

TOWN OF HINTON

BYLAW 933

BEING A BYLAW OF THE TOWN OF HINTON IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE MAINTENANCE OF A SYSTEM FOR THE COLLECTION, REMOVAL AND DISPOSAL OF MUNICIPAL WASTE AND THE LEVYING OF UTILITY RATES AND CHARGES THEREOF.

WHEREAS, the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta, 1994, and amendments thereto, provides for the passing of a Bylaw by a Municipal Council: to establish rules and regulations for the collection and disposal of Municipal Waste from households, places of business and institutions within the Town;

AND WHEREAS: Bylaw No. 933 has been prepared to establish rates for Collection, Removal and Disposal of Municipal Waste.

NOW THEREFORE: the Council of the Town of Hinton, in the Province of Alberta, duly assembled, hereby enacts as follows:

- 1.0 This Bylaw may be referred to as the "Municipal Waste Bylaw" of the Town of Hinton and supercedes Bylaws 334 and 334-1.
- 2.0 For the purposes of this Bylaw:
 - a) **"Ashes"** means the residue left after the combustion of any substance.
 - b) **"Automated Collection"** means a method of collection of Municipal Waste by which a specially equipped vehicle may mechanically pick up and empty a specifically designed Bin.
 - c) **"Bin"** means a container used for the storage of Municipal Waste, that being a metal container with hinged lids. All such containers utilized within the Town must be to the satisfaction of the Public Works Director or Designate. The volume for all Municipal Waste bins will be 2294 litres (3 cubic yards).
 - d) **"Cart"** means a plastic container used for the storage of Municipal Waste, that being a container with hinged lids and equipped with wheels for the purposes of transporting it to and from the curb of the Residence. The volume of the cart shall be 416 litres (110 US gallons).
 - e) **"Collector"** means the Person or Persons appointed by the Town for the purpose of collecting Municipal Waste.
 - f) **"Council"** means the Municipal Council of the "Town of Hinton".
 - g) **"Due Date"** means the last day of the month following the month of the billing date as shown on the Utility Invoice.
 - h) **"Dwelling"** means any place for living by not more than two families including the land upon which Premises are located, or used for residential purposes within the Town.

- i) **"Dwelling Unit "** means a self contained unit provided with sleeping, washing, and cooking facilities, intended for residential use.
- j) **"Highway"** means any thoroughfare, street, road, trail, avenue, parkway, viaduct, lane, alley, square, bridge, cross way, or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
 - (i) **"sidewalk"** (including a boulevard portion thereof)
 - (ii) **"ditch"** lying adjacent to and parallel with the roadway
 - (iii) the area where a **"Highway"** right-of-way is contained between fences or between a fence and one side of the roadway, all of the land between the fence and the edge of the roadway, or as the case may be
- k) **"Industrial, Commercial, Institutional ("I.C.I.")"** means all premises other than residential dwellings including the land upon which the premise is located, which includes:
 - (i) Industrial, Commercial, and Institutional premises
 - (ii) Hotels, motels, licensed cabins and other similar types of premises
- l) **"Lane"** means a public roadway, which provides a secondary means of direct access to abutting lots.
- m) **"Lessee"** a tenant holding a lease or apparent control of a Dwelling or I.C.I. Premises.
- n) **"Multi-family"** includes a building that is occupied by more than two families living independently of one another upon the same premises.
- o) **Municipal Waste** means non-putrescible waste or non-decomposing matter which the Owner or possessor thereof does not wish to retain or is not retained for any useful purpose, but does not include Prohibited Waste.
 - (i) shall include all table and kitchen waste, all waste foods whether of animal or vegetable origin, grass clippings, and other like waste or decomposing matter. This includes broken dishes, tins, or other refuse which the Owner or possessor thereof does not wish to retain or is not retained for any useful purpose, but does not include Prohibited Waste
- p) **"Nuisance"** means any act or deed, or omission, or thing, which is, or could be reasonably expected to be annoying, troublesome, destructive, harmful, inconvenient, unsanitary, unsightly, unsafe or injurious to another Person and/or his property.
- q) **"Owner"** means the registered **Owner** of a Dwelling or I.C.I. Premises.
- r) **"Paper Fiber"** means cardboard, newsprint, boxboard, bond, computer paper, and envelopes.

