



Waste Disposal By-Law

Pursuant to the authority conferred in section 8 of the *Towns and Local Service Districts Act, 2025*, the Town Council of The Town of Torbay has adopted the following by-law on March 31, 2025.

1. TITLE

This document will be known and cited as *Waste Disposal By-Law*.

2. DEFINITIONS

- (a) "**Act**" shall mean the *Towns and Local Service Districts Act*.
- (b) "**Approved**" means approved by the senior staff member responsible for public works or their designate.
- (c) "**Ashes**" means the residue of any substance used as fuel for household purposes after such substance has been consumed by fire, but not including soot.
- (d) "**By-Law**" means the Town of Torbay Waste Disposal By-Law.
- (e) "**By-Law Officer**" shall mean a person appointed as a By-Law Enforcement Officer under section 278 (1) of *The Towns and Local Service Districts Act, 2025*.
- (f) "**Commercial Premises**" means a school, institution, factory, store, office, place of business, or a building used for residential purposes which contains four (4) or more residential units.
- (g) "**Construction Waste**" means any used building materials discarded during or after the construction, alteration or renovation of any building, house, fence or other structure.
- (h) "**Council**" means the Town Council of the Town of Torbay.

- (i) **"Fiber Products"** are those materials defined in Section 9 of this by-Law.
- (j) **"Garbage"** means all kitchen and table waste of animal, fruit or vegetable origin resulting from the preparation of food, as well as well all those materials that are not recyclables or that are not Hazardous Waste.
- (k) **"Garden Waste"** means waste material from gardens, consisting of grass clippings, dead branches, bushes, weeds, plants, stones and other similar materials.
- (l) **"Hazardous Waste"** means dangerous goods as described in the *Transportation of Dangerous Goods Regulations* under the *Federal Transportation of Dangerous Goods Act, 1992* or any successor federal legislation or regulations.
- (m) **"Householder"** means the owner, occupant, lessee, tenant or the person in charge of a dwelling, mobile home, hotel, restaurant, apartment block, office building, public institution or other building.
- (n) **"Metal and Plastic Products"** are as defined in Section 10 of this by-law.
- (o) **"Nuisance"** means anything or any condition of things which is or may become injurious or dangerous or presents an obstruction to pedestrians or vehicular traffic or anything or any condition of things that, in the opinion of the Council, has an unpleasant effect on the senses or adversely affects the amenities of the surrounding property.
- (p) **"Receptacle"** for the purpose of this by-law means:
 - i. an opaque polyethylene plastic bag of 1.5-gauge (1.5 mil) thickness, fastened at the top and minimum size 26" x 36" (66 cm x 91cm) and not weighing more than 50 lbs.
 - ii. metal or plastic containers not exceeding 50 lbs. (including garbage)
 - iii. affixed or otherwise immovable garbage bins, where the garbage is placed in the proper containers or garbage bags.
- (q) **"Recyclable"** includes all fibre products, metal products and plastic products identified by the Town as being acceptable for pick-up.
- (r) **"Refuse"** means all other miscellaneous waste material not specifically defined as garbage.
- (s) **"Swill"** means wet table scraps, garbage or other waste materials, or animal or vegetable matter, which has attained a liquid or partly liquid state.

(t) "Town" means the Town of Torbay.

3. ADMINISTRATION

- 3.1 The senior staff member responsible for public works, or their designate, shall administer the provisions of this by-law and for that purpose may:
 - 3.1.1 Divide the Town into sections,
 - 3.1.2 Designate a particular day of the week for collection of garbage, recyclables and refuse in each section, and
 - 3.1.3 From time to time alter the boundaries of each of the sections and shall notify the public of such changes in boundaries.
- 3.2 The by-law officer shall have the power to enter upon any property or land or premises within the town where he or she knows any matter or thing, or waste material is placed or kept in violation of these by-laws.
- 3.3 No person shall, willfully obstruct, or interfere, or impede, in any way, a By-Law Officer, Municipal Enforcement Officer, Police Officer, or any other person so authorized by council in the performance of his/her duties, or in any way tamper with councils' vehicles and equipment while involved with the enforcement of these by-laws or any other by-laws of the municipality.
- 3.4 Where a By-Law Enforcement Officer has placed or caused the placing of a sign, placard, or order, or Notice of Violation upon any property or premises under the authority of this by-law or any other applicable by-law or laws, no person shall remove a sign, placard, order or notice of violation except with the consent of by-law enforcement.

