

THE CORPORATION OF THE  
T O W N   O F   P E L H A M

BY-LAW #1057 (1986)

A by-law to establish a system and provide for the collection of garbage, ashes and other acceptable solid, non-hazardous wastes within the Corporation of the Town of Pelham as defined by Ontario Regulation 309 to the Environmental Protection Act.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

(1)            Definitions -

(a)    "Corporation, Town, etc." means the Corporation of the Town of Pelham.

(b)    "Town Council" means the Council of the Corporation of the Town of Pelham.

(c)    "Municipal Representative" means any employee of the Corporation or their authorized subordinates, assistants or representatives designated from time to time by Council as responsible for the administration of the garbage collection contract.

(d)    "Contractor, Garbage Collector" means the person or persons awarded a contract (charged with the responsibility) for the collection, transportation, and disposal of garbage, household refuse, household trash, trade waste and recycleable refuse.

(e)    "Dwelling or Dwelling Unit" means a suite of rooms occupied or designed to be occupied as an independent and separate housekeeping establishment in which separate kitchen, sleeping and sanitary facilities are provided for the exclusive use of the occupants.

(f)    "Ashes" means the residue from the burning of coal, coke, and wood, and which would normally accumulate at a dwelling or place of business and includes soot, or other cleanings from chimneys or outdoor barbecues, but shall not include ashes which accumulate as a result of building construction or demolition.

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(g) "Garbage" means all kitchen and table waste, of animal or vegetable origin, resulting from the preparation or consumption of food in a household, public institution, commercial complex, commercial establishment and industrial establishment.

(h) "Household Refuse" includes ashes, garbage, rubbish, discarded materials, clothing, waste paper, broken crockery and glassware, grass cuttings, garden refuse, brush, leaves and such other articles as would normally accumulate at a dwelling, but shall not include weighty or bulky articles such as stoves, furnaces, bed springs, mattresses, furniture, boxes, barrels, trees and water or fuel tanks.

(i) "Household Trash" includes weighty or bulky articles such as stoves, furnaces, bed springs, mattresses, furniture, boxes, barrels, water and fuel tanks, used Christmas trees and any other discarded materials which would normally accumulate at a dwelling and which are not included in household refuse, but shall not include bodies of automobiles, large parts of automobiles, animal carcasses, boulders in excess of zero point zero three (0.03) cubic metres, trees with the exception of used Christmas trees, tree stumps, or trade waste or any trash accumulated from a place of business or other non-collectible wastes as defined in this by-law.

(j) "Non-Collectible Waste" - The Corporation shall not be required to collect or dispose of the following hazardous or liquid industrial wastes as defined by Ontario Regulation 309, Environmental Protection Act:

(1) explosive, or highly combustible materials such as celluloid cuttings, moving picture films, oil-soaked or gasoline-soaked rags, or any material of a similar nature;

(2) plaster, ashes or other waste residue resulting from building alterations or demolition operations, with the exception of those materials which would normally accumulate at a dwelling;

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(3) swill, liquid waste, or organic matter which has not been drained and wrapped in accordance with the provisions of this by-law;

(4) dressing, bandages, or other infected materials from hospitals, surgeries, or offices of physicians, surgeons, dentists or veterinarians;

(5) hay, straw, manure or night soil;

(6) faeces of any dog, cat or fowl that is not normally accumulated in a litter box situated in a dwelling;

(7) carcasses or parts thereof, of any dog, cat, fowl or any other creature with the exception of bonafide kitchen waste;

(8) transient wastes;

(9) household refuse, household trash or trade waste which has not been put out for collection in conformity with the provisions of this by-law;

(10) any other material which may be classed as a "designated substance" pursuant to the Occupational Health & Safety Act, R.S.O., Chapter 321, as amended;

(11) tires, batteries, automotive parts;

(12) natural soil, earth, sand, clay, gravel, loam, stones or other similar excavated material;

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(13) sawdust and/or shavings;

(14) any material which has become frozen to the receptacle and cannot be removed by shaking;

(15) dangerous materials or substances, such as poisons, insecticides, herbicides, acids, caustics, infected materials, explosives, radioactive materials, or any other material or substance which may cause environmental problems;

(16) septic tank pumpings, raw sewage sludge and industrial process sludge;

(17) live animals or birds;

(18) furniture;

(19) stock of any wholesaler which shall be regarded as manufacturer's wastes;

(20) large tree limbs and trunks or stumps;

(k) "Place of Business" means any place, other than a household and industrial plant, and includes any hotel, motel, restaurant, shop, store, shopping centre, plaza, service station, commercial or industrial office.

(l) "Public Lane" means any lane accepted by by-law of the Corporation as a public thoroughfare, and which has been adjudged to be of sufficient width and condition for use by vehicles used for the collection of all collectible wastes as defined in this by-law.

