

~~ADMINISTRATIVE CONSOLIDATION OF BYLAW 18-16
AS OF FEBRUARY 11, 2019~~

BYLAW 21-25

**A BYLAW OF THE TOWN OF OKOTOKS
IN THE PROVINCE OF ALBERTA
REGARDING PROVISION OF A WASTE COLLECTION UTILITY
IN THE TOWN OF OKOTOKS**

~~(As amended by Bylaw 41-18)~~

WHEREAS under Section 7 of the *Municipal Government Act (MGA)*, ~~Revised Statutes of Alberta~~ RSA 2000, Chapter c. M-26 and amendments thereto, Council of the Town of Okotoks (Council) may pass bylaws for municipal purposes respecting public utilities provided by or on behalf of the municipality; and

WHEREAS the ~~Council deems it necessary~~ purpose of this Bylaw is to establish a waste ~~management service~~ collection utility for the Town of Okotoks (Town).

NOW THEREFORE ~~the~~ Council ~~of the Town of Okotoks~~ enacts as follows:

1. SHORT TITLE

1.1 This Bylaw may be known as "The Waste Bylaw".

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires, ~~the following means~~:

2.1 ~~alley means~~ a narrow ~~road intended primarily for access to the rear yard of adjacent premises;~~ highway providing and offering access to the rear of buildings and parcels of land.

2.2 ~~apartment means~~ a building designed and built to contain three (3) or more dwelling units with shared services, facilities, and outside entrances.

2.3 ~~ashes means~~ residue from burning of wood, coal, and other like materials.

2.4 **biomedical waste** has the meaning set out in the Waste Control Regulation (AR 192/96).

2.5 **building waste means** all waste produced in the process of constructing, demolishing, altering, or repairing a building or structure and shall include, but is not limited to:

- a) soil, vegetation, and rock displaced during the process of building; and
- b) construction materials and waste such as lumber, drywall, sawdust, insulation, and other such construction debris.

~~2.6 **cart** means a container provided by the Town, used to collect garbage, recyclable material, or organic waste for disposal.~~

- 2.7 **Chief Administrative Officer** ~~means the Chief Administrative Officer of the Town of Okotoks appointed by Council, hereinafter referred to as the CAO, or his designate.~~ the person appointed to the position of Chief Administrative Officer for the Town within the meaning of the *Municipal Government Act* and the Town's CAO Bylaw.
- 2.8 **collect/collection** ~~means~~ picking up and gathering waste material and includes its transport to a disposal or processing site.
- 2.9 **collector** ~~means~~ a person who collects waste within the Town as an agent, contractor, or employee of the Town.
- 2.10 **commercial container** ~~means~~ any container utilized for the storage and collection of waste by commercial, industrial, and public service sector premises and ~~either emptied on the premises is emptied at~~ or removed from said premises and transported for disposal of waste off-site by a private hauler.
- 2.11 **commercial premises** ~~means~~ any premises which is not an eligible residential household, unless otherwise authorized by the CAO, and includes:
- a) any premises engaged in commerce;
 - b) any premises which is an apartment building;
 - c) any premises which is part of a condominium; and
 - d) any premises or owner which is exempt in whole or in part from municipal assessment or taxation.
- 2.12 **condominium** ~~means~~ a residential property divided into individually owned units as described in the *Condominium Property Act*, RSA 2000, ~~C~~ c. 22.
- 2.13 **Council** ~~means the Council of the Town of Okotoks.~~ the Mayor and Councillors of the Town duly elected pursuant to the provisions of the *Local Authorities Election Act*.
- 2.14 **curbside** ~~means~~ a side of a street bordered by a curb.
- 2.15 **disposal site** ~~means~~ any premises designated by the CAO for the disposal of waste or any other premises which is approved by ~~Alberta Environment~~ the Alberta Ministry of Environment and Protected Areas for the disposal of waste.
- 2.16 **household** ~~means~~ a building in which people live.
- 2.17 **eligible single-family residential household** ~~means~~ a household eligible for residential waste collection, if:
- a) it is a single-family detached household;
 - b) it is a multi-unit dwelling that is not a condominium and is approved for pick up by the CAO; or
 - c) it is otherwise authorized by the CAO.
- 2.18 **garbage** ~~means~~ materials that are deposited in a landfill but does not include trade waste, building waste, biomedical waste, hazardous waste, recyclable material, and organic waste.
- 2.19 **hazardous waste** ~~means~~ any substance or item that falls within the

definition of hazardous waste under the Waste Control Regulation
(AR 192/96)

