

**CITY OF CHESTERMERE**

**PROVINCE OF ALBERTA**

**BYLAW #024-22**

A Bylaw of The City of Chestermere, in the Province of Alberta, to regulate, control, and manage the storage, handling, collection, and disposal of waste, compostable, and recyclable materials, and to provide the terms and conditions, rates, and charges for the Collection Services provided by The City of Chestermere.

**WHEREAS** pursuant to the *Municipal Government Act, R.S.A. 2000, c. M-26* and amendments thereto the purposes of a municipality are to provide services, facilities, or other things that, in the opinion of council, are necessary or desirable for all or a part of their municipality;

**AND WHEREAS** pursuant to the *Municipal Government Act* a council of a municipality may pass bylaws for municipal purposes respecting public utilities; services provided by or on behalf of the municipality; the safety, health, and welfare of people and the protection of people and property; nuisances including unsightly property; and the enforcement of bylaws;

**AND WHEREAS** The City of Chestermere deems it desirable to for the provision of Collection Services in The City of Chestermere;

**AND WHEREAS** it is desirable to set forth the terms and conditions under which Collection Services will be provided; and the authority upon which guidelines not inconsistent with this bylaw may be established and implemented by The City of Chestermere for Collection Services;

**AND WHEREAS** it is desirable to set forth rates and charges under which Collection Services will be provided; and the authority upon which supplementary services not inconsistent with this bylaw and the Franchise Agreement as well as charges for such supplementary services may be established by The City of Chestermere;

**NOW THEREFORE** the Municipal Council of the City of Chestermere, duly assembled, hereby enacts as follows:

## Table of Contents

1. Legal and Interpretation .....	2
1.1 Title .....	2
1.2 Application .....	2
1.3 Purpose .....	2
1.4 Effective Date .....	2
1.5 Repeal of Previous Waste Bylaw.....	2
1.6 Compliance with Requirements and Legislation.....	2
1.7 Fees .....	2
1.8 Bylaw Interpretation .....	2
1.9 Rules of Interpretation .....	3
1.10 Definitions .....	3
PART I - AUTHORITY OF THE CITY CAO, CITY DIRECTORS AND OR ENVIRONMENTAL SERVICES MANAGER AND PROVISION OF WASTE MANAGEMENT SERVICES.....	11
2. Authority of the City CAO, Director or Environmental Services Manager.....	11
3. Provision of Waste Management Services.....	11
PART II - GENERAL PROHIBITIONS .....	12
4. Prohibitions .....	12
PART III - COLLECTION SERVICES FOR RESIDENTIAL PREMISES .....	14
5. Duty of Owner .....	14
6. Requirements for Preparation of Residential Waste, Residential Recyclable Materials and Residential Compostable Materials for Collection .....	15
7. Requirements for Filling of Automated Collection Carts for Collection .....	16
8. Requirements for Placement of Automated Collection Carts for Collection .....	16
PART IV - NON-RESIDENTIAL WASTE .....	17
9. Waste, Recyclable Materials and Compostable Materials in Other Premises.....	17
10. Private Delivery of Compost Waste and Recyclable Materials at Community ECO Centre site .....	18
PARTV- RATES AND FEES FOR COLLECTION SERVICES .....	18
11. Collection Services Utility Accounts.....	18
12. Responsibilities of Owners: Utility Bills.....	19
Part VI - PENALTIES AND ENFORCEMENT .....	19
13. Offences.....	19
14. CONTRAVENTION NOTICE TAGS, REMEDIAL ORDERS AND VIOLATION TICKETS.....	20
15. Penalties .....	21
Part VII - GENERAL AND TRANSITIONAL .....	22
16. Severability and Conflict.....	22
17. Schedules .....	22
18. Repeals, and Effective Date.....	23
SCHEDULE "A" -SPECIFIED CONTRAVENTION PENALTIES.....	24
SCHEDULE "B" -ACCEPTABLE RESIDENTIAL RECYCLABLE AND COMPOSTABLE MATERIALS.....	26
SCHEDULE "C" - PROHIBITED MATERIALS AND REGULATED WASTE.....	27

# 1. Legal and Interpretation

## 1.1 Title

This Bylaw may be referred to as the "Waste Management Bylaw".

## 1.2 Application

- (1) The provisions of the Waste Management Bylaw apply to all lands and buildings within the municipal boundaries of the City of Chestermere.
- (2) Nothing in the Waste Management Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.

## 1.3 Purpose

- (1) The purpose of this Bylaw is to regulate, control and manage the storage, handling, collection and disposal of waste, compostable and recyclable materials and to provide terms and conditions, rates and charges for the Collection Services provided by the City of Chestermere and/or its designated contractors, and to operate this system as a public utility.
- (2) This Bylaw shall be used in conjunction with the policies and procedures as adopted and amended by Council from time to time.

## 1.4 Effective Date

This Bylaw comes into force on December 31<sup>st</sup>, 2022.

## 1.5 Repeal of Previous Waste Bylaw

The City of Chestermere Waste Bylaw No. 008-15 and amendments thereto are hereby repealed effective December 31<sup>st</sup>, 2022.

## 1.6 Compliance with Requirements and Legislation

Pursuant to the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, a Municipal Council may pass Bylaws establishing and maintaining a waste management system throughout the municipality.

## 1.7 Fees

Council may from time to time, by bylaw, establish and charge fees in respect of any matter related to the administration or enforcement of this Bylaw. Such fees will be reflected in the Master Bylaw Rate.

## 1.8 Bylaw Interpretation

- (1) The preambles and headings provided for sections, paragraphs and sub-sections in this Bylaw are for convenience and reference only; they do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.
- (2) This Bylaw is written in metric measurement.
- (3) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw or affect its interpretation.

- (4) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency as amended or that may be substituted therefore.
- (5) All the schedules attached to this Bylaw shall form a part of this Bylaw.

**1.9 Rules of Interpretation**

Provisions of this Bylaw shall be interpreted and applied as follows:

- (1) Words used in the present tense shall also mean the future tense.
- (2) Words used in the singular may also mean the plural where necessary in the given context.
- (3) Words used in the masculine gender shall also mean the feminine gender and the neutral.
- (4) The words "use", "used", "uses", "occupy", "occupied" or "occupies", applied to any land or building shall include anything done to or arranged, designed or intended for said land or building.
- (5) Where a dimension or standard is provided in both metric and imperial units, the metric standard shall prevail.
- (6) Where a regulation involves two (2) or more conditions, provisions or events connected by a conjunction, the following shall apply:
  - (a) "and" means all the connected items shall apply in combination;
  - (b) "and/or" indicates that the connected items may apply singly or in combination; and (c) "or" indicates the items shall apply singly but not in combination.
- (7) In the case of a conflict between a number written in numerals and a number written in letters, the number written in numerals shall govern.
- (8) In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall govern.

**1.10 Definitions**

Words and terms used in this Bylaw shall have the same meaning and definition as those in the *Municipal Government Act* unless otherwise specifically defined in this Section. Where words and terms are not defined in the *Municipal Government Act* or this Section, the *Interpretation Act*, R.S.A. 2000, Chapter 1-8, and then the Oxford Dictionary definition shall apply.

