



**TOWN OF CLARESHOLM
PROVINCE OF ALBERTA
BYLAW #1764**

A Bylaw of the Town of Claresholm to outline the provision of Solid Waste Management.

WHEREAS pursuant to the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of the people, and the protection of people and Premises, nuisances, services provided by or on behalf of the municipality;

AND WHEREAS the *Municipal Government Act*, also provides that a council may pass bylaws to establish a system for the collection, removal and disposal of Garbage and Waste;

NOW THEREFORE, THE COUNCIL OF THE TOWN OF CLARESHOLM, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SECTION 1 TITLE

- 1.1 This Bylaw may be cited as the **“SOLID WASTE MANAGEMENT BYLAW”**.

SECTION 2 DEFINITIONS

- 2.1 In this Bylaw, unless the context otherwise requires:
- a) **“Ashes”** means cold residue from the burning of wood, coal and other like material for the purpose of cooking, heating buildings and disposition of waste combustible materials.
 - b) **“Automated Collection”** means the collection of waste by a system of mechanical lifting and tipping of receptacles into specifically designed vehicles.
 - c) **“Biomedical Waste”** means medical waste that requires proper handling and disposal because of environmental, aesthetic, and health and safety concerns as well as risks to human health and includes:
 - i) Human anatomical waste;
 - ii) Infectious human waste;
 - iii) Infectious animal waste;
 - iv) Blood and body fluid waste; and
 - v) Medical sharps, such as needles, syringes, blades or other clinical laboratory material capable of causing punctures or cuts.
 - d) **“Boulevard”** means:
 - i) The strip of land between the curb and the sidewalk and between the sidewalk and the property line;
 - ii) Where there is no sidewalk, the strip of land between the curb and the property line;
 - iii) Where there is no curb, the strip of land between the near edge of the road and the property line.
 - e) **“Building Waste”** means all waste produced in the process of constructing, demolishing, altering or repairing a building and shall include, but not be limited to, soil, vegetation and rock displaced during the process of building.
 - f) **“Bylaw Enforcement Officer”** means an appointed bylaw officer or Community Bylaw Enforcement Officer, Peace Officer and Director of Infrastructure of Public Works or the Royal Canadian Mounted Police – Claresholm Detachment.
 - g) **“CAO”** means the Chief Administrative Officer of the Town of Claresholm.
 - h) **“Collection Day”** means the day which is scheduled by the Director of Infrastructure for municipal collection of solid waste.
 - i) **“Collector”** means a person or persons who collect waste within the Town for and on behalf of the Town.
 - j) **“Curb”** means the actual curb, if there be one, and if there is no curb in existence, shall mean the division of roadway between that part intended for the use of vehicles and that part intended for use by pedestrians.

- k) **“Customer”** means any person, corporation or organization that has entered into a contract with the Town for utility provision at a particular premise, or who is the owner or occupant of any premises connected to or provided with a utility.
- l) **“Director of Infrastructure”** means the Director of Infrastructure appointed to oversee the sanitation department and/or their duly authorized delegated, agent or representative.
- m) **“Garbage”** means waste by-products produced from household and commercial process and can be composed of organic and inorganic material.
- n) **“Hazardous Waste”** means any substance or thing that falls within the definition of Hazardous Waste in Schedule 1 of Alberta Regulation July 6, 1999 192/96, the Waste Control Regulation.
- o) **“Lane”** means a narrow roadway intended chiefly to give access to the rear of buildings and parcels of land.
- p) **“Occupant”** means a person or corporation in actual possession of any premises either as an owner or tenant. For billing purposes further defined as a person contracting with the Town for the domestic supply of utilities to any premises.
- q) **“Premises”** means any land, building, supplied with utilities by the Town.
- r) **“Shared Receptacle Service”** means garbage collection services provided to a specific multi-premise site in Town in which several premises share a waste bin for garbage collection.
- s) **“Sidewalk”** means that part of a roadway primarily intended for the use of pedestrians and includes the part lying between the curb line or edge of the roadway and the adjacent property line, whether or not paved or improved.
- t) **“Street”** means a public thoroughfare within the Town and includes, where the context so allows, the sidewalk and borders of the street and all parts appearing in the Land Titles Office as set aside for a public thoroughfare; when used in distinction, it means the public thoroughfare on which the premises in question front.
- u) **“Town”** means the corporation of the Town of Claresholm, or the area contained within the boundaries thereof, as the context requires.
- v) **“Transient Waste”** means any waste material produced at a location other than at the building in front of which it is placed for pick up.
- w) **“Waste”** means any discarded household or commercial debris or refuse, which could include Biomedical Waste, Garbage, Hazardous Waste, Wet Garbage or Yard Waste.
- x) **“Waste Receptacle”** means any waste receptacle provided by the Town for mechanized collection, specifically marketed to store waste, and excludes bins that are meant for other purposes. This includes:
 - i) 96 gallon collection tote (black, grey, or brown);
 - ii) 3 to 6 yard bin;
- y) **“Wet Garbage”** means the kitchen waste containing liquids originating from hotels, boarding houses and restaurants but excludes drained household kitchen waste which has been properly packaged.
- z) **“Yard Waste”** means grass clippings, leaves, brush, twigs, house and garden plants, sawdust and wood shavings or other similar items as designated by the Director of Infrastructure.

