


**City of Mount Pearl  
Mount Pearl Solid Waste Regulations**

Pursuant to the authority conferred by the City of Mount Pearl Act, RSNL1990, Chapter C-16, Sections 207, 208, 209 and 210 the following Regulations have been made by the City Council of the City of Mount Pearl and were adopted on the 18<sup>th</sup> day of October, 2016.

In accordance with Section 39, a Notice of Motion to adopt amendments to the regulations was given at the City's regular Public Council meeting held on the 28<sup>th</sup> day of June, 2016.

  
Randy Simms  
Mayor

  
Michele Peach  
Chief Administrative Officer

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Title

1. These Regulations may be cited as "Mount Pearl Solid Waste Regulations".

Definitions

2. The following words and phrases shall have the following meanings:

**"Act"** means the City of Mount Pearl Act, RSNL1990, Chapter C-16;

**"Approved"** means approved by the City of Mount Pearl;

**"Authorized agent, acting on behalf of an owner"** includes a person who represents to the City in writing that he or she is a member of the board of directors, management company or other entity reasonably likely to have control and administrative responsibility for solid waste on behalf of the owner;

**"Bulk Garbage"** shall mean items not considered to be household waste;

**"City"** shall mean the City of Mount Pearl as defined by the City of Mount Pearl Act, RSNL1990, Chapter C-16 and amendments thereto;

**"Collection point"** means a location where a garbage cart is placed for collection;

**"Commercial garbage bins"** mean steel dumpsters with attached hinged cover(s);

**"Continuing offence"** means an offence under these Regulations committed on more than 1 day or continued for more than 1 day or part of a day, where it is considered a separate offence for each day on which the offence is committed or continued;

**"Council"** means the City Council of Mount Pearl;

**"Director of Infrastructure & Public Works"** means the Director of Infrastructure and Public Works for the City and shall include his/her designate;

**"Dumpster"** means a large metal trash bin designed to be emptied or transported to a dump by a specially equipped truck;

**"Double Dwelling"** means a building consisting of only two residential units;

**"Dwelling Unit"** means one or more habitable rooms which contain only one set of cooking facilities and which are used for living and sleeping purposes for one household as a functioning set of living quarters;

**"Exempt Property"** means all apartment buildings, condominiums, office buildings, and any other commercial property;

**"Garbage"** means solid waste that is not yard waste or recyclable material;

**"Garbage bag"** means:

- (i) A transparent, clear polyethylene plastic bag of 1.5 gauge thickness fastened at the top, or
- (ii) A securely tied compact bundle of fiber products, not exceeding 61cm x 61cm x 30cm (2 feet x 2 feet x 1 foot) in dimensions, and 22.70 kilograms (50 lbs) in weight.
- (iii) For the purpose of Section 33 (Recycling) – a recycle bag shall mean a transparent blue polyethylene plastic bag measuring 66cm x 91cm (26 inches x 36 inches) x 1.25 gauge thickness, fastened at the top.
- (iv) As per Section 14 (Use of Garbage Carts) – a privacy bag shall mean an opaque bag not larger than 54.9 cm x 58.4 cm (21.6 in x 23 in).

**"Garbage cart"** means a 360 litre wheeled container supplied by the City for the deposit of garbage;

**"Garbage service"** means the garbage collection service established in section 7 of the Regulations;

**"Loose garbage"** means garbage that is not bagged;

**"Nuisance"** means anything and/or any condition of thing(s), which is or may become injurious or dangerous to health or which may hinder in any manner the supervision of disease including but not limited to the improper disposal of needles, broken glass and/or household hazardous waste;

**"Owner"** means

- (a) The registered owner of an estate in fee simple;
- (b) The tenant for life under a registered life estate;
- (c) The registered holder of the last registered agreement for sale;
- (d) The tenant of real property that is a tax exempt property, where the tenant pays rent or other valuable consideration for the real property, or
- (e) Where real property is occupied and the owner is not known, the occupier is considered to be the owner for the purposes of the imposition and collection of fees.

