

TOWN OF CHESTERMERE**PROVINCE OF ALBERTA****BYLAW NO. 043-08**

A BYLAW OF THE TOWN OF CHESTERMERE, IN THE PROVINCE OF ALBERTA, FOR THE COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE AND REFUSE AND LEVYING OF RATES AND CHARGES THEREFORE.

WHEREAS pursuant to the provisions of the Municipal Government Act, Council may pass bylaws to establish rules and regulations for the collection and disposal of garbage and refuse from the households, places of business and institutions within the Town.

NOW THEREFORE, pursuant to the authority conferred upon it by the Municipal Government Act, R.S.A. 2000, c.M-26, as amended, or as repealed and replaced from time to time, the Council of the Town of Chestermere duly assembled, enacts as follows:

This Bylaw may be cited as the "Waste Management Bylaw".

DEFINITIONS

1. In this bylaw all definitions in the Act shall apply.
2. Interpretations of this bylaw shall be consistent with the requirements of the Act.
3. In this bylaw:
 - a. APARTMENT HOUSE means a building which is either occupied or intended to be occupied by more than three families living independently of one another upon the same premises and includes, but is not limited to:
 - i. condominiums that do not fit the definition of a Townhouse as described in 3 kk;
 - ii. senior citizens' self-contained units in a complex of more than three units;
 - iii. hotels, licensed cabins, motels and any other type of premises where the occupants normally reside for limited periods.
 - b. APPLIANCES shall be defined as non-useable household appliances such as washers, dryers, stoves, fridges, freezers, dishwashers, garburators, hot water tanks, water softeners, furnaces, air conditioners, televisions, stereos, radios, VCR's.
 - c. ASHES mean the residue and cinders from any substance used for fuel.

- d. BIOMEDICAL WASTE shall mean all waste generated in or resulting from the operation of a sick room, funeral home, hospital, medical office, dental office, medical clinic, dental clinic, veterinary clinic or biological research station which contains or may contain pathogenic agents, pathological agents, or which may cause disease in persons exposed to such waste, and includes all human tissue, blood, organs, body parts and fluids.
- e. BURNABLE WASTE means non-offensive, combustible materials such as trees, brush and clean untreated wood products only.
- f. CHIEF ADMINISTRATIVE OFFICER means the Chief Administrative Officer of the Town as appointed by Council pursuant to Section 205 of the *Municipal Government Act* from time to time.
- g. COLLECTION or COLLECT means picking up and gathering solid waste and includes its transport to a disposal site.
- h. COLLECTION AREA means the location within the corporate limits of the Town of Chestermere from which refuse collection shall be made.
- i. COLLECTION SERVICE means the collection of waste from a dwelling by the Town pursuant to the terms of this Bylaw.
- j. COMMERCIAL PROPERTY/ESTABLISHMENT means a business engaged in the direct retailing of goods or provision of services to the final consumer.
- k. CONTRACTOR means any person who has been awarded and has signed the garbage collection contract with the Town of Chestermere.
- l. COUNCIL means the Municipal Council of the Town of Chestermere.
- m. DESIGNATED OFFICER means a person appointed pursuant to Section 210(1) of the *Municipal Government Act*, and includes for the purpose of this bylaw, the Chief Administrative Officer and Peace Officer.
- n. DIRECTOR OF PUBLIC WORKS means the chief officer in charge of public works as appointed by the Chief Administrative Officer.
- o. DISPOSAL SITE means any location designated by the Town for the disposal of solid waste or any other location approved by Alberta Environment for the disposal of solid waste.
- p. DOMESTIC WASTE means all non-hazardous materials coming from residential dwellings.
- q. DUPLEX means any building or place occupied or used as a residence by two families (two dwellings).

