

TOWN OF ONOWAY
Bylaw 808-24

A BYLAW OF THE TOWN OF ONOWAY IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE TO REGULATE THE COLLECTION, REMOVAL AND DISPOSAL OF HOUSEHOLD WASTE, REFUSE, ASHES, RECYCLE MATERIALS, AND ORGANICS IN THE TOWN OF ONOWAY.

WHEREAS the Municipal Government Act, Chapter M-26, 2000 with amendments thereto, provides that a Council of a Municipality may pass a bylaw for services provided by or on behalf of the municipality for public utilities; and

WHEREAS Council deems it in the interest of the municipality to ensure the timely and appropriate collection, removal and disposal of household waste, refuse, ashes, recycle materials and organics;

NOW THEREFORE the Council of the Town of Onoway duly assembled hereby enacts as follows:

SECTION 1 CITATION

1. This Bylaw may be cited as "The Town of Onoway Waste Collection Bylaw".

SECTION 2 DEFINITIONS

- 2.1 For the purpose of this Bylaw and in the Fees and Charges Bylaw attached hereto, unless the context otherwise requires:
- 2.2 **“Application”** shall mean the application made by the consumer to the Town for either household waste collection, recycle collection or both household waste and recycle collection;
- 2.3 **“Application Fee”** shall mean the amount of money required to be paid under and by virtue of this Bylaw by the consumer before the Town supplies household waste collection or recycle collection to the consumer which money is retained by the Town;
- 2.4 **“Bylaw Officer”** shall mean each and every member employed and duly sworn in as a Bylaw Enforcement Officer for the Town of Onoway;
- 2.5 **“Collection Day”** shall mean the day or days during each week on which household waste, organics or recycling is regularly collected from a specific premises, together with the seven (7) hour period immediately preceding and seven (7) hour period immediately following that day;
- 2.6 **“Commercial Premises”** shall mean any café, restaurant, warehouse, wholesale or retail business place, office building, garage or service station, factory or industrial plant, any other building or premises except a dwelling or multiple family dwelling;
- 2.7 **“Consumer”** shall mean any person who uses household waste, organics or recycling services supplied by the Town;
- 2.8 **“Council”** shall mean the Municipal Council of the Town of Onoway;

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- 2.9 **“Dwelling”** shall mean a building occupied for residential purposes, other than a multiple family dwelling;
- 2.10 **“Household Waste”** shall mean discarded ashes, crockery, cloth, wrappings, plastics and other items of household refuse, but does not include recycle materials as defined in this bylaw, human or animal excrement, medical wastes such as hypodermic syringes or industrial waste, or animal carcasses;
- 2.11 **“Household Waste Cart”** shall mean a rolling bin with a connected flip-open lid issued by the waste service provider;
- 2.12 **“Household Waste Dumpster”** shall mean a metal container of “Heil Waste Container” design;
- 2.13 **“Household Waste Service Provider”** shall mean the person or firm appointed by the Town for the purpose of collecting and disposing of Household waste and refuse;
- 2.14 **“Householder”** shall mean any person occupying any dwelling or place of residence, but shall not include any person who is merely a boarder, roomer, or lodger therein, or any occupant of a multiple family dwelling;
- 2.15 **“Industrial Waste”** shall mean materials from excavations, materials from lot clearing and building construction, repairs, alterations, or maintenance, debris from any building removed, or destroyed by fire or any other cause, material from manufacturing processes, dead animals, waste from garages and service stations, condemned matter or waste from factories or other works, or from warehouses, ashes from industrial plants, and other similar waste materials other than human or animal excrement, or household waste;
- 2.16 **“Multiple Family Dwelling”** shall mean a building or buildings which are, or are intended to be, occupied as a residence by more than two tenants living independently of one another in the same or a separate building, and shall include apartments, hotels, motels, boarding and rooming houses, and row housing and also includes any room or suite of rooms in any building containing any commercial premises;
- 2.17 **“Municipal Manager”** shall mean the Chief Administrative Officer of the Town or their designate;
- 2.18 **“Organics”** shall mean grass cuttings, garden refuse, leaves, food wastes (excluding meats, bones or cheese) or other materials which are easily composted but shall not include branches or tree limbs;
- 2.19 **“Organics Cart”** shall mean a rolling bin with a connected flip-open lid issued by either the Town or the Town’s House Waste Service Provider;
- 2.20 **“Organics Service Provider”** shall mean the person or firm appointed by the Town for the purpose of collecting and disposing of Organics;
- 2.21 **“Person”** includes a partnership, a firm a body corporate, a politic, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

