

TOWN OF MUNDARE

BYLAW NO. 868/15

The Council of the Town of Mundare properly assembled enacts as follows:

1. This bylaw is known as “Garbage Collection Bylaw”.

DEFINITIONS

2. In this bylaw:
 - a. "bylaw enforcement officer" means any persons authorized by the Town to enforce the bylaws of the Town;
 - b. “collection service" means the curbside or roadside collection of garbage;
 - c. "commercial bin" means a larger container as provided by the contractor that can be emptied by mechanical means;
 - d. "commercial facilities" includes stores, warehouses, commercial, industrial and institutional facilities;
 - e. "compost materials" means grass cuttings, garden refuse, leaves, or other materials which are easily composted and shall include branches or tree limbs;
 - f. "contractor" means the company/person granted exclusive or non-exclusive rights to the collection, removal and disposal of garbage.
 - g. "garbage" means discarded crockery, cloth, wrappings, plastics and other items of household refuse, but does not include prohibited garbage;
 - h. “garbage bag” means plastic bags securely tied at the top with adequate space for a hand hold at the top of the bag and of sufficient strength to withstand handling without tearing when loaded to a maximum weight of 25 kilograms (55 lbs);
 - i. “occupant” means any owner, lessee or tenant or any other person in charge of any building;
 - j. “occupied property” means any commercial, institutional, or residential property upon which a building exists and is in use;
 - k. "owner" means the person who is registered under the Land Titles Act, RSA 2000 c. L-4, as the owner of the fee simple estate in land;
 - l. “prohibited garbage” means:
 - i. dead animals;
 - ii. mature tree limbs, whole shrubs or bushes;

- iii. heavy machinery;
 - iv. explosives, asbestos;
 - v. pathological, radioactive or toxic materials
 - vi. any compound that may be considered dangerous or harardous
 - vii. any items as determined by council
- m. "recycle bin" means a larger container which is specifically intended to hold materials for recycling;
- n. "recycle materials" means materials which are determined by the Chief Administrative Officer to be recyclable and may include but are not necessarily limited to newspaper, mixed paper, box board, cardboard, tin cans and glass;
- o. "roll off bin" means a container as provided by the contractor that can be emptied by mechanical means;
- p. "tippage fees" means the fees charged by the Lamont County Regional Solid Waste Commission for hauling garbage to the landfill;
- q. "utility bill" means a bill which sets out the fees levied by the Town on an annual, monthly, bi-monthly or quarterly basis for utility services provided by the town;
- r. "violation tag" means a tag or similar document issued by the Town pursuant to the Municipal Government Act;
- s. "violation ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34.

PROHIBITIONS

3. No person shall burn garbage within Town limits.
4. No person shall convey through any street any waste, except in proper receptacles or in vehicles which are so constructed and arranged to prevent the contents from falling on the streets and to protect, as much as is practicable, the escape of offensive odor.
5. No person shall, or permit any agent or employee, to sweep, throw, or deposit any garbage or prohibited garbage, animal carcasses, lawn rakings, or grass on any street or public place or on private property other than their own and only in the manner prescribed by this bylaw.
6. No person shall pick over, interfere with disturb, remove or scatter any garbage placed for collection.
7. No person shall place prohibited garbage in a bin for collection.
8. No person shall place garbage in a garbage bin of any other person/business without the consent of the owner of the garbage bin.

GARBAGE/RECYCLING COLLECTION

9. All charges, costs, offenses, fees, penalties referenced in this bylaw shall be set by council in a separate bylaw.
10.
 - a) The Town may contract with any person or company and may grant an exclusive or non-exclusive right to any person or company for the collection, removal and disposal of garbage and/or recycling service upon such terms and conditions as are considered expedient;
 - b) The Town may provide for the collection, removal and disposal of garbage for properties located outside of the Town boundaries upon such terms and conditions as are considered expedient and at its sole discretion;
 - c) The occupant of every dwelling, multiple family dwelling, or commercial premise shall be subject to the garbage collection rates as established by Council.
11. The Chief Administrative Officer is authorized to determine the rules and regulations of garbage collection and recycling including but not limited to:
 - a) Size/type of garbage bin(s) that a commercial facility, dwelling, or multiple family dwelling will be required to use;
 - b) Size/type of recycling bin(s) (if any) that a commercial facility, dwelling or multiple family dwelling will be required to use:
 - c) The location of the for collection and or storage;
 - d) The number of bins required at each location.
 - e) Date of collection.
12. All garbage must be placed in a bin.

ROLL OFF BINS

13. Roll off bins are to be placed to provide unobstructed and convenient access for collection.
14. Roll off bins are to be placed for collection by 7:00 a.m. on collection day.
15. Roll off bins are not to be placed to impede pedestrian or vehicular traffic.
16. Roll off bins will not be collected if:
 - a) The bin is overfilled;
 - b) The bin is unable to be accessed due to an obstruction;
 - c) any prohibited garbage is placed in the roll off bin
17. Loose garbage bags placed by the roll off bins will not be collected.

