

TOWN OF ROCKY MOUNTAIN HOUSE

BYLAW 17/02V

BEING A BYLAW OF THE TOWN OF ROCKY MOUNTAIN HOUSE, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING AND CONTROLLING THE HANDLING, COLLECTION AND DISPOSAL OF GARBAGE AND OTHER WASTE IN THE TOWN OF ROCKY MOUNTAIN HOUSE.

WHEREAS pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26 and amendments thereto, a municipality may pass a bylaw to establish a system for the collection, removal and disposal of garbage and waste within the municipality;

NOW THEREFORE the Municipal Council of the Town of Rocky Mountain House, in the Province of Alberta, duly assembled, hereby enacts as follows;

CITE

1. This Bylaw may be cited as the "Solid Waste Bylaw".

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires.
 - a. "**Apartment**" means a residential building consisting of at least three Dwelling Units, but shall not include Buildings containing units each with their own separate exterior entranceway or entranceways;
 - b. "**Authority**" means the Rocky Mountain Regional Solid Waste Authority established by Bylaw 83/7;
 - c. "**Ashes**" means the residue left after the combustion of any matter;
 - d. "**Base Rate**" means the rate established in Schedule "A" of this Bylaw;
 - e. "**Billing Period**" means the same two-month period for which a consumer is charged for water and sanitary sewer services;
 - f. "**Biological Waste**" means Waste that is created in a hospital, necropsy facility or biological research laboratory and contains or may contain pathogenic agents that may cause disease in persons exposed to it;

- g. "**Building**" includes anything constructed or placed on, in, over, or under any land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway;
- h. "**Burning**" means any material generating heat enough to create flames or sparks;
- i. "**Collection Area**" means the areas within the Town in which Waste will be collected in accordance with this Bylaw;
- j. "**Collection Day**" means the day each week on which Waste is collected from a specific Premises;
- k. "**Collector**" means a Person who collects Waste within the Town for and on behalf of the Town;
- l. "**Commercial, Industrial, Institutional and High Density Unit**" means a Building, or a part thereof used:
 - i. For retail purposes involving the sale or other distribution of meals, food, dry goods, merchandise, fuel or services;
 - ii. For industrial or manufacturing purposes;
 - iii. As a hospital or school; or
 - iv. As an Apartment, hotel, motel, lodge of five (5) or more Residential Units, or a mobile home park;
- m. "**Condominium**" means a building divided into individually owned units as described in the Condominium Property Act; and for the purpose of this Bylaw, each unit shall be deemed to be a single Dwelling Unit;
- n. "**Council**" means the Municipal Council of the Town of Rocky Mountain House;
- o. "**Director**" means the Director of Engineering and Operations;
- p. "**Disposal Site**" means a dry dump, a sanitary landfill site or another site approved by the Town for disposal of Waste;
- q. "**Dwelling Unit**" means a complete Building or self contained portion of a Building for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking, and separate toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or self-contained suite or set of rooms;
- r. "**Garbage**" means Waste composed of animal or vegetable matter. It is Waste produced as a byproduct of the preparation, consumption or storage of food;

- s. "**Garbage Bag**" means a non-returnable plastic bag, securely tied at the top when ready for collection.
- t. "**Hazardous Waste**" means a solid or liquid material that presents an unusual disposal problem or requires special handling including but not limited to explosives, poisons, caustics, acids, radioactive materials and other like materials as defined under any legislation;
- u. "**Peace Officer**" means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer or a Special Constable appointed pursuant to the provisions of the *Police Act*;
- v. "**Person**" means an individual, proprietorship, partnership or a corporation. It shall also include but not be limited to church organizations, non-profit organizations, professionals, provincial and federal governments;
- w. "**Premises**" means land, including any Buildings erected thereon;
- x. "**Recycle Materials**" means any materials that can be recycled by the Authority, which shall include, but not be limited to paper, cardboard, plastics and glass;
- y. "**Residential Unit**" means any Building other than a Commercial, Industrial, Institutional or High Density Unit;
- z. "**Town**" means the corporation of the Town of Rocky Mountain House, or the area contained within the boundaries thereof, as the context requires;
- aa. "**Town Manager**" means that person appointed by Council to that position;
- bb. "**Unit of Waste**" means a Waste Receptacle;
- cc. "**Utility Account Customer**" means the person named on the Utility Service Termination or Application, which may be the owner, occupant or other person in charge of the Building or Premises served by the utility;
- dd. "**Waste**" means any discarded or abandoned organic or inorganic material, which the owner or the person in possession of it does not wish to retain for any purpose and includes, but is not limited to Ashes. Unless otherwise agreed upon by the Town in writing, Waste shall not include the following:
 - i. Discarded furniture, automobile parts, tires, motorized vehicles and household equipment;
 - ii. Tree limbs, tree roots, whole shrubs or bushes, or portions thereof;
 - iii. Fences, gates, and other non-permanent or permanent fixtures;
 - iv. Building materials and building waste;

