

**VILLAGE OF LONGVIEW
BYLAW NUMBER 413-18**

**BEING A BYLAW OF THE VILLAGE OF LONGVIEW TO REGULATE AND MANAGE
WASTE**

WHEREAS the Municipal Government Act S.A. 2000, c. M-26 provides that Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people, the protection of people and premises, nuisances, services provided by or on behalf of the municipality, and the enforcement of bylaws; and

WHEREAS it is desirable to regulate and control the storage, collection and disposal of waste within the Village of Longview;

NOW THEREFORE, the Council of the Village of Longview, in the Province of Alberta, duly assembled enacts as follows:

1. This Bylaw may be cited as the "Waste Bylaw".

DEFINITIONS:

2. In this Bylaw the term:

- (a) "alley" means a street or lane intended primarily for access to the rear yard of adjacent premises;
- (b) "animal waste" means all forms of waste from animals or the treatment of animals except animal carcasses or parts;
- (c) "apartment" means a residence that is in a building of more than four self-contained suites, but excludes a condominium;
- (d) "biomedical waste" means medical waste that requires proper handling and disposal because of environmental, aesthetic, and health and safety concerns as well as risks to human health and includes:
 - (i) human anatomical waste;
 - (ii) infectious human waste;
 - (iii) infectious animal waste;
 - (iv) microbiological waste;
 - (v) blood and body fluid waste; and
 - (vi) medical sharps, such as needles, syringes, blades, or other clinical or laboratory materials capable of causing punctures or cuts;
- (e) "Chief Administrative Officer" means the person appointed by Council of the Village as its chief administrative officer, or his/her designate;
- (f) "collection" means picking up and gathering waste and includes its transportation to a disposal site and "collect" has a corresponding meaning;
- (g) "collector" means a person employed to collect waste;

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- (h) "commercial premises" means any premises that are not a residential dwelling, and includes any premises that are exempt from municipal assessment or taxation;
- (i) "designated officer" means a Village employee, who has the powers, duties, or functions of a designated officer pursuant to the Municipal Government Act, S.A. 2000, c. M-26.1;
- (j) "disposal site" means any premises designated by the Chief Administrative Officer for the disposal of waste or any other premises which is approved by Alberta Environment for the disposal of waste;
- (k) "garbage stand" means a structure designed to hold waste containers and may be either attached to a building or fence or stand-alone;
- (l) "general medical waste" means non-hazardous medical waste and includes soiled dressings, sponges, surgery drapes, lavage tubes, casts, catheters, disposable pads, disposable gloves, specimen containers, lab coats and aprons, tubings, filters, towels and disposable sheets, but excludes biomedical wastes;
- (m) "hazardous waste" means waste generated from any premises and has one or more hazardous properties as described in the Alberta Environmental Protection and Enhancement Act, Waste Control Regulation (Alta. Reg. 192/96), Schedule 1;
- (n) "industrial waste" means waste generated by commercial or industrial activities that presents health, safety or environmental concerns, and includes but is not limited to lime, sulphur, asbestos, contaminated soils, empty chemical containers and drums, carbon, acids, caustics, sludge, and industrial sump water, but excludes hazardous waste and biomedical waste;
- (o) "litter receptacle" mean a receptacle intended for public use for the collection of litter
- (p) "owner" includes the person shown as the owner on the Land Title for a property, the occupant of a premises, the lessee or tenant of a premises, the Condominium Board of condominium property, and a property management company which holds itself out as the person responsible for the maintenance of a premises;
- (q) "plastic garbage bag" means a sturdy plastic bag specifically marketed to store waste for collection, and excludes plastic bags that are intended for other purposes;
- (r) "residential dwelling" means:
 - (i) single family homes;
 - (ii) premises intended for residential use, and consisting of fewer than five self-contained suites; and
 - (iii) a condominium, but excludes an apartment.
- (s) "Village" means the municipal corporation of the Village of Longview or the area located within the boundaries of the Village, as the context requires;

- (t) "unit of waste" means a waste container and may include a "plastic garbage bag" up to 660mm x 914 mm (26 inches by 36 inches).
- (u) "waste" means anything that is discarded and includes animal, dry, industrial, general medical, or yard waste, but excludes hazardous waste and biomedical waste;
- (v) "waste container" means a container designed to store waste for collection and includes a tight fitting lid; and
- (w) "yard waste" means waste from gardening or horticultural activities and includes grass, leaves, plants, tree and hedge clipping, and sod.

