

## **BY-LAW 622/17**

### **A BYLAW OF THE VILLAGE OF BAWLF IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE COLLECTION, REMOVAL, AND DISPOSAL OF GARBAGE AND REFUSE.**

**PURSUANT TO THE AUTHORITY PROVIDED BY THE MUNICIPAL GOVERNMENT ACT, RSA 2000, c.M-26 AS AMENDED OR REPEALED AND REPLACED FROM TIME TO TIME, the village of Bawlf, duly assembled, ENACTS as follows:**

#### **1. SHORT TITLE**

1. This Bylaw may be cited as the "Garbage Bylaw" of the Village of Bawlf in the province of Alberta.

#### **2. DEFINITIONS**

1. In this Bylaw, unless the context otherwise requires, the term:
  1. "Administrator" means the Municipal Administrator (CAO) of the Village of Bawlf.
  2. "Animal material" means any dead animal or bird, or animal or bird excrement and may include material accumulated on premises from pet pens, yards, stables, kennels or veterinary businesses.
  3. "Brush Burn Pile/Area" means an area designated by the Village of Bawlf where residents may take brush/bushes only for the Village to burn.
  4. "Building material" means all construction and demolition material accumulated on premises including materials hauled in or accumulated as a result of constructing, renovating, repairing or demolishing any structure and includes, but is not limited to, earth, vegetation or rock displaced during such activity.
  5. "Collection Day" means the day or days during each week or month as determined by Council on which garbage is collected from a specific premise.
  6. "Commercial Premises" includes, but may not be limited to any school, government building, recreational facility, business place, or any other building or premises other than a single or multiple family dwelling.
  7. "Compost Items" includes, grass clippings, leaves, garden waste and household compost.

8. "Council" means the Council of the Village of Bawlf.
9. "Dwelling" means a building occupied solely for residential purposes.
10. ~~"Dump Area" means an area designated for, and established for, the use of residents of the Village of Bawlf for the disposal of garbage.~~
11. "Enforcement Officer" means any peace officer including a Bylaw Enforcement Officer of the Village of Bawlf, or any other person appointed by Council to enforce the provisions of this Bylaw, and includes any Provincial or Federal peace officer whose jurisdiction includes the Village of Bawlf.
12. "Established Route" means a garbage collection route established by the Village of Bawlf covering an area within which garbage will be collected by the Village as frequently as considered necessary by Council.
13. "Garbage" means household waste including material containing organic matter that is or may become composted, materials resulting from the preparation, consumption or storage of food, or any other residential material produced as a result of the normal operation of a family dwelling but does not include hot ashes, dead animals, human or animal excrement, or industrial or construction waste.
14. "Garbage Bag" means a sealed, tied or otherwise closed bag composed of plastic or other non-porous material that is strong enough to support the contents thereof and weighing not more than 18 kg. (40 pounds).
15. "Garbage Can" means a container composed of non-corrosive metal or plastic equipped with a light-fitting lid constructed of the same material and containing handles for lifting; having a capacity of not more than 110 L. (24 gallons) and dimensions of not more than 76 cm (30 inches) with a tapered diameter of not more than 60 cm (24 inches) and weighing, when filled, not more than 23 kg (50 pounds).
16. "Garbage Container" means a container other than a garbage can and not more than one (1) meter deep, composed of non-corrosive metal, plastic or wood than cans or bags of garbage may be placed in and that is capable of being closed and secured in such a way as to prevent animals or birds from gaining access to the contents.

