



BYLAW 2022-05

BEING A BYLAW OF THE TOWN OF BLACK DIAMOND IN THE PROVINCE OF ALBERTA, TO ESTABLISH AND REGULATE THE COLLECTION, DISPOSAL AND HANDLING OF WASTE, RECYCLABLE AND COMPOSTABLE MATERIALS WITHIN THE TOWN OF BLACK DIAMOND

WHEREAS pursuant to the Municipal Government Act, RSA 2000, Chapter M-26 as amended, a municipal council has authority to govern and the authority to pass bylaws respecting the municipality, including services provided by or on behalf of the municipality;

AND WHEREAS the Council of the Town of Black Diamond deems it desirable to pass a bylaw to establish and maintain a waste management system and to operate this system as a public utility;

THEREFORE, BE IT RESOLVED THAT the Council of the Town of Black Diamond, duly assembled in Council Chambers in Black Diamond, Alberta, enacts as follows:

1.0 TITLE

1.1 This bylaw may be cited as the 'Waste Management Bylaw'.

2.0 INTERPRETATION AND DEFINITIONS

2.1 In this bylaw and any schedules to this bylaw, the following terms, phrases, words and their derivations shall have the following meanings:

- a) **Alley** means a street or lane intended primarily for access to the rear yard of a premises.
- b) **Automated Collection** means the collection of waste materials by a system of mechanical lifting and tipping of containers into specially designed vehicles.
- c) **Bin** means any container provided for the collection and storage of commercial, industrial, institutional or construction waste material but does not include a residential waste collection cart.
- d) **Bylaw Tag** means a notice of contravention of this bylaw issued in accordance with section 14 of this bylaw.
- e) **CAO** means the Chief Administrative Officer of the Town of Black Diamond.
- f) **Cart** means a residential waste collection cart, owned and assigned by the Town, to a premises for the purpose of containing and collecting residential waste material including a separate cart for garbage, recyclable materials and organic waste.
- g) **Collector** means a person who collects waste material within the Town as an agent, contractor or employee of the Town.
- h) **Collection Point** means a location where waste material is placed for collection by the collection utility.
- i) **Collection Rates and Fees** means the residential waste collection and disposal fee as set out in Schedule 'A' of this bylaw.
- j) **Collection Utility** means the system for collecting and disposing of waste material provided by the Town.
- k) **Commercial Premises** means:
 - i. any premises that are designated as 'commercial' under the Town's Land Use Bylaw, including stores, cafés, restaurants, wholesale or retail business places, offices, mixed use and multi-unit premises including apartments, townhouses, etc.;



- ii. any premises that are exempt from municipal assessment or taxation; and
 - iii. mixed-use buildings that include uses designated as 'commercial' under the Town's Land Use Bylaw.
- l) **Commercial Waste** means waste material produced by or emanating from a commercial premises.
 - m) **Construction Waste** means waste materials produced in the process of constructing, altering, renovating, repairing or demolishing a building or premises including earth, vegetation and rock displaced.
 - n) **Council** means the Council of the Town of Black Diamond.
 - o) **Curbside** means a side of a street bordered by a curb.
 - p) **Disposal Site** means a sanitary landfill or other site approved by Alberta Environment for receipt, processing and disposal of waste material.
 - q) **Garbage** means residential waste materials that are deposited in a landfill but does not include construction, biomedical, hazardous waste, recyclable or organic materials.
 - r) **Highway** means a highway as defined in the *Traffic Safety Act*, RSA 2000, Chapter T-6.
 - s) **Industrial Premises** means any premises that carry on industrial activities including the manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing, distribution or shipment of materials, goods, products or equipment.
 - t) **Industrial Waste** means all waste material produced by or emanating from an industrial premises.
 - u) **Institutional Premises** means any premises that carry on institutional activities including nursing homes, daycare facilities, religious or charitable organizations, hospitals, educational or correctional facilities.
 - v) **Institutional Waste** means all waste material produced by or emanating from an institutional premises.
 - w) **Manager** means a person who acts as an agent for the owner and/or occupants in managing a premises and includes a condominium corporation or housing cooperative.
 - x) **Multi-residential Premises** means a building or complex consisting of more than four (4) dwelling units, and includes:
 - i. apartment buildings where dwelling units share entrance facilities;
 - ii. townhouses;
 - iii. condominium properties registered under the *Alberta Condominium Property Act*, RSA 2000, Chapter C-22; and
 - iv. housing cooperatives held by a cooperative housing association registered under the *Alberta Cooperatives Act*, RSA 2001, Chapter C-28.1.
 - y) **Occupant** means a person using, occupying or in possession of a premises.
 - z) **Organic Waste** means waste material of animal or plant origin that is compostable, from gardening or horticultural activities and includes grass, leaves, plants, tree and hedge clippings, but excludes tree limbs, trunks and roots, sod, whole shrubs or bushes and any diseased plants or identified as invasive or noxious or prohibited weed by the *Weed Control Act*, RSA 2008, Chapter W-5.1.
 - aa) **Owner** means an owner as defined in section 1(1) of the *Municipal Government Act*, RSA 2000, Chapter M-26.

