

BY-LAW 403 (CONSOLIDATED WITH AMENDMENTS)

A BY-LAW OF THE MUNICIPALITY OF OROMOCTO RESPECTING THE COLLECTION AND DISPOSAL OF GARBAGE AND OTHER MATERIAL

Incorporating By-law Nos.:

403 (October 19, 2000)
403-A (October 17, 2002)
403-B (September 16, 2004)
403-C (January 16, 2014)

BE IT ENACTED by the Mayor and the Councillors of the Town of Oromocto as follows:

INTERPRETATION

1. In this By-Law, unless the context otherwise requires:
 - a. "Garbage" means any refuse and other discarded matter produced within a dwelling unit on a regular basis inclusive of:
 - i) Putrescible animal or fruit or vegetable matter produced within a dwelling unit (exclusive of body wastes) which results from the handling or preparation or cooking or consumption of food.
 - ii) Non-recyclable (not accepted by the Fredericton Region Solid Waste Commission) papers, plastics, glass and metal containers or wrappings/packaging.
 - iii) Household furniture, appliances and miscellaneous items weighing less than 20 kg (44 lbs) each and not larger in any dimension than 90 cm. (36 inches)
 - b. "Class 1 Waste" means discarded building materials such as lumber and construction materials used for erection, alteration, demolition or repair of buildings or structures, residue from trees such as roots, stumps, trunks and branches larger than 7.5 cm (3 inches) in diameter, discarded metals, piping, fencing, tools, swimming pools, automobiles, snowmobiles, motorcycles, bicycles or related parts, stones, rocks, sand, gravel, manure, the remains or carcasses of any dead animals, or household furnishings and appliances greater in size or weight than specified at a. (iii) above, or any other discarded materials other than garbage, or Class 2 waste or hazardous waste.
 - c. "Class 2 Waste" means:
 - i) Christmas trees; or
 - ii) brush and tree branches, less than 7.5 cm (3 inches) in diameter provided that they are tied in bundles not exceeding 90 cm (36 inches) in length, 60 cm (24 inches) in diameter and weigh less than 20 kg (44 lbs) for each bundle; or
 - iii) leaves and grass cuttings in clear polyethylene plastic bags of 1.5 ml thickness with a maximum capacity of 55 liters (12 gals) and a minimum of 36 litres (8 gal) per bag, securely tied at the top and not exceeding 20 kg (44 lbs) per bag.
 - d. "Hazardous Waste" means any waste that is potentially damaging to the environment or human health 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.

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- e. "Container" means:
 - i) a plastic or galvanized metal watertight vessel from 65 litres (14 gals) to 125 litres (27 gals) loaded to less than 20 kg (44 lbs).
 - ii) a wheeled plastic vessel, suitable for standardized hydraulic/mechanical collection from 295 litres (65 gal) to 430 litres (95 gal)
 - iii) An opaque polyethylene plastic garbage bag of 1.5 ml thickness with a capacity from 36 litres (8 gal) to 55 litres to (12 gal) loaded to a maximum of 20 kg (44 lbs).
- f. "Dwelling Unit" means a place of residence including apartment buildings but does not include a business or commercial accommodation or a hotel room.
- g. "Special Collections" are those announced by public notice from time to time, for limited periods, for the collection or disposal of Class 2 waste.
- h. "Town" means the Town of Oromocto.
- i. "Enforcement Officer" means the Technical Officer of the Town of Oromocto.

GENERAL

- 2. All garbage and waste generated within the Town shall be disposed of at an approved Solid Waste disposal site. No person shall dump, place, transport or dispose of garbage or waste except in compliance with the provisions of this By-Law.
- 3. Only "garbage" as defined in this By-Law will be collected in approved containers at curbside for single dwelling units or from garbage bins where provided for multiple housing units, once weekly from September through June and twice weekly for the months of July and August.
- 4. "Class I waste" disposal is the sole responsibility of each "dwelling unit" owner or occupant and may not be placed at curbside or in garbage bins for collection. The Town will maintain and make available upon request a list of private contractors with whom Class I waste collection and disposal may be negotiated.
- 5. "Class 2 waste" will be collected by "special collections" or be taken to a designated collection point by homeowners/occupants. "Hazardous Waste" disposal is the sole responsibility of each individual harbouring same in accordance with Province of New Brunswick statutes and regulations.
- 6. Recycling programmes will be defined and advertised in keeping with Fredericton Region Solid Waste Commission and Town policies. The Town of Oromocto will not collect items as "garbage" for which a recycling programme exists.

OWNER/OCCUPANT RESPONSIBILITIES

- 7. Garbage which is stored by the owner or occupant of a dwelling unit prior to the collection date shall be kept in proper containers so as to prevent

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an unsightly appearance, pest infestation or access to dogs, birds or other animals.

8. No occupant of a dwelling unit shall suffer or permit a container containing garbage to remain upon premises under his/her control for a period exceeding seven days without placing the contents for collection as set out in Sections 9 through 12 inclusive of this By-Law.
9. Containers shall be placed by the owner/occupant in front of his dwelling unit just off the traveled portion of the street so as not to interfere with traffic, or at such other convenient location as may be approved by the Enforcement Officer.
10. Containers shall be placed by the occupant of the dwelling unit for collection not later than 07:30 hours in the forenoon of the day of collection and not earlier than 22:00 hours in the evening of the previous day.
11. Empty containers and materials not collected shall be removed by the occupant of the dwelling unit by 20:00 hours in the evening of the day of collection. The occupant of the dwelling unit shall maintain containers in good condition at all times, such condition must meet the approval of this By-Law as interpreted by the Enforcement Officer.

