



TOWN OF HIGH LEVEL
Gateway to the South

TOWN OF HIGH LEVEL

BYLAW NO. 879-09

BEING A BYLAW OF THE TOWN OF HIGH LEVEL IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING AND CONTROLLING THE HANDLING, COLLECTION, AND DISPOSAL OF GARBAGE, REFUSE, AND OTHER WASTE IN THE TOWN OF HIGH LEVEL.

WHEREAS pursuant to the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto the Council of the Town of High Level deems it necessary to establish and maintain a system for the collection, removal, and disposal of garbage, ashes, and refuse as a public utility within the Town of High Level.

NOW THEREFORE, the Council of the Town of High Level in the Province of Alberta, **DULY ASSEMBLED, ENACTS AS FOLLOWS:**

SHORT TITLE

1. This bylaw may be cited as the **“GARBAGE BYLAW”**.

INTERPRETATION

2. In this bylaw, unless context otherwise requires:
 - (1) **“APARTMENT”** means a residential building consisting of at least three dwelling units, but shall not include buildings containing units with separate exterior entrances or entranceways;
 - (2) **“ASHES”** means cold residue from burning of wood, coal and other like material;

- (3) **“BASE RATE”** means the rate established by resolution of Council from time to time for the general collection of garbage whether or not the customer chooses to use the service;
- (4) **“BILLING PERIOD”** shall be the same as the monthly period for which the consumer is charged for water and sanitary sewer services;
- (5) **“BIOLOGICAL WASTE”** means waste that is created in a hospital, necropsy facility or biological research laboratory and contains or may contain pathogenic agents that may cause disease in persons exposed to the waste;
- (6) **“BUILDING”** includes anything constructed or placed on, in, over, or under any land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway;
- (7) **“COLLECTION AREA”** means the location within the corporate limits of the Town from which waste collection shall be made;
- (8) **“COLLECTOR”** means a person who collects waste within the Town for and on behalf of the Town;
- (9) **“COLLECTION UTILITY”** means the system of collecting and disposing of residential waste;
- (10) **“COUNCIL”** means the Municipal Council of the Town of High Level, duly assembled and acting as such;
- (11) **“DANGEROUS GOODS”** means a substance or mixture of substances that exhibits characteristics of flammability, corrosivity, reactivity or toxicity, and any other materials so defined under government statutes or regulations;
- (12) **“DISPOSAL SITE”** means a dry dump, a sanitary landfill site or another site approved by the Town for disposal of waste;
- (13) **“DWELLING UNIT”** means a complete building or self contained portion of a building for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separate toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or self-contained suite or set of rooms;
- (14) **“GARBAGE”** means waste composed of animal or vegetable matter. It is waste produced as a by-product of the preparation, consumption or storage of food;

- (15) **“GARBAGE BAG (CLEAR)”** means transparent bags sold for the purpose of holding garbage and which are not larger than 125 litres in size.
- (16) **“GARBAGE BIN”** means a container constructed of durable metal with hinged lids designed for the storage of garbage and waste products;
- (17) **“HAZARDOUS WASTE”** means a solid or liquid material that presents an unusual disposal problem or requires special handling including but not limited to explosives, poisons, caustics, acids, radio-active materials and other materials so defined under government statutes or regulations;
- (18) **“NON-RESIDENTIAL PROPERTY”** means any premises or buildings not listed as a residential property and includes, but is not limited to, retail, wholesale, industrial, apartments, or institutional properties;
- (19) **“OCCUPANT”** means a corporation, or person, or contractor, or owner requiring the service and who is responsible for the cost of same, as the context requires;
- (20) **“OWNER”** means the person or persons listed on the property tax roll as being the registered landowner of the property;
- (21) **“PEACE OFFICER”** means any Police Officer, Protective Services Officer, Bylaw Enforcement Officer, Peace Officer, or any designate of Town of High Level.
- (22) **“PERSON”** means an individual, proprietorship, partnership, and or a corporation. It shall also include but is not limited to, church organizations, non-profit organizations, professionals, provincial, and federal governments;
- (23) **“PREMISES”** means land, including any buildings erected thereon;
- (24) **“RECYCLABLE MATERIALS”** means any materials such as, but not limited to, cardboard, plastics, paper, and glass that can be recycled, through programs offered by the Town which may change from time to time;
- (25) **“REFUSE”** means any non-decaying material such as food containers and decaying waste such as waste paper, shrubbery pruning, and garbage refuse;
- (26) **“RESIDENTIAL PROPERTY”** means land with improved design intended or used for residential occupancy including condominiums and dwelling units.
- (27) **“STREET”** means any highway, road, lane sidewalk, or place to which the public has lawful access;

