

BY-LAW NO. 100/06

Being a By-Law of the Town of Bentley in the Province of Alberta to regulate the handling, collection, removal and disposal of garbage and refuse and to establish the rates of charges for the garbage collection service.

WHEREAS, pursuant to the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26.1 and amendments thereto, the Council of the Town of Bentley may establish rules and regulations for the collecting of garbage and refuse from the householder and places of business and institutions within the Town.

AND WHEREAS, in accordance with good financial management, the Council of the Town of Bentley wishes to establish rates of charges for the providing of the collection and disposal of garbage and refuse.

NOW THEREFORE, the Council of the Town of Bentley, duly assembled, enacts as follows:

1. This By-Law shall be cited as the "Garbage Collection and Disposal By-Law" of the Town of Bentley.
2. **Definitions:**
 - a) "By-Law Enforcement Officer" means a person authorized by Council to carry out the provisions of this By-Law or the Chief Administrative Officer of the Town of Bentley or a member of the Royal Canadian Mounted Police.
 - b) "Collection Day" means the day or days during each week on which garbage is regularly collected from a specific premises, together with the twelve (12) hour period immediately preceding and immediately following that day.
 - c) "Commercial Premises" means the site, including any building erected thereon, of any cafe, restaurant, hotel, store, warehouse, wholesale or retail business place, office building, factory, industry, or any other site or

building except one that is used or intended to be used for residential purposes.

- d) “Council” means the Municipal Council of the Town of Bentley.
- e) “Front Yard” means a yard extending across the full width of a parcel measured perpendicularly from the front boundary of the parcel to the front wall(s) of the main building situated on the parcel.
- f) “Waste, Refuse and Garbage” means:
 - i) any discarded or abandoned garbage or other matter, including bottles, metals, cans or tins, crockery, glass, cloth, paper, wrappings, sweeping and all other similar items that accumulate in the household or result from commercial or industrial operations but does not include human or animal excrement, stable refuse, ashes or trade refuse.
 - ii) refuse composed of animal or vegetable matters produced as a by-product of the preparation, consumption or storage of food
- g) “Container” means a circular receptacle constructed of non-corrosive durable metal or plastic; equipped with a water-tight cover and two (2) handles to facilitate handling; having a capacity of not more than four (4) cubic feet, a height of not more than thirty (30) inches and a diameter of not more than twenty-four (24) inches and weighing, when filled, not more than forty (40) pounds.
- h) “Container Stand” means a wooden or metal stand or enclosure designed to hold all garbage bags or cans required by the premises for which the stand is provided and which shall be so designed as to keep all garbage cans in an upright position at all times, and protected from interference from dogs or other animals.
- i) “Householder” means any owner, occupant, lessee or tenant or any other person in charge of any building or

other dwelling used or intended for use as residential premises, including a multiple family dwelling but excluding commercial premises.

- j) “Chief Administrative Officer” means a person appointed under the Municipal Government Act by the Municipal Council of the Town of Bentley.
- k) “Person” includes a firm or corporation.
- l) “Proprietor” means the owner, occupant, lessee, tenant or any other person in charge of commercial or industrial premises.
- m) “Refuse Collector” means an employee or agent of the Town of Bentley whose duty shall be to collect, remove and dispose of waste and refuse.
- o) “Residential Premises” means any site including any building erected thereon that is used or intended for use for residential purposes including both single family and multiple family dwellings.
- p) “Trade Refuse” means material from excavations, material from lot clearing and building construction, repairs, alterations, or maintenance, debris from any building removed or destroyed by fire or any other cause, material from manufacturing processes, dead animals, waste from garages and service stations, condemned matter or waste from factories or other works or from warehouses, ashes from industrial plants, and other similar waste material other than human or animal excrement or garbage.
- r) “Town” means the Town of Bentley.
- s) “Unit of Garbage” shall mean;
 - i) one non-returnable garbage bag up to 660 mm x 914 mm (26” x 36”) and weighing not more than 40 pounds
 - ii) one neatly tied 1 meter (3 foot) in length bundle of clippings from trees or shrubs

