

**CANADA
PROVINCE OF QUEBEC
TOWN OF BROME LAKE**

**BY-LAW 554 DEALING WITH THE REMOVAL,
TRANSPORT AND DISPOSAL OF GARBAGE
(2010)**

WHEREAS the Cities and Towns Act authorizes municipalities to adopt by-laws governing the removal of garbage on its territory:

THEREFORE, it is enacted as follows:

I. DEFINITIONS AND APPLICATION

ARTICLE 1 PREAMBLE

The preamble forms an integral part of this by-law.

ARTICLE 2 DEFINITIONS

The words and expressions used in this by-law have their usual meaning except for the words and expressions set out hereunder which are to be understood as herein defined, unless the context indicates differently:

“Competent authority”:	The person designated by Council to enforce this by-law.
“Rolling Bin”:	Means a 240L or 360L bin on 2 wheels. The design shall accommodate a tipping arm.
“User Code”:	Code established by the evaluator which classifies the use made of an evaluation unit for the purposes of the evaluation roll.
“Bulky metallic waste”:	Garbage made of metal which comes from household activity, because of its size or weight cannot be picked up in the ordinary garbage collection, such as a stove.
“Bulky non-metallic waste”:	Garbage made of other than metal which comes from household activity and which because of size or weight cannot be picked up in the ordinary garbage collection. The object must be bigger than 1.83 m.
“Biomedical waste”:	Means any anatomical waste, with the exception of keratinous appendages (hair, nails, fur or feathers), blood and biological liquids and includes any non-anatomical waste made up of one of the following elements: - a piercing, slicing or breakable object that has come into contact

with either blood or a biological liquid or tissue emanating from medical, dental or veterinary services or from a medical or veterinary laboratory or from undertaking services;

- biological or cell culture tissue or a micro-organism culture or any material having come into contact therewith and emanating from a biological, medical or veterinary laboratory.
- a live source vaccine;
- a container holding blood or any material soaked with blood emanating from medical care, a biological or medical laboratory or from undertaking services

“Recyclable material”:

Recyclable material includes the following unsoiled material:

- glass containers, bottles or jars;
- paper, cardboard or wax paper;
- the following plastics: polyethylene terephthalate, polyethylene, high density polyethylene, vinyl polychloride, low density polyethylene, unexpanded polystyrene ;
- metal pieces that weigh less than 2 kg and are smaller than 60 cm.

“Hazardous material”:

Means the container and its contents which carry one or other of the following pictograms indicating a corrosive, flammable, toxic or explosive matter.



“Garbage”:

Means any matter or object that is outdated, discarded or otherwise rejected and which is intended to be eliminated, with the exception of hazardous material, construction or demolition debris, biomedical waste, recyclable material and other matter that is not accepted at dump sites.

“Construction or demolition waste”:

Waste resulting from construction, renovation or demolition activity, without limiting the generality of the foregoing, includes asphalt, concrete, cement, bricks, wood, gypsum, beams, pipes, framing, cabling, tin, windows and siding.

“Evaluation Roll”:

A public document containing the list as prescribed by law of all units of evaluation within the territory of the municipality.

“Commercial unit”:	A building or any part thereof where commercial, industrial or institutional activities take place. The entrance may be private or common.
“Evaluation unit”:	An immoveable or group of immoveables inscribed on the evaluation roll under a single registration number.
“Housing unit”:	Means a single family unit or other type of housing unit having a private or common entrance.

ARTICLE 3 APPLICATION

The municipality shall provide a garbage pick-up and removal service for garbage and bulky non-metallic waste for housing units and certain commercial establishments whose user code on the evaluation roll is included in the following list:

- 1541 *homes for non-autonomous retired persons*
- 2051 *woodworking*
- 2812 *wooden household furniture industry*
- 3280 *machine shop*
- 5010 *commercial establishment*
- 5020 *storage, all types*
- 5160 *wholesale electric and electronic material*
- 5220 *retail sales of plumbing, heating, air conditioning equipment for the home*
- 5300 *retail sales in general*
- 5411 *retail grocery sales (including butcher shop)*
- 5461 *retail baking and pastry sales (non-manufactured)*
- 5531 *service station*
- 5533 *convenience store*
- 5600 *retail clothes and accessories sales*
- 5651 *Boutiques*
- 5711 *Boutiques*
- 5712 *Boutiques*
- 5740 *Boutiques*
- 5811 *restaurant and other places where meals are served*
- 5900 *other retail sales activities, not including the sale of domestic animals and farm related activities (codes 5961 to 5969) (including 5911 pharmacies and 5991 flower shops)*
- 5971 *Boutiques*
- 6000 *office building*
- 6100 *Finance, insurance and real estate services (including 6141 professional offices)*
- 6111 *banking services*
- 6232 *hair dressing salons*
- 6376 *storage in general*
- 6500 *professional services*
- 6700 *government services*
- 7442 *boat rental and access ramp services*
- 8221 *veterinary service*

The owner, tenant or occupant of a unit not otherwise specified in this by-law shall provide, at his own cost, garbage and recyclable pick-up and removal service.

