

BYLAW NO. 893-13

**BEING A BYLAW OF
MACKENZIE COUNTY
IN THE PROVINCE OF ALBERTA**

**FOR THE PURPOSE OF REGULATING AND CONTROLLING THE HANDLING,
COLLECTION AND DISPOSAL OF ASHES, GARBAGE, REFUSE, AND OTHER
WASTE IN THE MUNICIPALITY OF MACKENZIE COUNTY**

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

AND WHEREAS, the Municipal Council of the Municipality of Mackenzie County in the Province of Alberta recognizes the importance of and encourages an animal proof waste handling system, waste reduction and recycling while also supporting the user-pay system for waste collection;

NOW THEREFORE, the Municipal Council of the Municipality of Mackenzie County in the Province of Alberta, duly assembled, hereby enacts as follows:

PART 1 TITLE AND APPLICATION

- 1.1 This By-law may be cited as the “Hamlet Residential Waste Collection Bylaw”.
- 1.2 This By-law applies to all waste produced, accumulated, stored, collected delivered or disposed of within the Municipality.

PART 2 DEFINITIONS

In this By-law, unless the context otherwise requires, the term:

- 2.1 **“Animal Attractant”** means foodstuff or bait of any kind excluding Birdseed, but including suet balls for purposes of feeding any and all species of animal.
- 2.2 **“Animal Proof Waste Container”** means a receptacle for disposing of Residential Waste or Commercial Waste which meets the specification for an animal proof refuse receptacle.
- 2.3 **“Approved Storage Location”** means a location within a Residential Unit, or a Multi-Residential Dwelling Unit, or a Commercial Premise, or any accessory

structure that is deemed to be animal proof by the Chief Administrative Officer or designate.

- 2.4 **“Apartment House”** means a residential building which is occupied or intended to be occupied by more than four families living independently of each other and includes, but is not limited to:
- a) Structures known as townhouses or row-houses;
 - b) Senior citizens self contained units in a complex of more than four units;
 - c) Licensed boarding houses, lodging houses and rooming houses, terraces of dwellings and any other type of residential premises where more than four families reside or dwell, and; which neither a dwelling house nor a condominium is as defined in this By-law.
- 2.5 **“Ashes”** means cold residue from burning of wood, coal and other like material.
- 2.6 **“Billing Period”** shall be the same as the monthly period for which the consumer is charged for services.
- 2.7 **“Birdseed”** means a mixture of seeds for the purpose of attracting and feeding birds.
- 2.8 **“Biological Waste”** means waste that is created in a hospital, necropsy facility or biological research laboratory and contains or may contain pathogenic agents that may cause disease in persons exposed to the waste.
- 2.9 **“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.
- 2.10 **“By-Law Enforcement Officer”** means person appointed by the Municipal Council to enforce offenses of this By-law.
- 2.11 **“Collection”** includes acquisition of refuse by the Municipality, 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 comparable meaning.
- 2.12 **“Collector”** means a person who collects refuse within the Municipality as an agent, contractor or employee of the Municipality.
- 2.13 **“Collection Area”** means the location within the corporate limits of the Municipality of Mackenzie County.

- 2.14 **“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 Unit or units if attached and includes areas designated as a Mobile Home Park in accordance with the Land Use By-law.
- 2.15 **“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.
- 2.16 **“Condominium”** means a residential property divided into individually owned units as described in the Condominium Property Act, Revised Statutes of Alberta, 2000, and amendments thereto, and for the purpose of this By-law only each unit shall be deemed to be a dwelling house.
- 2.17 **“Dangerous Goods”** mean dangerous goods as defined in the Transportation of Dangerous Goods Act and Regulations.
- 2.18 **“Dwelling House”** means any premises which:
- a) are actually used as a residence;
 - b) consist of four (4) or less self-contained units;
 - c) collectively produce less than 0.75 cubic meters of refuse per week;
 - d) has one storage location for all refuse disposed of from the premises, and;
 - e) is constructed to permit refuse collection to be made directly from a street.
- 2.19 **“Executive Officer of the Local Board of Health”** is a member designated by Alberta Health Services for the purpose of carrying out the Public Health Act and Regulations and may include a Health Inspector.
- 2.20 **“Fire Chief”** means the authorized and appointed Fire Chief or Fire Chiefs of the Municipality of Mackenzie County.

