



BYLAW NO. 2019/02/E

Name of Bylaw: Waste Management Bylaw

WHEREAS, pursuant to “Part 2, Division 1, Section 7” of the *Municipal Government Act* 2000, being Chapter M26 of the Revised Statutes of Alberta, and amendments thereto, the Council of a municipality may pass bylaws respecting public utilities;

AND WHEREAS, pursuant to section 1 of the *Municipal Government Act*, waste management is defined as a public utility;

AND WHEREAS, it is deemed expedient by the Council for the Town of Drayton Valley to pass a bylaw for establishment of waste collection services as a waste management public utility, including fees and penalties;

AND WHEREAS, the Town of Drayton Valley owns and operates a Class II waste management facility, Aspen Waste Management Facility;

AND WHEREAS, it is deemed advisable to set out the terms and conditions applicable to the utilization of the Aspen Waste Management Facility;

NOW THEREFORE, the Council of the Town of Drayton Valley, duly assembled, hereby enacts as follows:

TITLE

1. This Bylaw may be cited as the “Waste Management Bylaw” of the Town of Drayton Valley.

PURPOSE

2. The purpose of this Bylaw is to:
 - 2.1 establish waste management as a public utility;
 - 2.2 regulate operations for the provision for waste collection services, including fees and penalties; and
 - 2.3 regulate operations for the Aspen Waste Management Facility.

DEFINITIONS

3. In this Bylaw, the following definitions apply, unless the context otherwise requires:
 - 3.1 *Aspen Waste Management Authority* means the Authority set by Council of the Town of Drayton Valley to operate and manage the Aspen Waste Management Facility as Class II Landfill;
 - 3.2 *Aspen Waste Management Facility* means an area designated by the Town where the public may bring and deposit approved types of waste;

- 3.3 *CAO* means the Chief Administrative Officer of the Town of Drayton Valley or designate;
- 3.4 *collection day* means the scheduled day(s) on which municipal solid waste and recyclables are regularly collected from the dwelling unit;
- 3.5 *commercial container* means a bin that is mechanically emptied of bulk municipal solid waste or recycling typically 2 cubic yards or greater;
- 3.6 *Council* means the municipal Council of the Town of Drayton Valley;
- 3.7 *dwelling unit* means a complete building or self-contained portion of a building intended for the domestic use of one or more individuals living in a single housekeeping unit, with cooking, eating, living, sleeping and sanitary facility including secondary suites but does not include apartments, hotels, hospitals, motels, mixed use developments, or institutional facilities. Each individual residence shall be considered a separate dwelling unit;
- 3.8 *hazardous waste* means a solid or liquid material that presents an unusual disposal problem or requires special handling including, but not limited to explosives, poisons, caustics, acids, drugs, radio-active materials, waste created in a hospital, funeral home, medical office, dental office, veterinary clinic or biological research station that contains or may contain pathogenic agents that may cause disease in a person exposed to the waste, or any substance identified under the *Provincial Hazardous Chemicals Act* and Hazardous Waste Regulation that could be harmful to people, plants, animals, or the environment;
- 3.9 *industrial, commercial, institutional (ICI) waste* means any solid waste material from all zoned industrial, commercial or institutional establishments including apartments, but excludes trade waste;
- 3.10 *liquid waste* means any liquid other than hazardous waste with a moisture content in excess of 30%;
- 3.11 *manufactured home park* means a single residential lot with multiple unattached dwelling units on private roadways;
- 3.12 *municipal solid waste (MSW)* means anything that is discarded from a dwelling unit and that is eligible for the Town's waste collection services:
- a. pursuant to this bylaw, and
 - b. that complies with the requirements set out in any applicable Alberta Environment regulations or guidelines; but excludes, hazardous waste, yard waste, trade waste, household furniture and appliances and any other materials that the CAO or designate deems unacceptable;
- 3.13 *occupant* means any person who occupies a dwelling unit and, without restricting the generality of the foregoing, including every resident, tenant, and owner;
- 3.14 *owner* means the person who is registered under the *Land Titles Act*, RSA 2000 c. L-4, as amended or replaced from time to time, as the title holder of the property. This may also mean the designate of such registered owner, such as a property manager;
- 3.15 *Peace Officer* means a person appointed as a Peace Officer pursuant to section 7 of the *Peace Officer Act*, S.A. 2006, chapter P-35, and also includes but is not limited to a Police Officer, Royal Canadian Mounted Police Officer, Special