(m) "Recycleable Refuse" means waste newspaper, glass bottles or jars and metal cans and any other element of household refuse, household trash or trade waste as determined by Town Council from time to time.

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(n) "Trade Waste" includes ashes, garbage and refuse which would normally accumulate in a shop, factory, store, restaurant, hotel, motel, motor hotel, office building, public building and other place of business, but shall not include weighty or bulky articles such as automobile parts, tires, stoves, furnaces, bed springs, mattresses, furniture, boxes, barrels, trees, earth, stones, water or fuel tanks, waste from demolished buildings or construction projects or recycleable refuse;

(o) Transient Waste means any refuse, trash or waste carried into the Town of Pelham from outside its boundaries by any person.

(p) "Householder" means any owner, occupant, lessee, tenant or any other person having use, occupation and/or charge of any dwelling, hotel, restaurant, apartment house, office building, public institution, service station, industrial building, commercial building, store, shopping centre or plaza, or any portion thereof respectively.

(2) Containers or Receptacles

(a) Where containers are required as specified in accordance with this by-law:

(1) every occupant of a dwelling from which household refuse is to be collected

(2) the owner or person in charge of a place of business from which trade waste is to be collected, and

(3) the owner or person in charge of every dwelling in which there is more than one dwelling unit, shall ensure that containers are in good repair and are compatible with the Corporation's or its contractor's operation and equipment.

(b) Bundles shall be compacted and tied to the following specifications:

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(1) the length shall not be more than one point two zero (1.20m) metres.

(2) the diameter shall not be more than zero point six zero (0.60m) metres.

(3) the weight shall not exceed twenty (20kg) kilograms, and

(4) when tied, the cord shall be of sufficient strength to permit the bundle to be lifted by the cord without breaking.

(c) A household-type container shall comply with the following specifications:

(1) the height shall not be more than zero point seven (0.7m) metres.

(2) the diameter shall not be more than zero point four (0.4m) metres.

(3) it shall be constructed of materials which have an equivalent durability to number 28 gauge metal, and

(4) it shall have a water-tight lid and two (2) handles.

(d) Each household-type container when full shall weigh not more than thirty point zero (30kg) kilograms.

(e) A non-returnable plastic bag shall be:

(1) of a capacity of not more than zero point eight (0.8) cubic metres.

(2) composed of material of not less than 1 1/4 mil gauge material capable of carrying twenty (20kg) kilograms of contents without tearing, and

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(3) securely tied when put out for collection.

(f) A throw-away type carton shall be:

(1) of a weight not in excess of twenty-two point zero (22.0kg) kilograms, and

(2) of a size not in excess of zero point four (0.40) cubic metres

so that it can be readily placed in the loading hopper of a packer vehicle.

Water soaked or broken containers will not be collected and must be repackaged or disposed of by the occupant, owner, or person in charge.

(3) Administration

(a) The Corporation shall operate a system for the collection, removal and disposal of household refuse, household trash and trade waste in accordance with the provisions of this by-law.

(b) (1) The Corporation may operate or support the operation of a system for the collection, removal and disposal of recycleable refuse.

(2) If there is no operating system for the collection, removal and disposal of recycleable refuse, then recycleable refuse reverts to household refuse, household trash or trade waste, whichever is applicable, for the purpose of this by-law.

(c) It shall be the duty of the Municipal Representative to administer and enforce the provisions of this by-law.

(d) (1) Household refuse, household trash, trade waste and recycleable refuse shall be collected once in every seven (7) days from each dwelling, building or premises entitled to such service in accordance with the provisions of this by-law, except when a normal collection day falls on a holiday as provided herein.

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(2) No collection shall be made on the following holidays which fall on a normal collection day: New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, the day proclaimed as a Civic Holiday by the Mayor of the Town of Pelham, Labour Day, Thanksgiving Day, Christmas Day, Boxing Day and Sunday.

(3) When a normal collection day falls on a holiday referred to in subsection (2), the collection shall be made one (1) day late for the remainder of the week, but in no case shall the change in schedule result in a collection not being made for a period greater than eight (8) days or other schedule as approved from time to time by the Municipal Representative.

(4) Collections will normally be made between the hours of 8:00 a.m. and 5:00 p.m., however, the Municipal Representative may designate, from time to time, a variation in hours due to changes in operating periods of the sanitary landfill or disposal site.

(5) Collections from any dwelling shall consist of a total of not more than six (6) receptacles, containers or bundles per collection, which meet the requirements in Sections (2) and (7) of this by-law.

(6) Collection from any premises other than dwellings shall consist of not more than nine (9) receptacles, containers or bundles per collection, which meet the requirements of Sections (2) and (7) of this By-law.

