

TOWN OF ROSETOWN
Bylaw No. 770-18
THE WASTE COLLECTION BYLAW

The Council of the Town of Rosetown enacts as follows:

Part I
General Matters

Short Title

1. This Bylaw may be cited as The Waste Collection Bylaw.

Purpose

2. The purpose of this Bylaw is to protect the health and welfare of people and provide for the abatement of nuisances and the protection of the environment by regulating and monitoring the collection, handling and disposal of waste and recyclable material within the Town.

Definitions

3. In this Bylaw:

(a) “approved container” means a container that meets the requirements of this Bylaw and of the Superintendent of Public Works and that has been approved for use in the Town by the Superintendent of Public Works;

(b) “automated collection” means the collection of waste by a system of mechanical lifting and tipping of containers into specially designed vehicles;

(c) “bin” means an approved container made of metal of a size greater than one half cubic metre that is capable of automated collection;

(d) “Town” means The Town of Rosetown;

(e) “commercial cooking grease container” means an approved container used for disposal of commercial cooking grease;

(f) “commercial premise” means a premise principally used for the conduct of a profession, business or undertaking, and includes any premise that is not a residence or the premises connected therewith, but does not include an industrial or institutional premise;

(g) “commercial waste container” means an approved container for use at commercial premises, capable of automated collection, and includes a bin, roll-out cart and a stationary container;

(h) “Council” means the council of the Town of Rosetown;

(i) “garbage can” means a container for manual waste collection that meets the requirements of this Bylaw;

(j) “home-based business” means a home-based business as defined in the Town’s Zoning Bylaw No. 531-07 (the “Zoning Bylaw”), as amended;

(k) “household waste” means waste originating from domestic activities at a residence, and includes:

- (i) putrescible organic waste produced as a by-product of the handling, preparation, cooking, consumption or storage of food;
- (ii) non-putrescible materials, including packaging material, clothing, containers, paper products, small appliances, household items, diapers;
- (iii) non-hazardous remains, by-products, or discarded materials; and
- (iv) yard waste including grass clippings, leaves, branches, trees, garden matter, soil, sod or dirt;

(l) “industrial premise” means a premise principally used for manufacturing, processing, assembling, cleaning, servicing, repairing, testing, storage, distribution or warehousing of materials, goods or equipment;

(m) “institutional premise” means a premise principally used as a temporary place of abode and includes a hotel, motel, school, church, prison, senior citizens home, special care home, community home and hospital but does not include a residence as defined in this Bylaw;

(n) “Landfill Site” and “Transfer Station” means the Provincially-approved landfill or transfer station operated by the Town for the disposal of waste.

(o) “liquid waste containing grit” means liquid waste that contains solid matter, including ashes, cinders, sand, stone or any other solid or viscous substance that may impair the operations of the sanitary sewer system;

(p) “manual waste collection” means collecting waste from garbage cans by manually tipping into a waste collection vehicle;

(q) “multiple-unit residence” means a building or portion thereof designed for or occupied as three or more residences, but does not include an institutional premise;

(r) “municipal inspector” means a person appointed by the Superintendent of Public Works to act as a municipal inspector for the purposes of this Bylaw;

(s) “public utility” means a system or works used to provide waste management services, including the collection, handling and disposal of waste and recyclable material within the Town for public benefit and convenience;

(t) “putrescible” means waste that is capable of decomposing with sufficient rapidity so as to cause a nuisance from odours or gases, or that is likely to attract birds, insects, snakes, rodents or other animals, or that may otherwise be a health risk;

- (u) “recyclable material” means any material collected for the purpose of recycling or reuse;
- (v) “recycling container” means an approved container for collecting recyclable material;
- (w) “residence” means a dwelling of any type as defined in the Zoning Bylaw;
- (x) “residential waste container” means an approved container for use at residential premises, and includes a roll-out cart, stationary container or bin;
- (y) “roll-out cart” means a container on wheels approximately 0.4 cubic metres in volume and designed for automated collection;
- (z) “special collection area” means an area prescribed by the Superintendent of Public Works where, because of its configuration, normal collection practices are impractical, and includes areas such as a cul-de-sac, a townhouse complex or a narrow lane;
- (aa) “stationary container” means a container intended to be used for waste collection from more than one residence or for commercial use that is approximately one cubic metre in volume and capable of automated collection;
- (bb) “unacceptable waste” means waste listed in Schedule “B” to this Bylaw;
- (cc) “Superintendent of Public Works” means the Superintendent of Public Works, as appointed by Council, or designate;
- (dd) “waste container” means any container approved for waste collection, and includes a bin, roll-out cart, stationary container, garbage can, residential waste container, commercial waste container and a commercial cooking grease container; and

Part II

General Provisions for the Collection and Disposal of Waste

Accumulation of Waste Prohibited

4. No owner or occupant of any land or building shall allow waste of any kind to accumulate in or on the land or building, except as permitted in this Bylaw.

