

A BYLAW OF THE SUMMER VILLAGE OF ITASKA BEACH IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING SOLID WASTE MANAGEMENT

BYLAW No. 2007-02

WHEREAS, the Municipal Government Act the Revised Statutes of Alberta, 2000 chapter M-26.1, Part 2, Division 1, and amendments thereto, provides for the passing of a By-law by a Municipal Council to establish rules and regulations related to services provided by or on behalf of the municipality such as the collection and disposal of garbage and refuse from the dwellings within the Summer Village;

NOW THEREFORE, the Council of the Summer Village of Itaska Beach pursuant to the authority conferred upon it by the Province of Alberta enacts as follows:

SECTION 1 – TITLE AND PURPOSE

- 1.1 This Bylaw shall be known as the “Solid Waste Management Bylaw”.
- 1.2 The purpose of this Bylaw is to establish standards of solid waste management, minimize waste management nuisances and set penalties relative to solid waste management.

SECTION 2 –DEFINITIONS

- 2.1 In this Bylaw:
 - a. “Ashes” means the residue left after the combustion of any substance.
 - b. “Authority” means the Council of the Summer Village of Itaska Beach and their designated officers.
 - c. “Administrator” means the individual properly designated by the Council of the Summer Village to act as the Chief Administrative Officer (CAO).
 - d. “Collector” means the person, persons or contractor appointed by the Summer Village for the purpose of collecting waste.
 - e. “Containerized Storage Cart” means a plastic 240 litre roll-out container with hinged lids supplied by the Summer Village or the assigned Collector (contractor). Also known as “Tote Cart”.
 - f. “Containerized Storage Bin” means a metal container with hinged lids supplied by the assigned Collector with a capacity up to and perhaps exceeding 30 plus cubic yards. Also known as “Bin”.
 - g. “Construction Debris” means all drywall, rugs, flooring materials, roofing materials, plumbing materials, wood, tree trimmings, leaves and other such materials.
 - h. “Council” means the Council of the Summer Village of Itaska Beach.
 - i. “*Dwelling*” means any building or structure used primarily for human habitation. For the purpose of this Bylaw the term Dwelling does not include a recreational vehicle such as a travel trailer or motor home unless an approved Development Permit has been issued for a recreational vehicle to be used as a “Dwelling”. The term Dwelling does not imply any restriction on the degree of use of the Dwelling.

- j. “Designate” means a person, or organization that assumes the role and or responsibility of managing the waste collection contract, recycle contract and/ or waste management function, having been so designated by the Administrator or Council.
- k. “Garbage” means all table and kitchen refuse; all waste foods whether of animal or vegetable origin and similar waste or decomposing matter and includes broken dishes, tin cans, paper and glass.
- l. “General Refuse” means all plastic, ceramic, glass, rags, cast-off clothing, waste paper, fruit containers, packaging and other materials not able to decompose.
- m. “Nuisance” means any condition on or around Property that is untidy, in Unsightly Condition, offensive and dangerous to health, or which interferes with the use or enjoyment of other Property.
- n. “Occupant” means any person other than the registered Owner who is in possession of the Property, including, but not restricted to, a lessee, licensee, tenant or agent of the Owner.
- o. “Owner” means the registered Owner of the Property under the Land Titles Act, R.S.A. 2000, c.L-4, as amended or replaced and repealed from time to time; or a person who has purchased or otherwise acquired the Property, whether directly from a previous Owner or from another purchaser, and has not yet registered ownership; or a person listed as Owner of the Property on the current assessment role.
- p. “Peace Officer” means a duly appointed Bylaw Enforcement Officer such as a member of Pigeon Lake Protective Services (PLPS).
- q. “Person” means any individual, corporation, society, association, partnership or firm having charge or control of a Premise.
- r. “Premise or Premises” means all buildings including parcels of land on which they are located to which collection services are provided pursuant to this Bylaw.
- s. “Proper Receptacle” means a “Containerized Storage Cart”, also known as a “Tote Cart”, which is a plastic container of 240 litres in volume with hinged lids and wheels supplied by the Summer Village or a Collector.
- t. “Property” means real Property and includes land together with all improvements which has been so affixed to the land as to make them in fact and in law a part thereof.
- u. “Summer Village” means the Summer Village of Itaska Beach.
- v. “Yard Waste” means waste that is organic matter formed as a result of gardening or horticultural pursuits and includes grass, tree and hedge cuttings and clippings.
- w. “Waste” and “Waste Materials” means any discarded or abandoned organic or inorganic material which the Owner or possessor thereof does not wish to retain or is not retained for any useful purpose, and shall include Garbage, General Refuse, and Yard Refuse.
- x. “Waste Collection Services” means the services provided pursuant to this Bylaw.

