

**BY-LAW NO 639-99  
OF THE  
TOWN OF BASHAW  
IN THE PROVINCE OF ALBERTA**

**BEING A BY-LAW OF THE TOWN OF BASHAW FOR THE  
PURPOSE OF REGULATING AND CONTROLLING THE  
HANDLING, COLLECTION, AND DISPOSAL OF GARBAGE,  
ASHES AND OTHER WASTE FOR THE RESIDENTIAL,  
COMMERCIAL AND INDUSTRIAL PREMISES WITHIN THE  
TOWN OF BASHAW:**

- WHEREAS** The Municipal Council of the Town of Bashaw deems it desirable to pass a Bylaw to establish and maintain a system for the collection, removal and disposal of garbage, ashes and refuse, and to operate this system as a utility:
- AND WHEREAS** The Council of the Town of Bashaw deems it expedient and in the public interest to pass this Bylaw.
- NOW THEREFORE** The Municipal Council of the Town of Bashaw, in the Province of Alberta, duly assembled enacts as follows:
1. This By-law may be cited as “The Waste By-Law”.
- INTERPRETATION AND APPLICATION**
2. For the purpose of this By-law, the term
    - (a) “Acceptable Waste” means one or more of the wastes listed under Commercial, Industrial and Residential.
      - (i) Commercial Waste – wastes collected from the Municipality from, apartments restaurants, offices, residential, campgrounds, shopping plazas, service stations, stores and the like by the Town, their contractors or private haulers, normally consisting of kitchen and table waste of animal or vegetable origin, rubbish, discarded materials, clothing, waste paper, broken crockery, glass-ware, bottles, cans, packing materials other than cardboard and other articles ordinarily associated with the above specified business or the like.
      - (ii) Industrial Waste – wastes collected from the Municipality consisting of construction and demolition debris, earth fill, broken concrete, construction timber, wood products over 1meter or 3 feet in length, asphalt and other inert materials and includes building waste.
      - (iii) Residential Waste – waste collected from dwelling houses in the Municipality normally consisting of kitchen and table wastes of animal or vegetable origin, rubbish, discarded materials, clothing, waste paper, broken crockery, glass ware, bottles, cans, grease, garden refuse, ashes and other articles ordinarily associated with the use of a dwelling house.
    - (b) “animal waste” means feces of any animal
    - (c) “apartment house” means a residential building which is occupied or intended to be occupied by more than two families living independently of each other and includes, but is not limited to:
      - (i) structures known as townhouses or row houses
      - (ii) senior citizens self contained units in a complex of more than two units
      - (iii) licensed boarding houses, lodging houses and rooming houses, terraces of dwelling and any other type of residential premises where more than two families reside or dwell
    - (d) “ashes” means cold residue and cinders from any substance used for fuel but does not include such residue as may accumulate as a result of building operations.
    - (e) “at large” means with respect to an animal, any animal not confined, not restrained or not on a leash held by a person able to control the animal whether such an animal is on the property of its owner or not.
    - (f) “base rate” means that rate established in Schedule “A” annexed to and forming part of this By-law.

