BY-LAW #1579

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

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

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

Title

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

Definitions

2. 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 dispositions of waste combustible materials.

   b. "By-law Enforcement Officer" means a By-law Enforcement 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. "Wet garbage" means offal refuse, animal or vegetable matter as from a domestic kitchen, restaurant, commercial, industrial, or institutional kitchen.

   e. "Refuse Receptacles" shall mean tied plastic garbage bags in which refuse is to be deposited or placed.

   f. "Garbage Receptacle" shall mean a container designed to hold refuse receptacles.

Application of By-law

3. This By-law applies to all refuse produced within the boundaries of the Town.

Garbage Receptacles

4. 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 domestic animals. An occupant may place refuse receptacles in a garbage receptacle so as to protect said refuse from the wind or domestic animals.
      (iii) Ensure that each refuse receptacle does not exceed fifty (50) pounds, or the combined weight of refuse receptacles placed in a garbage receptacle shall not exceed fifty (50) pounds.

   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 4.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 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.

Collection

5. 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 2 (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 the health department and the Town of Cardston.

Refuse collection times

6. 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 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, institutional garbage shall be picked up as the Municipal Administrator or designate shall direct and as agreeable with the owner after consideration of the volume of garbage.

Types of refuse not collected

7. a. The Town shall not remove the following from premises on which dwellings are located:

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

b. The Town shall not collect from commercial, institutions or industrial premises:

i) discarded heavy machinery

ii) bi-products of manufacturing

iii) heavy or bulky wrapping, packaging or crating materials unless said items fit in commercial bins provided.

Burning

8. 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.

Recycling

9. 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 its own 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.

Fees

10. That the fees for garbage are outlined in "Appendix A".

General

11. 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 as per Section 7. a. ii.

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.

d. 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.

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.

e. All waste products shall be properly deposited in the Transfer Station Grounds at the direction of the Town.

f. 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.

g. No person, firm or corporation may enter the Transfer Station Grounds except to deposit waste products.

h. Commercial refuse is not to be accepted at the transfer station without approval from the operator or as regulated by the Chief Mountain Solid Waste Authority.

i. 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.

j. (1) 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.

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.

(2) 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.

(3) 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.

k. That By-Law No. 1496 is hereby repealed.

l. That this By-Law shall take effect upon the final passing thereof.

Received first reading this 9th day of February, 2010.

Received second reading this 9th day of February, 2010.

Received third and final reading this 23rd day of February, 2010.

Signed by the Mayor and the Chief Administrative Officer this 25 day of February, 2010.

Mayor

Municipal Administrator

"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/week	May 1, 2010
Residential Apartments	$7.95	Per unit 1 pick up/week	May 1, 2010
Commercial/Industrial/Institutional	$7.95	Minimum Charge	May 1, 2010

Minimum Rate X # of units for commercial properties listed below	# of units
Grocery Store	18
Supply Own Bins & 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	2
Medium	5
Large	8
Church	
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/Vet Services	
Small	1
Medium	4
Retail	
Small	1
Medium	5
Large	8
Construction	
Small	1
Medium	3
Large	4
Government Offices	
Small	1
Medium	4
Large	6