

CITY OF MARTENSVILLE
WASTE BYLAW
BYLAW 18-2015

A BYLAW OF THE CITY OF MARTENSVILLE TO REGULATE WASTE.

THE COUNCIL OF THE CITY OF MARTENSVILLE IN THE PROVINCE OF
SASKATCHEWAN, ENACTS AS FOLLOWS:

PART 1
General Matters

Short Title

1. This Bylaw may be cited as The Waste Bylaw.

Purpose

2. The purpose of this Bylaw is to protect the health and welfare of people and provide for the abatement of nuisances and the protection of the environment by regulating and monitoring the collection, handling and disposal of waste and recyclable material within the City.

Definitions

3. In this Bylaw:
 - a) **“Approved Container”** a container that meets the requirements of this Bylaw and that has been approved for use in the City by the Director of Infrastructure and Planning;
 - b) **“Automated Collection”** the collection of waste by a system of mechanical lifting and tipping of containers in specially designed vehicles;
 - c) **“Bin”** an approved container made of metal of a size greater than one half cubic metre that is capable of automated collection;
 - d) **“City”** the City of Martensville;
 - e) **“Commercial Cooking Grease Container”** an approved container used for disposal of commercial cooking grease;

- f) **“Commercial Premise”** a premise principally used for the conduct of a profession, business or undertaking, and includes any premise that is not a residence or the premises connected therewith, but does not include an industrial or institutional premises;
- g) **“Commercial Waste Container”** an approved container for use at commercial premises, capable of automated collection, and includes a bin, roll-out cart and a stationary container;
- h) **“Council”** the council of the City;
- i) **“Director of Infrastructure & Planning”** the Director, or designate responsible for coordinating and providing a range of municipal services which includes environment health and safety;
- j) **“Dwelling”** a building used or intended for residential occupancy, and may include a Modular Dwelling or a Ready-to-Move Dwelling or a Manufactured Home, but excluding Mobile Home, as herein;
- k) **“Dwelling, Multiple-Unit”** means a building divided into three or more dwelling units as herein defined and shall include town or row houses and apartment dwellings, but does not include and institutional premise;
- l) **“Garbage Can”** a container for manual waste collection that meets the requirement of this Bylaw;
- m) **“Hazardous Waste”** means a substance designated in accordance with the Saskatchewan, *“Hazardous Substances and Waste Dangerous Goods Regulations”*
- n) **“Home-Based Business”** means a home-based business as defined in the City’s Zoning Bylaw No. 1-2015 (the “Zoning Bylaw”);
- o) **“Household Waste”** means waste originating from domestic activities at a residence, and includes:
 - (i) putrescible organic waste produced as a by-product of the handling, preparation, cooking, consumption or storage of food;
 - (ii) non-putrescible materials, including packaging material, clothing, containers, paper products, small appliances, household items, diapers;

- (iii) non-hazardous remains, by-products, or discarded materials; and
- (iv) yard waste including grass clippings, leaves, branches, trees, garden matter, soil, sod or dirt;
- p) **“Industrial Premise”** means a premise principally used for manufacturing, processing, assembling, cleaning, servicing, repairing, testing, storage, distribution or warehousing of materials, goods or equipment;
- q) **“Institutional Premise”** means a premise principally used as a temporary place of abode and includes a hotel, motel, school, church, prison, senior citizens home, special care home, community home and hospital but does not include a residence as defined in this Bylaw;
- r) **“Liquid Waste Containing Grit”** means liquid waste that contains solid matter, including ashes, cinders, sand, stone or any other solid or viscous substance that may impair the operations of the sanitary sewer system;
- s) **“Manual Waste Collection”** means collecting waste from garbage cans by manually tipping into a waste collection vehicle;
- t) **“Municipal Inspector”** means a person appointed by the Director of Infrastructure and Planning to act as a municipal inspector for the purposes of this Bylaw;
- u) **“Putrescible”** means waste that is capable of decomposing with sufficient rapidity so as to cause a nuisance from odours or gases, or that is likely to attract birds, insects, snakes, rodents or other animals, or that may otherwise be a health risk;
- v) **“Recyclable Material”** means any material collected for the purpose of recycling or reuse;
- w) **“Recycling Container”** means an approved container for collecting recyclable material;
- x) **“Residence”** means a dwelling of any type as defined in the Zoning Bylaw;
- y) **“Residential Waste Container”** means an approved container for use at residential premises, and includes a roll-out cart, stationary container or bin;