- y. “Unightly Condition” – see Municipal Government Act of Alberta (MGA), 546 (0.1)

SECTION 3 – AUTHORITY

- 3.1 The Summer Village Administrator, CAO, or his/her Designate, is hereby authorized to do all things necessary in order to fulfil responsibility and duties under this Bylaw, including seeking solid waste management Collectors and negotiating suitable services and rates that will be presented to Council for approval.
- 3.2 The Summer Village may enter into an exclusive contract or contracts with any person or corporation meeting their requirements for the collection of the whole or part of the Waste within the Summer Village.
- 3.3 The Summer Village will specify the quantities and types of Waste eligible for collection.
- 3.4 The Summer Village, by way of this Bylaw, has established that only one Proper Receptacle (Tote Cart) of 240 litres in volume shall be provided and collected from each Dwelling. The cost for additional receptacles, and their pickup, shall be paid by the Owner or Resident directly to the selected Collector (contractor).

SECTION 4 – INTERPRETATIONS

- 4.1 Where the Owner, Occupant or Dwelling qualifies for solid waste collection pursuant to this Bylaw, the Summer Village shall collect the Garbage and General Refuse. Furthermore, the Summer Village is not obliged to collect unless the Owner, Occupant, Dwelling, Premise or Property complies with the provisions of this Bylaw.
- 4.2 Where this Bylaw refers to another Act, Bylaw, Regulation or Agency, it includes reference to any Act, Bylaw, Regulation or Agency that may be substituted.

SECTION 5 - GENERAL REQUIREMENTS

- 5.1 Waste shall be stored or placed only on the Premises from which it is generated unless it is stored or placed on other Premises with the consent of the Owner or Occupant of those other Premises.
- 5.2 The collection services provided by the Village are restricted to Owners and Occupants of the Summer Village or their guests.
- 5.3 An Owner or Occupant shall ensure that the Containerized Storage Cart (Tote Cart) does not emit offensive odours.
- 5.4 No Person shall interfere with the Summer Village’s collection and disposal of Waste pursuant to this Bylaw or impede access to collection locations.
- 5.5 A Person, other than a Collector or an Owner or Occupant that has placed the waste in the Tote Cart, shall not interfere with, or add, or disturb the contents.

SECTION 6 – RESPONSIBILITIES OF SUMMER VILLAGE OWNERS OR OCCUPANTS

- 6.1 The Summer Village is NOT obliged to collect unless the Owner or Occupant complies with the provisions of this Bylaw.
- 6.2 Repairs to the supplied Tote Cart resulting from neglect and the associated costs resulting from acts of vandalism and malicious intent and damage will be the Owner's or Occupant's responsibility. Lost, stolen or misplaced Tote Carts will also be the Owner's or Occupant's responsibility.
- 6.3 Owners or Occupants will place only bagged household waste into the Tote Cart.
- 6.4 The Tote Cart is not to be obstructed or blocked by any object.
- 6.5 Owners or Occupants shall not place Tote Carts directly upon any road, street, reserve or park unless otherwise agreed by the Summer Village.
- 6.6 The Owners or Occupants shall not place loose Waste or Garbage bags adjacent to the Tote Cart. Similarly, overfilling the cart is considered a violation of this Bylaw.

The Contents of the Containerized Storage Carts (Tote Carts)

- 6.7 The contents of the Tote Carts are restricted to Garbage or General Refuse and the following shall not be placed in the Tote Cart:
 - (a) banned, toxic, volatile, flammable, explosive, bio-medical, biological or general medical waste;
 - (b) any highly combustible or explosive waste such as gun powder, dynamite, motion picture film, or hot coals or ashes;
 - (c) industrial waste;
 - (d) oilfield waste, dead animals or animal parts;
 - (e) concrete or similarly heavy objects;
 - (f) automobile waste including automotive parts, tires and batteries;
 - (g) used oils and oil filters;
 - (h) building materials and furniture;
 - (i) liquids, paint or solvent, or any other waste materials designated as special waste by regulatory governing agencies, operating permits or the designated disposal site;
 - (j) propane tanks;
 - (k) electronic equipment such as stereos, computers and monitors;
 - (l) material that may be hazardous to the collector.
- 6.8 A Person may place sharp objects in the Tote Cart if contained in a puncture resistant, non-breakable container with a tight fitting lid.
- 6.9 A Person may place sawdust and powdered materials in the Tote Cart if it is securely packaged and tied.

