

**BYLAW 2019-03  
VILLAGE OF BEISEKER  
WASTE MANAGEMENT AND RECYCLING BYLAW**

**BEING A BYLAW TO RESCIND BYLAW 2015-02 AND BEING A BYLAW OF THE VILLAGE OF BEISEKER, IN THE PROVINCE OF ALBERTA TO REGULAR THE COLLECTION, DISPOSAL AND HANDLING OF WASTE AND RECYCLING WITHIN THE VILLAGE OF BEISEKER.**

**WHEREAS**, under the provisions of Section 7, *Municipal Government Act*, Chapter M-26, R.S.A. 2000 as amended, the Council may pass a Bylaw for the purposes of safety, health and welfare of people and the protection of people and property;

**AND WHEREAS**, the Village of Beiseker Council deems it necessary to pass a Bylaw to establish and maintain a waste and recycling management system throughout the municipality and to operate the system as a public utility;

**NOW THEREFORE**, the Village of Beiseker Council, duly assembled, enacts as follows:

**SECTION 1 – SHORT TITLE**

- 1.1 This Bylaw may be cited as the “Waste Management and Recycling Bylaw”.
- 1.2 Where the provisions of this Bylaw conflict with the provisions of any other Bylaw or policy of the Village of Beiseker, this Bylaw shall prevail.

**SECTION 2 – DEFINITIONS**

In this Bylaw the following words shall meaning as follows:

- 2.1 “*Alley*” means a road intended primarily for access to the rear yard of adjacent premises, “*lane*” or “*laneway*” shall have the same meaning.
- 2.2 “*Approved receptacles*” means an animal proof container or bin into which garbage bags are placed.
- 2.3 “*Collector*” means the person(s) who collect waste or recyclable material within the Village as an agent, contractor or employee of the Village.
- 2.4 “*Commercial Bin*” means an animal proof container provided for the storage of waste with a capacity of more than three hundred and sixty five (365) litres and is constructed to be emptied mechanically into a collection vehicle.
- 2.5 “*Commercial premises*” means any premises that are deemed commercial, industrial, institutional, and may include an apartment dwelling or multi-dwelling properties, but not a residential property.
- 2.6 “*Garbage bag*” means a sturdy plastic bag specifically made to store waste for collection; usually black or green in colour and excludes plastic bags that are intended for other purposes.
- 2.7 “*Hazardous Waste*” as defined under the *Environmental Protection and Enhancement Act* and its regulations.
- 2.8 “*Occupant*” means any Person who occupies, has possession of, use of, or control of any land or building.
- 2.9 “*Owner*” means any Person registered as the owner of a property pursuant to the provision of the *Land Titles Act (Alberta)* and shall include a person who is purchasing a property under an Agreement for Sale.
- 2.10 “*Enforcement Officer*” means a person appointed by Council pursuant to the *Municipal Government Act* and includes a member of the Royal Canadian Mounted Police, a Community Peace Officer or a Bylaw Enforcement Officer.
- 2.11 “*Person*” means an individual, firm, corporation, partnership, trustee, Owner, Occupier, lessee or tenant.
- 2.12 “*Waste*” means any agricultural, biological, construction, general, liquid, toxic, or yard waste.
- 2.13 “*Village*” means the Village of Beiseker

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- 2.14 “*Violation Tag*” means a ticket or similar document issued by an Enforcement Officer pursuant to the *Municipal Government Act*, R.S.A. 2000, c-M-26 as amended.
- 2.15 “*Violation Ticket*” means a ticket issued in accordance with the *Provincial Offences Procedure Act*, R.S.A. c. P-34 as amended
- 2.16 “*Work Forces*” includes employees of the Village of Beiseker and Persons under contract to the Village of Beiseker.