- z) **“Roll-Out Cart”** means a container on wheels approximately 0.5 cubic metres in volume and designed for automated collection;
- aa) **“Service Provider”** means a contractor that has been appointed by the City to pick up the waste;
- aa) **“Special Collection Area”** means an area prescribed by the Director of Infrastructure and Planning where, because of its configuration, normal collection practices are impractical, and includes areas such as a cul-de-sac;
- bb) **“Special Waste”** means waste that contains;
 - (i) Manure;
 - (ii) Pig Hair;
 - (iii) Wire;
 - (iv) Liquid waste containing grit; and
 - (v) Any other waste that the Director of Infrastructure and Planning determines requires special handling.
- cc) **“Stationary Container”** means a container intended to be used for waste collection from more than one residence or for commercial use;
- dd) **“Unacceptable Waste”** means; Hazardous Waste, Liquids; and Tires
- ee) **“Waste”** means any discarded organic or inorganic material, including household waste, special waste and unacceptable waste that:
 - (vi) the owner or possessor thereof does not wish to retain;
 - (vii) must be disposed of due to health reasons; or
 - (viii) must be disposed of to ensure that the amenity of the area in which it exists is not adversely affected;
- ff) **“Waste Container”** means any container approved for waste collection, and includes a bin, roll-out cart, stationary container, garbage can, residential waste container, commercial waste container and a commercial cooking grease container; and;

- gg) **“Waste Management Centre”** means the provincially –approved landfill for the disposal of waste;
- hh) **“Yard Waste”** shall mean garden trimmings, hedge trimmings, leaves, fallen leaves, brush, vegetable and plant matter, grass clippings, twigs, tree branches and limbs up to 40 centimetres in diameter and 2 meters in length;
- ii) **“Yard Waste Depot”** means a location designated by the City of Martensville at which residents or their agents may drop off identified yard material and bagged grass clippings in accordance with posted regulations;
- jj) **“Yard Waste Collection Receptacles”** shall include paper yard waste bags, and certified compostable bags, but shall not include polyethylene bags. The certified compostable bags are to be certified by Biodegradable Products Institute (BPI), US Composting Council, or Bureau de Normalisation du Quebec (BNQ);

Part II
General Provisions for the Collection and Disposal of Waste

Accumulation of Waste Prohibited

- 4. No owner or occupant of any land or building shall allow waste of any kind to accumulate in or on the land or building, except as permitted in the Bylaw.

Depositing Waste on Public or Private Property

- 5. No person shall dispose of waste anywhere in the City other than in a waste container or at a Provincially-approved Waste Management Centre.
- 6. No person shall dispose of special waste anywhere in the City except at a Provincially-approved waste disposal centre.
- 7. A person who has placed waste contrary to the provisions of this Bylaw shall remove the waste or cause the waste to be removed upon being directed to do so by the owner or occupant of the land, the Director of Infrastructure and Planning, a Medical Health Officer, the Fire Chief, peace officer or Bylaw Officer.

8. If the identity of the person who placed waste on the land contrary to the provisions of the Bylaw cannot reasonably be ascertained, the owner or occupant of the land shall remove the waste or cause the waste to be removed upon being directed to do so by the Director of Infrastructure and Planning, a Medical Health Officer, the Fire Chief, peace officer or Bylaw Officer.

Waste Containers

9. The owner of property shall ensure that there is unobstructed access to waste containers, unless other arrangements are first made with the Director of Infrastructure and Planning.
10. No owner or occupant of a property that is assigned:
 - (a) a bin shall place waste in any waste container except in the container assigned to that property;
 - (b) a stationary container shall place waste in any bin or roll-out cart; or
 - (c) a roll-out cart shall place waste in any waste container except the waste container assigned to that property.
11. No person other than
 - (a) the owner, occupant or operator of a property to which a waste container is assigned;
 - (b) a person permitted by the owner, occupant or operator of a property to which a waste container is assigned; or
 - (c) the City,shall disturb or disrupt the contents of a waste container.
12. Unless other arrangements are first made with the Director of Infrastructure and Planning, no person shall:
 - (a) deposit special or unacceptable waste into any waste container; or
 - (b) allow any waste container to remain on a public right-of-way for more than 24 hours.

13. Service providers may refuse to empty any waste container that:
- (a) is unclean or unsanitary;
 - (b) is improperly placed;
 - (c) is not accessible to service provider waste vehicle or employees;
 - (d) is locked or is in an enclosure that is locked;
 - (e) contains improperly prepared or placed waste, special waste or unacceptable waste;
 - (f) poses a danger to the service provider's employees;
 - (g) may cause damage to the service provider's vehicle;
 - (h) in combination with its contents exceeds the allowed weight; or
 - (i) is not an approved waste container.