- 2.20 **industrial premises** ~~means~~ any premises which is not an eligible residential household and includes places that carry on one (1) or more of the following activities:
- a) manufacturing;
 - b) processing;
 - c) assembling;
 - d) cleaning;
 - e) repairing;
 - f) servicing;
 - g) testing;
 - h) storage;
 - i) warehousing; and
 - j) distribution of materials, goods, products, and/or equipment.
- 2.21 **institutional premises** ~~means~~ any premises which is not an industrial premises, a commercial premises, or an eligible residential household and includes, notwithstanding the foregoing, premises that consist of the following uses:
- a) community buildings and facilities;
 - b) federal, provincial, or municipal government buildings;
 - c) hospital and healthcare facilities;
 - d) religious institutions;
 - e) schools; and
 - f) senior citizen centres.
- 2.22 **material recovery facility (MRF)** ~~means~~ a specialized plant that receives, separates, and/or prepares recyclable material for marketing to end-user ~~manufactures manufacturers~~ or the open market for sale.
- 2.23 **multi-family residential** ~~means~~ a group of three (3) or more dwelling units including apartments, condominiums, and housing co-operatives.
- 2.24 **non-residential** ~~means~~ a commercial, industrial, or institutional premises.
- ~~2.25 **official branch tag** mean a tag, printed with the Town of Okotoks' logo, issues to the owner of an eligible residential household upon payment of the prescribed rate as set out in the Fees, Rates and Charges Bylaw.~~
- 2.26 **official excess garbage bag** ~~means~~ a garbage bag, printed with the Town of Okotoks' logo, issued to the owner of an eligible residential household upon payment of the prescribed rate as set out in the Fees, Rates, and Charges Bylaw.
- ~~2.27 **official excess yard waste bag** means a compostable bag, printed with the Town of Okotoks' logo, issued to the owner of an eligible residential household upon payment of the prescribed rate as set out in the Fees, Rates and Charges Bylaw.~~
- 2.28 **organic waste** ~~means~~ waste material of animal or plant origin that is

compostable, including yard waste.

2.29 **owner means:**

- a) a person who is registered under the *Land Titles Act* as the owner of a parcel of land; or
- b) a person who is recorded as the owner of a property on the tax assessment roll of the Town of Okotoks; or
- c) a person who has purchased or otherwise acquired a parcel of land, whether ~~he has~~ they have purchased or otherwise acquired the land directly from the owner or from another purchaser, and ~~has~~ have not yet become the registered owner thereof; or
- d) a person holding ~~himself themselves~~ out as the person having the powers and authority of ownership of a property or premises or who for the time being exercises the powers and authority of ownerships; or
- e) a person controlling a property or premises under construction; or
- f) a person who is the occupant of a property or premises pursuant to a rental or lease agreement, license, or permit.

2.30 **Peace Officer means** a person defined as a peace officer under the *Peace Officer Act* and includes:

- a) a member of the Royal Canadian Mounted Police;
- b) a ~~duly appointed~~ Community Peace Officer ~~employed by the Town appointed by the Solicitor General of Alberta; and or~~
- c) a Bylaw **Enforcement** Officer appointed by the Town of Okotoks to enforce bylaws of the Town.

2.31 **pet waste means** animal excrement generated by small domesticated household pets including cats, dogs, small rodents, other similar domesticated pets kept for companionship or enjoyment, ~~or~~ designated farm animals, ~~or livestock emotional support animals~~ allowed by the Town's ~~applicable Responsible Pet Ownership~~ Bylaws, however, excludes undesignated farm, wild, working, undomesticated, or commercial livestock animals.

2.32 **premises means** a building together with its grounds or other appurtenances.

2.33 **private hauler means** any person who transports or causes to be transported any waste within the Town of Okotoks other than collectors as defined in this Bylaw.

2.34 **property line means** the boundary line between two (2) pieces of property.

2.35 **recyclable material means** material or a mixture of materials approved by the CAO that can be recycled by the Town ~~or its contractors~~.

2.36 **recycling/eco centre means** a collection, sorting, and/or processing station approved by the CAO where recyclable material is collected, sorted, compacted, shredded, ground, and/or processed.

2.37 **residential garbage collection cart means** the official Town-owned and distributed automated residential garbage collection cart provided to an

eligible residential household by the Town for the collection of garbage ~~as approved by Council~~.

2.38 **residential organic waste collection cart** ~~means~~ the official Town-owned and distributed automated residential organic waste collection cart provided to an eligible residential household by the Town for the collection of organic waste ~~as approved by Council~~.

2.39 **residential property** ~~means~~ land with improvements designated, intended, or used for residential occupancy.

2.40 **residential recycling collection cart** ~~means~~ the official Town owned and distributed automated residential recycling collection cart provided to an eligible residential household by the Town for the collection of recyclable material ~~as approved by Council~~.

~~2.41~~ **residential waste collection cart** ~~means~~ any of the three official Town-owned and distributed automated collection ~~carts~~ **containers** provided to an eligible residential household ~~by the Town~~ for the collection of garbage, recyclable material, and/or organic waste ~~as approved by Council~~.

2.42 **residential waste collection point** ~~means~~ the location where any of the three ~~(3)~~ official Town-owned and distributed automated waste collection carts and/or official excess garbage bag(s) are placed for collection.

