

# THE CITY OF MELFORT

**Office Consolidation**

## THE WASTE COLLECTION AND DISPOSAL BYLAW

**NO. 2008-04**

**Including Amendments to March, 2010**

**All persons making use of this consolidation are reminded that it has no legal status and that the amendments have been embodied for convenience of reference only. A certified copy of the Bylaw and amendments should be consulted for all purposes of interpreting and applying the law.**

## AMENDMENTS TO THE WASTE COLLECTION AND DISPOSAL BYLAW 2008-04

### AMENDMENTS

### DATE PASSED

Bylaw No. 2009-03 Add Subsection 2.4.5

March 9, 2009

Bylaw No. 2010-02 Schedule ~~A~~q

March 15, 2010

# CITY OF MELFORT

## BYLAW NO. 2008-04

### A BYLAW OF THE CITY OF MELFORT TO PROVIDE FOR A SCAVENGING SYSTEM FOR THE PROPER COLLECTION AND DISPOSAL OF WASTE WITHIN THE CITY, AND TO ESTABLISH AND REGULATE A WASTE DISPOSAL SITE

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The Council of the City of Melfort, in the Province of Saskatchewan, hereby enacts as follows:

1. This Bylaw may be cited as "The Waste Collection and Disposal Bylaw".

#### **INTERPRETATION AND APPLICATION**

2. In this Bylaw, unless the context otherwise requires:
  - (a) "Apartment block" shall mean a building which is occupied or intended to be occupied by five or more families living independently of one another upon the same premises and includes, but is not limited to:
    - (i) condominiums of five or more dwelling units which share common hallways,
    - (ii) condominium units which are contained on a single parcel of land and house five or more families living independently of one another.
  - (b) "Multi-Family Dwelling" shall mean a dwelling unit having separate access and egress directly to the outside or to a hallway leading to the outside consisting of four or less self-contained suites or apartments having sleeping, cooking and bathroom facilities.
  - (c) "Building Waste" means all waste produced in the process of constructing, altering or repairing a building, including earth, vegetation and rock displaced during the process of building;
  - (d) "City" means the corporation of the City of Melfort or the area contained within the boundaries thereof as the context requires;
  - (e) "City Engineer" means the Director of Public Works in charge of the Sanitation Department of the City, and shall include any person delegated by the City Engineer;
  - (f) "Collector" means a person who collects waste within the City for and on behalf of the City;
  - (g) "Commercial Premises" means premises principally used for the conduct of some profession, business or undertaking and includes for the purposes of this Bylaw any building or premises which is not a dwelling unit or the premises connected therewith, and which is not industrial premises;
  - (h) "Multi-Use Commercial Premises" shall mean a premises as described in Section 2(g), but

also containing family dwelling units as described in Section 2(j) or more than one commercial enterprise on a single parcel of land.

- (i) "Apartment" shall mean an area or suite in an apartment block that is meant to be occupied by one family.
- (j) "Dwelling Unit" means a building of one or more habitable rooms constituting a self-contained independent unit and occupied or intended to be occupied as a permanent home or residence of one family;
- (k) "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;
- (l) "Industrial Premises" means a building or premises in which any manufacturing, processing, producing or repairing of goods is carried on;
- (m) "Person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person;
- (n) "Liquid Wastes" means any waste which contains animal, mineral or vegetable matter in solution or suspension;
- (o) "Premises" means a building containing a dwelling unit or number of dwelling units, or place of business or combination thereof, on a separately assessed parcel of land;
- (p) "Putrescible" means capable of becoming putrid;
- (q) "Refuse" means all putrescible and non-putrescible wastes (except human excrement) including garbage, rubbish, street cleanings, dead animals, yard clippings and market and industrial waste that does not include liquid wastes;
- (r) "Rubbish" means non-putrescible wastes, consisting of both combustible and non-combustible wastes, such as paper, cardboard, abandoned automobiles, tin cans, wood, glass, bedding, crockery and comparable minerals;
- (s) "Solid Wastes" means refuse, rubbish and other discarded solid materials, including waste materials resulting from domestic, industrial, commercial or agricultural activities;
- (t) "Street" means a public thoroughfare within the City 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 a public thoroughfare on which the premises in question front;
- (u) "Waste Disposal Site" means an area maintained by the City where the public may bring and deposit all permitted types of waste.

### **PROVISIONS FOR DISPOSAL OF WASTE**

- 3. (1) The City shall be responsible for the public collection and removal of solid waste within the limits of the City.
  - (a) The Council of the City may provide for the collection, removal and disposal of solid wastes within the limits of the City by contract with any person on any terms

and conditions that the Council considers expedient.

