

BY-LAW NO. 24-02
A BY-LAW RESPECTING THE COLLECTION AND DISPOSAL OF SOLID WASTE
FOR THE TOWN OF SAINT ANDREWS

BE IT ENACTED by the Council of the Town of Saint Andrew, under the authority vested in it by the *Local Governance Act*, Ch. 2017, c18, and amendments thereto, hereby makes and enacts this By-Law as follows:

1. TITLE

1.1 This By-Law may be cited as the Solid Waste By-Law.

2. DEFINITIONS

- 2.1 "Bulky Item" means large items of a household nature including but not limited to furniture, mattresses, bed springs, boxes, barrels, pieces of fencing, barbecues (excluding propane tanks), refuse packages that would normally accumulate at a dwelling unit and which do not exceed twenty-five (25) kilograms or fifty (50) pounds each.
- 2.2 "Collectible Solid Waste" means solid waste that can be stored or handled in solid waste containers or refuse packages, including both organic materials and refuse, but excluding those listed in **Schedule A**.
- 2.3 "Commercial Establishment" includes any shop, restaurant, office, industry, institution, daycare centre, business establishment, campground, trailer park, and building with ten (10) or more apartments.
- 2.4 "Contamination" means the mixing of an item referred to in the list below with a different item described in the list below:
- 2.4.1 Recyclable waste.
- 2.4.2 Garbage.
- 2.4.3 Non-collectible (prohibited) waste.
- 2.5 "Collection Bin" means any solid container with a closeable lid with a height no more than one hundred and twenty (120) cm or four (4) ft, kept off the road easement and kept in a neat and tidy condition
- 2.6 "Curb Service" means collection of collectible solid waste placed at curbside.
- 2.7 "Curbside" means the area between the street or highway and the private dwelling unit lot line, not being more than two (2) metres or six (6) feet from the curb or the travelled road, on the street side of any drainage ditch, or any other area designated by the Town as a collection area.
- 2.8 "Disposal Site" means the area or areas designated by the Southwest New Brunswick Service Commission for the disposal of Solid Waste.
- 2.9 "Dwelling Unit" means a residential property, or unit in a residential building, occupied or intended to be occupied as a home, residence or sleeping place by an individual or one (1) family, but does not include a motel or hotel, a mobile home in a mobile home park, or an apartment or condominium building of ten (10) or more units.
- 2.10 "Garbage" shall have the same meaning as Solid Waste.

- 2.11 "Hazardous Waste" means any waste that is potentially damaging to the environment or human health or safety because of toxicity, ignitability, corrosivity, chemical reactivity or other reasons and includes, but is not limited to, petroleum products, solvents, paints, acids, chemicals, and coolants.
- 2.12 "Litter" means any material left or abandoned in a place other than a container or place intended or approved for receiving such material.
- 2.13 "Non-collectible Waste" means all material other than collectible solid waste and without limitation includes all those items listed in **Schedule A**.
- 2.14 "Person" includes a corporation, partnership or society and the heirs, executors, administrators, or other legal representatives of a person as well as any owner, occupant, tenant, or other person having use, occupation, charge or control of any building, structure or place in, from, or on which any solid waste is generated.
- 2.15 "Recyclable Container Materials" means containers as listed in **Schedule A**.
- 2.16 "Recyclables" means recyclable container materials and recyclable paper materials as defined in this By-Law in **Schedule A**.
- 2.17 "Recyclable Packages" means packages or bundels of cardboard, either bailed or tied, not exceeding one point three (1.3) metres or four (4) feet in length, and not exceeding one (1) metre or three (3) feet in width or depth, and not weighing more than twenty-five (25) kilograms or fifty (50) pounds, and cardboard boxes which may be used for the disposal of recyclable materials shall be non-returnable.
- 2.18 "Redeemable Beverage Container" means a plastic or aluminum beverage container for which the consumer was required to pay a deposit.
- 2.19 "Refuse Packages" means packages or bundles of refuse either baled or tied, not exceeding one point three (1.3) metres or four (4) feet in length, and not exceeding one (1) metre or three (3) feet in width or depth, and not weighing more than twenty-five (25) kilograms or fifty (50) pounds, and cardboard boxes which may be used for the disposal of bottles and paper. Such cardboard boxes so used shall be non-returnable. Broken glass must be secured in a cardboard box and marked on the outside as to the contents.
- 2.19.1 In the case of tree cuttings and brush, the items must be tied together in bundles not to exceed one (1) metre or three (3) feet long by zero point seven five (0.75) metres or two (2) feet and no more than three (3) feet in diameter, and not to exceed twenty-five (25) kilograms or fifty (50) pounds per bundle.
- 2.20 "Residential Property" means all single and duplex dwelling units, individual terrace dwelling units, apartment, and condominium buildings with not more than two apartment or condominium units, but excludes institutions, daycares, commercial property, vacant land, and mobile homes in mobile home parks.
- 2.21 "Solid Waste" includes:
- 2.21.1 Recyclables - means recyclable container materials and recyclable paper materials as defined in **Schedule A**.
- 2.21.2 Refuse - means:

