

# MUNICIPAL DISTRICT OF BIGHORN NO. 8

## BY-LAW NO. 08/05

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF BIGHORN NO. 8 FOR THE PURPOSE OF REGULATING AND CONTROLLING THE HANDLING, COLLECTION AND DISPOSAL OF WASTE IN THE M.D.

**WHEREAS** pursuant to the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000 as amended, a Council may pass bylaws for municipal purposes respecting, amongst other matters, public utilities;

**AND WHEREAS** the aforesaid Municipal Government Act definition of “public utility” includes waste management;

**AND WHEREAS** the Municipal District of Bighorn deems it desirable to establish the policies and guidelines for the handling, collection and disposal of solid waste within the municipality;

**NOW THEREFORE**, the Municipal Council of the Corporation of the Municipal District of Bighorn No. 8 in the Province of Alberta, duly assembled in Council, enacts as follows:

### 1. TITLE AND APPLICATION

- (a) This Bylaw shall be known as the “Solid Waste Management” Bylaw.
- (b) The system for the collection, removal and disposal of solid waste generated within the corporate limits of the M.D. shall be operated in the manner as hereinafter set forth.
- (c) The M.D. may:
  - (i) provide the necessary vehicles, Solid Waste Containers and Recycling Containers for the public collection and removal of Solid Waste and Recyclable Materials within the M.D. or portions of the M.D., as determined;
  - (ii) supervise the collection, removal and disposal of Solid Waste and Recyclable Materials;
  - (iii) provide, supervise and operate the facilities necessary for the public disposal of Solid Waste and Recyclable Materials;
  - (iv) direct the days and times that the Solid Waste management collections shall be made from different locations within the collection areas;
  - (v) decide as to the quantities and classes of Solid Waste and Recyclable



Materials to be removed from any location or accepted by the M.D. for disposal;

- (vi) provide for the collection, removal and disposal of Solid Waste and Recyclable Materials from non-residential properties within the M.D. or portions of the M.D. as determined;
- (vii) divide the M.D. into Service Areas, for the purposes of this bylaw, and provide for different levels of service in each area;
- (viii) establish fees and charges for the collection of Solid Waste from Commercial Premises and tax-exempt properties.

## 2. DEFINITIONS

In this Bylaw, unless the context otherwise requires, the term:

- (a) - **“Animal Waste”** means all forms of waste from animals or the treatment of animals, and shall include animal carcasses or parts. The following shall not be considered to be Animal Waste, under this Bylaw:
  - Pet Feces: provided such material is double-bagged and securely tied, before disposal in a Solid Waste Container;
  - Livestock manure: which is handled and used in an acceptable and normal fashion as part of a bona-fide agricultural operation, or is handled in accordance with an approved manure management plan.
- (b) - **“Ashes”** means the residue and cinders from any combustible material used for fuel.
- (c) - **“Building Waste”** means all waste produced in the process of constructing, altering, repairing, or demolishing a building; including, but not limited to, wood scraps, concrete, building paper, sheet metal, gyprock, shingles, nails, screws, earth, vegetation, and rock displaced during the process of building, all of which is acceptable for disposal at an approved Dry Landfill Site.
- (d) - **“Collector”** means any person authorized to collect, remove, or dispose of waste pursuant to this bylaw.
- (e) - **“Commercial Premises”** means any premises that are not a dwelling unit and includes any premises that are exempt from municipal assessment or taxation. For the purposes of this Bylaw, buildings which have a residential dwelling unit component as well as commercial component shall be considered commercial premises.
- (f) - **“Commercial Waste”** means waste that would normally be discarded by a craft shop, store, garage, restaurant, hotel, motel, office building, retail mall, hospital,

school, daycare, seniors centre, government building, dental, medical or veterinary clinic, or any other place of business but does not include Animal Waste, Building Waste, Industrial Waste nor Yard Waste as defined in this Bylaw.

