



## VILLAGE OF CONSORT

### BYLAW NO. A764

#### **A BYLAW OF THE VILLAGE OF CONSORT IN THE PROVINCE OF ALBERTA FOR THE COLLECTION REMOVAL AND DISPOSAL OF SOLID WASTE WITHIN THE BOUNDARIES OF THE VILLAGE OF CONSORT.**

**Whereas**, the Council of the Village of Consort deems it necessary that the collection and disposal of garbage within the Village be carried out in as practical, efficient and tidy manner as possible; and

**Whereas**, the Municipal Government Act, RSA 2000, Chapter M-26 as amended, provides that the Council of a municipality may, by bylaw, establish rules and regulations for the collection and disposal of solid waste throughout the municipality; and

**NOW THEREFORE** under the authority of the Municipal Government Act RSA 2000, Chapter M-26, the Council of the Village of Consort, in the Province of Alberta, duly assembled enacts as follows:

1. This Bylaw may be cited as the "Waste Management Bylaw".

#### **DEFINITIONS:**

2. In this bylaw all definitions in the Act shall apply.

3. Interpretations of this bylaw shall be consistent with the requirements of the Act.

4. In this bylaw:

a) "**Apartment House**" means a building which is either occupied or intended to be occupied by more than two families living independently of one another upon the same premises and includes, but is not limited to:

- i. Condominiums that do not fit the definition of a townhouse as described herein;
- ii. Senior citizens' self-contained units in a complex of more than two units;
- iii. Hotels, licensed cabins, motels and any other type of premises where the occupants normally reside for limited periods;

b) "**Appliances**" shall be defined as non-usable household appliances such as washers, dryers, stoves, fridges, dishwashers, garburators, hot water tanks, water softeners, furnaces, air conditioners, televisions, stereos, radios, VCRs;

- c) **"Ashes"** means the residue and cinders from any substance used for fuel;
- d) **"Building Waste"** means all waste produced in the process of constructing, altering or repairing a building, including earth, vegetation and rock displaced during the process of building;
- e) **"Burnable Waste"** shall mean non-offensive, combustible materials such as trees, brush and clean untreated wood products only;
- f) **"CAO"** means the Chief Administrative Officer of the Village;
- g) **"Chief Administrative Officer"** means the Chief Administrative Officer of the Village as appointed by Council pursuant to Section 205 of the Municipal Government Act from time to time;
- h) **"Collection or Collect"** means picking up and gathering solid waste and includes its transport to a disposal site;
- i) **"Collector"** means the person(s) and/or company who collects waste within the Village for and on behalf of the Village;
- j) **"Commercial Property"** means a business engaged in the direct retailing of goods or provisions of services to the final consumer where collection and removal shall be at a rate per unit, excepting where the property owner has a separate contract to provide this service;
- k) **"Council"** means the municipal council of the Village of Consort;
- l) **"Domestic Waste"** means all non-hazardous materials coming from residential dwellings;
- m) **"Duplex"** means any building or place occupied or used as a residence by two families (two dwellings);
- n) **"Dwelling"** means any building or place occupied or used as a residence or place of living by one person or family (including mobile homes) but does not mean apartment house as per item 4(a). Each individual residence shall be considered a separate dwelling unit.
- o) **"Garbage"** means and includes any and all rubbish, ashes, household waste, discarded matter, rejected, abandoned or discarded waste or vegetable or animal food, floor sweepings, crockery, glass or metal ware having collected food;
- p) **"Garbage Bag"** means a non-returnable plastic bag meeting the following specifications:

- i. Made from sturdy material which is strong enough to withstand normal handling and lifting;
- ii. Can be securely tied at the top;
- iii. Is no more than 0.99 meters (3 feet) in height and 0.66 meters (2 feet) in width and weight no more than 20kg (44 lbs.)
- iv. Is in good condition, free from rips and tears, and grocery bags are not acceptable garbage collection bags.

q) **"Garbage Container or Receptacle"** means metal, wood or plastic garbage container or receptacle with secure lids to prevent the invasion of birds or animals;

r) **"Hazardous Liquid Waste"** means hazardous waste with moisture content in excess of 30%;

s) **"Hazardous Waste"** means a hazardous chemical as defined by the Environmental Protection and Enhancement Act (Alberta) and regulations thereunder; any waste which contains a radioactive material as defined by the Atomic Energy Control Act (Canada) and regulations thereunder; any waste which contains materials as defined by the Atomic Energy Control Act (Canada) and regulations thereunder; any waste which contains trichlorophenol, pentachlorophenol, free cyanides or polychlorinated biphenyls; any liquid waste which contains arsenic, cadmium, chromium, lead, mercury, nickel, selenium or thallium concentrations greater than 99 milligrams per kilogram; any liquid waste which contains an organic solvent in concentration greater than 999 milligrams per kilogram; any pesticides, herbicides, explosives, quick lime, sewage sludge, septic tank pumpings, oil, combustible liquids, batteries, poisons, acids, caustic; any container used to transport such waste and any other waste which presents an unusual disposal problem for reasons of health or safety;

t) **"Municipal Tag"** means a notice issued by the Village of Consort pursuant to Section 7 of the Municipal Government Act, for the purpose of providing a person with an opportunity to acknowledge a contravention of this bylaw, and to pay a penalty directly to the Village, in order to avoid prosecution for the contravention;

u) **"Occupant"** means a person or corporation in actual possession of any premises either as owner or tenant;

v) **"Person"** means any person, firm, partnership, association, corporation, company or organization of any kind;

w) **"Prohibited Waste"** means waste not acceptable (see Schedule "A");

x) **"Public Works Foreman"** means the chief officer in charge of public works as appointed by the CAO;

