

# VILLAGE OF CLIVE

## BY-LAW # 459-03

### GARBAGE BY-LAW

*A By-law of the Village of Clive, in the Province of Alberta, pursuant to provisions of the Municipal Government Act, RSA 2000, Chapter M-26, and amendments thereto, provide for the passing of a By-law by Council to establish rules and regulations for the collection, removal and disposal of waste materials and the levying of rates and charges for such service within the Village of Clive;*

*The Litter Act provides a duty and responsibility of citizens for the control of litter on public and private property and;*

*THEREFORE, the Municipal Council of the Village of Clive, in the Province of Alberta, duly assembled, enacts as follows:*

That this By-law may be referred to as the “Garbage By-law” of the Village of Clive.

#### SECTION I:

##### DEFINITIONS:

In this By-law, unless the context otherwise requires:

<b>ACT</b>	means the <b>Municipal Government Act, Statues of Alberta, 2000, Chapter M-26.1</b> as amended.
<b>AGRICULTURAL REFUSE</b>	means manure, straw, hay, spoiled or treated grain, screenings, or like material which would result from agricultural or agricultural processing activities.
<b>ASHES</b>	means the residue left after the combustion of any substance, but shall not include ashes which may accumulate as a result of building operations.
<b>BUILDING WASTE</b>	means waste produced in the process of construction, altering, repairing or demolition of any building and includes, but not limited to, earth, vegetation, clay, silt, sand or rock displaced in the construction or demolition of a building.
<b>BY-LAW ENFORCEMENT OFFICER</b>	means a By-law Enforcement Officer appointed by the Village pursuant to the <b>Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26-1</b> , as amended, to enforce Village By-laws, and includes a member of the RCMP (Royal Canadian Mounted Police) or Lacombe County Enforcement.
<b>COLLECTOR</b>	means an employee or agent of the Village whose duty shall be to collect garbage and specified refuse from dwellings and other premises.
<b>COUNCIL</b>	means the Council of the Village of Clive.
<b>DWELLING</b>	means any building or place including the land upon which the premises is located, which is occupied or used as a place of abode other than a hotel, restaurant, motel or apartment house.
<b>GARBAGE</b>	means the refuse of animal or vegetable matter, which has been used or intended for use as food, but does not include animal or vegetable matter which cannot be properly deposited in receptacles containers as defined in accordance with the requirements of this By-law.

<b>GENERAL REFUSE</b>	means plastic, ceramic, glass, rags, castoff clothing, waste paper, food containers, packaging, metal, wood, grass cuttings, shrubbery, tree pruning, weeds, ashes excepting those generated from incinerators, not exceeding 25 pounds in weight or four feet in dimension.
<b>LIQUID REFUSE</b>	means any waste in a liquid state which may include petroleum products, industrial residue or sewage.
<b>OTHER PREMISES</b>	means any building or place, including the land upon which the premises is located which is occupied or used for <ol style="list-style-type: none"><li>i). commercial or industrial purposes</li><li>ii). government or institutional purposes</li><li>iii). an apartment house containing more than two dwellings units</li></ol>
<b>RECEPTACLE OR CONTAINER</b>	means a tightly covered metal or rigid plastic container for residential refuse that is picked up by hand, water-tight, to a maximum of 50 lbs., and shall not exceed 44 centimeters in diameter and 80 centimeters in height, the capacity or volume of which does not exceed 0.124 cubic meters or 124 liters (27 gallons).
<b>REFUSE</b>	means agricultural refuse, construction refuse, general refuse, liquid refuse toxic refuse and yard refuse.
<b>TOXIC REFUSE</b>	means ashes generated by an incinerator and any other solid liquid or gaseous substance defined by the Province of Alberta as toxic.
<b>VILLAGE</b>	means the Village of Clive.
<b>VIOLATION TICKET</b>	means a ticket issued pursuant to Part II of the <b>Provincial Offences Procedures Act, R.S.A. 1988, c.P-21.5</b> , as amended and Regulations thereunder.
<b>WHITE GOODS</b>	means washers, dryers, refrigerators, freezers and water tanks.
<b>YARD REFUSE</b>	means tree trunks and stumps, branches, roots and turf which may exceed 10 lbs. in weight or four (4) feet in dimension.

