



**THE CORPORATION OF THE TOWN OF FOX CREEK, ALBERTA
BY-LAW 776-2016
THE WASTE MANAGEMENT BYLAW**

Being a By-Law of the Municipal Corporation of the Town of Fox Creek, in the Province of Alberta regarding provision of a Waste Collection Utility in and for the Town of Fox Creek.

WHEREAS, under Section 7 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto Council may pass By-Laws for municipal purposes respecting public utilities services provided by or on behalf of the municipality; and

WHEREAS, the Municipal Government Act in Section 1(1)(4) defines "public utility" as a system or works used to provide for public consumption, benefit, convenience or use for waste management; and

NOW THEREFORE, the Municipal Council of the Town of Fox Creek, Alberta, duly assembled enacts as follows:

1.0 SHORT TITLE

This By-Law may be known as "The Waste Management By-Law"

2.0 DEFINITIONS

In this By-Law, except where otherwise defined:

- 2.1 "Apartment Building" means a residential building which is occupied or intended to be occupied by more than four families living in self-contained suites, but excludes a dwelling house or condominium as defined in this Bylaw;
- 2.2 "Ashes" means cold residue from burning of wood, coal and other like material;
- 2.3 "Base Rate" means the rate established in Schedule "A" to this By-Law as the maximum number of Units of Waste to be collected from each eligible premises on a regular collection schedule;
- 2.4 "Billing Period" shall be the same as the one-month period for which the consumer is charged for water and sewer services.
- 2.5 "Biomedical Waste" means waste that is generated by: human or animal health care facilities,
 - a) medical research and teaching establishments,
 - b) clinical testing or research laboratories, and
 - c) facilities involved in the production or testing of vaccines, and
 - d) contains or may contain pathogenic agents that may cause disease in humans exposed to the waste.
- 2.6 "Building Waste" means all waste produced in the process of constructing, demolishing, altering or replacing a building or structure and shall include, but is not limited to:

- a) Soil, vegetation and rock displaced during the process of building
 - b) Construction materials and waste such as lumber, drywall, sawdust, insulation and other such construction debris.
- 2.7 "Cardboard" means any materials that are paper in nature that can be recycled.
- 2.8 "Community Peace Officer" means a person appointed by the Chief Administrative Officer to enforce the provisions of this By-Law.
- 2.9 "Fees and Charges Policy/By-Law" means the current Rates and Fees By-Law.
- 2.10 "Chief Administrative Officer (CAO)" means the Chief Administrative Officer of the Town of Fox Creek as appointed by resolution or By-Law of Council.
- 2.11 "Collection" means picking up and gathering waste and includes its transport to a disposal site, and "collect" has a corresponding meaning;
- 2.12 "Collector" means a person who collects waste within the Town as an agent, contractor or employee of the Town;
- 2.13 "Commercial Container" means any waterproof container of 0.75 m³ or larger provided for the storage of waste and constructed so that it can be emptied mechanically into a collection vehicle or loaded directly onto a motor vehicle for removal and transport for disposal of waste off-site;
- 2.14 "Commercial Premises" means any premises which is not an Eligible Dwelling House and includes, notwithstanding the foregoing:
- a) Any premises which is an Apartment Building; and
 - b) Any premises which (or the owners or occupants of which) are exempt in whole or in part from municipal assessment of taxation;
- 2.15 "Condominium" means a residential property divided into individually owned units as described in the Condominium Property Act, RSA 2000, C 22;
- 2.16 "Council" means the Municipal Council of the Town of Fox Creek;
- 2.17 "Disposal Site" means any premises designated by the CAO for the disposal of waste or any other premises which is approved by Alberta Environment for the disposal of waste;
- 2.18 "Dwelling House" means a building or part of a building (including a condominium) used as a residence;
- 2.19 "Eligible Dwelling House" means a dwelling house eligible for residential waste collection, A Dwelling House shall be eligible for residential waste collection hereunder if;
- a) it is a part of a building that contains four(4) or less self-contained suites;
 - b) all dwelling units in the building collectively produce less than 0.75 cubic meters of waste per week;
 - c) the building has one storage location for all waste disposed of from the premises; and
 - d) the building is constructed so as to permit waste collection to be made directly from a street or rear lane.
- 2.20 "Fire Chief" means the Fire Chief appointed for the Town of Fox Creek or his designate to act with respect to the provisions of this By-Law;

