

CYPRESS COUNTY

BYLAW 2006/32

A Bylaw of Cypress County, in the Province of Alberta, to establish and maintain a system for the collection, removal and disposal of ashes, garbage, refuse and other waste in Cypress County.

WHEREAS the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, provides for the establishment of a waste management system within the municipality,

NOW THEREFORE, the Council of Cypress County, in the Province of Alberta, duly assembled, enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as the “The Waste Bylaw”.
2. The system for collection, removal and disposal of ashes, garbage, refuse and waste material accumulated within the County shall be operated in the manner herein set forth.

DEFINITIONS

3. For the purposes of this Bylaw the following terms, phrases, words and their derivatives shall have the meanings given herein. When not inconsistent with the context, words in the plural number include the singular, and words in the singular number include the plural. The word “shall” is always mandatory and not merely directory.
 - a) “Act” means the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 1980, and amendments thereto.
 - b) “Apartment House” means a building which is either occupied or intended to be occupied by more than four families living independently of one another upon the same premises and shall include:

Licensed boarding houses, lodging houses and rooming houses, terraces of dwellings and any other type of residential premises where more than four families reside or dwell.
 - c) “Ashes” means the residue and cinders from any substance used for fuel, but does not include such residue as may accumulate as a result of building operations.
 - d) “Council” means the Municipal Council of Cypress County.

- e) “County” means the municipal corporation of Cypress County pursuant to the laws of the Province of Alberta.
- f) “Building Waste” means all waste produced in the process of construction, altering, repairing a building or demolishing, including earth, vegetation and rock displaced during the process of building.
- g) “Collector” means a person who collects waste within the County for or on behalf of the County.
- h) “Disposal Site” means a dry dump, a sanitary landfill site or waste transfer station or another site approved by the County for the disposal or transfer of waste.
- i) “Dry Dump” means an area maintained by the County where the public may bring and deposit incombustible, inorganic waste.
- j) “Garbage” means all putrescible material including discarded meats, fish, fruits and vegetables resulting from the handling, preparation, cooking and consumption of food.
- k) “Hazardous Waste” means a solid or liquid material that presents an unusual disposal problem or requires special handling including but not limited to explosives, poisons, caustics, acids, drugs, radio-active materials and other like materials.
- l) “Highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, sidewalk, alley, square, bridge, causeway, trestway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for passage.
- m) “Person” means any person, firm, partnership, association, corporation, company or organization of any kind.
- n) “Premise” means:
 - (i) any house, structure or building in which a person resides and shall include any self-contained house accommodation rented to a person or family whether or not the accommodation is shared or not.
 - (ii) with respect to business or industrial accommodation, shall mean the whole or any house, building, structure in which any person is carrying on any trade, business or profession.
- o) “Refuse” means all putrescible and non-putrescible solid wastes including broken dishes, tins, glass, rags, cast-off clothing, waste paper, cardboard, food containers, grass cuttings, shrubbery and tree prunings, weeds and garden waste, but does not include manure, night soil, tree stumps, roots, turf, earth or such waste matter that may accumulate as a result of building operations.
- p) “Sanitary Landfill Site” means an area maintained by the County where the public may bring and deposit all types of waste.

- q) “Street” means any public roadway used by waste collection vehicles to gain access to the boundary of a private property from which garbage or refuse is being collected.
- r) “Supervisor” means the supervisor of the Public Works Department of Cypress County, or another employee of the County authorized by the Supervisor, or by Council for the act or purpose for which the authorization is made.
- s) “Trade Refuse” means and includes every kind of waste material from a commercial or industrial establishment where the building having mixed uses, and shall include material from the work of construction repairing, renovating, demolishing, clearing or grading of buildings or premises.
- t) “Unsightly or Unsanitary Condition” means any nuisance or any condition matter or thing which, in the opinion of the Supervisor, may be injurious to health or which in his opinion may result in the creation of a garbage control problem or nuisance.
- u) “Waste Receptacle” or “Receptacle” means a waterproof and watertight container not larger than 100 centimetres (40 inches) in height at its highest point and 64 centimetres (25 inches) in width at its widest point, and having a gross weight when filled of not more than 25 kilograms (55 pounds) and may consist of:
 - (i) galvanized circular metal containers equipped with close fitting metallic cover with handles sturdy enough that the container when filled with residential waste may be picked up at the handles and inverted without damage to the container or the handles;
 - (ii) durable plastic containers with a close fitting lid with handles sturdy enough that the container when filled with residential waste may be picked up at the handles and inverted without damage to the container or the handles, or;
 - (iii) non-returnable plastic bags of adequate strength that are securely tied or otherwise adequately closed up so that the contents thereof can not escape, or;
 - (iv) such other kinds of containers that may be approved by the Supervisor from time to time.
- v) “Waste” or “Waste Material” means ashes, garbage, refuse or grade refuse as herein defined and includes any other matter or material suitable for disposal in the County waste disposal system.
- w) “Waste Transfer Station” means a site designated and maintained by the County where the public may bring and deposit types of waste designated by the Supervisor for subsequent transfer to a Sanitary Landfill Site.

