

# Village of Donalda

## Bylaw 768-23

A Bylaw in the Village of Donalda, in the Province of Alberta, to establish and maintain a waste management system.

**WHEREAS**, the Municipal Government Act gives broad authority to Municipal Councils to govern in whatever manner the Council deems appropriate, including the authority to regulate the provision of local waste management services;

**AND WHEREAS**, the Village of Donalda has the authority, pursuant to the Municipal Government Act R.S.A. 2000 Chapter M-26, to enact bylaws and impose fines and penalties for infractions of bylaws.

**NOW THEREFORE**, the Municipal Council of the Village of Donalda in the Province of Alberta, duly assembled, hereby enact as follows:

### 1. GENERAL

1.1. This Bylaw may be cited as the "Waste Management Bylaw."

### 2. DEFINITIONS

2.1. In this Bylaw, except where otherwise defined:

- a) Active Account – means all properties with active waste accounts, whose rates are determined in Schedule "A."
- b) Bag – a container with a capacity of between sixty (60) and one hundred (100) litres described in the receptacle definition of this Bylaw.
- c) Chief Administrative Officer (C.A.O.) – the Chief Administrative Officer of the Village of Donalda as appointed by a resolution or Bylaw of the Council.
- d) Collection Day –the day of the week solid Waste is regularly collected from eligible premises. Unless otherwise specified by a specific exemption provided by the Village, the collection point will be in front of the property parallel to the highway.
- e) Council – means the Council of the Village of Donalda.
- f) Enforcement Officer – means the designated Bylaw Officer for the Village of Donalda.
- g) Highway – has the same meaning as defined in the Traffic Safety Act of Alberta.
- h) Household Waste means all normal refuse and garbage from a household's operation.
- i) Inactive Account means all properties that do not have active Waste pick up due to vacancy and have inactive account status, which rates are determined in Schedule "A."
- j) Industrial Waste – means material from excavations, material from lot clearing and building construction, repairs, alterations, or maintenance; debris from any building removal or destruction by fire or any other cause; material from manufacturing processes; non-hazardous Waste from garages and service stations; non-hazardous condemned matter or Waste from factories or other works, or from warehouses; ashes

from industrial plants; and other similar waste material other than human or animal excrement or household waste.

- k) Municipal Official – the Chief Administrative Officer of the Village of Donalda as appointed by a resolution or Bylaw of the Council.
- l) Occupant – means the Owner or person in control of the property.
- m) Owner – means the registered Owner of the property as designated on the Certificate of Title under Alberta Land Titles.
  - Receptacle – means a sturdy metal or plastic container capable of reliably holding up to twenty (20) kg of contents when lifted, with a capacity of between 60 litres and 100 litres being in good condition, which has been manufactured to contain refuse and which is waterproof and equipped with two fixed handles and a cover or lid which will prevent animals or birds from gaining access to the contents thereof, or
  - a sturdy disposable plastic bag, securely tied at the top when set out for collection, capable of reliably holding up to 20kg of contents when lifted, with a capacity of between 60 litres and 100 litres or
  - a sturdy disposable box capable of reliably holding up to 20kg of contents when lifted, with a capacity of between 60 and 100 litres, securely closed when set out for collection.
- n) Solid Waste means any discarded or abandoned organic or inorganic material or material which the health regulation or the amenities of the area in which it exists require that it be removed and which, without limiting the generality of the foregoing, includes Waste, garbage, refuse, trade refuse, compostable and ashes.
- o) Solid Waste Collector –the person(s) or company authorized by the Village to collect, remove and dispose of solid Waste.
- p) Village - means the Municipal Corporation of the Village of Donalda or, where the context requires, the area within the boundaries of the Village of Donalda.
- q) Yard Waste - means clean organic plant matter which will decompose biologically and includes but is not necessarily limited to grass cuttings, shrubbery and hedge pruning (excluding tree branches, stumps, roots and logs) leaves, soft plant roots, vegetable stalks, weeds and garden waste that can be effectively composted.

### **3. WASTE RATES STRUCTURE**

3.1. The full cost of solid waste collection and disposal from eligible premises within the boundaries of the Village of Donalda shall be recovered through a waste service fee charged on the Village of Donalda Utility and Services Bill as outlined in Schedule "A" of this Bylaw.