Depositing Waste on Public or Private Property

5. No person shall dispose of waste anywhere in the Town other than in a waste container or at a Provincially-approved landfill site.

6. No person shall dispose of waste anywhere in the Town except at a Provincially-approved landfill site, transfer station or Regional landfill.

7. A person who has placed waste contrary to the provisions of this Bylaw shall remove the waste or cause the waste to be removed upon being directed to do so by the owner or occupant of the land, the Superintendent of Public Works, a Medical Health Officer, the Fire Chief or a peace officer.

8. If the identity of the person who placed waste on the land contrary to the provisions of the Bylaw cannot reasonably be ascertained, the owner or occupant of the land shall remove the waste or cause the waste to be removed upon being directed to do so by the Superintendent of Public Works, a Medical Health Officer, the Fire Chief or a peace officer.

Plastic Bags

9. Garbage must be placed in plastic bags and placed in an approved container or a stand as defined in this bylaw. The plastic bags must be securely tied before being placed out for collection.

Garbage Tags

10. Garbage Tags may be purchased at the Town office or Landfill/Transfer station. The fee for each garbage tag shall be determined by resolution of Council.

11. Plastic bags placed out for collection that are tagged with a garbage tag will be collected as part of regular waste.

Waste Containers

12. The owner of property shall ensure that there is unobstructed access to waste containers, unless other arrangements are first made with the Superintendent of Public Works.

13. Waste containers shall be equipped with handles and a tight fitting cover, and shall be of a circular design not larger than 30" in height and 20" in diameter, or as approved by the Superintendent of Public Works. Waste shall be placed in all containers in such a manner that, when inverted, the contents of any container will fall out.

14. No person other than:

- (a) the owner, occupant or operator of a property;
- (b) a person permitted by the owner, occupant or operator; or
- (c) the Town,

shall disturb or disrupt the contents of a waste container.

15. Unless other arrangements are first made with the Superintendent of Public Works, no person shall:

- (a) deposit special or unacceptable waste into any waste container; or
- (b) allow any waste container to remain on a public right-of-way for more than 24 hours.

16. The Town may refuse to empty any waste container that:
- (a) is unclean or unsanitary;
 - (b) is improperly placed;
 - (c) is not accessible to Town waste vehicles or employees;
 - (d) is locked or is in an enclosure that is locked;
 - (e) contains improperly prepared or placed waste, or unacceptable waste;
 - (f) poses a danger to the safety of Town employees;
 - (g) may cause damage to the Town's equipment;
 - (h) in combination with its contents exceeds the allowed weight; or
 - (i) is not an approved waste container.

Garbage Stands

17. Plastic garbage bags must be used for household waste, trade waste, and garbage along with a proper garbage stand as provided by the owner or occupant. The stand must be:
- i) at least 20.32 cm (8 inches) off the ground;
 - ii) totally enclose the garbage deposited therein and must prevent garbage from being blown by wind or spread by animals;
 - iii) have an opening either from the top or side or front so the garbage can be removed from the stand without difficulty or delay; and
 - iv) located on the property of the owner or occupant.

Disposition of Waste and Recycling Material

18. No person other than:
- (a) the owner, occupant or operator of a property to which a waste container is assigned;
 - (b) a person permitted by the owner, occupant or operator of a property to which a waste container is assigned; or
 - (c) the Town,

shall remove any waste from a waste container, garbage stand, a landfill site, transfer station or a waste collection vehicle.

19. The Town may dispose of, recycle or reuse in any manner all waste or recyclable material delivered to or collected by the Town, subject to any agreements the Town may enter into for the disposal, recycling or reusing of any waste or recyclable material.

Improperly Prepared or Placed Waste

20. Waste shall be prepared and placed in accordance with this Bylaw, unless other arrangements are first made with the Superintendent of Public Works.

21. No person shall:

- (a) pile waste above the top of a waste container;
- (b) overfill a waste container so that waste may fall to the ground;
- (c) place waste on top of a waste container; or
- (d) place waste on the ground near a waste container.

22. The owner or occupant of a residence shall:

- (a) thoroughly drain all household waste and wrap and securely tie it in paper or in a plastic bag;
- (b) fully quench ashes prior to disposal;
- (c) ensure waste does not exceed 0.5 m (19 inches) in length;
- (d) ensure that all putrescible waste is in a sealed bag or container; and
- (e) ensure that all sharp or pointed objects are wrapped or contained.

Conveyance of Waste Through the Town

23. (1) No person who transports or causes to be transported any waste in the Town shall allow the waste or any portion of it to escape from the vehicle.

(2) No person shall transport or cause to be transported any waste in the Town unless proper measures, including at least one of the following, are taken to prevent the waste or any portion of it from escaping from the vehicle:

- (a) the waste is in a covered container;
- (b) the waste is covered with a tarpaulin or other suitable covering; or
- (c) the waste is securely tied down or fastened.

