

BYLAW NO. 5 - 1993

OF THE CITY OF SWIFT CURRENT IN THE PROVINCE OF SASKATCHEWAN

A Bylaw to regulate the collection and disposal of solid waste within the municipal boundaries of the City of Swift Current, in the Province of Saskatchewan, and to set the rates thereof and may be cited as "The Solid Waste Bylaw".

WHEREAS, under the authority of Section 141 of the Urban Municipality Act, 1984, being Chapter U-11 of the Statutes of Saskatchewan, including amendments thereto, the City may regulate waste disposal and operate a waste disposal system, the Council of the City of Swift Current deems it advisable to regulate waste collection and disposal;

AS WHEREAS, Council has deemed it expedient and necessary to establish a Bylaw to provide for the regulation of waste disposal and the operation of a waste disposal system, including the Swift Current Sanitary Landfill.

NOW THEREFORE, the Council of the City of Swift Current, duly assembled, hereby enacts as follows:

1.0 DESCRIPTION

The system for collection, removal and disposal of solid waste accumulated within the corporate limits of the City of Swift Current shall be operated in the manner herein set forth.

2.0 DEFINITIONS

For the purpose of this Bylaw the following terms phrases, words and their derivatives shall have the meanings given herein. When not inconsistent with the context, words, used in the present tense include the future, words used in the plural number include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely discretionary.

2.1 APARTMENT shall mean an area or suite in an apartment building that is intended to be occupied by one family

2.2 APARTMENT HOUSES means a building which is either occupied or intended to be occupied by three or more families living independently of one another upon the same premises and includes, but is not limited to:

2.2.1 condominiums that do not fit the definition of a Townhouse as described in Section 2.24

2.2.2 senior citizens self-contained units in a complex of more than three units

2.3 AUTOMOTIVE REFUSE shall mean all machinery, cars or car bodies, trucks or truck bodies and all other articles made primarily of metallic material, whether self-propelled or otherwise, or any parts thereof

- 2.4 ASHES** means the residue and cinders from any substance used for fuel, but does not include such residue as may accumulate as a result of building operations.
- 2.5 CHURCHES** means places of worship.
- 2.6 CITY** means the municipal corporation of the City of Swift Current.
- 2.7 COLLECTION AREA** means the location within the corporate limits of the City of Swift Current from which garbage or waste collection shall be made and where the following conditions exist:
- 2.7.1** there are a minimum of two dwellings per acre, and
- 2.7.2** such dwellings are adjacent to area where collection of waste is already established.
- 2.8 COMMERCIAL PROPERTIES** means businesses engaged in the direct retailing of goods and provision of services to the final consumer.
- 2.9 CONTRACTOR** means any person who has been awarded and has signed the solid waste collection contract with the City of Swift Current.
- 2.10 COUNCIL** means the municipal Council of the City of Swift Current.
- 2.11 DWELLING** means any building or place occupied or used as an abode or residence or place of living by not more than two families (including mobile homes) but does not mean apartment house as per Section 2.2. Each individual abode or residence shall be considered a separate dwelling unit..
- 2.12 GARBAGE** means putrescent material including condemned meats, fish, fruits and vegetables resulting from the handling, preparation, cooking and consumption of food.
- 2.13 HAZARDOUS WASTE** shall be as defined as these wastes in:
- The Hazardous Substances and Waste Dangerous Goods Regulations
 - The Atomic Energy Control Act
 - The Explosives Act
 - The Oil and Gas Conservation Act
 - The Pipeline Act
- 2.14 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 equipment.
- 2.15 INSTITUTIONAL PROPERTIES** means places where the occupants sojourn for limited periods, including, but not limited to, senior citizens residences and hospitals.

- 2.16 PEACE OFFICER** means a Member of the Royal Canadian Mounted Police, a Member of a Municipal Police Force, a Special Constable, a Fish and Wildlife Officer or a Bylaw Enforcement Officer.
- 2.17 PERMIT** means a document which the City grants a person the authority to dispose specific material named on the permit at the Swift Current Sanitary Landfill and certifies that fees as per the schedule of this Bylaw have been paid.
- 2.18 PERSON** means any person, firm, partnership, association, corporation, company or organization of any kind.
- 2.19 REFUSE** means all putrescible and non-putrescible solid wastes including broken dishes, tins, glass, rags, cast-off clothing, waste paper, excelsior, cardboard, food containers, grass cuttings, shrubbery and tree prunings, weeds and garden waste, but does not include manure, night soil, tree stump roots, turf, earth or such waste as may accumulate as a result of building operations.