- (2) The City Engineer shall provide specifications and supervision for the operation of facilities and equipment necessary or desirable for the disposal of waste collected or disposed of within the City.
4. (1) The City Engineer shall:
    - (a) supervise the collection, removal and disposal of waste within the City; and
    - (b) direct days and times that collections are to be made from different portions of the City; and
    - (c) decide as to the quantities and defined classes of wastes to be removed or collected from any premises or accepted by the City for disposal.
  - (2) Subject to the provisions of this Bylaw, the decision of the City Engineer as to the amount and type of waste that is accepted from any premises shall be final.
5. Front street waste collection shall be in force:
    - (a) in such parts of the City and at such times as the City Engineer may designate; and
    - (b) where there is no lane at the rear or side of any premises.

#### **ACCUMULATION OF WASTE PROHIBITED**

6. (1) Except for waste which is placed:
  - (a) in receptacles required by this Bylaw;
  - (b) in a manner complying with the provisions of this Bylaw;
  - (c) in a location designated or allowed by this Bylaw:

No person who is the owner or occupant of any land or building shall allow waste of any kind to accumulate upon any land or about any building.

- (2) Notwithstanding anything in subsection (1) or elsewhere in this Bylaw, no person shall dispose of waste or allow waste to accumulate in any manner which contravenes the provisions of the Public Health Act, the Regulations made thereunder, or a Bylaw of the City relating to health, sanitation or nuisances.

#### **DEPOSITING WASTE ON PRIVATE PROPERTY**

7. (1) Subject to the provisions of Section 6., no person who has waste of any description requiring disposal shall dispose of it other than at the waste disposal site.
- (2) A person who has disposed of waste on any land contrary to the provisions of Subsection (1), shall remove the said waste upon being required to do so by the owner or occupant of the land or by the City Engineer, the Medical Health Officer, Public Health Inspector, or a Police Officer, but such removal shall not prevent him from being prosecuted for a contravention of Subsection (1).

- (3) If the person who has placed waste on land contrary to the provisions of subsection (1), cannot be ascertained, the owner or occupants of the land shall remove the waste or cause the waste to be removed from the land upon being directed to do so by the City Engineer, the Medical Health Officer, Public Health Inspector, or a Police Officer.

### **HOME INCINERATION AND OUTDOOR INCINERATION**

8. (1) Any person desiring to burn waste, shall burn such waste in an incinerator, which has been built in accordance with plans approved by the Air Pollution Control Branch of the Department of the Environment of the Province of Saskatchewan.
- (2) No person shall build, locate, use or operate an incinerator without the prior written consent of the City Engineer.
- (3) No person shall set, feed or maintain, or cause to be set, fed or maintained, within the limits of the City of Melfort an open fire for the disposal of any materials.

### **WASTE FOR PUBLIC COLLECTION**

9. (1) The owner or occupant of a premises in the City from which waste is to be collected, shall provide and maintain in good condition, a sufficient number of watertight receptacles of circular design, materials and construction as approved by the City Engineer, and which comply with the provisions of subsection (3) to hold at least one week's accumulation of waste to be collected from the premises.
- (2) Except as otherwise provided in this Bylaw, no person shall place waste from a premises elsewhere than in receptacles that comply with the requirements of this Bylaw.
- (3) A person providing receptacles for containing waste, shall provide receptacles which:
  - (a) are tapered to a lesser diameter at the bottom of the container.
  - (b) have a water tight cap cover, rigidly fixed handles and a smooth rim at the top.
  - (c) do not exceed 34 kg including contents.
- (4) The collection, removal and disposal of wastes in the City of Melfort, subject to such modifications as may be deemed necessary by the City Engineer; shall be:
  - (a) on a weekly basis in all residential zones.
  - (b) on a weekly basis for all wholly residential buildings in commercial zones;
  - (c) three times per week, Saturday, Sunday and statutory or Civic Holidays excepted, for all premises in commercial and industrial districts.
  - (d) at the City Engineer's discretion for all premises not included in immediately preceding subsections (a), (b), and (c).
- (5) A person undertaking the removal and disposal of waste generated from their own premises shall do so at least weekly.