Disposition of Waste and Recycling Material

14. No person other than:
- (a) the owner, occupant or operator of a property to which a waste container is assigned;
 - (b) a person permitted by the owner, occupant or operator of a property to which a waste container is assigned; or
 - (c) the City/Service provider; Shall remove any waste from a waste container, a Waste Management Centre or a waste collection vehicle.

Improperly Prepared or Placed Waste

16. Waste shall be prepared and placed in accordance with this Bylaw, unless other arrangements are first made with the Director of Infrastructure and Planning.

17. No person shall:

- (a) Locate skateboard ramps, basketball, hockey nets, or any other obstruction next to the cart;
- (b) Paint on cart;
- (c) Remove the cart from its assigned address;
- (d) Refill or relocate your cart for extra pickups
- (e) pile waste above the top of a waste container;
- (f) overfill a waste container so that the lid is not able to be close or that waste may fall to the ground;
- (g) place waste on top of a waste container; or
- (h) place waste on the ground near a waste container.

18. The owner or occupant of a residence shall:

- (a) thoroughly drain all household waste and wrap and securely tie it in paper or in a plastic bag;
- (b) Bag all household trash and place inside the cart;
- (c) Cut and bundle, or bag garden debris and place in cart
- (d) fully quench ashes prior to disposal;
- (e) flatten and bundle or bag cardboard for disposal;
- (f) ensure waste does not exceed 0.5m in length;
- (g) ensure that all putrescible waste is in a sealed bag or container; and
- (h) ensure that all sharp or pointed objects are wrapped or contained.

Damage to Waste Containers

19. No person shall cause or permit any loss of or damage to a City-owned/leased waste container.

Conveyance of Waste through the City

20. (1) No person who transports or causes to be transported any waste in the City shall allow the waste or any portion of it to escape from the vehicle.
- (2) No person shall transport or cause to be transported any waste in the City unless proper measures, including at least one of the following, are taken to prevent the waste or any portion of it from escaping from the vehicle.
- (a) the waste is in a covered container;
 - (b) the waste is covered with a tarpaulin or other suitable covering; or
 - (c) the waste is securely tied down or fastened.
21. (1) No person shall transport or cause to be transported in the City any offal from slaughterhouses or butcher shops, or any swill or waste of an offensive nature unless the part of the vehicle containing the waste is:
- (a) watertight;
 - (b) constructed in such manner that it is impossible for any part of the contents to escape;
 - (c) covered so that flies cannot come in contact with the contents; and
 - (d) constructed in such a manner that offensive odours cannot escape.
- (2) No person shall leave any vehicle carrying a full or partial load of waste parked overnight on a street or in any residential area.

PART III
Waste Collection from Residence

Division I

General Provisions

23. The Director of Infrastructure and Planning shall determine the type of waste collection to be provided to each residence in the city.
24. Unless otherwise stated in the Bylaw, Council shall determine the frequency of collections to be provided to each residence in the City.
25. Residences with scheduled collections shall be provided with a collection schedule.

Additional Collections

26. Where the owner or occupant of a residence wishes to have additional collections, the owner or occupant may arrange with the Service Provider for disposal of the additional waste. Such additional collections shall be billed at the commercial rates.

Division II

Automated Waste Collection from Roll-Out Carts

27. Where automated waste collection from roll-out carts is in effect:
 - (a) each residence shall be provided with one roll-out cart for the sole use of the owner or occupant of the residence; and
 - (b) roll-out carts shall not be removed from the residence by the owner or occupant, or used for any purpose other than as permitted in this Bylaw.
28. Unless otherwise directed by the Director of Infrastructure and Planning, roll-out carts shall be:
 - (a) set out at the curb by 7:00 a.m. on collection day and placed:
 - (i) at least 1 metre from any obstructions such as parked vehicles; and
 - (ii) so that they will not be likely to overturn;

- (b) removed from the street as soon as possible, and in any event within the time prescribed in Section 12; and
 - (c) stored on the property of the residence when no placed out for collection
29. The Service provider may, at the time of collection or any other time, remove, repair or replace any obsolete, damaged or non-serviceable roll-out cart.
30. Where the Director of Infrastructure and Planning has prescribed a special collection area:
- (a) a special collection area layout plan for roll-out cart placement shall be provided to each resident of the special collection area; and
 - (b) owners or occupants shall store and set out roll-out carts in accordance with the special collection area plan and this Bylaw.