- r. DWELLING means any building or place occupied or used as a residence or place of living by one person or family (including mobile homes) but does not mean apartment house as per item 3 (a). Each individual residence shall be considered a separate dwelling unit.
- s. EXTRA BAG STICKER means the self-adhesive sticker issued by the Town of Chestermere to a person pursuant to Section 22;
- t. FOUR-PLEX means any building or place occupied or used as a residence or place of living by four families (four dwellings).
- u. GARBAGE BAG means a non-returnable plastic bag meeting the following specifications:
 - i. made from sturdy material which is strong enough to withstand normal handling and lifting,
 - ii. can be securely tied at the top,
 - iii. is no more than 0.99 meters (3 feet) in height and 0.66 meters (2 feet) in width, and
 - iv. is in good conditional, free from rips and tears.
- v. HAZARDOUS LIQUID WASTE means hazardous waste with moisture content in excess of 30%.
- w. HAZARDOUS WASTE means a hazardous chemical as defined by the Environmental Protection And Enhancement Act (Alberta) and regulations thereunder; any waste which contains a radioactive material as defined by the Atomic Energy Control Act (Canada) and regulations thereunder; any waste which contains material as defined by the Atomic Energy Control Act (Canada) and regulations thereunder; any waste which contains trichlorophenol, pentachlorophenol, free cyanides or polychlorinated biphenyls; any liquid waste which contains arsenic, cadmium, chromium, lead, mercury, nickel, selenium or thallium concentrations greater than 99 milligrams per kilogram; any liquid waste which contains an organic solvent in concentration greater than 999 milligrams per kilogram; any pesticides, herbicides, explosives, quick lime, sewage sludge, septic tank pumpings, oil, combustible liquids, batteries, poisons, acids, caustics; any container used to transport any such waste and any other waste which presents an unusual disposal problem for reasons of health or safety.
- x. INDUSTRIAL PROPERTIES/ESTABLISHMENTS means places that carry on one or more of the following activities: the manufacturing, processing, assembling, cleaning, repairing, servicing, testing storage, warehousing, distribution or transhipment of materials, goods, products or equipment.

- y. COMMERCIAL/INDUSTRIAL WASTE is solid, liquid or gaseous waste material from all industrial or commercial establishments.
- z. INSTITUTIONAL PROPERTIES means places where the occupants reside for limited periods, including, but not limited to, senior citizens' residences and hospitals.
- aa. LIQUID WASTE shall mean any liquid other than hazardous waste with moisture content in excess of 30%.
- bb. MUNICIPAL TAG means a notice issued by the Town pursuant to Section 7 of the *Municipal Government Act*, for the purpose of providing a person with an opportunity to acknowledge a contravention of this bylaw, and to pay a penalty directly to the Town, in order to avoid prosecution for the contravention.
- cc. PEACE OFFICER means a member of the Royal Canadian Mounted Police, a member of a Municipal Police Force, a Community Peace Officer, a Fish and Wildlife Officer or a Bylaw Enforcement Officer.
- dd. PERSON means any person, firm, partnership, association, corporation, company or organization of any kind.
- ee. PICKUP LOCATION means the location designated by the Town where waste receptacles must be placed for collection.
- ff. PROHIBITED WASTE means waste not acceptable (see Schedule C).
- gg. REFUSE means all decayable materials resulting from the handling, preparation, cooking, consumption and storage of food, along with the following materials: broken dishes, rags, cast-off clothing, excelsior, sawdust, food containers, plastic, shrubbery and tree prunings; but does not include manure, tree stumps, roots, turf, earth, furniture, major household appliances, discarded auto parts or such waste matter as may accumulate as a result of building construction, renovation or repair.
- hh. SOLID WASTE means refuse, trade waste and all other solid materials that can be disposed of.
- ii. STREET means any public roadway used by waste collection vehicles to gain access to the boundary of a private property from which garbage or refuse is being collected.
- jj. TOWN means the municipal corporation of the Town of Chestermere.
- kk. TOWNHOUSE means an apartment house that has three or more independent living units (dwellings) constructed side by side with each unit having its own front and rear entrances.

- II. TRADE WASTE shall be understood to include the material from manufacturing processes, stable manure, slaughter house offal, butchers offal, dead animals, waste from garages, condemned matter or waste from plants or other works, automobiles, truck bodies or used farm machinery, building construction, renovation and repair.
- mm. UTILITY shall mean and include, as the context may require:
- i. the supply of water;
 - ii. the provision of waste water collection and disposal;
 - iii. the provision of solid waste services including collection and disposal of solid waste from dwelling units;
 - iv. the provision of solid waste reduction services for residential premises.
- nn. VIOLATION TICKET means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act* R.S.A. 2000, Chapter P-34.

