

Claresholm

TOWN OF CLARESHOLM PROVINCE OF ALBERTA BYLAW #1676

A Bylaw of the Town of Claresholm to outline the provision of Recyclable Materials Management.

WHEREAS pursuant to the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of the people, and the protection of people and Premises, nuisances, services provided by or on behalf of the municipality;

AND WHEREAS the *Municipal Government Act*, also provides that a council may pass bylaws to establish a system for the collection, removal and disposal of Recyclable Materials;

NOW THEREFORE, THE COUNCIL OF THE TOWN OF CLARESHOLM, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SECTION 1 TITLE

- 1.1 This Bylaw may be cited as the “**RECYCLABLE MATERIALS MANAGEMENT BYLAW.**”

SECTION 2 DEFINITIONS

- 2.1 In this Bylaw, unless the context otherwise requires:
- a) “**Account**” means an agreement between the applicant and the Town of Claresholm for the provision of Utilities.
 - b) “**CAO**” means the Chief Administrative Officer of the Town of Claresholm.
 - c) “**Collection Day**” means the day which is scheduled by the Director for municipal collection of recyclable materials.
 - d) “**Collector**” means a person or persons who collect recyclable materials within the Town for and on behalf of the Town.
 - e) “**Curb**” means the actual curb, if there be one, and if there is no curb in existence, shall mean the division of roadway between that part intended for the use of vehicles and that part intended for use by pedestrians.
 - f) “**Customer**” means any person, corporation or organization that has entered into a contract with the Town for utility provision at a particular premise, or who is the owner or occupant of any premises connected to or provided with a utility.
 - g) “**Enforcement Officer**” means a Community Peace Officer, a Bylaw Enforcement Officer, a Municipal Enforcement Officer or a member of the Royal Canadian Mounted Police (RCMP). For the purposes of this Bylaw, the Director of Infrastructure is also considered an Enforcement Officer.
 - h) “**Occupant**” means a person or corporation in actual possession of any premises either as an owner or tenant. For billing purposes further defined as a person contracting with the Town for the domestic supply of utilities to any premises.
 - i) “**Premises**” means any land, building, supplied with utilities by the Town.
 - j) “**Recyclable Materials**” means those items deemed to be recyclable as per Town Policy.
 - k) “**Recyclable Materials Receptacle**” means 95 gallon blue collection totes or 6 yard bins provided by the Town for the collection of recyclable materials.
 - l) “**Shared Receptacle Service**” means recyclable collection services provided to a specific multi-premise site in Town in which several premises share a bin for recyclable materials collection.
 - m) “**Street**” means a public thoroughfare within the Town and includes, where the context so allows, the sidewalk and borders of the street and all parts appearing in the Land Titles Office as set aside for a public thoroughfare; when used in distinction, it means the public thoroughfare on which the premises in question front.
 - n) “**Director**” means the Director of Infrastructure, appointed to oversee the sanitation department and/or their duly authorized delegated, agent or representative.
 - o) “**Town**” means the corporation of the Town of Claresholm, or the area contained within the boundaries thereof, as the context requires.

SECTION 3 GENERAL

- 3.1 Authority of the Town
Except as otherwise provided in this bylaw, the Town shall provide for the public collection and removal of recyclable materials within the limits of the Town and shall supervise the

facilities and equipment necessary or desirable for the management of recyclable materials collected or disposed of by the Town.

3.2 Authority of the Director

The Director shall:

- a) Supervise the contractor hired to collect, remove and dispose of recyclable materials;
- b) Supervise the days and times that collection shall be undertaken in different portions of the Town;
- c) Outline the quantities and classes of recyclable materials to be removed from any premises or accepted by the Town for disposal;
- d) May specify availability of recyclable materials collection for commercial pick-up;
- e) Carry out any inspections required to determine compliance with this bylaw;
- f) Take any steps or carry out any actions required to enforce this bylaw;
- g) Take any steps to carry out any actions required to remedy a contravention of this bylaw.