Division III

Waste Collection from Bins

31. Unless the Director of Infrastructure and Planning determines otherwise, a multiple-unit, dwelling unit shall use bins for waste collection residences shall use bins for waste collection.
- (a) where the minimum frontage for a 2 dwelling unit is greater than 17m, the City may require the use of residential roll-out carts;
 - (b) where the minimum frontage for a 3 dwelling unit is greater than 25m, the City may require the use of residential roll-out carts;
 - (c) where the minimum frontage for a 4 dwelling unit is greater than 33m, the City may require the use of residential roll-out carts;
32. Bins shall be placed on the property of the multiple-unit dwelling as directed by the Director of Infrastructure and Planning, and shall be:
- (a) supplied by the City;
 - (b) maintained in a clean and sanitary state by the owner at the owner's expense; and

- (c) placed at grade on a dry, firm, level surface;
 - (d) common on-site waste collection receptacles shall be accessible from the rear lane of properties. In cases where rear lane access is not available for waste collection, front street collection shall be permitted only when authorized in writing by the City of Martinsville;
 - (e) multifamily common on site waste and recycling receptacles shall not be placed on city property and shall not encroach on the prescribed setback area as per the zoning bylaw;
 - (f) where multifamily common on site waste and recycling receptacles are required, no receptacle shall be placed more than 75 meters away from any individual unit's main entrance, and shall be accessible by paved roads or paths;
 - (g) every owner/occupant shall at all times maintain adequate vehicular access to their property for the purposes of on-site waste collection, including, but not limited to, removing snow and ice, prohibiting parking where required, and removal of any other obstacles.
33. Unless the Director of Infrastructure and Planning determines otherwise, all commercial properties shall use bins for waste collection.
34. Bins shall be placed on the property of the commercial premises as directed by the Director of Infrastructure and Planning, and shall be:
- (a) supplied by the owner of the property and at the owner's expense;
 - (b) maintained in a clean and sanitary state by the owner at the owner's expense; and
 - (c) placed at grade on a dry, firm, level surface.

Bin Construction Standards

35. (1) All bins shall be:
- (a) constructed of metal or non-combustible material;
 - (b) capable of mechanical unloading;
 - (c) clearly marked "No Parking" on the loading face of the bin; and

- (d) equipped with a lid that is capable of being locked.
- (2) The owner or occupant of the multiple-unit dwelling or commercial premise shall ensure that the lid remains closed except while material is being deposited in the bin and while emptying the bin.

Bin Enclosures

- 36. (1) A bin may be stored in an enclosure where the enclosure has been approved by the Director of Infrastructure and Planning.
- (2) Where a bin is stored in a gated enclosure, all gates on the enclosure shall be secured in an open position for waste collection.
- (3) Where the owner or operator of the property fails to secure gates in an open position for collection and the Director of Infrastructure and Planning agrees to unload the bin before the next scheduled collection, the owner or operator of the property shall be responsible to make arrangements with the City's service provider at their expense.

Minimum and Maximum Volume

- 37. Unless other arrangements are made with the Director of Infrastructure and Planning, the owner or operation of a multiple-unit dwelling or commercial premise shall ensure that there are sufficient bins to provide a minimum of 0.15 cubic metres and a maximum of 0.3 cubic metres of bin space for each residence in the multiple-unit dwelling or commercial premise.

Collection Frequency

- 38. (1) Waste shall be collected by-weekly from bins used for residential waste collection.
- (2) Owners or occupants who required additional collections may arrange with the City's service provider at their expense.

Locked Bin Lids

39. An owner of a bin may keep the bin lid locked provided that:
- (a) the owner or occupant unlocks the bin lid for collection purposes;
 - (b) the City shall not lock or unlock the bin lid;
 - (c) bins shall be unlocked by 7:00 a.m. on the scheduled collection day; and
40. Where the owner or operator of the property fails to unlock a bin for collection and the Director of Infrastructure and Planning agrees to unload the bin before the next scheduled collection, the owner or operator of the property shall be responsible to make arrangements with the City's service provider at their expense.

Part IV Waste Collection from Commercial, Industrial and Institutional Premises

General Provisions

41. (1) All waste from commercial, institutional and industrial premises within the City shall be disposed of at a Provincially-approved waste disposal site or recycling centre.
- (2) No owner or operator of any commercial, institutional or industrial premises shall:
- (a) dispose of commercial cooking grease except in a commercial cooking grease container; or
 - (b) fail to maintain a commercial cooking grease container in a clean and sanitary state.
42. All private waste haulers operating within the City shall provide, in a format acceptable to the Director of Infrastructure and Planning, annual reports of the volume and types of waste collected within City limits.
43. Commercial and Industrial Owners along with the Service Provider shall establish a minimum collection frequency for all commercial, industrial and institutional premises to ensure that all waste is removed before it becomes unsightly or unsanitary.