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- 2.22 **“Proprietor”** shall mean the occupant of commercial premises and the person in charge of a multiple family dwelling and, where such premises are unoccupied, shall mean the owner thereof;
- 2.23 **“Recycle Service Provider”** shall mean the person or firm appointed by the Town for the purposes of collecting and disposing of Recycle Materials;
- 2.24 **“Recycle Materials”** shall mean materials which are determined by the Recycle Service Provider for the Town to be recyclable and may include but are not necessarily limited to newspaper, mixed paper, box board, cardboard, washed and flattened tin cans which must be set out separately from the other materials;
- 2.25 **“Street or Streets”** shall include all highways, roads, lanes, alleys, avenues, easements, thoroughfares, utility lots, drives, bridges and ways of public nature, sidewalks, boulevards, parks, public square and other public places unless the contrary is expressed or unless such construction would be consistent with the context of this Bylaw;
- 2.26 **“Town”** shall mean the Town of Onoway or its duly authorized representatives;

SECTION 3 HOUSEHOLD WASTE COLLECTION

- 3.1 No householder, proprietor, property owner or other person within the Town shall dispose of household waste **EXCEPT** in accordance with this bylaw;
- 3.2 All properties in Town must have Household waste collection service in accordance with this Bylaw;
- 3.3 Household waste shall be at the pick-up location by 7:00 a.m. on collection day;
- 3.4 Household waste collection shall be every week;
- 3.5 Unless otherwise permitted or instructed by the Town or the Waste Service Provider, all Household Waste Carts set out for collection must be placed on the roadway in front of the property the Household waste Carts belong to. The Household Waste Carts must be placed not less than 0.5 meters and not more than 1.5 meters from the edge of the road, with the arrow on the Household Waste Cart lid pointing away from the property, perpendicular to the edge of the road. The Household Waste Cart lid must be in a closed position, covering the mouth of the Household waste Cart, at all times while the Cart is placed in the position for pickup as outlined in this Bylaw. Household waste Carts must be set out for collection in such a manner as not interfere in any way with vehicular or pedestrian traffic;
- 3.6 Any Household waste Cart which is set out for collection at a location other than as directed in this Bylaw shall be deemed to be a violation of this bylaw, and the Bylaw Enforcement Officer will be contacted. Every effort will be made to determine who placed the Household waste Cart in the location and the person will be contacted;
- 3.7 The Waste Service Provider shall provide a Household Waste Cart of sufficient size as specified by the Town (with lids closed) generated from those premises during the period between

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Household waste collections. Household waste must not be packed in to the household waste cart in a manner that will prevent the cart from being emptied;

