

**PROVINCE OF QUÉBEC**  
**TOWN OF HAMPSTEAD**

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**BY-LAW NO. 705-11 REPLACING BY-LAW  
NO. 705 AND ITS AMENDMENTS  
CONCERNING THE COLLECTION, REMOVAL  
AND DISPOSAL OF REFUSE**

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WHEREAS Council deems appropriate to update By-law no. 705 concerning the collection, removal and disposal of refuse;

WHEREAS notice of motion of this By-law was given and that a draft By-law was presented at the regular council meeting of January 7th, 2019;

**On FEBRUARY 4<sup>th</sup>, 2019, THE COUNCIL DECREES AS FOLLOWING:**

**SECTION I – INTERPRETATION AND ADMINISTRATION**

1. In this by-law, unless the context indicates otherwise:

**“apartment building”** means a building containing nine or more dwelling units;

**“collection unit”** means a dwelling unit;

**“competent authority”**: the members of the Montreal Police Department and of the Hampstead Public Security Department, as well as those persons designated for this purpose by resolution of Council, as the case may be;

**“director”** means either the Director of Public Works or the Director of Public security;

**“dwelling unit”** means a unit of dwelling space in which one or more persons reside together, to which there is an access from the outside either directly or through a common space, without going through another dwelling unit, and provided with a bathroom and facilities for preparing meals, eating and sleeping;

**“green waste”** means outdoor spring cleaning residues and other landscaping work waste, tillage residues, waste from gardens or fruit trees, small branches (not exceeding 1m in length and 5 cm in diameter) grouped together with fiber string, cut grass and weeds;

**“inspector”** means an employee of the Town appointed to this function by the Director;

**“legal person”** means a person endowed with juridical personality as more fully described in the Title Five, Chapter 1 of the Civil Code of Quebec;

**“person in charge”** means:

- a) in the case of an apartment building: the owner of the building;
- b) in the case of a collection unit, other than an apartment building: the owner of the unit or, if it is not occupied by its owner, the person having concluded an agreement with the owner to occupy the unit;

**“special garbage bags”** means yellow 30 x 38 inches plastic bags printed with the Town’s logo; said items sold by the Town at a price stated at By-law no. 752-3 concerning tariffs of the Town of Hampstead.

**“Town”**: Town of Hampstead.

## 2. APPLICATION:

The competent authority is authorized to enforce the provisions of the present By-law and, for this purpose, to issue notices of infraction.

## 3. POWER OF THE COMPETENT AUTHORITY:

The competent authority exercises the powers assigned to it by the present By-law and in particular it can visit and examine all moveable or immovable property in the Town to ascertain if the provisions of this By-law are complied with.

## SECTION 11 – REFUSE COLLECTION

4. A refuse collection service is established for the territory of the Town.
5. The Town Council determines, by resolution, the frequency and the days and time of the collection.
6. The days and time of the collection are advertised in a public notice.

7. The following is not collected by the Town:

- a) hazardous waste as defined in the Hazardous Waste Regulations, enacted under the Environment Quality Act, as they read at the time of their application;
- b) construction material and waste from demolition and residential renovation;
- c) motor vehicles and motor vehicle parts;
- d) excavation and construction material such as earth, sand, stone, rock, asphalt, cement, entire branches, etc.;
- e) waste material which is not placed in an acceptable container.

8. An acceptable container is:

8.01 A container (120 or 240 or 360 liter) supplied by the Town.

8.01.01 Rolling container to be obtained from the Town in accordance with the permitted quantities and amounts set out in By-law 1010 respecting tariffs;

8.01.02 Households of six (6) or more persons, religious establishments and clergy may obtain a 360-liter wheeled bin under the special conditions referred to in By-law 1010 respecting tariffs;

8.01.03 Any resident who has a 360 liter garbage rolling bin, paid or not, must also obtain a 360 liter recycling bin and return to the Town the smaller recycling bin;

8.01.04 9.01.01 and 9.01.02 do not apply to residents who, before the adoption of the By-Law 705-10, had already received a 360 liter garbage rolling bin.

8.02 Special garbage bags supplied by the Town, at a cost further defined in By-Law no. 1010 concerning tariffs.

8.03 For green waste, a reusable container (i.e. garbage bin), cardboard boxes or paper bags for garden waste are acceptable.”

8.04 At all times garbage, recycling containers and compost bins must have the lid closed otherwise a fine may be served in accordance with the provision of the present By-Law.

9. The Town will not collect town issued bins:

- a) if its weight exceeds 15 kg (30 lbs.);
- b) if the lid is not completely closed.
- c) In addition to refusing to collect the containers mentioned in Section 9 a & b, a fine may be issued in accordance with the provisions of the present By-Law.