- (g) “billing period” shall be the same as the billing period for which the consumer is charged for water and sewer services.
- (h) “biological waste” means waste that is created in a hospital, necropsy facility or biological research laboratory and contains or may contain pathogenic agents that may cause disease in persons exposed to the waste.
- (i) “building waste” means all waste produced in the process of constructing, altering, repairing or demolishing a building and shall include, but not be limited to earth, vegetation and rocks displaced during the process of building.
- (j) “By-Law Enforcement Officer” means a person appointed by resolution of Council to enforce this By-law.
- (k) “campground” means any property that permits overnight camping accommodations.
- (l) “collector” means a person who has entered into a contract with the Town for the collection of waste within the Town, for and on behalf of the Town, an employee or agent of that person, or an employee of the Town who is employed for the purpose of collecting waste.
- (m) “collection points” means the point where the occupant places the waste receptacle in accordance with the by-law in order for the garbage to be collected on collection day.
- (n) “collection day” means the day or days during each week on which garbage is regularly collected from specific premises.
- (o) “commercial premises” shall mean all lands within the Town other than lands used for residential purposes.
- (p) “Council” means the Municipal Council of the Town.
- (q) “disposal site” means a waste transfer station approved by Alberta Environment for the disposal of waste.
- (r) “dwelling house” means any building or place occupied or used as an abode or residence or place of living by not more than two families and shall include side by side condominium units having individual collection points and individual billing rates and does not mean any apartment house, hotel, licensed rooming house, mobile home park, campground, licensed boarding house, tourist cabins, or any room or suite of rooms in any building containing trade premises.
- (s) “established route” means a garbage collection route established by the Public Works Foreman covering an area within which garbage will be collected by the Town as frequently as is considered necessary by the council. Established routes may change from time to time for the efficient operation of the Department.
- (t) “Executive Officer of the Local Board of Health” is a member designated by the Local Board of Health for the purpose of carrying out the Public Health Act and regulations and may include a Medical Health Officer.
- (u) “garbage” means refuse composed of animal or vegetable matter. It is refuse produced as a by-product of the preparation, consumption or storage of food.
- (v) “hazardous waste” means a solid or liquid material that presents an unusual disposal problem or requires special handling including but not limited to explosives, poisons, caustics, acids, drugs, radio-active materials and other like materials, or any substance identified under the Provincial Hazardous Chemicals Act and Hazardous Waste Regulation that could be harmful to people, plants, animals or the environment.
- (w) “industrial properties” means places that carry on one or more of the following activities: the manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing, distribution or transshipment of materials, goods, products and/or equipment.
- (x) “mobile home park” means a property upon which there are located three (3) or more mobile units (as defined in the Mobile Home Sites Tenancies Act) used for living accommodations.
- (y) “non acceptable waste” means abandoned motor vehicles, metal drums or barrels, untreated sewage, oil, sludge, pesticides, herbicides, snow, explosive waste, (e.g.: powder, dynamite, motion picture films, paint, batteries, or quicklime), pathologic

waste, animal waste, and other waste materials which may be deemed by the Public Works Foreman or his appointed designate to be unacceptable.

- (z) “occupant” means a person or group of persons in actual or constructive possession of any premises either as registered owner or any other person in actual or constructive possession by agreement with the registered owner and holding the property under that person.
- (aa) “Peace Officer” means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer or Special Constable appointed pursuant to the provisions of the Police Act, 1988.
- (bb) “person” shall include a person, corporation, or partnership.
- (cc) “premises” means any parcel or parcels of land situated within the Municipal boundaries of the Town of Bashaw for which there is an occupant as defined in this By-law.
- (dd) “refuse” means any discarded or abandoned organic or inorganic material and without restricting the generality of the foregoing, includes garbage, ashes, tree and hedge cuttings and clippings, broken household dishes and utensils, empty or partly empty tins, boxes, cartons, bottles and containers, discarded paper and fabric and other materials.
- (ee) “refuse receptacle” means a container designed or used for containing refuse awaiting collection and disposal.
  - (i) a galvanized circular metal container equipped with a close fitting metallic cover and handle, or
  - (ii) durable plastic containers with a close fitting lid and handles or
  - (iii) non-returnable plastic or weather proof paper bags of adequate strength tied or otherwise adequately closed up so that the contents thereof cannot escape.
- (ff) “sanitary landfill site” means an area maintained by the Town and or a contractor where all forms of garbage, refuse, will be disposed of.
- (gg) “sharps container” means Local Board of Health approved devices which are puncture resistant and tamper/spill proof.
- (hh) “street” means a public thoroughfare within the town and includes, where the context so allows, the sidewalk and borders of the street and all parts appearing in the Land Titles Office as set aside for a public thoroughfare: when used in distinction to a lane it means the public thoroughfare on which the premises in question fronts.
- (ii) “Town” means the Town of Bashaw.
- (jj) “Town Manager” means that person appointed pursuant to By-Law No. 588-92 or a designate.
- (kk) “trade refuse” means and includes every kind of refuse material from a commercial or industrial establishment including warehouse, factories, stores, cafes, eating houses, and wholesale or retail business places and office blocks where the establishment occupies all or part of a building having mixed uses and also includes material from the work of constructing; repairing, decorating, clearing or grading a building or premises.