**"Person"** includes a corporation;

**"Premises"** means a residential unit;

**"Privacy Bag"** means an opaque polyethylene bag not larger than 54.9 cm x 58.4 cm (21.6 in x 23 in);

**"Private Contractor"** means a person or company who collects solid waste under contract with an owner or occupant;

**"Recyclable"** means used materials that can be processed into new products to prevent waste;

**"Refuse"** means all other miscellaneous waste material not specifically defined as garbage;

**"Residential"** means all households within the boundaries of the City of Mount Pearl;

**"Residential unit"** means a house, apartment or other building occupied for the primary purpose of a private residence, but specifically excludes commercial apartment buildings and all other commercial buildings;

**"Row dwelling"** means three or more residential units at ground level in one building, each unit separated vertically from the other;

**"Subsidiary apartment"** means a separate residential unit constructed within and subsidiary to a self-contained dwelling";

**"Single family dwelling"** means a detached, residential property consisting of one single residential unit, or one residential unit and an auxiliary suite within the same building, and includes a manufactured home, including one within a manufactured home park;

**"Solid waste"** includes garbage, recyclable material, and yard waste;



**"Specified residential properties"** means all single family dwellings, all double dwellings and row dwellings;

**"Yard waste"** means vegetative trimmings or cuttings from yards or other landscaped areas, including leaves, grass clippings, trees, plants, tree and plant limbs, brush, hedge clippings, Christmas trees, and dry seed pods.

#### General

3. No person, firm, or corporation shall deposit, throw, or place any refuse upon any street, lane, drain, public place or exterior private property within the City unless the same is enclosed in proper receptacles approved by the City.
4. All garbage and refuse shall be disposed of at intervals not exceeding one week or when dumpsters are full by the owner of any apartment building, condominium or place of business.
5.
  - a) Notwithstanding anything contained in these regulations, an Enforcement Officer may at any time order the owner to clean up and remove any accumulation of garbage or refuse outside any building or buildings, or on any property contained within the boundaries of the City.
  - b) If the owner neglects or refuses to abide by an order issued by an Enforcement Officer pursuant to this section, the Enforcement Officer may order the clean-up and removal of such accumulation at the expense of the owner, charged as a civic debt.
6. No person shall transport garbage or other waste in the City of Mount Pearl other than within a covered motor vehicle or trailer.

#### Service Established

7. The City hereby establishes the municipal service of the collection of solid waste from all residential units within the boundaries of the City.

#### Authority of Director of Infrastructure and Public Works

8. Council authorizes the Director of Infrastructure and Public Works to administer the garbage service.

#### Service Conditional on Compliance

9. The City will collect garbage from residential units. Such collection shall only be carried out where the owners and occupiers of those properties have complied with these Regulations. The City will only collect garbage from garbage carts allocated by the City to the owner or occupier of residential units located within the boundaries of the City.

#### Fees for Automated Garbage Collection

10. The annual fees, as approved by Council for automated garbage collection services, are due and payable by each owner of a residential unit, whether or not
  - (a) the dwelling unit is occupied or unoccupied for any length of time;
  - (b) the owner or occupier of the residential unit makes use of the garbage service, or
  - (c) the garbage service is interrupted or altered in any manner.

#### Garbage Cart Allocation

11. Each dwelling unit shall be allocated one garbage cart unless otherwise approved by Council. Each garbage cart will have a serial number permanently etched in the plastic and the civic address will be identified on the lid of each cart. All garbage carts shall remain with the residential unit and are the property of the City.

#### Additional Garbage Carts

12. If an additional garbage cart is required by the owner of a dwelling unit, the owner shall apply to the City outlining the reasons for the requirement. An additional annual collection fee, as approved by Council for the additional garbage cart, will apply. There is a maximum of **two** carts per residential unit.

All garbage carts shall be the responsibility of the resident. The resident shall be charged for the replacement of carts that are vandalized, stolen or lost. The fee for a replacement cart is the amount as approved by Council. Delivery of carts will be carried out by the City. The City shall replace or repair, at its cost, any carts that are defective or damaged as a result of garbage collection efforts.

