

SUMMER VILLAGE OF SUNBREAKER COVE GARBAGE COLLECTION BYLAW BY-LAW 139-19

A by-law of the Summer Village of Sunbreaker Cove in the Province of Alberta to provide for the supply of waste management service in the Summer Village of Sunbreaker Cove.

WHEREAS the *Municipal Government Act*, Chapter M-26.1, RSA 1994, as amended, s 7, provides that a council may pass bylaws for municipal purposes respecting the provision of public utilities; and

WHEREAS the *Municipal Government Act*, supra, s 42 provides that charges for a municipal utility service provided to a parcel of land are an amount owing to the municipality by the owner of the parcel; and

WHEREAS the *Municipal Government Act*, supra, s 553 provides that a council may add unpaid charges for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the a parcel to the tax roll of the parcel of land;

NOW THEREFORE the Council of the Summer Village of Sunbreaker Cove in the Province of Alberta in open Council enacts as follows:

1. This by-law may be referred to as the Garbage Collection By-law.
2. In this by-law:
 - a) "Acceptable Container" means a container designed or used for containing refuse awaiting collection and disposal, and shall be one of the following:
 - i) a galvanized circular metal container equipped with a close fitting metallic cover and handles, or
 - ii) durable plastic container with a close fitting lid and handles, or
 - iii) non-returnable plastic or weather proof paper bags of adequate strength, tied or otherwise adequately closed up so that the contents thereof cannot escape.
 - b) "Administrator" means the Chief Administrative Officer of the Summer Village.
 - c) "Council" means the Municipal Council of the Summer Village of Sunbreaker Cove.
 - d) "Rate" means the rate established in Schedule A of this by-law.
 - e) "Owner" means the registered owner of a property and includes the purchaser thereof.
 - f) "Garbage" shall mean regular household refuse and shall not include other items such as industrial or commercial wastes; yard refuse (i.e. grass clippings, tree trimmings or dead animals), furniture or larger appliances.
 - g) "Summer Village" depending on its context, means either:
 - i) The Municipal Corporation of the Summer Village of Sunbreaker Cove, its administration and staff, agents or representatives; or
 - ii) the territory contained within the corporate boundaries of

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the Summer Village of Sunbreaker Cove.

- h) "Waste Management Utility" means a system established by the Council to undertake the collection and disposal of garbage.
3. The Summer Village shall contract and operate a waste management system for the purpose of collecting and disposing of garbage
 4. The Council hereby delegates to the Administrator authority to do all things necessary in order to fulfil the responsibilities and duties under the *Municipal Government Act* and this by-law.
 5. The Administrator may delegate the performance of certain duties to assigned staff, agents, or contractors in so far as such delegation is not inconsistent with Provincial and Federal Legislation or this By-law, related regulations or policies thereof.
 6. Council may, by resolution, enter into agreements with other municipalities, private corporations or citizens for the supply of Waste Management within the Summer Village.
 7. Garbage Collection service shall be provided to each parcel within the Summer Village and shall be payable by the property owner.
 8. Property owners shall be responsible for the provision of acceptable containers wherein the place their household garbage for collection as provided for under this by-law.
 - 8.1 Acceptable Containers must be placed in a bin or other suitable restraint to prevent contents from being accessed by scavenging animals and containers being knocked over or blown away.
 - 8.2 If the owner or occupant of a property refuses to comply with any provision of this by-law, the Summer Village may undertake the same at the expense of the owner.
 - 8.3 Any person who contravenes any provision of this By-law is guilty of an offense and is liable under the Provincial Offences Procedure Act to a fine not less than \$50.00 and not exceeding \$1,000.00.
 - 8.4 Where a By-law Officer has reasonable grounds to believe a person has contravened any sections of this By-law, he may issue and serve upon such a person any offence ticket.
 - 8.5 Service of such offence ticket shall be sufficient if it is:
 - (a) personally serviced, or;
 - (b) mailed to the address of the registered owner of the property.
 - 8.6 Notwithstanding the provisions referred to in Section 8.4, a person to whom a ticket has been issued pursuant to this Section may exercise his right to defend any charge of committing a contravention of any of the provisions of this By-law.
 9. A utility account shall be set up for each parcel of land within the Summer Village and shall be in the name of the property owner.
 10. A levy for the operation of the Waste Management Utility shall be as prescribed in Schedule A of this by-law.
 11. Schedule A shall form a party of this By-law may be amended from time to time by Resolution of Council.
 12. A utility bill showing the current levy for the operation of the Waste Management Utility shall be addressed and mailed to the each property owner in the Summer Village with the current year's municipal property

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tax notice.

13. Utility bills are due and payable upon receipt of billing.
14. Payments of utility accounts are to be made at the Summer Village Administration Office.
15. Non-receipt of a utility bill will not exempt the owner from payment for the levy service.
16. Where the utility account and other charges remaining unpaid after the due date specified on the utility bill, the amount due shall be added to the tax roll for the property served by the Waste Management Utility.
17. The amount added to the tax roll of a parcel of land as prescribed under s. 15 of this by-law
 - a) is deemed for all purposes to be a tax imposed under Division 2, of Part 10 of the *Municipal Government Act* from the date it was added to the tax roll, and
 - b) forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.
18. Upon third reading, By-Law #122-18 hereby rescinded.

INTRODUCED AND GIVEN FIRST READING this 22nd day of March, 2019.

GIVEN second reading this 22nd day of March, 2019.

UPON UNANIMOUS CONSENT, GIVEN THIRD AND FINAL READING this 22nd day of March, 2019.

Teresa Beets, Mayor

Phyllis Forsyth, CAO

SCHEDULE "A"

2019 Garbage Utility Rate.....\$154.00 per parcel.