

## **TOWN OF REDWATER**

### **BYLAW 874**

#### **WASTE COLLECTION BYLAW**

**BEING A BYLAW OF THE TOWN OF REDWATER, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING THE PROVISION OF WASTE COLLECTION AND RECYCLING SERVICES WITHIN THE TOWN OF REDWATER**

**WHEREAS**, by virtue of the power conferred upon it under the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, the Council of the Town of Redwater duly assembled, enacts as follows:

#### **1.0 TITLE**

- 1.1 This Bylaw may be referred to as the "Waste Collection Bylaw" of the Town of Redwater.

#### **2.0 DEFINITIONS**

- 2.1 "Billing Period" means the calendar month for which the Municipality assesses its Utility Services, and for greater certainty, the following are Billing Periods: January; February; March; April; May; June; July; August; September; October; November; and December;
- 2.2 "Building" means any structure used or intended for supporting or sheltering any use or occupancy;
- 2.3 "Clerk of the Provincial Court" means an officer of a Provincial court who – accepts filings, issues process and keeps records;
- 2.4 "Collection Day" shall mean the day or days during each week on which Collection Services are provided to a specific Premise;
- 2.5 "Collection Services" means the curbside or roadside collection of Waste Materials, Organic Materials, and Recyclables;
- 2.6 "Commercial Bin" means a secure container used for the purposes of storing and disposing of commercial or sizeable waste;
- 2.7 "Compulsory Service" means the requirement for Collection Services within the Municipality or properties as set out in Schedule "A" to this Bylaw;
- 2.8 "Container" will be one or a combination of the following:
  - 2.8.1 Waste Materials collection cart
  - 2.8.2 Organic Materials collection cart;
- 2.9 "Council" means the Council of the Town of Redwater;
- 2.10 "Customer" means any Person to whom the Municipality supplies Waste Collection Services, and in whose name an account has been opened with the

- Municipality for the purpose of providing Waste Collection Services under this Bylaw;
- 2.11 "Due Date" means the date set out in the invoice of the Municipality by which a Utility Charge shall be paid. The Due Date will be set in Utility Rates, Fee and Billings Bylaw and shall be within the month following the Billing Period and if the Due Date falls on a day other than a business day, the prior business day;
- 2.12 "Garbage Permit" means the permit issued to the Owner for use at the Transfer Station and Roseridge regional landfill;
- 2.13 "Institutional" shall mean a hospital, nursing home, lodge, hotel, or school;
- 2.14 "Multi-Family Complex" means a building or private community containing three or more units, including apartment buildings, townhouses, condominiums or manufactured home parks;
- 2.15 "Municipality" means the Town of Redwater;
- 2.16 "Occupier" means a Person occupying a Premises, including a lessee or licensee, who has actual use, possession or control of the Premises;
- 2.17 "Organic Materials" means items designated by the Service Provider, subject to change from time to time;
- 2.18 "Outstanding Account" means any Utility Charges (or any portion of) for which the Municipality has not received payment on or before the Due Date;
- 2.19 "Owner" means the registered owner of real property to which Waste Collection Services are provided pursuant to this Bylaw;
- 2.20 "Peace Officer" means:
- 2.20.1 a member of the Royal Canadian Mounted Police;
- 2.20.2 a member of the municipal police service;
- 2.20.3 a Community Peace Officer where under that person's appointment as a Community Peace Officer that person is empowered to carry out the duties of a Peace Officer, or
- 2.20.4 a Bylaw Enforcement Officer who is appointed by the CAO;
- 2.21 "Person" means an individual, partnership, society, association, corporation, trustee, executor, administrator or other legal representative;
- 2.22 "Premises" means real property and all Buildings and improvements thereon;
- 2.23 "Recyclables" means items designated by the Service Provider, subject to change from time to time;
- 2.24 "Recycling Service" means curbside, roadside or any recycling or waste diversion service or program available for the collection of Organic Materials, and Recyclables;
- 2.25 "Recycling Station" means any area within the Municipality, designated by the Municipality, to receive recyclable materials;
- 2.26 "Residential" means single, two and three family dwelling units;
- 2.27 "Service Provider" means the Person or Persons appointed by the Municipality for the purpose of collecting and disposing of Waste Materials, Organic Materials, and Recyclables;
- 2.28 "Solid Waste" means any Waste Materials, Organic Materials, Recyclables and any other waste item so accepted at the Transfer Station or Waste Disposal Site;

