

**A BYLAW OF THE CITY OF BROOKS TO REGULATE, CONTROL AND MANAGE WASTE WITHIN THE CITY OF BROOKS.**

**WHEREAS**, the Municipal Government Act, R.S.A. 2000, Chapter M-26, authorizes a Council to pass Bylaws for municipal purposes respecting public utilities;

**AND WHEREAS** it is deemed desirable to regulate, control and manage Waste within the City of Brooks;

**NOW, THEREFORE**, the Council of the City of Brooks, in the Province of Alberta, hereby enacts as follows:

**1. TITLE:**

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

**2. INTERPRETATION:**

200. In this Bylaw, unless the content otherwise requires,

201. "**Act**" means the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time;

202. "**Animal Waste**" includes all organic and inorganic Waste material generated by an animal or the treatment of an animal, or which has directly or indirectly come into contact with an animal or the bodily fluids of an animal including, but not limited to, feces, urine and animal anatomical waste;

203. "**Biomedical Waste**" means Waste that requires special handling and disposal because of risk to human health or environmental, aesthetic, health or safety concerns and includes:

204. human anatomical Waste;

205. infectious human Waste;

206. infectious Animal Waste;

207. animal blood;

208. microbiological Waste;

209. blood and bodily fluid Waste; and,

210. medical sharps, such as needles, syringes, blades, or other clinical or laboratory materials capable of causing punctures or cuts.
211. "**Bylaw**" means the City of Brooks Bylaw No. 15/05 as amended or repealed and replaced from time to time;
212. "**Cardboard Recycling Bin**" means a container approved for the temporary storage of recyclable cardboard prior to Collection;
213. "**Chief Administrative Officer**" means the Chief Administrative Officer of the City of Brooks regardless of any subsequent title that may be conferred on that officer by Council or Statute, or their designate;
214. "**City**" means the City of Brooks, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the City of Brooks, as the context may require;
215. "**Collect**" or "**Collection**" means picking up and gathering Waste and includes its transport to a waste management or disposal site;
216. "**Collector**" means any person that has been authorized by the City to Collect Waste;
217. "**Collection Day**" means the day on which Waste is scheduled for Collection;
218. "**Compost Bin**" means a container approved for the temporary storage of Yard Waste prior to Collection;
219. "**Council**" means the Municipal Council of the City of Brooks;
220. "**Customer**" means an Owner or Occupier of a Premise who purchases or is required to purchase Waste Management Services from the City;
221. "**Hazardous Waste**" means Waste that has one or more hazardous properties as per the Environmental Protection and Enhancement Act, RSA 2000, c E-12 and Regulations made thereunder;
222. "**Highway**" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of Vehicles and includes a sidewalk, including a

boulevard adjacent to the sidewalk, if a ditch lies adjacent to and parallel with the roadway, the ditch, and if a Highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a Highway as defined in *The Traffic Safety Act*, R.S.A. 2000, c. T-6;

223. **“Land Use Bylaw”** means the City of Brooks Land Use Bylaw No. 14/12, as amended or repealed and replaced from time to time;
224. **“Litter”** means any solid or liquid material or product or combination of solid or liquid materials or products, including, but not limited to:
- 225. any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, or sewage or the whole or a part of an animal carcass;
  - 226. the whole or part of any article, raw or processed material, Vehicle or other machinery, that is disposed of; or,
  - 227. any other material or product that is designated as Litter in the *Environmental Protection and Enhancement Act*, RSA 2000, c E-12 and Regulations made thereunder;
228. **“Litter Receptacle”** means a container approved for the temporary storage of Litter generated by the public on a Non-residential and/or a Public Area;
229. **“Non-residential”** means any area that is not identified as Residential as per the City of Brooks Land Use Bylaw;
230. **“Non-residential Bin”** means a container approved for the temporary storage of Waste originating from a Non-residential Premises prior to Collection;
231. **“Occupier”** means a person occupying or exercising control or having the right to occupy or exercise control over a Premises, including but not restricted to a lessee, occupant, or agent of an Owner;
232. **“Owner”** means in the case of land, to be registered under the Land Titles Act as the Owner of the fee simple estate in a parcel of land;

