

TOWN OF HANNA

PROVINCE OF ALBERTA

BY-LAW NO. 825

A BY-LAW OF THE TOWN OF HANNA TO PROVIDE FOR THE COLLECTION AND DISPOSAL OF GARBAGE, REFUSE AND WASTE PRODUCTS WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF HANNA AND SETTING RATES THEREFORE.

WHEREAS, pursuant to Section 199 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1980, including amendments thereto, a Council may pass By-Laws to provide for the collection, removal and disposal of garbage, refuse and waste;

AND WHEREAS the Town of Hanna has entered into an agreement with the Big Country Regional Waste Authority for the establishment and operation of a regional waste transfer station to replace the sanitary landfill site;

AND WHEREAS the Town of Hanna has entered into an agreement to operate a business for recycling certain waste material at the Hanna Regional Waste Transfer Station;

AND WHEREAS the Council of the Town of Hanna deem it expedient to pass a by-law to provide for the defining of and regulation and disposal of refuse, garbage and waste in the Town of Hanna;

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

SECTION 1 - OPERATION

1.1 That the system for collection, removal and disposal of garbage, refuse and waste material accumulated within the Corporate Limits of the Town of Hanna shall be operated in the manner herein set forth.

SECTION 2 - DEFINITIONS

2.1 For the purpose of this By-Law the following terms, phrases, words and their derivations shall have the meanings given herein.

- (a) "Apartment House" means a residential building divided into separate self-contained suites or apartments having sleeping, cooking, and bathroom or toilet facilities and which contains more than three such suites or apartments and may include, but is not limited to, structures known as Town houses or Rowhouses.
- (b) "Ashes" means the residue and cinders from any substance used for fuel, but does not include such residue as may accumulate as a result of building operation.
- (c) "Building Waste" means all waste produced in the process of construction, altering or repairing a building, including earth, vegetation and rock displaced during the process of building.

- (d) "Collection Area" means the location within the Corporate Limits of the Town of Hanna from which garbage waste collection shall be made and where the following conditions exists:
 - (i) there are a minimum of two dwellings per acre and
 - (ii) such dwellings are adjacent to areas where collection of waste is already established.
- (e) "Commercial Premises" means a cafe or restaurant, hospital, nursing home, lodge, school, recreation centre, warehouse, wholesale or retail business place, office building or service station, factory or industrial plant and any other building or premise except a dwelling.
- (f) "Contractor" means any person who charges for picking up garbage in the Town of Hanna.
- (g) "Council" means the Municipal Council of the Town of Hanna.
- (h) "Disposal Grounds" means the refuse and waste disposal area or site designated by the Town.
- (i) "Dwelling" means a building occupied for residential purposes, (separately titled property - single family, duplex, and row housing) other than a multiple family dwelling or apartment house.
- (j) "Garbage" means discarded or rejected ashes, bottles, metal cans or tins, crockery, glass, grass cuttings and other garden refuse, cloth, paper, food and food waste, trees, branches, wrappings, sweepings and other items of household refuse, but does not include human or animal excrement, or industrial/commercial waste or dead animals therefrom.
- (k) "Garbage Can or Receptacle" means a circular receptacle constructed of a water-tight, non-corrosive durable metal or plastic; equipped with a tight fitting cover constructed of the same material, and handles for lifting. Such receptacles shall be:
 - (i) no more than 90 centimetres (36") or less than 50 centimetres (20") in height; and
 - (ii) no more than 60 centimetres (24") or less than 40 centimetres (16") in diameter; and
 - (iii) no more than 22.5 kilograms (50 pounds) in weight when filled.

- (l) "Garbage Stand" means a wooden or metal stand or enclosure designed to hold all garbage cans required by the premises for which the stand is provided, and which shall be designed so as to keep all garbage cans in an upright position at all times, and protected from interference from dogs or other animals; its height above ground shall not exceed 60 centimetres (23.6").
- (m) "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 and other like materials.
- (n) "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.
- (o) "One Pick-Up" means one pick-up of waste material. The number of garbage cans or equivalent shall be determined from time to time by the Council of the Town of Hanna.
- (p) "Public Health Inspector" means the Public Health Inspector appointed by the Town or by the Big Country Health Unit.
- (q) "Recyclable's" shall mean those items determined from time to time by the Council of the Town of Hanna which form part of the blue box recycling program, and shall include compost materials.
- (r) "Street" means public thoroughfares within the Town and includes, where the context allows, the sidewalk and borders of the streets, lanes and other public thoroughfare.
- (s) "Town" means the Corporation of the Town of Hanna.
- (t) "Town Superintendent" means the Public Works Superintendent of the Town of Hanna.
- (u) "Waste" means anything that has been discarded as worthless, defective or of no use, including debris resulting from a process that is of no further use to the system producing it.