24. (1) No person shall transport or cause to be transported in the Town any offal from slaughterhouses or butcher shops, or any swill or waste of an offensive nature unless the part of the vehicle containing the waste is:

- (a) watertight;
- (b) constructed in such manner that it is impossible for any part of the contents to escape;
- (c) covered so that flies cannot come in contact with the contents; and

(d) constructed in such a manner that offensive odours cannot escape.

(2) No person shall allow any vehicle transporting waste referred to in Subsection (1) to stand in any street longer than is absolutely necessary, and in any case for more than thirty minutes, except in the case of an emergency.

25. No person shall leave any vehicle carrying a full or partial load of waste parked overnight on a street or in any residential area.

Part III

Waste Collection from Residences and Light Commercial/Industrial

Division I

General Provisions

26. The Superintendent of Public Works shall determine the type of waste collection to be provided to each residence in the Town.

27. Unless otherwise stated in this Bylaw, Council shall determine the frequency of collections to be provided to each residence in the Town.

28. Residences and Light Commercial/Industrial with scheduled collections shall be provided with a collection schedule.

29. Multiple-unit residences shall provide either:

(a) a sufficient number of waste containers, as determined by the Superintendent of Public Works; or

(b) a sufficient number of bins as described in Section 40 of this bylaw;

to provide storage for the waste originating from the multiple-unit residence over any given period of seven days.

Division II

Manual Waste Collection

30. Where manual waste collection is in effect, the owner or occupant of a residence and light commercial/industrial shall provide and maintain in good condition, a maximum of two garbage cans to contain the waste.

31. Notwithstanding Section 30, the owner or occupant of a residence and light commercial/industrial may provide up to two plastic bags to contain waste, providing the plastic bags are placed in a garbage stand as defined in Section 17 of this bylaw.

32. Plastic bags set out for collection, if they are in addition to the two (2) garbage cans or plastic bags as permitted in Section 30 and Section 31, must be tagged with a garbage tag and placed in garbage cans or a garbage stand.

33. Garbage cans shall be:
- (a) constructed of a durable plastic or galvanized metal; and
 - (b) have a water tight cap or cover, rigid fixed handles and a smooth rim at the top.
34. Plastic bags shall be securely tied to prevent the spread of waste by wind or animals.
35. No garbage can or plastic bag in combination with its contents shall exceed 20 kilograms (44 pounds) in weight.
36. Garbage cans shall be stored and set out for collection as follows:
- (a) where collection is made in a rear lane, the owner or occupant of the residence and light commercial/industrial shall place the garbage cans within their property:
 - (i) as near to the lane as is practical; and
 - (ii) where waste collectors have unobstructed access;

Division III

Automated Waste Collection from Stationary Containers

37. Where automated waste collection from stationary containers is in effect:
- (a) stationary containers shall be placed and maintained at the direction of the Superintendent of Public Works;
 - (b) no person shall move, turn or reposition a stationary container without the prior written approval of the Superintendent of Public Works;
 - (c) stationary containers shared by residences shall be located on or adjacent to the property of the residences as directed by the Superintendent of Public Works; and
 - (d) a stationary container designated for use by a single residence shall be located on the property of the residence.

Division IV

Waste Collection from Bins

38. A multiple-unit residence shall:
Unless the Superintendent of Public Works determines otherwise, a multiple-unit residence and light commercial/industrial shall use an approved container for waste collection.
39. Bins shall be placed on the property of the multiple-unit residence and light commercial/industrial as directed by the Superintendent of Public Works, and shall be:
- (a) supplied by the owner of the property at the owner's expense;
 - (b) maintained in good mechanical repair and repaired or replaced by the owner at the owner's expense;
 - (c) maintained in a clean and sanitary state by the owner at the owner's expense; and

(d) placed at grade on a dry, firm, level surface.

Bin Construction Standards

40. (1) All bins shall be:

(a) constructed of metal or non-combustible material;

(b) capable of mechanical unloading;

(c) clearly marked “No Parking” on the loading face of the bin; and

(d) equipped with a lid that is capable of being locked.

(2) The owner or occupant of the multiple-unit residence and light commercial/industrial shall ensure that the lid remains closed except while material is being deposited in the bin and while emptying the bin.

Bin Enclosures

41. (1) A bin may be stored in an enclosure where the enclosure has been approved by the Superintendent of Public Works.

(2) Where a bin is stored in a gated enclosure, all gates on the enclosure shall be secured in an open position for waste collection.

Minimum and Maximum Volume

42. Unless other arrangements are made with the Superintendent of Public Works, the owner or operator of a multiple-unit residence shall ensure that there are sufficient bins to provide a minimum of 0.15 cubic metres and a maximum of 0.3 cubic metres of bin space for each residence in the multiple-unit residence.

Collection Frequency

43. (1) Waste shall be collected once per week from bins used for residential waste collection.

(2) Waste shall be collected twice per week from bins used for light commercial/industrial waste collection.

