

**PROVINCE OF QUÉBEC  
TOWN DE HAMPSTEAD**

**BY-LAW N° 705**

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**BY-LAW CONCERNING THE COLLECTION,  
REMOVAL AND DISPOSAL OF REFUSE**

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WHEREAS notice of motion of the present By-law was given at the Council Meeting held on October 15, 1996;

**ON MARCH 10, 1997, THE COUNCIL DECREES AS FOLLOWS:**

**SECTION 1 – 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;

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

**“competent authority”**: the members of the Montreal Urban Community 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;

**“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;

**“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;

**“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) refuse which is not placed in an acceptable container.

**8.** An acceptable container is:

**8.01** A portable, watertight, metal or plastic container which meets the following specifications:

- a) its capacity or volume does not exceed 100 litres (3.5 cubic feet);
- b) it is fitted with a watertight metal or plastic cover;
- c) it has suitable metal or plastic handles for handling;
- d) it is clean, dry and in good condition.

**8.02** A heavy duty polyethylene bag not exceeding 66 cm x 91 cm (26 in. x 55 in.) with a minimum thickness of 0.40 mm (0.016 in.) is permitted.

**9.** The Town will not collect a container:

- a) if its weight exceeds 15 kg (30 lbs.);
- b) which is filled to more than 76.2 mm (3 in.) from the top.

**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) residential (except apartment buildings) construction and renovation refuse not exceeding 0.60 m x 1.25 m (2 ft. x 4 ft.), packed or bundled and weighing less than 30 lbs.;

- c) old furniture and appliances (refrigerators and freezers, (if C.F.C. is removed) washers, dryers, televisions, stoves, etc.);
  - d) Christmas trees;
  - e) cold ashes in a separate acceptable container.
- 11.** Refuse consisting of animal or vegetable waste must be tightly wrapped in newspaper or other wrapping material and placed in an acceptable container.
- 12.** Notwithstanding article 8, refuse from an apartment building may be placed in a closed watertight container, made of steel, of a maximum capacity of 0.75 cubic meter (1 cubic yard) and designed to be emptied mechanically by a refuse collection vehicle.
- 13.**
- a) On collection days, containers and garbage bags must be placed at the sidewalk line but not before 5:30 A.M. and containers must be taken in no later than 11:00 P.M. on the same day.
  - b) For apartment buildings, containers must be placed in a location agreed upon by the Director.
  - c) However, refuse may be put out on the evening preceding collection day if it is in a sealed or animal proof container (as described in Article 8.01) but not before 8:00 P.M.
- 14.** Article 13 a) also applies 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.
- 15.** 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.
- 16.** Between collections, refuse must be kept as follows:
- 16.1** 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 at places not inconvenient for the occupants of the neighbouring homes.

**16.2** In the case of a collection unit other than that contemplated in paragraph 16.1:

- 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 17.

**17.** 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 odours, 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 111 – RECYCLING PROGRAM**

**18.** 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.

**19.** The Town determines, by resolution, the frequency and the days and time of the collections, which are advertised in a public notice.

**20.** Notwithstanding article 18, the Town will not collect:

- a) a tin can which has not been washed or rinsed or which has a label or a cover;
- b) a glass or plastic bottle or container which is not washed or rinsed or which has a cover or cap;
- c) a carton which is not flattened;
- d) paper, cartons and cardboard which are not tied in a bundle or placed in a paper bag;
- e) any material which is not placed in an acceptable recycling container;
- f) integrated carbon paper, waxed or cellophane paper, blue prints, hygienic tissues, hand towels, paper plates, translucent envelopes and flatglass.

**21.** Acceptable recycling container:

**21.1** For a residential building other than an apartment building, an acceptable recycling container is portable blue box made of recycled plastic, supplied by the Town which meets the following specifications:

- a) it has a capacity of 44 or 54 litres;
- b) the combined weight of the container and its contents does not exceed 25 kilograms (55 pounds);
- c) it is not filled to more than 76.2 mm (3 in.) from the top;
- d) it bears a sticker, supplied by the Town with the container, showing the name of the Town and the name and address of the resident;
- e) it is kept clean dry and in good condition.

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

- a) it has a capacity of 360 litres;
- b) it is not filled to more than 76.2 mm (3 in.) from the top;
- c) the blue units are used solely for paper and cardboard whereas the orange units are for tin cans, glass and plastic bottles and containers;
- d) units are kept clean, dry and in good condition.

**22.** Articles 13 and 14 apply to recycling containers.

**23.** Between collections, in the case of dwelling units other than apartments, article 17.1 applies. In the case of apartment buildings, the container must be kept in a location that conforms to Article 17.

#### **SECTION IV – COLLECTION PROCEDURES**

**24.** 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.

25. 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.
26. 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 V – MISCELLANEOUS PROVISIONS**

27. 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 VI – DISPOSAL OF CERTAIN OBJECTS**

28. Anyone wishing to dispose of an explosive weapon, dynamite, a rocket, a bullet, a grenade or any explosive material must communicate with the Montreal Urban Community Police Department.

29. 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 VII – PENALTIES AND INFRACTIONS**

30. 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.

The Court which 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 VIII – FINES**

31. 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 twenty-five dollars (\$25.00) and a maximum fine of one thousand dollars (\$1,000.00) for a natural person, and a minimum of fifty dollars (\$50.00) 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 fifty dollars (\$50.00) and the maximum fine is set at two thousand dollars (\$2,000.00) for a natural person, and the minimum fine is set at one hundred dollars (\$100.00) and the maximum fine is set at four thousand dollars (\$4,000.00) for a legal person.

#### **SECTION IX – FINAL PROVISIONS**

32. By-laws number 354, 466, 466-1, 466.2 and article number 2.2 of By-law No. 687 and By-law No. 693 are repealed.

33. The present By-law comes into force according to Law.

(s) Irving L. Adessky  
Irving L. Adessky, Mayor

(s) Maurice Guay  
Maurice Guay, Town Clerk