- s) **"Peace Officer"** shall mean the Bylaw Enforcement Officer, RCMP Fire Chief or Deputy Fire Chief.
- t) **"Person"** shall mean a natural Person, body corporate, proprietor, association, society, or partnership.
- u) **"Private Bin"** means a container used for the storage of Municipal Waste, that being a metal container with hinged lids and which a private individual or company owns. The bin/s must be purchased through the Town and be compatible with the Town's Automated Collection System.
- v) **"Prohibited Waste"** means materials that are not allowed or accepted in bins, carts or recycling bins. Such waste includes:
 - (i) Liquid wastes, animal carcasses, petroleum products, industrial residue, hot ashes, discarded furniture (includes beds & mattresses), all metals, appliances, construction and demolition material (gravel, sod, concrete, soil, shingles, wood products, tiles, carpet), paper fibres (newsprint & cardboard), inflammable waste, explosive waste;
 - (ii) Biological waste, hazardous waste, pathological waste and radioactive waste as defined pursuant to the Public Health Act and its regulations, and
 - (iii) Materials, of which are potentially dangerous to collection Personnel
 - (iv) Toxic chemicals including paints and solvents
- w) **"Public Works Director or Designate"** means an employee of the Town of Hinton appointed by the Town Manager.
- x) **"Receptacles"** means bins or carts compatible with the Town's Collection System.
- y) **"Residential"** shall apply to all Municipal Waste generated from the following:
 - (i) Dwellings
 - (ii) **Dwelling units**
 - (iii) Multi-families
 - (iv) Manufactured Homes (mobile home parks)
 - (v) Apartments
 - (vi) Condos
 - (vii) Acreages

- aa) **"Town"** means the Town of Hinton.
- bb) **"Trade Refuse"** means and includes all waste material from a commercial, institutional, or industrial establishments.
- cc) **"Waste Collection Services"** means the services provided pursuant to this Bylaw.

2.1 For the purpose of this Bylaw the following classifications of "Municipal Waste" shall be used:

- a) **"Municipal Waste"**
- b) **"Prohibited Waste"**

2.2 For the purpose of this Bylaw the following classification of Premises shall be used

- a) **"Residential"**
- b) **"I.C.I." Premises**

3.0 Authorization of Management

The "Public Works Director or Designate" is hereby authorized to do all things necessary in order to fulfil their responsibilities and duties under this Bylaw, including entering into administrative contracts with persons for the collection of "Municipal Waste".

4.0 General Prohibitions and Requirements

4.1 No Person shall:

- a) Interfere with the Town's collection system and disposal of "Municipal Waste" pursuant to this Bylaw.
- b) Impede or restrict access to the areas where a bin is located permanently, or a cart is to be placed temporarily for collection.
- c) Interfere with or disturb the contents of any bin or cart after it has been placed for collection.
- d) Relocate or alter in any way the placement of any bin.
- e) Place "Municipal Waste" other than in a bin or cart.
- f) Fill a cart with "Municipal Waste" weighing more than seventy (70) kilograms (154 pounds) This will be in the discretion of the Public Works Operator / Designate / ByLaw Officer to determine if the "Municipal Waste" is excess of 70 kilograms per cart.
- g) Place "Municipal Waste" or "Prohibited Waste" into recycling bins.
- h) Place "Municipal Waste" into someone else's bin without permission.

