

BY-LAW NO. 639

OF THE

TOWN OF STAVELY

A BY-LAW OF THE TOWN OF STAVELY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE THROUGHOUT THE TOWN.

Under the authority of the Municipal Government Act Statutes of Alberta, 1994, Chapter M-26.1, the Council of the Town of Stavely, duly assembled, enacts as follows:

TITLE

1.1 This By-law may be cited as the "Waste By-Law" of the Town of Stavely.

DEFINITIONS

2.1 In this By-law, unless the context otherwise requires, the term:

(a) "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.

(b) "Town" means the corporation of the Town of Stavely or the area contained within the boundaries thereof, as the context requires.

(c) "Collector" means a person who collects waste within the Town for and on behalf of the Town.

(d) "Garbage" means waste composed of animal or vegetable matter. It is waste produced as a by-product of the preparation, consumption or storage of food.

(e) "Medical Health Officer" means the official in charge of the Chinook Health Unit.

(f) "Occupant" shall mean a person or corporation in actual possession of any premises either as owner, tenant or otherwise howsoever, and in the case of a husband and wife living together, the husband shall be deemed the occupant.

(g) "Refuse" means waste from domestic, commercial or industrial activities including grass, tree and hedge clippings, broken household dishes and utensils, empty or partly empty tins, boxes, cartons, bottles and containers, discarded paper and fabric and other articles but excluding dirt, concrete, building waste, large tree trunks, car bodies, manure, large rock or dead animals.

(h) "Modified Landfill" means an area where most forms of garbage, refuse and waste will be disposed.

(i) "Street" means a public thoroughfare within the Town and includes where the context so allows, the sidewalk and borders of the street and all parts appearing in the Land Titles Office as set aside for a public thoroughfare; when used in distinction to a lane, it means the public thoroughfare on which the premises in question front.

(j) "Waste" shall mean any discarded or abandoned organic material and without restricting the generality of the foregoing, includes garbage and refuse.

(k) "Waste Receptacle" means a container designed or used for containing waste awaiting collection and disposal.

(l) "Wet Garbage" means the kitchen waste containing liquids originating from hotels, boarding houses and restaurants but excluding drained kitchen wastes which have been properly packaged.

APPLICATION

3.1 This By-law applies to all waste produced within the boundaries of the Town.

COLLECTION MADE WITHIN TOWN LIMITS

4.1 Except as otherwise provided in this by-law, the Town shall provide for the public collection and removal of waste within the boundaries of the Town.

4.2 The Town shall supervise the facilities and equipment necessary or desirable for disposal of waste collected or disposed of by the Town.

COLLECTION; METHOD, TIME AND KIND

5.1 The Public Works Foreman shall:

- (a) supervise the collection, removal and disposal of waste; and
- (b) direct the days and times that collections shall be made from different portions of the Town; and
- (c) decide as to the quantities and classes of waste to be removed from any premises or accepted by the Town for disposal.

PROVISIONS OF WASTE RECEPTACLES

6.1 The occupant of any premises in the Town from which waste is to be collected shall provide and maintain in good condition a number of waste receptacles conforming to the specifications prescribed in this by-law, sufficient to hold a minimum of one week's accumulation of waste from the premises.

6.2 Except as otherwise provided, no person shall place waste from a building or premises elsewhere than in waste receptacles which comply with the requirements of this by-law.

6.3 Waste receptacles required to be supplied by the occupant of any premises within the Town shall be made of:

- (a) galvanized metal, plastic and/or fibreglass with a water-tight cap cover with fixed handles and a smooth rim at the top, the diameter of which must not be less than 16 inches and not more than 24 inches and a height of not more than 36 inches or less than 20 inches, or
- (b) enclosed wooden container, size 3 feet high by 2 feet deep by 4 feet long.

6.4 Where the owner or occupant of premises places waste in a receptacle other than one which meets the specifications set out in this by-law, the collectors are entitled to consider such receptacles as waste and to remove them with the waste.

6.5 The collector, at his discretion, shall have the right to refuse to remove any garbage where the container does not meet the necessary requirements or is in a dilapidated, unsafe or unsanitary condition.

LOCATION OF WASTE RECEPTACLE

7.1 Except as otherwise herein provided, no person shall place or keep waste receptacles upon any portion of a street, and such waste receptacles may be removed and disposed of by the Town.

7.2 Where waste is to be collected from premises situated on land abutting a lane, the owner or occupants of the said premises shall place and keep the waste receptacles immediately adjacent to the land and in a place to which the collectors have unobstructed convenient access.

7.3 Where premises from which waste is to be collected do not abut a lane or where special conditions make it impracticable to keep and place such receptacles at the rear of the premises, the occupant of such premises shall place the waste receptacles immediately inside the property line at the front of the premises.

7.4 Except where in the opinion of the Town Foreman, it is impractical to store waste receptacles outside of the building, no collector shall make collection of waste from inside any building.

7.5 The occupant of premises from which waste is to be collected:

(a) shall place or locate the waste receptacles for collection in such manner that they will not overturn or be likely to be overturned.

(b) shall, when the premises are fenced from the lane or street where the collection is made, construct a door in the fence opening upon the place where the waste is placed near the regular gate or other access. The occupant shall keep the door, gate or other access clear of snow and other obstruction in order that the collector may have an easy access to the waste receptacles at all times.

