

BYLAW C-7429-2017

A Bylaw of Rocky View County to establish curbside collection and disposal of garbage, recyclable material, and organic waste in the Hamlet of Langdon.

WHEREAS the *Municipal Government Act* provides that a council of a municipality may pass bylaws for municipal purposes respecting public utilities and the enforcement of bylaws;

NOW THEREFORE the Council of Rocky View County, in the Province of Alberta, duly assembled, enacts as follows:

INTERPRETATION

TITLE

1 This bylaw shall be known as the "Langdon Waste Collection Bylaw,"

DEFINITIONS

2 In this bylaw:

- (a) **"Bulk Waste"** includes furniture, appliances, mattresses, bicycles, or other oversize items not capable of being placed in a Collection Cart for collection;
- (b) **"Chief Administrative Officer"** means that individual appointed by Council into the position of Chief Administrative Officer for the County pursuant to the *Municipal Government Act* or his/her designate;
- (c) **"Clean"** means not contaminated or soiled;
- (d) **"Collection Cart"** includes a Garbage Cart, Recycling Cart, or Organics Cart;
- (e) **"Collection Day"** means a day established and published by the Manager for Curbside Collection of Garbage, Recyclable Material, and/or Organic Waste;
- (f) **"Collection Point"** means the property, roadway, or street allowance, which has been designated by the County for the setting out of Collection Carts for Curbside Collection;
- (g) **"Collector"** means an agent, contractor or employee of the County who conducts Curbside Collection;
- (h) **"Commercial Waste"** means any waste generate by commercial, industrial, institutional, community, governmental, religious or charitable organizations;
- (i) **"Construction Waste"** means any waste produce in the process of constructing, altering, renovating, repairing, or demolishing a building; including earth, vegetation, and rock displaced during the process of construction;
- (j) **"Council"** means the duly elected Council of Rocky View County;
- (k) **"County"** means the municipal corporation of Rocky View County together with its jurisdictional boundaries, as the context requires;

- (l) **“Court”** means a Court of competent jurisdiction in the Province of Alberta;
- (m) **“Curbside Collection”** means the system established under this Bylaw by the County for the collection of Garbage, Recyclable Material and Organic Waste within the Hamlet of Langdon;
- (n) **“Customer” or “Customers”** means the Owner or Occupant of Residential Premises located within the Hamlet of Langdon;
- (o) **“Emergency”** means a situation where there is imminent danger or risk to public safety or of serious harm to Property;
- (p) **“Enforcement Officer”** means a member of the Royal Canadian Mounted Police (R.C.M.P), a Peace Officer appointed by the Solicitor General of Alberta in accordance with the *Peace Officers Act* S.A. 2006, c P-3.5, and a Bylaw Enforcement Officer employed by the County in accordance with the **Municipal Government Act**;
- (q) **“Excess Garbage”** means any Garbage generated at a Residential Premises which exceeds the capacity of one Garbage Cart;
- (r) **“Excess Recyclable Material”** means any Recyclable Material generated at a Residential Premises which exceeds the capacity of one Recycling Cart;
- (s) **“Excess Organic Waste”** means any Organic Waste generated at a Residential Premises which exceeds the capacity of one Organics Cart;
- (t) **“Garbage”** means all non-recyclable solid waste generated through ordinary day-to-day activities on Residential Premises;
- (u) **“Garbage Cart”** means the County owned and supplied waste container for the temporary storage of Garbage for Curbside Collection;
- (v) **“Hamlet of Langdon”** means the unincorporated community designated by Council pursuant to the *Municipal Government Act*;
- (w) **“Hazardous Waste”** includes any waste which contains: trichlorophenol, pentachlorophenol, free cyanides or polychlorinated biphenyls; any liquid which contains arsenic, cadmium, chromium, lead, mercury, nickel, selenium or thallium concentrations greater than 99 milligrams per kilogram; any liquid which contains an organic solvent in concentration greater than 999 milligrams per kilogram; any pesticides, herbicides, explosives, quick lime, sewage sludge, septic tank pumpings, petroleum products, combustible liquids, batteries, poisons, acids, caustics; any container used to transport such waste and any other waste which presents an unusual disposal problem for reasons of health or safety;
- (x) **“Holiday”** has the same meaning as in the *Interpretation Act*, RSA 2000, c 1-8, as amended from time to time;
- (y) **“Injunction Order”** means an injunction order obtained pursuant to section 554 of the *Municipal Government Act*;
- (z) **“Leaf and Yard Waste”** means plant material, leaves, and debris commonly thrown away in the course of maintaining yards and gardens, including grass clippings, tree shrubs, 2 inch diameter branches, excluding noxious weeds, sod, soil, asphalt, dirt, tree limbs, tree trunks, whole shrubs and bushes, or concrete material;
- (aa) **“Liquid Waste”** means any waste, other than Hazardous Waste, having a moisture-content in excess of 30%;