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- bb) **Peace Officer** means an individual engaged by the Town as a Community Peace Officer or a Bylaw Enforcement Officer, a peace officer as defined in the *Peace Officer Act*, RSA 2006, Chapter P-3.5, or a member of the Royal Canadian Mounted Police (RCMP).
 - cc) **Person** means any individual, partnership, corporation, company, society or government entity.
 - dd) **Plastic Bag** means a sturdy plastic bag to store waste for collection.
 - ee) **Premises** means land, buildings or both, or a portion of either, occupied or used for any purpose within the Town.
 - ff) **Private Service Provider** means an appropriately licensed person that collects, transports and disposes of waste material.
 - gg) **Program Fee** means the fee in Schedule 'A' of this bylaw established for the operation of residential waste material programs.
 - hh) **Prohibited Materials** means the materials listed on the Town website.
 - ii) **Provincial Offences Procedures Act** means the *Provincial Offences Procedures Act*, RSA 2000, Chapter P-34.
 - jj) **Recyclable Materials** means those materials determined by the Town from time to time to be acceptable through the Town's recycling programs and generally accepted to be recyclable in the Province of Alberta.
 - kk) **Residential Premises** means a house, duplex, fourplex or other building occupied for residential purposes, but does not include a multi-residential premises.
 - ll) **Residential Waste** means waste of a domestic nature generated through ordinary day-to-day activities of the occupants of a residential premises and does not include construction waste or materials generated as a result of landscaping, installation or removal of lawns or sprinkler systems, installation or removal of concrete or asphalt, or automotive or recreational vehicle work of any kind.
 - mm) **Street** means a highway which provides access to the front of adjacent premises.
 - nn) **Town** means the municipality of the Town of Black Diamond in the Province of Alberta, or where the context so requires, its municipal boundaries.
 - oo) **Unit of Waste** means the amount of residential waste which fits into one (1) residential waste collection cart in accordance with this bylaw.
 - pp) **Violation Ticket** means a violation ticket as defined in the *Provincial Offences Procedures Act*.
 - qq) **Waste** means garbage, refuse or unwanted material including recyclables and organics.
- 2.2 The headings in this bylaw do not form part of this bylaw and shall not affect its interpretation.
- 2.3 Any references in this bylaw to any Statutes are to the *Province of Alberta Statutes* as amended or replaced from time to time and any amendments thereto.
- 2.4 Whenever the singular or masculine form of a word is used in this bylaw, it shall include the plural, feminine or neutral form of the word as the context so requires.
- 2.5 The word 'may' when used in this bylaw shall be construed as permissive and empowering, and the word 'shall' when used in this bylaw shall be construed as imperative.

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3.0 AUTHORITY AND DELEGATION OF POWERS

3.1 The Town has the power and authority to do all things necessary for the general maintenance, management and operation of the waste management system.

