



TOWN OF COCHRANE Bylaw 32/2016

Being a Bylaw of the Town of Cochrane, in the Province of Alberta to regulate the collection, disposal and handling of waste, organics and recyclable materials within the Town of Cochrane, in the Province of Alberta.

Whereas: Pursuant to the *Municipal Government Act*, RSA 2000 c. M-26, a Municipal Council may pass Bylaws establishing and maintaining a waste management system throughout the municipality;

and whereas: The Municipal Council of the Town of Cochrane deems it desirable to pass a Bylaw to establish and maintain a waste management system and to operate this system as a public utility,

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWN OF COCHRANE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1.0 TITLE

1.1 This Bylaw may be cited as "The Waste Management Bylaw".

2.0 INTERPRETATION

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

- (a) "Additional Residential Recycling Collection Cart" means an additional Recycling Collection Cart provided by the Town at the Customer's request;
- (b) "Additional Residential Waste Collection Cart" means an additional Residential Waste Collection Cart provided by the Town at the Customer's request;

- (c) "Additional Residential Organics Collection Cart" means an additional Residential Organics Collection Cart provided by the Town at the Customer's request;
- (d) "Alley" means a Highway which provides access to the rear yard of adjacent Premises;
- (e) "Automated Collection" means the collection of Waste, Organics and Recyclable Materials by a system of mechanical lifting and tipping of containers into specially designed vehicles;
- (f) "Base Rate" means the base rate as set out in Schedule "B" to this Bylaw;
- (g) "Bylaw Tag" means a notice of contravention of this Bylaw issued in accordance with section 20.5;
- (h) "Chief Administrative Officer" means the Chief Administrative Officer of the Town of Cochrane;
- (i) "Collector" means a person who collects Waste, Organics or Recyclable Material within the Town as an agent, contractor or employee of the Town;
- (j) "Collection Cart" means a Residential Waste Collection Cart or Residential Organics Collection Cart or Residential Recycling Collection Carts;
- (k) "Collection Point" means a location where Waste, Organics and Recyclable Material is placed for collection by the Collection Utility;
- (l) "Collection Utility" means the system for collecting and disposing of Waste, Organics and Recyclable Material provided by the Town;
- (m) "Commercial Bin" means any container provided for the collection and storage of Commercial, Industrial, Institutional, Construction Waste, Residential Waste or Residential Recyclable Material, but does not include a Collection Cart or Excess Waste Bag;
- (n) "Commercial Premises" means:
 - (i) any Premises that are designated as "commercial" under the Town's Land Use Bylaw including stores, cafes, eating houses, wholesale or retail business places and offices;
 - (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.
- (o) “Commercial Waste” means Waste, Organics and Recyclable Material produced by or emanating from a Commercial Premises;
- (p) “Construction Waste” means Waste, Organics and Recyclable Materials produced in the process of constructing, altering, renovating, repairing, or demolishing a building or Premises including earth, vegetation, and rock displaced;
- (q) “Council” means the Municipal Council of the Town of Cochrane;
- (r) “Customer” means the Owner of a Premises eligible for the Collection Utility or, if the Town has entered into an agreement that the Occupant or another Person will be the customer in respect of that Premises, that Occupant or other Person;
- (s) “Disposal Site” means a sanitary landfill, recycling facility, or other site approved by the Town for receipt, processing and disposal of Waste, Organics, Recyclable Material or all of them;
- (t) “Eco Fee” means the fee set out in Schedule “B” to this Bylaw for the establishment and operation of waste and recycling programs not including Residential Waste and Residential Recyclable Material collection and disposal programs;
- (u) “Excess Rate” means the additional rate payable for collection of Excess Residential Waste, Excess Residential Organics or Excess Residential Recyclable Materials, as set out in Schedule “B” to this Bylaw;
- (v) “Excess Residential Organics” means Residential Organics placed out for collection in excess of ONE (1) Unit of Organics per week;
- (w) “Excess Residential Recyclable Materials” means Residential Recyclable Material placed out for collection in excess of ONE (1) Unit of Recycling per week;
- (x) “Excess Residential Waste” means Residential Waste placed out for collection in excess of ONE (1) Unit of Waste per week;
- (y) “Excess Waste Bag” means a Plastic Garbage Bag provided by the Town for the purpose of collecting Excess Residential Waste;
- (z) “Highway” means a highway as defined in the *Traffic Safety Act*, RSA 2000, c T-6;
- (aa) “Hazardous Waste” shall have the meaning set out from time to time in the Environmental Protection and Enhancement Act,

R.S.A. 2000, c. E-12, as amended, and the regulations thereunder.

