



## TOWN OF COCHRANE

### **Bylaw No. 09/2011**

#### **Being a Bylaw of the Town of Cochrane, in the Province of Alberta to regulate the collection, disposal and handling of waste within the Town of Cochrane and maintaining, in the Province of Alberta.**

Whereas: Pursuant to the *Municipal Government Act*, R.S.A. 2000 and amendments thereto, a Municipal Council may pass Bylaws establishing and maintaining a waste management system throughout the municipality.

and Whereas: The Municipal Council of the Town of Cochrane, in the Province of Alberta, deems it desirable to pass a Bylaw to establish and maintain a waste management system and to operate this system as a public utility.

Now Therefore Council, duly assembled, hereby enacts, as follows:

#### **1.0 TITLE**

1.1 This Bylaw may be cited as "The Waste Management Bylaw".

#### **2.0 INTERPRETATION**

2.1 For the purposes of this Bylaw the following terms, phrases, words and their derivations shall have the meanings given herein.

- (a) "additional recycling collection cart" means the additional 240 L Town owned automated recycling collection cart provided at an additional cost to the customer by the Town at the customer's request to a maximum of one (1) additional recycling collection cart per dwelling house;
- (b) "additional waste collection cart" means the additional 120 L Town owned automated waste collection cart provided at an additional cost to the customer by the Town at the customer's request to a maximum of one (1) additional waste collection cart per dwelling house;

- (c) "alley" means a road intended primarily for access to the rear yard of adjacent premises, "lane" shall have the same meaning;
- (d) "apartment house" means a residential building which is occupied or intended to be occupied by more than four families living independently of each other and includes, but is not limited to:
  - (i) Structures known as townhouses or rowhouses;
  - (ii) Seniors Citizens' self contained units in a complex of more than four units;
  - (iii) Licensed boarding houses, lodging houses and rooming houses, terraces of dwellings and any other type of premises where more than four families reside or dwell;

which is neither a dwelling house nor a condominium as defined in this Bylaw;
- (e) "ashes" means cold residue from burning of wood, coal or other like material;
- (f) "automated collection" means the collection of Residential Waste and Recycling by a system of mechanical lifting and tipping of containers into specially designed vehicles;
- (g) "base rate" means the rate established by the Town from time to time for the collection of one unit of waste and one unit of recycling to be collected from each dwelling house each week;
- (h) "billing period" shall be the same as the one month period for which the customer is charged for water and sewer service;
- (i) "biomedical waste" is as defined under the Waste Control Regulation;
- (j) "boulevard" means that part of a highway in an urban area that:
  - (i) is not a roadway, and
  - (ii) is not that part of the sidewalk that is specially adapted for the ordinary use of pedestrians;
- (k) "Chief Administrative Officer" means the Chief Administrative Officer of the Town of Cochrane or his designate;

- (l) "church" means a place of worship;
- (m) "collector" means a person who collects waste or recyclable material within the Town as an agent, contractor or employee of the Town;
- (n) "collection cart or carts" means residential waste and recyclable material collection carts;
- (o) "collection point" means a location where the waste and recyclable material collection carts and any "Excess Waste" bags are placed for collection;
- (p) "collection utility" means the system of collecting and disposing of residential waste and/or recyclable material from dwelling houses within the Town;
- (q) "commercial bin" means any container for the storage of commercial waste or recyclable material;
- (r) "commercial premises" means any premises that are designated as "commercial" under the Town's Land Use Bylaw, and includes any premises that are exempt from municipal assessment or taxation;
- (s) "commercial waste and recyclable material" means waste that would normally be generated and discarded from a commercial premises, including stores, cafes, eating houses and wholesale or retail business places and office blocks where the establishment occupies all or part of a building having mixed uses and also includes material from the work of decorating, cleaning or repairing of a building or premises;
- (t) "condominium" means a building divided into individually owned units as described in the *Condominium Property Act* and amendments thereto, and for the purpose of this bylaw only each unit shall be deemed to be a single family dwelling;
- (u) "construction, renovation and demolition waste" means all waste produced in the process of constructing, altering, renovating, repairing, or demolishing a building; including earth, vegetation, and rock displaced during the process of building, all of which is acceptable for disposal at an approved disposal site;
- (v) "contaminated" means that the recyclable materials have been compromised by the presence of food residue, blood, soil, or other prohibited materials, "soiled" shall have the same meaning;