- (6) The following premises or sites shall not have waste collected by the City, but shall maintain collection and disposal services in accordance with this bylaw:
  - (a) Any site or buildings owned by the Kelsey Trail Health Region.
  - (b) Public Housing sites or buildings excluding the 18 Dwelling Units commonly referred to as Wesley Place.
  - (c) Any site or buildings owned by the North East School Division, excluding school division offices.
  - (d) Buildings owned or occupied by the Provincial or Federal Governments.
10. (1) Wherever a commercial container is used, it must be placed on firm level ground and be accessible for collection and disposal by the Containerized Waste Collection Contractor.
- (2) A commercial container shall be of a larger size and of a different shape than the waste receptacle specified in Section 9, and shall have a minimum capacity of 1.5 cu metres. A commercial container must be accessible and capable of mechanical unloading by the Containerized Waste Collection Contractor.
- (3) A commercial container shall not be used unless it is a type approved by the City Engineer as to size, quality and shape.
- (4) If the owner or occupant of a premises places waste in a storage enclosure of a type that has not been approved by the City Engineer, the collectors are entitled to not collect the waste from such enclosures.
- (5) Existing storage enclosures that were originally approved by the City Engineer, shall not be repaired but may be continued in use until a directive is issued for their replacement, at which time newly approved containers must be substituted. A decision on their condition and when they are to be replaced, shall be made by the City Engineer.
11. All new buildings where there is not adequate space available for a garbage container on the property outside the building, which is accessible to collection vehicles, must include a garbage or refuse storage room inside the building. This garbage or refuse storage room must conform to any existing National Building Code standards and/or National Fire Code standards as adopted by bylaws of the City of Melfort. Such room shall be of sufficient size to hold the number of commercial containers required to store the expected volume of waste generated between pick-ups. This room must be located so that its exit is readily accessible to collection vehicles, which will drive up to the door, remove the containers out of the room and dispose of the refuse and garbage into collection vehicle.

#### **FILLING OF WASTE RECEPTACLES**

12. (1) No person shall fill a waste receptacle with material of such weight that the combined weight of the receptacle and its contents exceed 34 kg.
- (2) A collector shall not be required to remove any waste receptacle which, together with its contents, exceeds 34 kg in weight.
- (3) Subsections (1) and (2) of Section 12 do not apply to commercial containers.

#### **PLACING OF WASTE RECEPTACLES**

13. (1) Except as otherwise herein provided, no person shall place or keep waste receptacles or commercial containers upon any portion of the street or lane.

- (2) Where waste is to be collected from a premises situated on land abutting a lane and there is space on the land next to the lane, the owner or occupant of the premises shall place and keep the waste receptacles as near to the land as practicable, and in a place to which the collectors have unobstructed convenient access.
  - (3) Where a premises from which waste is to be collected does not abut a lane, or where special conditions make it impractical to keep and place such receptacles at the rear of a premises, the owner or occupant of such premises shall place the waste receptacles in such a position on the premises that it affords a collector an unobstructed and convenient access. The owner or occupant of any building that cannot comply with the requirement for receptacle location must make provision in the building itself for storage of the said receptacles.
  - (4) Where or whenever front street collection is in force, the owner or occupant of the premises shall place all receptacles on the boulevard in front of the premises by 8:00 A.M. on the morning of the collection day, and return them to their usual storage place on the day of collection.
  - (5) Except where, in the opinion of the City Engineer, it is impracticable to store waste receptacles outside the building, no collector shall be required to, or shall make a collection of waste from inside any building.
14. The owner or occupant of a premises from which waste is to be collected:
- (1) shall place or locate the waste receptacles for collection in such manner that they will not overturn or be likely to be overturned;
  - (2) when the property is fenced from a lane or street where the collection is made, the owner shall construct an opening in the fence to permit access to where the waste receptacle is located unless the waste receptacle is near the regular gate or other access;
  - (3) shall store the waste receptacle on a sturdy, neatly constructed stand, a minimum of 0.45 metres above the ground. No such stand shall be placed in the front yard of the premises without the permission of the City Engineer.

#### **PREPARATION OF WASTE FOR COLLECTION**

15. (1) An owner or occupant of a premises from which garbage is to be collected shall:
- (a) thoroughly drain all household garbage and wrap it in paper and securely tie the parcel or place the garbage in a securely tied plastic bag before depositing it in a waste receptacle;
  - (b) securely tie discarded clothing and fabrics, newspaper, waste and magazines and inoffensive dry refuse in bundles and place the same beside the waste receptacles for collection;
  - (c) wrap clippings from lawns, shrubs and trees in bundles or boxes or plastic bags and place them in or beside the waste receptacles;
  - (d) quench all ashes for collection and put them in separate receptacles from the other waste;
  - (e) place all plastic bags containing garbage in approved containers as described in

subsection (3) of Section 9.