- 2.29 "Supplementary Collection Services" means Collection Services beyond the base level of service as established by Council;
- 2.30 "Town Manager" means the Chief Administrative Officer as appointed by Council, or the Chief Administrative Officer's delegate;
- 2.31 "Transfer Station" means any area designated within the Municipality for accumulation of Solid Waste for subsequent transportation;
- 2.32 "Utility Bill" means a bill which sets out the fees levied by the Municipality on a monthly basis for Utility Services provided by the Municipality;
- 2.33 "Utility Charges" means the fees imposed by the Municipality for Utility Services pursuant to this Bylaw and the Municipality's Utility Bylaw as set in Utility Rates, Fee and Billings Bylaw;
- 2.34 "Utility Services" means the provision of water, sewer, gas, disposal of garbage and recycling from, a Premises by the Municipality pursuant to this Bylaw and the Municipality's Utility Bylaw;
- 2.35 "Violation Tag" means a tag or similar document issued by the Municipality pursuant to the *Municipal Government Act* R.S.A 2000 c. M-26 as amended or repealed and replaced from time to time and regulation there under;
- 2.36 "Violation Ticket" means a ticket issued pursuant to the *Provincial Offences Procedure Act*, R.S.A 2000, c. P-34, as amended or repealed and replaced from time to time and regulations there under;
- 2.37 "Waste Collection Charges" means the fees imposed by the Municipality for Waste Collection Services, including collection, removal and disposal, pursuant to this Bylaw as set in Utility Rates, Fee and Billings Bylaw;
- 2.38 "Waste Disposal Site" means any area designated by the Municipality for Solid Waste disposal;
- 2.39 "Waste Materials" means any non-hazardous material discarded that is not Organic Materials or Recyclables.

### **3.0 DELEGATION OF AUTHORITY**

- 3.1 Council hereby delegates to the Town Manager all those powers stipulated by this Bylaw to be exercised by the Municipality and all necessary authority to exercise those powers, excluding thereout, the power to set Utility Charges or enact bylaws, or do anything else reserved exclusively for Council pursuant to the provisions of the *Municipal Government Act*. The Town Manager may delegate any powers, duties or functions under this Bylaw.
- 3.2 Without limiting the generality of the foregoing, The Town Manager may deal with the following subject matters:
  - 3.2.1 standards, guidelines, and specifications for the design, construction and maintenance of Utility Services;
  - 3.2.2 procedures or requirements that a Customer must comply with before Utility Services are provided;





3.2.3 Customer accounts, including without limitation provisions or requirements concerning opening an account and making payments on accounts;

3.2.4 procedures or requirements concerning investigating Customer complaints and concerns.

#### **4.0 COLLECTION SERVICES**

4.1 No Person other than the Municipality or the Service Provider shall provide Collection Services or Supplementary Collection Services, unless those Premises are exempted pursuant to Schedule "A".

4.2 Any Person providing private Collection Services, whether contracted by the Municipality or not, must comply with the requirements of this Bylaw.

#### **5.0 RATES AND CHARGES, OPENING AND CLOSING OF ACCOUNTS**

5.1 The Municipality shall levy Waste Collection Charges on all Premises (unless those Premises are exempted pursuant to Schedule "A"); Waste Collection Charges shall be set by Utility Rates, Fee and Billings Bylaw.

5.2 The Municipality shall require a Customer to submit a written application for Collection Services, unless waived by the Municipality in its discretion. All new utility accounts shall be with the Owner of the Premises, and in the case where the Owner is not the Occupier, the utility accounts shall be with the Owner and the Occupier. The Owner of the Premises is responsible for the account whether or not Collection Services have previously been provided to the Premises. The written application shall contain information as prescribed by the Town Manager, and shall be subject to the approval of the Town Manager.

5.3 The Municipality shall levy Waste Collection Charges for all Premises on a monthly basis, unless otherwise agreed in writing.

