

**MUNICIPALITY OF CROWSNEST PASS**

**BYLAW NO. 863, 2013**

**A BYLAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING AND CONTROLLING THE HANDLING, COLLECTION AND DISPOSAL OF ASHES, GARBAGE, REFUSE, AND OTHER WASTE IN THE MUNICIPALITY OF CROWSNEST PASS.**

**WHEREAS** under the authority of the Municipal Government Act being Chapter M-26, RSA 2000 and any amendments thereto, a municipal council may pass Bylaws establishing and maintaining a system for collection, removal and disposal of garbage, ashes and waste throughout the municipality;

**AND WHEREAS** the Municipal Council of the Municipality of Crowsnest Pass in the Province of Alberta recognizes the importance of and encourages an animal proof waste handling system, waste reduction and recycling while also supporting the concept of a user-pay system for waste disposal;

**NOW THEREFORE,** the Municipal Council of the Municipality of Crowsnest Pass in the Province of Alberta, duly assembled, hereby enacts as follows:

**1. TITLE**

1.1 This Bylaw may be cited as the “Solid Waste Collection and Disposal Bylaw.”

1.2 This Bylaw applies to all waste produced, accumulated, stored, collected delivered or disposed of within the Municipality.

**2. DEFINITIONS**

In this Bylaw, unless the context otherwise requires, the term:

2.1 “**Animal Attractant**” means food or food waste, compost, other waste or garbage, a carcass or part of a carcass of an animal, fish or other meats.

2.2 “**Animal Proof Waste Container**” means a receptacle for disposing of residential Waste or Commercial Waste that is a fully enclosed container with a tight-fitting cover to reduce odours and a latching mechanism of sufficient design and strength to prevent access by animals. Any container that is overfilled so as to prevent latching or left unlatched is not considered an animal proof Waste container.

2.3 “**Approved Storage Location**” means a location within a Residential Unit, or a Multi-Residential Dwelling Unit, or a Commercial Premise, or any accessory structure that is fully enclosed with walls, a roof, a door, and a latching mechanism of sufficient design and strength to prevent access by animals. The structure should have no opening or gap greater than 1 cm width to prevent the insertion of a bear’s claw.

2.4 “**Apartment House**” means a residential building which is occupied or intended to be occupied by more than four families living independently of each other and includes, but is not limited to:

- i) structures known as townhouses or rowhouses;
- ii) senior citizens self contained units in a complex of more than four units

- iii) licensed boarding houses, lodging houses and rooming houses, terraces of dwellings and any other type of residential premises where more than four families reside or dwell, and;
- which is neither a dwelling house nor a condominium as defined in this Bylaw.
- 2.5 **“Ashes”** means cold residue from burning of wood, coal and other like material.
- 2.6 **“Billing Period”** shall be the same as the two-month period for which the consumer is charged for services.
- 2.7 **“Birdseed”** means a mixture of seed for the purpose of attracting and feeding birds.
- 2.8 **“Biological Toxic Waste”** shall mean any waste that may present a hazard to persons, flora, fauna or public lands including wastes of pathological, explosives, highly flammable radioactive or toxic nature.
- 2.9 **“Building Waste”** means all refuse produced in the process of constructing, demolishing, altering or repairing a building and shall include, but not be limited to: earth, vegetation and rock displaced during the process of building.
- 2.10 **“Collection”** includes acquisition of refuse by the Municipality, or where the context implies by a private hauler, by picking up, collecting or gathering together, and includes the removal and transportation of the same to a disposal site and “collect” shall have a comparable meaning.
- 2.11 **“Collector”** means a person who collects refuse within the Municipality as an agent, contractor or employee of the Municipality.
- 2.12 **“Collection Area”** means the location within the corporate limits of the Municipality of Crowsnest Pass.
- 2.13 **“Commercial Premises”** means a building, structure or premises used for the conduct of some profession, business, manufacturing process or other undertaking, and which includes: any institutional, industrial, commercial, restaurant and retail premises, a Residential Dwelling Unit or units if attached and includes areas designated as a Mobile Home Park in accordance with the Land Use Bylaw.
- 2.14 **“Commercial Unit”** means one self-contained working space having any or all of the following amenities: a separate entrance, office space, bay/work area, receiving and shipping area, washroom, kitchen and common area in a Commercial Premise or complex.
- 2.15 **“Composter”** means a plastic, metal or wooden structure for the purpose of composting organic material such as but not limited to kitchen organic waste or leaves and residential yard waste.
- 2.16 **“Condominium”** means a residential property divided into individually owned units as described in the Condominium Property Act, Revised Statutes of Alberta, 2000, and amendments thereto, and for the purpose of this Bylaw only each unit shall be deemed to be a dwelling house.
- 2.17 **“Dangerous Goods”** mean dangerous goods as defined in the Transportation Dangerous Goods Act and its regulations.
- 2.18 **“Director”** means the Director of Planning, Engineering and Operations in the Municipality of Crowsnest Pass or his/her designate.

