

BYLAW NO. 1464

OF THE TOWN OF WHITECOURT
PROVINCE OF ALBERTA

BEING A BYLAW REGULATING RESIDENTIAL SOLID WASTE MANAGEMENT IN THE
TOWN OF WHITECOURT IN THE PROVINCE OF ALBERTA

The Council of the Town of Whitecourt, duly assembled, hereby ENACTS AS FOLLOWS:

WHEREAS Council deems it expedient and proper to regulate residential solid waste management within the Town of Whitecourt;

NOW THEREFORE under the authority of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto, the Municipal Council of the Town of Whitecourt, in the Province of Alberta, duly assembled, enacts as follows:

Title

1. This Bylaw may be referred to as the "Residential Solid Waste Management Bylaw."

Definitions

2. In this Bylaw:

- (a) "Act" means the *Municipal Government Act*, R.S.A. 2000 c. M-26, as amended;
- (b) "Blue Bag" means a standard blue transparent plastic bag that measures no more than 76 cm in width and 86 cm in height and is intended to be filled only with cleaned Recyclables;
- (c) "Bylaw" means this Residential Solid Waste Management Bylaw;
- (d) "CAO" means the Town's Chief Administrative Officer;
- (e) "Collector" means a Person authorized by the Town to collect, remove and dispose of Refuse from Residential Premises;
- (f) "Collection Day" means the day or days designated by the Director of Infrastructure Services for collection for any particular Residential Premises;
- (g) "Council" means the municipal Council of the Town of Whitecourt;
- (h) "Fee" means any fee, as set out in Schedule A to this Bylaw, that may be levied as a utility service charge by the Town in exchange for the collection, disposal and recycling of Refuse;
- (i) "Household Organics" means, kitchen food waste (fruits, vegetables and peelings, table scraps, meat, poultry, fish, shell fish, dairy products, cooking oil, grease, fat, bread, grain, rice, pasta, bones, egg shells, coffee grounds and filters, tea leaves and bags) and any other substance or material as the CAO from time to time deems as "Household Organic";
- (j) "Industrial Wastes" are solid, liquid, or gaseous waste materials from all industrial or commercial establishments, but excludes ashes, refuse, and trade refuse;
- (k) "Inert Materials" means non-toxic materials including demolition refuse, dirt and similar waste material;
- (l) "Multiple Dwelling Development" means a residential condominium development or any development containing four or more Residential Premises units, whether on a single legal parcel of land or have individual titles;
- (m) "Municipal Violation Ticket" means a Town-issued notice that alleges an offence and provides a person with the opportunity to pay an amount to the Town in lieu of prosecution for the offence;
- (n) "Occupant" means a Person occupying, but not owning, a Residential Premises that receives Refuse Management Services;
- (o) "Owner" means the Person shown as the registered owner of the fee simple estate on the certificate of title for Residential Premises that receives Refuse Management Services;
- (p) "Peace Officer" means a person employed for the purposes of preserving and maintaining the public peace, and includes:
 - (i) a provincially-appointed Special Constable or Community Peace Officer, and
 - (ii) a Bylaw Enforcement Officer or Municipal Enforcement Officer authorized to enforce this Bylaw in accordance with his or her appointment;
- (q) "Person" includes any individual, corporation, society, association, partnership or firm;
- (r) "Receptacle" means a Blue Bag or Waste Cart;
- (s) "Recyclable" means mixed paper, corrugated cardboard, newsprint, magazines, catalogues, flyers, telephone or other soft cover books, cereal boxes or other boxboard, plastic milk jugs or waxed cardboard milk containers, clear jars, plastic containers #1 through 7 grade, food cans or similar material as the CAO from time to time deems suitable for the Town's Curbside Recycling Program;