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

<b>A</b>
<b>Alley</b> means: A lane intended primarily for access to the rear yard of adjacent premises;
<b>Animal Carcass</b> means: All forms of deceased animals;
<b>Appeal Board</b> means; The General Appeal Board appointed by City of Council through Bylaw No. 004-16;
<b>Automated Collection</b> means: Collection by a cart system designed to be emptied through mechanical lifting and tipping into collection vehicles specially designed for such purposes;
<b>Automated Collection Cart</b> means: Residential Waste Collection Cart, Residential Recycle Collection Cart and Residential Compost Collection Cart;

<b>B</b>
<b>Back of Curb</b> means:  The edge of the curb that is closest to the property line;
<b>Biomedical Waste:</b>  Has the meaning set out in the Waste Control Regulation, Alta Reg. 192/1996 and includes all waste generated in or resulting from the operation of a sick room, funeral home, hospital, medical office, dental office, medical clinic, dental clinic, veterinary clinic or biological research station which contains or may contain pathogenic agents, pathological agents, or which may cause disease in persons exposed to such waste, and includes all human tissue, blood, organs, body parts and fluids;
<b>Bulk Waste:</b>  Includes furniture, appliances, mattresses, bicycles, or other oversize items not capable of being placed in a Plastic Garbage Bag, Collection Can, Additional Collection Can or Excess Waste Bag for collection but does not include Regulated Waste;
<b>Bylaw Enforcement Officer</b> means:  A person appointed pursuant to City Bylaw No.018-16 to enforce the provisions of this Bylaw and other bylaws of the City;
<b>C</b>
<b>Certified Compostable Bag</b> means:  A bag made of Compostable Materials that will decompose through the compost process, and certified to be fit for compost by a label on the bag or its packaging;
<b>City</b> means:  The municipal corporation of the City of Chestermere, and includes the geographical area within the boundaries of the City of Chestermere where the context so requires;
<b>City CAO or City Director</b> means:  The Person designated by Council as the Chief Administrative Officer of the City or his/her designate for the purposes of administering and enforcing the provisions of this Bylaw;
<b>City Environmental Services Manager</b> means:  The Person that is employed by the city and is the departmental manager for Environmental Services or his/her designate for the purposes of administering and enforcing the provisions of this Bylaw;
<b>Collection</b> means:  The pick-up and gathering of Waste, Compostable or Recyclable Material by the City or a Collector, including transportation of the Waste, Compostable or Recyclable Material to a Disposal Site pursuant to this Bylaw;
<b>Collection Area</b> means:  Residential Premises which receive both water and sanitary sewer services from the City.
<b>Collection Point</b> means:  The Curbside or Alley adjacent to a Residential Premises, a Community Recycle Depot or Residential Transfer Station, or other location assigned for the purpose of providing Collection Services;
<b>Collection Schedule</b> means:  The set schedule approved by the City CAO, City Director and or Environmental Services Manager for the provision of Collection Services within the Collection Area;

<p><b>Collection Services</b> means:</p> <p>Manual pick up of Residential Automated Collection of Residential Recyclable Materials and Residential Compostable Materials in Automated Collection Cart, from the Collection Point within the Collection Area, including transportation to a Disposal or Processing Site;</p>
<p><b>Collector</b> means:</p> <p>Any authorized employee, contractor or agent of the City performing Collection Services;</p>
<p><b>Commercial Bin</b> means:</p> <p>Any container provided for the collection and storage of Commercial Waste, Industrial Waste, Institutional Waste, Construction Waste, Residential Waste or Residential Recyclable Material, and does not include Automated Collection Cart, or Excess Waste Bag;</p>
<p><b>Commercial Premises</b> means:</p> <ul style="list-style-type: none"> <li>(i) Any Premises that are designated as "commercial" under the City's Land Use Bylaw including stores, cafes, eating houses, wholesale or retail business places and offices;</li> <li>(ii) Any Premises that are exempt from municipal assessment or taxation; and</li> <li>(iii) Mixed use buildings that include uses designated as "commercial" under the City's Land Use Bylaw;</li> </ul>
<p><b>Commercial Waste</b> means:</p> <p>Any Waste, Compostable Materials and Recyclable Material emanating from a Commercial Premises or generated by commercial, industrial, institutional, community, governmental, religious or charitable organizations;</p>
<p><b>Community Recycle Depot</b> means:</p> <p>A Collection Site whereby residents can dispose of Recyclable Materials;</p>
<p><b>Construction Waste</b> means:</p> <p>Any Waste, Recyclable Material and Compostable Materials produced in the process of constructing, altering, renovating, repairing or demolishing any structure or Premises including earth, vegetation, and rock displaced;</p>
<p><b>Contravention Notice Tag</b> means:</p> <p>A self-adhesive sticker issued by the City or Collector pursuant to this Bylaw for the purpose of notifying an Owner of a Bylaw contravention pursuant to Section 16.1;</p>
<p><b>Council</b> means:</p> <p>The elected Council of the City of Chestermere;</p>
<p><b>Curbside</b> means:</p> <p>A side of a Street bordered by a curb;</p>
<p><b>D</b></p>
<p><b>Dangerous Goods</b> means:</p> <p>Has the meaning set out in the <i>Dangerous Goods Transportation and Handling Act</i>, R.S.A. 2000, Chapter D-4, and regulations thereunder;</p>
<p><b>Disposal Site</b> means:</p> <p>A sanitary landfill, recycling facility, compost facility or other site approved by the City CAO, City Director and or Environmental Services Manager for receipt, processing or disposal of Waste, Recyclable Materials, or Compostable Materials;</p>
<p><b>E</b></p>

<p><b>Excess Residential Compostable Materials</b> means:</p> <p>Residential Compostable Materials set out for collection in excess of ONE (1) Unit of Compost Materials per week or any other schedule determined by the City CAO, City Director and or Environmental Services Manager;</p>
<p><b>Excess Residential Recycling Materials</b> means:</p> <p>Residential Recyclable Materials set out for collection in excess of ONE (1) Unit of Recyclable Materials per week or any other schedule determined by City CAO, City Director and or Environmental Services Manager;</p>
<p><b>Excess Residential Waste</b> means:</p> <p>Residential Waste set out for collection in excess of ONE (1) Unit of Waste per week or any other schedule determined by the City CAO, City Director and or Environmental Services Manager;</p>
<p><b>Exempt</b> means:</p> <p>Absolved or waived from a specific requirement or provision of this Bylaw;</p>
<p><b>F-G-H</b></p>
<p><b>Hazardous Waste:</b></p> <p>As the meaning set out in the <i>Environmental Protection And Enhancement Act</i>, RS.A. 2000, Chapter E-12, and regulations thereunder and includes any waste which contains trichlorophenol, pentachlorophenol, free cyanides or polychlorinated biphenyls; any Liquid Waste which contains arsenic, cadmium, chromium, lead, mercury, nickel, selenium or thallium concentrations greater than 99 milligrams per kilogram; any Liquid Waste which contains an organic solvent in concentration greater than 999 milligrams per kilogram; any pesticides, herbicides, explosives, quick lime, sewage sludge, septic tank pumping, oil, combustible liquids, batteries, poisons, acids, caustics; any container used to transport any such waste and any other Waste which presents an unusual disposal problem for reasons of health or safety;</p>
<p><b>Highway</b> means:</p> <p>A highway as defined in the <i>Traffic Safety Act</i>, R.S.A. 2000, Chapter T-6;</p>
<p><b>1-J-K</b></p>
<p><b>Industrial Premises</b> means:</p> <p>Development for which the principal use is:</p> <ul style="list-style-type: none"> <li>(a) Processing of raw or finished materials;</li> <li>(b) The manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, storing or adapting for sale of any goods, substance, article, thing or service.</li> <li>(c) Cleaning, servicing, repairing or testing of materials, goods, and equipment normally associated with industrial or commercial businesses;</li> <li>(d) Crushing, dismantling, processing or sorting recyclable or reusable waste products provided that these activities do not involve the use of chemicals or the application of heat; and/or (e) storage or shipping of materials, goods or equipment.</li> </ul> <p>This land use may also include accessory indoor display, office, technical or administrative support areas or sales accessory to the industrial uses, but does not include a Medical Marihuana Production facility;</p>
<p><b>Industrial Waste</b> means:</p> <p>All Waste, Recyclable Materials and Compostable Materials produced by or emanating from an Industrial Premises;</p>
<p><b>Institution</b> means:</p> <p>A society or organization founded for a religious, educational, social, or similar purpose</p>