AUTHORITY OF CHIEF ADMINISTRATIVE OFFICER

3. The Chief Administrative Officer is authorized to:
- (a) approve set specifications for waste containers and plastic garbage bags;
 - (b) specify the quantities and types of waste eligible for collection;
 - (c) designate Village premises to be used as a Village disposal site and/or Village Recycling Depot;
 - (d) determine the time and frequency of waste collection;
 - (e) make and execute agreements on behalf of the Village for collection and disposal services;
 - (f) grant approvals and permissions as set out in this Bylaw.

GENERAL RULES

4. The owner of any premises shall store waste on the premises from which it is generated, unless it is stored on other premises with the consent of the owner and occupant of those other premises.
5. No person shall deposit waste in a waste container without the consent of:
- (a) the owner of the container or bin;
 - (b) the owner of the property where the container or bin is located; and
 - (c) the occupant of the property where the container or bin is located.
6. Unless the owner has written approval from the Chief Administrative Officer to set waste containers out for collection in a Specific location, an owner must ensure that waste containers are:

- (a) located immediately adjacent to a street or alley;
 - (b) at a central location where the collector will have easy, direct and safe access to the waste container;
 - (c) if intended for front street collection:
 - (i) if there is no sidewalk, on the occupant side of the curb;
 - (ii) if there is a sidewalk joined to the curb, on the occupants premises, adjacent to the sidewalk, or
 - (iii) if there is a separate sidewalk with a boulevard, on the boulevard adjacent to the curb; and
 - (d) if there is a walkway or stairway adjacent to the street or alley, at the bottom of the walkway or stairway.
7. If there is a fence between waste that has been set out for collection and a street or alley, the owner must ensure there is an opening in the fence:
- (a) at least 0.2 metres wider than all the waste containers; and
 - (b) at least 0.4 metres higher than the highest waste container,
- such that the collector can easily and safely access the waste containers and plastic garbage bags.
8. An owner shall ensure that waste stored or set out for collection on or adjacent to that owner's premises do not:
- (a) create offensive odours; or
 - (b) become untidy.
9. An owner shall ensure that all waste is set out for collection and not permitted to accumulate on the premises.
10. An owner shall ensure that waste stored or set out for collection on or adjacent to that owner's premises is contained in a plastic garbage bag contained in an approved garbage container.

RESTRICTIONS ON WASTE

11. Except for waste which is placed in receptacles required and in a manner complying with the provisions of this Bylaw and in a location designated or allowed by the Bylaw, no person in charge or responsible for any land or building in the Village shall allow waste of any kind to accumulate:
- (a) outside of a building or inside of a portion of the building to which the public or 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.
12. Except as otherwise provided in sections 12, 13, 14, 15 and 16, an owner shall ensure that the following types of waste are not set out for collection from his premises:
- (a) industrial or hazardous waste;
 - (b) biomedical waste;
 - (c) general medical waste;
 - (d) sharp objects such as glass, nails, knives, metal, or wood splinters;
 - (e) animal waste, dead animals or animal parts;
 - (f) sawdust and powdered materials;
 - (g) automobile waste including automobile parts, tires, and batteries;
 - (h) building materials and furniture;
 - (i) individual items that are larger than 1.25 metres (4 feet) in any dimension or items that weigh more than 12 kilograms (25 pounds);
 - (j) liquids; and
 - (k) waste that is unsafe for the collector to access or handle.
13. A person may set sharp objects out for collection if the sharp objects are contained in a puncture resistant, non-breakable container with a tight fitting lid before they are set out for collection.
14. A person may set general medical waste, animal waste, sawdust and powdered materials out for collection if it is packaged in securely tied, double plastic garbage bags.

YARD WASTE

15. An owner shall ensure that all yard waste is to be taken to the compost and tree trimming area by the public works yard.

RESIDENTIAL WASTE

16. Owners of residential dwellings, with more than one self-contained suite must ensure there is a single waste storage location for the residential dwelling which is directly accessible from a street or alley.
17. No owner of a residential dwelling shall set out for collection any waste that is not generated from their residential dwelling.