Constable, Bylaw Enforcement Officer, Safety Codes Officer, or a person designated by Council to enforce the provisions of this Bylaw;

- 3.16 *person* means any individual, firm, partnership, association, corporation, company or organization of any kind;
- 3.17 *tote* means a plastic container supplied by the Town for the purpose of storing and collecting dwelling unit generated municipal solid waste;
- 3.18 *recycling* means any material accepted by the Town for the purpose of reuse;
- 3.19 *recycling centre* means the designated recycling facilities located within the Town and at the Aspen Waste Management Facility;
- 3.20 *roadway* means a highway within the meaning of the *Traffic Safety Act, RSA 2000, c.T-6*, as amended or replaced from time to time;
- 3.21 *secondary suite* means a second self-contained dwelling unit that is located within a primary dwelling unit, where both dwelling units are registered under the same land title;
- 3.22 *Town* means the municipal corporation of the Town of Drayton Valley;
- 3.23 *trade waste* means material from manufacturing processes, waste produced in the process of constructing, renovating, repairing or demolishing a building, and shall include, but is not limited to, stable manure, slaughter house offal, butchers offal, dead animals, waste from garages, condemned matter or waste from plants or other works, automobiles, truck bodies or used farm machinery;
- 3.24 *utility bill* means a bill which sets out the fees levied by the Town on an annual, monthly, bi-monthly or quarterly basis for utility services provided by the Town;
- 3.25 *violation tag* means a tag or similar document issued by the Town for the purpose of notifying a person that an offence has been committed for which a prosecution may follow;
- 3.26 *violation ticket* means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*;
- 3.27 *waste collection service* means the gathering of municipal solid waste, and recyclables by the Town or authorized contractor as a public utility; and
- 3.28 *yard waste* mean leaves, grass clippings, garden waste, house and garden plants, sawdust, wood shaving, or other materials as designated by Council from time to time;

INTERPRETATION

- 4. Words used in the singular include the plural and vice-versa.
- 5. When a word is used in the masculine or feminine it will refer to either gender.
- 6. Words used in the present tense include the other tenses and derivative forms.

GENERAL PROVISIONS

- 7. Nothing in this bylaw will operate to relieve any person from complying with any Federal or Provincial regulations, or other Town bylaws.
- 8. Schedules "A", "B" and "C" form part of this bylaw.

9. Except as otherwise stated, the management of this bylaw will be by the CAO or designate.
10. The CAO is hereby authorized to do all things necessary in order to fulfill the responsibilities and duties under this bylaw.

COLLECTION SERVICES – GENERAL

11. The Town shall maintain a waste collection service for the collection, removal and disposal of MSW and recyclables from dwelling units within the Town limits and Town owned or operated buildings and facilities at regular intervals as per the direction of the CAO or designate.
12. Participation in the waste collection service is compulsory for all occupied dwelling units, with exemptions authorized by the CAO or designate only.
13. Every owner or occupant of a dwelling unit shall be provided (1) one tote.
14. Condominiums or other multi-unit buildings which do not have reasonable access for tote service may, as authorized by the CAO or designate, be eligible for one (1) commercial container for MSW and one (1) commercial container for recyclables.
15. The Town shall not remove trade, hazardous or liquid waste from any dwelling unit.
16. The Town shall not be obligated to collect any MSW or recyclables at any dwelling unit where the provisions of this Bylaw are contravened, and the occupant of such dwelling unit shall be so notified by the Town by the placement of a violation tag.
17. No persons, other than those authorized under the provisions of this Bylaw, shall interfere with or disturb the contents of a tote after the same has been placed for collection.
18. The owner or occupant shall be responsible for the cleanup of waste spilled or resulting from the waste being stored improperly, in the case of additional waste.
19. The Town shall not be responsible for any damages to totes or commercial containers as a result of the occupant's or owner's use.
20. Care, custody, responsibility and sanitary maintenance for the tote or commercial container will rest with owner or occupant of a dwelling unit. Any damaged totes or commercial containers are to be reported to the Town for repairs. Lost or stolen totes or commercial containers are to be reported to the Police and then the Town for replacement.
21. The replacement fee for a tote is determined by Council in the Fees Schedule or like document.

