

By-Law #1623

A By-Law of the Town of Cardston, in the Province of Alberta to provide for the orderly collection, removal, and disposal of garbage and recycling.

Whereas the Municipal Government Act, Statutes of Alberta, 2000, being Chapter M-26.1 allows a municipality to pass By-Laws respecting public utilities.

Now therefore, the Municipal Council of the Town of Cardston, in the Province of Alberta, duly assembled, enacts the following:

This By-Law may be cited as the Garbage By-Law of the Town of Cardston.

1. Definitions

In this by-law, unless the context otherwise requires:

- a. "Ashes" means cold residue from the burning of wood, coal and other like material for the purpose of cooking, heating buildings, and disposition of waste combustible materials.
 - b. "By-law Enforcement Officer" means a By-law Enforcement Officer or Peace Officer as appointed by the Town of Cardston.
 - c. "Garbage/Refuse" shall mean offal refuse, animal or vegetable matter, as from a kitchen, or a stove, the creation of waste or trash from domestic activities, but shall not include larger objects, such as automobile bodies, trees, etc. nor shall it include manure or dead animals; except small animals which are bagged.
 - d. "Garbage Receptacle/Waste Bin/Waste Collection Cart" shall mean a container designed to hold refuse receptacles.
 - e. "Occupant" shall mean a person or corporation in actual possession of any premises either as owner or tenant.
 - f. "Owner" shall mean the registered owner of the property or the purchaser thereof who is entitled to occupy and enjoy the property.
 - g. "Refuse Receptacles" shall mean tied plastic garbage bags in which refuse is to be deposited or placed.
 - h. "Wet garbage" means offal refuse, animal or vegetable matter as from a domestic kitchen, restaurant, commercial, industrial, or institutional kitchen.
2. This By-law applies to all refuse produced within the boundaries of the Town. Except as otherwise provided in this By-law, the Town shall provide for the public collection and removal of waste within the limits of the Town and shall supervise the facilities and equipment necessary or desirable for the management of waste collected or disposed by the Town.
3. Garbage Receptacles
- Except as otherwise provided herein, no person shall place or keep garbage receptacles upon any portion of the street or lane. Any garbage receptacle improperly left in the street may be removed and disposed of by the Town.
- a. The occupant of any premises in the Town from which waste is to be collected shall:
 - i. Have all refuse bundled and/or securely tied or placed in a refuse receptacle, including all cardboard which must be flattened and bundled in manageable bundles.
 - ii. Place said refuse receptacle at a time and in a manner so as not to be accessible to animals. An occupant may place refuse

receptacles in a garbage receptacle so as to protect said refuse from the wind or animals.

- iii. The occupant of residential premises shall place waste receptacles for collection in such a way that collectors shall have access without the necessity of entering into private property unless permission has previously been granted by the owner.
 - iv. Ensure that each refuse receptacle does not exceed forty (40) pounds, or the combined weight of refuse receptacles placed in a garbage receptacle shall not exceed forty (40) pounds.
 - v. No single residence shall have more than four (4) garbage receptacles (not weighing more than 40 lbs each) or combination of receptacles and/or bundles at the curb for regular pick-up unless a (\$2.00) over limit tag is on each receptacle/bundle over this limit. These tags can be purchased at the Cardston Town Hall.
- b. In commercial areas (or at other business/commercial/multi family areas) bins may be provided by the Town for use by the business. Business/occupants shall use the commercial bins provided in the manner prescribed, namely cardboard in the cardboard bins (cardboard must be flattened) and all other refuse in the garbage bins as indicated in 3.a(i) with the exception of products not susceptible to be windblown may be placed in bins without using the refuse receptacle. No person shall dispose of cardboard in the regular commercial refuse containers provided by the Town.
 - c. Materials that may erode or otherwise alter the integrity of the bin shall not be placed in the receptacle provided by the Town. If the waste material disposed of by a business or individual has destroyed or otherwise altered the integrity of the bin, the business/individual shall pay the cost of repair or replacement as determined by the Chief Administrative Officer or his/her designate.
 - d. The owner of premises using commercial waste bins must ensure that:
 - i. The site manager is responsible for providing an acceptable storage location for the waste bins;
 - ii. Waste bins are located at locations that allow for safe and efficient collection vehicle access, as determined by the Town;
 - iii. All waste bins used to store commercial waste shall have lids or covers suitable to contain waste in the bin;
 - iv. Waste bins shall not be filled higher than the upper rim or in a manner which prevents full closure of the lid;
 - v. There is adequate waste bin storage capacity to meet the needs of the occupants, and;
 - vi. All waste is stored within the waste bin.
 - e. No person shall set out refuse or garbage receptacles at locations that are unsafe, obstructed, blocked by snow, ice, poorly maintained and uneven or that prevent waste collectors from collecting waste in a safe and efficient manner.

