

Town of Mayerthorpe
Province of Alberta
Canada.

BYLAW NO. 983

BEING A BY-LAW OF THE TOWN OF MAYERTHORPE IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF THE COLLECTION OF SOLID WASTE MATERIALS AND RECYCLABLES FROM RESIDENTIAL HOUSEHOLDS 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 in to 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 and Disposal Bylaw.”

SECTION 1.0 – DEFINITIONS

- 1.1 “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.
- 1.2 “BLUE BAG”** - the recycle program.
- 1.3 “CHIEF ADMINISTRATIVE OFFICER”** – the person appointed to a position under Section 205 of the Municipal Government Act.
- 1.4 “COUNCIL”** – the Council of the Town of Mayerthorpe.
- 1.5 “HOUSEHOLDER”** - 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.
- 1.6 “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, tubings, filters, towels and disposable sheets, but excludes biomedical waste.
- 1.7 “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.
- 1.8 “MUNICIPAL TAG”** shall mean a tag or similar document issued by the Town pursuant to the Municipal Government Act.
- 1.9 “OWNER”** - the assessed owner of the land.
- 1.10 “RECYCLABLES”** - generally accepted materials for recycling, including

flattened cardboard and boxboard, milk jugs and cartons, newsprint, tins and marked plastics, but excluding wet materials.

- 1.11 **“RESIDENTIAL COLLECTION UNIT”** - a single family dwelling or multi-family dwelling.
- 1.12 **“TOWN”** - the Town of Mayerthorpe.
- 1.13 **“VIOLATION TICKET”** shall mean a ticket issued pursuant to Part II of the Provincial Offences Procedures Act and Regulations there under.
- 1.14 **“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.
- 1.15 **“WASTE COLLECTOR”** - the person, persons, company or corporation authorized by the Town to collect, remove and dispose of waste and refuse.
- 1.16 **“WASTE STAND/WASTE ENCLOSURE”** – a Waste Enclosure is an enclosed container with a hinged lid designed to contain Waste. A Waste Enclosure is not to be more than 3’ in height at the front. A Waste Stand is a three sided open front stand designed to store 100 litre or less container(s).

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 Residential 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 except in accordance with the provisions of this Bylaw.
- 2.3 No person other than a Householder, the Town, or the Waste Collector shall open any Waste Container or Bin or in any way disturb the contents thereof or handle, interfere with or disturb any Waste put out for collection or removal.
- 2.4 No person other than the Waste Collector or Householder shall make collections of Waste from 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 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 Container.
- 2.7 No person shall operate within the Town a vehicle transporting Waste unless the Waste is completely enclosed or securely covered or secured so as to prevent any portion of the Waste 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 businesses shall subscribe to a Waste Collection and Disposal system. Residential Collection Units and businesses that produce more than six (6) standard bags of Waste every seven days, shall participate in a Bin system. The Bins must be provided by a Waste Collector appointed by Council. The fee for the Bin shall be determined by and payable directly to the Waste Collector.
- 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 businesses may share in the rental of a Bin providing that they advise the Waste Collector and invoices accordingly. No more than three businesses shall share in a Bin.
- 2.12** All residential and commercial Waste shall be deposited in any color garbage bags, except blue, that are standard in size. Waste in smaller or larger bags may not be picked up.
- 2.13** In situations where water and sewer services are disconnected, the full month's Waste charge shall be invoiced.
- 2.14** Waste shall be removed from Residential Collection Units and businesses after 7:30 a.m. every 7 days.
- 2.15** Waste shall be placed in the prescribed bags and then placed in Waste Stand/Waste Enclosure. Waste Stands/Waste Enclosures shall be placed at the property line abutting the lane. For those Waste Stands/Waste Enclosures that are legal non-conforming. Householders shall be required to remove Waste from the Waste Stand/Waste Enclosure and move to the alley or lane edge prior to Friday 7:30 a.m. for pickup by the Waste Collector.
- 2.16** Medical sharps may be set out for 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 collection.
- 2.17** Sharp objects can be set out for 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 collection.
- 2.18** 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 collection.
- 2.19** Household or Businesses shall not allow their garbage to accumulate around Waste Enclosures/Waste Stands or Bins. All occupants shall be responsible to clean up loose Waste that is created by animals, birds, or by any other means. Loose Waste shall not become a nuisance or annoyance to other persons. Any loose Waste not in the Waste Enclosure/Waste Stand shall not be picked up at any time by the Waste Collector.
- 2.20** Animal owners shall be responsible to ensure that their animals do not get into Waste 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 set out for disposal.
- 2.21** Unauthorized person(s) shall not be permitted to deposit any type of Waste in, on, or around any Bin. Anyone caught doing so without the permission of the Householder or Owner will be liable to fines and penalties outlined in this Bylaw.

- 2.22 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 Enclosure/Waste Stand or Bins, and if placed in such Waste Enclosure/Waste Stand or Bins shall not be picked up by the Waste Collector.

SECTION 3.0 - RECYCLABLES

- 3.1 A Waste Collector approved by Council will also provide a Blue Bag program.
- 3.2 Recycling materials will be identified by being contained in a blue semi transparent recycling bag 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 beside the Waste Container at the edge of the alley or lane.

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 bill, with the Waste Collection and Disposal fee being added to the said water and sewer bill.
- 4.3 In default by the property 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 Collection and Disposal service, the amount of the sums in default may be collected by the Town by whatever means available.

SECTION 5.0 ENFORCEMENT

5.1 Offence

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

5.2 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 in the course of 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.

5.3 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 6.0 FINES AND PENALTIES

6.1 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 and the costs charged to the Owner will be invoiced to the Owner, and in default of payment the Town may: recover the same as 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 provision of this Bylaw shall become liable to the Town for any expense, loss or damage occasioned to the Town by reason of such contravention.

6.2 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.

6.3 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 early 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.

6.4 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.

6.5 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.

6.6 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.

6.7 Obstruction

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

6.8 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 7.0 SEVERABILITY

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

SECTION 8.0 REPEAL

8.1 Bylaw No. 783 and Bylaw No. 893 are hereby repealed.

SECTION 9.0 EFFECTIVE DATE

9.1 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 9th day October of 2012 A.D.

Read a second time this 22nd day October of 2012 A.D.

Read a third and final time and passed this 26th day November of 2012 A. D.

Mayor, Kim Connell

CAO, Karen St.Martin

SCHEDULE “A”
RECYCLABLES

Acceptable recyclables as listed below:

- Flattened corrugated cardboard – to be set under the Blue Bag
- 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, and placed in Blue Bag
- Plastic Milk Jugs and Waxed Cardboard Milk Containers – lids removed, rinsed and placed in Blue Bag
- Recyclable plastic containers – to be placed in Blue Bag
- Clear glass jars – to be placed in Blue Bag