3. **General Prohibitions**

- 3.1 No person shall collect, dispose of or remove refuse except in accordance with the provisions of this By-Law.
- 3.2 No person other than a householder, proprietor or the Refuse Collector shall open any refuse receptacle or in any way disturb the contents thereof or handle, interfere with or disturb any refuse put out for collection or removal.
- 3.3 No person other than the Refuse Collector, householder or proprietor shall make collections of refuse from residential or commercial premises.
- 3.4 No person shall deposit any dead animal, manure, excrement, refuse, liquid waste or other filth upon or into any street, service lane, alley, highway, ditch, well or any other land or body of water.
- 3.5 No person shall directly or otherwise dispose of or permit any person to dispose of any explosive, volatile, noxious or dangerous device, substance or thing, including hot ashes or burning matter, in any garbage can, plastic bag or metal garbage container and no person shall directly or otherwise dispose of or permit any person to dispose of any unwrapped wet garbage in any garbage can or metal garbage container.
- 3.6 No person shall place or mix with any refuse placed for collection by the Town any dangerous goods, hazardous waste or biological waste

4. **Collection and Disposal**

- 4.1 The Town of Bentley does not want its Refuse Collectors exposed to unnecessary dust, airborne hazards and other contaminants while performing their duties in the collection and disposal of garbage and refuse.

- a) Plastic bags of the type designed for the disposal of domestic refuse must be used for the disposal of refuse.
- b) Plastic bags containing refuse shall be kept in a structure, fenced area, or other enclosure at all times other than on collection day;
- c) Plastic bags containing refuse shall be in good repair, and securely closed except when refuse is being placed therein;
- d) Plastic bags when filled with refuse shall weigh not more than forty (40) pounds and be of sufficient strength to be capable of lifting of the contents;
- e) Plastic bags containing refuse shall be placed for collection in the same manner and located as prescribed in this By-Law for garbage cans and under no circumstances shall they be placed on any lane, boulevard or street other than on collection day
- f) The Town shall not collect cardboard boxes, laminated cardboard, corrugated packing cardboard or any other packaging material. Citizens are encouraged to deliver their cardboard waste to the recycling bin designated for cardboard.

4.2 The householder or proprietor shall place the non-returnable plastic bags inside the container or other approved receptacle provided for collection purposes.

4.3 All householders and proprietors shall at all times ensure that refuse is kept within the containers or other approved receptacles provided for that purpose, and not allowed to spill over or accumulate on any land or street or adjoining public or private property.

- 4.4 All householders and proprietors shall keep the land in the rear of their premises to the center line of the alleyway thereof in a clean and tidy condition and free from refuse.
- 4.5 Where any premise is served by a lane, all refuse from such premises shall be placed in containers for collection at a location within five (5) feet of such lane, but not in the lane, and where garbage cans are placed for collection within any container stand, fence, or other enclosure, direct access to the containers from the lane shall be provided.
- 4.6 When any premise is not served by a lane, all refuse from such premises shall be placed in containers for collection at a location as close as possible to the traveled portion of an adjacent street but not on a sidewalk or in such location as to interfere in any way with vehicle or pedestrian traffic.
- 4.7 Where any householder or proprietor of a premises not serviced by a lane desires a container stand this shall be situated on the premises but not on the front yard unless properly screened.
- 4.8 Except on collection day the householder or proprietor shall keep and maintain all garbage cans:
- a) On the premises served by a lane, of the householder or proprietor;
 - b) On the residential or commercial premises not serviced by a lane of the householder or proprietor in accordance with Section 4.7 of the By-Law.
- 4.9 No garbage collection shall be made from the inside of any dwelling or from the basement or upper floors of any multiple family dwelling or commercial premises.
- 4.10 No collection will be made where there is harassment or interference by dogs or other animals.