4.2 The “Owner/Lessee” of a “Residence” or “I.C.I.” Premises shall be responsible to:

- a) Ensure there is sufficient number of bins to meet their weekly volume refuse demand (see Section 5.3 (a)). Sharing of bin/s shall be permitted, however the “Owner/Lessee” of the bin/s are responsible for the collection costs of the bin (see Schedule “A”).
- b) Prevent the accumulation of “Municipal Waste” at that residence or “I.C.I.” Premises such that the accumulation creates a nuisance.
- c) Keep lids tightly closed on the bins and carts.
- d) Dispose of in a proper manner at an approved site any “Prohibited Waste” for which the “Town” does not provide for the collection and disposal. Some “Prohibited Wastes” such as “Paper Fiber”, white goods, metals and wood can be recycled. Others should be disposed of during Toxic Roundup while others can be brought directly to the landfill.
- e) Keep all bins and carts clean and in a sanitary condition to prevent obnoxious odors and breeding of flies and other parasites.
- f) For anyone damaging the bin or cart except if the “Town” crews or agents damage the bin or cart. The owner is to look to his own insurance for **strangers** who might damage the bin/carts.
- g) As per Section 4.1 (g) the repair or replacement of the cart.
- h) For removal and all costs associated with the removal of any “Prohibited Waste”.
- i) “Owners” of “I.C.I.” Premises shall maintain their bins so that the lids open and close properly, and the lifting brackets (hooks) are kept intact and in a good state of repair.
- j) No person shall obstruct access to any bin or cart.

4.3 “Owners” or “Lessees” of “Residences” and “I.C.I.” Premises from which the “Town” is to collect “Municipal Waste”, shall place any such “Municipal Waste” in bins as follows:

- a) For “Owners” or “Lessees” of “Residences” shall place all “Municipal Waste” for collection in a bin or cart *owned* by the “Town”.
- b) For “Owners” or “Lessees” of “I.C.I.” Premises shall place all “Trade Refuse” for collection in a bin purchased from the “Town”.
- c) The “Receptacles” will be made available early in the start of each collection day, for bins by 7:00 a.m. and carts by 7:30 a.m.
 - (i) Carts not placed out by the “Owner” on the collection day will not be picked up until the next scheduled collection day on that street or as per Schedule “A” will be subjected to the collection rates applicable

- d) Cutting all shrubbery and tree clippings in lengths of not more than one (1) meter in length and place them in bins or carts provided.
 - e) Deposit all “Municipal Waste” in non-returnable plastic bags and placing them in bins or carts provided. All material shall be bound or packaged and placed in the waste “Receptacle” in such a manner as to avoid spillage or blowing during dumping operations. No material will be picked up that is placed outside of the “Receptacles”.
 - f) Depositing all “Municipal Waste” directly into the bins or carts provided.
- 4.4 No “Owner/Lessee” shall place any “Municipal Waste” for collection where the material or the method of its packaging may be hazardous to the “Collector”.
- 4.5 No “Owner/Lessee” of any “I.C.I.” Premises shall deposit any “Trade Refuse” or “Municipal Waste” in any bin other than a bin that has been provided exclusively for that particular “I.C.I.” Premise.
- 4.6 No Person shall deposit any **“Municipal Waste” which is from outside the “Town”** in any bin or cart located within the Municipal boundaries of the “Town”.
- 4.7 No Person shall deposit any “Prohibited Waste” in any bin or cart.
- 4.8 All bins and carts provided by the “Town” are and remains the property of the “Town”. No Person shall at any time move, remove or locate any bin or cart, except those bins that are purchased by owners of “I.C.I.” Premises.
- 4.9 Individual homes with Lanes, Manufactured Homes, and “Multiple Family” Complexes are to be provided with a bin to be shared by 2 – 10 “Dwelling Units” subject to need and frequency of collection (See Section 5.3).
- 4.10 Carts that are misplaced or stolen will be the sole responsibility of the “Owner/Lessee”.

