

THE CITY OF THOMPSON
BY-LAW NUMBER 1425-92

BEING A BY-LAW FOR THE PURPOSE OF REGULATING THE COLLECTION AND DISPOSAL OF GARBAGE, SOLID WASTE, ASHES AND OTHER REFUSE AND THE THROWING OR DEPOSITING OF LITTER IN THE CITY OF THOMPSON.

WHEREAS Section 345 of the Municipal Act, RSM 1988 C. M225 authorizes Municipalities to pass by-laws for prohibiting, restricting, controlling and regulating the placing or depositing of dirt, manure, paper, filth, rubbish or other refuse on any private or public property, including a highway, and for compelling the owner of any private property on which there has been deposited anything hereinbefore mentioned or the person who placed or deposited or who is responsible for the placing or depositing of anything hereinbefore mentioned on private or public property to remove it and, at his own expense, to place or deposit it in a disposal area, either in or outside the municipality, designated by the Council.

NOW THEREFORE be it enacted as a by-law of the City of Thompson as follows:

I 1. DEFINITIONS:

- (a) "ANIMAL" means any creature not human.
- (b) "ANIMAL AND AGRICULTURAL WASTES" means manures, crop residues and like materials from agricultural pursuits, stables, kennels, veterinary establishments and other such premises.
- (c) "APARTMENT BLOCK" means a residential building having not less than four separate suites or living quarters.
- (d) "ASHES" means cold residue from the burning of wood, coal, coke and other like materials for the purpose of cooking, heating buildings, and disposing of waste combustible materials.
- (e) "BULKY WASTES" means large items of refuse including appliances, furniture, auto parts under 60 pounds, large crates and tree cuttings not exceeding three feet in length or four inches in diameter in bundles not exceeding 60 pounds.
- (f) "CITY" means the City of Thompson.
- (g) "COUNCIL" means the Council of the City of Thompson.
- (h) "CONSTRUCTION AND DEMOLITION WASTES" means waste building materials and rubble resulting from construction, remodeling, repair, demolition or fire in houses, commercial buildings and other structures.

- (i) "COMMERCIAL ESTABLISHMENTS" means banks, offices, hotels, restaurants, retail stores, dr stores, barber shops and similar business establishments and premises which are not owned by or under the central control and jurisdiction of the City and are not occupied by authorized employees and officials of the City for the purpose of carrying out City business.
- (j) "DESIGNATED OFFICER" means the City Inspector or person or persons designated from time to time by the City Council.
- (k) "DIRT" means natural soil, earth, sand and stone.
- (l) "GARBAGE" means animal and vegetable waste, including food packaging material with residual food materials, resulting from the handling, preparation, cooking and serving of food in household, institutions and commercial concerns; and market wastes resulting from handling, storage and selling of foods in wholesale and retail stores and markets.
- (m) "INDUSTRIAL REFUSE" means wastes arising from, or incidental to the manufacture, processing or like operation in factories, processing plants, industrial processes and manufacturing operations and includes wastes such as putrescent garbage from food processing plants and condemned foods and produce.
- (n) "LITTER" means animal and agricultural wastes, lawn and garden wastes, snow, sand, gravel, ashes, construction and demolition wastes, dead animals, garbage, industrial refuse, rubbish, solid wastes or refuse, bulky wastes and abandoned or unattended shopping carts, including, but not limited to street cleanings, containers, packages, bottles, cans or parts thereof, and any deserted or discarded articles, product or goods of manufacture.
- (o) "LITTER RECEPTACLE" means container in which the public may deposit litter.
- (p) "OTHER WASTES" means wastes, other than these herein defined, as determined by the Designated Officer.
- (q) "PERSON" includes individual firm, association, partnership and corporation.
- (r) "PUBLIC AREA" means any area owned or operated by private or public interests, but excluding those areas referred to as Public Places, that is used or held out for the use by the public, including but not limited to, school grounds, parking lots, and the necessary passageways thereon; roadways and pedestrian ways on private property.