PREPARATION OF WASTE MATTER FOR COLLECTION

4. A person shall not put out or permit to be put out any solid waste for collection other than subscribed to as per this Bylaw.
5. A person shall put or permit to be put out solid waste for collection:
 - a. clippings from shrubs and trees commonly called "brush" are compactly and securely tied in bundles not exceeding 1.2m (4 ft) in length nor 25kg (55lbs) in weight, and placed beside the refuse receptacles;
 - b. refuse and trade waste is thoroughly drained and put in a sealed disposal container before being put into refuse receptacles for collection;
 - c. rags and cast-off garments are tied securely in bundles and placed within or beside refuse receptacles for removal;
 - d. ashes are cooled and put into sealed, disposable containers;
 - e. sawdust is put into sealed disposable containers;
 - f. animal feces and any other manure type waste are packaged separately from other waste in a securely tied double plastic bag before being placed for collection.

COLLECTION

6. All residential collection shall be done at the front street curb unless otherwise authorized by the Director of Public Works.
7. No person, being the owner, occupant, tenant or person in charge of any building or premises shall put out or permit to be put out for collection any waste, refuse or ashes in receptacles of any type except those defined in Section 27 herein. Any other receptacles may be removed by the collectors as waste.
8. No person shall fill or permit to be filled any garbage receptacle to a height that will not allow the closure of the lid.
9. No collection of refuse shall be made from any receptacle that its weight, with its contents, exceeds 25 kilograms (55 pounds).
10. Nothing in this bylaw shall be deemed to require the collection by the Town of Chestermere of any trade waste, commercial/industrial waste, construction waste, hazardous waste or liquid waste, and all such materials shall be conveyed by the owner at their expense to an appropriate disposal facility.
11. All solid waste material that is collected by the Municipality or its contractor becomes the property of the Municipality and shall be disposed of under terms or conditions that Council directs.
12. The Director of Public Works shall approve schedules for the collection of waste.
13. Solid waste shall be at the pick-up location by 7:00 a.m. on the morning of the collection day.
14. If a civic holiday occurs on the collection day and the landfill is closed, collection will be made within two days of the holiday.
15. No person shall dispose of garbage into another person's garbage collection area or receptacle without the consent of that person.
16. Pick-up will be on a weekly basis. Additional pick-ups will be scheduled if and when required at the discretion of the Director of Public Works.
17. Effective September 2, 2008, the Town shall provide a weekly standard collection service of four (4) receptacles to all residential properties located within the collection area.
18. No person, being the owner, occupant, tenant or person in charge of any dwelling or townhouse in the Town shall put out any garbage, refuse, waste or ashes for collection unless such waste is first contained in a sufficient number of receptacles to contain such material between pick-ups.

19. The Town shall not collect nor be responsible for the collection of solid waste from four-plexes, commercial, industrial and institutional premises, building projects, townhouses with more than three (3) units, or any townhouse that does not have an entrance abutting a public roadway which can be accessed by a collection vehicle. A four-plex that has four (4) individual utility accounts may have the option to request the Town to pick-up their waste.
20. The owners and occupants of apartment houses, commercial, industrial and institutional premises and building projects shall be responsible for the disposal of all waste generated by or from such premises.

EXTRA BAG STICKER

21. Effective September 2, 2008, any additional residential waste over the four (4) receptacle limit must have an extra bag sticker affixed in a visible location or the additional residential waste will not be collected.
22. A person may purchase an extra bag sticker at the Town Office or any other location as determined by the Chief Administrative Officer.
23. The fee for the extra bag sticker will be at the rate specified in Schedule A.
24. An extra bag sticker shall not be affixed to a receptacle.
25. The extra bag sticker shall be voided in a manner specified by the Chief Administrative Officer or their designate after the extra garbage bags are collected.
26. If any dwelling generates domestic waste exceeding the standard collection service level and there are no extra bag stickers visible on the extra garbage bag(s), the person must dispose of the extra domestic waste privately.

