

TOWN OF LEROY

BYLAW NO. 3-2022

A Bylaw Regulating the Collection, Removal and Disposal of Solid Wastes and Refuse

The Council of The Town of LeRoy, 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) **"Automated Collection"** means the collection of Residential Waste by a system of mechanical lifting and tipping of containers into specially designed vehicles.
- b) **"Bag and Tag Program"** means the waste material collection system in certain areas established and maintained by REACT where persons are required to prepay for tags and fasten the tags to their bags of garbage or waste items in order to have waste material removed by REACT. Maximum weight for a bag or container is 20 kilograms or 44 pounds.
- c) **"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.
- d) **"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.
- e) **"Commercial User"** means any property that does not fall within the residential user definition.
- f) **"Council"** means the Council of the Town of LeRoy.
- g) **"Disposal"** means the method the Town uses to permanently dispose of waste that enters the municipal waste stream.
- h) **"Diversion"** means the way that waste is directed for processing and disposal based on its category.
- i) **"Household"** means any self contained building or place occupied, intended to be occupied, or used as a residence and includes single family homes, and mobile homes, but does not include any Multi-Unit Dwelling containing more than three (3) separate residences; and does not include any apartment, hotel, licensed boarding house, tourist cabins, or any room or suite of rooms operated as a commercial enterprise, or operating from any commercial property or building. For greater clarity a Household includes a duplex, a triplex, or a condominium which has three or less units.
- j) **"Multi Unit Dwelling"** means any property, building or place occupied, intended to be occupied, or used as a residence for four (4) or more separate residences, including, but not limited to townhouses, apartments, condominiums.
- k) **"Municipal Waste Stream"** means all waste that enters the Town's solid waste management system and is dealt with in accordance with this bylaw.
- l) **"Officer"** or **"Enforcement Officer"** shall mean any person(s) appointed or designated to enforce the bylaws of the Town of LeRoy or any police officer or member of the Royal Canadian Mounted Police (RCMP) while in the course of his or her duties.
- m) **"REACT"** means the waste management authority known as the Regional Authority of Carlton Trail (REACT) of which the Town is a member.
- n) **"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.
- o) **"Residential User"** means any residential dwelling that contains four (4) or fewer residential dwelling units.
- p) **"Town"** shall mean the municipality of the Town of LeRoy in the province of Saskatchewan.
- q) **"Town Office"** means the administrative office of the Town of LeRoy.
- r) **"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 LeRoy.
- s) **"Waste"** means all materials that no longer have value at the source and are being discarded into the municipal waste stream.
- t) **"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. CONTROL

- a) No person shall dispose of Residential Waste, Refuse, Garbage or Recyclable Materials in the Town of LeRoy except in accordance with the provisions of this Bylaw.
- b) 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.
- c) The Administrator/CAO of the Town of LeRoy is hereby designated as the official responsible for the control and supervision of the provisions of this Bylaw.
- d) The Administrator and REACT shall jointly prepare, issue and publish regulations for the effective administration of this Bylaw, including information regarding the anticipated REACT pickup schedule for all Residential Waste, Garbage, Refuse and Recyclable Material. The Town and REACT may change the same from time to time.
- e) REACT shall have final authority as to the quality, quantity and classes of material that it will remove from any location, and with regard to the number of Residential Waste Carts or dumpster bins required to contain the entire, normal accumulation of wastes originating from any Household or Commercial Premises.
- f) 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.

5. COLLECTION PRACTICES

General

- a) The entire accumulation of Residential Waste, Garbage, and Refuse accumulated for disposal are to be kept:
 - i) In the case of Households, in the Residential Waste Carts; or
 - ii) In the case of Multi-Unit Dwellings either in the Residential Waste Carts or approved dumpster bin; or
 - iii) In the case of Commercial, in either the Residential Waste Carts or the approved dumpster bin provided by REACT, as the case may be.
- b) No Person shall permit any Residential Waste, Garbage, Refuse or Recyclable materials to be stored or remain upon any real property, land, building, Household, Commercial premises Owned or Occupied by him, except in Residential Waste Carts, Trash Receptacle or such other approved dumpster.
- c) 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.

No person shall place or mix with any material for removal by REACT any material defined in any statute or regulation as:

 - i) any used lubricating oil, used oil filters and used oil containers
 - ii) vehicle or equipment tires
 - iii) large appliances

Such materials are to be taken to a Waste Transfer Station or Waste Disposal Grounds for disposal.

- d) Ashes shall not be mixed with Refuse, Residential Waste or Garbage.

Collection from Households

- a) Participation in the automated curbside collection program is mandatory for all Residential Households in the Town and is a local utility under *The Municipalities Act*.
- b) Residential Waste will no longer be collected and disposed of by the Town and REACT under the previous Bag and Tag Program. Householdors who have excess Residential Waste, or permitted refuse may continue to purchase prepaid REACT disposal tags and affix those tags to their bags of Residential Waste or permitted refuse, but Householdors shall bear sole responsibility for transporting and disposing of such tagged bags at the REACT Transfer Station or REACT Landfill facility themselves.
- c) At the inception of the automated curbside pickup program every Household in the Town shall be provided by the Town or REACT with a Residential Waste Cart for collection of Residential Waste;
- d) Additional carts can be obtained for the fee as set out in Schedule "A".



