

## BYLAW NO. PI 7/08

### A BYLAW OF THE TOWN OF GIBBONS IN THE PROVINCE OF ALBERTA TO ESTABLISH AND REGULATE COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE AND REFUSE

WHEREAS, under the provisions of The Municipal Government Act, R.S.A. 2000, Chapter M-26 and amendments thereto, the Council wishes to provide for the collection, removal and disposal of garbage, refuse and recyclables;

NOW THEREFORE, the Council of the Town of Gibbons, duly assembled, hereby enacts as follows:

1. This Bylaw may be cited as the Refuse Collection and Disposal Bylaw.
2. Definitions:
  - a) **“Blue Bag”** means a commercially developed plastic bag for purposes of collecting recyclables.
  - b) **“Bylaw Enforcement Officer”** shall mean a person authorized by Council to carry out the provisions of this Bylaw.
  - c) **“Collection Day”** means the day or days during each week *or every second week* on which garbage and recyclables are regularly collected from specific premises, together with the twelve (12) hour period immediately preceding and immediately following that day.
  - d) **“Commercial Premises”** means the site, including any building erected thereon, of any café, restaurant, hotel, store, warehouse, wholesale or retail business place, office building, factory, industry, or any other site or building except one that is used or intended to be used for residential purposes;
  - e) **“Council”** means the Municipal Council of the Town of Gibbons.
  - f) **“Established Route”** means a collection route established by the Town of Gibbons covering an area within which garbage and recyclables will be collected by the Town as frequently as is considered necessary by the Town of Gibbons.
  - g) **“Garbage”** means the refuse of animal matter, vegetable matter or any other matter which has been used or is intended for use as food.
  - h) **“Garbage Can”** means as provided by the Solid Waste Contractor
  - i) **“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.
  - j) **“Landfill”** shall mean the waste disposal grounds that are prescribed and authorized by the Council of the Town.

- k) **“Metal Garbage Container”** means a receptacle constructed of metal and designed to be dumped by automated means and having a capacity of not less than two (2) cubic yards.
- l) **“Person”** includes a firm or corporation.
- m) **“Proprietor”** means the owner, occupant, lessee, tenant or any other person in charge of commercial premises.
- n) **“Recyclables”** means any items that are defined as being a recyclable matter which shall include newspaper, mixed paper including flyers, magazines & office paper, cardboard & boxboard, clear glass containers, metal food cans, all deposit items and all milk containers and plastic grocery bags.
- o) **“Refuse”** includes garbage, and any other waste matter, including bottles, metals, cans or tins, crockery, glass, iron, metal scraps, cloth, paper, wrappings, sweepings and all other similar items that accumulate in the household or result from commercial or industrial operations, but does not include human or animal excrement, stable refuse, ashes or trade refuse.
- p) **“Refuse Collector”** means the person or persons authorized by the Town to collect, remove and dispose of refuse.
- q) **“Residential Premises”** means any site including any building erected thereon that is used or intended for use for residential purposes including both single family and multiple family dwellings.
- r) **“Sanitary Inspector”** means a sanitary inspector for the Capital Health Authority or a sanitary inspector appointed by the Town.
- s) **“Town”** means the Town of Gibbons.
- t) **“Town Manager”** means a person appointed under the Municipal Government Act by the Municipal Council of the Town of Gibbons.
- u) **“Trade Refuse”** means material from excavations, material from lot clearing and building construction, repairs, alterations, or maintenance, debris from any building removed, or destroyed by fire or any other cause, material from manufacturing processes, dead animals, waste from garages and service stations, condemned matter or waste from factories or other works, or from warehouses, ashes from industrial plants, and other similar waste material other than human or animal excrement or garbage.

### 3. General Prohibitions

- a) No person shall collect, dispose of or remove refuse except in accordance with the provisions of this Bylaw.

