

THE CORPORATION OF THE TOWN OF PELHAM

BY-LAW NO.1500 (1992)

A BY-LAW FOR ESTABLISHING AND MAINTAINING A  
SYSTEM FOR COLLECTION, REMOVAL AND DISPOSAL OF  
ASHES, GARBAGE AND OTHER REFUSE.

**WHEREAS** the Municipal Act R.S.O. 1990, chap. M.45, section 89 provides, in part, that By-Laws may be passed by the Councils of Local Municipalities, in part, for establishing and maintaining a system for the collection, removal and disposal of ashes, garbage or other refuse;

**AND WHEREAS** the Council of Pelham deems it necessary and in the best interests of the health, safety and welfare of the public to pass a by-law establishing and maintaining a system for the collection, removal and disposal of ashes, garbage and other refuse;

**NOWTHEREFORE** the Council of the Corporation of the Town of Pelham enacts as follows:

Definitions:

1. In this By-Law;

- (a) "Ashes" shall mean the solid residue of any fuel for heating or cooking purposes, and soot or other cleanings from chimneys, fireplaces or heating appliances;
- (b) "Contractor" shall mean the person, persons or Corporation contracting with the Corporation to collect, remove, transport and deliver to an approved landfill site, ashes, garbage or other refuse, and where the context permits, the workmen and employees of the contractor;
- (c) "Corporation" shall mean the Corporation of the Town of Pelham.

- (d) "Dwelling" or "Dwelling Unit" shall mean 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;
- (e) "Public Works Superintendent" shall mean the Public Works Superintendent of the Corporation of the Town of Pelham.
- (f) "Garbage" shall mean all rejected, abandoned or discarded household wastes, either animal or vegetable, wearing apparel, waste paper, plastic, or broken crockery, save and except those wastes which are hereinafter defined as "Non-Collectible waste";
- (g) "Householder" shall mean any owner, occupant, lessee, tenant or other person having use of, occupation 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;
- (h) "Non-Collectible waste" shall mean all waste materials and refuse other than garbage and ashes and shall include the following:
  - (i) liquid waste;
  - (ii) hazardous waste as defined in Ontario Regulation 309, R.R.O. 1980, as amended;
  - (iii) pathological waste as defined in Ontario Regulation 309, R.R.O. 1980, as amended;
  - (iv) liquid industrial waste as defined in Ontario Regulation 309, R.R.O. 1980, as amended;
  - (v) newspaper, food and beverage tin cans, glass bottles and PET (Polyethylene Terephthalate) beverage containers;

- (vi) corrugated cardboard generated by industrial, commercial and institutional (ICI) establishments;
  - (vii) organic yard wastes, including grass clippings, leaves, trimmings and cuttings from trees, shrubs and vines, trees and stumps;
  - (viii) bricks, concrete blocks, stone, broken plaster, wood or timbers, or other waste resulting from any building construction, alteration, repair, demolition or removal;
  - (ix) metal drums, barrels, truck tires and automobile and motorbike tires;
  - (x) motor vehicle and trailer bodies and parts;
  - (xi) any materials of any kind or nature, including ashes, that contain any hot live coals, or fire;
  - (xii) waste which is explosive, flammable, gaseous, volatile, toxic;
  - (xiii) caustics, acids, pesticides, herbicides, raw animal manure, septic tank pumping, raw sewage sludge, bulk liquids, semi-solids, industrial process sludge, carcasses of any dead animal, live animals or birds;
- (i) "Recyclable Waste" shall mean newspaper, food and beverage tin cans, glass bottles and PET (polyethylene terephthalate) beverage containers and any other elements of garbage as determined by the Council from time to time;
- (j) "Street" shall mean any public road, street, lane, alley, square, place, thoroughfare or way within the limits of the Town of Pelham;