- e) For the purposes of this bylaw, home based businesses located within a Household in residential areas will be supplied with a Residential Waste Cart for residential pick up.
- f) Residential Waste carts are the property of the Town or REACT and must be left at the property even if the homeowner moves or sells the property.
- g) Every Householder in the Town shall keep the Residential Waste Cart assigned to their property in a clean and sanitary condition. Waste shall be thoroughly drained of all liquids and securely wrapped in plastic or plastic bags before it is placed in a waste cart.
- h) Only Residential Waste and permitted refuse may be placed in a Residential Waste Cart.
- i) 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.
- j) All residential areas shall receive front street collections. If infrastructure upgrades or road maintenance limit front collection, back lane collection may occur.
- k) 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.
- l) Carts must have a minimum of four (4) feet clearance around the perimeter of the cart and 13 (thirteen) feet clearance above.
- m) Carts must be placed for collections no later than 7:00 a.m. on scheduled collection days.
- n) 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 (twenty-four) 24 hours after scheduled collection.
- o) The replacement of cart(s) shall be at the cost of the property owner, regardless if by theft, damage, or vandalism.
- p) 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.
- q) 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 carts, 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 carts were supplied when not set out for collection; and
 - vii. Be kept with the lid closed to reduce odours and prevent litter.
- r) Every Person provided with a Residential Cart shall:
 - i. Clean up spillage originating from the cart;
 - ii. Notify REACT immediately if the cart is damaged or stolen;
 - iii. Pay the applicable fees set out in Schedule "A" to this Bylaw.
- s) 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 protection of the environment.
- t) REACT is hereby authorized to determine the schedule for collection of Residential Waste and Refuse in the Town. Residential users shall be alerted by Administration of the change in collection schedule and/or location as soon as is possible.
- u) Collectors of REACT and officials appointed by the Town shall have the right to enter at all

reasonable times all property and yards for the purpose of performing the duties assigned to them.

Collection from Commercial Users

- a) The Owners or Occupants of any Multi-Unit Dwelling, Commercial Premises, Industrial Premises, and Institutional Premises are responsible to arrange directly with REACT, or other Waste Collection Contractor for the storage, collection and disposal of all Waste, Garbage and/or refuse from their property.
- b) Wherever a dumpster bin is required for the collection and storage of any Multi-Unit Dwelling, Commercial Premises, Industrial Premises, and Institutional Premises shall be of sufficient capacity to hold all Waste, Garbage and Refuse 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 Multi-Unit Dwelling, Commercial Premises, Industrial Premises, and Institutional 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 Multi-Unit Dwelling, Commercial Premises, Industrial Premises, and Institutional Premises, may be placed inside or outside, but in any event shall be placed in a convenient location for collection, on the Owner's property.

Exclusions from Collection

- a) The following wastes are excluded from collection:
 - i. Wastes not properly prepared for collection
 - ii. Wastes not placed in proper receptacles
 - iii. Wastes exceeding the size and weight limitations specified herein;
 - iv. Wastes otherwise contrary to the requirements of this Bylaw;
 - v. All Building Refuse, Industrial Refuse, Commercial Refuse, Bulk Refuse, Dead Animals, Liquid Waste, Hazardous Refuse and Ashes;
 - vi. Litter unless otherwise placed in approved litter receptacles;
 - vii. All Residential Waste, or Refuse disposed of contrary to the requirements of this Bylaw.

6. STORAGE OF WASTE

- a) Residential waste storage or collection containers other than the curbside carts provided by the Town or by REACT or any other contracted provider approved by the Town are prohibited unless a valid permit is obtained from Administration.
 - i. 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.
 - a) Restrictions may be placed on the length of time a container may be in place, and on the type, size and placement of containers.
 - b) The container may not negatively impact the safety, health, or welfare of the people in the neighbourhood or amenity of the neighbourhood.
 - c) 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.
 - d) 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.
 - e) Violation of an issued permit or failure to obtain a permit constitutes a violation of this Bylaw.
 - ii. 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.
 - iii. 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.
 - iv. 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.
- b) 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.

- c) 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.

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 LeRoy 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. 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 Owners or Occupants of Households, land or buildings for the collection and disposal of Residential Waste Carts and 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.

10. 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.

11. ENFORCEMENT

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

12. 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*.

13. 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.

14. APPEAL OF ORDER TO REMEDY

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

15. 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*.

16. 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*.

17. 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 LeRoy 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 LeRoy 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.

18. 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 9:00 a.m. and 4:30 p.m., excepting Saturdays, Sundays, and public holidays, provided that payment is 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 LeRoy General Penalties Bylaw.



19. REPEAL:

a) Bylaw No. 4-2020 of the Town of LeRoy is hereby repealed.

20. 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 25 Day of July, 2022

Read a second time this 25 Day of July, 2022

Read a third time this 25 Day of July, 2022



Mayor

Chief Administrative Officer

SCHEDULE "A" TO BYLAW NO. 3-2022

| Town of LeRoy Bylaw No. 3-2022 Schedule "A" | | |
|--|-----------------|--|
| Service: | | |
| 1. Monthly Waste Fee – Automated Pickup Cart Per unit cost for Household & Apartment/Condo of three or Less units. | \$14.00 | |
| | | |
| 2. Additional Waste Cart – per monthly fee | \$14.00 | |
| | | |
| 3. Residential Cart Replacement Fees | \$110.00 | |
| | | |
| 4. Overdue Bill Charges | 2% per month | |