**10.** Notwithstanding paragraph e) of article 7, the Town will collect:

- a) branches not exceeding 5 cm. (2 in.) in diameter and tightly tied up in bundles not exceeding 1.25 m (4 ft.) in length nor 0.60 m. (2 ft.) in diameter;
- b) old furniture and appliances (refrigerators and freezers, (if C.F.C. is removed) washers, dryers, televisions, stoves, etc.);
- c) Christmas trees;
- d) cold ashes in a separate acceptable container.

**11.** Notwithstanding article 9, refuse from an apartment building may be placed in a closed watertight container, made of steel of rear loading type, and designed to be emptied mechanically by a refuse collection vehicle equipped with a rear loading system.

**12.** a) The garbage containers and special garbage may be put out no earlier than 6:00 PM of the day preceding the collection day and containers must be taken in no later than 11:00 P.M. on the collection day.

b) For apartment buildings, containers must be placed in a location agreed upon by the Director.

**13.** When collection is not carried out on a collection day; in such case, the director should be informed that the refuse has not been collected; the bin can then be left out until collected;

**14.** A refuse container which is dangerous to manipulate or is damaged to the point where refuse is falling out of it, may be removed as refuse, after a five day notice to its owner.

**15.** Between collections, refuse must be kept as follows:

**15.1** In the case of a dwelling unit which is not located in an apartment building:

- a) inside the dwelling unit, or
- b) outside the dwelling unit in containers tightly closed, at the rear of said dwelling units or beside the dwelling unit or in front of the dwelling unit building line but within 2 meters of building line.
- c) The Town can grant an exemption in consideration of the physical setup of the place and determine a specific location that will be best to install the bins. The said exemption may be modified or canceled at any time without notice. The Director General or a person authorized by him will be responsible for issuing the said exemption.

**15.2** In the case of a collection unit other than that contemplated in paragraph 15.1:

- a) in an acceptable container closed at all times and placed outside (inside) of the building in a area which meets the following requirements:
  - it is located at least 1 meter from the exterior walls of the building and not below or adjacent to any doors or windows in the building;
  - it is located on a solid level surface;
- b) in an interior garbage room as contemplated in article 16.

- 16.** An interior garbage room must conform to the following requirements:
- a) it is built of noncombustible material with a fire resistance of at least 2 hours, including the doors and which conform with the requirements of the National Building Code and la Régie du bâtiment;
  - b) it is used exclusively for the storage of refuse between collections;
  - c) the surface of the floor, walls and ceiling is non-porous and washable;
  - d) it is connected to a water retention reservoir which conforms to the municipal and provincial plumbing codes;
  - e) it is ventilated to eliminate odors, except if it is refrigerated;
  - f) its area is sufficient to store refuse between two collections;
  - g) it is equipped with an automatic fire extinguishing system which complies with the requirements of the building, fire prevention by-laws of the Town and the National Building Code.

### **SECTION III – RECYCLING PROGRAM**

- 17.** A recycling program is established for the territory of the Town to recover and recycle the following:
- a) all types of paper including glossy paper;
  - b) all types of cardboard but not plasticized cardboard;
  - c) tin cans;
  - d) glass bottles and containers;
  - e) plastic bottles and containers.
- 18.** The Town determines, by resolution, the frequency and the days and time of the collections, which are advertised in a public notice.
- 19.** Notwithstanding article 17, the Town will not collect:
- a) any material which is not placed in an acceptable recycling container;
  - b) a container whose lid is not closed properly because of excessive recyclable material;
  - c) a container that is not properly positioned;
  - d) integrated carbon paper, waxed or cellophane paper, blue prints, hygienic tissues, hand towels, paper plates, translucent envelopes and flatglass.
- 20.** Acceptable recycling container:

**20.1** For a residential building other than an apartment building, an acceptable wheeled recycling bin with cover is supplied by the Town which meets the following specifications:

- a) it has a capacity of 240 liters or more;
- b) it has to be placed wheels facing the house at no more than 6 feet from the street;
- c) No extra recycling materiel should be put beside and/or on top of the bin;
- d) it bears a sticker, supplied by the Town with the container, showing the name of the Town;
- e) it is kept clean dry and in good condition.

**20.2** For apartment buildings, an acceptable recycling container is a unit made of recycled plastic on wheels in blue color supplied by the Town and must have the following specifications:

- a) it has a capacity of 360 liters;
- b) it is not filled to more than 76.2 mm (3 in.) from the top;
- c) units are kept clean, dry and in good condition.

**21.** For collection, recycling containers must be placed at the curb side, but not before the hour of 6:00 p.m., on the evening preceding collection day. The recycling containers must be taken in no later than 11:00 p.m. on collection day.

Recycling containers must be filled in such a way as to avoid having the contents blown out of the containers.