PREPARATION FOR WASTE COLLECTION SERVICES

22. All MSW shall be deposited in the tote or commercial container designated by the Town for waste collection but limited to the capacity of the tote or commercial container with the lid closed.
23. All recyclables will be placed in blue transparent bags and securely tied.
24. Large corrugated cardboard will be flattened, tied and placed as described in Schedule B.
25. No occupant or owner shall place, permit to be placed, or mix any of the materials identified in Schedule A for removal.

26. Large household items such as appliances, furniture, box springs, mattresses, wood, large pieces of scrap metal, and any other material that cannot fit into the tote will not be collected, and shall be the responsibility of the occupant or owner to be taken to the Aspen Waste Management Facility for proper disposal.
27. The owner or occupant of the dwelling unit shall keep the roadway in the rear and/or in front of their dwelling unit in a clean and tidy condition and free from waste.
28. The owner or occupant of a dwelling unit who fails to, within 24 hours, pick up waste which has spilled from the tote is liable for a violation tag under the bylaw.

LOCATION, STORAGE, AND SCHEDULING

29. The collection location of the tote or commercial container and recyclables shall be the rear roadway or when no rear access is available, the roadway in front of the dwelling unit will be used. The tote and recyclables will be 1.0 meters away from surrounding objects, parked cars or buildings. Commercial containers shall be placed according to access requirements.
30. No person shall:
 - 30.1 place waste on a property other than the dwelling unit of that occupant or owner;
 - 30.2 interfere with the Town's waste collection services pursuant to this bylaw;
 - 30.3 impede access to collection vehicles;
 - 30.4 place MSW on the roadway for collection that is not contained in the tote;
 - 30.5 place prohibited or restricted waste, as defined in Schedule A, for collection and/or for disposal out in the roadway;
 - 30.6 place recyclable items, as defined in Schedule B, in tote; or
 - 30.7 place MSW in recyclables.
31. The owner or occupant shall place the tote and recyclables as per section 29 for collection prior to 7:00 a.m. on the collection day but not earlier than 7:00 p.m. on the previous day.
32. No totes or recyclables shall, except when placed for collection, be located other than on the dwelling unit property; and in particular, no totes, commercial containers, or recyclables shall be located so as to encroach on any roadway or public place except as expressly required by this bylaw.
33. Totes or recyclables and anything not collected shall be removed from the roadway by 11:00 p.m. on collection day.
34. Days and times of collection service will be approved by the CAO and will be advertised in the local newspaper and Town's website, or other methods.

RESTRICTIONS ON COLLECTION SERVICE

35. Waste collection services will not be provided if one or more of the following conditions are not met:
 - 35.1 MSW:
 - a. the tote or commercial container is not one supplied by the Town; or
 - b. the lid on the tote or commercial container is not closed and material is overflowing, or

- c. there is loose waste not placed in the tote or commercial container or waste are placed beside or in front of the tote or commercial container , or
- d. the tote or commercial container is obstructed or improperly placed, or
- e. the tote or commercial container is not located as described in the bylaw, or
- f. the tote or commercial container contains material(s) described in this bylaw as restricted or prohibited as per Schedule A.

35.2 recyclables:

- a. the bags or commercial container are improperly placed or obstructed from collection, or
- b. the bags or commercial container contain prohibited material(s), as per Schedule A, or
- c. recyclables are contaminated with food or other materials.

