

TOWN OF MUNDARE

BYLAW NO. 860/15

The Council of the Town of Mundare properly assembled enacts as follows:

1. This bylaw is known as "Garbage Collection Bylaw".

DEFINITIONS

2. In this bylaw:
 - a. "bylaw enforcement officer" means any persons authorized by the Town to enforce the bylaws of the Town;
 - b. "collection service" means the curbside or roadside collection of garbage;
 - c. "collector" means the person or persons appointed by the town for the purpose of collecting and disposing of garbage;
 - d. "commercial facilities" includes stores, warehouses, commercial, industrial and institutional facilities;
 - e. "compost materials" means grass cuttings, garden refuse, leaves, or other materials which are easily composted and shall include branches or tree limbs;
 - f. "garbage" means discarded crockery, cloth, wrappings, plastics and other items of household refuse, but does not include prohibited garbage;
 - g. "garbage bag" means plastic bags securely tied at the top with adequate space for a hand hold at the top of the bag and of sufficient strength to withstand handling without tearing when loaded to a maximum weight of 25 kilograms (55 lbs);
 - h. "garbage bin" means a container as provided by the collector that can be emptied by mechanical means;
 - i. "garbage container" means an insect, animal proof and water proof, rust resistant metal or other substantially impervious material of a design having a water tight cover, a smooth rim, rigid fixed handles and a detachable, movable lid;
 - j. "garbage stand" means a wooden or metal stand or enclosure designed to hold all garbage containers required by the premises for which the stand is provided, and which shall be so designed as to keep all garbage containers in an upright position at all times, protected from interference from dogs or other animals, and provide for convenient removal of garbage containers;
 - k. "occupant" means any owner, lessee or tenant or any other person in charge of any building;
 - l. "occupied property" means any commercial, institutional, or residential property upon which a building exists and is in use;

- m. "owner" means the person who is registered under the Land Titles Act, RSA 2000 c. L-4, as the owner of the fee simple estate in land;
- n. "prohibited garbage" means:
 - ii. automobile bodies
 - iii. dead animals
 - iv. mature tree limbs, whole shrubs or bushes
 - v. heavy machinery
 - vi. explosives, combustable materials, asbestos,
 - vii. pathological, radioactive or toxic materials
- o. "recycle bin" means a metal or wooden container which is specifically intended to hold materials for recycling;
- p. "recycle materials" means materials which are determined by the Chief Administrative Officer to be recyclable and may include but are not necessarily limited to newspaper, mixed paper, box board, cardboard, tin cans and glass;
- q. "tippage fees" means the fees charged by the Lamont County Regional Solid Waste Commission for hauling garbage to the landfill;
- r. "utility bill" means a bill which sets out the fees levied by the Town on an annual, monthly, bi-monthly or quarterly basis for utility services provided by the town;
- s. "violation tag" means a tag or similar document issued by the Town pursuant to the Municipal Government Act;
- t. "violation ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34.

PROHIBITIONS

- 3. No person shall burn garbage within Town limits.
- 4. No person shall convey through any street any waste, except in proper receptacles or in vehicles which are so constructed and arranged to prevent the contents from falling on the streets and to protect, as much as is practicable, the escape of offensive odor.
- 5. No person shall, or permit any agent or employee, to sweep, throw, or deposit any garbage or prohibited garbage, animal carcasses lawn rakings, or grass on any street or public place or on private property other than their own and only in the manner prescribed by this bylaw.
- 6. No person shall pick over, interfere with disturb, remove or scatter any garbage placed for collection.

GARBAGE COLLECTION

- 7. a) The Town may contract with any person or company and may grant an exclusive or non-exclusive right to any person or company for the collection, removal and disposal of garbage upon such terms and conditions as are considered expedient;

