



GARBAGE AND REFUSE REGULATIONS

Amended and adopted by the Town Council of the Town of Gander on the 5th day of February, 2014 and to come into effect as of the 5th day of February, 2014.

A copy of these Regulations was sent to the Minister of Municipal and Intergovernmental Affairs on the 10th day of February, 2014.

Claude Elliott
MAYOR

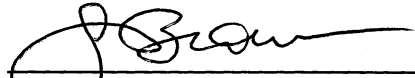
J. Brown
TOWN CLERK

PUBLISHED BY AUTHORITY

Pursuant and by virtue of the powers conferred by Section 414 and any other enabling sections of the *Municipalities Act, 1999 SNL Chapter M-24* as amended, the Town Council of the Town of Gander hereby adopts the following Garbage and Refuse Regulations.

A copy of these Regulations was forwarded to the Minister of Municipal and Intergovernmental Affairs on the 10th day of February, 2014.


MAYOR


TOWN CLERK

GARBAGE AND REFUSE REGULATIONS

1. Title

These Regulations may be cited as the Town of Gander Garbage and Refuse Regulations.

2. Definitions

In these Regulations unless the context otherwise requires:

- a. "Act" means the Municipalities Act, 1999 SNL Chapter M-24;
- b. "Approved" means approved by the Director;
- c. "Ashes" means the residue of any substance used as fuel for household purposes after such substance has been consumed by fire, but not including soot;
- d. "Bulk Items" means heavy or bulky items such as stoves, refrigerators, dishwashers, clothes washers, clothes dryers, furnaces, boilers, bed springs, furniture, fencing, boxes and barrels and similar items;
- e. "Business Establishment" means real property which is assessed business occupancy tax under the provisions of the assessment act;
- f. "Council" means the Town Council of the Town of Gander;
- g. "Garbage" means all kitchen and table waste of animal or vegetable origin resulting from the preparation of food;
- h. "Garden Waste" means the waste material from gardens, consisting of grass clippings, dead branches, bushes, weeds, plants, stones and other similar materials;

- i. "Householder" means the owner, occupant, lessee, tenant or the person in charge of a dwelling, mobile home, hotel, restaurant, apartment block, office building, public institution or other building;
- j. "Nuisance" means anything or any condition of things which is or may become injurious or dangerous or presents an obstruction to pedestrians or vehicular traffic or anything or any condition of things, that in the opinion of Council, has an unpleasant effect on the senses or adversely affects the amenities of the surrounding property;
- k. "Receptacle" for the purpose of these Regulations means a storage facility for the purpose of storing garbage containers during periods between collection;
- l. "Refuse" means all other miscellaneous waste material not specifically defined as garbage including but not restricting the generality of the foregoing, all vehicles tracked or wheeled and/or any object deemed to be in such a condition of disrepair that it adversely affects the amenities of the surrounding property;
- m. "Director" means the Director of Municipal Works & Services or his designate;
- n. "Soot" means the black powdering substances, formed by the burning of coal, wood and other carbon compounds;
- o. "Swill" means wet table scrapings, garbage or other waste materials, or animal or vegetable matter, which has attained a liquid or partly liquid state;
- p. "Town" means the Town of Gander as defined in paragraph 2 of the order-in-council dated the 16th day of December, 1958, A.D.;
- q. "Trade Waste" means garbage and refuse from department stores, offices, business establishments and buildings and including all kinds of paper, magazines, pasteboards, rags, packing materials, excelsior and other like materials, accumulated in or incidental to the carrying on of any business;
- r. "Grubbing" means trees, roots, stumps, topsoil from the clearing of land;
- s. "Demolition material" means all material from the destruction of buildings and foundations or structures.

3. Application

The Director or his designate shall administer and enforce the provisions of these Regulations and for the purpose may:

- a. Divide the Town into sections;
- b. Designate a particular day of the week for collection of garbage and refuse in each section; and
- c. From time to time alter the boundaries of each of the sections and shall notify the public of such changes in boundaries.