3.2. Penalty for Late Payment:

3.2.1. The aforesaid rates shall be increased by a penalty set by the Council of the Village of Donalda if such Account is not paid by the 25<sup>th</sup> day of the month the billing is issued.

### 3.3. Payment Schedule

3.3.1. Every person, firm or Corporation, being the Owner or occupant of property which is served directly by a connection with the water supply system of the Village of Donalda, shall pay monthly to the Village by the 25<sup>th</sup> day of the month the billing is issued, the water rates, tolls, fares and service charges levied pursuant to this Bylaw as set by Bylaw of Council from time to time.

### 3.4. Default of Payment

3.4.1. In default of payment of the rates set by the Bylaw of Council or any amount due and payable to the Village for anything done, or any amounts payable, pursuant to this Bylaw, the Chief Administrative Officer may enforce the collection of such rates or payments by all or any of the following methods, namely:

- a) By action in any Court of competent jurisdiction; or
- b) By distress and sale of the goods and chattels of the Consumer owing monies for water or service related to that being supplied to them.
- c) By transferring the property owner's unpaid charges for a municipal utility in arrears of sixty (60) days or greater to the property owner's tax roll on December 31 annually, subject to an 18% penalty on January, regardless of if charges were delinquent by the previous property owner, and of property classification as defined in "Schedule A."

### 3.4.2.

### 3.5. Contracts

Precedents of this Bylaw in Contracts for the Waste Management Services

3.5.1. This Bylaw shall form part of every contract, written or implied, between the Village and a consumer for waste management services.

3.5.2. Contracts entered into by the Chief Administrative Officer on behalf of the Village:

- a) Subject to the provisions of this Bylaw, the Chief Administrative Officer may enter into contracts on behalf of the Village with any consumers of waste management services within the Village and, in such contracts, may provide that in the event the Consumer has failed to comply with the provisions and requirements of this Bylaw or the terms of the contract then the supply of waste management services may be discontinued.
- b) The Chief Administrative Officer may require any consumer to enter into an agreement with the Village for supplying water and related services, subject to the terms and conditions the Chief Administrative Officer requires.
- c) The Chief Administrative Officer may, subject to the approval of the Council, enter into an agreement to supply waste management services to a consumer outside the Village Limits.

#### **4. ADMINISTRATION OF WASTE COLLECTION**

- 4.1. The collection of solid Waste refuse shall be supervised by the C.A.O. of the Village of Donalda, and any decision they make respecting the collection of solid waste shall be in accordance with this Bylaw.
- 4.2. If there is any conflict concerning any decision made by the C.A.O. under the provisions of this Section, a person may appeal such decision to the Council, and the determination of the Council shall be final.
- 4.3. The C.A.O. may authorize solid waste collection as often as necessary. For this subsection, they have full authority to specify what types of solid Waste shall or shall not be collected by the Village.

#### **5. WASTE COLLECTION GENERAL**

- 5.1. The Village of Donalda shall maintain a system for collecting, removing and disposing of solid waste refuse from residential properties.
- 5.2. The Village of Donalda may enter into a contract to collect all or a portion of specific solid waste within the Village Limits.
- 5.3. The Village shall not be responsible for the collection or disposal of any solid waste generated on any industrial property as designated in the Village of Donalda Land Use Bylaw.
- 5.4. All persons requiring a higher level of service or the collection of materials not covered under this Bylaw herein may make their arrangements for the collection and disposal of solid waste.
- 5.5. Nothing in this Bylaw shall prevent any person from making his own arrangements for the disposition of solid waste, provided that no Federal Statute, Provincial Act, or Municipal Bylaw is being contravened.
- 5.6. The Village shall not be obligated to collect any solid waste at any premises where the provisions of the Bylaw are being contravened, and the Village shall notify the occupant of such premises.
- 5.7. All residential properties within the collection area and village-owned or operated buildings shall have their solid waste removed by collectors engaged by the Village to provide such services at regular intervals established by the Council.
- 5.8. When a dwelling contains a commercial or industrial establishment that generates solid waste, all solid waste from that facility will be removed at the owners' expense.
- 5.9. No collection will be made where there is a threat of harassment of or interference with a collector by dogs or other animals.
- 5.10. No persons other than those authorized under the provisions of this Bylaw shall interfere with or disturb the contents of a waste receptacle after the same has been placed for collection.
- 5.11. The collector shall not be responsible for the cleanup of waste spilled by the Owner or resulting from the waste stored in insecure receptacles.