- b) The Town may provide for the collection, removal and disposal of garbage for properties located outside of the Town boundaries upon such terms and conditions as are considered expedient and at its sole discretion;
 - c) The occupant of every dwelling, multiple family dwelling, or commercial premise shall be subject to the garbage collection rates as established by Council.
8. All garbage must be placed in bags and placed in garbage containers and/or garbage stands. Garbage bags must not exceed 25 kilograms (55 lbs).
 9. The occupant of every dwelling, multiple family dwelling, or commercial premise shall provide and maintain in good condition, sufficient garbage containers for the garbage generated from those premises.
 10. Despite section 9, if the Chief Administrative Officer determines that a garbage bin is required for a commercial facility, dwelling, or multiple family dwelling, then the occupant of the premises will be required to use a garbage bin and be subject to the garbage collection rates as established by Council.
 11. Despite sections 9 and 10, a commercial facility, dwelling, or multiple family dwelling that requires a garbage bin may haul their own garbage or hire a collector other than the one designated by the Town with the approval of the Town.
 12. Despite section 11, a commercial facility, dwelling, or multiple family dwelling requiring a bin that decides to haul their own garbage or hire a collector other than the one designated by the Town will not be required to use a garbage bin.
 13. A commercial facility, dwelling, or multiple family dwelling requiring a bin that decides to haul their own garbage or hire a collector other than the one designated by the Town must notify the Town as to who will be hauling their garbage to the landfill.
 14. a) Despite section 7, if a commercial facility, dwelling, or multiple family dwelling requiring a bin decides to haul their own garbage or uses a collector other than the one designated by the Town, they will not be subject to the garbage collection rates, however, they may be subject to tippage fees from the Town.
 15. Council may decide that certain types of recyclable materials or garbage will be not be picked up by the collector or place conditions on the packaging of garbage for collection.
 16. All persons shall permit collectors to enter their yards and premises at all reasonable times for the purpose of carrying out their duties.
 17. For properties served by front street collection:
 - i. no garbage bins or garbage stands are allowed in the front yard;
 - ii. no garbage containers are allowed in the front yard except on collection day;
 - iii. on collection day, garbage containers are to be located for collection as close as possible to the traveled portion of the adjacent street or roadway, but not on the sidewalk or in such a location as to interfere in any way with vehicular or pedestrian traffic.

18. In any area served by rear lane collection, garbage containers, garbage bins and garbage stands will be located and maintained and be readily accessible from the property line at lane level and placed so that the garbage containers may be easily removed by the collector without having to open gates, climb or descend stairs or lift garbage containers over fences.
19. Any owner or occupant who puts out garbage for collection shall provide unobstructed and convenient access for collection of such waste.
20. Garbage containers, garbage bins and garbage stands shall be kept on private property and shall not be placed on any lane, sidewalk, or road of the town.
21. Despite section 20, garbage containers may be placed on the lane on the day of collection service. Garbage containers must be placed on the edge of the lane and not impede any vehicular or pedestrian traffic.
22. Despite sections 17 and 18, the Chief Administrative Officer may allow garbage containers, garbage bins or garbage stands to be placed in the front yard or on a lane if he determines that it is appropriate.
23. Garbage containers and garbage stands shall be maintained in good condition.
24. No occupant will place, permit to be placed, or mix any of the following materials for removal:
 - i. prohibited garbage;
 - ii. any compound that may be considered dangerous or hazardous under the provisions of any other legislation whether Provincial or Federal;
 - iii. hypodermic needles;
 - iv. sharp objects or broken glass unless packaged to allow safe handling;
25. Collection service will not be provided if:
 - i. the garbage is not in a tied garbage bag. No loose garbage or untied garbage bag in a garbage container and/or stand will be picked up;
 - ii. the garbage container and contents weigh in excess of 25 kilograms (55 lbs);
 - iii. the lid is not detachable from the garbage container;
 - iv. the condition of the garbage container or garbage stand is deteriorated such as to contain sharp edges or other defects which may be hazardous to the collector;
 - v. the container contains materials which are not to be picked up by the collector;
 - vi. the garbage containers cannot be easily removed by the collector.
26. The occupant of the premises shall keep the lane in the rear of their premises to the center line thereof in a clean and tidy condition and free from garbage and shall ensure that their garbage remains within their garbage container, garbage bin, or garbage stand.

27. No person shall place garbage in a garbage container, garbage bin or garbage stand of any other person without the consent of the owner of the garbage container, garbage bin or garbage stand.
28. The days and times of collection service will be approved by the Chief Administrative Officer.
29. Garbage shall be ready for pickup by 7:00 a.m. on collection day.

RECYCLING/COMPOSTING

30. The Town may contract with any person or company and may grant an exclusive or non-exclusive right to any person or company for the recycling of waste upon such terms and conditions as are considered expedient.
31. The Town may provide recycling bins in any manner they deem expedient.
32. No person shall place any material in a recycling bin other than the materials for which that bin is designated.
33. No person is to place any material other than compost materials on compost piles.