- (s) "PREMISES" means a building or part thereof which is used by a person, corporation, firm, partnership, institution or association.
- (t) "PUBLIC PLACE" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings which are owned by or under the control and jurisdiction of the City.
- (u) "RESIDENTIAL PREMISES" for the purpose of this By-Law means a premises, or part thereof, used as a place of abode, up to and including four separate units.
- (v) "RUBBISH" means "combustibles", consisting of miscellaneous burnable materials such as paper, rags, cartons, boxes, wood excelsior, bedding, rubber, leather and plastics, "non-combustibles", consisting of miscellaneous materials that are not burnable such as tin cans, metals, ceramics, metal foils and glass; and "yard rubbish" consisting of prunings, grass, clippings, weeds, leaves, general garden wastes, exclusive of solid wastes otherwise classified herein.
- (w) "SHOPPING CART" means any wagon, cart or device designated to be either drawn or propelled by means of human power and intended principally for the conveyance of produce or merchandise in and about retail stores.
- (x) "SOLID WASTES OR REFUSE" means the useless, unwanted, or discarded solid materials resulting from normal community activities including semi-liquid or wet wastes or animal or Agricultural Wastes with insufficient moisture and other contents to be free flowing.
- (y) "STREET" means any public highway, lane, park, square, subway, bridge, wharf, thoroughfare or way or any part thereof.
- (z) THE WORDS "DEPOSIT", "MAINTAINED", include respectively depositing, placing, maintaining or delivering either personally or by means of a servant or agent.
- (aa) "UNSANITARY CONDITION" means any nuisance or condition, matter or thing which in the opinion of the Designated Officer may be injurious to health or which in the opinion of the Designated Officer may result in the creation of a garbage control problem or a nuisance.
- (bb) "VEHICLE" means motor vehicle, watercraft, aircraft or any other means of transportation.

II. COLLECTION AND DISPOSAL OF GARBAGE, SOLID WASTE, ASHES AND OTHER REFUSE.**2. RIGHT OF ENTRY TO PRIVATE PROPERTY**

The Designated Officer/Officers may enter any grounds, yards or vacant lots for any purpose related to the administration of this part of this By-Law.

3. LANDS TO BE KEPT CLEAN

The owner or occupant of any grounds, yard or vacant lot including single family or multiple family residences, commercial, industrial or business premises shall cause the same to be kept free of solid wastes. The Designated Officer may enter upon such property for the purpose of removing any solid wastes, bulky wastes, garbage and litter allowed to continue thereon contrary to this or any other By-Law, and the cost of such removal may be recovered from the owner or added to taxes.

4. STORAGE OF SOLID WASTES

The owner of every commercial, residential and industrial building shall be responsible to ensure the provision and maintenance of the required containers to hold all garbage, rubbish and ashes.

5. SUITABLE CONTAINERS

Containers for solid wastes shall meet the following requirements:

a) Containers for manual pick-up - Single Family Residential.

(i) Shall be galvanized metallic material or other approved rust-resistant material, watertight, not larger than 30 inches in height and 20 inches in width or a capacity not exceeding five cubic feet, weighing not more than 25 pounds, and equipped with close fitting cover and handles;

(ii) Plastic bags of adequate strength that are securely tied or otherwise adequately closed up so that the contents thereof cannot escape. All plastic bags not contained inside garbage cans when placed out for collection shall be covered with a blanket or other suitable covering to protect them from scavengers.

SUITABLE CONTAINERS (CON'T)

- (iii) In the case of containers supplied under (i), the combined weight of the container and its contents shall not exceed 60 pounds.
- (iv) No person shall place solid wastes for pick-up in any container other than those which conform to this article unless such other container is approved by the designated officer.
- (v) No person shall construct or place or leave adjacent to a street, any stationary container for the purpose of storing solid wastes or any other material.

b) Containers for mechanical pick-up - Multiple Family Residential.

