

TOWN OF WAINWRIGHT
BYLAW 2000-08

A Bylaw of the Town of Wainwright, in the Province of Alberta for the purpose of establishing and maintaining a system for the collection, removal and disposal of waste.

WHEREAS under Section 7 of the Municipal Government Act, being Chapter M-26.1 of the Statutes of Alberta 1994 and amendments thereto; the Council of the Town of Wainwright in the Province of Alberta, duly assembled enacts that:

1. INTERPRETATION

1.1 TITLE

This bylaw shall be known as the "Solid Waste Collection and Disposal Bylaw."

1.2 DEFINITIONS

- 1.2.1 "Ashes" means the residue left after the combustion of any substance, but shall not include such ashes that may accumulate as the result of a buildings operation or process.
- 1.2.2 "Bin" means a metal container for Waste, which is designed to be emptied by mechanical means only.
- 1.2.3 "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.
- 1.2.4 "Building" means any structure used or intended for supporting or sheltering any use or occupancy.
- 1.2.5 "Building Waste" means Waste produced in the process of constructing, demolishing, altering or repairing a building and shall include, but not be limited to construction materials, earth, vegetation and rock displaced during the process of building.
- 1.2.6 "Collector" means any person authorized to collect, remove and dispose of Waste pursuant to this Bylaw.
- 1.2.7 "Commercial Premise" means a premise principally used for the conduct of some profession, business or undertaking and includes but is not limited to a business engaged in the direct retailing of goods or provision of services to the final consumer and for the purpose of this bylaw any building or premise which is not a Residential or Industrial Premise.
- 1.2.8 "Council" shall mean the Council of the Town of Wainwright.
- 1.2.9 "Dangerous Goods" means any material as defined under the Dangerous Goods Transportation and Handling Act S.A. 1998 and amendments thereto.
- 1.2.10 "Duplex Residential Dwelling" means any building containing two (2) units occupied or used as abodes, residences or places of living.
- 1.2.11 "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, caustic acids, drags, radioactive materials and other like materials.

- 1.2.12 "Heavy Industrial Premise" means any land or buildings designated under the Land Use Bylaw, as being in an Industrial Land Use District.
- 1.2.13 "Institutional Premise" means any land or buildings designated under the Land Use Bylaw, as being in an Institutional Land Use District.
- 1.2.14 "Land Use Bylaw" means the Town's Land Use Bylaw and amendments thereto.
- 1.2.15 "Light Industrial Premise" means any land or buildings designated under the Land Use Bylaw, as being in an Industrial Land Use District.
- 1.2.16 "Multi-Residential Dwelling" means any building containing three (3) or more units occupied or used as abodes, residences or places of living.
- 1.2.17 "Nuisance" means the disposal of Waste in such a manner as to be offensive to the public at large, which, without restricting the generality of the foregoing includes noxious or objectionable odours or objectionable appearance.
- 1.2.18 "Peace Officer" means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer or Special Constable of the Town.
- 1.2.19 "Person" means any person, firm, corporation, tenant, owner or occupier of any building or premise.
- 1.2.20 "Premise" means a site including any buildings erected thereon.
- 1.2.21 "Receptacle" means an animal proof container constructed of non-corrosive durable metal, rubber or plastic, equipped with a water tight cover and two (2) handles to facilitate handling and having a capacity of not more than 126 decimetres (4.5 cubic feet), a height of not more than 71cm (28") and a diameter of at least 40cm (16") and not exceeding 27kg (60lbs) when full.
- 1.2.22 "Refuse" means all putrescible materials resulting from the handling, preparation, cooking, consumption and storage of food along with the following materials: broken dishes, tins, glass, rags, clothing, waste paper, cardboard, sawdust, food containers, grass cuttings, plastic, shrubbery and tree pruning, weeds and garden wastes, Ashes but does not include manure, tree stumps, roots, turf, earth, furniture, major household appliances, discarded auto parts, Building Waste and Trade Waste.
- 1.2.23 "Residential Premise" means any land or buildings designated under the Land Use Bylaw, as being in a Residential Land Use District, which without limiting the generality of the foregoing shall include a Single Residential Dwelling, Duplex Residential Dwelling and a Multi-Residential Dwelling.
- 1.2.24 "Sharpes Container" means Local Board of Health approved devices, which are puncture resistant, and tamper/spill proof.
- 1.2.25 "Single Residential Dwelling" means any single detached building or mobile home containing one (1) unit occupied or used as an abode, residence or place of living but does not mean an apartment house, hotel, motel, boarding house, or rooms in any building containing trade premises.
- 1.2.26 "Town" means the Town of Wainwright.
- 1.2.27 "Trade Waste" means materials or by-products discarded in a manufacturing or other producing process.