**SECTION 3 – GENERAL PROVISIONS**

- 3.1 Waste to be collected from residential properties shall be limited to three (3) garbage bags.
- 3.2 Excess waste beyond three (3) garbage bags will be collected from residential properties provided the excess waste is within a garbage bag placed in an approved receptacle with a Village of Beiseker “Extra Waste Tag” purchased at a rate established from time to time by the Village of Beiseker and to a maximum of three (3) excess waste bags per week.
- 3.3 No person shall set waste out for collection unless it is placed in garbage bags which are properly fastened and protected against breakage and placed in approved receptacles.
- 3.4 All receptacles for waste collection shall be in good condition, and repaired or replaced should they become damaged, unsafe, dangerous or unsightly.
- 3.5 The Owner of a Commercial Premises shall ensure that Receptacles or Commercial Bins are provided for the premises which are:
- (a) of sufficient size and quantity to provide adequate capacity given the number of Occupants of the premises; and
  - (b) located where they can be safely and conveniently accessed by the Occupants of the premises, vehicles and Work Forces and where they do not become a nuisance; and
  - (c) located in a storage area that is protected from wind or other weather that would impede the collection of waste;
  - (d) securely closed at all times and emptied frequently to prevent overflow and odour;
  - (e) free of graffiti; and
  - (f) the area around the receptacle(s) or storage area is maintained in a clean and tidy condition at all times.
- 3.6 Commercial Premises are not subject to Section 3.1 and 3.2.
- 3.7 The Village reserves the right to determine if waste will be collected from any commercial premises based on volume or type of waste that is being disposed. This may result in the requirement for the owner of the Commercial Premises to arrange for one or more commercial bins. The costs associated with the purchase, rental and waste pick-up of the bin is the responsibility of the Owner of the Commercial Premises.
- 3.8 If it is determined that the Village will not provide garbage services to a property because a Commercial Bin has been rented by an Owner for a Commercial Premises, the arrangement will be made in writing per Schedule “C” – Commercial Bin Agreement and approved by the Village Office. Once a written agreement is in place, garbage fees will not be applied to that property.
- 3.9 Commercial Bins are not permitted on residential or public properties unless written permission has been received from the Village Office. This permission will be in accordance with Schedule “C” – Commercial Bin Agreement and will include the building address, name and phone number of the owner of the property, the location of where the commercial bin is to be placed on the residential property and the length of time that the bin can remain on the property.
- 3.10 The weight of any single bag of waste shall be no more than thirty-five pounds (35 lbs.) (15 kg).
- 3.11 It is the responsibility of the Owner/Occupant to ensure that any clippings from shrubs, trees or bushes or any other yard waste is taken to the compost area at the Village transfer site, or any other where compostable material is received. The Village will not pick up yard waste from any

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property unless it is bagged properly and is within the three (3) bag limit outlined in other sections of this Bylaw.

- 3.12 No person shall set out for waste collection any objects such as glass, hypodermic needles, nails, knives, metal or wood splinters unless properly contained in a puncture resistant receptacle prior to being placed out for collection.
- 3.13 The Occupant shall keep the lane at the rear of the property under their control clear of waste of any nature to the centre of the lane.
- 3.14 The Occupant shall keep the boulevard, curb and gutter at the front of the property clear of waste of any nature.
- 3.15 All items set out for recycling collection must be reasonably clean.
- 3.16 Recycling carts must be placed on flat ground, not on a raised platform. The carts should be placed with the cart wheels against the curb of the street with at least 3 (three) feet of space on either side of the cart (not within 3 (three) feet of parked cars, power poles, utility boxes, fences or any other obstruction).
- 3.17 Recycling carts must be removed from the street within 24 hours of the day of collection.
- 3.18 Only amounts that will fit into the recycling carts will be collected. Excess recycling should be taken to the recycling depot. It is the responsibility of the landowner to dispose of excess recycling materials.
- 3.19 If the Owner of a Commercial Premises wishes to have recycling picked up by another work force other than the one contracted by the Village, an agreement will be made in writing per Schedule "C" – Commercial Bin Agreement and approved by the Village Office. Once a written agreement is in place, recycling fees will not be applied to that property.
- 3.20 A recycling receptacle will be provided to each property where recycling is picked up by a Village Work Force. Any damaged, lost or stolen recycling receptacles will be replaced at the Owner's expense in accordance with the Village Fee Schedule.

