

TOWN OF TOFIELD
BY-LAW NUMBER 1069

BEING A BY-LAW OF THE TOWN OF TOFIELD, IN THE PROVINCE OF ALBERTA, TO REGULATE THE COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE, REFUSE AND OTHER WASTE, WITHIN THE TOWN OF TOFIELD.

WHEREAS, the **Municipal Government Act**, (Alberta), as amended, provides that a Council may pass by-laws regulating the collection, removal and disposal of garbage, refuse, and other waste within the Municipality.

AND WHEREAS the Council of the Town of Tofield finds it advisable to pass such a by-law;

NOW THEREFORE, the Council of the Town of Tofield, in the Province of Alberta, duly assembled, **ENACTS**:

Name of By-Law

1. This By-Law may be cited as "Town of Tofield Waste By-Law".

Definitions

2. In this By-Law:
 - (a) "Acceptable Solid Waste" shall mean, mixed household and commercial solid waste (including trash, refuse and garbage) that has the characteristics of non-hazardous solid waste normally produced by residences, stores, other commercial premises, schools and offices, provided that under no circumstances shall Acceptable Solid Waste material include waste which is:
 - (i) liquid, radioactive, reactive, ignitable, corrosive, pathological, acidic, or otherwise defined as hazardous by federal, provincial or local municipal laws, regulating or orders; or
 - (ii) waste material which requires special handling.
 - (b) "Commercial Premises" shall mean, without restricting the generality of the common definition of the words, any and all buildings, structures or premises used primarily for a commercial or non-residential purpose within the corporate limits of the Town of Tofield, including, but not limited to, hospitals, warehouses, stores, shops, cafes, restaurants, wholesale and retail business outlets, office buildings, hotels, motels, schools, churches, lodges, clubs, garages, gas stations and industrial and manufacturing establishments.
 - (c) "Commercial Waste Bin" shall mean, a four (4) cubic yard waste receptacle or container capable of holding Acceptable Solid Waste, and placed and located by the Commission, in the Town, at the locations agreed upon, in writing, once a year, throughout the currency of the Agreement between the Town and the Commission, on or before the 15th day of December in each and every year.
 - (d) "Commission" shall mean, the Beaver Regional Waste Management Services Commission.
 - (e) "Commission Landfill" shall mean, the landfill operated by or on the behalf of the Commission.

- (f) "Manager" shall mean the Chief Administrative Officer of the Town and includes any person authorized to act for or in the name of the Manager.
 - (g) "Owner" shall include a manager and any person having authority over a business establishment;
 - (h) "Prohibited Waste" shall mean car and automobile bodies, dead animals, mature tree limbs, whole shrubs or bushes, heavy machinery, explosives, combustible materials, asbestos, and toxic or hazardous materials;
 - (i) "Recyclable Waste" shall mean, waste to which anything can be done that results in providing a use for a thing that would otherwise be disposed of, or dealt with, as Acceptable Solid Waste, which includes collecting, transporting, handling, storing, sorting, separating and processing the thing, but does not include the application of Recyclable Waste to land or the use of a thermal destructive process.
 - (j) "Recycling Waste Bins" shall mean, waste bins specifically designed for, and identified as, waste bins, into which only Recyclable Waste should be deposited and placed and located by the Commission in the Town, at the locations agreed upon, in writing, once a year throughout the currency of the Agreement between the Town and the Commission, on or before the 15th day of December, in each and every year.
 - (k) "Residential Premises" shall mean, without restricting the generality of the common definition of the words, any and all, buildings, structures or premises used primarily as a residence, dwelling or habitat within the corporate limits of the Town, including but not limited to, houses, duplexes, multiplexes, condominiums, apartments and mobile homes.
 - (l) "Residential Roll-Out Bin" shall mean, an individual waste receptacle or container capable of holding Acceptable Solid Waste and provided to a Residential Premise by the Commission.
 - (m) "Residential Waste Bin" shall mean, a waste receptacle or container capable of holding Acceptable Solid Waste and placed and located by the Commission in the Town at the locations agreed upon, in writing, once a year.
 - (n) "Town" shall mean the Town of Tofield.
 - (o) "Toxic and Hazardous Materials" shall mean any Waste that may present a hazard to Persons, flora, fauna or public lands, including wastes of pathological, explosives, highly flammable, radioactive or toxic nature.
 - (p) "Waste" shall mean both acceptable solid waste and prohibited waste.
3. Words importing the masculine gender only, include the feminine gender whenever the context so requires and vice versa.
4. Words importing the singular, shall include the plural or vice versa, whenever the context so requires.