1.2.28 "Waste" means any discarded or abandoned organic or inorganic material, which health regulations or the amenities of the area in which it exists, require that it be removed, and without limiting the generality of the foregoing includes Building Waste, Refuse and Trade Waste.

1.2.29 "Works Superintendent" means the Works Superintendent for the Town of Wainwright.

2. DELEGATION OF AUTHORITY

2.1 The Works Superintendent or his delegate is hereby authorized to do all things necessary in order to fulfill his responsibilities under this Bylaw.

2.2 The Works Superintendent shall have the authority to:

2.2.1 Supervise the collection, removal and disposal of Waste under this Bylaw and under any contract entered into pursuant hereto.

2.2.2 Decide what does or does not constitute Waste, which shall be collected, removed and disposed of under this Bylaw.

2.3 Any person who considers himself aggrieved by a decision of the Works Superintendent under Section 2.2 may appeal such decision to Council.

2.4 Any appeal under Section 2.2 shall be made within fifteen (15) days after receipt of the Works Superintendent's decision.

2.5 All appeals shall be in writing and addressed to the Municipal Administrator at the Town Office.

2.6 The decision of Council on an appeal shall be final.

3. COLLECTION

3.1 The Town may contract with any person or persons and provide an exclusive or nonexclusive franchise for the collection, removal and disposal of Waste upon such terms and conditions as are considered expedient by the Town.

3.2 All persons in charge of a Single Residential Dwelling or Duplex Residential Dwelling shall provide and maintain in good condition a maximum of four (4) Receptacles per dwelling unit to contain all Refuse from the building or Premise in respect of which the Receptacles are used.

3.3 All persons in charge of a Institutional, Commercial, Multi-Residential Dwelling, Light Industrial and Heavy Industrial building shall provide and maintain in good condition a sufficient number of Bins or Receptacles to contain all Refuse from the building or Premise in respect of which the same are used. A maximum of four (4) Receptacles may be used at a Premise. Where the Refuse cannot be contained within the number of Receptacles stated above the owner shall provide a Bin of sufficient size to store all Refuse between collections.

3.4 All Receptacles and Bins must be fitted with covers, which must remain closed. The covers must be suitable to prevent Waste from spilling or blowing from the Receptacles or Bins and to prevent water or animals from entering.

3.5 No person shall place Waste in a Receptacle or Bin of any other person without the express written consent of the owner of the Receptacle or Bin.

3.6 No person shall place any Waste in Receptacles or Bins not

designated for that particular Waste or in a manner so as to constitute a nuisance.

- 3.7 No person shall deposit any Dangerous Goods, dead animal, excreta or Waste upon any street, lane, laneway, and body of water or onto any land.
- 3.8 No person shall collect or dispose of any Waste as defined herein except under the provision of this Bylaw.
- 3.9 If the number or condition of Receptacles or Bins provided by a person is considered by the Works Superintendent to be insufficient in practice to meet the requirements of this Bylaw, the Works Superintendent or his delegate may by notice, direct the person to promptly provide additional Receptacles or Bins as the case may be.

