



RESORT VILLAGE OF TOBIN LAKE BYLAW NO. 2023.10

A BYLAW OF THE RESORT VILLAGE OF TOBIN LAKE TO ESTABLISH AND REGULATE A SCAVANGING SYSTEM FOR THE PROPER COLLECTION AND DISPOSAL OF WASTE AND RECYCLABLE MATERIALS WITHIN THE RESORT VILLAGE OF TOBIN LAKE

Section 8 (i) of *The Municipalities Act*

The Council of The Resort Village of Tobin Lake in the Province of Saskatchewan enacts as follows:

1. **Scope**

- a. This bylaw may be cited as “The Waste Collection and Disposal Bylaw”.

2. **Interpretation and Application**

In this bylaw, unless the context otherwise requires:

- a. **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;
- b. **Collector** means a person who collects waste within the Municipality for and on behalf of the Municipality;
- c. **Commercial Premises** means premises principally used for the conduct of some profession, business or undertaking;
- d. **Commercial Refuse** means refuse produced by commercial premises;
- e. **Council** means the Council of the Resort Village of Tobin Lake;
- f. **Designated Officer** means any member of the Royal Canadian Mounted Police or any employee of the Resort Village of Tobin Lake designated with responsibility for enforcing this bylaw, including, but not limited to, the Chief Administrative Officer, the Bylaw Enforcement Officer, and/or any other person designated by the CAO;
- g. **Garbage** means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;
- h. **Householder** means the occupant, lessee or tenant or the person otherwise in charge of any residential dwelling;
- i. **Industrial Premise** means a premise principally used for manufacturing, processing, assembling, cleaning, servicing, repairing, testing, storage, distribution, or warehousing of materials, goods, or equipment;
- j. **Industrial Refuse** means waste produced by industrial premises;

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- k. **Municipality** means the Resort Village of Tobin Lake;
- l. **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, rodents, or other animals, or that may otherwise be a health risk;
- m. **Receptacle** means the container used for storage of refuse/garbage for collection as authorized by Council;
- n. **Recyclable Materials** means recyclable materials including waste packaging, paper, cardboard, tin and metals as defined in The Household Packaging and Paper Stewardship programs;
- o. **Refuse** means all putrescible and non-putrescible wastes (except human excrement) including garbage, rubbish, and market waste that does not include liquid waste;
- p. **Residential Premises** means premises used principally for residential purposes and does not include commercial, agriculture or industrial uses;
- q. **Rubbish** means non-putrescible wastes, consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, glass and comparable materials;
- r. **Solid Wastes** means refuse, rubbish and other discarded solid materials resulting from domestic activities;
- s. **Special Collection Area** means an area prescribed by the foreman or council;
- t. **Stationary Containers** means a container intended to be used for waste collection or recycling collection that is approximately three (3), six (6), or eight (8) yards in volume and capable of automated collection. This includes roll-off containers ranging in size from twelve (12) to thirty (30) yards;
- u. **Transfer Station Waste Disposal Site** means an area maintained by the Municipality supplied with bins for disposal of residential household garbage and recycling.

3. Provisions for the Disposal of Waste

- a. The Municipality shall be responsible for the public collection and removal of residential solid waste and recyclable materials within the limits of the Municipality.
- b. Commercial business are responsible for the collection and their removal of solid waste and recyclable materials.
- c. Council may provide for the collection, removal and disposal of solid wastes and recyclable materials within the limits of the municipality by contract with any person on any terms and conditions that Council considers expedient.
- d. Solid wastes shall only be removed to the waste disposal grounds by an employee of the Municipality or a person who has contracted with the Municipality for that purpose.

- e. The collection, removal, and disposal of wastes from residential premises in the Municipality subject to such modifications as may be deemed necessary by council shall be on a weekly basis year-round and on a twice weekly basis for the months of May to September.

4. Pre-collection Practices

- a. Garbage shall be thoroughly drained of all liquid and placed in one (1) bag designed for the collection of garbage before it is placed in a waste receptacle for removal.
- b. Separation of acceptable recyclable materials from the main waste stream will be mandatory for all properties, regardless of tax classification. Individual property owners will be responsible to ensure recyclable material and other waste are separated to the greatest extent possible.
- c. The occupant of every premise shall deposit their refuse/garbage in a waste receptacle with a fitted lid which they must supply.
- d. Bags must be securely closed in a manner which prevents water from entering the bag.
- e. Bags and waste receptacles shall be handled in a manner which dissuades wildlife from interfering with the contents.
- f. No person shall open or interfere at any time with the contents of any waste receptacle placed for collection.
- g. Bags shall not exceed fifty (50) pounds in weight.
- h. The owner or occupant of property shall ensure that there is unobstructed access to waste and recycling containers.
- i. Unless otherwise approved by bylaw passed by Council, no person shall burn any household garbage or refuse.

5. Collection Practices

- a. Collectors and inspectors appointed by Council shall have the right to enter at all reasonable times all premises and yards for the purpose of performing the duties assigned to them.
- b. The following wastes are excluded from the Municipal collection:
 - (1) Wastes not properly prepared for collection;
 - (2) Wastes not placed in proper receptacles;
 - (3) Wastes placed loosely and not secured in a bag;
 - (4) All building refuse,
 - (5) Commercial refuse;
 - (6) Industrial refuse;
 - (7) liquid waste refuse and hazardous refuse;
 - (8) All yard clippings, trees, whole shrubs, bushes or portions of hedges or trimmings;
 - (9) All dead animals, carcasses, including fish waste.