- v. Dead animals;
 - vi. Sod;
 - vii. Any liquid;
 - viii. Byproducts from manufacturing;
- ee. "**Waste Bylaw Violation Tag**" means a tag or sticker in a form approved by the Town, which is affixed to a Waste Receptacle or Garbage Bag by a Collector pursuant to Section 14 of this Bylaw; and
- ff. "Waste Receptacle" means a Collector supplied rollout cart, complete with a handle, lid and wheels.

SCOPE

3. This Bylaw applies to all Waste generated or transported within the Town or any Town owned Disposal Site.

GARBAGE BAGS

4. An owner or occupant of a Residential Unit from which Waste is to be collected shall thoroughly drain all Garbage and place it in a Garbage Bag.
5. After Waste is secured in a Garbage Bag, the owner or occupant must securely tie the Garbage Bag and place the Garbage Bag in a Waste Receptacle to await collection.
6. No Person may place Garbage in anything other than a Garbage Bag.
7. No Person may place a Garbage Bag in anything other than a Waste Receptacle.
8. No Person may place Waste in anything other than a Garbage Bag or Waste Receptacle.

WASTE RECEPTACLES

9. The Collector will provide one (1) Waste Receptacle to each Residential Unit. Waste Receptacles remain with the address of the residential unit they are assigned to and shall not be removed without specific authorization from the Town Manager. Replacement of the initial Waste Receptacle provided shall be made available at the fee noted in Schedule 'A'.
10. The Waste Receptacle must be made of rigid plastic complete with a handle, lid and wheels.
11. The Waste Receptacle must be fitted with a lid, which must remain closed when the Waste

Receptacle is placed out for Collection. The lid must be suitable to prevent Waste from spilling or blowing from the Waste Receptacle.

12. The Waste Receptacle will have a capacity of 240 litres.
13. A Collector, at its discretion, shall have the right to refuse to remove any Waste from a Waste Receptacle if the Waste Receptacle does not meet the requirements of this Bylaw.
14. A Collector shall have the right to refuse any Waste if not contained within a Waste Receptacle, even if it is contained within a Garbage Bag; if a Waste Receptacle is overfilled such that the lid cannot close; or if a Waste Receptacle is not placed in the proper location for collection. A Collector may affix a Waste Bylaw Violation Tag to the said Waste Receptacle or Waste Garbage Bag.
15. For approved secondary suites, a second Waste Receptacle will be provided by the Collector and the utility account for which the secondary suite is contained will be charged an additional bi-monthly rate for the additional Waste Receptacle. If the secondary suite is not being used as a secondary suite, the owner may submit an affidavit to the Director stating this along with a written request to return the second Waste Receptacle to the Collector and to remove the additional bi-monthly charge from the utility account for which the secondary suite is contained.

PLACEMENT OF WASTE RECEPTACLES

16. Except as otherwise provided under this Bylaw, no Person may place or keep a Waste Receptacle, upon any portion of a street, lane or sidewalk.
17. Where Waste is to be collected from a Residential Unit from the front street, the owner or occupier of the Residential Unit must place the Waste Receptacle on Collection Day:
 - a. In a location where it is on the street with the wheels within 1.0 metre of the curb in such a manner that the Waste Receptacle does not impede pedestrian traffic;
 - b. In a position that the front of the Waste Receptacle is facing out towards the street;
 - c. Where it has 1.0m clearance from any obstructions on all sides such that the Collector shall have direct access thereto and shall be able to conveniently collect the Waste Receptacle therefrom;or in another position approved by the Town.
18. Where a Residential Unit from which Waste is to be collected from the lane, the owner or occupier of the Residential Unit must place the Waste Receptacle on Collection Day:
 - a. In a location adjacent to the back property line within 0.5 metres of the lane edge in

- such a manner that the Waste Receptacle does not impede vehicle traffic;
- b. In a position that the front of the Waste Receptacle is facing out towards the lane;
 - c. Where it has 1.0m clearance from any obstructions on all sides such that the Collector shall have direct access thereto and shall be able to conveniently collect the Waste Receptacle therefrom;
- or in another position approved by the Town.