4. PREPARATION OF WASTE FOR COLLECTION

- 4.1 The person in charge of any building or premise shall keep the lane or laneway in the rear of their premise to the centre line thereof in a clean and tidy condition and free of Waste.
- 4.2 The Town shall not collect Waste from:
 - 4.2.1 Any Receptacle which with the weight of it's contents exceeds 27 kg (60 lbs);
 - 4.2.2 Any Receptacle which cannot be emptied by the Collector in a normal free flowing manner;
 - 4.2.3 Any Receptacle, which has been deemed unacceptable by the Town.
- 4.3 A person shall not put out or permit to be put out Waste for collection unless:
 - 4.3.1 Clippings from shrubs and trees are compactly and securely tied in bundles not exceeding 1.2m (4ft) in length, 27kg (60lbs) in weight and placed beside the Receptacle;
 - 4.3.2 Refuse thoroughly drained, placed in a plastic bag and securely tied before being placed in the Receptacle;
 - 4.3.3 Waste paper, newsprint and cardboard is securely tied in bundles and placed within or beside the Receptacle for collection;
 - 4.3.4 Ashes are cooled and placed in a sealed disposable container;
 - 4.3.5 Animal feces and any other manure type wastes are packaged separately from other Waste in a securely tied double plastic bag before being placed for collection.
- 4.4 A person shall not place, permit to be placed or mix with any material for collection or disposal the following:
 - 4.4.1 Any Hazardous Wastes, Dangerous Goods or Biological Wastes;
 - 4.4.2 Hypodermic needles unless properly contained in an approved sharpes container;
 - 4.4.3 Sharp objects or broken glass unless packaged to allow safe handling;
 - 4.4.4 Luminescent gas filled lights, unless such lights are pre-broken or encased in a container of sufficient size and strength not exceeding 1.2m (4ft) in length to protect such lights from breakage and allow safe handling;

- 4.4.5 Sod, stone, cement blocks and sidewalk blocks;
- 4.4.6 Carcass of a dead animal;
- 4.4.7 Discarded furniture, household appliances and automobile parts including tires;
- 4.4.8 Building Waste, fences, gates and other permanent and semi permanent fixtures located on a premise;
- 4.4.9 Trade Waste.

5. LOCATION OF RECEPTACLES

- 5.1 No person shall place or keep Receptacles or Bins for Waste upon any lane, laneway or highway of the Town. Such Receptacles and Bins shall be kept at the rear of the building or premise adjacent to the lane or laneway so that the Collector shall have unobstructed and convenient access thereto.
- 5.2 Where any building or premise is not served by a lane or laneway, the Receptacles or Bins for Waste shall be placed for collection at a location as close as possible to the traveled portion of an adjacent street but not on a sidewalk or in such a location as to interfere with pedestrian or vehicular traffic.
- 5.3 In the case where special conditions exist making it impractical to place and keep such Receptacles or Bins at the location specified in subsection 5.1 and 5.2 above, such Bins and Receptacles shall be placed and kept where directed by the Works Superintendent.
- 5.4 Where Receptacles are placed in front or on the side of a property for collection of Waste, they must be removed from the front or side of the property on the same day that the collection has been made.
- 5.5 Garbage stands are not permitted in the front or side yard of a property.
- 5.6 All persons shall permit authorized Collectors of Waste to enter their property and premise at all reasonable times for the purpose of carrying out their duties.
- 5.7 Any person being the owner, occupant, tenant or person in charge of a property or premise who puts out Waste for collection shall provide unobstructed and convenient access for collection of such Waste.

6. DUTY OF COLLECTORS

- 6.1 A Collector shall have the right to enter at all convenient times such portions of a Premise within the Town as may be required for the purpose of performing the duties assigned to him by this Bylaw.
- 6.2 A Collector shall not leave Waste, which has spilled, on the ground from the Receptacle, Bin or the collection vehicle while in the process of collecting the Waste.
- 6.3 A Collector employed in the collection of Waste shall not scavenge, pick, sort over or remove any Waste from the collection vehicle or the owner's Premise except as directed by the Works Superintendent.
- 6.4 A Collector shall not misuse or damage any Receptacle and lid or Bin and shall after emptying the contents thereof, replace the same where it was found in its location adjacent to the property line or roadway.