3.3 Recyclable Materials Receptacles

Every customer within the Town of Claresholm shall receive or shall have use of a recyclable materials receptacle in accordance with the following:

- a) Every residential customer with the exception of those in apartment buildings will receive a 95 gallon blue collection tote.
- b) Each apartment building will receive a 6 yard bin for shared receptacle service for the apartment building.
- c) Each non-residential customer will receive either a 95 gallon blue tote or will have access to a 6 yard bin within close proximity for shared receptacle service depending on customer preference and/or the Director of Infrastructures discretion based on space and convenience for placing a shared bin or curbside tote collection.
- d) High use non-residential customers will have the choice, or on the discretion of the Director of Infrastructure based on use and volumes of recyclable materials the requirement, to have their own, or multiple, 6 yard bin recyclable material receptacles.
- e) Each 95 gallon blue tote will have a serial number and be assigned to a specific customer to track which bin belongs to whom. The loss or damage of a tote due to neglect, misuse, or other cause not of the fault of the Town or its contractors will be replaced and billed to the customer as per prices on Schedule "A". If at the fault of the Town or the Town's contractor the replacement cost will not be billed to the Customer.

3.4 Preparation of Recyclable Materials for Collection

No person shall set out recyclable materials for collection without ensuring that the recyclable materials have been prepared for collection in accordance with the following:

- a) Any recyclable material that is to be collected must be:
 - i. acceptable by the Town as per Section 2.1(j);
 - ii. contained within the recyclable materials receptacle
- b) No person shall place recyclable materials elsewhere than in the recyclable materials receptacle.
- c) No person shall place recyclable materials for pickup without the permission of the owner or occupant of the premise.
- d) The Director or their designate reserves the right to withhold collection of recyclable materials where the recyclable materials do not meet the necessary requirements.

3.5 Location of Recyclable Materials

- a) No person who receives recyclable materials collection shall set out recyclable materials at locations that are: unsafe, obstructed, blocked by snow or ice, poorly maintained and uneven, or that prevent recyclable materials collectors from collecting in a safe and efficient manner in the opinion of the Director or their designate.
- b) The occupant of residential premises shall place recyclable materials for collection in such a way that collectors shall have access without entering into private property.
- c) Recyclable materials receptacles will be set out for automated collection next to the curb on the front street, or where there is no curb at the transition from street to boulevard or yard.
- d) Except where in the opinion of the Director, it is impractical to store waste recyclable materials outside of a building, no collector shall make a collection of recyclable materials from inside any building.
- e) The Town shall collect recyclable materials from only one pick-up point from each premise, except where the Director has designated any other pick-up point they consider necessary.

3.6 Collection Schedules

- a) The Collector shall collect recyclable materials from each residential and commercial premises once a week, or when it is deemed necessary to collect;

- b) Recyclable materials shall not be set out for collection prior to 7:00 PM the evening of the day prior to the collection day, and must be placed at collection points no later than 7:00 AM on the scheduled collection day.

3.7 Other Provisions

- a) It shall be unlawful for any person to dump recyclable materials anywhere within the limits of the Town of Claresholm.
- b) No person, other than the occupant of the premise, shall pick over, remove, disturb, or otherwise interfere with any recyclable materials that have been set out for municipal purposes.
- c) No person shall place residential or commercial recyclable materials in a public litter container.
- d) The Town reserves the right to withhold collection of improperly prepared recyclable materials, prohibited recyclable materials, excessive quantities of recyclable materials, or recyclable materials located at unsafe or non-compliant set-out locations.

3.8 Charges for Collection of Recyclable Materials

Charges for recyclable materials removal by the Town and recycling infrastructure costs are stipulated in Schedule "A". Each customer will be charged for recyclable materials removal service even if unutilized, regardless of whether the recyclable materials receptacle is refused, returned, or unused.

3.9 Contravention

Any person who contravenes a provision of this bylaw is guilty of an offense and is liable of a fine not exceeding one thousand dollars (\$1,000.00) and not less than one-hundred dollars (\$100.00).