- 2.19 “Dwelling House”** means any premises which:
- (i) are actually used as a residence;
  - (ii) consist of four (4) or less self-contained suites;
  - (iii) collectively produce less than 0.75 cubic metres of refuse per week
  - (iv) has one storage location for all refuse disposed of from the premises; and
  - (v) is constructed to permit refuse collection to be made directly from a street.
- 2.20 ”Executive Officer of the Local Board of Health”** is a member designated by the Local Board of Health for the purpose of carrying out the Public Health Act and regulations and may include a Medical Health Officer.
- 2.21 “Garbage”** means refuse composed of animal or vegetable matter. It is refuse produced as a by-product of the preparation, consumption or storage of food.
- 2.22 “Industrial Properties”** means places that carry on one or more of the following activities; the manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing, distribution or trans shipment of materials, goods, products and/or equipment.
- 2.23 “Inspector”** means a person, appointed by the Municipal Council who investigates and reports on the production, existence and disposal of waste in buildings and premises in the Municipality.
- 2.24 “Litter”** means:
- (i) rubbish, waste materials, paper, packages, containers, bottles, cans or parts thereof; or
  - (ii) any article, product, machinery, motor vehicle or other manufactured goods which is dumped, discarded, abandoned or otherwise disposed of.
- 2.25 “Municipality”** means the corporation of the Municipality of Crowsnest Pass or the area contained within the boundaries thereof, as the context requires.
- 2.26 “Occupancy Certificate”** means a certificate issued by the Municipality that certifies that the property/building/development is ready to be occupied, and complies with the necessary provisions of the Safety Codes Act, and the Land Use Bylaw
- 2.27 “Occupant”** means any Person occupying a Residential Unit, Multi-Residential Dwelling Unit or Commercial Unit whether they are in fact the owner, renter, tenant or lessee of the dwelling unit.
- 2.28 “Owner”** has the same meaning as in the *Municipal Government Act*.
- 2.29 “Peace Officer”** means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, a Community Peace Officer appointed to enforce the Municipality’s Bylaw or any Peace Officer appointed under the Peace Officer Act, S.A. 2006, C.P. -3.5.
- 2.30 “Premises”** means land, including any buildings erected thereon.
- 2.31 “Private Hauler”** means any person who transports or causes to be transported any refuse within the Municipality other than those persons employed or contracted by the Municipality.