- (28) **“TOWN”** means the Town of High Level, a Municipal Corporation in the Province of Alberta, and includes the area contained within the boundaries of the Town where the context so requires;
- (29) **“TRADE WASTE”** means ashes, garbage, refuse, and waste from institutions and commercial or industrial establishments including but not limited to warehouses, factories, stores, hospitals, schools, cafes, eating houses, wholesale or retail business places, apartment buildings, office blocks where the establishment occupies all or part of a building having mixed uses, and any other building, structure, or area that does not have an individual utility account;
- (30) **“UNIT OF WASTE”** means one unit is equal to; one standard garbage can up to 125 liters, and shall not weigh more than 27 kg. .
- (31) **“UTILITY ACCOUNT CUSTOMER”** means the person named on the application for water hook-up and disconnect which may be the owner, occupant or other person in charge of the buildings or premises served by the utility;
- (32) **“WASTE”** means any discarded or abandoned organic or inorganic materials which the owner or the person in possession of it does not wish to retain for any purpose and includes but is not restricted to ashes from the combustion of material, household garbage, and shall include refuse and garbage as defined in this bylaw. For the purposes of collection by the Town or its designate pursuant to this bylaw, unless otherwise agreed to by the Town in writing, waste shall not include the following:
- (a) Discarded furniture, automobile parts, tires, motorized vehicles and household equipment;
 - (b) Tree limbs, tree roots, whole shrubs or bushes, or portions thereof;
 - (c) Fences, gates, and other non-permanent or permanent fixtures;
 - (d) Building materials and building waste;
 - (e) Dead animals or animal manure;
 - (f) Sod;
 - (g) Liquid waste;
 - (h) By-products from manufacturing;

- (33) **“WASTE RECEPTACLE”** shall be made of galvanized metal or rigid plastic with a watertight cover, rigid fixed handles, and a smooth rim at the top.

PROVISIONS

3. The Waste Bylaw applies to all waste produced or transported within the limits of the Town or any Town owned disposal sites.
4.
 - (1) The Town may provide the necessary vehicles for the public collection and removal of waste within the Town limits and on all properties owned by the Town.
 - (2) The Town may provide, supervise, and operate the facilities and equipment necessary for the disposal of waste collected or disposed of by the Town.
 - (3) The Town may enter into a contract with any person for the collection and disposal of the whole or portion of the waste accumulated within the Town limits.
5.
 - (1) The Town may by resolution of Council:
 - (a) supervise the collection, removal, and disposal of waste;
 - (b) direct the days and times that collections shall be made from designated areas of the Town;
 - (c) decide as to the quantities and classes of waste to be removed from any premises;
 - (d) set times that the disposal site will be open to the public;
 - (e) set any rates or fees for the collection and disposal of waste;
 - (f) develop a recycling program in which recyclable materials may be recycled;
 - (g) set a recycling fee from time to time, with the recycling fee being applied to all utility account customers whether or not the customer chooses to use the service.
 - (2) Subject to the provisions of this bylaw, the decision of the Town as to:
 - (a) the amount of waste which has been removed from any premises and;

- (b) the amount and types of waste which the Town is obliged to remove from any premises;

shall be final and conclusive subject only to the superior statutory authority of another governmental authority.