- 2.21.2.1 Any non-putrescible, worthless, discarded remains, whether included under other definitions or not.
- 2.21.2.2 Non-recyclable papers, plastics, glass and metal containers or wrappings/packageg.
- 2.22 "Solid Waste Container" means the receptacle used for the storage and handling of solid waste and must conform to the following specifications:
 - 2.22.1 For Refuse:
 - 2.22.1.1 A metal or plastic water-tight garbage container with a maximum capacity of three point two (3.2) cu. ft. and not less than two (2) cu. ft. with a fitted lid and suitable handles not more than twenty-five (25) kilograms or fifty (50) pounds.
 - 2.22.1.2 A plastic bag of a capacity not less than seventy (70) litres, a gauge of not less than one (1) mil and shall not weigh more than twenty-five (25) kilograms or fifty (50) pounds with contents.
 - 2.22.1.3 Refuse Package.
 - 2.22.1.4 For those in Bayside and Chamcook, any solid container with a closeable lid with a height no more than one hundred and twenty (120) cm or four (4) ft, kept off the road easement and kept in a neat and tidy condition.
 - 2.22.2 For Recyclables:
 - 2.22.2.1 Plastic recycling bins, one (1) blue bin with cover for all materials listed in **Schedule A** as supplied by the contractor as appointed by the Town or Province of New Brunswick, for the collection of recyclables.
 - 2.22.2.2 Only carts assigned and/or approved by the contractor as appointed by the Town or the Province of New Brunswick will be used to participate in the residential recycling program.
 - 2.22.2.3 Recycling Package.
- 2.23 "Town" means the Town of Saint Andrews, a Municipality in the County of Charlotte in the Province of New Brunswick.
- 2.24 "Scheduled Collection Days" means the days designated by the Town for the collection of collectible solid waste on a collection route as per **Schedule B**.
- 2.25 "Waste" shall have the same meaning as Solid Waste.
- 2.26 "White Goods" mean any large household appliance including but not limited to refrigerators, freezers, air conditioners, stoves, washers and dryers, and dishwashers as identified by the Southwest New Brunswick Service Commission.

3. SERVICE

- 3.1 The Town shall supply a Solid Waste collection and disposal service to all dwelling units in the Town in accordance with this By-Law.
- 3.2 Every person in the Town who owns a property which is not a Residential Property, must make bona fide arrangements for the collection and disposal of their solid waste.

4. COLLECTION

- 4.1 The collection of solid waste in the Town will be done by a contractor hired by the Town for that purpose. The collection schedule shall follow those listed in **Schedule B**.
- 4.2 Curb service shall be the method of solid waste collection in the Town unless otherwise agreed to by the property owner(s), contractor, and Chief Administrative Officer (CAO).
- 4.3 The contractor for the Town shall on the scheduled collection days remove all collectible solid waste (recyclables or refuse, as the case may be) which has been placed at curbside along the collection route.
- 4.4 Notwithstanding anything to the contrary in this By-Law, the Town is not responsible for the collection and disposal of solid waste for properties which are not Residential Properties.
- 4.5 Not more than 10 containers of solid waste will be collected at any one Residential Property on any collection day.

