

VILLAGE OF EMPRESS
PROVINCE OF ALBERTA
BY-LAW NO. 2016-01

A BY-LAW OF THE VILLAGE OF EMPRESS TO PROVIDE FOR THE
COLLECTION AND DISPOSAL OF GARBAGE, REFUSE AND WASTE PRODUCTS
WITHIN THE MUNICIPAL BOUNDARIES OF THE VILLAGE OF EMPRESS AND
SETTING RATES THEREFORE.

WHEREAS, pursuant to Section 199 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1980, including amendments thereto, a Council may pass By-Laws to provide for the collection, removal and disposal of garbage, refuse and waste;

AND WHEREAS the Village of Empress has entered into an agreement with the Big Country Regional Waste Authority for the establishment and operation of a regional waste transfer station to replace the sanitary landfill site;

AND WHEREAS the Council of the Village of Empress deem it expedient to pass a by-law to provide for the defining of and regulation and disposal of refuse, garbage and waste in the Village of Empress;

NOW THEREFORE, the Council of the Village of Empress duly assembled enacts as follows:

SECTION 1 - OPERATION

- 1.1 This Bylaw shall be known as the Garbage Bylaw and the system for collection, removal and disposal of garbage, refuse and waste material accumulated within the Corporate Limits of the Village of Empress shall be operated in the manner herein set forth.

SECTION 2 - DEFINITIONS

- 2.1 For the purpose of this By-Law the following terms, phrases, words and their derivations shall have the meanings given herein.

- (a) **"Apartment House" means** a residential building divided into separate self-contained suites or apartments having sleeping, cooking, and bathroom or toilet facilities and which contains more than three such suites or apartments and may include, but is not limited to, structures known as Town houses or Rowhouses.
- (b) **"Ashes" means** the residue and cinders from any substance used for fuel, but does not include such residue as may accumulate as a result of building operation.
- (c) **"Building Waste" means** all waste produced in the process of construction, altering or repairing a building, including earth, vegetation and rock displaced during the process of building.
- (d) **"Commercial Premises" means** a cafe or restaurant, hospital, nursing home, lodge, school, recreation center, warehouse, wholesale or retail business place, office building or service station, factory or industrial plant and any other building or premise except a dwelling.

- (e) **"Council"** means the Municipal Council of the Village of Empress.
- (f) **"Disposal Grounds"** means the waste transfer station
- (g) **"Dwelling"** means a building occupied for residential purposes, (separately titled property - single family, duplex, and row housing) other than a multiple family dwelling or apartment house.
- (h) **"Garbage"** means discarded or rejected bottles, metal cans or tins, crockery, glass, grass cuttings and other garden refuse, cloth, paper, food and food waste, trees, branches, wrappings, sweepings and other items of household refuse, but does not include human or animal excrement, or industrial/commercial waste or dead animals therefrom.
- (i) **"Garbage Can or Receptacle"** means a circular receptacle constructed of a water-tight, non-corrosive durable metal or plastic; equipped with a tight fitting cover constructed of the same material, and handles for lifting. Such receptacles shall be:
- (i) no more than 90 centimeters (36") or less than 50 centimeters (20") in height; and
 - (ii) no more than 60 centimeters (24") or less than 40 centimeters (16") in diameter; and
 - (iii) no more than 13.5 kilograms (30 pounds) in weight when filled.
- (j) **"Garbage Stand"** means a wooden or metal stand or enclosure designed to hold all garbage cans required by the premises for which the stand is provided, and which shall be designed so as to keep all garbage cans in an upright position at all times, and protected from interference from dogs or other animals; its height above ground shall not exceed 60 centimeters (23.6").
- (k) **"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, drugs, radio- active materials and other like materials.
- (l) **"Householder"** means any owner, occupant, lessee or tenant or any other person in charge of any building or other dwelling used or intended for use as residential premises, including a multiple family dwelling but excluding commercial premises.
- (m) **"Prohibited Waste"** means:
- liquid wastes, dead animals or dead animal parts, petroleum products, industrial residue, discarded furniture, automobile parts, major appliances, sod, concrete, soil, inflammable waste, explosive waste, paint, ashes;
 - biological waste, hazardous waste, pathological waste and radioactive waste as defined pursuant to the Public Health Act and its regulations; and

- other materials, the collection of which are potentially dangerous to collection Personnel
- (n) **"Public Health Inspector"** means the Public Health Inspector designated by the South Zone of Environmental Public Health - Alberta Health Services.
- (o) **"Street"** means public thoroughfares within the Town and includes, where the context allows, the sidewalk and borders of the streets, lanes and other public thoroughfare.
- (p) **"Town"** means the Corporation of the Village of Empress.
- (q) **"Town Manager"** means the Chief Administrative Officer of the Village of Empress.
- (r) **"Waste"** means all table and kitchen refuse, all waste foods whether of animal or vegetable origin, grass clippings, and other like putrescible waste or decomposing matter and includes broken dishes, tins, or other refuse which the owner or possessor thereof does not wish to retain or is not retained for any useful purpose, but **does not include Prohibited Waste.**