<p><b>Institutional Waste</b> means:</p> <p>All Waste, Recyclable Materials, and Compostable Materials produced by or emanating from an institutional premise;</p>
<p><b>L</b></p>
<p><b>Liquid Waste</b> means:</p> <p>Any Waste having a moisture-content in excess of 30%;</p>
<p><b>Lake Weed</b> means:</p> <p>Weed cuttings that accumulated from the City's Lake Weed cutting program for the Chestermere Lake and gathered by an Owner of Premises surrounding the Chestermere Lake;</p>
<p><b>M</b></p>
<p><b>May</b> means:</p> <p>Is a discretionary term, providing notification that the provision in question can be enforced if the City CAO, City Director and or Environmental Services Manager chooses to do so, and is usually dependent on the particular circumstance;</p>
<p><b>Multi-family Property</b> means:</p> <p>Residential condominiums, apartments, and any residential building with multiple units that do not currently receive city curbside waste collection services;</p>
<p><b>Municipal Government Act</b> means:</p> <p>The <i>Municipal Government Act</i>, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto;</p>
<p><b>0</b></p>
<p><b>Occupant</b> means:</p> <p>A Person occupying Premises, including a lessee or licensee, who has actual use, possession or control of the Premises;</p>
<p><b>Officer</b> means:</p> <p>A member of the RCMP, a Bylaw Enforcement Officer or Peace Officer;</p>
<p><b>Compostable Materials</b> means:</p> <p>Compost or biodegradable materials including fruits, vegetables and peelings, food scraps, meat, poultry, fish, shell fish, dairy products, cooking oil, grease, fat, bread, grain, rice, pasta, bones, egg shells, coffee grounds and filters, tea leaves and bags and other kitchen food waste, soiled kitchen paper products, pet waste and any other substance or material as set out in Schedule "B" to this Bylaw and as the City CAO, City Director and or Environmental Services Manager may from time to time determine;</p>
<p><b>Owner</b> means:</p> <p>The person registered as the owner of a Premises on the land title of real property, a purchaser of a Premises under an agreement for sale of real property, responsible for city utility bill and, for the purposes of this Bylaw includes an Occupant, and a Property Manager;</p>
<p><b>P-Q</b></p>
<p><b>Peace Officer</b> means:</p> <p>A Person appointed as a Peace Officer pursuant to the <i>Peace Officer Act</i>, S.A. 2006, Chapter P-3.5, and the respective regulations thereof, as amended or replaced from time to time;</p>
<p><b>Person</b> means:</p>

Any individual, firm, partnership, association, society, corporation, other legal entity or body corporate, trustee, executor, administrator or other legal representative to whom the context applies according to law;
<b>Pet Waste</b> means:  Pet feces, pet bedding made of Compostable Materials, and cat litter;
<b>Plastic Garbage Bag</b> means:  A non-returnable plastic bag meeting the following specifications: <ul style="list-style-type: none"> <li>(i) Made from sturdy material which is strong enough to withstand normal handling and lifting specifically marketed to store Residential Waste for collection, and excludes plastic bags that are intended for other purposes;</li> <li>(ii) Can be securely tied at the top;</li> <li>(iii) Is no larger than 90 cm x 127 cm;</li> <li>(iv) Is in good condition, free from rips and tears; and weighs 25 kg or less including contents;</li> </ul>
<b>Premises</b> means:  Any land, buildings or both, or a portion of either occupied or used for any purpose within the City;
<b>Private Service Provider</b> means:  A Person that collects and disposes of Recyclable Material, Compostable Materials, Waste or all of them and holds a valid City of Chestermere Business license;
<b>Prohibited Materials</b> means:  The materials listed in Schedule "C" to this Bylaw;
<b>Property Manager</b> means:  A Person who acts as an agent in managing a Premises for the Owner and/or Occupants or another Person in possession of a Premises, including a condominium corporation or housing cooperative, or the property management company that holds itself out as being responsible for the maintenance of a Premises;
<b>R</b>
<b>Recyclable Materials</b> means:  Those materials determined by the City CAO, City Director and or Environmental Services Manager from time to time to be acceptable through the City's recycling programs and generally accepted to be recyclable in the Province of Alberta;
<b>Registered Owner</b> means:  The registered owner of real property as designated on the Certificate of Title for the Premises;
<b>Regulated Waste</b> means:  The materials listed in Schedule "C" to this Bylaw;
<b>Remedial Order</b> means:  A remedial order written pursuant to section 545 of the <i>Municipal Government Act</i> ;
<b>Residential Compost Collection Cart</b> means:  An automated cart owned by the City and assigned to a Premises for the purpose of collecting and containing Residential Compostable Materials and bringing such materials to a Collection Point;

**Residential Premises** means:

A house, duplex or other building occupied for residential purposes that pays the Residential Waste Fee, and does not include a Multi-family Premises;

**Residential Recycle Collection Cart** means:

An automated cart owned by the City and assigned to a Premises for the purpose of collecting and containing Residential Recyclable Materials and bringing such materials to a Collection Point;

**Residential Recyclable Materials** means:

Those materials listed in Schedule "B" to this Bylaw;

**Residential Transfer Station** means:

A building or processing site for the temporary deposition of waste;

**Residential Waste** means:

Waste of a domestic nature generated through ordinary human living processes and domestic day-to-day activities in a Residential Premises and does not include

- (i) Residential Recyclable Materials or Recyclable Materials;
- (ii) Compostable Materials;
- (iii) 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;
- (iv) Commercial Waste;
- (v) Institutional Waste;
- (vi) Industrial Waste;
- (vii) Bulk Waste; or Liquid Waste;

