

TOWN OF NAICAM
BYLAW NO. 2020-004

A BYLAW TO PROVIDE FOR THE MANAGEMENT OF SOLID WASTE

The Council of The Town of Naicam, in the Province of Saskatchewan, enacts as follows:

1. PURPOSE

The purpose of this Bylaw is to establish certain standards, requirements and regulations concerning the collection, removal or disposal of garbage, solid waste, or other refuse subject to *The Environmental Management and Protection Act*.

2. CITATION

This bylaw may be cited as the *Waste Management Bylaw*.

3. DEFINITIONS

In this bylaw the following words and phrases have the respective meaning as given herein:

- a) **"Collection"** means the operation either by the Town or third party contracted by the Town that provides for the removal of waste for the purpose of processing and or disposal.
- b) **"Collector"** means a person employed by the Town, or a person or persons who is contracted by the Town for the purpose of collecting waste and recyclables as directed by the Town.
- c) **"Commercial User"** means any property that does not fall within the residential user definition.
- d) **"Council"** means the Council of the Town of Naicam.
- e) **"Disposal"** means the method the Town uses to permanently dispose of waste that enters the municipal waste stream.
- f) **"Diversion"** means the way that waste is directed for processing and disposal based on its category.
- g) **"Municipal Waste Stream"** means all waste that enters the Town's solid waste management system and is dealt with in accordance with this bylaw.
- h) **"Officer"** or "Enforcement Officer" shall mean any person(s) appointed or designated to enforce the bylaws of the Town of Naicam or any police officer or member of the Royal Canadian Mounted Police (RCMP) while in the course of his or her duties.
- i) **"REACT"** means the waste management authority known as the Regional Authority of Carlton Trail (REACT) of which the Town is a member.
- j) **"Residential Unit"** means any distinct residential dwelling separate from others in a building. For example: a house is one (1) unit, a house with a legal suite is two (2) units, a duplex is two (2) units.
- k) **"Residential User"** means any residential dwelling that contains four (4) or fewer residential dwelling units.
- l) **"Town"** shall mean the municipality of the Town of Naicam in the province of Saskatchewan.
- m) **"Town Office"** means the administrative office of the Town of Naicam.
- n) **"User"** means the owner, occupant, lessee, tenant, or the person otherwise in charge of any dwelling, hotel, restaurant, apartment block, office building, institution, commercial or industrial establishment, or other premise or property in the Town of Naicam.
- o) **"Waste"** means all materials that no longer have value at the source and are being discarded into the municipal waste stream.
- p) **"Waste Disposal Site"** means the area the Town currently utilizes to process solid waste including the Transfer Station, REACT Landfill, or any other area as designated by the Town.

4. GENERAL PROHIBITIONS AND PROVISIONS

- a) Except as otherwise authorized no person who is the owner or occupant of any land or building shall allow waste of any kind to accumulate on any land or building.

- b) Except as may be otherwise permitted under sections of this bylaw, no person who has waste requiring disposal shall dispose of it other than as designated in this bylaw.
- c) Where any person is required by provisions of *The Environmental Management and Protection Act* to dispose of waste other than those wastes which are received at the Waste Disposal Site, that person shall obtain appropriate permits and provide evidence of such permits to the Town, if it affects the Town in any way.
- d) The Town shall arrange for the systematic disposal of household waste. If a category of waste is not dealt with within this bylaw, Administration shall have the final decision with respect to acceptance, disposal location and associated cost.
- e) No person other than designated collectors of the Town shall open, remove, disturb, handle, or interfere with any waste put out for collection and removal.
- f) The decision of Administration with respect to the enforcement of this bylaw shall be final with respect to the quantities and classes of waste being dealt with.

5. COLLECTION PRACTICES

- a) Users shall be responsible for the separation and diversion of all waste generated.
- b) Residential Users shall be limited to curbside collection of one (1) waste cart bi-weekly. Changes to this schedule of waste collection may be implemented shall be alerted by public notice.
- c) Waste shall be thoroughly drained of all liquids and securely wrapped in plastic or plastic bags before it is placed in a waste cart.
- d) Certain materials may be restricted from being placed in carts and may not be accepted at the Transfer Station or Landfill or may require special handling as per the requirements of REACT. The list of approved and restricted materials may change subject to the discretion of the Town or of REACT.
- e) The Town may implement or change other curbside programs or opportunities including (but not limited to): recycling, compost, appliances, or bulk items. The creation and schedule for such programs or opportunities will be alerted by public notice. Such programs may be further regulated by policies of the Town.
- f) All residential areas shall receive front street collections. If infrastructure upgrades or road maintenance limit front collection, back lane collection may occur. Residential users shall be alerted by Administration of the change in collection schedule and/or location as soon as is possible.
- g) All carts are to be placed so that they do not impair traffic or pedestrian movement. If deemed necessary, in the interest of public safety or for collection reasons, notice to the user to change the location of a receptacle or cart shall occur.
- h) Carts must have a minimum of four (4) feet clearance around the perimeter of the cart.
- i) Carts must be placed for collections no later than 7:00 a.m. on scheduled collection days.
- j) Carts are only allowed to be placed curbside on the day of pickup and must not remain on public land and/or roadways longer than (eighteen) 18 hours after scheduled collection.