3.10 Violation Tickets and Penalties

- a) Where a Bylaw Enforcement Officer and/or the Director believes on reasonable and probable grounds that a person has contravened any provision of this bylaw, he may serve upon such person a violation tag provided by this section:
 - i. Either personally on the premises or by leaving it for the occupant at their residence with a person on the premises who appears to be at least eighteen (18) years of age or by registered mail, and such service shall be adequate for the purpose of this bylaw.
 - ii. A violation tag shall be in such form as determined by the Town of Claresholm and shall state the section of the bylaw which was contravened and the amount which is provided, that will be accepted by the Town in lieu of prosecution.
 - iii. Upon production of violation tag issued pursuant to this section within fourteen (14) days from the issue thereof together with the payment to the Town of Claresholm of the fee as provided, the person to whom the tag was issued shall not be liable for prosecution for the contravention in respect of which the tag was issued.
 - iv. Notwithstanding the provision of this section, a person to whom a tag has been issued pursuant to this section may exercise his right to defend any charge committing a contravention of the provisions of this bylaw.
- b) The specified penalty payable in respect of a contravention of a provision of this bylaw is the amount shown in Schedule "B" in respect of that provision.
- c) The minimum penalty payable in respect of a contravention of a provision of this bylaw is the amount shown in Schedule "B" in respect of that provision.
- d) Notwithstanding Section 3.10:
 - i. where any person contravenes the same provision of this bylaw twice within one eighteen (18) month period, the specified penalty payable in respect of the second contravention is double the amount shown in respect of that provision; and
 - ii. where any person contravenes the same provision of this bylaw three or more times within one eighteen (18) month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in Schedule "B" in respect of that provision.

3.11 Compliance with Other Legislation

No section of 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.

3.12 Validity of Bylaw

Every provision of this bylaw is independent of all other provisions, 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.

SECTION 4 REPEALED

4.1 Bylaw #1575, the "Recycling Materials Management Bylaw" and any amendments, are hereby repealed.

SECTION 5 PASSAGE OF BYLAW

5.1 This Bylaw shall come into effect November 1, 2019.

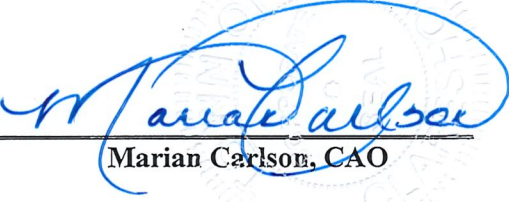
Read a first time in Council this **23rd** day of **September** 2019 A.D.

Read a second time in Council this **15th** day of **October** 2019 A.D.

Read a third time in Council and finally passed in Council this **15th** day of **October** 2019 A.D.



Doug MacPherson, Mayor



Marian Carlson, CAO

SCHEDULE "A"

Fees

| NON RESIDENTIAL SERVICES (Bi-Weekly Collection) | Nov 1, 2019 | Nov 1, 2020 | Nov 1, 2021 | Nov 1, 2022 | Nov 1, 2023 |
|---|--------------------|--------------------|--------------------|--------------------|--------------------|
| Per 95 Gallon Tote | 10.30/month | 10.56/month | 10.82/month | 11.09/month | 11.37/month |
| Shared Receptacle Service (per user) | 10.30/month | 10.56/month | 10.82/month | 11.09/month | 11.37/month |
| Per 6 Yard Bin | 50.00/month | 51.25/month | 52.53/month | 53.84/month | 55.19/month |
| Additional Collection (beyond regular bi-weekly collection) | 45.00/dump | 46.13/dump | 47.28/dump | 48.46/dump | 49.67/dump |
| RESIDENTIAL SERVICES (Bi-Weekly Collection) | | | | | |
| Residential Dwellings | 10.30/month | 10.56/month | 10.82/month | 11.09/month | 11.37/month |
| 95 GALLON BLUE TOTE REPLACEMENT | | | | | |
| Additional charge for replacement of tote | 110.00 | 112.75 | 115.50 | 118.50 | 121.40 |



SCHEDULE "B"

Penalties

| Section | Description | Fine |
|----------------|--|-------------|
| 3.4 | Improper preparation of recyclable materials | \$150 |
| | All other sections | \$100 |