4. DAYS AND TIMES OF COLLECTION

- 4.1 Collection of garbage and refuse shall be at least once in every seven (7) days, commencing at the hour of seven o'clock in the morning (7:00 a.m.), provided however, that when a public or statutory holiday occurs on a collections day, such collection shall be made on the next following working day, unless otherwise specified by the senior staff member responsible for public works or their designate.
- 4.2 Collection of recyclables shall be at least once every fourteen (14) days, commencing at the hour of seven o'clock in the morning (7:00 a.m.), provided however, that when a public or statutory holiday occurs on a collection's day, such collection shall be made on the next following working day, unless otherwise specified by the senior staff member responsible for public works or their designate.
- 4.3 Bulk item collections may be termed "Spring Clean-up" and "Fall Clean-up"

and may take place, in the spring and fall of each year, unless determined otherwise by the senior staff member responsible for public works, or their designate.

- 4.4 All garbage, recyclables and refuse being placed for collection shall not be placed out for collection earlier than 5:30 a.m. on the day designated for collection in the area.
- 4.5 All garbage, recyclables and refuse being placed for collection shall not be placed out for collection later than 7:00 a.m. on the day designated for collection in the area.
- 4.6 Receptacles shall not be put out for collection except on the day designated for collection in the area.
- 4.7 Empty receptacles as well as material refused for collection shall be removed from the streets by the householder before 8:30 p.m. on the same day as the garbage, refuse or recyclables were placed for collection.

5. RESTRICTIONS

- 5.1 No householder shall dispose of garbage, recyclables or refuse in the Town except in the manner as provided in this by-law.
- 5.2 No person or person shall permit any animal owned by him or under his control to pick over, interfere, disturb, remove or scatter any material placed out for collection.
- 5.3 The householder is responsible for the protection of all garbage, refuse and recyclables from the time it is placed at roadside until it is picked up. If a resident does not protect the garbage, refuse and recyclables and it becomes torn open or scattered, then the householder shall be responsible for any and all clean-ups.
- 5.4 All garbage, recyclables or refuse shall be placed in a garbage bag, as defined in section 2(p), as appropriate, even if the garbage, recyclables or refuse are being placed in a further receptacle.
- 5.5 No householder shall put out for collection more than five (5) garbage bags or their equivalent for collection by the Town on any one collection day. If two or more households share a single garbage receptacle, advance notice of the same must be filed with the Town, in writing, signed by an adult member of each household. Otherwise, only five (5) bags of garbage will be collected from the receptacle.
- 5.6 There shall be no limit on the number of bags of recyclables a householder may place at the curb for pick-up on an appointed collection day.
- 5.7 No hazardous waste shall be deposited or placed in a receptacle for collection.

- 5.8 No person, other than the employees of the Council authorized for that purpose, shall pick over, remove, disturb or otherwise interfere with any garbage, recyclables or refuse placed for removal by the Council whether or not it is enclosed in receptacles.
- 5.9 No caustic substances such as bleach, etc., are to be used on garbage receptacles.
- 5.10 No householder shall dispose of a hypodermic needle except in a sealed container that is designed for the disposal of sharps.

6. STORAGE AND DISPOSAL

- 6.1 Every householder and every operator of a business establishment shall at their own expense make adequate arrangements for:
- The storage of garbage in receptacles that are impervious to animals
 - The disposal of any material not collected by the Town as referred to herein, whenever sufficient quantity to warrant such disposal
- 6.2 Every owner or operator of a business or commercial premises shall be responsible for the removal of refuse from their premises. There shall be a fenced garbage compound provided for commercial refuse bins.
- 6.3 Every householder shall provide suitable receptacles for garbage, recyclables and refuse. Receptacles which are non-disposable shall be maintained in a good state of repair and in a sanitary condition.
- 6.4 No person, firm or corporation shall deposit, throw, sweep or place any garbage, recyclables or refuse upon any street, lane, drain, public place or private property outside of buildings within the Town unless the same is enclosed in approved receptacles.
- 6.5 Every person, firm or corporation being the owner of a building or buildings and premises within the Town shall provide approved receptacles as mentioned aforesaid for the use of such building or buildings and premises for the reception of garbage, recyclables or refuse, and all Garbage, Recyclables or Refuse from such building or buildings and premises shall be placed in such receptacles.
- 6.6 A suitable receptacle shall mean a standard plastic garbage receptacle, or a receptacle of other substantial material and approved by the Town's By-Law Enforcement Officer or Inspector and each receptacle shall have maximum dimensions of 26 inches x 36 inches x 48 inches.
- 6.7 A suitable receptacle shall also mean a polyethylene garbage bag as defined in section 2(p), as appropriate.
- 6.8 A polyethylene garbage bag placed for collection shall be securely tied or closed at the top.