3.2 Council authorizes the Chief Administrative Officer to:

- a) approve and set specifications for residential carts and non-residential bins, waste containers and garbage bags;
- b) specify the quantities and types of waste eligible for collection;
- c) determine the time and frequency of waste collection;
- d) make and execute agreements on behalf of the Town for collection and disposal services;
- e) grant approvals and permissions as set out in this bylaw;
- f) collect the rates or fees payable pursuant to this bylaw and enforce payment of those rates or fees using any means lawfully available; and
- g) enforce the terms and conditions under which the collection utility is supplied, including the terms and conditions set out in this bylaw and any agreement authorized by this bylaw.

3.3 The CAO has the authority to direct that waste be set-out in a manner that varies from the provisions of this bylaw, if in the opinion of the CAO, the exception or direction is reasonably required to necessary to promote:

- a) efficiency in collection of waste;
- b) the safety of residents, motorists, pedestrians and collectors;
- c) the safe and efficient use of Automated Collection trucks; or
- d) the protection of the environment.

4.0 TOWN COLLECTION AND REMOVAL OF WASTE MATERIAL

4.1 The Town or its agent(s) shall collect residential waste material in accordance with this bylaw.

4.2 The Town may agree to collect or accept waste material in accordance with this bylaw.

4.3 The Town shall be under no obligation to collect, accept or dispose of any waste or other materials or substances which do not comply with this bylaw or are not set out for collection or otherwise provided to the Town in accordance with this bylaw.

4.4 All residents will be required to subscribe to the Town’s waste management (garbage, recycle and organic waste) collection service and will be subject to the rate as established in Schedule ‘A’ – Rates and Fees, unless excluded in this bylaw.

5.0 PROHIBITIONS

5.1 No person shall deposit:

- a) prohibited materials as listed on the Town website,
- b) hazardous waste as defined in the *Environmental Protection and Enhancement Act*, RSA 2000, Chapter E-12,
- c) dangerous goods as defined in the *Dangerous Goods Transportation and Handling Act*, RSA 2000, Chapter D-4,
- d) biomedical waste as defined in the *Waste Control Regulation*, AR 192/1996,
- e) industrial, commercial, institutional or construction waste, or
- f) any ashes, which have not been properly extinguished,

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- at any collection point, in any collection bin or cart, or otherwise set out such material for collection by the Town.
- 5.2 No person shall place any waste or other materials or substances in any collection bin or cart or at any collection point assigned to a premises unless that person is the owner or occupant of such premises, and the materials or substances are contained within a cart in accordance with this bylaw.
- 5.3 The owner or occupant of a premises shall ensure that waste stored or set out for collection does not create offensive odors or become untidy.
- 5.4 No person shall scavenge, tamper or interfere with any waste material set out for collection by the Town from a premises or any collection cart or commercial bin.
- 5.5 No person shall hinder or interrupt or cause another person to hinder or interrupt the Town or its contractors, servants, agents or employees in the exercise of powers and duties under this bylaw.
- 5.6 No person shall store, deposit or dispose of any waste or recyclable material on any street, highway or any other lands. Anyone dumping materials outside of the landfill is subject to a fine as described in Schedule 'B' of this bylaw.
- 5.7 No person shall burn any waste in an open fire, outdoor fire pit or any burning apparatus outdoors within the Town.
- 5.8 No person shall sweep or place dust, debris, or waste into the gutter or onto a street.
- 5.9 Animal carcasses or parts thereof shall be treated as hazardous waste and managed in accordance with Section 5.10.
- 5.10 All hazardous waste must be disposed of by the owner in accordance with the federal and provincial legislation and regulations regarding the handling of such waste, unless otherwise authorized by the CAO.

6.0 RESIDENTIAL WASTE COLLECTION SERVICES

- 6.1 The Town may enter into contracts:
- a) for the collection on behalf of the Town of the whole or a portion of the waste to be collected by the Town pursuant to the provisions of this bylaw; and
 - b) for the collection of waste that the Town is not otherwise obligated to collect pursuant to the provisions of this Bylaw.
- 6.2 The Town and/or a Town-approved contractor may provide the necessary vehicles for the public collection and removal of waste within the limits of the Town and on all properties owned by the Town.
- 6.3 The Town and/or a Town-approved contractor may provide, supervise and operate the facilities necessary or desirable for the disposal and/or processing of waste collected or removed by the Town.
- 6.4 The Town and/or a Town-approved contractor may supervise the collection, removal, and disposal of waste and:



- a) direct the days and times that collection shall be made in different areas of the Town; and
- b) decide on the quantities and classes of waste that will be accepted by the Town for collection, disposal and/or processing from eligible residential households.