- (w) "Council" means the Municipal Council of the Town of Cochrane;
- (x) "customer" means any applicant, Owner, builder, person, persons, corporations, or associations whose dwelling house is eligible for waste and recyclable material collection by the Town or any lessee or occupant of such a dwelling house who has applied to the Town for a collection utility account or is otherwise responsible for paying such a collection utility account for waste and recycling collection services from the Town;
- (y) "Dangerous Goods" means Dangerous Goods as defined in the Transportation of *Dangerous Goods Transportation and Handling Act* and its regulations;
- (z) "Director" under the *Environmental Protection and Enhancement Act* is a person designated as a Director for the purpose of the *Environmental Protection and Enhancement Act* by the Minister of Environment;
- (aa) "disposal" includes disposition or intended disposition by discarding, discharging, dumping, throwing away, dropping, or abandoning and "dispose" shall have a comparable meaning;
- (bb) "disposal site" means a sanitary landfill or another site approved by the Town for waste disposal;
- (cc) "dwelling house" means any building occupied for residential purposes, other than a condominium, multiple family dwelling or apartment house, that is included within the Town's collection utility;
- (dd) "eco fee" means that rate established by the Town from time to time and charged to all utility accounts for the establishment and operation of waste and recycling programs not including residential waste and recyclable material collection;
- (ee) "excess rate" means the rates established by the Town for the purchase and use of "Town of Cochrane – Excess Waste" bags and for the collection of excess waste;
- (ff) "excess waste" means residential waste placed out for collection in excess of the one – 120 litre waste collection cart.
- (gg) "excess residential recyclable materials" means residential recyclable materials placed out for collection in

excess of the one – 240 litre residential recycling collection cart.

- (hh) "hazardous waste" as defined under the Environmental Protection and Enhancement Act and its regulations;
- (ii) "highway" is as defined in the *Traffic Safety Act*;
- (jj) "industrial waste" means all waste generated by industrial activities and, or, properties and includes waste that presents health, safety or environmental concerns;
- (kk) "industrial properties" means any places that carry on one or more of the following activities; the manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing, distribution or shipment of materials, goods, products and ,or, equipment;
- (ll) "multiple family dwelling" means a building designed and built to contain five or more dwelling units separated from each other by firewalls;
- (mm) "Peace Officer" as defined in the *Peace Officer Act*, and includes a duly appointed Community Peace Officer employed by the Town;
- (nn) "plastic garbage bag" means a sturdy plastic bag specifically marketed to store waste for collection, and excludes plastic bags that are intended for other purposes;
- (oo) "premises" means land, including any buildings erected thereon;
- (pp) "processing site" means a facility for the processing of recyclable materials;
- (qq) "prohibited materials" means all materials listed in Section 9.0: Prohibited Materials and herein defined;
- (rr) "reasonably clean" means not contaminated or soiled;
- (ss) "recyclable materials" means those materials determined by the Town from time to time to be acceptable through the Town's residential recycling collection program or the Town's Recycling Depot;
- (tt) "recycling depot" means a public drop off facility for recyclable materials and special waste materials;
- (uu) "residential recyclable materials" means those materials determined by the Town from time to time to be

acceptable for collection through the Town's collection utility;

- (vv) "residential recycling collection cart" means a 240 L cart owned and supplied by the Town to dwelling houses in order to contain residential recycling and be rolled to a collection point where it will be emptied by an automated collection vehicle;
- (ww) "residential waste" means all non-recyclable solid waste generated through ordinary day-to-day activities of the occupants of a dwelling house, and does not include materials generated as a result of construction, renovation, roofing, demolition, landscaping, installation or removal of lawns or sprinkler systems, installation or removal of concrete or asphalt, or automotive or recreational vehicle work of any kind;
- (xx) "residential waste collection cart" means a 120 L cart owned and supplied by the Town to dwelling houses in order to contain residential waste and be rolled to a collection point where it will be emptied by an automated collection vehicle;
- (yy) "Senior Manager of Infrastructure Services" means the Senior Manager of Infrastructure Services for the Town or his designate;
- (zz) "Senior Manager Protective Services" means the Senior Manager of Protective Services for the Town or his designate;
- (aaa) "service change request" includes but is not limited to:
  - (i) a request by a customer to increase residential waste collection services from one residential waste collection cart per week to two residential waste collection carts per week;
  - (ii) a request by a customer to increase residential recycling collection services from one residential recycling collection cart per week to two residential recycling collection carts per week;
- (bbb) "service change/set up fee" means the fees set by the Town from time to time and specified in Schedule 'B' and charged for new waste and recycling collection account set up and bin delivery for all dwelling houses that do not have waste and recycling carts already assigned; the fee charged for a service change request and delivery of the requested carts;

- (ccc) "street" means a public thoroughfare within the Town and includes where the context so allows, the sidewalk and borders of the street and all parts appearing in the records of the Land Titles Office as having been set aside for a public thoroughfare; when used in distinction to an alley, it means the public thoroughfare on which the premises in question fronts;
  - (ddd) "Town" means the municipal corporation of the Town of Cochrane, or the area contained within the boundaries thereof, as the context requires;
  - (eee) "unit of waste" means one 120 litre residential waste collection cart weighing, including its contents, no more than 55 KG;
  - (fff) "unit of recycling" means one 240 litre residential recycling collection cart weighing, including its contents, no more than 110 KG;
  - (ggg) "utility right of way" means the area of land acquired for or devoted to the provision of a utility;
  - (hhh) "waste" is as defined under the *Environmental Protection and Enhancement Act* and its regulations;
  - (iii) "Waste Control Regulation" means Regulation 192/96 pertaining to waste under the *Environmental Protection and Enhancement Act*;
- 2.2 The caption and headings in this Bylaw are for convenience of reference only, and shall not affect the interpretation of any provision.

