

**BY LAW NO. 439-16**  
**PROVINCE OF ALBERTA**  
**SUMMER VILLAGE OF WEST COVE**

**A BYLAW OF THE SUMMER VILLAGE OF WEST COVE IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE, REFUSE, ASHES, AND ORGANICS IN THE SUMMER VILLAGE OF WEST COVE.**

**WHEREAS**, under the provisions of the *Municipal Government Act*, the Council may pass a bylaw for municipal purposes;

**WHEREAS** Council deems it in the interest of the municipality to ensure the timely and appropriate collection, removal and disposal of garbage, refuse, ashes, and organics;

**NOW THEREFORE**, the Council of The Summer Village of West Cove duly assembled, hereby enacts as follows:

**SECTION 1 CITATION**

1. This bylaw may be cited as the Waste Collection and Disposal Bylaw.

**SECTION 2 DEFINITIONS**

Are for the purpose of this Bylaw and in the Schedules attached hereto, unless the context otherwise requires:

- (a) "Ashes" means the residue of any substance used as fuel;
- (b) "By-Law Officer" shall mean each and every member employed and duly sworn in as a By-Law Enforcement Officer or Community Peace Officer employed by the Summer Village or a member of the RCMP;
- (c) "Council" means the Council of the Summer Village of West Cove;
- (d) "Collection Day" means the day during each week or bi-week on which garbage and organics is regularly collected from a specific premises;
- (e) "Dangerous Goods and/or Hazardous Waste" shall mean solid or liquid material that presents an unusual disposal problem or requires special handling including but not limited to explosives, poisons, caustics, acids, radio-active materials and other like materials as defined under other government regulations;
- (f) "Disposal Grounds" means the refuse disposal area or site designated by the Summer Village.
- (g) "Dwelling" means a building occupied for residential purposes;
- (h) "Garbage" means discarded ashes, crockery, cloth, wrappings, plastics, food and food waste, sweepings, and other items of household refuse, but does not include human or animal excrement, medical waste such as hypodermic syringes or industrial waste, or animal carcasses;
- (i) "Garbage Cart" shall mean a rolling bin with a connected flip-open lid issued by the Summer Village of West Cove;

- (j) "Garbage Collection Agent" means the Summer Village or the person or firm appointed by the Summer Village for the purpose of collecting and disposing of garbage and refuse;
- (k) "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;
- (l) "Industrial Waste" 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, dead animals, waste from garages, condemned matter and other similar waste material or garbage;
- (m) "Organics/Organic Waste" shall mean grass clippings, leaves, branches and tree limbs no greater than 36" in length, garden refuse, and lake vegetation;
- (n) "Organics Cart" shall mean a rolling bin with a connected flip-open lid issued by the Summer Village of West Cove for organic waste;
- (o) "Organics Collection Agent" means the Summer Village or the person or firm appointed by the Summer Village for the purpose of collecting and disposing of garbage and refuse;
- (p) "Person" includes an individual, partnership, a firm, a corporate body, proprietorships, and/or a corporation and also includes but is not limited to church organizations, non-profit organizations, professionals, provincial and federal governments and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- (q) "Premises" shall mean a residential building, grounds, location, site, property or place.
- (r) "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.
- (s) "Refuse" shall mean discarded ashes, crockery, cloth, wrappings, plastics, food and food waste, sweepings, and other items of household refuse, but does not include human excrement, medical waste such as hypodermic syringes or industrial waste, or animal carcasses;
- (t) "Street or Streets" shall include all highways, roads, lanes, alleys, avenues, easements, thoroughfares, utility lots, drives, bridges and ways of public nature, sidewalks, boulevards, parks, public square and other public places unless the contrary is expressed or unless such construction would be consistent with the context of this Bylaw;
- (u) "Summer Village" shall mean the municipality of The Summer Village of West Cove

