

**TOWN OF TURNER VALLEY
BYLAW NUMBER 948-08**

**BEING A BYLAW OF THE TOWN OF TURNER VALLEY TO REGULATE AND
MANAGE WASTE**

WHEREAS the Municipal Government Act S.A. 1994, c. M-26.1 provides that Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people, the protection of people and premises, nuisances, services provided by or on behalf of the municipality, and the enforcement of bylaws; and

WHEREAS it is desirable to regulate and control the storage, collection and disposal of waste within the Town of Turner Valley;

NOW THEREFORE, the Council of the Town of Turner Valley, in the Province of Alberta, duly assembled enacts as follows:

1. This Bylaw may be cited as the “Waste Bylaw”.
2. In this Bylaw the term:
 - (a) “alley” means a street or lane intended primarily for access to the rear yard of adjacent premises;
 - (b) “animal waste” means all forms of waste from animals or the treatment of animals except animal carcasses or parts;
 - (c) “apartment” means a residence that is in a building of more than four self-contained suites, but excludes a condominium;
 - (d) “biomedical waste” means medical waste that requires proper handling and disposal because of environmental, aesthetic, and health and safety concerns as well as risks to human health and includes:
 - (i) human anatomical waste;
 - (ii) infectious human waste;
 - (iii) infectious animal waste;
 - (iv) microbiological waste;
 - (v) blood and body fluid waste; and
 - (vi) medical sharps, such as needles, syringes, blades, or other clinical or laboratory materials capable of causing punctures or cuts;

- (e) “Chief Administrative Officer” means the person appointed by Council of the Town as its chief administrative officer, or his designate;
 - (f) “collection” means picking up and gathering waste and includes its transportation to a disposal site and “collect” has a corresponding meaning;
 - (g) “collector” means a person employed to collect waste;
 - (h) “commercial bin” means any water-tight container provided for the storage of waste and constructed to be emptied mechanically into a collection vehicle;
 - (i) “commercial premises” means any premises that are not a residential dwelling, and includes any premises that are exempt from municipal assessment or taxation;
 - (j) “condominium” means any residential dwelling title to which is:
 - (i) registered under the Condominium Property Act, R.S.A. 1980, c. C-22; or
 - (ii) held by a cooperative housing association registered under the Co-operative Associations Act, R.S.A. 1980, c. C-24;
- and for the purposes of this Bylaw each unit is deemed to be a residential dwelling;
- (k) “designated officer” means a Town employee who has the powers, duties, or functions of a designated officer pursuant to the Municipal Government Act, S.A. 1994, c. M-26.1;
 - (l) “disposal site” means any premises designated by the Chief Administrative Officer for the disposal of waste or any other premises which is approved by Alberta Environment for the disposal of waste;
 - (m) “general medical waste” means non-hazardous medical waste and includes soiled dressings, sponges, surgery drapes, lavage tubes, casts, catheters, disposable pads, disposable gloves, specimen containers, lab coats and aprons, tubings, filters, towels and disposable sheets, but excludes biomedical wastes;
 - (n) “hazardous waste” means waste generated from any premises and has one or more hazardous properties as described in the Alberta

Environmental Protection and Enhancement Act, Waste Control
Regulation (Alta. Reg. 192/96), Schedule 1;

- (o) “industrial waste” means waste generated by commercial or industrial activities that presents health, safety or environmental concerns, and includes but is not limited to lime, sulfur, asbestos, contaminated soils, empty chemical containers and drums, carbon, acids, caustics, sludge, and industrial sump water, but excludes hazardous waste and biomedical waste;
- (p) “litter receptacle” mean a receptacle intended for public use for the collection of litter, but excludes a commercial bin or a waste container;
- (q) “owner” includes the person shown as the owner on the Land Title for a property, the occupant of a premises, the lessee or tenant of a premises, the Condominium Board of condominium property, and a property management company which holds itself out as the person responsible for the maintenance of a premises;
- (r) “plastic garbage bag” means a sturdy plastic bag specifically marketed to store waste for collection, and excludes plastic bags that are intended for other purposes;
- (s) “residential dwelling” means:
 - (i) single family homes;
 - (ii) premises intended for residential use, and consisting of fewer than five self-contained suites; and
 - (iii) a condominium,but excludes an apartment.
- (t) “Town” means the municipal corporation of the Town of Turner Valley or the area located within the boundaries of the Town, as the context requires;
- (u) “unit of waste” means a waste container and may include a “plastic garbage bag” securely tied not exceeding 20 kgs., and a maximum length of 1.25 m. which fit within the automated waste cart with the lid closed.
- (v) “waste” means anything that is discarded and includes animal, dry, industrial, general medical, or yard waste, but excludes hazardous waste and biomedical waste;

- (w) “waste container” means a container designed to store waste for collection but excludes a commercial bin and a litter receptacle; and
- (x) “yard waste” means waste from gardening or horticultural activities and includes grass, leaves, plants, tree and hedge clipping, and sod.