<b>S</b>
<b>Shall</b> means:  The provision is mandatory and therefore must be complied with, without discretion;
<b>Should:</b>  Is a directive term that provides direction to strive to achieve the outlined action, but is not mandatory; When the provision is directed to a Person, the onus is on the Person to justify why the desired action/result is not proposed and/or will not be achieved;
<b>Supplementary Services</b> means:  Picking up, including Automated Collection, of Waste, Compost or Recyclable Materials emanating from Institutional Premises, Industrial Premises, Commercial Premises and Multi-family Premises, within the City, including transportation to a Disposal Site;
<b>Street</b> means:  A roadway which provides access to the front of a Premises;
<b>U</b>
<b>Unit of Compost</b> means:  The amount of Residential Compostable Material which fits in ONE (1) Residential Compost Cart in accordance with this Bylaw;
<b>Unit of Recycle</b> means:  The amount of Residential Recyclable Material which fits in ONE (1) Residential Recycle Collection Cart in accordance with this Bylaw;
<b>Unit of Waste</b> means:  The amount of Residential Waste which fits in ONE (1) Residential Automated Collection cart in accordance with this Bylaw;
<b>V</b>
<b>Violation Tag</b> means:  A self-adhesive sticker issued by the City or Collector for identifying violations pursuant to this Bylaw;
<b>Violation Ticket</b> means:  A ticket issued by the contractor or an Officer pursuant to Part II of the <i>Provincial Offences Procedure Act</i> , R.S.A. 2000, Chapter P-34 as amended;
<b>Voluntary Payment Tag</b> means:  A tag or similar document issued pursuant to the <i>Municipal Government Act</i> , R.S.A. 2000, Chapter M-26 and Section 15 of this Bylaw;
<b>W</b>
<b>Waste</b> means:  Any garbage, refuse, unwanted or discarded material intended for disposal including Residential Waste, Commercial Waste, Institutional Waste, Construction Waste and Industrial Waste but excludes Hazardous Waste, Biomedical Waste, Regulated Waste and Dangerous Goods.

# **PART I - AUTHORITY OF THE CITY CAO, CITY DIRECTORS AND OR ENVIRONMENTAL SERVICES MANAGER AND PROVISION OF WASTE MANAGEMENT SERVICES**

## **2. Authority of the City CAO, City Director or Environmental Services Manager**

- 2.1 Council authorizes the City CAO, City Director and or Environmental Services Manager to administer the provision of Collection Services, and Supplementary Services within the City in accordance with this Bylaw.
- 2.2 The City CAO, City Director and or Environmental Services Manager is authorized to:
- a) establish a Collection Schedule;
  - b) establish and implement methods and guidelines for Collection Services and Supplementary Services including general maintenance, management or conduct and specifications for Commercial Bin, Automated Collection Cart, other Recycle Bin and Compostable containers;
  - c) establish guidelines for the use of Disposal Sites operated by or on behalf of the City;
  - d) establish systems for billing and collecting rates, fees and charges including the times and places where rates or fees pursuant to the Master Rate Bylaw are payable;
  - e) collect rates, fees and charges payable pursuant to the Master Rate Bylaw and enforce payment of those rates, fees and charges using any means lawfully available;
  - f) enter into agreements to supply Supplementary Services in accordance with this Bylaw;
  - g) enforce the terms and conditions under which Collection Services or Supplementary Services are supplied, including the terms and conditions set out in this Bylaw and any guidelines or agreement authorized by this Bylaw;
  - h) with reasonable notice given 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 in accordance with the *Municipal Government Act*; and
  - i) do anything permitted by law that is incidental to the performance of his/her duties and functions under this Bylaw.

## **3. Provision of Waste Management Services**

- 3.1 Except as provided under an agreement authorized by this Bylaw, the City has no obligation to collect, accept or dispose of, or be responsible for collecting, accepting or disposing of, any Waste, Recyclable Materials or Compostable Materials other than Residential Waste, Residential Recyclable Materials and Residential Compostable Materials prepared and set out for collection in accordance with this Bylaw at a Collection Point located within the Collection Area.
- 3.2 The City shall provide Collection Services to Residential Premises located within the Collection Area in accordance with this Bylaw.
- 3.3 The City shall provide Collection Services at the rates, fees and other charges specified by the Master Rate Bylaw.
- 3.4 The City CAO, City Director and or Environmental Services Manager may agree to provide Supplementary Services at an agreed location within the City, and shall charge the rates, fees and other charges established for Supplementary Services in accordance with this Bylaw.
- 3.5 The City has no obligation to collect, accept or dispose of Waste, Recyclable Materials and Compostable Materials that are not included in Collection Services as defined in this Bylaw or that are not in an agreement authorized by this Bylaw.

- 3.6 The City has no obligation to enter onto private property to provide Collection Services or to provide Supplementary Services unless such entry is necessary or desirable, at the discretion of the City CAO, City Director and or Environmental Services Manager.
- 3.7 The City has no obligation to collect, accept or dispose of any Waste, Recyclable Materials or Compostable Materials for Collection Services or for Supplementary Services which are not set out for Collection or otherwise provided to the City in accordance with, or which do not comply with this Bylaw or an agreement authorized by this Bylaw.
- 3.8 The City has no obligation to collect, accept or dispose of improperly prepared Waste, Recyclable Materials and Compostable Materials, or excessive quantities thereof, for Collection Services or for Supplementary Services, which are not in accordance with this Bylaw or an agreement authorized by this Bylaw.
- 3.9 The City shall provide ONE (1) initial Residential Recycle Collection Cart, ONE (1) initial Residential Waste Collection Cart and ONE (1) initial Residential Compost Collection Cart to each Residential Premises at a cost indicated by The City of Chestermere.
- 3.10 It is the responsibility of the Owner to ensure the Automated Collection Carts remain at the residence and remain free from damage. The City shall not be responsible for any damage to, cleaning of, or loss of any Automated Collection Carts. The City shall charge the Owner for the cost of replacing Automated Collection Carts, pursuant to the Master Rate Bylaw.
- 3.11 All Automated Collection Carts and replacement Automated Collection Carts shall remain the property of the City notwithstanding who paid the cost.
- 3.12 The City shall collect up to ONE (1) Unit of Residential Waste, ONE (1) Unit of Residential Recyclable Materials and ONE (1) Unit of Residential Compostable Materials from each Residential Premises per week or any other schedule determined by the City CAO, City Director and or Environmental Services Manager.
- 3.13 The City may collect Residential Waste, Residential Recyclable Materials and Residential Compostable Materials from the Collection Point at any time during the collection day between 7:00 a.m. and 3:00 p.m. and the actual collection day may vary on a seasonal basis. Additional collections may be scheduled if and when required, at the discretion of the City CAO, City Director and or Environmental Services Manager.
- 3.14 In the event of severe weather or unusually large volumes of Residential Waste, Residential Recyclable Materials and Residential Compostable Materials, the City CAO, City Director and or Environmental Services Manager may alter the Collection Schedule for part or all of the Collection Area to include the day before and the day after the regularly scheduled collection day.

## **PART II - GENERAL PROHIBITIONS**

### **4. Prohibitions**

- 4.1 No Person shall place, or permit to be placed,
  - (a) Prohibited Materials;
  - (b) Hazardous Waste;
  - (c) Dangerous Goods;
  - (d) Biomedical Waste;
  - (e) Bulk Waste;
  - (f) Liquid Waste; or
  - (g) Residential Waste, Residential Compostable or Recyclable Material generated by any Residential Premises, outside of the Collection Area.
- 4.2 Except as authorized pursuant to an agreement with the City, no Person shall set out, or permit to be set out, at any Collection Point for Collection Services, Industrial Waste, Commercial Waste, Institutional Waste,

Construction Waste, Bulk Waste, Liquid Waste or Residential Waste, Recyclable Materials and Compostable Materials generated by Multifamily Premises.