- (bb) **“Manager”** means the Chief Administrative Officer of the County or his designate;
- (cc) **“Master Rates Bylaw”** means Rocky View County Bylaw known as the “Master Rates Bylaw.”
- (dd) **“Multiple Family Dwelling”** means any building or group of buildings, including but not limited to apartment buildings and condominiums;
- (ee) **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended from time to time;
- (ff) **“Noxious weed”** means a plant designated in accordance with the Weed Control Regulation, Alta Reg 19/2010 as a noxious weed and includes the plant’s seeds;
- (gg) **“Occupant”** means an individual or other party who occupies or controls Property pursuant to a lease, licence or other agreement with or authorization from the Owner including but not limited to a tenant, lessee and a Person controlling Property under development or construction;
- (hh) **“Order”** means an Order described in Section 545 of the *Municipal Government Act*;
- (ii) **“Organic Waste”** means separated and clean material designated as organic by the Manager;
- (jj) **“Organics Cart”** means the County owned and supplied waste container for the temporary storage of Organic Waste for Curbside Collection;
- (kk) **“Owner”** means the registered owner of real property and includes a purchaser under an agreement for sale of real property;
- (ll) **“Peace Officer”** means any person employed by the County as a Bylaw Enforcement Officer including a Community Peace Officer or any other Person authorized by the County to enforce the provisions of this Bylaw including but not limited to members of the RCMP or other police organizations;
- (mm) **“Person”** means any individual or business entity including a firm, joint venture, proprietorship, association, corporation, organization, partnership, company or society and any other legal entity;
- (nn) **“Property”** means any Land including all buildings, structures, premises, and any personal property located thereupon, located within the County;
- (oo) **“Provincial Offences Procedure Act”** means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended from time to time;
- (pp) **“Reasonable Notice”** means not less than 48 hours except in the case of an Emergency or extraordinary circumstance when no notice needs to be given;
- (qq) **“Recyclables”** and “Recyclable Material” means separated and clean material designated as recyclable by the Manager;
- (rr) **“Recycling Cart”** means the County owned and supplied waste container for the temporary storage of Recyclable Material for Curbside Collection;

- (ss) **“Residential Premises”** includes:
 - (i) any building containing a single family dwelling (single detached dwelling);
 - (ii) a mobile home situated in a mobile home park; and
 - (iii) a semi-detached dwelling including duplexes, town houses, row houses, where each single dwelling unit is deemed to be a Residential Premises;
- (tt) **“Sharps”** means any item having corners, edges, or projections capable of cutting or piercing the skin, including, but not limited to the following: hypodermic needles, syringes, blades, broken glass;
- (uu) **“Transfer Site”** means those locations listed within Schedule "A" which are owned or operated by the County for public waste disposal and recycling; and
- (vv) **“Violation Ticket”** means a violation ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*;
- (ww) **“Written Warning”** means a written warning issued pursuant to Section Five of this Bylaw.

APPLICATION

- 3 Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other bylaw, or any requirement of any lawful permit, order or license.
- 4 Any heading or sub-headings in this Bylaw is included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- 5 Specific reference to other bylaws, statutes and regulations are intended to refer to the current laws applicable within the Province of Alberta as at the time this Bylaw is enacted, and as may be amended from time to time, including successor legislation.
- 6 All the schedules attached to this Bylaw shall form a part of this Bylaw.
- 7 This Bylaw is gender-neutral and, accordingly, any reference to one gender includes another.

SERVICE

- 8 The County will provide Curbside Collection to all Customers located within the Hamlet of Langdon at the rates, fees or other charges specified in the Rocky View County, *Master Rates Bylaw*.
- 9 The service established by the County for the Hamlet of Langdon includes:
 - (a) Curbside Collection of Garbage and Recyclable Material and Organic Waste prepared in accordance with this Bylaw;
 - (b) receipt of Excess Recyclable Material at Transfer Sites;
 - (c) receipt of Excess Garbage at Transfer Sites; and
 - (d) receipt of Leaf and Yard Waste at Transfer Sites.
- 10 The County will only collect one Garbage Cart, one Recycling Cart and one Organics Cart from each Residential Premises.