Waste Disposal

5.
 - (a) Except as otherwise provided in Subsection (d), (e), (f) and (g) of this clause, the owner or occupant of a Residential Premises shall transport all Acceptable Solid Waste to and deposit same in a Residential Waste Bin. If such Residential Waste Bin is full, the owner or occupant shall use an alternate Residential Waste Bin, and the Town shall be notified that the first Residential Waste Bin is full.
 - (b) If the Commission deems a Residential Premise as not having access to a Residential Waste Bin, the Commission shall provide the Residential Premises with a Residential Roll-Out Bin, except as otherwise provided in Subsection (d), (e), (f) and (g) of this clause. The owner or occupant of a Residential Premises shall transfer, on the specified garbage collection day, the Residential Roll-Out Bin to the curb side, on the front street. The Residential Roll-Out Bin shall be placed at the curb side in such a manner to allow the easy collection of Acceptable Solid Waste.
 - (c) All persons shall dispose of Acceptable Solid Waste by placing it in an appropriate container in good repair, securely tied, to a maximum weight of 23 kg per bundle and a maximum length of 1 metre;
 - (d) Tree and shrub clippings shall be compacted, securely tied in bundles, to a maximum weight of 23 kg per bundle and a maximum length of 1 metre, prior to disposal;
 - (e) Grass clippings shall be placed in an appropriate container, in good repair, prior to disposal.
 - (f) Ashes shall be quenched and placed in a separate container before placing in a Residential Waste Bin or Residential Roll-Out Bin.
 - (g) Subject to the other provisions of this By-Law, dangerous or germ-carrying Waste shall be placed in separate containers before placing in Residential Waste Bin or Residential Roll-Out Bin.
6. The Owners and Occupants of Commercial Premises shall deposit all Acceptable Solid Waste in a Commercial Waste Bin designated for his/her Premises.
7. Owners and Occupants may dispose of Recyclable Waste by depositing it in Recycling Waste Bins.
8. No Person shall leave a Residential Waste Bin or Residential Roll-Out or Commercial Waste Bin unlatched, so as to leave Garbage accessible to animals.
9. Except as otherwise specifically provided for in this By-Law, the removal and disposal of Acceptable Solid Waste shall be under the supervision of the Town or its designated agents, and no Person shall discard or dispose of or deposit Acceptable Solid Waste anywhere in the Town, except in such places and at such times and under such conditions as the Manager may authorize.
10. Waste Unacceptable for General Collection shall not be deposited in the Commercial, Residential or Recycling Waste Bins but may be disposed of by the Person controlling the said Waste at the Commission Landfill site.

Prohibitions

11. No Person shall convey, through any street in the Town, any Waste whatever, except in proper receptacles or otherwise in vehicles which are so constructed and arranged as to prevent the contents from falling on the streets and to protect the contents from flies and other insects and to control as much as practicable the escape of any offensive odour.
12. No Person, within the Town, shall burn any Waste, unless he has permission in writing from the Manager to do so.
13. No person shall dispose of or place for collection in the Residential, Commercial or Recycling Waste Bins, combustible materials or Toxic and Hazardous Materials, including household hazardous waste.
14. No Person shall dispose of blood samples or cultures or other medical waste in the Residential, Commercial or Recycling Waste Bins.
15. No Person shall deposit any Waste, whatsoever, on any public or private property in the Town, except as permitted by this By-Law.
16. No Person shall interfere with any Commercial, Residential or Recycling Waste Bins nor Waste deposited therein.
17. All Persons shall dispose of Waste and other matter and materials in accordance with all applicable legislation and regulations thereunder.
18. Obstruction of Public Property:
 - (a) No Person shall sweep, throw, cast, lay or direct or suffer or permit any servant, agent or employee to sweep, throw cast, or lay or deposit any refuse, liquid wastes or faecal matter, lawn rakings, grass or rubbish of any kind, including carcasses of birds or animals on any street, alley, lane, roadway, sidewalk or public place in the Town or on any private place, other than his own premises, and then only in the manner prescribed in this By-Law.
 - (b) No Person shall pick over, interfere with, disturb, remove or scatter any waste, garbage, ashes or rubbish placed for collection.