Placement of Bins Inside a Building

44. Where the owner or operator of a property applies to the Town and indicates there is insufficient room on the property for outside storage of a bin or bins, the Superintendent may permit the bin or bins to be stored inside a building in accordance with applicable laws and regulations.

45. Bins stored inside shall be placed outside for waste collection by the owner or operator of the property at the location and time directed by the Superintendent of Public Works.

Locked Bin Lids

46. An owner of a bin may keep the bin lid locked provided that:
- (a) the owner or occupant unlocks the bin lid for collection purposes;
 - (b) the Town shall not lock or unlock the bin lid;
 - (c) bins shall be unlocked by 7:00 a.m. on the scheduled collection day; and
 - (d) locks shall be provided by the owner.

Part IV

Waste Collection from Heavy Commercial, Industrial and Institutional Premises

General Provisions

47. (1) All waste from heavy commercial, institutional and industrial premises within the Town shall be disposed of at a Provincially-approved landfill site, transfer station or recycling centre.

- (2) No owner or operator of any light or heavy commercial, institutional or industrial premises shall:
- (a) dispose of commercial cooking grease except in a commercial cooking grease container; or
 - (b) fail to maintain a commercial cooking grease container in a clean and sanitary state.

48. All private waste haulers operating within the Town shall provide, in a format acceptable to the Superintendent, annual reports of the volume and types of waste collected within Town limits.

49. The Superintendent of Public Works shall establish a minimum collection frequency for all commercial, industrial and institutional premises to ensure that all waste is removed before it becomes unsightly or unsanitary.

50. (1) The owner or operator of any commercial, industrial or institutional premise shall ensure that any waste container is:
- (a) equipped with a lid that is capable of being locked; and
 - (b) maintained in a sanitary state.

(2) The owner shall ensure that the lid remains closed except while material is being deposited into the waste container or the waste container is being emptied.

Town Collecting Commercial, Industrial or Institutional Waste

51. The Superintendent of Public Works may enter into agreements to collect waste from commercial, industrial or institutional premises. All such agreements shall, in addition to any other terms that the Superintendent of Public Works may stipulate, may contain the following terms:

- (a) the waste container shall be clearly marked "No Parking" on the loading face;
- (b) the owner of the premises shall provide locks;

- (c) the Town shall not lock or unlock the waste container;
- (d) the owner shall ensure that the waste container is unlocked by 7:00 a.m. on the scheduled collection day;
- (e) for on-call collections, the waste container shall be unlocked by 7:00 a.m. on the day of collection; and

52. Unless other arrangements are made with the Superintendent of Public Works, the Town shall not collect unacceptable waste from commercial, industrial or institutional premises.

Part V Other Waste

Construction Waste

53. (1) Any owner or contractor carrying out the construction, alteration or demolition of a building, structure or landscaping on any property shall:

- (a) place all waste into a waste container or enclosure;
- (b) in a timely manner, dispose of all waste resulting from the construction, alteration or demolition so as to ensure there is no unreasonable accumulation of waste on the property during the construction, alteration or demolition;
- (c) take all reasonable steps as may be necessary to prevent the waste from being dispersed, by wind or in any other manner, on or around the property or surrounding properties during the construction, alteration or demolition; and
- (d) upon completion of the construction, alteration or demolition, clear the property of all waste and litter.

(2) If such waste is not removed by the owner or the contractor, the Town may remove the waste, and the costs of so doing are a debt due to the Town by the owner or contractor.

Construction Vehicles

54. (1) No owner or operator of any vehicle leaving property where the construction, alteration or demolition of a building, structure or landscaping is occurring shall:

- (a) allow any earth or waste to be deposited upon a street or sidewalk by or from such vehicle; or
- (b) fail to remove from the street or sidewalk any and all earth or waste deposited by or from such vehicle.

(2) If such earth or waste is not removed from the street or sidewalk by the owner or operator of the vehicle, the Town may remove the earth or waste, and the costs of so doing are a debt due to the Town by the owner or operator.

Part VI

Landfill Site/Transfer Station

General Provisions

55. (1) No person shall deposit unacceptable waste at the Landfill Site or Transfer station.
- (2) The Town's designated supervisor may inspect all waste brought to the Landfill Site or Transfer Station to determine if the load contains unacceptable waste or recyclable material.
- (3) Loads containing unacceptable waste or recyclable material will be refused.
- (4) Where a person disposes of waste or recyclable material at the Landfill Site or Transfer Station contrary to the terms of this Section, the Town may remove the waste from the Landfill Site or Transfer Station, and the costs of so doing are a debt due to the Town from the person who disposed of the waste.

Complying with Directions

56. (1) Every person who attends at the Landfill Site or Transfer Station shall:
- (a) report to the Landfill/Transfer office;
 - (b) comply with all instructions, directions and signs; and
 - (c) unless other arrangements have first been made with the Town, pay the applicable fee for disposal at the Landfill Site or Transfer Station office as provided in Schedule "A" to this Bylaw.
- (2) Any person with an unpaid account at the Landfill Site or Transfer Station may be refused access to the Landfill Site or Transfer Station until the outstanding account has been paid.