- 2.32 **“Recycling Depot”** means a waste sorting station approved under the Public Health Act where designated waste is compacted, shredded, ground, processed or sorted.
- 2.33 **“Recyclable Material”** means materials that are acceptable for recycling in this Municipality as set out in Schedule “A” hereto
- 2.34 **“Refuse”** means any discarded or abandoned organic or inorganic material and further defines garbage as; without restricting the generality of the foregoing, includes garbage, ashes and all forms of grass, tree and hedge cuttings and clippings, broken household dishes and utensils, empty or partly empty tins, boxes, cartons, bottles and containers, discarded paper and fabric and other materials.
- 2.35 **“Refuse Receptacle”** means a container designed or used for containing refuse awaiting collection and disposal and is deemed animal proof.
- 2.36 **“Residential Property”** means land with improvements designated, intended or used for residential occupancy including condominiums, but excluding apartment houses.
- 2.37 **“Street”** means public thoroughfares within the Municipality and includes sidewalks and borders of the street and all portions thereof appearing in any registered plan pursuant to the Land Titles Act, or any private roadway on any bareland condominium site.
- 2.38 **“Waste or Waste Material”** means the solid waste stream that would normally be generated and discarded as refuse from a Residential Dwelling Unit, or a Multi-Residential Dwelling Unit, and which includes; kitchen organic waste, paper, plastics, tin, ashes and yard waste.
- 2.39 **“Waste Receptacle”** means a container which is not a commercial container and which is designed to facilitate the disposal of refuse and which is approved pursuant to the provisions of this Bylaw for the disposal of refuse or any particular type of refuse.
- 2.40 **“Wet Garbage”** means the kitchen garbage containing liquids originating from hotels, boarding houses and restaurants but excludes drained kitchen garbage which has been properly packaged.
- 2.41 **“Yard Waste”** means refuse that is organic matter formed as a result of gardening or horticultural pursuits and includes grass, leaves, tree and hedge clippings and cuttings.

### 3. INTERPRETATIONS

- 3.1 Schedule “A” attached hereto, form part of this Bylaw.
- 3.2 The captions and headings in this Bylaw are for convenience of reference only, and shall not affect the interpretation of any provision.
- 3.3 Nothing in this Bylaw shall operate to relieve any person from complying with any Federal, Provincial or other Municipal Law, Order, Regulation or Bylaw and such person shall comply with all conditions or obtain any necessary consents at his own expense.
- 3.4 Except as provided herein to the contrary no person shall:
- (a) Store or deposit any refuse on any premises owned or occupied by the Municipality or on any street; or
  - (b) Store or place any waste receptacle or commercial container on any street.

- 3.5** Section 3.4 shall not apply:
- (a) In respect of any refuse stored or deposited at any disposal site designated pursuant to this Bylaw;
  - (b) In respect of any waste receptacle placed or stored on a street for use by the public by or with consent in writing of the Director of Planning, Engineering and Operations; or
  - (c) To a person who is actively engaged in loading or unloading any waste receptacle or commercial container.
- 3.6** Any person who deposits any refuse on a street shall forthwith remove such refuse from the street at his own expense.

**4. AUTHORITY**

- 4.1** The Municipality shall:
- (a) supervise the collection, removal and disposal of refuse, and;
  - (b) direct the days and times that collections shall be made from different portions of the Municipality, and;
  - (c) decide as to the quantities and classes of refuse to be removed from any Premises or accepted by the Municipality for disposal.
- 4.2** Subject to the provisions of this Bylaw, the decision of the Municipality as to:
- (a) the amount of refuse which has been removed from any premises, and;
  - (b) the amount and types of refuse which the Municipality is obliged to remove from any premises or class of premises shall be final and conclusive subject only to the superior statutory authority of another entity.

**5. MUNICIPAL COLLECTION AND REMOVAL OF REFUSE**

- 5.1** Subject to the provisions of this Bylaw the Municipality:
- (a) shall cause refuse to be collected from each dwelling house each week in accordance with "The Utility Rate Bylaw ;" and
  - (b) may cause refuse to be collected from premises other than a dwelling house each week in accordance with "The Utility Rate Bylaw."
- 5.2** Unless special arrangements are authorized by the Municipal Council, the Municipality shall not remove from premises on which a dwelling house is located:
- (a) discarded furniture, discarded automobile parts including tires, and other private vehicles and household equipment;
  - (b) tree trunks, tree limbs, whole shrubs or bushes or portion of hedges;
  - (c) fences, gates and other permanent and semi-permanent fixtures on the premises;
  - (d) without limiting the foregoing, any discarded household chattel, material or equipment which has an overall weight of more than 23 kilograms or an overall length of more than 1.25 metres.