5.0 Duties of Collectors (services provided through the Town's Collection System)

- 5.1 “Collectors” shall replace emptied bins and carts in approximately the same location where picked up.
- 5.2 “Collectors” shall not pick, sort over, or remove any waste from the collection vehicle or the bins or carts except as directed by the “Public Works Director or Designate”.
- 5.3 The “Public Works Director or Designate” shall schedule the collection of “Municipal Waste” pursuant to this Bylaw. “Council” shall designate the general service level for general frequency of pickup for the different classes of customers and that non-residential customers may have a greater frequency set as volumes demand in conjunction with discussions with the “Public Works Director or Designate”.
- a) The “Public Works Director or Designate” shall determine frequency of collection of “I.C.I.” Premises.

- b) All repairs and maintenance required to “Town” owned bin/s would be the Town's responsibility except as noted in Section 4.2 (e).
- 5.4 Notwithstanding, Section 4.2 (a) at the discretion of the “Public Works Director or Designate”, may require the “Owner/Lessee” to provide for additional bins to meet the weekly volume “Municipal Waste” demand.
- 5.5 Except for where special arrangements have been made with the “Public Works Director or Designate”, the “Town” shall not be responsible for the collection of “Prohibited Waste”.
- 5.6 The Town's “Automated Collection” may travel on private lands for “Multi-family”, Condos, Apartments, Manufactured Homes and “I.C.I.” Premises but are prohibited from travelling on private lands for the collection of a residential/acreage “Dwelling”.

6.0 Location of Receptacles

- 6.1 Where “Lanes” exist on all subdivisions, “Receptacles” (bins) shall be placed in the “Lane” as determined by the “Director of Public Works or Designate”, so that the “Collector” shall have safe, unobstructed and convenient access thereto.
- 6.2 Where no “Lane” exists on “Residential” subdivisions, the “Receptacles” (carts) shall be placed adjacent to the curb in suitable locations to allow for efficient and ease of pickup.
- 6.3 In the case of existing “Multiple-family” Sites, Manufactured Home Parks, Condos, Apartments or large non-residential sites, the “Receptacles” (bins) shall be placed in a location that is easily accessible to the disposal unit. The bins shall be placed in an unobstructed area that will permit convenient access for the collection unit and shall consider screening from adjacent properties and public roadways.
- 6.4 Any costs associated with screening of “Receptacles” shall be the responsibility of the “Owner/Lessee”.
- 6.5 In the case of new subdivision or development, the location of the “Receptacles” shall be pre-determined at the development stage in accordance with provisions of the Land Use Bylaw and the Town's Minimum Design Standards.
- 6.6 In the case of acreage, the bin or cart will be placed on Highway lands, or approved collection site determined through the subdivision process.
- 6.7 Where a “Residence” or “I.C.I.” Premises is not served by a “Lane” or where other special conditions exist such as unimproved “Lanes”, or steep grades, that make collection impractical or hazardous, then the “Town” may:
 - a) Determine that the collection location of a bin at some place other than a “Lane”

7.0 Collection of Municipal Waste from Residences:

7.1 Unless the “Residence” is otherwise exempt the “Town” shall collect “Municipal Waste” from the “Residence”, and shall provide bins or carts for all “Residences”. The “Town” shall assess collection levies for this collection in accordance with Section 11.

7.2 “Owners” of Manufactured Home Parks, Apartments, and “Multi-family” units are required to notify the “Town” of the number of occupied “Dwelling Units” or any changes to the number of occupied units.

8.0 Collection of Trade Refuse and Municipal Waste from I.C.I. Premises

8.1 “Owners” of “I.C.I.” Premises of each occupied building shall pay for collection, disposal and recycling as set out in Schedule “A” regardless of whether or not they own a bin. The “Owner” of “I.C.I.” Premises shall be required to complete Schedule “C”.

8.2 The “Owner” with one month written notice may complete Schedule “B” and cancel receiving refuse collection services from the “Town”. All occupied “I.C.I.” Premises shall be levied a flat rate as per Schedule “A”.

