

DISTRICT OF CARLETON NORTH
A BY-LAW RESPECTING WASTE COLLECTION AND DISPOSAL WITHIN THE
DISTRICT OF CARLETON NORTH
BY-LAW NO. ES-1

A BY-LAW OF THE MUNICIPALITY OF THE DISTRICT OF CARLETON NORTH, IN THE PROVINCE OF NEW BRUNSWICK, FOR THE PURPOSE OF ESTABLISHING REGULATIONS RESPECTING WASTE COLLECTION AND DISPOSAL IN THE DISTRICT OF CARLETON NORTH ON PUBLIC AND PRIVATE PROPERTY PURSUANT TO THE LOCAL GOVERNANCE ACT.

The Council of the Municipality of the District of Carleton North, under the authority vested in it by Section 10(c) of the *Local Governance Act*, SNB 2017, c. 18 enacts the following By-Law:

1. TITLE:

1.1 This By-Law may be cited as the “Waste Collection By-Law”/ “Garbage By-Law”

2. DEFINITIONS:

2.1 “Act” means the Local Governance Act.

2.2 “Animal Waste” means all organic material generated by an animal, or which has directly or indirectly come into contact with an animal or the bodily fluids of an animal including but not limited to, feces, blood, and urine; All household pet waste must be doubled bagged and not presented for collection in bulk.

2.3 “Ashes” means the residue and cinders from the combustion of any substance but not include such residue as may accumulate as a result of building operations.

2.4 “Building Waste” includes refuse produced while constructing, altering, repairing or demolishing any structure, including, but limited to, brick, concrete, dry wall, wooden & plastic materials, and all earth, vegetation and rock displaced during such construction.

2.5 “By-Law Enforcement Officer/Compliance Officer” means a member of the RCMP, a By-Law Enforcement Officer, or local Police Officer appointed by the Municipality or any other person designated as an officer of the municipality for the purposes of enforcement of the provisions of this By-Law.

2.6 “Collection Day” means the day of the week on which waste is collected as set out by the Municipality.

2.7 “Commercial Waste Collection” means the collection of waste that is generated on any parcel of land where commercial or industrial activity is conducted.

2.8 “Dumpster” refers to a large trash receptacle that has been designed to be hoisted and emptied into a truck.

2.9 “Dwelling Unit” means a building or part of a building fronting a public street, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units but shall not include an apartment containing more than 4 dwelling units, business professional, institution, commercial accommodation or a hotel/motel.

2.10 “Farm/Agricultural Waste” means waste generated as a result of commercial farming operations, including but not limited to silage, silage wrap, bale wrap, twine, manure, animal bedding, agricultural plastics, crop residue, dead livestock, and other agricultural by-products. Waste generated from a residence on the farm will be residential waste and collected as part of a residential collection. All other farm waste is commercial waste and will only be collected as part of a commercial waste collection.

2.11 “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.

2.12 “Institutional Waste” means all solid wastes which are not special wastes, emanating from institutions such as, but limited to, hospitals, health care facilities, nursing homes, laboratories, orphanages, correctional institutions, schools, day cares, post offices, emergency service stations, religious buildings and universities. Institutional waste is only collected under commercial arrangements.

2.13 “Litter” means any material left or abandoned in a place other than a container or place intended or approved for receiving such material.

2.14 “Organic Waste” means biodegradable, compostable waste from homes, businesses, institutions, and industrial sources. Examples include food scraps, yard and garden trimmings, food-soiled paper products and biosolids.

2.15 “Owner” means the person or corporate entity listed as the registered owner of a real property in the provincial land registry, and includes any person, landlord, firm, or property management company who has the care, charge, management, or control of a residential, commercial, industrial, or agricultural premises, or who is legally entitled to receive the rents or profits therefrom.

2.16 “Recyclable material” means material approved by the Waste Collection Provider as material to be placed in recycling bins for roadside collection.

2.17 “Recycling bin” means receptacle deemed acceptable by the Waste Collection Provider.

2.18 “Roadside” means an area that

- a) is not more than **two meters** from the point where the driveway or residential or farm property intersects a highway, road or lane, and
- b) is visible from the intersection.

2.19 “Sanitary Landfill Site” means a landfill facility with the appropriate classification, approved by New Brunswick provincial government under the provisions of the Environmental Protection and Enhancement Act for the disposal and/or storage of municipal solid waste.

2.20 “Type A residential property” refers to any residential property in which there are four (4) or fewer dwelling units.

2.21 “Type B residential property” refers to any residential property in which there are five (5) or more dwelling units.

2.22 “Violation Ticket” means a written notice issued by a By-Law Enforcement Officer pursuant to this By-Law, by payment of a specified amount to the Municipality within a set time period.