### **3.0 APPLICATION**

- 3.1 This Bylaw applies to all waste and recyclable material produced or transported within the boundaries of the Town.
- 3.2 Nothing in this Bylaw shall operate to relieve any person from complying with any Federal, Provincial or other Town Law, Order, Regulation or Bylaw and such person shall comply with all conditions or obtain any necessary consent at his or her own expense.
- 3.3 Except as provided in this Bylaw, no person shall;
  - (a) Store or deposit any waste or-recyclable material in or on any premises owned or occupied by the Town or on any street or boulevard; or

- (b) Store or place any collection cart or commercial bin on any street or boulevard.
- 3.4 Section 3.3 shall not apply:
- (a) In respect of any waste or recyclable material stored or deposited at any disposal site designated pursuant to this Bylaw;
  - (b) In respect of any collection cart placed or stored on a street for use by the public by or with the consent in writing of the Senior Manager of Infrastructure Services;
  - (c) To a person who is actively engaged in loading or unloading any collection cart or commercial bin.
- 3.5 Any person who deposits any waste or recyclable material on a street or boulevard contrary to this Bylaw shall forthwith remove such waste or recyclable material from the street at his or her own expense.
- 3.6 No person shall scavenge waste or recyclable material from a collection cart or a commercial bin.
- 3.7 No person shall damage, tamper with or vandalize a collection cart or commercial bin owned by or operated by the Town.

#### **4.0 SERVICE**

- 4.1 The Town shall not collect waste or recyclable material from:
- (a) condominiums: unless approved in writing by the Senior Manager of Infrastructure Services;
  - (b) apartment houses;
  - (c) commercial premises, industrial and institutional operations;
  - (d) churches;
  - (e) unserviceable property.
- 4.2 An owner or occupant of a premises listed in subsection 4.1 shall:
- (a) arrange for waste and, or, recyclable material collection and disposal, at the expense of the owner or occupant, by a private collection service that disposes of waste at a disposal site; and



- (b) ensure that waste and, or, recyclable material is collected on a regular basis to prevent the development of noxious odors and the accumulation of waste and recyclable material.

**5.0 PROVISIONS FOR DISPOSAL OF WASTE AND RECYCLABLE MATERIAL**

- 5.1 The Town may provide the necessary vehicles for the public collection and removal of waste and recyclable material within the limits of the Town.
- 5.2 The Town may provide, supervise and operate the facilities and equipment necessary or desirable for disposal and processing of waste and recyclable material collected by the Town.
- 5.3 The Town may:
  - (a) supervise the collection, removal and disposal of waste and recyclable material;
  - (b) direct the days and times that collections will be made from different portions of the Town; and
  - (c) decide as to the quantities and types of waste and recyclable material to be removed from any dwelling house included within the Town's collection utility or accepted by the Town for disposal or processing.

**6.0 TOWN COLLECTION AND REMOVAL OF RESIDENTIAL WASTE AND RECYCLABLE MATERIAL**

- 6.1 Subject to the provisions of this Bylaw, the Town:
  - (a) shall cause one unit of residential waste to be collected from each dwelling house once per week;
  - (b) shall cause one unit of residential recyclable material to be collected from each dwelling once per week;
  - (c) shall approve the equipment used for residential waste and recyclable material collection and the manner in which waste and recyclable material is collected and disposed or processed;
  - (d) shall own all collection carts;
  - (e) may enter into a contract with a person for the collection of the whole or a portion of the waste and, or, recyclable material accumulated within the Town limits;

- (f) may decide the collection point from which waste and recyclable material will be collected from a dwelling house, either front or rear collection; and
  - (g) may carry out any inspections required to determine compliance with this Bylaw.
- 6.2 The Town may, at the time of collection or any other time, remove, repair or replace any obsolete, damaged or non-serviceable collection carts.
- 6.3 An owner or occupant of premises in districts designated as "residential" under the Town's Land Use Bylaw, who is served by the Town's collection utility shall pay for the collection, removal and disposal of residential waste and recyclable material in accordance with the base rates, excess rates and other rates established from time to time by the Town.