- 2.21 **“Garbage”** means refuse composed of animal or vegetable matter. It is refuse produced as a by-product of the preparation, consumption, or storage of food.
- 2.22 **“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.
- 2.23 **“Litter”** means:
- a) Rubbish, waste materials, paper, packages, containers, bottles, cans or parts thereof; or
 - b) Any article, product, machinery, motor vehicle or other manufactured goods which is dumped, discarded, abandoned or otherwise disposed of.
- 2.24 **“Municipality”** means the corporation of Mackenzie County or the area contained within the boundaries thereof, as the context requires.
- 2.25 **“Municipal Tags”** means tags purchased from the municipality at rates set out in the Fee Schedule by-law and used for obtaining additional waste pickup service. The single use tag would be attached to the refuse container to be emptied by the municipality or its collector.
- 2.26 **“Occupant”** means any Person occupying a Residential Unit, Multi-Residential Dwelling Unit or Commercial Unit whether they are in fact the Owner, renter, tenant or lessee of the dwelling unit.
- 2.27 **“Owner”** has the same meaning as in the Municipal Government Act”.
- 2.28 **“Peace Officer”** means a member of the Royal Canadian Mounted Police, a By-Law Enforcement Officer or Special Constable appointed pursuant to the provisions of the Police Act, Chapter P-17 of the Revised Statutes of Alberta, 2000 and amendments or successor legislation thereto.
- 2.29 **“Premises”** means land, including any buildings erected thereon including residential houses and properties, apartment houses, and dwelling houses.
- 2.30 **“Private Hauler”** means any person who transports or causes to be transported any refuse within the Municipality other than those persons employed or contracted by the Municipality.

- 2.31 **“Recycling Depot”** means a waste sorting station approved under the Public Health Act where designated waste is compacted, shredded, ground, processed or sorted.
- 2.32 **“Recyclable Material”** means materials that are acceptable for recycling in this Municipality as set out in Schedule “C” hereto.
- 2.33 **“Refuse”** means any discarded or abandoned organic or inorganic material and 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.
- 2.34 **“Refuse Receptacle”** means a container designed for containing refuse awaiting collection and disposal and is deemed animal proof that is approved by the Municipality.
- 2.35 **“Residential Property”** means land with improvements designated, intended or used for residential occupancy including condominiums, but excluding apartment houses.
- 2.36 **“Street”** means public thoroughfares within the Municipality and includes sidewalks and borders of the street and all portions thereof appearing in any registered plan pursuant to the Land Titles Act, or any private roadway on any bare-land condominium site.
- 2.37 **“Waste or Waste Material”** means ashes, garbage, refuse or trade refuse as herein defined and includes any other matter or material suitable for disposal by the Municipality waste disposal system.
- 2.38 **“Wet Garbage”** means the kitchen garbage containing liquids originating from hotels, boarding houses and restaurants but excludes drained kitchen garbage which has been properly packaged.
- 2.39 **“White Metals”** means any household appliance such as stove, dishwasher, refrigerator, and deep freezers.
- 2.40 **“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.

PART 3 INTERPRETATIONS

- 3.1 Schedules “A”, attached hereto, form part of this Bylaw.

- 3.2 The captions and headings in this Bylaw are for convenience of reference use only, and shall not affect the interpretation of any provision of this Bylaw.
- 3.3 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/her own expense.
- 3.4 Except as provided herein to the contrary no person shall:
- a) Store or deposit any refuse on any premises owned or occupied by the Municipality or on any street; or
 - b) Store or place any refuse receptacle or commercial container on any street.
- 3.5 Section 3.4 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 refuse receptacle placed or stored on a street for use by the public by or with the consent in writing of the Chief Administrative Officer or designate; or
 - c) To a person who is actively engaged in loading or unloading any refuse receptacle or commercial container.
- 3.6 Any person who deposits any refuse on a street shall forthwith remove such refuse from the street at his/her own expense.

PART 4 AUTHORITY

- 4.1 The Municipality 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 the municipality, and;
 - c) Decide as to the quantities and classes of refuse to be removed from any premises or as accepted by the Municipality for disposal.
 - d) Decide as to what applicable units in Schedule "A" will receive residential garbage collection services
- 4.2 Subject to the provisions of this Bylaw, the decision of the Municipality as to:
- a) The amount of refuse which has been removed from any premises, and;

- b) The amount and types of refuse which the Municipality 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.

PART 5 MUNICIPAL COLLECTION AND REMOVAL OF REFUSE

5.1 Subject to the provisions of the Bylaw the Municipality:

- a) Shall cause refuse to be collected from each dwelling house each week in accordance with the rates and fees specified in the "Fee Schedule By-law ", and
- b) May cause refuse to be collected from premises other than a dwelling house each week in accordance with the rates and fees specified in the "Fee Schedule By-law ".