- 6. (1) Trade Waste as defined in Section 2 (29) shall be removed by the owner or occupant at their expense from the premises upon which it accumulates.
- (2) Waste shall be transported in accordance with the requirements under government statutes and regulations and other Town bylaws.
- 7. (1) No person shall willfully or maliciously hinder or interrupt or cause or procure to hinder or interrupt, the Town or its contractors, agents, employees, in the exercise of powers and duties related to the collection utility and authorization contained in this bylaw.
- (2) No person other than the owner, a person permitted by the owner, a collector of the Town, or a Town employee shall interfere with a waste receptacle or with any waste placed for collection in or near a waste receptacle.
- 8. (1) Except as otherwise provided herein all waste receptacles shall be placed for collection at a location as close as possible to the traveled portion of the adjacent street, but not on a sidewalk or in such a location as to interfere with vehicular or pedestrian traffic.
- (2) The owner or occupant from which waste is to be collected shall place or locate the waste receptacle in such a manner that it will not overturn or likely to be overturned.
- (3) The owner or occupier of a residential property shall place waste out for collection only on the same day of collection.
- (4) Upon the waste receptacles being emptied by the collector, the owner or occupant of a residential property shall remove such waste receptacles from the collection area on the same day of collection.
- (5) An owner or occupant of a residential property from which waste is to be collected shall:
 - (a) thoroughly drain all household garbage.
 - (b) dispose of all waste, with the exception of garden and yard waste, in a bag or bags within a waste receptacle.

- (c) only place waste for collection as defined by this bylaw.
 - (d) secure the cover on such waste receptacle.
 - (e) place all garden and yard waste in translucent plastic or biodegradable garbage bags and securely tie the parcel. Yard and garden waste will not be considered a unit however the weight of the bags cannot exceed 27kg
 - (f) cardboard outside of the receptacles must be flattened and bound.
 - (g) clean the area where the waste receptacles were placed.
 - (h) be allowed to dispose of four units of waste.
- (6) (a) For the purposes of Section 8 subsection (6) subsection (b) waste does include: Discarded furniture, automobile parts, tires, motorized vehicles and household equipment; Tree limbs, tree roots, whole shrubs or bushes, or portions thereof; Fences, gates, and other non permanent or permanent fixtures; Building materials and building waste;
- (b) An owner or occupant of a residential property shall not place waste or waste receptacles for collection in a permanent, semi-permanent, or any other structure including a garbage bin, that is not removed from such collection area on the same day collection is made.
- (7) Notwithstanding subsection 8(6) an owner or occupant of a residential property may place a garbage bin in the front or side yard that is not removed on the collection day if:
- (a) the Garbage Bin is being used for construction debris and the owner and occupant has a valid development permit; or
 - (b) the Garbage Bin is being used for the collection of yard or garden waste for a period of seven days or less; or
 - (b) the Garbage Bin is being used for construction debris from activities not required to have a development permit for a period of thirty days or less;
- or

- (d) written approval is obtained for a period exceeding thirty days, from the Town, by the owner or occupant submitting an application on a form prescribed by the Town.
9. No person shall
- (1) place any explosive or highly flammable materials in any receptacle for collection;
 - (2) place for collection any ashes, which are not properly quenched;
 - (3) place sharp objects or broken glass in any receptacle for collection unless packaged to allow safe handling.
10. Where the owner or occupant places waste in a receptacle other than one, which meets the specifications set out in this bylaw, the collectors are entitled to consider such receptacles as waste and remove them as such.
11. (1) Waste shall only be disposed of at the Mackenzie Regional Landfill or at other designated sites.
- (2) A person shall place waste only in waste receptacles on their own residential property or in garbage bins located on their own non-residential property.
- (3) A person who has disposed of any waste contrary to the provisions of Section 11(1) or 11(2) shall remove the waste and restore the site, at that person's expense, upon being required to do so by the Town. Such removal may not prevent that person from being prosecuted for a contravention of this bylaw or any other applicable bylaw or any applicable government statute.
- (4) If the person who has disposed of any waste contrary to the provisions of Section 11(1) or 11(2) cannot be ascertained or neglects or refuses to remove the waste, the owner of the land shall remove the waste or cause the waste to be removed, at their expense upon being directed to do so by the Town.
12. (1) Food service outlets providing takeout service of prepared food must provide outside waste receptacles for the use of their patrons, and such receptacles must be equipped with a self closing lid that prevents access to the waste by animals or birds. Waste receptacles shall be of sufficient numbers to accommodate waste between collection periods and must be separate and different from the ones used for the waste accumulated during the preparation and handling of food. These waste receptacles must be maintained so as not to overflow, and must be emptied on a daily basis.