SECTION 3 - AGREEMENTS

- 3.1 The Council of the Village of Empress may enter into agreements with the Regional Waste Authority, Special Areas or other municipalities for the obtaining of or operation of a regional waste transfer site.
- 3.2 The Council of the Village of Empress may enter into agreements with other firms or individuals to provide for the collection and disposal of the whole or a portion of the garbage and refuse accumulated within the corporate limits of the Village of Empress and such firms or individuals shall have exclusive rights within the Village of Empress to perform such service.

SECTION 4 - COLLECTION GENERAL

- 4.1 The Town shall provide for pick-up of residential and commercial wastes once a week (every seven days) except in conditions beyond the Town's control.
- 4.2 Industrial waste and building waste disposal shall be the responsibility of the owner,
- 4.3 When a dwelling or commercial establishment generates refuse in excess of:
 - 4 bags per week, such property shall be charged at the commercial rate.
 - 9 bags per week, such property shall be charged at the large commercial rate.
- 4.4 No person or persons shall deposit any garbage, refuse or any material in a garbage stand or commercial container that is not his/her own or under his/her direct control.
- 4.5 No person shall bring into the Village of Empress any garbage or refuse for collection or disposal.

SECTION 5 - COLLECTION PROCEDURE

- 5.1 No person, being the owner, occupant, tenant or person in charge of any building or premises in the Town shall put out or permit to be put out any garbage, refuse, trade refuse, or waste for collection unless such waste is first contained in garbage receptacles in good condition and designed for that purpose, or in such other container as is specifically permitted by this by-law.
- 5.2 No person other than the owners or occupants or those appointed by the owners or by the Council to collect waste shall interfere with or disturb the contents of any receptacles or other waste placed for collection.
- 5.3 No garbage collection shall be made from the inside of any building or from the basement or upper floors of any multiple dwelling.
- 5.4 The Town shall not be required to remove any waste material from any receptacle which with its contents exceeds 13.5 kilograms (30 Pounds) in weight.
- 5.5 The Town shall not be responsible for picking up any ashes.

Location of Receptacles

- 5.6 No person shall place or keep or permit to be placed or kept any receptacles for waste upon any lane, street, sidewalk or highway within the Village of Empress.
- 5.7 All garbage receptacles shall be placed for collection at a location as close as possible to the travelled portion of the adjacent street or lane, but not on a sidewalk or in such a location as to interfere in any way with vehicle or pedestrian traffic.
- 5.8 The Town Manager shall be the final authority on placement of garbage containers in case of a dispute.

SECTION 6 - PREPARATION OF WASTE FOR COLLECTION

- 6.1 No person shall put out waste material or garbage for collection unless:
 - (a) Garbage and waste from a domestic establishment is thoroughly drained and securely wrapped in sufficient paper to absorb the moisture or placed in plastic bags which are properly tied before being put in receptacles for collection.
 - (b) Waste paper, cardboard and inoffensive household refuse is securely tied in bundles and placed within or beside the garbage or waste receptacles for removal.
 - (c) Clippings, lawn cuttings, shrubs and trees are compacted and securely tied in bundles, garbage bags or boxes and placed beside the waste receptacles, the weight of each bundle, etc. not to exceed 13.5 kilograms (30 pounds) in weight nor 1.2 meters (4 feet) in length.
 - (d) Rags and cast-off garments are tied securely in bundles and placed within or beside garbage or waste receptacles for removal.
 - (e) Each bundle is equivalent to one bag when calculating number of bags allowable per week.