- 6.9 Garbage receptacles shall be kept covered and in a sanitary condition at all times.

7. PLACEMENT OF CONTAINERS

Garbage receptacles shall be placed for collection in front of the premises at the curb or street line where possible. Winter placement shall be as per the Town's directions.

8. MATERIALS NOT COLLECTED

8.1 The Town shall not collect

- 8.1.1 Swill, liquid waste or other organic matter which has not been properly drained or wrapped,
- 8.1.2 Highly combustible or hazardous waste, including, but not limited to, oil, gasoline-soaked rags, gas containers, propane cylinders, paint, pesticides, ammunition, dynamite, or other explosive matter, chemicals, acids or their residues, derivatives or by-products. These items and other hazardous waste should be dropped off at the Town Depot during the Household Hazardous Waste Day held each year. Dates for this event will be advertised locally,
- 8.1.3 Dressings, bandages or other infected material from hospitals, or offices of physicians, surgeons, dentists and veterinarians,
- 8.1.4 Construction Waste,
- 8.1.5 Garden Waste,
- 8.1.6 Garbage, recyclables or refuse which has not been placed for collection in the manner provided by this by-law,
- 8.1.7 Rubber tires of all sizes. Tires must be dropped off at a Tire Recycling Compound such as a garage,
- 8.1.8 Tree branches or roots,
- 8.1.9 Sheet iron, scrap metal, car bodies,
- 8.1.10 Carcass of any animal or animal waste. Notwithstanding the herein provision, reasonable amounts, as determined by the Town or a By-Law officer of dog feces will be collected,
- 8.1.11 Garbage, recyclables or refuse left by a contractor, upon any street, lane, drain, public or private property, and

8.1.12 Ashes.

9. FIBRE RECYCLING

- 9.1 Residents shall separate fibre products from their regular household garbage and place in a blue transparent polyethylene plastic bag, 66 cm x 90 cm (26" x 36") x 1.25 mm gauge thickness. No bag shall exceed 22.7 kg (50 lbs.) in weight.
- 9.2 Notwithstanding section 9.1, fibre products may be placed by the curb in a transparent polyethylene plastic bag or tied in a securely tied compact parcel not exceeding 60 cm x 60 cm x 90 cm (36" x 24" x 24") in dimensions, and 22.7 kg (50 lbs.) in weight.
- 9.3 "Fibre Products" means and includes the following:
- newspapers
 - flyers
 - glossy magazines and catalogues
 - telephone books
 - office paper (including white paper, colored paper, file folders and envelopes with and without windows)
 - shredded paper
 - soft covered books
 - hard covered books (covers removed)
 - corrugated cardboard
 - egg cartons
 - toilet paper and paper towel rolls
 - paper bags
 - box-board (e.g. cereal, detergent boxes, etc.)
- 9.4 For further certainty, the following items are not considered as fibre products:
- diapers
 - cat litter
 - disposable drink cups and coffee cups
 - gift-wrap
- 9.5 The fibre products listed for recycling may be altered, changed or amended as the Town deems necessary and/or acceptable by giving two weeks public notice of such change.
- 9.6 The Town reserves the right not to pick up recyclables at any premises if fibre products are not separated in accordance with this by-law.

10. METAL AND PLASTIC

- 10.1 Residents shall separate metal and plastic products from the garbage and place them in a

blue transparent polyethylene plastic bag 66 cm x 90 cm (26" x 36") x 1.25 mm gauge thickness. No bag shall exceed 22.7 kg (50 lbs) in weight.