233. **"Peace Officer"** means a Bylaw Enforcement Officer appointed by the City of Brooks pursuant to Section 555 of the Municipal Government Act and for the purpose of enforcement of this Bylaw, also includes a Community Peace Officer or a member of the Royal Canadian Mounted Police;
234. **"Premises"** means the parcel of land and all structures contained on the land;
235. **"Prohibited Waste"** includes Waste outlined as per Schedule 'B' attached to and forming part of this Bylaw;
236. **"Residential"** means an area identified as a Residential Land Use District as per the City of Brooks Land Use Bylaw;
237. **"Residential Bin"** means a container approved for the temporary storage of Waste, originating from a Residential Premises, assigned to the Premises and to be used only by the Occupier of that Premises prior to Collection;
238. **"Utility Rates Bylaw"** means the City Bylaw 15/06, as amended or repealed and replaced from time to time that sets the rates charged to Customers for public utility services;
239. **"Violation Tag"** means a ticket issued by the City pursuant to the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, allowing a voluntary payment option of a fine established under this Bylaw in lieu of prosecution for the offence;
240. **"Violation Ticket"** means a ticket issued pursuant to the Provincial Offences Procedures Act, RSA 2000, c P-34, as amended and any Regulations thereto;
241. **"Waste"** includes:
- 242. any discarded solid or liquid material or product or combination of solid or liquid material or product, including, but not limited to rubbish, refuse, garbage, paper, packaging, containers; and,
  - 243. any discarded materials that complies with the requirements set out in the Waste Management Authority's operating plan, but excludes Prohibited Waste pursuant to this Bylaw.
244. **"Waste Management Authority"** means the Newell Regional Waste Management Authority Ltd., which consists of members throughout the County of Newell who set rules and regulations for the Newell Regional Landfill;

245. **“Waste Management Services”** means the provision of the Waste Management System to a Customer and any administrative services offered to the Customer under this Bylaw;
246. **“Waste Management System”** means the structured administration, regulation, control, management, Collection, diversion, processing, storage and disposal of Waste with the inclusion of Premises and service classification, Waste management equipment and vehicles, Waste Containers, Waste management and recycling sites, Waste reduction or Waste diversion programs;
247. **“Waste Container”** includes a Cardboard Recycling Bin, Non-residential Bin, Compost Bin and Residential Bin for the purposes of temporary storage of Waste prior to Collection;
248. **“Yard Waste”** includes grass clippings, leaves and branches not longer than one (1) meter in length and not more than two (2) inches in width or diameter.

### **3. GENERAL:**

300. The Collector shall have the right to enter at any time, such portions of any property as may be required for the purposes of performing the duties assigned under the authority of this Bylaw.
301. The City shall not be obligated to Collect Waste at any Premises where the provisions of this Bylaw are being contravened.
302. The City reserves the right to withhold Collection of improperly prepared Waste, Prohibited Waste, Biomedical Waste and Hazardous Waste, excessive quantities of Waste, or Waste located at an unsafe or at a non-compliant location.
303. All Waste that is Collected by the City becomes the property of the City and will be disposed of under terms or conditions that Council directs.
304. A Collector shall not be responsible for the clean-up of Waste spilled under any circumstance.
305. The Collector will not return to a Premises for a missed Collection if the Waste Container was not set out in the manners described in this Bylaw.
306. The Owner or Occupier of a Premises must keep all laneways adjacent to their home, to the center of the laneway, in a clean and tidy condition and free from Waste. Failure to do so shall result in a fine, as per Schedule “A”.