- 2.21 "Hazardous Waste" means any substance or thing that falls within the definition of hazardous waste as defined in Alberta Regulation 192/96, the Waste Control Regulation
- 2.22 "Industrial Premises" means places that carry on one or more of the following activities:
- a) manufacturing
 - b) processing
 - c) assembling
 - d) cleaning
 - e) repairing
 - f) servicing
 - g) testing
 - h) storage
 - i) warehousing
 - j) distribution or trans-shipment;
- of materials, goods, products and/or equipment;
- 2.23 "Officer of the Alberta Health Services Board" is a member designated by the Alberta Health Services Board for the purpose of enforcement of the Public Health Act in the municipality of Fox Creek and may include a Medical Officer of Health;
- 2.24 "Owner" has the same meaning as in the Municipal Government Act
(ie. the person who is registered under the Land Titles Act as the owner)
- 2.25 "Private Hauler" means any person who transports or causes to be transported any waste within the Town of Fox Creek other than Collector as defined by this By-Law.
- 2.26 "Recyclable" means a substance or mixture of substances that is intended to be recycled;
- 2.27 "Recycling Centre" means a sorting station approved under the Public Health Act where recyclables are sorted, compacted, shredded, ground, and/or processed;
- 2.28 "Religious Institution" means a development owned by a religious organization used for worship and related religious, philanthropic or social activities;
- 2.29 "Residential Property" means land with improvements designated, intended or used for residential occupancy including condominiums, but excluding apartment houses;
- 2.30 "Street" means"
- a) land used or surveyed for use of a public highway or road within the Town, and includes a bridge forming part of a street and any structure incidental to the street or bridge, and
 - b) any land that constitutes a private roadway on any bare land condominium site that is designated and used for public vehicular access onto and across the bare land condominium site;
- 2.31 "Tag" means a self-adhesive sticker or tie-on tag as described in Sections 4.6, 4.7 and 4.8 of this Bylaw, issued to the owner or occupant of a premises upon a payment of the prescribed fee as set out in the Fees, Rates and Charges By-law;

- 2.32 "Town" means the Town of Fox Creek, or the areas contained within the municipal boundaries of the Town of Fox Creek, as the context requires;
- 2.33 "Trade Waste" means and includes every kind of waste material from a commercial or industrial establishment where the establishment occupies all or part of a building having mixed uses, and shall include material from the work or constructing, repairing, renovating, demolishing, clearing or grading or buildings or premises;
- 2.34 "Unit of Waste" means one unit equaling:
- a) a garbage bag up to 660 mm x 914 mm, that does not weigh more than 14kg (the garbage bag must be contained within a receptacle that has a lid) and total weight will not exceed 18 kilograms.
 - b) a waste receptacle with a volume of not more than 121 litres (when full) no more than 40lbs or 18 kilograms; or
 - c) a clear plastic garbage bag up to 760 mm x 1.22 m weighing (when full) not more than 14 kilograms, this bag will only contain yard waste.
- 2.35 "Violation Tag" means a notice or tag in a form as approved by the Chief Administrative Officer, issued by the Town of Fox Creek allowing a voluntary payment option of a fine established under this By-law.
- 2.36 "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000, C P-34, as amended and any relations thereto.
- 2.37 "Waste or Waste Material" means any solid or liquid material or product or combination of them that is intended to be treated or disposed of or that is intended to be stored and then treated or disposed of, but does not include recyclables;
- 2.38 "Waste Receptacle" means a container with a lid which is not a Commercial Container and which is designed to facilitate the disposal of waste and which is approved pursuant to the provisions of this By-law for the disposal of waste or any particular type of waste;
- 2.39 "'Yard Waste" means waste from gardening or horticultural activities and includes grass, leaves, plants, tree and hedge clippings, and sod, but excludes tree limbs, tree trunks, whole shrubs or whole bushes.