**SECTION 4 – PERMITTED AND PROHIBITED MATERIALS**

- 4.1 Schedule "B" outlines the types of waste and recycling that is permitted and prohibited and how each type of material can be disposed of.
- 4.2 No Person shall place for collection any prohibited material in either the waste receptacles or recycling carts.

**SECTION 5 – FEES AND CHARGES**

- 5.1 The fees and charges for the collection of waste and recycling as well as the fees and charges for disposal at the Village Recycling Depot and Transtor Site are listed in the Fee Schedule.

**SECTION 6 – FINES & PENALTIES**

- 6.1 Any Person who contravenes any provision of this Bylaw by:
  - (a) doing something that is prohibited in this Bylaw, or
  - (b) failing to do something that is required in this Bylaw, or
  - (c) doing something in a manner different from which is required or permitted in this Bylaw,is guilty of an offence.
- 6.2 If a Violation Ticket has been issued in respect to an offence:
  - (a) the Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a penalty not exceeding \$10,000.00
  - (b) Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.

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(c) Where there is a minimum penalty listed for an offence in Schedule "A" to this bylaw, that amount is the minimum penalty for the offence.

6.6 The levying and payment of any penalty provided in this bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs from which that Person is liable under the provisions of this Bylaw, or any other Bylaw.

**SECTION 7 – OBSTRUCTION**

7.1 No Person shall obstruct, hinder or impede any authorized representative of the Village in the exercise of their powers or duties pursuant to this Bylaw

**SECTION 8 – ORDER TO REMEDY**

8.1 The Enforcement Officer may

- (a) direct the owner, agent, lessee or occupier of any property by verbal or written Notice to take such measures as deemed reasonably necessary to ensure that any provision of this Bylaw is complied with;
- (b) require the owner, agent, lessee or occupier to remedy within no less than 7 days of the date the Notice was received, any directive that was issued in the Order to Remedy.

8.2 The Enforcement Officer is authorized to enter lands within the Village of Beiseker, at any reasonable time and after giving reasonable notice to the owner or occupier, for the inspection of conditions that may constitute a condition that is dangerous to public safety or health, or otherwise contravenes or fails to comply with the provisions of this Bylaw.

8.3 The Enforcement Officer may request anything to be produced or make copies of anything related to assist in the section, remedy, enforcement or action.

8.4 In an emergency or in extraordinary circumstance, the Enforcement Officer need not give reasonable notice or enter at a reasonable hour and may enter onto lands without the consent of the Owner or Occupier.

8.5 After having inspected a property or premises within the Village, the Enforcement Officer has the authority to declare the property or premises to be in contravention of this Bylaw.

8.6 Any person who enters property to remedy a condition as directed by the Enforcement Officer or the Chief Administrative Officer shall be deemed to have the authorization of the Council of the Village and shall not incur any liability thereto.

**9.0 SERVICE OF NOTICE**

9.1 Notice given by the Enforcement Officer pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served on the Person to whom it is addressed:

- a) on the Notice being personally delivered to the Person to whom it is addressed;
- b) on sending the Notice by regular mail or registered mail in a prepaid cover, addressed to the last known postal address of the Person to whom the Notice is addressed, or as shown in the assessment roll, as the case may be. A notice will be considered delivered 5 (five) business days after it was mailed; or
- c) on posting the Notice in a conspicuous place on the land referred to in the Notice or on any buildings or erections thereon, when the Enforcement Officer has reason to believe:
  - i. that the Person to whom the Notice is addressed is evading service thereof; or
  - ii. for any reason it is improbable that the Notice will be received by the Person to whom it is addressed within 3(three) days of the date of the Notice, if it is delivered or mailed.

