

BYLAW 1492-23

A BYLAW OF THE TOWN OF THREE HILLS IN THE PROVINCE OF ALBERTA TO REGULATE AND PROVIDE FOR THE MAINTENANCE OF A SYSTEM FOR THE COLLECTION, REMOVAL AND DISPOSAL OF WASTE AND RECYCLABLE MATERIALS.

WHEREAS the *Municipal Government Act*, RSA 2000, C.M-26 (the Act), and amendments thereto, provides that Council may pass bylaws for the municipal purposes respecting the services provided by or on behalf of the municipality, and the enforcement of bylaws; and

WHEREAS it is desirable to regulate and manage the storage, collection and disposal of garbage and recyclable materials within the Town of Three Hills;

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

TITLE & DEFINITIONS

1. This Bylaw will be called the "Waste Control Bylaw."
2. For the purposes of this bylaw, the following terms, phrases, words and their derivatives shall have the meanings given herein. When inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular, and words in the singular include the plural.
3. In this Bylaw, unless the context otherwise requires:
 - a) "**Bulk materials**" includes furniture, appliances, mattresses, bicycles, or other oversize items not capable of being placed in a garbage cart for collection.
 - b) "**Bylaw Enforcement Officer**" shall be a Peace Officer or Bylaw Enforcement Officer employed or contracted by the Town.
 - c) "**Collectors**" means the persons who collect garbage, recyclable materials within the Town for and on behalf of the Town or on behalf of a private party.
 - d) "**Construction waste**" means any waste produced in the process of constructing, altering, renovating, repairing, or demolishing a building; including earth, vegetation, and rock displaced during the process of construction.
 - e) "**Council**" shall mean the body of elected officials who govern the Town.
 - f) "**Curbside collection**" means the system established under this bylaw by the Town for the garbage collection and disposal and recyclable materials collection and disposal within the Town of Three Hills.
 - g) "**Dwelling**" means a building, or a unit in a building, occupied or intended to be occupied as a home, for the domestic use of one or more individuals living in a single housekeeping unit. A duplex, secondary suites and rental suites shall be considered two dwelling units; a three-plex shall be considered three dwelling units; and individual mobile homes within mobile home parks shall be deemed to be a single dwelling unit for the purpose of this bylaw.
 - h) "**Garbage**" means all non-recyclable garbage generated through ordinary day-to-day activities from each dwelling.
 - i) "**Hazardous Waste**" means any substance which can cause bodily harm to any person handling, or coming in contact with, such substance.

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- j) **“Non-residential properties”** – means businesses, churches, hotels, hospitals, motels, mixed-use developments, industrial or institutional properties that are currently receiving garbage collection services from the Town or Collector.
- k) **“Town”** means the Town of Three Hills.
- l) **“Violation ticket”** means a violation ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act.

GENERAL

- 4. The Town shall have the sole right to maintain a system for the collection, removal and disposal of garbage and recyclable materials from all properties, unless otherwise authorized by this bylaw, as part of the utility services provided within the Town.
- 5. The CAO is authorized to exercise appropriate managerial judgement to take such actions as may be necessary to achieve the purpose of this bylaw.
- 6. All residential properties participating in the garbage and recycling collection system, as approved by this Bylaw, will be provided with one garbage & one recycling cart, at no cost to the property owner. Non-residential properties opting into the recycling cart program will have to purchase carts from the Town.
- 7. Under certain circumstances, the Town will provide additional garbage carts. Providing any property additional garbage or recycling carts will be determined on the availability of the Town’s supply of reserve garbage and recycling carts.
- 8. The Town or Collector shall not be responsible for the cleanup of garbage and recyclable materials spilled by the owner or resulting from the garbage and recyclable materials being stored in insecure Garbage or recycling carts.