- (g) - **“Commission”** means the Bow Valley Waste Management Commission.
- (h) - **“Council”** means the municipal Council for the M.D.
- (i) - **“Director”** means the Director of Operations for The Municipal District of Bighorn No. 8 or his/her delegate.
- (j) - **“Disposal Site”** means any location designated by the Director for the disposal of Solid Waste, Recyclable Materials, or other materials as deemed acceptable by the Director; or any other premises which is approved by Alberta Environment for the disposal of Solid Waste.
- (k) - **“Dwelling Unit”** means a room or suite of rooms operated as a house keeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities and having a separate entrance or controlled by the person occupying the unit. For the purposes of this Bylaw, Dwelling Unit shall include single family house, a semi-detached house, or each residential component in a duplex, triplex, or four-plex.
- (l) - **“Garbage”** means any refuse composed of animal or vegetable matter, produced as a by-product of the preparation, consumption or storage of food, and which, for reasons of protection of public health or the amenities of the area, requires that same be removed.
- (m) - **“Hazardous Waste”** means waste that is generated from any premises and has one or more hazardous properties as described in the Alberta Environmental Protection and Enhancement Act, Waste Control Regulations (Alta. Reg. 192/96), Schedule 1.
- (n) - **“Industrial Waste”** means waste generated by industrial activities that presents health, safety or environmental concerns, and includes but is not limited to lime, sulphur, asbestos, contaminated soils, empty chemical containers and drums, carbon, acid, caustics, sludge and industrial sump water, but excludes hazardous waste.
- (o) - **“Land Use Bylaw”** means the M.D. Bylaw 19/96 and any amendments thereto; or any successor bylaw that may be approved by Council.
- (p) - **“M.D.”** means the municipal corporation of the Municipal District of Bighorn No. 8 or the area located within the boundaries of the M.D., as the context requires.

- (q) - **“Multi-Residential Dwelling Unit”** means any building or group of buildings on one property or site containing five or more dwelling units occupied or used as abodes or residences or places of living which, without limiting the generality of the foregoing, includes apartments, townhouses, attached housing, or row housing.
- (r) - **“Occupant”** means any person occupying a dwelling unit, a commercial premises,
- (s) - **“Owner”** means any Person holding title to a property and includes the Person managing or receiving the rent for a property on behalf of the property owner.
- (t) - **“Peace Officer”** means:
- A Bylaw Enforcement Officer or designate appointed by the M.D. pursuant to the Municipal Government Act;
  - A Special Constable appointed pursuant to the Police Act RSA 2000, chapter P-17;
  - A Provincial Fish and Wildlife Officer; or
  - A member of the Royal Canadian Mounted Police.
- (u) - **“Person”** means any individual, firm, partnership, association, corporation, company or organization of any kind.
- (v) - **“Recyclable Materials”** means materials that are acceptable for recycling, as set out in Schedule “C” attached to this bylaw.
- (w) - **“Recycling Container”** means a container for the exclusive use and collection of recyclable material.
- (x) - **“Refuse”** means any discarded or abandoned organic or inorganic material, and without restricting the generality of the foregoing, includes broken household dishes and utensils, empty or partly empty tins, boxes, cartons, bottles and containers, discarded paper/fabric, and other materials.
- (y) - **“Residential Condominium”** means any residential dwelling, title to which is:
- registered under the Condominium Property Act, RSA 2000, chapter C-22; or
  - held by a cooperative housing association registered under the Cooperative Associations Act, RSA 2000 chapter C-28;

and for the purposes of this bylaw each unit is deemed to be a residential Dwelling Unit.

- (z) - **“Street”** means the public thoroughfares within the M.D. and includes the sidewalks and borders of the Street, laneways and all portions thereof appearing in any registered pursuant to the Land Titles Act RSA 2000, chapter L-4, or any private roadway on any bareland condominium site.
- (aa) - **“Service Area”** means the areas as defined in Schedule “A” of this bylaw.
- (bb) - **“Solid Waste”** means Ashes, Commercial Waste, Garbage and Refuse as herein defined, but shall not include Animal Waste, Building Waste, Hazardous Waste, Industrial Waste, Recyclable Materials, nor Yard Waste.
- (cc) - **“Solid Waste Container”** means a receptacle for disposing of Solid Waste; said receptacle to be constructed of metal, impervious to animals, designed to be collected by automated means and which meets the specifications for such, as outlined in Schedule “B” attached to this Bylaw.
- (dd) - **“Summons”** means a Summons pursuant to Part 2 of the Provincial Offenses Procedure Act, RSA 2000, chapter P-34
- (ee) - **“Yard Waste”** means the organic matter formed as a result of gardening or horticultural pursuits, and includes sod, grass clippings, leaves, tree limbs and hedge cuttings.