PUBLIC UTILITY FEES FOR WASTE COLLECTION SERVICES

- 36. All dwelling units within the Town shall be assessed a public utility fee for waste collection services as established by Council in the Fee Schedule or like document.
- 37. Waste collection service fees shall be added to and form part of the Town utility bill and shall be due and payable on or before the due date shown on the utility bill.
- 38. Each owner or occupant holding a Town water and/or sewer account, within Town limits, shall have waste collection services added to that account.
- 39. Water and/or sewer utility service accounts which are on a shared meter but have separate dwelling units will be required to create a new account for each dwelling unit, including but not limited to:
 - 39.1 secondary suites; and
 - 39.2 manufactured home parks.
- 40. Any owner or occupant of a dwelling unit that does not have a water or sewer account will be required to establish an account for waste collection services.
- 41. Any account remaining unpaid at the end of the next billing period shall have by way of penalty, a sum equal to two and a half percent (2.5%) of the outstanding balance added to the balance of the account.
- 42. Any account remaining unpaid after a period of forty (40) days paste the date of billing, shall result in services, water service and waste collection, being discontinued. Outstanding amounts may be collected by any or all of the following methods, namely:
 - 42.1 by action in any court of competent jurisdiction;
 - 42.2 by distress and sale of goods and chattels of the person owing such charges, fees or rates, wherever they may be found in the Town;
 - 42.3 by entering the account on the assessment and tax roll of the Town where the consumer is the owner of the premises being served; and/or
 - 42.4 by referral to a Financial Collection Agency acting on behalf of the Town.
- 43. Where services, water service and waste collection, have been discontinued because of default of payment the service shall not be reinstated until payment of all outstanding

utility bills has been made to the Town. The Town may remove the provided tote or commercial container from the dwelling unit until payment is made.

44. Non-receipt of a utility bill will not exempt the owner or 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.
45. Any owner or occupant paying fees for waste collection services shall be and remain liable for and pay all fees until they have given notice, in writing, to the Town of their intended date of vacating the dwelling unit. They shall not be liable for fees or charges levied thereafter provided they have vacated the dwelling unit.
46. If the owner or occupant of the dwelling unit refuses to comply with any provision of this bylaw, the Town may undertake the same at the expense of the owner or occupant of the property.
 - 46.1 when a charge is levied, the charge shall be shown as a separate item on the utility bill and the fee shall form part of and be payable to the Town at the same time as the utility bill.
47. In the event of a billing discrepancy or error, where a correction is required by debit or credit to an owner or occupant, the maximum correction period is 12 months previous.

ASPEN WASTE MANAGEMENT FACILITY

48. The Aspen Waste Management Facility, located on the SE ¼ 20-49-7-W5M and operated by the Aspen Waste Management Authority, is designated as a Class II Landfill.
49. All approved MSW, recyclables, yard and trade waste entering the Aspen Waste Management Facility shall cross the scale to be weighed.
50. The fees at Aspen Waste Management Facility will be set by the Aspen Waste Management Authority from time to time and approved by Council in the Fee Schedule or like document.
51. The hours of operation for the Aspen Waste Management Facility shall be determined by the Aspen Waste Management Authority.
52. The Aspen Waste Management Authority shall specify conditions and items of disposal for MSW, recyclables, yard waste and trade waste at the landfill, and may refuse disposal of MSW, recyclables, yard waste and trade waste which is deemed unsuitable for a Class II Landfill.
53. All MSW, recyclables, yard waste and trade waste being disposed of at the Aspen Waste Management Facility shall be deposited in the designated areas.
54. No person shall remove any MSW, recyclables, yard waste and trade waste product deposited in the Aspen Waste Management Facility unless authorized by the Aspen Waste Management Authority. It shall be unlawful for any unauthorized person to enter the Aspen Waste Management Facility for the purpose of salvaging, picking over, scattering, searching or burning any material.
55. No person may enter the Aspen Waste Management Facility except to deposit approved MSW, recyclables, yard waste and trade waste or unless approved by the Aspen Waste Management Authority.
56. No liquid or hazardous waste shall be deposited at the Aspen Waste Management Facility unless otherwise approved by the Aspen Waste Management Authority.