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- 2.20 SCHOOL** means an institution used for the education of students.
- 2.21 SOLID WASTE** means any useless, unused, unwanted or discarded material resulting from ordinary community activities and shall include garbage, refuse and ashes.
- 2.22 STREET** means any public roadway used by waste collection vehicles to gain access to the boundary of a private property from which solid waste is being collected.
- 2.23 SUPERVISOR** shall mean the City Engineer or his designate who shall be considered the Sanitary Landfill Supervisor.
- 2.24 TOWNHOUSE** means an apartment house that has three or more independent living units constructed side by side with each unit having its own front and rear entrance.
- 2.25 TRADE WASTES** shall be understood to include the material from cellar excavations, or other excavations, materials from building construction, or demolition, repair alterations, or maintenance, material from manufacturing processes, stable manure, slaughter house offal, butchers offal dead animals, waste from garages, condemned matter or wastes from plants or other works, automobiles or truck bodies, and used farm machinery.

3.0 COLLECTION

3.1 GENERAL

- 3.1.1** No person, being the owner, occupant, tenant or person in charge of any building or premises shall put out or permit to be put out for collection any waste, garbage, refuse or ashes in receptacles of any type except those defined in Section 4 herein. Any other receptacles may be removed by the collectors as waste.
- 3.1.2** No person shall fill or permit to be filled, any garbage receptacle to a greater height than five centimeters below the top of such receptacle.

- 3.1.3** No collection of solid waste shall be made from any receptacle, except a commercial container as defined in Section 4.3, whose weight , with its contents, exceeds 35 kilograms (75 pounds).
- 3.1.4** Nothing in this Bylaw shall be deemed to require the collection by the City of Swift Current of any trade, manufacturers waste or any material, being hazardous or liquid waste or residue resulting from the erection, alteration or removal of any building or parts thereof, but all such materials shall be conveyed by the owner at his own expense to the City's Sanitary Landfill site.
- 3.1.5** All garbage matter that is collected by the Municipality or its Contractor becomes the property of the Municipality and shall be disposed of under terms or conditions the City directs.

3.2 DWELLINGS AND TOWNHOUSES

All dwellings and townhouses shall have their garbage, refuse, waste and ashes removed regularly at least once a week by the Contractor.

3.3 APARTMENT HOUSES

- 3.3.1** Apartment houses shall have their solid waste removed regularly at least once per week by the Contractor.
- 3.3.2** No person being the owner, occupant, tenant or person in charge of any apartment house that is intended to be occupied by more than two (2) families shall put out any solid waste for collection unless such waste is first contained in a sufficient number of receptacles to contain such waste material between pickups. If the quantity of solid waste cannot be contained within eight (8) receptacles as described in Section 4.1 and 4.2 the owner or person in charge of any apartment house shall rent sufficient receptacles as described under Section 4.3 to store all solid waste accumulating on the premises between collections.

3.4 COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL PREMISES

All commercial, industrial and institutional premises shall be responsible to make their own private arrangements for the collection and disposal of solid waste from their properties. Collection and disposal of solid waste shall be of sufficient frequency to prevent the creation of a nuisance or health hazard. The City Engineer shall designate a property as a nuisance and give the owner of the property notice to remove any solid waste from the property forthwith. In the event that the owner fails to remove the solid waste the City Engineer may give direction to have such solid waste removed and the cost of such removal shall be charged to the owner as per Section 12.