- 4.11 No person shall willfully or maliciously hinder or interrupt or cause or procure to hinder or interrupt the Town of Bentley or its employees, agents or contractors in the exercise of powers and duties related to the collection, utility and authorization contained in this By-law
- 4.11 Collection of refuse shall be made by the Refuse Collector on such days and at such times as the Town may appoint and the Refuse Collector shall have the right to enter at all convenient times such portions of all premises within the Town as may be required for the purpose of performing his collection, removal and disposal duties.
- 4.12 The Town may at any time and from time to time enter into a contract or contracts with any person, firm or corporation for the collection, removal and disposal of the whole or any part of the refuse accumulated within the Town, or may provide for the collection, removal and disposal of refuse by the use of equipment and employees of the Town.
- 4.13 The Refuse Collector shall not be responsible for the collection and removal of any of the following types of refuse:
- a) Trade refuse resulting from the construction, repair, decorating, clearing or grading of a building or premises;
 - b) Scrap metal including car bodies, chassis, machinery or parts or garage refuse;
 - c) Refuse which cannot be loaded from garbage cans, plastic bags or metal garbage containers, including such items as tires, auto parts, and boxes.
 - d) Dead Animals
 - e) Sod

- f) any discarded household furniture, material or equipment including household appliances such as refrigerators, stoves, clothes washers, clothes dryers, hot water tanks, microwave ovens, electronic equipment, etc
 - g) liquid waste
- 4.14 All tree or shrubbery trimmings shall be neatly tied in 1 meter (3 foot) bundles and deposited neatly beside the garbage can(s) where it is easily accessible for removal by the Refuse Collector. One bundle shall count as a "unit of garbage".
- 4.15 All grass clippings and garden refuse shall be placed in plastic bags of the type designed to hold grass clippings, and be of sufficient strength to be able to withstand the lifting of the contents, and shall be deposited neatly beside the garbage can(s) where it is easily accessible for removal by the Refuse Collector. Plastic bags filled with grass clippings, etc. or garden refuse shall weigh not more than forty (40) pounds.
- 4.16 No person shall place anything they do not want disposed of within 3 meters (9.8 feet) of the collection point.
- 4.17 Notwithstanding the provisions of this By-law, the Town may make such special arrangements for the collection of garbage and refuse as may be appropriate.
- 4.18 All householders and proprietors shall be responsible to dispose in a proper manner at an approved site any refuse for which the Town does not accept responsibility for collection and disposal.
- 4.19 Notwithstanding anything in this By-law, the town may refuse to collect any material defined as garbage or refuse which, in the opinion of the Refuse Collector, may create a danger to the health or safety of those collecting such garbage and refuse.

5. Excess Waste

- 5.1 Waste in excess of the units of garbage allowed under the base rate charge as established in Schedule "A" will be collected provided a tag, supplied by the Town of Bentley, is conspicuously attached. Any unit of garbage above the limit provided in Schedule "A" not having a visible tag will not be collected.
- 5.2 The tags mentioned in Section 5.1 shall be offered for sale at the Town of Bentley Municipal Office at a rate specified in Schedule "A"

6. Duties of Refuse Collector

- 6.1 Collectors shall know and understand and abide by the rules and regulations as set out in this By-law.
- 6.2 Collectors shall be careful as is reasonably possible not to damage or misuse any refuse container.
- 6.3 Collectors shall replace emptied containers and lids in approximately the same location where picked up.
- 6.4 No collector shall leave refuse on the ground that he has spilled from the receptacle or the collection vehicle.
- 6.5 No collector shall pick, sort over, or remove any waste material from the collection vehicle or disposal site, except as directed by the Chief Administrative Officer.
- 6.6 The Collector, at his discretion, shall have the right to refuse to remove any garbage where the container does not meet the provisions as required by this By-law, or if the container is in a dilapidated, unsafe or unsanitary condition.
- 6.7 Notwithstanding 4.11, no collection shall be made from the inside of any residence or business premises.
- 6.8 The Collector shall not knowingly collect any hazardous waste.