7. TIME OF COLLECTION

7.1 The Works Superintendent shall schedule the collection of Waste.

8. TRANSPORTATION OF WASTE

8.1 A person shall not use or permit to be used any vehicle for the conveyance or storage of Waste unless such vehicle is fitted with a suitable cover capable of preventing the dropping, spilling or blowing off of Waste while it is being transported or stored.

9. BURNING OF WASTE

9.1 No person shall burn or attempt to burn Waste in the open air within the Town.

10. NOTICES

10.1 Where the Works Superintendent or his designate is required to give notice to a Person pursuant to this bylaw such notice shall be given as follows:

10.1.1 By causing a written copy of the notice to be delivered to and left in a conspicuous place at or about the affected property, or

10.1.2 By causing a written notice to be mailed or delivered to the last known address of the Person.

11. NON-COMPLIANCE WITH THE BYLAW

11.1 If a person, being the owner, occupant, tenant or person in charge of any building or premise has been given an order to remedy any condition contrary to any part of this Bylaw and neglects or refuses to comply with such an order within the specified time, the same may be done by the Town at the expense of the person in default. All expenses incurred shall be in addition to and not a substitute for any fines or penalties to which the person may be subject pursuant to the provisions of this Bylaw. On default of payment of these expenses the Town may recover the expenses thereof with costs, by action or in a like manner as municipal taxes.

11.2 Upon the recommendations of the Works Superintendent, the Council may by written notice require the removal of any accumulation of dirt, stone, old implements, derelict automobiles, iron or other items or material from roads, lands or other private or public property within the Town by the person depositing the same and any person who fails to comply with the requirements shall be liable to the said penalties for a breach of this Bylaw.

12. PENALTIES

12.1 OFFENCE TICKET

12.1.1 Where a Peace Officer has reasonable grounds to believe that a person has contravened any provisions of this Bylaw; he may serve upon such person an offence ticket allowing the payment of the specified penalty listed in Schedule "A" to the Town within 14 days of the issuance date of the offence ticket. The Town in lieu of prosecution for the offence shall accept such payment.

12.1.2 Service of an offence ticket shall be sufficient if it is:

a) personally served;

b) mailed by registered mail to the address of the registered owner of the property or person who has contravened the Bylaw.

12.1.3 The offence ticket shall state:

1. the name and address of the offender if ascertainable;
2. the offence;
3. the location, date and time of the offence;
4. the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw, and
5. that the penalty shall be paid within fourteen (14) days of the issuance of the offence ticket to avoid prosecution for the offence.

12.1.4 Unless otherwise stated in the Bylaw, where a contravention of this Bylaw is of a continuing nature, further offence tickets may be issued by a Peace Officer, provided, however, that no more than one offence ticket shall be issued for each day that the contravention continues.

12.2 VIOLATION TICKET

12.2.1 If the penalty specified in the offence ticket is not paid within the prescribed time period, then a Peace Officer is hereby authorized to issue a violation ticket regarding the offence in accordance with the provisions of the Provincial Offences Procedure Act, Chapter 21, S.A. 1988 and amendments thereto.

13. REPEAL

13.1 This Bylaw shall repeal Bylaws 70-20, 72-09, 74-09 and 77-33 upon this Bylaw coming into force.

14. EFFECTIVE DATE

14.1 This Bylaw shall come into full force and effect upon passing of the third reading.

READ A First Time in Council this 21st day of November, A.D., 2000.

READ A Second Time in Council this 5th day of December, A.D., 2000.

READ a Third Time in Council this 5th day of December, A.D., 2000.

**BYLAW 2000-08
SCHEDULE "A" FINES**

Section, Subsection or Article	Fine (\$)
3.2	50
3.3	50
3.4	50
3.5	100
3.6	100
3.7	100
3.8	100
4.1	50
4.3.1	50
4.3.2	50
4.3.3	50
4.3.4	50
4.3.5	50
4.4.1	500
4.4.2	100
4.4.3	50
4.4.4	50
4.4.5	50
4.4.6	50
4.4.7	50
4.4.8	50
4.4.9	50
5.1	50
5.2	50
5.4	50
5.5	50
5.6	50
5.7	50
6.2	100
6.3	100
6.4	100
8.1	100
9.1	100
11.2	100