

SUMMER VILLAGE OF BIRCHCLIFF WASTE MANAGEMENT BYLAW BY-LAW 240-23

A By-law of the Summer Village of Birchcliff in the Province of Alberta to provide for the supply of waste management service in the Summer Village of Birchcliff.

WHEREAS by authority of the Municipal Government Act, Chapter M-26, R.S.A. 2000, and amendments thereto, the Council of the Summer Village of Birchcliff may pass a bylaw for the establishment of public utilities, including a waste management system;

AND WHEREAS the Council of the Summer Village of Birchcliff deems it necessary and in the public interest to pass a bylaw for the establishment of waste collection services as a public utility, including fees and penalties;

NOW THEREFORE the Council of the Summer Village of Birchcliff, in the Province of Alberta, duly assembled, hereby enacts as follows

This by-law may be referred to as the *Waste Management By-law*.

SECTION 1.0 – DEFINITIONS

- 1.1 “**CAO**” means the Chief Administrative Officer, or his/her designate, that is appointed by Council;
- 1.2 “**Collection Cart**” means the wheeled receptacle cart system that has been allocated to accept municipal solid waste or recycling from an eligible premise;
- 1.3 “**Council**” means the elected municipal Council of Birchcliff;
- 1.4 “**Development Improvement**” means any designed buildings and other structures situated on any owned or leased property approved by the Summer Village;
- 1.5 “**Hazardous Waste**” means a material that presents an unusual disposal problem or requires special handling including but not limited to explosives, poisons, caustics, acids, drugs, radioactive materials, or materials that contain pathogenic agents that could be harmful to people, plants, animals, or the environment;
- 1.6 “**Municipal Solid Waste**” means any solid material that is discarded from a premise that is eligible for the Summer Village’s waste management services that is pursuant to this bylaw and that complies with the requirements set out in any applicable provincial and/or federal environment regulations or guidelines but excludes any hazardous waste or other materials that the CAO deems unacceptable;
- 1.7 “**Occupant**” means a person or group of persons in actual or constructive possession of any premises either as registered owner or in actual possession by agreement with the registered owner;
- 1.8 “**Organic Waste**” means any material that is discarded from sources including but not limited to food scraps, yard and garden waste, leaves and grass clippings, and tree byproducts;

- 1.9 “**Peace Officer**” means a person who is but is not limited to, a Royal Canadian Mounted Police Officer, Bylaw Enforcement Officer, or any other person appointed by Council to enforce the provisions of this Bylaw;
- 1.10 “**Premise**” means any parcel of land with development improvements within the municipal corporate limits of the Summer Village of Birchcliff for which there is an occupant as defined in this Bylaw;
- 1.11 “**Provincial Offences Procedure Act**” means the Provincial Offences Procedure Act, c P-34, R.S.A. 2000, as amended from time to time.
- 1.12 “**Recycling**” means any material that is accepted by the Service Provider for the purpose of reuse;
- 1.13 “**Service Provider**” means an agent or company authorized by the Summer Village to collect, remove, and dispose of municipal solid waste and/or recycling from an eligible premise;
- 1.14 “**Summer Village**” means the municipal corporation of the Summer Village of Birchcliff, the territory contained within the corporate limits, its administration, and staff;
- 1.15 “**Utility Bill**” means a bill which sets out the fees levied by the Summer Village on an annual, monthly, bi-monthly, or quarterly basis for utility services provided by the Summer Village;
- 1.16 “**Violation Ticket**” means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act;
- 1.17 “**Waste Collection Service**” means the collection of municipal solid waste and recycling by an authorized agent or company as a public utility.