LANDLORD OPTION - MULTIPLE UNITS

12. a. The landlord of co-located multiple housing units may maintain, on behalf of his tenants, a metal garbage bin(s) or a secure storage premise upon the approval of the Town's Enforcement Officer. Such bins and/or storage premises must be constructed such that the landlords designated tenants ONLY may access them solely for the disposal of "garbage" as defined herein. Failure of the landlord to control content may result in refusal by the Town's contractor to collect the contents or the collector's billing of the landlord directly for the "tipping fees" and "hauling fees" associated with any such collection.
- b. Class 1 Waste, Class 2 Waste and Hazardous Waste (as defined herein) remaining uncollected at multiple unit and/or rental dwellings shall be removed and disposed of at an approved site by the landlord or his agent within 3 working days at the landlord's sole cost. (By-law No. 403-A/Enacted October 17, 2002)

UNAUTHORIZED DISPOSAL

13. No person shall:
 1. Place any garbage or waste in a street or public place or upon private property whether owned by that person or not except for collection as prescribed in this By-Law.
 2. Deposit any garbage or waste or hazardous waste in any stream, storm sewer, sanitary sewer or body of water within the municipality.
 3. Deposit garbage or waste in a bulk "garbage bin" not specifically designated for use by his dwelling unit.

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4. Construct, maintain or use any garbage chute in a housing unit for the purpose of transferring garbage from one point in a building to any other point at a lower elevation in such building, unless he has received special permission so to do from the Department of Health in the Province of New Brunswick.

FEES

14. Each residential unit for which the Town contracts garbage collection and disposal shall be billed by the Town for the collection and the disposal of such garbage from a dwelling **at the rate established and adopted by a resolution of Council**. All owners of rental dwelling units, as established by the Province of New Brunswick Assessment and Tax Roll, who utilize this service will bear the cost unless such cost is assigned to and accepted in writing by the tenant or property management agency. Responsibility for payment remains that of the property owner should the assigned tenant or agency default; and (By-law No. 403-C/Enacted January 16, 2014)
15. Business or commercial/industrial entities are exempt from these fees as they separately contract for the collection and disposal of their garbage.
16.
 - a. Payment in full shall be paid within sixty (60) days of the billing date, otherwise interest shall compound thereon at 2% per month for each month of arrears and the overdue account will, at the discretion of the Treasurer, be referred to a third party for collection.
 - b. Fees incurred through the collection and disposal of garbage and other material under this By-Law are assigned against and remain attached to that property and the responsibility of the owner until paid in full to the Town. (By-law No. 403-B/Enacted September 16, 2004)

ENFORCEMENT

17. The Enforcement Officer shall have the right to enter, at all reasonable times, upon any property within the Town for the purpose of making an inspection or enforcement of this By-Law.
18. The Enforcement Officer shall give written notice to all persons or companies who violate any section of this By-Law, to correct such violation within a specified period of time. Upon failure of such persons or companies to comply with such written notice, the Town may cause garbage to be removed and disposed of at the expense of such persons or companies.

PENALTY

19. An information for breach of this by-law may be laid in the name of the Town, before a judge of the Provincial Court by the Town Clerk.
20. Every person who violates any provision of this By-Law other than non-payment of accounts is guilty of an offence and is subject to the fines and penalty detailed in subsections 21, 22 and 23 below:

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21. 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 \$50.00 (fifty dollars) to the Town of Oromocto:
- a. In person at the Cash Payment Counter, Town Hall, 4 Doyle Drive, Oromocto, NB in cash, by debit card, by cheque or money order payable to the Town of Oromocto; or (By-law No. 403-C/Enacted January 16, 2014)
 - b. By mail to: Town of Oromocto, 4 Doyle Drive, Oromocto, NB, E2V 2V3 (By-law No. 403-C/Enacted January 16, 2014) and such payment shall be deemed payment in full.
22. If the voluntary payment set out in Section 21 and 22 has not been received on or before the date, a charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence may make a voluntary payment of \$100 (one hundred dollars) as follows:
- a. In person at the Burton Court House, 23 Route 102 Highway, Burton, by cash or certified cheque or money order payable to the Minister of Finance; or
 - b. By mail to: Burton Court House, PO Box 94, Oromocto, NB E2V 2G4, "Attention: Provincial Court" or by certified cheque or money order only, payable to the "Minister of Finance";
- and such payment shall be deemed payment in full.
23. If the voluntary payment set out in subsection 21 and 22 above has not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the offence is liable on summary conviction to a fine of not less than \$200 (two hundred dollars) and not more than the maximum fine that may be imposed for commission of an offence punishable under Part II of the *Provincial Offences Procedure Act* as a Category C offence.

REPEAL

24. By-Law 204 enacted 25 May 1978 and all amendments there attached is hereby repealed.

READ FIRST TIME: 20 July 2000
READ SECOND TIME: 14 September 2000
**READ THIRD TIME
AND ENACTED:** 19 October 2000

(Sgd) A Wayne Carnell
A Wayne Carnell
ADMINISTRATOR/CLERK

(Sgd) Fay L Tidd
Fay L Tidd
MAYOR