7. Burning Regulations

- 7.1 Burning is permitted only in metal barrels or drums or incinerators.
- 7.2 No person shall burn or be responsible for the burning of any rubber, leather, bones, tar paper, treated wood products, plastic or any other material emitting hazardous fumes or an offensive odor, within the limits of the Town of Bentley at any time.
- 7.3 No person shall burn or be responsible for the burning of any waste, refuse or garbage before sunrise and after sunset on any day of the week and not on Sunday, Monday, or on any recognized holiday.
- 7.4 Any person who burns is entirely responsible to ensure that the burning takes place without danger to other properties or inconvenience to neighboring properties and the Town shall in no way be held responsible for any damage or inconvenience experienced.

8. Regional Transfer Station

The Town is a member of the Lacombe Regional Solid Waste Authority which operates a regional transfer station for the disposal of refuse from the Town. This Authority reserves the right to control the type and nature of refuse which may be deposited at the regional transfer station. No refuse may be deposited at the regional transfer station except in accordance with such guidelines as the Authority may, from time to time, set.

9. Compost Site

- 9.1 The Council of the Town of Bentley encourages all householders and proprietors to transport to the compost site the following:

- a) Lawn cuttings, weeds or garden refuse.
- 9.2 Disposal of any garbage and refuse at the compost site is not permitted.
- 9.3 The Town reserves the right to make rules and regulations regarding the operation of the compost site and such rules and regulations shall be posted at the compost site.

10. Recycling

- 10.1 The Council of the Town of Bentley encourages all householders and proprietors to recycle whenever possible and will facilitate recycling endeavors by providing recycling bins at one location in the Town for the following recyclables;
 - a) cardboard and paper products
 - b) plastic milk containers
 - c) glass & tin
- 10.2 Disposal of any other type of garbage and refuse at the recycling location is not permitted.
- 10.3 The Town reserves the right to make rules and regulations regarding the operation of a recycling program and such rules and regulations shall be posted at the recycling location.

11. Accumulation of Waste

- 11.1 Except for refuse which is placed in a manner complying with the provisions of this By-law and in a location designated or allowed by this By-law, no householder or proprietor in the Town shall allow waste of any kind to accumulate;
 - a) outside of a building or inside of a portion of the building to which the public has access, or
 - b) on any land or other premises whether or not there is a building or other structure erected thereon.

- 11.2 Notwithstanding anything in Section 11.1 or elsewhere in this By-law contained, no person shall dispose of waste or allow waste to accumulate anywhere in any manner which contravenes a provision of the Public Health Act, the regulations made there under or of a By-law of the Town relating to health, safety, sanitation or nuisances.
- 11.3 No person who has waste of any description requiring disposal shall not dispose of it elsewhere than at a disposal site of a type appropriate for the type of waste.
- 11.4 A person who has disposed of waste on any land contrary to the provisions of Section 11.1 shall remove, at his expense, the same upon being required to do so by the householder or proprietor, the Chief Administrative Officer or his/her designate, By-law Enforcement Officer, the Fire Chief of the Town of Bentley or the Local Health Board, but such removal shall not prevent him from being prosecuted for a contravention of Section 11.1
- 11.5 If the person who has placed waste on land contrary to the provision of Section 11.1 cannot be ascertained or neglects or refuses to remove the waste there from, householder or proprietor shall remove the waste or cause the waste to be removed, at his/her expense, from the land upon being directed to do so by the Chief Administrative Officer, or his/her designate, the Fire Chief, By-law Enforcement Officer or the Local Health Board

12. Written Notice of Contravention

- 12.1 The Town may, by written notice, direct any person to promptly provide additional containers or other approved receptacles or to provide such receptacles in a proper condition where the Town considers either that the number or approved receptacles or their condition is

inadequate or insufficient in practice to meet the spirit and intent of this By-Law.

- 12.2 When any container has been condemned by the Refuse Collector and written notice to that effect has been given to the householder or proprietor, the condemned garbage can may be removed and disposed of along with the garbage from the premises, in which case the householder or proprietor shall forthwith provide a suitable container to replace the one that has been condemned and removed.
- 12.3 The Town may, by written notice, require the removal of any accumulation of the types of refuse set forth in Section 4.13 hereof, or any accumulation of dirt, stones, old implements, or automobiles, iron or other rubbish from roads, lanes or other private or public property within the Town by serving upon the householder, proprietor, or other person responsible for the deposit of same such written notice outlining the removal requirements.