2.43 **sharps** ~~means~~ needles or other instruments used to cut or pierce the skin in medical treatment or in the provision of a personal service, such as tattooing, piercing, electrolysis, or other such personal service, or any container designed to dispose of sharps.

2.44 **street** ~~means~~ a public thoroughfare within the Town and includes, without limitation, roads, alleys, boulevards, sidewalk(s), and the land within the right-of-way on each side of and contiguous to the prepared surface of the thoroughfare.

2.45 **Town** ~~means the Corporation of the~~ Town of Okotoks, ~~a municipal corporation~~ in the Province of Alberta, and where the context so requires, ~~means~~ the area of land within the corporate boundaries thereof.

2.46 **trade waste** ~~means and includes~~ every kind of waste material from a commercial or industrial establishment where the establishment occupies all or part of a building having mixed uses, and shall include material from the work ~~or of~~ constructing, repairing, renovating, demolishing, clearing, or grading of buildings or premises.

2.47 **violation tag** ~~means~~ a notice or tag in a form as approved by the CAO, issued by the Town ~~of Okotoks~~ allowing the inclusion of a fine established under this Bylaw.

2.48 **violation ticket** ~~means~~ a ticket issued pursuant to Part 2 or Part 3 of the *Provincial Offences Procedures Act*, RSA 2000, ~~G c.~~ P-34, as amended and any regulations thereto.

~~2.49 **Waste Control Regulation** means Alberta Regulation 192/1996 as amended or replaced from time to time.~~

2.50 **waste or waste material** ~~means~~ any unwanted materials or unusable items, remains, or by-products including materials that are land-filled, recycled, composted, or disposed of through other official means.

2.51 **waste receptacle** ~~means~~ a container that is not a commercial container and is designed to facilitate the disposal of waste and which is approved pursuant to the provisions of this Bylaw for the disposal of waste or any particular type of waste.

2.52 **yard waste** ~~means~~ waste from gardening or horticultural activities ~~that can be placed in the residential organic waste collection cart that and~~ includes grass, leaves, plants, tree and hedge clippings, but excludes tree trunks and limbs greater than 20cm in diameter or 75cm in length. ~~and, tree trunks, sod, whole shrubs, or whole bushes. It also excludes p~~Plants that are diseased or identified as invasive by the authorized ~~D~~designated ~~A~~agency, ~~which should be placed in the residential garbage collection cart or be delivered directly to an approved disposal site. Such plants are to be disposed of with regular garbage.~~

3. Prohibitions

3.1 Except where permitted under this Bylaw, no person shall store or deposit any waste on any property owned or occupied by the Town or on any street.

3.2 Section 3.1 shall not apply where:

- a) any waste is stored or deposited at any disposal site designated by the CAO;
- b) a waste receptacle or commercial container is placed on a street for use by the public with the consent of the CAO;
- c) a person is actively engaged in loading or unloading any waste receptacle or commercial container; or
- d) it is the eligible residential household's **Town-assigned** collection day and it is within the household's allowable collection hours as part of the Town's residential collection services as indicated in Section 5.2.

3.3 No person shall scavenge or interfere with waste from any premises within the Town.

3.4 No person shall deposit and/or remove waste in a waste receptacle or commercial container without the consent of:

- a) the owner of the receptacle or container; or
- b) the owner of the premises where the receptacle or container is located.

3.5 No person shall obstruct or interfere with the Town or any of its contractors, agents, employees, or officers in the exercise of its powers and duties under this Bylaw.

3.6 No person, other than the owner, a person authorized by the owner, or a collector, shall interfere with a waste receptacle or commercial container or with any contents therein.

- 3.7 No person shall:
- construct or commence to construct a building; or
 - demolish, reconstruct, alter, add to, or extend an existing building in the Town without first making adequate provision on the premises for the storage of waste in proper receptacles or containers under this Bylaw.
- 3.8 No owner shall permit or allow a waste receptacle or commercial container to be placed or left on a street or public property unless otherwise permitted by this Bylaw.
- 3.9 No person shall place in a waste receptacle or commercial container:
- ~~a) a mix of combustible and non-combustible materials matter in waste receptacles or commercial containers;~~
 - ~~b) deposit any hazardous materials, including explosive or inflammable materials, in any receptacle for collection;~~
 - ~~c) deposit any biomedical waste in any receptacle; or~~
 - ~~d) deposit in a waste receptacle or commercial container any ashes which have not been properly extinguished.~~
- 3.10 No owner shall allow the accumulation of waste of any kind:
- on their premises except in a building or a composter/digester;
 - inside a portion of the building to which the public have access; and
 - on any vacant land.
- 3.11 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 the owner shall be responsible for the costs of such removal or disposal.
- ~~a) proceed to have the waste collected, removed, and disposed of in an approved disposal site; and~~
 - ~~b) charge the owner for the costs of so doing.~~
- 3.12 No person disposing of waste shall dispose of it other than at an approved disposal site.
- 3.13 No person shall burn any waste in an open fire, outdoor fire pit, or any burning apparatus outdoors within the Town.
- 3.14 No person shall place any sharps in waste placed for collection by the Town, a collector, or by a private hauler.
- 3.15 Animal carcasses or parts thereof shall be treated as hazardous waste and managed in accordance with Section 3.18.
- 3.16 No person in charge of a deceased animal shall allow the animal carcass to remain on any street or highway within the Town for longer than four (4) hours after its death, or to obstruct the street or highway in any way. The person shall ensure the animal carcass is disposed of or otherwise dealt with in accordance with the terms of this Bylaw.
- 3.17 No person shall sweep or place dust, debris, or waste into the gutter or

onto a street.