5.4 A Customer is not relieved from paying Waste Collection Charges by reason of non-receipt of a Utility Bill, whatever the reason for non-receipt.

5.5 A Customer shall pay the applicable Waste Collection Charges on or before the Due Date.

5.6 Outstanding Accounts for current Waste Collection Charges will be assessed a late payment penalty as established by Utility Rates, Fee and Billings Bylaw and any late payment penalty is deemed to be a Utility Charge.

5.7 If payment is remitted for part but not all of the Utility Charges owing, payment shall be applied to that portion of the Utility Charges outstanding the longest, regardless of any wish by the Customer to apply payment to any portion of the Utility Charges owing.

## **6.0 PREPARATION OF WASTE AND ORGANIC MATERIALS FOR COLLECTION**

- 6.1 Waste Materials and Organic Materials will be prepared for collection in accordance with the requirements outlined in the Service Provider contract.
- 6.2 All pet related feces and cat litter must be packaged in plastic bags and placed in the Container designated for Waste Materials.
- 6.3 Grass clippings and leaves will be placed in the Container designated for Organic Materials.
- 6.4 Branches measuring 3 inches or less in diameter and 3 feet or less in length will be placed in the Container designated for Organic Materials.
- 6.5 All other household waste will be deposited in the Container designated for Waste Materials but limited to the capacity of the Container with the lid closed.
- 6.6 No Customer will place, permit to be placed, or mix any of the following materials for removal:
  - 6.6.1 any highly combustible or explosive waste, including, without restricting the generality of the foregoing, such materials as hot ashes, ignitable waste, motion picture film or toxic materials;
  - 6.6.2 any compound that may be considered dangerous or hazardous under the provisions of any other legislation whether Provincial or Federal;
  - 6.6.3 needles;
  - 6.6.4 sharp objects or broken glass unless packaged to allow for safe transporting;
  - 6.6.5 luminescent gas filled tubes;
  - 6.6.6 dead animals or animal parts;
  - 6.6.7 building materials and construction waste;
  - 6.6.8 branches larger than 3 inches in diameter and longer than 3 feet in length.

## **7.0 PREPARATION OF RECYCLABLES FOR COLLECTION**

- 7.1 Recyclables will be prepared for collection in accordance with the requirements outlined in the Service Provider contract.
- 7.2 Customers are required to use standardized blue plastic bags or standardized blue boxes. The Service Provider and Municipality will not be responsible for the cracking or failure of blue boxes from normal collection activities.

## **8.0 RESTRICTIONS ON COLLECTION SERVICE**

- 8.1 Collection Service for Waste and Organic Containers will not be provided if:
  - 8.1.1 the Container is not a proper Container supplied by the Municipality or their Service Provider; or
  - 8.1.2 the lids on the Waste Materials or Organic Materials Container are not closed and material is overflowing; or
  - 8.1.3 there is loose materials not placed in the Container; or
  - 8.1.4 the Container contains material(s) described in section 6.6; or

- 8.1.5 the materials have not been prepared as described in part 6; or
- 8.1.6 the Container is not located as described in part 9.
- 8.2 Collection Service for Recyclables will not be provided if:
  - 8.2.1 materials do not comply with the size, bagging, type or other requirements outlined in the Service Provider contract. A notice will be left by the Service Provider for the non-complying recycling materials detailing the reasons why the materials were not picked up.