PREPARATION OF REFUSE FOR COLLECTION

8.1 An occupant of premises from which garbage is to be collected shall:

(a) Contain all garbage and/or refuse in plastic bags and place them in the waste receptacle. The weight of the bag shall not exceed fifty (50) pounds.

(b) Contain all clippings from lawns in plastic bags and place them in or beside the waste receptacle.

(c) Clippings from shrubs and trees must be tied and be compactly secured in bundles not to exceed 4'x4'x4', or in weight not to exceed fifty (50) pounds, and placed beside the waste receptacle for removal.

(d) Boxes must be flattened and if there are two or more, tied and placed beside the waste receptacle for removal.

FREQUENCY OF COLLECTION

9.1 Subject to the provisions of subsection 10.1, 10.2, 10.3 and 10.4, the Town shall cause waste to be collected:

(a) From each dwelling house once a week.

(b) To the extent that the circumstances require with the frequency that the Public Works Foreman shall direct from:

(i) hotels, restaurants and apartment houses

(ii) business and professional offices

(iii) retail and wholesale merchants

(iv) other commercial premises, whether similar or dissimilar

(v) industrial premises

RESTRICTIONS AND PROHIBITIONS

10.1 The Town shall not remove the following from premises on which dwellings are located:

(a) Discarded furniture, discarded automobile parts, tires and other private vehicles and household equipment.

(b) Tree trunks, whole shrubs or bushes, portions of hedges.

(c) Fences, gates, 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 fifty (50) pounds or an overall length of more than four (4) feet.

10.2 The Town shall not collect from commercial or industrial premises:

(a) Discarded Heavy machinery

(b) By-products of manufacturing

(c) Heavy or bulky wrappings, packaging or crating materials or cases of greater length than four (4) feet or greater weight than fifty (50) pounds.

10.3 The Town shall not collect at any time the following:

(a) Building materials and waste

(b) Dead animals

10.4 The maximum number of plastic bags required to be removed at each residence shall be four (4) bags. If an occupant has more than four (4) bags of waste to be removed, the occupant must dispose of the bags themselves at the Sanitary Landfill or purchase a tag for each bag over the allowed four bags, at a rate set by the Council of the Town of Stavely. The collector shall remove all bags properly tagged.

10.5 A person carrying out the construction or alteration of buildings or other building operations shall remove from any portion of the street adjacent to such work and from any public place where the same have been deposited, all earth, rubbish or waste materials.

10.6 The owner or person in charge of any animal which dies on any street shall be responsible for having the carcass removed to a place designated by the Public Works Foreman.

10.7 All waste unacceptable for removal by the Public Works Foreman shall be disposed of in the Sanitary Landfill by the occupant.

10.8 The transportation of all refuse to a Modified Landfill Site shall be done in such a manner as not to allow refuse to become wind borne or fall from the vehicle.

10.9 It shall be unlawful for any person to dump garbage or other waste material anywhere within the limits of the Town of Stavely.

CLEAN UP CAMPAIGN

11.1 The Council of the Town of Stavely may make rules and regulations for spring and fall Clean Up Campaigns.

CONFLICT

12.1 Save as herein specifically provided, nothing in this By-law shall be deemed to nullify, amend, supersede or repeal any provisions of the by-laws of the Town of Stavely relating to fires or to public health but in the event of any conflict between such by-laws and this by-law, the provisions of this By-law shall be modified only to the extent necessary to give effect to the fire or health requirements as the case may be.

COLLECTION CHARGES

13.1 The occupant of any premises in the Town of Stavely within such area and wish such frequency as may be designated for the provision of refuse collection services shall pay to the Town of monthly charge as set out by Resolution of Council and the Town shall collect refuse from one pickup point from each premise.

13.2 Accounts for refuse collection service shall be forwarded to the occupant as part of the Town of Stavely Utility Notice and shall be payable at the office of the Municipal Administrator and/or such places as may be designated by the Municipal Administrator.

13.3 The payment of any charges provided by this By-law may be enforced by action in any court of competent jurisdiction.

13.4 Where the occupant is the owner or purchaser of a premises, the sum payable by him for refuse removal services is a preferential lien and charge on the personal property of the debtor and may be levied and collected in like manner as municipal rates and taxes are recoverable. Where the occupant to whom refuse removal service has been supplied is a person other than the owner or purchaser of the premises, the sum payable by the occupant is a debt due by him and shall be a preferential lien and charge on his personal property and may be levied and collected with cost by distress.

13.5 When garbage collection service is inactive, the basic collection rate shall continue to apply.

PENALTIES AND PROSECUTIONS

14.1 A person contravening any provisions of this By-law and any person responsible for such contravention is guilty of an offence and is liable upon summary conviction in a court of competent jurisdiction, to a fine not exceeding Five Hundred Dollars (\$500.00) and costs.

15.1 By-law No. 378 is hereby repealed.

15.2 This By-law comes into effect upon third and final reading thereof.

READ a first time this 13th day of November, 1995.

TOWN OF STAVELY



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Mayor


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Municipal Administrator

READ a second time this 8th day of January, 1996.

READ a third time and finally passed this 8th day of January, 1996.

TOWN OF STAVELY


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Mayor


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Municipal Administrator