**PROVISIONS FOR DISPOSAL OF WASTE**

3. Subject to the provision of this By-law, the decision of the Town as to:
- (a) the amount of waste which has been removed from any premise and:
  - (b) the amount and types of waste which the Town is obliged to remove from any premise or class of premise shall be final.

**TOWN COLLECTION REMOVAL OF REFUSE**

- 4.
- (1) Subject to the provision of the By-law the Town shall cause refuse to be collected:
    - (a) In accordance with Rate Schedule “A”
  - (2) The Town shall not remove from premises any waste not deemed to be normal residential waste with the exception of hedge and shrub trimmings tied in 1 meter (3 foot) bundles, and without limiting the foregoing clauses:

- (a) any discarded chattel, material or equipment which can not fit in a garbage can that has an overall length of more than 1 meter (3 feet) or an overall weight of more than 23 kilograms (50 pounds)
  - (b) building materials and building waste
  - (c) dead animals
  - (d) sod
  - (e) liquid waste
  - (f) by products of manufacturing
  - (g) animal waste
  - (h) cardboard
  - (i) grass clippings
- (3) The contents of a receptacle which does not comply with this By-law shall not be collected, removed and disposed of by the Town or its garbage contractor, but shall be removed and disposed of by the owner or occupant of the lands on which the same originates.
- (4) The Town shall ensure that the equipment used for waste collection and the manner in which waste is collected and disposed of by the Town of Bashaw shall comply with the regulations of the Local Board of Health.

### **COLLECTION**

5. No collection will be made where there is harassment or interference by dogs or other animals running at large.
6. No persons, other than those appointed under the provision of this By-law shall interfere with or disturb the contents of a receptacle or with any ashes, garbage or refuse placed for collection in or near a refuse receptacle.
7. No person shall willfully or maliciously hinder or interrupt or cause or procure to hinder or interrupt, the Town or its contractors, servants, agents employees, in the exercise of powers and duties related to the collection utility and authorization contained in this By-law.

### **REQUIREMENT FOR PROVISION OF STORAGE SPACE FOR REFUSE**

- 8.
- (1) Unless and until adequate provision is made on any premises for the safe storage of ashes, garbage, or refuse to be collected therefrom in a place where convenient access is and will be at all times available to collectors for the Town, no person shall:
- (a) construct or commence to construct a new building, or
  - (b) reconstruct, alter, add to or extend an existing building on any site in the Town from which ashes, garbage or refuse is required to be removed.
- (2) The space required to be provided under Section 9(1) shall be determined by the amount of refuse which the present and proposed use of the premises is likely to produce between the periods of collection of refuse by the Town. If any dispute arises between the owner or occupier of the premises concerned and the Town, the decision of the Town shall be final and conclusive as to the minimum space which shall be required for such purpose.
- (3) If the space constructed or provided as required by Section 9(1) on premises on which a new building is constructed, or an existing building is reconstructed, altered, added to or extended, is not sufficient for the storage of refuse to be removed from the premises, the Town may in writing require the owner or occupier of the premises to furnish or provide such additional space for the storage of refuse required to be removed therefrom. If the required space is not provided, the Town may only pick up the refuse which is placed in the space already provided for the storage thereof.
- (4) When the owner or occupier of premises from which refuse is collected, refuses or neglects to supply the additional space required by the provisions of Section 9(3) he shall not place the refuse:
- (a) on any portion of a Town street, or
  - (b) on any other portion of the premises where it is not readily accessible at all times to a collector.
- (5) If a person owning, occupying or using premises to which this Section applies places any refuse on any portion of a Town street
- (a) the Town is not obliged to collect the same, and

- (b) the person so placing the refuse on a portion of the street shall be guilty of a contravention of the provisions of the By-law and be liable upon conviction to penalties as provided.

