

TOWN OF ELK POINT
BY-LAW 594/97

A By-law respecting the collection, removal and disposal of ashes, garbage, refuse and waste material.

THE MUNICIPAL COUNCIL OF THE TOWN OF ELK POINT, DULY ASSEMBLED ENACTS AS FOLLOWS:

- 1.0 The system for collection, removal and disposal of ashes, garbage, refuse and waste material accumulated within the limits of the Town shall hereafter be operated as provided herein.
- 1.1 Subject to the control of the Town Council, the system shall be supervised by the By-Law Officer.

DEFINITIONS

- 2.0 In this By-Law unless the context otherwise requires, the term:
- (a) "animal waste" includes all refuse from pet pens, yards, stables, veterinary clinics or hospitals, kennels and feed lots, but does not include animal carcasses or parts thereof;
 - (b) "apartment" means any premises used for residential purposes which is neither a dwelling nor a condominium and consists of more than four (4) self contained suites;
 - (c) "ashes" means the powdery residue left after the combustion of any substance and includes any partially burnt wood, charcoal or coal;
 - (d) "bag" means a flexible solid waste container, which is capable of storing 27 kg (60 lb) of solid waste;
 - (e) "building waste" includes all refuse produced while constructing, altering, repairing or demolishing any structure, and it includes, but is not limited to, earth, vegetation and rock displaced during such construction, alteration, repair or demolition;
 - (f) "By-Law Officer" means any person so designated from time to time by Town Council or may mean any person duly appointed by Town Council to fulfil any of his functions hereunder;
 - (g) "collection" includes acquisition of refuse by the Town, 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;
 - (h) "collector" means a person who collects refuse within the Town as an agent, contractor or employee of the Town;
 - (i) "commercial premises" means a premise which:
 - (i) houses a waste generator producing an average volume equivalent to more than five (5) bags of solid waste per week
 - (ii) has activity which is likely to be, but not limited to Institutional, Commercial or Industrial in nature
 - (iii) is not regularly a residential dwelling or condominium

- (iv) is any premises which is an apartment consisting of more than four (4) self contained suites
- (v) has, at the sole discretion of the By-Law Officer, been otherwise described as the commercial and therefore not entitled to residential waste collection and removal

- (j) "condominium" means any residential premises registered under the Condominium Property Act and for purposes of this by-law, each unit shall be deemed a dwelling;
- (k) "disposal site" means, subject to all regulating authorities, those premises so designated by the Town from time to time for use in the disposal of waste or any particular type of refuse;
- (l) "Enforcement Officer" means any employee so designated by the Town Manager;
- (m) "exclusive franchise" means a contractual agreement between the Town and a single contract hauler, for a fixed time period, for the removal of solid waste from commercial premises. At the discretion of the Town, the description of solid waste shall be expanded to include the removal of recyclable and compostable materials.
- (n) "garbage" means refuse composed of organic matter which is or may become decomposed, including by-products from the preparation, consumption or storage of food, but does not include animal waste, animal carcasses, yard waste, medical waste or industrial chemical waste;
- (o) "industrial waste" means solid, liquid or gaseous refuse that presents an unusual disposal problem for reasons of health or safety and which requires special handling, including, but not limited to, explosives, poisons, acids, drugs, caustics, medical waste, radio-active materials, and similar materials;
- (p) "medical waste"/"bio-medical waste" means refuse from sick rooms, funeral homes, hospitals, doctor's offices, medical clinics, veterinary clinics and laboratories;
- (q) "premises" means the whole or part of any land or buildings, or both, situated in whole or in part in the Town and includes any land or buildings owned or leased by the Town wheresoever situated;
- (r) "refuse" means all substances or materials disposed of within the Town and includes animal waste, building waste, garbage, industrial chemical waste, litter, ashes, medical waste, dry refuse and yard waste; provided that any of the foregoing materials once lawfully deposited at a disposal site shall no longer constitute refuse;
- (s) "residential" means any premises which:
 - (i) is actually used as dwelling
 - (ii) consists of (4) or fewer self contained suites
 - (iii) produces an average volume equivalent to five (5) bags or less of solid waste per dwelling or self contained suite
 - (iv) has one (1) storage location for all refuse disposed from the premises
 - (v) is constructed and located to permit refuse collection to be made directly from a street
 - (vi) has, at the sole discretion of the By-Law Officer, been described otherwise as residential and therefore entitled to residential waste collection and removal