- (2) The Town may require that any commercial establishment with litter around its premises, provide and maintain outside waste receptacles.
 - (3) Properties using garbage bins must provide an all weather access road to their bin.
 - (4) Properties using garbage bins must keep the area free from litter. The Town may require that the area be fenced where are placed to control litter.
13.
 - (1) Every residential property having a water and sewer account shall pay the monthly base rate for the service of collection, removal, and disposal of waste in accordance with the rates as established by resolution of Council from time to time, whether or not the owner or occupant of the residential property uses the services or not.
 - (2) All accounts with the Town, under this bylaw, shall become due and payable in the same manner as the water and sanitary sewer services bill as set in the Water and Sewer Bylaw and as amended from time to time with the waste service fee being added to the said billing and the billing directed to the utility account customer.
 - (3) Accounts, which are in arrears, will be handled and collected in the same manner as water and sewer charges that are in arrears, pursuant to the Water and Sewer Bylaw.
14. An owner or occupant may request that the Town remove any waste for which provision for removal is not made by this bylaw. If the Town agrees to do so, then that person shall pay prior to the removal and disposal thereof the estimated cost to the Town of the removal and disposal thereof and the Town shall render an account for any additional costs of such removal or shall return to that person any excess which was paid.
15. No person shall burn waste material of any sort within the Town unless they have first obtained a permit issued pursuant to the “Fire Department Bylaw”;
16. No person shall place any type of hypodermic needle in waste placed for collection by the Town.
17.
 - (1) No person shall put luminescent gas-filled electric discharge tubes in any waste placed for collection by the Town unless such tube has first:
 - (a) been completely crushed and encased in material so that no portion of the tube may puncture the material in which the remains are encased, or

- (b) been encased without breaking in an adequate container of sufficient size and strength so that the tube cannot be broken when the same is picked up by the Town.
 - (2) Unless and until it has been first encased no person shall place a luminescent gas-filled electric discharge tube in a plastic disposal bags.
 - (3) No person shall place a luminescent gas-filled electric discharge tube of over four feet in length for collection by the Town.
 - (4) A person crushing luminescent gas-filled electric discharge tubes for the purpose of disposing of it shall do so in a manner which will prevent explosion of the tube or scattering of any of the poisonous particles therefrom.
18. (1) No person shall place or mix with any waste placed for collection by the Town any dangerous goods, hazardous waste or biological waste.
- (2) Any person, proprietorship, corporation, or like enterprise breaching any part of the hazardous waste section including but not limited to spills, leaks, or dumping upon Town right-of-ways, shall be responsible for all costs incurred in eliminating any pollution or contamination of the sites involved in the Town and shall make payment of the same to the Town on demand, and such restitution will not exempt the person or organization from being prosecuted for a contravention of this or any other applicable bylaw or government statute.
 - (3) The owner or person responsible for the existence of the accumulation of hazardous waste or an agent of the owner or responsible person shall cause the hazardous waste to be transported to a disposal site and disposed of as prescribed by the Mackenzie Regional Waste Commission in a special disposal area designated by the Province Of Alberta.
 - (4) When hazardous waste to be disposed of pursuant to this Section consists of poison, drugs, radioactive material, or like substances, they shall be disposed of only under the supervision of the Executive Officer of the Local Board of Health or a duly authorized agent of the Province of Alberta.
19. An authorized person appointed by the Town may enter land from which the Town is required to remove waste for the purpose of removing such waste.
20. (1) No person shall dispose of or place for collection any waste or offal from butcher shops or slaughterhouses except in properly sealed metal or plastic receptacles.
- (2) No person shall convey through the streets any waste or offal from butcher shops or slaughter houses, or any waste or organic matter whatsoever except in properly

covered metal or plastic receptacles or otherwise in vehicles which are covered with canvas tarpaulins so constructed and arranged so as to prevent the contents from falling on the streets, and to control as much as practicable the escape of any offensive odours therefrom.