SECTION 3 - AGREEMENTS

3.1 The Council of the Town of Hanna may enter into agreements with the Regional Waste Authority, Special Areas or other municipalities for the obtaining of or operation of a regional waste transfer site.

- 3.2 The Council of the Town of Hanna may enter into agreements with other firms or individuals to provide for the collection and disposal of the whole or a portion of the ashes, garbage and refuse accumulated within the corporate limits of the Town of Hanna and such firms or individuals shall have exclusive rights within the Town of Hanna to perform such service.

SECTION 4 - COLLECTION GENERAL

- 4.1 The Town shall provide for pick-up of residential wastes of not less than once a week (every seven days) except in conditions beyond the Town's control. Waste in excess of three standard sized garbage bags (27" x 38") or receptacles will be collected providing a tag supplied by the Town is conspicuously attached.

Tags shall be charged at a rate specified in Schedule B.

- 4.2 The occupant or owner and/or operator of a commercial premise including Provincial and Federal government premises, trailer courts, multi-family premises, or apartments, or such other premises as determined by Council, shall be required to make arrangements for the removal and disposal of garbage and waste material to adequately keep the premises in question free from such garbage and waste.
- 4.3 When a dwelling or apartment house contains a commercial or industrial establishment that generates trade refuse, such trade refuse shall be removed at the expense of the owner.
- 4.4 Any commercial or industrial property which does not have its garbage and refuse removed in a manner satisfactory to the Town, shall be charged for costs incurred by the Town to have the waste removed. If the bill is not paid, the charges shall be added to the property taxes.
- 4.5 Town Council shall ensure that the equipment for waste collection and the manner in which waste is collected and disposed of within the Town of Hanna shall comply with the regulations of the Alberta Board of Health.
- 4.6 The Householder and Business shall keep free and clean of garbage and refuse one-half of the width of the lane or alley adjoining the property owned or occupied by the Householder or Business.
- 4.7 No person or persons shall deposit any garbage, refuse or any material in a garbage stand or commercial container that is not his/her own or under his/her direct control.
- 4.8 No person shall bring into the Town of Hanna any garbage or refuse for collection or disposal.

SECTION 5 - COLLECTION PROCEDURE

- 5.1 No person, being the owner, occupant, tenant or person in charge of any building or premises in the Town shall put out or permit to be put out any garbage, refuse, trade refuse, waste or ashes for collection unless such waste is first contained in garbage receptacles in good condition and designed for that purpose, or in such other container as is specifically permitted by this by-law.
- 5.2 No person other than the owners or occupants or those appointed by the owners or by the Council to collect waste shall interfere with or disturb the contents of any receptacles or other waste placed for collection.
- 5.3 No garbage collection shall be made from the inside of any building or from the basement or upper floors of any multiple dwelling.
- 5.4 The Town shall not be required to remove any waste material from any receptacle which with its contents exceeds 22.5 kilograms (50 Pounds) in weight.
- 5.5 The Town shall not be responsible for picking up loose ashes or hot ashes.
- 5.6 Except as otherwise specifically provided in the by-law, the collection, removal, and disposal of garbage shall be under the supervision of the council or their designated agents.

Location of Receptacles

- 5.7 No person shall place or keep or permit to be placed or kept any receptacles for ashes or waste upon any lane, street, sidewalk or highway within the Town of Hanna.

Laned Subdivision

- 5.8 Where any premises are served by a lane, all garbage from such premises shall be placed at a location within 1.5 meters (5 feet) of such lane, but not in a lane and shall be easily accessible by the collector.

Laneless Subdivision

- 5.9 In cases where no lane exists all garbage receptacles from such premises shall be placed for collection at a location as close as possible to the travelled portion of the adjacent street, but not on a sidewalk or in such a location as to interfere in any way with vehicle or pedestrian traffic.
- 5.10 The Town Superintendent shall be the final authority on placement of garbage containers in case of a dispute.

SECTION 6 - PREPARATION OF WASTE FOR COLLECTION

6.1 No person shall put out waste material or garbage for collection unless:

- (a) Garbage and waste from a domestic establishment is thoroughly drained and securely wrapped in sufficient paper to absorb the moisture or placed in plastic bags which are properly tied before being put in receptacles for collection.
- (b) Waste paper, cardboard and inoffensive household refuse is securely tied in bundles and placed within or beside the garbage or waste receptacles for removal.
- (c) Clippings, lawn cuttings, shrubs and trees are compacted and securely tied in bundles, garbage bags or boxes and placed beside the waste receptacles, the weight of each bundle, etc. not to exceed 22.5 kilograms (50 pounds) in weight nor 1.5 metres (5 feet) in length.
- (d) Rags and cast-off garments are tied securely in bundles and placed within or beside garbage or waste receptacles for removal.
- (e) Ashes for collection are quenched and put into separate containers from other wastes.