**7.0 EXCESS RESIDENTIAL WASTE AND, OR RECYCLING FOR COLLECTION**

- 7.1 Excess waste will be collected provided the excess waste is contained:
- (a) within a "Town of Cochrane – Excess Waste" bag purchased at a rate established from time to time by the Town and to a maximum of three (3) excess waste bags per week; or
  - (b) within an additional waste collection cart provided to a customer pursuant to a service change request and subject to payment of the applicable excess rate to a maximum of one (1) additional waste collection cart per week.
- 7.2 Excess residential recyclable material will be collected provided the residential recyclable material is contained:
- (a) within an additional recycling collection cart provided to a customer pursuant to a service change request and subject to payment of the applicable excess rate to a maximum of one (1) additional recycling collection cart per week.
- 7.3 The "Town of Cochrane – Excess Waste" bags referred to in Section 7.1 (a), may be offered for sale in locations specified by the Senior Manager of Infrastructure Services.
- 7.4 The additional waste collection cart and additional recycling collection cart referred to in Section 7.1 (b) and Section 7.2 (a), may be requested through the locations specified by the Senior Manager for Infrastructure Services.

**8.0 PREPERATION OF RESIDENTIAL WASTE AND RECYCLABLE MATERIAL FOR COLLECTION**

8.1 No person shall set waste out for collection unless it is thoroughly drained and securely wrapped in sufficient paper to absorb any moisture or placed in plastic garbage bags which are properly tied before being put in waste collection carts for collection.

(a) an owner or occupant of a dwelling house must ensure that residential waste material:

(i) is bagged prior to deposit into the collection cart;

(ii) consists only of permitted waste materials as determined by the Town from time to time;

(iii) consisting of light, dusty or objectionable materials including cooled ashes, powders, sawdust, vacuum cleaner bags, furnace filters, animal feces and absorbants and disposable diapers is double bagged.

(b) an owner or occupant of a dwelling house using a "Town of Cochrane – Excess Waste" bag must ensure prior to collection:

(i) the bag is water tight and securely tied;

(ii) the bag is capable of holding the contents without breaking; and

(iii) that the total weight of a bag does not exceed 15 kilograms (33 pounds).

8.2 No person shall set out for waste collection from a dwelling house objects such as glass, nails, knives, metal, or wood splinters unless properly contained in a puncture resistant receptacle before being placed in a waste collection cart.

8.3 No person shall place for collection ashes which are not properly quenched.

8.4 All residential recyclable material set out for collection will be:

(a) reasonably clean; and

(b) placed loosely into the collection cart without bagging or bundling, bagging of recyclable material is permitted for the preparation of plastic bags and shredded paper.

- 8.5 Upon written approval by the Senior Manager of Infrastructure Services, the owner, occupant or person in charge of a condominium shall comply with the provisions set forth for residential waste and recyclable material collection in this Bylaw.

## **9.0 PROHIBITED MATERIALS**

- 9.1 No person shall place any of the following items in any collection cart or plastic garbage bag for collection by the Town or its contractor:

- (a) unquenched ashes;
- (b) hazardous waste;
- (c) commercial or industrial waste;
- (d) dead animals;
- (e) construction, renovation and demolition waste;
- (f) gas/propane liquids or any other liquid based petroleum product;
- (g) rocks;
- (h) automobile waste including automobile parts, tires and batteries;
- (i) engine oil;
- (j) oil filters;
- (k) building materials and furniture;
- (l) sod;
- (m) compressed cylinders;
- (n) waste that is unsafe for the collector to access or handle;  
or
- (o) waste that could cause environmental impairment;
- (p) any recyclable materials that are not reasonably clean.

- 9.2 No person shall place any of the following items in any residential recycling collection cart for collection by the Town or its Contractor:

- (a) any waste;
- (b) any materials that are not recyclable materials;
- (c) any recyclable materials that are not reasonably clean.

9.3 Any material listed in Section 9.1 and 9.2 set out for collection by the Town's waste and recyclable material collection program shall not be collected.

#### **10.0 PROVISION OF WASTE AND RECYCLING COLLECTION CARTS**

10.1 Residential waste and recyclable material collection carts will be provided by the Town at the expense of the customer for a fee determined by the Town from time to time and specified in Schedule 'B' if:

- (a) the customer establishes a new collection utility account for a new dwelling house where no collection carts have been previously assigned;
- (b) for the replacement of lost, stolen or damaged collection carts; and
- (c) for the provision of an additional waste or recycling collection cart.

