

BYLAW NO. 17-02

A BYLAW OF THE TOWN OF FALHER, IN THE PROVINCE OF ALBERTA, TO REGULATE THE COLLECTION, REMOVAL AND DISPOSAL OF WASTE, REFUSE, ASHES, RECYCLE MATERIALS AND ORGANIC WASTE IN THE TOWN OF FALHER.

WHEREAS under the provisions of Section 7 (f) and (g) of the Municipal Government Act R.S.A. 2000, Chapter M-26 and amendments thereto, the Council of the Town of Falher may, by bylaw, provide for services provided by or on behalf of the municipality and for public utilities; and

WHEREAS Council deems it is in the interest of the municipality to ensure the timely and appropriate collection, removal and disposal of waste, refuse, ashes, recycle materials and organic waste;

NOW THEREFORE the Council of the Town of Falher in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE:

This Bylaw may be cited as the Waste Collection Bylaw.

2. DEFINITIONS

- A. **APPROVED WASTE CART** means a waste cart approved and provided by the Municipality;
- B. **BYLAW OFFICER** means each and every member employed and duly appointed as a Bylaw Enforcement Officer for the Municipality;
- C. **COUNCIL** means the Municipal Council of the Town of Falher;
- D. **COLLECTION DAY** means the day or days during each week on which waste or recycling is regularly collected from a specific premises;
- E. **COMMERCIAL PREMISES** means any café, restaurant, warehouse, wholesale or retail business place, office building, garage or service station, factory or industrial plant, any other building or premises except a dwelling or multiple family dwelling;
- F. **DESIGNATED LOCATION** means a street, laneway or other location as designated by the Municipality;
- G. **DWELLING** means a building occupied for residential purposes;
- H. **GARBAGE BAG** means a plastic bag of the type designed for the disposal of domestic refuse;
- I. **INDUSTRIAL WASTE** means materials from excavations, materials from lot clearing and building construction, repairs, alterations, or maintenance, debris from any building removed, or destroyed by fire or any other cause, material from manufacturing processes, dead animals, waste from garages and service stations, condemned matter or waste from factories or other works, or from warehouses, ashes from industrial plants, and other similar waste materials other than human or animal excrement, or residential waste;
- J. **LANDOWNER** refers to the person(s) named on the legal property title;
- K. **MULTIPLE FAMILY DWELLING** means any building or group of buildings used or intended for use as residential dwellings made up of multiple dwelling units such as row housing and apartments;
- L. **MUNICIPALITY** means the Town of Falher in the Province of Alberta;
- M. **NON-COLLECTIBLE WASTE** means but not limited to:
 - i. Liquid waste
 - ii. Carcass of any animal;
 - iii. Swill, manure, hay, straw, or any other organic material not properly drained or wrapped;
 - iv. Needles, syringes, or any other similar devices
 - v. Biomedical waste;
 - vi. Paint Containers
 - vii. Small appliances
 - viii. Electronics, computer batteries, battery back-ups
 - ix. Celluloid cuttings, moving picture film, ammunition, oil or gasoline soaked material, liquid chlorine, acid or any explosive or combustible materials;
 - x. Oil tanks or drums; or
 - xi. Lead acid batteries, low-level radioactive waste, sewage, PCBs (Polychlorinated Biphenyls), asbestos;
- N. **PERSON** includes resident; multi family dwelling owners or proprietor;

- O. **PROPRIETOR** means the occupant of commercial premises and the person in charge of a multiple family dwelling and, where such premises are unoccupied, shall mean the owner thereof;
- P. **RECYCLABLE WASTE** means waste that is classified by the waste collection agent as recyclable:
 - i. Newsprint/Heavy paper: newspaper, magazines, phone books, catalogues, flyers
 - ii. Mixed Paper: office paper, junk mail, shredded paper, etc.
 - iii. Boxboard: cereal boxes, pasta boxes, etc.
 - iv. Containers: milk jugs & cartons, food cans, beverage containers; plastic containers #1-7.
 - v. Corrugated cardboard: flattened and folded beneath the approved recyclable container;
- Q. **RESIDENT** means any owner, occupant, lessee, tenant or any other person in charge of any building or other dwelling used, or intended for use, as a residential premises excluding multifamily dwelling;
- R. **RESIDENTIAL PREMISE(S)** means any site including any building erected thereon that is used or intended for the use for residential purposes including single family dwellings, duplexes, triplexes and fourplexes;
- S. **RESIDENTIAL WASTE** means discarded ashes, crockery, cloth, wrappings, non-recyclable plastics, garden and yard waste and other items of household refuse, but does not include recyclable materials as defined in this bylaw, human or animal excrement, medical wastes, industrial waste, or animal carcasses;
- T. **WASTE COLLECTION AGENT** means the person or firm appointed by the Municipality for the purpose of collecting and disposing of garbage, refuse and recycling materials;
- U. **WASTE RECEPTACLE** means a receptacle constructed of non-corrosive durable metal or plastic complete with lid, which is intended to hold plastic garbage bags.