APPLICATION

4. This Bylaw applies to waste produced or transported within the boundaries of the County or any County owned disposal site.

ACCUMULATION OF WASTE AND CLEANLINESS OF PREMISES

5.
 - a) All owners or occupants are hereby required to remove or dispose of all garbage, ashes and refuse originating on their lands or premises which are not collected, removed and disposed of pursuant to this Bylaw.
 - b) No person shall create or maintain or permit the existence of an unsanitary or unsightly condition on or at any lands or premises within his control or management.
 - c) Garbage, ashes and refuse referred to in Section 5 (a) and (b) shall be removed to or disposed of in a disposal site maintained by the County subject to the regulations and charges established by the County therefore.
 - d) Where the Supervisor or the Bylaw Enforcement Officer becomes aware of any accumulation of waste or unsanitary or unsightly condition, he shall cause to be served on the party responsible written notice to abate the unsanitary or unsightly condition.
 - e) Upon default the County may remedy the accumulation of waste or unsanitary or unsightly condition and charge the cost thereof against the person in default and recover the cost as a debt due from the person to the County.

REMOVAL AND/OR DISPOSAL OF WASTE BY THE COUNTY

6.
 - a) The County shall regulate the removal and disposal of waste within the County; establish rates, fees and charges therefor and determine the method such rates, fees and charges shall be collected.
 - b) The County may accept for disposal waste generated outside the County limits.
 - c) The County may contract out the collection of all waste or part of the waste within the County.

DISPOSAL SITES

7.
 - a) The County shall operate and maintain Disposal Sites at locations deemed necessary by the County for the efficient disposal of waste.
 - b) The Supervisor shall decide as to what classes of waste shall be accepted.
 - c) The County may from time to time have disposal sites available for certain kinds of inorganic wastes.

- d) The Supervisor shall decide and have posted at the site what kinds of wastes are allowed on any disposal site.

CONVEYANCE OF WASTE THROUGH THE COUNTY

8. No person shall convey through the highways any garbage, or any waste or organic matter whatsoever except in proper receptacles or otherwise in vehicles which are covered or otherwise constrained so as to prevent the contents or any of them from falling on the highways, to protect the contents from flies and to control as much as practicable the escape of any offensive odours therefrom.

USE OF DISPOSAL SITES

9.
 - a) Waste delivered for disposal shall be deposited in the place and in the manner directed by the Supervisor.
 - b) Unless a person has the written permission from the Supervisor, no one shall remove any waste produce deposited in a Disposal Site.
 - c) No person shall ignite any waste product at a Disposal Site.
 - d) No person shall deposit any burning or smoldering material at a Disposal Site without the consent of the Supervisor.

PRIVATE DISPOSAL OF WASTE

10. Notwithstanding Section 5, a person may deliver to a Disposal Site free of charge refuse or waste produced or accumulated from a dwelling wholly occupied by himself as a resident.
11. No person shall deliver a motor vehicle or any part thereof to any place other than the designated area in a Disposal Site.
12. A person who after delivering refuse or waste to a Disposal Site neglects or refuses to pay, on demand any of the charges or fees specified is guilty of an offence.

COLLECTION OF WASTE

13. Collection of waste materials shall be made in such locations on such days and at such times as the Supervisor shall direct, subject to the approval of the County Council.
14.
 - a) No person, being the owner, tenant or person in charge of any building or premises in the County shall put or permit to be put out any waste, refuse, trade refuse, waste or ashes for collection unless such waste material is first contained in a sufficient number of garbage receptacles in good condition to contain all such waste material brought to or created on the said premises between regular waste pick-ups.