- (t) "recyclable" means refuse, garbage, waste or other which, when separated and uncontaminated, is deemed by the By-Law Officer to have available a disposal method alternate to landfill.
 - (u) "yard waste" means refuse that is organic matter formed as a result of gardening or horticultural pursuits and includes grass, tree and hedge cuttings and clippings.
- 2.1 Nothing in this by-law shall operate to relieve any person from complying with any Federal, Provincial or other Town Law, Order, regulation or By-law and such person shall comply with all conditions or obtain any necessary consents at his own expense.
- 2.2 Except as provided herein to the contrary no person shall;
- (a) Store or deposit any refuse on any premises owned or occupied by the Town or on any street; or
 - (b) Store or place any waste receptacle or commercial container on any street unless approved by the By-Law Officer.
- 2.3 Section 2.2 shall not apply:
- (a) In respect of any refuse stored or deposited at any disposal site designated pursuant to this by-law;
 - (b) To a person who is actively engaged in loading or unloading any waste receptacle or commercial container.
- 2.4 Any person who deposits any refuse on a street shall forthwith remove such refuse from the street at his own expense.
- 2.5 No person shall dispose of any refuse at a disposal site unless the site has been approved by the By-law Officer for the disposal of that type of refuse.

CIVIC RESPONSIBILITIES AND DUTIES

- 3.0 Except as provided herein to the contrary, the Town shall:
- (a) Provide, supervise and operate the facilities to dispose of refuse within the Town including disposal sites;
 - (b) Subject to the provisions of this by-law, attempt so far as is reasonably possible to contract the collection of refuse from residential premises on a regular basis;
- AND
- (c) Establish a contract for the collection and removal of refuse from commercial premises. Direct commercial waste generators to be responsible for their own contractual relations with the contractor.
- 3.1 The By-law Officer shall:
- (a) Specify the types of refuse which may be deposited at sanitary landfill sites operated by the Town;
 - (b) Supervise and direct the collection, removal and disposal of refuse by the Town including approval of truck routing, collection points and the type of collection;

- (c) Establish the intervals, days and times the collection of refuse shall be made in different areas of the Town;
 - (d) Subject to the provisions of this by-law, determine the quantities and type of refuse to be removed from any premises for collection;
 - (e) From time to time approve or prescribe the use of various types of waste receptacles and commercial containers; and
 - (f) From time to time, in accordance with any applicable legislation, designate various premises owned or leased by the Town as disposal sites and prescribe the types of refuse for disposal at such disposal sites.
- 3.2 Town Council may from time to time, by Resolution, specify the fees to be charged for the collection and disposal of refuse.
- 3.3 If the By-law Officer makes a determination as to either the quantity or type of refuse removed from any premises, his determination shall be a final and binding determination of fact.
- 3.4 Where more than one person places refuse out for collection from a single waste storage location, the By-law Officer shall determine whether such combined volumes constitute commercial waste attributable to each such person and such determination shall be final and binding.
- 3.5 The Town may accept from time to time and with advance notice, irregular waste items including; appliances, , furniture, mattresses and the like.
- 3.6 Notwithstanding anything contained elsewhere in this by-law, the Town shall have no responsibility, except for contractual obligations, to collect refuse at or on any specific interval, day or time.