- y) **"Refuse"** means all decay able materials resulting from the handling, preparation, cooking, consumption and storage of food, along with the following materials: broken dishes, rags, cast-off clothing, excelsior, sawdust, food containers, plastic, shrubbery and tree prunings; but does not include soil, concrete, manure, tree stumps, roots, turf, earth, furniture, household appliances, car bodies and their discarded auto parts or such waste matter as may accumulate as a result of building construction, renovation or repair, metal barrels, wire, pipe, metal sheathing, dead animals, tires, batteries, or any liquids;
- z) **"Street or Lane"** 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;
- aa) **"Village"** means the municipal corporation of the Village of Consort;
- bb) **"Waste or Waste Material"** means ashes, garbage, refuse as herein defined and including any other matter or material suitable for disposal by the Village Collector.

#### **PREPARATION OF WASTE MATTER FOR COLLECTION:**

5. A person shall not put out or permit to be put out any solid waste for collection other than subscribed to as per this Bylaw.
6. A person shall put or permit to be put out solid waste for collection:
- a) Clippings from shrubs and trees commonly called "brush" are compactly and securely tied in bundles not exceeding 1.2m (4 ft.) in length or 22.73kg (50 lb.) in weight, and placed beside the wheeled carts;
  - b) Refuse and trade waste is thoroughly drained and put in a sealed disposal container before being put into the garbage container or receptacle for collection;
  - c) Rags and cast-off garments are tied securely in bundles and placed within or beside the garbage container or receptacle for removal;
  - d) Ashes are cooled and put into sealed, disposable containers;
  - e) Sawdust is put into sealed disposable containers;
  - f) No householder or proprietor shall directly or otherwise dispose of any feces, whether human or animal, or any carcass of any dead animal in any garbage container or receptacle.
  - g) All trade wastes, such as loose paper, boxes, straw and other packing must be flattened and tied in secure bundles and kept in covered containers, ready for removal.

h) Clippings from lawns, shrubs and trees shall be wrapped in bundles, bags or boxes, and placed in or beside the waste receptacles.

i) All waste material shall be drained and wrapped and no liquid waste shall be disposed of in the containers prescribed herein.

j) The Village shall not be responsible for the collection and removal of any of the following types of garbage:

- i. Trade garbage resulting from the construction, repair, decoration or clearing or grading of a building or premises.
- ii. Scrap metal including car bodies, chassis, machinery or parts or garage refuse.
- iii. Garbage which is not properly bagged, boxed, bundled or stored within an approved receptacle which can be emptied into the garbage truck.

**COLLECTION:**

7. All residential collection shall be done at the rear alley unless otherwise authorized by the Public Works Foreman.

8. 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, refuse or ashes in receptacles of any type except those defined in Section 26 herein. Any other receptacles may be removed by the collectors as waste.

9. No person shall fill or permit to be filled any garbage receptacle to a height that will not allow the closure of the lid.

10. No person or occupant shall place for collection a bundle, package or other material beside a waste receptacle the length, width or height of which exceeds four feet, or the weight of which exceeds 22.73 kg (50 lb.), and no collector shall be required to collect a parcel of any measurement which exceeds four feet or the weight of which exceeds 22.73kg (50 lb.).

11. Nothing in this bylaw shall be deemed to require the collection by the Village of Consort of any trade waste, commercial/industrial waste, construction waste, hazardous waste or liquid waste, and all such materials shall be conveyed by the owner at their expense to an appropriate disposal facility.

12. All solid waste material that is collected by the Municipality or its contractor becomes the property of the Municipality and shall be disposed of under the terms or conditions that Council directs.

13. The Public Works Foreman shall approve schedules for the collection of waste.

14. Solid waste shall be at the pick-up location by 7:00AM on the morning of the collection day.

15. If a civic holiday (Christmas Day or New Year's Day) falls on the collections day and the landfill is closed, collection will be made on the following working day.

16. No person shall dispose of garbage into another person's garbage collections area or receptacle without the consent of that person.

17. Pick-up will be on a weekly basis. Additional pick-ups will be scheduled if and when required at the discretion of the Public Works Foreman.

18. All owners, occupants or tenants are encouraged to recycle any acceptable recyclable waste materials and deposit them in the containers provided by the Big Country Regional Recycling Society.

19. The owners, occupants or tenants of any commercial, industrial, or institutional premises shall have the right to select a private garbage contractor of their choice, to collect and dispose of their solid waste, at their expense.

20. Residents will be advised of the special pick-ups by insertion of notice in the local newspaper prior to the dates.

**RECEPTACLES:**

21. Solid waste receptacles shall mean metal, wood or plastic garbage container or receptacle with secure lids to prevent the invasion of birds or animals.