**PLACING OF WASTE RECEPTACLES** 9. The Occupant shall:

- (1) keep and maintain all waste receptacles on his premises
- (2) place and keep all waste receptacles
  - (a) where a lane exists as near the lane as possible so that the collector shall have unobstructed and convenient access thereto unless special arrangements are made with the Town.
  - (b) where no lane exists, shall place the receptacles at the rear of the premises and, on collection day, shall place the waste receptacles as close as possible to the traveled portion of an adjacent street but not on a sidewalk or in such a location as to interfere in any way with vehicle or pedestrian traffic.
  - (c) When a building is constructed or added to so that the exterior wall thereof abuts the lane or the lane setback as required by the Land Use By-law of the Town and no alternate location is provided on the site accessible to the lane, a space within the building, accessible to the lane, shall be provided of sufficient dimensions to reasonably contain all garbage between periods of collection to the satisfaction of the Town Manager.
  - (d) Place or locate the waste receptacle for location in such a manner that they will not overturn or be likely to overturn.

10. The owner or occupant of premises from which refuse is to be collected:

- (a) shall place the refuse receptacle on a stand so that it may be easily lifted when the ground level of the premises is below the lane from which the collection is made;
- (b) shall, if there is a retaining wall or other obstruction between the lane from where the refuse is to be collected and the location of the refuse receptacle, place the waste receptacle on a stand of sufficient height to enable the collector to obtain it,
- (c) shall not cause or permit the lane in the rear of the premises to the center lane thereof and including the refuse storage location on the property to be maintained in an untidy or disorderly condition;
- (d) place all garbage at the point of collection prior to regular pickup time on the day of collection for the area.

**PREPARATION OF WASTE FOR COLLECTION**

11.

- (1) An owner or occupant of premises from which refuse is to be located shall
  - (a) thoroughly drain all garbage and place it in either plastic garbage bags or securely tie the parcel before disposing it in the refuse receptacle;
  - (b) when at infrequent intervals accumulated refuse cannot be accommodated within the refuse receptacles provided, the extra refuse accumulated shall be placed in non-returnable plastic bags or large double ply waterproof paper refuse sacks of sufficient strength to hold the refuse contained therein securely tied at the top and placed beside the refuse receptacles for collection, and clippings from shrubs and trees commonly called brush, shall be completely and securely tied in bundles not exceeding 1 metre (3 feet) in length before being put out for collection.
  - (c) quench all ashes for collection and put them in separate receptacles from the other garbage and refuse.
- (2) No person shall:
  - (a) mix combustible and non-combustible matter in the refuse receptacles or containers, or
  - (b) place any explosive or highly inflammable materials in any receptacle for collection
  - (c) place for collection ashes which are not properly quenched.

12. The occupant of premises from which refuse is to be collected:

- (a) shall provide clear access to receptacles;
- (b) Shall provide refuse boxes or enclosures for the protection of refuse receptacles if required by the Town Manager.

**DUTIES OF COLLECTOR**

- 13.
- (1) Collectors shall be as careful as is reasonably possible not to damage or misuse any refuse receptacle.
  - (2) Collectors shall replace emptied receptacles and the lids in approximately the same location where picked up.
  - (3) No collector shall leave refuse on the ground which he has spilled from the receptacle or the collection vehicle.
  - (4) No person employed in the collection of waste materials shall pick, sort over, or remove any ashes, garbage, refuse or discarded material from the collection vehicle or the owner's premises. No person may pick, sort over, or remove any waste material from the disposal site, except as directed by the Town Manager.
  - (5) The Collector at his discretion, shall have the right to refuse to remove any garbage where the container does not meet the provisions as required by this By-law or, if the container is in a dilapidated, unsafe or unsanitary condition.
  - (6) No collection shall be made from the inside of any residence.
  - (7) The collectors appointed by the Public Works Foreman have the right to enter at any convenient and reasonable time on the premises for the purpose of performing the duties assigned to them under this By-law.