9.2 Notwithstanding any other section of this Bylaw, if, after receiving a Notice, any Person fails to comply with the provisions of this Bylaw, or to remedy a condition that has been directed, they shall be deemed guilty of an offence under this Bylaw.

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**SECTION 10 – ENFORCEMENT**

- 10.1 An Enforcement Officer is hereby authorized and empowered to use a Violation Tag to any Person, whom the Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 10.2 If a Violation Tag is issued in respect of an offence, the Person receiving the Violation Tag may make payment to the Village of Beiseker as per the amount specified on the Violation Tag in order to avoid prosecution for the offence.
- 10.3 In the event the Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid in the prescribed time, an Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket to the Person to whom the Violation Tag was issued pursuant to the *Provincial Offences Procedure Act*
- 10.4 *Notwithstanding Section 5.1*, an Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person to whom the Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 10.5 If a Violation Ticket is issued in respect of an offence, the Person receiving the Violation ticket may pay the fine amount as per the amount specified on the Violation Ticket on or before the required date in order to avoid further prosecution for the offence.

**SECTION 11 -SEVERABILITY**

- 11.1 If any Section or parts of this Bylaw are found in any court of law to be illegal, or are otherwise invalid and beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

**SECTION 12 – DEEMED SERVED**

- 12.1 A Violation Tag issued by the Enforcement Officer pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served on the person whom it is addressed:
- a) Being personally delivered to the person named on the Municipal Tag; or
  - b) upon sending the Violation Tag by regular mail to the address as is shown on the assessment roll. A Violation Tag will be considered served after 5 (five) business days upon mailing.
- 12.2 A Violation Ticket issued by the Enforcement Officer pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served:
- a) on the Person to whom it is addressed pursuant to the Provincial Offences Procedures Act or;
  - b) swearing an Information and Complaint against the person; or
  - c) by leaving a copy for such person at his/her residence with an individual at the residence who appears to be at least 18 years of age, and such service shall be adequate for the purposes of this Bylaw.
- 12.3 A Violation Ticket may be served on a Person which is a **corporation**, either:
- a) by sending it by registered mail to the registered office of the corporation, A Violation Ticket will be considered served after 5 (five) business days upon mailing; or
  - b) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address, and such service shall be adequate for the purposes of this Bylaw.
- 12.4 This Section does not prevent an Enforcement Officer from issuing a Violation Ticket requiring a Court appearance by the Defendant in accordance with the *Provincial Offences Procedures Act*.

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**SECTION 13 RECOVERY OF ENFORCEMENT COSTS**

- 13.1 The expenses incurred by the Village in carrying out enforcement action pursuant to this Bylaw constitutes a debt owing to the Village from the Person responsible for the Bylaw contravention and may be collected by civil action for debt in a court of competent jurisdiction, in accordance with the *Municipal Government Act*.
- 13.2 In the event of the Village carrying out enforcement action pursuant to a Remedial Order, the CAO is responsible for sending a demand for payment of enforcement expenses incurred by the Village to the Owner of the property where the infraction took place and if the Owner fails to pay the enforcement expenses incurred by the Village within the time frame set out in the demand for payment, the CAO shall place the unpaid expense amount onto the tax roll of the subject Land and that amount:
- a) is deemed to for all purposes to be a tax imposed under Division 2 of Part 10 of the *Municipal Government Act* from the date it was added to the tax roll, and
  - b) forms a special lien against the Land in favour of the Village from the date it was added to the tax roll for the Land, in accordance with the *Municipal Government Act*.
- 13.3 In the event that the Village removes Property as part of its enforcement action undertaken pursuant to this Bylaw and the *Municipal Government Act*, the CAO or Enforcement Officer shall issue a written notice to the Owner of the Property setting out a time period in which the Owner may recover the Property from the Village, which time frame must not be less than 30 days from the date of receipt of the written notice by the Person, as well as any amounts owing by the Owner to the Village related to the removal and/or storage of the Property or related enforcement activities.
- 13.4 In the event that the Owner of the Property fails to retrieve the Property and pay any associated expenses or costs incurred by the Village in the removal or storage of the Property within the time frame specified in writing by the Village, the CAO may direct that the Property be disposed of as they deem appropriate and any revenue generated from the disposal of the Property shall be used to pay the Village's costs and expenses incurred in the removal, storage or disposal of the Property or related enforcement activities undertaken by the Village in accordance with this Bylaw and the *Municipal Government Act* and any excess amounts remaining shall be paid to the Owner of the Property.

