

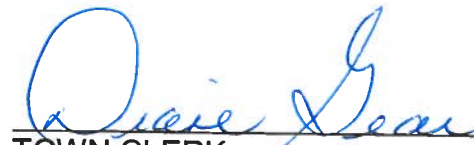


RESIDENTIAL WASTE MANAGEMENT REGULATIONS, 2012

Adopted by the Town Council of the Town of Labrador City on the 17th day of July, 2012 and to come into effect as of the 17th day of July, 2012.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 18th day of July, 2012.


DEPUTY MAYOR


TOWN CLERK

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by Section 414 and any other sections found enabling under the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended, the Town of Labrador City enacts the following Regulations in relation to the storage and collection of residential solid waste as adopted by Council on the 17th day of July, 2012 and to come into effect as of the 17th day of July, 2012.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 18th day of July, 2012.


DEPUTY MAYOR


TOWN CLERK

RESIDENTIAL WASTE MANAGEMENT REGULATIONS, 2012

Title

1. Title

These Regulations may be cited as the "Town of Labrador City Residential Waste Management Regulations, 2012":

Definitions and Application

2. Definitions

For the purpose of these Regulations unless the context otherwise requires:

- (a) "Act" means the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended;
- (b) "Ashes" means cold residue from the burning of wood, coal and other like material for the purpose of cooking, heating buildings and disposition of waste combustible materials;

- (c) "Automated Collection" means the collection of waste by a system of mechanical lifting and tipping containers into specially designed vehicles;
- (d) "Biochemical Waste" means medical waste that requires proper handling and disposal because of environment, aesthetic, and health and safety concerns as well as risk to human health and shall include but not limited to:
 - i. human anatomical waste;
 - ii. infectious human waste;
 - iii. infectious animal waste;
 - iv. microbiological waste;
 - v. blood and body fluid waste and
 - vi. medical sharps, such as needles, syringes, blades, or other clinical or laboratory materials capable of causing punctures or cuts.
- (e) "Building Waste" means all waste produced in the process of constructing, demolishing, altering or repairing a building and shall include, but not be limited to soil, vegetation and rock displaced during the process of building;
- (f) "Collector" means a person or business/corporation who collects waste within the Town and on behalf of the Town;
- (g) "Council" means the Town Council of Labrador City;
- (h) "Cubic Meter" for the purpose of collection shall be one cubic meter of volume of waste;
- (i) "Garbage" means waste bi-products from household and commercial process and can be composed of organic and inorganic material;
- (j) "Hazardous Waste" means any substance or thing that falls within the definition of hazardous waste by the Multi Materials Stewardship Board, Government of Newfoundland and Labrador;
- (k) "Manual Collection" means collecting waste by manually tipping cans or lifting bags into a waste collection vehicle;
- (l) "Municipal Enforcement Officer" means the Municipal Enforcement Officer appointed by the Town of Labrador City;
- (m) "Occupant" shall mean a person or business / corporation in actual possession of any premises either as the owner or a tenant;

- (n) "Owner" means any person, firm, or corporation controlling the property under consideration;
- (o) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind;
- (p) "Plastic Garbage Bag" means a sturdy plastic bag specifically marketed to store waste, and excludes bags that are intended for other purposes;
- (q) "Premises" means any land, building or part of a building supplied with utilities by the Town;
- (r) "Sidewalk" means the concrete walkway located along the front of a property;
- (s) "Street" means a public thoroughfare within the Town and includes the sidewalk and curb of the street;
- (t) "Town" means the Town of Labrador City as defined by Order-in-Council dated the 27th day of June, 1961, and any amendments thereto, according to the Municipalities Act;
- (u) "Town Manager" means the Town Manager of the Town of Labrador City;
- (v) "Waste" means any discarded household debris, commercial debris, recyclables, or household hazardous wastes as herein defined;
- (w) "Waste Bin" means any bulk waste container with capacity of 1m³ or greater requiring mechanized collection;
- (x) "Waste Collection Cart" means a cart designed to place waste into and then be rolled to a collection point and emptied.
- (y) "Waste Receptacle" means a container designed or used for containing waste awaiting collection and disposal.