Unsafe Behaviour

57. Persons using abusive or threatening language or gestures, or otherwise behaving in an unsafe manner may be refused access to the Landfill Site or Transfer Station at the discretion of the Superintendent of Public Works.

Hours of Operation

58. (1) The hours of operation of the Landfill Site or Transfer Station shall be:
- (a) set by the Superintendent of Public Works; and
 - (b) posted at the Landfill Site/Transfer Station.
 - (c) may be closed without notice.
- (2) No person shall deliver any waste to the Landfill Site or Transfer Station except during the hours of operation, unless otherwise authorized by the Superintendent of Public Works.

Disposition of Waste

59. (1) All waste deposited at the Landfill Site or Transfer Station becomes the property of the Town.

(2) No person shall remove any waste or recyclable material from the Landfill Site or Transfer Station without prior authorization from the Superintendent of Public Works.

Part VII

Collection of Recyclable Material and Seasonal Organic

Division I

General

60. (1) No person shall dispose of recyclable material or organic material anywhere in the Town except in accordance with the terms of this Bylaw.

(2) A person who has disposed of recyclable material or organic material in a manner contrary to the provisions of this Bylaw shall remove the recyclable and organic material or cause the recyclable and organic material to be removed upon being directed to do so by:

- (a) the owner or occupant of the land where the recyclable or organic material was deposited;
- (b) the Superintendent of Public Works;
- (c) a medical health officer for the Heartland Health Region;
- (d) the Fire Chief; or
- (e) a peace officer.

(3) Unless otherwise specified, the owner or occupant of a residence shall be responsible for complying with the terms of this Bylaw.

(4) No person shall:

- (a) overfill a recycling or organic container so that recyclable or organic material may fall to the ground;
- (b) pile recyclable or organic material above the top of a recycling or organic container;
- (c) place recyclable or organic material on the ground at or near the base of a recycling or organic container or anywhere at a recycling depot other than in a recycling or organic receptacle;
- (d) place any recyclable or organic material in a recycling or organic container not designated for the type of recyclable material or as specified in Schedule "D";
- (e) place any waste in, on or around a recycling or organic container; or

(f) being a person other than the owner of a recycling or organic container or a person permitted by the owner or the Superintendent of Public Works, disrupt or disturb the contents of a recycling or organic container or remove any recyclable or organic material from a recycling or organic container, a recycling depot or a collection vehicle.

Division II

Residential Recycling and Organic Collection

61. (1) The Superintendent of Public Works shall establish a program to provide for the collection of recyclable and organic material from residences in the Town.

(2) The Superintendent of Public Works shall determine the type of recycling and organic collection to be provided to each residence in the Town.

(3) Council shall determine the frequency of recycling and organic collection provided to each residence in the Town.

(4) The owner or occupant of residences with scheduled collection shall be provided with a collection schedule.

(5) The owner or occupant of each residence that receives residential recycling and organic collection shall pay the monthly rate set out in Schedule "C" in respect of residential recycling and organic collection.

Manual Recycling Collection

62. Where manual recycling collection is in effect, the owner or occupant of a residence shall provide and maintain in good condition, a maximum of two recycling containers to contain the recyclables.

63. Recycling containers shall be:

(a) constructed of a durable plastic or galvanized metal; and

(b) have a water tight cap or cover, rigid fixed handles and a smooth rim at the top.

64. No recycling container in combination with its contents shall exceed 20 kilograms (44 pounds) in weight.

65. Recycling containers shall be stored and set out for collection as follows:

(a) where collection is made in a rear lane, the owner or occupant of the residence shall place the recycling containers on the property:

(i) as near to the lane as is practical; and

(ii) where recycling collectors have unobstructed access;

Automated Recycling and Organic Collection from Roll-Out Carts

66. (1) Where automated recycling and seasonal organic collection from roll-out carts is in effect, each residence shall be provided with one roll-out cart for recycling and one roll-out cart for seasonal organic the sole use of the owner or occupant of the residence.

(2) Where automated recycling and seasonal organic collection from roll-out carts is in effect, roll-out carts shall not be removed from the residence or used for any purpose other than as permitted in this Bylaw.

(3) Unless otherwise directed by the Superintendent of Public Works, roll-out carts shall be:

(a) set out at the curb by 7:00 a.m. on collection day and placed:

- (i) at least 1.3 metres from any obstructions such as parked vehicles; and
- (ii) so that they will not be likely to overturn;

(b) removed from the street as soon as possible, and in any event within the time prescribed in subsection 15(b); and

(c) stored on the property of the residence when not placed out for collection.

(4) The Town may, at the time of collection or any other time, remove, repair or replace any obsolete, damaged or non-serviceable roll-out cart.