- 3.8 The Municipal Manager, in his/her sole discretion, may require that any property use a larger size Household waste Cart or Household waste Dumpster;
- 3.9 No person shall place or keep any can, container or receptacle for industrial waste upon any lane or street in the Town except as specifically provided in this bylaw;
- 3.10 The owner, tenant, occupant or other person in charge of a dwelling or other building shall at all time ensure that Household Waste Carts, or other receptacles provided for the purpose, are not allowed to spill over or accumulate on any land or street or adjoining public or private property. Every such person shall be held responsible for any violation of this section regardless of the cause of such violation. Failure to contain Household waste in approved containers may also be considered a violation of and result in action under the Unsightly Premises Bylaw;
- 3.11 No person shall directly or otherwise dispose of or permit any person to dispose of any explosive, inflammable, volatile, noxious or dangerous device, substance or thing in any Household waste Cart. Any person who fails to comply with the provisions of this section shall be deemed to have thereby created an offence and shall be liable to the penalties provided for a breach of this bylaw;
- 3.12 No person shall directly or otherwise dispose of or permit any person to dispose of any hypodermic syringes or needles or other Bio Hazardous waste in any household waste container. These are Bio Hazardous Waste and must be discarded in the appropriate manner which is to place them in an enclosed container and return them to a facility intended to handle such materials;
- 3.13 No person shall directly or otherwise dispose of or permit any person to dispose of any feces, whether human or animal, or any carcass of any dead animal in any Household waste container. Any person who fails to comply with the provisions of this section shall be deemed to have thereby created an offence and shall be liable to the penalties provided for a breach of this bylaw;
- 3.14 Disposal of any refuse by burning is not permitted unless a permit in writing to do so has been received from the Fire Department. Notwithstanding this, no permit will be approved by the Fire Department for open burning in that area designated as Central Business District as outlined in the Town of Onoway Land Use Bylaw. The Municipal Manager, in his/her sole discretion, shall ultimately have the discretion to restrict burning in any area of the Town at any time and for any duration deemed necessary;
- 3.15 In the event that a permit to burn is issued, the applicant is entirely responsible to see that the burning takes place without danger to other properties or inconvenience to neighbouring properties and the Town shall in no way be held responsible for any damage or inconvenience experience;
- 3.16 No person shall directly or otherwise dispose of or permit any person to dispose of hot ashes, burning matter, or unwrapped wet Household Waste in any Household waste Cart or dumpster;
- 3.17 Except on Collection Day, all Household Waste Carts shall be kept and maintained on the premises of the householder or proprietor. Failure to return the Household Waste Cart to the premises of the householder or proprietor following Collection Day shall be in breach of this

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bylaw and the householder, proprietor or property owner shall be liable to the penalties provided for a breach of this bylaw. Any Household Waste Carts located on any street or lane in the Town, other than on Collection Day, may be removed and disposed of at the discretion of the Bylaw Officer without compensation to the owner thereof;

- 3.18 No Household waste collection shall be made from the inside of any dwelling or from the basement or upper floors of any multiple family dwelling or commercial premises;
- 3.19 No person other than a lawful user thereof, or any authorized employee of the Town or House Waste Service Provider, shall open any Household Waste Carts or remove anything therefrom, or in any way disturb the contents thereof, nor shall any other persons handle, interfere with, or in any manner disturb any Household Waste of any kind put out for collection for removal;
- 3.20 When any Household Waste Cart or Dumpster has been condemned or is deemed insufficient by the Bylaw Officer, and written notice to that effect has been given to the householder or proprietor, the condemned Household Waste Cart or Dumpster may be removed and disposed of along with the Household Waste from the premises, in which case the householder or proprietor shall forthwith provide a suitable Household waste Cart or Dumpster, to the satisfaction of the Municipal Manager, to replace the one that has been condemned and removed;
- 3.21 No person shall operate a vehicle in the Town while it is carrying household waste or industrial waste unless that portion of the vehicle in which the material is being carried is securely covered or the material is secured to prevent any part of such material from falling off, or out of, the vehicle while in transit;
- 3.22 No person shall deposit any dead animal, manure, excreta, refuse, household waste, liquid waste or other filth upon or into any street, ditch, lane, highway, byway, water, well, wharf, dock, lake, pond, river, bank, stream, or onto any land except with the written consent of the Town. Any person who fails to comply with the provisions of this section shall be deemed to have thereby created an offence and shall be liable to the penalties provided for a breach of this bylaw;
- 3.23 All loose paper, paper boxes, straw and other packing or waste material from stores, warehouses and other buildings with the said Town and all loose grass, weeds, twigs and other combustible matter shall not be allowed to accumulate on any premises within the said Town, but shall be so disposed of as not to create a nuisance and any person who fails to comply with the provisions of this section shall be liable to the penalties provided for a breach of this Bylaw;
- 3.24 Any person disposing of household waste, trees or tree clippings or other refuse onto private or public property, unless designated as a disposal site within the said Town, shall be liable to the penalties provided for a breach of this Bylaw.