- 4.3 No Person shall set out, or permit to be set out, Residential Waste for Collection Services, unless such waste is contained in Residential Collection Can as applicable, in accordance with this Bylaw.
- 4.4 No Person shall set out, or permit to be set out, Residential Recyclable Materials for Collection Services unless such materials are contained in a Residential Recycle Collection Cart, in accordance with this Bylaw.
- 4.5 No Person shall set out, or permit to be set out, Residential Compostable Materials for Collection Services, unless such materials are contained in a Residential Compost Collection Cart, in accordance with this Bylaw.
- 4.6 No Person shall set out, or permit to be set out, for collection as Recyclable Materials any materials or substances which are not listed in Schedule "B" to this Bylaw or which are not Recyclable Materials as defined in this Bylaw.
- 4.7 No Person shall set out, or permit to be set out, for collection as Compostable Materials any materials or substances which are not listed in Schedule "B" to this Bylaw or which are not Compostable Materials as defined in this Bylaw.
- 4.8 No Person shall place, or permit to be placed, in a Residential Compost Collection Cart set out for collection, Compostable Materials contained in a bag other than a Certified Compostable Bag as defined in this Bylaw.
- 4.9 No Person shall place, or permit to be placed, any Prohibited Material in a Residential Compost Collection Cart or Residential Recycling Cart as defined in this Bylaw.
- 4.10 No Person shall set out or permit to be set out as Waste for collection Recyclable Materials or Compostable Materials identified in Schedules "B" and "C".
- 4.11 No Person shall place, or permit to be placed, any Waste, Recyclable Materials or Compostable Materials in any Automated Collection Cart or Commercial Bin, located in a Premises unless that Person is the Owner of such Premises or has the authorization of the Owner to do so.
- 4.12 No Person shall dump, deposit or dispose of any of the items listed in section 4.1(a)-(g) in any Plastic Garbage Bag, Collection Can, additional Collection Can, Automated Collection Cart, Commercial Bin or Excess Waste Bag, located in or on another Person's Premises.
- 4.13 No Person, other than an authorized Collector or a Private Service Provider, shall remove, tamper or interfere, or cause another Person to remove, tamper or interfere with any Waste, Recyclable Materials or Compostable Materials in any Plastic Garbage Bag, Collection Can, additional Collection Can, Automated Collection Cart, Excess Waste Bag or Commercial Bin set out for Collection.
- 4.14 No Person shall scavenge Waste, Recyclable Materials or Compostable Materials in any Automated Collection Cart or Commercial Bin set out for Collection.
- 4.15 No Person shall obstruct, hinder or interrupt or cause another Person to obstruct, hinder or interrupt the City or the Collector in the exercise of powers and duties pursuant to this Bylaw.
- 4.16 No Person shall dispose of Waste, Recyclable Materials or Compostable Materials except through Collection Services, at a Disposal Site or pursuant to an agreement authorized by this Bylaw.

- 4.17 No Person shall store, deposit or dispose of any Waste, Recyclable Materials, Compostable Materials or any of the items listed in section 4.1(a)-(g) on any Highway owned or controlled by the City or any other lands owned or controlled by the City except as authorized pursuant to this Bylaw.
- 4.18 Except as expressly permitted by this Bylaw or any other applicable enactment, no Person shall dispose of any Waste, Recyclable Materials, Compostable Materials or any of the items listed in section 4.1(a)-(g) by burning.
- 4.19 No Person shall use, or permit to be used, any vehicle for the transportation of Waste, Recyclable Materials, Compostable Materials unless such vehicle is fitted with a suitable cover capable of preventing the dropping, spilling or blowing off of such Waste, Recyclable Materials, or Compostable Materials while being transported in the vehicle.
- 4.20 The registered owner of a vehicle referred to in section 4.19 is liable, unless the registered owner of the vehicle establishes that the vehicle was:
- (a) not being operated by the owner, and
  - (b) that the Person operating the vehicle at the material time did so without the vehicle owner's express or implied consent.
- 4.21 Except as authorized pursuant to this Bylaw, no Owner shall dispose of Waste, Recyclable Materials, Compostable Materials, or any of the items listed in section 4.1(a)-(g) or allow such Materials 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 within the City.

## **PART III - COLLECTION SERVICES FOR RESIDENTIAL PREMISES**

### **5. Duty of Owner**

- 5.1 The Owner of Residential Premises not located within the Collection Area shall, privately and in compliance with all applicable federal, provincial and municipal laws, promptly collect, remove and dispose of all Waste, Recyclable Materials or Compostable Materials generated on the Premises, at the Owner's sole expense, at a Disposal Site.
- 5.2 The Owner of a Residential Premises located within the Collection Area shall ensure that all Residential Waste, Residential Recyclable Materials and Residential Compostable Materials placed at the Collection Point for that Premises comply with the requirements of this Bylaw.
- 5.3 All Residential Waste, Residential Recyclable Materials and Residential Compostable Materials set out for collection are, and remain, the property of the Person placing such Waste, Recyclable Materials or Compostable Materials for Collection until accepted by the City at the time of Collection.

## **6. Requirements for Preparation of Residential Waste, Residential Recyclable Materials and Residential Compostable Materials for Collection**

- 6.1 The Owner of a Residential Premises shall ensure that all Residential Waste placed at the Collection Point for that Premises is:
- (a) placed in a Plastic Garbage Bag as defined in this Bylaw which may be placed in a Residential Automated Collection Can;
  - (b) in the case of broken glass (non-food container), placed in a puncture proof container clearly labeled glass (the container may be cardboard or plastic for this use);
  - (c) thoroughly drained of any moisture, tied securely, and double-bagged if wet;
  - (d) double bagged in a Plastic Garbage Bag if such Residential Waste includes light, dusty or objectionable materials including powders, vacuum bags, and furnace filters;
- 6.2 The Owner of a Residential Premises shall ensure that all Residential Recyclable Materials set out for collection at the Collection Point for that Premises are:
- (a) reasonably clean and free from food residue, blood, soil, or any other substances which are not Residential Recyclable Materials;
  - (b) placed into the Residential Recycle Collection Cart without bagging or bundling except shredded paper and plastic bags;
  - (c) in the case of shredded paper, placed in a clear Plastic Garbage Bag prior to placement loosely in the Residential Recycle Collection Cart; and
  - (d) in the case of plastic bags, bundled together prior to placement in the Residential Recycle Collection Cart.
- 6.3 The Owner of a Residential Premises shall ensure that all Residential Compostable Materials set out for collection at the Collection Point for that Premises are:
- (a) if not bagged in a Certified Compostable Bag, placed loosely in to the Residential Compostable Collection Cart; except animal feces;
  - (b) in the case of animal feces, placed in a Certified Compostable Bag prior to placement loosely in the Residential Compost Collection Cart;
  - (c) if contained, must be in a Certified Compostable Bag, placed into the Residential Compostable Collection Cart.
  - (d) in the case of Lake Weed, placed loosely into Additional Residential Compost Collection Cart.
- 6.4 The Owner of a Residential Premises shall ensure that all spillage originating from Automated Collection Carts assigned to that Premises, and all spillage of Waste, Recyclable Materials, Compostable Materials or other substances at the Collection Point for that Premises is promptly cleaned up.
- 6.5 Pursuant to section 6.1, the Owner of a Residential Premises may purchase additional Automated Collection Carts authorized by the Environmental Services Manager on a case by case basis