(5) Where the Superintendent of Public Works has prescribed a special collection area:

(a) a special collection area layout plan for roll-out cart placement shall be provided to the owner or occupant of each residence of the special collection area; and

(b) owners or occupants shall store and set out roll-out carts in accordance with the special collection area plan. In the event of an inconsistency between the special collection area plan and this Bylaw, the provisions of the special collection area plan shall prevail.

Division III

Recycling Depot

67. The Superintendent of Public Works shall set such conditions for site development, site maintenance and recycling promotion as the Superintendent of Public Works may deem appropriate, in accordance with the Town's Zoning bylaw.

Recycling Containers

68. (1) All recycling containers at recycling depots operating in Town must be:

(a) clearly marked with the identity of the collection agency, the type of material accepted, and instructions for preparation of recyclable material; and

(b) placed on the site as directed by the Superintendent of Public Works.

Part VIII

Enforcement

Appointment of Bylaw Enforcement Officers

69. (1) The administration and enforcement of this Bylaw is delegated to the Superintendent of Public Works.

(2) The Superintendent of Public Works is authorized to further delegate the administration and enforcement of this Bylaw to municipal inspectors.

Inspections

70. (1) The Superintendent of Public Works or a municipal inspector is authorized to inspect property to determine if there is compliance with this Bylaw.

(2) Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.

Orders to Remedy

71. (1) If an inspector finds a contravention of this Bylaw, the inspector may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.

(2) Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.

(3) Orders given under this Bylaw shall be served in accordance with Section 390 of *The Municipalities Act*.

Registration of Notice of Order

72. If an order is issued pursuant to this Bylaw, the Town may give notice of the existence of the order by registering an interest against title to the land that is the subject of the order in accordance with Section 364 of *The Municipalities Act*.

Appeal of Order to Remedy

73. (1) Appeals shall be made to the Council.

(2) The Council shall consider an appeal:

a) at the next regular meeting of Council scheduled to be held after the appeal has been received by the Town; or

b) at a special meeting of Council called to hear such an appeal.

(3) A person may appeal an order made pursuant to this Bylaw by filing a notice of appeal with the Council in accordance with Section 365 of *The Municipalities Act*, and by serving a copy of the notice on the Town. The notice of appeal shall state the grounds for the appeal.

Civil Action to Recover Costs

74. The Town may, in accordance with Section 368 of *The Municipalities Act*, collect any unpaid expenses or costs incurred by the Town in remedying a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

Adding Amounts to Tax Roll

75. The Town may, in accordance with Section 369 of *The Municipalities Act*, add any unpaid expenses or costs incurred by the Town in remedying a contravention of this Bylaw to the taxes on the property on which the contravention occurred.

Emergencies

76. In the event that it becomes an emergency to remedy a contravention of this Bylaw, the Town may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of *The Municipalities Act*.

Part IX

Offences and Penalties

Offences

77. (1) Every person commits an offence who:

(a) allows waste of any kind to accumulate on or in any land or building other than as permitted in this Bylaw;

(b) places or disposes of waste other than as permitted in this Bylaw;

(c) fails to take proper measures to prevent waste from escaping from a vehicle used to transport waste, or allows waste to escape from a vehicle used to transport waste;

(d) being the owner or operator of a vehicle used in carrying out the construction, alteration or demolition of any building, structure or landscaping allows any earth or waste to be deposited upon a street or sidewalk by or from such vehicle, or fails to remove such earth or waste from the street or sidewalk;

(e) being a person other than the owner, operator or occupant of a business or residence to which a waste container is assigned or a person permitted by Superintendent of Public Works disturbs or disrupts the contents of a waste container;

(f) being a person other than the owner, operator or occupant of a business or residence to which a waste container is assigned or a person permitted by Superintendent of Public Works removes any waste, object or material from a waste container, a Waste Management Centre or collection vehicle;

(g) causes or permits any loss of or damage to a Town owned waste container;

(h) leaves a waste container on a public right-of-way for more than 24 hours;

(i) fails to maintain a waste container in a sanitary state; and

(j) places waste in a recycling container or at a recycling depot.

(2) Every person commits an offence who:

(a) allows excessive recyclable material of any kind to accumulate on or in any land or building other than as permitted in this Bylaw;

(b) places or disposes of recyclable material other than as permitted in this Bylaw;

(c) fails to take proper measures to prevent recyclable material from escaping from a vehicle used to transport recyclable material, or allows recyclable material to escape from a vehicle used to transport recyclable material;

(d) being a person other than the owner, operator or occupant of a business or residence to which a recycling container is assigned or a person permitted by the Superintendent of Public Works disturbs or disrupts the contents of a recycling container;

(e) being a person other than the owner, operator or occupant of a business or residence to which a recycling container is assigned or a person permitted by the Superintendent of Public Works removes any recyclable material from a recycling container or collection vehicle;

(f) causes or permits any loss of or damage to a Town owned recycling container;

(g) leaves a recycling container on a public right-of-way for more than 24 hours; and

(h) fails to maintain a recycling container in a sanitary state.