- (t) "Refuse" means materials and substances normally considered to be household waste, including:
- (i) Household Organics;
 - (ii) Recyclables;
 - (iii) broken dishes, rags, cast-off clothing, waste paper, food containers;
 - (iv) non-recyclable tins, glass, plastic and Styrofoam;
 - (v) hypodermic needles packaged to allow safe handling without special equipment or clothing;
 - (vi) luminescent gas filled tubes that are pre-broken or encased in a container of sufficient size and strength to protect from breakage and allow safe handling without special equipment or handling; and;
 - (vii) other sharp objects or broken glass packaged to allow safe handling without special equipment or clothing;

but not including:

- (viii) Yard Waste;
 - (ix) furniture and major household appliances;
 - (x) discarded auto parts;
 - (xi) such waste matter as may accumulate as a result of building construction, renovation, or repair;
 - (xii) any substance that may be considered dangerous or hazardous under the provisions of any applicable legislation; and
 - (xiii) any highly combustible or explosive waste, including, but without limiting the generality thereof, such materials as powder, dynamite, motion picture film, hot ashes, or toxic materials;
- (u) "Refuse Management Services" means residential Refuse collection and disposal services detailed in this Bylaw and rendered by the Town or a Collector;
- (v) "Residential Premises" means any development intended for the sole purpose of residential occupancy, including single family, duplex and triplex dwelling units whether on a single legal parcel of land or have individual titles;
- (w) "Section" means a section of this Bylaw;
- (x) "Service Charge" means a Refuse Management Services charge set out in this Bylaw;
- (y) "Sidewalk" means that part of a road right of way especially adapted to the use of or ordinarily used by pedestrians;
- (z) "Solid Waste" means Refuse, Trade Refuse, Inert Materials and Industrial Wastes and includes any other matter or materials suitable for disposal by sanitary landfilling.
- (aa) "Street" means the portion of any road right of way, including a lane, normally intended for vehicle passage;
- (bb) "Town" means the municipal corporation of the Town of Whitecourt or, where the context so requires, the area contained within the boundaries of the Town;
- (cc) "Trade Refuse" is refuse from establishments considered to be institutional, commercial or industrial;
- (dd) "Violation Ticket" means a violation ticket issued in accordance with the *Provincial Offences Procedure Act* R.S.A. 2000, c.P-34, as amended;
- (ee) "Waste Cart" means a rigid molded plastic container that:
- i. has wheels and a handle;
 - ii. is designed to be easily maneuverable and to be lifted and emptied mechanically;
 - iii. has a capacity of 300 litres;
 - iv. is supplied by the Town; and
 - v. is approved for use by the CAO;
- (ff) "Yard Waste" means leaves, grass clippings, weeds, garden waste, house and garden plants, shrubbery and tree prunings, sawdust, wood shavings and any other substance or material as the CAO from time to time deems as "Yard Waste."

General Application

3. No Person shall collect, dispose of, or otherwise manage Solid Waste in the Town except in accordance with this Bylaw.
4. Notwithstanding Section 3, the CAO in his sole discretion may authorize alternative practices and procedures for managing Solid Waste.
5. Refuse Management Services shall be rendered with respect to:
 - (a) Residential Premises that are not Multiple Dwelling Developments; and
 - (b) at the sole discretion of the CAO, a Multiple Dwelling Development provided that:
 - (i) each Residential Premises unit therein is connected to a separate water meter; and
 - (ii) the development configuration and Street design reasonably accommodate truck access.
6. Except as permitted by the CAO, no Person shall:

- (a) deposit or permit to be deposited any type of Solid Waste on any Town property;
 - (b) put out for Refuse Management Services any Solid Waste other than Refuse; or
 - (c) dispose of any Solid Waste other than Refuse except in covered bins, at a regulated commercial landfill site, or as otherwise permitted by the Town.
7. Solid Waste not subject to Refuse Management Services shall be disposed of in a timely fashion and at the Person's sole expense.