57. No person shall deposit MSW, recyclables, yard waste and trade waste at the Aspen Waste Management Facility site unless the following conditions are met:
 - 57.1 all MSW, recyclables, yard waste and trade waste is deposited in accordance with the directions of the Aspen Waste Management Authority and in an accordance with the appropriate signs at the sites; and
 - 57.2 all MSW, recyclables, yard waste and trade waste is deposited in a manner which will minimize scattering.
58. Aspen Waste Management Facility shall accept only appliances that are free from hazardous waste or gases.
59. The owner or the person disposing of the large items including appliances shall pay the applicable fees and charges for the disposal at the Aspen Waste Management Facility as set by the Town.
60. The Aspen Waste Management Authority or designate may refuse entry to the Class II Landfill to any person violating the terms of this bylaw.

INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL (ICI) WASTE

61. The following conditions shall apply to industrial, commercial and institutional waste:
 - 61.1 any person generating industrial, commercial and institutional waste shall correctly supply any manifest required by the Aspen Waste Management Authority or Provincial Government. All instructions associated with the use of manifest shall be strictly obeyed.
 - 61.2 the person generating industrial, commercial and institutional waste that requires special handling or is a hazard or potential hazard to health, safety or the environment shall, in writing, satisfy both the Aspen Waste Management Authority and Provincial Government that the waste can be safely handled at a Class II Landfill.
 - 61.3 the person generating industrial, commercial and institutional waste shall cooperate with the Aspen Waste Management Authority and/or Provincial Government personnel in taking samples of the waste at the Class II Landfill.
62. The owner of an ICI parcel must ensure that non-residential recyclable material, as outlined in Schedule B, generated on the parcel is:
 - 62.1 collected and stored separately from other waste; and
 - 62.2 taken to and deposited at a recycling centre or Aspen Waste Management Facility.
63. Any ICI waste not removed in a manner satisfactory to the Peace Officer shall result in the owner being charged for costs incurred by the Town to have the solid waste removed and disposed at the Aspen Waste Management Facility.

RECYCLING CENTRES

64. No person shall deposit MSW, trade waste, ICI waste and/or yard waste at the recycling centres.
65. No person shall deposit recyclables at the recycling centres unless the following conditions are met:

- 65.1 all recyclables are deposited in accordance with the appropriate signage at the centre.
- 65.2 all recyclables are deposited in a manner which will minimize scattering by the wind.

GENERAL PROHIBITION

- 66. No person shall deposit any type of MSW, recyclables, yard waste, ICI waste and trade waste on a roadway or on Town Property.
- 67. No person shall burn refuse materials within the Town or Aspen Waste Management Facility.

TRANSPORTATION OF WASTE

- 68. A person shall not use or permit to be used any vehicle for the conveyance or storage of MSW, ICI waste, trade waste, yard waste or other items unless such vehicle is fitted with a suitable cover capable of preventing the dropping, spilling, or blowing off while it is being transported or stored.

ENFORCEMENT

- 69. It shall be the duty of the Chief Administrative Officer or designate, or a Peace Officer to enforce the provisions of this Bylaw.

OFFENCES AND PENALTIES

- 70. Any person who contravenes the provision of the bylaw is guilty of an offence and liable upon summary conviction to a fine of not less than two hundred fifty dollars (\$250.00) and in default of such fine to imprisonment for a term not to exceed six (6) months.
- 71. Notwithstanding the provisions of Section 70, any person who contravenes the provisions of the bylaw may be issued with a violation ticket by a Peace Officer in the amount specified in Schedule C attached hereto and forming part of this bylaw.
- 72. The levying and payment of any fines shall not relieve a person from the necessity of paying any fee, charges or costs from which the person is liable under the provisions of this bylaw.
- 73. Service of a violation tag or ticket shall be sufficient if it is:
 - 73.1 personally serviced, or
 - 73.2 mailed to the address of the owner or occupant of the dwelling unit.