3. Application

- (a) These Regulations shall apply to the collection and storage of residential solid waste within the municipal boundaries of the Town of Labrador City.

- (b) Any time specified in these Regulations shall mean Standard Time for the Town or Daylight Savings Time, so called when and during the period for which same is in force.
- (c) If there is a conflict between these Regulations and a provision of any other act or regulation in force within the municipal boundaries, the provisions as established under these Regulations shall prevail.

General Duties and Obligations

4. *Waste Receptacles*

- (a) The occupant of any residential premises in the Town from which waste is to be collected shall provide and maintain in good condition a number of waste receptacles that are the exact model as deemed acceptable by the Council.
- (b) The occupant of any residential premises in the Town from which waste is to be collected shall provide a sufficient number of approved receptacles to hold a minimum of one (1) week's accumulation of waste from the premises.
- (c) A waste receptacle shall not be filled so as to be unable to close the lid.
- (d) Except as otherwise provided, no person shall place waste from a building or premises elsewhere than in waste receptacles, which comply with the requirements of these Regulations.
- (e) Any waste that is collected, whether it be in a waste receptacle, waste bin or waste collection cart:
 - i. Must be bagged to prevent loose waste from escaping, or
 - ii. Where bagging is not possible, must be prepared or packaged in a manner that will prevent loose material from escaping.
- (f) The occupant of a premises shall ensure the plastic bags used:
 - i. Are made of a material capable of bearing the weight of its contents without tearing or breaking when lifted;
 - ii. Are securely tied or fastened so that the contents are wholly enclosed by the bag;
 - iii. Are no smaller than 60 litres, no larger than 100 litres and
 - iv. Are placed in a waste receptacle.

5. *Weight of Waste*

A collector shall not be required to remove any waste receptacle which together with its contents exceeds 45 kilograms (100 lbs) in weight.

6. *Location of Waste Receptacles*

- (a) Except as otherwise provided herein, no person shall place or keep waste receptacles upon any portion of the street or lane;
- (b) No person shall set out waste receptacles at a location that is: unsafe, obstructed, blocked by snow, ice, poorly maintained, and uneven or that prevents waste collectors from collecting waste in a safe and efficient manner;
- (c) The occupant of a residential premises shall place waste receptacles for collection in such a way that collectors shall access without the necessity of entering onto private property;
- (d) A collector shall not enter any building for the purposes of collection of waste;
- (e) A collector shall collect waste from only one pick-up point from each premises.

7. *Household Garbage, Waste and Ashes*

An occupant of premises from which waste is to be collected shall:

- (a) Thoroughly drain all household garbage and place it in a plastic garbage bag before disposing of it in the waste receptacle;
- (b) Quench all ashes for collection and put them in separate waste receptacles from other waste;
- (c) Double bag all light, dusty, or objectionable material including cooled ashes, powders, sawdust, vacuum cleaner bags, furnace filters, animal feces and absorbents, and disposable diapers;
- (d) Use protective packaging (sturdy sealed cardboard box or rigid disposable plastic container) for the disposal of sharp, dangerous items including broken glass, razor blades, sheet metal scraps, and items with exposed screws and nails.
- (e) Ensure material unsuitable for bagging is bundled and securely tied.

8. *Times Waste to be Collected*

- (a) Waste shall be collected from each residential premises once per week;
- (b) Waste receptacles must be placed at collection points no later than 7:30 a.m.;
- (c) All waste receptacles must be removed from the street or lane within twelve (12) hours of being emptied on the collection day and stored on the property when not in use.

9. *Types of Waste Not Collected*

The following waste material type are not to be placed for collection as part of residential waste:

- (a) Highly combustible or explosive materials including but not limited to liquid or solid fuels, gun power, ammunition or explosives;
- (b) Hot ashes;
- (c) Compressed propane or butane cylinders;
- (d) Toxic or household hazardous waste including solvents, oven cleaners, paints, automotive fluids, wet cell batteries, pesticides, herbicides, or any materials commonly referred to as household, commercial or industrial hazardous waste;
- (e) Biochemical waste including hypodermic needles or syringes, lancets or any sharp item used in home medical care;
- (f) Large or bulky items such as mattresses, box springs, dresser, tables, chairs, major appliances, auto and truck parts, tires, tree limbs, whole shrubs or discarded heavy machinery;
- (g) Electronic equipment including televisions, computers, computer monitors, keyboards, and associated cables;
- (h) Renovation material, construction material, stumps, concrete blocks or slabs;
- (i) Dead animals and animal parts from hunting or trapping.