The Contents of the Containerized Storage Bins

- 6.11 In the event that the Summer Village may periodically provide large strategically placed Bins for the collection of other than Garbage, the following requirements shall apply:
- (a) the Bin shall not be filled past the top edge;
 - (b) refuse must not be placed and remain beside the Bin;
 - (c) all refuse shall be placed within the Bin.
- 6.12 The contents of the Bins are restricted to General Refuse, Construction Debris or Yard Refuse and the following shall not be placed in the Bin:
- (a) banned, toxic, volatile, flammable, explosive, bio-medical, biological or general medical waste;
 - (b) any highly combustible or explosive waste such as gun powder, dynamite, motion picture film, or hot coals or ashes;
 - (c) industrial waste;
 - (d) oilfield waste, dead animals or animal parts;
 - (e) concrete or similarly heavy objects;
 - (f) automobile waste including automotive parts, tires and batteries;
 - (g) used oils and oil filters;
 - (h) liquids, paint or solvent, or any other waste materials designated as special waste by regulatory governing agencies, operating permits or the designated disposal site;
 - (i) propane tanks;
 - (j) electronic equipment such as stereos, computers and monitors;
 - (k) large appliances;
 - (l) material that may be hazardous to the collector.

SECTION 7 – TRANSPORTATION OF WASTE

- 7.1 A Person shall not use or permit to be used any vehicle for the conveyance or storage of Waste unless such vehicle is fitted with a suitable cover capable of preventing the dropping, spilling or blowing off of waste while it is being transported or stored.

SECTION 8 – ENFORCEMENT AND PENALTIES

- 8.1 Penalties and Fees set out in Schedule “A” may be amended from time to time by a resolution of Council.
- 8.2 A Peace Officer or Bylaw Enforcement Officer authorized to enforce this Bylaw under Section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, and who has reasonable and probable grounds to believe that a person has contravened any section of this Bylaw, may under the authority of this Bylaw issue a Municipal tag, and where this tag is not paid by the offender a Part 2 violation ticket may be issued under the *Provincial Offences Procedures Act*, R.S.A. 2000, Chapter P-34, to that person.
- 8.3 Where any action has been taken whatsoever by the Summer Village for the purpose of removing waste, the Summer Village may in respect of any costs

incurred in such action, charge such costs so incurred to the Owner or Occupant of the land in respect of which the action was taken.

- 8.4 In respect of any costs or fines levied or charged under this Bylaw:
- (a) The Summer Village may recover such costs or fines due and owing to the Summer Village pursuant to Section 552 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26; and
 - (b) In default of payment, where permitted by Section 553 of the *Municipal Government Act*, R.S.A. 2000 Chapter M-26, add the amounts due to the tax roll of the land parcel.
- 8.5 Council may retain legal counsel to prosecute for offences under this Bylaw.

SECTION 9 - SEVERABILITY

- 9.1 Each separate provision of this Bylaw shall be deemed independent of all other provisions, and if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

SECTION 10 – REPEAL OF BYLAW

- 10.1 Upon passing this Bylaw, to regulate the collecting of garbage Bylaw No. 34 is hereby repealed.

SECTION 11 – EFFECTIVE DATE

This Bylaw comes into effect on the date of the third reading.

READ a first time this 20th day of June, 2007 A.D.

Read a second time 20th day of June, 2007 A.D.

Given unanimous consent to proceed to third reading this 20th day of June, 2007 A.D.

Read a third time and finally passed this 20th day of June, 2007 A.D.

Mayor

Chief Administrative Officer

Schedule “A”: Penalties and Fees

Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine of:

- Not less than \$100.00 and not more than \$500.00 for a first offence;
or
- Not less than \$500.00 and not more than \$1,000.00 for subsequent offences.