17. "Garbage Stand" means a wooden or metal stand or frame or enclosure designed to hold sufficient garbage cans as required by the premises and in an upright position.
18. "Householder" means any person occupying any dwelling or place of residence.
19. "Industrial Waste" means material from excavations, materials from lot clearing and building construction, debris from repairs, alterations or maintenance, debris from any building demolished or destroyed by fire or other cause, material from manufacturing processes, waste from butchering animals, waste contaminated with petroleum products from commercial garages or service stations, condemned materials, hazardous materials, waste from factories or other works.
20. "MGA" means the Municipal Government Act, R.S.A.2000, c. M-26, as amended or repealed and replaced from time to time.
21. "Medical Waste" means any unused portion of over-the-counter or prescribed medicines, applicators of medicines, sharps including but not exclusively syringes, dressings, bandages, or any other matter that is or could be contaminated by diseased fluids or tissues or that would commonly be considered a biohazard.
22. "Multiple Family Dwelling" means a building that is or is intended to be occupied as a residence by two or more tenants living independently of one another.
23. "Owner" means any person registered as the owner of the property, person recorded as the owner of the property on the assessment roll, person who has purchased or otherwise acquired the property, persons holding themselves out as the person having the power of authority of ownership of the property or a person controlling the property under construction and includes a corporation, an individual and the heirs, executors, administrators or other legal representatives of an individual.
24. "Person" means any householder, owner or proprietor.
25. "Prohibited Waste" means any waste that is not accepted in a landfill or by the operator of a waste collection site to which the Village delivers collected garbage and any waste that is prohibited by Federal/Provincial law.

26. "Proprietor" means the occupant of a commercial premises or a person in charge of a multiple family dwelling and when such premises are vacant, means the owner of said premises.
27. "Village" means the Village of Bawlf.
28. "Violation Tag" means a ticket or similar document issued by the Village pursuant to the Municipal Government Act, RAS 2000, c.P-34, as amended and regulations there under.
29. "Yard Waste" means bagged grass clippings, garden waste material or leaves, and tied bundles wood matter from trees and bushes not more than 1.5 meters (5.5 feet) long and not weighing more than 18 kg.(40 pounds).

### **3. REGULATIONS**

1. No householder, proprietor, owner or other person within the Village shall dispose of garbage EXCEPT in accordance with this Bylaw.
2. Garbage for collection shall be at the designated pick-up location along the established route by 7:00 a.m. on collection days and no more than the designated number of bags and weight of bags, shall be placed out for collection.
3. The owner, proprietor, or householder of every dwelling shall provide sufficient garbage cans or containers, in functional condition including secured covers, to contain the bags of garbage generated from the premises between garbage collection days.
4. Garbage cans shall be stored in a garbage rack or otherwise protected from being tipped over by animals, birds or wind.
5. Garbage containers and garbage stands, if fixed to specific locations, must be placed entirely on private property but within stipulated collection location distances off an alley, lane or street along the established route.
6. All garbage placed in garbage cans or garbage containers must be secured in closed garbage bags.
7. Every person shall store garbage bags between collection days upon the premises owned or occupied by him by placing, or causing to be placed, said garbage bags in garbage cans or garbage containers or some other enclosed place that prevents animals or birds from accessing them.

8. Where any premises are served by a lane or alley, and unless other arrangements are made with the garbage collector, all garbage from said premises shall be placed in garbage cans for collection on collection days within 1.5 meters of, but on, the adjoining lane or alley.
9. Where premises are not served by a lane or alley, and unless other arrangements are made with the garbage collector, garbage cans shall be placed for collection on collection days at a location as close as possible to the traveled portion of an adjacent street, but in any case not on a sidewalk or locations as to interfere in any way with pedestrian or vehicle traffic.
10. Where garbage is stored in stationary covered garbage containers or in garbage stands, direct access to the container from the lane or street shall be provided.
11. Notwithstanding any other provisions of this bylaw, garbage bags may be placed for collection on collection days in the same manner as garbage cans provided that the person that places, or causes to be placed, said garbage bags ensures that said garbage bags are not accessed by animals or birds until collected.
12. Notwithstanding any other provisions of this bylaw, household garbage includes paper, empty containers, unused food and does not include any form of any aforementioned yard waste including grass clippings.
13. Except on collection day, all garbage cans or garbage containers shall be kept on the premises of the person responsible for said garbage cans or containers.
14. Carcasses of animals or birds, or parts of carcasses, or excrement or articles contaminated with excrement, whether human, animal or bird, on privately owned property must be cleaned up in a timely manner so as to not become a nuisance or health hazard.

