

COUNTY OF THORHILD NO. 7
BYLAW 1145-2011

A BYLAW OF THE COUNTY OF THORHILD NO. 7 IN THE PROVINCE OF ALBERTA TO ESTABLISH PROCEDURES AND FEES FOR THE COLLECTION AND DISPOSAL OF GARBAGE WITHIN THE COUNTY OF THORHILD NO. 7

WHEREAS Pursuant to section 7 of the *Municipal Government Act RSA 2000 Chapter M-26*, Council may pass bylaws for municipal purposes respecting public utilities and the enforcement of bylaws.

AND WHEREAS The Council of the County of Thorhild No. 7 deems it in the best interest of the municipality to ensure the timely and appropriate collection, removal and disposal of solid waste.

NOW THEREFORE The Council for the County of Thorhild No. 7 in the Province of Alberta, duly assembled, enacts as follows:

1. SHORT TITLE This bylaw shall be referred to as the "Solid Waste Collection Bylaw" for the County of Thorhild No. 7.

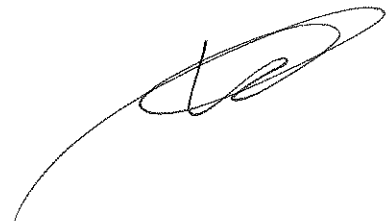
2. DEFINITIONS In this bylaw, the following definitions of items and terms shall be:

- 2.1 "Ashes" means the residue from the incineration of any substance;
- 2.2 "Collector" shall mean the person or firm appointed by the County for the purpose of collecting, transporting and disposing of garbage and refuse;
- 2.3 "Collection Day" shall mean the day during each week on which refuse is regularly collected from Specified Hamlets;
- 2.4 "Council" shall mean the Municipal Council of the County of Thorhild No. 7;
- 2.5 "County Manager" means the Chief Administrative Officer of the County of Thorhild No. 7 or his designate;
- 2.6 "Garbage bag" shall mean a plastic bag that is twenty six (26) inches by thirty six (36) inches in size, can withstand a minimum of 45 pounds weight and is for the purpose of storing refuse;
- 2.7 "Hamlet" shall mean an unincorporated community designated as a hamlet pursuant to section 59 of the *Municipal Government Act*;
- 2.8 "Householder" shall mean any owner, occupant, lessee or tenant, or any other person(s) in charge of a building.

For the purpose of this Bylaw, the following shall also be referred to and considered as householders: hotels, restaurants, apartment houses, tenements, stores, office buildings, home occupations, specialty shops, public institutions and other building or portions thereof from which garbage or refuse, as by definitions, may be created;

- 2.9 "*Municipal Government Act*" shall mean the *Municipal Government Act*, R.S.A 2000, c. M-26, as amended or repealed and replaced from time to time;

- 2.10 **"Non-acceptable Waste"** means waste which cannot be lawfully or conveniently accommodated at the disposal site such as, but not limited to, hazardous waste, biomedical waste, oilfield waste, liquid waste, manure or feces, dead animals, sewerage sludge waste, radioactive waste and any other waste which is deemed by the County Manager or supervisor of the disposal site to be not acceptable for disposal; and also means tree stumps, roots, turf, earth, furniture, major household appliances, discarded auto parts or building/construction waste;
- 2.11 **"Peace Officer"** shall mean a Police Officer, Special Constable or a Bylaw Enforcement Officer;
- 2.12 **"Refuse"** shall mean all household waste, including yard and garden waste, but does not include Non-acceptable Waste;
- 2.13 **"Solid Waste"** means any ashes or refuse which can be lawfully disposed of at the disposal site and which is not defined as being "Non-acceptable Waste";
- 2.14 **"Specified Hamlet"** shall mean any Hamlet or designated collection area approved by Resolution of Council to receive service under this Bylaw as defined in Schedule "A";
- 2.15 **"Waste Container"** shall mean either a:
- 2.15.1 **"Roll-Out Container"** that means a wheeled automated system container provided for the use of household refuse collection; or a
 - 2.15.2 **"Garbage Bin"** that means a receptacle constructed of non-corrosive durable metal or plastic, equipped with a water-tight cover, rigid handles, is not more than twenty four (24) inches in diameter and thirty six (36) inches in height and is free from cracks, leaks, and holes and which is intended to hold plastic Garbage Bags of Waste;
- 2.16 **"Waste Stand"** shall mean a wooden or metal stand or enclosure or enclosure designed to hold all Waste Containers required by the Householder for which the stand is provided, and which shall be so designed as to keep all Waste Containers or Garbage Bags in an upright position at all times, protected from interference from dogs, birds, or other animals, shall not exceed 2 feet above ground, shall be located only on property adjacent to back alleys (not on boulevards or in lanes) and provide form convenient removal of Waste Containers or Garbage Bags;