AUTHORITY OF CHIEF ADMINISTRATIVE OFFICER

3. The Chief Administrative Officer is authorized to:
 - (a) approve set specifications for commercial bins, waste containers plastic garbage bags;
 - (b) specify the quantities and types of waste eligible for collection;
 - (c) designate Town premises to be used as a Town disposal site and Town Recycling Centre;
 - (d) determine the time and frequency of waste collection;
 - (e) make and execute agreements on behalf of the Town for collection and disposal services;
 - (f) grant approvals and permissions as set out in this Bylaw.

GENERAL RULES

4. No person shall scavenge waste from a commercial bin, waste container or plastic garbage bag.
5. The owner of any premises shall store waste on the premises from which it is generated, unless it is stored on other premises with the consent of the owner and occupant of those other premises.
6. No person shall deposit waste in a waste container or commercial bin without the consent of :
 - (a) the owner of the container or bin;
 - (b) the owner of the property where the container or bin is located; and
 - (c) the occupant of the property where the container or bin is located.
7. Unless the owner has written approval from the Chief Administrative Officer to set waste containers out for collection in a Specific location, an owner must ensure that waste containers are:

- (a) located immediately adjacent to a street or alley;
 - (b) at a central location where the collector will have easy, direct and safe access to the waste container;
 - (c) if intended for front street collection:
 - (i) if there is no sidewalk, on the occupant side of the curb;
 - (ii) if there is a sidewalk joined to the curb, on the occupants premises, adjacent to the sidewalk, or
 - (iii) if there is a separate sidewalk with a boulevard, on the boulevard adjacent to the curb; and
 - (d) if there is a walkway or stairway adjacent to the street or alley, at the bottom of the walkway or stairway.
 - (e) bins must be removed from street and placed on private property within 48 hours of pick up date
8. An owner shall ensure that waste stored or set out for collection on or adjacent to that owner's premises does not:
- (a) create offensive odours; or
 - (b) become untidy.
9. An owner shall ensure that all waste is set out for collection and not permitted to accumulate on the premises.
10. An owner shall ensure that waste stored or set out for collection on or adjacent to that owner's premises is contained in a plastic garbage bag whether contained in an approved garbage container or not.

RESTRICTIONS ON WASTE

11. Except for waste which is placed in receptacles required and in a manner complying with the provisions of this Bylaw and in a location designated or allowed by the Bylaw, no person in charge or responsible for any land or building in the Town shall Allow waste of any kind to accumulate:
- (a) outside of a building or inside of a portion of the building to which the public or part of the public has access, or
 - (b) on any land or other premises whether or not there is a building or

other structure erected thereon.

RESTRICTIONS ON WASTE

12. Except as otherwise provided in sections 12, 13, 14, 15 and 16, an owner shall ensure that the following types of waste are not set out for collection from his premises:
 - (a) industrial or hazardous waste;
 - (b) biomedical waste;
 - (c) general medical waste;
 - (d) sharp objects such as glass, nails, knives, metal, or wood splinters;
 - (e) animal waste, dead animals or animal parts;
 - (f) sawdust and powdered materials;
 - (g) automobile waste including automobile parts, tires, and batteries;
 - (h) building materials and furniture;
 - (i) individual items that are larger than 1.25 metres in any dimension or items that weigh more than 20 kilograms;
 - (j) liquids; and
 - (k) waste that is unsafe for the collector to access or handle.
13. A person may set sharp objects out for collection if the sharp objects are contained in a puncture resistant, non-breakable container with a tight fitting lid before they are set out for collection, or if they are set out for collection in a commercial bin.
14. A person may set building materials and furniture out for collection if the building materials or furniture is set out in a commercial bin.
15. A person may set items that are larger than 1.25 m. in any dimension or that weigh more than 20 kilograms out for collection in commercial bins.
16. A person may set general medical waste, animal waste, sawdust and powdered materials out for collection if it is packaged in securely tied, double plastic garbage bags.
17. An owner shall ensure that all yard waste that is set out for collection is:

- (a) packaged in plastic garbage bags; or
- (b) tied in bundles no more than 1.25 metres in length; or
- (c) set out for collection in a commercial bin.