9.0 Burning

9.1 No person shall burn any waste unless such burning is in accordance with the Town of Hinton Bylaw No. 781-4, and the Provincial and Federal Laws.

10.0 Other Considerations

10.1 All “Municipal Waste” and “Paper Fiber” placed for collection pursuant to the terms of this Bylaw becomes the property of the “Town”.

11.0 Collection Levies and Rates

11.1 Effective October 1st, 2000 the “Town” shall levy on each “Dwelling” or “I.C.I.” Premises such rates for “Waste Collection Services”, as set out in Schedule "A" of this Bylaw, unless that “Dwelling” is otherwise exempt. The “Owner/Lessee” is responsible for paying this levy when billed.

a) “Council” may set and amend Schedule “A”, “B”, “C” or “D” by resolution

b) “Council” may set by resolution, a fee for recycling

c) “Council” may set by resolution a fee for leasing of bins or carts

11.2 “Waste Collection Service” Charges rendered pursuant to Bylaw No. 933 in default shall constitute a debt owing to the “Town”, which may be recovered.

a) By action in any court of competent jurisdiction, or

b) By distress and sale of goods and chattels of the Person owing such rates or charges wherever they may be found in the municipality, or

- c) Where the “Lessee” is the “Owner” or purchaser of a building, a lot, or part of a lot, the sum payable by him for such rates or charges are a preferential lien and charge on the building or lot or part of a lot and on the personal property of the debtor and may be levied and collected in like manner as municipal rates and taxes are recoverable, or
 - d) Where the “Lessee” is a Person other than the “Owner” or purchaser of the building or lot, or part of a lot the sum payable by the “Lessee” for such rates or charges is a debt due by him and shall be a preferential lien and charge on his personal property and may be levied and collected with costs by distress.
- 11.3 If the account remains unpaid after twenty-one (21) days from the “Due Date”, the “Town” will implement a 2.7% service charge on overdue accounts or the “Town” may discontinue Municipal Service Collection to their Premise. Overdue accounts may be transferred to their taxes as per the Municipal Government Act (MGA).

12.0 Interpretation

- 12.1 Nothing in this Bylaw shall be deemed to supersede or repeal the provisions of **The Regulation of Burning Bylaw of the Town of Hinton**, as amended and the “**Nuisance**” **Bylaw**, as amended.
- 12.2 Except as expressly provided herein, nothing in this Bylaw shall be deemed to supersede or contradict relevant Provincial or Federal laws including legislation, regulations, and permits granted thereunder and, where provisions of this Bylaw are inconsistent with the relevant Provincial and Federal laws, those provisions under this Bylaw shall be of no force and effect.
- 12.3 If any provision of this Bylaw is declared or held to be invalid, that provision shall be deemed to be severed, and the remainder of the By-law shall remain in force and effect.

13.0 Offence Tickets

- 13.1 Any Peace Officer may enforce the provisions of this Bylaw and may issue an offence ticket to any person found to have committed a breach of the Bylaw. The offence ticket shall state the alleged offence and the Bylaw Number and required payment of the appropriate fine as provided in Schedule “D” of Bylaw No. 933 to the “Town” within thirty (30) days of issuance of the ticket.
- 13.2 An Offence Ticket may be issued by personally serving it upon the offender, by mailing it to the address of the offender, or leaving it at the residence or business address of the offender.
- 13.3 The provisions of this section are an initial alternative to a summons under Section 14 of this Bylaw. If an Offence Ticket is issued and payment is made within the time limited then such payment shall be accepted in lieu of prosecution. If payment is not made within the time limited then the alleged offender is not entitled as of right to settle the alleged offence without a court appearance. Should the alleged offender fail to make voluntary payment during the time limited then an additional sum of \$20.00 shall be added to the appropriate fine indicated on the offence ticket. After the time limited for payment of the offence ticket, the Bylaw Enforcement Officer may allow a further period of grace within which the appropriate fine and the additional \$20.00 may be accepted.
- 13.4 If a cheque is given in payment for an offence ticket and the cheque is not honoured by the financial institution on which it is drawn, the offence ticket shall be treated in the same manner

that it would have been if the cheque had not been given in payment for the appropriate fine provided.