78. No person shall:

(a) fail to comply with an order made under this Bylaw;

(b) obstruct or hinder a municipal inspector acting under this Bylaw; or

(c) fail to comply with any other provision of this Bylaw.

Penalty

79. Any person who contravenes a provision of Section 77 is guilty of an offence and liable on summary conviction to a fine:

(a) for the first offence, of \$100.00;

(b) for a second offence, of \$200.00; and

(c) for a third or subsequent offence, of not less than \$200.00 and not more than \$10,000.00 in the case of an individual or \$25,000.00 in the case of a corporation.

Notice of Violation for First and Second Offences

80. (1) A municipal inspector or a peace officer may issue a notice of violation to any person committing a first or second offence under Section 77. The notice shall require the person to pay to the Town the penalty specified in Section 79.

(2) The penalty may be paid:

(a) in person, during regular office hours, to the Town office located at 417 Main Street, Rosetown, Saskatchewan; or

(b) by mail addressed to the Office of the Town Clerk, Town office, Box 398, Rosetown, Saskatchewan S0L 2V0.

(3) If payment of the penalty is made prior to the date when the person contravening the Bylaw is required to appear in court to answer a charge, the person shall not be liable to prosecution for that offence.

(4) Notwithstanding Subsection (1), if a municipal inspector or a peace officer is of the opinion that it is in the public interest to compel a person who has contravened a provision of this Bylaw for the first time to appear before a justice, the municipal inspector or peace officer may issue a summons that requires the person to appear before a justice without the alternative of paying the specified amount.

(5) If in the opinion of a prosecutor it is appropriate, the prosecutor may, on or before the court appearance date, permit the person mentioned in Subsection (4) to pay the specified amount to avoid prosecution.

Early Payment

81. (1) If the penalty imposed under a notice of violation is paid within 14 calendar days of the date of the notice of violation, the amount of the penalty shall be discounted to the sum of \$75.00 for a first offence and \$150.00 for a second offence.

(2) The date of payment shall be determined as follows:

(a) for payment in person, the date of payment shall be the date payment is received by the Town; or

(b) for payment by mail, the date of payment shall be the federal post marked date on the remittance.

(3) Upon payment, the person contravening the Bylaw shall not be liable to prosecution for that offence.

Third and Subsequent Offences

82. (1) No municipal inspector or peace officer may issue a notice of violation in the case of a third or subsequent offence.

(2) For the purposes of this Part, an offence shall be deemed to be a first offence if the offender has not been convicted of the same offence or made a voluntary payment for a notice of violation in respect of

the same offence within the twelve (12) months immediately preceding the commission of the alleged offence.

General Penalty

83. Except where a penalty is specifically provided in this Bylaw, every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual, to a fine of not more than \$10,000.00;
- (b) in the case of a corporation, to a fine of not more than \$25,000.00; and
- (c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500.00 per day.

84. A conviction for an offence of failing to comply with an order does not relieve the person convicted from complying with the order and the convicting judge or justice of the peace may, in addition to any fine imposed, order the person to do any act or work, within a specified time, to comply with the order with respect to which the person was convicted.

85. The court may, in default of payment of a fine imposed under this Bylaw, order imprisonment of the individual for a term not exceeding one year.

Part X

Miscellaneous

Compliance with Other Laws

86. Nothing in this Bylaw relieves a person from complying with any other law, including any public health legislation, any environmental protection legislation or any other Bylaw of the Town.

Most Restrictive Provision Prevails

87. Where there is a conflict between the provisions of this Bylaw and the provisions of any other legislation, regulation or bylaw, the more restrictive provision prevails.

Repeal

88. Bylaw No. 758-17 is hereby repealed.

Coming Into Force

89. This Bylaw shall come into force upon the day of its final passing.

seal

Adam Krieser – Mayor

Michele A. Schmidt - CAO

Read a third time and hereby adopted this _____ day of _____, 2018.

Bylaw No. 770-18

Schedule "A"

Transfer Station fees:

All loads must be sorted prior to dumping. Any unsorted loads will be charged five (5) times the amount of a regular load.

- tipping fee rate, at the gate, will be \$25.00 per load up to a maximum of 225 kg;
- tipping fee rate for loads over 225 kg will be \$115.00 per metric tonne.
This tipping fee rate is for all waste disposed of in the Town of Rosetown transfer station.

There is no charge for **clean** wood that is disposed of in the clean wood pit.

A BYLAW OF THE TOWN OF ROSETOWN TO AMEND BYLAW NO. 770-18 THE WASTE COLLECTION BYLAW.