SECTION 3 GENERAL

3.1 Authority of the Town

Except as otherwise provided in this bylaw, the Town shall provide for the public collection and removal of waste within the limits of the Town and shall supervise the facilities and equipment necessary or desirable for the management of waste collected or disposed by the Town.

3.2 Authority of the Director of Infrastructure

The Director of Infrastructure shall:

- a) Supervise the collection, removal and disposal of waste;
- b) Set the days and times that collection shall be undertaken in different portions of the Town;
- c) Outline the quantities and classes of waste to be removed from any premises or accepted by the Town for disposal;

- d) Decide which method will be used to collect waste:
 - i) manual collection;
 - ii) automated collection;
 - iii) shared receptacle service;
- e) State the location from which waste will be collected;
 - i) front street collection; or
 - ii) rear lane collection;
- f) May specify availability of waste collection for commercial pick-up;
- g) May specify that private waste haulers report the total volume of solid waste to be hauled out of the Town's boundaries;
- h) Carry out any inspections required to determine compliance with this bylaw;
- i) Take any steps or carry out any actions required to enforce this bylaw;
- j) Take any steps to carry out any actions required to remedy a contravention of this bylaw.

3.3 Waste Receptacles

Every customer within the Town of Claresholm shall receive or shall have use of a waste receptacle in accordance with the following:

- a) Every residential customer, with the exception of those in apartment buildings, will receive a 96-gallon collection tote (black, grey, or brown).
- b) Each apartment building will receive a 3 to 6 yard bin for shared receptacle service for the apartment building.
- c) Each non-residential customer will receive either a 96-gallon tote or will have access to a 3 to 6 yard bin within close proximity for shared receptacle service depending on customer preference and/or the Director of Infrastructures discretion based on space and convenience for placing a shared bin or curbside tote collection.
- d) High use non-residential customers will have the choice, or on the discretion of the Director of Infrastructure based on use and volumes of waste materials, to rent their own, or multiple, 3 to 6 yard bin solid waste/garbage receptacles.
- e) Each 96-gallon tote will have a serial number and be assigned to a specific customer to track which bin belongs to whom. The loss or damage of a tote due to neglect, misuse, or other cause not of the fault of the Town or its contractors will be replaced and billed to the customer as per prices on Schedule "A". If at the fault of the Town or the Town's contractor the replacement cost will not be billed to the Customer.

3.4 Preparation of Waste Materials for Collection

No person shall set out Waste materials for collection without ensuring that the Waste materials have been prepared for collection in accordance with the following:

- a) Any Waste material that is to be collected must be:
 - i) acceptable by the Town as per Section 3.6-3.9
 - ii) contained within the Waste Receptacle, with the lid closed.
- b) No person shall place Waste materials elsewhere than in the Waste Receptacle. Waste material left beside, or otherwise outside of the Waste Receptacle, will not be collected.
- c) No person shall place Waste materials for pickup without the permission of the owner or occupant of the premise.
- d) The Director of Infrastructure or their designate reserves the right to withhold collection of Waste materials where the Waste materials do not meet the necessary requirements.