4. Collection

- a. No person, firm or corporation shall deposit, leave, dispose of or abandon any waste material within the corporate limits of the Town of Cardston, other than at the Transfer Station.

- b. The Town of Cardston by its agent, contractor, and/or employees may by means of a uniform system, go to the houses, businesses, churches, institutes, or whatever place may require the services, and pick up the garbage, and deposit it in a place as authorized.
- c. The owner of the garbage from the homes, businesses, churches, institutes, or from whatever source the garbage is created, shall place the garbage in the proper receptacles/bins which shall meet the approval of the officials of the Town.
- d. The Town of Cardston shall be empowered to request the owner and occupants of any lands, business, or place, to place its garbage at the time designated, in or on the place so designated for the pick-up; and the Town of Cardston, by its contractor/employees shall pick-up the garbage and deposit it at the authorized place of disposal, and the Town shall charge the owners and occupants of the land, at the rate set forth.
- e. Any occupant that wishes to opt out of garbage collection may do so if an alternate method of disposal is agreed between the occupant and the Town. However all regular garbage rates shall be enforced.
- f. All occupants shall not place for collection any ash unless it meets the guidelines as contained in 1 (a) of the By-law.
- g. All commercial operations, where a collection bin is provided shall separate cardboard waste and wet garbage and deposit each type in the respective collection bins provided.
- h. Restaurants must provide a system of grease removal as approved by Alberta Health Services and the Town of Cardston.
- i. The collection agent will be supplied with NON ACCEPTABLE TRASH tags which will be put on any containers that are left for pick-up that do not comply with this By-law.

5. Refuse Collection Times

The Town shall cause waste to be collected:

- a. From each dwelling house once each week
- b. When a waste pick-up day falls on a statutory holiday, the collector will continue the normal pick-up the day following the said holiday, with each pick-up route advancing one day in the week.
- c. All commercial or institutional garbage shall be picked up as the Chief Administrative Office or designate shall direct and as agreeable with the owner after consideration of the volume of garbage.

6. Types of Refuse Not Collected

- a. The Town shall not remove the following from premises:
 - i. Discarded furniture, automobile parts, tires, and household equipment;
 - ii. Whole shrubs, bushes, hedges and tree limbs. Tree limbs that are bundled in four (4) foot lengths, tied and meet the weight requirements may be removed;
 - iii. Fences, gates, and other permanent and semi permanent fixtures on the premises;
 - iv. Highly combustible or explosive materials including but not limited to liquid or solid fuels, gunpowder, ammunition or explosives;

- v. Hot ashes;
- vi. Compressed gas, propane or butane cylinders;
- vii. Toxic or household hazardous waste including solvents, oven cleaners, paints, automotive fluids, wet cell batteries, pesticides, herbicides, or any material commonly referred to as household, commercial or industrial hazardous waste, or any other material that is managed through the Province of Alberta Household Hazardous Waste program;
- viii. Biomedical waste including hypodermic needles or syringes, lancets or any sharp item used in home medical care;
- ix. Electronic equipment including microwaves, televisions, computers, computer monitors, keyboards and associated cables, or any other material that is managed through the Province of Alberta Electronics Recycling Program; dead animals and animal parts from hunting or trapping;
- x. Paint, solvents or any other material that is managed through the Province of Alberta Paint Recycling Program;
- xi. Discarded heavy machinery;
- xii. Bi-products of manufacturing;
- xiii. Heavy or bulky wrapping, packaging or crating materials unless said items fit in commercial bins provided.