WASTE RECEPTACLES AND COMMERCIAL CONTAINERS

- 4.0 (a) The owners of the following described types of premises shall provide at their own expense for the use of the occupants or users of each premises a sufficient number of containers of the type designated below to hold at least one week's accumulation of refuse;
- | <u>Type of Premises</u> | <u>Type of Container</u> |
|---------------------------|---|
| (i) residential premises | - waste receptacles; |
| (ii) condominium | - waste receptacles or commercial containers; |
| (iii) commercial premises | - commercial containers or waste receptacles |
- (b) The owner of a premises who provides a waste receptacle or commercial container for the use of the occupant or users of such premises shall keep such receptacle or container in a clean and sanitary condition;
- (c) Non-automated weatherproof metal or rigid plastic containers shall be no greater than 18 inches in diameter, and shall have an overall height not exceeding 28 inches and it shall have a watertight cover, a smooth rim and be equipped with handles. The capacity or volume shall not exceed four cubic feet and the receptacle shall not be filled to a greater height than within 2 inches of the top. The weight of the receptacle and its contents shall not exceed 27 kg (60 lbs) and should the receptacle and its contents exceed 27 kg, or be in a condition unacceptable, it shall be removed by the collector.

- (d) Where a non-returnable plastic bag is used for the storage of refuse such bag shall be kept in an enclosed area with a lid or door accessible from the street or lane adjacent to the property line. The volume of each bag and contents shall not exceed 27 kg (60 lbs).
- 4.1 Unless expressly required to do so under this by-law, the Town is not required to collect refuse from a commercial container unless the Town has a contractual obligation to do so.
- 4.2 No person shall use any waste receptacle or commercial container that is not of a type approved pursuant to this by-law.
- 4.3 Where refuse is placed in a container other than a waste receptacle or commercial container the collectors may consider such container as refuse and may remove it with the refuse.
- 4.4 In order to discourage littering, the owner of commercial premises shall maintain on such premises at all times a sufficient number of litter containers.
- 4.5 If the number or the condition of waste receptacles provided by the property owner is considered by the Town to be insufficient to practice to meet the spirit and intent of this by-law then the By-law Officer may give notice direct to the property owner to promptly provide additional receptacles or receptacles that are in proper condition as the case may be.
- 4.6 The owner of any premises producing building waste shall:
 - (a) Provide and maintain on the premises in good condition, a sufficient number of commercial containers, to store the building waste;
 - (b) Not allow his premises or adjacent premises to become untidy and unsightly because of accumulated building waste;
 - (c) Recapture any building waste which is blown off the premises and immediately place the same in a commercial container.

STORAGE OF WASTE

- 5.0 No owner of any premises shall allow refuse to accumulate on his premises except in accordance with this By-law.
- 5.1 Refuse may be:
 - (a) Stored or accumulated in a waste receptacle or a commercial container; or
 - (b) Placed out for collection if it is packaged in a manner prescribed by this By-law.
- 5.2 Waste receptacles and commercial containers shall be placed as follows:
 - (a) Except as otherwise provided in this By-law, no person shall store or place any waste receptacle or commercial container on any premises other than those premises from which the refuse in such waste receptacle or commercial container is produced without the consent of the owner of the premises on which the waste receptacles or commercial container is stored or placed;
 - (b) Where premises abut a lane and where there is space on the premises, all persons placing out refuse for collection shall place the waste receptacles or commercial containers at the edge of and adjacent to the lane or at such location as may be directed by the By-law Officer;

- (c) Where premises do not abut a lane or where there are conditions which make it impossible or impractical to collect from waste receptacles or commercial containers abutting the lane, all persons shall store the refuse within the boundaries of the premises until placed at a collection point in accordance with Subsection (d) and Section 5.5.
- (d) All persons placing out refuse for collection from premises described in Section 5.2 (c) shall place the refuse in a non-returnable plastic bag or in a waste receptacle or commercial container.
 - (i) at the back of the sidewalk if there is a sidewalk adjacent to the premises;
 - (ii) at the back of the curb if there is a curb but no sidewalk adjacent to the premises;
 - (iii) at the back of the property line between the premises and the street if there is no curb or sidewalk adjacent to the premises; or
 - (iv) at such other location as may be directed by the By-law Officer.

and shall comply with provisions of Section 5.5.