7.0 RESIDENTIAL WASTE COLLECTION CARTS (carts)

- 7.1 All carts shall be assigned to a residential premises and becomes the responsibility of the owner of the premises. All carts remain the property of the Town.
- 7.2 Any carts which is deemed by the Manager of Public Works or their designate, to have been damaged by the Town during the collection of waste will be replaced by the Town at its cost.
- 7.3 Any carts that have been lost, stolen or damaged by any party, person or event other than as outlined in section 7.2 above, will be replaced by the Town and the cost be invoiced to the owner of the premises. Exceptional circumstances may be addressed by the Town on a case-by-case basis.
- 7.4 All newly constructed residential premises requiring carts shall make application to the Town with their development permit and the carts will be delivered by the Town within one week of possession unless a builder requests an earlier delivery date. The builder is required to purchase collection bins at the cost listed in the development permit fee schedule.
- 7.5 When a premises is sold, the carts shall remain at the premises.
- 7.6 The Town shall provide to each residential premises:
 - a) one (1) waste collection cart for garbage (black),
 - b) one (1) recycle cart (blue) for acceptable materials as listed on the Town website;
 - c) one (1) compost cart (green) for acceptable materials as listed on the Town website.
- 7.7 The owner or occupant of a premises shall ensure that the waste collection cart assigned to that premises:
 - a) is not filled higher than the upper rim of the cart or in such a manner which prevents full closure of the waste collection cart lid;
 - b) does not have the contents compressed in such a manner that the waste material does not fall freely from the cart during the regular tipping process during automated collection;
 - c) does not contain any material which might adhere to the inside of the cart which is not properly wrapped in accordance with this bylaw;
 - d) is maintained in good repair and in a reasonably clean and sanitary condition;
 - e) is stored on the premises from which the cart is assigned and does not encroach upon or project over any highway or public place except when placed on such highway for the purpose of collection under this bylaw; and
 - f) is stored with the lid closed.

8.0 PLACEMENT OF RESIDENTIAL WASTE MATERIALS FOR COLLECTION

- 8.1 The owner or occupant of a premises shall ensure that the cart's assigned to that premises is set out for collection as follows:
 - a) where a household is required to be served on the street, as per approved collection routes, the carts shall be placed with the wheels facing the curb and sufficient clearance from any obstacles such as vehicles, utility boxes, etc.;

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- b) carts must not be placed on the sidewalk or in such locations as to interfere with vehicle and/or pedestrian traffic;
- c) carts must be placed on a level surface no more than 15 cm above the road elevation;
- d) carts must be placed for collection in a way that they cannot be easily tipped over;
- e) where a household is required to be served by an alley as per approved collection routes, all carts from such household units shall be placed within the alley adjacent to the property line with sufficient clearance between carts and from any obstacles such as vehicles, fences, buildings, utility boxes etc.

8.2 The owner or occupant of a premises shall ensure that the carts assigned to that premises:

- a) are set out for collection at the collection point by 7:00 am on the assigned day of collection (carts may be set out the night before the collection day); and
- b) all emptied carts must be cleared from any alley or road by 10:00 pm on their assigned collection day.

8.3 The owner or occupant of a premises shall ensure that the carts assigned to that premises are placed out for collection in a location where it can be accessed for collection without entering or passing through any buildings.

9.0 PROVISION OF RESIDENTIAL WASTE MATERIALS COLLECTION

9.1 Residential Waste Collection

9.1.1 The Town shall collect:

- a) one (1) unit of residential garbage from each residential premises per week;
- b) one (1) unit of residential recycle materials from each residential premises per week;
- c) one (1) unit of residential organic materials from each residential premises as set out in section 9.4.2(a) of this bylaw.