#### Permitted Type of Garbage Cart

13. The City shall not collect garbage from a residential unit unless the owner or occupier has placed the garbage intended for collection in the garbage cart supplied by the City.

#### Use of Garbage Carts

14. An owner or occupier shall not use garbage carts for any other purpose than the storage of garbage for collection by the City. Garbage must be in clear garbage bags and placed in the garbage cart. An owner or occupier shall be permitted two privacy bags per cart.

#### Storage of Garbage Carts

15. An owner or occupier shall, at all times, store garbage carts with the lids closed.

#### Garbage Cart Condition

16. Each owner or occupier to whom a garbage cart is issued must keep the garbage cart in a good and generally clean condition.

#### Garbage Carts Unfit for Use

17. Upon determination by the City that a garbage cart is unfit for use, the owner or occupier of the residential unit must discontinue use of the garbage cart and obtain a replacement pursuant to Section 12 of these Regulations.
  - (a) The Director of Infrastructure & Public Works may elect not to collect garbage from that residential unit unless a replacement garbage cart is obtained by the owner or occupier of the residential unit.

#### Garbage Carts - Weight and Content Limits

18. An owner or occupier must not fill a garbage cart in his or her possession:
  - (a) To the extent that the lid does not close;
  - (b) To a weight that exceeds 136 kilograms or 300 pounds;
  - (c) To the extent that the collector cannot easily empty the contents.

#### Garbage Carts – Placement for Collection

19. Every owner or occupier of a residential unit shall place all garbage carts which the owner or occupier wishes to be collected on the curb on the residential side immediately adjacent to the street fronting the property. Carts are not permitted to be placed on the sidewalk. Carts shall be placed for collection before 8:00 AM on the day scheduled for the collection of garbage and not before 8:00 PM on the evening before collection. The garbage cart must be removed by the owner or occupier by the end of the collection day, not later than 8:00 PM.

#### No Interference with Traffic

20. No person shall place, and no owner or occupier shall permit the placement of, a garbage cart on a street, lane or public place in such a manner that interferes with the ordinary travel or parking of vehicles and passage of pedestrians. A garbage cart shall not be placed in such a manner that it encroaches on any street, lane or public place.



#### Placement of Garbage Cart

21. On the scheduled garbage collection day, the owner or occupier of a residential unit shall place the garbage cart in a location free from obstructions at least one clear metre horizontally on all sides of the cart and three clear metres vertically above the cart.

#### Alternative Location

22. The Director of Infrastructure and Public Works may authorize the placement of a garbage cart in a location that does not comply with Sections 19, 20 or 21 of these Regulations.

#### Materials Prohibited from Garbage Carts

23. No person shall deposit "Prohibited Materials", as approved by Council, into a garbage cart.

#### Bulk Garbage Collection

24. The City shall provide Bulk Garbage Collection at specified intervals as approved by Council and in accordance with separate guidelines.

#### Construction Related Materials

25. During the construction or demolition of a building, the property owner is responsible for the removal of construction-related material and debris from the property. All building construction materials or debris shall be placed in a waste disposal container located on the lot and removed as required. Or the material and debris shall be stored on-site in a contained manner and transported off the site by truck on an ongoing basis until such time as the site is clean. Construction-related materials and debris shall not be placed along the street for curbside pickup by the City.

#### Nuisance

26. No person shall create, permit or maintain a nuisance.

#### Solid Waste Collection by Private Contractor

27. Each commercial property shall be provided with sufficient receptacles to contain all solid waste. Where such receptacles are located outdoors the receptacles shall be surrounded by an enclosure or vegetation that effectively screens such receptacles from view.

28. The design, construction and location of garbage receptacles and screening shall be approved by the Inspector and shall be maintained at all times in a clean and sanitary condition.
29. Private contractors engaged in the removal of solid waste shall use vehicles of a closed metal type for the collection of solid waste that is likely to rot or putrefy. These vehicles shall be suitably designed to contain the liquid by-products of any such rotting or putrefying waste.
30. All private contractors must remove solid waste to a place of disposal on the date the waste is collected.