44. (1) The owner or operator of any commercial, industrial or institutional premise shall ensure that any waste container is:
- (a) equipped with a lid that is capable of being locked; and
 - (b) maintained in a sanitary state.
- (2) The owner shall ensure that the lid remains closed except while material is being deposited into the waste container or the waste container is being emptied.

City Collecting Commercial, Industrial or Institutional Waste

45. The City’s service provider may enter into agreements to collect waste from commercial, industrial or institutional premises. All such agreements shall, in addition to any other terms that the Director of Infrastructure and Planning may stipulate, contain the following terms:
- (a) the waste container shall be clearly marked “No Parking” on the loading face;
 - (b) the owner of the premises shall provide locks;
 - (c) the City shall not lock or unlock the waste container;
 - (d) the owner shall ensure that the waste container is unlocked by 7:00 a.m. on the scheduled collection day;
 - (e) for on-call collections, the waste container shall be unlocked by 7:00 a.m. on the day of collection; and
 - (f) where the owner fails to unlock the waste container for collection, the owner must make arrangements to pick up at their expense.
46. unless other arrangements are made with the Director of Infrastructure and Planning, the City shall not collect special waste or unacceptable waste from commercial, industrial or institutional premises.

Charges for Waste Removal

47. Commercial, industrial and institutional premises shall be responsible for their own waste collection and waste containers at their expense.

Part V Other

Waste

Construction Waste

48. (1) Any owner or contractor carrying out the construction, alteration or demolition of a building, structure or landscaping on any property shall:
- (a) place all waste into a waste container or enclosure;
 - (b) in a timely manner, dispose of all waste resulting from the construction, alteration or demolition so as to ensure there is no unreasonable accumulation of waste on the property during the construction, alteration or demolition;
 - (c) take all reasonable steps as may be necessary to prevent the waste from being dispersed, by wind or in any other manner, on or around the property or surrounding properties during the construction, alteration or demolition; and
 - (d) upon completion of the construction, alteration or demolition, clear the property of all waste and litter.
- (2) If such waste is not removed by the owner or the contractor, the City may remove the waste, and the costs of so doing are a debt due to the City by the owner or contractor.

Construction Vehicles

49. (1) No owner or operator of any vehicle leaving property where the construction, alteration or demolition of a building, structure or landscaping is occurring shall:
- (a) allow any earth or waste to be deposited upon a street or sidewalk by or from such vehicle; or
 - (b) fail to remove from the street or sidewalk any and all earth or waste deposited by or from such vehicle.
- (2) If such earth or waste is not removed from the street or sidewalk by the owner or operator of the vehicle, the City may remove the earth or waste, and the costs of so doing are a debt due to the City by the owner or operator.

Part VI
Collection of Recyclable Material

Division I

General

50. (1) No person shall dispose of recyclable material anywhere in the City except in accordance with the terms of this Bylaw.
- (2) A person who has disposed of recyclable material in a manner contrary to the provisions of this Bylaw shall remove the recyclable material or cause the recyclable material to be removed upon being directed to do so by:
- (a) the owner or occupant of the land where the recyclable material was deposited;
 - (b) Director of Infrastructure and Planning;
 - (c) a medical health officer for the Saskatoon Health Region;
 - (d) Fire Chief
 - (e) a peace officer, Bylaw Officer
- (3) Unless otherwise specified, the owner or occupant of a residence shall be responsible for complying with the terms of this Bylaw.
- (4) No person shall:
- (a) overfill a recycling container so that the lid is not able to be close or that materials may fall to the ground;
 - (b) pile recyclable material above the top or on top of the recycling container;
 - (c) place recyclable material on the ground at or near the base of a recycling container or anywhere at a recycling depot other than in a recycling receptacle;
 - (d) place any recyclable material in a recycling container not designated for the type of recyclable material or as specified by the service provider;

1. Permitted recyclable materials permitted in residential roll-out carts:
 - Aluminum and tin cans;
 - Aluminum foil and pie plates;
 - Corrugated cardboard;
 - Mixed paper, newspaper, polycoat, fine paper, and magazines;
 - Boxboard;
 - Recyclable plastic containers #1 through #7 that have contained non-hazardous products; and
 - All Provincial legislated beverage containers, milk cartons and jugs and glass food and beverage containers.
- (e) place any waste in, on or around a recycling container or recycling depot;
- (f) bag or tie their recyclables, except plastic bags and shredded paper;
- (g) remove the cart from its assigned address
- (h) paint on cart
- (i) being a person other than the owner of a recycling container or a person permitted by the owner of the Director of Infrastructure and Planning, disrupt or disturb the contents of a recycling container or remove any recyclable material from a recycling container, a recycling depot or a collection vehicle.