#### **11.0 RESIDENTIAL WASTE AND RECYCLING COLLECTION CARTS**

11.1 The owner or occupant of a dwelling house:

- (a) shall utilize for waste and recyclable material collection only the Town provided residential waste and recycling collection carts required for automated collection;
- (b) shall utilize only "Town of Cochrane – Excess Waste" bags for the collection of excess waste;
- (c) shall clean up any spillage originating from the waste or recyclable material collection carts assigned to their premises;
- (d) shall not set out for collection any waste or recyclable material that is not generated by the occupants of his own dwelling house;
- (e) shall not tamper or interfere with any waste or recyclable material set out for collection that is not generated by the occupants of his own dwelling house;
- (f) shall ensure that the collection carts:

- (i) are not filled in such a manner that the manufacturer's rated weight limit is exceeded;
  - (ii) are not filled higher than the upper rim of the cart or in a manner which prevents full closure of the cart lid;
  - (iii) do not have its contents compressed in such a manner that it inhibits the waste or recyclable material from falling freely from the collection cart during the regular tipping process;
  - (iv) do not contain any material which might adhere to the inside of the collection cart, such material to be separately wrapped prior to being placed in the collection cart;
  - (v) are maintained in good repair and in a reasonably clean and sanitary condition;
- (g) shall ensure that the collection carts are:
- (i) stored on the premises from which the collection cart is assigned and shall not encroach upon or project over any street, lane or public place except when placed on such street or lane for the purpose of collection under this Bylaw; and
  - (ii) stored with the lid closed in order to reduce odors and prevent litter;
- (h) shall ensure that collection carts are set out for collection:
- (i) no later than 7:00 am on the day of collection; and
  - (ii) no earlier than 7:00 pm on the day before collection
- (i) shall ensure that all collection carts assigned to the dwelling house are returned to their storage area no later than 7:00 pm on the day of collection;

11.2 A collector shall not be required to remove or empty:

- (a) a collection cart which together with its contents exceeds the manufacture's rated weight limit;
- (b) a "Town of Cochrane – Excess Waste" bag that exceeds 15 kilograms in weight (33 pounds);

- (c) a collection cart containing prohibited materials;
- (d) a collection cart filled higher than the cart's upper rim causing the cart lid to not fully close.

## **12.0 PLACEMENT OF RESIDENTIAL WASTE AND RECYCLING FOR COLLECTION**

12.1 All collection carts set out for collection shall conform to the following standards:

- (a) be placed in such a manner that automated collection may occur without collectors being required to manually move the collection carts in order to allow pick up;
- (b) be placed in a manner that the front of the collection cart is facing the street or alley/lane;
- (c) where any dwelling house is served by an alley/lane, all collection carts from such premises shall be placed adjacent to the alley and, or, lane with clearances of at least 0.3 metres to the rear, 0.3 metres between the carts and 1 metre from any obstacles such as cars or utility boxes;
- (d) in cases where no alley or lane exists, all collection carts from such a dwelling house shall be placed for collection along the roadway at the edge of the curb with clearances of at least 0.3 metres to the rear, 0.3 metres between the carts and 1 metre clearance from any obstacles such as cars or utility boxes;
- (e) in cases where Town of Cochrane "Excess Waste" bags are set out for collection, the bags must be placed at least 0.3 metres to either side of any collection cart to provide clearance for automated collection;
- (f) collection carts must not be placed on the sidewalk or in such locations as to interfere in any way with vehicle or pedestrian traffic;
- (g) collection carts must be placed on a level surface not more than 150 mm above the road elevation;
- (h) collection carts must be placed for collection in a way that they cannot easily be tipped over;

12.2 No collector shall be required to make a collection of waste or recyclable material from inside any building or be required to pass through a building in order to collect waste or recyclable material.

- 12.3 Waste and recycling collection carts from units in a residential condominium shall be placed in a centralized location for collection at or near a traveled portion of the access road on the common property or elsewhere with the written approval of the Senior Manager of Infrastructure Services.
- 12.4 The owner or occupant of a dwelling house from which waste and recyclable material is to be collected shall not cause or permit the alley/lane in the rear of the dwelling house to the centre of the alley/lane thereof, and including the waste and recycling storage location on the common property, to be maintained in an untidy or disorderly condition.
- 12.5 No collector shall be required to make a collection of waste or recyclable material if the waste or recycling collection cart is not placed according to the standards specified in this Bylaw.

### **13.0 COLLECTION INTERFERENCE**

- 13.1 No person shall willfully hinder or interrupt or cause or procure another to hinder or interrupt, the Town or its contractors, servants, agents, or employees, in the exercise of powers and duties under this Bylaw.
- 13.2 No person shall deposit waste or recyclable material in a collection cart without the consent of the owner or occupant of the premises on which the collection cart is located.
- 13.3 Unless special arrangements for collection are made with the Town, the Town shall not be obliged to collect waste or recyclable material from any building or premises the owners of which are exempt from general taxation.

### **14.0 REFUSAL OF RESIDENTIAL WASTE AND RECYCLABLE MATERIAL COLLECTION**

- 14.1 Collectors may refuse to collect residential waste and, or, recyclable material which has not been securely placed in a collection cart, if the collection cart lid is not fully closed, if the collection cart is improperly placed for collection, if the collection cart is overflowing with materials, if the collection cart has become overturned or if "Excess Waste" bags have been torn, ripped or broken so as to allow spillage or scattering of the contents.