5.2 Unless special arrangements are authorized by the Municipal Council, the Municipality shall not remove from premises on which a dwelling house is located;

- a) Discarded furniture, discarded automobile parts including tires, and other private vehicles, white metals, and household equipment;
- b) Tree trunks, tree limbs, whole shrubs or bushes or portion of hedges;
- c) Fences, gates and other permanent and semi-permanent fixtures on the premises;
- d) Without limiting the foregoing, any discarded household chattel, material or equipment which has an overall weight of more than 34 kilograms or an overall length of more than 1.25 metres.

5.3 Unless other arrangements are authorized by the Municipal Council, except as otherwise provided in this Bylaw, the Municipality shall not remove from any premises;

- a) Building materials and building waste
- b) Dead animals
- c) Sod
- d) Liquid waste
- e) By-products of manufacturing
- f) Dangerous goods
- g) White metals

5.4 The Municipality shall ensure that the equipment used for waste collection and the manner in which waste is collected and disposed of by the Municipality shall comply with the regulations of the Health Authority.

- 5.5 The Municipality may enter into a contract or contracts with any person or organization for the collection of the whole or a portion of the refuse accumulated within the Municipal limits.

PART 6 CLEAN – UP CAMPAIGN

- 6.1 The Municipal Council of the Municipality may authorize a clean-up campaign in the spring and/or fall of each year at which time all refuse will be picked up to a maximum of one half ton truck load. Additional loads, car bodies will not be accepted as part of these clean-up campaigns.

PART 7 REFUSE RECEPTACLES, WEIGHT OF, LOCATION AND REFUSE ENCLOSURES

- 7.1 Refuse receptacles required shall be acquired by the Occupants from private industry as per the specifications set by the Municipality.
Specifications:
64 G/ 240 L IPL “Classic” cart
Charcoal European grip
Model # 60213363A5
Or a similar model as approved by the Municipality.
- 7.2 Except as otherwise provided no person shall place refuse from a building or premises elsewhere than in the refuse receptacles.
- 7.3 Occupants of the premises shall ensure refuse is stored in an approved storage location at all times other than when the waste is being transferred to a Refuse Receptacle.
- 7.4 Where the owner or occupant of the premises places refuse in a receptacle other than one which meets the specifications set out in this By-law, the collectors will not remove that refuse.
- 7.5 The collector at his/her discretion shall have the right to refuse to remove materials where the container does not meet the necessary requirements or is in a dilapidated, unsafe, or unsanitary condition.
- 7.6 A collector shall not be required to remove any refuse receptacle which, together with its contents, exceeds thirty-four (34) kilograms or seventy five (75) pounds.

- 7.7 Except as otherwise provided herein, no person shall place or keep refuse receptacles upon any travelling surface of any street or sidewalk. The refuse receptacle shall be placed at the curb level on the date of the waste pick up.
- 7.8 The occupant of premises from which refuse is to be collected
- a) Shall place or locate the refuse receptacle for collection in such a manner that they will not overturn or be likely to be overturned;
 - b) Shall be allowed service for one refuse receptacle a week with an option to have additional receptacles if municipal tags are attached to them.

PART 8 PREPARATION OF WASTE FOR COLLECTION

- 8.1 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 refuse 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 refuse receptacle.
- 8.2 No occupant shall:
- a) Mix combustible and non-combustible matter in the refuse receptacles or containers, or
 - b) Place any explosives, dangerous goods or highly flammable materials in any receptacle for collection, or
 - c) Place for collection, ashes which are not properly quenched.

PART 9 DUTIES OF COLLECTORS

- 9.1 Collectors shall:
- a) Be as careful as is reasonably possible not to damage or misuse any refuse receptacle;
 - b) Replace emptied receptacles and the lids in approximately the same location where it was picked up;
 - c) Not leave refuse on the ground which has spilled from the refuse receptacle or the collection vehicle; and
 - d) No person employed in the collection of waste materials shall pick, or sort any ashes, garbage, refuse or discarded material from the collection vehicle or the owner's or occupant's premises

