

Town of Mayerthorpe  
Province of Alberta  
Canada.

## **BYLAW NO. 1178**

### **BEING A BYLAW OF THE TOWN OF MAYERTHORPE IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF THE COLLECTION OF SOLID WASTE MATERIALS AND RECYCLABLES FROM RESIDENTIAL AND NON – RESIDENTIAL PROPERTIES AND TO SET THE RATES THEREOF**

**WHEREAS**, under the provisions of Section 7, Municipal Government Act, Chapter M-26, R.S.A. 2000, and amendments thereto, the Council may pass a by-law for the establishment of municipal services;

**AND WHEREAS**, the Town of Mayerthorpe is committed to a solid waste program that ensures reduction, recycling and reusing of waste and;

**AND WHEREAS**, the solid waste as a utility should operate financially with a surplus that will go into solid waste reserves to provide for future solid waste expenses and;

**AND WHEREAS**, in accordance with good financial management to cover the costs of providing waste and recyclables collection services to its residents, the Town of Mayerthorpe wishes to establish a fee structure for such services;

**NOW THEREFORE**, the Town of Mayerthorpe Council enacts as follows:

This Bylaw may be cited as the "Waste Collection, Recycle Collection, and Disposal Bylaw."

#### **SECTION 1.0 – DEFINITIONS**

- 1.1 "AUTOMATED WASTE COLLECTION"** shall mean the collection of solid waste **and recyclables** by a system of mechanical lifting and tipping of Carts or Bins into a specially designed vehicle.
- 1.2 "BIN"** a steel commercial waste disposal Bin that is 2 yards, 4 yards, 6 yards, or 30 yards and contains the equivalent cubic yards of waste.
- 1.3 "BLUE BAG"** the recycle program.
- 1.4 "BUILDING HOLDER"** any owner, occupant, lessee or tenant or any other person in charge of any building used or intended to be used as non-residential premises commercial, industrial and institutional premises but excluding

residential premises including a multiple family dwelling.

- 1.5 **"CART"** shall mean a Town-supplied wheeled receptacle that is intended for the automated collection of solid waste and recyclables for residential dwellings and light commercial use.
- 1.6 **"CHIEF ADMINISTRATIVE OFFICER"** the person appointed to a position under Section 205 of the Municipal Government Act.
- 1.7 **"COUNCIL"** the Council of the Town of Mayerthorpe.
- 1.8 **"HOUSE HOLDER"** any owner, occupant, lessee or tenant or any other person in charge of any building or other dwelling used or intended to be used as residential premises including a multiple family dwelling but excluding commercial, industrial, and institutional premises.
- 1.9 **"GENERAL MEDICAL WASTE"** means non-hazardous medical waste and includes soiled dressings, sponges, surgery drapes, lavage tubes, casts, catheters, disposable pads, disposable gloves, specimen containers, lab coats and aprons, tubing's, filters, towels, and disposable sheets, but excludes biomedical waste.
- 1.10 **"MEDICAL SHARP"** means a needle, device, or any non-needle sharp used for withdrawing body fluids, accessing an artery or vein, administering medications or other fluids, or any other device that can reasonably be expected to penetrate the skin or any other part of the body.
- 1.11 **"MUNICIPAL TAG"** shall mean a tag or similar document issued by the Town pursuant to the Municipal Government Act.
- 1.12 **"OWNER"** the assessed owner of the land.
- 1.13 **"RECYCLABLES"** generally accepted materials for recycling, including flattened cardboard and boxboard, milk jugs and cartons, newsprint, tins and marked plastics, but excluding wet materials.
- 1.14 **"RESIDENTIAL COLLECTION UNIT"** a single-family dwelling or multi-family dwelling.
- 1.15 **"TOWN"** the Town of Mayerthorpe.
- 1.16 **"VIOLATION TICKET"** shall mean a ticket issued pursuant to Part II of the Provincial Offences Procedures Act and Regulations there under.

- 1.17** **“WASTE”** all normal refuse and waste which results from the operation of a household and shall, without restricting the generality of the foregoing include paper, packaging materials, waste for the preparation of food, rags, as well as ashes from wood burning appliances. It shall not include recyclable materials, rubble and other waste from construction or demolition, dead animals, human or animal excreta, automobiles or other machinery, waste from institutional, industrial, or commercial premises, or hazardous, explosive, or toxic materials.
- 1.18** **“WASTE COLLECTOR”** the person, persons, company, or corporation authorized by the Town to collect, remove, and dispose of waste and refuse.

