

**BYLAW NO. 24-06
TOWN OF FALHER**

A BYLAW OF THE TOWN OF FALHER, IN THE PROVINCE OF ALBERTA, TO REGULATE THE COLLECTION, REMOVAL AND DISPOSAL OF WASTE, REFUSE, ASHES, RECYCLE MATERIALS AND ORGANIC WASTE IN THE TOWN OF FALHER.

WHEREAS under the provisions of the *Municipal Government Act* R.S.A. 2000, Chapter M-26 and amendments thereto, the Council of the Town of Falher may, by bylaw, provide for services provided by or on behalf of the municipality and for public utilities; and

WHEREAS Council deems it is in the interest of the municipality to ensure the timely and appropriate collection, removal and disposal of waste, refuse, ashes, recycle materials and organic waste;

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

Title

1. This Bylaw may be cited as the Waste Collection Bylaw.

Definitions

2. In this Bylaw, the following definitions shall apply:

- a. **Bylaw Officer:** each and every member employed and duly appointed as a Bylaw Enforcement Officer for the Municipality;
- b. **Council:** the Council of the Town of Falher;
- c. **Collection Day:** the day or days during each week on which waste or recycling is regularly collected from a specific premises;
- d. **Commercial Premises:** any building, structure, or land used or intended to be used for business activities, including but not limited to retail, office, service, and entertainment purposes. ;
- e. **Commercial Waste:** any waste that is generated on any parcel of land or through the functions of a land where commercial activity is conducted.
- f. **Designated Location:** a street, laneway or other location as designated by the Municipality;
- g. **Dwelling:** a building occupied for residential purposes;
- h. **Garbage Bag:** a plastic bag of the type designed for the disposal of domestic refuse;
- i. **High-Capacity Waste Container:** A large, durable container constructed of non-corrosive metal or plastic, equipped with a secure lid, specifically designed to accommodate substantial volumes of waste. This container is intended for use by multi-unit residential buildings, commercial establishments, and industrial facilities where high volumes of waste are generated and require efficient management and disposal. Typically referred to as a 'dumpster'.
- j. **Industrial Premises:** any building, structure, or land used or intended to be used for manufacturing, processing, warehousing, distribution, or other industrial activities.
- k. **Industrial Waste:** any waste that is generated on any parcel of land or through the functions of a land where industrial activity is conducted. This includes but is not limited to materials from excavations, materials from lot clearing and building construction, repairs, alterations, or maintenance, debris from any building removed, or destroyed by fire or any other cause, material from manufacturing processes, dead animals, waste from garages and service stations, condemned matter or waste from factories or other works, or from warehouses, ashes from industrial plants, and other similar waste materials other than human or animal excrement, or residential waste;
- l. **Landowner:** the person(s) named on the legal property title;
- m. **Multi-Unit Dwelling:** a residential building, collection of buildings or development on a residential lot, containing more than one (1) dwelling unit, such as (but not limited to) duplexes, triplexes, fourplexes, row housing or apartments, with shared or individual entrances.
- n. **Municipality:** the Town of Falher in the Province of Alberta;
- o. **Non-Collectible Waste:** includes but not limited to:
 - i. Liquid waste
 - ii. Carcass of any animal;
 - iii. Swill, manure, hay, straw, or any other organic material not properly drained or wrapped;
 - iv. Needles, syringes, or any other similar devices
 - v. Biomedical waste;
 - vi. Paint Containers
 - vii. Small appliances
 - viii. Electronics, computer batteries, battery back-ups
 - ix. Celluloid cuttings, moving picture film, ammunition, oil or gasoline soaked material, liquid chlorine, acid or any explosive or combustible materials;
 - x. Oil tanks or drums; or
 - xi. Lead acid batteries, low-level radioactive waste, sewage, PCBs (Polychlorinated Biphenyls), asbestos;