- b) No person, being the owner, occupant, tenant or person in charge of any building or premises shall put out or permit to be put out for collection any waste, garbage, refuse or ashes in receptacles of any type except those defined in Section 3 (u) herein. Any other receptacles may be removed by the collectors as waste.
 - c) No persons shall fill or permit to be filled, any garbage receptacle beyond its capacity.
 - d) No person shall put or permit to be put out for collection any garbage receptacle which with it's contents exceeds 25 kilograms (55 pounds).
 - e) No collection of waste shall be made from any receptacles of which the weight with it's contents exceeds 25 kilograms (55 pounds).
15. The owner, occupant or person in charge of industrial or commercial premises shall
- a) cause all waste to be removed therefrom regularly so that the same does not accumulate thereon,
 - b) place waste receptacles in sufficient locations about the premises for persons patronizing the premises to deposit any type of wrapping or discarded portion of anything sold or distributed on the premises, and,
 - c) not allow any such receptacle to be filled beyond it's capacity and cause each such receptacle to be emptied regularly.
16. a) Any person carrying out the construction, alteration or demolition of buildings or other building operations shall:
- i) remove from any portion of the street and from any public place, adjacent to such work, all earth, rubbish or waste materials, which have been deposited thereon, and;
 - ii) have a waste receptacle on the site and shall keep the site clean.
- b) A person using a cart, wagon, truck or other vehicle for building operations shall remove from the streets all earth, rubbish or other waste material which may drop from the wheels of such vehicles.
17. For the purposes of performing the duties assigned by this Bylaw, every collector or employee of the County may enter land from which the County is required to remove waste at all times between 7:00 AM and 8:00 PM.

PREPARATION OF WASTE MATTER FOR COLLECTION

18. No person shall put out waste material or garbage for collection unless:
- a) Clippings from shrubs and trees commonly called “brush” are placed in a bag or compactly and securely boxed or tied in bundles not exceeding 1.5 meters (5 feet) in length nor 25 kilograms (55 pounds) in weight.
 - b) Garbage and waste from a domestic establishment is thoroughly drained and wrapped in paper and securely tied or alternately placed in a bag before being put in receptacles for collection.
 - c) Rags and other cast-off garments are tied securely in bundles and placed within garbage or waste receptacles or placed within plastic or weather-proof paper bags and deposited beside the garbage or waste receptacle for removal.
 - d) Waste paper, newsprint, cardboard and inoffensive household refuse is tied in bundles and placed within garbage or waste receptacles or placed within plastic or weatherproof paper bags and deposited beside the garbage or waste receptacle for removal.
 - e) Potentially dangerous items such as broken glass, razor blades, flourescent tubes and similar items are packaged and sealed separately.
19. No person shall place or permit to be placed or mixed with any material for removal as waste any highly combustible or explosive waste.

PLACING OF WASTE RECEPTACLES

- 20.
- a) Except as otherwise herein provided no person shall place or keep waste receptacles upon any portion of a highway.
 - b) Where waste is to be collected from premises situated on land abutting a rear lane and there is space on the land next to the lane, the owner or occupants of the said premises shall place and keep the waste receptacle at the edge of or near the land or elsewhere satisfactory to the Supervisor.
 - c) Where waste is to be collected from premises situated on land abutting a front street or road, the owner or occupants of the said premises shall place the waste receptacle at the edge of or near the sidewalk or travelled surface of the street or road and must be completely outside any fence or other enclosure of any kind and plainly visible to the collector.
 - d) Premises from which waste is to be collected, the owner or occupier of the premises shall place the waste receptacles as directed by the Supervisor, and in a position that the collector shall have direct access thereto and shall be able conveniently to collect the waste receptacle therefrom.

- e) Where premises from which waste is to be removed included no space outside the building for the placing of receptacles on the site in such manner that the collector may have access to them for collection purposes, an owner or occupant of the premises may place the waste receptacles for collection purposes on the portion of the sidewalk or street border adjoining the travelled portion of the street after the hour of four o'clock in the morning of the day when the County collects waste from the premises and shall remove such waste receptacles from the street or portion thereof before the hour of eight o'clock in the afternoon of the day the collection is made.
- f) The owner or occupant of premises from which waste is to be collected
 - i) shall place or locate the waste receptacles for collection in such a manner that they will not overturn or be likely to be overturned.
 - ii) shall, where non-returnable plastic bags are used for the garbage, keep the contents of such bags from escaping until collection takes place.
- g) Where premises from which waste is to be collected exist in multiple residential projects including but not limited to apartments, townhouses, row-houses, and condominiums, waste receptacles from all residences shall be placed in a centralized properly screened location for collection at or near a travelled portion of the access road on the property of the premises or elsewhere to the satisfaction of the Supervisor.