- (e) Waste receptacles and commercial containers shall be located on firm ground and in an enclosed stand so that they will not overturn easily and so that they are protected from animals;
- (f) Waste receptacles and commercial containers shall be placed so that collectors can conveniently collect refuse without entering into any fenced areas;
- (g) If there is a fence between any waste receptacle and the street providing access thereto, the owner of the premises on which the fence is located shall construct an opening in the fence at least 0.2 metres wider than the width of all the waste receptacles and 0.4 metres higher than the waste receptacles;
- (h) If there is a steep walkway or stairway between the usual storage location of waste receptacles or commercial containers and the street or lane from which refuse is collected all persons placing out waste for collection shall on the day of collection place the waste receptacles or containers at the bottom or top of any steep walkways and stairways, as the case may be, adjacent to the street or lane,
- (i) Notwithstanding the foregoing, due to seasonal conditions, the By-law Officer may change such designated storage locations.

5.3 The owners of a condominium or commercial premises shall:

- (i) place waste receptacles and commercial containers for collection at a central location on those premises approved by the By-law Officer,
- (ii) place such containers or receptacles in such a location that the collectors have convenient and direct vehicular access to them; and

5.4 Nothing herein shall prevent the owners or occupants of any premises from accumulating refuse at any location on the premises and transferring the same for collection to a location meeting the standards set forth in the foregoing sections.

- 5.5 If refuse is accumulated at other than the collection point therefore and temporary facilities are located at the collection point the occupant of the premises is responsible for ensuring that the refuse accumulated is at the collection point prior to the Town coming to collect the same. Refuse shall not be placed out for collection as aforesaid more than twenty-four (24) hours before the Town comes to collect same and the waste receptacles or commercial containers shall be removed to their usual storage location forthwith after collection.

WASTE COLLECTION FROM DWELLINGS

- 6.0 An owner or occupant of a dwelling may at his own expense make arrangements for the disposal of refuse and shall at his own expense make arrangements for the disposal of refuse not collected pursuant to Section 6.1 of this by-law.
- 6.1 Refuse not collected:
- (a) The Town is not required to collect materials not normally included with refuse from a dwelling, including: industrial chemical waste, dead animals or portions of dead animals, discarded furniture, discarded automobile parts, tires, tree trunks, stoves, fridges, building waste or any item that cannot be conveniently carried by the scheduled collection equipment;
 - (b) The Town is not required to collect refuse improperly packaged, refuse improperly placed out for collection, or any item of refuse weighing more than 27 kg (60 lb), or without limiting the generality of the foregoing, refuse placed in other than a waste receptacle;
 - (c) The By-law Officer, in his sole discretion, may authorize the collection of any refuse which the Town is not required to collect if the person requesting collection of such refuse agrees to pay all of the costs of collection as determined by the By-law Officer.
- 6.2 All persons who place out refuse emanating from a dwelling for collection shall:
- (a) Package all animal waste separately in securely tied double plastic bags placed beside a waste receptacle so that it is not offensive to the collector,
 - (b) Package yard waste in sturdy plastic bags, or in waste receptacles, provided that clippings from trees and shrubs are not longer than 4 feet and a maximum of 2 inches in diameter, if more convenient be securely tied in bundles no longer than 2 feet in diameter.
 - (c) Drench all ashes and package them in double plastic bags;
 - (d) Separate all glass from other refuse and shall store all glass in a metal waste receptacle or commercial container;
 - (e) Package all sawdust and other powdered materials in securely tied bags of sufficient strength.
- 6.3 No person shall fill a waste receptacle in such a manner that:
- (a) The cover cannot be properly fitted;
 - (b) The contents cannot be easily removed from the waste receptacle; or
 - (c) The weight of such waste receptacle when filled exceeds 27 kg (60 lbs).