Division II

Residential Recycling Collection

51. (1) The Director of Infrastructure and Planning shall establish a program to provide for the collection of recyclable material from residences in the City.
- (2) The Director of Infrastructure and Planning shall determine the type of recycling collection to be provided to each residence in the City.

- (3) Council shall determine the frequency of recycling collection provided to each residence of the City.
- (4) The owner or occupant of residences with scheduled collection shall be provided with a collection schedule.

Automated Recycling Collection from Roll-Out Carts

52. (1) Where automated recycling collection from roll-out carts is in effect, each residence shall be provided with one roll-out cart for the sole use of the owner or occupant of the residence.
- (2) Where automated recycling collection from roll-out carts is in effect, roll-out carts shall not be removed from the residence or used for any purpose other than as permitted in this Bylaw.
- (3) unless otherwise directed by the Director of Infrastructure and Planning, roll-out carts shall be:
 - (a) set out at the curb by 7:00 a.m. on collection day and placed:
 - (i) at least 1 metre from any obstruction such as parked vehicles; and
 - (ii) so that they will not be likely to overturn;
 - (b) removed from the street as soon as possible, and in any event within the time prescribed in subsection 12(b); and
 - (c) stored on the property of the residence when not placed out for collection.
- (4) the Service Provider may, at the time of collection or any other time, remove, repair or replace any obsolete, damaged or non-serviceable roll-out cart.
- (5) Where the Director of Infrastructure and Planning has prescribed a special collection area:
 - (a) a special collection area layout plan for roll-out cart placement shall be provided to the owner or occupant of each residence of the special collection area; and

- (b) owners or occupants shall store and set out roll-out carts in accordance with the special collection area plan. In the event of an inconsistency between the special collection area plan and this Bylaw, the provisions of the special collection are plan shall prevail.

Division III

Recycling Depot

- 53. (1) The Director of Infrastructure and Planning may establish recycling depots in the City.
- (2) Groups, organizations or businesses wishing to place recycling containers at City recycling depots shall enter into an agreement with the City.
- (3) The Director of Infrastructure and Planning is hereby authorized to enter into recycling depot agreements on behalf of the City.
- (4) The Director of Infrastructure and Planning shall set such conditions for the site development, site maintenance and recycling promotion as the Director of Infrastructure and Planning may deem appropriate.

Recycling Containers

- 54. (1) All recycling containers at City recycling depots must be:
 - (a) clearly marked with the identity of the collection agency, the type of material accepted, and instruction for preparation of recyclable material; and
 - (b) placed on the site as directed by the Director of Infrastructure and Planning.
- (2) Recycling containers at City recycling depots shall be for residential users only.

Part VII
Yard Waste Composting Depot

Division I

General

55. (1) The Yard Waste Depot shall be available for the use of residents of the City of Martensville only;
- (2) No person shall deposit material other than acceptable yard waste at the Yard Waste Depot;
- (3) No person shall remove any material from the Yard Waste Depot without prior authorization from the City of Martensville;
- (4) Residents may deposit bagged yard waste in approved yard waste collection receptacles only;
- (5) No person shall deposit materials at the Yard Waste Depot between the months of November to April unless authorized by the City of Martensville;
- (6) The Yard Waste Depot may be closed to the public during maintenance or due to weather;
- (7) Residents may deposit real Christmas Trees at the Yard Waste depot during scheduled collection periods provided that the trees are free of decorations are not bound or wrapped. No person shall deposit artificial trees at the Yard Waste Depot under any circumstances;
- (8) All yard waste shall be deposited in the designated areas at the Yard Waste Depot only;
- (9) All persons shall obey all posted signage and regulations at the Yard Waste Depot;
- (10) Yard Waste Composite site may use video detection, video monitoring, or personal witness for enforcement purposes.

Part VIII Enforcement

Enforcement

56. (1) The administration and enforcement of this Bylaw is delegated to the Director of Infrastructure and Planning.
- (2) The Director of Infrastructure and Planning is authorized to further delegate the administration and enforcement of this Bylaw to designated delegate.