3.0 PROHIBITIONS

- 3.1 Except where permitted under this By-law, no person shall:
- a) Store or deposit any waste:
 - a. on any premises owned or occupied by the Town; or
 - b. on any street;
 - b) Store or place any waste receptacle or commercial container on any street.
- 3.2 Section 3.1 shall not apply where:
- a) any waste is stored or deposited at any disposal site designated pursuant to this By-law;
 - b) a waste receptacle is placed on a street for use by the public by or with the consent of the CAO;
 - c) a person is actively engaged in loading or unloading any waste receptacle or commercial container.
- 3.3 No person shall scavenge waste within the Town of Fox Creek.

- 3.4 No person shall deposit waste in a waste receptacle or commercial container without the consent of:
- a) the owner of the receptacle or container;
 - b) the owner of the premises where the container or bin is located; and
 - c) the occupant of the property where the container or bin is located
- 3.5 No person shall obstruct or interfere with the Town or any of its contractors, agents, employees or officers in the exercise of its powers and duties under this By-law.
- 3.6 No person, other than the owner, a person authorized by the owner, or a collector shall interfere with a waste receptacle or commercial container or with any contents thereof.
- 3.7 No person shall:
- a) construct or commence to construct a building; or
 - b) demolish, reconstruct, alter, add to or extend an existing building;
- In the Town without first making adequate provision on the premises for the safe storage of waste in proper receptacles or containers under this By-Law;
- 3.8 No owner or occupant of premises shall permit or allow a waste receptacle or commercial container to be placed or left on a street or public property unless otherwise permitted by this By-law.
- 3.9 No person shall:
- a) mix combustible and non-combustible matter in waste receptacles or commercial containers;
 - b) deposit any explosive or highly inflammable materials in any receptacle for collection; or
 - c) deposit in a waste receptacle or commercial container any ashes which have not been properly extinguished.
- 3.10 No owner or occupant of a premise shall allow the accumulation of waste of any kind:
- a) On their premises outside of a building, or inside a portion of the building to which the public or members of the public have access; or
 - b) On any vacant land;
- and regardless of who may have deposited the waste of the property, the owner or occupant of the premises shall be responsible for the proper removal and disposal of said waste.
- 3.11 Where an owner or occupant of a premises fails to have waste removed and disposed of in accordance with the terms of this By-law, the Town may:
- a) proceed to have the waste collected, removed and disposed of in an approved disposal site; and
 - b) charge the owner or occupant of the premises for the costs of so doing. The costs levied pursuant to this section shall be collected in accordance with the terms of payment contained in this By-law.
- 3.12 No person disposing of waste shall dispose of it elsewhere than at an approved disposal site.
- 3.13 No person shall burn any waste in an open fire, outdoor fire pit or any burning apparatus outdoors within the Town of Fox Creek.

- 3.14 No person shall put luminescent gas-filled electric discharge tubes (eg. Fluorescent tubes) in any waste placed for collection by the Town or by a private hauler.
- 3.15 No person shall place an animal carcass or any parts thereof out for collection and disposal by the Town, unless either:
- a) the owner or occupant of a premises makes prior arrangements with and contracts with the Town for the collection and disposal of the animal carcass, at such price and at such terms as determined by the CAO; or
 - b) the animal carcass or parts thereof are securely bagged and tied so as to ensure no liquid or material waste may escape from the bag, and placing the bags out for collection do not otherwise exceed the limits in the By-law regarding size, weight and number of waste units that may be put out for collection.
- 3.16 No person in charge of a deceased animal shall allow the animal carcass to remain on any street or highway within the Town for longer than four hours after its death, or to obstruct the street or highway in any way. The person shall ensure the animal carcass is disposed of or otherwise dealt with in accordance with the terms of this By-law.
- 3.17 No person shall dispose of any other organic waste unless such waste is securely bagged and tied so as to prevent any liquid or material waste from escaping from the bag.
- 3.18 No person shall sweep or place dust, debris or waste into the gutter of or onto a street.
- 3.19 All hazardous waste must be dealt with by the owner or occupant of a premise in accordance with the federal and provincial legislation and regulations regarding the handling of such waste.
- 3.20 No person shall dispose of hazardous waste by putting it out for collection by the Town.
- 3.21 Any person disposing of hazardous waste in the Town's disposal site in contravention of Section 3.19 shall be responsible for the costs incurred by the Town in remedying the contamination caused by such disposal.
- 3.22 No person carrying out the construction or alteration of buildings shall permit or allow the accumulation of earth, rubbish or waste on any street or public property.
- 3.23 No person shall operate a vehicle so as to permit or allow earth, rubbish or waste material to be deposited on a street or highway.
- 3.24 No person shall transport any waste or offal from butcher shops, slaughter houses, abattoirs or other like premises except in properly covered metal receptacles or otherwise in vehicles which are covered with canvass or tarpaulins so constructed and arranged so as to prevent contents from falling on the streets, to protect the contents from flies, and to control the escape of any offensive odor, liquid or material waste.
- 3.25 No person shall transport any waste or recyclables without properly covering or securing the load with ropes, tarpaulins or canvass so as to prevent any waste or recyclables from blowing out of the vehicle or falling off the vehicle.