- (bb) "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;
- (cc) "Industrial Waste" means all Waste, Organics and Recyclable Material produced by or emanating from an Industrial Premises;
- (dd) "Institutional Premises" means any Premises that carry on institutional activities including nursing homes, day-care centers, religious or charitable organizations, hospitals and educational institutions;
- (ee) "Institutional Waste" means all Waste, Organics and Recyclable Material produced by or emanating from an Institutional Premises;
- (ff) "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;
- (gg) "Multi-residential Premises" means a building or complex consisting of FIVE (5) or more dwelling units, and includes:
 - (i) apartment buildings where dwelling units share entrance facilities;
 - (ii) townhomes;
 - (iii) condominium properties registered under the *Condominium Property Act*, RSA 2000, c C-22; and
 - (iv) housing cooperatives held by a cooperative housing association registered under the *Cooperatives Act*, SA 2001, c C-28.1;
- (hh) "Occupant" means a Person using, occupying or in possession of a Premises;
- (ii) "Organics" means the materials listed in Schedule "D" to this bylaw;
- (jj) "Owner" means an owner as defined in the *Municipal Government Act*, RSA 2000, c M-26;
- (kk) "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 c P-3.5 or a member of the Royal Canadian Mounted Police;

- (ll) "Person" means any individual, partnership, corporation, company, society or government entity;
- (mm) "Plastic Garbage Bag" means a sturdy plastic bag specifically marketed to store waste for collection, and excludes plastic bags that are intended for other purposes;
- (nn) "Premises" means land, buildings, or both, or a portion of either occupied or used for any purpose within the Town;
- (oo) "Private Service Provider" means an appropriately licensed Person that collects and Disposes of Recyclable Material, Waste or both;
- (pp) "Prohibited Materials" means the materials listed in Schedule "D" to this Bylaw;
- (qq) "*Provincial Offences Procedures Act*" means the *Provincial Offences Procedures Act*, RSA 2000 c. P-34;
- (rr) "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;
- (ss) "Residential Organics" means material of a domestic nature generated through ordinary day-to-day activities of the Occupants of a Residential Premises and listed in Schedule "D" to this Bylaw;
- (tt) "Residential Organics Collection Cart" means a 240 L (for single family and duplex dwellings) or 120L cart (for townhomes served by the Town) owned by the Town and assigned by the Town to a Premises for the purpose of collecting and containing Residential Organics and bringing such materials to a Collection Point;
- (uu) "Residential Premises" means a house, duplex, fourplex, or other building occupied for residential purposes, but does not include a Multi-residential Premises;
- (vv) "Residential Recyclable Materials" means material of a domestic nature generated through ordinary day-to-day activities of the Occupants of a Residential Premises and listed in Schedule "C" to this Bylaw;
- (ww) "Residential Recycling Collection Cart" means a 240 L cart owned by the Town and assigned by the Town to a Premises for the purpose of collecting and containing Residential Recyclable Materials and bringing such materials to a Collection Point;

- (xx) "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;
 - (yy) "Residential Waste Collection Cart" means a 120 L cart owned by the Town and assigned by the Town to a Premises for the purpose of collecting and containing Residential Waste and bringing such Waste to a Collection Point;
 - (zz) "Service Set Up Fee" means the fees set out in Schedule "B" for establishing an account to provide the Collection Utility to a Residential Premises;
 - (aaa) "Street" means a Highway which provides access to the front of adjacent Premises;
 - (bbb) "Town" means the municipality of the Town of Cochrane in the Province of Alberta, or, where the context so requires, its municipal boundaries;
 - (ccc) "Unit of Organics" means the amount of Residential Organics which fits in ONE (1) Residential Organics Collection Cart in accordance with this Bylaw;
 - (ddd) "Unit of Waste" means the amount of Residential Waste which fits in ONE (1) Residential Waste Collection Cart in accordance with this Bylaw;
 - (eee) "Unit of Recycling" means the amount of Residential Recyclable Material which fits in ONE(1) Residential Recycling Collection Cart;
 - (fff) "Violation Ticket" means a violation ticket as defined in the *Provincial Offences Procedures Act*; and
 - (ggg) "Waste" means garbage, refuse or unwanted material.
- 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 those 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.

3.0 TOWN COLLECTION AND REMOVAL OF WASTE, ORGANICS AND RECYCLABLE MATERIAL

- 3.1 The Town shall collect Residential Waste, Residential Organics and Residential Recyclable Material in accordance with this Bylaw.
- 3.2 The Town shall collect Excess Residential Waste, Excess Residential Organics and Excess Residential Recyclable Material in accordance with this Bylaw.
- 3.3 The Town may accept Waste, Organics and Recyclable Material at a Disposal Site operated by the Town in accordance with this Bylaw.
- 3.4 The Town may agree to collect or accept Waste, Organics or Recyclable Material in accordance with this Bylaw.
- 3.5 The Town shall be under no obligation to collect, accept or dispose of any Waste, Organics, Recyclable Material 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.