9.2 Residential Garbage Collection

9.2.1 The owner or occupant of a premises shall ensure that all residential waste material placed at the collection point for that premises is:

- a) placed in a plastic bag which is then placed in the cart;
- b) thoroughly drained and securely wrapped in sufficient paper to absorb any moisture; and
- c) is double bagged if such residential waste includes light, dusty or objectionable materials, including powders, vacuum cleaner bags, furnace filters, absorbent pads and disposable diapers.

9.2.2 The owner or occupant of a premises shall ensure that all spillage originating from the cart assigned to that premises and all spillage of waste or other substances at the collection point for that premises is promptly cleaned up.

9.2.3 Unless special arrangements are authorized by the CAO, the Town and/or a Town approved contractor will not collect from any eligible residential household:

- a) more than one (1) unit of residential garbage per household per week;
- b) garbage in any waste receptacle or container that is not an official cart;
- c) garbage in a cart that is loose or not contained in a bag;

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- d) garbage in a cart which together with the cart exceeds the manufacturer's load rating for a 240-litre cart –109 kilograms (240 pounds);
- e) where any item(s) is/are placed on top of the lid;
- f) a cart that contains the following material:
 - recyclable material that is accepted in the Town's residential recycling cart
 - organic waste that is accepted in the Town's organic waste cart
 - yard waste that is accepted in the Town's organic waste cart
 - loose garbage
 - trade waste
 - engine oil, oil filters or grease
 - tree trunks, tree limbs, sod,
 - discarded furniture, automobile parts, tires, and other household appliances or equipment
 - fences, gates, or other such fixtures
 - building waste
 - dead animals
 - waste that is unsafe for the collector to access or handle, or
 - waste that could cause environmental impairment.

9.3. Residential Recycling Collection

- 9.3.1 Subject to the provisions of this Bylaw, and subject to any federal or provincial statutes or regulations regarding the collection, transport and disposal of recyclable material, the Town and/or contractor of the Town shall collect recyclable material from each eligible residential household to the recycling collection service.
- 9.3.2 The Town and/or a Town approved contractor will not collect from any eligible residential household:
 - a) more than one (1) unit of residential recycling materials per household per week;
 - b) recyclable material in any waste receptacle or container that is not an official cart;
 - c) recyclable material in a cart which together with the cart exceeds the manufacturer's load rating for a 240-litre cart –109 kilograms (240 pounds);
 - d) recyclable material in a cart where any item(s) is/are placed on top of the lid;
 - e) a cart that contains the following material:
 - any materials that are not recyclable material as approved by the CAO
 - any materials that are soiled
 - garbage
 - organic waste
 - yard waste
 - trade waste
 - automobile parts
 - household appliances, electronics, and equipment
 - pesticide containers
 - personal hygiene and/or medical items
 - materials that are unsafe for the collector to access or handle
 - material bagged excluding shredded paper.

9.4 Residential Organic Waste Collection

- 9.4.1 Subject to the provisions of this bylaw, and subject to any federal or provincial statutes or regulations regarding the collection, transport and disposal of organic waste, the Town and/or contractor of the Town in accordance with the dates



authorized by the CAO, shall collect organic waste from each eligible residential household weekly or bi-weekly.

- 9.4.2 The Town and/or a Town-approved contractor will not collect from any eligible residential household:
- a) more than one (1) unit of residential organic waste per household
 - i. per week from April 1 to October 31, and
 - ii. bi-weekly from November 1 to March 31;
 - b) organic waste in any waste receptacle or container that is not an official cart;
 - c) organic waste in a cart which together with the cart exceeds the manufacturer's load rating:
 - i. 120 litre cart - 59 kilograms (130 pounds);
 - ii. 240 litre cart – 109 kilograms (240 pounds)
 - d) organic waste in a cart where any item(s) is/are placed on top of the lid;
 - e) yard waste that is not contained within an cart;
 - f) a residential organic waste cart that contains the following material:
 - i. any materials that are not organic waste as identified in this bylaw;
 - ii. dead animals that are not animal carcasses or bones from human consumption;
 - iii. personal hygiene and/or medical items; or
 - iv. materials that are unsafe for the collector to access or handle.