3. UTILITY FEE STRUCTURE

- 3.1 The full cost of solid waste collection and disposal from Specified Hamlets within all areas of the County shall be recovered through a waste collection service fee charged on utility bills as set out in Schedule A of this bylaw. The Council may, by Resolution, revise rates, charges or fees, from time to time if Council deems it necessary.
- 3.2 In the event that such utility bill remains unpaid after thirty (30) days following the date on which the utility bill was mailed, there shall be added thereto by way of a penalty an amount as outlined in Schedule A of this bylaw. The said penalty shall be added to and shall form part of the unpaid utility bill.
- 3.3 In case of default in payment of the full cost of waste collection charges, the County of Thorhild may enforce payment by action in a court of competent jurisdiction or alternatively by making the waste service charges in default a charge against or lien, shall be subject to the same penalties and shall be collected in like manner as municipal rates and taxes.
- 3.4 Every premise in Specified Hamlets must participate in the solid waste collection system as provided by the County of Thorhild No. 7.

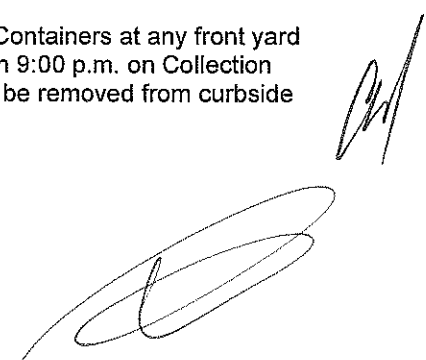
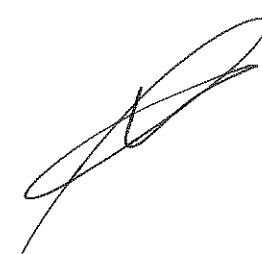
3.5 A person may request in writing that the County provide additional Waste Container service over and above the basic service of one container provided to an eligible premise. Any premise that receives more than one container will be charged the container replacement fee and monthly service fee for each additional container assigned to that premise.

4. HOUSEHOLD WASTE COLLECTION SERVICE

- 4.1 Except as otherwise specifically provided in this Bylaw, the collection, designation of Collection Day and time, removal and disposal of solid waste shall be under the direction of the County Manager.
- 4.2 No person within the County shall collect, dispose of, or remove solid waste except in accordance with the provisions of this Bylaw.

5. HOUSEHOLDER RESPONSIBILITIES

- 5.1 No person shall operate a vehicle in the County while it is carrying solid waste unless the portion of the vehicle in which the material is being carried is securely covered or the material is secured to prevent any part of such material from falling off, or out of, the vehicle while in transit.
- 5.2 No person shall allow solid waste to spill over or accumulate on any lane, street, or adjoining public or private property. Every person will ensure that all solid waste is kept within their Waste Container at all times.
- 5.3 The weight of each Garbage Bag containing Waste shall not exceed forty-five (45) pounds in weight. No more than ten (10) bags shall be set out for collection at one time.
- 5.4 No person shall set out their Waste Container at the collection point prior to 7:00 p.m. on the night before the Collection Day.
- 5.5 No person shall leave emptied Waste Containers at any front yard or curbside collection location later than 9:00 p.m. on Collection Day. Any materials not collected must be removed from curbside by 9:00 p.m.



- 5.6 Every Householder shall be responsible for any damage to or loss of their Waste Container, unless it was done by the Collector. The County will invoice the eligible premise responsible for the damaged or lost Roll-Out Container at a rate determined by Schedule A of this bylaw.
- 5.7 No person shall allow their Waste Container to fall into disrepair or become noxious, offensive or dangerous to public health.
- 5.8 No person shall pick over, interfere with, disturb, remove, or scatter any solid waste put out for collection or removal.