4.0 RESIDENTIAL WASTE, RESIDENTIAL ORGANICS AND RESIDENTIAL RECYCLABLE MATERIAL

- 4.1 The Town shall collect up to ONE (1) Unit of Residential Waste and ONE (1) Unit of Residential Recyclable Material from each Residential Premises per week.
- 4.2 The Town shall collect up to ONE (1) Unit of Residential Organics from each Residential Premises per week from mid-April to mid-October.
- 4.3 The Town shall collect up to ONE (1) Unit of Residential Organics from each Residential Premises once every two weeks, except as established within Section 4.2

5.0 EXCESS RESIDENTIAL WASTE RESIDENTIAL ORGANICS AND EXCESS RESIDENTIAL RECYCLABLE MATERIAL

- 5.1 The Town may collect up to ONE (1) Unit of Excess Residential Waste or up to THREE (3) Excess Waste Bags from each Residential Premises per week.
- 5.2 The Town may collect up to ONE (1) Unit of Excess Residential Recyclable Material from each Residential Premises per week.

- 5.3 The Town may collect up to ONE (1) Unit of Excess Residential Organics from each Residential Premises per week from mid-April to mid-October
- 5.4 The Town may collect up to ONE (1) Unit of Excess Residential Organics from each Residential Premises once every two weeks, except as established within Section 5.3

6.0 PREPARATION OF RESIDENTIAL WASTE, RESIDENTIAL ORGANICS AND RESIDENTIAL RECYCLABLE MATERIAL FOR COLLECTION

- 6.1 The Owner or Occupier of a Premises shall ensure that all Residential Waste placed at the Collection Point for that Premises is:
- (a) in the case of Residential Waste, placed in a Plastic Garbage Bag which is then placed in the Collection Cart;
 - (b) in the case of Excess Residential Waste, placed in a Plastic Garbage Bag which is then placed in the Additional Residential Waste Collection Cart or is placed in an Excess Waste Bag;
 - (c) thoroughly drained and securely wrapped in sufficient paper to absorb any moisture;
 - (d) is double bagged if such Residential Waste includes light, dusty or objectionable materials including cooled ashes, powders, sawdust, vacuum cleaner bags, furnace filters, animal feces and absorbent pads, and disposable diapers;
 - (e) Waste collection service is limited to materials not listed in Schedule "C" (Acceptable residential recyclable material), "D" (Acceptable residential organic material) and "E" (Prohibited material) to this Bylaw.
 - (f) the Town and its contractor are not required to collect the contents of a Residential Waste Collection Cart should it contain any materials listed in Schedule "C", "D" and "E" to this Bylaw. The Cart will be tagged to notify the Owner or Occupier of the Premises of unacceptable use.
 - (g) if the Waste is placed in an Excess Waste Bag, such bag is:
 - (i) water tight and securely tied;
 - (ii) capable of holding the contents without breaking; and
 - (iii) not in excess of 15 kilograms.
- 6.2 The Owner or Occupier of a Premises shall ensure that all Residential Recyclable Material placed at the Collection Point for that Premises is:

- (a) reasonably clean;
 - (b) placed loosely into the Collection Cart without bagging or bundling, with the exception of plastic bags and shredded paper which shall be placed in a Plastic Garbage Bag prior to placement in the Collection Cart.
 - (c) Recyclable collection service is limited to all recyclable and non-hazardous materials listed in Schedule "C" (Acceptable residential recyclable material) to this Bylaw.
 - (d) the Town and its contractor are not required to collect the contents of a Residential Recycling Collection Cart should it contain any materials not listed in Schedule "C" to this Bylaw. The Cart will be tagged to notify the Owner or Occupier of the Premises of unacceptable use.
- 6.3 The Owner or Occupier of a Premises shall ensure that all Residential Organics placed at the Collection Point for that Premises is:
- (a) thoroughly drained and securely wrapped in sufficient paper to absorb any moisture;
 - (b) placed loosely into the Collection Cart or contained in 100% approved compostable bags.
 - (c) Organics collection service is limited to all organic and non-hazardous materials listed in Schedule "D" to this Bylaw.
 - (d) the Town and its contractor are not required to collect the contents of a Residential Organics Collection Cart should it contain any unacceptable items. The Cart will be tagged to notify the Owner or Occupier of the Premises of unacceptable use.
- 6.4 The Owner or Occupier of a Premises shall ensure that all spillage originating from the Collection Carts assigned to that Premises and all spillage of Waste, Organics, Recyclable Material or other substances at the Collection Point for that Premises is promptly cleaned up.