**NUMBER and GENDER REFERENCES** All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

## **SECTION 2.0 – COLLECTION AND DISPOSAL**

- 2.1** Automated Waste Collection and Disposal, including Blue Bag services shall be provided to all Residential Collection Units.
- 2.2** No person shall collect, dispose of, or remove Waste or Recycle except in accordance with the provisions of this Bylaw.
- 2.3** No person other than a House holder, Building Holder, the Town, or the Waste Collector shall open any Waste Cart, Recycle Cart, or Bin or in any way disturb the contents thereof or handle, interfere with or disturb any Waste or Recycle put out for collection or removal.
- 2.4** No person other than the Waste Collector, House Holder, or Building Holder shall make collections of Waste or Recycle from residential, non-residential premises.
- 2.5** No person shall deposit any dead animal, manure, excrement, Waste, refuse, liquid waste, or other filth upon or into any street, service lane, alley, highway, ditch, water course or onto any land except with the written consent of the Town.
- 2.6** No person shall directly or otherwise dispose of or permit any person to dispose of any toxic waste, hot ashes or burning matter in any Waste or Recycle Container or plastic bag, and no person shall directly or otherwise dispose of or permit any person to dispose of any unwrapped wet Waste in any Waste or Recycle Container.

- 2.7** No person shall operate within the Town a vehicle transporting Waste or Recycle unless the Waste or Recycle is completely enclosed or securely covered or secured to prevent any portion of the Waste or Recycle from falling off of or out of the vehicle while in transit.
- 2.8** All Residential Collection Units shall subscribe to the Waste Collection and Disposal and Blue Bag service.
- 2.9** All Building Holders shall subscribe to a Waste Collection and Disposal system. Residential Collection Units and Building Holders that produce more than 65 gallons of Waste every seven days, have the option to purchase an additional Waste Cart or participate in a Bin system. The Bins must be provided by a Waste Collector appointed by Council.
- 2.10** General Medical Waste, animal excreta, sawdust, and powdered material must be packaged, securely tied, in double standard plastic garbage bags.
- 2.11** Adjoining Building Holders may share in the rental of a Bin providing that they advise the Waste Collector and be invoiced accordingly. No more than three Building Holders shall share a Bin.
- 2.12** All House holder and Building Holders Waste shall be deposited in any color garbage bags, except blue.
- 2.13** In situations where water and sewer services are disconnected, the full month's Waste charge shall be invoiced.
- 2.14** Waste and Recycle shall be removed from House Holder and Building Holder Collection Units after 7:00 a.m.
- 2.15** Waste and Recycle shall be placed in bags and then placed in the applicable Cart. Waste and Recycle Carts must have the lids closed. Overflowing Carts will not be collected. No Waste or Recycle shall be placed on top of the cart.
- 2.16** Waste and Recycle Carts shall be placed on the street or avenue with wheels facing the curb or at the designated location where carts were positioned at the time of delivery. There must be 1 meter clearance on all sides of the Waste and Recycle Cart including above. Waste and Recycle must be put out no earlier than 7:00 p.m. prior to collection day, and no later than 7:00 a.m. on collection day.
- 2.17** If a Waste or Recycle Cart has been stolen or damaged the Owner may be subject to a \$100.00 replacement fee for a new cart.