RIGHT OF ENTRY

- 21. All authorized collectors of waste may enter yards and premises of any person at all reasonable times for the purpose of carrying out their duties.

AUTHORIZED COLLECTORS

- 22. a) No person other than authorized collectors of waste shall interfere with or disturb the contents of any waste receptacle after it has been placed for collection. All refuse placed for collection pursuant to the terms of this Bylaw becomes the property of the County.
- b) No person shall collect or dispose of any ashes, garbage or waste as defined herein except under the provisions of this Bylaw.

CLEANLINESS OF PREMISES

- 23. a) No person shall create or maintain or permit the existence of an unsanitary or unsightly condition on or at any lands or premises within his control or management.
- b) Where the Supervisor or the County Bylaw Enforcement Officer becomes aware of any unsanitary or unsightly condition they shall cause to be served on the party responsible written notice to remedy the unsanitary or unsightly condition.

- c) Upon default the County may remedy the unsanitary or unsightly condition and charge the cost thereof against the person in default and recover the cost as a debt due from the person to the County

COLLECTION RATES AND ENFORCING PAYMENT

- 24.
 - a) Rates and charges for waste collection services provided by the County shall be as described and set out by resolution of the Council from time to time as required.
 - b) All accounts shall be forwarded as a utility invoice to the owner and to the occupant and shall be due and payable when rendered with payment to be made at the office of the County or at a pre authorized financial institution. Failure to receive an account shall in no way affect the liability of the owner to pay the account.
 - c) In the event an account remains unpaid for a period of thirty (30) days after the final date of the billing period, the County shall cause written notices to be sent by regular mail to the delinquent owner and occupant advising that the water service will be shut off unless the account is paid in full by the date specified in the notice. A notice shall be deemed to have been received seven (7) days after it is sent.
 - d) If, after the date specified in the notice, as provided for in subsection c) above, the account remains unpaid the service shall be disconnected. Extenuating circumstances may be referred to the Council for decision.
 - e) In the event County staff attend any property to disconnect a water service, as provided for in subsection d) above by reason of non-payment, a disconnection fee as set out in water and sewer service levy bylaw will be charged and shall be payable in advance for the turning on of the service.
 - f) Withdrawal from or cancellation of a Utility Payment Equalization Plan Agreement shall be subject to the provisions under subsections c), d) and e).

RECOVERY OF EXPENSES AND PROSECUTION OF OFFENDERS

- 25. If the charges to be paid by the owner or occupant of any land from which waste is removed pursuant to the provisions of this Bylaw are not paid or if the owner or occupant of any land from which such waste is to be removed refuses or neglects to do anything required to be done by him hereunder, the same may be done by the County at the expense of the person so in default and the County may recover the charges for which the owner or occupant is liable for the expense of doing such act with the costs by action against such owner or occupant in any court of competent jurisdiction or by levying the same against the land from which the waste was removed in the same manner as municipal taxes.
- 26. Wherever in this Bylaw it is directed that an owner or occupant of any building or premises shall do any matter or thing, then in default of its' s being done, either of owner or occupant or both, or if there are several owners or occupants, any or all of such owners or occupants shall be liable to prosecution; and it shall be no defence for any owner or occupant so prosecuted to allege that any other person is responsible for such default.

PENALTIES

- 27. a) Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw he may commence proceedings by issuing a summons by means of a violation ticket in accordance with the Provincial Offences Procedure Act R.S.A. 2000, Chapter P-34.
- b) For a first offence, the specified penalty payable in respect of a contravention of this Bylaw is one hundred (\$100.00) dollars or in default of payment to imprisonment for a period of not more than one year.
- c) For each subsequent offence, the specified penalty payable in respect of a contravention of this Bylaw is two hundred (\$200.00) dollars or in default of payment to imprisonment for a period of not more than one year.
- d) Payment of any fine or imprisonment for any period of time, pursuant to the provisions of this bylaw, shall not relieve any person from the obligation to pay any charges, costs or fines for which that person is liable under the provisions of this Bylaw.
- e) Payment of any fine or imprisonment for any period of time, pursuant to the provisions of this bylaw, shall not relieve any person from any civil liability whatsoever which may arise by reason of that person's contravention of this Bylaw.

COMING INTO FORCE

- 28. This Bylaw comes into force on the day that it is finally passed.
- 29. Bylaw 86/07 is hereby rescinded.

Read a first time this _____ day of _____, 2006.

Read a second time this _____ day of _____, 2006.

Read a third time and finally passed this _____ day of _____, 2006.

Reeve

Designated Officer