- 3.18 All hazardous waste must be dealt with 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.
- 3.19 No person carrying out the construction or renovation of buildings shall deposit or allow the accumulation of earth or waste on any street or public property.
- 3.20 No person shall transport any waste from butcher shops, slaughter houses, or other like premises except in properly covered metal receptacles or in vehicles which are covered with canvas or tarpaulins constructed and arranged so as to prevent contents from falling on the streets, to protect the contents from flies, and to control the escape of any offensive odour, liquid, or material waste.
- 3.21 No person shall transport any waste material without properly covering or securing the load with ropes, tarpaulin,s or canvas to prevent any waste material from blowing out of or falling off a vehicle.

4. Provision of Single-Family Residential Waste Collection Services

- 4.1 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 or~~
 - b) for the collection of waste that the Town is not otherwise obligated to collect pursuant to the provisions of this Bylaw.
- 4.2 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.
- 4.3 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.
- 4.4 The Town ~~shall and/or a Town approved contractor may:~~
- 4.5 ~~a)~~ 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.

5. Single-Family Residential Waste Collection Services

- 5.1 Unless otherwise authorized by the CAO, when placing residential waste collection cart(s) out for collection, the owner of an eligible residential household shall place ~~their residential waste collection cart(s)~~ them as follows:

- a) in a manner that automated collection may occur without collectors being required to manually move a residential waste collection cart to allow pick up;
 - b) in a manner that the front of the residential waste collection cart is facing into the street or alley;
 - c) where any household is served by an alley, all **residential** waste collection carts from such household units shall be placed within the alley adjacent to the property line with sufficient clearance to the rear **of and above** the residential waste **collection** cart, between residential waste collection carts, and from any obstacles such as cars, utility boxes etc.;
 - d) in cases where no alley exists, all residential waste collection carts shall be placed for collection within the street at the edge of the curb with sufficient clearance to the rear **of and above** the residential waste collection cart, between residential waste collection carts, and from any obstacles such as cars, utility boxes etc.;
 - e) in cases where official excess garbage bags are set out for collection, the bags must be placed to either side of any residential waste collection cart providing sufficient clearance for automated collection;
 - f) residential waste collection carts must not be placed on the sidewalk or in such locations as to interfere with vehicle and/or pedestrian traffic;
 - g) residential waste collection carts must be placed on a level surface no more than 15cm above the road elevation;
 - h) residential waste collection carts must be placed for collection in a way that they cannot easily be tipped over.
- 5.2 All eligible residential households must have their residential waste collection carts, additional residential waste collection carts, and official excess garbage bag(s) placed out for collection **no sooner than 18:00 hours (6pm) the day prior to their assigned collection day and no later than by 07:00 hours (7am)** on their Town-assigned collection day. All emptied residential waste collection carts must be cleared from any alley or road by 22:00 hours (10pm) on their Town-assigned collection day.
- 5.3 Outside of an eligible residential household's collection time on their Town-assigned collection day as detailed in Section 5.2, all residential waste collection carts and official excess garbage bag(s) must be stored on private property.
- 5.4 The Town will not collect waste from inside any building.
- 5.5 The Town shall not be obliged to collect waste from premises that are exempt from general taxation, unless the Town has entered into a contract for collection of waste from said premises.

6. Single-Family Residential Garbage Collection Requirements

- 6.1 Subject to the provisions of this Bylaw, and subject to any federal or provincial statutes or regulations regarding the collection, transport, and disposal of garbage, the Town and/or contractor of the Town:

- a) shall collect garbage from each eligible residential household weekly in accordance with ~~the rates and fees specified in the~~ Rates, Fees, Rates, and Charges Bylaw; and
- b) may collect garbage from premises other than an eligible residential household upon approval by the CAO in accordance with ~~the rates and fees specified in the~~ Rates, Fees, Rates, and Charges Bylaw.