5.3 Unless other arrangements are authorized by the Municipal Council, except as otherwise provided in this Bylaw, the Municipality shall not remove from any premises;

- (a) building materials and building waste;
- (b) dead animals;
- (c) sod;
- (d) liquid waste;
- (e) by-products of manufacturing.

5.4 The Municipality shall ensure that the equipment used for waste collection and the manner in which waste is collected and disposed of by the Municipality of Crowsnest Pass shall comply with the regulations of the Alberta Health Services.

5.5 The Municipality may enter into a contract or contracts with any person for the collection of the whole or a portion of the refuse accumulated within the Municipal limits.

6. **CLEAN -UP CAMPAIGN**

6.1 The Council of the Municipality of Crowsnest Pass may authorize a large item refuse clean-up campaign in the spring of each year at which time all refuse will be picked up to a maximum of one truck load. This program is restricted to seniors and those with reduced mobility.

7. **REFUSE RECEPTACLES, WEIGHT OF, LOCATION AND REFUSE ENCLOSURES**

7.1 Occupants of residential dwelling units in the Municipality shall provide and maintain in good condition a number of refuse receptacles conforming to the specifications prescribed in this Bylaw, sufficient to hold a minimum of one week's accumulation of refuse from the premises.

7.2 Except as otherwise provided no person shall place refuse from a building or premises elsewhere than in refuse receptacles which comply with the requirements of this Bylaw.

7.3 Refuse receptacles required to be supplied by the Occupant shall either:

- (a) be made of galvanized metal or rigid plastic waste receptacles with a watertight cap cover, with rigid fixed handles, a smooth rim at the top and;
- (b) not greater than 0.7 metres in diameter at the top, tapered to a lesser diameter at the bottom with a maximum height of 0.8 metres; and
- (c) not less than 0.4 metres at the top, tapered to lesser diameter at the bottom with a maximum height of 0.5 metres; and
- (d) not greater than 6.0 kilograms in weight when empty.

7.4 The owner or occupant of premises from which refuse is to be collected shall ensure refuse and recyclables are stored in an approved storage location at all times other than:

- (a) when waste or recyclables are being transferred to and stored in an animal proof waste container, or

- (b) when refuse receptacles are placed at the appropriate location for collection as specified in this bylaw. Refuse receptacles may be placed for collection no earlier than 6:00 am on the day of collection and must be re-secured to an approved storage location no later than 7:00 pm on the day of collection.
- 7.5 Where the owner or occupant of premises places refuse in a receptacle other than one which meets the specifications set out in this Bylaw, the collectors are entitled to consider such receptacles as refuse and to remove them with the refuse.
- 7.6 The collector at his discretion shall have the right to refuse to remove materials where the container does not meet the necessary requirements or is in a dilapidated, unsafe or unsanitary condition.
- 7.7 A collector shall not be required to remove any refuse receptacle which, together with its contents, exceeds twenty-three (23) kilograms.
- 7.8 Except as otherwise provided herein, no person shall place or keep refuse *receptacles upon any portion of the traveling surface of any street or lane*. Any refuse receptacles improperly left in the street or lane may be removed and disposed of by the Municipality.
- 7.9 The occupant of residential premises shall place refuse for collection in such a place that the collectors shall have convenient access thereto without the necessity of entering upon private property.
- 7.10 Where premises from which refuse is to be collected do not abut a lane or where special conditions make it impractical to keep and place such receptacles at the rear of the premises the occupant of such premises shall place the refuse receptacles immediately inside the property line at the front of the premises.
- 7.11 The occupant of premises from which refuse is to be collected:
- (a) shall place or locate the refuse receptacle for collection in such manner that they will not overturn or be likely to be overturned;

## **8. PREPARATION OF WASTE FOR COLLECTION**

- 8.1 An owner or occupant of premises from which refuse is to be collected shall:
- (a) thoroughly drain all household garbage and place it in either plastic garbage bags or securely tie the parcel before disposing of it in the waste receptacle.
- (b) place all quenched ashes, sawdust and other powdery or fine material in either securely tied plastic bags or parcels before disposing of it in the waste receptacle.
- (c) when at infrequent intervals, yard waste cannot be accommodated within the refuse receptacles, provided the extra yard waste accumulated shall be placed in clear plastic bags and placed next to the refuse receptacle. If more convenient, clippings from trees and shrubs may be securely tied in bundles not over 1.25 meters in length and need not be bagged.
- 8.2 No occupant shall:
- (a) mix combustible and non-combustible matter in the refuse receptacles or containers; or
- (b) place any explosives or highly inflammable materials in any receptacle for collection; or

(c) place for collection, ashes which are not properly quenched.