### 3. **SERVICE AREAS**

- (a) Within Service Areas 1 and 2 of the M.D., as delineated by Schedule “A” attached to this Bylaw, the M.D. shall provide, supervise and operate the equipment and facilities necessary for the public disposal of Solid Waste and Recyclable Materials, from Dwelling Units. Commercial premises within Service Areas 1 and 2 may contract with either the M.D. or a private service provider for the collection and disposal of Commercial Waste.
- (b) Within Service Area 3 of the M.D., as delineated by Schedule “A” attached to this Bylaw, the M.D. shall either provide, supervise and operate the equipment and facilities necessary for the public disposal of Solid Waste and Recyclable Materials from Dwelling Units; or, in lieu of provision of the aforesaid equipment and facilities, provide for a system of rebates to the owners of property tax-paying Dwelling Units, to compensate them for the inconvenience involved.

### 4. **TAX-EXEMPT PROPERTIES**

- (a) Unless special arrangements are made with the Director, the M.D. shall not be obliged to collect Solid Waste from any building or premises which are exempt from general taxation.

- (b) Unless special arrangements are made with the Director, the M.D. shall not be obliged to accept Solid Waste at any Disposal Site that has been generated from any building or premises which are exempt from general taxation.

**5. STORAGE AND DISPOSAL OF SOLID WASTE**

- (a) Occupants and Owners of Dwelling Units and Commercial Premises shall store all waste in animal proof enclosures/bins or indoors, at all times prior to when such waste is disposed of in a Solid Waste Container.

- (b) Waste to be disposed of in a Solid Waste Container shall be:

- (i) bundled within a securely-fastened plastic garbage bag; or
- (ii) contained within an enclosed non-recyclable cardboard box,

so as to prevent the Solid Waste from being scattered loosely into the Solid Waste Container.

- (c) The following items shall be prepared as described, prior to being disposed of in a Solid Waste Container:

- (i) Ashes: shall be thoroughly quenched;

- (ii) Pet Feces: shall be double-bagged, said bags to be securely tied.

**6. STORAGE AND DISPOSAL OF COMMERCIAL WASTE**

It shall be the responsibility of the owners or management entity of Commercial Premises to provide, at their cost, Solid Waste Containers of a size and quantity sufficient to receive the Solid Waste generated at the Commercial Premises.

Upon agreement with the individual respective owners, the M.D. may collect Solid Waste from Commercial Premises, for a fee as outlined on Schedule "D" to this bylaw, and on the terms and conditions as outlined in the agreement. The individual respective owners of Commercial Premises may elect to contract Solid Waste collection with service providers other than the M.D., on the terms, conditions and rates negotiated with said service providers.

In addition to the provisions of Section 5 of this Bylaw, the following shall be required of Commercial Premises that contract Solid Waste Collection services from the M.D.:

- (a) The owners of Commercial Premises must ensure that Solid Waste generated at the premises is set out in an on-site Solid Waste Container for collection.

- (b) The owners of Commercial Premises must ensure that the on-site Solid Waste Containers are:

- located in a place that allows direct vehicular access to the Solid Waste Containers; and
- freely accessible by the collection vehicle at all times, with access unimpeded by snow and ice, other vehicles, equipment or other items.

- (c) If it is impractical for a Solid Waste Container to be located outside of a Commercial Premises, the Director may give written approval to the owner of the Commercial Premises to store the Solid Waste Container inside a building.

The Director shall not give such approval unless he is first satisfied that the M.D. Fire Chief does not object to the storage of the Solid Waste Container inside the building.

## **7. STORAGE AND DISPOSAL OF OTHER WASTES**

- (a) The owner or person responsible for the existence or accumulation of Hazardous Waste, or an agent of the owner or responsible person shall cause the Hazardous Waste to be transported to a special disposal area designated by the Province of Alberta and disposed of in accordance with Provincial regulations.
- (b) The owner or person carrying out the construction or alteration of buildings or other building operations shall remove from any portion of the street adjacent to such work and from any public place all Building Waste deposited thereon.
- (c) A person using a cart, wagon, truck, or other equipment for building operations shall remove from the streets all earth, garbage, refuse or other waste material that may drop from the wheels of such vehicle.