10.0 COMMERCIAL WASTE

- 10.1 The owners of multi-residential premises and Commercial and/or Industrial premises that have been deemed ineligible to be included as part of the Town's collection system shall provide at their own expense for the use of the occupants or users of each premise, a sufficient number of commercial bulk lift containers of the type designated below to hold at least one week of accumulation of waste for collection by a private service provider.
- 10.2 All Town-owned or operated buildings and facilities shall have their waste removed at least once a week by Town collectors or by collectors engaged by the Town to provide such service.
- 10.3 Trade waste from commercial and industrial properties, as well as building sites, shall be the responsibility of the owner, renter or contractor to have removed at their own expense by a private service provider.
- 10.4 When a dwelling also contains a commercial or industrial establishment that generates trade waste, such trade waste shall be removed at the expense of the owner, unless otherwise authorized by the Town.
- 10.5 Any commercial, industrial property or multi-residential premises which does not have its waste removed in a manner satisfactory to the Town shall be charged for costs incurred by the Town to have the waste removed. If the bill is not paid, the charges shall be collected by whatever lawful means available.
- 10.6 Waste from buildings owned by the Provincial or Federal Governments, institutional buildings, schools and multi-residential premises shall be the responsibility of the owner to have removed and disposed of at their own expense by a private service provider.
- 10.7 The owner of commercial premises must ensure waste generated at the premises is set out in a commercial waste bin for collection.



- 10.8 The owner of commercial premises must ensure sufficient commercial waste bins are available to hold and retain all waste from the premises.
- 10.9 The owner of commercial premises using commercial waste bins must ensure that:
- the bins are located in a central place that allows direct vehicular access to the bins;
 - snow and ice does not accumulate near the bins such that vehicle access to the bins is impeded.
- 10.10 The owner of commercial premises shall ensure there are sufficient litter receptacles on the premises.
- 10.11 The owner of commercial premises shall ensure that all litter receptacles on the premises are:
- maintained in good condition;
 - weighted or anchored so they cannot be inadvertently overturned;
 - of suitable size and at sufficient locations to discourage litter; and
 - emptied into a commercial bin, waste container, or plastic garbage bag when full.

11.0 ACCUMULATION OF WASTE AND RECYCLABLE MATERIALS

- 11.1 Except as authorized pursuant to this bylaw, an owner or occupant of any premises shall not dispose of, or allow waste material to accumulate:
- on their premises except inside a building;
 - inside a portion of the building to which the public or part of the public has access; or
 - on any vacant land.
- 11.2 Where an owner fails to have waste removed and disposed of in accordance with the terms of this bylaw, the Town may:
- proceed to have the waste collected, removed and disposed of at an approved disposal site; and
 - charge the owner for the costs of so doing.

12.0 CONSTRUCTION WASTE

- 12.1 The owner or occupant of a premises producing construction waste shall:
- provide and maintain on the premises in good condition, a sufficient number of containers or commercial bins to store the construction waste;
 - ensure that all construction waste is stored in a container or commercial bin;
 - periodically dispose of all construction waste at an appropriate disposal site and ensure that such construction waste does not unduly accumulate at the premises;
 - prevent any construction waste from spilling over or accumulating on any highway or other public property and promptly recapture any such waste which is blown off or otherwise emanates from the premises; and
 - take such steps as are directed by the Town.
- 12.2 The owner or the contractor for that property are responsible for cleaning up any spillage of debris from their waste receptacle, whether on public or private property, upon demand of a Peace Officer, regardless of environmental conditions or other mechanisms, and that it must be completed within a reasonable time frame.