Inspections

57. (1) The Director of Infrastructure and Planning or a designated delegate is authorized to inspect property to determine if there is compliance with this Bylaw.
- (2) Inspection under this Bylaw shall be carried out in accordance with Section 324 of *The Cities Act*.

Orders to Remedy

58. (1) If an inspector finds a contravention of this Bylaw, the inspector may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- (2) Orders given under this Bylaw shall comply with Section 328 of *The Cities Act*.
- (3) Orders given under this Bylaw shall be served in accordance with Section 347 of *The Cities Act*.

Registration of Notice of Order

59. If an order is issued pursuant to this Bylaw, the City may give notice of the existence of the order by registering an interest against title to the land that is the subject of the order in accordance with Section 328 of *The Cities Act*.

Appeal of Order to Remedy

- 60. (1) Appeals shall be made in writing to the City Council.
- (2) A person may appeal an order made pursuant to this Bylaw by filing a notice of appeal with the City Clerk in accordance with Section 329 of *The Cities Act*, and by serving a copy of the notice on the City. The notice of appeal shall state the grounds for the appeal.

Civil Action to Recover Costs

- 61. The city may, in accordance with Section 332 of *The Cities Act*, collect any unpaid expenses or costs incurred by the City in remedying a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

Adding Amounts to Tax Roll

- 62. The City may, in accordance with Section 333 of *The Cities Act*, add any unpaid expenses or costs incurred by the City in remedying a contravention of this Bylaw to the taxes on the property on which the contravention occurred.

Emergencies

- 63. In the event that it becomes an emergency to remedy a contravention of this Bylaw, the City may take whatever actions or measures are necessary to eliminate the emergency in accordance with provisions of Section 331 of *The Cities Act*.

Part IX Offences and Penalties

Offences

- 64. (1) Every person commits an offence who:
 - (a) allows waste of any kind to accumulate on or in any land or building other than as permitted in this Bylaw;
 - (b) places or disposes of waste other than as permitted in this Bylaw;

- (c) fails to take proper measures to prevent waste from escaping from a vehicle used to transport waste, or allows waste to escape from a vehicle used to transport waste;
 - (d) being the owner or operator of a vehicle used in carrying out the construction, alteration or demolition of any building, structure or landscaping allows any earth or waste to be deposited upon a street or sidewalk by or from such vehicle, or fails to remove such earth or waste from the street or sidewalk;
 - (e) being a person other than the owner, operator or occupant of a business or residence to which a waste container is assigned or a person permitted by the Director of Infrastructure and Planning disturbs or disrupts the contents of a waste container;
 - (f) being a person other than the owner, operator or occupant of a business or residence to which a waste container is assigned or a person permitted by the Director of Infrastructure and Planning removes any waste, object or material from a waste container;
 - (g) causes or permits any loss of or damage to a City owned/leased waste/recycle container;
 - (h) leaves a waste container or a public right-of-way for more than 24 hours;
 - (i) fails to maintain a waste container in a sanitary state; and
 - (j) places waste in a recycling container or at a recycling depot.
- (2) Every person commits an offence who:
- (a) allows excessive recyclable material of any kind to accumulate on or in any land or building other than as permitted in this Bylaw;
 - (b) places or disposes of recyclable material other than as permitted in this Bylaw;
 - (c) fails to take proper measures to prevent recyclable material from escaping from a vehicle used to transport recyclable material, or allows recyclable material to escape from a vehicle used to transport recyclable material;

- (d) being a person other than the owner, operator or occupant of a business or residence to which a recycling/waste container is assigned or a person permitted by the Director of Infrastructure and Planning disturbs or disrupts the contents of a recycling container;
- (e) being a person other than the owner, operator or occupant of a business or residence to which a recycling/waste container is assigned or a person permitted by the Director of Infrastructure and Planning removes any recyclable or waste material for the container or collection vehicle;
- (f) causes or permits any loss of or damage to Service Providers recycling container;
- (g) leaves a recycling container on a public right-of-way for more than 24 hours; and
- (h) fails to maintain a recycling container in a sanitary state;
- (i) allow waste to fall off of vehicle while transporting to yard waste compost site;
- (j) deposit waste of any kind on public property intentionally or unintentionally;
- (k) deposit unacceptable material, fails to comply with any material deposit location, or directional signage in place at the yard waste compost site;
- (l) being a person other than the owner, operator or occupant of a business or residence within the City of Martinsville utilized the yard waste compost site;
- (m) causes or permits any damage to City owned facilities at the yard waste compost site;
- (n) deposits yard waste compost materials in an unapproved collection receptacle or fails to deposit any unapproved collection receptacle in the allocated garbage location. In the event that the allocated garbage location is full, the user is responsible to remove their unapproved collection receptacle and deposit it within their regular household solid waste.