## **7. Requirements for Filling of Automated Collection Carts for Collection**

- 7.1 The Owner of a Residential Premises shall ensure that all Automated Collection Carts set out for collection for that Premises including the contents:
- (a) Automated Collection Carts, are not filled higher than the upper rim or in such a manner which prevents full closure of the Cart lid;
  - (b) Automated Collection Carts, do not have their contents compressed in such a manner that the Recyclable Material or Compostable Materials do not fall freely during the regular tipping process of Automated Collection;
  - (c) Automated Collection Carts, do not contain any material which might adhere to the inside of the Carts or which is not placed in the required bags in accordance with this Bylaw;
  - (d) Automated Collection Carts, are maintained in good repair and in a reasonably clean and sanitary condition; are stored on the Premises to which they are 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;
  - (e) Automated Collection Carts, are stored with the lid closed; and
  - (f) Automated Collection Carts, shall not have the lid locked, chained or tied to the Cart, fences or other things.

## **8. Requirements for Placement of Automated Collection Carts for Collection**

- 8.1 The Owner of a Residential Premises shall ensure that Automated Collection Carts for that Premises are set out for collection in such a manner that Collection may occur, including:
- (a) all Residential Automated Collection Carts set out for collection shall be either at curbside location or Alley as authorized by the City; and
  - (b) Residential Automated Collection Carts shall be placed such that they have clearance from any object of at least:
    - (i) ONE meter to the rear and sides;
    - (ii) ONE meter from any parked vehicles and not nestled between TWO parked vehicles;
    - (iii) TWO Meters above.
- 8.2 The Owner of a Residential Premises shall ensure that Automated Collection Carts for 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 City CAO, City Director and or Environmental Services Manager
- 8.3 The Owner of a Residential Premises shall ensure that Automated Collection Carts for 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 5:00 pm on the day before Collection.
- 8.4 The Owner of a Residential Premise shall ensure that Automated Collection Carts, for that Premises are removed from the Collection Point and returned to their storage area no later than 11:00 pm on the day of Collection.
- 8.5 The Owner of a Residential Premises shall ensure that Automated Collection Carts for that Premises are placed out for Collection in an unobstructed location where they can be accessed for Collection without

entering or passing through any buildings or between vehicles, or otherwise would not prevent Collection in a safe and efficient manner.

- 8.6 The Owner of a Residential Premises shall ensure that Automated Collection Carts for that Premises are placed at the Collection Point assigned for that Premises only

## **PART IV - NON-RESIDENTIAL WASTE**

### **9. Waste, Recyclable Materials and Compostable Materials in Other Premises**

- 9.1 The Owner of a Commercial Premises, Industrial Premises or Institutional Premises shall ensure that Waste, Recyclable Material and where applicable, Compostable Materials generated on that Premises are separated and collected by a Private Service Provider and disposed of at a Disposal Site on a sufficiently frequent basis so as to prevent the development of noxious odors. Use of the City Eco Centre Site is not permitted by Commercial, Industrial or Institutional Premises.

- 9.2 The Owner of a Multi-family Premises shall ensure that Waste and Recyclable Materials generated on that Premises are separated and collected by a Private Service Provider and disposed of at a Disposal Site on a sufficiently frequent basis so as to prevent the development of noxious odors

- 9.3 The Owner of a Multi-family Premises shall:

- (a) submit to the City CAO, City Director and or Environmental Services Manager a written "Waste and Recycling Strategy" outlining the plans for collection, storage and disposal of Waste and Recyclable Material in accordance with this Bylaw. Upon a new building being constructed and occupied or significant changes being made to the waste or recycling program for that Multi-family Premises, a written Waste and Recycling Strategy must be submitted to the City CAO, City Director and or Environmental Services Manager no later than THIRTY (30) days of such construction and occupation or significant change to the waste and recycling program for that Multi-family Premises;
- (b) ensure that Waste and Recyclable Material originating from the Premises are collected, stored and disposed of in accordance with the Waste and Recycling Strategy in place for that Premises; and
- (c) ensure that all residents of the Multi-family Premises 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.

- 9.4 The Owner of a Multi-family Premises, Commercial Premises, Industrial Premises or Institutional Premises shall ensure that Commercial Bins and appropriate Recycle Bins and compost containers where applicable 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 Owners of the Premises, vehicles and Private Service Providers 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 within the boundaries of the Premises and not on a Highway or property belonging to the City or in the City's direction, control and management except with the written authorization of the City CAO, City Director and or Environmental Services Manager or when the Commercial Bins, Recycle Bins and Compost containers 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 containers, in a clean and tidy condition at all times; and
- (i) constructed and covered so that they are weatherproof and animal proof.

## **10. Private Delivery of Compost Waste and Recyclable Materials at Community ECO Centre site**

- 10.1 The Owner of a Residential Premise may deliver Compost Waste and Recyclable Materials emanating from or generated by that Premises to the Eco Centre site.
- 10.2 Pursuant to section 4, the City CAO, City Director and or Environmental Services Manager may establish guidelines for the use of the ECO Centre Site operated by or on behalf of the City regarding:
- (a) The Compost Waste and Recyclable Materials which shall be accepted by the Eco Centre site;
  - (b) the manner in which Compost Waste and Recyclable Materials may be delivered to or deposited at the Eco Centre site;
  - (c) authorized users of the Eco Centre Site which may be limited to residential users;
  - (d) the fees which shall be imposed for use of the Eco Centre Site accepting such Compost Waste and Recyclable Materials; and
  - (e) any other matters which the City CAO, City Director and or Environmental Services Manager deems necessary or desirable for the operation of the Eco Centre Site.
- 10.3 A Person delivering Compostable or Recyclable Materials to a Disposal Site operated by or on behalf of the City shall comply with all guidelines established by the City CAO, City Director and or Environmental Services Manager for the use of such Disposal Site.
- 10.4 Business use of Community Recycle Depot and Residential Transfer Station Disposal Sites is not permitted.

## **PART V - RATES AND FEES FOR COLLECTION SERVICES**

### **11. Collection Services Utility Accounts**

- 11.1 The City CAO, City Director and or Environmental Services Manager shall issue a utility bill for each Premises it provides Collection Services for, on periods as determined by the City CAO, Director or Environmental Services Manager.
- 11.2 The City CAO, City Director and or Environmental Services Manager shall issue a utility bill for each Premises to the Registered Owner of the Premises.
- 11.3 The utility bill shall include any rates, fees and charges payable in respect of the Premises.
- 11.4 The City CAO, City Director and or Environmental Services Manager may suspend or discontinue Collection Services or Supplementary Services to a Premises if, in the opinion of the City CAO, Director or Environmental Services Manager, this Bylaw has been contravened or it is necessary or desirable to do so, upon giving notice to the Owner in respect of that Premises.