SECTION 4 ORGANICS COLLECTION

- 4.1 No householder, proprietor, property owner or other person within the Town shall dispose of Organics **EXCEPT** in accordance with this bylaw;
- 4.2 All properties in Town that have a Household waste Cart must also have Organics Collection service in accordance with this Bylaw;

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- 4.3 Organics shall be at the pick-up location by 7:00 a.m. on collection day;
- 4.4 Organics collection shall be every week during May to October;
- 4.5 Unless otherwise permitted or instructed by the Town or the Organics Service Provider, all Organic Carts set out for collection must be placed on the roadway in front of the property the Organic Cart belong to. The Organic Carts must be placed not less than 0.5 meters and not more than 1.5 meters from the edge of the road, with the arrow on the Organic Cart lid pointing away from the property, perpendicular to the edge of the road. The Organic Cart lid must be in a closed position, covering the mouth of the Organic Cart, at all times while the Cart is placed in the position for pickup as outlined in this bylaw. Organic Carts must be set out for collection in such a manner as not interfere in any way with vehicular or pedestrian traffic;
- 4.6 Any Organic Cart which is set out for collection at a location other than as directed in this Bylaw shall be deemed to be a violation of this bylaw, and the Bylaw Enforcement Officer will be contacted. Every effort will be made to determine who placed the Organic Cart in the location and the person will be contacted;
- 4.7 The Waste Service Provider shall provide every property with an Organic Cart of sufficient size to contain the organics (with lids closed) generated from those premises during the period between Organics collections. Organics must not be packed in to the Organic Cart in such a way that will prevent the Cart from being emptied;
- 4.8 Every householder and proprietor shall maintain and keep in good condition sufficient Organic Cart as required by this bylaw for all Organics upon the premises owned or occupied by him, and shall ensure that the container lid is kept securely over the mouth of all such containers except when said cans are actually being filled or emptied;
- 4.9 All other regulations as apply to Household waste collection shall also apply to Organics collection.

SECTION 5 RECYCLING COLLECTION

- 5.1 No householder, proprietor, property owner or other person within the Town shall dispose of Recycle Materials **EXCEPT** in accordance with this bylaw;
- 5.2 All residential properties in Town that have a Household Waste Cart must also have Recycling Collection in accordance with this Bylaw;
- 5.3 Recycle materials shall be at the pick-up location by 7:00 a.m. on collection day;
- 5.4 Recycle materials collection shall be every week;
- 5.5 All recycle materials set out for collection must be placed on the boulevard or front of the property, in a manner that is accessible for the Recycle Service Provider, but does not interfere in any way with vehicular or pedestrian traffic;

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- 5.6 All Recycle Materials set out for collection in accordance with this bylaw must be placed and secured in a Blue Bag, with the exception of cardboard boxes which must be collapsed and secured to any other cardboard boxes also set out for collection on the same collection day with twine, string, or some other similar material to secure multiple items together for an extended period of time;
- 5.7 Materials for recycling collection shall be placed in blue bags so that the contents can be viewed to ensure that there is no contamination of the material. If any contamination of Recycling Material is noted, the material will not be collected and a sticker noting the contamination will be placed on the bag. Any person who fails to comply with the provisions of this section shall be deemed to have thereby created an offence and shall be liable to the penalties provided for a breach of this bylaw;
- 5.8 Any Recycle Materials which are set out for collection at a location other than as directed in this bylaw, or in a manner other than directed in this bylaw will be left at the location where it is placed and the Bylaw Enforcement Officer will be contacted. Every effort will be made to determine who placed the Recycle Materials in the location and the person will be contacted;
- 5.9 The owner, tenant, occupant or other person in charge of a dwelling or other building shall provide sufficient means to contain the Recycle Materials generated from those premises during the period between Recycle Material collections in an orderly manner and that Recycle Materials are not allowed to spill over or accumulate on any land or street or adjoining public or private property. All plastic bags and loose material must be suitably tied to ensure that the Recycle Materials are not disturbed, spread or distributed due to animals, weather conditions, vehicles or other persons. Every such person shall be held responsible for any violation of this section regardless of the cause of such violation. Failure to contain Recycle Materials in an approved manner may also be considered a violation of an result in action under the Unsightly Premises Bylaw;
- 5.10 The Recycle Service Provider will only collect Basic Volumes of Recycling Materials. Should the householder or proprietor require greater weekly disposal of Recycle Materials, they will contract with a contractor in the business of Recycle Material disposal to provide this service;
- 5.11 Every householder, proprietor, or other person shall dispose of Recycle Materials upon the premise owned or occupied by him by placing or causing the same to be placed for pickup in a manner described in this bylaw, but not elsewhere;
- 5.12 All other regulations as apply to household waste collection shall also apply to recycle collection.