5. STORAGE AND CONTAINERS

- 5.1 The owner or occupant of any property, regardless of zoning, shall be responsible for containing solid waste to prevent the escape of waste materials into the environment.
- 5.2 The owners or occupants of any property, regardless of zoning, are responsible for gathering waste material placed for collection that has escaped from its container.
- 5.3 Solid Waste stored on any premises within the Town, other than when placed at curbside, shall be stored in such a manner so as not to be visible from the street or road.
- 5.4 The owners of properties which are not Residential Properties, or their agents, shall provide adequate storage areas for solid waste as approved by the By-Law Enforcement Officer and must meet the regulations of the Zoning By-Law.
- 5.5 No solid waste containers and no refuse packages shall be stored in any manner which blocks the entrance or exit of any dwelling unit.
- 5.6 All solid waste shall be stored in solid waste containers or refuse packages.
- 5.7 The occupant or owner of every property shall provide sufficient solid waste containers for the disposal of solid waste.
- 5.8 The occupant of every Residential Property shall use the recycling bins as distributed by the contracted service provider.

- 5.9 No owner or occupant of a property shall permit the accumulation of solid waste in or around the property to the extent that it is or is likely to become a nuisance, dangerous, or unsightly.
- 5.10 All owners and/or occupants of a property shall ensure that solid waste is stored and contained in such a manner that protects it from rodents, vermin, pests, and other disturbances whether at the curbside or on the property.
- 5.11 If animals or other issues cause garbage to be ripped open from a Residential Property, it is the owner's responsibility to clean up the garbage.

6. PLACEMENT FOR COLLECTION

- 6.1 On all collection routes there shall be a separate collection day for refuse and recyclables as communicated by the Town. Only one and not the other may be placed for collection on the designated collection day in the appropriate solid waste containers. Refuse and/or Recyclables shall be collected on the same day of the week, each week.
 - 6.1.1 All waste placed for collection must be free from ineligible materials as per **Schedule A**.
- 6.2 No person shall place refuse out for collection on the recyclables collection day applicable to the collection route.
- 6.3 No person shall place recyclables out for collection on the refuse collection day applicable to the collection route.
- 6.4 Residents shall place at curbside, at the appropriate time for collection subject to Subsection (6.1), all the eligible collectible solid waste which has accumulated on that property.
 - 6.4.1 Every owner and/or occupant shall make their best efforts to set out the applicable solid waste on each day that the Town provides collection services for that waste, and in no case shall an owner/occupant fail to set out items eligible for collection under this By-Law for more than one collection period.
 - 6.4.2 For residents serviced by collection bins, waste must be fully put inside allowing the top to close as to minimize animal infestation,
- 6.5 Collectible solid waste shall not be placed curbside earlier than 8:00 p.m. on the day preceding the scheduled collection day, and no later than 7:00 a.m. on the scheduled collection day, and empty containers must be removed from curbside by 10:00 p.m. on the scheduled collection day.
- 6.6 Persons placing collectible solid waste curbside shall be responsible for that collectible solid waste until it has been collected by the contracted service provider.
- 6.7 All material which is placed for curbside collection must be placed on the street side of the Residential Property from which it has accumulated, or between the street or highway and the private residential lot line, not being more than two (2) metres or six (6) feet from the curb or the travelled road, on the street side of the drainage ditch, and within two (2) metres or six (6) feet of the driveway access for the property.
- 6.8 Collectible solid waste, placed curbside, shall not be placed or block the travelled portion of the street so as to not interfere with traffic or pedestrians.