- c. No person shall remove garbage to the transfer station waste disposal site unless authorized to do so by Council.

6. Special Collection Area

- a. The Municipality may designate a special collection area within the Resort Village to house stationary containers.
- b. The purpose of these containers is for convenience for residential refuse and/or recycling and shall not be used by commercial refuse or non-resident refuse and/or recycling.

7. Accumulation of Waste Prohibited

- a. 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 this bylaw.

8. Enforcement of Bylaw

- a. The administration and enforcement of this bylaw is hereby delegated to the Chief Administrative Officer of the Resort Village.
- b. The CAO is hereby authorized to further delegate the administration and enforcement of this bylaw to another employee of the Resort Village including, but not limited to, the designated officer or authorized representative.

9. Offences and Penalties

- a. No person shall:
 - i) Contravene any provisions of this bylaw; or
 - ii) Fail to comply with an order made pursuant to this Bylaw; or
 - iii) Obstruct or interfere with any Designated Officer, who is authorized to conduct an inspection or a person who is assisting a Designated Officer.

10. Penalty

- a. Every person who contravenes any provisions in this bylaw is liable on summary conviction to the increasing penalties for each subsequent contravention made within 24 months, pursuant to section 11 of this bylaw.
 - i) Every person who contravenes any provision in this bylaw is liable, by way of Notice of Violation to the increasing penalties for each subsequent contravention made within 24 months, as show in schedule B
- b. In the case of an offence that is of continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.
- c. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction to a fine:
 - i) for the first offence, of \$100.00;
 - ii) for a second offence, of \$250.00;
 - iii) for a third or subsequent offence, of not less than \$500.00 and not more than \$10,000.00 in the case of an individual, or \$25,000.00 in the case of a corporation.

11. Notice of Violation

- a. A designated officer may issue a Notice of Violation to any person committing an offence under section 9.
- b. The notice shall require the person to pay to the Resort Village the penalty specified in Schedule B.
- c. The penalty may be paid:
 - i) in person, during regular office hours, at the Resort Village of Tobin Lake office;
 - ii) by mail addressed to the Resort Village of Tobin Lake, Box 1479, Nipawin SK S0E 1E0
- d. If payment of the fine as provided in Schedule B is made within 60 calendar days of service of the Notice of Violation, the person shall not be liable to prosecution for that offence.
 - i) Payment of any Notice of Violation does not exempt the person from enforcement of an Order pursuant to this bylaw or violations of a continuing nature.

12. Order to Remedy Contraventions

- a. If a designated officer finds that a person is contravening this bylaw, the designated officer may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- b. Orders given under this bylaw shall comply with section 364 of *The Municipalities Act*.
- c. Issuing an order to remedy does not exempt the person from enforcement of a notice of violation pursuant to section 11 a. of this bylaw.

13. Registration of Notice of Order

- a. If an order to remedy is issued pursuant to section 12, the Resort Village may, in accordance with section 364 of *The Municipalities Act*, give notice of the existence of the order by registering an interest against the title to the land that is the subject of the matter.

14. Appeal of Order to Remedy

- a. A person may appeal an order to remedy made pursuant to section 12 in accordance with section 365 of *The Municipalities Act*.

15. Municipality Remediating Contravention

- a. The Resort Village may, in accordance with section 366 of *the Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this bylaw at the expense and cost of the owner or occupant who contravened the bylaw.

16. Emergency

- a. In the event that it becomes an emergency to remedy a contravention of this bylaw, the Resort Village may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of *The Municipalities Act*.

17. Recovery of Unpaid Expenses and Costs

- a. Any unpaid expenses and costs incurred by the Resort Village in remedying a contravention of this bylaw may be recovered either:
 - i) By adding the amount to the taxes on the property on which the work is done in accordance with section 369 of *The Municipalities Act*;
 - ii) Through submission to a collection agency; and/or
 - iii) By civil action for debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*.

18. Coming Into Force

- a. This bylaw shall come into force and take effect on the final date of approval.

19. Repeal

- a. Bylaw No.05/2018 is hereby repealed.



Amy Shupley

Mayor

Nathalie Hopkins

Administrator

Read a third time and adopted
this 9 day of January 2024

Nathalie Hopkins

Administrator

SCHEDULE B

Notice of Violation Minimum Penalties

Offence Pursuant to The Waste Collection and Disposal Bylaw		Penalty (Fine)	
		Time of issuance (paid within 15 days)	Time of issuance (paid after 15 days)
Failure to comply with an order to remedy contravention	1 st Offence	\$100.00	\$200.00
	2 nd Offence	\$250.00	\$500.00
	3 rd Offence	\$500.00	\$1000.00
Failure to comply with any other provision of bylaw	1 st Offence	\$100.00	\$200.00
	2 nd Offence	\$250.00	\$500.00
	3 rd Offence	\$500.00	\$1000.00