- 11 All Customers within the Hamlet of Langdon shall participate in Curbside Collection.
- 12 Owners or Occupiers of Multiple Family Dwellings, commercial buildings, institutions, industrial sites and any buildings other than Residential Premises shall make their own arrangements for the proper removal and disposal of Garbage, Recyclables and other waste materials.
- 13 No Residential Premises is exempt from Curbside Collection.

NEW CONSTRUCTION

- 14 For any newly constructed Residential Premises within the Hamlet of Langdon, Curbside Collection and the invoicing of applicable fees shall commence when the Owner or Occupant is granted permission to occupy (occupancy permit) under the building permit.

CONTRACT CURBSIDE COLLECTION

- 15 The County may, on request, provide contract Curbside Collection on a fee-for-service basis in the following categories:
 - (a) Residential Premises located outside of the Hamlet of Langdon, but within the municipal boundaries of the County;
 - (b) Multiple Family Dwellings within the municipal boundaries of the County; or
 - (c) Commercial, industrial, or institutional premises within the municipal boundaries of the County.
- 16 The Manager will establish the availability and conditions of service, frequency and method of collection, waste storage, and set-out locations, and fees for contract Curbside Collection provided by the County.

COLLECTION CARTS

- 17 All Residential Premises will be supplied with one Garbage Cart, one Recycling Cart, and one Organics Cart.
- 18 A Collection Cart will be assigned to a specific address within the Hamlet of Langdon at the expense of the Owner.
- 19 Collection Carts are supplied and owned by the County.
- 20 Each Customer shall return a Collection Cart to the County upon request.
- 21 If a Collection Cart is lost, stolen or damaged, the Customer may make a request to the County to repair or replace the Collection Cart, subject to the following:
 - (a) If the damage to the Collection Cart is deemed to be as a result of non-compliance with any part of this Bylaw, the Customer is responsible for the full cost of repair or replacement along with any other applicable fees or charges as set out in Schedule "B";
 - (b) If a Collection Cart is damaged as a result of the Customer's neglect and/or willful damage, the Customer is responsible for any costs incurred as a result of the damage as set out in Schedule "B";
 - (c) If a Collection Cart is lost or stolen, the Customer is responsible for the full cost of repair or replacement along with any other applicable fees or charges as set out in Schedule "B"; and

(d) The Manager will have final discretion on any matters under this section.

22 It is an offence to alter or modify a Collection Cart for the purpose of changing the intended use of the Collection Cart without the written consent of the County.

COLLECTION SCHEDULES

23 Curbside Collection will occur in accordance with the schedule established by the Manager.

24 There will be no regularly scheduled Curbside Collection on Sundays or Holidays;

25 Curbside Collection for those residences whose scheduled date falls on a Holiday will be assigned an alternate day.

26 Despite the schedule of days for Curbside Collection, the Manager may make alternate collection arrangements where weather conditions or other circumstances will not permit collection on the day or days scheduled.

USE AND PLACEMENT OF COLLECTION CARTS

27 Every Customer shall ensure that:

- (a) Garbage is stored in the Garbage Cart;
- (b) Recyclable Material is stored in the Recyclable Cart; and
- (c) Organic Waste is stored in the Organics Cart.

28 Every Customer shall ensure that a Collection Cart:

- (a) is not filled higher than the upper rim or in a manner which prevents full closure of the Collection Cart lid;
- (b) does not have its contents compressed in such a manner that it inhibits the Garbage or Recyclable Material or Organic Waste from falling freely from the Collection Cart during the regular tipping process; and
- (c) does not contain any material which might adhere to the inside of the Collection Cart, such material to be separately wrapped prior to being placed in the Collection Cart.

29 It is an offence to set out for collection any Garbage or Recyclable Material or Organic Waste that is not generated by the Residential Premises to which the Collection Cart was assigned.

30 All Collection Carts set out for collection, subject to the Manager's discretion, shall:

- (a) be placed in a manner such that automated collection may occur without a Collector being required to manually move the Collection Carts in order to allow pick up;
- (b) be placed in a manner such that the front of the Collection Cart is facing the street or alley/lane;
- (c) where any Residential Premises is served by an alley/lane, be placed adjacent to the alley and, or, lane with clearances of at least 30 centimeters to the rear, 30 centimeters between the carts and one meter from any obstacles such as motor vehicles or utility boxes;

- (d) in cases where no alley or lane exists, be placed for collection along the roadway at the edge of the curb with clearances of at least 30 centimeters to the rear, 30 centimeters between the Collection Carts and one meter clearance from any obstacles such as motor vehicles or utility boxes;
- (e) not be placed on a sidewalk, roadway or on the travelled portion of a roadway so as to interfere in any way with vehicle or pedestrian traffic;
- (f) be placed on a level surface not more than 150 mm above the road elevation;
- (g) be placed for collection in a manner such that the Collection Cart cannot easily be tipped over; and
- (h) be maintained in good repair and in a reasonably clean and sanitary condition.