3. REGULATIONS

- A. No person within the Municipality shall dispose of waste **EXCEPT** in accordance with this bylaw.
- B. All residential waste shall be disposed of in an approved waste cart.
- C. Approved waste cart shall be at the designated location by 8:00 a.m. on collection day
 - i) Residents must ensure lid is kept completely closed at all times except when being filled or emptied.
 - ii) Approved waste cart wheels must be against the curb with at least a metre of clearance on **all** sides. Where there is no curb, the cart is to be placed on the edge of the road, with wheel on the ditch side.
- D. No resident shall store or keep any waste receptacles in the front yard or exterior side yard. Only an approved waste cart shall be permitted at the designated location on collection day. An approved waste cart, located in the front yard or exterior side yard, other than on collection day, shall be removed and disposed of at the discretion of the Bylaw Officer without compensation to the landowner.
- E. Every person shall maintain and keep in good condition sufficient waste receptacle to ensure all waste generated from those premises is sufficiently stored at all times, and shall ensure that a cover is kept secure over the opening of all receptacles.
- F. Every person shall at all times ensure that waste receptacles, and approved waste carts are not allowed to spill over or accumulate on any land or street or adjoining public or private property. Every such person shall be held responsible for any violation of this section regardless of the cause of such violation. Failure to contain waste in approved containers may result in a fine under the applicable Bylaw.
- G. No person shall directly or otherwise dispose of any non-collectible or industrial waste in any waste receptacle or approved waste cart.
- H. No person shall directly or otherwise dispose of hot ashes, or burning matter, in any waste receptacle, or approved waste cart.

- I. No person other than the waste collection agent shall open any approved waste carts or remove anything therefrom, or in any way disturb the contents thereof, nor shall any other persons handle, interfere with, or in any manner disturb any waste of any kind put out for collection and removal.
- J. When any waste receptacle has been condemned or is deemed insufficient by the Bylaw Officer, and written notice to that effect has been given to the person the condemned receptacle may be removed and disposed of along with the waste from the premises, and charged back to the landowner. The person shall, forthwith, provide a suitable receptacle or container to replace the one that has been condemned and removed.
- K. Should the approved waste cart be damaged by the waste collection agent, it will be replaced or repaired at no cost to the resident. Any other incidents or loss, are the responsibility of the landowner, and shall be billed at the current replacement cost value.
- L. No person shall operate a vehicle in the Municipality while it is carrying waste material 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 out of the vehicle.
- M. No person shall deposit any dead animal, manure, excreta, refuse, waste, liquid waste or other filth upon or into any street, ditch, lane, highway, byway, water, pond, bank, or onto any public land.
- N. All loose paper, paper boxes, straw or other packing or waste material from stores, warehouses and other buildings within the said Municipality and all loose grass, weeds, twigs and other combustible matter shall not be allowed to accumulate on any premises within the said Municipality.
- O. No person shall dispose waste, trees or tree clippings or other refuse onto public property, unless designated as a disposal site within the said Municipality.
- P. The Municipality or its agent shall not be responsible for the collection of waste from multiple family dwellings, commercial and industrial premises.
- Q. The Municipality shall provide curbside recycling services to all residential premises and multiple family dwelling units.
- R. All recyclable waste must be contained in a blue garbage bag, and be at the designated location by 8:00 a.m. on collection day
 - i. Blue bags must be out in the open and clearly visible; on the edge of the driveway or boulevard directly abutting the street.
 - ii. Blue bags in waste receptacles or any other container will not be collected.

4. ADMINISTRATION

- A. The full cost of waste collection from residential premises shall be paid out of the general revenue of the Municipality as collected through fees established by Council.
- B. The full cost of curbside recycling services from residential premises and multiple family dwelling units shall be paid out of the general revenue of the Municipality as collected through fees established by Council.
- C. Waste disposal from multiple family dwellings, commercial and industrial premises within the area of the Municipality shall be their sole cost.
- D. The fee schedule may be amended by resolution of Council based on waste and recycling collection and disposal expenses.
- E. The waste and recycling collection fee shall be included on the utility billing. All accounts shall have 25 days from the billing date to pay before a penalty is levied.

- F. An interest charge of 1.5% per month shall be imposed on any accounts that remain unpaid after 25 days from the date of billing.
- G. Any unpaid rates or charges provided for under this Bylaw shall, when in default, constitute a lien upon the landowner's property and shall be subject to the same penalties and collectable in the manner as taxes levied by the Municipality.
- H. In the event that the waste and recycling collection fee for landowners remains unpaid after 60 days from the date of billing, these outstanding charges may be transferred to the landowner property and shall be due and payable to the municipality in the same manner as taxes.

5. PENALTIES

- A. Where any person is alleged to have breached any of the provisions of this bylaw, the Municipality may serve upon such person a written notice specifying the breach and requiring remedial action as the Municipality may order.
- B. Any written notice issued under any provision of this bylaw, shall be deemed to be sufficiently served if served personally upon the person alleged to have committed the breach or upon the owner, occupier or other person in charge of the premises upon which the breach is alleged to have been committed or if mailed to the address of the owner, occupier or other person in charge of the premises upon which the breach is alleged to have been committed.
- C. Any person who violates any provision of this bylaw is guilty of an offence and liable on summary conviction to a fine not less than one hundred (\$100.00) dollars.
- D. Where any of the provisions of this bylaw have been deemed to be contravened and an offence ticket has been issued for that contravention, the accused may avoid appearing in court to answer the said charge by submitting to the Municipality a voluntary payment as follows:

First offence - 50.00
 Second and Subsequent offences - 100.00

6. ENACTMENT

Bylaw No. 08-06 is hereby repealed.

THAT this Bylaw shall take effect on the date of the final passing thereof.

READ a first time this _____ day of _____, 2017

READ a second time this _____ day of _____, 2017

READ a third time and finally passed this _____ day of _____, 2017

 MAYOR

 MUNICIPAL ADMINISTRATOR