2.23 “Waste/Garbage” means household waste material produced within a dwelling that is not recyclable, household hazardous waste or otherwise non-collectable.

2.24 “Waste Collection Provider” refers to:

- a) the private, third-party contractor that is responsible for operating the roadside collection and disposal of garbage and recyclable material under the provisions of this By-Law, or;
- b) an employee of the Municipality who is employed for the purpose of collecting waste.

2.25 “Waste Receptacle” refers to a 360L wheeled plastic vessel, suitable for standardized hydraulic/mechanical collection as supplied by the Municipality.

2.26 “Yard Waste” means refuse that is clean organic matter and which will decompose biologically, normally from gardening, including grass, tree and shrub cuttings and clippings (0.6m in length or less), free from non-organic contaminants and liquids.

3. GENERAL:

3.1 The Municipality shall supply waste/recycling/organic collection and disposal services to all **Type A** housing units in the Municipality in accordance with this By-Law.

3.2 The Municipality shall supply one (1) waste/recycling/organic receptacle per dwelling unit on a one-time basis. The bin shall remain the property of the Municipality and shall be assigned to the civic address for which it is issued. Any replacement waste/recycling/organic receptacles required for any reason, including loss, theft,

damage, deterioration, or destruction, shall be purchased by the property owner at their own expense. Replacement receptacles shall be of the same size and specifications as those originally supplied by the Municipality. All waste/recycling/organic receptacles shall remain assigned to the property for which they are issued and shall not be transferred to another address.

3.3 The Municipality shall not provide waste collection containers, dumpsters, collection services, transportation services, or disposal services to **Type B** properties. Type B property owners shall be solely responsible for providing and maintaining all required waste collection containers and dumpsters and arranging and paying for the collection, transportation, and disposal of all waste generated on the property.

3.4 The Municipality shall not provide waste collection containers, dumpsters, collection services, transportation services, or disposal services to Commercial, Institutional, and privately owned businesses. Commercial, Institutional and privately owned businesses shall be solely responsible for providing and maintaining all required waste collection containers and dumpsters and for arranging and paying for the collection, transportation, and disposal of all waste generated on the property.

4. OWNER/OCCUPANT RESPONSIBILITIES

4.1 The occupant of every single dwelling unit and the landlord of Type A residential properties in the municipality shall provide on the premises sufficient and adequate receptacles, which may be used for, waste/recycling/organic materials herein called waste receptacle.

4.2 Waste receptacles – Type A residential properties

4.2.1 Every **Type A** residential property in the District of Carleton North shall provide on the premises one waste receptacle per unit.

4.2.2 Waste receptacles, including those used for recycling, shall be placed on properties in such a way as to allow safe and convenient access for the Waste Collection Provider personnel and equipment and shall comply with Waste Collection Provider policies and requirements.

4.2.3 No person shall place waste for collection in any receptacle other than the approved waste receptacles as defined within this By-Law. Failure to do so will result in the waste not being collected.

4.3 Waste receptacles – Type B residential properties

4.3.1 Every Type B residential property in the District of Carleton North shall provide on the premises one or more dumpsters that are, in number and size, sufficient to contain the total waste produced each week by all residents.

4.3.2 Dumpsters shall be placed on properties in such a way as to allow safe and convenient access for the Waste Collection Provider personnel and equipment and shall comply with Waste Collection Provider policies and requirements.

4.3.3 The owner of every Type B residential property in the District of Carleton North shall be responsible for entering into a contract with a Waste Collection Provider.

4.3.4. The owner of every Type B residential property in the District of Carleton North shall be responsible for paying all recurring collection and disposal fees charged by the Waste Collection Provider.

4.4 Every person using a waste receptacle is required to place waste in garbage bags within the receptacle.

4.5 Waste receptacles shall always be maintained in good condition.

5. COLLECTION AND DISPOSAL:

5.1 Only one approved waste/ recycling/organic receptacle per dwelling unit is permitted on collection day.

5.2 The owner of every Type B property who provides a dumpster in conjunction therewith shall provide safe and convenient access to such dumpster for the equipment of the Waste Collection Provider.

5.3 Waste receptacles shall be placed by the owner/occupant in front of their dwelling unit just off the traveled portion of the street so as not to interfere with traffic.

5.4 Waste receptacles shall not remain at the roadside beyond the day of collection.

5.5 Waste receptacles shall be placed for collection with their covers secured in place roadside not earlier than twenty-four (24) hours prior to the scheduled day of collection.

5.6 Waste receptacles shall be placed on a level, stable surface. They shall not be placed on top of snowbanks, in an area not cleared of snow and ice, or on unstable or unsecure structures.