### **SECTION 3 GARBAGE COLLECTION**

- (a) No householder or other person within the Summer Village shall dispose of garbage EXCEPT in accordance with this bylaw unless otherwise permitted or instructed by the Summer Village. Any person who fails to comply with the provisions of this section shall be deemed to have thereby created an offence and shall be liable to the penalties provided for a breach of this bylaw.
- (b) Except as otherwise provided in this bylaw, a person shall ensure that the following types of waste are not set out for collection from their premises:
  - (i) industrial or hazardous waste;
  - (ii) biomedical waste;
  - (iii) general medical waste;
  - (iv) sharp objects such as glass, nails, knives, metal, or wood splinters;
  - (v) dead animals, animal carcasses or animal parts;

- (vi) sawdust and powdered materials;
  - (vii) automobile waste including automobile parts, tires and batteries;
  - (viii) building materials and furniture; that are larger than 1.25 meters in any dimension or items that weigh more than 20 kilograms;
  - (ix) liquids; and
  - (x) waste that is unsafe for the collector to access or handle;
  - (xi) appliances and electronic waste.
- (c) Garbage shall be at the pick-up location by 7:00 a.m. on collection day.
  - (d) Garbage collection shall be every week from May 1<sup>st</sup> to October 31<sup>st</sup> and bi-weekly from November 1<sup>st</sup> to April 30<sup>th</sup>, unless otherwise permitted or instructed by the Summer Village.
  - (e) The owner of every dwelling must have at least one garbage cart to contain the normal garbage generated from those premises during the period between garbage collections.
  - (f) All garbage carts set out for collection must be placed on the roadway and ensure the cart faces forward with the wheels just in the gutter. There must be one metre of clearance on all sides of the carts and overhead; this includes between carts, parked cars, fences, and trees beside or above. Garbage carts must be set out for collection in such a manner as not to interfere in any way with vehicular or pedestrian traffic. Failure to comply with this section shall be deemed a violation.
  - (g) The householder shall ensure snow and ice do not accumulate near the bins such that vehicle access to the garbage carts is impeded. Failure to comply with this section shall be deemed a violation.
  - (h) Garbage cart lids must be in a closed position, covering the mouth of the garbage cart at all times. Failure to comply with this section shall be deemed a violation.
  - (i) Except on collection day, all garbage carts should be kept and maintained on the premises of the householder or proprietor.

#### **SECTION 4 ORGANICS COLLECTION**

- (a) No householder, or other person within the Summer Village shall dispose of organics EXCEPT in accordance with this bylaw unless otherwise permitted or instructed by the Summer Village. Failure to comply with this section shall be deemed a violation.
- (b) All residential properties in the Summer Village must have organics collection service for disposal of organics in accordance with this bylaw unless otherwise permitted or instructed by the Summer Village. Failure to comply with this section shall be deemed a violation.
- (c) Organics collection shall be weekly from May 1st to October 31st on the days designated by the Summer Village of each year unless otherwise permitted or instructed by the Summer Village.
- (d) Organics shall be at the pick-up location by 7:00 a.m. on collection day.
- (e) The owner of every dwelling must have at least one organics cart to contain the normal organics waste generated from those premises during the period between organics collections. Failure to comply with this section shall be deemed a violation
- (f) All organics carts set out for collection must be placed on the roadway and ensure the cart faces forward with the wheels just in the gutter. There must be one metre of clearance on all sides of the carts and overhead; this includes between carts, parked cars, fences, and trees beside or above. Garbage carts must be set out for collection in such a manner

as not to interfere in any way with vehicular or pedestrian traffic. Failure to comply with this section shall be deemed a violation.

- (g) The householder shall ensure snow and ice do not accumulate near the bins such that vehicle access to the organics carts is impeded. Failure to comply with this section shall be deemed a violation.
- (h) Organics cart lids must be in a closed position, covering the mouth of the organics cart at all times. Failure to comply with this section shall be deemed a violation.
- (i) Except on collection day, all organics carts shall be kept and maintained on the premises of the householder. Failure to comply with this section shall be deemed a violation.