**SECTION 14 – COMING INTO FORCE**

- 14.1 This Bylaw comes into force on the final passing thereof and replaces Bylaw 2015-02.

READ A FIRST TIME this    day of                    , 2019

READ A SECOND TIME this    day of                    , 2019.

Unanimous permission given to have Third and Final Reading this    day of                    , 2019

READ A THIRD TIME AND FINALLY PASSED this    day of                    , 2019

\_\_\_\_\_  
MAYOR, Warren Wise

\_\_\_\_\_  
CAO, Heather Leslie

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**SCHEDULE "A"**

**Fines in lieu of prosecution:**

Offence	VIOLATION TAG		VIOLATION TICKET	
	1 <sup>ST</sup> Offence	2 <sup>nd</sup> Offence	Minimum Penalty	Maximum Penalty
3.1 More than three bags of waste – Residential Only – T	\$150.00	\$300.00	\$500.00	\$750.00
3.2 Failure to purchase Excess Waste Bags – T	\$150.00	\$300.00	\$500.00	\$750.00
3.3 Failure to set waste in secured and unbroken garbage bags – T	\$150.00	\$300.00	\$500.00	\$750.00
3.4 Damaged Waste Receptacles - O	\$150.00	\$300.00	\$500.00	\$750.00
3.5 Improper number of, location, secured, unclean or untidy areas around waste receptacles – Commercial Premises – O	\$200.00	\$400.00	\$600.00	\$900.00
3.7/8 Failure to obtain written agreement for a commercial bin (Commercial Premises) – O	\$150.00	\$300.00	\$500.00	\$750.00
3.9 Failure to obtain permission for a commercial bin on residential property – O	\$150.00	\$300.00	\$500.00	\$750.00
3.10 Weight of bag of waste is over 35 lbs (15 kg) - T	\$150.00	\$300.00	\$500.00	\$750.00
3.12 Dangerous items not properly contained - T	\$200.00	\$400.00	\$600.00	\$750.00
3.13 Failure to keep lane at rear of property clear of waste – O	\$150.00	\$300.00	\$500.00	\$750.00
3.14 Failure to keep front of property clear of waste – O	\$150.00	\$300.00	\$500.00	\$750.00
3.15 Recycling items not clean – T	\$150.00	\$300.00	\$500.00	\$750.00
3.16 Failure to place recycling cart in proper position – T	\$150.00	\$300.00	\$500.00	\$750.00
3.17 Failure to remove recycling cart from pick up spot within 24 hours – T	\$150.00	\$300.00	\$500.00	\$750.00
3.18 Placing of excess recycling - T	\$150.00	\$300.00	\$500.00	\$750.00
3.19 Failure to obtain permission for a commercial recycling pickup – O				

T – Automatic Tag or Ticket

R – May result in the issuance of an Order to Remedy, and may include Tag or Ticket.