307. No person shall leave oversized Waste, such as, but not limited to, mattresses, furniture, appliances, plumbing fixtures and barbeques out for Collection, unless a special collection has been schedule by the Chief Administrative Officer.
308. All Waste that does not meet the specifications of Waste eligible for Collection will remain the Customer's responsibility for disposal.
309. A person using any Waste management site must comply with posted rules and regulations.
310. A person using a sanitary landfill or disposal site shall do so at their own risk, the City will not be liable for any claims or damages for injury or damage to any person or property arising from the normal operation of the disposal site.
311. Waste that is being transported on any Highway in the City must be done in a properly enclosed receptacle or in a vehicle which is covered with canvas or tarpaulin, or secured such that the Waste is protected from becoming windborne or falling on a Highway. Failure to do so shall result in a fine, as per Schedule "A".
312. The City will not be responsible for any damage to Highways or infrastructure on a private Premises resulting from legitimate operation of Waste Collection vehicles during a Waste Collection service.
313. No person shall:
  314. place any Prohibited Waste, Biomedical Waste or Hazardous Waste in any Waste Container or Litter Receptacle;
  315. place any Waste, Prohibited Waste, Biomedical Waste, Hazardous Waste, construction or building material in a Waste Container that has not been allocated for their own use or for which they are not the Owner of that Waste Container;
  316. place any Waste, Prohibited Waste, Biomedical Waste, Hazardous Waste, construction or building material or any other discarded material, on a Premises that is not Owned or Occupied by themselves;
  317. place Waste that is accumulated from a Non-residential Premises into a Residential Bin;
  318. place Waste that is accumulated from a Residential or Non-residential Premises in a public Litter Receptacle;
  319. place any cardboard recycling that has not been flattened so as to minimize its volume in a Cardboard Recycling Bin;

320. place out for Collection or mix with any other Waste, Hazardous Waste or Biomedical Waste;
  321. place out for Collection or mix with any other Waste, Prohibited Waste which is outlined in Schedule 'B' attached to and forming part of this Bylaw;
  322. place materials in a Waste Container that contains any material which adheres to the inside of the bin;
  323. leave Waste Containers uncovered;
  324. damage, tamper with or vandalize any Waste Container; or,
  325. burn any Waste.
326. Waste Containers that are within the City's Waste Management System must:
327. not be chained or tied to a fence or Waste Container enclosure;
  328. not have the lids chained or tied to the Waste Containers, a fence or a Waste Container enclosure; or,
  329. provide the Collector unrestricted access to the Waste Container for the purposes of Collection.
330. Waste that is set out for Collection shall:
331. consist only of permitted Waste materials as determined by the City;
  332. be thoroughly drained and securely wrapped in sufficient paper to absorb any moisture or placed in plastic garbage bags which are properly tied before being put in a Waste Container;
  333. be packaged so as to minimize the generation of offensive odours or the attraction of insects, rodents, vermin or other such animals;
  334. be fully contained within a Waste Container with the lid closed;
  335. not be compressed in such a manner that it inhibits the Waste, cardboard recycling or Yard Waste from falling freely from the Waste Container;
  336. use protective packaging for sharp items including, but not limited to, broken glass, razor blades, sheet metal scraps, and items with exposed screws or nails; and,
  337. be stored in such a manner as to prevent any material from being scattered, blown, spilled or otherwise dispersed.

338. The Owner or Occupier of a Premises producing construction Waste shall:
- 339. provide and maintain on the Premises, a sufficient number of Waste Containers to store the construction waste; and,
  - 340. only allow the Waste Container to be placed on a Premises for a temporary period of time not longer than ninety (90) days, provided the Waste Container is removed as soon as the construction project is completed.
341. The Chief Administrative Officer is hereby authorized to make such decisions and to establish and enforce such procedures and regulations necessary or appropriate for the management and operation of the Waste Management System, including the delegation of any of their duties or responsibilities to one or more persons, such as:
- 342. supervision of Collection routes, Collection areas and Collection schedules for Waste, cardboard recycling and Yard Waste;
  - 343. the regulations governing the quantities and types of Waste that the City will remove from a Premises;
  - 344. criteria, regulations or specifications for Waste Containers and to prohibit the use of any Waste Container that does not meet those criteria, regulations or specifications;
  - 345. determining the quantity of Waste Containers required for each Premises;
  - 346. determining suitable locations for placement of Waste Containers and to prohibit the placement of a Waste Container in any other location;
  - 347. enforcing regulations, consistent with any policy or program approved by Council, pertaining to recycling, Waste reduction and Waste diversion programs;
  - 348. designating one or more Waste management sites for the Collection, temporary storage or processing of Yard Waste or recyclable materials;
  - 349. determining the method of billing for Waste Collection and disposal;
  - 350. determining into which classification any Waste Collection service belongs;

351. the authorization of, for the purposes of performing the duties assigned by this Bylaw, every Collector appointed by the City to enter property to Collect Waste; and,
352. determining the management and operation of the Waste Management System in accordance with any applicable provisions set out in the operating plan approved by the Waste Management Authority.
353. The Waste Management Services provided by the City shall be provided pursuant to the terms, conditions and provisions of this Bylaw, the contents of which shall be binding upon and form part of an agreement between the City and any person who receives the Waste Management Services.
354. Nothing in this Bylaw shall operate to relieve any person from complying with any Federal or Provincial Law or Regulation or any other City Bylaw.