5.7 After the Waste Collection Provider collects the waste or recyclable materials on a given road or street, if any waste or recyclable material has escaped, scattered, spilled out, or spread out from bags or containers onto the originating property or a neighboring property, the person responsible for the uncollected and uncontained material shall place it in an approved receptacle within twenty-four (24) hours and take all reasonable measures to restore the state and appearance of their property as well as the affected neighboring properties.

5.8 No person shall place Farm/Agricultural Waste, including silage and silage-related materials, for collection under the municipal residential waste collection program.

6. SPECIAL GARBAGE COLLECTION AND DISPOSAL:

6.1 Ashes shall not be placed for collection with waste or yard waste but shall be disposed of by the owner at their own expense or disposed of during a designated pickup date or location.

6.2 Silage, silage waste, spoiled silage, and other farm/agricultural waste shall not be placed for municipal roadside collection. Farm operators and property owners shall be responsible for the proper storage, handling, transportation, and disposal of such materials at their own expense and in accordance with applicable Provincial regulations.

6.3 Waste material and rubbish on premises following the construction, alteration, demolition, or repair of a building or erection shall be removed and disposed of by the owner of such premises within seven (7) days and at the owner's expense.

6.4 Household furniture or furnishings shall not be placed for collection with garbage but may be placed for collection on special garbage days as designated each year by the Waste Collection Provider.

6.5 The collection of waste, other than 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 Waste Collection Provider subject to funding and may include but are not limited to:

6.5.1 A Christmas Tree program which may consist of designated special drop-off disposal/mulching sites.

6.5.2. A bi-annual special garbage collection day

6.5.3 Other special collection that may occur on an occasional basis.

7. RECYCLING

7.1 The District of Carleton North may enter into an agreement with any person, herein referred to as the "Waste Collection Provider" for the collection of recyclable materials under the provisions of this By-Law and may from time to time define the duties of the Waste Collection Provider.

7.2 The Waste Collection Provider shall be responsible for the roadside collection of recyclable material.

7.3 Acceptable recycling receptacles shall be defined and determined by the Waste Collection Provider.

7.4 All recycling receptacles shall be maintained in good condition at all times.

7.5 The roadside collection day for recyclable material shall be determined by the Waste Collection Provider.

7.6 No person in possession of a recycling receptacle shall place a recycling receptacle for collection roadside earlier than twenty-four (24) hours prior to the scheduled day of collection.

7.7 No person in possession of a recycling receptacle shall permit their recycling receptacle to remain roadside beyond the conclusion of the day of collection.

8. ILLEGAL DUMPING

8.1 All waste generated within the municipality shall be disposed of at an approved solid waste disposal site. No person shall dump, place or dispose of waste except in compliance with provisions of this By-Law.

8.2 Those that are found to be illegally dumping waste or hazardous materials in the Municipality will be subject to the penalties outlined in this By-Law and will be reported to the Department of Environment and Local Government for further penalties.

9. PENALTIES AND ENFORCEMENT

9.1 Any person who violates or fails to comply with any provision of the By-Law commits an offence and is liable, upon summary conviction, to the penalties set out in Schedule A.

9.2 District of Carleton North appointed By-Law Enforcement Officer(s) shall be authorized to issue tickets and warning letters and to administer fines to enforce any provision of this By-Law.

10. SEVERABILITY

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.

11. BY-LAW REPEALED

By-Law No. ES-1, A By-Law Respecting Waste Collection and Disposal Within the District of Carleton North shall repeal any By-Laws regarding garbage, waste, and recycling in the former municipalities and Local Service Districts.

12. EFFECTIVE DATE

FIRST READING _____

SECOND READING _____

THIRD READING & ENACTED THIS _____ **DAY OF** _____, 20

MAYOR

CLERK

**SCHEDULE A
SPECIFIED PENALTIES**

Description	Specified Penalty Amount
Improper disposal of ashes.	\$125.00
Improper disposal of yard waste.	\$125.00
Waste receptacle improperly maintained	\$85.00
Improper placement of waste receptacles	\$85.00
Failure to provide sufficient number of waste receptacles (Type A residential properties)	\$125.00 + clean-up costs
Improperly filled waste receptacles (secure lid and waste in garbage bags)	\$125.00
Setting out unacceptable waste for collection	\$150.00
Failure to clean-up waste debris.	\$125.00 + clean-up costs
Failure to provide sufficient dumpsters or waste receptacles (Type B; Commercial, Institution & Private Business)	\$250.00 + clean-up costs
Failure to maintain dumpsters in a safe, sanitary condition.	\$200.00
Disposal at unauthorized location	\$500.00 + unlimited clean-up costs or referral to NB Environment for prosecution.
Unauthorized disposal of hazardous waste	\$500.00 + unlimited clean-up costs or referral to NB Environment for prosecution.