

CANADA
PROVINCE OF QUEBEC
TOWN OF BROME LAKE

BY-LAW NO. 509 CONCERNING SELECTIVE COLLECTION
[including amendments made by by-law 516]

Amended by	By-law 516	EEV 2009-05-20
-------------------	-------------------	-----------------------

WHEREAS the Cities and Towns Act allows a municipality to adopt a by-law concerning the removal of garbage on its territory;

WHEREAS it is important to reduce the quantity of residual materials intended for disposal;

WHEREAS WHEREAS it is just as important for the industrial, commercial and institutional sectors to have access to recycling as it is for the residential sector;

CONSEQUENTLY:

council decrees as follows:

ARTICLE 1: INTRODUCTION

The introduction forms an integral part of the present by-law.

ARTICLE 2: DEFINITIONS

The words and expressions used in this by-law shall be understood in their usual sense, except for the following, which shall be understood as subsequently defined unless the context requires otherwise:

«Code d'utilisation» - "Usage code":	Code assigned by the appraiser to classify the use made of the appraisal unit.
«Déchet» - "Garbage":	Refers to any obsolete, discarded or otherwise rejected material or object that is destined for disposal. Exceptions include hazardous materials, construction and demolition waste, biomedical waste and other materials banned from landfill sites.
«Matière recyclable» - "Recyclable material":	Recyclable materials include the following non-soiled materials: - glass containers, bottles and jars; - paper, cardboard and waxed cardboard; - the following plastics: polyethylene terephthalate, polyethylene, high-density polyethylene, polyvinyl chloride, low-density polyethylene, polypropylene, unexpanded polystyrene; - metal parts weighing less than 2 kg and smaller than 60 cm.
«Rôle d'évaluation» - "Assessment role":	Public document containing certain entries prescribed by law for each of the assessment units located within the municipality's territory.
«Unité commerciale» - "Commercial unit":	Part or all of a building where industrial, commercial or institutional activities take place. The entrance may be private or shared.

«Unité d'évaluation» - "Evaluation unit":	Immovable or group of immovables entered on the assessment roll under the same roll number.
«Unité de logement» - "Housing unit":	Means a single-family residence or any other type of dwelling with its own private or common entrance.

ARTICLE 3

The municipality provides a recycling collection service for assessment units on the assessment roll that have a building.

Notwithstanding the foregoing, units of assessment whose use code is included in the following list are not serviced by the collection of recyclable materials.

- a) 1990: Other residential buildings;
- b) 4800 à 4899: Public services (infrastructure);
- c) 7000 à 7999: Cultural, recreational and leisure;
- d) 9000 à 9999: Non-operated and extended buildings.

ARTICLE 4

Every owner, tenant or occupant of a building subject to the by-law must sort at source the residual materials he or she produces, within the limits of his or her property or rental unit, all recyclable materials and proceed in accordance with the obligations arising from the by-law.

ARTICLE 5

Recycling will be collected once every two weeks. The schedule will be determined by the municipal council and may be modified with notice to affected taxpayers.

ARTICLE 6

Recyclables must be placed inside a 360-litre blue wheeled bin. With the approval of the municipality, another type of container with a larger volume dedicated to receiving recyclable materials may be used.

ARTICLE 7

The owner has the obligation to provide a 360-litre blue wheeled bin for each of his units. Owners must maintain or replace their bins.

ARTICLE 8

It is forbidden to place any waste other than recyclable materials in the recycling bins.

ARTICLE 9

Recyclable materials must be placed by 6:00 a.m. on the day of collection at the curb or roadside, at the building entrance.

ARTICLE 10 SERVICE RATES

Each year, the municipal council will set the basic rate for the collection of recyclable materials. The amount of compensation for recycling collection is equal to the prime rate multiplied by the factors described below. Each dwelling and commercial unit is charged at least the basic rate. The compensation amount for commercial units is added to the compensation amount for residential units.

A. For all dwellings in the assessment units, the amount of compensation is equal to the prime rate multiplied by the number of dwellings.