10. *Clean-up Campaign*

The Town may authorize a clean-up campaign up to two (2) times per year. Items not considered Hazardous Waste, Construction Waste, or Automobiles may be collected at that time. The Town will advise dates of clean up week at least two (2) weeks in advance.

11. *Household Hazardous Waste Services*

The Town may designate the place and time, including the days and hours of operation and the materials eligible for the collection of household hazardous waste in the Town.

12. *Placing Waste from Non-eligible Premises*

No person shall place waste from premises other than eligible premises or other waste that is not collectible waste on Town property for collection or other reason without written permission from the Town Clerk.

13. *Town Right*

The Town shall own and have the sole right to dispose of all waste collected from the premises in the Town pursuant to the provisions of these Regulations.

14. *Covering of Waste and Garbage*

No person shall convey through any street in the Town any waste except in the properly covered metal receptacle or in a vehicle which is covered with canvas or tarpaulin, or other covering so that the contents are protected from being wind borne or falling on the streets, and to protect the contents from flies and to minimize as much as practicable the escape of any offensive odors. It shall not be necessary that a vehicle carrying solely soil, sand, gravel, or concrete be covered with a canvas or tarpaulin.

15. *Placing of Waste on Street*

Except for sand, cinder, or similar materials in reasonable quantities placed on any slippery streets or sidewalks no person shall place waste of any type or direct or allow it to be placed upon any portion of a street, land, or public land.

16. Eligible Premises

Eligible premises include the following occupied dwellings, buildings and type of premises, when they have been granted an occupancy permit by the Town:

- (a) Single family dwellings including mobile homes;
- (b) Multi-unit residential dwellings that constitute a unit in a duplex, row house or town house dwelling having street or road frontage;
- (c) Multi-unit apartment or condominium building to a maximum of six (6) units.

17. Prohibitions

No person shall:

- (a) Pick over, remove, disturb or otherwise interfere with any waste material that has been set out for municipal collection;
- (b) Collect waste material placed for municipal collection;
- (c) Export or remove solid waste material generated within the Town outside the boundaries of the Town without written permission by the Town Clerk.

Powers of Enforcement Authority and Compliance

18. Enforcement

- (a) The Town Manager, may from time to time, and upon such conditions as he/she deems appropriate, appoint the Municipal Enforcement Officer for the purpose of enforcement of and prosecution under these Regulations.
- (b) Every person requested by the Municipal Enforcement Officer, shall upon request, forthwith give his/her proper name and address.
- (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 tenant shall carry out the directions of Council referred to in Section 18(c) at the cost of the owner or tenant and 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.

19. 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 18(c) of these Regulations, 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 and shall attach to the property as a secured claim.
- (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.

20. Right of Entry

Pursuant to Section 158 of the Act, Council or its duly authorized agents have the authority to enter a property for the purposes of inspection, enforcement and to carry out works as required under these Regulations.

21. Offence and Penalty

- (a) Pursuant to Section 419 (2) of the Act, each day upon which the same offence is committed or continued is a separate offence;
- (b) 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. Shall be liable to penalties pursuant to Section 421.1 of the Act or,
 - ii. Shall be liable on summary conviction to a fine pursuant to Section 420 or 421.2 of the Act.
- (c) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (b) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply.
- (d) In addition to the penalty prescribed under subsection (b) a Provincial Court judge who convicts a person of an offence referred to in that subsection may order that person to carry out all work in accordance with these Regulations. If that person does not carry out that order within the time prescribed by the Provincial Court judge, the judge may designate a person to carry out the order and the cost of carrying out the order shall be borne by and may be recovered as a civil debt from the person convicted and shall attach to the property as a secured claim.

22. 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.

Repeal of Previous Regulations

23. Repeal

All previous residential waste management regulations for the Town of Labrador City are hereby repealed.