## **8. RESTRICTIONS ON WASTES**

- (a) Except as may be otherwise provided for elsewhere in this Bylaw, no person shall dispose of the following materials, through either the Solid Waste Containers or the Recycling Containers:
  - (i) Animal Waste;
  - (ii) automobile waste including automobile parts, tires, and batteries;
  - (iii) biomedical or general medical waste (blood samples/cultures or other medical waste);
  - (iv) Building Waste, fences, gates, other permanent and semi-permanent fixtures;
  - (v) explosives, combustible materials, dangerous or toxic goods;

- (vi) Hazardous Waste;
- (vii) Industrial Waste;
- (viii) liquids or fluids of any kind;
- (ix) sawdust and powdered materials;
- (x) discarded furniture, household equipment, appliances or other such chattels;
- (xi) fluorescent light bulbs or gas-filled electric light tubes;
- (xii) Yard Waste; and
- (xiii) any waste that is unsafe for the Collector to handle.

**9. PROHIBITIONS**

(a) No person shall:

(i) dispose of Animal Waste, Solid Waste, Building Waste, Hazardous Waste, Industrial Waste, Recyclable Materials, nor Yard Waste in any manner which contravenes any provisions of this Bylaw or the Public Health Act.

(ii) Allow Animal Waste, Solid Waste, Building Waste, Industrial Waste, Recyclable Materials, nor Yard Waste to:

- accumulate outside of any building;
- on any land or other premises; or
- inside of any building or portion thereof to which the public has access,

anywhere in any manner which contravenes any provisions of this bylaw or the Public Health Act.

(iii) allow a Solid Waste Container or the area around such Container to be maintained in an untidy, dirty, unsanitary, odorous or disorderly condition;

(iv) place any substance as listed in Section 8(a)(i – xi) of this Bylaw into any Solid Waste Container for collection;

(v) allow any Animal Waste or deceased animal to remain undisposed of on any private property;

(vi) store any Solid Waste, Building Waste, Hazardous Waste, Industrial Waste, Recyclable Materials or Yard Waste on any



portion of any Street or public property at any time;

- (vii) convey through the Streets any Waste whatsoever, except in properly covered receptacles, or otherwise in vehicles which are covered with canvas or tarpaulins so constructed and arranged to prevent the contents or any portion of the contents from falling on the Streets;
  - (viii) dispose of or deposit Waste on any Street or in any public park, place or watercourse;
  - (ix) deposit Waste into a privately owned Solid Waste Container that is not owned by the Person disposing of said waste, without the consent of the owner thereof or the owner or occupant of the premises on which the Solid Waste Container is located;
  - (x) improperly dispose of Recyclable Materials by placing same in the wrong Recycling Containers;
  - (xi) scavenge waste or Recyclable Materials from any Solid Waste Container or Recycling Container;
  - (xii) willfully or maliciously hinder or interrupt or cause or procure to hinder or interrupt, the M.D. or its servants, agents, or employees in the exercise of powers and duties related to the collection of Solid Waste and the authorization contained in this bylaw;
  - (xiii) burn Solid Waste, Animal Waste, Building Waste, Hazardous Waste, Industrial Waste, Recyclable Materials, nor Yard Waste within the M.D. unless a written permit to do so has been issued from the appropriate fire authority;
  - (xiv) place or mix with any other Solid Waste placed for collection any Hazardous Waste;
  - (xv) dispose of Recyclable Materials in Solid Waste Containers, unless said Recyclable Materials are unacceptable for recycling.
  - (xvi) dispose of any waste that has been generated from outside of the M.D., with the exception of waste accepted at a regional landfill facility.
- (b) No Collector shall leave Solid Waste on the ground which the Collector has spilled from the Solid Waste Container or the collection vehicle.
- (c) No Collector shall collect Hazardous Waste.



- (d) No person, other than a resident or ratepayer of the M.D., shall be permitted to dispose of any Waste whatsoever in a Solid Waste Container within the M.D.

## **10. DUTIES AND RESPONSIBILITIES**

For the purposes of performing the duties assigned by this Bylaw, the Director and every Collector may enter land from which the M.D. is required to remove Solid Waste during the hours that collection service is provided to the said lands.