SECTION 7 – PROHIBITIONS

- 7.1 Under the provisions of the by-law no person who is the owner, occupant or person in charge or responsible for any land or building in the Town shall allow waste of any kind to accumulate:
- (a) outside of a building or inside of a portion to which the public or a part of the public has access; or
 - (b) on any land or other premises whether or not there is a building or other structure erected thereon;
- EXCEPT for waste which is placed:
- (c) in receptacles required by this by-law; in a manner complying with the provisions of this by-law; and
 - (d) in a location designated or allowed by the provisions of this by-law.
- 7.2 Notwithstanding anything in Section 7.1 or elsewhere in this by-law contained, no person shall dispose of waste or allow waste to accumulate anywhere in any manner which contravenes a provision of the Public Health Act, and the regulation made thereunder, or a by-law of the Town relating to health, sanitation or nuisances.
- 7.3 No person shall directly or otherwise dispose or permit any person to dispose of any explosive, inflammable, volatile, noxious or dangerous device, substance or thing in any waste receptacle in the Town.
- 7.4 Except for sand, cinders or similar materials in reasonable quantities placed on icy or slippery streets or sidewalks, no person shall deposit or permit to be deposited waste of any type whatsoever upon any portion of a street.
- 7.5 No person shall throw, sweep or place dust or other waste from any sidewalk or boulevard into any gutter or any other part of a street but shall gather up such dust or other waste and place it into the proper receptacle provided therefore.
- 7.6 No person shall permit any deceased animal to remain on any street or highway to obstruct the same, or to remain un-disposed for longer than four hours after death. Small animals double bagged and secured tightly or placed in an air tight container so as to prevent contamination of garbage collection equipment and health hazards may be placed for pick up. Larger animals are the responsibility of the owner to dispose of in accordance with all health and safety regulations.
- 7.7 No person shall place for collection pet manure which is not enclosed in a suitable, air tight container so as to prevent contamination of garbage collection equipment and health hazards.

SECTION 8 - PROVISIONS FOR GARBAGE STANDS AND RECEPTACLES

- 8.1 Every householder within the Town limits shall provide a garbage stand with sufficient number of garbage cans or receptacles to hold seven days garbage or refuse from his/her domicile as approved by Council.

- 8.2 If the household from which waste is to be removed wishes to keep the garbage indoors until the morning of collection day, than they do not have to provide a stand. If however, the garbage bags placed for collection become torn and garbage scattered, the Town may by written notice direct any person to promptly provide garbage stands, additional garbage cans or other approved receptacles or to provide such receptacles in a proper condition where the Town considers either that the number of approved receptacles or their condition is inadequate or insufficient in practice to meet the intent of this by-law.
- 8.3 When any garbage can has been condemned by the Town Manager and a written notice to that effect has been given to the householder, the condemned garbage can may be removed and disposed of along with the garbage from the premises in which case the householder shall forthwith provide a suitable garbage can to replace the one that has been condemned and removed at his/her expense.

SECTION 9 - INDUSTRIAL AREAS

- 9.1 Industries shall be responsible for their own industrial waste disposal.
- 9.2 Industrial wastes must be kept in an area blocked from public view and stored in such a way that it does not become a public nuisance until such time as it is disposed of.
- 9.3 Owner and/or occupant of industrial premises may provide commercial and industrial containers for private contract for collection of refuse, garbage or industrial waste.
- 9.4 Where wastes are not excessive, permission may be given to utilize Town pickup services at an agreed upon rate.

SECTION 10 - CONSTRUCTION ON DEVELOPMENT SITES

- 10.1 Contractors and/or Developers are responsible for disposal of their own construction debris (rubbish).
- 10.2 Debris on sites must be stacked on sites so as not to cause a nuisance, fire hazard, or injuriously affect the privacy of adjoining properties.
- 10.3 Debris on sites must be contained and not allowed to spill over or accumulate on any street, lane or property. Every such person shall be fully responsible for any violation of this section.
- 10.4 Contractors or Developers must ensure that any excavation soil and/or debris is not placed on any road or lane-way without written permission from the Town. If permission is given, the contractor or developer is responsible for returning the lane or roadway to previous condition by removal of soil or debris and cleaning of same.
- 10.5 All major construction projects (new houses, major house renovations and commercial type buildings) may be required to have a Commercial container on the construction site during construction.

SECTION 11 - PRIVATE DISPOSAL OF WASTE

- 11.1 No person who has waste of any description requiring disposal shall dispose of it elsewhere than at a disposal site of a type appropriate for the type of waste.
- 11.2 A person who has disposed of waste on any land contrary to the provisions of Section 12 of the by-law, shall remove the same upon being required to do so by the owner, occupant or person in charge of the land, or by the By-law Enforcement Officer, but such removal shall not prevent him from being prosecuted for a contravention of this section.
- 11.3 If the person who has placed waste on land contrary to the provisions of Section 12 of this by-law cannot be ascertained or neglects or refuses to remove the waste therefrom; the owner, occupant or person in charge of the land shall remove the waste or cause the waste to be removed from the land upon being directed to do so by the Town Manager.

SECTION 12 - CONVEYANCE OF WASTE

- 12.1 A person using a vehicle of any description to convey waste of any type whatsoever from the property where the waste is accumulated or is produced to any other location either within or without the Town, whether the same is to be placed into a Town Disposal site or not, shall cover the box, body or portion of the vehicle in which the waste is transported by a tarpaulin, canvas, wooden covering or a covering of any other description which is so placed and secured so that no portion of waste is able to come loose from the vehicle and fall on any public or private property other than that from which it is removed.
- 12.2 A person who transports waste through the Town by a vehicle of any description in a manner so that any portion of the waste detaches itself from the vehicle and falls on property other than property from which it is taken is guilty of an offense against this by-law.