Offences & Penalties

19. Any Person who contravenes this By-Law is guilty of an offence.
20. Persons contravening certain sections of this By-Law shall be liable for the penalties set out in such section or set out opposite such section number in Schedule "A" hereto.
21. An Offence Ticket may be issued by a Peace Officer or a By-Law Enforcement Officer to any Person alleged to have breached any provision of this By-Law, and the said Offence Ticket shall require the payment to the Town, in the amount specified in this By-Law or the regulations pursuant to the Provincial Offences Procedures Act, (Alberta) as amended.

22. An Offence Ticket shall be deemed to be sufficiently served:
- (a) if served personally on the accused; or,
 - (b) if mailed to the address of the Registered Owner of the property concerned; or to the Person concerned.
23. Except as otherwise provided in this By-Law, every Person who, upon summary conviction, is found guilty of a second or subsequent offence under this By-Law, is liable to a fine of not less than \$250.00 and not more than \$2,500.00, plus costs or for imprisonment for any period not exceeding six (6) months in case of nonpayment of the fine and costs imposed for such offence.
24. Except as otherwise provided in this By-Law, a Person who is guilty of an offence, under this By-Law, for which a penalty is not otherwise provided, is liable to a fine of not more than \$500.00 and in default of payment, is liable to imprisonment for a term not exceeding six (6) months or to imprisonment, for a term not exceeding six (6) months, without the option of a fine.
25. Any Person found in contravention of a provision of this By-Law and who does not comply with the direction of a By-Law Enforcement Officer in correcting the violation, under this By-Law, is guilty of an offence and the said violation may be remedied by the Town to the satisfaction of the By-Law Enforcement Officer.
26. In addition to any other remedy available to the Town, for noncompliance with this By-Law, the Town may correct the violation and the costs incurred, therefore, shall be paid to the Town upon demand, and failing payment may be collected as a debt due to the Municipality.

Rates and Fees

27. All rates and charges due, in connection with Waste Collection Services, shall be established by resolution of Council of the Town of Tofield.

Transition

28. By-Law No. 982 is repealed, upon this By-Law coming into force.

This By-Law comes into effect, upon the final passing of the Third reading.

READ a first time this 25th day of May, A.D. 1998.

READ a second time this 25th day of May, A.D. 1998.

READ a third time and finally passed this 25th day of May, A.D. 1998.


MAYOR


ADMINISTRATOR

SCHEDULE "A"

Specified Penalties

Section	Description	Amount
5	Disposal of Waste	\$ 50.00
6	Disposal of Waste by a Business Owner	\$ 50.00
8	Leave Waste accessible to animals:	
	- first offence:	\$ 75.00
	- second offence:	\$150.00
9	Unauthorized disposal of Waste	\$ 50.00
10	Placing of prohibited Waste in a Residential, Commercial, Recycling Waste Bin for Collection	\$100.00
11	Convey waste in improper Receptacles	\$100.00
12	Burn Garbage or Waste	\$100.00
13	Placing of dangerous substances in a Residential, Commercial, Recycling Waste Bin for Collection	\$250.00
14	Placing of blood or medical waste in a Residential, Commercial, Recycling Waste Bin	\$250.00
15	Unlawful disposal of Waste	\$ 50.00
16	Interfere with Residential, Commercial or Recycling Waste Bin	\$ 50.00