65. No person shall;
- (a) fail to comply with an order made under this Bylaw;
 - (b) obstruct or hinder a municipal inspector acting under this Bylaw; or
 - (c) fail to comply with any other provision of this Bylaw.

Penalty

66. Any person who contravenes a provision of section 63 is guilty of an offence and liable on summary conviction to a fine:
- (a) for the first offence, of \$100.00;
 - (b) for a second offence, of \$200.00; and
 - (c) for a third or subsequent offence, of not less than \$200.00 and not more than \$10,000.00 in the case of an individual or \$25,000.00 in the case of a corporation.

Notice of Violation for First and Second Offences

67. (1) A municipal inspector or a peace officer may issue a notice of violation to any person committing first or second offence under Section 63. The notice shall require the person to pay to the City the penalty specified in Section 65.
- (2) The penalty may be paid:
- (a) in person, during regular office hours, to the cashier located at City Hall 37 Centennial Drive South, Martensville, Saskatchewan;
 - (b) by deposit, at the depository located at the main entrance to City Hall 37 Centennial Drive South, Martensville, Saskatchewan;
 - (c) by mail addressed to City Hall, Box 970, Martensville, Saskatchewan, S0K 2T0
- (3) If payment of the penalty is made prior to the date when the person contravening the Bylaw is required to appear in court to answer a charge, the person shall not be liable to prosecution for that offence.

- (4) Notwithstanding Subsection (1), if a municipal inspector or a peace officer is of the opinion that it is in the public interest to compel a person who has contravened a provision of this Bylaw for the first time to appear before a justice, the municipal inspector or peace officer may issue a summons that requires the person to appear before a justice without the alternative of paying the specified amount.
- (5) If in the opinion of a prosecutor it is appropriate, the prosecutor may, on or before the court appearance date, permit the person mentioned in Subsection (4) to pay the specified amount to avoid prosecution.

Early Payment

68. (1) If the penalty imposed under a notice of violation is paid within 14 calendar days of the date of the notice of violation, the amount of the penalty shall be discounted to the sum of \$50.00 for a first offence and \$100.00 for a second offence.
- (2) The date of payment shall be determined as follows:
 - (a) for payment in person, the date of payment shall be the date payment is received by the City;
 - (b) for payment by deposit, the date of payment shall be the date payment is deposited in the depository at City Hall; or
 - (c) for payment by mail, the date of payment shall be the federal post marked date on the remittance.
- (3) Upon payment, the person contravening the Bylaw shall not be liable to prosecution for that offence.

Third and Subsequent Offences

69. (1) no municipal inspector or peace officer may issue a notice of violation in case of a third or subsequent offence.
- (2) For the purpose of this Part, an offence shall be deemed to be a first offence if the offender has not been convicted of the same offence or made a voluntary payment for a notice of violation in respect of the same offence within the 12 months immediately preceding the commission of the alleged offence.

General Penalty

70. Except where a penalty is specifically provided in this Bylaw, every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual, to a fine of not more than \$10,000.00;
 - (b) in the case of a corporation, to a fine of not more than \$25,000.00; and
 - (c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500.00 per day.
71. A conviction for an offence of failing to comply with an order does not relieve the person convicted from complying with the order and the convicting judge or justice of the peace may, in addition to any fine imposed, order the person to do any act or work, within a specified time, to comply with the order with respect to which the person was convicted.
72. The court may, in default or payment of a fine imposed under this Bylaw, order imprisonment of the individual for a term not exceeding one year.

Part X Miscellaneous

Compliance with Other Laws

73. Nothing in this Bylaw relieves a person from complying with any other law, including any public health legislation, any environmental protection legislation or any other Bylaw of the City.

Most Restrictive Provision Prevails

74. Where there is a conflict between the provisions of this Bylaw and the provisions of any other legislation, regulation or bylaw, the more restrictive provision prevails.

Repeal

74. Bylaw 11/87, 14/00, 24/01, 14/02 and 17/02 are hereby repealed.

Coming into Force

75. This Bylaw shall come into force upon the day of its final passing.

Read a first time this 15th day of December, 2015

Read a second time this 15th day of December, 2015

Read a third and final time this 15th day of December, 2015

Mayor

City Clerk