The Council of the Town of Rosetown in the Province of Saskatchewan enacts to amend
Bylaw No. 770-18 as follows:

1. That Bylaw No. 770-18– Schedule “B” be amended as follows:

Unacceptable Waste:

- (a) Animal Carcasses
- (b) Friable and non-Friable **Asbestos**
- (c) Bulk Liquid Waste
- (d) Cardboard
- (e) Compressed Gas
- (f) Computer Components & Monitors
- (g) Contaminated Soil
- (h) Desktop & Portable Computers
- (i) Explosives
- (j) Flammable & Combustible Material
- (k) Glass or Plastic Containers
- (l) Grain and/or Grain Bags
- (m) Hazardous Waste
- (n) Liquids, Sludges
- (o) Manure
- (p) Oil
- (q) Oil Contaminated Material
- (r) Oxidising Material
- (s) PCBs or RCB- contaminated material
- (t) Pesticide Containers
- (u) Printers
- (v) Radioactive Waste
- (w) Recyclable materials
- (x) Septic Waste
- (y) Televisions
- (z) Tires
- (aa) Vehicles
- (bb) Wire
- (cc) Any material containing viable micro-organisms (or their toxins) that are known or suspected to cause disease in animals or humans (i.e., “infectious wastes”) and subject to definition under the federal Transport of Dangerous Goods Act. Typically, infectious biomedical wastes consist of untreated:
 - Infectious viruses
 - Sharps and needles
 - Special precautionary waste
 - Chemical residuals
 - Laboratory, human and animal tissues

Bylaw No. 770-18**Schedule "C"****Residential Recycling & Organic Collection Fees**

Type of Collection:	2018	2019	2020
Roll-out Cart - Single Family Residential	\$7.50 per month	\$7.60 per month	\$7.70 per month
Recycling & Organic Containers – Single Family Residential	\$7.50 per month	\$7.60 per month	\$7.70 per month
Additional Organic Cart	\$4.00 per mo./6 mo. season	\$4.10 per mo./6 mo. season	\$4.15 per mo./6 mo. season

Bylaw No. 770-18

Schedule “D”

Permitted Recyclable Material

Recyclable Materials Permitted in Residential Roll-Out Carts or Recycling Containers:

Packaging, paper, glass and tin products and other recyclables as defined below:

1. Packaging includes:

- a. Primary packaging, i.e., packaging that contains the product at the point of sale to the residential consumer;
- b. Grouped packaging or secondary packaging that goes to the household;
- c. Transportation, distribution or tertiary packaging that goes to the household;
- d. Service packaging designed and intended to be filled at the point of sale and “disposable” items sold, filled or designed and intended to be filled at the point of sale such as:
 - i. Paper or plastic carry-out bags provided at checkout;
 - ii. Bags filled at the shelves with bulk goods, produce, baked goods, etc.;
 - iii. Disposable plates and cups;
 - iv. Take-out and home delivery food service packaging such as pizza boxes, cups, bags, folded cartons, wraps, trays, etc.;
 - v. Flower box/wrap;
 - vi. Food wraps provided by the grocer for meats, fish, cheese, etc.;
 - vii. Paper envelopes for developed photographs;
 - viii. Gift wrapping/tissue paper added by the retailer; and
- e. Packaging components and ancillary elements integrated into packaging, including ancillary elements directly hung or attached to a product and which perform a packaging function unless they are an integral part of the product and all elements are intended to be consumed or disposed of together.

For clarification, plastic includes all containers made of plastic marked with the plastic recycle codes 1-7 that have contained non-hazardous products. An example of a plastic recycle code is shown below.



2. Paper is defined as items made of paper of any description including:
 - i. Flyers;
 - ii. Brochures;
 - iii. Booklets;
 - iv. Catalogues;
 - v. Telephone directories;
 - vi. Newspapers;
 - vii. Magazines;
 - viii. Paper fibre;
 - ix. Paper used for copying, writing or any other general use.
3. Glass is defined as any food jars, bottles or other containers made of glass;
4. Tin is defined as any food tin or aluminum cans;
5. Other recyclables is defined as all provincially legislated beverage containers, milk cartons and milk jugs.
 - (a) Aluminum and tin cans;
 - (b) Aluminum foil and pie plates;
 - (c) Corrugated cardboard;
 - (d) Mixed paper, newspaper, polycoat, fine paper and magazines;
 - (e) Boxboard;
 - (f) Recyclable plastic containers #1 through #7 that have contained non-hazardous products; and
 - (g) All provincial legislated beverage containers, milk cartons and jugs and glass food and beverage containers.

Permitted Organic Material

Organic Materials permitted in Seasonal Organic Roll-Out Carts:

Plant Waste, fruits, vegetables, coffee grounds and egg shells as defined below:

1. Plant Waste includes: grass clippings, leaves, weeds, garden refuse, flowers and small tree branches.
2. Fruit includes all fruit refuse.
3. Vegetables includes all vegetable refuse.
4. Coffee grounds include coffee grounds, coffee filters and tea bags.

Items NOT permitted in Seasonal Organic Roll-Out Carts:

Liquids of any kind, bags, proteins (poultry, beef, port, etc.), dairy (cheese, milk, yogurt, etc.), fat trimmings, oils or baked goods, coffee pods, bio-plastics, glass or metal.