SECTION 7 - PROHIBITIONS

7.1 Under the provisions of the by-law no person who is the owner, occupant or person in charge or responsible for any land or building in the Town shall allow waste of any kind to accumulate:

- (a) outside of a building or inside of a portion to which the public or a part of the public has access; or
- (b) on any land or other premises whether or not there is a building or other structure erected thereon;

EXCEPT for waste which is placed:

- (c) in receptacles required by this by-law; in a manner complying with the provisions of this by-law; and
- (d) in a location designated or allowed by the provisions of this by-law.

7.2 Notwithstanding anything in Section 7.1 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, and the regulation made thereunder, or a by-law of the Town relating to health, sanitation or nuisances.

- 7.3 No person shall directly or otherwise dispose or permit any person to dispose of any explosive, inflammable, volatile, noxious or dangerous device, substance or thing in any waste receptacle in the Town.
- 7.4 Except for sand, cinders or similar materials in reasonable quantities placed on icy or slippery streets or sidewalks, no person shall deposit or permit to be deposited waste of any type whatsoever upon any portion of a street.
- 7.5 No person shall throw, sweep or place dust or other waste from any sidewalk or boulevard into any gutter or any other part of a street but shall gather up such dust or other waste and place it into the proper receptacle provided therefore.
- 7.6 No person shall permit any deceased animal to remain on any street or highway to obstruct the same, or to remain un-disposed for longer than four hours after death. The owner or person in charge of the deceased animal shall be responsible for the charges in connection with its disposal.
- 7.7 No person shall place for collection pet manure which is not enclosed in a suitable, air tight container so as to prevent contamination of garbage collection equipment and health hazards.

SECTION 8 - PROVISIONS FOR GARBAGE STANDS AND RECEPTACLES

- 8.1 Every householder within the Town limits shall provide a garbage stand with sufficient number of garbage cans or receptacles to hold seven days garbage or refuse from his/her domicile as approved by Council.
- 8.2 If the household from which waste is to be removed refuses or neglects to provide a garbage stand or receptacle pursuant to the provisions of this by-law, the same may be provided by the Town at the expense of the owner/occupant.
- 8.3 In default by the householder of payment of the said costs, the amount of such sums in default shall be a charge against the owner in respect of which the stand or receptacle was provided and such charge shall be subject to the same penalties and collectable by the same manner as other taxes levied by the said Town.
- 8.4 When any garbage can has been condemned by the Town Superintendent, and a written notice to that effect has been given to the householder, the condemned garbage can may be removed and disposed of along with the garbage from the premises in which case the householder shall forthwith provide a suitable garbage can to replace the one that has been condemned and removed at his/her expense.

8.5 The Town may by written notice direct any person to promptly provide garbage stands, additional garbage cans or other approved receptacles or to provide such receptacles in a proper condition where the Town considers either that the number of approved receptacles or their condition is inadequate or insufficient in practice to meet the intent of this by-law.

SECTION 9 - COMMERCIAL AREA

9.1 Owners and/or occupants of premises in commercial areas (except for single residences) shall be responsible for their own commercial waste disposal.

9.2 The owners, occupant or person in charge of a commercial premise or apartment house shall:

(a) cause all waste to be removed so that the same does not accumulate thereon;

(b) place containers in sufficient location about the premises for persons patronizing the premises to deposit any type of wrapping or discarded portion of anything sold or distributed on the premises.

(c) ensure that the container so provided is of suitable material with either spring loaded or hinged lids, or other design to prevent garbage from scattering about.

(d) where a private contract for collection of refuse, garbage and rubbish is entered into with the owner, commercial type containers with lids may be provided in locations approved by the Town.

(e) cause all area immediately surrounding the premises such as parking lots, sidewalks, lanes, etc. to be kept clean of litter.

9.3 Food service outlets which provide take out service of prepared foods must provide an outside garbage receptacle, different from the one used for the garbage accumulated during the preparation and handling of food. The receptacles must have lids similar to that described in Section 9.2(c).

SECTION 10 - INDUSTRIAL AREAS

10.1 Industries shall be responsible for their own industrial waste disposal.

10.2 Industrial wastes must be kept in an area blocked from public view and stored in such a way that it does not become a public nuisance until such time as it is disposed of.