4.0 PROVISIONS OF WASTE COLLECTION AND RECYCLING SERVICES

- 4.1 The Town may provide the necessary vehicles for the public collection and removal of waste and recyclables within the limits of the Town and on all properties owned by the Town.
- 4.2 The Town may provide, supervise and operate the facilities necessary or desirable for the disposal of waste or recyclables collected or removed by the Town.
- 4.3 The Town may supervise the collection, removal and disposal of waste or recyclables, and;
 - a) direct the days and times that collections shall be made in different areas of the Town; and
 - b) decide as to the quantities and classes of waste or recyclables that will be accepted by the Town for collection and disposal from premises.
- 4.4 Subject to the provisions of this By-law, and subject to any federal or provincial statutes or regulations regarding the collection, transport and disposal of waste, the Town:
 - a) shall cause waste to be collected from each eligible dwelling house each week in accordance with the rates and fees specified in the Fees and Charges By-law; and
 - b) may (but is not obliged to) cause waste to be collected from premises other than a dwelling house in accordance with the rates and fees specified in the Rates and Fees Bylaw;
 - c) may (but is not obliged to) cause recyclables to be collected from premises in accordance with the rates and fees specified in the Fees and Charges By-law, if any. In the event a program of collecting recyclables is implemented by the Town, recyclables shall be put out for collection separately from waste, in waste containers that clearly identify the units as containing recyclables; and
 - d) may (but is not obliged to) cause yard waste to be collected from premises in accordance with the rates and fees specified in the Fees and Charges By-law, if any. In the event a program of collecting yard waste is implemented by the Town, yard waste shall be put out for collection separately from other waste and separately from recyclables, in approved waste containers that clearly identify the units as containing yard waste.
- 4.5 Unless special arrangements are authorized by the CAO, the Town will not collect from any eligible dwelling house:
 - a) subject to section 4.6, units of waste in excess of the prescribed limits for units of waste per premise as set out in Schedule "A";
 - b) discarded furniture, automobile parts, tires, vehicles and other household appliances or equipment;
 - c) tree trunks, tree limbs, and whole shrubs or bushes;
 - d) fences, gates, or other such fixtures;
 - e) any item that is over 1.25 meters in length or has an overall weight in excess of 18 kilograms;
 - f) any garbage bag, waste receptacle or garden bag that exceeds the limits set for the definition of a "unit of waste" under this bylaw;
 - g) building material and building waste;
 - h) dead animals (subject to the provisions of Section 3.16)
 - i) yard waste (subject to 4.4 (d));
 - j) liquid waste, grease etc.; or
 - k) by-products of manufacturing
 - l) cardboard materials