SECTION 6

ADMINISTRATION

6.1 General

- 6.1.1 The provisions of the Bylaw shall form part of a contract between the consumer and the Town for Household waste and/or Organics and/or Recycle collection hereunder which supply shall be subject to all the provisions of this Bylaw;
- 6.1.2 Any provision, agreement, term, condition or representation contained in this contract is not

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transferable and shall remain in full force and effect until the consumer has notified the Town of his/her desire in writing to terminate said contract or until said contract shall have been terminated by the Town. Following written notification by a consumer of his/her desire to terminate a contract hereunder, the Town shall discontinue Household waste, Organic or Recycle collection will be discontinued as soon as reasonably practicable and the consumer shall be liable for and shall pay all of the rates and charges payable hereunder until the time of such discontinuation. Termination can only be done in instances of property sale or transfer or if the service level is changed in accordance with this bylaw.

- 6.1.3 Account information, account changes or account cancellations can only be made by the registered property owner.

6.2 Owner Responsibility

- 6.2.1 Ownership of all Household Waste and Organic Carts belong to the Waste Service Provider. Each property will be permitted use of the carts solely for the purposes outlined in this Bylaw. Maintenance, repair to ensure the continuing good working order of the carts, and proper and secure storage shall be the responsibility of the property owner. Replacement of the carts in instances of damage or theft by anyone other than the Waste Service Provider or the Town or Town's agent will be the responsibility of and at the cost of the property owner or account holder, as designated in "Fees and Charges Bylaw" attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council;
- 6.2.2 The Town will bill the registered owner, as reported by the Alberta Land Titles Office, for utility services in accordance with this Bylaw, unless the registered owner has made provisions for direct renter billing as specified in this Bylaw. In the event of change of property ownership, the Town will bill the new registered owner upon notification of transfer of title from the Alberta Land Titles Office.

SECTION 7 BILLING, COLLECTION AND ENFORCEMENT

7.1 General

- 7.1.1 The full cost of Household waste, Organics and Recycling collection and disposal shall be paid out of the general revenue of the Town and collected through fees established by Council. These fees shall be included on the utility billing in accordance with this Bylaw. These fees form "Schedule A" of the "Fees and Charges Bylaw";
- 7.1.2 Should the Town be unable to determine the actual fees to be billed to any property, the Municipal Manager shall estimate the fees to be charged and render an account based upon such methods he considers to be fair and equitable;
- 7.1.3 All rates and charges payable hereunder shall be paid to the Town;
- 7.1.4 Failure of an owner or renter to receive an account shall in no way affect the liability to pay the account.

7.2 Owner Responsibility

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7.2.1 The Owner will receive and pay all Town utility bills of the property that is serviced by utilities services, unless a renter/owner agreement is signed; stating that the renter will be paying and receiving the utility bills. This form must be received and processed by the Town prior to the implementation of billing to the renter of any property.