Administration

2. The Corporation shall operate a system for the collection, removal and disposal of ashes, garbage and other refuse in accordance with the provisions of this by-law.
3. The Corporation may operate or enter into a contract for the operation of a system for the collection, removal and disposal of recyclable waste.
4. The Public Works Superintendent shall administer the provisions of this by-law.
5. Ashes, garbage and other refuse shall be collected in those areas of the Municipality shown in Schedule "A" attached hereto on the days shown on Schedule "A" from each dwelling, building or premises entitled to such service in accordance with the provisions of this by-law, except where normal collection day falls on a holiday as provided herein.
6. No collection shall be made on the following holidays which fall on a normal collection day; New Year's Day, Christmas Day, and Sunday.
7. When a normal collection day falls on a holiday referred to above, the collection shall be made one day late for the remainder of the week or upon such other schedule as is approved from time to time by the Public Works Superintendent, but in no case shall the change in Schedule result in a collection not being made for a period greater than eight days.

8. Collections will normally be made between the hours of 7:30 a.m. and 5:00 p.m., however, the Public Works Superintendent may designate, from time to time, a variation in hours due to changes in operating periods of the landfill site.

Collection Procedure

9. Collection from any dwelling unit shall consist of a total of not more than six receptacles, containers or bundles, per collection, which receptacles, containers or bundles shall meet the requirements of this by-law.
10. Collection from any premises other than a dwelling shall consist of not more than nine receptacles, containers or bundles per collection, which receptacles, containers or bundles shall meet the requirements of this by-law.
11. No persons shall pick over, interfere with, disturb, remove or scatter any ashes, garbage or refuse placed for collection.
12. The Corporation may, at the expense of any householder, occupant, owner or person in charge of any building, in the exercise of any of its legal or statutory powers, or in the implementation of any Order made by the medical officer of Health remove and dispose of ashes, garbage or other refuse, which has not been put out in accordance with the provisions of this by-law, and may require the householder, occupant, owner or person in charge of any building to pay to the treasurer of the Corporation the actual costs of removal and disposal.

Receptacles and Containers

13. Where receptacles or containers are required as specified in accordance with this by-law, every householder shall provide and maintain in good repair receptacles or containers for the purpose of putting out for collection ashes, garbage or other refuse, which containers or receptacles shall comply with the requirements of this by-law.
14. A household-type container shall comply with the following specifications:
  - (a) the height shall not be more than zero point seven (0.7m) metres.
  - (b) the diameter shall not be more than zero point four (0.4m) meters.
  - (c) it shall be constructed of materials which have an equivalent durability to number 28 gauge metal, and
  - (d) it shall have a water-tight lid and two (2) handles.
15. Each household-type container when full shall weigh not more than thirty point zero (30kg) kilograms.
16. A non-returnable plastic bag shall be:
  - (a) of a capacity of not more than zero point eight (0.8) cubic metres.
  - (b) composed of material of not less than 1  $\frac{1}{4}$  mil gauge material capable of carrying twenty (20kg) kilograms of contents without tearing, and
  - (c) securely tied when put out for collection.

17. A throw-away type carton shall be:

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

18. Garbage placed in bundles shall be compacted and tied to the following specifications:

- (a) the length shall not be more than one point two zero (1.20m) metres.
- (b) the diameter shall not be more than zero point six zero (0.60m) metres.
- (c) the weight shall not exceed twenty (20kg) kilograms, and
- (d) when tied, the cord shall be of sufficient strength to permit the bundle to be lifted by the cord without breaking.

Preparation of Ashes, Garbage and Other Refuse for Collection

19. All garbage shall be drained, wrapped in dry paper, and placed in a container, receptacle, non-returnable plastic bag or throw-away type carton which meet the specifications of this by-law.

20. Ashes, shall be cold and shall be placed in a sealed non-returnable plastic bag or in a sealed throw-away type carton and separated from flammable waste.

21. Brush, leaves, grass clippings, and organic yard and garden refuse shall not be placed out for collection.

22. Recyclable waste shall not be included in garbage put out for collection. Recyclable waste shall be placed in separate, approved containers for pick-up.
23. Non-Collectible waste shall not be included in any garbage receptacle and shall not be put out for collection.