(4) Unauthorized Waste Removal

The Corporation may, at the expense of any householder, occupant, owner or person in charge of any building, or in the exercise of any of its legal or statutory powers, or in the implementing of any orders made by the Medical Officer of Health remove and dispose of household refuse, household trash, trade waste and recycleable refuse, which has not been put out in accordance with the provisions of this by-law, with the householder, occupant, owner or person in charge of the building to pay to the Treasurer of the Corporation the actual costs of the service provided.

(5) Special Collections

Extra collections of acceptable waste may be conducted once per year during:

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(a) Spring cleanup being the first week of May each year or such other period as approved by the Corporation.

(6) Troublesome Dog

Collection may be refused to any person known to have a troublesome dog on the premises, unless such dog is safely secured at a reasonable distance away from the location of the garbage receptacle.

(7) Preparation of Waste

(a) (1) All garbage shall be drained, wrapped in dry paper, and placed in a container, other than a plastic bag, or drained and placed in a plastic bag.

(2) Ashes, when put out for collection, shall be:

- (i) cold
- (ii) placed,
  - in a sealed non-returnable plastic bag, or
  - in a sealed throw-away type carton, and
  - separate from flammable waste.

(3) Brush, leaves, garden refuse, waste paper, cardboard, discarded clothing and other household refuse and trade waste not specified in subsections (1) and (2) of this section shall be:

- (i) compacted and tied in bundles, not to exceed (1m) in length and 0.6m in diameter;
- (ii) placed in containers, or
- (iii) fastened securely in throw-away type cartons.

(4) Newspapers, magazines, and waste papers shall be securely tied or taped in solid compact bundles and placed in the recycling receptacles; provided however, that newspapers, magazines and waste paper may be deposited in a cardboard carton not to exceed 50 centimetres in length, 40 centimetres in width and 40 centimetres in depth with the flaps turned in and securely tied or taped. Such cardboard cartons shall be placed separately from the regular approved receptacle.

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(8) Scavenging

(a) No person, unless authorized by Town Council, shall pick over, interfere with, remove or scatter any household refuse, household trash or trade waste, after the same has been put out for collection. Scavenging is not permitted on the collection route.

(b) No person, unless authorized by Town Council, shall pick over, interfere with, remove or scatter any recycleable refuse, after the same has been put out for collection.

(9) Soliciting

No person employed by the Corporation or any of its contractors shall solicit or accept a gratuity for any work done by that person in connection with this by-law.

(10) Dismissal of Employee

Any person employed by the Corporation or its contractor who solicits or accepts any gratuity for work done in contravention of the previous subsection shall be summarily dismissed.

(11) Location of Items to be Collected

(a) No person shall place garbage, domestic refuse, commercial refuse or ashes out for collection except in accordance with this section.

(b) (1) No householder shall store garbage, except in approved receptacles placed in a location which is not a nuisance to any neighbour.

(2) The Municipal Representative may determine where approved receptacles shall be located and his determination shall be final.

(c) The garbage collection system is a "roadside collection service" for collection at ground level and garbage shall be placed for collection in accordance with the following:

(1) roads with concrete curbs - garbage to be placed directly behind the curb

(2) roads with concrete sidewalks tightly abutting the curb - garbage to be placed directly behind the sidewalk on property owner's side

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(3) roads with boulevards between sidewalks and curbs - garbage to be placed directly on boulevard

(4) roads with gravel road shoulders - garbage to be placed directly on road shoulder

(5) where garbage collection is provided in public lane or alleyway - garbage to be placed as close as possible to the edge of lane or alleyway.

(d) No person shall place garbage so as to impede or obstruct pedestrian and vehicular traffic or maintenance operations.

(e) The Municipal Representative in his sole discretion, may authorize the pick up of garbage and refuse by Town sanitation crews from any commercial establishment, apartment building or multiple housing complex provided the following conditions are met:

(1) there is a properly designed, constructed and maintained roads system whereby the Town or its agent can safely and easily drive onto the property to an exterior ground level garbage and refuse central storage area located at or near the edge of the road system, turn around and return to the public highway.

(2) the owner or occupant enter into an agreement to hold the Town harmless against all claims if required by the Council; and

(3) the owner shall construct and maintain to the satisfaction of the Municipal Representative a central storage station.

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(f) All structures or buildings provided for the storage of garbage and refuse shall at all times be maintained in a secure, clean, dry and sanitary condition so as to prevent entry of rodents and insects.

(g) Where, for any reason, collection of garbage and refuse cannot be made from the location specified in this Part, items to be collected pursuant to this by-law shall be placed at locations designated by the Municipal Representative and his decisions shall be final.

(12) Setting Our Garbage Collection

(a) During normal daytime collection, all items to be collected shall be put out prior to the time of collection but not earlier than 7:00 p.m. on the previous evening, and after collection all returnable containers shall be returned to private property by the householder, occupant, owner or person in charge of the building prior to 7:00 p.m. on the day of collection.