- b) No person other than a householder, proprietor or the Refuse Collector shall open any refuse receptacles or in any way disturb the contents thereof or handle, interfere with or disturb any refuse put out for collection or removal.
- c) No person other than the Refuse Collector, householder or proprietor shall make collection of refuse from residential or commercial premises.
- d) 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 storm water system or onto any land except with the written consent of the Sanitary Inspector.
- e) No person shall directly or otherwise dispose of or permit any person to dispose of any explosive, volatile, noxious or dangerous device, substance or thing, including hot ashes or burning matter, in any garbage can, plastic bag, or metal garbage container and no person shall directly or otherwise dispose of or permit any person to dispose of any unwrapped wet garbage in any garbage can or metal garbage container.
- f) No person shall operate within the Town a vehicle transporting refuse unless the refuse is completely enclosed or securely covered or secured so as to prevent any portion of the refuse from falling off or out of the vehicle while in transit.
- g) No person shall deposit any toxic chemicals in the refuse for collection.

#### 4. Collection and Disposal

- a) All householders and proprietors shall maintain in good condition the provided waste receptacle to contain the normal refuse generated from the premises during the period between refuse collections, and shall ensure that a cover is kept securely over the mouth of such receptacle.
- b) All householders and proprietors shall dispose of refuse upon their premises by placing or causing the same to be placed in the supplied receptacle maintained for that purpose.
- c) All householders and proprietors shall at all times ensure that refuse is kept within the supplied receptacle provided for that purpose, and not allowed to spill over to accumulate on any land or street or adjoining public or private property.
- d) All householders and proprietors shall keep the land in the rear of their premises to the center line of the alleyway thereof in a clean and tidy condition and free from refuse.
- e) Where any premises is served by a lane, all refuse from such premises shall be placed in the provided receptacle for collection at the location within five (5) feet of such lane.

- f) When any premises is not served by a lane, all refuse from such premises shall be placed in the provided receptacle 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 location to interfere in any way with vehicle or pedestrian traffic.
- g) Where any householder or proprietor of a premises not served by lane the provided receptacle cannot be located on the front yard.
- h) Except on collection day, the householder or proprietor shall keep and maintain the provided receptacle:
  - i) On the premises served by a lane, of the householder or proprietor;
  - ii) On the residential or commercial premises not served by a lane, of the householder or proprietor in accordance with Section 4(g) of this Bylaw.
- i) Any provided receptacle located on any street, lane or boulevard in the Town other than on collection day may be removed and disposed of at the discretion of the Bylaw Enforcement Officer. The householder will be responsible for any costs.
- j) No garbage collections shall be made from the inside of any dwelling or from the basement or upper floors of any multiple family dwelling or commercial premises.
- l) Collection of refuse shall be made by the Refuse Collector on such days and at such times as the Town may appoint and the Refuse Collector shall have the right to enter at all convenient times such portions of all premises within the Town as may be required for the purpose of performing this collection, removal and disposal duties.
- m) The Town may at any time and from time to time enter into a contract or contracts with any person, firm or corporation for the collection, removal and disposal of the whole or any part of the refuse accumulated within the Town, or may provide for the collection, removal and disposal of refuse by the use of equipment and employees of the Town.
- n) The Refuse Collector shall not be responsible for the collection and removal of any of the following types of refuse:
  - i) Trade refuse from the construction, repair, decorating, clearing or grading of a building or premises.
  - ii) Scrap metal including car bodies, chassis, machinery or parts or garbage refuse.
  - iii) Refuse which cannot be loaded from the provided receptacle, including such items as tires, auto parts and boxes.

- iv) Shrubs and/or trees or their branches or clippings unless they can be compacted and placed within the provided receptacle.

5. Written Notice of Contravention

- a) The Town may, by written notice, direct any person to promptly obtain additional receptacles where the Town considers either that the number of approved receptacles or their condition is inadequate or insufficient in practice to meet the spirit and intent of this Bylaw.
- b) The Town may, by written notice, require the removal of any accumulation of the types of refuse set forth in Section 4(n) hereof, or any accumulation of dirt, stones, old implements or automobiles, iron or other rubbish from roads, lanes or other private or public property within the Town by serving upon the householder, proprietor, or other person responsible for the deposit of same; such written notice outlining the removal requirements.