3.5 Location of Waste Receptacle

- a) No person who receives Waste collection shall set out Waste materials or Waste Receptacles at locations that are: unsafe, obstructed, blocked by snow or ice, poorly maintained and uneven, or that prevent Collectors from collecting in a safe and efficient manner in the opinion of the Director of Infrastructure or their designate.
- b) The occupant of residential premises shall place Waste Receptacle for collection in such a way that collectors shall have access without entering into private property.
- c) Waste Receptacles will be set out for automated collection next to the curb on the front street or, where there is no curb, at the transition from street to boulevard or yard.

- d) Except where in the opinion of the Director of Infrastructure, it is impractical to store Waste materials outside of a building, no collector shall make a collection of Waste materials from inside any building.
- e) The Town shall collect Waste materials from only one pick-up point from each premise, except where the Director of Infrastructure has designated any other pick-up point they consider necessary.

3.6 Garbage and Waste

- a) An occupant of premises from which Waste is to be collected shall:
 - i) thoroughly drain all Wet Garbage and place it in a plastic garbage bag before disposing of it in the Waste Receptacle;
 - ii) bag all light, dusty or objectionable materials including cooled ashes, powders, sawdust, vacuum cleaner bags, furnace filters, animal feces and absorbents, and disposable diapers;
 - iii) ensure any spillage from Waste Receptacles is picked up and/or cleaned up within twenty-four (24) hours after scheduled pick-up (if the spillage was not the fault of the Collector).
- b) The Town shall not remove the following from premises:
 - i) large bulky items such as mattresses, box springs, dressers, tables, chairs, whole shrubs, or discarded heavy machinery;
 - ii) sheet iron, large pieces of scrap metal or machine parts;
 - iii) electronic equipment including televisions, computers, computer monitors, keyboards, and associated cables;
 - iv) Building Waste such as renovation, construction or demolition material;
 - v) stumps, concrete blocks or slabs, soil, rocks or aggregate;
 - vi) transient waste;
 - vii) waste material which has not been placed for collection in accordance with the provision of this bylaw;
 - viii) liquid waste or material that has attained a fluid consistency and has not been drained;
 - ix) any material outside the waste receptacle that is caused by foraging animals or improper storage in accordance with the provision of this bylaw;

3.7 Prohibited Items

No person shall place or dispose of in a Waste Receptacle for collection or disposal any of the following prohibited items:

- a) highly combustible or explosive materials including but not limited to liquid or solid fuels, gunpowder, ammunition or explosives;
- b) hot ashes which are not properly quenched and appear to be hot or likely to cause a fire;
- c) compressed propane or butane cylinders;
- d) toxic or household hazardous waste including solvents, oven cleaners, paints, automotive fluids, wet cell batteries, pesticides, herbicides, or any material commonly referred to as household, commercial, or industrial hazardous waste;
- e) biomedical waste including hypodermic needles or syringes, lancets or any sharp item used in home medical care;
- f) dead animals and animal parts from hunting or trapping;
- g) septic tank pumpings, raw sewage, or industrial sludge;
- h) radioactive waste;

3.8 Wet Garbage

No person shall remove wet garbage from any hotel, boarding house, restaurant or retail or wholesale food outlet within the Town for use as food for swine or other livestock except under the authority of permits issued by the Environmental Health Inspector.

3.9 Building Materials and Construction Waste

- a) A person carrying out the construction, demolition or alteration of buildings or other building operations on any property shall do so in such a manner as to not permit building material or Building Waste material to remain loose, free or uncontrolled on the property.

- b) The main contractor on the building site shall be responsible for the actions of any subcontractor or tradesman who fail to comply with subsection a).
- c) Any building material or Building Waste material which blows free from the building site shall be recaptured, returned to the building site and deposited in a waste receptacle.
- d) The main contractor on a building site shall be responsible for the term of the construction in providing a suitable waste receptacle capable of receiving all Building Waste material and maintaining the same in a safe contained manner.
- e) Where the contractor is working on more than one building site and they are adjoining, he may provide one (1) Building Waste receptacle for each three (3) building sites.
- f) The main contractor on a building site shall be responsible for having all unused building material and Building Waste material disposed of in the landfill or appropriate area.
- g) The Director of Infrastructure may direct the person carrying out the 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.