- 4.6 Notwithstanding the provisions of Section 4.5, the Town will collect units of waste in excess of the prescribed limits set out in Schedule "A", provided that the owner or occupant of the premises has purchased from the Town a tag from each unit that is in excess of the prescribed limit, and affixed a tag to each unit in excess of the limit.
- 4.7 The tag described in Section 4.6 will be offered for sale in locations approved by the Chief Administrative Officer, and the price of the tag shall be set out in the Fees and Charges By-law.
- 4.8 Any units of waste left out for collection by an owner or occupant of a premises in excess of the waste limit for the premises as prescribed in Section "A" that do not bear a visible tag as described in Section 4.6 will not be picked up by the Town.
- 4.9 The Town may enter into contracts:
- a) with any person for the collection on behalf of the Town of the whole or a portion of the waste to be collected by the Town pursuant to the provisions of this Bylaw; and
 - b) with any person for the collection of waste that the Town is not otherwise obligated to collect pursuant to the provisions of this Bylaw.
- 4.10 The Town shall not be obliged to collect waste from premises that are exempt from general taxation, unless the Town has entered into a contract for collection of waste from said premises.
- 4.11 Unless otherwise authorized or directed by the Chief Administrative Officer, when putting waste out to be collected, the owner or occupant of a premises shall place the waste as follows;
- a) where the premises abut a lane, the owner or occupant shall place the waste containers just inside the property line of the premises, immediately adjacent to the lane such that the collectors will have convenient access for collection; or
 - b) where the premises do not abut a lane, the owner or occupant shall place the waste containers immediately adjacent to the curb of the street directly in front of the premises.
- 4.12 When the premises are fenced and the waste receptacles will be kept inside the fence for collection, the owner or occupant of the premises shall install a gate or door in the fence giving the collectors access to the waste receptacles without entering inside the fenced area. The owner or occupant shall keep such access clear of snow or any other obstruction in order for the collectors to have easy access to waste receptacles for collection purposes.
- 4.13 Where the premises are such that there is no space outside of the building upon which the waste receptacles may be placed an owner or occupant of the premises may place or permit to be placed the waste receptacles on the portion of the lane abutting their premises off the travelled portion of the street after the hour of 4:00 am of the day when the Town collects waste from the premises and shall remove such receptacles from the street or portion thereof prior to 8:00 pm the evening of the same day.
- 4.14 Where collection is to be made from a lane, the owner or occupant of a premises shall:
- a) where the ground level of the property of the premises is lower than the level of the lane, place the waste receptacles on a stand of sufficient height to enable the receptacle(s) to be lifted easily for collection;

- b) where there is a retaining wall or other obstruction between the waste receptacles and the lane, place the waste receptacle(s) on a stand of sufficient height to enable the collector to easily lift the receptacle(s) to the lane;
- c) maintain the collection area and areas immediately adjacent in a tidy and orderly condition, free of waste.

4.15 An owner or occupant of premises shall:

- a) place or locate the waste receptacle(s) for collection in such a manner that they will not overturn or be likely to be overturned;
- b) provide waste boxes or enclosures for the protection of waste receptacles if required by the Municipal Manager.

4.16 An owner or occupant of premises shall ensure that waste that is to be collected is:

- a) thoroughly drained and placed in either plastic garbage bags or securely tied before disposing of it in a waste receptacle;
- b) in the case of ashes, sawdust or other powdery or fine material, packaged in either securely tied plastic bags or parcels before disposing of it in a waste receptacle;

4.17 The Town will not collect waste from inside any building.

4.18 The Owner of the following described premises shall provide, at their own expense for the use of the occupants or users of the premises, a sufficient number of containers prescribed below so as to hold at least one week's accumulate of waste:

Type of Premises	Type of Container
1. Dwelling	Waste receptacle
2. Condominium	Waste receptacles or commercial containers
3. Commercial Premises	Commercial containers or Waste receptacles

4.19 The Owner of a premises who provides waste receptacles or containers in accordance with the requirements of Section 4.18 shall ensure such receptacle or container is kept in a clean and sanitary condition.

4.20 Waste receptacles with the following characteristics are hereby approved for the disposal of waste from premises served by the Town's collection system under the provisions of this Bylaw.

- a) weatherproof galvanized metal or rigid plastic waste receptacles with a watertight cap cover, with rigid fixed handles and, a smooth rim at the top; and
- b) not greater than 0.7 metres in diameter at the top, tapered to a lesser diameter at the bottom with a maximum height of 0.8 metres; and
- c) not greater than 6.0 kilograms in weight when empty.

4.21 All commercial containers shall limit the weight of the contents to the manufacturers recommended specifications and shall maintain the same in a clean and sanitary condition at all times.

4.22 No person shall use a waste receptacle or commercial container for collection of waste that is not of a type approved by this Bylaw.

4.23 Where plastic bags are used for the storage of waste such bag shall be kept in an enclosed area with a lid or door accessible to the collectors from the street or lane.