#### **4. ADMINISTRATION**

1. The full cost of garbage collection from dwellings and commercial premises within the Village shall be paid out of the general revenue of the Village.
2. The full cost of removal of industrial waste, building material waste, prohibited waste or any other waste that cannot be

disposed of in a garbage collection site from private, commercial, or industrial premises in the Village shall be the sole responsibility of the owner, householder or proprietor of such premises.

3. A list of prohibited wastes not specifically identified in this bylaw will be made available at the Village Office, on any website operated by the Village.

## **5. PROHIBITIONS**

1. No person within the Village shall, or permit another person to dispose of garbage EXCEPT IN ACCORDANCE WITH THIS BYLAW.
2. No person shall, or permit another person to:
  - a) Allow loose or bagged garbage to spill or accumulate on any privately or publicly owned land within the Village.
  - b) Allow garbage cans or containers to be placed or stored on property other than his own except on collection day.
  - c) Store garbage cans outside a garbage rack or in such manner that they are easily tipped over by animals, birds or wind allowing garbage bags to fall out.
  - d) Place garbage for collection except as provided for in the provisions of this bylaw.
  - e) Use garbage cans, garbage containers or garbage bags not complying with specifications.
  - f) Use or continue to use garbage cans or containers condemned or deemed insufficient by the By-Law Officer, provided the person has received verbal or written notice to correct or replace said garbage cans or containers by a specific time.
  - g) Dispose for collection:
    - I. Any explosive, flammable, noxious, dangerous or hazardous device, substance or thing in garbage.
    - II. Hypodermic syringes, needles, other sharps or other medical or biohazardous waste in garbage.
    - III. Any industrial waste in garbage without the express written authority of Council to do so.
    - IV. Any hot ashes or burning matter in garbage.
    - V. Carcasses or parts of carcasses, or excrement or articles contaminated with excrement, whether human, animal or bird, in garbage.

- VI. Any other device, substance or thing in garbage that cannot be accepted by the agent or body managing or operating a garbage collection facility or sanitary landfill.
  - VII. Any other type of garbage or industrial waste that the Village may, at its pleasure or pursuant to any federal, provincial or municipal regulations, identify as being unacceptable.
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- h) Allow the carcasses of animals or birds, or parts of said excrement, whether human, animal, or bird, to remain or accumulate on privately owned property within the Village so as to become a nuisance or health hazard.
  - i) Dispose of carcasses of animals or birds, or parts of said carcasses, or excrement or articles contaminated with excrement, whether human, animal or bird, on any property not his own within the Village.
  - j) Dispose of any refuse, garbage, liquid waste or other filth on any property not his own.
  - k) Allow any manner of garbage, refuse, liquid waste or other filth to collect or be deposited in any natural, landscaped or engineered water drainage route on any property, including his own, within the Village.
  - l) Allow dogs to defecate on property not his own except that he picks up the feces immediately and dispose of same in accordance with this by-law.
  - m) Dispose of any garbage or refuse by burning. Operate a vehicle within the Village while it is carrying garbage or industrial waste unless that portion of the vehicle in which the material is being carried is securely covered or the material is secured to prevent any part of such material from falling off or out of the vehicle while in transit.
  - n) Unless he is the lawful user or an authorized employee or agent of the Village, open any garbage cans, containers, bags or bundles set out for collection or remove anything from them, or in any way disturb their contents.
  - o) Under no circumstances will any person within the Village, or permit another person, to dispose of garbage in the Village Brush/Burn Pile or Compost area. Any persons caught illegally dumping any form of refuse other than brush or compost items in this area will be fined according to Schedule 1.1.

3. Notwithstanding any other provisions in this by-law, the Village reserves the right, at its pleasure or to comply with federal, provincial or municipal law, to control the type and nature of any garbage and industrial waste that will be collected provided such changes are made known by personal mail to all persons affected.