#### Use of Private Contractors for the Removal of Solid Waste

31. The use of a private contractor by an owner or occupier of a residential unit for the removal of solid waste from the property shall not relieve the owner from payment of the annual fee for the garbage service under these Regulations.

#### Exempt Properties

32. Where a residential unit is exempt from property tax, the fees for the garbage service will be payable by the owner of that exempt property.

#### Recycling

33. Residents shall separate all fiber, metal and plastic materials from their regular household garbage which shall be placed in blue transparent non-biodegradable polyethylene plastic bags, and shall be placed by the curb, next to the garbage cart (a minimum of 1 metre) on the day of household garbage collection. All recyclable materials must be cleaned. The City reserves the right not to pick up household garbage at any residence if separation of fiber metal and plastic materials is not undertaken in accordance with these Regulations.
  - (a) Fiber materials shall include items as set forth by Council and shall be placed in a separate blue transparent non-biodegradable polyethylene bag. No bag shall exceed 22.70 kilograms (50 lbs);
  - (b) All cardboard recycling shall be placed in a separate blue transparent non-biodegradable polyethylene plastic bag or bundled in accordance with these Regulations. Cardboard boxes must be broken down before being placed for collection. No bag or bundle shall exceed 22.70 kilograms (50 lbs);
  - (c) Metal and plastic material shall include all those items as set forth by Council and shall be placed in a separate blue transparent non-biodegradable polyethylene plastic bag. No bag shall exceed 22.70 kilograms (50 lbs).



#### Scavenging

34. No person shall interfere with, disturb, or scatter any garbage materials, recyclables, or bulk garbage set out for collection on scheduled collection days.

#### Interest, Penalties and Costs

35. The City shall apply the same interest, penalties and other costs to fees payable under these Regulations as are applicable to real property taxes.

#### Collection of Unpaid Rates

36. Fees and other amounts payable under these Regulations:
- (a) Are a debt due and payable by the owner to the City and may be recovered by the City as a civil debt, and
  - (b) Shall form a charge on the real property to which the garbage service was provided.

#### No Liability

37. The City shall not be liable for any damages suffered or costs incurred by any person by reason of the failure of the City to supply the garbage service as described in these Regulations or by reason of the manner in which the City carried out the provision of the garbage service.

#### Fine for Continuing Offence

38. Each 24 hour period following the receipt of a Notice of Violation of these Regulations, and failure to correct the problem identified, shall constitute a continuing offence.

#### Penalties

39. Every person who is guilty of an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
- (a) Shall be liable to penalties as stipulated under regulations made in accordance with Sections 280.1, 280.2, 280.3 and 280.4 of the City of Mount Pearl Act and amendments thereto.
  - (b) Or, shall be liable on summary conviction to a fine in accordance with Section 438 of the City of Mount Pearl Act.
40. The City designates these Regulations as Regulations that may be enforced by means of a ticket in a form prescribed for that purpose.

41. The persons appointed to administer these Regulations are designated as Enforcement Officers for the purposes of issuing tickets under these Regulations.

#### Severance

42. If any section, subsection, clause or phrase of these Regulations is for any reason held to be invalid or illegal by a decision of any court of competent jurisdiction, it shall be severable, and such a decision shall not affect the validity of the remaining sections, subsections, clauses or phrases of these Regulations.

#### Headings

43. Section or subsection headings are inserted in these Regulations for ease of reference and are not to be used in interpreting these Regulations.

#### Publication

44. Notice of approval of these Regulations was published in The Telegram on the 12<sup>th</sup> day of November, 2016 and in The Newfoundland & Labrador Gazette on the 18<sup>th</sup> day of November, 2016.

#### Copy to Minister

45. A copy of these Regulations was sent to the Minister of Municipal Affairs on the 8<sup>th</sup> day of November, 2016.

#### Repeal of Previous Regulations and Amendments

46. All previous Mount Pearl Solid Waste Regulations and amendments hereto are repealed.

#### Effective Date

47. These Regulations come into force and shall take effect on November 18, 2016.