of a **Premises**, may contract with a private contractor to supply a **Bulk Container** for the purposes of the **Collection Service**, and the **Bulk Container** shall:

(a) be maintained by the container owner in good condition, complete with a lid suitable for shedding rainfall and capable of totally enclosing garbage within the **Bulk Container**; and

(b) be cleaned and rendered sanitary by the Owner or Occupier of the **Premises**; and

(c) be of a size sufficient to contain the **Garbage** generated at the **Premises** between **Collection Periods**; and

(d) be located on the **Premises**.

**8. PENALTY**

- (1) Every **Person** who violates any of the provisions of this Bylaw or who suffers or permits anything to be done or not done which violates any of the provisions of this Bylaw is liable to a fine not exceeding \$500.00.
- (2) A new and separate violation of the provisions of this Bylaw shall be deemed to occur upon each day that a **Person** violates any of the provisions of this Bylaw or suffers or permits anything to be done or not done which violates any of the provisions of this Bylaw.

**9. CHARGES AND COLLECTIONS**

- (1) For purposes of assessing fees under this Bylaw, every **Premises** shall be assigned a category in Schedule "A" in accordance with the primary use of that **Premises**.
- (2) The rates or fees charged to the **Owners** of the **Premises** using **Garbage Containers** for collection, in addition to Parcel Charges specified under separate Bylaw, shall:

- (a) be those prescribed by Schedule "A" of this Bylaw for the assigned category; and
- (b) become chargeable for each year or partial year in which the service is provided to a **Premises**; and
- (c) be invoiced by the **District** annually on the property tax notice; and
- (a) be due and payable on the date specified on the property tax notice sent to the Owner of a **Premises**; and be subject to the discount as outlined in Schedule "C" if the amount due and payable is paid on or before the due date specified on the tax notice.

### (3) Charges

- (a) Any fee, rate or user charge authorized to be levied by this Bylaw shall be deemed to be a charge or lien on the land or real property on or for which the charge is imposed, done or provided, with priority over any claim, lien, privilege or encumbrance of any **Person** except the Crown. The amount of the charge shall be collected in the same manner and with the same remedies as ordinary taxes on land and improvements.
- (b) A charge that is due and payable by December 31<sup>st</sup> of any year, and unpaid on that date shall be deemed to be taxes in arrears and shall be entered on the tax roll by the **Chief Administrative Officer**.
- (c) Where, in this Bylaw, a **Person** is directed to do a matter or thing and that matter or thing is not carried out, the matter or thing shall be done at the expense of the **Person** in default, and the **District** may recover the expense, with interest and costs in the same manner as municipal taxes.

## **10. PRIVATE COLLECTION SERVICE**

Every **Person** who operates a business providing a **Bulk Container Service** shall comply with any and all regulations of this Bylaw; and ensure that **Garbage** placed in **Containers** complies with the requirements of this Bylaw.

## **11. EFFECTIVE DATE**

This Bylaw shall come into effect upon its adoption.

## **12. REPEAL**

The District of Wells Garbage Collection Bylaw No 65, 2004 is hereby repealed.

READ A FIRST TIME THIS 3rd DAY OF MAY, 2011.

READ A SECOND TIME THIS 3rd DAY OF MAY, 2011.

READ A THIRD TIME THIS 3rd DAY OF MAY, 2011.

All Three readings passed by a majority decision of the Members of the District Council present and eligible to vote.

ADOPTED THIS 9th DAY OF MAY, 2011 BY A MAJORITY DECISION OF ALL MEMBERS OF THE DISTRICT OF WELLS COUNCIL PRESENT AND ELIGIBLE TO VOTE.

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J. Vermette, Mayor

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Gary Champagne, Chief Administrative Officer

**SCHEDULE "A" TO GARBAGE COLLECTION REGULATION**  
**BYLAW NO. 110, 2011**

**FEES**

<b><u>Category</u></b>	<b><u>Description</u></b>	<b><u>Annual Rate</u></b>
GASLE	Camp Site or RV Site	\$17.08 (per site)
GAHOT	Hotel Room without housekeeping	\$27.72 (per room)
GASIN	Single Family Dwelling	\$30.80
GASLR	Apartment	\$30.80 (per apartment)
GAHOW	Hotel Room with housekeeping	\$30.80 (per room)
GARET	Retail Store, Art Gallery, or Theatre	\$36.40
GAOFF	Business Office	\$36.40
GALEG	Royal Canadian Legion	\$36.40
GAPOL	Police Detachment	\$36.40
GAOTH	Government Office	\$36.40
GAGAR	Garage, Service Station or Industrial Work Shop	\$ 70.00
GAR20	Restaurant or Pub with 1 to 20 seats	\$133.00
GAR40	Restaurant or Pub with 21 to 40 seats	\$259.00
GAR60	Restaurant or Pub with 41 to 60 seats	\$385.00
GAR100	Restaurant or Pub with more than 60 seats, Casino or Bingo Hall	\$752.92

**GARBAGE COLLECTION REGULATION**  
**SCHEDULE "B" TO BYLAW NO. 110, 2011**

**COLLECTION SERVICE SCHEDULE FOR RESIDENTIAL PROPERTIES**

Garbage shall be collected once a week on Thursdays. In the event that the regular garbage collection day falls on a Statutory Holiday, Garbage Collection shall take place on the next following day that is not a Statutory Holiday.

**COLLECTION SERVICE SCHEDULE FOR BUSINESS PROPERTIES**

From October 1<sup>st</sup> to May 31<sup>st</sup> Garbage shall be collected once a week on Thursdays.

From June 1<sup>st</sup> to September 30<sup>th</sup>, Garbage shall be collected twice a week on Mondays and Thursdays.

In the event that a regular garbage collection day falls on a Statutory Holiday, Garbage Collection shall take place on the next following day that is not a Statutory Holiday.

**GARBAGE COLLECTION REGULATION**  
**SCHEDULE "C" TO BYLAW NO. 110, 2011**

**DISCOUNT FOR INVOICES PAID ON OR BEFORE DUE DATE**

The Discount for paying a utility Bill on or before the due date specified on the annual tax notice shall be **10%**.

**GARBAGE COLLECTION REGULATION**  
**SCHEDULE "D" TO BYLAW NO. 110, 2011**

**BOUNDARIES OF GARBAGE COLLECTION SERVICE AREA**