(13) Responsibility of Landlords

(a) It shall be the duty of the landlord of a furnished apartment, unfurnished apartment or multiple housing complex, and the duty of a condominium corporation to supply and maintain a sufficient number of approved receptacles for each dwelling and such other equipment as may be necessary for the orderly disposal of garbage. The landlord for such dwelling or the condominium shall provide a common place where the approved receptacles shall be properly stored and available for the occupants' use in order to facilitate collection by the appropriate agency as herein provided.

(14) Waste Storage Outside Property Limits

No household refuse, household trash, trade waste, recycleable refuse or other material shall be placed on any property other than that upon which it is accumulated, unless permission has been obtained from the occupant thus inconvenienced, or so located on the occupant's property as to cause a public nuisance or a nuisance to the adjoining property owner.

(15) Maintain Passageway

A passageway affording a convenient and unimpeded means of access to the items to be collected pursuant to this by-law shall be maintained by the householder, occupant, owner or person in charge of the building, and the passageway shall be of sufficient dimensions to enable the employee of the Corporation or of its contractors, servants, workmen and agents to load the items to be collected pursuant to this by-law on the collection vehicles.

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(16) Maintenance of Garbage Storage Buildings

All structures or buildings provided for the storage of containers shall at all times be maintained in a clean and sanitary condition and constructed so as to prevent entry of rodents and insects.

GENERAL REGULATIONS:

(17) Transporting and Disposal of Garbage and Other Waste Material

No person shall transport any household refuse, household trash or trade waste to any refuse disposal site unless the vehicle has an enclosed body or a covering securely fastened to the body of the vehicle or in the case of a pack-type vehicle with the hopper doors closed to prevent the scattering of ashes, garbage, household refuse, household trash or trade waste.

(18) No person shall transport any recycleable refuse unless the vehicle has an enclosed body or a covering securely fastened to the body of the vehicle or in the case of a packer-type vehicle with the hopper doors enclosed to prevent the scattering of recycleable refuse.

(19) No employee shall, in performing his normal duties as a garbage collector, enter any building or ascend or descend any interior or exterior stairway, elevator or hoist for the purpose of removing from or returning thereto any garbage receptacle unless authorized by the Municipal Representative.

(20) Determining Collection Days

For the purpose of garbage collection, the Municipal Representative may direct that the Town be divided into as many collection zones or districts as may be deemed necessary for the convenient collection of garbage, rubbish or waste matter and may fix a day or days on which the same shall be collected in the said districts. A public notice and map will be published annually in the local newspaper(s) indicating the aforementioned collection zones and days.

(21) Transporting Garbage and Waste Through Municipality

(a) Any person or persons carrying or taking garbage, non-collectible wastes, ashes or other refuse to the sanitary landfill disposal area in an open vehicle of any kind shall at all times have and keep the said garbage, ashes or other refuse covered by a tarpaulin, canvas covering or other suitable covering within a vehicle whose sides extend higher than the contents therein in such a manner as to prevent the said garbage,

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ashes or other refuse falling upon the streets or highways leading thereto in the case of a packer type vehicle with the hopper doors closed to prevent the scattering of the above mentioned wastes.

(b) No person shall transport any recycling refuse unless the vehicle has an enclosed body or a covering securely fastened to the body of the vehicle or in the case of a packer type vehicle with hopper doors closed to prevent the scattering or recycleable materials.

(22) Penalties

(a) Every person who contravenes any of the provisions of this by-law shall upon conviction thereof, forfeit, and pay a penalty not exceeding (exclusive of costs) the sum of \$500.00 for each such offence and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1980, C. 400 and amendments thereto.

(b) The imposition of a penalty for a contravention of this by-law shall not excuse the condition or matter resulting in such contravention or permit it to remain or continue, and the person who has contravened the by-law shall rectify any condition or matter resulting therefrom. Nothing herein contained shall in any way modify, affect or derogate from any other remedy available to the Corporation of the Town of Pelham or any other person, firm or corporation with respect to such contravention.

(c) An offence shall be deemed to occur for each day for which a contravention of this by-law continues.

(23) Repeal

By-law #104 (1971) entitled "A by-law of the Corporation of the Town of Pelham providing for the collection and disposal of household refuse, household trash, trade waste and recycleable refuse", and as amended, by By-law #1004 (1985) is hereby repealed.

(24) Effective Date

This by-law shall come into force and effect on the 17th. day of March, 1986. All former by-laws dealing with waste collection and disposal are hereby repealed.

GIVEN UNDER the Corporate Seal of the Town of Pelham this 17th. day of March, 1986.

MAYOR

E. F. Bergenstern

CLERK

Mary Hobbs