General Information

1. Days and Times of Collection

- a. Collection of garbage and refuse shall be at least once in every seven (7) days, commencing at the hour of eight o'clock in the forenoon (8:00 a.m.), provided however, that when a public or statutory holiday occurs on a collections day, such collection shall be made on the next following working day, unless otherwise specified by the Director or his designate;
- b. Collection of bulk items shall be by special collection only at such times and upon such terms and conditions as the Director or his designate may determine having due regard to the availability of manpower and equipment and to the requirements of regularly scheduled collections;
- c. All garbage and refuse being placed for collection shall not be so placed earlier than 6:00 a.m. on the day designated for collection in the area;
- d. All garbage and refuse being placed for collection shall not be so placed later than 8:00 a.m. on the day designated for collection in the area;
- e. Empty receptacles as well as material refused for collection shall be removed from the streets by the householder before 8:30 p.m. on the same day as the garbage was placed for collection;

2. Restrictions

- a. Containers shall not be put out for collection except on the day designated for collection in the area;
- b. No person or persons shall permit any animal owned by him or under his control to pick over, interfere, disturb, remove or scatter any material placed out for collection;
- c. No householder shall put out for collection more than six (6) containers or their equivalent for collection by the Town on any one collection day. each container is not to exceed 22kg;
- d. No person, other than the employees of the Council authorized for that purpose, shall pick over, remove, disturb or otherwise interfere with any garbage or refuse placed for removal by the Council whether or not it is enclosed in receptacles or containers;

3. Storage and Disposal

Every householder and every operator of a business establishment shall at their own expense make adequate arrangements for:

- a. The storage of garbage in receptacles that are impervious to animals;
- b. The disposal of any material not collected by the Town as referred to in Section "17" herein, whenever sufficient quantity to warrant such disposal;
- c. Every owner or operator of a business shall be responsible for the removal of refuse from their premises on a twice weekly basis to an approved disposal site;

- d. Hypodermic Needles must be placed in a puncture proof container before being placed in the garbage for collection;
- e. Broken glass must be packaged in such a manner that glass does not protrude through the container;
- f. All garbage placed for collection shall be covered by metal or plastic container, netting or blanket from April 1st to November 30th every year.

4. Suitable Containers

- a. Every householder shall provide suitable containers for garbage and refuse. Containers which are non-disposable shall be maintained in a good state of repair and in a sanitary condition;
- b. No person, firm or corporation shall deposit, throw, sweep or place any garbage upon any street, lane, drain, public place or private property outside of buildings within the Town unless the same is enclosed in approved water tight containers;
- c. Every person, firm or corporation being the owner of a building or buildings and premises within the Town shall provide approved containers as mentioned in the preceding regulation for the use of such building or buildings and premises for the reception of garbage, and all garbage from such building or buildings and premises shall be placed in such containers.

5. Type of Containers

- a. A suitable container shall mean a standard metal garbage container, or a container of other substantial material and approved by the inspector and each container with the exception of polyethylene bags shall have a content capacity of not less than twenty-five (25) litres and not more than ninety (90) litres and a minimum size of 66 cm x 91 cm;
- b. A suitable container shall also mean a non-transparent polyethylene garbage bag;
- c. No liquids shall be deposited or placed in a polyethylene garbage bag for collection;
- d. A polyethylene garbage bag placed for collection shall be securely tied or closed at the top;
- e. Garbage containers shall be kept covered and in a sanitary condition at all times;
- f. No person, firm or corporation shall deposit, throw, sweep, or place any refuse upon any street, lane, drain, public place or private property outside buildings within the Town unless the same is enclosed in boxes, barrels or other proper receptacles in such a manner as to in no way constitute a nuisance or annoyance to others, and only with the property owner's permission.

6. Soot

The householder shall place soot in plastic disposable water proof bags securely tied and marked as "Soot"

7. Place for Containers

Garbage containers shall be placed for collection at:

- a. the curb line;
- b. inside the sidewalk edge; or
- c. in areas where no curb or sidewalk exist, place at the street asphalt edge.

8. Materials not Collected

The Town shall not collect during regular weekly collection:

- a. Swill, liquid waste or other organic matter which has not been properly drained or wrapped;
- b. Highly combustible or hazardous material disposed of at an approved hazardous waste disposal facility;
- c. Dressings, bandages or other infected material from hospitals, or offices of physicians, surgeons, dentists and veterinarians;
- d. Trade Waste;
- e. Garden Waste; this may be disposed of at any time at a designated site selected by Council;
- f. Garbage or refuse which has not been placed for collection in the manner provided by these Regulations;
- g. Rubber tires must be disposed of at a tire retailer or Tire Recycling facility;
- h. Sheet iron, scrap metal, car bodies;
- i. Carcass of any animal;
- j. Garbage or refuse left by a contractor, upon any street, lane, drain, public or private property;
- k. Rocks, gravel, concrete;
- l. Construction and demolition materials.
- m. Ashes.