B. For all commercial units in assessment units with usage codes 1000 to 1999 (residential) and 8000 to 8999 (production and extraction), the amount of compensation is determined as follows: (Amended by-law 516):

1. For assessment units that have commercial units occupying less than 30% of the building area, there is no additional compensation amount to that for housing units.
2. For units of assessment with commercial units occupying 30% or more of the building's surface area, the number of dwellings and the number of businesses entered on the assessment roll are added to the compensation amount for housing units. If a commercial unit has more than one 360-litre bin or other type of collection equipment, the compensation amount is equal to the prime rate multiplied by the multiplication factor determined according to the type of collection equipment described in article 11.
3. For assessment units with usage codes from 1500 to 1599 (shared housing) and from 1600 to 1699 (residential hotel-motel), the amount of compensation is equal to the base rate multiplied by the multiplication factor determined according to the type of collection equipment described in article 11.

C. For all commercial units of assessment units with usage codes from 2000 to 6999 (industrial, commercial and institutional), the amount of compensation is determined as follows:

1. The compensation rate is equal to the prime rate multiplied by the number of business units. If a commercial unit has more than one 360-litre bin or other type of collection equipment, the compensation amount is equal to the prime rate multiplied by the multiplication factor determined according to the type of collection equipment described in article 11.

ARTICLE 11

The multiplication factor according to the type of collection equipment is determined as follows:

Type of collection equipment	Multiplication factor
A 360-litre bin	1
More than one 360-litre bin	Number of bins
1.53m ³ (2 cubic yards) metal bin	3
Metal bin 3.06m ³ (4 cubic yards)	4
Metal bin 4.59m ³ (6 cubic yards)	5

ARTICLE 12 REQUEST FOR DEROGATION

The owner of a unit of assessment comprising two (2) or more units may request a derogation by submitting to the Town, within 30 days before the end of the fiscal year, a recycling management plan covering all the units in the unit of assessment. The derogation may concern the number, size and location of recycling containers. In all cases, the owner is responsible for the purchase or rental of recycling containers.

The owner of a unit of assessment who decides to do business with a private company for the collection of recyclable materials is obliged to provide Town authorities with a copy of a valid contract for this type of collection. The contract must be submitted at least 30 days prior to its coming into force. Each year, the owner must also provide all data for municipal statistics on the management of residual recyclable materials.

ARTICLE 13 APPLICATION

Council authorizes any designated official to apply the present by-law, to undertake penal proceedings against any contravener of any provision of the present by-law and generally authorizes such persons to issue, accordingly, any statements of offence useful for this purpose, indicating the nature of the alleged offence and the amount of the fine. Follow-up and enforcement procedures for an infraction following the issuance of a statement of offence for contravention of the present by-law are governed by the Code of Penal Procedure of Quebec (LRQ, chapter C-25.1)

ARTICLE 14 FINES

Anyone contravening any of the articles of the present by-law commits an offence and is liable, in the case of a first offence, to a minimum fine of \$100 and a maximum fine of

\$1,000 for a natural person, and to a minimum fine of \$200 and a maximum fine of \$2,000 for any legal entity.

For a second offence, the minimum fine is \$200 and the maximum fine is \$2,000 for a physical person, and the minimum fine is \$400 and the maximum fine is \$4,000 for a legal entity.

In all cases, prosecution costs are extra. These fees are established in accordance with the tariffs adopted under the Code of Penal Procedure of Quebec (LRQ, chapter C-25.1).

The time limits for payment of fines and costs imposed under this article, as well as the consequences of failure to pay said fines and costs within the prescribed time limits, are established in accordance with the Code of Penal Procedure of Quebec (LRQ, chapter C-25.1).

If an offence lasts more than one day, the offence committed on each day constitutes a separate offence, and the penalties enacted for each offence may be imposed for each day the offence lasts, in accordance with the present article.

ARTICLE 15 PENAL PROCEEDINGS

Council generally authorizes the municipal inspector and the public works manager to initiate penal proceedings and issue a statement of offence against any contravener of any of the provisions of the present by-law.

ARTICLE 16 REPEALING PROVISION

This by-law repeals the section entitled "PROVISIONS CONCERNING RECOVERY AND SELECTIVE PICK-UP" of by-law 234.

ARTICLE 17 COMING INTO FORCE

These regulations will come into force on the day of their publication.

DONE AND ADOPTED at the Regular Meeting of March 2, 2009.

Donald Gagné
Acting Mayor

Me Alain R. Roy, M.A., LL.B.
Town Clerk

Follow-up:
Notice of motion: February 2, 2009
Adoption: March 2, 2009
Publication: July 8, 2009
Coming into force: July 8, 2009