6.2 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) garbage in excess of one (1) residential garbage collection cart per household per ~~Town-assigned collection day week~~;
- b) garbage in any waste receptacle or container that is not an official residential garbage collection cart;
- c) garbage in a residential garbage collection cart that is loose or not contained with a bag;
- d) garbage in a residential garbage collection cart which together with the cart exceeds the manufacturer's weight limit of 102 kilograms (224 pounds):
 - i. ~~120 litre cart - fifty-nine (59) kilograms (130 pounds);~~
 - ii. ~~180 litre cart - seventy-six (76) kilograms (168 pounds);~~
- e) garbage in a residential garbage collection cart where items exceed the upper rim causing the cart lid to not fully close;
- f) garbage in a residential garbage collection cart where any item, including an official excess garbage bag, is placed on top of the lid.
- g) any garbage bag that is not placed within the ~~Town's~~ residential garbage collection cart or is not an ~~Town of Okotoks~~ official excess garbage bag;
- h) an official excess garbage bag that exceeds ~~fifteen (15)~~ kilograms (33 pounds) in weight;
- i) a residential garbage collection cart and/or official excess garbage bag that contains the following material:
 - i. recyclable material that is accepted in the Town's residential recycling cart;
 - ii. organic waste that is accepted in the Town's organic waste cart;
 - iii. yard waste that is accepted in the Town's organic waste cart;
 - iv. trade waste;
 - v. engine oil or oil filters;
 - vi. tree trunks, tree limbs, sod, and whole shrubs or bushes;
 - vii. discarded furniture, automobile parts, tires, and other household appliances or equipment;
 - viii. fences, gates, or other such fixtures;
 - ix. building waste;
 - x. dead animals;
 - xi. liquid waste or grease;
 - xii. waste that is unsafe for the collector to access or handle; or
 - xiii. waste that could cause environmental impairment.

- 6.3 Notwithstanding the provisions of Section 6.2, the Town and/or a Town approved contractor may collect garbage in excess of one residential garbage collection cart per ~~week-assigned collection day~~, provided that the owner of the eligible ~~multi-family dwelling or~~ residential household ~~with a legal secondary suite~~ has ~~subscribed to an additional residential garbage collection cart subject to a rate as established in the Fees, Rates, and Charges Bylaw;~~ and/or purchased an official excess garbage bag(s) from the Town and/or approved location on behalf of the Town, as approved by the CAO, at a rate as established in the ~~Rates~~, Fees, ~~Rates~~, and Charges Bylaw.

7. Single-Family Residential Recycling Collection Requirements

- 7.1 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:
- a) shall collect recyclable material from each eligible residential household ~~subscribed to the Town's recycling collection service~~ in accordance with ~~the rates and fees specified in the~~ ~~Rates~~, Fees, ~~Rates~~, and Charges Bylaw; and
 - b) may collect recyclable material from premises other than an eligible residential household upon approval by the CAO in accordance with ~~the rates and fees specified in the~~ ~~Rates~~, Fees, ~~Rates~~, and Charges Bylaw.
- 7.2 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) recyclable material in excess of one (1) residential recycling collection cart per household per ~~week~~ ~~Town-assigned collection day~~;
 - b) recyclable material in any waste receptacle or container that is not an official residential recycling collection cart;
 - c) recyclable material in a residential recycling collection cart which together with the cart exceeds the manufacturer's weight limit of ~~one hundred and two (102)~~ kilograms (224 pounds);
 - d) recyclable material in a residential recycling collection cart where items ~~exceed~~ ~~extend beyond~~ the upper rim causing the cart lid to not fully close;
 - e) recyclable material in a residential recycling ~~garbage~~ collection cart where any item is placed on top of the lid.
 - f) a residential recycling collection cart that contains the following material:
 - i. any materials that are not recyclable material as approved by the CAO;
 - ii. any materials that are soiled;
 - iii. garbage;
 - iv. organic waste;
 - v. yard waste;
 - vi. trade waste;
 - vii. automobile parts;
 - viii. household appliances, electronics and equipment;
 - ix. pesticide containers;
 - x. personal hygiene and/or medical items; or
 - xi. materials that are unsafe for the collector to access or handle.

~~7.3 Notwithstanding the provisions of Section 7.2, the Town and/or a Town approved contractor may collect recyclable material in excess of one residential recycling collection cart per week, provided that the owner of the eligible residential household has subscribed to an additional residential recycling collection cart subject to a rate as established in the Rates, Fees, and Charges Bylaw.~~ Notwithstanding the provisions of Section 7.2, the Town and/or a Town approved contractor may collect recyclable material in excess of one residential recycling collection cart per assigned collection day, provided that the owner of the eligible multi-family dwelling or residential household with a legal secondary suite has subscribed to an additional residential recycling collection cart subject to a rate as established in the Fees, Rates, and Charges Bylaw.