**9. WILDLIFE ATTRACTANTS**

Please reference "The Animal Control Bylaw."

**10. DUTIES OF COLLECTORS**

10.1 Collectors shall:

- (a) be as careful as is reasonably possible not to damage or misuse any waste receptacle;
- (b) replace emptied receptacles and the lids in approximately the same location where it was picked up;
- (a) not leave refuse on the ground which he has spilled from the receptacle or the collection vehicle;
- (d) and no person employed in the collection of waste materials shall pick, or sort any ashes, garbage, refuse or discarded material from the collection vehicle or the owner's premises.

**11. CONSTRUCTION REFUSE, COVERING OF REFUSE AND PLACEMENT ON STREETS**

- 11.1 A person carrying out the construction, demolition or alteration of buildings or other building operations on any property shall do so in such a manner as to not permit building materials or building refuse to remain loose, free or uncontrolled on the property.
- 11.2 The owner of the building site shall be responsible for the actions of any contractor, subcontractor or tradesman who fail to comply with subsection 11.1.
- 11.3 Any building material or building refuse material which blows free from the building shall be recaptured, returned to the building site and deposited in a refuse receptacle.
- 11.4 The owner of a building site shall be responsible for the term of the construction in providing a suitable refuse receptacle capable of receiving all building refuse material and maintaining the same in a safe contained manner.
- 11.5 The Director, or designate may direct the person carrying out construction or alteration of a building to provide a fence of a type that will trap any building material in such a manner as to prevent it from escaping the building site.
- 11.6 No person shall convey through any street in the Municipality any refuse of whatever nature except in the properly covered metal receptacle or in a vehicle which is covered with canvas or tarpaulin, or other covering as approved by the Municipality, so constructed and arranged as to prevent the contents thereof or any portion thereof from being wind borne or falling on streets, to protect the contents from flies and to minimize as much as practicable the escape of any offensive odours.
- 11.7 Except for sand, cinder or similar materials in reasonable quantities placed on any slippery streets or sidewalks, no person shall place refuse of any type or direct or allow it to be placed upon any portion of a street.



**12. RECYCLING**

**12.1** The Municipality may contract recycling depot providers for the collection and disposal of Recyclable Materials as listed in Schedule “A” hereto. Such depots shall accept Recyclable Materials from Residential, Multi-Residential, and Commercial Premises.

**12.2** Occupants of Residential Dwelling Units, Multi-Residential Dwelling Units and Commercial Premises are liable for service fees as identified in “The Utility Rates Bylaw from the date of issuance of an Occupancy Certificate for said unit or premises.

**12.3** Recyclable Materials shall be prepared for recycling as outlined in Schedule “A”.

**12.4** The Municipality reserves the right to add or remove items from the list of acceptable Recyclable Materials as identified in Schedule “A”.

**13. NOTICES AND PENALTIES**

**13.1** In any case where the Municipality are required to give notice to owner or occupant pursuant to this Bylaw, notice shall be affected by service either,

(a) by causing a written copy of the notice to be delivered to and left in a conspicuous place at or about the effected property, or

(b) by causing a written copy of the notice to be mailed by mail or delivered to the last known address of the owner.

**13.2** Where a Peace Officer has reasonable grounds to believe that an owner or occupant has contravened any provision of this Bylaw, the Peace Officer may serve upon such person, a summons as outlined in this Bylaw.