7.0 PROHIBITIONS

- 7.1 No Person shall place:
- (a) Prohibited Materials as listed in Schedule "E" to this Bylaw;
 - (b) hazardous waste as defined in the *Environmental Protection and Enhancement Act*, RSA 2000 c E-12;
 - (c) dangerous goods as defined in the *Dangerous Goods Transportation and Handling Act*, RSA 2000 c D-4;

- (d) biomedical waste as defined in the *Waste Control Regulation*, AR 192/1996; or
- (e) Industrial, Commercial, Institutional or Construction Waste except as authorized pursuant to an agreement with the Town;

at any Collection Point, in any Collection Cart, or otherwise set out such material for collection by the Town.

- 7.2 No Person shall set out for collection as Residential Waste any materials or substances which are listed in Schedule "C" (Acceptable residential recyclable material), "D" (Acceptable residential organic material) and "E" (Prohibited material) to this Bylaw
- 7.3 No Person shall set out for collection as Residential Recyclable Material any materials or substances which are not listed in Schedule "C" to this Bylaw.
- 7.4 No Person shall set out for collection as Residential Organics any materials or substances which are not listed in Schedule "D" to this Bylaw .
- 7.5 No Person shall set out for collection as Organics or Recyclable Material any hypodermic needle.
- 7.6 No Person shall set out any materials or substances for collection by the Town unless such materials or substances are contained within a Collection Cart or Excess Waste Bag in accordance with this Bylaw.
- 7.7 No Person shall place any Waste, Organics, Recyclable Material or other materials or substances in any Collection Cart or at any Collection Point assigned to a Premises unless that Person is the Owner or Occupant of such Premises or has the authorization of the Owner or Occupant of such Premises to do so.
- 7.8 No Person shall tamper or interfere with any Waste or Recyclable Material set out for collection by the Town from a Premises or any Collection Cart or Commercial Bin.
- 7.9 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.
- 7.10 No Person shall dispose of Waste, Organics or Recyclable Material except through the Collection Utility or at a Disposal Site in accordance with this Bylaw.
- 7.11 No Person shall store, deposit or dispose of any Waste or Recyclable Material on any Highway or any other lands owned by the Town except as authorized pursuant to this Bylaw.
- 7.12 No Person shall scavenge Waste or Recyclable Material from a Collection Cart or Commercial Bin.

- 7.13 The Owner or Occupant of a Premises shall ensure that all materials placed at the Collection Point for that Premises comply with the requirements of this Bylaw.

8.0 PROVISION OF COLLECTION CARTS AND EXCESS WASTE BAGS

- 8.1 The Town shall provide ONE (1) Residential Waste Collection Cart, ONE (1) Residential Organics Cart and ONE (1) Residential Recycling Collection Cart to each Residential Premises.
- 8.2 The Town shall provide replacement Collection Carts if the Town determines that a Collection Cart has been lost, stolen, or damaged, or is otherwise not satisfactory to the Town.
- 8.3 The Town may provide:
- (a) Additional Residential Waste Collection Carts;
 - (b) Additional Residential Organics Collection Carts;
 - (c) Additional Recycling Collection Carts; and
 - (d) Excess Waste Bags,
- directly to Customers or from such location as is selected by the Senior Manager of Infrastructure Services from time to time.
- 8.4 The Customer shall pay the fee set out in Schedule "B" to this Bylaw for all Collection Carts and Excess Waste Bags provided by the Town.
- 8.5 All Collection Carts shall remain the property of the Town.

9.0 COLLECTION CARTS

- 9.1 The Owner or Occupant of a Premises shall ensure that all Collection Carts assigned to that Premises:
- (a) do not exceed FIFTY FIVE KILOGRAMS (55KG) including the Collection Cart and its contents in the case of Residential Waste Collection Carts and Residential Organics Collection Carts (120L capacity) or ONE HUNDRED TEN KILOGRAMS (110KG) in the case of Recycling Collection Carts and Residential Organics Collection Carts (240L capacity);
 - (b) are not filled higher than the upper rim of the Collection Cart or in such a manner which prevents full closure of the Collection Cart lid;
 - (c) do not have their contents compressed in such a manner that it Waste or Recyclable Material does not fall freely from the

Collection Cart during the regular tipping process during Automated Collection;

- (d) do not contain any material which might adhere to the inside of the Collection Cart which is not properly wrapped in accordance with this Bylaw;
- (e) are maintained in good repair and in a reasonably clean and sanitary condition;
- (f) are stored on the Premises from which the Collection Cart is assigned and do 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
- (g) are stored with the lid closed.