- 2.18** Medical sharps may be set out for waste collection if the medical sharps are contained in a puncture resistant, non-breakable container with a tight-fitting lid within a standard garbage bag before they are set out for waste collection.
- 2.19** Sharp objects can be set out for waste collection if the sharp objects are contained in a puncture resistant, non-breakable container with a tight-fitting lid within a standard garbage bag before they are set out for waste collection.
- 2.20** Fluorescent light bulbs shall be completely crushed and/or contained in a puncture resistant, non-breakable container with a tight-fitting lid within a standard garbage bag before they are set out for waste collection.
- 2.21** Household Holder or Building Holder shall not allow their waste and Recycle to accumulate around Carts or Bins. All occupants shall be responsible to clean up loose Waste and Recycle that is created by animals, birds, or by any other means. Loose Waste and Recycle shall not become a nuisance or annoyance to other persons. Any loose Waste and Recycle not in the Waste Cart or Bin shall not be picked up at any time by the Waste Collector.
- 2.22** Animal owners shall be responsible to ensure that their animals do not get into Waste and Recycle that is set out for pick up. The animal owner, when determined, shall become liable to fines and penalties outlined in this Bylaw when their animal gets into Waste and Recycle set out for disposal.
- 2.23** Unauthorized person(s) shall not be permitted to deposit any type of Waste in, on, or around any Waste, Recycle Cart or Bin. Anyone caught doing so without the permission of the House Holder or Building Holder will be liable to fines and penalties outlined in this Bylaw.
- 2.24** Waste that requires special handling such as tires, large auto parts, furniture, white goods, any renovation, or construction waste, or toxic or hazardous waste shall not be placed in the Waste, Recycle Cart or Bins, and if placed in such Waste, Recycle Cart or Bins shall not be picked up by the Waste Collector.
- 2.25** All Carts must be removed from the street or avenue no later than 11:00 p.m. on Collection Day and stored on the Landowners property.

### **SECTION 3.0 - RECYCLABLES**

- 3.1** A Recycle Contractor approved by Council will provide a Blue Bag program.
- 3.2** Recycling materials will be identified by being contained in a blue semi-transparent recycling bag placed in the Recycling Cart and shall be restricted to the materials as set out in Schedule "A" attached.

- 3.3 The pickup location for the Blue Bag program will be a minimum of one (1) metre from the Waste Cart and any other objects.

#### **SECTION 4.0 – RATES AND FEES**

- 4.1 Every person, firm or corporation being an occupant, registered owner or purchaser entitled to possession under an agreement for sale of property which is served by Waste Collection and Disposal Collection services of the Town shall pay charges for the collection, removal and disposal of Waste and Recyclables in accordance with the rates established in the Miscellaneous Rates and Fees Bylaw.
- 4.2 All accounts with the Town, under this Bylaw shall become due and payable in the same manner as the water and sewer services utility bill, with the Waste and Recycle Collection and Disposal Collection fee being added to the water and sewer services utility bill.
- 4.3 In default by the Owner of payment of the said charges, the amount of such sums in default shall be a charge against the property in respect of which the service was provided and such charge shall be subject to the same penalties and collectible by the same manner as other taxes levied by the Town.
- 4.4 That, in default of payment by an occupant receiving Waste, Recycle Collection and Disposal Collection service, the amount of the sums in default may be collected by the Town by whatever means available.

#### **SECTION 5.0 WASTE STAND/WASTE ENCLOSURE REMOVAL**

- 5.1 Waste Stand/Waste Enclosures must be removed from collection units on or before October 15, 2021.

#### **SECTION 6.0 ENFORCEMENT**

##### **6.1 Offence**

A person who contravenes this Bylaw is guilty of an offence.

##### **6.2 Vicarious Liability**

For the purposes of this Bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred during the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on

behalf of the person under their agency relationship.

### **6.3 Corporations and Partnerships**

- a) When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- b) If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

## **SECTION 7.0 FINES AND PENALTIES**

**7.1** Any person found to be contravening any provision of this Bylaw shall be served by the Town with written notice stating the nature of the contravention and providing a reasonable time limit for the satisfactory correction thereof. The only exception to the foregoing is Section 2.21, whereby an immediate fine shall be issued. The offender shall within the period of the time stated in such notice, permanently cease all contraventions.

- a) Any work carried out by the Town resulting from a contravention of the Bylaw will be invoiced to the Owner. Any default of payment, the Town shall recover the same as any debt due to the Town.
- b) A person who is guilty of an offence is liable to a fine as established in Section 6.1.c. or as ordered by a Provincial Court Judge in an amount not exceeding \$10,000.00.
- c) Without restricting the generality of subsection (b) the following fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:
  - i) \$100.00 for any offence for which a fine is not otherwise established in this section;
  - ii) A penalty of 2 (two) times applicable fine as provided in this Bylaw shall be levied against an Owner who commits, for a second time, any

infraction of this Bylaw, providing that such infraction is committed within one (1) year of the committing of the first infraction;

iii) A penalty of 3 (three) times the applicable fine as provided in this Bylaw shall be levied against an Owner who commits, for a third or subsequent time, any infraction of this Bylaw, providing that such infraction is committed within one (1) year of the committing of the first and second infraction.

d) Any person contravening any of the provisions of this Bylaw shall become liable to the Town for any expense, loss or damage occasioned to the Town by reason of such contravention.