**REFUSE RECEPTACLES**

- 14.
- (1) The occupant of any residential premises in the Town of Bashaw from which refuse is to be collected shall provide and maintain in good condition a number of refuse receptacles conforming to the specifications prescribed in this By-law sufficient to hold a minimum of one week's accumulation of refuse from the premises.
  - (2) Except as otherwise provided no person shall place refuse for collection in any thing other than in refuse receptacles which comply with the requirements of this By-law.
  - (3) Refuse receptacles required to be supplied by the occupant shall either:
    - (a) be made of galvanized metal or rigid plastic with a watertight cap cover with rigid fixed handles and a smooth rim at the top, or,
    - (b) consist of plastic refuse bags placed in a refuse box or container to adequately protect the bags from scavenging by animals.
  - (4) For domestic premises each refuse receptacle shall have a volume of not less than 70 liters and not more than 100 liters (17 gal.) nor weigh more than 23 kilograms (50 lbs).
  - (5) The collector, at his discretion, shall have the right to refuse to remove any refuse where the container does not meet the necessary requirements or is in a dilapidated, unsafe or unsanitary condition.

**WEIGHT OF REFUSE**

15. A receptacle shall not be filled to a greater height than within 50mm (2 inches) of the top thereof or with garbage of such weight that the combined weight of the receptacle and its contents exceed 23 kg (50 lbs).

**TRADE REFUSE**

- 16.
- (1) Trade refuse from commercial and industrial properties, as well as building sites, shall be the responsibility of the owner, renter or contractor to have removed at their own expense.
  - (2) When a dwelling house or residential property contains a commercial or industrial establishment that generates trade refuse, such trade refuse shall be removed at the expense of the owners.
  - (3) Any commercial or industrial property which does not have its waste removed in a manner satisfactory to the Town Manager, shall be charged for costs incurred by the Town to have the waste removed. If the bill is not paid, the charges shall be collected by whatever lawful means available.

**ACCUMULATION OF 17.**

- (1) Except for refuse which is placed in receptacles required and in a manner complying with the provisions of the By-law and in a location designated or allowed by this By-law, no person who is the owner, occupant, or person in charge or responsible for any land or building in the Town shall allow waste of any kind to accumulate:
  - (a) outside of a building or inside of a portion of the building to which the public or part of the public has access, or
  - (b) on any land or other premises whether or not there is a building or other structure erected thereon.
- (2) Notwithstanding anything in Subsection (1) of this section or elsewhere in this By-law contained, no person shall dispose of waste or allow waste to accumulate anywhere in any manner which contravenes a provision of The Public Health Act, the regulations made thereunder or of a By-law of the Town relating to health, sanitation or nuisances.
- (3) No person who has waste of any description requiring disposal shall dispose of it elsewhere other than at a disposal site of a type appropriate for the type of waste.
- (4) A person who has disposed of waste on any land contrary to the provisions of Subsection (1) shall remove, at his expense, the same upon being required to do so by the owner, occupant or person in charge of the land, by the Town, the Executive Officer of the Local Board of Health, the Fire Chief, but such removal shall not prevent him from being prosecuted for a contravention of Subsection(1).
- (5) If the person who has placed waste on land contrary to the provisions of Subsection(1) cannot be ascertained or neglects or refuses to remove the waste therefrom the owner, occupant or person in charge of the land shall remove the waste or cause the waste to be removed, at his expense, from the land upon being directed to do so by the Town Manager or his designate, the Executive Officer of the Local Board of Health, or the Fire Chief.