## **SECTION 5 OWNER RESPONSIBILITY**

- a) Ownership of all garbage carts and organics carts belongs to the Summer Village. Each property will be permitted use of the carts solely for the purposes outlined in this bylaw. Proper and secure storage shall be the responsibility of the property owner. It will be the responsibility of the property owner to ensure the organic carts are securely stored off-season. The householder shall notify the Summer Village of any loss or damage of organic cart or garbage cart within 72 hours of it being discovered.

## **SECTION 6 GENERAL PROHIBITIONS**

- a) No person shall scavenge waste from garbage containers, garbage carts or organics carts.
- b) No person shall deposit waste as defined in section 3(b) in a garbage cart or organics cart.
- c) No person shall:
  - (i) deposit garbage in an organics cart, and;any person who fails to comply with the provisions of this section shall be deemed to have thereby created an offence and shall be liable to the penalties provided for a breach of this bylaw.
- d) Disposal of any refuse by burning is strictly prohibited.
- e) The owner, tenant, occupant or other person in charge of a dwelling or other building shall at all times ensure that garbage carts and organics carts are not allowed to spill over or accumulate on any land or street or adjoining public or private property. Every such person shall be held responsible for any violation of this section regardless of the cause of such violation.
- f) No person shall deposit any dead animal, manure, excreta, refuse, garbage, liquid waste or other filth upon, or into any street, ditch, lane, highway, byway, water well, wharf, dock, lake, pond, river, bank, stream, or onto any municipally owned land except with the written consent of the Summer Village. Any person who fails to comply with the provisions of this section shall be deemed to have thereby created an offence and shall be liable to the penalties provided for a breach of this bylaw.
- g) No person shall directly or otherwise dispose of or permit any person to dispose of hot ashes, burning matter, or unwrapped wet garbage in any garbage cart or organics cart.
- h) No person shall directly or otherwise dispose of or permit any person to dispose of any Dangerous Goods and/or Hazardous Waste, explosive, inflammable, volatile, noxious or dangerous device, substance or thing in any garbage cart or organics cart.
- i) No person other than a lawful user thereof, or any authorized employee of the Summer Village or persons authorized by the Summer Village, or garbage collection agent, or organics collection agent, shall open any garbage cart, or organics cart, or remove

anything there from, or in any way disturb the contents thereof, nor shall any other person handle, interfere with, or in any manner disturb any garbage or organics material of any kind put out for collection or removal.

- j) No person shall operate a vehicle in the Summer Village except Summer Village-owned vehicles while it is carrying garbage or industrial waste unless that portion of the vehicle in which the material is being carried is securely covered or the material is secured in a closed container to prevent any part of such material from falling off, or out of, the vehicle while in transit.
- k) All loose paper, paper boxes, straw and other packing or waste material from stores, warehouses and other buildings within the said Summer Village and all loose grass, weeds, twigs and other combustible matter shall not be allowed to accumulate on any premises within the said Summer Village, but shall be so disposed of as not to create a nuisance and any person who fails to comply with the provisions of this section shall be liable to the penalties provided for a breach of this Bylaw.
- l) Any person disposing of garbage, tree or tree clippings or other refuse onto private or public property, unless designated as a disposal site within the said Summer Village, the person depositing the same shall be liable to the penalties provided for a breach of this bylaw.

#### **SECTION 7 RECOVERY OF EXPENSES AND PROSECUTION OF OFFENDERS:**

- (a) If an owner or occupant of a premises refuses to comply with any provision of this bylaw, the Summer Village may undertake the same at the expense of the owner or occupant of the premises.
- (b) When the Summer Village is required to take action under Section 7(a) and the owner defaults on the required payment, the Summer Village may then recover the charges for which the owner is liable by levying the same against the land from which the action was taken in the same manner as municipal taxes under the *Municipal Government Act*.
- (c) When the Summer Village is required to take action under Section 7(a) and the occupant defaults on the required payment, the Summer Village may then recover the charges for which the occupant is liable by any lawful means available with the cost of such action to be charged against the occupant.
- (d) Whenever in this bylaw it is directed that an owner or occupant of any building or premises shall do any matter or thing, then in default of it being done with the owner or occupants or both, or if there are several owners or occupants, any or all of such owners or occupants shall be liable to prosecution; and it shall be no defense for any owner or occupant so prosecuted to allege that any other person is responsible for such default.