31 All Garbage, Recyclable Material, and Organic Waste set out for collection remains the property of the Person placing the Garbage and Recyclable Material and Organic Waste for collection until accepted by the County at the time of collection.

32 All Garbage, Recyclable Material, and Organic Waste set out for collection shall be placed in Collection Carts at a Collection Point before 7:00 a.m. on the designated Collection Day.

33 Customers shall not place Collection Carts at the Collection Point any earlier than 6:00 p.m. the day prior to the designated Collection Day.

34 Customers shall remove empty Collection Carts from the Collection Point within 18 hours of collection.

35 Collection Carts shall be stored on the premises to which the Collection Cart is assigned and shall not encroach upon or project over any street, lane or public place except when placed on such street or lane for the purpose of collection.

36 Collection Carts shall be stored with the lid closed in order to reduce odours, to prevent litter, and to prevent water accumulation in the cart.

37 Customers shall make the Collection Cart available to the Municipality or its contractors or agents within a reasonable time frame upon request for inspection or repair purposes.

PREPARATION OF GARBAGE FOR COLLECTION

38 No wet Garbage intended for collection shall be placed in the Garbage Cart unless it is drained of excess moisture.

39 Garbage must be bagged prior to deposit into the Garbage Cart.

PREPARATION OF RECYCLABLE MATERIAL FOR COLLECTION

40 No wet Recyclable Material shall be placed in the Recycling Cart unless it is drained of excess moisture.

41 All Recyclable Material set out for collection shall be:

- (a) Clean; and
- (b) placed loosely into the Recycling Cart without bagging or bundling.

- 42 Despite Section 40, bagging of Recyclable Material is permitted for the preparation of plastic bags, plastic wrap, and shredded paper.

PREPARATION OF ORGANIC WASTE FOR COLLECTION

- 43 Organic Waste shall be placed in the Organics Cart and be drained of excess moisture.
- 44 All Organic Waste set out for collection shall be:
- (a) Clean; and
 - (b) Compostable bags may be used.

EXCESS GARBAGE, RECYCLABLE AND ORGANIC MATERIAL

- 45 It is the responsibility of the Customer to dispose of Excess Garbage at a Transfer Site.
- 46 It is the responsibility of the Customer to dispose of Excess Recyclable Material at a Transfer Site.
- 47 It is the responsibility of the Customer to dispose of Excess Organic Waste at a Transfer Site.

PROHIBITED GARBAGE AND RECYCLABLES

- 48 No Person shall include any of the following materials in a Garbage Cart or Recycling Cart:
- (a) Hazardous Waste;
 - (b) Bulk Waste;
 - (c) Sharps - unless properly contained in a puncture resistant receptacle or packaging before being placed in a Garbage Cart;
 - (d) garbage generated by any Multiple Family Dwelling;
 - (e) flammable, combustible or oxidizing materials;
 - (f) materials that are on fire or above a temperature of 65°C;
 - (g) explosive substances, objects or mechanisms;
 - (h) ashes which are not properly quenched;
 - (i) oil, oil filters, or oil containers;
 - (j) trees, tree stumps, logs, land-clearing debris, timbers and fence posts; sod, soil, asphalt, dirt, tree limbs, tree trunks, whole shrubs and bushes, or concrete material;
 - (k) Construction Waste;
 - (l) motor vehicle parts and farm implements;
 - (m) Commercial Waste;
 - (n) Liquid Waste;

- (o) waste materials not identified as acceptable for landfilling pursuant to any permit or certificate issued by Alberta Environment;
- (p) any waste that exceeds the capacity of the Collection Cart or prevents the lid from closing;
- (q) luminescent gas filled electric discharge tubes or florescent tubes;
- (r) any material that is designated by Alberta Recycling Management Authority; or
- (s) any material that is designated/banned by regional landfills;
- (t) Recyclable Material contaminated with food residue or liquids; or
- (u) Prohibited noxious weeds as listed under the *Weed Control Regulation*;