4.0 RECEPTACLES

Receptacles or solid waste receptacles shall mean:

- 4.1** A water tight, rust resistant metal or plastic container of circular design, having a metal or plastic water tight cover and a smooth rim, and rigid, fixed handles, the whole being in good condition. Such containers shall be:
- no more than 45 centimeters in diameter at the top and tapered to a lesser diameter at the bottom and being no more than 70 centimeters in height: or
 - no less than 40 centimeters in diameter at the top and tapered to a lesser diameter at the bottom and being no less than 50 centimeters in height.
- 4.2** Non-returnable plastic bags having a maximum capacity of 1 cubic meter and being no more than 75 centimeters in height nor more than 45 centimeters in width and capable of lifting 25 kilograms of contents, securely tied at the top when ready for collection.
- 4.3** A commercial container, made out of metal, complete with a lid of metal or plastic. The commercial container is supplied in several sizes. The rental rates will be set as per Section 10.

5.0 LOCATION OF RECEPTACLES

5.1 LANED SUBDIVISIONS

Where a lane exists solid waste shall be collected from the lane. The Owner or Occupant of the premise abutting the lane shall insure that the receptacles holding solid waste for collection shall be placed within one (1) meter of the lane and provide the Contractor with unobstructed and convenient access.

5.2 UNLANED SUBDIVISIONS

In cases where no lane exists at the rear of any dwelling or apartment house, the owner, occupant or tenant of the premises shall be responsible to place their receptacles on the sidewalk or boulevard in front of their premises. The receptacles shall not be placed prior to 6:00 pm the day prior to pickup and shall be removed after being dumped on the day of pickup.

- 5.3** The City Engineer shall be the final authority on placement of garbage containers in case of a dispute.

6.0 PROHIBITIONS

- 6.1** No person shall burn solid waste material in the open air within the City.
- 6.2** No person shall burn or permit to be burned any rubber or leather within the City.

- 6.3** No person shall deposit or permit to be deposited at any time solid waste of any kind whatsoever on any City street, lane, sidewalk, boulevard or other public property.
- 6.4** No person shall place or mix or permit to be placed or mixed with any material for removal as waste any highly combustible or explosive waste.
- 6.5** No person shall permit any deceased animal to remain on any street or highway to obstruct the same, or to remain undisposed of for longer than four hours after death. The owner or person in charge of the deceased animal shall be responsible for the charges in connection with its disposal.
- 6.6** No person shall allow automotive refuse to accumulate on private property, excepting duly authorized automobile wrecking yards. Automotive refuse shall be removed promptly by the owner or householder of the premises where such refuse originates or is accumulated to such a place and at such a time or times as may be designated by the City Engineer. In the event of such owner or household failing to so remove any automotive refuse, the same may be removed by the City under the direction of the City Engineer, and the cost of such removal shall be charged to and be payable by such owner or householder.
- 6.7** No person shall allow the accumulation of refuse, industrial refuse, or automotive refuse on his property and in the event of any such owner, occupant or household allowing the accumulation of refuse, industrial refuse or automotive refuse on his property, the City Engineer may give direction to the owner or householder to remove such refuse, industrial refuse or automotive refuse. In the event of any such owner, occupant or householder failing to remove such refuse, industrial refuse, or automotive refuse forthwith after being requested to do so by the City Engineer, the City Engineer may give direction to have such refuse, industrial refuse, automotive refuse removed and the cost of such removal shall be charged to and payable by such owner, occupant or householder. Section 12 regarding collection of unpaid charges shall apply.
- 6.8** No person shall dispose of any **hazardous waste** in their garbage receptacles or at the sanitary landfill.
- 6.9** All ashes shall be placed in a non-returnable plastic bag as outlined in Section 4.2, and securely tied at the top prior to being placed in any receptacle. Ashes shall be completely cold prior to being placed in a receptacle for disposal
- 6.10** No person shall dispose of used oil or other liquid or gaseous waste or dirty water at the sanitary landfill. No person shall spread used oil or other liquid or gaseous wastes or dirty water on any street, lane, public property or private property.

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7.0 DUTY OF CONTRACTOR

- 7.1** The Contractor shall pick up all solid waste from dwellings and apartments as outlined in the Bylaw. The Contractor shall not levy any charges against the same for pickups.
- 7.2** The Contractor shall be as careful as is reasonably possible not to damage or misuse any solid waste receptacle.
- 7.3** The Contractor shall replace emptied receptacles and the lids in approximately the same location where picked up.
- 7.4** The Contractor shall not leave refuse on the ground which he has spilled from the receptacle or the collection vehicle.
- 7.5** No person employed in the collection of waste or refuse shall pick, sort over, or remove any waste or discarded material from the collection vehicle, the owner's premises, or the sanitary landfill, except as directed by the City Engineer.