10.3 Owner and/or occupant of premises may provide commercial and industrial containers for private contract for collection of refuse, garbage or industrial waste.

- 10.4 Where wastes are not excessive, permission may be given to use of waste disposal grounds, otherwise the onus will be on the industry to arrange for use of sites other than the Town Waste Disposal Grounds.
- 10.5 The Council or their designated agents reserve the right to control the type and nature of garbage and industrial waste which is deposited in any disposal area.

SECTION 11 - CONSTRUCTION ON DEVELOPMENT SITES

- 11.1 Contractors and/or Developers are responsible for disposal of their own construction debris (rubbish).
- 11.2 Debris on sites must be stacked on sites so as not to cause a nuisance, fire hazard, or injuriously affect the privacy of adjoining properties.
- 11.3 Debris on sites must be contained and not allowed to spill over or accumulate on any street, lane or property. Every such person shall be fully responsible for any violation of this section.
- 11.4 Contractors or Developers must ensure that any excavation soil and/or debris is not placed on any road or lane-way without written permission from the Town. If permission is given, the contractor or developer is responsible for returning the lane or roadway to previous condition by removal of soil or debris and cleaning of same.
- 11.5 Contractors or Developers who are given permission to use the Town's disposal area must place the garbage in the area designated by the Town Superintendent and shall be responsible for any costs involved in cleaning the Waste Disposal Grounds due to their dumping garbage, or shall arrange to have the disposal area cleaned at their expense.
- 11.6 All major construction projects (new houses, major house renovations and commercial type buildings) may be required to have a Commercial container on the construction site during construction.

SECTION 12 - PRIVATE DISPOSAL OF WASTE

- 12.1 No person who has waste of any description requiring disposal shall dispose of it elsewhere than at a disposal site of a type appropriate for the type of waste.
- 12.2 A person who has disposed of waste on any land contrary to the provisions of Section 12 of the by-law, shall remove the same upon being required to do so by the owner, occupant or person in charge of the land, or by the By-law Enforcement Officer, but such removal shall not prevent him from being prosecuted for a contravention of this section.

12.3 If the person who has placed waste on land contrary to the provisions of Section 12 of this by-law can not be ascertained or neglects or refuses to remove the waste therefrom; the owner, occupant or person in charge of the land shall remove the waste or cause the waste to be removed from the land upon being directed to do so by the Town Superintendent.

SECTION 13 - CONVEYANCE OF WASTE

13.1 A person using a vehicle of any description to convey waste of any type whatsoever from the property where the waste is accumulated or is produced to any other location either within or without the Town, whether the same is to be placed into a Town Disposal site or not, shall cover the box, body or portion of the vehicle in which the waste is transported by a tarpaulin, canvas, wooden covering or a covering of any other description which is so placed and secured so that no portion of waste is able to come loose from the vehicle and fall on any public or private property other than that from which it is removed.

13.2 A person who transports waste through the Town by a vehicle of any description in a manner so that any portion of the waste detaches itself from the vehicle and falls on property other than property from which it is taken is guilty of an offense against this by-law.

SECTION 14 - BURNING REGULATION

14.1 No burning of garbage or waste shall be allowed within the boundaries of the Town of Hanna.

SECTION 15 - DISPOSAL GROUND

15.1 The Town reserves the right to control the type and nature of refuse which may be deposited in the disposal grounds and no refuse may be deposited in the disposal grounds except in accordance with such guidelines as the Town may from time to time set:

- (a) householders who haul garbage to the Town disposal grounds must deposit same where directed by the attendant.
- (b) metal, car bodies and other similar items must be placed in the designated area.

15.2 Any person using the Town disposal grounds shall obey all signs posted and follow any directions, instructions or orders given by the attendant.

SECTION 16 - GARBAGE CONTRACTORS

16.1 All designated garbage contractors for the Town of Hanna shall provide the Town with a \$5,000.00 (five thousand dollar) letter of credit from a financial institution that the Town can draw funds from, if required, for clean-up and/or repairs to public roadways damaged by a collection vehicle.

16.2 Collectors shall replace emptied receptacles and the lids in approximately the same location where picked up.

16.3 No collector shall leave refuse on the ground which he has spilled from the receptacle or the collection vehicle.

SECTION 17 - SPRING OR FALL CLEAN-UP

17.1 Council may at any time call for Spring or Fall Clean-ups for special occasions.

17.2 The Town may, at no extra charge to the residents, provide these extra pick-ups where the provisions of this by-law are met (bagging, boxing, bundling, etc.).

17.3 Residents will be so advised of the special pick-ups by insertion of advice in the local newspaper at least one week prior to the dates.