3.10 Collection Schedules

- a) The Town shall collect Waste from each residential premise once a week.
- b) Any Waste that is stored in a Waste Receptacle may be collected by the Town at the Director of Infrastructure's discretion.
- c) The Director of Infrastructure may stipulate a different Waste collection schedule for the following establishments:
 - i) hotels, restaurants and apartment houses;
 - ii) business and professional offices;
 - iii) retail and wholesale merchants;
 - iv) other commercial premises, whether similar or dissimilar;
 - v) industrial premises; and
 - vi) agricultural and irrigated areas.
- d) Where the Town does not collect Waste at a premise listed in 3.9(c), the property owner or occupant, either by contractors, agents or by employees, shall remove and dispose of the waste in compliance with all applicable federal, provincial and municipal laws and shall provide the Town with a copy of the contract between the owner and the service provider.
- e) Waste Receptacles shall not be set out for collection prior to 7:00pm the evening of the day prior to the collection day, and must be placed at collection points no later than 7:00am on the scheduled collection day.
- f) All Waste Receptacles must be removed from the street or lane by 8:00pm on the collection day and stored on the property when not in use.

3.11 Transportation of Waste

No person shall convey through any street in the Town any Waste except in a properly enclosed receptacle or in a vehicle which is covered with canvas or tarpaulin, or secured such that the contents are protected from being wind borne or falling on the streets.

3.12 Damage to Private Roads and Infrastructure

The Town will not be responsible for any damage to roads or infrastructure on a private site resulting from legitimate operation of Waste collection vehicles during Waste collection activity at that private site.

3.13 Other Provisions

- a) It shall be unlawful for any person to dump Building Waste or other Waste material anywhere within the limits of the Town of Claresholm, except in the location designated by the Director of Infrastructure and approved in writing by the Director of Infrastructure.
- b) No person, other than the occupant of the premise or the Collector, shall pick over, remove, disturb, or otherwise interfere with any waste material that has been set out for collection.
- c) No person shall place residential or commercial Waste in a public litter container.
- d) No person shall burn household refuse, burnable debris, or prohibited debris in any fireplace or fire pit within the Town.

- e) The Town reserves the right to withhold collection of improperly prepared Waste, prohibited Waste, excessive quantities of Waste, or Waste located at unsafe or non-compliant set-out locations.
- f) The occupant shall keep the curb and gutter at the front of the premises in a clean and tidy condition.

3.14 Charges for Collection and Depositing Waste

- a) Charges for Waste removal by the Town are stipulated in Schedule "A".
- b) The Director of Infrastructure shall cause such measurements to be made and records to be maintained as he/she deems necessary to estimate or determine the volume of Waste removed from any premises and on the basis of such measurements and records shall establish the monthly charge to be levied on any occupier or commercial hauler. The Director of Infrastructure on being satisfied that any estimate required to be amended may establish new charges.
- c) Where conditions exist which could require the application of a different rate, such rate will be stipulated by the Director of Infrastructure.
- d) The fee for additional Waste collection shall be set out per Schedule "A".

3.15 Contravention

Any person who contravenes a provision of this bylaw is guilty of an offense and is liable of a fine not exceeding one thousand dollars (\$1,000.00) and not less than seventy-five dollars (\$75.00).