- 6.9 Every person shall ensure that waste set out for collection is not located on top of any snowbank, in an area not cleared of snow and ice, or in any storm drainage ditch.
- 6.10 Recyclable bins must be placed at the curb in an upright position with the lids closed.
- 6.11 No person shall place for collection any solid waste not belonging to them.
- 6.12 No person shall pick up, remove, disturb, or otherwise interfere with solid waste placed at the curb for collection by the contracted service provider.
- 6.13 No person shall permit any animal owned by them, or under their care or control, to pick over, interfere with, disturb, remove, or scatter any waste set out for collection.

7. SPECIAL WASTE COLLECTION PROGRAMS

- 7.1 The collection of waste, other than recyclables, or refuse, may be provided under programs designed and funded specifically for that purpose. Such programs may be provided at times and under conditions as determined by the Town Council subject to funding and may include but are not limited to:
 - 7.1.1 A Christmas Tree program which may consist of designated special drop-off disposal/mulching sites or curbside pick-up.
 - 7.1.2 A bi-annual leaf and brush collection program under terms and conditions as periodically set by the Council.
 - 7.1.3 White goods program through the Southwest New Brunswick Service Commission.
 - 7.1.4 Other special collections that may occur on an occasional basis.
- 7.2 Conditions for the provision of any Special Waste Collection Program shall be set by the Town.

8. DISPOSAL

- 8.1 No person shall dispose of, or cause to be disposed of, or permit to be disposed of, any solid waste on any public or private lands within the Town, whether owned by that person or not, except for disposal as prescribed in this By-Law.
- 8.2 Notwithstanding Subsection (8.1), persons may compost suitable organic material on private properties.
- 8.3 No person shall deposit any solid waste or hazardous waste in any stream, storm sewer, sanitary sewer, or body of water within the Town.
- 8.4 No person shall dispose or cause to be disposed of on any private or public land within the Town any hazardous waste.
- 8.5 No person shall deposit solid waste in a bulk garbage bin or dumpster not specifically designated for use by their dwelling unit.
- 8.6 No person shall deposit waste generated on private property in public streets or park receptacles.

- 8.7 Any vehicle transporting solid waste to a disposal site shall be equipped with a tarpaulin or other cover which is capable of preventing the escape or spillage of any collected solid waste and such cover shall comply with the provisions of the *New Brunswick Motor Vehicle Act* and with the provisions of the Vehicular Traffic By-Law of the Town.
- 8.8 No person shall dispose of non-collectible waste except in a manner and at a location approved by the Southwest New Brunswick Service Commission. Without limiting the foregoing non-collectible waste shall not be included with collectible waste which is being disposed of.
- 8.9 No person shall burn solid waste in a barrel, stove, fire pit or other device or in the open as a method of waste disposal, as per the Town's Open Air Fire By-Law. Those in Bayside and Chamcook are under the regulations for burning brush and tree limbs from the Department of Natural Resources of the Province of New Brunswick.
- 8.10 No person shall release or cause litter to be released into the environment, except in accordance with this By-Law.

9. ILLEGAL DUMPING

- 9.1 Those that are found to be illegally dumping garbage, waste, or hazardous materials in the Town will be subject to the penalties outlined in this By-Law and will be reported to the Department of Environment and Local Government for further penalties.

10. PENALTIES

- 10.1 A person who violates or fails to comply with any provision of this By-Law commits an offence punishable under Part II of the *Provincial Offences Procedure Act of New Brunswick* as a Category D Offence.
- 10.2 Every person charged with an offence under this By-Law may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of seventy-five dollars (\$75.00) to the Saint Andrews Town Clerk as follows:
- 10.2.1 In person at the Saint Andrews Town Hall, 212 Water Street, Saint Andrews, NB, by cash, debit or credit card or by cheque or money order made payable to the Town of Saint Andrews; or
- 10.2.2 By mail to the Town of Saint Andrews, 212 Water Street, Saint Andrews, NB, E5B 1B4, Attention Town Clerk, by cheque or money order only, payable to the Town of Saint Andrews; or
- 10.2.3 Through electronic payment on the Town's website at www.townofsaintandrews.ca; or
- 10.2.4 Through electronic payment transfer to payments@townofstandrews.ca
- 10.2.5 Once payment is received by one the methods identified, the ticket or ticket number shall be surrendered, and such payment shall be deemed payment in full.
- 10.3 If the voluntary payment set out in Subsection 9.2 has not been received in accordance with the provisions of Subsections 9.2.1 and 9.2.2, the person charged with the offence may make a voluntary payment of one hundred fifty dollars (\$150.00) to the Saint Andrews Town Clerk as follows:

10.3.1 In person at the Saint Andrews Town Hall, 212 Water Street, Saint Andrews, NB, by cash, debit or credit card or by cheque or money order made payable to the Town of Saint Andrews; or

10.3.2 By mail to the Town of Saint Andrews, 212 Water Street, Saint Andrews, NB, E5B 1B4, Attention Town Clerk, by cheque or money order only, payable to the Town of Saint Andrews; or

10.3.3 Through electronic payment on the Town's website at www.townofsaintandrews.ca; or

10.3.4 Through electronic payment transfer to payments@townofstandrews.ca

10.3.5 Once payment is received by one the methods identified, the ticket or ticket number shall be surrendered, and such payment shall be deemed payment in full.

10.4 If the voluntary payments set out in Subsection 9.2 and Subsection 9.3 have not been received before a plea is entered in Provincial Court, the person charged with the offence is liable, on summary conviction, to a fine not less than two hundred forty dollars (\$240.00) to two thousand one hundred dollars (\$2,100.00) and not more than the maximum fine which may be imposed for commission of an offence punishable under PART II of the *Provincial Offences Procedure Act* as a Category D Offence.

10.5 Each day that a person commits an offence under this By-Law constitutes a separate offence.

11. ENFORCEMENT

11.1 This By-Law may be enforced by:

11.1.1 A Town of Saint Andrews By-Law Enforcement Officer.

12. SEVERABILITY

12.1 If any part of this By-Law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this By-Law.

13. BY-LAW REPEALED

13.1 By-Law No. 98-2, A By-Law to Control and Regulate the Collection and/or Disposal of Garbage and Waste within the Town of Saint Andrews, and amendments thereto, are hereby repealed.

13.2 The repeal of said By-Law shall not affect any penalty, forfeiture, or liability incurred before such appeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal or disturb, invalidate, or prejudicially affect any matter or thing whatsoever completed, existing, or pending, at the time of repeal.

14. EFFECTIVE DATE

Read the First Time this	5th day of	April,	2024
Read the Second Time this	3rd day of	June,	2024
Read the Third and Final Time this	23rd day of	September,	2024



Brad Henderson, Mayor



Paul Nopper, Clerk – Senior Administrator



**SCHEDULE A
ELIGIBLE AND INELIGIBLE ITEMS FOR COLLECTION**

1. RECYCLING ELIGIBLE FOR COLLECTION

- Paper/Cardboard
- #1 Plastic (PETE) containers
- #2 Plastic (HDPE) containers
- #4 Plastic (LDPE) containers
- #5 Plastic (PP) containers
- #7 Plastic (OTHER) containers
- Metal food cans - rinsed and dried
- All food and beverage cartons - rinsed and dried

Materials NOT Accepted:

- Glass
- Expanded Foam (Styrofoam)
- Plastic Bags or any plastic films
- Refuse/Garbage

2. INELIGIBLE ITEMS FOR CURBSIDE COLLECTION

- Building materials.
- Electronic waste.
- Hazardous materials, i.e. paint.

**SCHEDULE B
COLLECTION DAYS**

- Bayside Tuesday
- Chamcook Tuesday
- Saint Andrews Thursday

Garbage shall be collected through weeks 1 – 3 with recycling being collected on the fourth week. Visit www.circularmaterials.ca/resident-communities/saint-andrews or www.townofstandrews.ca/recycling-solid-waste/ to find out your exact pickup schedule date for your property. You can also contact Town Hall at 506 529 5120 for more information.

Note that residents of Saint Andrews have a different recycling weeks from those in Bayside and Chamcook.

Garbage is not collected on the week that recycling is collected.