- (i) Shall be of metal construction equipped with a spring loaded cover and of a configuration compatible for pick up by City of Thompson collection equipment.
- (ii) Minimum capacity of containers based on one pick up per week.
 - a) For buildings containing from one (1) to ten (10) dwelling units - one-half (1/2) cubic yard per dwelling unit.
 - b) For buildings containing more than ten (10) dwelling units - one third (1/3) cubic yard per unit.
- (iii) Where containers do not meet the required capacity, the designated officer of the City shall provide notice to the owner requiring
 - a) That the container be replaced with an approved container of adequate capacity as specified in subsection 5 (b) (ii), or
 - b) That the building owner shall arrange for pick-up as often as necessary to prevent overflow and spillage of material from the container.

SUITABLE CONTAINERS (CON'T)

- c) Containers for mechanical pick-up, business and commercial premises:
 - (i) Shall be of metal construction equipped with a spring loaded cover.
 - (ii) Shall be of sufficient capacity to contain all material deposited therein without spillage.
 - (iii) Shall be scheduled for pick-up as often as necessary to prevent overflow and spillage of material from the container.
 - (iv) where containers mentioned in (c) are deemed by the designated officer of the City to be overflowing and causing material to be spilled, said officer shall provide notice to the building owner in writing that the building owner shall immediately arrange for pick-up as often as necessary to prevent spillage of material from the container.
- d) Where the owner fails to comply with the requirements of a notice as referred to in 5(b)(iii) or 5(C)(iv) within 7 days of receipt the designated officer may cause additional garbage container pick-ups to be made as necessary and the cost of said pick ups shall be borne by the owner.
- e) All containers shall be maintained in a condition satisfactory to the designated officer of the City of Thompson and shall be kept clean and free of odour.
- f) All containers for mechanical pick-up shall be painted at least once in every three year period.
- g) Containers showing signs of deterioration, rust or general unsightliness due to peeling or deteriorating of paint may be required by the designated officer of the City of Thompson, to be painted more frequently than the time period stated in this section.

6. PLACEMENT OF CONTAINERS AND BULKY WASTE FOR PICK UP

- (i) Waste containers for pick-up shall be placed at the curb or immediately adjacent to the street not later than 8 O'clock a.m. on the morning designated for pick-up and shall be removed forthwith after pick up is completed.
- (ii) In the case of property with an adjacent back lane, containers and bulky waste shall be placed in an unobstructed and unenclosed area on the property being serviced immediately adjacent to the back lane and shall be easily accessible from the back lane so that collection forces are not required to enter private property.
- (iii) In the case of property not served by a back lane, containers and bulky waste shall be placed for collection on refuse pick-up days and by such time as is designated by the designated Officer, on the property being serviced immediately adjacent to the street.
- (iv) Any appliances, refrigerator or other container which has a snap lock or similar device shall have the door removed prior to its being put out for pick-up.
- (v) Collections shall be made at a location and in a manner satisfactory to the Designated Officer.

7. STORAGE OF CONTAINERS

- a) Containers shall be stored in a manner approved by the Designated Officer, such that there is no harborage for rodents in or near the containers. Containers shall be held upright so that they cannot be easily toppled and in such a manner that will prevent animals from scattering the contents. The owner or occupant of the premises shall immediately clean up any spillage or scattering.

- b) The roadway providing access across private property to the containers specified in paragraph 5(b) shall be of such a design and structural strength to prevent damage to the roadway by the collection vehicle and to the collection vehicle.
- c) Where stands and equipment handling containers are provided for garbage, adequate steps shall be provided to permit the ease of garbage deposit for persons using same.
- d) Collection shall not be made from or containers returned to, any location or stand which, in the opinion of the Designated Officer, is unreasonable, inconvenient, or dangerous to the personnel and equipment carrying out collections. Containers shall be emptied by the City only at locations approved under this By-Law.
- e) Containers for mechanical pick-up shall be enclosed in a manner so as to conceal them from view from the front of the premises which they serve while remaining accessible from the rear to collection forces.

8. GARBAGE TO BE WRAPPED

All garbage shall be strained to eliminate liquids and enclosed in sufficient paper or other like substance to completely enclose the contents and prevent any leakage or spillage and shall be securely tied or fastened prior to placement in containers.