**LOCATION OF RECEPTACLES:**

22. A person shall not keep or permit to be kept any solid waste receptacle upon any lane, street, boulevard, sidewalk or highway of the Village.

23. The Village shall designate or approve all collection locations and the owner, tenant or occupant shall maintain pick-up locations for solid waste receptacles and the following regulations apply:

a) The pick-up location serving a dwelling shall not be further from the street than the back property line of the dwelling;

24. Any person, being the owner, occupant, tenant or person in charge of any property or premises who puts solid waste for collection shall provide unobstructed and convenient access for collection of such waste.

**TRANSPORTATION OF WASTE:**

25. 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 solid waste while it is being transported or stored.

**WASTE MANAGEMENT FEES:**

26. There shall be levied on each owner a fee for the collection and disposal of garbage and refuse as determined with the Master Rates Bylaw or Water, Sewer and Garbage Charges Bylaw.

27. The fee charged under this bylaw shall be the collection and disposal services offered by the Village and the full amount of such fee shall be payable regardless of the extent to which the available services are in fact used.

28. Such fee shall be levied through and included within the utility billing issued pursuant to the Master Rates Bylaw or Water, Sewer and Garbage Charges Bylaw, and all provisions regarding the administration, payment or collection of utility bills contained in the Master Rates Bylaw or Water, Sewer and Garbage Charges Bylaw shall also apply with such modifications as may be appropriate, to fees and charges as set out in the bylaw.

**ENFORCEMENT:**

29. It shall be the duty of the CAO and/or his/her designate to enforce the provisions of this bylaw.

30. The Village of Consort is a member of the Big Country Waste Management Commission, which operates the waste transfer station for the disposal of garbage from the Village. This Commission reserves the right to control the type and nature of garbage which may be deposited at the transfer station.

**PROHIBITIONS:**

31. No person shall burn solid waste material within the Village of Consort.

**OFFENCES AND PENALTIES:**

32. The CAO and his/her designates are Designated Officers for the purposes of inspections and enforcement under this Bylaw.

33. A Designated Officer under this bylaw has the right to enter upon and inspect any premises for the purposes of determining compliance with enforcing this bylaw in accordance with Section 542 of the Municipal Government Act.

34. A person shall not deposit or permit to be deposited any type of solid waste on any Village highway or property.

35. If a person, being the owner, occupant, tenant, or person in charge of any building or premises has been given an order to remedy any condition contrary to any part of this bylaw and neglects or refuses to comply with such an order within the time specified, the same may be done by the Village of Consort at the expense of the person in default. All expenses incurred shall be in addition to and not a substitute for any fines or penalties to which the person may be subject pursuant to the provisions of this bylaw, on default of payment of these expenses, the Village may recover the expenses thereof with the costs, by action or in like manner as municipal taxes.

36. When the owner, occupant, tenant of any land or premises with the Village fails to comply with any of the provision of this bylaw, the said owner, occupant, or tenant shall be served Notice, by registered mail, giving three (3) working days to remedy the garbage problem.

37. When the owner, occupant or tenant fails to comply within the three working days to the notice to remedy the garbage problem, the Village Public Works or the contractor employed by the Village shall be authorized to remedy the garbage problem, with all costs of labour and materials to be charges to the property owners.

38. When a garbage problem is deemed to be a potential health or public safety hazard, the Village shall immediately notify the Public Health Inspector to investigate the problem.

39. Any person contravening any provision of this bylaw and any person responsible for such contravention shall receive notice stating a fine of one hundred dollars (\$100.00) for the first offence, two hundred dollars (\$200.00) for the second offence and subsequent offence. This fine must be paid to the Village within seven days. If not paid within seven days (7) it will be attached to the tax notices.

40. All penalties applicable to this bylaw shall be recoverable under the Provincial Offences Procedures Act and the Summary Convictions Act, and shall ensure to the benefit of the Village.

**SEVERABILITY:**

41. If any section or parts of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

42. This bylaw shall come into force and take effect on the day of third and final reading and hereby rescinds bylaw A694.

Received first reading this 11<sup>th</sup> day of July, 2011.

Received second reading this 11<sup>th</sup> day of July, 2011.

Received third and final reading this \_\_\_ day of \_\_\_\_\_, 201\_.

Village of Consort

Original signed by the Mayor and CAO on \_\_\_\_\_, 201\_.

\_\_\_\_\_  
Mayor  
Wayne Walker

\_\_\_\_\_  
CAO  
Monique Jeffrey





## **SCHEDULE "A"**

### **PROHIBITED WASTE**

HUMAN WASTE (except disposable diapers)

LIQUID WASTE

BIOMEDICAL WASTE

CARCASSES

SEWAGE

WASTE FROM CAR WASHES

HAZARDOUS WASTE

HAZARDOUS LIQUID WASTE

PROPANE TANKS

OIL, OIL FILTERS AND OIL CONTAINERS

WET-CELL BATTERIES

No chemicals, paints, mineral fillers or toxic materials or liquids contained in questionable containers will be accepted.