



BIRCH HILLS COUNTY
BY-LAW 2016-04
RESIDENTIAL SOLID WASTE COLLECTION

BEING A BYLAW OF BIRCH HILLS COUNTY FOR THE PURPOSE OF REGULATING THE HANDLING AND COLLECTION OF SOLID WASTE FOR THE HAMLETS OF EAGLESHAM AND WANHAM WITHIN BIRCH HILLS COUNTY. IT IS MANDATORY THAT ALL RESIDENCES WITHIN EAGLESHAM AND WANHAM UTILIZE AND PAY FOR THIS RESIDENTIAL SOLID WASTE COLLECTION SERVICE.

WHEREAS under the authority of the Municipal Government Act being Chapter M-26, RSA 2000 and any amendments thereto, a municipal council may pass Bylaws establishing and maintaining a system for collection, removal and disposal of garbage, ashes and waste throughout the municipality;

NOW THEREFORE, the Council of Birch Hills County, in the Province of Alberta, enacts as follows:

1. DEFINITIONS

In this Bylaw, unless the context otherwise requires, the term:

- 1.1 "Ashes" means cold residue from burning of wood, coal and other like material.
- 1.2 "Building Waste" means all refuse produced in the process of constructing, demolishing, altering or repairing a building and shall include, but not be limited to: earth, vegetation and rock displaced during the process of building.
- 1.3 "Collection" includes acquisition of refuse by Birch Hills County, or where the context implies by a private hauler, by picking up, collecting or gathering together, and includes the removal and transportation of the same to a disposal site and "collect" shall have a comparable meaning.
- 1.4 "Collector" means a person who collects refuse within Birch Hills County as an agent, contractor or employee of the Municipality.
- 1.5 "Collection Area" means the location within the corporate limits of Birch Hills County.
- 1.6 "Commercial Premises" means a building, structure or premises used for the conduct of some profession, business, manufacturing process or other undertaking, and which includes: any institutional, industrial, commercial, restaurant and retail premises, a Residential Dwelling(s) if attached and includes areas that may be designated in accordance with the land Use Bylaw.
- 1.7 "Commercial Unit" means one self-contained working space having any or all of the following amenities: a separate entrance, office space, bay/work area, receiving and shipping area, washroom, kitchen and common area in a Commercial Premise or complex.
- 1.8 "Director" means the Director of Public Works in Birch Hills County or his/her designate.
- 1.9 "Garbage" means refuse produced as a by-product of the preparation, consumption or storage of food.

- 1.10 "Industrial Properties" means places that carry on one or more of the following activities; the manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing, distribution or trans-shipment of materials, goods, products and/or equipment.
- 1.11 "Municipality" means the corporation of Birch Hills County or the area contained within the boundaries thereof, as the context requires.
- 1.12 "Occupant" means any person occupying a Residential Dwelling, or Multi-Residential Dwelling whether they are in fact the owner, renter, tenant or lessee of the residential dwelling.
- 1.13 "Owner" has the same meaning as in the *Municipal Government Act*.
- 1.14 "Peace Officer" means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, a Community Peace Officer appointed to enforce the County's Bylaw or any Peace Officer appointed under the Peace Officer Act, S.A. 2006, C.P. -3.5.
- 1.15 "Premises" means land, including any buildings erected thereon.
- 1.16 "Private Hauler" means any person who transports or causes to be transported any refuse within the County other than those persons employed or contracted by the County.
- 1.17 "Refuse" means any discarded or abandoned organic or inorganic material and further defines garbage as; without restricting the generality of the foregoing, includes garbage, ashes and all forms of grass, tree and hedge cuttings and clippings, broken household dishes and utensils, empty or partly empty tins, boxes, cartons, bottles and containers, discarded paper and fabric and other materials.
- 1.18 "Refuse/Waste Receptacle" means a container which is not a commercial container and is designed to facilitate the disposal of refuse and waste or any particular type of refuse or waste awaiting collection and disposal pursuant to the provisions of this Bylaw for the disposal of refuse or any particular type of refuse.
- 1.19 "Residential Dwelling" means single family dwelling or each unit of a multi-family dwelling.
- 1.20 "Roadway" means public thoroughfares within the County and includes sidewalks, ditches and back alleys of the roadway and all portions thereof appearing in any registered plan pursuant to the Land Titles Act.
- 1.21 "Waste or Waste Material" means the solid waste stream that would normally be generated and discarded as refuse from a Residential Dwelling and which includes; kitchen organic waste, paper, plastics, tin, ashes and yard waste.
- 1.22 "Yard Waste" means refuse that is organic matter formed as a result of gardening or horticultural pursuits and includes grass, leaves, tree and hedge clippings and cuttings.