COLLECTION AND DISPOSAL

- 9. All residential dwellings shall have their garbage and recycling materials removed by the Town, or Collectors, once weekly for garbage materials and once biweekly for recycling materials.
- 10. All non-residential properties shall have their garbage materials removed by the Town, or Collectors, based upon the number of pickups required by the property.
- 11. All non-residential properties may choose to have their garbage collected and disposed of in one of the following manners:
 - a) Receive one garbage cart for curbside pickup.
 - b) Receive a 3-yd, 4-yd, or 6-yd bin.
 - c) Opt out of the Town-provided services for non-residential garbage collection, provided the property owner makes alternative arrangements to have the garbage materials collected and disposed of.
- 12. Non-residential properties may opt into the curbside cart recycling program providing they are able to meet the criteria for collection described with this bylaw and are deemed eligible for the service by the Town and/or recycling service provider.
- 13. No person shall:

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- a) place any garbage or any discarded material whatsoever, on any property not belonging to or occupied by the person, except for the Landfill area provided for the disposal of such material.
- b) compress contents placed in the garbage or recycling cart in such a manner that the material does not fall freely from the cart or container during the regular collection process.
- c) No owner or occupant shall permit garbage or recycling materials to accumulate loosely on any land or property, such as an alleyway, roadway or sidewalk.

14. The owner or occupant of a property shall:

- a) utilize only the garbage and recycling carts provided by the Town for the collection and disposal of garbage and collection and disposal of recyclable materials.
- b) ensure that all material is contained within the carts, ensuring cart lids are completely closed so that material is not spilled during collection.
- c) Abide by the list of materials deemed acceptable for each of the carts, as identified by the Town.

PLACEMENT OF GARBAGE AND RECYCLING CARTS FOR COLLECTION

15. Every owner or occupant of a property shall ensure that all garbage and recycling carts are set out on collection day, in such a manner that automated collection may occur, including:

- a) placing garbage and recycling carts, with the lid closed, at the curb of the street with the cart facing the street by 08:00AM and returned from the curb of the street by 08:00PM of the same day.
- b) placing carts so there are clearances from any obstacles of one (1) meter on all sides and ensure overhead clearance above carts.
- c) locating carts so they do not impede or obstruct pedestrian or vehicular traffic.

16. The Town may assign a collection point for any property, in which case the garbage or recycling carts or garbage bins shall be placed in order to provide the Collector unobstructed and convenient access thereto.

GARBAGE AND RECYCLING CARTS – CARE & MAINTENANCE

17. All persons shall provide and maintain in reasonable condition a storage area for the placement of garbage and recyclable materials, garbage and recycling carts as storage between collection days. Carts are not to be left on roadways, sidewalks, or alleys between collection days.

18. If a garbage or recycling cart is damaged, the customer shall notify the Town to repair or replace the cart, subject to the following:

- a) If the damage to the cart is deemed to be as a result of a customer's non-compliance, neglect, and/or wilful damage, or any other contravention with any part of this bylaw, the customer is responsible for the full cost of repair or replacement of the cart(s) along with any other applicable fees or charges.
- b) If a garbage or recycling cart is damaged as a result of the Collectors neglect and/or willful damage, the Collector will be responsible for the full cost of repair or replacement along with any other applicable fees or charges.
- c) The Town will have final discretion on any matters under this section.