- 4.24 An owner or commercial premises shall ensure that sufficient litter containers are located on the premises at all time and are:
- a) maintained in good condition
 - b) suitably weighted and anchored so that they are weatherproof and animal proof;
 - c) of suitable size and number to contain all litter generated from the premises and users thereof;
 - d) placed in locations convenient for the users or occupants of the premises so as to discourage litter or waste; and
 - e) emptied on a regular basis into a waste receptacle or commercial container.
- 4.25 Trade waste from a premise shall be the responsibility of the owner or occupant of the property to have collected and removed at their own expense.
- 4.26 When a dwelling house, condominium or residential property contains a commercial or industrial establishment or any other establishment that requires a business license, the Town shall only be responsible for the collection and disposal of residential waste.
- 4.27 For any premises that generates trade waste that does not have the waste removed in a manner satisfactory to the Chief Administrative Officer, the Town may proceed to remove the waste and the owner or occupant shall be responsible for the costs of such removal. Charges pursuant to this section shall be collected in accordance with the provisions regarding payment contained in this Bylaw.
- 4.28 Collection, removal and disposal of waste from building owned by the Provincial or Federal governments, institutional buildings such as schools or hospitals, religious institutions and apartment houses shall be the responsibility of the owner of the premises.
- 4.29 The owner of a premises producing building waste shall:
- a) provide and maintain on the premises in a clean and sanitary condition a sufficient number of waste receptacles or commercial containers to store the building waste;
 - b) not permit his/her premises or adjacent premises to become untidy and unsightly due to building waste;
 - c) periodically have the waste collected and disposed of in a disposal site;
 - d) not permit waste to blow off the premise, and immediately recapture any waste that does blow away and place the same in a waste receptacle or commercial container;
 - e) if necessary, pursuant to the direction of the Chief Administrative Officer, fence the whole or part of the premises or construct any structure necessary to contain the building waste.

5.0 RECYCLING AND YARD WASTE COLLECTION PROGRAMS

- 5.1 In the event a program of collecting recyclables is implemented by the Town, the owner or occupant of a premise shall ensure that recyclables are put out for collection separately from waste.
- 5.2 In the event a program of collecting yard waste is implemented by the Town, the owner or occupant of a premise shall ensure that yard waste is put out for collection separately from other waste and separately from recyclables, in containers that clearly identify the units as containing yard waste.

- 5.3 Frequency of collection and terms of collection pursuant to any recycling collection program or yard waste collection program shall be as determined by the Chief Administrative Officer.

6.0 LEVYING AND COLLECTION OF FEES AND CHARGES

- 6.1 Any owner or occupant of premises from which waste is collected and disposed of by the Town pursuant to this Bylaw shall be invoiced for and pay monthly charges for the collection, removal and disposal of waste, in accordance with the rates and fees established in the Fees and Charges Bylaw.
- 6.2 All charges levied and invoiced pursuant to this Bylaw shall become due and payable and collected in the same manner as charges levied under the Town's sewer and water utilities. The waste charge shall be shown as a separate item on the utility bill, but shall be collected in the same manner and subject to the same penalties as the utility charges.
- 6.3 Notwithstanding the generality of the Section 6.2, failure to pay the waste fees levied pursuant to this Bylaw may result in the water services to the premises being shut off in accordance with the provisions of the Town's water and sewer utility Bylaws for non-payment of utility charges.
- 6.4 Charges for waste in excess of the weekly limit to be collected from a premises shall be charged in accordance with the rates for excess waste as set out in the Fees and Charges Bylaw.
- 6.5 An owner or occupant of a premises is liable for the payment of rates and fees levied pursuant to this Bylaw until such time that they have given notice to the Town that they are vacating the premises, and they shall not be liable for any fees levied after the date they move out of the premises.
- 6.6 Any service supplied for a portion of a billing period shall be charged for a minimum two week period.
- 6.7 An owner or occupant of an eligible dwelling house shall pay the rates and charges levied pursuant to this Bylaw without an option for the use of the service.
- 6.8 An owner or occupant of commercial premises shall at their own expense cause all waste to be removed from the premises and disposed of at regular intervals not more than one week apart.
- 6.9 An owner or occupant of commercial premises may make their own arrangements for collection of waste, or they may contract with the Town for collection of the waste. The terms and conditions of said contract shall be as determined by the Chief Administrative Officer.