OTHER REFUSE COLLECTION

- 7.0 All owners of commercial premises shall cause all refuse to be removed by the provision of this by-law at intervals frequent enough to avoid overflow, smell or risk to public health.

INDUSTRIAL WASTE

- 8.0 No person shall dispose of industrial waste if:
- (a) In the opinion of the By-law Officer, the industrial waste cannot be safely disposed;
 - (b) The industrial waste was not produced within the Town; or
 - (c) The industrial waste is radio-active.
- 8.1 No person shall dispose of or attempt to dispose of bio-medical waste either separated from or combined with municipal solid waste bound for the Regional Landfill.
- 8.2 No person shall store bio-medical waste other than in:
- (a) A waste receptacle which is kept in a locked storage box;
 - (b) In a commercial container which is kept locked; or
 - (c) In a locked enclosure or room in a building.
- The collection and disposal of all bio-medical waste shall be in accordance with the Nuisance and General Sanitation Regulations of the Public Health Act of Alberta.
- 8.3 (a) All persons who are in possession of animal carcasses or portions thereof shall deliver (or shall cause to be delivered) such animal carcasses to a disposal site at their own expense;
- (b) Animal carcasses or portions thereof shall be delivered to a disposal site in double plastic bags securely tied;
- 8.4 No persons shall deposit any refuse or thing at any disposal site which cannot, in the opinion of the By-law Officer, be safely deposited at such disposal site.
- 8.5 No person, when placing out refuse to be collected by the Town from commercial premises, shall include in such refuse any liquids or semi-liquids.

CONVEYANCE OF REFUSE

- 9.0 No person shall cause or permit any refuse being transported in or through the Town to detach itself from or fall from the motor vehicle transporting it except at a disposal site.
- 9.1 No person shall collect, deliver or dispose of refuse:
- (a) In an offensive or objectionable manner; or
 - (b) In a manner that creates a traffic hazard.
- 9.2 No person, being the operator of a vehicle used for the conveyance of refuse, shall fail to maintain such vehicle in a clean and sanitary condition at all times.

DISPOSAL SITES

- 10.0 Every person delivering refuse to a disposal site shall;
- (a) Place all refuse as near as practical to the landfill face as directed by signs and/or the site controller.
- 10.1 No person shall dispose of refuse at a disposal site not approved for the type of refuse.
- 10.2 No person shall scavenge in any disposal site owned or occupied by the Town without the consent in writing of the By-law Officer.
- 10.3 No person shall dump paper or other dry refuse on any disposal site unless the same is securely wrapped and tied or unless the refuse is of such size or shape that once deposited it cannot scatter.

CHARGES FOR COLLECTION AND DISPOSAL OF REFUSE

- 11.0 All persons placing out refuse for collection shall pay to the Town for collection of the refuse a fee calculated in accordance with the rates specified pursuant to this By-law as outlined in Schedule "A" attached hereto.
- 11.1 All persons delivering refuse to a disposal site shall pay to the Town for disposal of the refuse a fee calculated in accordance with the rates specified pursuant to this By-law as outlined in Schedule "B" attached hereto.

INVOICING AND PAYMENT

- 12.0 The Town shall invoice all persons placing out refuse for collection, pursuant to section 11.1 of this by-law, at regular intervals. The Town may invoice such persons at the same time and on the document as the invoice for utility charges.

BURNING

- 13.0 No person shall burn any refuse in an open or outdoor fire or use any open or outdoor fire for the burning of refuse without the express written permission of the By-law Officer.

NON-COMPLIANCE WITH BY-LAW

- 14.0 No person shall dispose of refuse whether by act or omission, except in a waste receptacle, in a commercial container or to a disposal site or otherwise as permitted by this by-law.