### **15.0 COMMERCIAL WASTE**

- 15.1 An owner or occupant of commercial premises shall provide at his own expense a sufficient number of commercial bins to contain the waste expected to be generated by users of such premises and shall ensure that all such commercial bins are:



- (a) maintained in good condition;
  - (b) kept in a clean and sanitary condition;
  - (c) suitably weighted and anchored so that they cannot be inadvertently overturned;
  - (d) constructed and covered so that they are weatherproof and animal proof;
  - (e) of a suitable size to contain all waste generated from the premises and from the uses thereof; and
  - (f) placed in locations convenient for the use of users or occupants of the premises to discourage litter or the accumulation of uncontained waste
- 15.2 All waste generated is to be disposed of at a disposal site at the expense of the owner and, or, occupant of the premises at a frequency that prevents the accumulation of waste referred to in Section 16.0.
- 15.3 No person shall use any commercial bin that is not equipped with a tight fitting lid which shall be kept closed except when the bin is being loaded or unloaded.
- 15.4 Commercial bins used for commercial waste shall not be placed on any alley, lane, street, sidewalk, boulevard, utility right-of-way or highway within the Town unless written approval has been granted by the Senior Manager of Infrastructure Services.

## **16.0 INDUSTRIAL WASTE**

- 16.1 An owner or occupant of industrial premises shall be responsible at the expense of the owner and, or, occupant of the premises, for disposal of the waste generated by it.
- 16.2 Industrial waste must be kept in an area blocked from public view and stored in such a way that it does not become a nuisance.
- 16.3 Industrial waste shall not be placed or kept on any alley or lane, street, sidewalk, boulevard, utility right-of-way or highway within the Town unless written approval has been granted by the Senior Manager of Infrastructure Services.

## **17.0 ACCUMULATION OF WASTE AND RECYCLING PROHIBITED**

- 17.1 Except for waste or recyclable materials which is placed in containers required and in a manner complying with the provisions of this Bylaw and in a location designated or allowed by this Bylaw, no person who is the owner, occupant or person

in charge or responsible for any land or building in the Town shall allow waste or recyclable material of any kind to accumulate:

- (a) outside of a building or inside of a portion of the building to which the public or part of the public has access; or
- (b) on any land.

17.2 Notwithstanding anything in this Bylaw contained, no person shall dispose of waste or recyclable material or allow waste or recyclable material to accumulate anywhere in any manner which contravenes a provision of the *Environmental Protection and Enhancement Act*, the regulations made thereunder or a Bylaw of the Town relating to health, sanitation or nuisance, unless:

- (a) there is a written agreement with the owner, occupant or person in charge of upon which the waste or recyclable material is to be deposited; and
- (b) the waste or recyclable material is deposited and covered as to comply with all the applicable provisions of this and all other Bylaws of the Town and of the *Environmental Protection and Enhancement Act*, the regulations made thereunder.

17.3 No person shall dispose of waste or recyclable material elsewhere than at a disposal or processing site of a type appropriate for that type of waste or recyclable material.

17.4 A person who has disposed of waste or recyclable material on any land contrary to the provisions of Section 16.2 (a) shall remove the same at his expense upon being requested to do so by the owner, occupant or person in charge of the land, by the Town, the Director under the *Environmental Protection and Enhancement Act* or by the Senior Manager of Protective Services, but such removal shall not prevent him from being prosecuted for a contravention of this Bylaw.

17.5 If the person who has placed waste or recyclable material on land contrary to the provisions of this Bylaw is not known or neglects or refuses to remove the waste or recyclable material therefrom, the owner, occupant or person in charge of the land shall remove the waste or recyclable material or cause the waste or recyclable material to be removed, at his expense, upon being directed to do so by a Peace Officer of the Town, the Director under the *Environmental Protection and Enhancement Act* or the Senior Manager of Protective Services.

## **18.0 HYPODERMIC NEEDLES**

- 18.1 No person shall in any circumstances place any type of hypodermic needle in waste set out for collection by the Town or a private disposal service unless properly contained in a puncture resistant container.
- 18.2 No person shall in any circumstances place any type of hypodermic needle in recyclable material set out for collection by the Town or a private disposal service.

## **19.0 LUMINESCENT OR FLORESCENT TUBUES**

- 19.1 No person shall put luminescent gas filled electric discharge tubes or florescent tubes in any waste or recyclable material set out for collection by the Town. Residential florescent tubes shall be disposed of at a designated Town facility.
- 19.2 Luminescent or florescent tubes from commercial or industrial premises are to be disposed of in a manner which will prevent explosion of the tube or scattering of any of the particles therefrom and shall be disposed of at the owner's expense, at an appropriate disposal site.