PROHIBITED MATERIALS IN ORGANICS CART

49 No Person shall include any of the following materials in an Organics Cart:

- (a) Hazardous Waste;
- (b) Bulk Waste;
- (c) Sharps - unless properly contained in a puncture resistant receptacle or packaging before being placed in a Garbage Cart;
- (d) garbage generated by any Multiple Family Dwelling;
- (e) flammable, combustible or oxidizing materials;
- (f) materials that are on fire or above a temperature of 65°C;
- (g) explosive substances, objects or mechanisms;
- (h) ashes which are not properly quenched;
- (i) oil, oil filters, or oil containers;
- (j) trees, tree stumps, logs, land-clearing debris, timbers and fence posts; sod, soil, asphalt, dirt, tree limbs, tree trunks, whole shrubs and bushes, or concrete material;
- (k) Construction Waste;
- (l) motor vehicle parts and farm implements;
- (m) Commercial Waste;
- (n) Liquid Waste;
- (o) waste materials not identified as acceptable for landfilling pursuant to any permit or certificate issued by Alberta Environment;
- (p) any waste that exceeds the capacity of the Collection Cart or prevents the lid from closing;
- (q) luminescent gas filled electric discharge tubes or florescent tubes;

- (r) any material that is designated by Alberta Recycling Management Authority; or
- (s) any material that is designated/banned by regional landfills; and
- (t) Recyclable Material contaminated with food residue or liquids.
- (u) Prohibited noxious and noxious weeds in Alberta as listed in the *Weed Control Regulation*;
- (v) Pet Waste; or
- (w) Diapers.

RIGHT TO REFUSE GARBAGE, RECYCLABLE MATERIAL AND ORGANIC WASTE

- 50 A Collector shall not be required to remove or empty a Collection Cart:
- (a) containing any prohibited materials as outlined in Sections 46 and 47;
 - (b) filled higher than the Collection Cart's upper rim causing the lid to not fully close;
 - (c) from any location other than the Collection Point; or
 - (d) if the Collection Cart is not placed according to the standards specified in this Bylaw.
- 51 The Collector or Manager may refuse to accept any material which, in the opinion of the Collector or Manager, is unreasonable, contravenes any federal, provincial or county regulation or guideline for waste disposal or which poses a danger or potential danger to human life, animals or the environment.

SCAVENGING

- 52 No Person shall place Garbage, Recyclable Material, or Organic Waste in the Collection Cart of another Person without the other Person's consent.
- 53 No Person other than an authorized Collector or the Person placing Garbage, Recyclable Material, or Organic Waste in a Collection Cart shall interfere with, disturb, or remove the contents of a Collection Cart set out for collection.

RIGHTS OF SUSPENSION

- 54 The Manager may suspend Curbside Collection from any Residential Premises for non-compliance with this Bylaw, whether the non-compliance has been prosecuted or not.

RIGHT OF ENTRY

- 55 A Peace Officer may enter at all reasonable times upon any property subject to the provisions of this Bylaw for the purposes of ascertaining whether the regulations, directions or provisions contained in this Bylaw are being obeyed.

FEES AND BILLING

- 56 Every Customer is required to pay the applicable fees for Curbside Collection as set out in the *Master Rates Bylaw*.

- 57 Any fees not received within 30 days of the billing date are considered to be outstanding accounts, and may be assessed a late payment penalty pursuant to the *Master Rates Bylaw*.
- 58 The Owner is responsible for the payment of all accounts in arrears.
- 59 Outstanding charges will be transferred to the Owner's property tax account.

PROHIBITIONS

- 60 No Owner or Occupier of real property in the Hamlet of Langdon shall cause, allow or permit any Garbage, Recyclable Material, Organic Waste, rubbish, refuse or other noxious, offensive, unwholesome or discarded matter to collect, accumulate or remain on the premises, unless it is securely contained in a County approved waste container/receptacle equipped with a close-fitting lid or cover.
- 61 No Person shall deliver, place or dump, or cause or allow delivering, placing or dumping, any Garbage, Recyclable Material, or Organic Waste refuse or other noxious, offensive, unwholesome or discarded matter anywhere in the County other than at a County Transfer Site, in the proper manner.