#### **SECTION 8 PENALTIES**

- (a) Where a Bylaw Enforcement Officer believes a person has contravened any provision of this bylaw, he/she may:
  - (i) issue to the person an order in accordance with the *Municipal Government Act* to remedy the infraction;
  - (ii) issue to the person a violation ticket in accordance with the *Provincial Offences Procedures Act*; or
  - (iii) do both of the above.

- (b) If the person to whom an order has been issued pursuant to section 8(a) fails to comply with the order within the time specified in the order:
  - (i) that person commits an offence under this section and a Bylaw Enforcement Officer may issue a violation ticket pursuant to *Provincial Offences Procedure Act*; and
  - (ii) the Summer Village may take whatever steps are necessary to remedy the breach of the bylaw and the cost of doing so becomes a debt owing to the Summer Village by the person to whom the order was issued in accordance with the *Municipal Government Act*.
- (c) The order may:
  - (i) direct a person to stop doing something, or to change the way in which the person is doing it;
  - (ii) direct a person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
  - (iii) state a time within which the person must comply with the directions;
  - (iv) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.
- (d) Where any person is alleged to have breached any of the provisions of this bylaw, the Summer Village may serve upon such person a written notice specifying the breach and requiring payment to such official as the Summer Village may designate of an amount specified on the notice.
- (e) Any written notice issued under the provisions of this bylaw shall be deemed to be sufficiently served if served personally upon the person alleged to have committed the breach or upon the owner, occupier or other person in charge of the premises upon which the breach is alleged to have been committed or if mailed to the address of the owner, occupier or other person in charge of the premises upon which the breach is alleged to have been committed.
- (f) Every person who violates any provision of this bylaw is guilty of an offence and liable on summary conviction to a fine not less than one hundred (\$100.00) dollars, or to imprisonment for a term not exceeding one month, or to both fine and imprisonment.
- (g) The levying and payment of any fine or the imprisonment for any period provided in the bylaw shall not relieve a person from the necessity of paying any fees, charges or costs for which he/she is liable under the provisions of this bylaw.
- (h) Nothing in 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.
- (i) Any person who contravenes a provision of this bylaw is guilty of an offence and is liable to a penalty as outlined in Schedule "A":
  - (i) a second offence shall be defined as an offence of the same provision within a twenty-four month period.

**SECTION 9 SEVERANCE**

(a) If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

**SECTION 10 ENFORCEMENT OF THIS BYLAW**

The Summer Village is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the Summer Village may take into account any practical concerns, including available municipal budget and personnel resources.

**SECTION 11 EFFECTIVE DATE**

This Bylaw takes effect on the final passing thereof and, on such final passing, Bylaw 303-11, is hereby repealed.

READ A FIRST TIME IN COUNCIL	THIS 15 <sup>th</sup> DAY OF December 2016
READ A SECOND TIME IN COUNCIL	THIS 15 <sup>th</sup> DAY OF December 2016
READ A THIRD TIME IN COUNCIL	THIS 15 <sup>th</sup> DAY OF December 2016

**SUMMER VILLAGE OF WEST COVE**

\_\_\_\_\_  
Ren Giesbrecht  
Mayor

\_\_\_\_\_  
Wendy Wildman  
Chief Administrative Officer

Schedule 'A'