## **9.0 COLLECTION, STORAGE LOCATIONS, AND SCHEDULING**

- 9.1 Every Customer to which this Bylaw applies shall obtain, from the Municipality, collection Containers suitable for containing all of the Waste Materials and Organic Materials generated from the Premises on a basis as prescribed in the Service Provider contract.
- 9.2 Where the Organic Materials Container is not required by the Customer the Container may be returned to the Municipality, with no reduction or adjustments made to the Customers Utility Bill as a result.
- 9.3 Where the Waste Materials Container is not required by the Customer the Container may be returned to the Municipality, with no reduction or adjustments made to the Customers Utility Bill as a result.
- 9.4 A Customer may request the Municipality to provide a replacement Container. The Customer will be charged for any replacement Container at the same rate that is charged to the Municipality by the Service Provider. If the Container has been damaged by the Service Provider there will be no charge to the Customer.
- 9.5 A Customer may request in writing that the Municipality provide an additional Container, additional fees will apply and will be determined by the Utility Rates, Fee and Billings Bylaw.
- 9.6 The Customer shall maintain all Containers supplied by the Municipality in a clean and sanitary condition at all times, and shall notify the Municipality of any lost, stolen or damaged Containers and obtain a replacement if deemed necessary.
- 9.7 The Customer shall place all Containers on the road adjacent to the Customer's land and not separate it by any fence, gate or other structure, prior to 7:00 a.m. on the Collection Day, as specified from time to time in the Service Provider contract but not earlier than the previous day.
- 9.8 The Customer shall place blue bags or blue boxes at a minimum of one meter distance from all Containers and be clearly visible from both directions along the road and be placed at the curb for collection, prior to 7:00 a.m. on the Collection Day, as specified from time to time in the Service Provider contract but not earlier than the previous day.
- 9.9 Waste Materials Containers and Organic Materials Containers and blue boxes must be removed from the curbside by 9:00 p.m. on the Collection Day. Any materials not collected must be removed from curbside by 9:00 p.m. on the





Collection Day unless rescheduling for the next day has occurred due to an unscheduled service interruption by the Service Provider.

- 9.10 No Container shall be placed for collection such that it is within one meter of any structure or other object.
- 9.11 No Container shall, except when placed for collection, be located other than on the Customer's Premises, and in particular no Container shall be located so as to encroach on any roadway, highway, boulevard, lane or public place except as expressly required by this Bylaw.
- 9.12 No Person shall place any Waste Materials or Organic Materials for collection in any Waste Materials or Organic Materials Container intended to be emptied by automated machinery, other than a Container provided by the Municipality.
- 9.13 Collection frequency of Waste Materials, Organic Materials, and Recyclables will be as prescribed in the Service Provider contract as approved by Council.
- 9.14 The days and times of Collection Service will be as prescribed in the Service Provider contract as approved by Council.
- 9.15 Non-eligible Collection Services (as per Section 1.1.2 in Schedule "A") will be collected no less than once per week.

#### **10.0 WASTE CONTAINERS, DISPOSAL SITES, RECYCLING STATIONS, AND TRANSFER STATIONS**

- 10.1 The authority to establish rules, regulations pertaining to Waste Containers, Disposal Sites, Recycling Stations and Transfer Stations will be set by Council resolution as amended from time to time. Fees and charges shall be established by Utility Rates, Fee and Billings Bylaw.
- 10.2 All Persons utilizing a Waste Disposal Site or Recycling Station or Transfer Station will obey all signs, posted regulations and directions of site attendants – if applicable.
- 10.3 No Person other than the lawful user, or an authorized employee of the Municipality or employee of the Service Provider shall open any garbage tote or disturb the contents of totes or blue bags or remove anything from totes, blue bags, nor shall any other person handle, interfere with, or in any manner disturb any garbage of any kind put out for collection or removal.
- 10.4 No Person shall operate a vehicle in the Municipality while it is carrying garbage or commercial/industrial waste unless the 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.
- 10.5 Use and regulations regarding the Transfer Station shall be established in policy as approved by Council. The Transfer Station is for Residential use only; if a resident has a commercial business they cannot use their Garbage Permit to dispose of commercial garbage at the Transfer Station.
- 10.6 The Garbage Permit may be used at the Roseridge regional landfill facility; applicable use and charges shall be established in Utility Rates, Fee and Billings Bylaw.

## **11.0 OFFENCE AND PENALTIES**

- 11.1 A Peace Officer is hereby authorized to enforce the provisions of this Bylaw.
- 11.2 A Person who contravenes a provision of this Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "B" of this Bylaw.
- 11.3 Notwithstanding section 11.2 of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw within one (1) year of committing the first offence is liable to a fine of not less than that set out in Schedule "B" of this Bylaw, for that offence.
- 11.4 A Person who is guilty of an offence under this Bylaw for which a penalty is not otherwise provided, is liable to a fine of not less than One Hundred (\$100.00) Dollars and not more than Ten Thousand (\$10,000) Dollars.
- 11.5 Under no circumstances shall a Person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
- 11.6 The Town Manager may add any Outstanding Account owed by the Owner of the Premises to the tax roll for the Premises.