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SCHEDULE "B"

Permitted and Prohibited Materials – Material Collection and Disposal

<b>RECYCLING</b>						
<b>TYPE</b>	<b>ITEM</b>	<b>PERMITTED FOR WASTE COLLECTION</b>	<b>PERMITTED FOR RECYCLING COLLECTION</b>	<b>TRANSOR SITE DROP OFF</b>	<b>RECYCLING DEPOT DROP OFF</b>	<b>PROHIBITED</b>
<b>PAPER</b>	Computer Paper		X		X	
	White/Colour Bong, Loose Leaf Paper		X		X	
	Envelopes		X		X	
	Clean, dry newspaper		X		X	
	Flyers, magazines		X		X	
	Phone books		X		X	
	Brown Paper		X		X	
	Catalogues		X		X	
	Books (hardcover removed) or soft covered		X		X	
<b>CARDBOARD (Flattened)</b>	Clean, dry corrugated boxes (remove plastic liners, wood inserts, packing, Styrofoam)		X		X	
	Cereal, Soap or dry product boxes with liners removed		X		X	
<b>HOUSEHOLD PLASTICS</b>	#1-#7 type Plastic containers (eg. Dish soap, shampoo, yogurt, margarine, milk jugs). All plastics must be clean with no contaminants		X		X	
<b>METALS</b>	Tin Cans (clean)		X		X	
	Metal Jar Tops (remove plastic and paper seals)		X		X	
	Aerosol Cans				X	
	Propane Tanks				X	
	Fuel Containers				X	
	Batteries				X	
	Paint Cans				X	
	Wire and Cable				X	
<b>COMPOST</b>	Bags must be emptied at the compost site (no plastic or non-compostable items)			X		
<b>CONCRETE</b>	Including concrete sidewalk blocks, bricks				X	
<b>WOOD</b>	Clean Wood				X	
<b>TIRES</b>	All sizes				X	
<b>ELECTRONICS</b>	Computers, monitors, printers				X	
	Televisions				X	
	Cell phones				X	
	Stereos				X	
	VCR & DVD Players				X	
	Glass (Clean)		X		X	



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<b>WASTE</b>						
<b>TYPE</b>	<b>ITEM</b>	<b>PERMITTED FOR WASTE COLLECTION</b>	<b>PERMITTED FOR RECYCLING COLLECTION</b>	<b>TRANSTOR SITE DROP OFF</b>	<b>RECYCLING DEPOT DROP OFF</b>	<b>PROHIBITED</b>
	Regular household waste	X		X		
	Fridges/Freezers (FEE)			X		
	Couches, Loveseats and other furniture (FEE MAY APPLY)			X		
	Chairs, Tables (FEE)			X		
	Mattresses/Box Springs			X		
	Household Garbage (Transtor site drop off – FEE)			X		
	Workout Equipment			X		
	Styrofoam	X		X		
	Animal Carcass					X
	Grain Products					X
	Industrial/Oil Field Waste					X
	Pesticides/Herbicides					X
	Asphalt Shingles					X
	Biological Waste					X
	Construction Materials					X
	Hazardous Waste					X

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SCHEDULE "C"

COMMERCIAL BIN Agreement

Name of Applicant(s) : \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Name of Landowner(s): \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Civic Address of Property: \_\_\_\_\_

Location of Commercial Bin(s):  
\_\_\_\_\_  
\_\_\_\_\_

Residential only: Date when Commercial Bin is to be removed: \_\_\_\_\_

To be completed at the request of the following:

- 1) Commercial Premises – Village will not provide garbage services due to the volume or type of waste to be collected. Owner is required to obtain a commercial bin or other means of ensuring that garbage is picked up. Garbage fees to property account will not be charged.
- 2) Commercial Premises – Recycling . Village contractor is not able to pick up the recycling at this location. Owner is required to make arrangements to have recycling materials disposed of. Recycling fees to property account will not be charged.
- 3) Residential Premises – Garbage. Owner is requesting a temporary Commercial Bin to be placed at the owner’s expense on the property. Regular Garbage fees will be charged to the property. The date that the commercial bin is to be removed will be provided on this agreement.

Date of Approval: \_\_\_\_\_

\_\_\_\_\_  
Village of Beiseker Authorized Signature

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Landowner Signature