

THE TOWN OF VAUXHALL

BYLAW No. 915-17

THE WASTE MANAGEMENT AND RECYCLING BYLAW

A BYLAW REGULATING AND PROVIDING FOR THE TERMS, CONDITIONS, AND RATES FOR THE WASTE MANAGEMENT AND RECYCLING SERVICES PROVIDED BY THE TOWN OF VAUXHALL

WHEREAS, pursuant to section 3 of the *Municipal Government Act* the purposes of a municipality are to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality;

AND WHEREAS, pursuant to section 7(g) of the *Municipal Government Act* a council of a municipality may pass bylaws for municipal purposes respecting public utilities;

NOW THEREFORE the Council of the Town of Vauxhall, in the Province of Alberta, duly assembled, enacts as follows:

PART I - TITLE AND DEFINITIONS

Bylaw Title

1

This Bylaw shall be known as the "Waste Management and Recycling Bylaw".

Definitions

2

In this Bylaw, unless the context otherwise requires:

- (a) "**Account**" means an agreement between a Customer and the Town for the supply of Utility Services of which the terms of the Waste Management and Recycling Bylaw shall form a part and includes the amounts payable from time to time by the Customer to the Town;
- (b) "**Chief Administrative Officer**" means the Chief Administrative Officer of the Town or their delegate;
- (c) "**Collection Services**" means one or more of the services provided by the Town under this Bylaw, including waste collection services and recycling material collection services;
- (d) "**Mechanical Dumpster**" means a container supplied to specific commercial users provided for the storage of waste, constructed to be emptied mechanically into a collection vehicle;

- (e) **"Collection Day"** means the day or days designated by the Solid Waste Collector during the week which solid waste is to be collected from eligible premises as illustrated in Schedule "A" on days and at times as the Town may appoint;
- (f) **"Collection Point"** means a point at which the Solid Waste Collector will collect solid waste from an eligible premises as illustrated in Schedule "A" unless otherwise specified by a specific exemption, as determined by the Solid Waste Collector;
- (g) **"Council"** means the municipal council of the Town;
- (h) **"Customer"** means any Person that receives Utility Services and where the context or circumstances so require includes any Person who makes or has made an application for Utility Services or otherwise seeks to receive Utility Services and also includes any Person acting as an agent or representative of a Customer;
- (i) **"Garbage"** has the same meaning as "Waste";
- (j) **"Roll-Out Cart"** means the cart, supplied by the Town, to each residential unit for the use by the owner or occupant of that residential unit to place waste, intended to be removed by the Automated Waste Collection Service of the Town;
- (k) **"Municipal Tag"** means a tag or similar document issued by the Town pursuant to the *Municipal Government Act* that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Town in lieu of prosecution for the offence;
- (l) **"Occupant"** means Person occupying Premises, including an Owner, lessee or licensee, or anyone who has actual use, possession or control of the premises including a general contractor with respect to a Construction Site;
- (m) **"Peace Officer"** means a Bylaw Enforcement Officer employed by the Town, a Peace Officer appointed pursuant to the *Peace Officer Act* whose appointment includes enforcement of Town bylaws or a member of the Royal Canadian Mounted Police;
- (n) **"Person"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative to whom the context applies according to law;
- (o) **"Garbage Bag"** means a bag stored in container until pickup
- (p) **"Scavenge"** means the unauthorized removal of garbage, recyclable material and yard waste and organic material that have been placed out for collection.
- (q) **"Solid Waste Collector"** means the person(s) authorized by the Town to collect, remove and process or dispose of solid waste;
- (r) **"Special Handling"** means any method of waste collection that requires the handler of waste and equipment to be specially trained or modified to provide such service.