2. INTERPRETATIONS

2.1 The captions and headings in this Bylaw are for convenience of reference only, and shall not affect the interpretation of any provision.

2.2 Nothing in this Bylaw shall operate to relieve any person from complying with any Federal, Provincial or other Municipal Law, Order, Regulation or Bylaw and such person shall comply with all conditions or obtain any necessary consents at his or her own expense.

2.3 Except as provided herein to the contrary no person shall:

a) store or deposit any refuse on any premises owned or occupied by the County or on any roadway; or

b) store or place any waste receptacle or commercial container on any roadway.

2.4 Section 2.3 shall not apply:

a) In respect of any refuse stored or deposited at any disposal site designated pursuant to this Bylaw;

b) in respect of any waste receptacle placed or stored on a roadway for use by the public by or with consent in writing of the Director of Public Works, or

c) to a person who is actively engaged in loading or unloading any waste receptacle or commercial container.

2.5 Any person who deposits any refuse on a roadway shall forthwith remove such refuse from the roadway at his own expense.

3. AUTHORITY

3.1 Birch Hills County shall:

a) supervise the collection, removal and disposal of refuse, and;

b) direct the days and times that collections shall be made from different portions of Birch Hills County, and;

c) decide as to the quantities and classes of refuse to be removed from any premises or accepted by Birch Hills County for disposal.

3.2 Subject to the provisions of this Bylaw, the decision of Birch Hills County as to:

a) the amount of refuse which has been removed from any premises and;

b) the amount and types of refuse which Birch Hills County is obliged to remove from any premises or class of premises shall be final and conclusive subject only to the superior statutory authority of another entity.

3.3 Any request for exemption or inclusion for the mandatory residential solid waste collection and associated fees is to be sent to Birch Hills County in writing pending authorization at the discretion of the Director of Public Works.

4. RESIDENTIAL SOLID WASTE COLLECTION FEES

4.1 Fees for the collection of residential solid waste shall be in accordance with Birch Hills County Fees and Charges Bylaw.

4.2 Refuse/waste receptacles shall be provided at a cost to the residential owner as per the Birch Hills County Fees and Charges Bylaw.

5. REFUSE RECEPTACLES, WEIGHT OF AND LOCATION

5.1 Occupants of residential dwelling(s) within Hamlets in Birch Hills County shall maintain in good condition refuse/waste receptacle(s) provided by Birch Hills County as prescribed in this Bylaw.

5.2 Residential solid waste will only be collected if placed for collection in a refuse/waste receptacle which meets the requirements outlined in this bylaw.

5.3 The owner or occupant of premises from which refuse is to be collected shall ensure residential solid waste is stored in a suitable storage location at all times other than when refuse receptacles are placed at the appropriate location for collection as specified in this bylaw. Refuse receptacles may be placed for collection no later than 9:00a.m. on the day of collection and must be removed from the property line and returned to a suitable storage location no later than 10:00 p.m. on the day of collection.

5.4 A collector shall not be required to remove any refuse receptacle which, together with its contents, exceeds forty-five (45) kilograms.

5.5 Except as otherwise provided herein, no person shall place or keep refuse receptacles upon any portion of the traveling surface of any roadway or lane.

5.6 The occupant of residential dwellings shall place refuse for collection:

a) at the front of the property, inside of the property line;

b) with the wheels of the bin placed within one meter of the driving surface of the roadway;

c) the collectors shall have convenient access thereto without the necessity of entering upon private property.

5.7 The occupant of premises from which refuse is to be collected shall place or locate the refuse receptacle for collection in such manner that they will not overturn or be likely to be overturned.

6. PREPARATION OF WASTE FOR COLLECTION

6.1 An owner or occupant of premises from which refuse is to be collected shall:

- a) thoroughly drain all household garbage and place it in either plastic garbage bags or securely tie the parcel before disposing of it in the waste receptacle;
- b) place all quenched ashes, sawdust and other powdery or fine material in either securely tied plastic bags or parcels before disposing of it in the waste receptacle.