7.4

~~7.5 All residents moving into their new homes will be required to subscribe to the Town's residential recycling collection cart service and will be subject to the rate as established in the Rates, Fees, and Charges Bylaw.~~

~~7.6 All residents will be required to transition to the universal residential recycling collection cart service upon ninety (90) days' notice should:~~
~~a) a local Materials Recycling Facility (MRF) become operational; and/or~~
~~b) the blue cart collection ceases to be contracted out to a private operator.~~

8. Single-Family Residential Organic Waste Collection Requirements

8.1 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:

- a) according to the dates authorized by the CAO, shall collect organic waste from each eligible residential household weekly or bi-weekly in accordance with ~~the rates and fees specified in the~~ Rates, Fees, Rates, and Charges Bylaw;
- ~~b) shall collect excess yard waste curbside from each eligible residential household that has purchased an official excess yard waste bag in accordance with the rates and fees specified in the Rates, Fees, Rates, and Charges Bylaw; and~~
- c) may collect organic waste from premises other than an eligible residential household upon approval by the CAO in accordance with the ~~rates and fees specified in the~~ Rates, Fees, Rates, and Charges Bylaw.

8.2 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) organic waste in excess of one (1) residential organic waste collection cart per household per ~~week~~ Town-assigned collection day;
- b) organic waste in any waste receptacle or container that is not an official residential organic waste collection cart;
- c) organic waste in a residential organic waste collection cart which together with the cart exceeds the manufacturer's weight limit:
 - i. 120 litre cart - ~~fifty-nine (59)~~ kilograms (130 pounds);
 - ii. 240 litre cart – 102 kilograms (224 pounds);
- d) organic waste in a residential organic waste collection cart where items ~~exceed~~ extend beyond the upper rim causing the cart lid to not fully

- close;
- e) organic waste in a residential organic waste collection cart where any item is placed on top of the lid;
 - f) yard waste that is not contained within a residential organic waste collection cart, ~~official yard waste bag or with an official branch tag~~;
 - g) a residential organic waste collection cart ~~or official excess yard waste bag~~ that contains the following material:
 - i. any materials that are not organic waste as approved by the CAO;
 - ii. yard waste that is not contained within the definition of yard waste as described in Sections ~~2.25~~ and 2.52;
 - iii. garbage;
 - iv. ~~pet waste~~;
 - v. dead animals that are not animal carcasses or bones from human consumption;
 - vi. personal hygiene and/or medical items; or
 - vii. materials that are unsafe for the collector to access or handle.

~~8.3 Notwithstanding the provisions of Section 8.2, the Town and/or a Town approved contractor may collect organic waste in excess of one (1) residential organic waste collection cart per week and/or bi-weekly, provided that the owner of the eligible residential household has:~~

- ~~a) subscribed to an additional residential organic waste collection cart subject to a rate as established in the Rates, Fees, Rates, and Charges Bylaw; and/or~~
- ~~b) purchased an official excess yard waste bag(s) or official branch tag from the Town and/or approved location on behalf of the Town, as approved by the CAO, at a rate as established in the Rates, Fees Rates and Charges Bylaw, for the disposal of yard waste only.~~

Notwithstanding the provisions of Section 8.2, the Town and/or a Town approved contractor may collect organic waste in excess of one residential organic waste collection cart per assigned collection day, provided that the owner of the eligible multi-family dwelling or residential household with a legal secondary suite has subscribed to an additional residential organic waste collection cart subject to a rate as established in the Fees, Rates, and Charges Bylaw.

~~8.4 The official excess yard waste bag or official branch tag will be offered for sale in locations approved by the CAO at the rate set out in the Fees, Rates and Charges Bylaw.~~

~~8.5 The Town and/or Town approved contractor will only collect an official excess yard waste bag(s) or official branch tag if placed at a household's front curb within the household's property line after the official excess yard waste bag(s) have been registered within the Town for pickup via phone or internet registration.~~

~~8.6 Frequency of collection and terms of collection pursuant to any excess yard waste collection service shall be as determined by the CAO.~~

9. Multi-Family Residential Waste Requirements

- 9.1 Subject to the provisions of this Bylaw, and subject to any federal or provincial statutes or regulations regarding the storage, collection, transport, and disposal of waste, the owner(s) and/or property manager of an apartment building, condominium, or housing cooperative shall provide and service, unless otherwise specified by the CAO, at their own expense, a sufficient number of waste receptacles and/or commercial containers to hold;
- a) at minimum one (1) week's accumulation of garbage produced from all units contained within the premises; and
 - b) ~~as of July 1, 2017,~~ at minimum one (1) week's accumulation of recyclable material as defined by the CAO and produced from all units contained within the premises; and
 - c) ~~as of January 1, 2018,~~ at minimum one (1) week's accumulation of organic material as defined by the CAO and produced from all units contained within the premises.
- 9.2 All waste streams identified in Section 9.1 must be collected in separate waste receptacles and/or commercial containers to prevent cross contamination.
- 9.3 Subject to the provisions of this Bylaw, and subject to any federal or provincial statutes or regulations regarding the collection, transport, and disposal of waste, the owner(s) and/or property manager of any premises specified in Section 9.1, producing waste shall:
- a) provide and maintain on the premises in a clean and sanitary condition a sufficient number of waste receptacles or commercial containers to store the waste;
 - b) not permit ~~his/her~~ their premises or adjacent premises to become untidy and unsightly due to waste;
 - c) periodically have the garbage collected and disposed of at a regulated garbage disposal site;
 - d) periodically have the recyclable material collected and disposed of at a regulated ~~material recovery facility (MRF);~~
 - e) periodically have the organic waste collected and disposed of at an organic waste processing facility;
 - f) not permit waste to blow off the premises, and immediately recapture any waste that does blow away and place ~~them~~ it in a waste receptacle or commercial container;
 - g) if necessary, pursuant to the direction of the CAO, fence all or part of the premises or construct any structure necessary to contain the building waste.
- 9.4 The owner(s) and/or property manager of any premises specified in Section 9.1, shall ensure that sufficient waste receptacles for the specific collection of waste are located throughout the premises and grounds at all times and are:
- a) suitably weighted and anchored so that they are weatherproof and animal proof;
 - b) of suitable size and number to contain all waste generated from the premises and users thereof;
 - c) placed in locations convenient for the users or occupants of the premises ~~so as~~ to discourage the littering of waste; and