7.0 RECYCLING CENTRES

- 7.1 A person delivering recyclables to a recycling centre established by or operated on behalf of the Town shall:
- a) deposit only acceptable recyclables, as determined by the Chief Administrative officer;
 - b) deposit such recyclables in the place and manner as directed by the Chief Administration Officer.

8.0 ENFORCEMENT

- 8.1 Wherever this Bylaw requires an owner or occupant to do something, and the owner or occupant fails to do so, the Town may at the option of the Chief Administrative Officer proceed to carry out the required activity, and the owner or occupant shall be liable to the Town for all costs incurred in doing so.
- 8.2 Any action taken by the Town under Section 8.1 does not absolve the owner or occupant of any liability for prosecution of an offence under the terms of this Bylaw.
- 8.3 Any person who contravenes any provisions of this Bylaw shall be guilty of an offence, and it liable on summary conviction:
- a) For a first offence, to a fine of not less than \$200.00 dollars; and
 - b) For a second or subsequent offence, a fine of not less than \$400.00 dollars.
- 8.4 Notwithstanding Section 8.3, whenever the Community Peace Officer has reason to believe that a person has contravened any section of this Bylaw such officer may serve upon such person a violation tag indicating that the Town will accept payment as set out in Section 8.3 in lieu of prosecution for such contravention.
- 8.5 The violation tag referred to in section 8.4 shall be in such form as may be prescribed from time to time by provincial legislation or regulations. If no such form is prescribed, the violation tag shall be in such form as the Chief Administrative Officer may determine.

9.0 VIOLATION TAGS AND VIOLATION TICKETS

- 9.1 Any Community Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw, may issue and serve:
- a) a violation tag allowing a payment of the specified penalty to the Town; or
 - b) a violation ticket allowing payment according to the provisions of the Provincial Offences Procedures Act.
- 9.2 Service of a violation tag will be sufficient if it is:
- a) personally served; or
 - b) served by regular mail to the person's last known mailing address.
- 9.3 If a violation ticket is issued in respect to an offence, the violation ticket may:
- a) Specify the fine amount established by this Bylaw for the offence; or
 - b) Require a person to appear in Court without the alternative of making a voluntary payment.
- 9.4 A person who commits an offence may:
- a) If a violation ticket is issued in respect of the offence; and
 - b) If the violation ticket specifies the fine amount established by this Bylaw for the offence; and
 - c) Make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Courthouse specified on the violation ticket.

10.0 GENERAL PENALTY PROVISION

10.1 Any person who violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of TEN THOUSAND DOLLARS (\$10,000.00) or in default of payment of the fine to imprisonment for a period not exceeding one (1) year, or to both fine and imprisonment in such amounts.

11.0 MINIMUM AND SPECIFIED PENALTIES

11.1 The specified penalty for a violation of any provision of this Bylaw is a fine in the amount of FIVE HUNDRED DOLLARS (\$500.00), and the minimum fine allowable for any such violation is THREE HUNDRED DOLLARS (\$300.00)

11.2 Notwithstanding section 10.1 of this Bylaw, if a person violates the same provisions of this Bylaw twice (or more) within a one-year period, the minimum penalty allowable for the second (and subsequent) such violation(s) shall be a fine in the amount of FIVE HUNDRED DOLLARS (\$500.00).

12.0 SEVERABILITY

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

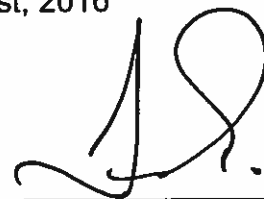
12.2 Whenever the singular and masculine gender is used in this Bylaw, the same shall include the plural, feminine and neuter gender whenever the context so requires.

This Bylaw shall come into full force and effect upon third reading, and Bylaw 708-2011 and any amendments thereto are hereby repealed upon this Bylaw coming into effect.

READ A FIRST TIME THIS 22 day of August 2016

READ A SECOND TIME THIS 22 day of August, 2016

READ A THIRD TIME AND PASSED THIS 21 day of August, 2016



Mayor
Jim Ahn



Chief Administrative Officer
Roy Dell

SCHEDULE A – BASE RATE

Base Rate (as defined in Section 2.3)

2 units receptacle of waste or waste material per week