



TOWN OF CLARESHOLM
PROVINCE OF ALBERTA
BYLAW #1548

A Bylaw of the Town of Claresholm to outline the provision of Solid Waste 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 Garbage and Waste;

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 “SOLID WASTE 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) “Ashes” means cold residue from the burning of wood, coal and other like material for the purpose of cooking, heating buildings and disposition of waste combustible materials.
 - c) “Automated Collection” means the collection of waste by a system of mechanical lifting and tipping of receptacles into specifically designed vehicles.
 - d) “Biomedical Waste” means medical waste that requires proper handling and disposal because of environmental, aesthetic, and health and safety concerns as well as risks to human health and includes:
 - i) Human anatomical waste;
 - ii) Infectious human waste;
 - iii) Infectious animal waste;
 - iv) Blood and body fluid waste; and
 - v) Medical sharps, such as needles, syringes, blades or other clinical laboratory material capable of causing punctures or cuts.
 - e) “Boulevard” means:
 - i) The strip of land between the curb and the sidewalk and between the sidewalk and the property line;
 - ii) Where there is no sidewalk, the strip of land between the curb and the property line;
 - iii) Where there is no curb, the strip of land between the near edge of the road and the property line.
 - f) “Building Waste” means all waste produced in the process of constructing, demolishing, altering or repairing a building and shall include, but not be limited to, soil, vegetation and rock displaced during the process of building.
 - g) “Bylaw Enforcement Officer” means an appointed bylaw officer or Community Bylaw Enforcement Officer, Peace Officer and Superintendent of Public Works or the Royal Canadian Mounted Police – Claresholm Detachment.
 - h) “CAO” means the Chief Administrative Officer of the Town of Claresholm.
 - i) “Collection Day” means the day which is scheduled by the Superintendent for municipal collection of solid waste.
 - j) “Collector” means a person or persons who collect waste within the Town for and on behalf of the Town.
 - k) “Cubic Meter” for the purposes of collection shall be one (1) cubic meter of volume of solid waste.
 - l) “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.
 - m) “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.
 - n) “Food Waste Disposal Unit” means an electrically operated unit intended to be used with kitchen sinks, designed to grind garbage into a state suitable for discharge into the sanitary sewer system.
 - o) “Garbage” means waste by-products produced from household and commercial process and can be composed of organic and inorganic material.

- p) **"Hazardous Waste"** means any substance or thing that falls within the definition of Hazardous Waste in Schedule 1 of Alberta Regulation July 6, 1999 192/96, the Waste Control Regulation.
- q) **"Lane"** means a narrow roadway intended chiefly to give access to the rear of buildings and parcels of land.
- r) **"Leaf and Yard Waste"** means grass clippings, leaves, brush, twigs, house and garden plants, sawdust and wood shavings or other similar items as designated by the Superintendent.
- s) **"Manual Collection"** means collecting waste by manually tipping cans or lifting bags into a waste collection vehicle.
- t) **"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.
- u) **"Organics"** means food waste such as vegetables, fruits, solid dairy products, pasta, rice, bread, coffee grounds, filters, tea bags, egg shells, meat, fish, solid fats and yard waste such as grass clippings, plant waste and cat litter/feces but does not include cardboard, boxboard, paper, bones, plastic or any non-organic materials.
- v) **"Plastic Garbage Bag"** means a sturdy plastic bag specifically marketed to store waste, and excludes bags that are intended for other purposes.
- w) **"Premises"** means any land, building, supplied with utilities by the Town.
- x) **"Shared Receptacle Service"** means garbage collection services provided to a specific multi-premise site in Town in which several premises share a waste bin for garbage collection.
- y) **"Sidewalk"** means that part of a roadway primarily intended for the use of pedestrians and includes the part lying between the curb line or edge of the roadway and the adjacent property line, whether or not paved or improved.
- z) **"Special Occupant"** means a person contracting with the Town for the provision of waste collection services to any premises and not contracting with the Town for the domestic supply of water and/or sewer.
- aa) **"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.
- bb) **"Superintendent"** means the Superintendent of Public Works appointed to oversee the sanitation department and/or their duly authorized delegated, agent or representative.
- cc) **"Town"** means the corporation of the Town of Claresholm, or the area contained within the boundaries thereof, as the context requires.
- dd) **"Waste"** means any discarded household debris, commercial debris, recyclables, or household hazardous wastes as herein defined.
- ee) **"Waste Bin"** means any bulk waste receptacle with capacity greater than 1.5m³ requiring mechanized collection. Specifically marketed to store waste and excludes bins that are meant for other purposes.
- ff) **"Waste Container"** means a waste receptacle provided by the occupant specifically marketed to store waste and excludes containers that are meant for other purposes.
- gg) **"Wet Garbage"** means the kitchen waste containing liquids originating from hotels, boarding houses and restaurants but excludes drained household kitchen waste which has been properly packaged.
- hh) **"Waste Receptacle"** means a waste bin, waste container or plastic garbage bag.