10.0 PLACEMENT OF RESIDENTIAL WASTE, ORGANICS AND RECYCLABLE MATERIALS FOR COLLECTION

10.1 The Owner or Occupant of a Premises shall ensure that all Collection Carts assigned to that Premises are set out for collection in such a manner that Automated Collection may occur, including:

- (a) if the Premises are adjacent to an Alley, Collection Carts shall be placed adjacent to and facing into the Alley;
- (b) if the Premises are not adjacent to an Alley, Collection Carts shall be placed adjacent to and facing into the Street; and
- (c) Collection Carts shall be placed such that they have clearances of at least:
 - (i) 0.3 metres to the rear;
 - (ii) 0.3 metres on either side; and
 - (iii) 1 metre in front

from any obstacles including cars and utility boxes.

10.2 The Owner or Occupant of a Premises shall ensure that the Collection Carts assigned to that Premises are not placed on the sidewalk or in any location where they will interfere with vehicular or pedestrian traffic except with the written authorization of the Senior Manager of Infrastructure Services or when the Collection Carts are being actively emptied.

10.3 The Owner or Occupant of a Premises shall ensure that Collection Carts assigned to that Premises are set out for collection at the Collection Point:

- (a) no later than 7:00 am on the day of collection; and
 - (b) no earlier than 7:00 pm on the day before collection.
- 10.4 The Owner or Occupant of a Premises shall ensure that Collection Carts assigned to that Premises are removed from the Collection Point and returned to their storage area no later than 7:00 pm on the day of collection.
- 10.5 The Owner or Occupant of a Premises shall ensure that the Collection Carts assigned to that Premises are placed out for collection on a level surface not more than 150 mm above the elevation of the adjacent Highway.
- 10.6 The Owner or Occupant of a Premises shall ensure that the Collection Carts assigned to that Premises are placed out for collection in a way that they cannot easily be tipped over.
- 10.7 The Owner or Occupant of a Premises shall ensure that the Collection Carts assigned to that Premises are placed out for collection in a location where they can be accessed for collection without entering or passing through any buildings.
- 10.8 The Owner or Occupant of a Premises shall ensure that all Excess Waste Bags at the Collection Point for the Premises are placed to either side of any Collection Carts and at least 0.3 metres away from any Collection Carts.
- 10.9 The Town may assign a Collection Point for any Premises, in which case the Owner or Occupant of that Premises shall ensure that Collection Carts and Excess Waste Bags for that Premises are only placed at that Collection Point.

11.0 PREMISES NOT SERVED BY THE WASTE COLLECTION UTILITY

- 11.1 The Owner or Manager of a Commercial Premises, Industrial Premises or Institutional Premises shall ensure that Waste Material generated on that Premises are:
- (a) collected by a Private Service Provider and disposed of at a Disposal Site; and
 - (b) collected on a sufficiently frequent basis so as to prevent the development of noxious odors.
- 11.2 The Owner or Manager of a Multi-residential Premises shall ensure that Waste and Recyclable Material generated on that Premises are:
- (a) collected by a Private Service Provider and disposed of at a Disposal Site; and

- (b) collected on a sufficiently frequent basis so as to prevent the development of noxious odors.

11.3 The Owner or Manager of a Multi-residential Premises, Commercial Premises, Industrial Premises or Institutional Premises shall ensure that Commercial Bins are provided for the Premises which are:

- (a) of sufficient size and quantity to provide adequate capacity given the number of Occupants of the Premises;
- (b) in good condition and repaired or replaced should they become damaged, unsafe, dangerous or unsightly;
- (c) located where they can be safely and conveniently accessed by the Occupants of the Premises and where they do not become a nuisance;
- (d) equipped with clear and visible signage indicating the acceptable materials applicable for each container;
- (e) placed on private property and not on a Highway or property belonging to the Town or in the Town's direction, control and management except with the written authorization of the Senior Manager of Infrastructure Services or when the Commercial Bins are being actively emptied;
- (f) securely closed at all times, except when being filled or emptied;
- (g) suitably weighted and anchored so that they cannot be inadvertently overturned;
- (h) maintained, along with the area immediately surrounding the container, in a clean and tidy condition at all times; and
- (i) constructed and covered so that they are weatherproof and animal proof.

11.4 The Owner or Manager of a Multi-residential Premises shall:

- (a) submit a written "Waste & Recycling Plan" outlining the plans for collection, storage and disposal of Waste and Recyclable Material in accordance with this Bylaw on or before June 1st each year and whenever significant changes are made to the waste and recycling program for that Multi-residential Premises;
- (b) ensure that Waste and Recyclable Material emanating from the Premises is collected, stored and disposed of in accordance with the Waste & Recycling Plan in place for that Premises; and
- (c) ensure that all residents are notified in writing of the requirements of the Waste and Recycling Plan for that Premises

within THIRTY (30) days of the residents moving in and on an annual basis.