- (s) **"Tipping"** is the physical act of tipping or emptying a mechanical dumpster or cart.
- (t) **"Town"** means the municipal corporation of the Town of Vauxhall and its duly authorized employees, agents, contractors and other representatives or the geographic area contained within the boundaries thereof, as the context requires;
- (u) **"Utility Services"** means waste management services, including the collection, removal and disposal of garbage and waste;
- (v) **"Violation Ticket"** has the same meaning as in the *Provincial Offences Procedure Act*;
- (w) **"Waste"** means any discarded refuse including, but not limited to, such items as dry waste, food waste, construction waste, and yard waste generated by any residential, commercial or industrial property;
- (x) **"Wet Garbage"** means the kitchen waste containing liquid originating from hotels, boarding houses and restaurants but excludes drained household kitchen waste which has been properly packaged;
- (y) **"Yard Waste"** means uncontaminated, organic waste from gardening activities and includes grass clippings, leaves, brush, house and garden plants, and small trees pruning's under 0.5 m in length and 1cm in diameter.

PART II - PROVISION OF UTILITY SERVICES

Other Public Utilities Prohibited

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All Utility Services provided within the Town shall be provided by the Town, unless otherwise authorized by the Chief Administrative Officer.

Terms and Conditions

4

All Utility Services provided by the Town shall be provided in accordance with Schedules "A" "B" and "C" as applicable.

Rates, Fees and Charges

5

The full cost of Waste collection and disposal from Customers, within all areas of the Town shall be recovered through a garbage service fee charge and recycling service fee charge on utility bills as set forth in Schedule "B" of this bylaw

Past Due Accounts

6

(1) A late payment charge shall be applied to all charges on a Customer's Account if the Customer's payment has not been received by the Town by the due date.

- (2) Any charges on a Customer's Account remaining unpaid after the due date will be in arrears and constitute a debt owing to the Town and is recoverable, by the Town, by any or all of the following methods, namely:
 - (a) by action, in any Court of competent jurisdiction;
 - (b) by discontinuing the Service to the Customer;
 - (c) by adding the outstanding Account balance to the tax roll of an Owner of a Property in Accordance with the *Municipal Government Act*.
- (3) Where, fees or charges have not been established in Schedule "B" for a particular service the Town may establish charges for services provided. Without limiting the generality of the foregoing, the Town may establish charges for the following
 - (a) late payment penalties;
 - (b) NSF payment.

General

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- (1) No persons shall collect, dispose of or remove waste, wet garbage, or yard waste from Roll-Out Carts or Mechanical Dumpsters except in accordance with the provisions of this bylaw.
- (2) No persons are permitted to disturb or scavenge the contents of Roll-Out Carts or Mechanical Dumpsters or scavenge on any property owned by the Town of Vauxhall, which includes the Vauxhall Landfill and or Waste Transfer Stations.
- (3) No person shall deposit any dead animal, manure, excrement, refuse, liquid waste or other filth upon or into any street, service lane, alley, highway, ditch, well, lake, pond, river, stream or water course or onto any land.
- (4) No person shall operate a vehicle transporting waste with in the Town unless the solid waste is completely enclosed or securely covered so as to prevent any portion of the solid waste from falling off or out of the vehicle while in transit.
- (5) No person shall deposit waste in a residential Roll-Out Cart or commercial Mechanical Dumpster without the prior consent of the Town, being the owner of the Roll-Out Cart or Mechanical Dumpster, other than the Occupant of the premises or area to which the Roll-out Cart or Mechanical Dumpster is designated by the Town.
- (6) No person shall place out for collection, or mix with any other Waste, Wet Garbage or Yard Waste, any of the following items:
 - a) Biomedical waste that requires "**Special Handling**" and disposal because of environmental, aesthetic and health and safety concerns.
 - b) Construction, renovation or demolition materials,
 - c) Compressed gas, propane or butane cylinders,