## **20.0 HAZARDOUS WASTE**

- 20.1 No person shall place or mix with any waste or recyclable material set out for collection by the Town or delivery to any Town facility any dangerous goods, hazardous waste or biomedical waste.
- 20.2 Any person, firm, partnership, corporation or like enterprise that breaches any part of the hazardous waste provisions of this Bylaw shall be responsible for all costs incurred by any other person in eliminating any pollution or contamination on any other site in the Town and shall make payment thereof to the Town or any other person who incurs any such costs on demand, and any such payment will not exclude the payor from prosecution for contravention of this Bylaw.
- 20.3 A person responsible for the existence or accumulation of hazardous waste shall cause the hazardous waste to be transported to a disposal site designated by the Province of Alberta for such purposes and be disposed of as prescribed by the Director under the *Environmental Protection and Enhancement Act*.
- 20.4 All hazardous waste as defined under the *Environmental Protection and Enhancement Act* and its regulations shall only be disposed of under the supervision of the Director under the *Environmental Protection and Enhancement Act*.

## **21.0 CONSTRUCTION, RENOVATION AND DEMOLITION WASTE AND RECYCLING**

- 21.1 The owner of any premises producing construction, renovation and demolition waste and recyclable material shall:
- (a) provide and maintain on the premises in good condition, a sufficient number of waste and recycling containers or commercial bins to store the construction, renovation and demolition waste and recyclable material;
  - (b) not allow the premises or adjacent premises to become untidy or unsightly because of accumulated construction, renovation and demolition waste and recyclable material
  - (c) periodically at the owner's expense deliver to and dispose of all building waste and recyclable material at an appropriate disposal site;
  - (d) contain any construction, renovation and demolition waste and recyclable material and not allow it to spill over or accumulate on any street, lane or other public property;
  - (e) recapture any construction, renovation and demolition waste and recyclable material which is blown off the premises and immediately place same in a container or commercial bin; and
  - (f) pursuant to the instructions of the Senior Manager of Infrastructure Services fence the whole or any part of such premises or construct any structure necessary to contain the construction, renovation, and demolition waste.

## **22.0 PRIVATE DELIVERY OF WASTE OR RECYCLABLE MATERIAL**

- 22.1 Subject to this Bylaw, a person may deliver to a disposal or processing site or a sanitary landfill, waste or recyclable material collected from property in the Town, owned or occupied by himself.

## **23.0 TOWN RECYCLING DEPOT**

- 23.1 All utility accounts will be charged an "eco fee" based on the utility billing cycle for the establishment and operation of waste and recycling programs not included within the residential waste and recycling collection program;

- 23.2 A person delivering recyclable materials to a Town recycling depot shall comply with the following rules and any other rules posted in writing at the recycling depot:
- (a) only acceptable recyclable materials as may be determined and specified from time to time by the Senior Manager of Infrastructure Services shall be deposited;
  - (b) recyclable materials delivered for disposal shall be deposited in places designated and in a manner prescribed by the Senior Manager of Infrastructure Services; and
  - (c) material that is not acceptable under Section 22.2(a) shall not be deposited and it will be the responsibility of the individual to dispose of the items at an approved disposal or processing site.

#### **24.0 HEALTH AND FIRE BYLAW NOT SUPERSEDED**

- 24.1 Nothing in this Bylaw shall be deemed to nullify, amend or repeal any provisions of Town Bylaws relating to fires or to public health. 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 requirement as the case may be.
- 24.2 Notwithstanding Section 23.1, where the provisions of this Bylaw are more stringent than the provisions of the fire and health Bylaws, the more stringent provisions of this Bylaw shall be followed.

#### **25.0 DELEGATION OF POWERS**

- 25.1 The Council hereby delegates to the Chief Administration Officer the power to:
- (a) establish regulations for the general maintenance, management or conduct of the collection system and of the officers and other employees employed in connection with the collection system;
  - (b) fix, in connection with the collection system, the times and places where rates or charges under this Bylaw are payable;
  - (c) collect the rates or fees as established by Council in relation to this Bylaw;
  - (d) enforce payment of those rates or fees by all or any of the following methods, namely by:

- (i) action in any court of competent jurisdiction;
  - (ii) distress and sale of goods and chattels of the person owing the rates or charges wherever they may be found in the municipality; or
  - (iii) any other lawful means of collection available;
- (e) enforce the terms and conditions under which the collection system is supplied either by:
- (i) enforcing this Bylaw, or
  - (ii) enforcing any agreement made between the Town as service provider and the customer, and
- (f) authorize, for the purposes of performing the duties assigned by this Bylaw, every collector appointed by the Town to enter land from which the Town is required to remove waste or recyclable material during usual hours of operation of the collection system.