**RATES AND FEES 18.**

- (1) Every person, firm or corporation being an occupant, registered owner, or purchaser entitled to possession under an agreement for sale of property which is served by collection services of the Town shall pay bimonthly utility charges for the collection, removal and disposal of refuse in accordance with the rates established in Schedule "A".
- (2) Where it is necessary to make a collection more often than specified in Schedule "A", an additional charge may be levied by the Town.
- (3) All accounts rendered under this By-law, shall become due and payable in the same manner as the Water and Sewer Services bill with the garbage fee being added to the said Water and Sewer bill.
- (4) If any garbage utility bill remains unpaid after the due date specified on the utility bill, there shall be added thereto a penalty in the amount of 10% on the current charges of the bill and that this penalty shall form part of the arrears and shall be subject to collection in the same manner as all other rates and charges.
- (5) Where a collection charge is levied, the charge shall be shown as a separate item on the utility bill and the fee shall form part of, and be payable to the Town at the same time as, the utility bill.
- (6) In default by the property owner of payment of the said fees, the amount of such sums in default shall be a fee against the property in respect of which the service was provided and such fee shall be subject to the same penalties and collectible by the same manner as other taxes levied by the Town.
- (7) In default of payment by an occupant receiving garbage service, the amount of the sums in default may be collected by the Town by whatever lawful means are available.
- (8) Council may by resolution fix the rates, charges, tolls, fares and rents and the times and places where they will be payable and providing for a discount that the Council considers expedient for prepayment of punctual payment or an additional percentage charge as a penalty of the rates, tolls, fares or rents in arrears that the Council considers advisable for failure to pay them until after the date fixed for payment.

**PAYMENT OF RATES**

19. Where the utility bill remains unpaid for a period of 45 days after the date of mailing of the account, the garbage service will be discontinued.

**NON-RECEIPT OF UTILITY BILL**

20. Non-receipt of a utility bill will not exempt the owner or occupant from payment for the service received

**NO OPTION FOR USE OF SERVICE**

21. The rates or charges levied under this By-law will be applied to all properties within the Town, with no option for use of the service.
22. Any owner or occupant paying rates or fees for collection shall be and remain liable for and pay all rates or fees until they have given notice in writing to the Town of Bashaw their intended date of vacating the property provided that such absence will be in excess of thirty days. They shall not be liable for rate or charges levied thereafter provided they have vacated the property.

**CONTINUING GARBAGE SERVICE**

23. Where the garbage collection service has been discontinued because of default of payment, the garbage collection service shall not be reinstated until payment of all utility amounts outstanding have been recovered by the Town.

**WASTE INCINERATION**

24. No person shall burn waste material, within the Town.

**HYPODERMIC NEEDLES**

- 25.
- (1) No person shall put disposable or other types of hypodermic needles in any waste placed for collection by the Town or a private disposal service, unless properly contained in an approved sharps container.

**LUMINESCENT TUBES**

26. (1) No person shall put luminescent gas filled electric discharge tubes in any waste placed for collection by the Town or by a private disposal service unless such tube has first;
- (a) been completely crushed and encased in material so that no portion of the tube may puncture the material in which the remains of the tube have been encased, or;
- (b) been encased without breaking in an adequate container of sufficient size and strength so that the tube cannot be broken when the same is picked up by the Town or private disposal service.

**HAZARDOUS WASTE** 27. A collector shall not collect hazardous waste.

28. (1) No person shall place or mix with any refuse placed for collection by the Town or delivery to the disposal site any dangerous goods, hazardous waste or biological waste.

Any person, firm, partnership, corporation or like enterprise breaching any part of the hazardous waste section shall be responsible for all costs incurred in eliminating any pollution or contamination of the disposal site or any other site in the Town on demand, such restitution will not exempt the person or organization from prosecution for contravention of this bylaw.

The owner or person responsible for the existence or accumulation of hazardous waste or an agent of the owner or responsible person shall cause the hazardous waste to be transported to a disposal site and disposed of as prescribed by the Executive Officer of the Local Board of Health and in a special disposal area designated by the Province of Alberta.