19. An owner or occupier of the Residential Unit may place the Waste Receptacle for collection purposes in their approved collection location as per Section 18 or 19 after the hour of 4:00 a.m. on Collection Day. The owner or occupier shall remove such Waste Receptacle from their collection location within twelve (12) hours after the collection is completed.
20. Except on Collection Day, a Waste Receptacle must be kept and maintained on a Premises in accordance with the provisions of this Bylaw, and any Waste Receptacle located on any sidewalk, street or lane in the Town other than on Collection Day would be in violation of this Bylaw.

GENERAL PROVISIONS

21. The owner or occupant of a Commercial, Industrial, Institutional and High Density Unit or a Residential Unit must make adequate provision for the storage of Waste to be collected by a Collector (the adequacy of which shall be determined by the Town). Further, the provision of storage may include the provision of enclosures for the screening or protection of Waste Receptacles (as directed by the Town).

WASTE PICK UP

22. Waste shall be collected at least once per week from all Residential Units in the Town except in unusual or emergency situations.
23. The Collector is not required to collect Waste that is not placed in a Waste Receptacle.
24. Except where otherwise approved by the Town, no Collector shall be required to collect Waste from inside any Building or be required to pass through a Building in order to collect Waste.
25. After receiving notice of vacancy and upon being satisfied that no Waste will be produced or accumulate in or upon a Residential Unit set out in the notice, the Town shall direct that no collection of Waste be made from the Premises.

COLLECTOR DUTIES

26. A Collector must ensure that the equipment used for Waste collection and the manner in which

Waste is collected and disposed of complies with the regulations of the Authority and the Local Board of Health.

27. A Collector must take care in the handling of a Waste Receptacle. Waste Receptacles damaged during the collection process will be replaced by the Collector at no cost to the Town or the owner or occupier of the Residential Unit.
28. A Collector must replace an empty Waste Receptacle in approximately the same location as where the Waste Receptacle was found.
29. A Collector must pick-up any Waste that the Collector has spilled onto the ground.
30. No Person employed in the collection of Waste may pick, sort through or remove any Waste from a Waste collection vehicle.

TOWN DUTIES

31. The Town may provide, operate or supervise the facilities and equipment necessary for the collection and disposal of Waste within the Town.
32. The Town may supervise the collection, removal and disposal of Waste by a Collector.
33. The Town may direct the days and times that Waste is collected.
34. The Town may contract with any Person or Persons to provide an exclusive or non-exclusive franchise for the collection, removal and disposal of Waste upon such terms and conditions as are considered expedient.
35. The decision of the Town as to the amount of Waste which has been removed from any Residential Unit or the amount and type of Waste which the Collector is obliged to remove from any Residential Unit shall be final and binding upon the parties.

DELEGATION

36. Council hereby delegates to the Town Manager the power to:
 - a. Establish regulations for the general maintenance or management or conduct, or any of them, of the Waste collection system and of the officers and other employees employed in connection with the Waste collection system;
 - b. Fixing, in connection with the Waste collection system, the times and places where rates and/or fees are payable;
 - c. Collect the rates and fees established pursuant to this Bylaw;

- d. Enforce payment of those rates and/or fees by all or any of the following methods:
 - i. Pursuant to the provisions of this Bylaw and the Municipal Government Act;
 - ii. By an action commenced in a Court of competent jurisdiction; or
 - iii. Any other lawful means of collection that may be available.
37. The Town Manager has the administrative control, care and management of the Town's Waste collection program, and of all the property used in conjunction with that system, and the business carried on in respect thereof, and has the right to enter into contracts for service by and on behalf of the Town, under and in accordance with this Bylaw, and shall be charged with the proper conduct of the said business and the enforcement of this Bylaw.
38. The Town Manager may, in his or her discretion, delegate any of the above-mentioned powers to the Director, or to any other designated officer or employee of the Town.