RESIDENTIAL WASTE

18. Owners of residential dwellings, other than condominiums, with more than one self-contained suite must ensure there is a single waste storage location for the residential dwelling which is directly accessible from a street or alley.
19. No owner of a residential dwelling shall set out for collection any waste that is not generated from his residential dwelling.
20. All your waste must fit in the cart and the lid **must** close. **NO** additional waste will be collected.
21. Except as provided in section 25, the owner of a residential dwelling must ensure that waste generated at his residential dwelling is set out for collection in an automated cart (waste container).
22. An owner of a residential dwelling shall ensure that waste containers used at his residential dwelling:
 - (a) the automated carts that have been distributed by the Town of Turner Valley
23. An owner must ensure that residential waste containers used at his premises are filled so that:
 - (a) the cover of the container fits properly;
 - (b) the contents of the container must be placed in a plastic garbage bag that can be easily removed from the container; and
 - (c) the total weight of the container and its contents does not exceed sixty (60) kilograms.
24. An owner must ensure that plastic garbage bags used at his premises:
 - (a) are water-tight and securely tied;
 - (b) are capable of holding their contents without breaking; and

- (c) the total weight of a bag and contents does not exceed 20 kilograms.
25. An owner must ensure that waste from his residential dwelling is set out for collection:
- (a) no later than 7:00 a.m. on the day of collection;
 - (b) no earlier than 9:00 p.m. on the day before collection; and
 - (c) the empty waste container(s) be returned to the owners property not later than 9:00 P.M. the day of collection.

COLLECTION FROM CONDOMINIUMS

26. The owner of a condominium may set waste out for collection in a commercial bin if the use of a commercial bin is approved in writing by the Chief Administrative Officer.
27. If the Chief Administrative Officer approves the use of a commercial bin by a condominium, the owners of the condominium must provide and maintain the commercial bin at their own cost.
28. Where the Chief Administrative Officer has approved the use of a commercial bin by a condominium, the owners of that condominium must ensure the commercial bin is placed at a location where the collector can easily and safely access it, unless, the Chief Administrative Officer has approved in writing a specific location for the commercial bin.

COMMERCIAL WASTE

29. Except as provided in section 28, the owner of commercial premises must ensure waste generated at the premises is set out in a commercial bin for collection.
30. The Chief Administrative Officer may give the owner of commercial premises written approval to set waste out for collection in waste containers or plastic garbage bags.
31. Pursuant to Section 30, all your waste must fit in the cart and the lid **must** close. **NO** additional waste will be collected by the Town from each commercial premise.
32. The owner of commercial premises must ensure sufficient commercial bins, waste containers, or plastic garbage bags are available to hold and retain all waste from the premises.
33. The owner of premises using commercial bins must ensure that:

- (a) the bins are located in a central place that allows direct vehicular access to the bins;
 - (b) snow and ice does not accumulate near the bins such that vehicle access to the bins is impeded; and
 - (c) if The Town collects waste from a premises using a commercial bin, the bin meets the specification set by the Chief Administrative Officer
34. If it is impractical for a commercial bin to be located outside of commercial premises, the Chief Administrative Officer may give written approval to the owner of the commercial premises to store the commercial bin inside a building.
35. The Chief Administrative Officer shall not give written approval for a commercial bin to be stored inside a building unless he is first satisfied that the Fire Chief of the Town does not object to the storage of the commercial bin inside the building.
36. The owner of commercial premises shall ensure there are sufficient litter receptacles on the premises.
37. The owner of commercial premises shall ensure that all litter receptacles on the premises are:
- (a) maintained in good condition;
 - (b) weighted or anchored so they cannot be inadvertently overturned;
 - (c) of suitable size and at sufficient locations to discourage litter; and
 - (d) emptied into a commercial bin, waste container, or plastic garbage bag when full.

RECYCLING

38. A person delivering refuse to the Town recycling centre shall comply with the following rules:
- (a) only acceptable recyclable refuse, as may be determined and specified from time to time by the Chief Administrative Officer, shall be deposited;
 - (b) recyclable refuse delivered for disposal shall be deposited in the place and in the manner directed by the Town;

- (c) refuse that is not acceptable for recycling under section 38(a) shall not be deposited and shall be deposited of otherwise as provided in this Bylaw.