Placing of Receptacles for Collection

24. No persons shall place out for collection, ashes, garbage or other refuse except in accordance with this section.
25. No person shall store garbage, except in containers as herein provided for, placed in a location which is not a nuisance to any person.
26. The Public Works Superintendent may determine where garbage receptacles shall be located and his determination shall be final.
27. No person shall place garbage so as to impede or obstruct pedestrian or vehicular traffic.
28. All receptacles, containers, plastic bags, non-returnable cartons and bundles shall be placed for collection on private property, as close as possible to the Street, in accordance with the following:
  - (a) roads with concrete curbs - garbage to be placed directly behind the curbs;
  - (b) roads with concrete sidewalks tightly abutting the curb - garbage to be placed directly behind the sidewalk on private property;
  - (c) roads with boulevards between sidewalks and curbs - garbage to be placed directly on boulevard;



- (d) roads with gravel road shoulders - garbage to be placed directly on road shoulder;
  - (e) 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.
29. The Public Works Superintendent in his sole discretion, may authorize the pick up of ashes, garbage and other refuse by the contractor from any commercial establishment, apartment building or multiple housing complex provided the following conditions are met:
- (a) there is a properly designed, constructed and maintained road system whereby the contractor can safely and easily drive onto the property, turn around and return to the public highway;
  - (b) the owner or occupant enters into an agreement to hold the Corporation harmless against all claims; and
  - (c) the owner shall construct and maintain to the satisfaction of the Director of Public Works (Works Superintendent) a central storage station.
30. All structures of buildings provided for the storage of garbage and refuse shall at all times be maintained in a secure, clean, dry and sanitary conditions so as not to permit entry of rodents and insects.
31. No person shall allow ashes, garbage or other refuse to accumulate upon any premises or keep any container, receptacle, or repository for waste material on premises in such a condition or in such a location that the same is a nuisance or emits foul or offensive odours or harbours or attracts rats or other vermin or insects.

32. No person shall permit ashes, garbage or other refuse, including paper of any description, to be blown or dropped from the premises occupied by him or from a vehicle owned or operated by him onto any street or private property.
33. All ashes, garbage and other waste to be collected shall be put out prior to the time of collection as herein provided for, but not earlier than 7:00 p.m on the previous evening. After collection all returnable containers shall be returned to private property by the householder, prior to 7:00 p.m. on the day of collection.
34. No contractor shall be required to enter any house, apartment house or other building or shed or ascend or descend any stairway or enter any elevator or hoist for the purpose of collecting or removing any ashes, garbage or other refuse.

Contractor

35. No contractor shall collect, remove or dispose of:
- (a) any non-collectible waste;
  - (b) any ashes, garbage or other refuse in excess of the maximum quantity and weight permitted by this by-law for each household;
  - (c) any ashes, garbage or other refuse which has not been prepared and placed for collection in conformity with the provisions of this by-law.

Transportation of Ashes, Garbage and other Refuse

36. No person shall convey through the streets of the corporation any ashes, garbage or other refuse, or, any non-collectible waste, or any recyclable waste, except in properly covered containers, leak-proof and totally enclosed or covered in canvas, tarpaulins or nets, so fastened down around the edges to prevent any of the contents from falling upon the ground. All such waste shall be conveyed in such a manner as to protect the same from flies, and control, as far as possible, the escape of any offensive odours therefrom.

Penalty

37. Every person who contravenes any provision of this by-law and every director or officer of a corporation who concurs in such contravention by the Corporation, is guilty of an offence and upon conviction is liable to a fine not exceeding \$2,000.00, for each offence.

Repeal

38. By-Law # 1057 is hereby repealed.

Effective Date

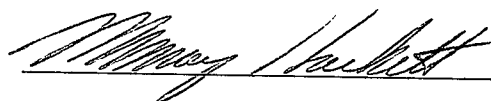
39. This by-law shall come into force and effect on the 1st day of August, 1992.

Read a First Time this 20th day of July, 1992.

Read a Second and Third time and finally passed this 20th day of July, 1992.



Mayor



Clerk