18. There shall be no more than two (2) units of waste per week collected by the Village from each residential dwelling, unless the additional unit has an "excess collection" sticker affixed to the unit of waste and the unit complies with the definition of a unit of waste.
19. Except as provided in section 20, the owner of a residential dwelling must ensure that waste generated at his residential dwelling is set out for collection in a waste container.
20. Where waste is placed in a receptacle other than a waste container, the receptacle is deemed to be waste and may be collected as such.
21. An owner of a residential dwelling shall ensure that waste containers used at their residential dwelling:
 - (a) are constructed of sturdy, water-tight material;
 - (b) are maintained in good condition;
 - (c) have fixed rigid handles and a smooth rim;
 - (d) have properly fitting lids that are kept closed except when the containers are loaded or unloaded;
 - (e) do not have lids attached to the container by chain, rope or wire; and
22. An owner may use a waste container with a volume larger than 100 litres if waste is packaged in plastic garbage bags and the bags can be easily removed without lifting the waste container.
23. An owner must ensure that residential waste containers used at his premises are filled so that:
 - (a) the cover of the container fits properly;
 - (b) the contents of the container must be placed in a plastic garbage bag that can be easily removed from the container; and
24. An owner must ensure that plastic garbage bags used at his premises:
 - (a) are water-tight and securely tied;
 - (b) are capable of holding their contents without breaking; and
 - (c) the total weight of a bag and contents does not exceed 12 kilograms (25 lbs).
25. An owner must ensure that waste from his residential dwelling is set out for collection:
 - (a) no later than 7:00 a.m. on the day of collection;
 - (b) no earlier than 9:00 p.m. on the day before collection; and
 - (c) the empty waste container(s) be returned to the owners property not later than

9:00 P.M. the day of collection.

COMMERCIAL WASTE

26. Owners of commercial buildings and residential dwellings with more than two units must provide for their own garbage pickup and disposal.

RECYCLING

27. Recycling services are currently not offered by the Village, but there if a person is interested, there is a company that will pickup recycling for a fee. Contact the Village office for more information.

ENFORCEMENT

28. Where the Village Peace Officer, believes a person has contravened any provision of this Bylaw, he may:
- (a) issue to the person an order in accordance with the Municipal Government Act, R.S.A. 2000, c. M-26 to remedy the infraction;
 - (b) issue to the person, a violation ticket in accordance with the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34; or
 - (c) do both (a) and (b) above.
29. If the person of whom an order has been issued pursuant to Section 38(a) fails to comply with the order within the time specified in the order:
- (a) that person commits an offence under this section and a Bylaw Enforcement Officer may issue a violation ticket pursuant to the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34; and
 - (b) The 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 Village by the person to whom the order was issued in accordance with the Municipal Government Act, R.S.A. 2000, c. M-26.
30. Any person who contravenes a provision of this bylaw is guilty of an offence and is liable:
- (a) for a first offence to a fine of not less than \$100.00; and
 - (b) for a second offence of the same provision within a twenty -four month period to a fine of not less than \$300.00.
31. The specified penalty for a first offence, is the amount shown in Schedule A in respect of that offence.

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32. Where, on a prosecution of an offence pursuant to this Bylaw, a person believes a written approval or permission of the Chief Administrative Officer provides that person with a defence, the owner of proving that approval or permission was given rests with the person relying on the permission or approval.
33. 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 is liable under the provisions of this Bylaw.
34. 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.
35. Where this Bylaw refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.


SEVERABILITY PROVISION

36. Should any provision of this Bylaw be invalid, then that provision shall be severed and the remaining Bylaw shall be maintained.

EFFECTIVE DATE AND REPEAL OF BYLAWS

37. Bylaw 302-07 and all amendments thereto are hereby repealed.
38. This Bylaw shall come into force on the day it is passed.

READ A FIRST TIME this 16th Day of October, A.D., 2018




MAYOR



CAO

READ A SECOND AND THIRD TIME this 16th Day of October, A.D., 2018



MAYOR



CAO

Schedule "A"

<u>Section</u>		<u>Amount of Specified Penalty in Dollars</u>
4.	Storing waste on other's premises	250.00
5.	Waste deposited without consent	250.00
6.	Improperly locating waste containers	125.00
7.	Waste inaccessible because of fence	125.00
8.	Allowing offensive odours or untidy waste	125.00
9.	Allow waste to accumulate	250.00
12.	Setting out restricted waste for collection	250.00
11,15.	Improper packaging of yard waste	125.00
16.	Fail to provide single waste storage location	125.00
17.	Set out waste not generated on premises	250.00
19.	Fail to set out waste in plastic garbage bag	125.00
21.	Use improper waste containers	125.00
23.	Improperly fill waste containers	125.00
24.	Improperly filled plastic garbage bags	125.00
25.	Set out waste at wrong time	125.00
38.	Improper disposal of recyclable goods	125.00