- (2) No person shall place any explosive or highly inflammable waste in any receptacle for collection.
  - (3) Collectors shall not collect ashes which are not properly quenched or which appear to be hot or likely to cause a fire.
  - (4) No person shall place for collection a bundle, package or other material beside a waste receptacle the length, width or height of which exceeds 1.2 metres, or the weight of which exceeds 34 kg and no collector shall be required to collect a parcel any measurement of which exceeds 1.2 metres or weight of which exceeds 34 kg.
16. No person, other than the owner, a person permitted by the owner, or a waste collector of the City, shall interfere with a waste receptacle or with any waste placed for collection in or near a waste receptacle.

### **CITY COLLECTION AND REMOVAL OF WASTE**

17. The City of Melfort shall not provide collection for any of the following or similar items:
- A. From a residential premises:
    - (a) discarded furniture, discarded automobile parts, including tires, and other private vehicles and household equipment.
    - (b) tree limbs, whole shrubs or bushes, portions of hedges;
    - (c) fences, gates and other permanent and semi-permanent fixtures on the premises;
    - (d) any discarded household chattel, material or equipment with an overall weight of more than 34 kg of which is improperly prepared for collection;
  - B. From a commercial or industrial premises:
    - (a) discarded heavy machinery;
    - (b) byproducts of manufacturing;
    - (c) heavy or bulky wrapping, packaging or crating materials.
    - (d) Restaurant grease or oil.
    - (e) Automotive grease or oil, including oil filters and containers.
    - (f) Cars, car bodies or car parts.
    - (g) Scrap metal.
  - C. From any premises:
    - (a) building materials and building wastes;

- (b) dead animals.

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

- 18. (1) A person carrying out the construction or alteration of any building or structure shall:
  - (a) be responsible for the disposal of all refuse resulting from the construction or alteration;
  - (b) place all refuse and litter into a suitable container or enclosure so as to prevent it from blowing around;
  - (c) on completion of the construction or alteration, to clear the grounds on which the construction or alteration was made.
- (2) A person using a trailer, truck or other vehicle for construction or excavation operations shall remove from the streets all earth and waste which may drop from any vehicle.
- 19. (1) The City Engineer shall decide what heavy equipment, building waste, trade waste, and other waste not covered by this Bylaw shall be removed by the City, and subject to the other provisions of this Bylaw, his decision shall be final.
- (2) The owner or person in charge of any animal that dies on a street, shall be responsible for having the carcass removed to the place designated by the City Engineer.
- (3) The owner or person in possession of any animal carcass may make private arrangements with the City Engineer for the collection and disposal of the carcass, and shall pay for such removal and disposal. The applicable charges may be determined by the City Engineer.
- 20. For the purposes of performing the duties assigned by this Bylaw, every collector appointed by the City may enter land in residential districts from which the City is required to remove waste at all times between 8:00 o'clock in the morning and 6:00 o'clock in the afternoon.
- 21. The City shall own and have the right to dispose of:
  - (1) All waste collected by a City Collector from the premises in the City pursuant to the provisions of this Bylaw; and
  - (2) All waste delivered for disposal to the City's waste disposal site.

### **CONVEYANCE OF WASTE THROUGH THE CITY**

- 22. (1) No person shall operate any vehicle transporting waste along a road or any highway, street or lane in the City of Melfort unless the load is securely fastened or covered with a tarpaulin in such a manner that it shall be impossible for any part of the load on the said vehicle to escape.
- (2) (a) No person shall transport or cause to be transported in a vehicle on any highway, street or lane any garbage, offal from slaughter houses or butcher shops, swill or any waste of any offensive nature, unless the part of the vehicle containing the waste is:

- (i) water tight;
    - (ii) constructed in such a manner that it is impossible for any part of the contents to escape;
    - (iii) covered so that flies cannot come in contact with the contents;
    - (iv) constructed in such a manner that offensive odours cannot escape.
  - (b) No person shall allow any such vehicle to stand in any street for more than thirty minutes, except in the case of an emergency, but in such case the vehicle shall not be allowed to stand longer than is absolutely necessary.
- (3) No person shall park on a street or in a residential area, a vehicle used principally for the hauling of waste when the same is not being used for collection of waste.
  - (4) No person shall leave any vehicle carrying a full or partial load of offensive waste, parked overnight on any street in the City.
  - (5) No person shall deposit any material other than stones, bricks, concrete, rubble, earth or sand, at any dry disposal site designated by the City.

### **WASTE ON CITY STREETS**

- 23. Except for sand, cinders or similar materials in reasonable quantities placed on icy or slippery streets or sidewalks, no person shall place waste of any type, or direct or allow it to be placed upon any portion of a street.