10.2 "Metal and Plastic Products" means and includes the following:

- aluminum containers (e.g. pop cans, beer cans, pie plates, etc.)
- plastic bottles (e.g. water bottles, pop bottles, etc.)
- plastic containers (e.g. ice cream, ketchup, bleach, shampoo, etc.)
- tin cans
- gable tops and tetra-paks (e.g. milk, juice cartons, etc)
- these types of plastic:
 - a) Polyethylene terephthalate, also known as PETE or PET
 - b) High-density polyethylene (HOPE.
 - c) Low-Density Polyethylene (LOPE)
 - d) Polypropylene (PP)

10.3 The metal and plastic products listed for recycling may be altered, changed or amended as the Town deems necessary and/or acceptable by giving two weeks public notice of such change.

10.4 The Town reserves the right not to pick up recyclables at any premises if metal and plastic products are not separated in accordance with this by-Law.

11. SPRING AND FALL CLEAN-UPS

The Town will conduct a spring and fall clean-up each year, which will be advertised two to three weeks in advance. The Infrastructure and Public Works Depot at 1 Pump House Road will be the drop-off site. During these periods, collection will be for all household items. A curb site pick-up will also be offered at a pre-determined price.

12. VEHICLES CARRYING GARBAGE AND REFUSE

12.1 No person, firm or corporation shall transport garbage, recyclables, swill or refuse of any kind on any street within the Town unless such garbage, recyclables, swill or refuse is transported in an enclosed truck, or receptacle, or is otherwise secured so that it shall not fall from the vehicle or other means of transportation onto the street.

12.2 All vehicles and receptacles used for the transportation of garbage, recyclables, refuse or swill shall be kept in a sanitary condition at all times.

12.3 The By-Law Officer may inspect vehicles used for garbage, recyclables, refuse or swill collection at a reasonable time to ensure compliance with this by-law.

12.4 The Town's By-Law Officer is designated to enforce this by-law.

13. GENERAL

- 13.1 Notwithstanding anything contained in this by-law, the By-Law Officer may at any time order the owner to clean up and remove any accumulation of garbage, recyclables, swill or refuse outside any building or buildings or on any other private property within the Town; and,
- 13.2 If the owner neglects or refuses, when ordered by the By-Law Officer to clean up and remove any accumulation of garbage, recyclables, refuse or swill from his or her premises, the By-Law Officer may cause the clean-up and removal of such accumulation at the expense of the owner.

14. COMMERCIAL COLLECTION

- 14.1 The Town of Torbay does not collect commercial waste or commercial recycling materials.
- 14.2 Commercial properties that are receiving waste collection by the Town at the time of these by-laws coming into effect shall be considered to be "grandfathered in".
- 14.3 Every Person being the owner or occupant of a commercial premises within the Town shall provide garbage boxes or other receptacles approved by the Town for the use of such building or buildings and premises for the reception of garbage.
- 14.4 All garbage from such building, or buildings and premises shall be placed in such receptacles within a fenced compound and removed by the owner or occupant or their agent.
- 14.5 All garbage shall be disposed of at intervals not exceeding one week or when receptacles are full, by the owner or occupant of any building or place of business.
- 14.6 Every person being the owner or occupant of a commercial premises within the Town shall be responsible for rodent control and shall maintain the garbage boxes or other receptacles in a generally clean condition.

15. PENALTIES

Every person who is guilty of an offense under this by-law, 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 in section 290 of the *Towns and Local Service Districts Act*, or
- b) Shall be subject to an order under authority of section 285 of the *Towns*

and Local Service Districts Act, or

- c) Shall be subject to a violation notice issued under section 287 of the *Towns and Local Service Districts Act*, or
- d) Shall be issued a ticket under the *Provincial Offences Act* in accordance with section 288 of the *Towns and Local Service Districts Act*.

16. REPEAL OF PREVIOUS BY-LAWS AND AMENDMENTS

All previous garbage and refuse regulations for the Town are repealed.

17. CAME INTO EFFECT

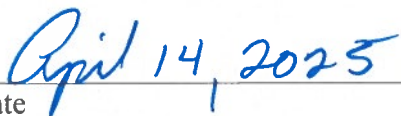
This by-law shall become effective upon the ____ day of _____, and adopted by Motion No. _____, Public Meeting of Council of _____.



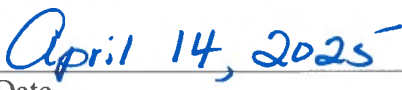
Mayor



Town Clerk



Date



Date