- p. **Proprietor:** the occupant of commercial premises and the person in charge of a Multi-Unit Dwelling and, where such premises are unoccupied, shall mean the owner thereof;
- q. **Recyclable Waste:** waste that is classified by the waste collection agent as recyclable:
 - i. Newsprint/Heavy paper: newspaper, magazines, phone books, catalogues, flyers
 - ii. Mixed Paper: office paper, junk mail, shredded paper, etc.
 - iii. Boxboard: cereal boxes, pasta boxes, etc.
 - iv. Containers: milk jugs & cartons, food cans, beverage containers; plastic containers #1-7.
 - v. Corrugated cardboard: flattened and folded beneath the approved recyclable container;
- r. **Resident:** any owner, occupant, lessee, tenant or any other person in charge of any building or other dwelling used, or intended for use, as a residential premises excluding multifamily dwelling;
- s. **Residential Premise(s):** any site including any building erected thereon that is used or intended for the use for residential purposes including single family dwellings, and Multi-Unit Dwellings
- t. **Residential Waste Cart:** a waste cart approved and provided by the Municipality for the collection and disposal of Residential Waste;
- u. **Residential Waste:** Waste generated from normal household activities, including discarded items such as non-recyclable plastics, paper, food scraps, garden and yard waste, ashes, and other common household refuse. Residential waste excludes hazardous materials, industrial waste, medical waste, animal carcasses, and recyclable materials as defined by the municipality.
- v. **Waste Collection Agent:** the person or firm appointed by the Municipality for the purpose of collecting and disposing of garbage, refuse and recycling materials;

Interpretation

- 3. Headings and sub-headings in this Bylaw are included for convenience only and shall not be considered in interpreting the substantive content of this Bylaw.
- 4. In this Bylaw the following terms, phrases and their derivatives shall have the meanings given herein. If or when they are not consistent with the context, words in the present tense shall include the future, words in the plural context include the singular, and words in the singular number include the plural.

Regulations

- 5. No person within the Municipality shall dispose of waste **EXCEPT** in accordance with this bylaw.
- 6. All residential waste collected by the Municipality shall be contained in bags and shall be disposed of in a Residential Waste Cart.
- 7. The Municipality shall provide a Residential Waste Cart to all eligible Residential Premises for the collection and disposal of Residential Waste.
 - a. Eligible Residential Premises shall include those containing between one (1) and four (4) dwelling units per building, structure, or land, to a ratio of one (1) Residential Waste Cart per dwelling unit and to a maximum of four (4) Residential Waste Carts provided per lot. A minimum of one (1) Residential Waste Cart shall be provided, additional Residential Waste Carts may be provided by the Municipality upon receipt of a written request from the landowner or other person in charge of the building. Each Residential Waste Cart provided shall be subject to applicable fees as determined by Council, and further outlined within this Bylaw.
 - b. Residential Premises that are ineligible to receive Residential Waste Carts shall include those containing five (5) or more dwelling units per building, structure, or land. The Municipality or its agent shall not be responsible for the collection of waste from such premises. Waste disposal from these premises within the Municipality shall be the sole responsibility and cost of the property owner or occupant.
 - c. Residential Waste Carts previously provided to Residential Premises prior to the passing of this Bylaw, which would be considered ineligible by any newly revised or added regulations of this bylaw, shall be granted legacy status and shall maintain their current number of Residential Waste Carts until such time as Council deems it necessary to become compliant with current Municipal regulations OR until such time as the intensity of use changes substantially as determined by the Municipality.

8. Residential Waste Cart shall be at the Designated Location no earlier than 4:30 p.m. the day prior to collection day and no later than 7:00 a.m. on collection day.
 - a. Residents must ensure lid is kept completely closed at all times except when being filled or emptied.
 - b. Residential Waste Cart wheels must be against the curb with at least a metre of clearance on **all** sides. Where there is no curb, the cart is to be placed on the edge of the road, with wheel on the ditch side.
 - c. Weight of waste cart must not exceed 136kg/300lbs.
 - d. Waste carts must be removed from curbside within 24 hours of pick-up.
9. Only a Residential Waste Cart shall be permitted at the Designated Location on collection day. Beyond collection day, a Residential Waste Cart, shall be stored on a Residential Premises in a manner to limit its nuisance to nearby properties.
10. High-Capacity Waste Containers shall be maintained and kept in good condition sufficient to ensure all waste generated from those premises is sufficiently stored at all times, and shall ensure that a cover is kept secure over the opening of all receptacles.
11. High-Capacity Waste Containers shall not be stored in the front yard. Exterior side yard storage shall be in a manner to limit its nuisance to nearby properties and the public at large.
12. Every person shall at all times ensure that High-Capacity Waste Containers, and Residential Waste Carts are not allowed to spill over or accumulate on any land or street or adjoining public or private property. Every such person shall be held responsible for any violation of this section regardless of the cause of such violation. Failure to contain waste in approved containers may result in a fine under the applicable Bylaw.
13. No person shall directly or otherwise dispose of any non-collectible or industrial waste in any Residential Waste Cart.
14. No person shall directly or otherwise dispose of hot ashes, or burning matter, in any High-Capacity Waste Containers, or Residential Waste Cart.
15. No person other than the waste collection agent shall open any Residential Waste Carts or remove anything therefrom, or in any way disturb the contents thereof, nor shall any other persons handle, interfere with, or in any manner disturb any waste of any kind put out for collection and removal.
16. When any High-Capacity Waste Containers has been condemned or is deemed insufficient by the Bylaw Officer, and written notice to that effect has been given to the person the condemned receptacle may be removed and disposed of along with the waste from the premises, and charged back to the landowner. The person shall, forthwith, provide a suitable receptacle or container to replace the one that has been condemned and removed.
17. Should the Residential Waste Cart be damaged by the waste collection agent, it will be replaced or repaired at no cost to the resident. Any other incidents or loss, are the responsibility of the landowner, and shall be billed at the current replacement cost value.
18. No person shall operate a vehicle in the Municipality while it is carrying waste material unless that portion of the vehicle in which the material is being carried is securely covered or the material is secured to prevent any part of such material from falling out of the vehicle.
19. No person shall deposit any dead animal, manure, excreta, refuse, waste, liquid waste or other filth upon or into any street, ditch, lane, highway, byway, water, pond, bank, or onto any public land.
20. All loose paper, paper boxes, straw or other packing or waste material from stores, warehouses and other buildings within the Municipality and all loose grass, weeds, twigs and other combustible matter shall not be allowed to accumulate on any premises within the Municipality.
21. No person shall dispose of, or permit the disposal of, any waste, including but not limited to trees, tree clippings, lawn clippings, landscaping debris, or yard maintenance waste or any other refuse onto public property, including roadways, boulevards, and sidewalks, unless the area is designated as a disposal site by the Municipality.