## **12. Responsibilities of Owners: Utility Bills**

- 12.1 The Owner shall pay the utility bill on or before the date specified on such bill.
- 12.2 An Owner shall pay the fee set out by the City, or an agreement pursuant to this Bylaw, for all replacement Automated Collection Carts or any other container provided by the City to the Premises.
- 12.3 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 Collection Services or Supplementary Services to the Premises.
- 12.4 The utility bill shall apply even where Collection Services or Supplementary Services to a Premises have been suspended as in 12.5 above.
- 12.5 The utility bill shall apply even where no Waste, Recyclable Materials, or Compostable Materials are set out or where all or a portion of an eligible Premises is vacant.
- 12.6 All charges and fees not paid on or before the due date stated on the Utility Account invoice are deemed to be in an Arrears Position and shall be charged a penalty on any overdue. If the bill is in arrears more than 90 days, the total bill will be applied to the property taxes.

## **Part VI - PENALTIES AND ENFORCEMENT**

### **13. Offences**

- 13.1 A Person who contravenes this Bylaw by:
  - (a) doing something that is prohibited in this Bylaw;
  - (b) failing to do something that is required in this Bylaw; or
  - (c) doing something in a manner different from that which is required or permitted in this Bylaw;is guilty of an offence.
- 13.2 All offences created pursuant to this Bylaw shall be construed and considered as strict liability offences.
- 13.3 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 as the case may be.
- 13.4 Whenever this Bylaw imposes an obligation or prohibition on an Owner, Occupant, Property Manager or other Person, the obligation or prohibition shall apply to all of them jointly and each of them separately.
- 13.5 For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent exercising the powers or performing the duties on behalf of the Person under their agency relationship.
- 13.6 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.
- 13.7 When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or

agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

- 13.8 If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

## **14. CONTRAVENTION NOTICE TAGS, REMEDIAL ORDERS AND VIOLATION TICKETS**

- 14.1 Collector may issue Contravention Notice Tags to Persons when appropriate to identify violations and contraventions to this Bylaw or where a Peace Officer believes that a Person has contravened any provision of this Bylaw, the Peace Officer may serve that Person with a Violation Ticket pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act.
- 14.2 Where a Peace Officer issues a Violation Ticket to a Person in respect of the offence, and if the Violation Ticket specifies the fine amount established by this Bylaw for the offence, that Person may make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket
- 14.3 Where violations and contraventions persist, the Officer may then opt to issue to the person a Remedial Order. Every Remedial Order written with respect to this Bylaw must:
- (a) indicate the Person to whom it is directed;
  - (b) identify the Premises to which the Remedial Order relates by municipal address and/or legal description;
  - (c) identify the date that it is issued;
  - (d) identify how the Person fails to comply with this Bylaw;
  - (e) identify the specific provisions of this Bylaw the Person contravenes;
  - (f) identify the nature of the remedial action required to be taken to bring the Premises or activity into compliance;
  - (g) identify the time within which the remedial action must be completed;
  - (h) indicate that if the required remedial action is not completed within the time specified, the City may take whatever action or measures are necessary to remedy the contravention;
  - (i) indicate that the expenses and costs of any action or measure taken by the City under this Section are an amount owing to the City by the Person to whom the order is directed;
  - U) indicate that the expenses and costs referred to in this Section may be attached to the tax roll of the Premises if such costs are not paid by a specified time.
- 14.4 Any Person who receives a Remedial Order may request a review of the Remedial Order by the Appeal Board in accordance with Section 547 of the Municipal Government Act by filing a written request for review of the Remedial Order with the Appeal Board within FOURTEEN (14) days of receipt of the Remedial Order. The request for review shall set out the grounds for the request and be accompanied by the fee set out by the **City**.
- 14.5 Within THIRTY (30) days after receipt of the request for review, the Appeal Board shall review the Remedial Order and may confirm, vary, substitute or cancel the Remedial Order and shall issue a written decision, including reasons for the decision, to the Person who requested the review.
- 14.6 Any Person affected by the decision of the Appeal Board may appeal the decision to the Court of Queen's Bench in accordance with Section 548 of the Municipal Government Act.

- 14.7 Where a Person continues to contravene any provision of this Bylaw, a Peace Officer may serve that Person with a Violation Ticket.
- 14.8 Service of such Violation Ticket shall be sufficient if it is:
- (a) personally served; or
  - (b) served by regular mail upon the Owner at the address for the Premises as shown on the City's tax rolls.
- 14.9 A Violation Ticket shall state
- (a) the Person's name;
  - (b) the offence; and
  - (c) the penalty set out in Schedule "A" of this Bylaw.
- 14.10 Nothing in this Bylaw shall prevent a Peace Officer from immediately serving a Person with a Violation Ticket pursuant to the provisions of Part II of the Provincial Offences Procedure Act where the Peace Officer believes that a Person has contravened any provision of this Bylaw.
- 14.11 Where a Peace Officer issues a Violation Ticket to a Person in respect of the offence, and if the Violation Ticket specifies the fine amount established by this Bylaw for the offence, that person may make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.
- 14.12 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.
- 14.13 Where violations and contraventions pose an immediate health or safety concern to the environment or the City, the City may assign an appropriate action not necessarily in the order outlined in 15.1 -15.9 above.

## **15. Penalties**

- 15.1 A Person who is convicted of an offence pursuant to this Bylaw is liable upon summary conviction to a fine not exceeding **TEN THOUSAND DOLLARS** (\$10,000.00) and in default of payment is liable to imprisonment for a term not exceeding **SIX (6)** months.
- 15.2 Without restricting the generality of subsection 16.1, the specified penalty amounts established for Violation Tickets, if a voluntary payment option is offered, are as set out in Schedule "A" of this Bylaw.
- 15.3 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 respect of a second or subsequent contravention of this Bylaw shall be double the amount set out in Schedule "A" of this Bylaw.
- 15.4 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 other fees, charges or costs for which the Person is liable under this Bylaw.
- 15.5 In addition to any other penalties or fines established pursuant to this Bylaw, any Person who collects, stores or disposes, or permits the collection, storage or disposal, of Waste, Recyclable Materials or Compostable Materials in any manner contrary to this Bylaw shall immediately take all reasonable measures to clean up such Waste, Recyclable Materials or Compostable Materials and mitigate the effects of such unlawful collection, storage or disposal.

- 15.6 Any Person that breaches any part of this Bylaw shall be responsible for all costs incurred by the City in cleaning, repairs or otherwise remedying such breach and such payment shall not limit prosecution of such Person for such contravention.

## **Part VII - GENERAL AND TRANSITIONAL**

### **16. Severability and Conflict**


- 16.1 If any term, condition, section or part of this Bylaw or the application thereof is found to be invalid or unenforceable, such term, condition, section or part of this Bylaw or the application shall be deemed to be severable, and the remainder of this Bylaw or application thereof, shall be deemed to be separate and independent there from, unaffected and shall remain in force and effect.
- 16.2 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.
- 16.3 Nothing in this Bylaw relieves any Person from compliance with any other bylaw or any applicable federal or provincial law, regulation or enactment.