14.0 Penalties

14.1 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine of:

- a) Not less than \$50.00 and not more than \$500.00 for a first offence; or
- b) Not less than \$100.00 and not more than \$1,000.00 for subsequent offenses;

14.2 No Person found guilty of an offence pursuant to this Bylaw shall be liable to imprisonment.

14.3 Prosecution under the Provincial Offences Procedures Act may be avoided if payment of the penalty is made to the "Town" as specified on the Violation Tag.

14.4 An Offence Ticket may be issued for each day the offence continues.

15.0 Miscellaneous

15.1 Bylaw No. 334 and 334-1 are hereby repealed.

12.3 This Bylaw No. 933 shall come into force and have effect on October 1st, 2000.

READ A FIRST TIME THIS 15TH DAY OF AUGUST, 2000

READ A SECOND TIME THIS 19TH DAY OF SEPTEMBER, 2000

READ A SECOND TIME THIS 19TH DAY OF SEPTEMBER, 2000

MAYOR

DIRECTOR OF ADMINISTRATION

BYLAW NO. 933

SCHEDULE "B" - APPLICATION FOR EXEMPTION

Date: _____

I\ We _____ being the

(Applicant's Name(s) - please print)

(**Owner**, occupant, lessee, purchaser or authorized **Person(s)**)

Located at _____ hereby apply to be exempted from
(Civic Address)

Waste Collection Service Charges by the Town of Hinton at the above Location effective
_____20__

(Note: Effective dates prior to the 15th of any month shall be prorated and charged 50% of the remaining period of; any given month. Effective dates after the 15th of any month shall be prorated and charged 100% of the full monthly rate for any remaining period.)

The "Town" may, at its discretion, upon seven (7) days written notice, cancel this application and the applicant shall be charged as per Schedule "A".

All "I.C.I." Premises shall be levied a flat fee of \$5.00 per month for all occupied premises except as per Schedule "C".

This application is not transferable.

Expiry Provision

The application for extension shall automatically expire on _____.

(*Note: Expiry provision is to be used in conjunction with Section 8.)

Signature (Applicant)

Signature (Public Works Director or Designate)

BYLAW NO. 933

SCHEDULE "C" - APPLICATION FOR Bins ("I.C.I." Premises)

_____ do hereby apply to the Town of Hinton to

(Applicant name - please print)

have the Town supply to my place of business, _____

(Business name)

Business License number, _____

being located at _____
(Civic Address)

the use of _____ bins

serial number/s _____

frequency of pickups _____ originating

from the above-specified place of business.

Note Change & Date for Frequency of Pickup _____

I hereby commit to paying charges as levied pursuant to the "Municipal Waste Bylaw" for a minimum period of one twelve (12) months from the first billing period assessed by the Town. I understand that within this period I may request the "Town" to provide additional bins at the rates specified in the "Municipal Waste Bylaw". This being conditional to the "Public Works 'Director's or Designate" approval.

The "Owner" of a bin shall have the flat fee of \$5.00 waived. Where "Owners" have shared bins only one flat fee shall be waived.

Application date: _____ 20____

Effective date: _____20_____

Signature (Applicant) _____

Signature: _____

(Public Works Director or Designate) (Signifying Towns acceptance)

BYLAW NO. 933

Schedule "D" – Fines

As for any contravention of Bylaw No. 933, the Town of Hinton may issue fines as follows:

First Offense	\$ 50.00
Second Offense	\$ 75.00
Third Offense and subsequent	\$ 100.00