RATES AND FEES

39. Every Utility Account Customer served by Waste collection services must pay either a Residential Bi-monthly Rate charge or a Commercial Bi-monthly Base Rate charge in accordance with the rates established in Schedule "A" of this Bylaw.
40. A Utility Account Customer must pay either a Residential Bi-monthly Rate charge or a Commercial Bi-monthly Base Rate charge regardless of whether the Utility Account Customer uses the service.
41. All fees and charges levied under this Bylaw are due and payable in the same manner as the water and sanitary sewer services bill as set out in the Water and Sanitary Sewer Bylaw, as amended from time to time, with the Waste service fee being added to the said billing.
42. Where a User Rate charge is levied, the charge will be shown as a separate item on the utility bill and the charge shall form part of, and be payable to the Town at the same time as the utility bill. If a Utility Account Customer fails to pay the full amount owing on its utility bill (rendered in accordance with the Water and Sewer Bylaw), the Town may, upon reasonable notice, shut off the water supply to any Premises in respect of which payment is in arrears or default.
43. Further, in default by the Utility Account Customer of payment of a fee or charge levied pursuant to this Bylaw, the amount in arrears may, where permitted, be added to the tax roll of the property in accordance with the *Municipal Government Act*.

PROHIBITIONS

44. No Person shall:

- a. Interfere with or permit the interference with the works or operation of the Town's Waste collection program;
- b. Impede or restrict access or permit the impeding or restricting of access to the areas where Waste is placed for collection;
- c. Interfere with or disturb or permit the interference with or disturbance of the contents of any Waste Receptacle, unless the Person is the owner or occupier of the Premises for the particular Waste Receptacle;
- d. Relocate or permit the relocation of a Waste Receptacle placed for collection, unless the Person responsible for the Waste Receptacle, or is acting on the directions of the Person responsible for the Waste Receptacle;
- e. Release or permit the release of Waste upon any street, lane, highway or public or private property;
- f. Place or permit the placement of Waste for collection except in a manner prescribed by this Bylaw;
- g. Place or permit the placement of Waste for collection from a Premises, if the Waste was not generated at that Premises;
- h. Use or permit to be used any vehicle for the conveyance or storage of Waste unless the vehicle is fitted with a suitable cover capable of preventing the release of Waste while it is being transported or stored;
- i. Burn or permit the burning of any Waste unless such burning is approved by the Town and is done in accordance with all applicable federal, provincial and municipal laws and regulations;
- j. Place or permit the placement of Ashes for collection unless the Ashes are cold and packaged in a Garbage Bag;
- k. Accumulate or permit the accumulation of any Waste at a Premises such that the accumulation creates a nuisance;
- l. Release or permit the release of Waste in such a manner as to create a nuisance;
- m. Release or permit the release of Waste (including Waste placed for collection pursuant

to this Bylaw) in a manner contrary to relevant federal, provincial and municipal laws and regulations;

- n. Release Waste or otherwise perform any activity at a Disposal Site, transfer station or recycling station contrary to the provisions of this Bylaw or the signs, posted regulations and directions of site attendants;
- o. Be present at a Disposal Site, transfer station or recycling station during any time other than the posted hours of operation at that site;
- p. Remove or interfere with any Waste or material from a waste Disposal Site; Transfer station or recycling station without written permission of the Town Manager;
- q. Place Hazardous Waste, Biological Waste or Hypodermic Needles for collection;
- r. Release or permit the release of Hazardous Waste or Biological Waste;
- s. Place a compact fluorescent bulb for collection; or
- t. Place a fluorescent tube for collection unless the tube has been completely crushed or placed in a container that will ensure that the tube does not break during the collection process.

PENALTIES

- 45. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to penalty as set out in Schedule "B" to this Bylaw.
- 46. Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
- 47. A Peace Officer is hereby authorized and empowered to issue a violation tag to any person, whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 48. A violation tag may be issued to such person:
 - a. Personally; or
 - b. By mailing a copy to such person at his last known post office address.
- 49. The violation tag shall be in a form approved by the Town Manager and shall state:
 - a. The name of the person;

- b. The offence;
 - c. The appropriate penalty for the offence as specified in this Bylaw;
 - d. That the penalty shall be paid within 30 days of the issuance of the violation tag; and,
 - e. Any other information as may be required by the Town Manager.
- 50.** 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 shall be issued for each day that the contravention continues.
- 51.** Where a violation tag is issued, the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town Treasurer the penalty specified on the violation tag.
- 52.** Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a violation ticket.
- 53.** In those cases where a violation tag has been issued and if the penalty specified on a violation tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to Part II of the *Provincial Offences Procedure Act*.
- 54.** Notwithstanding anything contained herein to the contrary, a Peace Officer is hereby authorized and empowered to immediately issue a violation ticket pursuant 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.
- 55.** In addition to the penalty provided for under Schedule "B", the Court may order the person to comply with this Bylaw pursuant to Section 567 of the *Municipal Government Act*.