**PART 10 CONSTRUCTION REFUSE, COVERING OF REFUSE AND
PLACEMENT ON STREETS**

- 10.1 Any person(s) carrying out the construction, demolition or alteration of buildings or other building operations on any property shall do so in a manner as to not permit building materials or building refuse to remain loose, free or uncontrolled on the property.
- 10.2 The owner of the building site shall be responsible for the actions of any contractor, subcontractor or tradesman who fail to comply with subsection 10.1.
- 10.3 Any building material or building refuse material which blows free from the building site shall be re-captured, returned to the building site and deposited in a refuse receptacle.
- 10.4 The owner of a building site shall be responsible for the term of construction in providing a suitable refuse receptacle capable of receiving all building refuse material and maintaining the same in a safe condition.
- 10.5 The Chief Administrative Officer or designate may direct the person carrying out construction or alteration of a building to provide a fence of a type that will trap any building material in such a manner as to prevent it from escaping from the building site.
- 10.6 No person shall convey through any street in the Municipality any refuse of whatever nature except in the properly covered metal receptacle or in a vehicle which is covered with canvas or tarpaulin, or other covering as approved by the Municipality, so constructed and arranged as to prevent the contents thereof or any portion thereof from being wind borne or falling on the streets, to protect the content from flies and to minimize as much as practicable the escape of any offensive odours. It shall not be necessary that a vehicle carrying solely soil, sand, gravel or concrete be covered with a canvas or a tarpaulin other than required by other legislation or regulation.
- 10.7 Except for sand, cinder or other similar materials in reasonable quantities placed on any slippery streets or sidewalks, no person shall place refuse of any type or direct or allow it to be placed upon any portion of a street.

**PART 11 CHARGES FOR COLLECTION AND DISPOSAL, NO OPTION FOR USE
AND EXEMPTIONS**

- 11.1 The occupant of any premises in Mackenzie County within the identified area in Schedule A may be designated by the Chief Administrative Officer or designate

for the provision of garbage collection services, shall pay to the Municipality a monthly charge as set out in the "Fee Schedule By-law".

- 11.2 Accounts for refuse collection service shall be forwarded monthly to the occupier of the premises and shall be payable to the Municipality. The payment of any charges provided by this By-law may be enforced by action in any court of competent jurisdiction.
- 11.3 The rates or charges levied pursuant to this By-law shall be applied to each applicable unit within the designated garbage collection area in Schedule "A." The Chief Administrative Officer or designate will maintain a list of owners/occupants that have levied rates or charges.
- 11.4 Non-receipt of a utility bill will not exempt the owner or occupant from payment for the service received.

PART 12 NOTICES AND PENALTIES

- 12.1 In any case where the Municipality is required to give notice to owner or occupant pursuant to this By-law, notice shall be effected by service either;
 - 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 notice to be mailed by mail or delivered to the last known address of the owner.
- 12.2 Where a Peace Officer or By-law Enforcement Officer who has reasonable grounds to believe that an owner or occupant has contravened any provision of this By-law, the Peace Officer or By-law Enforcement Officer may serve upon such person, a summons as outlined in this By-law.
- 12.3 An owner or occupant who contravened any provision of this By-law by:
 - a) Doing something that is prohibited in this By-law;
 - b) Failing to do something that is required in this By-law; or
 - c) Doing something in a manner different from that which is required or permitted in this By-law.

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) or as otherwise stated in the "Fee Schedule By-law" whichever is less.

- 12.4 Any owner or occupant served with a summons pursuant to Section 12.3 of this By-law 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 the Municipality will accept in lieu of prosecution.
- 12.5 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 the "Fee Schedule By-law".
- 12.6 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 the "Fee Schedule By-law".
- 12.7 Where a contravention of this By-law 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.
- 12.8 Nothing in this By-law shall prevent a Peace Officer or By-law Enforcement Officer from issuing a summons for the mandatory court appearance of any person who contravenes any provision of this By-law.

PART 13 GENERAL

- 13.1 A Peace Officer or By-law Enforcement Officer, witnessing a contravention of this By-law, may cause the contravention to be remedied.
- 13.2 When expenses are incurred by the Municipality for any work performed as a result of a direction of a Peace Officer or By-law Enforcement Officer under Section 13.1, the Municipality may serve a statement of expenses, together with a demand for payment to the person or persons responsible for the contravention, including all legal costs on a solicitor and their own client basis.
- 13.3 Whenever, in this By-law, it is directed that an owner or occupant of any building or premises shall do any matter of 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.
- 13.4 If any term, clause, or condition of this By-law or application thereof, to any thing or circumstance shall to any extent be invalid or unenforceable, the remainder of this By-law or application of such term, clause or condition to any thing or

circumstance, other than those to which it is held as invalid or unenforceable, shall not be affected thereby and each other term, clause or condition of this By-law shall be enforced to the fullest extent permitted.

13.5 This Bylaw hereby rescinds Bylaw 866-12 and shall come into full force and effect on the day of its final passing.

READ a first time this 24th day of April, 2013.

READ a second time this 24th day of April, 2013.

READ a third time and finally passed this 24th day of April, 2013.

(original signed)

Bill Neufeld
Reeve

(original signed)

Joulia Whittleton
Chief Administrative Officer


Schedule "A"

Hamlet Residential Waste Collection Area

Lake Tourangeau



Culbert's Lake

Hamlet of Lacrete
"Schedule 1"
Residential Garbage



Mackenzie County

Legend:

-  Residential Garbage Bylaw 886-13
-  Hamlet of Lacrete Boundary

Not To Scale