5.12. The Municipality will not be responsible for any damages to waste receptacles.

## **6. LOCATION OF WASTE RECEPTACLES**

6.1. Solid waste receptacles shall be placed in the front of the property as close to but not intruding on the highway.

6.2. The C.A.O. of the Village shall be the final authority on the placement of waste receptacles/containers in cases of dispute.

## **7. PREPARATION OF WASTE FOR COLLECTION**

7.1. No Person shall, within the Village:

- a) deposit animal carcasses or parts thereof for disposal with solid waste unless double bagged, sealed and of a weight and dimension stipulated under this Bylaw;
- b) place any oil or grease liquid fat, flammable liquids, or other fluid waste for disposal with solid waste;
- c) place any solid waste or any discarded material whatsoever on any property not his own or occupied by him except in a sanitary landfill area provided for the disposal of such material;
- d) place more than 20 kg of solid waste or discarded material in any single receptacle or use a receptacle with more than 100 litres;
- e) place any scrap lumber or discarded building materials with/or as garbage unless contained in boxes or bags or tied in bundles over 1.2 meters long;
- f) leave receptacles uncovered and thereby allow animals, birds or flies to gain access to the contents and;
- g) place any industrial waste for disposal with solid household waste for pickup.

7.2. The Owner or occupant of residential property shall keep the sidewalk in front of their premises clean, tidy, and free from solid waste.

7.3. No owner or occupant shall permit waste to accumulate loosely on any land or property.

7.4. The Owner or occupant of residential property shall ensure that any solid waste is held in receptacles or containers in good condition adequate to contain the accumulation of solid waste originating from such property between collection times.

7.5. The Owner or occupant of a residential property within the collection area shall:

- a) provide receptacles for depositing household solid waste and yard waste for disposal.
- b) thoroughly drain all household solid waste and place it in either plastic garbage bags or securely tie the parcel before depositing it in the receptacles
- c) ensure that ashes are cold and kept separate when set out for collection. Ashes shall not be considered "cold" until at least five (5) days after they have been removed from the fire.

- d) Ensure that all receptacles and containers are fitted with covers which must remain closed. The surfaces must prevent waste from spilling or blowing from receptacles or containers.
  - e) Place all ashes or offal or dung in a separate disposable container
  - f) Place household waste in bags or packages before depositing same in receptacles for disposal
  - g) Ensure that during winter conditions, no solid waste or limited kitchen organic waste set out for collection is located on top of any snowbank and that the areas in which such solid waste is located are clear of snow and ice to provide ready and safe access by any solid waste collector.
  - h) Keep receptacles clean and free of any substance attracting flies or other vermin.
- 7.6. Waste receptacles are to be placed for pick up no sooner than twenty-four (24) hours before pick up and returned to storage within twenty-four (24) hours.
- 7.7. The container owner or receptacle who fails to, within 24 hours, pick up the waste spilled from such containers or receptacles is liable for an offence under the Bylaw.
- 7.8. The number of waste receptacles or bags to be set out for collection day shall not exceed three (3) ninety-litre (90L) bags or five (5) fifty-litre (50L) bags per residential unit.
- 7.9. Waste not fulfilling the specifications outlined in the Bylaw will be tagged, citing the contravention and be denied pick up.

## **8. PROHIBITIONS**

- 8.1. No person shall within the Village:
- a) burn any solid waste
  - b) burn any cardboard accumulated through commercial business operations
  - c) pick through, remove, or in any way interfere with any solid waste on a property not his own.
  - d) collect waste for use as animal food
  - e) place any hazardous goods with or as solid waste for collection
  - f) dispose of any waste from non-residential establishments in receptacles used for disposal of waste intended for residential dwellings.
- 8.2. The provision of this Section shall not apply when a permit has been obtained from the authority having jurisdiction to carry on the activity specified on the permit.
- 8.3.

## **9. OFFENCES AND PENALTIES**

- 9.1. Every person who contravenes any portion of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than one hundred dollars (\$100.00) and not more than twenty-five hundred dollars (\$2500.00).
- 9.2. Notwithstanding any other provisions for penalties in this Bylaw, a Bylaw Enforcement Officer may issue a voluntary penalty ticket in respect to the alleged breach in the

amount of \$50.00 for the first offence and the amount of \$100.00 for a second or subsequent offence to the accused in respect to said breach. This voluntary penalty ticket is due and payable within 14 days of issue.