18. Roll off bins are to be kept on private land unless placed on a street/lane for pickup.
19. The cost of any replacement of any roll off bin is the responsibility of the landowner.

COMMERCIAL BIN

20. Commercial bins are to be placed to provide unobstructed and convenient access for collection.
21. Commercial bins are not be placed to impeded pedestrian or vehicular traffic.
22. Commercial bins will not be collected if:
 - d) The bin is overfilled;
 - e) The bin was unable to be accessed due to an obstruction;
 - f) any prohibited garbage is placed in the roll off bin
23. Loose garbage bags placed by the commercial bins will not be collected.
24. The cost of any replacement of any commercial bin is the responsibility of the landowner.
25. If it is determined that a commercial bins is required for a location-the occupant cannot opt out of using the bin.

RECYCLING/COMPOSTING

26. The Town may provide recycling by a blue bag program or bin as deemed expedient.
27. No person shall place any material in a recycling bin/blue bag other than the materials for which that bin/bag is designated.
28. If it is determined that a recycle bin is required for a location-the occupant cannot opt out of using the bin.

UTILITY BILLS

29. All utility bills and utility invoices will be due and payable when rendered by the Town.
30. Payment of a utility bill can be made at the Town office or an agent of the Town;
31. Utility bills/invoices must be paid in full by date as indicated on the bill;
32. In the event a utility bill remains unpaid after the date fixed for payment, a penalty, as determined by Council, will be added to the principal outstanding amount thereto and form part of the rates levied.
33. In the event that the utility bill/invoice remains unpaid fifteen (15) days after the date fixed for payment, a written notice may be served by way of mail on the owner at the last known address advising that unless the account is paid in full within a minimum of ten (10) days from the date of mailing the said notice, the Town will proceed with collection measures as provided in Section 39.

34. Any utility bill/invoice remaining unpaid constitutes a debt owing to the Town and is recoverable by any or all of the following methods, namely:
- i. by action in any court of competent jurisdiction;
 - ii. by distress and sale of the goods and chattels of the person owing the utility bill, wherever they may be found;
 - iii. by shutting off or discontinuing any utility services provided by the Town;
 - iv. by collecting in a like manner as municipal taxes.
35. The Chief Administrative Officer or his designate may add any outstanding utility bills to taxes and has the power to waive penalties and reconnection charges if deemed necessary to do so.

OFFENSES AND PENALTIES

36. Any person who contravenes a provision of this bylaw is guilty of an offence and is liable to a penalty as set out in Schedule A.
37. Despite section 41, any person who commits a second or subsequent offence under this bylaw within one (1) year of committing the first offence is liable to a fine as set out in Schedule A.
38. Any person who is guilty of an offence for which a penalty is not provided is liable to a fine as set out in Schedule A.
39. Nothing in this bylaw will be construed as curtailing or abridging the right of the Town to obtain compensation for or to maintain an action for loss of or damage to property from or against the person or persons responsible.
40. In addition to any other remedy for non compliance with this bylaw, the Town may correct the violation and the costs incurred shall be paid to the Town and failing payment, the Town may add the costs to the taxes.
41. The bylaw enforcement officer is hereby authorized and empowered to issue a violation tag to any person who the bylaw enforcement officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
42. A violation tag may be issued to such person:
- i. either personally; or
 - ii. by mailing a copy to last known mailing address.
43. The violation tag will be in a form approved by the Chief Administrative Officer and will state:
- i. the name of the person;
 - ii. the offence;

- iii. the appropriate penalty for the offence as specified in Schedule B;
 - iv. that the penalty will be paid within thirty (30) days of the issuance of the violation tag;
 - v. any other information as may be required by the Chief Administration Officer.
44. Where a contravention of this bylaw is of a continuing nature, further violation tags may be issued by the bylaw enforcement officer provided, however, that no more than one violation tag will be issued for each day that the contravention continues.
45. Where a violation tag is issued pursuant to this bylaw, the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the violation tag.
46. If the penalty specified in a violation tag is not paid within the prescribed time period, then the bylaw enforcement officer is hereby authorized and empowered to issue a violation ticket.
47. The bylaw enforcement officer is hereby authorized and empowered to immediately issue a violation ticket to any person who contravenes any provision of this bylaw.

GENERAL

48. Nothing in this bylaw will operate to relieve any person from complying with any Federal, Provincial or other Town law, order, regulation or bylaw.
49. Should any provision of this bylaw be deemed invalid, then such invalid provision may be severed and the remaining bylaw shall be maintained.
50. That bylaws 860/15 as amended be hereby repealed.

READ a first time on January 15, 2015.

READ a second time on January 15, 2015.

READ a third time on January 15, 2015.

Date

Mayor

Date

CAO