7.2.2 When a current renter moves out of a rental property or a non-owner account holder wishes to discontinue their account, it is the owner's responsibility to inform the Town to administrate the change of billing address and the owner will be responsible for payment of the utility services charges;

7.3 Renter Responsibility

7.3.1 The Renter will receive and pay all Town utility bills for the property that he/she is renting that is serviced by utilities services, if a renter/owner agreement is signed, as per "Schedule A" attached to and forming part of this Bylaw and which may be amended from time to time by resolution of Council; stating that the renter will be paying and receiving the utility bills and the form is received by the Town;

7.4 Payment Period

7.4.1 All accounts, including interim accounts for utilities services, shall be due and payable on the last working day of the following month of the statement. Accounts not paid on or before that day shall be liable to a penalty of 3.5% per month.

7.5 Unpaid Accounts

7.5.1 Any owner who fails to pay his/her account will have the outstanding balance that is more than 30 days overdue automatically transferred to his/her property tax roll;

7.5.2 The Municipal Manager may authorize any overdue account to be transferred to the related tax roll as the Municipal Manager deems necessary;

7.5.3 Any overdue account transferred to the property tax roll shall have overdue account transfer fee applied to the account at the time of transfer, as specified in "Schedule A" of the "Fees and Charges Bylaw" and which may be amended from time to time by resolution of Council.

7.6 Partial Period

7.6.1 Where any service rate or charge is designated by reference to a time certain, the charge for a lesser period of time shall be calculated on a proportionate basis.

SECTION 8 APPEALS

8.1 General

8.1.1 Notwithstanding any other provisions of this Bylaw or the "Fees and Charges Bylaw", any

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consumer who feels himself aggrieved in respect of rates charged to him/her under “Schedule A” of the “Fees and Charges Bylaw”, on the grounds that such rates are unfair, unreasonable or discriminatory may, by notice of appeal in writing delivered to the Municipal Manager specifying the grounds of such appeal, appeal such rates. Such appeals shall in the first instance be heard and determined by the Municipal Manager, provided that if such consumer is not satisfied with such determination, he may further appeal the matter to Council and the decision of Council shall be final.

SECTION 9 OFFENCES AND PENALTIES

9.1 General

- 9.1.1 Any person found to be violating any provision of this ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of the time stated in such notice, permanently cease all violations;
- 9.1.2 Any person who shall continue any violation beyond the time limit provided for in paragraph 9.2 shall be guilty of a misdemeanor and a conviction shall be fixed in the amount not exceeding two hundred dollars (\$200.00) for each violation. Each day in which any violation shall continue shall be deemed a separate offence; and
- 9.1.3 Any person violating any of the provisions of this Bylaw shall become liable to the Town for any expense, loss or damage occasioned to the Town by reason of such violation.
- 9.1.4 Any person who contravenes, disobeys, refuses or neglects to obey any provision of the bylaw is guilty of an offence and liability on summary conviction of a fine of up to \$300.00 plus costs.
- 9.1.5 Any written notice issued under provision 9.1 of this bylaw shall be deemed to be sufficiently served if served personally upon the person alleged to have committed the breach or upon the owner, occupier or other person in charge of the premises upon which the breach is alleged to have been committed or if mailed to the address of the owner, occupier or other person in charge of the premises upon which the breach is alleged to have been committed.

SECTION 10 AMENDMENTS

10.1 General

- 10.1.1 The Council of the Town of Onoway may, by Bylaw or resolution in Council, alter, amend or repeal any or all of the Schedule which form part of the Bylaw.

SECTION 11 SEVERANCE

- 11.1 If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

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SECTION 12 VALIDITY

12.1 That Bylaw 779-21 be rescinded in its entirety upon passing of this bylaw.

12.2 This Bylaw shall come into force and effect on the date of final passing.

READ A FIRST TIME THIS 25TH DAY OF JANUARY, 2024.

READ A SECOND TIME THIS 25TH DAY OF JANUARY, 2024.

UNANIMOUSLY CONSENTED TO FOR THIRD READING THIS 25TH DAY OF JANUARY, 2024.

READ A THIRD AND FINAL TIME THIS 25TH DAY OF JANUARY, 2024.

Signed on the 5th day of February, 2024

Signed by Mayor Len Kwasny

Signed by Chief Administrative Officer, Jennifer Thompson