- 14.1 No person other than:
- (a) The owner of a waste receptacle or a commercial container;
 - (b) The owner or occupant of the premises on which a waste receptacle or commercial container is located; or
 - (c) A collector;
- shall interfere with the waste receptacle or the commercial container.
- 14.2 No person being the owner or occupant of any premises from which refuse is collected shall cause or permit the area adjacent to the location where refuse is stored to be in an untidy or disorderly condition.
- 14.3 Wherever in this by-law it is directed that a person shall do any matter or thing, then in default of its being done by such person, the same may be done by the Town at the expense of such person and the Town may recover the expenses thereof with costs in any Court of competent jurisdiction or in like manner as municipal taxes.

PENALTIES

- 15.0. A person who contravenes Section 8.0, 8.1, 8.2 or 8.4 is guilty of an offence and liable to a fine of not less than \$500.00 and not more than \$2,500.00 and in default of payment, to imprisonment for a term of not more than 6 months.
- 15.1 A person who contravenes Section 10.2 is guilty of an offence and liable to a fine of not less than \$200.00 and not more than \$2,500.00 and in default of payment to imprisonment for a term of not more than 6 months.
- 15.2 A person who contravenes any other provision of this By-law is guilty of an offence and liable:
- (a) for a first offence to a fine of not less than \$100.00 and not more than \$2,500.00 or in default of payment, to imprisonment for a term of not more than 6 months;
 - (b) for a second or subsequent offence, to a fine of not less than \$200.00 and not more than \$2,500.00 or in default of payment, to imprisonment for a term of not more than 6 months.
- 15.3 Notwithstanding the provisions of Section 15.2 when an Enforcement Officer has reason to believe that a person has contravened any provision of this By-law other than Section 8.0, 8.2, 8.4, 9.0 and 10.2, such Enforcement Officer may serve upon the person a tag indicating that the Town will accept payment as set out in the tag in lieu of prosecution for such contravention.
- 15.4 The tag referred to in section 15.3 shall be in the form as set out in Schedule C and shall have a specified penalty of \$50.00 for a first offence and \$100.00 for a second or subsequent offence.
- 15.5 Service of the tag referred to in section 15.3 may be effected either personally or by mailing such tag to the person at his last known address by registered mail and in the event of mailing, shall be deemed to have been received within 7 days of such mailing.
- 15.6 An Enforcement Officer is not required to issue a tag pursuant to Section 15.3 but may in his sole discretion issue a Summons to prosecute such contravention.

16. By-laws 536/93, 434/86, 322/79 are hereby repealed.

17. This by-law comes into force upon receiving third reading.

READ A FIRST TIME this 8th day of December, A.D. 1997

READ A SECOND TIME this 12th day of January, A.D. 1998

READ A THIRD AND FINAL TIME this 9th day of March, A.D. 1998

MAYOR

TOWN MANAGER

SCHEDULE A

Residential Collection Fees

- ◆ Residential pick-up/month maybe set from time to time by a resolution of Council.

SCHEDULE B

Disposal Fees

May be set from time to time by a resolution of Council.

- ◆ Residential generated garbage
- ◆ Commercial generated garbage
- ◆ Ashes, refuse, industrial waste, chemical waste, building waste and all other waste types at the rates established by the County of St. Paul from time to time

TOWN OF ELK POINT

SCHEDULE C

**VOLUNTARY FINES
TOWN OF ELK POINT
REFUSE CONTROL BY-LAW**

THIS ticket is issued for breach of By-law No. 594/97

Section _____

PENALTY

FIRST OFFENSE \$50.00
(as specified in Subsection 15.2 (a) & (b), 15.3 & 15.4)

SECOND OR ANY SUBSEQUENT OFFENSE \$100.00
(as specified in Subsection 15.2 (b), 15.3 & 15.4)

PRESENTATION OF THIS TICKET within seven (7) days of the day of issue, together with voluntary payment of penalty indicated, will be accepted in lieu of prosecution.

FAILURE TO DO SO WILL RESULT IN PROSECUTION IN PROVINCIAL COURT.

PAYMENT may be made to the Treasurer of the Town of Elk Point at the Town Office during regular office hours or by mail.

DATE _____

NAME _____

TIME _____

ADDRESS

LOCATION

ISSUED BY