When hazardous waste is to be disposed of under this Section consisting of poison, drugs, radio-active materials, or like substances, they shall be disposed of only under the supervision of the Executive Officer of the Local Board of Health or a duly authorized agent of the Province of Alberta.

**RESPONSIBILITY AND  
ARRANGEMENT FOR  
REMOVAL OF OTHER  
WASTE**

29.

- (1) A person carrying out the construction or alteration of buildings or other building operations shall remove from any portion of the street adjacent to such work and from any public place all earth, rubbish or waste materials deposited.

30. For the purpose of performing the duties assigned by this By-law every collector and inspector appointed by the Town may enter land from which the Town is required to remove refuse during the hours that collection service is provided to the said land.

**CONVEYANCE OF  
WASTE THROUGH TOWN**

31.

- (1) No person shall convey through the streets any garbage or offal from butcher shops or slaughter houses, or any waste or organic matter whatsoever 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 the contents or any of them from falling on the streets, to protect the contents from flies and to control as much as practicable the escape of any offensive odors therefrom.
- (2) No person, using a vehicle of any description, shall transport refuse or waste on a street or laneway within the Town if the refuse or waste is likely to fall off or blow off the vehicle, unless the refuse or waste, while being transported, is adequately secured to prevent it from falling off and adequately covered to prevent it from blowing off the vehicle.
- (3) A person who transports waste throughout the Town by a vehicle of any description in a manner so that any portion of the waste detaches itself from the vehicle and falls on property other than the property from which it is taken is guilty of an offense against this By-law.
- (4) For the purpose of this Section "vehicle" means a device in, upon or by which refuse or waste may be transported on a street, lane or highway.

**RECOVERY OF  
EXPENSE AND  
PROSECUTION OF  
OFFENDERS**

32.

- (1) If the owner or occupant of a property refuses to comply with any provision of this bylaw, the Town may undertake the same at the expense of the owner or occupant of the property.
- (2) When the Town is required to take action under Section 34(1) and the owner or occupant defaults on the required payment, then the Town may recover the charges for which the owner or occupant is liable by any lawful means available with the cost of such action to be charged against the owner or occupant.
- (3) Where the owner of a property is the recipient of the garbage collection service and where a utility account and other charges under this By-law remain unpaid the Town Council may choose to transfer the outstanding account to the tax roll account of the property.

33. Wherever in this By-law it is directed that an owner or occupant of any building or premises shall do any matter or thing, then in default of its being done either the owner or occupant or both, or if there are several owners or occupants, any or all of such owners or occupants shall be liable to prosecution; and it shall be no defense for any owner or occupant so prosecuted to allege that any other person is responsible for such default.

**HEALTH AND FIRE  
BYLAW NOT  
SUPERSEDED**

34.

- (1) Nothing in this By-law shall be deemed to nullify, amend, supersede or repeal any provision of the Bylaws relating to fires or to public health in the event of any conflict between such By-laws.

- (2) Where the provision of this By-law is more stringent than the provisions of the fire and health By-laws, the more stringent provisions shall be followed.

## **PENALTIES**

35.