## **7.2 Municipal Tag**

If a Municipal Tag is issued in respect of an offence the Municipal Tag shall specify the fine amount established by this Bylaw for the offence.

a) A Municipal Tag issued under this bylaw may be served:

i) by delivering it personally to the individual;

ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age;

iii) by mail to the address shown on the tax roll of the Town or at the Land Titles Registry.

b) In the case of a Corporation, a Municipal Tag may be served:

i) by delivering personally to any director or officer of the corporation;

ii) by delivering it personally to a person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or

iii) by mail to the registered office of the corporation.

## **7.3 Payment in Lieu of Prosecution**

A person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this Bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence. An advance payment option of 80 percent of the



specified fine amount will be offered to any person who pays the fine within ten days of the offence date.

#### **7.4 Violation Ticket**

If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- a) specify the fine amount established by this Bylaw for the offence; or
- b) require a person to appear in court without the alternative of making a voluntary payment.

#### **7.5 Voluntary Payment**

A person who commits an offence may:

- a) if a Violation Ticket is issued in respect of the offence; and
- b) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;
- c) make a voluntary payment equal to the specified fine.

#### **7.6 Order to Comply**

If the Chief Administrative Officer believes, on reasonable grounds, that a person is contravening any provision of this Bylaw, the Chief Administrative Officer may, by written order, require any person responsible for the contravention to remedy it.

- a) The order may:
  - i) direct a person to stop doing something, or to change the way in which the person is doing it;
  - ii) direct a person to take any action or measures necessary to remedy the contravention of the Bylaw and, if necessary, to prevent a re-occurrence of the contravention;
  - iii) state a time within which the person must comply with the directions;

- iv) state that if the person does not comply with the directions within a specified time, the Town will take the action or measure.

A person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.

- b) The order issued pursuant to this section may be served, in the case of an individual:
  - i) by delivering it personally to the individual;
  - ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or
  - iii) by mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the Town or at the Land Titles registry;or;
- c) In the case of a corporation:
  - i) by delivering personally to any director or officer of the corporation;
  - ii) by delivering it personally to any person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or
  - iii) by mail addressed to the registered office of the corporation

## **7.7 Obstruction**

A person shall not obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this Bylaw.

## **7.8 Certified Copy of Records**

A copy of a record of the Town certified by the Chief Administrative Officer as a true copy of the original shall be admitted in evidence as legally sufficient proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

**SECTION 8.0 SEVERABILITY**

8.1 Should any provision of this Bylaw be invalid, then such invalid provision shall be severed, and the remaining Bylaw shall be maintained.

**SECTION 9.0 REPEAL**

9.1 Bylaw No. 1145 is hereby repealed.

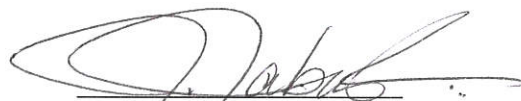
**SECTION 10.0 EFFECTIVE DATE**

10.1 This Bylaw shall take full force and effect on third and final reading and upon signing in accordance with Section 213, Municipal Government Act, Chapter M-26, R.S.A. 2000 and amendments thereto.

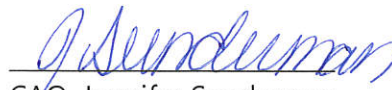
Read a first time this 23<sup>rd</sup> day of May 2023

Read a second time this 23<sup>rd</sup> day of May 2023

Read a third and final time and passed this 12<sup>th</sup> day of June 2023



Mayor, Janet Jabush



CAO, Jennifer Sunderman

**SCHEDULE "A"**  
**RECYCLABLES**

Acceptable recyclables as listed below:

- Corrugated cardboard – Flattened and folded to fit in cart
- Flattened boxboard – to be placed in Blue Bag
- Newsprint – to be placed in Blue Bag
- Magazines and Flyers – to be placed in Blue Bag
- Tins – labels removed, rinsed – to be placed in Blue Bag
- Plastic Milk Jugs and Waxed Cardboard Milk Containers – lids removed, rinsed – to be placed in Blue Bag
- Recyclable plastic containers #1-5 – to be placed in Blue Bag