

TOWN OF LANIGAN

BYLAW 6/2022

A BYLAW REGULATING THE COLLECTION, REMOVAL AND DISPOSAL OF WASTE AND REFUSE

WHEREAS the Council of the Town of Lanigan may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property, nuisances, services provided by or on behalf of the municipality, public utilities and the enforcement of bylaws;

AND WHEREAS the Town of Lanigan will no longer collect waste under the REACT Tag-A-Bag program and will commence waste collection under the REACT Automated Collection program;

THAT the Council of The Town of Lanigan, 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, 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 that provides for the removal of waste for the purpose of processing and/or disposal by the Town;
- 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 as directed by the Town;
- c) "Commercial" means any property that does not fall within the residential definition;
- d) "Council" means the Council of the Town of Lanigan;
- e) "Disposal" means the method the Town uses to permanently dispose of waste that enters the municipal waste stream;
- f) "Dumpster Bin" means a bin approved by the Town to be used by commercial premises for waste collection;
- g) "Municipal Waste Stream" means all waste that enters the Town's 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 Lanigan 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 and is the regional waste management authority for the Town;

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- j) "Residential" means any property, building or place occupied, intended to be occupied, or used as a residence that contains three (3) or fewer Residential Units;
- k) "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;
- l) "Residential Waste Carts" means a cart approved by the Town for waste collection at residential dwellings;
- m) "Town" means the municipality of the Town of Lanigan in the province of Saskatchewan;
- n) "Town Office" means the administrative office of the Town of Lanigan;
- o) "User" means the owner, occupant, lessee, tenant, or the person otherwise in charge of any residential dwelling, hotel, restaurant, apartment block, office building, institution, commercial or industrial establishment, or other premise or property in the Town of Lanigan;
- p) "Waste" means all materials that no longer have value at the source and are being discarded into the municipal waste stream or ought to be discarded into the municipal waste stream;
- q) "Waste Collection Contractor" means any licensed business, or corporation, other than REACT, that has contracted with the Town to collect waste;
- r) "Waste Disposal Site" means the area the Town currently utilizes to process waste including the Transfer Station, REACT Landfill, or any other area as designated by the Town.

4. GENERAL PROHIBITIONS AND CONTROLS

- a) No person shall dispose of waste in the Town except in accordance with the provisions of this bylaw.
- b) No person other than collectors for the Town shall open, remove, disturb, handle, or interfere with any waste put out for collection and disposal.
- c) The Administrator of the Town is hereby designated as the official responsible for the control and supervision of the provisions of this bylaw.
- d) The decision of the Administrator with respect to the enforcement of this bylaw shall be final with respect to the quantities and classes of waste being dealt with.
- e) Participation in the automated collection program is mandatory for all residential users in the Town and is a public utility under *The Municipalities Act*.
- f) Residential users who have excess waste may purchase prepaid REACT disposal tags and affix those tags to their bags of household waste, but household users shall bear sole responsibility for transporting and disposing of such tagged bags at the appropriate waste disposal site.

5. GENERAL COLLECTION PRACTICES

- a) All waste accumulated for collection is to be kept:
 - i) In the case of residential users, in the residential waste cart; or
 - ii) In the case of commercial users, in either the residential waste carts or dumpster bin, as the case may be.

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- b) Certain materials may be restricted from being placed in residential waste carts or dumpster bins and may not be accepted at the waste disposal site or may require special handling as per the requirements of REACT.
- c) No person shall place or mix with any of the following material for collection:
 - i) hazardous waste;
 - ii) any used lubricating oil, used oil filters and used oil containers;
 - iii) vehicle or equipment tires;
 - iv) ashes; or
 - v) large appliances.
- d) Materials listed in 5(c) are to be taken directly to the waste disposal site by the user.
- e) The following waste is excluded from collection:
 - i. waste not properly prepared for collection;
 - ii. waste not placed in proper receptacles;
 - iii. waste exceeding the size and weight limitations specified herein;
 - iv. waste otherwise contrary to the requirements of this bylaw.;
 - v. all waste disposed of contrary to the requirements of this bylaw.

6. RESIDENTIAL WASTE COLLECTION

- a) REACT shall provide every residential unit with one (1) residential waste cart. Replacement residential waste cart(s) shall be at the cost of the property owner, regardless if by theft, damage, or vandalism. Replacement carts can be obtained for the fee as set out in Schedule "A".
- a) The Town, in consultation with REACT, shall determine the schedule for collection of residential waste in the Town.
- b) Residential users shall be limited to collection of one (1) residential waste cart per collection.
- c) Residential waste carts are the property of REACT and must be left at the property even if the homeowner moves or sells the property.
- d) Waste shall be thoroughly drained of all liquids and securely wrapped in plastic or plastic bags before it is placed in a residential waste cart.
- e) Only residential waste and permitted refuse may be placed in a residential waste cart.
- f) All residential users shall receive front street collection. 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 possible by public notice.
- g) All residential waste 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 residential waste cart shall occur.