### **17. Schedules**

- 17.1 The following schedules are included in, and form part of this Bylaw:
- (a) Schedule "A" - Specified Contravention Penalties;
  - (b) Schedule "B" - Acceptable Residential Recyclable Materials and Compostable Materials;
  - (c) Schedule "C" - Prohibited Materials and Regulated Waste

## 18. Repeals, and Effective Date

- 18.1 The Schedules to this Bylaw may be amended or replaced from time to time.
- 18.2 This Bylaw repeals Bylaw No. 008-15 in its entirety on **December 31, 2022**
- 18.3 This Bylaw comes into effect on **December 31, 2022**
- 18.4 First Reading **November 15, 2022**
- 18.5 Second Reading **November 15, 2022**
- 18.6 Third Reading **November 15, 2022**

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CAO/City Directors

## SCHEDULE "A" - SPECIFIED CONTRAVENTION PENALTIES

	<b>Offences and Corresponding Sections</b>	<b>Specified Penalty</b>
1	Setting out Prohibited Materials, Bulk Waste, or Liquid Waste for Collection Services	\$250.00
2	Setting out Hazardous Waste, Dangerous Goods, Biomedical or Regulated Waste for collection	\$800.00
3	Setting out Industrial, Institutional, Commercial, Bulk, Liquid or Multi-family Waste, Recyclable or Compostable Materials for collection without an agreement	\$800.00
4	Setting out Residential Waste contained in inappropriate container	\$250.00
5	Setting out Residential Recyclable Materials contained in inappropriate container	\$250.00
6	Setting out Residential Compostable Materials contained in inappropriate container	\$250.00
7	Setting out improper materials as Recyclable Materials	\$250.00
8	Setting out improper materials as Compostable Materials	\$250.00
9	Use of bag other than Certified Compostable Bag for Compostable Materials	\$250.00
10	Placing animal feces for collection without a Certified Compostable Bag	\$250.00
11	Setting out Recyclable Materials or Compostable Materials as Waste	\$250.00
12	Waste, Recyclable Materials, or Compostable Materials deposited without consent, at a donation site, on any Highway or any other lands owned by the City except as authorized	\$250.00
13	Depositing items listed in section 4.1(a)-(g) in another person's premises, at a donation site, on any Highway or any other lands owned by the City except as authorized	\$800.00
14	Tampering or scavenging	\$250.00
15	Collection obstruction	\$250.00
16	Improper or unsafe location of Plastic Garbage Bag, Automated Collection Carts, Accumulation of Waste, Recyclable Materials, or Compostable Materials	\$250.00
17	Failure to return or properly store Collection Cans or Automated Collection Carts	\$250.00

18	Failure to provide for onsite collection and storage of non-residential and Multi-Residential Waste	\$1000.00
19	Failure to provide for onsite collection and storage of non-residential and Multi-Residential Recyclable Materials	\$1000.00
20	Failure to provide for onsite collection and storage of non-residential Compostable Materials or Failure to comply with Multi-Residential Compost program requirements	\$1000.00
21	Failure to comply with Multi-family Waste or Recycling program requirements	\$1000.00
22	Failure to keep lid closed on Collection Can or Automated Collection Cart	\$250.00
24	Chaining lid of Collection Can or Automated Collection Cart to fence or other things	\$250.00
25	Setting out Residential Waste, Recyclable Materials or Compostable Materials before 5:00 p.m. the day prior to collection	\$250.00
26	Failure to provide for onsite collection and storage of Waste (Industrial, Commercial, Institutional)	\$1000.00
27	Failure to provide for onsite collection and storage of Recyclable Materials (Industrial, Commercial, Institutional)	\$1000.00
28	Failure to provide for onsite collection and storage of Compostable Materials (Industrial, Commercial, Institutional)	\$1000.00
29	Failure to provide sufficient Commercial Bins	\$400.00
30	Improper Transportation of Waste (not secured/contained)	\$250.00
31	All Bylaw sections not specified in this Schedule [General Penalty]	\$250.00
32	Failure to contain Construction Waste	\$600.00
33	Any subsequent offence	Double the specified penalty listed above

## **SCHEDULE "B" - ACCEPTABLE RESIDENTIAL RECYCLABLE AND COMPOSTABLE MATERIALS**

The following materials are designated as Residential Recyclable and Compostable Material as per direction of the Environmental Services Manager on the City Web Site:

### **Accepted Residential Recyclable Materials**

1. Newspaper
2. Catalogues and Magazines
3. Mixed paper, flyers, envelopes
4. Shredded paper – contained within a securely tied clear bag
5. Telephone Books and soft cover books
6. Boxboard
7. Corrugated Cardboard
8. Aluminum cans, aluminum foil and aluminum foil plates
9. Refundable beverage containers
10. Plastic Containers with the recycling symbols 1-7, excluding polystyrene foam
11. Plastic bags, wrap and film: bundled within a single bag for collection
12. Tetra packs
13. Glass food containers
14. Fast food cups (non-wax)
15. Paper coffee cups

### **Acceptable Residential Compostable Materials**

1. Food scraps
2. Meat, fish, shellfish, bones
3. Fruits and vegetables
4. Bread, noodles, rice, beans, grains
5. Eggshells, dairy products
6. Jams, sauces, salad dressings, cooking oil
7. Kitchen oils, fats and grease
8. Pastries, cookies, muffins, cakes
9. Nuts, seeds, chips, popcorn
10. Paper plates, napkins, paper towel
11. Coffee filters, coffee grounds, tea bags
12. Animal bedding made of organic or biodegradable materials
13. Pet fur, hair, feathers
14. Cotton balls, popsicle sticks, toothpicks
15. Leaf and yard organic or biodegradable waste
16. Small plant branches less than 1.5 cm in diameter and no longer than 1 meter
17. Grass clippings
18. Certified compostable bags

## **SCHEDULE "C" - PROHIBITED MATERIALS AND REGULATED WASTE**

The following materials are designated as Prohibited Materials and Regulated Waste as per direction of the Environmental Services Manager on the City Web Site:

### **Prohibited Materials**

1. Ashes which are hot, smoldering, smoking or not properly quenched
2. Automobile waste including automobile parts, tires and batteries
3. Compressed cylinders
4. Dead animals and animal carcasses
5. Automobile oils and oil filters
6. Gas or propane liquids or any other liquid based petroleum product
7. Household batteries
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. Luminescent gas filled electric discharge tubes or fluorescent tubes
11. Material which could cause environmental damage
12. Rocks
13. Sod
14. Sawdust and powdered materials

### **Regulated Waste**

1. Televisions
2. Computers and accessories
3. Printers
4. Scanners and Faxes
5. Paint – without limitation, latex, oil or solvent based coatings, stains, finishing oils, varnishes, lacquers and wood or masonry treatment products
6. Paint containers
7. Beverage Containers – aluminum cans, PET clear plastic containers, other plastic drink containers, milk jugs, plastic pop bottles, glass bottles, tetra brik containers, gable top containers, bi-metal containers, drink pouches, bag in a box containers
8. Tires
9. Motor oil, oil filters, oil containers
10. Pet waste