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 waste within the limits of the Town and shall supervise the facilities and equipment necessary or desirable for the management of waste collected or disposed by the Town.

3.2 Authority of the Superintendent

The Superintendent shall:

- a) Supervise the collection, removal and disposal of waste;
- b) Set the days and times that collection shall be undertaken in different portion of the Town;
- c) Outline the quantities and classes of waste to be removed from any premises or accepted by the Town for disposal;
- d) Decide which method will be used to collect waste:
 - i) manual collection;
 - ii) automated collection;
 - iii) shared receptacle service;
- e) State the location from which waste will be collected;
 - i) front street collection; or
 - ii) rear lane collection;
- f) May specify availability of waste collection for commercial pick-up;
- g) May specify that private waste haulers report the total volume of solid waste to be hauled out of the Town's boundaries;
- h) Carry out any inspections required to determine compliance with this bylaw;

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- i) Take any steps or carry out any actions required to enforce this bylaw;
- j) Take any steps to carry out any actions required to remedy a contravention of this bylaw.

3.3 Preparation of Waste for Collection and Waste Receptacles

No person shall set out waste for collection without ensuring that the waste has been prepared for collection in accordance with the following:

- a) Any waste that is to be collected must be:
 - i) bagged to prevent loose waste from escaping; or
 - ii) prepared or packaged in a manner that will prevent loose material from escaping when bagging is not possible.
 - iii) keep garbage storage area and/or set out location is to be clean and maintained.
- b) The occupant of any residential premises in the Town from which waste is to be collected shall provide and maintain waste containers sufficient to hold the amount of garbage which accumulates in between designated pick-up periods.
- c) Except as otherwise provided, no person shall place waste elsewhere than in waste receptacles which comply with the requirements of this bylaw.
- d) Waste Receptacles provided by the occupant shall be either a waste container or plastic garbage bag.
- e) The occupant shall ensure that waste containers used:
 - i) are constructed of a sturdy, water-tight material;
 - ii) are maintained in good condition;
 - iii) have fixed rigid handles and a smooth rim;
 - iv) have properly fitted lids that are kept closed except when the containers are loaded and unloaded;
 - v) are of a tapered cylindrical design such that waste will slide out; and
 - vi) not be less than seventy (70) litres and not more than one hundred (100) litres in size.
- f) Waste containers larger than one hundred (100) litres may be used only if the container is wheeled and plastic garbage bags are used in the waste container so that the bags can be easily removed without the need to lift the container.
- g) The occupant shall ensure that plastic bags used:
 - i) are made of a material capable of bearing the weight of its contents without tearing or breaking when lifted;
 - ii) are securely tied or fastened so that the contents are wholly enclosed by the bag;
 - iii) are no smaller than sixty (60) litres, no larger than one hundred (100) litres, approximately eighty-five (85) centimetres in height, approximately seventy (70) centimetres in width;
 - iv) are placed in a waste enclosure or waste receptacle to adequately protect the bags from scavenging by animals.
- h) A waste receptacle shall not be filled to a height greater than five (5) centimetres from the top of the receptacle.
- i) The waste receptacle shall be cleaned out regularly by the customer to avoid build-up of odours.
- j) No person shall place waste in any waste receptacle without the permission of the owner or occupant of the premise.
- k) The Superintendent reserves the right to withhold collection of waste where the waste receptacle does not meet the necessary requirements or is in a dilapidated, unsafe or in an unsanitary condition or in contrary to the instructions and operating policy of the Superintendent.
- l) All multi-family residential units or condominiums shall utilize a waste collection bin.