9. Cardboard and Paper

These products must be packaged in transparent non-coloured poly bags for collection by a recycler or dropped off at a recycling facility.

10. Spring and Fall Clean-Up

The Town will conduct special cleanups each year. Dates are set to meet the seasonal requirements and are advertised in the local paper and are available at the Engineering office at 651-5915. During these weeks, collection will be for household items such as garbage, garden waste, white goods and items Number 8 a,b,c,d,f,g,i,k,m, will not be collected.

- a. Refuse must not be put out before or after the designated dates for the clean-up;
- b. Clean-up refuse will be picked up the day of your regular scheduled garbage collection;
- c. Items must be separated into metal products, garden waste and garbage;
- d. Under this system, each street will be completed once during each special clean-up period;
- e. Garden waste must be contained in a suitable container as per section 7 and not exceeding 22kg. Branches must be tied in bundles not exceeding 22kg and 1.5 meters in length;
- f. Construction and demolition material must be contained in a suitable container as per section 7 and not exceeding 22kg or tied in bundles not exceeding 22kg and 1.5 meters in length. Construction and demolition material generated by a contractor will not be collected. Total volume placed for collection shall not exceed 5 cubic meters.

11. Vehicles Carrying Garbage and Refuse

- a. No person, firm or corporation shall transport garbage or refuse of any kind on any street within the Town unless such garbage or refuse is transported in an enclosed truck, or container or is otherwise secured so that it shall not fall from the vehicle or other means of transportation unto the street;
- b. All vehicles and containers used for the transportation of garbage, refuse or swill shall be kept in a sanitary condition at all times;
- c. The Municipal Police may inspect vehicles used for garbage collection at all reasonable times to ensure compliance with these Regulations;

15. Enforcement

- a. The Town Council of Gander or its authorized administrator shall be the Enforcement Authority for the purposes of these Regulations;
- b. Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by any other person so authorized by the Enforcement Authority;
- c. Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or any other person in violation of a provision of these Regulations, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations;
- d. The owner or any other person served a notice shall carry out the directions of the Enforcement Authority referred to in Section 15 (c) at the cost of the owner or person served within the time specified;

- e. Where the Enforcement Authority has placed or caused the placing of a sign, placard, or notice upon any premises under the authority of these Regulations or any other applicable law, by-law or regulation, no person shall remove such sign, placard, or notice except with the consent of the Enforcement Authority;
 - f. Any costs to the Town for all works carried out in response to a violation of these Regulations, in addition to any penalty prescribed hereunder, may be recoverable from the owner or the person in contravention of these Regulations as a civil debt;
 - g. Every person requested by a Police Officer or person authorized to enforce these Regulations shall upon request, forthwith give his/her proper name and address;
 - h. It shall be the duty of a Police Officer or the Enforcement Authority to:
 - i. Report the name and address of any person observed, or reliably reported to have violated any of the provisions of these Regulations;
 - ii. Report the time and nature of the violation of the Regulations, and any circumstances being relevant to the violation;
 - iii. Serve upon the person violating and provision of these Regulations a serially numbered notice that the person concerned has violated a provision of the Regulations, and instructing such person to carry out any order in regard to such violation;
 - iv. Furnish the Town Clerk a duplicate of each serially number notice of violation;
 - v. Notwithstanding anything contained in these Regulations, the Director may at any time order the owner to clean up and remove any accumulation of garbage or refuse outside any building or buildings or on any other private property within the Town; and
 - vi. If the owner neglects or refuses, when ordered by the Director to clean up and remove any accumulation of garbage or refuse from his premises, the Sanitary Inspector may cause the clean up and removal of such accumulation at the expense of the owner.
- 16. Failure to Comply**
- a) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 15 (c), Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a debt owed to Council;
 - b) Council may delegate to an official or employee of Council the power to issue orders under this section;

- c) The owner shall save harmless Council, its employees, servants or agents from any and all claims arising out of the actions of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.

17. Offence and Penalties

- a) Every person who commits an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
 - i. May be liable to penalties as stipulated in accordance with section 420 of the Act; or
 - ii. May be subject to an order under section 404 (1) of the Act; or
 - iii. May be subject to a violation notice issued under section 421.1 (1) of the Act; or
 - iv. May be issued a ticket under the Provincial Offences Act in accordance with section 421.2 of the Act.
- b) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (a) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply.

18. Severability

If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.

19. Repeal

All previous Garbage and Refuse Regulations thereto, are hereby repealed.