6. Burning

- a) No person shall burn any refuse within the Town of Gibbons in a residential district.
- b) Incinerators may be allowed only in commercial/industrial and limited public districts provided they conform to the following regulations:
  - i) No incinerator under these regulations will be used for any other purpose than the burning of refuse.
  - ii) Incinerators shall be lined with firebrick and cemented with high temperature cement.
  - iii) Incinerators shall have a chimney of the same material as the fire box, and shall extend at least two feet above any surrounding obstruction that is within ten feet of the said chimney, and in no case, shall be less than five feet above the fire box.
  - iv) Incinerators shall be equipped with a spark arrestor with openings not greater than one-half inch in diameter.
  - v) Incinerators shall not be closer than three feet to any structure or building on the site.
  - vi) Incinerators shall be equipped with a clean-out door, not less than eighteen inches in width or twelve inches in height.
  - vii) Ash pits and burning area shall be separated by suitable bars or slabs, so that no unburned material is allowed to fall into the ash pit.

- viii) Indoor incinerators in dwellings will be approved, providing they are gas-fired and Canadian Standards Association approved.
- c) No person shall use the incinerator to burn on any days of the week between the hours of 8:00 p.m. of the one day and 8:00 a.m. of the day following.
- d) An outdoor campfire, which is in an approved firepit, in accordance with the Town of Gibbons Land Use Bylaw, which has been set for cooking or warming purposes is allowed under the following conditions:
  - i) The outdoor campfire must be attended at all times it is burning, and
  - ii) Sufficient precautions are taken to ensure that the fire can be kept under control at all times.

7. Regional Landfill Site

- a) The Town is a member of the Roseridge Waste Management Commission which operates a landfill site for the disposal of refuse from the Town. This Commission reserves the right to control the type and nature of refuse which may be deposited at the Regional landfill.
- b) Should a person require additional disposal of refuse over and above the usual weekly residential pickup they are required to attend at the Town Office to purchase a permit prior to the disposal of refuse at the Landfill site. The cost and terms of this permit is as resolved by a resolution of the Council of the Town from time to time.

8. Authority to Enter and Enforce

- a) The Bylaw Enforcement Officer is hereby authorized to enter lands within the Town to ensure compliance with this Bylaw.
- b) The Bylaw Enforcement Officer may declare that any householder, proprietor, property or premises is in contravention of this Bylaw.
- c) Where any person is alleged to have breached any of the provisions of this Bylaw, the Town may serve a written notice, specifying the breach remedying of any contravention of this Bylaw or to ensure that the provisions of this Bylaw are complied with, and may:
  - i) Upon non-compliance to a written notice issue an offence ticket in accordance with Section 10 of this Bylaw.
- d) Any written notice issued under the provisions of this Bylaw shall be deemed to be sufficiently served if served personally upon the person alleged to have committed the breach or upon the owner, occupier or other person in charge of the premises upon which the breach is alleged to have been committed or if

mailed to the address of the owner, occupier or other person in charge of the premises upon which the breach is alleged to have been committed.

- e) Should any person receiving a written notice fail, neglect or refuse to remedy the conditions as directed in the said written notice, the Town may cause the work to be performed as deemed necessary to remedy the conditions and charge the costs of such work to the householder or proprietor and in default of payment:
  - i) Recover the cost as a debt due the Town, or
  - ii) Charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such provided that the default was committed by the owner.
- f) Any person who enters property to remedy a condition as directed by Council or the Bylaw Enforcement Officer shall be deemed to have the authorization of Council and shall not incur any liability therefore.