13.0 RATES AND FEES

- 13.1 The owner of a premises from which waste is collected and disposed of by the Town pursuant to this bylaw shall be invoiced for and pay bi-monthly charges for the collection, removal and disposal/processing of waste, in accordance with Schedule 'A' - Rates, Fees and Charges.
- 13.2 All charges levied and invoiced pursuant to this bylaw shall become due and payable and collected as per Schedule 'A' – Rates and Fees.
- 13.3 An owner of a premises is liable for the payment of fees levied pursuant to this bylaw until such time that they have given notice to the Town that they are vacating the premises, and they shall not be liable for any fees levied after the date they move out of the premises.
- 13.4 An owner of an eligible residential household shall pay the rates and charges levied pursuant to this Bylaw without an option for the use of the service. Non-receipt of a utility bill will not exempt the owner or occupant from payment for the service received.
- 13.5 The Town may issue a combined utility bill including other public utility services provided by the Town in respect of a premises in addition to the collection utility, in which case, the utility bill shall state as a separate amount the amount payable pursuant to this bylaw.
- 13.6 Council reserves the right to review and set rates and fees for the waste management system.
- 13.7 An owner and/or property manager of a commercial, industrial premises or public sector premises shall at their own expense cause all waste to be removed from the premises and disposed of at regular intervals not more than one week apart.
- 13.8 The owners and/or property manager of a multi-family premises or non- residential premises may make their own arrangements for collection of waste material, or they may contract with the Town for collection of the waste material. The terms and conditions of said contract shall be as determined by the CAO.

14.0 PENALTIES AND ENFORCEMENT PROCEDURES

- 14.1 A person who:
 - a) does something that is prohibited in this bylaw;
 - b) fails to do something that is required in this bylaw; or
 - c) does something in a manner different from that which is required or permitted in this bylaw;is guilty of an offence.
- 14.2 Where a contravention of this bylaw is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such offence is liable to a fine in an amount not less than that established by this bylaw for each such day or part of a day.
- 14.3 A person who is convicted of an offence pursuant to this bylaw is liable upon summary conviction to a fine not exceeding two thousand, five hundred dollars (\$2,500.00) and in default of payment is liable to imprisonment for a term not exceeding six (6) months.

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- 14.4 Where a Peace Officer believes that a person has contravened any provision of this bylaw that Peace Officer may serve that person with a violation ticket pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.
- 14.5 Notwithstanding section 14.4, where a Peace Officer believes that a person has contravened any provision of this bylaw, that Peace Officer may serve that person with a bylaw tag, in a form approved by the CAO, by personal service, regular mail or by placing such bylaw tag in a conspicuous location on the relevant property.
- 14.6 Service of such bylaw tag shall be sufficient if it is:
- a) personally served;
 - b) served by regular mail upon the owner of the relevant premises at the address shown on the Town's tax rolls; or
 - c) placed on or attached in a conspicuous location on the relevant premises.
- 14.7 A bylaw tag shall specify the penalty set out in Schedule 'B' of this bylaw for penalties in lieu of prosecution.
- 14.8 A person who pays the amount specified on a bylaw tag in respect of a contravention of a provision of this bylaw within the time allowed for payment as specified on the bylaw tag, shall not be liable for prosecution for that contravention.
- 14.9 If a person has been convicted of a contravention of the same provision of this bylaw within the past twelve (12) month period, the specified penalty or penalty in lieu of prosecution in respect of a second or subsequent contravention of this bylaw shall be the amount set out in Schedule 'B' – 'Specified Fine' of this bylaw.
- 14.10 The levying and payment of any penalty, or the imprisonment for any period as provided for in this bylaw, shall not relieve a person from paying any fees, charges or costs for which the person is liable under this bylaw.
- 14.11 Nothing in this bylaw shall prevent a Peace Officer from issuing a summons for the mandatory court appearance of any person which the Peace Officer has reason to believe is committing, or has committed, a breach of any provision of this bylaw, or from laying an information.
- 14.12 It is the intention of the Council that all offences created pursuant to this bylaw be construed and considered as strict liability offences.
- 14.13 Any person that breaches any part of this bylaw shall be responsible for all costs incurred in cleaning, repairs or otherwise remedying such breach, and such payment shall not limit prosecution of such person for such contravention.
- 14.14 Whenever this bylaw imposes an obligation or prohibition on an owner, occupant or manager of a premises, the obligation or prohibition shall apply to both or all the owner, occupant or manager and each of them separately.
- 14.15 Whenever this bylaw imposes an obligation or prohibition on more than one person, each person shall be liable to prosecution for a breach of this bylaw, and it shall be no defense for any such person that any other person is responsible for such breach.
- 14.16 Any person who disposes of waste materials in any manner contrary to this bylaw shall immediately take all reasonable measure to clean up such waste materials or mitigate the



effects of such disposal. This shall be in addition to any other penalties or fines established pursuant to this bylaw.