SECTION 18 - REFUSAL OF SERVICE

18.1 Non-payment of invoices or bills or any contravention of this By-Law shall result in cessation of services.

18.2 Collectors may refuse to collect refuse, debris or waste products which have not been securely packaged or contained, or if the containers have been torn or ripped to allow spilling or scattering of the contents.

18.3 Service may be refused for any other reason deemed sufficient and reasonable by Council.

SECTION 19 - PENALTIES

19.1 Where any person is alleged to have breached any of the provisions of this by-law, the By-Law Enforcement Officer or any official designated by Council may serve upon such person a violation tag specifying the offence and requiring payment to the Town of an amount specified on the notice.

19.2 Any violation tag issued under the provisions of this by-law shall be deemed to be sufficiently served if served personally upon the person alleged to have committed the offence or upon the owner, occupier or other person in charge of the premises upon which the offence is alleged to have been committed.

19.3 Every person who violates any provision of this by-law is guilty of an offence and liable on summary conviction to a fine not less than \$200.00 (two hundred dollars), exclusive of costs, for each offence, and in default of payment thereof to imprisonment for a period not exceeding 60 (Sixty) days.

19.4 Any person violating any provision of this by-law, and to whom a violation tag has been issued, may avoid prosecution for the offence by paying the prescribed penalty as set out in Schedule "A" of this by-law, within 30 days, as indicated on the violation tag.

SCHEDULE

20.1 Schedule "A" and "B" shall be deemed part of this By-Law.

20.2 Council may at any time, by resolution, amend the fees indicated in Schedule "A" and/or "B" of this By-Law.

21.1 It is the intention of the Council of the Town of Hanna that each separate provision of this By-Law shall be deemed independent of all other provisions and it is further the intention of the Council that if any provision of the By-Law be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of the By-Law shall remain valid and enforceable.

22.1 By-Law No. 687 is hereby repealed.

23.1 This By-Law shall take effect as of the date of the final reading thereof.

READ A FIRST TIME this 12th day of July A.D., 1994.



Mayor



Municipal Manager

READ A SECOND TIME this 26th day of July
A.D., 1994.

READ A THIRD TIME AND FINALLY PASSED this 26th day
of July A.D., 1994.



Mayor



Municipal Manager

TOWN OF HANNA
SCHEDULE "A"
TO BY-LAW NO. 825

| <u>PENALTIES - VIOLATIONS:</u> | FIRST OFFENCE | SECOND & SUBSEQUENT OFFENCE |
|--|------------------|-----------------------------------|
| <u>Section 4</u> | | |
| Collection General | \$50.00 | \$100.00 |
| <u>Section 5</u> | | |
| Improper waste receptacles and/or bagging, bundling Not keeping garbage confined | \$50.00 | \$100.00 |
| <u>Section 6, 7, 8</u> | | |
| Preparation of waste Prohibitions & Garbage Stands and Receptacles | \$50.00 | \$100.00 |
| <u>Section 9</u> | | |
| Food outlets not supplying receptacles | \$100.00 | \$200.00 |
| <u>Section 10</u> | | |
| Industrial Areas | \$100.00 | \$200.00 |
| <u>Section 11</u> | | |
| Construction sites not disposing properly | \$100.00 | \$200.00 |
| <u>Section 12</u> | | |
| Disposal of waste contrary to the by-law | \$100.00 | \$200.00 |
| <u>Section 13</u> | | |
| Waste from vehicles unto public/private property | \$50.00 | \$100.00 |
| <u>Section 14</u> | | |
| Burning Debris | \$100.00 | \$200.00 |
| <u>Section 15</u> | | |
| Dumping at disposal grounds without permission | \$50.00 | \$100.00 |

TOWN OF HANNA
SCHEDULE "B"
TO BY-LAW NO. 825

Garbage Rates for the Town of Hanna shall be:

A. BILLING:

A charge for garbage collection and for the operation and maintenance of the Regional Waste Transfer Site shall be included in the water billing mailed from the Town Office every two months and where there is no billing for water service specifically, billing for garbage rates will be handled in the same manner as though there was a water billing.

B. BASIC RESIDENTIAL PICKUP CHARGE

There shall be a minimum charge of \$6.50 every two months for one pickup per week of no more than three standard sized garbage bags or receptacles of residential waste.

C. REGIONAL WASTE AUTHORITY CHARGE

There shall be a minimum charge of \$13.00 every two months for the Regional Waste Authority Fee.

D. TAGS FOR EXCESS WASTE

There shall be a charge of \$2.50 per tag to be placed on garbage in excess of that allowed under Section 4.1