7. PROHIBITED MATERIALS

7.1 Unless other arrangements are authorized by Birch Hills County, except as otherwise provided in this Bylaw, the County or its appointed contractor shall not remove from any premises:

- a) building materials and building waste;
- b) dead animal carcasses or animal waste;
- c) sod;
- d) liquid waste;
- e) by-products of manufacturing;
- f) paints, solvents, and batteries;
- g) discarded furniture, discarded automobile parts including tires, and other private vehicles and household equipment;
- h) tree trunks, tree limbs, whole shrubs or bushes or portions of hedges;
- i) fences, gates and other permanent and semi-permanent fixtures on the premises;
- j) without limiting the foregoing, any discarded household chattel, material or equipment which has an overall weight of more than 45 kilograms.

7.2 No occupant shall:

- a) mix combustible and non-combustible matter in the refuse receptacles or containers;
- b) place any explosives or highly inflammable materials in any receptacle for collection;

c) place for collection, ashes which are not properly quenched.

8. NOTICES AND PENALTIES

8.1 In any case where Birch Hills County is required to give notice to the owner or occupant pursuant to this Bylaw, notice may be given by Birch Hills County:

a) by causing a written copy of the notice to be delivered to and left in a conspicuous place at or about the effected property; or

b) by causing a written copy of the notice to be mailed or delivered to the last known address of the owner.

8.2 Where a Peace Officer has reasonable grounds to believe that an owner or occupant has contravened any provision of this Bylaw, the Peace Officer may serve upon such person, a summons as outlined in this Bylaw.

8.3 An owner or occupant who contravenes any provision of the Bylaw by:

a) doing something that is prohibited in this Bylaw;

b) failing to do something that is required in this Bylaw; or

c) doing something in a manner different from that which is required or permitted in this Bylaw;

is guilty of an offense and liable upon summary conviction to a fine of not less than one Hundred Dollars (\$100.00) or not more than Two Thousand Five Hundred Dollars (\$2,500.00).

8.4 Any owner or occupant served with a summons pursuant to Section 8.2 of this Bylaw may, where a specified penalty is indicated on the summons, avoid prosecution by remitting payment of the specified penalty as noted on the summons on or before the appearance date noted on the summons. The specified penalty shall be the amount Birch Hills County will accept in lieu of prosecution.

8.5 Any owner or occupant who does not pay the specified penalty on or before the appearance date noted on the summons is liable to a fine as set out in this Bylaw.

8.6 Where a specified penalty is not noted in the summons, the person served with the summons is liable to a fine as set out in this Bylaw.

8.7 Where a contravention of this Bylaw is of a continuing nature, further summons, with the appropriate specified penalties, may be issued provided that no more than one summons shall be issued for each calendar day that the contravention continues.

8.8 Nothing in this Bylaw shall prevent a Peace Officer from issuing a summons for the

mandatory court appearance of any person who contravenes any provision of this Bylaw.

9. GENERAL

9.1 A Peace Officer, witnessing a contravention of this Bylaw, may cause the contravention to be remedied.

9.2 When expenses are incurred by Birch Hills County for any work performed as a result of a direction by the Peace Officer under Section 2.2, Birch Hills County may serve a statement of the expenses, together with a demand for payment to the person responsible for the contravention, including an illegal costs of a solicitor and their own client basis.

9.3 Whenever, in this Bylaw, it is directed that an owner or occupant of any building or premises shall do any matter or thing, then in default of its being done, either the owner or occupant, or both, or if there are several owners or occupants, any or all such owners or occupants shall be liable to prosecution; and it shall be no defense for any owner or occupant so prosecuted to allege that any other person is responsible for such default.

9.4 If any term, clause or condition of this Bylaw or application thereof, to anything or circumstance shall to any extent be invalid or unenforceable, the remainder of this Bylaw or application of such term, clause or condition to anything or circumstance, other than those to which it is held a's invalid or unenforceable, shall not be affected thereby and each other term, clause or condition of this Bylaw shall be enforced to the fullest extent permitted.

9.5 This Bylaw shall come into effect on July 1, 2016.

READ a first time this 28th day of January, 2016.

READ a second time this 25th day of February , 2016.

READ a third and final time this 28th day of April, 2016.

SIGNED this 28th day of April, 2016.

Original Signed By
MARVIN DORAN
REEVE

Original Signed By
HERMANN MINDERLEIN
CHIEF ADMINISTRATIVE OFFICER