UTILITY BILLS

34. All utility bills and utility invoices will be due and payable when rendered by the Town.
35. Payment of a utility bill can be made at the Town office or an agent of the Town;
36. Utility bills must be paid in full by date as indicated on the bill;
37. In the event a utility bill remains unpaid after the date fixed for payment, a penalty, as determined by Council, will be added to the principal outstanding amount thereto and form part of the rates levied.
38. In the event that the utility bill remains unpaid fifteen (15) days after the date fixed for payment, a written notice may be served by way of mail on the owner at the last known address advising that unless the account is paid in full within a minimum of ten (10) days from the date of mailing the said notice, the Town will proceed with collection measures as provided in Section 39.
39. Any utility bill remaining unpaid constitutes a debt owing to the Town and is recoverable by any or all of the following methods, namely:
 - i. by action in any court of competent jurisdiction;
 - ii. by distress and sale of the goods and chattels of the person owing the utility bill, wherever they may be found;
 - iii. by shutting off or discontinuing any utility services provided by the Town;
 - iv. by collecting in a like manner as municipal taxes.
40. The Chief Administrative Officer or his designate may add any outstanding utility bills to taxes and has the power to waive penalties and reconnection charges if deemed necessary to do so.

OFFENSES AND PENALTIES

41. Any person who contravenes a provision of this bylaw is guilty of an offence and is liable to a penalty as set out in Schedule A.
42. Despite section 41, 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 as set out in Schedule A.
43. Any person who is guilty of an offence for which a penalty is not provided is liable to a fine as set out in Schedule A.
44. Nothing in this bylaw will be construed as curtailing or abridging the right of the Town to obtain compensation for or to maintain an action for loss of or damage to property from or against the person or persons responsible.
45. In addition to any other remedy for non compliance with this bylaw, the Town may correct the violation and the costs incurred shall be paid to the Town and failing payment, the Town may add the costs to the taxes.
46. The bylaw enforcement officer is hereby authorized and empowered to issue a violation tag to any person who the bylaw enforcement officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
47. A violation tag may be issued to such person:
 - i. either personally; or
 - ii. by mailing a copy to last known mailing address.
48. The violation tag will be in a form approved by the Chief Administrative Officer and will state:
 - i. the name of the person;
 - ii. the offence;
 - iii. the appropriate penalty for the offence as specified in Schedule B;
 - iv. that the penalty will be paid within thirty (30) days of the issuance of the violation tag;
 - v. any other information as may be required by the Chief Administration Officer.
49. Where a contravention of this bylaw is of a continuing nature, further violation tags may be issued by the bylaw enforcement officer provided, however, that no more than one violation tag will be issued for each day that the contravention continues.
50. Where a violation tag is issued pursuant to this bylaw, the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the violation tag.

- 51. If the penalty specified in a violation tag is not paid within the prescribed time period, then the bylaw enforcement officer is hereby authorized and empowered to issue a violation ticket.
- 52. The bylaw enforcement officer is hereby authorized and empowered to immediately issue a violation ticket to any person who contravenes any provision of this bylaw.

GENERAL

- 53. Nothing in this bylaw will operate to relieve any person from complying with any Federal, Provincial or other Town law, order, regulation or bylaw.
- 54. Should any provision of this bylaw be deemed invalid, then such invalid provision may be severed and the remaining bylaw shall be maintained.
- 55. That bylaws 737/04 as amended be hereby repealed.

READ a first time on January 6, 2015.

READ a second time on January 6, 2015.

READ a third time on January 6, 2015.

Date Jan 8, 2015

Date Jan 8/15

Charles Auger
Mayor

[Signature]
CAO

SCHEDULE A

Penalties

<u>First Offence</u>	<u>Section</u>	<u>Penalty</u>
Burning Garbage within Town limits	3	\$100.00
Improper conveyance of garbage	4	100.00
Throwing garbage onto public property or private property other than their own	5	100.00
Removal, scattering of garbage	6	100.00
Garbage containers, stands or bins in front yard	17	100.00
Garbage containers, stands or bins on Town property	20	100.00
Garbage containers, stands or bins placed in a location that impedes pedestrian or vehicular traffic	17 & 21	100.00
Failure to keep lane in rear of premises in a clean and tidy condition	26	100.00
Placing garbage in a garbage container, garbage bin or garbage stand without permission	27	100.00
Placing material in a recycling bin other than the proper recycling material	32	100.00
Placing material other than compost material on a compost pile	33	100.00
<u>Second Offense</u>		
Second of subsequent offence within one year of the original offence	42	twice the original fine
Offence with no penalty	43	Not more than 500.00