Collection

- 8. No Person may put out Refuse for collection unless it is contained within a Waste Cart.
- 9. Refuse within the Waste Cart must be secured in one or more tied bags, where practical, to prevent wind blown debris.
- 10. No Person shall allow Solid Waste to spill from a Waste Cart.
- 11. The lid of the Waste Cart must remain closed except while being filled or emptied. Nothing shall be placed upon the lid of a Waste Cart.
- 12. No Person other than a Person who places Solid Waste in a Waste Cart or a Collector shall interfere with or disturb the contents of any Waste Cart after it has been placed for collection.
- 13. No Person shall place Refuse in a Waste Cart that cannot be emptied in a normal free-flowing manner.
- 14. The Owner/Occupant is to maintain the Waste Cart in good condition.
- 15. The Owner/Occupant is responsible for damages from vandalism, theft, or collision with vehicles or personally owned or contracted equipment or any damages over and above normal wear and tear to the Waste Cart.
- 16. No Person may scavenge, pick, sort over, any Refuse from Waste Carts or Recyclable items placed out for collection.

Duties of Collectors

- 17. The Collector shall be responsible for the day-to-day maintenance of the Waste Cart including: repairs to the main body, wheels, axles, hinges, lid, and handles resulting from normal wear and tear. The Collector is not responsible for damages resulting from vandalism, theft, and collision with vehicles.
- 18. The Collector shall replace Waste Carts damaged during collection.
- 19. The Collector shall place the Waste Cart in approximately the same location as where it was collected.
- 20. The Collector shall not scavenge, pick, sort over, any Solid Waste from the collection vehicle.
- 21. The Collector is not responsible for the collection of Solid Waste spilled by the incorrect use or misuse of the Waste Cart or Curbside Recycling Program.

Receptacle Placement

- 22. Except as permitted by the Town in certain conditions, no Person shall place Waste Carts on a Sidewalk. Waste Carts shall be placed 1.0m from obstacles on all sides, with the wheels placed in the gutter or gutter area adjacent to the sidewalk. Special situations, which require alternative collection locations, will be approved on a case-by-case basis by the CAO.
- 23. Unless otherwise authorized by the Town, the collection location serving a Residential Premises shall be adjacent to the front curb line.

Recyclables

- 24. The Owner/Occupant may place any number of Recyclables in Blue Bags out for collection in the same manner as Waste Carts. Flattened cardboard shall be placed under Blue Bags for collection.
- 25. Blue Bags should be tied securely and placed at front curb.

Time of Collection

- 26. The CAO shall schedule the collection of Refuse.
- 27. Waste Carts must be placed for collection prior to 07:00 hours the day of the Collection Day.
- 28. Waste Carts must be returned to their regular storage location no later than 21:00 hours the day of the Collection Day. Waste Carts must be stored on the Residential Premises and shall not be stored on any Street or Sidewalk or any other portion of the municipal road right of way.
- 29. Recyclables in Blue Bags must be out for collection prior to 07:00 hours the day of the Collection Day. Any unsuitable or uncollected Recyclables must be removed no later than 21:00 hours the day of the Collection Day.

Refuse Management Subscription

30. An Occupant/Owner will be charged for Refuse Management Services, including the Town's Blue Bag collection program.
31. If a Residential Premises unit generates Refuse exceeding the amount in respect of which an Owner/Occupant is permitted, the Owner/Occupant must dispose of the extra Refuse at the Transfer Station or Landfill.

Service Charges

32. Owner/Occupants shall pay Service Charges as set out in Schedule "A" of this Bylaw.
33. Service charges shall be added to an Owner/Occupants' utility bill and are due and payable on the date indicated on the utility bill as the "due date".
34. If all or a portion of the utility bill remains unpaid within twenty-one (30) days of the date shown as the due date on the utility bill, the Owner/Occupant must pay a penalty charge in the amount set out in Schedule "A".

Refuse Management Services

35. Refuse Management Services shall not be provided:
 - (a) to any Owner/Occupant who is in default of payment of Service Charges;
 - (b) to any Owner/Occupant who uses a Waste Cart that does not comply with the criteria set out in this Bylaw; or
 - (c) with respect to any Blue Bag or Waste Cart that is not placed for collection in accordance with this Bylaw;
36. Notwithstanding Section 34, the Owner/Occupant remains responsible to pay the Service Charges while utility services are provided to the qualifying premises.