**SECTION II. DELEGATION OF AUTHORITY**

1. Council hereby delegates to the authority, to do all things necessary in order to fulfill the responsibilities and duties under the Act and this By-law.
2. The Municipal Administrator will be in charge and responsible for the operation of Garbage collection, removal and disposal and the levying of rates and charges for such service in accordance with:
  - a). Provincial and Federal Statutes and Regulations;
  - b). this By-law and related regulations and policies, and
  - c). the direction of Council.
3. The Municipal Administrator may delegate the performance of certain duties to assigned staff, agents or contractors in so far as such delegation is not inconsistent with Provincial or Federal Legislation, this By-law, related regulations or policies thereof.

**SECTION III. GENERAL**

1. For the purposes of this By-law the following classifications of refuse shall be used:
  - a). Agricultural Refuse
  - b). Construction Refuse
  - c). General Refuse
  - d). Yard Refuse
  - e). Liquid Refuse
  - f). Toxic Refuse
  
2. For the purposes of this By-law the following classifications of premises shall be used:
  - a). Dwellings
  - b). Other Premises
  
3. The registered owner or occupant of a dwelling or other premises shall be responsible to:
  - a). prevent the accumulation of garbage and refuse at a dwelling or other premises to the point where a unsanitary, unsafe or unsightly condition develops;
  - b). store all garbage and general refuse in compliance with the requirement of this By-law;
  - c). store all refuse other than general refuse in such a manner as to prevent any material from being scattered, blown, spilled or otherwise dispersed, to prevent any odors from escaping or any nuisance from being caused.
  
4. Burning barrels or other burning containers will not be allowed for the purpose of burning garbage or any refuse.
  
5. All registered owners or occupants shall remove and dispose, in an appropriate manner, all unacceptable refuse and whitegoods originating on their lands or premises. In default of their so doing, the Village may remove and dispose of such goods at the expense of the registered owners.
  
6. Owners or occupants of a dwelling or other premises shall keep that portion of the lane and street adjacent to the dwelling or other premises from the property line to the center line of street or lane, in a clean and tidy condition and free from garbage and refuse.
  
7. Any person other than:
  - a). an employee, contractor or agent of the Village
  - b). the owner or occupant of a dwelling or other premises, or employee thereofis prohibited from the handling of, interfering with or the removal of any garbage or refuse, or any container or receptacle thereof.
  
8. The Village shall provide collection of all garbage and refuse from each dwelling or other premises within the Village, once per week at a time and day determined by the Village.
  
9. The Village shall not be responsible for the collection and disposal of agricultural, biological, construction, toxic or liquid waste or refuse, dead animal carcasses, mattress, computers or their components.

10. Notwithstanding anything mentioned in this By-law, the Village may refuse to collect and dispose of any material defined as garbage or refuse which is not accepted for disposal by the Authority or which otherwise in the opinion of the collector is defaced, torn, or has animal feces, garbage or refuse not placed in plastic bags or any other garbage that may create a danger to the health or safety of those collecting such garbage or refuse.
11. Where a dwelling or other premises is located adjacent to a lane and garbage pick-up has been already designated, the owner or occupant shall place by 9:00 a.m. on the day designated by the Village for collection, all garbage and refuse in good quality plastic bags and place them preferably in receptacles or containers at a location adjacent the lane where the Village shall have unobstructed and convenient access for collection.
12. Where a dwelling or other premises is not served by a lane, the owner or occupant shall place by 9:00 a.m., all garbage and refuse in good quality plastic bags and place them preferably in receptacles or containers in the front yard at a location adjacent to the curb or edge of the street fronting the property on the day designated by the Village for collection. Garbage and refuse shall be placed so that Village shall have unobstructed and convenient access for collection and where pedestrian and vehicular traffic is not otherwise impeded.
13. A receptacle or container shall not be filled to a point where the weight of the receptacle exceeds 50 lbs. and should have a tight fitting lid or cover to prevent access by animals and to minimize emission of odor.
14. Contents that are spilled, scattered or torn bags exposing contents or any receptacle or container which does not comply with this By-law will *not* be collected, removed or disposed of and will be the responsibility of the registered owner or occupant to remove and dispose of it at their expense.
15. Notwithstanding Section 14, the owners or occupants of a dwelling or other premises may place garbage or refuse in plastic bags for collection provided such bags are closed, secured, free from rips, is not defaced, does not have animal feces or garbage placed on top of secured bags.
16. General refuse may be place along side the receptacle for collection provided:
  - a). the refuse does not emit an offensive odor
  - b). the refuse is tied in bundles not exceeding four feet in length and not weighing more than 50 lbs.
17. No whitegoods, furniture, tires, scrap metal, toxic waste, gasoline tanks or propane tanks shall be deposited in any receptacle or container or left on the property or at the curb for more than one (1) week.
18. Grass clippings, garden waste, leaves and branches are considered compostable material and the Village encourages all registered owners or occupants to compost these materials. To this end, all registered owners or occupants shall be responsible to either compost the material in a clean and orderly fashion on their property or have the material removed and disposed of.
19. No person shall remove garbage from a hotel, motel, boarding house or restaurant to use for food for persons, cattle, swine or other livestock, except under authority of a permit issued by the Local Health Authority.
20. No person shall place or mix with any garbage or refuse, any highly flammable or explosive substance. **Exception:** Where permit has been issued by the Fire Chief or the Village, authorizing a person to burn refuse of garbage, or in incinerators constructed in accordance with the regulations pursuant to the *Clean Air Act* of the Province of Alberta.