RECEPTACLES

27. Solid waste receptacles shall mean a sturdy container in a safe and serviceable condition which is constructed of non-corrosive metal or rigid plastic, having a smooth rim, two rigid fixed handles and a removable watertight lid designed for the purpose of storage of domestic waste and which, including contents, does not weigh more than twenty five (25) kilograms.

LOCATION OF RECEPTACLES

28. A person shall not keep or permit to be kept any solid waste receptacles upon any lane, street, boulevard, sidewalk or highway of the Town.
29. The Town shall designate or approve all collection locations and the owner, tenant or occupant shall maintain pick-up locations for solid waste receptacles and the following

regulations apply:

- a. the pick-up location serving a dwelling shall not be further from the street than the front property line of the dwelling;
 - b. solid waste receptacles shall not be placed for collection prior to 7:00 p.m. of the day preceding the regular collection day;
 - c. solid waste receptacles must be returned to their storage location within twelve (12) hours of being emptied.
30. The collection vehicle of the Town will not enter onto private property to collect waste unless written authorization is given by the landowner and the Public Works Department.
31. Where there is a retaining wall, steep slope or other obstruction between the lane from which the solid waste is collected and the pick-up location, the refuse receptacles shall be placed at a convenient height to enable the collector to obtain them from the lane level.
32. A person, being the owner, occupant, tenant or person in charge of any property or premises shall maintain or ensure that the lane in the rear of the said property or premises to the centre line thereof and the storage location on the property are maintained in a clean, tidy and orderly condition.
33. All authorized collectors of waste may enter yards of any person at all reasonable times for the purpose of carrying out their duties.
34. Any person, being the owner, occupant, tenant or person in charge of any property or premises who puts out solid waste for collection shall provide unobstructed and convenient access for collection of such waste.

TRANSPORTATION OF WASTE

35. A person shall not use or permit to be used any vehicle for the conveyance or storage of waste unless such vehicle is fitted with a suitable cover capable of preventing the dropping, spilling or blowing off of solid waste while it is being transported or stored.

WASTE MANAGEMENT FEES

36. There shall be levied on each owner a fee for the collection and disposal of garbage and refuse as determined with Schedule A of this bylaw.
37. The fee charged under this bylaw shall be the collection and disposal services offered by the Town and the full amount of such fee shall be payable regardless of the extent to which the available services are in fact used.

38. Such fee shall be levied through and included within the utility billing issued pursuant to Waterworks Utility Bylaw 004-06, and all provisions regarding the administration, payment or collection of utility bills contained in Waterworks Utility Bylaw 004-06 shall also apply with such modification as may be appropriate, to fees and charges set out in this bylaw.

ENFORCEMENT

39. It shall be the duty of the Chief Administrative Officer or his delegate or a peace officer to enforce the provisions of this bylaw.

PROHIBITIONS

40. No person shall burn solid waste material within the Town limits.

OFFENCES AND PENALTIES

41. The Chief Administrative Officer and Peace Officers are Designated Officers for the purposes of inspection and enforcement under this Bylaw.

42. A Designated Officer under this bylaw has the right to enter upon and inspect any premises for the purposes of determining compliance with and enforcing this bylaw in accordance with Section 542 of the *Municipal Government Act*.

43. A person shall not deposit or permit to be deposited any type of solid waste on any Town highway or property.

44. If a person, being the owner, occupant, tenant or person in charge of any building or premises has been given an order to remedy any condition contrary to any part of this bylaw and neglects or refuses to comply with such an order within the time specified, the same may be done by the Town of Chestermere at the expense of the person in default. All expenses incurred shall be in addition to and not a substitute for any fines or penalties to which the person may be subject pursuant to the provisions of this bylaw. On default of payment of these expenses, the Town may recover the expenses thereof with the costs, by action or in like manner as municipal taxes.

45. Any person who contravenes any provision of this bylaw is guilty of an offence and is liable, upon summary conviction, to the applicable penalties set out in Schedule B.

46. Any person who provides false information to the Town, the Chief Administrative Officer, a Designated Officer or to any other person empowered to enforce the terms of this bylaw, is guilty of an offence and, upon summary conviction, shall be liable to the applicable penalties set out in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, and any amendments and regulations thereto, and Schedule B.