ENFORCEMENT

39. Where the Town Peace Officer, believes a person has contravened any provision of this Bylaw, he may:
- (a) issue to the person an order in accordance with the Municipal Government Act, S.A. 1994, c. M-26.1 to remedy the infraction;
 - (b) issue to the person, a violation ticket in accordance with the Provincial Offences Procedures Act, 1988, c. P-21.5; or
 - (c) do both (a) and (b) above.
40. If the person of whom an order has been issued pursuant to Section 38(a) fails to comply with the order within the time specified in the order:
- (a) that person commits an offence under this section and a Peace Officer may issue a violation ticket pursuant to the Provincial Offences Procedures Act, S.A. 1988, c. P-21.5; and
 - (b) The Town may take whatever steps are necessary to remedy the breach of the bylaw and the cost of doing so becomes a debt owing to the Town by the person to whom the order was issued in accordance with the Municipal Government Act, S.A. 1994, c. M-26.1.
41. Any person who contravenes a provision of this bylaw is guilty of an offence and is liable:
- (a) for a first offence to a fine of not less than \$100.00; and
 - (b) for a second offence of the same provision within a twenty –four month period to a fine of not less than \$300.00.
42. The specified penalty for a first offence is the amount shown in Schedule A in respect of that offence.
43. Where, on a prosecution of an offence pursuant to this Bylaw, a person believes a written approval or permission of the Chief Administrative Officer provides that person with a defence, the owner of proving that approval or permission was given rests with the person relying on the permission or approval.

44. The levying and payment of any fine or the imprisonment for any period provided in the Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this Bylaw.
45. Nothing in this Bylaw relieves a person from complying with any federal or provincial law or regulation, other bylaw or any requirements of any lawful permit, order, consent or other direction.
46. Where this Bylaw refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.

SEVERABILITY PROVISION

47. Should any provision of this Bylaw be invalid, then that provision shall be severed and the remaining Bylaw shall be maintained.

EFFECTIVE DATE AND REPEAL OF BYLAWS

48. Bylaw 03-857 and its' amendment, 04-897 thereto are hereby repealed.
49. This Bylaw shall come into force on the day it is passed.

READ A FIRST TIME this 21st Day of April , A.D., 2008

MAYOR

CHIEF ADMINISTRATIVE MANAGER

READ A SECOND AND THIRD TIME this 20th Day of May, A.D., 2008

MAYOR

CHIEF ADMINISTRATIVE MANAGER

SCHEDULE "A"

<u>Section</u>		<u>Amount of Specified Penalty in Dollars</u>
4.	Scavenge waste	125.00
5.	Storing waste on other's premises	250.00
6.	Waste deposited without consent	250.00
7.	Improperly locating waste containers	125.00
8.	Allowing offensive odours or untidy waste	125.00
9.	Allow waste to accumulate	250.00
10.	Setting out restricted waste for collection	250.00
10,16.	Improper packaging of yard waste	125.00
17.	Fail to provide single waste storage location	125.00
19.	Set out waste not generated on premises	250.00
20.	Fail to set out waste in container or plastic garbage bag	125.00
21.	Use improper waste containers	125.00
23.	Improperly fill waste containers	125.00
24.	Improperly filled plastic garbage bags	125.00
25.	Set out waste at wrong time	125.00
29.	Fail to use commercial bin	250.00
31.	Fail to provide sufficient bins	250.00
32.	Fail to access to bins	250.00
36.	Fail to provide litter receptacles	125.00
37.	Fail to maintain litter receptacles	125.00
38.	Improper disposal of recyclable goods	125.00

SCHEDULE "B"

WASTE MANAGEMENT RATES, FEE AND FINES

1. Garbage Collection Rates

The rates to be charged for garbage collection services shall be based on a two (2) month billing and shall be billed every two (2) months as set out hereunder:

- a. Residential
One (1) pick-up per week
All your waste must fit in the cart & the lid must close.
No additional waste will be collected.
\$ 18.00
- b. Special 4 Unit Residential Building
One (1) pick-up per week
Twelve (12) bag limit
\$ 72.00

2. Recycling Fee

The recycling fee to be charged shall be based on a two (2) month billing and shall be billed every two (2) months as set out hereunder:

- a. Residential \$ 11.00
- b. Special 4 Unit Residential Building \$ 44.00
- c. Commercial (includes schools) \$ 15.00
- d. Motels \$ 15.00
- e. Apartments (12 unit) \$132.00

LATE PAYMENT PENALTY

- Utilities Arrears Penalty (one-time) 4%