#### **4. LITTER**

400. No person shall place, abandon, throw or deposit any Litter as defined within this Bylaw on any private place in the City, to which you are not the Owner.
401. No person shall place, abandon, throw or deposit any Litter as defined within this Bylaw on any Highway or in any public park, playground, sports ground, arena, or other place of public assembly to which the public may be admitted. Such items may be lawfully left at such places or Premises when placed in Litter Receptacles.

#### **5. RESIDENTIAL WASTE MANAGEMENT**

500. The City shall provide Waste Collection and a Residential Bin to each Residential Premises within the City of Brooks pursuant to this Bylaw.
501. The City shall remain the Owner of all Residential Bins and as such may remove, repair or replace any obsolete, damaged or non-serviceable Residential Bins.
502. If a Residential Bin is damaged due to theft, misuse, alterations or abuse, the Owner or Occupier of the Premises in which the Residential Bin was assigned will be responsible for purchasing a replacement Residential Bin from the City or to pay the City for the cost of repairs.
503. A Residential Bin that has been allocated for the use of a Customer at a Residential Premises shall:

- 504. remain at the Premises at all times;
- 505. be maintained in good repair;
- 506. be kept in a clean and sanitary condition;
- 507. be set out for Collection service:
  - 508. no later than 7:00 am on the day of Collection to ensure Collection;
  - 509. no earlier than twenty-four (24) hours prior to Collection; and,
  - 510. returned to their storage area no later than twenty-four (24) hours after Collection.
- 511. Residential Bins set out for Collection shall be placed such that:
  - 512. they are in the location in which the City delivered them to the Residential Premises;
  - 513. they will not be easily over turned;
  - 514. they provide one (1) meter of clearance on each side and sixty (60) centimeters of clearance from the back;
  - 515. they will not interfere with the maintenance of City Highways;
  - 516. they will not interfere with vehicular or pedestrian traffic; and,
  - 517. the Collector will not be required to manually move the Residential Bin in order to allow for the pick-up of Waste that has been set out for Collection.

## **6. NON-RESIDENTIAL WASTE MANAGEMENT**

- 600. The City will provide Waste Collection and a Non-residential Bin to each Non-residential Premises within the City pursuant to this Bylaw, up to a maximum of three (3) Bins.
- 601. The City will remain the Owner of all Non-residential Bins and as such, may remove, repair, or replace any obsolete, damaged or non-serviceable Non-residential Bins.
  - 602. repair or replace any malfunctioning, inoperable or defective Waste Container part or, replace the entire Waste Container, or;
  - 603. clean or paint the Waste Container.
- 604. If a Non-residential Bin is provided by the City, the Chief Administrative Officer shall charge a rate as per the Utility Rates Bylaw. The Customer shall maintain the Non-residential Bin in a reasonably clean condition and in proper working order. In the event the Non-residential Bin is damaged or abused by someone

other than an employee or agent of the City, the bin shall be cleaned, repaired or replaced at the Customer's expense.

605. The Owner of each Non-residential operation shall ensure that the number and placement of Litter Receptacles on the Premises of the Non-residential operation meets the requirements prescribed from time to time by the Chief Administrative Officer. The Owner of each Non-residential operation shall ensure that every Litter Receptacle on the Premises is:
- 606. designed and operated in a fashion that prevents Litter, garbage or Waste from escaping from the Litter Receptacle;
  - 607. installed so that it cannot be inadvertently overturned;
  - 608. maintained in a reasonably clean condition and in good working order; and,
  - 609. emptied into the Non-residential Bin that belongs to the Premises when full.