By-law #459-03 – Village of Clive Garbage By-law.

21. The Village *may* declare one (1) day in the spring and one (1) day in the fall “*Clean-up Day*” and may authorize Village employees and equipment to transport from any dwelling or other premises, to the waste transfer station at the request of and at no cost to the registered owner or occupant of any dwelling or other premises any **compostable material and branches**, provided that any such material is placed as near to the lane, street or avenue as is reasonably practicable. The compost must be in bags or receptacles and the branches **must** be bundled and separated from the compost.
22. Notwithstanding the provisions of this By-law, the Village may make such special arrangements for the collection of garbage and refuse as may be appropriate.
23. The Village shall deliver all garbage to the Authority at such locations and subject to such regulations as the Authority may determine.
24. **No** person shall salvage any solid waste except with the consent of the Village.

**SECTION III.**

**RATES, BILLING AND COLLECTION**

1. The Village will provide collection, removal and disposal of all garbage and refuse from each dwelling or other premises and such service will be subject to any terms, costs or charges established by Council, at the request of the registered owner.
2. The fee charged for Village garbage and refuse collection, removal and disposal to a parcel of land are an amount owing to the Village by the registered owner of a parcel.
  - a). The registered owner of a parcel of land shall enter into an agreement with the Village as prescribed on *Schedule “A”* when they wish to obtain garbage and refuse collection, removal and disposal services.
  - b). Where service are being provided and no application has been made, the registered owner is deemed to be the consumer and utility billings shall be addressed to them.
3. The Village will not provide municipal garbage and refuse pick-up services to a parcel of land on the request of an occupant of the parcel who is not the registered owner. Charges for such service provided to the parcel are an amount owing to the Village by the registered owner and not the occupant.
4. Various rates may be charged to registered owners, on a usage basis, for the collection, removal and disposal of garbage and refuse as prescribed in *Schedule “B”* of this By-law.
5. Such fee shall be levied through and included within the utility billing issued pursuant to the Village Water and Sewer By-law # 458-03 and all provisions regarding the administration, payment or collection of utility bills contained in By-law # 458-03 shall also apply with such modifications as may be appropriate, to fees and charges set out in this By-law.

By-law #459-03 – Village of Clive Garbage By-law.

6. Notwithstanding Section 5, the fee charged under this By-law for collection, removal and disposal of garbage and refuse, may be suspended if the dwelling is anticipated to be vacant or otherwise unoccupied for a period exceeding four (4) months.
7. To qualify for a suspension in fees pursuant to Section 6, the registered owner of a dwelling or other premises, must complete the Village *Utility Disconnection Application* form.
8. A utility bill showing the fee for garbage and refuse collection service, provided by the Village for a two month period shall be calculated in accordance with the prescribed rates as soon as it is practical after the end of the billing period and mailed to the person registered as the owner of the property.
9. The garbage service charge shall be combined on the same utility bill with the water and sewer service charge, but separate entries identifying each charge shall be made on the utility bill.
10. Utility bills are due and payable upon receipt of billing with payment of utility accounts to be made at the Village Municipal Office.
11. All occupied residences, commercial and industrial buildings, community service enterprises, recreational buildings, churches, halls & schools located within the Village of Clive corporate limits will be charged for garbage and refuse collection, removal and disposal, whether or not the owner or occupant chooses to use this service.