12.0 AGREEMENTS

- 12.1 The Owner or Manager of a Multi-residential Premises with EIGHT (8) or less dwelling units, a Commercial Premises, an Industrial Premises or an Institutional Premises may apply to the Senior Manager of Infrastructure Services for services through the Collection Utility.
- 12.2 If the Town agrees to provide services to a Premises pursuant to an application pursuant to section 12.1 of this Bylaw:
- (a) the terms of this Bylaw shall apply to such service except as expressly modified by the agreement to provide service; and
 - (b) the Collection Point shall be in a centralized location for collection at or near the Highway providing access to the Premises or at such location as approved by the Senior Manager of Infrastructure Services.
- 12.3 The Owner or Manager of a Multi-residential Premises with TWENTY-FIVE (25) or less dwelling units may apply to the Senior Manager of Infrastructure Services to be permitted to self-haul Waste and Recyclable Material and dispose of that material at a Disposal Site at their own expense.
- 12.4 If the Town agrees to permit self-hauling by the Owner or Manager of a Multi-residential Premises pursuant to an application pursuant to section 12.3 of this Bylaw:
- (a) the other terms of this Bylaw shall apply to such self-hauling except as expressly modified by the agreement to permit such service.

13.0 ACCUMULATION OF WASTE, ORGANICS AND RECYCLABLE MATERIAL

- 13.1 Except as authorized pursuant to this Bylaw, no Owner or Occupant of any Premises shall dispose of or allow Waste or Recyclable Material to accumulate:
- (a) outside of a building or inside of a portion of the building to which the public or part of the public has access; or
 - (b) on any land.

14.0 CONSTRUCTION WASTE

- 14.1 The Owner or Occupant of a Premises producing Construction Waste shall:
- (a) provide and maintain on the Premises in good condition, a sufficient number of containers or Commercial Bins to store the Construction Waste;
 - (b) ensure that all Construction Waste is stored in a container or Commercial Bin;
 - (c) periodically dispose of all Construction Waste at an appropriate Disposal Site and ensure that such Construction Waste does not unduly accumulate at the Premises;
 - (d) 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
 - (e) take such steps as are directed by the Senior Manager of Infrastructure Services to contain the Construction Waste.

15.0 PRIVATE DELIVERY OF WASTE, ORGANICS OR RECYCLABLE MATERIAL

- 15.1 The Owner or Occupier of a Premises may deliver Waste, Organics or Recyclable Material emanating from or generated by that Premises to a Disposal Site.
- 15.2 The Senior Manager of Infrastructure Services may establish rules and regulations for the use of a Disposal Site operated by or on behalf of the Town regarding:
- (a) the Waste or Recyclable Materials which shall be accepted by the Disposal Site;
 - (b) the manner in which Waste or Recyclable Materials may be delivered to or deposited at the Disposal Site;
 - (c) the fees which shall be imposed for the Disposal Site accepting Waste or Recyclable Materials; and
 - (d) any other matters which the Senior Manager of Infrastructure Services deems necessary or desirable for the operation of the Disposal Site.

15.3 A Person delivering Waste or Recyclable Materials to a Disposal Site operated by or on behalf of the Town shall comply with all rules and regulations established by the Senior Manager of Infrastructure Services for the use of such Disposal Site.

16.0 RATES AND FEES

16.1 The Town shall issue a utility bill for each Premises serviced by the Collection Utility, on a monthly basis or such other periods as determined by the Town.

16.2 The Town shall issue a utility bill for each Premises to the Customer in respect of such Premises.

16.3 The utility bill shall include:

- (a) the Service Set up Fee for a new account with a Customer;
- (b) Base Rate;
- (c) the Eco Fee;
- (d) the Excess Rate if applicable; and
- (e) any other service fees payable in respect of the Premises,

as set out in Schedule "B" to this Bylaw.

16.4 The Customer shall pay the utility bill on or before the date specified on such bill.

16.5 Failure to receive a utility bill, or an error on a utility bill, shall not constitute a valid defense for failure to pay the rates and charges for the provision of the Collection Utility to the Premises.

16.6 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.

17.0 SUSPENSION AND TERMINATION OF SERVICE

17.1 The Town may suspend or discontinue the Collection Utility service to a Premises if, in the opinion of the Town, it is necessary or desirable to do so, upon giving reasonable notice to the Customer in respect of that Premises.

18.0 AUTHORITY AND DELEGATION OF POWERS

18.1 The Town has the power and authority to do all things necessary for the general maintenance, management and operation of the Waste Management System.