9. ASHES NOT TO BE MIXED WITH GARBAGE/RUBBISH

Ashes shall be stored in enclosed, non combustible containers for a minimum of forty eight hours after removal from stoves or barbecues before being placed out for collection.

Cold ashes shall be placed for collection in disposable containers and shall not be mixed with other garbage.

10. UNAUTHORIZED HANDLING OF SOLID WASTES

No person other than the owner or agent thereof, unless lawfully authorized to do so, shall pick over, interfere with, disturb, remove or scatter any solid wastes howsoever placed for collection.

11. REMOVAL AND DISPOSAL OF WASTES

- a) The open burning of any solid waste is expressly prohibited unless approved by the Designated Officer.
- b) The City will remove and dispose of all garbage, rubbish and ashes from all residential premises, churches, charitable institutions, and city owned facility on a once-per-week basis.
- c) The City will not remove solid wastes from premises other than in Article 11(b), and the owners of such nonserviced premises shall arrange for contract collection and disposal as individually required.
- d) The City will remove and dispose of bulky wastes from all residential premises upon request. Removal of such bulky wastes shall be at the determination of the designated officer and the City shall levy an appropriate fee for said service.
- e) The City may contract out the collection of any portion of the solid wastes generated within the City to any firm or individual.

12. CONVEYANCE OF WASTES

No person shall convey or cause to be conveyed any solid or liquid wastes in a vehicle that is not properly constructed and covered so as to prevent the contents thereof from escaping.

13. UNAUTHORIZED DISPOSAL OF WASTES

With the exception of those litter containers provided for the use of the public for the disposal of litter, no person shall dispose of any solid or liquid wastes by placing or leaving them upon any private or public property or upon or inside any container located on said private or public property unless authorized to do so by the owner or agent of said property and in conformance with this by-law.

14. COMPOSTERS

The owner of a composter shall not allow said composter to emit offensive odours.

III. THROWING OR DEPOSITING OF LITTER15. LITTERING

No person shall dump, deposit, drop, throw, discard or leave or cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of litter upon any public place or public area or upon private property or upon or into any body of water unless:

- (i) Said litter is placed into a litter receptacle or a container as required under this by-law except that bulky wastes, construction and demolition wastes, dead animals, industrial refuse, abandoned or unattended shopping carts, shall not be deposited in a litter receptacle.
- (ii) Said litter is deposited at a disposal site or in a location designated for the purpose during collection days or special cleanup days, or,
- (iii) Said litter consisting of dead animals is disposed of in accordance with instructions issued by the designated officer.
- (iv) Litter consisting of abandoned or unattended shopping carts is deposited at the retail store owning the shopping carts, or,
- (v) Said person is involved in an emergency situation.

16. ALLOW LITTER TO ACCUMULATE:

No owner or tenant in control of real property shall allow litter to accumulate upon that property in such a manner as to be unsightly or in such a manner that said litter may be blown to the real property or public place.

17. PERSONS OWNING OR OCCUPYING PROPERTY:

(i) Persons owning or occupying property shall keep said property together with the sidewalk, boulevards at the front and sides and the lane at the rear of their property, free of litter.

(ii) No person owning or occupying property shall dump, place, leave or deposit any grass, sand, gravel, stones, snow, rubbish, or other material removed from said property on any street or other public or private property except as and in the manner allowed by this by-law for the purpose of regular garbage collection by City forces.

18. PLACEMENT AND SERVICING OF RECEPTACLES IN PUBLIC AREAS:

(i) Owners and tenants in lawful control of public area shall provide approved litter receptacles in appropriate and easily accessible locations and shall be responsible for the servicing and maintenance of these receptacles.

Litter receptacles shall be of a minimum capacity of 9 cubic feet and satisfactory to the Designated Officer of The City of Thompson as to type, construction and appearance.

(ii) Persons owning or occupying places of business to which the public enters and exits said business directly from the outdoors shall provide at least one container with a minimum capacity of 9 cubic feet outside each entrance/exit for the purpose of containing litter.