ENFORCEMENT

General

- 62 For the purpose of Sections 542 of the *Municipal Government Act*, the Manager and Enforcement Officers are designated officers for the purposes of carrying out inspections, remedial actions and enforcement.
- 63 The Manager may enforce the provisions of this Bylaw by taking any or all of the following enforcement actions:
- (a) Issuing a Written Warning,
 - (b) Issuing a Remedial Order,
 - (c) Obtaining an Injunction Order, and
 - (d) Any other lawful and authorized action to enforce compliance.
- 64 An Enforcement Officer may enforce the provisions of this Bylaw by taking any or all of the following enforcement actions:
- (a) Issuing a Written Warning,
 - (b) Issuing a Violation Ticket,
 - (c) Obtaining an Injunction Order, and
 - (d) Any other lawful and authorized action to enforce compliance.
- 65 Nothing within this Bylaw shall limit or prevent the County from issuing a Remedial Order in lieu of or in addition to issuing a Violation Ticket or taking any other enforcement action.

Right of Entry: Inspections, Remedial and Enforcement Action

- 66 After providing Reasonable Notice to the Owner or Occupant of Land or a Building in accordance with Section 542 of the *Municipal Government Act*, the Manager or Enforcement Officer may enter into or onto any Land or Building at a Reasonable Time for the purpose of determining if the requirements of this Bylaw is being complied with or for the purpose of carrying out remedial or enforcement action authorized by this Bylaw, the *Municipal Government Act* or an Injunction Order.
- 67 Notwithstanding Section 63, in an Emergency or extraordinary circumstance, the Manager or Enforcement Officer does not need to provide Reasonable Notice to the Owner or Occupant and the Manager or Enforcement Officer may enter upon or into Land or a Building without the consent of the Owner or Occupant at any time.
- 68 No Person shall prevent or obstruct the Manager or Enforcement Officer from carrying out any official duty pursuant to this Bylaw.
- 69 If a Person prevents, obstructs or interferes with the Manager or Enforcement Officer carrying out any official duty under this Bylaw or if a person refuses to produce anything to assist the Manager or Enforcement Officer in the inspection, remedial action or enforcement action, then the County may apply to the Court of Queen's Bench for an order pursuant to Section 543 of the *Municipal Government Act*.

Written Warning

- 70 Where the Manager or Enforcement Officer determines that Property or the use of Property is in contravention of this Bylaw, they may issue a Written Warning to the Owner and/or Occupant of the Property. The Written Warning shall:
- (a) Describe the subject Property by municipal address or location and/or legal description,
 - (b) State the nature of the contravention,
 - (c) State what remedial measures or action must be taken in order to remedy the contravention,
 - (d) State a time within which the Owner and/or Occupant must complete the remedial measures or action which, unless the matter poses a safety risk to life or property, must not be less than seven days from the date of delivery of the Written Warning,
 - (e) Advise that if the Written Warning is not adhered to, the County may undertake further enforcement measures pursuant to this Bylaw and the *Municipal Government Act*.

Remedial Order

- 71 Where the Manager determines that a Property or use of Property is in contravention of this Bylaw, they may issue a Remedial Order to any or all of the Owner and/or Occupant of the Property. The Remedial Order shall:
- (a) Describe the subject Property by municipal address or location and/or legal description,
 - (b) State the nature of the Bylaw contravention,

- (c) Direct the Owner, Occupant and/or person responsible for the Bylaw contravention to take any or all of the following actions:
 - (i) Stop doing something, or change the way in which the Person is doing it,
 - (ii) Take any action or measures necessary to remedy the Bylaw contravention, including the removal or demolition of a structure that has been erected or placed in contravention of this Bylaw and, if necessary, to prevent a re-occurrence of the contravention ,
 - (iii) State a time in which the Person must comply with the directions in the Remedial Order,
- (d) State that if the Person does not comply with the directions within the time specified within the Remedial Order, the County will take the action or measure at the expense of the Person and may undertake further enforcement measures pursuant to this Bylaw and the Municipal Government Act including but not limited to:
 - (i) entering onto or into the Property and performing the necessary remedial action pursuant the *Municipal Government Act*,
 - (ii) obtaining an Injunction Order,
 - (iii) issuing a Violation Ticket, and/or
 - (iv) registering the Remedial Order on the certificate of title to the subject Land pursuant to the *Municipal Government Act*,
- (e) In addition to the directions set out in (c) above, where the Manager or Enforcement Officer is of the opinion that a structure, excavation or hole is Dangerous, the Remedial Order may require:
 - (i) the Owner of the structure to:
 - (f) Eliminate the danger to public safety in the manner specified in the Remedial Order, or
 - (g) Unless a matter poses a safety risk to life or property, the time period for bringing the Property into compliance must not be less than 14 days from the date of delivery of the Remedial Order,
 - (h) Advise that the Person(s) to whom the Remedial Order is issued may request a review of the Remedial Order by Council in accordance with Section 547 of the *Municipal Government Act*,
 - (i) Advise that the costs and expenses incurred by the County in enforcing the Remedial Order may be added to the tax roll of the subject Land whereby the amount will be deemed to be a property tax imposed under Division 2 of Part 10 of the Municipal Government Act from the date that it was added to the tax roll and will form a special lien against the Land in favour of the County from the date it was added to the tax roll, in accordance with Section 553 of the *Municipal Government Act*.