7. Burning

- a. All trade wastes, such as loose paper, paper boxes, straw and other packaging must be flattened and tied in secure bundles and kept in covered containers, ready for removal. Where appropriate, materials shall be recycled to the various recycling locations in Town. These trade wastes may be burned in incinerators approved by the Town and in accordance with all regulations from the Environmental Protection Agency. The owner or tenant is solely responsible for any damage by fire or smoke caused by the burning of refuse on the premise.
- b. Whether or not it is in an incinerator, no person shall burn outdoors any rubber, leather, tar paper, asphalt or other offensive refuse or matter not completely combustible or anything that will create a dense smoke.
- c. At no time shall burning of any waste occur after sunset or prior to sunrise or when the velocity of the wind poses a reasonable risk of fire igniting any nearby structure or other inflammable material.
- d. The Town of Cardston shall be permitted to issue a ban on burning of waste within the Town of Cardston when conditions exist which would make burning of waste, and/or any other kind including fire pits and bar-b-q's, a danger or nuisance to persons or property. At no time shall burning of designated fires occur within the Town of Cardston while a ban of such fire is in effect in the Town of Cardston. A fine for non-compliance may be issued by a peace/by-law officer or designate in accordance with the general penalty by-law.

8. Construction/Demolition

A person carrying out the construction, demolition or alteration of buildings or other building operations on any property shall do so in such manner as to not permit building material or building waste material to remain loose, free or uncontrolled on the property.

- a. The main contractor on the building site shall be responsible for the actions of any subcontractor or tradesman who fail to comply with the By-law.
- b. The main contractor on a building site shall be responsible for the term of the construction in providing a suitable waste bin capable of receiving all building waste material and maintaining the same in a safe contained manner.
- c. Any building material or building waste material which blows free from the building site shall be recaptured, returned to the building site and deposited in a waste bin.
- d. The main contractor on a building site shall be responsible for having all unused building material and building waste material disposed of in the landfill.
- e. The Chief Administrative Officer, or designate, may direct the person carrying out the construction or alteration of a building to provide a fence of a type that will trap any building material or building waste material in such a manner as to prevent it from escaping from the building site.

9. Recycling

- a. The Town shall establish a recycling program to provide for the collection of selected recyclables and disposal of other recyclables as determined by Council.
- b. Cardboard, paper, cans, and other recyclable waste shall be discarded in the recycling trailers or appropriate collection bins provided by the Town. Prior to deposit, all cardboard boxes must be flattened.
- c. All containers shall be rinsed prior to disposal.
- d. Lawn clippings, leaves, etc. will not be collected by the collector but may be mulched, or composted on the owners property or bagged and deposited at the location provided at the Transfer Station.
- e. All lawn clippings, leaves, etc. that are deposited at the Transfer Station shall be clean from non-compostable material.

10. Fees

All customers in the Town of Cardston within such area and pickup frequency as may be designated by the Chief Administrative Officer, or designate, for the provision of garbage collection services, shall pay to the Town of Cardston a charge as set out in "Appendix A".

11. General

- a. An owner or occupant of premises from which garbage is to be collected shall bundle branches, shrubs, etc. securely and place them in or beside the waste receptacles.
- b. No collector shall be required to collect a parcel that exceeds the measurements and weight limits as specified in this By-law.
- c. All accounts including interim accounts for garbage service shall be due and payable when rendered. A penalty of three and one quarter percent (3.25%) shall be charged in the event that an account is not paid by the due date, as shown on the billing statement.
 - i. The revenues derived from the application of the above rates shall be applied against the cost involved to provide such service, with the remaining unpaid portion of said service being a charge against the general revenue of the Town of Cardston at large.