PROHIBITIONS

19. No person shall place any of the following materials in a garbage or recycling cart, or garbage bin:
- a) building materials and construction waste.
 - b) discarded bulk materials, furniture, household equipment and appliances.
 - c) discarded heavy machinery, automobile parts, including tires and other private vehicles.
 - d) hazardous waste, bio-hazardous medical wastes, blood samples or cultures.
 - e) loose litter or sawdust in garbage cart unless it is bagged.
 - f) easily flammable materials or materials that are on fire.
 - g) explosive substances, objects or mechanisms.
 - h) liquid waste including, but not limited to, any oil, oil filters, oil containers, grease, liquid fat, flammable liquids or other fluid waste.
 - i) trees, tree stumps, prohibited noxious weeds, land-clearing debris, timbers and fence posts; sod, soil, asphalt, dirt, whole shrubs and bushes.
 - j) luminescent gas filled electric discharge tubes or florescent tubes.
 - k) any material that is designated/banned by our landfill.
20. No person shall pick through, or remove, or in any way interfere with any garbage or recyclable materials on property not their own.
21. No property in Town is permitted to place bagged garbage or recycling on Town streets for collection, unless placed inside supplied carts or bin. Bagged garbage or recycling put on Town streets without being enclosed in the supplied cart or bin will not be collected.
22. No person shall alter or modify a garbage or recycling cart for the purpose of changing the intended use of the garbage or recycling cart without the written consent of the Town.

FEES

23. Utility bills for collection services shall be due and payable on or before the due date shown on the utility bill. Additional charges for properties that receive additional collection services will also be charged. The associated rates and fees will be determined by Council via the Master Rates, Fees and Charges Bylaw.
24. All properties not receiving curbside recycling collection shall be levied a recycling fee, as described in the Master Rates and Fees Bylaw, for the purposes of being provided a self-service location for the disposal of recycling materials.
25. As per the provisions of this bylaw, all costs to replace lost or missing carts, acquire additional carts, or repair carts will be the responsibility of the property owner, which can be found in the Master Rates, Fees and Charges Bylaw.
26. For newly constructed properties, curbside collection and the invoicing of applicable fees shall commence when the owner or occupant is granted permission to occupy under a completed building permit.

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27. A penalty charge shall be levied on any unpaid amount which is outstanding after the due date. In the case of default payment for utility service, the Town may enforce payment of the utility account, pursuant to the provisions of the *Municipal Government Act*, as amended or repealed and replaced from time to time.

OFFENCES AND PENALTIES

28. Every person who fails to comply with the provisions of this bylaw shall be responsible for their own garbage and recyclable materials generated on their property.

29. Every person or legal entity who contravenes any portion of this bylaw is guilty of an offence and liable on summary conviction to a fine outlined in a violation ticket of not less than One Hundred Dollars (\$100.00) and not more than Twenty-Five Hundred Dollars (\$2,500.00).

30. Notwithstanding any other provisions for penalties in this bylaw, a Bylaw Enforcement Officer may, in lieu of laying any violation ticket in respect to the alleged breach, issue a written warning to the owner or occupant outlining the corrective action and the timeline to complete the corrective action.

31. No section in this bylaw shall be deemed to nullify, amend, supersede, or repeal any provisions or regulations pertaining to fire or public health, but in the event of any conflict between such regulations and this bylaw, the provisions of this bylaw shall be modified only to the extent.

ADMINISTERING THE BYLAW

32. The Town is authorized to administer this bylaw, as well as supervise, control and direct the curbside collection.

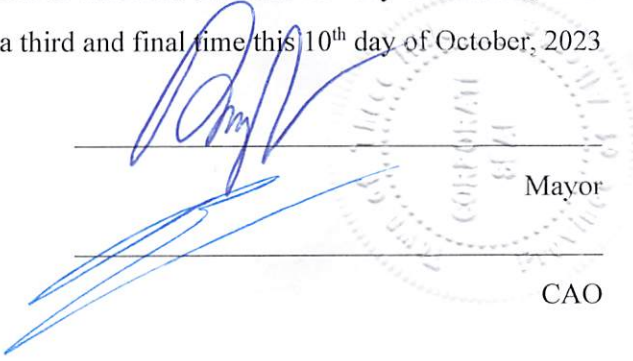
33. Each provision of this bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this bylaw will remain valid and enforceable.

34. This bylaw shall come into force and effect upon the date of the passing of the third and final reading and signing thereof.

READ a first time this 10th day of October, 2023

READ a second time this 10th day of October, 2023

READ a third and final time this 10th day of October, 2023



Mayor

CAO