18.2 The Chief Administrative Officer is authorized to:

- (a) establish regulations for the general maintenance, management or conduct of the Collection Utility and of the officers, contractors and employees employed in connection with the Collection Utility;
- (b) establish the times and places where rates or fees pursuant to this Bylaw are payable;
- (c) collect the rates or fees payable pursuant to this Bylaw and enforce payment of those rates or fees using any means lawfully available; and
- (d) 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.

19.0 INSPECTIONS

19.1 The Town may, after giving reasonable notice to the Owner or Occupant of a Premises, enter on any Premises to inspect such Premises for compliance with this Bylaw and to remedy any contravention of this Bylaw.

19.2 Town employee or Town official may perform periodic inspections of the waste stream at the curbside for compliance with this Bylaw

20.0 PENALTIES AND ENFORCEMENT PROCEDURES

20.1 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.

20.2 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.

- 20.3 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.
- 20.4 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*.
- 20.5 Notwithstanding section 25.4, 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 Chief Administrative Officer, by personal service, regular mail or by placing such Bylaw Tag in a conspicuous location on the relevant property.
- 20.6 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.
- 20.7 A Bylaw Tag shall specify the penalty set out in Schedule "A" of this Bylaw for penalties in lieu of prosecution.
- 20.8 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.
- 20.9 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 double the amount set out in Schedule "A" of this Bylaw.
- 20.10 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.
- 20.11 Nothing in this Bylaw shall prevent a Peace Officer from issuing a summons for the mandatory court appearance of any Person who 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.

- 20.12 It is the intention of the Council that all offences created pursuant to this Bylaw be construed and considered as strict liability offences.
- 20.13 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.
- 20.14 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 of the Owner, Occupant or Manager and each of them separately.
- 20.15 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 defence for any such Person that any other Person is responsible for such breach.
- 20.16 Any Person who disposes of Waste, Organics or Recyclable Materials in any manner contrary to this Bylaw shall immediately take all reasonable measures to clean up such Waste or Recyclable Materials or mitigate the effects of such disposal. This shall be in addition to any other penalties or fines established pursuant to this Bylaw.

21.0 GENERAL PROVISIONS AND COMING INTO FORCE

- 21.1 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.
- 21.2 The Schedules to this Bylaw may be amended or replaced from time to time by resolution of Council.
- 21.3 Nothing in this Bylaw relieves any Person from compliance with any other bylaw or any applicable federal or provincial law, regulation or enactment.
- 21.4 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.

21.5 This Bylaw repeals Bylaw 16/2014 in its entirety.

21.6 This Bylaw comes into force on the date of third reading.

Read a first time September 26, 2016
Read a second time September 26, 2016
Unanimous Consent September 26, 2016
Read a third time September 26, 2016



Mayor



Manager, Legislative Services

**SCHEDULE "A" To Bylaw 32/2016
CONTRAVENTION FINES**

SECTION	DESCRIPTION OF OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
General Penalty	All Bylaw sections not specified in this Schedule	\$50.00	\$100.00
Section 13.1	Accumulation of Waste, Organics or Recyclable Material	\$300.00	\$600.00
Section 7.9	Collection Interference	\$100.00	\$200.00
Section 7.7	Waste, Organics or recycling deposited without consent	\$100.00	\$200.00
Section 10.1 to 10.9	Improperly located collection containers	\$100.00	\$200.00
Section 7.1(a), (e)	Setting out Prohibited Materials for collection	\$100.00	\$200.00
Section 7.1(b), (c), or (d)	Placing hazardous waste, dangerous goods, or biomedical waste for collection	\$400.00	\$800.00
Section 7.2	Setting out improper materials for waste collection	\$100.00	\$200.00
Section 7.3	Setting out improper materials for recycling collection	\$100.00	\$200.00
Section 7.4	Setting out improper materials for organics collection	\$100.00	\$200.00
Section 7.6	Failure to use appropriate containers	\$100.00	\$200.00
Section 9.1(b)	Failure to keep lid closed	\$100.00	\$200.00
Section 9.1(f) to (g)	Failure to store containers appropriately	\$100.00	\$200.00
Section 11.1	Failure to provide onsite collection and storage of waste (Industrial, Commercial, Institutional)	\$500.00	\$1000.00
Section 11.2	Failure to provide onsite collection and storage of waste and recycling (multi-residential)	\$500.00	\$1000.00
Section 11.3	Failure to provide sufficient containers	\$200.00	\$400.00
Section 11.4	Failure to comply with Multi-residential Waste and Recycling program requirements	\$500.00	\$1000.00
Section 14.1(c)	Accumulation of building waste	\$300.00	\$600.00
Section 14.1(d)	Failure to contain Construction Waste	\$300.00	\$600.00