13. **Rate of Charges**

- 13.1 There shall be levied on every owner or occupant of a residential, commercial, industrial and institutional premises a fee for the collection, removal, and disposal of garbage and refuse.
- 13.2 Such fees shall be levied and are payable regardless of the extent to which the services are used unless written notice has been given to the municipal office to discontinue the service due to the building being unoccupied.
- 13.3 Rates are set out in Schedule "A" which is attached to and forms part of this By-Law.
- 13.4 Schedule "A" may be amended from time to time by Council.

- 13.5 The rates as set out in Schedule “A” and/or amendments to Schedule “A” shall be levied at the same time as water and/or sewer rates are levied and shall be collected in the same manner as water and/or sewer rates are collected.

14. Recovery of Expense and Prosecution of Offenders

- 14.1 If the householder or proprietor refuses to comply with any provision of this By-law, the Town may undertake the same at the expense of the owner of the property
- 14.2 When the Town is required to take action under Section 14.1 and the householder or proprietor defaults on the required payment, then the Town may recover the charges for which the householder or proprietor is liable by any lawful means available with the cost of such action to be charged against the owner or occupant.
- 14.3 Where a utility account and other charges under this By-law remain unpaid, the Town may transfer the outstanding account to the tax roll account of the property.

15. Penalties

- 15.1 Any person who contravenes any provision of the By-law is guilty of an offence and is liable under the Provincial Offences Procedure Act to a fine not less than \$100.00 and not exceeding \$1,000.00.
- 15.2 Notwithstanding the provisions of Section 14 hereof, any person convicted for a second offence for the same provision of this By-law shall be liable to a fine of not less than \$150.00 and not more than \$1,000.00.
- 15.3 Notwithstanding the provision of Section 14 hereof, any person convicted for a third offence for the same provision of this By-law shall be liable to a fine of not less than \$200.00 and not more than \$1,000.00.

16. If any term, clause or condition of this By-law and application thereof, shall, to any extent, be deemed invalid or unenforceable, the remainder of this By-law shall not be affected thereby and each other term, clause or condition of this By-law shall be enforced to the fullest extent permitted.

17. This By-law rescinds By-law 06/95 and By-law No. 89/04

This By-Law shall come into effect on the 1st day of April, 2006.

READ a first time this 28 day of February, 2006.

READ a second time this 28 day of February, 2006

READ a third and final time this 28 day of February, 2006

MAYOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

For the purposes of establishing and levying a charge for the provision of garbage collection and disposal services, the following definitions shall apply;

Dwelling Unit: means a complete building or self-contained portion of a building used by one or more individuals living as a single housekeeping unit, containing sleeping, cooking and toilet facilities, intended as a permanent residence, which may or may not have direct access to the outside by a separate exterior entranceway.

Business Unit: means a complete building or self-contained portion of a building for the use of providing for the sale, supply, manufacture, assembly, repair, rental or storage of goods or services or both, for gain or profit, which may or may not have direct access to the outside by a separate exterior entranceway.

Multiple Use Building: means a building containing one or more business units or one or more dwelling units or a combination of business units and dwelling units.

Institutional Use Building: means the Schools and Health Care Centre

Single Collection Rate: means one collection per week

Multiple Collection Rate: means two collections per week

Allowable Units of Garbage: 4 per Dwelling or Business Unit per collection (Single or Multiple)

By-law 110/06 amendment to provide for 6 units of garbage per business unit per collection

<u>Monthly Collection Fees:</u>	<u>Single Collection</u>	<u>Multiple Collection</u>
<u>Dwelling Unit</u>	16.00	
 <u>Business Unit:</u>	20.00	40.00
 <u>Institutional:</u>		
School – Elementary	60.00	120.00
School - High School	60.00	120.00
Health Care Centre	60.00	120.00
 <u>Other:</u>		
Mobile Home Park (based on single collection, occupancy of 48 stalls)	768.00	