- (iii) Persons owning or operating commercial malls with common entrances and containing multiple occupancies where no containers are provided pursuant to part (i) shall provide outside each of the principal entrances/exits to the building, a minimum of two containers each with a minimum capacity of 9 cubic feet for the purpose of containing litter.
- (iv) Persons owning or operating commercial or retail establishments where parking is provided for the public for the purpose of carrying on business in said commercial or retail establishment shall provide litter containers of the capacity specified in (i) as follows:
 - For parking lots with a capacity of 5 to 50 vehicles one litter container shall be provided at a conspicuous location in the parking lot.
 - For parking lots with a capacity in excess of 50 vehicles, one litter container shall be provided for each additional 100 vehicles or portion thereof. Said containers shall be distributed evenly throughout the parking lot in conspicuous locations.
- (v) Persons owning or operating commercial establishments where containers are provided pursuant to this section shall cause said containers to be emptied as often as necessary to prevent overflow and spillage of contents.
- (vi) Failure to comply with section (v) shall constitute a violation of this by-law.

19. MERCHANTS AND PROPRIETORS OF PLACES OF BUSINESS:

Persons owning or occupying places of business shall keep said property together with the sidewalks and boulevards at the front and sides and the lane at the rear of the business premises free of litter.

20. DISCARDED CARTONS AND CONTAINERS:

All discarded cartons, containers and papers of a kind used in any business, that are found within a 30 met distance from the place of business shall be presumed to have been used for the sale of goods sold in that place and to have been discarded by patrons thereof.

21. PROPRIETOR TO PICK UP CARTONS AND CONTAINERS:

Every proprietor of a place of business such as is mentioned in section (19) shall keep his premises and all public or private lands, streets, lanes or passageways within a distance of 30 meters from his premises free of all discarded cartons, containers or papers by collecting and disposing of same at such times and in such manner as will be satisfactory to the designated officer of the City of Thompson.

22. SHOPPING CARTS:

No person shall remove a shopping cart from the property of its owner nor shall any person abandon or leave a shopping cart in any location other than within the boundaries of its owner's property.

Shopping carts found abandoned or unattended on any public or private property other than the property of their owner shall be impounded by The City and an appropriate fee charged to the owner for their redemption.

23. NOTICE OF NON COMPLIANCE:

Where the designated officer deems that a property owner has not complied with Sections 14 to 21 of this By-Law the Designated Officer shall provide notice to the owner, in writing, that the owner shall comply with said provisions.

IV. ENFORCEMENT**24. REMEDIAL WORK CARRIED OUT BY CITY ON PRIVATE PROPERTY:**

Where any owner, agent, lessee or occupier has been given a notice, order or direction by the Designated Officer, or otherwise by the City, to do any act or thing to remedy any situation or condition existing on his property contrary to any part of this by-law and subsequently neglects or refuses to comply with such order or direction within the time specified, the designated officer may order the work carried out and charge the cost of the work done to the owner, agent, lessee, or occupier and in default of payment;

(i) Recover the cost as a debt due to the City;

and/or

(ii) Charge the cost against the land concerned as taxes due and owing in respect of that land and recover the costs as such.

25. GENERAL PENALTIES:

Any person who contravenes or disobeys or refuses or neglects to obey, any provision of this by-law is guilty of an offence and liable on summary conviction to a fine not exceeding (\$100.00) one hundred dollars, or in default of payment of such fine and costs, to imprisonment not exceeding (30) thirty days.

Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of a separate offence for each day that it continues.

By-Law Number 775-75, 918-78 and 926-78, previously in force in the City of Thompson and any other by-laws of the City of Thompson inconsistent with this by-law are hereby repealed.

READ A FIRST TIME THIS 11TH DAY OF MAY A.D. 1992

READ A SECOND TIME THIS 11TH DAY OF MAY A.D. 1992

READ A THIRD TIME THIS 11TH DAY OF MAY A.D. 1992

DONE AND PASSED IN COUNCIL THIS 11TH DAY OF MAY A.D. 1992

THE CITY OF THOMPSON

PER:


MAYOR

PER:


CITY CLERK