SCHEDULE "B" To Bylaw 32/2016

RATES AND FEES

EFFECTIVE JANUARY 01 2017

Description	Fee
New Account Set-up (s.16.3(a))	\$170.00 (includes ONE (1) Recycling Collection Cart, ONE (1) Residential Organics Collection Cart and ONE (1) Residential Waste Collection Cart for Premises for which Collection Carts have not been previously assigned)
WASTE & RECYCLING COLLECTION FEE	\$20.55/ACCOUNT/MONTH
ECO FEE	\$5/ACCOUNT/MONTH
PAY-AS-YOU-THROW RATE 1	\$2.00/BAG
PAY-AS-YOU-THROW RATE 1	\$20.00/LOAD
Replacement Residential Waste Collection Cart (s.8.2)	\$40.00
Replacement Residential Organics Collection Cart (s.8.2)	\$65.00 (240L cart) \$40.00 (120L cart)
Replacement Residential Recycling Collection Cart (s.8.2)	\$65.00
Additional Residential Waste Collection Cart (s.8.3(a))	\$40.00
Additional Residential Organics Collection Cart (s.8.3(b))	\$65.00 (240L cart) \$40.00 (120L cart)
Additional Residential Recycling Collection Cart (s.8.3(c))	\$65.00
Excess Rate: Additional Residential Waste Collection Cart (s.16.3(d))	\$13.00 per month per Additional Residential Waste Collection Cart
Excess Rate: Additional Residential Organics Collection Cart (s.16.3(d))	\$7.00 per month per Additional Residential Organics Collection Cart
Excess Rate: Additional Residential Recycling Collection Cart (s.16.3(d))	\$7.55 per month per Additional Residential Recycling Collection Cart
Excess Waste Bag (s.8.3(c))	\$3.00

SCHEDULE "C" To Bylaw 32/2016

ACCEPTABLE RESIDENTIAL RECYCLABLE MATERIAL

The following materials are designated as Residential Recyclable Material:

1. Newspaper
2. Catalogues and magazines
3. Mixed paper, flyer, envelopes
4. Disposable paper coffee cups
5. Shredded paper: must be enclosed or contained within a securely tied transparent or semi-transparent bag
6. Telephone Books and soft cover books
7. Boxboard
8. Corrugated Cardboard
9. Metal food and beverage containers
10. Aluminum cans, aluminum foil and aluminum foil plates
11. Refundable beverage containers (not glass)
12. Plastic containers with the recycling symbols 1-7, excluding polystyrene foam
13. Plastic Bags, Wrap and Film: bundled within a single bag for collection
14. Tetra Packs

SCHEDULE "D" To Bylaw 32/2016

ACCEPTABLE RESIDENTIAL ORGANIC MATERIAL

The following materials are designated as Residential Organics Material:

1. Fruit and Vegetable Scraps
2. Food Leftovers, plate scrapings
3. Meat, fish, giblets and bones
4. Dairy Products, butter, mayonnaise, dressings
5. Eggshells
6. Bread, cereal, grains
7. Pasta, pizza
8. Baked goods, candies
9. Flour and sugar bags
10. Coffee Filters and Grounds
11. Tea Bags
12. Solidified fats and grease
13. Baking ingredients, herbs, spices
14. Houseplants, cut and dried flowers
15. Nuts, pits, seeds and shells
16. Soiled paper towels and tissues
17. Animal bedding
18. Used paper cups and plates
19. Pizza boxes (no plastic inserts)
20. Compostable serving wear and bags
21. Yard and garden waste
22. Leaves and grass clippings
23. Tree Trimmings (branches and pruning – 15 cm in diameter)
24. Dryer sheets and lint

SCHEDULE "E" To Bylaw 32/2016

PROHIBITED MATERIALS

The following materials are designated as Prohibited Materials:

1. Ashes which are smoldering, smoking or not properly quenched;
2. Automobile waste including automobile parts, tires and batteries*;
3. Compressed cylinders*;
4. Dead animals;
5. Engine oil and oil filters*;
6. Furniture;
7. Gas or propane liquids or any other liquid based petroleum product;
8. Hypodermic needles unless contained in a puncture-resistant receptacle;
9. Items likely to cause injury to a Collector including glass, nails knives, metal, or wood splinters unless contained in a puncture-resistant receptacle;
10. Household Hazardous Waste in general*;
11. Luminescent gas filled electric discharge tubes or florescent tubes*;
12. Material which could cause environmental damage;
13. Rocks;
14. Sod;
15. Styrofoam and Glass*.

*Materials accepted at the Disposal Site operated by the Town