II. EXEMPTIONS

ARTICLE 4 REQUEST FOR PERMISSION TO USE OF OTHER ROLLING BINS

The exemption may relate to the number, format or location of the garbage collection containers. The owner of an evaluation unit made up of two (2) or more units may make a request in writing to the competent authority for an exemption within 30 days of the end of the calendar year by submitting a waste management plan for garbage collected at these units. In all cases, the owner shall either purchase or rent the containers to be used.

Only rear loading containers of 2, 4 or 6 cubic yards (1.53 m³, 3.06 m³ or 4.59 m³) shall be accepted.

Only collection equipment of a type and volume specified herein may be used in a request for an exemption.

The placement of collection equipment shall not contravene the specific provision of this by-law.

ARTICLE 5 USE OF A PRIVATE CONTRACTOR

The owner of an evaluation unit who decides to use a private contractor for garbage pick-up shall be required to provide a copy of the pick-up contract to the competent authority and a plan showing the site of the collection equipment. The contract shall be forwarded 30 days prior to the end of the calendar year.

The site of the collection equipment shall comply with the specific provisions of this by-law.

III. TARIFFS

ARTICLE 6 TARIFFS

Each year, the Council shall establish a tariff for pick-up of the rolling bins as well as for the 2, 4 or 6 cubic yard containers. This tariff shall be applied to each housing unit or commercial establishment included in the same evaluation unit on the territory of the municipality.

If a housing unit or commercial establishment has more than one rolling bin, that unit shall be billed for the number of bins used.

If an evaluation unit uses a 2, 4 or 6 cubic yard container, the amount to be paid shall be determined by the type of container used.

IV. COLLECTION OF BULKY NON-METALLIC WASTE.

ARTICLE 7 PICK-UP FREQUENCY

The schedule and frequency of garbage pick up shall be set and may be modified by Council.

Bulky non-metallic waste shall be picked up as part of the weekly garbage pick-up. Only one item per unit shall be picked up per collection during the period between the first Sunday in May and the last Sunday in September.

ARTICLE 8 TYPE OF BINS

Garbage shall be placed in the black rolling bin or in the authorized 2, 4 or 6 cubic yard container as provided for in the exemption request permitted under article 4.

ARTICLE 9 OBLIGATION TO MAINTAIN THE BIN

The owner is required to provide a rolling bin for each unit. The owner shall maintain or replace the bins and containers.

ARTICLE 10 TIME AND PLACEMENT

Garbage and non-metallic bulky waste shall be placed within the property line facing the street no earlier than 5:00 p.m. on the day prior to the pick-up and no later than 6:00 a.m. on the day of the pick-up.

Outside the pick-up period, the collection equipment shall be removed from the roadside and shall be placed at least three (3) meters from the road or street.

At no time shall collection equipment be permitted to block the sight lines of the users of the road nor obstruct sidewalks or the street.

ARTICLE 11 MAXIMUM WEIGHT OF THE ROLLING BINS

The weight of a rolling bin shall not exceed 90 kilograms. If it does, it shall not be picked up.

ARTICLE 12 BULKY METALLIC WASTE, BIOMEDICAL WASTE, HAZARDOUS MATERIALS AND CONSTRUCTION AND DEMOLITION DEBRIS

Bulky metallic waste, biomedical waste, hazardous waste and construction and demolition debris shall not be set out for municipal pick-up.

Bulky metallic waste, biomedical waste, hazardous waste and construction and demolition debris shall be disposed of through an accredited contractor or recycler or by transporting it to a disposal site designated for such material.

V. OTHER COLLECTION SERVICES

ARTICLE 13 PUBLIC USE CONTAINERS

The use of these containers is reserved for persons who live either permanently or part time within the municipality.

Conditions of use are the following:

- a) Garbage or recyclable material must be deposited at places indicated within the container.
- b) Garbage or recyclable material shall be placed in such a way as to minimize the amount of space taken up in the container.
- c) Bulky metallic waste, biomedical waste, hazardous material or construction and demolition debris is not accepted.