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h) Residential waste carts must have a minimum of four (4) feet clearance around the perimeter of the cart and 13 (thirteen) feet clearance above.

i) Carts must be placed for collections no later than 7:00 a.m. on scheduled collection days.

j) Carts are to be placed on the curbside for collection on the day of pickup and must not remain on public land and/or roadways longer than twenty-four (24) hours after scheduled collection.

k) Every person shall keep the lid of the residential waste cart or storage container tightly closed. It shall be policy for the waste not to be collected if the lid is not in the closed position. Materials outside of the bin will not be collected.

l) A residential waste cart shall:

i. Not be filled to such a capacity, that the weight of the cart, together with its contents, exceeds one hundred (100) kilograms;

ii. Not be filled higher than the upper rim, or in a manner which prevents full closure of the lid;

iii. Not have contents compressed in such a manner that prevents the waste from falling freely from the cart during regular tipping process;

iv. Not contain any material which might adhere to the cart, unless such material is separately wrapped or disposed of within individual disposable wrappings prior to being placed in the cart;

v. Be maintained in a reasonably clean and sanitary condition;

vi. Be kept on the premises for which the residential waste cart was supplied when not set out for collection; and

vii. Be kept with the lid closed to reduce odours and prevent litter.

m) Every user provided with a residential waste cart shall:

i. Clean up spillage originating from the residential waste cart;

ii. Notify REACT immediately if the residential waste cart is damaged or stolen; and

iii. Pay the applicable fees set out in Schedule "A" to this bylaw.

n) A residential waste cart set out for collection shall conform to set out and collection policies established by REACT, and as amended from time to time, to promote:

i. Efficiency in the collection of residential waste;

ii. The safety of residents, motorists, pedestrians and waste collectors;

iii. The safe and efficient use of the automated collection trucks; and

iv. Protection of the environment.

7. COMMERCIAL WASTE COLLECTION

a) Commercial users are responsible to arrange directly with REACT, or other applicable waste collection contractor for the storage, collection and disposal of all waste from the commercial property.

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- b) Wherever a dumpster bin is required for the collection and storage of waste at any commercial premises it shall be of sufficient capacity to hold all waste being disposed of and must be designed to be capable of being mechanically lifted for dumping by REACT or the waste collection contractor.
- c) A dumpster bin shall not be used by any commercial premises unless it is first approved by REACT or the waste collection contractor as to size, quality and design, with not more than one (1) dumpster bin being permitted per commercial premise unless permission is granted by the Town.
- d) The dumpster bin utilized by any commercial premises may be placed inside or outside, but in any event shall be placed in a convenient location for collection and on the users property.

8. STORAGE OF WASTE

- a) No user shall permit any waste, or refuse to be stored or remain upon any real property, land, building, household, commercial premises owned or occupied by him, except in residential waste carts, dumpster bins or such other approved dumpster.
- b) Residential waste storage or collection containers other than the residential waste carts provided by the Town are prohibited unless a valid permit is obtained from Administration.
- c) Conditions of permits issued under section 8(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, including:
 - 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 8(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.
- d) Violation of an issued permit or failure to obtain a permit constitutes a violation of this bylaw.
- e) 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.
- f) 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.
- g) 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.
- h) 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.

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- i) 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.

9. TRANSPORTATION

- a) No person shall collect or transport for hire, waste of any kind in the Town unless that person is in possession of a current license for that purpose under the Town's licensing bylaw and the 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 that person is in full compliance with the requirements of the Ministry of Environment.

10. WASTE DISPOSAL SITE

- a) The collection of residential and commercial waste shall be disposed of at the Town 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.

11. CHARGES AND FEES

- a) The fees for collection and disposal of the contents of the residential waste carts shall be as set out in Schedule A attached hereto.
- b) Charges or fees payable by residential users for damage to or replacement of any residential waste cart are those charges or fees as set out in Schedule A attached hereto.
- c) The accounts for such charges or fees shall be made out and sent monthly or at such other intervals as may be determined from time to time by Resolution of Council and shall be due and payable at the Administration Office as indicated on the invoice.
- d) An additional charge or penalty, as set out in Schedule A attached hereto, shall be made on all accounts, charges or fees unpaid thirty days after which they become due.

12. 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.

13. ENFORCEMENT

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

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14. 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*.
- c) 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.

15. APPEAL OF ORDER TO REMEDY

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

16. 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*.

17. 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*.

18. 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

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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 Lanigan 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 Lanigan 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.

19. 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 Lanigan General Penalties Bylaw.

20. AMENDMENT TO SCHEDULE:

- a) All schedules to this Bylaw shall form part of this Bylaw and may be amended as necessary by resolution of Council.

21. REPEAL

- a) Bylaw 6/2005 is hereby repealed.

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22. 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 27th Day of June, 2022

Read a second time this 11th Day of July, 2022

Read a third time this 11th Day of July, 2022

Mayor

July 14, 2022

Chief Administrative Officer



Certified a true copy of Bylaw No. 6/2022
of the Town of Lanigan passed by resolution of Council this

11th day of July, 2022

TOWN ADMINISTRATOR

[Signature]

SCHEDULE "A" TO BYLAW NO. 6/2022

Service:

Fee:

- | | |
|--|----------|
| 1. Monthly Automated Waste Collection – Per Unit | \$11.00 |
| 2. Residential Waste Cart Replacement | \$110.00 |

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