- d) emptied on a regular basis into the main waste receptacles or commercial containers.
- 9.5 The owner(s) and/or property manager of a premises who provides waste receptacles or commercial containers in accordance with the requirements of Section 9.1 shall limit the weight of the contents to the manufacturer's recommended specifications and shall maintain them in a clean and sanitary condition at all times.
- 9.6 ~~Any~~ If a premises ~~that~~ generates waste and does not have the waste removed in a manner satisfactory to the CAO, the Town may proceed to remove the waste and the owner shall be responsible for the costs of such removal.
- 9.7 The owners and/or property manager of a multi-family residential premises shall at their own expense cause all waste material to be removed from the premises and disposed of at regular intervals not more than one (1) week apart.
- 9.8 The owners and/or property manager of a multi-family residential premises must 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.

10. Non-Residential Waste Requirements

- 10.1 Subject to the provisions of this Bylaw, and subject to any federal or provincial statutes or regulations regarding the storage, collection, transport, and disposal of waste, the owner(s) and/or property manager of a commercial premises, industrial premises, or institutional premises shall provide, unless otherwise specified by the CAO, at their own expense a sufficient number of waste receptacles and/or commercial containers to hold;
- a) at minimum one (1) week's accumulation of garbage; and
 - b) ~~as of January 1, 2018,~~ at minimum one (1) week's accumulation of recyclable material as defined by the CAO; and
 - c) ~~as of January 1, 2019,~~ at a minimum one (1) week's accumulation of organic material as defined by the CAO.
- 10.2 The owner of a premises who provides waste receptacles or commercial containers in accordance with the requirements of Section 10.1 and other optional waste collection services such as the collection of recyclable material and/or organic waste, shall limit the weight of the contents to the manufacturer's recommended specifications.
- 10.3 The owner(s) and/or property manager of any premises specified in Section 10.1, producing waste shall:
- a) provide and maintain on the premises in a clean and sanitary condition a sufficient number of waste receptacles or commercial containers to store the waste;
 - b) not permit ~~his/her~~ their premises or adjacent premises to become untidy and unsightly due to building waste;

- c) periodically have the waste collected and disposed of at a regulated disposal site;
 - d) not permit waste to blow off the premises, and immediately recapture any waste that does blow away and place ~~them~~ it in a waste receptacle or commercial container; and
 - e) if necessary, pursuant to the direction of the CAO, fence all or part of the premises or construct any structure necessary to contain the building waste.
- 10.4 The owner(s) and/or property manager of any premises specified in Section 10.1, shall ensure that sufficient waste receptacles for the collection of waste are located throughout the premises at all times and are:
- a) maintained in good condition;
 - b) suitably weighted and anchored so that they are weatherproof and animal proof;
 - c) of suitable size and number to contain all waste generated from the premises and users thereof;
 - d) placed in locations convenient for the users or occupants of the premises so as to discourage the littering of waste; and
 - e) emptied on a regular basis into a main waste receptacle or commercial container.
- 10.5 The owner(s) and/or property manager of the property, at their own expense, shall be responsible for collection and removal of trade waste generated from any premises specified in Section 10.1.
- 10.6 When an eligible residential household contains a commercial, industrial, institutional or any other service that requires a business license, the Town shall only be responsible for the collection and disposal of residential garbage.
- 10.7 If any premises ~~that~~ generates trade waste and does not have the waste removed in a manner satisfactory to the CAO, ~~then~~ the Town may proceed to remove the waste and the owner shall be responsible for the costs of such removal.
- 10.8 An owner and/or property manager of a non-residential 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 (1) week apart.
- 10.9 The owners and/or property manager of a non- residential premises must 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.

11. Levying and Collection of Fees and Charges

- 11.1 Any 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 the ~~rates and fees specified in the Rates~~, Fees, Rates, and Charges Bylaw.