**13.3** An owner or occupant who contravenes any provision of the Bylaw by:

(a) doing something that is prohibited in this Bylaw;

(b) failing to do something that is required in this Bylaw; or

(c) doing something in a manner different from that which is required or permitted in this Bylaw;

is guilty of an offense and liable upon summary conviction to a fine of not less than one Hundred Dollars (\$100.00) or not more than Two Thousand Five Hundred Dollars (\$2,500.00).

**13.4** Any owner or occupant served with a summons pursuant to Section 14.3 of this Bylaw may, where a specified penalty is indicated on the summons, avoid prosecution by remitting payment of the specified penalty as noted on the summons on or before the appearance date noted on the summons. The specified penalty shall be the amount the Municipality will accept in lieu of prosecution.

**13.5** Any owner or occupant who does not pay the specified penalty on or before the appearance date noted on the summons is liable to a fine as set out in “The Utility Rates Bylaw.

**13.6** Where a specified penalty is not noted in the summons, the person served with the summons is liable to a fine as set out in “The Utility Rates Bylaw.

**13.7** Where a contravention of this Bylaw is of a continuing nature, further summons, with the appropriate specified penalties, may be issued provided that

no more than one summons shall be issued for each calendar day that the contravention continues.

13.8 Nothing in this Bylaw shall prevent a Peace Officer from issuing a summons for the mandatory court appearance of any person who contravenes any provision of this Bylaw.

**14. General**

14.1 A Peace Officer, witnessing a contravention of this Bylaw, may cause the contravention to be remedied.

14.2 When expenses are incurred by the Municipality for any work performed as a result of a direction by the Peace Officer under Section 15.1, the Municipality may serve a statement of the expenses, together with a demand for payment to the person responsible for the contravention, including all legal costs on a solicitor and their own client basis.

14.3 Whenever, in this Bylaw, it is directed that an owner or occupant of any building or premises shall do any matter or thing, then in default of its being done, either the owner or occupant, or both, or if there are several owners or occupants, any or all such owners or occupants shall be liable to prosecution; and it shall be no defence for any owner or occupant so prosecuted to allege that any other person is responsible for such default.

14.4 If any term, clause or condition of this Bylaw or application thereof, to any thing or circumstance shall to any extent be invalid or unenforceable, the remainder of this Bylaw or application of such term, clause or condition to any thing or circumstance, other than those to which it is held as invalid or unenforceable, shall not be affected thereby and each other term, clause or condition of this Bylaw shall be enforced to the fullest extent permitted.

14.5 Bylaw 670, 2006 and all amendments thereto are hereby repealed upon the final passing of this Bylaw.

Read a first time this 5<sup>th</sup> day of March, 2013.

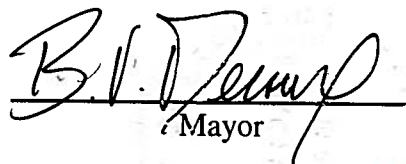
CARRIED UNANIMOUSLY

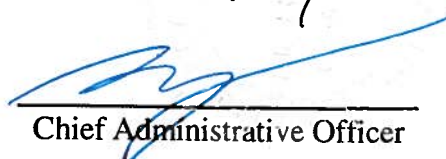
Read a second time this 26<sup>th</sup> day of March, 2013.

CARRIED

Read a third time and finally passed this 26<sup>th</sup> day of March, 2013.

CARRIED

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

**SCHEDULE "A"**

**CARDBOARD**

- all cardboard including wax
- brown paper bags
- brown envelopes (ones without windows)

**NEWSPRINT**

- all newspapers
- all flyers
- glossy flyers and paper
- catalogues (ones with staples)
- magazines (ones with staples)

**OTHER PAPER**

- envelopes with windows
- junk mail
- phone books
- catalogues with glue
- construction paper

**LEDGER**

- white
- all loose-leaf
- computer
- coloured
- fax paper

**PLASTIC**

- milk jugs
- clear #2 plastic
- vinegar jugs

**NOTE:**        flatten all cardboard  
                     Bag newspapers, catalogues and ledger separately  
                     Remove lids from milk jugs and discard; flatten jugs