3.4 Waste Boxes and/or Enclosures

The occupant of the premises from which waste is to be collected when the premises are fenced from the lane or street where collection is made:

- a) Shall provide waste boxes or enclosures for the protection of waste containers and plastic garbage bags and in other applications as required by the Superintendent;
- b) Residents with boxes or enclosures for manual collection are responsible for ensuring the design, construction and state of repair of any permanent enclosure for the storage of waste containers and plastic garbage bags at collection locations allow for the safe and efficient collection of waste and meets the following requirements:
 - i) Enclosure doors should be hinged at the sides with the bottom of the door located a minimum of fifteen (15) centimetres above grade level;
 - ii) Door latches should be large enough to be used by waste collectors even while wearing mitts or gloves;
 - iii) An enclosure should allow a minimum clearance of thirty (30) centimetres above the waste receptacles and lids;
 - iv) An enclosure should not be constructed in such a way that it requires waste collectors to lift waste receptacles over any obstacle exceeding fifteen (15) centimetres in height; and

- v) Be free of rodents, wasps and other pests.
- c) Shall ensure residential enclosures meet the minimum instructions, operating policy and design standards as set by the Superintendent;
- d) Shall ensure that residential enclosures that are permanent do not encroach past the property line on to public lanes or land;
- e) Shall ensure that enclosures for commercial waste bins meet the minimum instructions, operating policy and design standards as set by the Superintendent.

3.5 Waste Bins

A person shall not place, cause or permit to be placed any waste bin on land they own or occupy unless the wastebin is:

- a) equipped with lid or cover capable of completely covering the waste bin; and
- b) bin shall not be filled to height greater than five (5) centimetres from the top of the receptacle, so it can be kept closed or covered at all times except for actual loading or unloading of waste.

3.6 Weight of Waste

The weight of waste:

- a) For manual collection shall not exceed 18.2 kilograms or forty (40) pounds;
- b) For automated collection, the maximum weight will be set by the Superintendent.

3.7 Location of Waste Receptacles

a) Except as otherwise provided herein, no person shall place or keep waste receptacles upon any portion of the street or lane. Any waste receptacle improperly left in the street may be removed and disposed of by the Town.

b) No person who receives waste collection shall set out waste receptacles at locations that are: unsafe, obstructed, blocked by snow or ice, poorly maintained and uneven, or that prevent waste collectors from collecting waste in a safe and efficient manner in the opinion of the Superintendent or their designate.

c) The occupant of residential premises shall place waste receptacles for collection in such a way that collectors shall have access without entering into private property.

d) Waste receptacles set out for manual collection at premises serviced by front street pick-up must be placed such that:

- i) where there is a combined curb sidewalk, the receptacles are placed not more than one (1) metre away from the travel portion of the sidewalk adjacent to and directly in front of the premises;
- ii) where there is a separated curb and pavement by a boulevard, the receptacles are placed not more than one (1) metre away from the travel portion of the street adjacent to and directly in front of the premises;
- iii) where there is a curb and no sidewalk, the receptacles are placed not more than one (1) metre away from the travel portion of the street adjacent to and directly in front of the premises.

e) Except where in the opinion of the Superintendent, it is impractical to store waste receptacles outside of a building, no collector shall make a collection of waste from inside any building.

f) The Town shall collect waste from only one pick-up point from each premise, except where the Superintendent has designated any other pick-up point he considers necessary.

g) Waste receptacles must be placed in a location that is free of rodents, wasps and other pests.