#### 9. Recycling

- a) The Town of Gibbons may, at its discretion establish a recycling program.
- b) The Council of the Town of Gibbons may determine from time to time rules and regulations relative to recycling.
- c) If the Council of the Town of Gibbons chooses to have curbside recycling, it will be the responsibility of the resident to provide the blue bags and place it in accordance with rules & regulations, so established.

#### 10. Penalties

- a) Any person who breaches a provision of the Bylaw shall be guilty of an offence and shall be liable upon Summary Conviction of a fine of not less than \$200.00 and not more than \$500.00.
- b) Notwithstanding the foregoing, a person charged with an offence under this Bylaw may make a voluntary payment at the Town Office at any time up to 30 days after the date the offence ticket is issued and in such case, prosecution for the offence will not proceed.
- c) The voluntary payment shall be as follows:
  - i) For a first offence in a calendar year - \$50.00
  - ii) For a second offence in the same calendar year - \$75.00
  - iii) For a third and subsequent offence in the same calendar year – \$125.00.
- d) Where any alleged offender has made payment under this Bylaw and is prosecuted under a summons issued for the offence in respect of which such payment has been made, such payment will be refunded.

- e) If an alleged offender does not pay the penalty amount, then such person may, by summons, be required to appear in Court and shall be liable on summary conviction to pay a minimum fine equal to the penalty amount plus Court costs.

#### 11. Appeal Provisions

- a) A person who considers themselves aggrieved by a direction given pursuant to the Bylaw may appeal the direction to Council.
- b) An appeal under this Section shall be delivered in person or sent by registered mail to the Town Manager within ten (10) days of the date on which the direction was served on the owner, agent, lessee or occupier.
- c) Council shall consider the appeal at its next regular meeting after the appeal has been received.
- d) After considering the appeal, Council may confirm the direction or if it is satisfied that the direction is unreasonable, unjust or in any manner contrary to the intent and meaning of the Bylaw, set aside, vary or modify the direction.
- e) If a person considers themselves aggrieved by a decision under Section 12(d) they may appeal the decision by originating notice to the Court of Queen's Bench within nine (9) days of the date on which the decision is served on him.
- f) The Court may confirm the decision of the Council or may set aside, vary or modify the direction.
- g) During the appeal process the direction required will be held in abeyance until final determination by Council and/or the Court.

#### 12. Rates and Fees

- a) All householders and proprietors shall pay to the Town every month a garbage charge as prescribed by resolution of Council from time to time.
- b) All garbage charges with the Town under this Bylaw shall become due and payable in the same manner as any other public utility charges of the Town and shall be combined on the same utility bill with separate entries identifying each charge.
- c) That, in default of payment by a person receiving refuse collection service, the amount of the sum in default may be collected by the Town by whatever means available.

#### 13. Severability

- a) Should any section or part of this Bylaw be found to have been improperly enacted or ultra vires, for any reason, then such section or part shall be regarded



as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

14. Effective Date

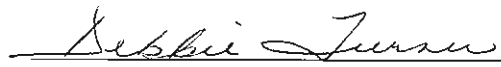
- a) This Bylaw shall come into force on the date of third and final reading.

15. Repeal

- a) Bylaw No. PI 1/07 is hereby repealed.

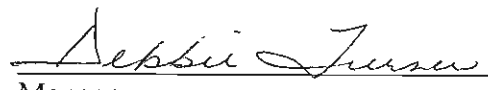
Read a first time this 24<sup>th</sup> day of September, 2008.

  
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Mayor


  
\_\_\_\_\_  
Manager

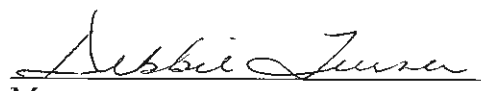
Read a second time this 24<sup>th</sup> day of September, 2008.

  
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Mayor

  
\_\_\_\_\_  
Manager

Read a third and final time this 24<sup>th</sup> day of September, 2008.

  
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Mayor

  
\_\_\_\_\_  
Manager