- d) Large and bulky items such as mattresses, box springs, furniture or major appliances,
 - e) Electronic equipment including televisions, computers, computer monitors, keyboards and associated cables,
 - f) Automotive parts including lead batteries, scrap metal, oil filters, empty oil containers, tires and automotive bodies or body parts
 - g) Any **“Special Handling”** materials such as explosive, volatile, radioactive noxious, hazardous, toxic or dangerous device, substance, chemical or item, including hot ashes or burning matter.
 - h) Oil or other petroleum by-products,
 - i) Liquid waste or sludge
 - j) Any un-bagged garbage or waste.
 - k) Trees, shrubs, branches over 0.5 meters in length and 1 cm in diameter, soil, sod rock, stumps and any other woody material.
 - l) Animal waste including dead animals, carcasses, offal, manure, kennel waste, animal parts or excreta, unless the animal excreta is placed in a double bag and securely tied before placing in a waste container.
- (7) Any person who mixes an item from Section 7. 6 into their bin receptacle will be responsible for any costs associated with the clean up as per Town of Vauxhall Rate Bylaw “Schedule of fees for Corporate Services” and shall be liable to a penalty as set forth in Schedule ‘C’ of this bylaw
- (8) Each Property with a registered Account for a Roll-Out Cart shall be responsible for any damage to or loss of their Roll-Out Cart unless damage is normal wear and tear or was done by the Solid Waste Collector. The Town will invoice the eligible premises or person responsible for the damaged Roll-Out Cart at a rate determined by Schedule ‘B’
- (9) No person shall allow Waste to spill over or accumulate on any lane, street or adjoining public or private property. Every person will ensure that all Waste is kept within their Roll-Out Cart with the lids on and closed.

Recycling

8

The Town promotes the use of the recycling depot for those products that can be recycled; for the purpose of aiding the environment and reducing the size of the solid waste stream.

- (1) No person shall deposit or dispose of materials at the community recycling depot other than those materials described as permitted materials by signage located at the depot;
- (2) No person shall deposit materials of any kind at the community recycling depot except in the receptacles or bins provided;

- (3) The Town may assess or levy any charges or fees necessary to recover a portion or the entire cost of the recycling program from the Customers;

Notices

9

In any case in which the Town is required to provide written notice to a Customer pursuant to this Bylaw, the Chief Administrative Officer or designate shall serve notice either:

- (1) in person, or
- (2) by mailing or delivering a copy of the notice to the last known address of the Customer as disclosed in the Alberta land titles registry certificate of title for the Property.

PART III – ENFORCEMENT

Offence

10

A Person who contravenes any provision of this Bylaw is guilty of an offence.

Continuing Offence

11

In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it 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 day.

Vicarious Liability

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For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.

Corporations and Partnerships

13

- (1) When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- (2) If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

Fines and Penalties

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- (1) A Person who is guilty of an offence is liable to a fine in an amount not less than \$50.00 and not exceeding \$1000.00, and to imprisonment for not more than 6 months for non-payment of a fine.
- (2) Without restricting the generality of subsection (1) the fine amounts established for use on Municipal Tickets and Violations, if a voluntary payment option is offered are as set out in Schedule C "

Municipal Tag

15

- (1) A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (2) A Municipal Tag may be issued to such Person:
 - (a) either personally; or
 - (b) by mailing a copy to such Person at their last known post office address.
- (3) The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - (a) the name of the Person;
 - (b) the offence;
 - (c) the specified penalty established by this Bylaw for the offence;
 - (d) that the penalty shall be paid within 30 days of the issuance of the Municipal Tag; and
 - (e) any other information as may be required by the Chief Administrator.

Payment in Lieu of Prosecution

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Where a Municipal Tag is issued pursuant to this Bylaw, the Person to whom the Municipal Tag is issued, may in lieu of being prosecuted for the offence, pay to the Town the penalty specified within the time period indicated on the Municipal Tag.

Violation Ticket

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- (1) If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*;

(2) Notwithstanding subsection (1), a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw;

(3) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may;

(a) specify the fine amount established by this Bylaw for the offence; or

(b) require a Person to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

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A Person who commits an offence may:

(1) if a Violation Ticket is issued in respect of the offence; and

(2) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence; make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

Obstruction

19

No Person shall obstruct, hinder or impede any authorized representative of the Town in the exercise of any of their powers or duties pursuant to this Bylaw.

PART IV – GENERAL

Schedules

20

The following schedules are included in, and form part of this Bylaw:

(1) Schedule "A" – Collection Point Cart Receptacle or Mechanical Dumpster

(2) Schedule "B" – Solid Waste Fee Service Charge;

(3) Schedule "C" - Penalties

Severability

21

Every provision of this Bylaw is independent of all other provisions and 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.