6. STORAGE OF WASTE

- a) Every residential user shall utilize the cart(s) provided to them by the Town or the Town's contracted provider. Users may not opt out of the curbside bin program.
- b) Residential waste storage or collection containers other than the curbside carts provided by the Town or the Town's contracted provider are prohibited unless a valid permit is obtained from Administration.
- c) Conditions of permits issued under section 6(b) of this bylaw may be regulated through a policy of the Town or otherwise at the discretion of Administration on a case-by-case basis.
 - i. Restrictions may be placed on the length of time a container may be in place, and on the type, size and placement of containers.
 - ii. The container may not negatively impact the safety, health, or welfare of the people in the neighbourhood or amenity of the neighbourhood.

- iii. Permits may be issued for purposes such as construction, demolition, renovation, or Town authorized community wide clean-up events. All other purposes may be authorized at the discretion of Administration and may not generally include use for day-to-day household waste.
 - iv. Permits issued under section 6(b) and (c) of this bylaw and associated policies or regulations may be subject to such fees as may be deemed reasonable by the Town. Permit extensions or renewals may be authorized and may be subject to additional fees or regulation.
 - v. Violation of an issued permit or failure to obtain a permit constitutes a violation of this Bylaw.
- d) Carts are provided once in a lifetime to each residential unit and must remain at said property, regardless of transfer of ownership of property.
 - e) The replacement of cart(s) shall be at the cost of the property owner, regardless if by theft, damage, or vandalism.
 - f) Every person shall keep the lid of the cart or storage container tightly closed. It shall be policy for the waste or recycle material not to be collected if the lid is not in the closed position. Materials outside of the bin may not be collected.
 - g) The user shall not leave on private or public land any waste including branches, leaves, grass clippings, trade waste, metal and automobile parts unless so permitted under an approved collection program under this bylaw.
 - h) Administration may require the user on any lot within the Town to remove any waste and dispose of the waste to the Waste Disposal Site or as otherwise specified. In the event of any user failing to remove any waste, the same shall be removed under the direction of Administration or an Enforcement Officer and the expense of such removal shall be charged to the user and so payable to the Town.
 - i) Commercial users are responsible for arrangement of their own waste storage or collection containers from an approved and licensed provider. These shall be of an appropriate shape and size to the user's needs and be as esthetically pleasing as possible. The size and shape may vary from place to place, and in all cases, the container and placement shall meet the approval of Administration.
 - j) Users shall not allow waste to become putrid or offensive and shall, if necessary, wash and clean the receptacle to maintain it in a condition acceptable to Administration.

7. TRANSPORTATION

- a) No person shall collect or transport for hire, waste of any kind in the Town unless he/she is in possession of a current license for that purpose under the Town's licensing bylaw and his/her collection and transportation equipment is approved by Administration.
- b) No person shall transport any petroleum-contaminated soil or other waste dangerous goods in the Town unless he/she is in full compliance with the requirements of the Ministry of Environment.

8. WASTE DISPOSAL SITE

- a) The collection of residential user and commercial user waste shall be disposed of at the Town of Naicam Transfer Station operated by REACT or the REACT Landfill and/or other designated waste site that Council and/or Administration approves.
- b) The hours of operation of the Waste Disposal Site are posted at the Town Office and on the Town website or may be obtained upon request from Administration or REACT. Arrangement of waste delivery outside of these hours must be made directly with REACT.

9. INSPECTIONS

- a) The inspection of property by the Town to determine if this Bylaw is being complied with is hereby authorized and shall be carried out in accordance with *The Municipalities Act*.
- b) No person shall obstruct an Enforcement Officer who is authorized to conduct an inspection under this section, or a person who is assisting an Officer.

10. ENFORCEMENT

- a) The administration and enforcement of this bylaw is hereby delegated to the Administrator for the Town of Naicam as an Enforcement Officer.

- b) The Administrator of the Town of Naicam is hereby authorized to further delegate the administration and enforcement of this bylaw to the any other employee or member of the Public Works Committee of Council or designated Enforcement Officer.