### **WASTE DISPOSAL SITE**

- 24. The City shall designate an area as a waste disposal site for the disposal of waste material.
- 25.
  - (1) All waste, except hazardous wastes or materials, shall be delivered to the waste disposal site for disposal.
  - (2) Every person delivering waste to the waste disposal site, shall comply with all posted regulations at such site.
- 26. Hazardous waste, as determined by the City Engineer, not suitable for disposal at the waste disposal site shall not be accepted.
- 27. No person shall, without permission from the City Engineer, remove any waste, object or material from the waste disposal site.
- 28. All garbage and sanitary refuse shall be deposited in the designated areas of the waste disposal site.
- 29. Manure, spoiled grain and other similar agricultural wastes, shall not be deposited at the waste disposal site, unless otherwise approved.
- 30. Petroleum wastes, slaughter house wastes and other comparable wastes, unless otherwise approved, shall not be deposited in the waste disposal site, but shall be disposed of in the manner prescribed by Provincial regulations.
- 31. Liquid waste shall be deposited only in the designated areas of the waste disposal site.
- 32. No appliance which contains ozone depleting substances shall be accepted unless it is certified as

evacuated by a person or firm which is licensed to do so.

33. No appliance shall be accepted with the door attached where, in the opinion of the operator, it could be a danger to the public.
34. No person shall set a fire in the waste disposal site without written permission from the City Engineer.
35. The Council may from time to time impose fees to be charged against persons bringing waste materials to the waste disposal site for deposit, and may prescribe those classes of waste for which no charge will be made. Any person bringing waste materials to the waste disposal site for deposit shall pay the fee set out on Schedule 5A.

#### **HEALTH AND FIRE BYLAWS NOT SUPERCEDED**

36. Nothing in this Bylaw shall be deemed to nullify, amend, supersede or repeal any provisions of any Bylaw or regulation relating to fires or to public health, but in the event of any conflict between such bylaws and this Bylaw, the provisions of this Bylaw shall be modified only to the extent necessary to give effect to the fire or health requirements as the case may be.

#### **PROSECUTION OF OFFENDERS**

37. If the owner of the premises from which waste is to be removed, refuses or neglects to do anything required to be done by him hereunder, the same may be done by the City at the expense of the person in default, and, where the charges or the expenses of the City remain unpaid on the 31<sup>st</sup> day of December of the year in which the sums become payable, the sum or part thereof that remains unpaid, shall be added to and form part of the taxes on the land in respect of which the collection, removal or disposal was done.
38. Wherever an owner or occupant fails to comply with a directive issued under this Bylaw, the owner or occupant of the premises, or both of them, shall be liable to prosecution.
39. Waste collection fees will be included and form part of the Water & Sewer Utility bill. Failure to pay the waste collection portion of the utility bill will result in a discontinuation of water service.
40. Any fees or charges remaining unpaid by the 31<sup>st</sup> of December of the year the sum became payable shall be added to and form part of the taxes on the land in respect of which the collection, removal and disposal was done.
41. A person contravening any provision of this Bylaw and a person responsible for such contravention, is guilty of an offence, and is liable upon summary conviction before a Provincial Magistrate to a fine of not less than \$100.00 and not exceeding \$500.00 and costs.

#### **REPEAL OF EXISTING BYLAW**

42. That Bylaw No. 2007-07 is hereby repealed.
43. This Bylaw shall come into force and take effect on January 1, 2008.

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Mayor

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City Clerk

**INTRODUCED AND READ** a first time this 21<sup>st</sup> day of January, 2008.

**READ A SECOND TIME** this 21<sup>st</sup> day of January, 2008.

**READ A THIRD TIME** and passed this 21<sup>st</sup> day of January, 2008.

**SEAL**

CERTIFIED A TRUE COPY of Bylaw No. 2008-04,  
adopted by Resolution of Council on the 21<sup>st</sup> day of  
January, 2008.

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City Clerk



**Schedule "B"**  
**TO BYLAW NO. 2008-04**

**Fees Effective January 1, 2008**

**Flat Fee Chart**  
**WASTE COLLECTION UTILITY**

	<u>Fee</u>	<u>\$ on Utility Bill</u>	<u>Provisions for Opting Out</u>
Dwelling Unit (Single Family Dwelling)	\$7.34/month	\$14.68	May Not Opt Out
Business/Commercial	1 pickup per week: \$20.00/month/business	According to number of businesses	May Opt Out
	2 pickups per week: \$40.00/month/business		
	3 pickups per week: \$60.00/month/business		
Apartments/Condominiums (5 units & over)	\$7.34/month/unit	According to number of units	May Opt Out
Multi-Family Dwelling (4 units & under)	\$7.34/month/unit	According to number of units	May Not Opt Out