Remedial Order Review

- 72 Any Person who receives a Remedial Order may, by written notice, request that Council review the Remedial Order by filing a written notice with the Manager requesting the Council review within 14 days after the date that the Remedial Order is received by the Person. The written notice must:
- (a) set out the basis for the request for Council review,
 - (b) state the name and address of the Person making the request for review,

- (c) state the address of the subject Property,
- (d) be dated and signed by the Person making the request for review, and
- (e) include the Council review fee as may be established by Council from time to time.

73 Within 30 days after receiving a complete written notice filed in compliance with Section 69, Council shall review the Remedial Order. Upon completion of its review, Council may confirm, vary, substitute or cancel the Remedial Order. Council shall issue written reasons for its decision to the Person who requested the review.

74 Subject to an appeal being filed with the Court of Queen's Bench in accordance with the ***Municipal Government Act*** from the Council's decision made in accordance with Section 70, Council's decision is final and binding on all parties.

Offences

75 Any Person who

- (a) violates or contravenes or causes, allows or permits a contravention of any provision of this Bylaw,
- (b) fails to comply with the directions set out in a Remedial Order within the time frame specified, is guilty of an offence and is liable upon summary conviction to a fine in an amount not to exceed \$10,000.00, imprisonment for not more than one year, or to both fines and imprisonment.

76 It is the intention of Council that all offences created under this Bylaw be interpreted to be strict liability offences.

77 Where a contravention of this Bylaw is of a continuing nature, a contravention shall constitute a separate offence in respect of each day, or part of a day, on which that offence continues.

Service of Written Warnings, Notices, Demands, and Remedial Orders

78 In any case where the Manager or Enforcement Officer issues a Written Warning, Notice, Demand, or Remedial Order to any Person, the Manager or Enforcement Officer shall effect such service, either:

- (a) by causing a written copy of the Written Warning, Notice, Demand, or Remedial Order to be personally delivered to the Person named in the Written Warning, Notice, Demand, or Remedial Order,
- (b) in the case of an individual, by causing a written copy of the Written Warning, Notice, Demand, or Remedial Order to be delivered and left with a person of at least 18 years of age at the Person's residence,
- (c) in the case of a corporation, by sending a written copy of the Written Warning, Notice, Demand, or Remedial Order by registered mail to the registered office of the corporation, or by delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address,

- (d) by causing a written copy of the Written Warning, Notice, Demand, or Remedial Order to be delivered to and left in a conspicuous place at or about the subject Lands or Building; or
- (e) by causing a written copy of the Written Warning, Notice, Demand, or Remedial Order to be mailed or delivered to the last known address of the Person as disclosed in the land registry system established by the Land Titles Act of Alberta as shall appear to the Manager or Enforcement Officer most appropriate in the circumstances, and such service shall be adequate for the purposes of this Bylaw.

Violation Ticket

- 79 An Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket to any Person where the Enforcement Officer has reasonable and probable grounds to believe that Person has contravened any provision of this Bylaw.
- 80 A Violation Ticket may be served on such Person who is an individual, either:
- (a) by delivering it personally to such Person, or
 - (b) by leaving a copy for such Person at his/her residence with an individual at the residence who appears to be at least 18 years of age, and such service shall be adequate for the purposes of this Bylaw.
- 81 A Violation Ticket may be served on a Person which is a corporation, either:
- (a) by sending it by registered mail to the registered office of the corporation, or
 - (b) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address, and such service shall be adequate for the purposes of this Bylaw.
- 82 This Section does not prevent an Enforcement Officer from issuing a Violation Ticket requiring a Court appearance by the Defendant in accordance with the *Provincial Offences Procedures Act*.