15.0 GENERAL PROVISIONS AND COMING INTO FORCE

- 15.1 If any term, clause or condition of this bylaw or the application thereof is found to be invalid or unenforceable, the remainder of this bylaw or application of such term, clause or condition shall not be affected and shall remain in force and effect.
- 15.2 Nothing in this bylaw relieves any person from compliance with any other bylaw or any applicable federal or provincial law, regulation or enactment.
- 15.3 In the event of a conflict between this bylaw and any other bylaw or any applicable federal or provincial law, regulation or enactment respecting public health and safety, the other bylaw, law, regulation or enactment shall prevail to the extent of the conflict.
- 15.4 This bylaw repeals Bylaws 07-30 and 19-12 in their entirety and all amendments thereto.
- 15.5 This bylaw shall come into force and effect on the date of third and final reading.

READ A FIRST TIME on the 6th day of April, 2022

READ A SECOND TIME on the 20th day of April, 2022

READ A THIRD AND FINAL TIME on the 20th day of April, 2022



Mayor



Legislative Services Manager



SCHEDULE 'A'

WASTE MANAGEMENT RATES AND FEES

1. Garbage Collection Rates

The rates to be charged for garbage collection services shall be based on a two (2) month billing cycle and shall be billed every two (2) months as set out hereunder:

- a) Residential Garbage
One (1) pick-up per week \$20.80 per unit

2. Recycling Collection Rates

The recycling materials collection rates to be charged shall be based on a two (2) month billing cycle and shall be billed every two (2) months as set out hereunder:

- a) Residential Recycling \$12.10 per unit

3. Organic Waste Collection Rates

The organic waste collection rates to be charged shall be based on a prorated twelve (12) month billing cycle and shall be billed every two (2) months as set out hereunder:

- a) Residential Organic Materials \$12.20 per unit

4. Program Fee \$ 2.00 per billing

5. Late Payment Penalty

Utilities Arrears Penalty (per occurrence) - 4%

**SCHEDULE 'B'****Fines**

Bylaw Section	Description of Offence	Minimum Fine	Specified Fine
5.3	Scavenge waste	\$125.00	\$250.00
5.2, 5.5	Storing waste on other's premises	\$250.00	\$500.00
5.2	Waste deposited without consent	\$250.00	\$500.00
8.1	Improperly locating waste containers	\$125.00	\$250.00
5.3	Allowing offensive odours or untidy waste	\$125.00	\$250.00
11.1	Allow waste to accumulate	\$250.00	\$500.00
5.1, 5.8-10	Setting out restricted waste for collection	\$250.00	\$500.00
7.4	Improper packaging of residential waste	\$125.00	\$250.00
10.1, 12.1	Fail to provide single waste storage location	\$125.00	\$250.00
5.2	Set out waste not generated on premises	\$250.00	\$500.00
7.4	Fail to set out waste in container or plastic garbage bag	\$125.00	\$250.00
	Use improper waste containers	\$125.00	\$250.00
7.4	Improperly fill waste containers	\$125.00	\$250.00
8.2	Set out waste containers on the wrong day or time	\$125.00	\$250.00
9.22, 12.1	Failure to clean up waste spillage	\$125.00	\$250.00
10	Fail to use commercial bin	\$250.00	\$500.00
10	Fail to provide sufficient bins	\$250.00	\$500.00
10	Fail to provide proper access to bins	\$250.00	\$500.00
10.4	Fail to provide litter receptacles	\$125.00	\$250.00
10.5	Fail to maintain litter receptacles	\$125.00	\$250.00
9.3, 9.4	Improper disposal of recyclable or organic waste	\$125.00	\$250.00

B