8.0. TRANSPORTING OF SOLID WASTE

All vehicles hauling solid waste to the Sanitary Landfill shall have the waste covered with a tarpaulin or contained in such a way as to prevent littering.

9.0 SANITARY LANDFILL

The City operates a Sanitary Landfill on the NE 1/4-32-15-13-W3M.

- 9.1** When a scale is installed all wastes entering the sanitary landfill shall be weighed at the scale installed at the entrance to the landfill. The charges for dumping the different categories of wastes shall be set by resolution of Council.
- 9.2** All wastes being disposed of shall be deposited in the designated areas.
- 9.3** No person shall remove any waste product deposited in the Sanitary Landfill.
- 9.4** No person may enter the Sanitary Landfill except to deposit waste products.
- 9.5** No liquid or hazardous wastes shall be deposited at the Sanitary Landfill.
- 9.6** The hours of operation to be set by the City Engineer.

10.0 RATES AND FEES

All rates and fees associated with this Bylaw shall be set by resolution of Council.

11.0 ENFORCEMENT

It shall be the duty of the City Engineer or his delegate or Peace Officer of the City of Swift Current and members of the RCMP to enforce the provisions of this Bylaw.

12.0 EXPENSE RECOVERY

If any person is in default in doing any matter or thing by this Bylaw directed to be done, the matter or thing may be done by the City at the expense of the person in default and the City may either recover the expenses thereof with costs by action in any Court of competent jurisdiction or if the charges or part of the charges remain unpaid on the thirty-first day of December of the year in which the charges became payable, the charges or part thereof that remains unpaid shall be added to and form part of the taxes on the land in respect to which they are incurred.

13.0 VOLUNTARY PENALTY

- 13.1** Where a Peace Officer believes that a person has contravened any provision of this bylaw specified in Section 10 of this bylaw that Peace Officer may issue a Bylaw Violation Tag, (Form A) as provided for by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this bylaw.
- 13.2** A tag shall be in such form as determined by the City Solicitor and shall state the section of the bylaw which was contravened and the amount which is provided in Section 10 that will be accepted by the City in lieu of prosecution.
- 13.3** Upon production of a tag issued pursuant to this section within fifteen (15) days from the issue thereof together with the payment to the City Treasurer at City Hall the fee as provided in Section 10, that person to whom the tag was issued shall not be liable for prosecution for the contravention in respect of which the tag was issued.
- 13.4** Where any person contravenes the same provision of this bylaw two or more times within one twelve month period, the specified penalty payable in respect of the second or subsequent contravention is double the amount shown in Section 10 of this bylaw in respect of that provision.
- 13.5** Notwithstanding the provisions of this section, a person to whom a tag 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 bylaw.

14.0 PENALTY

Any person who violates any provisions of this bylaw is guilty of an offense and liable on summary conviction, to a fine not exceeding Two Thousand Dollars (\$2,000.00) for individuals, Five Thousand Dollars (\$5,000.00) for corporations.

15.0 SEVERABILITY

- 15.1** If a court of competent jurisdiction should declare any Section or Subsection of this Bylaw to be invalid, such Section or Subsection shall not be construed as having persuaded or influenced Council to pass the remainder of the Bylaw, and it is hereby declared that the remainder of the Bylaw shall be valid and remain in force.

- 15.2** In the event of a conflict between any of the provisions of this Bylaw and the provisions of any other Bylaw of the City, the provisions of this Bylaw shall prevail.

16.0 FORMER BYLAW REPEALED

Bylaw No. 2 - 1978 of the Bylaws of the City of Swift Current, Saskatchewan and all amendments thereto are hereby repealed.

17.0 EFFECTIVE DATE

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This Bylaw shall come into force and effect upon the final passing thereof and after approval is given by Saskatchewan Environment and Resource Management.

READ a first time this 1st day of March, 1993

READ a second time this 1st day of March, 1993

READ a third time this 5th day of April, 1993

Mayor

City Clerk

FORM "A"
BYLAW VIOLATION TAG

VOID