22. The Municipality shall provide curbside recycling services to all Residential Premises including Multi-Unit Dwelling units.
23. All recyclable waste must be contained in a blue garbage bag, and be at the designated location by 7:00 a.m. on collection day.
 - a. Blue bags must be out in the open and clearly visible; on the edge of the driveway or boulevard directly abutting the street.
 - b. Blue bags in High-Capacity Waste Containers or any other similar waste container will not be collected.
24. The Municipality or its agent shall not be responsible for the collection of waste from commercial, or industrial premises. Waste disposal from these premises within the Municipality shall be the sole responsibility and cost of the property owner or occupant.

Administration

25. The full cost of waste collection from residential premises shall be paid out of the general revenue of the Municipality as collected through fees established by Council.
26. The full cost of curbside recycling services from residential premises shall be paid out of the general revenue of the Municipality as collected through fees established by Council.
27. The fee schedule may be amended by resolution of Council based on waste and recycling collection and disposal expenses.
28. The waste and recycling collection fee shall be included on the utility billing from the Municipality.
29. An interest charge of 1.5% per month shall be imposed on any accounts that remain unpaid after 25 days from the date of billing.
30. Any unpaid rates or charges provided for under this Bylaw shall, when in default, constitute a lien upon the landowner's property and shall be subject to the same penalties and collectable in the manner as taxes levied by the Municipality.
31. In the event that the waste and recycling collection fee for landowners remains unpaid after 60 days from the date of billing, these outstanding charges may be transferred to the landowner property and shall be due and payable to the municipality in the same manner as taxes.

Penalties

32. Where any person is alleged to have breached any of the provisions of this bylaw, the Municipality may serve upon such person a written notice specifying the breach and requiring remedial action as the Municipality may order.
33. Any written notice issued under any provision of this bylaw, shall be deemed to be sufficiently served if served personally upon the person alleged to have committed the breach or upon the owner, occupier or other person in charge of the premises upon which the breach is alleged to have been committed or if mailed to the address of the owner, occupier or other person in charge of the premises upon which the breach is alleged to have been committed.
34. Any person who violates any provision of this bylaw is guilty of an offence and liable on summary conviction to a fine not less than fifty (\$50.00) dollars.
35. Where any of the provisions of this bylaw have been deemed to be contravened and an offence ticket has been issued for that contravention, the accused may avoid appearing in court to answer the said charge by submitting to the Municipality a voluntary payment as follows:

First offence - 50.00

Second and Subsequent offences - 100.00

Severability

36. Should any portion of this bylaw be declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the bylaw is deemed valid.

Repeal of Previous Bylaw and Enactment


37. Bylaw No. 20-12 is hereby repealed.

38. This bylaw shall come into force and effect when it receives third reading and is duly signed.

Read a first time this 11th day of SEPTEMBER, 2024

Read a second time this 11th day of SEPTEMBER, 2024

Read a third time and finally passed this 11th day of SEPTEMBER, 2024



MAYOR



CHIEF ADMINISTRATIVE OFFICER