Any breach of these directives constitutes an offence and is subject to the fine provided herein.

ARTICLE 14 SITE FOR DEAD LEAVES AND BRANCHES

Users of the dead leaves and branches site are required to comply with the following rules:

- a) Access to the site is limited to the hours of operation which are set by Council.
- b) Leaves and branches must be delivered to the site in bulk, in paper bags or tied with a fiber-based cord. Branches and leaves shall be placed on the appropriate mounds. Branches must be of a size that permits manual handling.
- c) The deposit of recyclable material, garbage, bulky metallic waste, bio-medical waste, or construction or demolition debris or hazardous material is prohibited.
- d) The user shall carry proof of residence and shall present same to the competent authority on request. The site may not be used by anyone who does not present proof of residence.

Any breach of these directives constitutes an offence and is subject to a fine as provided herein.

ARTICLE 15 CORPORATIONS

The operator of an individual enterprise or a corporation (hereinafter referred to as “the operator”) who wishes to use the dead leaves and branches site shall request a permit for same from the competent authority and shall pay the prescribed fee therefore.

The operator is subject to the directives set out in article 15.

When the operator comes to the site, he shall present a copy of his permit to the competent authority. If the operator does not hold such a permit, he will not be permitted to use the site.

Any breach of these directives constitutes an offence and is subject to a fine as provided herein.

ARTICLE 16 COLLECTION OF DEAD LEAVES

The municipality shall provide a dead leaves pick-up in accordance with a schedule and within the territory as established by resolution. Dead leaves shall be placed biodegradable paper bags, which are to be placed within the lot lines on the side facing the street or road near the driveway.

Such bags shall not reduce the sight lines of the road users and shall not obstruct the sidewalk.

The municipality shall not pick up bags of leaves if:

- a) Material other than leaves is included in the bags;
- b) The bags are not biodegradable;
- c) The bags are placed elsewhere than as provided for hereunder;
- d) The bags are so damaged as to make their handling difficult or laborious for municipal employees.

ARTICLE 17 HAZARDOUS MATERIAL SITE

Only those hazardous materials designated on the containers at the collection site shall be accepted.

Only domestic hazardous material shall be accepted on the site.

Used oil, paints and solvents shall be in their original containers and properly closed.

No refuse shall be left outside the containers.

Any breach of these directives constitutes an offence and is subject to a fine as provided herein.

VI. ENFORCEMENT AND FINES

ARTICLE 18 ENFORCEMENT

The Council hereby authorizes jointly and severally the municipal inspector, the manager of Public Works, the manager of the dead leaves and branches site or any other person mandated by Council to enforce this by-law and to undertake any penal procedures against anyone found to be in breach of this by-law, these persons are hereby authorized to deliver Notices of Infraction setting out the nature of the offence complained of and the amount of the fine. The procedure to be followed after the issue of a Notice of Infraction is that set out in the Code of Penal Procedure of Quebec (RSQ, chapter C-24.1).

ARTICLE 19 FINES

Anyone who is found to be in breach of an article of this by-law commits an offence and is subject on a first offence to a minimum fine of \$100.00 and a maximum fine of \$1000.00 for a person and a minimum fine of \$200.00 and a maximum fine of \$2000.00 for a corporation.

In the event of a repeat offence, the minimum fine shall be \$200.00 and the maximum fine \$2000.00 for a person, a minimum fine of \$400.00 and a maximum fine of \$4000.00 for a corporation.

In all cases, costs in addition to the fine shall be charged. These costs are set in accordance with the tariffs adopted under the Code of Penal Procedure of Quebec (RSQ, chapter C-25.1).

Delay for payment of fines imposed hereunder as well as the consequences of non-payment shall be as established in accordance with the Code of Penal Procedure of Quebec (RSQ, chapter C-25.1).

If a breach of this by-law persists for more than one day, the infraction committed each day shall constitute a separate offence and the penalties set out for each one of the offences may be imposed for each infraction in conformity herewith.

ARTICLE 20 PENAL PROCEDURES

Council hereby authorizes the municipal inspector and the manager of Public Works, or any other person mandated by resolution of Council to undertake penal procedures and to deliver a Notice of infraction to whomsoever is found to be in breach of this by-law.

ARTICLE 21 EFFECTIVE DATE

This by-law shall come into force according to law.

Gilles Decelles, maire

Me Alain R. Roy, LL.M., OMA,
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Follow-up:
Notice of motion: September 7, 2010
Adoption: October 4, 2010
Publication: October 13, 2010
Comint into force: October 13, 2010