**SECTION IV.**

**PENALTIES, ENACTMENT AND OTHER PROVISIONS**

1. Any person who contravenes any provision of this By-law shall be guilty of an offense and is liable upon summary conviction to a fine of not less than the voluntary penalty, plus all solicitor and court costs and not more than fifteen hundred dollars (\$1,500.00) plus all solicitor and court costs incurred by the Village of Clive
  - a). **First Offence** - **Offence warning issued**
  - b). **Second Offence** - **\$75.00 violation ticket**
  - c). **Third & Subsequent Offences** - **\$150.00 violation ticket**
2. Lacombe County By-law Enforcement Officer or any other Enforcement Officer which has been appointed by Council for the Village of Clive is hereby authorized and empowered to issue a violation ticket to any person who the By-law Enforcement Officer believes has contravened any provision of this By-law.
3. Council, from time to time by resolution, may establish other service charges, rates and tolls for the collection, removal and disposal of garbage and refuse.
4. By-law #405-96 is hereby rescinded.

**SEVERABILITY**

Should any section or part of this By-law be found to have been improperly enacted for any reason, then such section or part shall be regarded as being severable from the rest of the By-law and the By-law remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this By-law.

This By-law shall take effect on the date of the third and final reading.

*READ* a first time this 10<sup>TH</sup> day of November, 2003.

*READ* a second time this 24<sup>TH</sup> day of November, 2003.

*READ* a third time and finally passed this 24<sup>TH</sup> day of November, 2003.

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Mayor

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Municipal Administrator

SCHEDULE "A"

VILLAGE OF CLIVE  
UTILITY CONNECTION/DISCONNECTION  
AGREEMENT

New Service \_\_\_\_\_(yes) \_\_\_\_\_ (no)

CONNECTION  
REQUEST DATE: \_\_\_\_\_

DISCONNECTION  
REQUEST DATE: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

NAME OF  
PREVIOUS OWNER: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CIVIC ADDRESS: \_\_\_\_\_

CIVIC ADDRESS: \_\_\_\_\_

PHONE #: \_\_\_\_\_ (Hme.)  
\_\_\_\_\_ (Wrk.)

PHONE #: \_\_\_\_\_ (Hme.)  
\_\_\_\_\_ (Wrk.)

**TERMS AND CONDITIONS:**

THE UNDERSIGNED HEREBY REPRESENTS that they are the applicant or an authorized agent for the applicant, and that they have the authority to sign this contract for utility services. The applicant agrees to pay for all utility services supplied by the Village of Clive to the above service address until the applicant, or authorized agent requests by letter or in person, that the contract be terminated. It is understood that in the event of late or non-payment specified and after one warning letter to pay outstanding utility charge, disconnection of water services will take place without further notification. If disconnection occurs, a \$50.00 connection fee must be paid along with the outstanding utility charge prior to water utilities being turned on. The applicant acknowledges that the failure to receive or loss of a utility bill will not be accepted as a reason for non-payment.

THE APPLICANT HEREBY AGREES TO ABIDE BY THE TERMS AND CONDITIONS SPECIFIED IN THE VILLAGE OF CLIVE WATER/SEWER/GARBAGE UTILITY BY-LAW #434-00.

\_\_\_\_\_  
Applicant's Signature  
Connection Request

\_\_\_\_\_  
Previous Owner's Signature  
Disconnection Request

OWNER #: \_\_\_\_\_ ROLL #: \_\_\_\_\_  
BILL CARD #: \_\_\_\_\_

OWNER #: \_\_\_\_\_ ROLL #: \_\_\_\_\_  
BILL CARD #: \_\_\_\_\_

**OFFICE USE ONLY:**

Residential: \_\_\_\_\_ / Commercial: \_\_\_\_\_ / RSH: \_\_\_\_\_ / Industrial: \_\_\_\_\_  
Entered in Computer: Utilities: \_\_\_\_\_ (yes) \_\_\_\_\_ (no) Taxes: \_\_\_\_\_ (yes) \_\_\_\_\_ (no)

\_\_\_\_\_  
Village Employee Signature



*SCHEDULE “B”*

*GARBAGE AND REFUSE  
COLLECTION, REMOVAL AND DISPOSAL RATES*

The following rates shall be charged for collection, removal and disposal services provided by the Village of Clive through the Lacombe Solid Waste Authority, and is effective upon passing of this by-law.

Garbage and refuse collection, removal and disposal service charge shall be levied and collected bi-monthly from all residences, commercial and industrial buildings, community service enterprises, recreational buildings, churches, halls, schools or any other building located within the Village of Clive corporate limits.

The garbage and refuse service charge is a flat rate per building or unit, however, the Village may vary rates according to garbage and refuse usage on selected properties.

Garbage and refuse service charge will be adopted as required from time to time by resolution of Council.