NON-COMPLIANCE WITH BYLAW

- 74. No person shall deposit or permit to be deposited any type of waste on any Town roadway or property. If an owner or occupant has been given an order to remedy any condition contrary to any part of this bylaw and neglects or refuses to comply with such an order within the time specified, the same may be done by the Town at the expense of the person in default. All expenses incurred shall be in addition to and not a substitute for any fines or penalties to which the person may be subject to the provisions of this bylaw. On default of payment of these expenses, the Town may recover the expenses thereof with the costs, by action or in like manner as municipal taxes, as per section 46.
- 75. Any person issued with an order under section 70 shall comply with such order.

76. Upon production of a violation ticket issued, pursuant to this Section, within seven (7) consecutive days from the date of issue, together with the payment, to the Town of Drayton Valley of the penalties as provided in Schedule C of the 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.
77. Where any waste is used or put out or left in violation of any provision of this bylaw, the owner or occupant where the violation occurs is liable for the penalty imposed for the violation of the bylaw.

SEVERABILITY

78. If any provision of this bylaw is held be invalid by a court of competent jurisdiction, that decision will not affect the validity of the remaining provisions of the bylaw.

AND THAT this bylaw shall repeal Bylaw No. 2009/01/E of the Town of Drayton Valley, and shall have force and come into effect from and after the date of Third Reading thereof.

Read a First time this 16th day of January, 2019, A. D.

Public Hearing held this 6th day of February, 2019, A. D.

Read a Second time this 6th day of February, 2019, A. D.

Read a Third and Final time this 6th day of February, 2019, A. D.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE A

Prohibited Waste

- human waste (except disposable diapers)
- liquid waste
- biomedical waste
- animal waste or carcasses
- sewage
- waste from car washes

All materials in the above categories are prohibited from entering the landfill and are subject to Aspen Waste Management Facility operating approval.

Restricted Waste

- hazardous waste
- hazardous liquid waste
- propane tanks
- oil filters and containers
- oil

Household Hazardous Wastes are accepted under Aspen Waste Management Facilities operations plan.

SCHEDULE B

Recyclable Waste

- boxboard and corrugated cardboard
- newspaper
- catalogues and magazines
- mixed paper
- shredded paper
- telephone books
- boxboard
- plastic containers with the recycling symbols from 1-7, except polystyrene foam (including Styrofoam™)
- plastic bags
- clear polyethylene film
- metal cans
- aluminum cans and foil
- wet-cell batteries
- compost
- glass
- refundable beverage containers
- polycoat and aseptic containers (including tetra pak ®)
- ferrous and non-ferrous scrap metals
- dimensional lumber, wooden pallets and other items made of raw and unprocessed wood
or
- any other recyclable items as specified by the Aspen Waste Management Authority.

SCHEDULE C

Penalties

Penalties that will be accepted by the Town of Drayton Valley in lieu of prosecution.

The penalties shall apply to:

| Section | Offense | First Offense | Second Offense | Third Offense | Other Fee |
|----------------|--|----------------------|-----------------------|----------------------|------------------|
| 17 | interference or disturbance of the contents of a tote | \$250.00 | \$500.00 | \$1,000.00 | N/A |
| 29 | location information for tote/commercial container and recyclables | \$250.00 | \$500.00 | \$1,000.00 | N/A |
| 30 | prohibitions for collection services | \$250.00 | \$500.00 | \$1,000.00 | N/A |
| 31-34 | placement of tote, including times | \$250.00 | \$500.00 | \$1,000.00 | N/A |
| 35 | restrictions on collection services | \$250.00 | \$500.00 | \$1,000.00 | N/A |
| 46 | refusal to be compliant, town undertaking the work | N/A | N/A | N/A | at cost |
| 68 | transportation of waste | \$250.00 | \$500.00 | \$1,000.00 | N/A |
| 48-60 | Aspen Waste Management Facility | \$250.00 | \$500.00 | \$1,000.00 | N/A |
| 61-63 | ICI waste | \$250.00 | \$500.00 | \$1,000.00 | N/A |
| 64-65 | recycling depots | \$250.00 | \$500.00 | \$1,000.00 | N/A |
| 74-77 | non-compliance with bylaw | \$250.00 | \$500.00 | \$1,000.00 | N/A |
| Schedule A | prohibited and restricted waste | \$250.00 | \$500.00 | \$1,000.00 | N/A |