## **7. RECYCLING & YARD WASTE**

700. The City shall collaborate with the Newell Recycling Association and the Waste Management Authority for the purposes of reducing, diverting or recycling Waste materials.
701. The City shall establish cardboard recycling Collection areas as well as cardboard recycling Collection schedules.
702. Every Non-residential Premises that is located within the cardboard recycling Collection area and requires cardboard recycling Collection must request a bin from Newell Recycling Association.
703. The Owner of a Non-residential Premises shall be charged a Collection fee, as per the Utility Rates Bylaw for cardboard recycling Collection services.
704. The City offers a Yard Waste Collection program, as seasonally appropriate. The City shall provide Compost Bins to all Residential Properties, up to and including duplexes. Residential Properties larger than a duplex may be provided a Compost Bin, at the discretion of the Chief Administrative Officer.
705. Premises that are not within the Yard Waste Collection program may transport their Yard Waste to the City's designated compost site.
706. No person shall place any Waste, other than Yard Waste, into any Compost Bin or at any compost site.

**8. WEIGHT LIMITS**

800. No person shall place Waste in a one thousand one hundred (1100) litre Non-residential Bin that exceeds four hundred forty (440) kilograms.
801. No person shall place Waste in a three hundred sixty-three (363) litre Residential Bin that exceeds one hundred fifty (150) kilograms.
802. No person shall place Waste in a two hundred forty-two (242) litre Residential Bin that exceeds one hundred (100) kilograms.
803. No person shall place Yard Waste in a three hundred sixty-three (363) litre Compost Bin that exceeds one hundred fifty (150) kilograms.

**9. ENFORCEMENT**

900. A Peace Officer is for the purposes of enforcement of this Bylaw, a Designated Officer of the City.
901. A person who contravenes or does not comply with any provision of this Bylaw is guilty of an offence.
902. Fines and penalties imposed on a conviction for an offence under this Bylaw are an amount owing to the City.
903. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which that person is liable under the provisions of this Bylaw or any other Bylaw.
904. Any person who breaches any provision of the Bylaw is guilty of an offence and liable:
  905. upon the issuance of a Violation Tag to the specified penalty as listed on Schedule "A" attached to and forming part of this Bylaw; or,
  906. upon summary conviction to a fine of not less than the amount specified on Schedule "A" attached to and forming part of this Bylaw for each offence, exclusive of costs; or,
  907. to a fine of not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.
908. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who has contravened any provision of this Bylaw.

909. A Violation Tag shall be deemed to be sufficiently served if:
- 910. served personally on the accused; or,
  - 911. mailed to the address of the registered Owner of the property concerned or to the person concerned; or,
  - 912. served personally upon the manager, secretary, receptionist or other officer or person apparently in charge at any Premises of the accused, or by mailing a copy to such accused.
913. A Violation Tag shall state:
- 914. the name of the person or other information to adequately identify the person;
  - 915. approximate location of where the offence took place;
  - 916. the offence;
  - 917. the penalty for the offence set out on Schedule "A" of the Bylaw;
  - 918. that the penalty shall be paid within fourteen (14) days from the issuance of the Violation Tag; and,
  - 919. any other information deemed necessary by the Chief Administrative Officer or by the provisions of the Act or the Provincial Offences Procedure Act, RSA 2000, c P-34 as amended, or as repealed and replaced from time to time.
920. Where a breach of this Bylaw is of a continuing nature, each day on which it continues or is repeated shall constitute a separate offence, and shall be liable to a separate penalty.
921. Where a Violation Tag has been issued for breach of any provision of this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified on the Violation Tag.
922. Nothing in the Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

923. If a person upon whom a Violation Tag is served above fails to pay the voluntary payment within the time specified, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended, or as repealed and replaced from time to time.
924. The person to whom a Violation Ticket has been issued pursuant to the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended, or as repealed from time to time, may plead guilty by making a voluntary payment in respect to the summons by delivering to the Provincial court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided for in Schedule "A" of this Bylaw.
925. Any person who is guilty by way of summary conviction of an offense under the provisions of this Bylaw shall be liable for a fine of not less than the amount specified for that particular breach of this Bylaw, plus associated court costs pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended, or as repealed and replaced from time to time.