Burning

37. No Person shall burn Solid Waste in the open air without the Town's authorization and the Person has obtained all necessary legislated permits or approvals.

Offence

38. A Person who contravenes this Bylaw is guilty of an offence.
39. When Solid Waste is deposited or left for collection in contravention of this Bylaw, the Owner/Occupant of the property whereupon such Solid Waste is deposited or left for collection is deemed to have caused or permitted the contravention.

Continuing Offence

40. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.

Fines and Penalties

41. A Person who is guilty of an offence is liable:
 - (a) to a fine of \$100.00; or
 - (b) on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than 1 year, or both.

Municipal Violation Ticket

42. A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Ticket specifying the fine amount (including any early payment fine amount) established by this Bylaw.
43. When a Municipal Violation Ticket is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

Violation Ticket

44. A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket:
 - (a) specifying the fine amount established by this Bylaw; or
 - (b) requiring an appearance in court without the option of making a voluntary payment.
 - (c) where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

Repeal of Existing Bylaws

45. This Bylaw shall supercede Bylaw 1007 and any amendments thereto.

READ a first time this 26 day of April 2011.

READ a second time this 26 day of April 2011.

READ a third and final time this 26 day of April 2011.

Redacted under Section 17 of the FOIP Act.

Mayor

Redacted under Section 17 of the FOIP Act.

CAO

Signed by the Mayor and CAO this 29 day of April, 2011.

TOWN OF WHITECOURT

**RESIDENTIAL SOLID WASTE MANAGEMENT
BYLAW NO. 1464**

SCHEDULE "A"

RESIDENTIAL SOLID WASTE COLLECTION AND LANDFILL DISPOSAL CHARGES

1. Occupant/Owners residing in single family residence, including duplexes and triplex dwelling units located within Land Use Districts R-1A, R-1B, R-1C, R-ER, R-3, R-4, R-MHSF, DC-Res, C-1, C-5 and C-6 only, shall be billed on a monthly basis for refuse pick-up charges. The monthly collection charge for once a week service shall be \$7.80.
2. Occupant/Owners residing in single family residence, including duplexes and triplex dwelling units located within Land Use Districts R-1A, R-1B, R-1C, R-ER, R-3, R-4, R-MHSF, DC-Res, C-1, C-5 and C-6 only, shall be billed on a monthly basis for landfill disposal charges. The monthly charges for landfill disposal shall be \$4.20.
3. Waste Carts are supplied by the Collector and remain the property of the Collector. Waste Carts damaged, destroyed or stolen due to neglect or misuse of the Occupant/Owner shall be replaced at the Occupant/Owners expense. The cost to replace a Waste Cart shall be \$85.00.

RECYCLING COLLECTION AND PROCESSING CHARGES

4. Occupant/Owners residing in a single family residence, including duplexes and triplex dwelling units located within Land Use Districts R-1A, R-1B, R-1C, R-ER, R-3, R-4, R-MHSF, DC-Res, C-1, C-5 and C-6 only, shall be billed on a monthly basis for recycling pick-up and processing. The monthly charge for once a week service shall be \$5.65
5. All other Occupant/Owners shall be required to make separate arrangements with the recycling Collector servicing the Town of Whitecourt. These customers shall not be invoiced by the Town of Whitecourt for any recycling charges.

LANDFILL CHARGES

6. All other Occupant/Owners or specific Land Use Districts not receiving Refuse pick-up services will be required to arrange for collection and waste disposal services independent of the Town of Whitecourt. The rates charged for waste disposal will be based upon the current rates in affect at the Whitecourt Regional Landfill. This applies to all businesses and land uses except those as noted in Section 1 and includes:
 - a. Mobile Home Parks;
 - b. Apartment Buildings;
 - c. Commercial and Industrial Buildings;
 - d. Restaurants, Motels and Hotels;
 - e. Large Retailers;
 - f. Churches;
 - g. Institutions.