- (1) Any person who contravenes any provision of this bylaw is guilty of an offense and is liable upon summary conviction to a fine not exceeding \$20.00 exclusive of costs.
- (2) Notwithstanding the provisions of Subsection (1) hereof, any person convicted for a second or subsequent contravention of the same provision of the bylaw shall be liable to a fine of not less than \$50.00 exclusive of costs.
- (3) A warning notice in the form set out in Schedule "B" hereto affixed which is declared to be part of this by-law may be served by the Town Manager on any person committing a breach of this by-law.
- (4) Notwithstanding the provisions of Subsection (1), whenever a Peace Officer has reason to believe a person has contravened a provision of this By-law, he may serve upon such person a ticket indicating the Town will accept a specified penalty.
- (5) The service of the ticket referred to in Subsection (3) hereof may be either effected personally or by mailing by registered mail the ticket to such person at his last known address.
- (6) The ticket referred to in Subsection (3) hereof shall be in such form as the Town shall from time to time determine.
- (7) Notwithstanding the provisions of Subsection (3) hereof, a person to whom a ticket has been issued pursuant to this Section may exercise his right to defend any charge of committing a contravention of any of the provision of this By-law.
- (8) A Peace Officer is not required to issue a ticket for the contravention of any of the provisions of this By-law, and may in his sole discretion, issue summons to prosecute such contravention instead of issuing such a ticket.
- (9) Nothing in this section shall:
- (a) prevent any person from exercising his right to defend any charge laid for committing a breach of any of the provisions of this By-law, or
  - (b) prevent any person from laying any information or complaint against any other person, whether such person has made payment under the provisions of the By-law or not, for breach of any of the provisions herein contained.

## **DELEGATION OF POWER**

36. The Council hereby delegates to the Town Manager or designate the power to:
- (a) Establish regulations for the general maintenance or management or conduct, or any of them, of the collection system and of the officers and other employees employed in connection with the collection system;
  - (b) Collect the rates or fees established under this By-law.
  - (c) Enforce payment of those rates or fees by all or any of the following method, namely,
    - (i) by discontinuing garbage collection service
    - (ii) by action in any court of competent jurisdiction, or
    - (iii) by distress and sale of goods and chattels of the person owing the rates or charges wherever they may be found in the municipality, or
    - (iv) any other lawful means of collection available.
  - (d) Enforce the terms and conditions under which the collection utility is supplied either;
    - (i) by enforcing this Bylaw, or
    - (ii) by enforcing any agreement made between the Town as supplier and the consumer,

including shutting off the public utility being supplied to the consumer, or disconnection of the service thereof until the consumer complies with the terms and conditions in this By-law.

37. If any term, clause, or condition of this By-law of application thereof, to anything or circumstance shall to any extent be invalid or unenforceable, the remainder of this By-law or application of such term, clause or condition to any thing or circumstance other than those to which it is held is invalid or unenforceable, shall not be affected thereby and each other term, clause, or condition of this By-law shall be enforced to the fullest extent permitted.

**TOWN FOREMAN**

38. Subject to the control by the Council, the Town Foreman or his designate shall:

- (a) supervise the collection, removal and disposal of waste.
- (b) direct the days and times that collection shall be made from different areas of the Town.
- (c) Decide as to the quantities and classes of waste to be removed from any premises or accepted by the Town for disposal.
- (d) Supervise and operate the facilities and equipment necessary or desirable for disposal of waste collected or disposed of by the Town.

**APPEALS**

39. Notwithstanding any other provision of this By-law or the rate schedules forming part thereof, any consumer who feels himself aggrieved in respect of rates charged to him under this By-law on the grounds that such rates are unfair, unreasonable or discriminatory may, by notice in writing delivered to the Town Manager specifying the grounds of his complaint, appeal to Council.

40. By-Law No. 605-95 is hereby repealed.

**DATE OF FORCE**

41. This By-law shall come into force and effect upon third and final reading.

<b>THIS BY-LAW GIVEN FIRST )</b> <b>(READING THIS 24<sup>TH</sup> DAY )</b> <b>(OF JUNE ,A. D. 1999 )</b>	<hr style="width: 100%;"/> <b>MANAGER</b>  <hr style="width: 100%;"/> <b>MAYOR</b>
<b>(THIS BY-LAW GIVEN )</b> <b>(SECOND AND THIRD )</b> <b>(READING AND FINALLY )</b> <b>(PASSED THIS 30<sup>TH</sup> DAY OF )</b> <b>(JUNE, A.D. 1999 )</b>	<hr style="width: 100%;"/> <b>MANAGER</b>  <hr style="width: 100%;"/> <b>MAYOR</b>