<b><u>SECTION</u></b>	<b><u>OFFENCES</u></b>	
	<u>1<sup>st</sup></u>	<u>2<sup>nd</sup>/Subsequent</u>
3(a) Disposal of garbage when not authorized	\$ 150.00	\$ 250.00
3(b)(i) Improper disposal of industrial or hazardous waste	\$ 250.00	\$ 500.00
3(b)(ii) Improper disposal of biomedical waste	\$ 250.00	\$ 500.00
3(b)(iii) Improper disposal of general medical waste	\$ 100.00	\$ 250.00
3(b)(iv) Improper disposal of sharp objects such as glass, nails, knives, metal, or wood splinters	\$ 100.00	\$ 250.00
3(b)(v) Improper disposal of dead animals, animal carcasses or animal parts	\$ 100.00	\$ 250.00
3(b)(vi) Improper disposal of sawdust and powdered materials	\$ 100.00	\$ 250.00
3(b)(vii) Improper disposal of automobile waste including automobile parts, tires and batteries	\$ 100.00	\$ 250.00
3(b)(viii) Improper disposal of building materials and furniture; that are larger than 1.25 metres in any dimension or items that weigh more than 20 kilograms	\$ 100.00	\$ 250.00
3(b)(ix) Improper disposal of liquids	\$ 100.00	\$ 250.00
3(b)(x) Improper disposal of waste that is unsafe for the collector to access or handle	\$ 100.00	\$ 250.00
3(b)(xi) Improper disposal of appliances or electronic waste	\$ 100.00	\$ 250.00
3(f) Failure to provide direct access	\$ 100.00	\$ 250.00
3(g) Allowing accumulation of snow & ice	\$ 100.00	\$ 250.00
3(h) Cart lids not covering mouth of garbage cart	\$ 100.00	\$ 250.00



4(a) Disposal of organics when unauthorized	\$ 100.00	\$ 250.00
4(b) Improper disposal of organics	\$ 100.00	\$ 250.00
4(e) Failure to contain organics	\$ 100.00	\$ 250.00
4(f) Failure to provide direct access	\$ 100.00	\$ 250.00
4(g) Allowing accumulation of snow and ice	\$ 100.00	\$ 250.00
4(h) Cart lids not covering mouth of organic cart	\$ 100.00	\$ 250.00
4(i) Failure to keep and maintain cart on premises	\$ 100.00	\$ 250.00
6(a) Scavenging waste	\$ 100.00	\$ 250.00
6(b) Depositing waste in a garbage cart or organic cart	\$ 100.00	\$ 250.00
6(c)(i) Depositing garbage in an organics cart	\$ 100.00	\$ 250.00
6(d) Disposal of refuse by burning	\$ 100.00	\$ 250.00
6(e) Allowing garbage/organic cart to spill over or accumulate on any land or street or adjoining public or private property	\$ 100.00	\$ 250.00
6(f) Depositing dead animal, manure, excreta, refuse, garbage, liquid waste or other filth upon, or into any street, ditch, lane, highway, byway, water, well, wharf, dock, lake, pond, river, bank, stream, or onto any land except with the written consent of the Summer Village	\$ 100.00	\$ 250.00
6(g) Disposal of hot ashes, burning matter, or unwrapped wet garbage in any garbage cart or organics cart.	\$ 100.00	\$ 250.00
6(h) Disposal of Dangerous Goods, Hazardous Waste, explosive, inflammable, volatile, noxious or dangerous device, substance or thing in any garbage cart or organics cart.	\$ 500.00	\$1000.00
6(i) Removing, disturbing, handling, interfering with garbage or organics material of any kind put out for collection or removal.	\$ 150.00	\$300.00

6(j) Failure to secure garbage or industrial waste	\$ 100.00	\$250.00
6(k) Allowing loose paper, paper boxes, straw and other packing or waste material from stores, warehouses and other buildings within the said Summer Village and all loose grass, weeds, twigs and other combustible matter to accumulate on any premises within the said Summer Village	\$ 100.00	\$ 250.00
6(l) Disposing of garbage, tree or tree clippings or other refuse unto private or public property	\$ 100.00	\$ 250.00