Recovery of Enforcement Costs

- 83 The expenses incurred by the County in carrying out enforcement action pursuant to this Bylaw constitutes a debt owing to the County from the Person responsible for the Bylaw contravention and may be collected by civil action for debt in a court of competent jurisdiction, in accordance with the *Municipal Government Act*.
- 84 In the event of the County carrying out enforcement action pursuant to a Remedial Order, the Manager is responsible for sending a demand for payment of enforcement expenses incurred by the County to the Person to whom the Remedial Order was directed. Where the Person to whom the Remedial Order was directed is the Owner of the Land upon which the contravention occurred in whole or in part and the Owner fails to pay the enforcement expenses incurred by the County within the time frame set out in the demand for payment, the Manager shall place the unpaid expense amount onto the tax roll of the subject Land and that amount:
- (a) is deemed to for all purposes to be a tax imposed under Division 2 of Part 10 of the *Municipal Government Act* from the date it was added to the tax roll, and

- (b) forms a special lien against the Land in favour of the County from the date it was added to the tax roll for the Land, in accordance with the *Municipal Government Act*.

85 In the event that the County removes Property as part of its enforcement action undertaken pursuant to this Bylaw and the *Municipal Government Act*, the Manager or Enforcement Officer shall issue a written notice to the Owner of the Property setting out a time period in which the Owner may recover the Property from the County, which time frame must not be less than 30 days from the date of receipt of the written notice by the Person, as well as any amounts owing by the Owner to the County related to the removal and/or storage of the Property or related enforcement activities.

86 In the event that the Owner of the Property fails to retrieve the Property and pay any associated expenses or costs incurred by the County in the removal or storage of the Property within the time frame specified in writing by the County in accordance with Section 90, the Manager may direct that the Property be disposed of as they deems appropriate and any revenue generated from the disposal of the Property shall be used to pay the County's costs and expenses incurred in the removal, storage or disposal of the Property or related enforcement activities undertaken by the County in accordance with this Bylaw and the *Municipal Government Act* and any excess amounts remaining shall be paid to the Owner of the Property.

VICARIOUS LIABILITY

87 For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.

CORPORATIONS AND PARTNERSHIPS

88 When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

89 If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

ENFORCEMENT

90 Payment of any penalty or fine imposed pursuant to this Bylaw does not relieve a Person from the necessity of paying any fees, charges or costs for which that Person is liable under the provisions of this Bylaw or any other bylaw or enactment.

OBSTRUCTION

91 No Person shall obstruct, hinder or impede any authorized representative of the County in the exercise of any of their powers or duties pursuant to this Bylaw.

GENERAL

ADMINISTERING THE BYLAW

92 The Manager is authorized to administer this Bylaw, as well as supervise, control and direct the Curbside Collection service.

SEVERABILITY

93 Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

TRANSITIONAL

94 Bylaw C-7429-2014 is hereby repealed.

95 This Bylaw comes into force and effect upon the date of its third reading.

READ A FIRST TIME IN COUNCIL this

27th day of June, 2017

READ A SECOND TIME IN COUNCIL this

27th day of June, 2017

UNANIMOUS PERMISSION FOR THIRD READING

27th day of June, 2017

READ A THIRD TIME IN COUNCIL this

27th day of June, 2017



Reeve or Deputy Reeve



Municipal Secretary

SCHEDULE "A"
COUNTY TRANSFER SITES,
CHUCKWAGONS AND
RECYCLING DEPOT

TRANSFER SITES:

1. Langdon Transfer Site, 505 Railway Avenue, SE-23-23-27-W4M
2. Irricana Transfer Site, 263220 Twp. Rd 274, SW- 28-27-26-W4M
3. Bragg Creek Transfer Site, 90 Elbow Rise, NE-13-23-5-W5M

CHUCKWAGONS:

1. Bearspaw CHUCKWagon, 253220 Bearspaw Road NW, NW-19-25-02-W5M
2. Elbow Valley CHUCKWagon, 31040 Lott Creek Drive, NE-02-24-03-W5M
3. Keoma CHUCKWagon, 103, 6 Street, SW-13-26-27-W4M
4. Madden CHUCKWagon, 285090 Symons Valley Rd, SW-31-28-02-W5M
5. Springhill CHUCKWagon, 41216 Big Hill Springs Rd, SW-02-27-04-W5M

RECYCLING DEPOT:

1. Springbank Recycle Depot, 67 CommercialCourt, SW-34-24-03-W5M

SCHEDULE "B" FEES

- Lost or Stolen Collection Cart Fee: \$125.00
- Collection Cart Repair Fee: Cost to repair

*No charge for replacement of broken cart due to Collection

SCHEDULE "C"
MINIMUM SPECIFIED PENALTIES

Section		Minimum and Specified Penalty
23,24,25,26, 32,33 & 34	Fail to adhere to Collection Cart schedule	\$125.00
27, 29, 48 & 49	Place prohibited material in Collection Cart	\$125.00