- 9.3. The levying and payment of any fines issued shall not relieve a person from the necessity of paying any fees or costs from which he is liable under the provisions of this Bylaw.

## 10. BYLAW ENACTMENT

**SEVERABILITY** – Should any provisions of this Bylaw be declared invalid, then such invalid provision shall be severed, and the remaining Bylaw shall be maintained.

This Bylaw shall come into force effective for October 17, 2023.

Bylaw #768-23 was given first reading and passed in open Council duly assembled in the Village of Donalda, in the Province of Alberta, this 17<sup>th</sup> day of October 2023.

Bylaw #768-23 was given second reading and passed in open Council duly assembled in the Village of Donalda, in the Province of Alberta, this 17<sup>th</sup> day of October 2023.

Unanimous consent for a third and final reading was given on this 17<sup>th</sup> day of October 2023.

Bylaw #768-23 was given third and final reading and passed in open Council duly assembled in the Village of Donalda, in the Province of Alberta, this 17<sup>th</sup> day of October 2023.

\_\_Signature on File\_\_\_\_\_  
Mayor

\_\_\_\_Signature on File\_\_\_\_\_  
Chief Administrative Officer

**SCHEDULE "A"**

**RATES AND FEES FOR SERVICES**

<b>Waste Management Collection Rates</b>	
Active Residential & Commercial Properties	\$23.00/month
Inactive Residential & Commercial Properties	\$5.00/month
Commercial Businesses with alternate waste pickup providers* <i>*such businesses must inform the C.A.O. in writing to receive the exempt status.</i>	Exempt
Properties requiring a bin as identified by the waste pickup provider	3 yard bin - \$65.00/month 4 yard bin - \$85.00/month
Penalty on Unpaid Waste Management Collection Rates	2% per month
Paperless Billing Opt. Out Fee	\$2.00/printed bill



## SCHEDULE "B"

### Prohibited Wastes

The following are designated as Prohibited Wastes:

1. Any matter in a concentration that may cause a hazard to human health.
2. Any flammable liquid or explosive matter which, by itself or in combination with any other substance, is capable of causing or contributing to an explosion or supporting combustion.
3. Any matter which by itself or in combination with another substance is capable of obstructing the flow of or interfering with the operation or performance of the sewage system or wastewater facility, including, but not limited to:
  - a) Agricultural wastes;
  - b) Animals, including fish and fowl or portions thereof that will not pass through a two-centimetre screen;
  - c) Ashes;
  - d) Asphalt;
  - e) Gardening wastes;
  - f) Glass
  - g) Gravel into the sanitary sewage system;
  - h) Metal;
  - i) Plastics;
  - j) Rags and cloth;
  - k) Wood, sawdust or shavings from wood
4. Any matter with corrosive properties which, by itself or in combination with another substance, may cause damage to any sewage system or wastewater treatment facility
5. Any matter other than domestic wastewater, which by itself or in combination with another substance, can create an air pollution problem outside a sewage system or around a wastewater treatment facility.
6. Any matter alone or combined with another substance can prevent safe entry into a sewage system or wastewater facility.
7. Any matter which by itself or in combination with another substance is detrimental to the operation or performance of the sewage system, wastewater treatment facility or the environment, including, but not limited to
  - a) Biological waste
  - b) Elemental mercury
  - c) Paint, stains, and coatings, including oil and water-based;
  - d) Prescriptions drugs;
  - e) Used automotive and machine oils and lubricants

8. Radioactive material in solid form
9. Effluent from an industrial garbage grinder;
10. Any matter which may;
  - a) Cause a hazard to human health that cannot be effectively mitigated by wastewater treatment;
  - b) Cause a hazard to the environment;
  - c) Cause a hazard to the Village workers responsible for operating and maintaining the sewage system or the wastewater treatment facilities.
  - d) Cause an adverse effect on the sewage system
  - e) Cause a negative impact on the wastewater treatment facilities
  - f) Result in the wastewater being released by the Village's wastewater treatment facilities being in contravention of provincial regulatory requirements