**22.** Between collections, in the case of dwelling units other than apartments, article 15.1 applies. In the case of apartment buildings, the container must be kept in a location that conforms to Article 15.2.

#### **SECTION IV – COMPOST COLLECTION**

**23.** The Town Council determines, by resolution, the frequency and the days and time of the compost collection; the days and time of the collection are advertised in a public notice. Bins for this purpose can be obtained by paying the amount defined in By-Law no. 1010 concerning Tariffs.

**24.** For compost collection, the town supplied bin must be used. In addition, for non-edible green waste a reusable container (i.e. garbage bin), cardboard boxes or paper bags for garden waste are acceptable.

**25.** The compost containers may be put out no earlier than 6:00 PM of the day preceding the collection day and must be taken in no later than 11:00 P.M. on the collection day.

**26.** Between collections, compost containers must be kept the same as the refuse bins as it is mentioned in articles 15 & 16 of the present By-Law.

#### **SECTION V – COLLECTION PROCEDURES**

**27.** It is prohibited for an employee of the town or of the contractor responsible for the collection service to receive a gratuity to collect refuse or recyclable materials; it is prohibited for a citizen to give a gratuity to such a person.

28. After the contents of a reusable container have been emptied into the collection vehicle, the employee must place the container off the street or sidewalk.
29. Any vehicle carrying refuse or recyclables must conform to Highway Code regulations and be covered in such a manner that its contents do not fall on to the street.

#### **SECTION VI – MISCELLANEOUS PROVISIONS**

30. It is forbidden:
  - a) to rummage in refuse or recyclables to be removed or to take or spread on the ground refuse or recyclables intended for collection;
  - b) to deposit or throw refuse or recyclables on any public street, private road, public place or vacant lot;
  - c) to deposit refuse or recyclables in front of someone else's property except with the authorization of the owner or occupant of this property;
  - d) to dispose of refuse or recyclables in the Town's sewer system;
  - e) to deposit refuse or recyclables in someone else's container except with the authorization of the owner of this container;
  - f) to deposit with refuse or recyclables any object or substance which may cause an accident or damages by combustion, corrosion, explosion or otherwise;
  - g) Once deposited for collection, all recyclable or reusable materials become the property of the Town. The town may dispose of such materials as it sees fit.

#### **SECTION VII – DISPOSAL OF CERTAIN OBJECTS**

31. Anyone wishing to dispose of an explosive weapon, dynamite, a rocket, a bullet, a grenade or any explosive material must communicate with the Montreal Police Department.
32. Anyone placing for removal a refrigerator, a freezer, an air conditioner or other similar container must first remove its door and the C.F.C. product.

#### **SECTION VIII – PENALTIES AND INFRACTIONS**

33. When the owner of a vacant lot or the owner, lessee or occupant of an occupied lot allows refuse, garbage, recyclable or reusable materials to accumulate thereon it shall be deemed that this constitutes a nuisance. If this nuisance continues to exist after the owner, lessee or occupant of such a lot receives a notice from the Town, then such owner, lessee or occupant is committing an infraction and is subject to the penalties mentioned in the present By-law.
34. The person responsible of the waste, the recycling objects or the compost concerned has the legal obligation to comply with all the directives of the present By-law concerning the storage and the disposal of waste, articles of recycling or compost and is therefore subject to the fines mentioned in section IX of the present By-Law.

The members of the Public Security Department and the inspectors of the Urban Planning department of the Town of Hampstead are authorized to issue a statement of offence with respect to any infraction to this by-law.

The Court who renders judgment may, in addition to ordering fines and costs, order the owner, lessee or occupant to remove the nuisance within a certain time frame. Should the party in question fail to remove the nuisance within the time allotted, the municipality shall have the right to do so at the said party's cost and expense.

### **SECTION IX – FINES**

35. Anyone who contravenes any article of the present by-law commits an infraction and is subject to:
1. For a first infraction, a minimum fine of fifty dollars (\$50.00) and a maximum fine of one thousand dollars (\$1,000.00) for a natural person, and a minimum of one hundred dollars (\$100.00) and a maximum of two thousand dollars (\$2,000.00) for a legal person.
  2. For a second infraction of the same article within a period of one year from the first infraction, the minimum fine is set at one hundred dollars (\$100.00) and the maximum fine is set at two thousand dollars (\$2,000.00) for a natural person, and the minimum fine is set at two hundred dollars (\$200.00) and the maximum fine is set at four thousand dollars (\$4,000.00) for a legal person.”

### **SECTION X – FINAL PROVISIONS**

36. By-law no. 705-9 entitled By-law concerning the collection, removal and disposal of refuse and all its subsequent amendment are hereby **replaced** by the present By-law no. 705-9.
37. The present By-law comes into force according to Law.

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Dr. William Steinberg, Mayor

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M<sup>e</sup> Pierre Tapp, Town Clerk