- 11.2 Garbage, recycling, and organics collection service supplied by the Town or its agent cannot be suspended at the request of an owner.
- 11.3 Charges for garbage, recycling, and organics collection services will apply even when no material is set out for collection.
- 11.4 All charges levied and invoiced pursuant to this Bylaw shall become due and payable and collected as per the ~~Rates~~, Fees, ~~Rates~~, and Charges Bylaw.
- 11.5 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.

- ~~11.6 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.~~
- ~~11.7 The owners and/or property manager of a multi-family residential premises shall at their own expense cause all waste material to be removed from the premises and disposed of at regular intervals not more than one week apart.~~
- ~~11.8 An owner and/or property manager of a commercial, industrial, 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.~~
- ~~11.9 The owners and/or property manager of a multi-family residential 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.~~

12. Recycling/Eco Centres

- 12.1 A person delivering recyclable material to a recycling/eco centre established by or operated on behalf of the Town shall **deposit**:
- ~~deposit~~ only acceptable recyclable material, as determined by the CAO;
 - ~~deposit~~ such recyclable material in the place and manner directed by the CAO.

13. Authority of the CAO (~~Bylaw 41-18~~)

- 13.1 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 or necessary to promote:
- efficiency in collection of waste;
 - the safety of residents, motorists, pedestrians, and collectors;
 - the safe and efficient use of ~~A~~automated ~~C~~collection ~~trucks-vehicles~~; or
 - the protection of the environment.

14. Enforcement

- 14.1 Wherever the CAO has reason to believe that an owner has contravened any section of this Bylaw, the Town may proceed to carry out the required activity, and the owner shall be liable to the Town for all costs incurred in doing so.
- 14.2 Any action taken by the Town under Section 13.1 does not absolve the owner of any liability for prosecution of an offence under the terms of this Bylaw.

15. Violation Tags and Violation Tickets

- 15.1 Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw, may issue and serve:
- a) a violation tag allowing a payment of the specified penalty to the Town; or
 - b) a violation ticket pursuant to the provisions of Part 2 or Part 3 of the *Provincial Offences Procedure*s Act.
- 15.2 The violation tag referred to in Section 14.1 shall be in such form as the CAO may determine.
- 15.3 Service of a violation tag will be sufficient if it is:
- a) personally served upon the owner or occupant of the premises;
 - b) served by regular mail upon the owner of the premises at the address shown on the Town's tax rolls; or
 - c) placed on or attached in a conspicuous location on the premises.
- 15.4 A person who pays the amount specified on a violation tag in respect of a contravention of a provision of this Bylaw, within the time allowed for payment as specified on the violation tag, shall not be liable for prosecution for the contravention. A person who is issued a violation tag that does not pay the specified amount within the specified time is subject to further prosecution under this Bylaw.
- 15.5 If a violation ticket is issued in respect to an offence, the violation ticket may:
- a) specify the penalty established by this Bylaw for the offence; or
 - b) require a person to appear in Court without the option of making a voluntary payment.
- 15.6 A person who wishes to plead guilty to an offence may:
- a) if a violation ticket is issued in respect of the offence; and
 - b) if the violation ticket specifies the penalty amount established by this Bylaw for the offence;
- make a voluntary payment equal to the specified penalty by delivering the violation ticket and the specified penalty to the Provincial Courthouse specified on the violation ticket.

16. General Penalty Provision

- 16.1 Any person who violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of ~~Ten Thousand~~ (\$10,000) Dollars or in default of payment of the fine to imprisonment for a period not

exceeding one (1) year, or to both a fine and imprisonment in such amounts.

17. ~~Minimum and Specified Penalties~~

17.1 The specified penalty for a violation of any provision of this Bylaw is ~~Two Hundred Fifty (\$250)~~ Dollars and the minimum penalty allowable for any such violation is ~~Two Hundred Fifty (\$250)~~ Dollars.

17.2 Notwithstanding Section 16.1 of this Bylaw, if a person violates the same provision of this Bylaw two (2) or more times within a one-year period, the minimum specified penalty or penalty allowable for the second and subsequent such violation shall be a fine in the amount of ~~Five Hundred (\$500)~~ Dollars.

17.3 It is the intention of ~~the~~ Council that all offences created pursuant to this Bylaw be construed and considered as strict liability offences.

18. Severability

18.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

~~19. General~~

19.1 ~~Whenever the singular and masculine gender is used in the Bylaw, the same shall include the plural, feminine and gender neutral whenever the context so requires.~~

This Bylaw shall come into full force and effect upon third reading, and Bylaw ~~12-12, 18-16~~ and any amendments thereto are hereby repealed ~~upon this Bylaw coming into effect.~~

~~Bylaw 18-16 received third and final reading September 26, 2016.~~

~~ORIGINAL SIGNED BY
MAYOR AND MUNICIPAL SECRETARY~~

~~Bylaw 41-18 received third and final reading February 11, 2019.~~

~~ORIGINAL SIGNED BY
MAYOR AND CHIEF ADMINISTRATIVE OFFICER~~