SECTION 13 - BURNING REGULATION

- 13.1 No burning of garbage or waste shall be allowed within the boundaries of the Village of Empress.

SECTION 14 - SPRING OR FALL CLEAN-UP

- 14.1 Council may at any time call for a Spring or Fall Clean-up.
- 14.2 The Town may, at no extra charge to the residents, provide these extra pick-ups where the provisions of this by-law are met (bagging, boxing, bundling, etc.).
- 14.2 Residents will be so advised of the special pick-ups by insertion of advice in the water bill, flyer or local newspaper at least one week prior to the dates.

SECTION 15 - REFUSAL OF SERVICE

- 15.1 Non-payment of invoices or bills or any contravention of this By-Law shall result in cessation of services.

- 15.2 Collectors may refuse to collect refuse, debris or waste products which have not been securely packaged or contained, or if the containers have been torn or ripped to allow spilling or scattering of the contents.
- 15.3 Service may be refused for any other reason deemed sufficient and reasonable by Council.

SECTION 16 - CHARGES

- 16.1 The charges for a municipal utility service provided to a parcel of land are an amount owing to the municipality by the owner of the parcel.
- 16.2 The charges for a municipal utility service shall be due and payable 25 days after billing, after which a late payment penalty will be applied.
- 16.3 The service charge to the consumer for Municipal Garbage Service, a late charge penalty for arrears and other fees for the Municipal Utility Service or System are set out in Appendix "A" of this By-Law.
- 16.4 When an account is in arrears the Town may, cause the amount owing to be placed on the tax roll as an additional tax against the land concerned, and it shall be collected in the same manner as taxes.

SECTION 17 - PENALTIES

- 17.1 Where any person is alleged to have breached any of the provisions of this by-law, the By-Law Enforcement Officer or any official designated by Council may serve upon such person a violation tag specifying the offence and requiring payment to the Town of an amount specified on the notice.
- 17.2 Any violation tag issued under the provisions of this by-law shall be deemed to be sufficiently served if served personally upon the person alleged to have committed the offence or upon the owner, occupier or other person in charge of the premises upon which the offence is alleged to have been committed.
- 17.3 Every person who violates any provision of this by-law is guilty of an offence and liable on summary conviction to a fine not less than \$200.00 (two hundred dollars), exclusive of costs, for each offence, and in default of payment thereof to imprisonment for a period not exceeding 60 (Sixty) days.
- 17.4 Any person violating any provision of this by-law, and to whom a violation tag has been issued, may avoid prosecution for the offence by paying the prescribed penalty as set out in Schedule "A" of this by-law, within 30 days, as indicated on the violation tag.

SECTION 18 – BILLING

- 18.1 A charge for garbage collection and for the operation and maintenance of the Regional Waste Transfer Site shall be included in the water billing mailed from the Town Office every two months and where there is no billing for water service specifically, billing for garbage rates will be handled in the same manner as though there was a water billing

SECTION 19 - SCHEDULE

- 19.1 Schedule "A" shall be deemed part of this By-Law.
- 19.2 Council may at any time, by resolution, amend the fees indicated in Schedule "A" of this By-Law.

SECTION 20 - INTERPRETATION

- 20.1 Nothing in this Bylaw shall be deemed to supersede or repeal the provisions of the Village of Empress Nuisance Bylaw.
- 20.2 Except as expressly provided herein, nothing in this Bylaw shall be deemed to supersede or contradict relevant Provincial or Federal laws including legislation, regulations, and permits granted there under and, where provisions of this Bylaw are inconsistent with the relevant Provincial and Federal laws, those provisions under this Bylaw shall be of no force and effect.
- 20.3 If any provision of this Bylaw is declared or held to be invalid by a Court of competent jurisdiction, that provision shall be deemed to be severed, and the remainder of the Bylaw shall remain in force and effect.

SECTION 21 - ENACTMENT

- 21.1 This By-Law shall take effect January 1, 2016.

READ A FIRST TIME this 21st day of January, 2016.

READ A SECOND TIME this 11th day of February 2016

READ A THIRD TIME AND FINALLY PASSED this 11th day of February 2016.

Chad Van Dam

Mayor

Debbie Ross

CAO

VILLAGE OF EMPRESS SCHEDULE "A"
TO BY-LAW NO. 1-2016

Garbage Charges

Residential/Small commercial 4 or less bags/week	\$44.00
Commercial 5-9 bags/week	\$49.00
Large Commercial 10 -15 bags/week	\$65.00

Penalty

A penalty of four percent (4%) will be added to the arrears balance of all accounts bimonthly

Pickup

Garbage pickup shall be Wednesdays