47. A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any person whom the Peace Officer has reasonable grounds to believe has contravened

any provision of this bylaw.

48. A Municipal Tag shall be served upon such person personally, or in the case of a corporation, by serving the Municipal Tag personally upon the Manager, Secretary or other Officer of the corporation, or a person apparently in charge of a branch office, or by mailing a copy to such person by registered mail.
49. Where personal service cannot be effected upon a person, the Peace Officer may serve the Municipal Tag by leaving the Tag with a person on the premises who has the appearance of being at least eighteen (18) years of age.
50. A Municipal Tag shall be in a form approved by the Chief Administrative Officer, and shall contain the following information:
- a. The name of the person to whom the Municipal Tag is issued.
 - b. The date of issuance;
 - c. A description of the offence, the section number of the bylaw, and the date on which the offence occurred;
 - d. The appropriate penalty of the offence as specified in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, and any amendments and regulations thereto, and Schedule B;
 - e. That the penalty shall be paid within a time prescribed by the Peace Officer in order to avoid prosecution; and
 - f. Any other information as may be required by the Chief Administrative Officer from time to time.
51. Where a Municipal Tag has been issued pursuant to Section 47, the person to whom the Municipal Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town, the penalty specified on the Municipal Tag, within the time period provided.
52. In those cases where a Municipal Tag has been issued and the penalty specified on the Municipal Tag has not been paid within the prescribed time, the Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*.
53. Notwithstanding Section 52 above, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw, notwithstanding that a Municipal Tag has not first been issued.
54. Where a Violation Ticket has been issued to a person pursuant to this bylaw, that person may plead guilty to the offence by submitting to a Clerk of the Provincial Court, the specified penalty set out on the Violation Ticket at any time prior to the appearance date indicated on the Violation Ticket.

SEVERABILITY

55. If a court of competent jurisdiction should declare any Section or Subsection of this bylaw to be invalid, such Section or Subsection shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and remain in force.

56. In the event of a conflict between any of the provisions of this bylaw and the provisions of any other bylaw of the Town, the provisions of this bylaw shall prevail.

GENERAL PROVISIONS

57. Schedules A, B, and C form part of this bylaw.

58. Except as otherwise stated, the management of this bylaw will be by the Director of Public Works.

59. The Director of Public Works is hereby authorized to do all things necessary in order to fulfill their responsibilities and duties under this bylaw.

This bylaw comes into effect on March 1, 2008.

READ a first time this 21st day of July, 2008

READ a second time this 21st day of July, 2008

READ a third time this 21st day of July, 2008.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Bylaw No. 030-07 is hereby repealed in its entirety.

Resolution #

SCHEDULE "A"

Rates for Garbage Collection and Disposal Fees

As provided in Bylaw 043-08 the following fees shall be charged for collection and disposal services provided by the Town of Chestermere.

For each separate dwelling within a property there shall be charged the following monthly fee:

Total Charge \$10.00 per dwelling

Extra bag sticker charge for each additional garbage bag:

\$2.00 per tag

SCHEDULE "B"

PENALTIES

Penalties that will be accepted by the Town of Chestermere in lieu of prosecution.

The penalties shall apply to:

1. Preparation of Waste Matter for Collection
2. Collection
3. Location of Receptacles
4. Transporting of Waste
5. Prohibitions
6. Offences and penalties
7. Schedule "C" – Prohibited Waste

The penalties shall be as follows:

First offence	\$ 100.00
Second offence	\$ 500.00
Third offence and each subsequent offence	\$1000.00

SCHEDULE "C"

PROHIBITED WASTE

HUMAN WASTE (except disposable diapers)

LIQUID WASTE

BIOMEDICAL WASTE

CARCASSES

SEWAGE

WASTE FROM CAR WASHES

HAZARDOUS WASTE

HAZARDOUS LIQUID WASTE

PROPANE TANKS

OIL, OIL FILTERS AND OIL CONTAINERS

WET-CELL BATTERIES

No chemicals, paints, mineral fillers or toxic materials or liquids contained in questionable containers will be accepted.