NOTICES

- 56.** In any case where the Town is required to provide written notice to an owner or occupant of a Premises pursuant to this Bylaw, the Town Manager shall effect service either:
- a. By causing a copy of the notice to be delivered to and left in a conspicuous place at or about the Premises in question;
 - b. By causing a written copy of the notice to be mailed by registered mail or delivered to the last known address of the owner or occupant.

In accordance with good financial management to cover the costs of providing a quality waste collection utility to its residents, the Town of Rocky Mountain House hereby establish the following fee structure for that service.

SCHEDULE A

RATE AND FEE STRUCTURE

1. RESIDENTIAL PREMISES

1. Bi-Monthly Rate *¹ \$ 50.54

2. COMMERCIAL PREMISES

1. Bi-Monthly Base Rate *² \$ 33.60

2. Volume & Frequency tonnage Rate \$ 224.61 / tonne

3. RESIDENTIAL BAG TAG *³ \$1.50

4. LATE PAYMENT CHARGE 3% (Three Percent)

**5. ANNUAL EFFECTIVE INTEREST RATE
FOR UNPAID RATES AND/OR FEES** 3% (Three Percent)

6. REPLACEMENT RESIDENTIAL WASTE CART \$ 51.00

Notes *: -

1. The Residential Bi-Monthly Base Rate represents the collection of a maximum of THREE (3) Units of Waste once a week. It also covers the residential share of Utility Operations, the Rocky Mountain Regional Solid Waste Authority annual requisition and the spring-clean up.
2. The Commercial Bi-Monthly Base Rate covers the Commercial share of Utility Operations, the Rocky Mountain Regional Solid Waste Authority annual requisition and the spring-clean up.
3. Residential Bag Tags can be applied to any bag in excess of the allowable limit provided that it conforms to the standards of this By-law.
4. The rates noted above shall come into effect March 16th, 2017.

SCHEDULE B

PENALTIES

PAYMENTS ACCEPTED IN LIEU OF PROSECUTION

1. SECTION 44; subsections q, r, s and t carry the following penalties:

FIRST OFFENCE: - TWO THOUSAND DOLLARS (\$2,000.00)

SECOND and any SUBSEQUENT OFFENCES: - FIVE THOUSAND DOLLARS
(\$5,000.00)

2. ALL OTHER SECTIONS of this By-law carry the following minimum penalties:

FIRST OFFENCE: - SEVENTY FIVE DOLLARS, (\$75.00);

SECOND OFFENCE: - ONE HUNDRED and FIFTY DOLLARS, (\$150.00);

THIRD and any SUSEQUENT OFFENCES: - THREE HUNDRED DOLLARS,
(\$300.00).

3. OFFENCES under this Bylaw will be subject to the issuance of a violation tag, or violation ticket, containing a specified voluntary penalty. Penalties for second, third and subsequent offences will be applied, where those offences occur within two years of a previous offence.

4. All fines are EXCLUSIVE of costs incurred by the Town, in the resolution of any contravention of this Bylaw. No costs will be applied to voluntary penalty payments made within the specified time allocated to make said voluntary payments.

5. The penalties noted above shall come into effect upon THIRD and FINAL reading thereof.

EFFECTIVE DATE

- 57. That Bylaw 15/12V is hereby repealed effective March 16, 2017.
- 58. That Bylaw 16/02V is hereby repealed effective March 16, 2017.
- 59. This Bylaw 17/02V shall come into effect March 16, 2017.

READ A FIRST TIME IN COUNCIL THIS 7th DAY OF FEBRUARY 2017

READ A SECOND TIME IN COUNCIL THIS 7th DAY OF FEBRUARY 2017

READ A THIRD TIME IN COUNCIL THIS 7th DAY OF FEBRUARY 2017

Mayor

Town Manager