Section 2.0 – General

- 2.1 Any schedules attached to this Bylaw, will form a part of this Bylaw.
- 2.2 Nothing in this bylaw will operate to relieve any person from complying with any Provincial or Federal regulations, or other Summer Village Bylaws.
- 2.3 The Summer Village shall maintain a waste collection service for the collection, removal, and disposal of municipal solid waste and recyclables within its corporate limits at regularly scheduled intervals approved by the Summer Village.
- 2.4 Participation in the waste collection service is compulsory for all residential premises.
- 2.5 Days and times of waste collection service will be approved by the Summer Village and will be advertised on the Summer Village’s website and other methods.
- 2.6 The Summer Village shall administer and enforce the provisions of this Bylaw and for this purpose may:

- a. delegate any of the Summer Village's powers, duties, or functions under this Bylaw to an employee and/or Service Provider on behalf of the Summer Village;
- b. establish the location, particular date, and frequency of the waste collection service;
- c. designating which materials shall be accepted;
- d. managing and overseeing the contract between the Summer Village and Service Provider; and
- e. taking any recourse allowed under the Municipal Government Act to secure payment of any waste collection service utility bill.

Section 3.0 – Collection Carts & Responsibilities

- 3.1 One (1) solid waste cart shall be provided to all residential premises and any other property that the CAO has approved to receive the waste collection service.
- 3.2 Each collection cart is supplied and assigned to each premise and not to the Occupant themselves.
- 3.3 The Service Provider shall supply and retain ownership of the collection carts at all times during the life of the services agreement that is established between the Summer Village and Service Provider.
- 3.4 Care, custody, and sanitary maintenance for the collection carts will rest with the Occupant of the premise.
- 3.5 The Service Provider will be responsible for the regular maintenance of the collection carts such as replacement of any wheels, as well as any damage which may be caused by the Service Provider carrying out the process of waste collection.
- 3.6 The Summer Village shall not be responsible for any damage or loss to the collection carts as a result of the use or storage or lack thereof.
- 3.7 The Service Provider must ensure that the equipment used for the waste collection service and the manner in which municipal solid waste and recycling are collected and disposed of complies with all applicable Provincial and Federal regulations.

Section 4.0 – Waste Collection & Disposal

- 4.1 All municipal solid waste recycling shall be deposited in the respective collection cart designated by the Summer Village but limited to the capacity of the collection cart with the lid closed.
- 4.2 All Occupants shall move and position the collection cart in front of their premise to indicate the collection cart is ready to be collected by the Service Provider before 7:00 a.m. of the scheduled day of collection.
- 4.3 All Occupants shall at all times ensure that any accepted municipal solid waste and recycling materials are kept within the collection cart provided for that purpose and not allow any waste to spill over or accumulate on any public land or other private property. Furthermore, all accepted

material must be placed in the collection cart so as to prevent their escape into the environment during the collection process.

- 4.4 The Occupant shall be responsible for the cleanup of waste spilled as a result of waste being stored improperly or if the capacity of the collection cart was exceeded for the collection process.
- 4.5 The Occupant shall remove their assigned collection cart from the collection location within a reasonable timeframe after the collection process is completed. No collection cart shall be left so as to encroach on any public roadway.
- 4.6 The collection cart will be collected on the roadway in front of the Occupant's premise in a way:
 - a. that does not impede vehicle traffic;
 - b. a position that the front of the collection cart is facing out towards the street; and
 - c. where it has 1.0m clearance from any obstructions on all sides such that the Service Provider shall have direct access thereto and shall be able to conveniently collect the collection cart therefrom.

Section 5.0 – Restrictions on Waste Management

- 5.1 No person shall deposit any dead animal or parts, excrement, household waste, organic waste, liquid waste, or any other undesirable filth upon or onto any municipally owned land including but not limited to roadways, ditches, municipal reserves, and water courses.
- 5.2 No person shall ignite any nor deposit any burning material into a collection cart.
- 5.3 Any municipal solid waste or recycling not in the collection cart shall not be picked up by the Service Provider.
- 5.4 No person shall place, permit to be placed, or mix any hazardous waste into the collection cart.
- 5.5 The Service Provider, at their discretion, shall have the right to refuse the waste collection of a premise, only if the circumstance contravenes any part or all of this Bylaw.
- 5.6 Large residential items such as appliances, furniture, beds, wood, or any other material that cannot fit into the collection cart will not be collected and shall be the responsibility of the Occupant to be taken to a local landfill for proper disposal.
- 5.7 The Service Provider will not collect from a collection cart that has not been supplied by the Service Provider.