## **12.0 VIOLATION TAGS**

- 12.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 12.2 A Violation Tag may be served:
  - 12.2.1 in the case of an individual:
    - 12.2.1.1 by delivering it personally to the individual;
    - 12.2.1.2 by leaving it for the individual at the apparent place of residence with someone who appears to be at least 18 years of age; or
    - 12.2.1.3 by mail addressed to the individual at the apparent place of residence or to any address for the individual on the tax roll of the Municipality; and
  - 12.2.2 in the case of a corporation:
    - 12.2.2.1 by delivering personally to any director or officer of the corporation;
    - 12.2.2.2 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
    - 12.2.2.3 by mail addressed to the registered office of the corporation.
- 12.3 A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the Town Manager and shall state:
  - 12.3.1 the name of the Person to whom the Violation Tag is issued;
  - 12.3.2 a description of the offence and the applicable Bylaw section;
  - 12.3.3 the appropriate penalty for the offence as specified in Schedule "B" of this Bylaw;



- 12.3.4 the time period in which the specified penalty must be paid in order to avoid prosecution for the alleged offence; and
- 12.3.5 any other information as may be required by the Town Manager.
- 12.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Peace Officer, provided however, that no more than one Violation Tag will be issued for each day that the contravention continues.
- 12.5 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified on the Violation Tag.
- 12.6 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

### **13.0 VIOLATION TICKETS**

- 13.1 In those cases where a Violation Tag has been issued, and if the penalty is not paid within the prescribed time period, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 13.2 Notwithstanding the foregoing provision of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to Part II of the *Provincial Offences Procedure Act*, to any Person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 13.3 The Person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided for in Schedule "B" of this Bylaw.
- 13.4 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to section 12.5 and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of a fine in the amount of the specified penalty.

### **14.0 SEVERABILITY**

- 14.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this Bylaw be declared invalid, that provision shall be deemed to be severed and all other provisions of the Bylaw shall remain in force and effect.



## 15.0 GENERAL

- 15.1 Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial legislation or regulation or Municipal Bylaw, or any requirement of any lawful permit, order or license.
- 15.2 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 15.3 All headings and subheadings in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- 15.4 Specific references to statutes, regulations and other bylaws in this Bylaw are meant to refer to the current laws applicable within the Province of Alberta as at the time this Bylaw was enacted and as they are amended from time to time, including successor legislation.
- 15.5 Bylaw 798 is hereby repealed.
- 15.6 This Bylaw will come into full force and effect upon the day it receives third and final reading by Council.

READ A FIRST TIME this 25<sup>th</sup> day of June, 2019.

READ A SECOND TIME this 25<sup>th</sup> day of June, 2019.

READ A THIRD TIME AND FINALLY PASSED this 25<sup>th</sup> day of June, 2019.

  
\_\_\_\_\_  
Mayor

  
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Town Manager

## **SCHEDULE "A"**

### **COLLECTION SERVICES ELIGIBILITY AND NON-ELIBILITY GUIDELINES**

#### **COLLECTION SERVICES**

##### **1.1 Eligibility Provision:**

- 1.1.1 Compulsory Service:** Residential Customers within the Municipality who receive a water and/or sewer and/or gas Utility Bill from the Municipality will receive Collection Services automatically and an account will be established and effective as of the date of ownership or occupancy whichever first occurs.
- 1.1.2 Non-eligible:** Municipality Annexed Area, Multi-Family Complex, commercial, industrial and Institutional.





## **SCHEDULE "B"**

<b>Penalties</b>	<b>Section</b>	<b>First Offence</b>	<b>Second &amp; Subsequent Offence</b>
Improper materials for removal as waste, recycling or organics	8	\$50	\$100
Improper location of Containers (i.e. improper placement for pick-up or after pick-up)	9	\$25	\$50
Improper use of Garbage Permit	10	\$50	\$100
Improper pick-up for Non-eligible Collection Services	9.15	\$50	\$100