Repeal

22

This Bylaw repeals Bylaw 887-15

Enactment

23

This Bylaw shall come into force and effect when it receives third reading and is duly signed.

READ A FIRST TIME IN COUNCIL THIS 17TH DAY OF JULY 2017.

READ A SECOND TIME IN COUNCIL THIS 17TH DAY OF JULY 2017.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 17TH DAY OF JULY 2017.



MAYOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

COLLECTION DAY/POINT CART RECEPTACLE AND/OR MECHANICAL DUMPSTER

Every Customer will be supplied, by the Town, a Roll-Out Cart to be used by the Customer for the collection of Waste that is contained in a Garbage Bag and stored in the Roll-Out Cart until pick up and that is not prohibited by section 7 of this Bylaw. Some commercial services are already being supplied with a Mechanical Dumpster.

Collection Day

- a. Roll-Out Cart regular service / pick up will be provided once per week beginning Monday and ending Friday excluding Holidays.
- b. Mechanical Dumpster regular service will be Monday, Wednesday and Friday excluding Holidays.

Collection Point

- a. Where any premises are serviced by a lane the solid waste receptacle shall be located immediately adjacent to the lane, and shall be immediately accessible from the lane; or
- b. Where any premises are not serviced by a lane, all solid waste from such premises shall be placed in a solid waste receptacle or in garbage cans for collection at a location as close as possible to the travelled portion of any adjacent street. Solid waste receptacles and garbage cans shall not be placed on a sidewalk or in such a location as to interfere in any way with vehicular or pedestrian traffic.
- c. Solid waste will not be collected from within a premise or by entering private property;
- d. Inclement weather and operational disruptions and emergencies may interrupt service from time to time

SCHEDULE "B"

SOLID WASTE FEE SERVICE CHARGE

The following monthly rates for garbage collection and disposal as well as recycling shall apply:

Mechanical Dumpster

Explanation of Charge	Period	Rate
Service / Tipping	Monthly	\$55.00
Rental	Monthly	\$25.00

Additional Tipping of Dumpster

Additional tipping of a Dumpster due to overloading or request by the registered user will be an additional charge of \$30.

Dumpster Sharing

Where there are multiple businesses or accounts using a single dumpster, the above rates will be equally divided between the agreed users.

Security Deposit

Outside corporate limits solid waste and recycling only \$70.00

Roll-Out Cart / Container

Use	Period	Per Container Rate	Additional Container Rate
Residential	Monthly	\$15.00	\$10.00
Small Commercial	Monthly	\$17.00	\$10.00

Replacement Roll-Out Cart

The cost of a replacement cart will be \$100.00 each

The cost of any additional carts will be \$100.00 each

Recycling

Type	Period	Rate
Residential	Monthly	\$5.00
Small Commercial	Monthly	\$10.00
Large Commercial/Cardboard	Monthly	\$55.00

Request for Commercial cardboard pickup

Charges per Town of Vauxhall Rate Bylaw "Schedule of fees for Corporate Services"

Definition of recycling type:

- **Residential** fee charged to a residence to cover the burden of processing and shipping recyclables from the Town of Vauxhall. ***This does not include Residential Pick-Up.***
- **Small commercial** fee charged to a Business determined to be a Small Commercial provider of recyclable materials. ***This does not include Pick-Up.***
- **Large Commercial/Cardboard** fee charged to a Business determined to be a large provider of Recyclable materials. ***This does not include Pick-Up.***

SCHEDULE "C"

(Penalties for Violation)

Section

7 (1) Unauthorized Collection or Disposal	\$50.00
7 (2) Scavenging	\$100.00
7 (3) Setting out restricted waste for collection	\$50.00
7 (4) Unsecured load of Waste Materials	\$50.00
7 (5) Unauthorized Deposit in Cart or Dumpster	\$50.00
7 (6) Non-permitted waste including Toxic waste	\$100.00
7 (9) Overloading of Cart and Accumulation of Waste	\$100.00