3.16 Violation Tickets and Penalties

- a) Where a Bylaw Enforcement Officer and/or the Director of Infrastructure believes on reasonable and probable grounds that a person has contravened any provision of this bylaw, he may serve upon such person a violation tag provided by this section:
 - i) either personally on the premises or by leaving it for the occupant at their residence with a person on the premises who appears to be at least eighteen (18) years of age or by registered mail, and such service shall be adequate for the purpose of this bylaw.
 - ii) A violation tag shall be in such form as determined by the Town of Claresholm and shall state the section of the bylaw which was contravened and the amount which is provided, that will be accepted by the Town in lieu of prosecution.
 - iii) Upon production of violation tag issued pursuant to this section within fourteen (14) days from the issue thereof together with the payment to the Town of Claresholm of the fee as provided, the person to whom the tag was issued shall not be liable for prosecution for the contravention in respect of which the tag was issued.
 - iv) Notwithstanding the provision of this section, a person to whom a tag has been issued pursuant to this section may exercise his right to defend any charge committing a contravention of the provisions of this bylaw.
- b) The specified penalty payable in respect of a contravention of a provision of this bylaw is the amount shown in Schedule "B" in respect of that provision.
- c) The minimum penalty payable in respect of a contravention of a provision of this bylaw is the amount shown in Schedule "B" in respect of that provision.
- d) Notwithstanding Section 3.16:
 - i) where any person contravenes the same provision of this bylaw more than once within an eighteen month (18) period, the specified penalty payable in respect of the subsequent contravention is doubled the amount shown in respect of that provision; and
 - ii) where any person contravenes the same provision of this bylaw three or more times within one twelve (12) month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in respect of that provision.

3.17 Compliance with Other Legislation

No section of this bylaw relieves a person from complying with any federal or provincial law or regulation other bylaw or any requirements of any lawful permit, order, consent or other direction.

3.18 Validity of Bylaw

Every provision of this bylaw is independent of all other provisions, if any provision of this bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

SECTION 4 RESCINDED

4.1 On the passing of this bylaw, Bylaw 1548, along with amending Bylaw 1722 are hereby rescinded

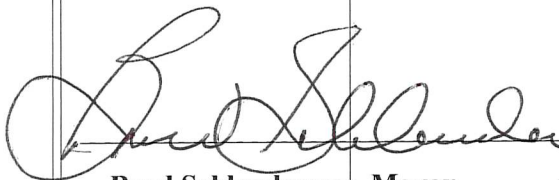
SECTION 5 PASSAGE OF BYLAW

5.1 This Bylaw shall come into effect upon passage of Third Reading.

Read a first time in Council this **10th** day of **October** 2023 A.D.

Read a second time in Council this **23rd** day of **October** 2023 A.D.

Read a third time in Council and finally passed in Council this **23rd** day of **October** 2023 A.D.



Brad Schlossberger, Mayor



Abe Tinney, CAO



SCHEDULE "A"

Fees

	EFFECTIVE JAN 1	2024*	2025	2026	2027
COMMERCIAL SERVICES (Monthly)					
Three (3) to Six (6) cubic yard garbage container rental		\$35.00	\$36.05	\$37.13	\$38.25
Commercial Bin Collection (per weekly collection)		\$35.00	\$36.05	\$37.13	\$38.25
Commercial Tote (96 gallon) Collection		\$24.00	\$24.72	\$25.46	\$26.23
RESIDENTIAL SERVICES (Monthly)					
Residential Dwellings		\$13.50	\$13.91	\$14.32	\$14.75
96 GALLON TOTE REPLACEMENT FEE		\$100.00	\$100.00	\$100.00	\$100.00
SPRING CLEANUP – Commercial three (3) or four (4) cubic yard garbage container rental for 1 week with a single pickup. (Only available if booked during the month of May – receipt/pickup of bin may extend beyond May depending on availability of bins).		\$30.00	\$30.90	\$31.83	\$32.78

*2024 rate is effective on date this bylaw comes into effect.

SCHEDULE "B"

Penalties

Section	Description	1 st Offence	2 nd Offence	3 rd & Subsequent Offences
3.4	Preparation of Waste Material for Collection, including overfilled Waste Receptacle (lid doesn't close), or waste materials outside of the Waste Receptacle.			
	96 Gallon Tote Service	\$75	\$150	\$225
	3-6 Yard Bin Service	\$150	\$300	\$450
3.5	Location of Waste Receptacle for Collection	\$75	\$150	\$225
3.7	Prohibited Items	\$200	\$400	\$600
	All other sections	\$75	\$150	\$225