6. COLLECTOR'S DUTIES

- 6.1 It shall be the duty of the Collector to collect solid waste placed for collection by householders in accordance with this Bylaw.
- 6.2 Under no circumstances will the Collector collect Non-acceptable Waste.
- 6.3 Collection shall be made as often, and on such day or days of the week as specified by the County, from time to time, for each Specified Hamlet. Only office waste shall be picked up in industrial sections. The industries shall be responsible for their own solid waste disposal, other than office waste. All such solid waste must be properly bagged or contained so as not to blow around.
- 6.4 Collectors shall not misuse or damage any receptacles and shall, after emptying the contents thereof, replace same where found. They shall also gather any refuse, which may have been spilled by them while in the process of emptying receptacles.
- 6.5 Collectors shall not, at any time, pick, sort or rummage through any solid waste or discarded materials.
- 6.6 The Collector(s) appointed by the County of Thorhild No. 7 may enter yards and premises of any person at all reasonable times for the purpose of performing the duties assigned to them.
- 6.7 A warning notice may be served by the Collector on any person committing a breach of this Bylaw.

7. BURNING

- 7.1 Burning of Solid Waste, Recyclables, Non-acceptable Waste or any other such material described in this Bylaw is prohibited within the limits of all Hamlets within the boundary of the County of Thorhild No. 7.

8. PENALTIES

- 8.1 Any person who commits a breach of any of the provisions of this Bylaw shall be liable to a penalty as set forth in Schedule B of this Bylaw.
- 8.2 Under no circumstances shall any person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

9. REPEALED BYLAWS

- 9.1 The following Bylaws are hereby repealed:
 Bylaw 794 (County of Thorhild)
 Bylaw 1068-2005 (County of Thorhild)
 Bylaw 06-2004 (Village of Thorhild)
 Bylaw 95-35 (Village of Radway)
 Bylaw 96-37 (Village of Radway)

**10. SEVERABILITY
PROVISION**

10.1 Should any section or part of this Bylaw be found to be improperly enacted or *ultra vires*, for any reason, then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

This Bylaw comes into effect on the day of final reading.

READ A FIRST TIME IN COUNCIL THIS *twelfth* DAY
OF *July*, 2011.

READ A SECOND TIME IN COUNCIL THIS *ninth* DAY
OF *August*, 2011.

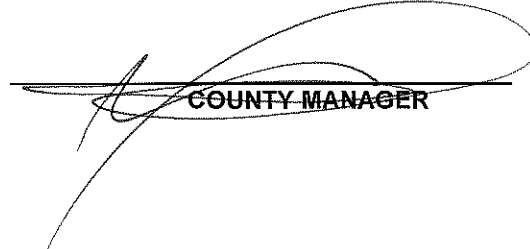
UNANIMOUSLY AGREED THAT BYLAW 1145-2011 BE GIVEN THIRD
READING.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS
ninth DAY OF *August*, 2011.

COUNTY OF THORHILD NO. 7
COUNTY COUNCIL



REEVE

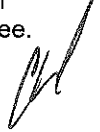


COUNTY MANAGER

SCHEDULE A – WASTE COLLECTION AND FEE SCHEDULE IN SPECIFIED HAMLETS

SPECIFIED HAMLET	MONTHLY WASTE COLLECTION FEE	CONTAINER REPLACEMENT FEE
Egremont	\$12.00 per month	n/a
Newbrook	\$12.00 per month	n/a
Radway	\$12.00 per month	n/a
Thorhild	\$14.00 per month	\$100*

*Roll-out containers are intended to remain with properties regardless of change of ownership/renter. The property owner is responsible for replacing any damaged, lost or stolen containers at their own cost. Newly constructed residences are assigned a container but are not subject to the container fee.



Unpaid Utility Bills

Unpaid utility bills shall have a penalty of two (2.0) percent of the then unpaid current utility bill added and the said penalty shall form part of the unpaid utility bill.

SCHEDULE B – BYLAW FINES

Any person who commits a breach of any of the provisions of this bylaw shall be liable to a penalty as follows:

Warning for a first offence

\$100.00 (one hundred dollars) for a second offence

\$200.00 (two hundred dollars) for a third and subsequent offence

A handwritten signature in black ink, consisting of several large, overlapping loops and a cursive-style name below.