3.8 Garbage, Waste and Ashes

a) An occupant of premises from which garbage is to be collected shall:

- i) thoroughly drain all household garbage and place it in a plastic garbage bag before disposing of it in the waste receptacle;
- ii) quench all ashes for collection, and if possible put them in separate waste receptacles from the other waste;
- iii) double bag all light, dusty or objectionable materials including cooled ashes, powders, sawdust, vacuum cleaner bags, furnace filters, animal feces and absorbents, and disposable diapers;
- iv) use protective packaging (sturdy sealed cardboard box or rigid disposable plastic container) for the disposal of sharp, dangerous items including broken glass, razor blades, sheet metal scraps, and items with exposed screws or nails;
- v) ensure all material unsuitable for bagging is to be bundled and securely tied with the bundles not exceeding 1.2 metres (4 feet) in length, 0.75 metres (2.5 feet) in diameter, and 18.2 kilograms (40 pounds) in weight;
- vi) ensure any spillage from garbage receptacles is picked up and/or cleaned up within twenty-four (24) hours after scheduled pick-up (if the spillage was not the fault of the sanitation department).

b) The Town shall not remove the following from premises:

- i) highly combustible or explosive materials including but not limited to liquid or solid fuels, gunpowder, ammunition or explosives;



- ii) hot ashes which are not properly quenched and appear to be hot or likely to cause a fire;
- iii) compressed propane or butane cylinders;
- iv) toxic or household hazardous waste including solvents, oven cleaners, paints, automotive fluids, wet cell batteries, pesticides, herbicides, or any material commonly referred to as household, commercial, or industrial hazardous waste;
- v) biomedical waste including hypodermic needles or syringes, lancets or any sharp item used in home medical care;
- vi) large bulky items such as mattresses, box springs, dressers, tables, chairs, whole shrubs, or discarded heavy machinery;
- vii) sheet iron, large pieces of scrap metal or machine parts;
- viii) electronic equipment including televisions, computers, computer monitors, keyboards, and associated cables;
- ix) renovation, construction or demolition material;
- x) stumps, concrete blocks or slabs, soil, rocks or aggregate;
- xi) dead animals and animal parts from hunting or trapping;
- xii) transient waste;
- xiii) septic tank pumpings, raw sewage, or industrial sludge;
- xiv) radioactive waste;
- xv) waste material which has not been placed for collection in accordance with the provision of this bylaw;
- xvi) liquid waste or material that has attained a fluid consistency and has not been drained;
- xvii) any material outside the waste receptacle that is caused by foraging animals or improper storage in accordance with the provision of this bylaw;
- xviii) cardboard except as noted in 3.8(a)(iv).

3.9 Wet Garbage

No person shall remove wet garbage from any hotel, boarding house, restaurant or retail or wholesale food outlet within the Town for use as food for swine or other livestock except under the authority of permits issued by the Environmental Health Inspector.

3.10 Building Materials and Construction Waste

- a) A person carrying out the construction, demolition or alteration of buildings or other building operations on any property shall do so in such a manner as to not permit building material or building waste material to remain loose, free or uncontrolled on the property.
- b) The main contractor on the building site shall be responsible for the actions of any subcontractor or tradesman who fail to comply with subsection a).
- c) Any building material or building waste material which blows free from the building site shall be recaptured, returned to the building site and deposited in a waste receptacle.
- d) The main contractor on a building site shall be responsible for the term of the construction in providing a suitable waste receptacle capable of receiving all building waste material and maintaining the same in a safe contained manner.
- e) Where the contractor is working on more than one building site and they are adjoining, he may provide one (1) building waste receptacle for each three (3) building sites.
- f) The main contractor on a building site shall be responsible for having all unused building material and building waste material disposed of in the landfill or appropriate area.
- g) The Superintendent may direct the person carrying out the construction or alteration of a building to provide a fence of a type that will trap any building material in such a manner as to prevent it from escaping from the building site.

3.11 Collection Schedules

- a) The Town shall collect waste from each residential premise once a week.
- b) Any waste that is stored in a waste bin may be collected by the Town at the Superintendent's discretion.
- c) The Superintendent may stipulate a different waste collection schedule for the following establishments:
 - i) hotels, restaurants and apartment houses;
 - ii) business and professional offices;
 - iii) retail and wholesale merchants;
 - iv) other commercial premises, whether similar or dissimilar;
 - v) industrial premises; and
 - vi) agricultural and irrigated areas.
- d) Where the Town does not collect waste at a premise listed in 3.11(c), the property owner or occupant, either by contractors, agents or by employees, shall remove and dispose of the waste in compliance with all applicable federal, provincial and municipal laws and shall provide the Town with a copy of the contract between the owner and the service provider.



e) Waste receptacles shall not be set out for collection prior to 7:00pm the evening of the day prior to the collection day, and must be placed at collection points no later than 7:00am on the scheduled collection day.

f) All waste receptacles must be removed from the street or lane by 8:00pm on the collection day and stored on the property when not in use.