- (3) For the purpose of this Section “vehicle” means a device in, upon, or by which waste material may be transported on upon a street, lane, or highway.
21. The lids on all garbage bins shall be kept securely closed at all times.
22. (1) If the owner or occupant of a property refuses to comply with any provision of this bylaw, the Town may undertake the same at the expense of the owner or occupant of the property.
- (2) When the Town is required to take action under Section 22 (1), and the occupant defaults on the required payment, then the Town may recover the charges for which the occupant is liable by any lawful means available with the cost of such action to be charged against the occupant.
- (3) When the Town is required to take action under Section 22 (1), and the owner defaults on the required payment then the Town may recover the charges for which the owner is liable by levying the same against the land from which the action was taken in the same manner as municipal taxes.
23. Wherever in this bylaw it is directed that an owner or occupant of any building or premises shall do any matter or thing, then in default of it being done either owner or occupant or both, or if there are several owners or occupants, any or all of such owners or occupants shall be liable to prosecution, and it shall be no defense for any owner or occupant so prosecuted to allege that any other person is responsible for such default.
24. The Municipal Council of the Town of High Level, in the Province of Alberta, hereby delegates to the Chief Administrative Officer the power to:
- (1) establish regulations or policies for the general maintenance, management, or conduct of the collection system and of the officers and other employees employed in connection with the collection system;
- (2) establish the times and places where rates and/or fees under this bylaw are payable;
- (3) collect the rates and fees established pursuant to this bylaw;
- (4) enforce payment of those rates and/or fees by all or any of the following methods:

- (i) by shutting off the water supply to the user of the system;
 - (ii) by action in any court or competent jurisdiction;
 - (iii) any other lawful means of collection available;
25. The Chief Administrative Officer shall have the administrative, control, care, and management of the waste of the Town, and of all the property used in connection with the said system, and the business carried on in respect thereof, and shall have the right to enter into contracts for service by and on behalf of the Town, under and in accordance with the provisions of this bylaw.
26. Each section of this bylaw shall be read and construed as being separate and severable from each other section. Should any section of this bylaw be found to have been improperly enacted for any reason, then such section apart shall be regarded as being severable from the rest of the bylaw and the bylaw remaining after such severance shall be effective and enforceable;

ENFORCEMENT

27. (1) Where a Peace Officer believes that a person has contravened any section of this Bylaw, the Peace Officer may serve upon such a person a voluntary payment tag in a form designated by the Town allowing payment of the penalty specified in Schedules "A and such payment shall be accepted by the Town in lieu of prosecution for the offence.
- (2) If the person upon whom a voluntary payment tag is served fails to pay the required sum within the time specified in the voluntary payment tag, the provisions of this section regarding acceptance of payment in lieu of prosecution do not apply.
28. A Voluntary Payment Tag shall be deemed to be sufficiently served:
- (a) If served personally on the accused, or
 - (b) Served personally to a person who is 18 years of age or older or appears to be 18 years of age or older that resides either permanently or temporarily at the residence
 - (c) If mailed by ordinary mail to a registered owner of the residence or to the tenant of that residence
 - (d) If affixed to what the Peace Officer reasonably believes to be the Primary Entrance to the residence
29. The specified penalty applicable for a first offence against a particular Section of this Bylaw shall be the specified penalty as set out in Schedule "A"

30. (1) Where a Peace Officer reasonably believes that a person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against the person pursuant to the provisions of the Provincial Offences Procedures Act, allowing for a voluntary payment in the amount of the specified penalty as set out in Schedule "A"
- (2) This Section shall not prevent any Peace Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, or from laying an information in lieu of issuing a violation ticket.
31. The document attached hereto and marked Schedule 'A' shall form part of this bylaw.
32. (1) Any Person who contravenes any provision of this Bylaw by:
(a) Doing any act or thing which the person is prohibited from doing; or
(b) Failing to do any act or thing the person is required to do;
Is guilty of an offence under this bylaw.

Any Person who is convicted of an offence pursuant to this bylaw is liable on summary conviction to a fine not less than One Hundred (\$100) Dollars but not exceeding One Thousand (\$1 000) and in default of payment of any fine imposed, to a period of imprisonment not less than (7) days and not exceeding sixty (60) days or until such fines are paid.

REPEAL OF FORMER BYLAW

33. This bylaw repeals Bylaw No. 800-03

EFFECTIVE DATE

34. This bylaw shall come into full force and effect on third and final reading thereof.

READ A FIRST TIME in Council this **8th** day of **June 2009**.

READ A SECOND TIME in Council this **8th** day of **June 2009**.

READ A THIRD TIME in Council this **8th** day of **June 2009**.

SIGNED AND PASSED this 10 day of June 2009.

(Original signed) _____

Mayor

(Original signed) _____

Designated Officer

SCHEDULE "A"

Section 8 (4)	Failure to remove waste receptacle from collection area same day as collection	\$50.00
All Other Offences		\$100.00