- (a) The Director is authorized to:
  - (i) approve or set specifications for the necessary vehicles or equipment for the collection and removal of solid waste and recyclable materials;
  - (ii) hire, supervise, discipline and terminate the employment of Collectors engaged by the M.D.;
  - (iii) determine locations for Disposal Sites, for access by Collectors;
  - (iv) direct the days and times that the solid waste management collections shall be made from different locations within the collection areas;
  - (v) approve or set specifications for commercial bins and recycling containers;
  - (vi) grant approvals and permissions as set out in this Bylaw;
  - (vii) approve any private arrangements made with the M.D. for the disposal of solid waste and recyclable materials, and access to commercial bins;

## **11. ENFORCEMENT**

- (a) Where a Peace Officer believes a person has contravened any provision of this Bylaw, he or she may:
  - (i) issue to the person an order in accordance with the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta 2000 as amended, to remedy the infraction;
  - (ii) issue to the person a violation ticket in accordance with the Provincial Offences Procedures Act, Chapter P-34 of the Revised Statutes of Alberta 2000; or
  - (iii) do both (i) and (ii) above.
- (b) If the person to whom an order has been issued pursuant to Section 10(a) fails to comply with the order within the time specified in the order:

- (i) that person commits an offence under this Section and a Peace Officer may issue a violation ticket pursuant to the Provincial Offences Procedures Act, Chapter P-34 of the Revised Statutes of Alberta 2000; and
  - (ii) the M.D. may take whatever steps are necessary to remedy the breach of the bylaw and the cost of doing so becomes a debt owing to the M.D. by the person to whom the order was issued in accordance with the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta 2000 as amended.
- (c) Any person who contravenes a provision of this bylaw is guilty of an offence and is liable:
- (i) for a first offence to a fine of not less than \$250.00; and
  - (ii) for a second offence of the same provision within a twenty-four month period to a fine of not less than \$500.00.
- (d) The specified penalty for a first offence is the amount shown on Schedule "D" in respect of that offence.
- (e) Where, on prosecution of an offence pursuant to this bylaw, a person believes a written approval or permission of the Director provides that person with a defense, the onus of proving that approval or permission was given rests with the person relying on the permission or approval.
- (f) The levying and payment of any fine shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this bylaw.
- (g) Nothing in this bylaw relieves a person from complying with any federal or provincial law or regulation, other bylaw or any requirements of any lawful permit, order, consent or other direction.
- (h) Where this bylaw refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.
- (i) If an Owner or Occupant of a property refuses to comply with any provision of this Bylaw, the M.D. may undertake the necessary work at the expense of the Owner or Occupant of the property.

When the M.D. is required to take such action, and the Owner or Occupant defaults on the required payment, the M.D. may recover the charges for which the Owner or Occupant is liable by any lawful means available, including the levying the charges against the land in the same manner as municipal taxes, with the cost of such action to be charged against the Owner or Occupant.

**12. GENERAL**

- (a) In any case where the M.D. is required to give notice to an Owner or Occupant pursuant to this Bylaw, the M.D. shall effect service either:
  - (i) by causing a written copy of the notice to be delivered to and left in a conspicuous place at or about the effected property; or
  - (ii) 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.
- (b) If any term, clause or condition of this Bylaw of application thereof, to anything or circumstance shall to any extent be invalid or unenforceable, the remainder of this Bylaw or application of such term, cause or condition to any thing or circumstance, other than those to which it is held as invalid or unenforceable, shall not be affected thereby and each other term, clause or condition of this Bylaw shall be enforced to the fullest extent permitted.

**13. EFFECTIVE DATE AND REPEAL OF BYLAWS**

- (a) This Bylaw shall come into force on January 1<sup>st</sup>, 2006.
- (b) Bylaw 09/00, and any subsequent amendments thereto, is hereby repealed.

**14. SCHEDULES**

The following Schedules shall be attached to and form part of this Bylaw:

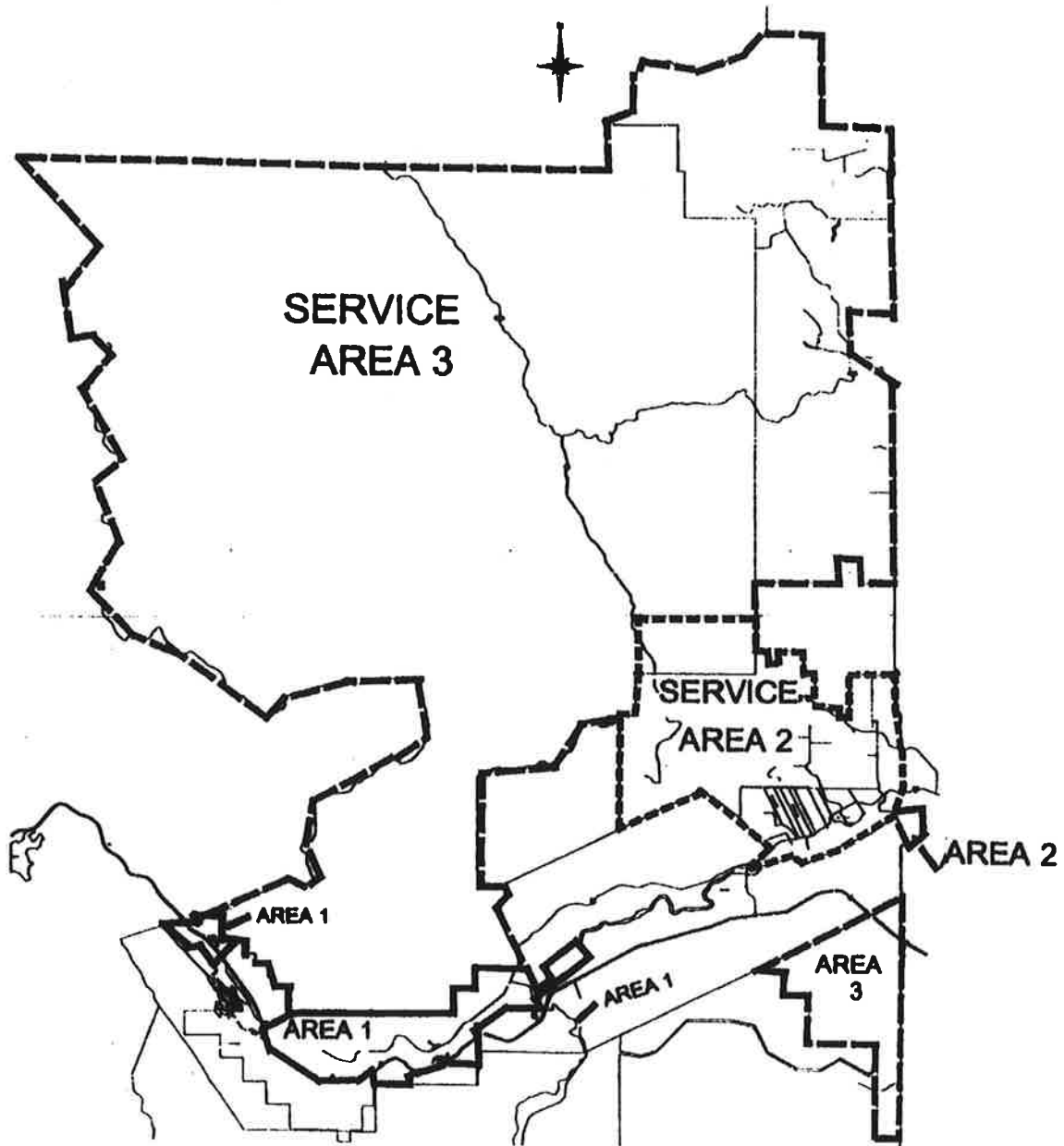
- Schedule "A": -Service Areas
- Schedule "B": -Solid Waste Container specifications
- Schedule "C": -Recyclable Materials
- Schedule "D": -Fees

First Reading            11 October 2005  
Second Reading        13 December 2005  
Third Reading           13 December 2005

  
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REEVE

  
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MUNICIPAL SECRETARY

**SERVICE AREAS**



*Handwritten signature or initials*

## SOLID WASTE CONTAINER SPECIFICATIONS

Solid Waste Containers used within the M.D. of Bighorn must meet the following criteria:

- Lids must be self-closing; when closed, the lids must also be tight-fitting to reduce odours.
- Latches for lids/bag removal and hinges must be animal-proof:
  - animals' claws cannot reach the latch release mechanism;
  - hinges and latches cannot be pried open by animals' claws
- Container must be sufficiently stable or capable of being anchored to prevent tipping by large animals.
- Container material must be sufficiently strong to prevent animals chewing, battering or crushing the container.
- Container exterior colour must be unobtrusive, blend with site surroundings and be approved by the Director.
- For those properties contracting Solid Waste Collection services from the M.D., Solid Waste Containers must be compatible with Solid Waste Collection equipment operated by the M.D. ("Haul-All" or approved equivalent)

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## RECYCLABLE MATERIALS

The following materials are accepted by the M.D. at its recycling collection locations (where appropriate Recycling Containers are provided):

- newsprint and magazines
- cardboard/box-board
- mixed paper
- milk jugs
- metal
- No. 2 plastics
- glass