3.12 Transportation of Solid Waste

No person shall convey through any street in the Town any waste except in a properly enclosed receptacle or in a vehicle which is covered with canvas or tarpaulin, or secured such that the contents are protected from being wind borne or falling on the streets.

3.13 Damage to Private Roads and Infrastructure

The Town will not be responsible for any damage to roads or infrastructure on a private site resulting from legitimate operation of waste collection vehicles during waste collection activity at that private site.

3.14 Other Provisions

a) It shall be unlawful for any person to dump building waste, garbage or other waste material anywhere within the limits of the Town of Claresholm, except in the location designated by the Superintendent and approved in writing by the Superintendent.

b) No person, other than the occupant of the premise, shall pick over, remove, disturb, or otherwise interfere with any waste material that has been set out for municipal purposes.

c) No person shall place residential or commercial waste in a public litter container.

d) No person shall burn household refuse, burnable debris, or prohibited debris in any fireplace or fire pit within the Town.

e) The Town reserves the right to withhold collection of improperly prepared waste, prohibited waste, excessive quantities of waste, or waste located at unsafe or non-compliant set-out locations.

f) The occupant shall keep the lane at the rear of the premises occupied under his/her control – to the centre of the lane – in a clean and tidy condition and free from refuse of any nature.

g) The occupant shall keep the curb and gutter at the front of the premises in a clean and tidy condition.

3.15 Charges for Collection and Depositing Waste

a) Charges for solid waste removal by the Town are stipulated in Schedule “A”.

b) The Superintendent shall cause such measurements to be made and records to be maintained as he/she deems necessary to estimate or determine the volume of waste removed from any premises and on the basis of such measurements and records shall establish the monthly charge to be levied on any occupier or commercial hauler. The Superintendent on being satisfied that any estimate required to be amended may establish new charges.

c) Where conditions exist which could require the application of a different rate, such rate will be stipulated by the Superintendent.

d) The fee for additional waste collection shall be set out per Schedule “A”.

3.16 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 seventy-five dollars (\$75.00).

3.17 Violation Tickets and Penalties

a) Where a Bylaw Enforcement Officer and/or the Superintendent 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 3.17:

- i) where any person contravenes the same provision of this bylaw twice within one eighteen 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 twelve 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.

3.18 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.

3.19 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 RESCINDED

4.1 On the passing of this bylaw, all the following bylaws are hereby rescinded:
Bylaw Nos. 743, 784, 845, 846, 1009, 1084, 1146, 1183, 1270, 1387, and any amendments thereto.

SECTION 5 PASSAGE OF BYLAW

5.1 This Bylaw shall come into effect upon passage of Third Reading.

Read a first time in Council this 26th day of April 2011 A.D.

Read a second time in Council this 9th day of May 2011 A.D.

Read a third time in Council and finally passed in Council this 13th day of June 2011 A.D.



David Moore, Mayor



Kris Holbeck, CAO

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SCHEDULE "A"

Fees

COMMERCIAL SERVICES	
Three (3) cubic yard garbage container rental	\$40.00 / month
One pick-up per week	\$28.50 / month
Add one pick-up per week	Add \$28.50 / month
RESIDENTIAL SERVICES	
Residential Dwellings	\$12.50 / month

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SCHEDULE "B"

Penalties

Section	Description	Fine
3.3(a)	Failure to maintain garbage storage area	\$100
3.8(b)	Prohibited Items	\$150
3.3(h)	Overfilled waste receptacle	\$75
3.3(j)	Use of other's containers	\$75
3.5	Overfilled waste bin	\$150
	All other sections	\$75