11. ORDER TO REMEDY CONTRAVENTIONS

- a) If an Enforcement Officer discovers that a user is contravening this Bylaw they may issue a written order, requiring the user, owner or occupant of the property to which the contravention relates, to remedy the contravention.
- b) Orders given under this Bylaw shall comply with and be served in accordance with *The Municipalities Act*.

12. REGISTRATION OF NOTICE OF ORDER

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

13. APPEAL OF ORDER TO REMEDY

- a) A person may appeal an order made pursuant to this bylaw in accordance with *The Municipalities Act*.

14. TOWN REMEDYING CONTRAVENTIONS

- a) The Town may, in accordance with *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.
- b) In an emergency, the Town may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions *The Municipalities Act*.

15. RECOVERY OF UNPAID EXPENSES AND COSTS

- a) Any unpaid expenses and costs incurred by the Town in remedying a contravention of the Bylaw may be recovered either:
 - i. by civil action for debt in a court of competent jurisdiction in accordance with *The Municipalities Act*.
 - ii. by adding the amount to the taxes on the property on which the work is done in accordance with *The Municipalities Act*.

16. CONTRAVENTION, PENALTIES AND NOTICE OF VIOLATION

- a) All policies and regulations passed by Council respecting administration, enforcement, and carrying out of the provisions of this bylaw shall form a part of this bylaw and a violation of such regulations shall constitute a violation of this bylaw.
- b) Every person who contravenes, refuses, neglects to comply with or fails to do any act required to be done or permits any act to be done in contravention of any provision of this bylaw or the policies or regulations establish pursuant to this bylaw shall be fined accordingly;
 - i. In the case of an individual, to a fine of \$500 for a first offence, and, \$1,000 for a subsequent offence. In the case of a continuing offence, to an additional fine of not more than \$200 for each day during which the offence continues.
 - ii. In the case of a corporation or commercial or industrial property, to a fine of \$1200 for a first offence, and, \$2,000 for a subsequent offence. In the case of a continuing offence, to an additional fine of not more than \$500 for each day during which the offence continues.
 - iii. Where a corporation fails to promptly pay any fine imposed on it pursuant to this bylaw, the prosecutor may, by filing the conviction, enter as a judgment the amounts of the fine and costs, if any, in Her Majesty's Court of Queen's Bench for Saskatchewan, whether or not the trial was held in that court, and that judgment is enforceable against the corporation in the same manner as if it were a judgment rendered against the corporation in that court in civil proceedings.
 - iv. A court imposing a penalty on any person under this bylaw may, in addition to imposing the penalty, order the person to observe, perform or carry out any matter or thing that may be necessary to remedy the contravention for which the penalty was imposed.

- c) If a provision of this Bylaw conflicts with the provision of any other applicable Town of Naicam Bylaw, the provision that establishes the higher or more restrictive standard to protect the health, safety, welfare, peace, and comfort enjoyed by the inhabitants of the Town of Naicam shall prevail.
- d) If a provision of this Bylaw conflicts with the provisions of any legislation, then the legislation shall prevail.
- e) If a court of competent jurisdiction declares any section or any part of this Bylaw to be invalid, or to be of no force or effect, it is the intention of the Town that every other provision of this Bylaw be applied and enforced in accordance with its terms to the extent possible according to law.
- f) This Bylaw shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Town or by any government authority having jurisdiction to make such restrictions or regulations.

17. PAYMENT OF NOTICE OF VIOLATIONS

- a) Where any person or corporation has committed or is alleged to have committed a breach of any of the provisions of this Bylaw, a ticket, summons, or notice may be served on such person by Administration or an Enforcement Officer, or by any person duly authorized by Council.
- b) A person or corporation served with a ticket or notice may pay same at the Town Office between the hours of 8:00 a.m. and 4:30 p.m., excepting Saturdays, Sundays, and public holidays, provided that payment is be made within a period of ten (10) days from the service of the said ticket or notice. If payment is made within such time and accepted, then that person shall not be liable to prosecution for the offense.
- c) Service of a ticket or notice pursuant to this Bylaw may be made by:
 - i. personally delivering it to alleged offender; or
 - ii. mailing it to the last known address of alleged offender by registered mail.
- d) A person to whom a Notice of Violation is issued pursuant to this Section shall, provide their name and address upon request. Any person who fails to provide this information is guilty of an offence and liable on summary conviction to be assessed a fine as outlined in the most current Town of Naicam General Penalties Bylaw.

18. COMING INTO FORCE

- a) This Bylaw shall come into force and take effect upon the date of the final passing thereof.

Introduced and read a first time this 12th Day of May, 2020

Read a second time this 12th Day of May, 2020

Read a third time this 12th Day of May, 2020

RODGER HAYWARD

 Mayor

FERNE HEBIG

 Chief Administrative Officer