### **Remedial Orders**

926. A Peace Officer is hereby authorized and empowered to issue a remedial order to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
927. A remedial order written pursuant to this Bylaw may:
- 928. direct a person to stop doing something, or to change the way in which the person is doing it;
  - 929. direct a person to take any action or measures necessary to remedy the contravention of this Bylaw, and, if necessary, to prevent a reoccurrence of the contravention;
  - 930. state a time within which a person must comply with the directions; and,

931. state that if the person does not comply with the directions within a specified time, the City will take the action or measures at the expense of the person.
932. A remedial order written pursuant to this Bylaw may be served:
933. in the case of an individual:
- 934. by physically delivering it to the person; or,
  - 935. by mail addressed to the person at their apparent place of residence or at any address for the person on the tax roll of the City or at the Land Titles registry. A remedial order is deemed to be received seven (7) days after it is mailed.
936. in the case of a company or corporation or other such entity:
- 937. by physically delivering it to any director or officer of the company;
  - 938. by physically delivering it to a person apparently in charge of an office of the company at an address held out by the company to be its address; or,
  - 939. by mail addressed to the registered office of the company. A remedial order is deemed to be received seven (7) days after it is mailed.
940. If, in the opinion of a Peace Officer, service of the remedial order cannot be reasonably affected, or if the Peace Officer believes that the Owner and/or Occupier of the Premises is evading service, the Peace Officer may post the remedial order in a conspicuous place on the Premises to which the remedial order relates, or on the private dwelling place of the Owner of the Premises, as registered at the Land Titles Office or on the municipal tax roll for the Premises, and the remedial order shall be deemed to be served upon the expiry of three (3) days after the remedial order is posted.
941. Every person who fails to comply with a remedial order issued pursuant to this Bylaw within the time set out in the remedial order commits an offence.
942. If the person to whom a remedial order has been issued fails to comply with the remedial order within the time specified therein, the City may take whatever steps are necessary to remedy the contravention of this Bylaw and the cost of doing so becomes a debt owing to the City by the person to whom the order was issued.

943. If, in the opinion of the Chief Administrative Officer, a contravention of this Bylaw requires immediate action, the City may perform any work necessary to address the contravention of this Bylaw without prior notice or a remedial order and all costs incurred by the City will be payable by the person alleged to have contravened this Bylaw.
944. If the City does not receive the payment of any expense incurred as provided in this Bylaw, the City may charge the same against the property to be recovered in like manner as taxes assessable against the property.

### **Notice of Entry & Inspections**

945. A Peace Officer may give a minimum twenty four (24) hour notice of entry to an Owner and/or Occupier of a Premises to enter into or upon any Premises within the City, pursuant to authority set out in Section 542 of the Act, to carry out an inspection, remedy, enforcement or action for the purpose of ensuring compliance with this Bylaw.
946. If a person refuses to allow or interferes with the entry onto a Premises, inspection, enforcement or action required to ensure compliance with this Bylaw and/or refuses to produce anything to assist in the inspection, remedy, enforcement or action required to ensure compliance with this Bylaw, the City may apply to the Court of Queen's Bench where the court may issue an order to restrain a person from preventing or interfering with the entry onto a Premises, inspection, enforcement or action or require the production of anything to assist in the inspection, remedy, enforcement or action to ensure compliance with this Bylaw.

### **Notice of Appeal**

947. A person who has received a remedial order may request Council to review the remedial order issued in accordance with this Bylaw by giving written notice of appeal within fourteen (14) days of the date the remedial order is received.
948. Each notice of appeal shall:
949. state with reasonable detail, the grounds of appeal;
950. state the name, address and interest of the appellant; and,

951. be dated and signed by the appellant or on their behalf by their agent and, if signed by an agent shall state the name and address of the agent as well as that of the appellant.

952. When hearing an appeal Council shall:

953. hold a hearing within thirty (30) days after receipt of the remedial order;

954. ensure that the notice of the hearing is mailed to the appellant at least five (5) days prior to the date of the hearing;

955. consider each appeal having due regard to the circumstances and merits of the case and to this Bylaw;

956. not be bound by the rules of evidence applicable to courts of civil or criminal jurisdiction;

957. afford to every person concerned the opportunity to be heard, to submit evidence of others; and,

958. make and keep a written record of its proceeding which shall be in the form of a summary of the evidence presented to Council at the hearing.

959. In determining an appeal, Council:

960. may confirm, vary, substitute or cancel the remedial order; and,

961. shall render its decision in writing to the appellant within fifteen (15) days from the date of hearing.