## **6. PENALTIES AND FINES**

1. A garbage can or container that has been condemned may be removed and disposed of by the By-law Officer personally or by instructing an employee or agent of the Village to do so, subject to provisions stipulated in Section 5.2.f. of this by-law.
2. Any person who violates or contravenes Section 5.2g., 5.2h., 5.2j., 5.2k., 5.2l., or 5.2m. of this by-law is guilty of an offense and shall be liable on summary conviction before a Provincial Court Judge to a penalty as specified in Schedule 1.1. of this bylaw.
3. Any person who violates or contravenes any other provision of this by-law is guilty of an offense and shall be liable on summary conviction before a Provincial Court Judge to a penalty as specified in Schedule 1.2 of this bylaw.
4. In addition to the fines stipulated in Section 6.2 or Section 6.3 of this by-law, a Provincial Court Judge may make any other order deemed appropriate concerning a breach of this by-law.
5. Notwithstanding Sections 6.2 or 6.3 of this by-law, the Enforcement Officer may, in the event of a first offense, serve the violator with a verbal or written warning providing a reasonable amount of time for the violation to be rectified.
6. Notwithstanding Sections 6.5 of this bylaw, an Enforcement Officer may issue a violation tag to a person who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
  - a) Specifying a voluntary payment as described in Schedule 1.3 for a violation identified in Section 6.2 of this by-law or
  - b) Specifying a voluntary payment as described in Schedule 1.4 for any violation identified in Section 6.3 of this by-law and
  - c) The person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified within the time period indicated on the violation tag.

7. .In the event that a violator fails to rectify the contravention for which a warning was issued and within the allotted time, or if the violator fails to make the stipulated voluntary payment as indicated on a violation tag on time, a violation ticket shall be issued as though the contravention were a second offence.
8. Notwithstanding Section 6.5 or 6.6 of this bylaw, an Enforcement Officer may immediately issue a violation ticket to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provisions of this bylaw, specifying that
  - a) Specifying a voluntary payment as described in Schedule 1.3 for a violation identified in Section 6.2 of this by-law; or
  - b) Specifying a voluntary payment as described in Schedule 1.4 for a violation identified in Section 6.3 of this by-law; or
  - c) If it is in the public interest to compel the accused to appear before a Judge, issue a summons respecting any offense for which a voluntary payment may be made requiring the accused to appear before a Provincial Court Judge on the initial appearance date without the alternative of making voluntary payment.

## **7. SECTION 7 – SEVERABILITY PROVISION**

7.1 Should any provision of this By-law be invalid, then such provision shall be severed and the remaining By-Law shall be maintained.

## **8. SECTION 8 – REPEAL**

8.1 Village of Bawlf Bylaw # 535/05 is hereby repealed.

## **9. SECTION 9 – EFFECTIVE DATE**

This bylaw shall take effect on the day of the final passing thereof.

Read a first time this 17th day of May, 2017.

Bylaw # 622/17

Read a second time this 17th day of May, 2017.

Read a third time and finally passed this 17th day of May, 2017.

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**Mayor**

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**CAO**

## **SCHEDULES TO BYLAW 622/17**

### Schedule 1.1

- a) for a first offense, a fine of \$300.00
- b) for a second offense, a fine of \$600.00
- c) for a subsequent offense, a fine of \$1000.00

### Schedule 1.2

- a) for a first offense, a fine of \$150.00

- b) for a second offense, a fine of \$300.00
- c) for a subsequent offense, a fine of \$500.00

#### Schedule 1.3

- a) for a first offense, a fine of \$75.00
- b) for a second offense, a fine of \$150.00
- c) for a third and subsequent offense, a fine of \$300.00

#### Schedule 1.4

- a) for a first offense, a voluntary payment of \$50.00
- b) for a second offense, a voluntary payment of \$10000
- c) for a third and subsequent offense, a voluntary payment of \$150.00