- ii. In the case of default of payment, the Town of Cardston may enforce payment by action in a court of competent jurisdiction, or by distress and seizure of goods, and chattels of the person liable for the payment, or by making any such sums in default a charge against the property in respect of which the service for which the sums owing was provided, such charges to be subject to the same penalties and be collectible by the same procedures as other taxes levied by the Town.
- d. All waste products shall be properly deposited in the Transfer Station Grounds at the direction of the Town.
- e. No person, firm or corporation shall remove any waste products deposited in the Transfer Station Grounds unless he has first had the permission of the Town or designate.
- f. Commercial refuse is not to be accepted at the transfer station without approval from the operator or as regulated by the Chief Mountain Regional Solid Waste Authority.
- g. All vehicles entering the Transfer Station Grounds to dispose of refuse must have the waste material or containers in which waste material is conveyed adequately enclosed, secured or covered so as to prevent any waste material from potentially falling off or being blown from the vehicle during transit.
- h. No person shall deposit waste in a waste bin or waste collection cart without the consent of:
 - i. The owner of the property where the waste bin or the waste collection cart is located; or
 - ii. the occupant of the property where the waste bin or the waste collection cart is located.
- i. It shall be unlawful for any person to dump building waste, garbage or other waste material anywhere within the limits of the Town of Cardston, except in the locations designated.
- j. A notice or form commonly referred to as a By-Law Infraction Tag may be issued by a By-Law Enforcement Officer or any Peace Officer.
 - i. This notice shall require in lieu of prosecution the payment of a penalty in the amount of \$50.00 to be made to the Treasurer of the Town within 14 days of the date of issue of the infraction tag.
 - ii. If the person upon whom the infraction tag is served fails to pay a voluntary payment within the time specified the Town shall proceed with the prosecution by way of summary conviction and a court summons shall be served.
 - iii. Any person who is guilty by way of summary conviction of an offence under the provisions of this By-Law shall be liable for a fine of not less than \$50.00 and not more than \$500.00.

By-Law No. 1579 and amendments thereto are hereby repealed.

This By-Law shall take effect **January 1, 2014**.

Received first reading this 9th day of July, 2013.

Received second reading this 9th day of July, 2013.

Received third and final reading this 10th day of September, 2013.

Signed by the Mayor and the Chief Administrative Officer this ___ day of September, 2013.

Mayor

Chief Administrative Officer

Appendix "A"

Rate Description	30 Day Charge	Description	Effective Date
Recycling Fee – Domestic	\$1.60		May 1, 2010
Recycling Fee – Commercial	\$1.60		May 1, 2010
Regional Waste Authority Fee	\$3.90		May 1, 2010
Residential	\$7.95	1 pick up per week	May 1, 2010
Residential Apartments	\$7.95	1 pick up per week per unit	May 1, 2010
Commercial, Industrial, and Institutional	\$7.95	Minimum charge	May 1, 2010

List of commercial, industrial and institutional properties. (Minimum rate x number of units)

Type of Business	Number of units
Grocery Store	18
(supplies own bins and hauling)	1
Convenience Store	6
Hotel/Motel	
• Small	4
• Medium	10
Hospital	19
Health Clinic	4
Bank	4
Barber/Beauty Shop	
Hardware Store	
• Medium	4
• Large	5
Clothing/Sporting Goods	
• Small	2
• Medium	5
Chiropractic/Dentist/Health	2
Video Store	2
Drug Store	6
Laundromat	4
Gas Station	2
Bulk Fuel Station	2
Theatre	2
Tire Shop	4
Garage/Engine Repair	6
Fast Food	
• Small	3
• Medium	5
• Large	10
Restaurant	
• Small	1
• Medium	4
• Large	6
Nursing Home/Seniors Lodge	14
Seniors Villa	38
School	
• Alternate	10
• Elementary	15
• Junior High	10
• High	15
Professional Services/Real Estate/Offices	
• Small	1
• Medium	2
• Large	3
Agricultural/Veterinarian Services	
• Small	1
	4

• Medium	
Retail	
• Small	1
• Medium	5
• Large	8
Construction	
• Small	1
• Medium	3
• Large	4
Government Offices	
• Small	1
• Medium	4
• Large	6