## **10. REPEAL**

1000. That Bylaw No. 03/25, 10/18 and 12/06 are hereby repealed.

## **11. SEVERABILITY**

1100. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

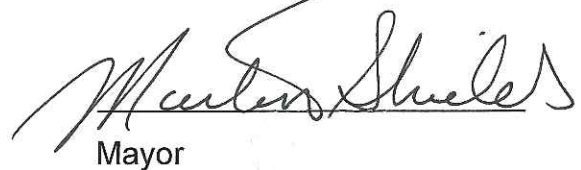
**12. EFFECTIVE DATE**

1200. This Bylaw shall take effect on the date of final reading thereof.

Read a first time this 20<sup>th</sup> day of April, 2015

Read a second time this 20<sup>th</sup> day of April, 2015

Read a third time and finally passed this 20<sup>th</sup> day of April, 2015



A handwritten signature in black ink, appearing to read "Martin Shields", written over a horizontal line.

Mayor



A handwritten signature in blue ink, written over a horizontal line.

Chief Administrative Officer

**SCHEDULE "A" – SPECIFIED PENALTIES  
BYLAW 15/05**

<b>Subsection</b>	<b>Offence</b>	<b>Penalty</b>	<b>Second or Subsequent Offence within One (1) Year</b>
306	Failing to keep laneway free from Waste	\$100.00	\$200.00
307	Leaving oversized Waste out for Collection	\$200.00	\$400.00
309	Failing to comply with posted regulations	\$200.00	\$400.00
311	Failing to enclose or secure Waste load	\$200.00	\$400.00
313 – 325	Improperly placing/using Waste	\$100.00	\$200.00
326 – 329	Restricting access to Waste Containers	\$100.00	\$200.00
330 – 337	Improperly set out Waste for Collection	\$200.00	\$400.00
338 – 340	Improperly storing construction Waste	\$100.00	\$200.00
400	Littering on Highway, Public Area or private place	\$200.00	\$400.00
401	Littering in public parks, sports fields, playgrounds	\$200.00	\$400.00
504	Fail to keep residential bin on Premises	\$100.00	\$200.00
505	Fail to keep bin in good repair	\$100.00	\$200.00
506	Fail to keep bin in sanitary condition	\$100.00	\$200.00
510	Fail to return bin to storage location	\$100.00	\$200.00
511 - 517	Improperly set out bin for Collection	\$100.00	\$200.00
800 - 803	Overfilling Bin	\$100.00	\$200.00
605 – 609	Insufficient Litter Receptacles	\$100.00	\$200.00
706	Improperly using Compost Bin	\$100.00	\$200.00
941	Fail to remedy contravention	\$300.00	\$600.00

**SCHEDULE "B" – PROHIBITED WASTE  
BYLAW 15/05**

No person shall place out for Collection or mix with any other Waste, any of the following items:

- asbestos or asbestos-containing materials;
- Biomedical Waste;
- building Waste;
- compressed propane or butane cylinders;
- construction Waste;
- electronic equipment, including but not limited to, televisions, computers, computer monitors, keyboards, and associated cables;
- fluorescent tubes and incandescent light bulbs;
- furniture, mattresses, plumbing or lighting fixtures;
- Hazardous Waste;
- highly combustible or explosive materials, including but not limited to, liquid or solid fuels, gunpowder, ammunition, explosives, motion picture film, paints, batteries or quicklime;
- hot ashes, which for the purposes of this item, will not be considered acceptable for disposal until at least five (5) days after they have been removed from a fire;
- material or equipment which has an overall length of more than one (1) meter or an overall weight of more than twenty-five (25) kilograms;
- industrial Waste;
- large electrical goods used domestically, including but not limited to, refrigerators and washing machines;
- liquid based petroleum products, oil or other petroleum by-products;
- materials containing chlorofluorocarbons;
- materials that do not meet the requirements set out in the Newell Regional Solid Waste Authority Ltd.'s operating plan;
- Motor Vehicle Waste, including but not limited to, Motor Vehicle parts, tires, batteries, lubricants, fluids or associated packing material;
- oil, Grease or liquid fat;
- radioactive material;
- septic tank material, raw sewage, or industrial sludge;
- sheet iron, scrap metal or machine parts;
- soil, rock or sod;
- tree stumps, tree branches or lumber that exceeds one (1) meter in length or 0.20 meters in width or diameter;
- whole shrubs, bushes or portions of hedges;
- any other material determined by the City as unsuitable for landfill disposal.