## **26.0 PENALTIES AND ENFORCEMENT PROCEDURES**

- 26.1 Any person who contravenes any provisions of this Bylaw is guilty of an offense and is liable upon Summary Conviction to a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) and not less than Fifty Dollars (\$50.00) and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- 26.2 Where a Peace Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against such person by:
- (a) Issuing the person a Violation Ticket pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act; or
  - (b) Swearing an Information and Complaint against the person.
- 26.3 Where a Peace Officer issues a person a Violation Ticket under this Bylaw, the Peace Officer may either:
- (a) Allow the person to pay the specified penalty as provided for in Schedule "A" of this Bylaw by indicating such specified penalty on the Violation Ticket; or
  - (b) Require a Court appearance of the person where the Community Peace Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act, in which case the

minimum penalty amounts shall be no less than the specified penalty amounts. Notwithstanding Section 26.3, a Peace Officer may issue a Bylaw violation tag, in a form as approved by the Town, to any person alleged to contravene any provision of this Bylaw.

- 26.4 Service of such Bylaw Tag shall be sufficient if it is:
- (a) personally served upon the property owner or occupant of the property;
  - (b) served by regular mail upon the owner of the property at the address shown on the Town's tax rolls; or
  - (c) placed on or attached in a conspicuous location on the property.
- 26.5 The Bylaw violation tag shall specify a penalty in lieu of prosecution in the amount provided for in Schedule "A" of this Bylaw.
- 26.6 A person who pays the amount specified on a Bylaw violation tag in respect of a contravention of a provision of this Bylaw, within the time allowed for payment as specified on the Bylaw violation tag, shall not be liable for prosecution for the contravention.
- 26.7 The specified penalty payable in respect of a second or subsequent contravention of this Bylaw shall be double the amount set out in Schedule "A" of this Bylaw.
- 26.8 The levying and payment of any penalty, or the imprisonment for any period as provided for in this Bylaw, shall not relieve a person from the necessity of paying any fees, charges or costs for which the person is liable under the provisions of this Bylaw.
- 26.9 A Peace Officer is not required to issue a Bylaw Tag pursuant to Section 26.4 but may in his sole discretion issue a Violation Ticket to prosecute such contravention.
- 26.10 It is the intention of the Council that all offences created pursuant to this Bylaw be construed and considered as strict liability offences.

## **27.0 GENERAL**

- 27.1 It is the intention of the Council that each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to have been improperly enacted, then such section or provision shall be regarded as being severable from

the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.

- 27.2 Schedule "A" and "B" may from time to time, be amended by resolution of Council.
- 27.3 Whenever the singular and masculine gender is used in this Bylaw, the same shall included the plural, feminine and neuter gender whenever the context so requires.
- 27.4 Bylaw No. 26/2005 is rescinded in its entirety.
- 27.5 This Bylaw shall take effect upon third and final reading.

Read a first time June 13, 2011  
Read a second time June 13, 2011  
Read a third time June 13, 2011



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Manager, Legislative Services



## **SCHEDULE "A"**

### **To Bylaw no. 09/2011**

#### **CONTRAVENTION FINES**

<b>SECTION</b>	<b>DESCRIPTION OF OFFENCE</b>	<b>TAG AMOUNTS</b>	<b>SPECIFIED PENALTY</b>
General Penalty	All Bylaw sections not specified in this Schedule	\$50.00	\$50.00
Section 4.2(b)	Accumulation of Waste or Recycling – unserviced premises	\$100.00	\$300.00
Section 13.1	Collection Interference	\$50.00	\$100.00
Section 13.2	Waste or recycling deposited without consent		\$100.00
Section 12.1	Improperly located collection containers	\$50.00	\$100.00
Section 9.1	Setting out prohibited materials for collection	\$50.00	\$100.00
Section 9.2	Setting out prohibited materials for recycling collection	\$50.00	\$100.00
Section 11.1(a)	Failure to use appropriate containers	\$50.00	\$100.00
Section 11.1(f)(ii)	Failure to keep lid closed	\$50.00	\$100.00
Section 11.1(g)	Failure to store containers appropriately	\$50.00	\$100.00
Section 17.1	Accumulation of Waste or Recycling – serviced premises	\$100.00	\$500.00
Section 20.1	Placing hazardous waste, dangerous good, or biomedical waste for collection	\$100.00	\$500.00
Section 21.1(a)	Failure to provide sufficient containers	\$100.00	\$500.00
Section 21.1(b)	Accumulation of building waste	\$100.00	\$500.00
Section 21.1(d)	Failure to contain construction, renovation and demolition waste	\$100.00	\$500.00

**SCHEDULE "B"**

**To Bylaw no. 09/2011**

**ADDITIONAL FEES**

<b>SERVICE</b>	<b>FEE</b>
<b>New Account Set-up</b>	\$65.00/each new account set-up
<b>Lost/Stolen/Damaged Waste Cart Replacement</b>	\$25.00/each
<b>Lost/Stolen/Damaged Recycling Cart Replacement</b>	\$37.00/each
<b>Additional Waste Cart – Excess Rate</b>	\$25.00/each \$10.00/monthly/additional cart
<b>Additional Recycling Cart – Excess Rate</b>	\$37.00/each \$7.00/monthly/additional cart
<b>Excess Waste Bags</b>	\$3.00/each