Section 6.0 – Violations & Penalties

- 6.1 Any Peace Officer, in that Officer's sole discretion, is hereby authorized and empowered to issue a violation ticket to any person whom the Peace

Officer has reasonable and probable grounds to believe has contravened or failed to comply with any provision of this Bylaw. In this Bylaw, Peace Officer shall have the same definition as contained in the Provincial Offences Procedure Act and all amendments thereto.

- 6.2 Any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine, as outlined in Schedule "A" of this Bylaw.
- 6.3 Service of such violation ticket shall be sufficient if it is personally served or mailed to the register owner of the premise.
- 6.4 Notwithstanding the foregoing, the minimum fine payable in respect of a contravention of this Bylaw for any offence is \$125.00.
- 6.5 A contravention of this Bylaw constitutes a separate offence in respect of each day on which it continues. A person guilty of such offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.
- 6.6 Notwithstanding the foregoing, the minimum fine and specified penalty payable in respect of a second or subsequent contravention of the same section of this Bylaw committed within six (6) months shall be double the minimum fine and specified penalty of the previous offence, up to a maximum of \$1,000.00.
- 6.7 Upon production of a violation ticket issued, pursuant to this Bylaw, within fourteen (14) consecutive days from the date of issue, together with the payment, to the Summer Village of the penalties as provided in Schedule A of this Bylaw, the person to whom the violation ticket was issued shall not be liable for prosecution for the contravention in respect of which the violation was issued.

Section 7.0 – Public Utility Fees for Waste Collection Service

- 7.1 All premises with the Summer Village corporate limits shall be assessed a public utility fee for waste collection services as established by Council in a fee schedule or like document every year.
- 7.2 Waste collection service fees shall be added to and form part of the Summer Village utility bill and shall be due and payable on or before the due date shown on the utility bill. The fees will be charged whether the services are being used or not.
- 7.3 Any account remaining unpaid after due date shall have by way of penalty, a sum equal to one percent (1%) of the outstanding balance added to the balance of the account each month for a period no longer than three (3) months. After three (3) months, any outstanding balance will not have any further interest applied and the Occupant will receive a letter of warning that the utility account is in arrears and will have thirty (30) days to make payment in full. After the thirty (30) day arrears period, any remaining balance will recovered under Section 7.5.
- 7.4 Non-receipt of a utility bill will not exempt the Occupant from payment for the service received. Utility bills sent by hard copy, electronically, or any

other method deemed necessary and appropriate is a legal method of billing.

- 7.5 If the Occupant is in default of payment of the said charges, the amount of such sums in default shall be charged against the property for which the service was provided. Such charges shall be subject to the same penalties and collected by the same manner as other utilities levied by the Summer Village and collected by the Summer Village by whatever means possible, including transferring charges to the Property Tax under Section 553(1) of the Municipal Government Act.

AND THAT this Bylaw shall repeal Bylaw No. 182-14 and shall take full force and come into effect from and after the date of 3rd Reading thereof.

INTRODUCED AND GIVEN FIRST READING this 19th day of January 2023.

Roger Dufresne, Mayor

Tanner Evans, CAO

GIVEN second reading this 16th day of February 2023.

GIVEN THIRD AND FINAL READING this 16th day of February 2023.

Roger Dufresne, Mayor

Tanner Evans, CAO

SCHEDULE "A"

PENALTIES

Penalties that will be accepted by the Summer Village in lieu of prosecution.

The Penalties shall apply to:

Section	Offense	Penalty
All	Non-compliance with bylaw in general	\$125 per occurrence
5.1	Depositing prohibited material onto any municipally owned land including but not limited to roadways, ditches, municipal reserves, and water courses	Up to \$1,000 per occurrence
3 & 4	Improper storage of collection cart, except on collection day	\$125 per occurrence
5.2	Igniting or depositing a burning waste or recyclable material into the collection cart	Up to \$1,000 per occurrence
5.3	Depositing hazardous waste into the collection cart	Up to \$1,000 per occurrence