



TOWN OF WESTLOCK

WASTE, RECYCLABLES, ORGANICS COLLECTION AND DISPOSAL

BYLAW NO. 2015-15

EFFECTIVE DATE – Date

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

AMENDMENT BYLAW

DATE OF ADOPTION

EFFECTIVE DATE

(If different from Date of Adoption)

Bylaw No. 2021-09

April 12, 2021

BEING A BY-LAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF THE COLLECTION OF SOLID WASTE MATERIALS, RECYCLABLES AND ORGANICS FROM RESIDENTIAL HOUSEHOLDS AND TO SET THE RATES THEREOF

WHEREAS, under the provisions of Section 7, Municipal Government Act, Chapter M-26, R.S.A. 2000, and amendments thereto, the Council may pass a by-law for the establishment of municipal services;

WHEREAS, in accordance with good financial management to cover the costs of providing Waste, Recyclables, and Organics collection services to its residents, the Town of Westlock wishes to establish a fee structure for such services;

NOW THEREFORE, the Town of Westlock Council enacts as follows:

- i. This Bylaw may be cited as the “Waste, Recyclables, Organics Collection and Disposal By-Law.”

SECTION 1.0 – DEFINITIONS

- 1.1 BILLING PERIOD** – means the calendar month for which the Town calculates the Utility services, January, February, March, April, May, June, July, August, September, October, November and December;
- 1.2 BLUE BAG** - the Recycle program.
- 1.3 RECYCLABLES** - generally accepted materials for recycling defined in Schedule “A” including flattened cardboard and boxboard, milk jugs and cartons, newsprint, tins, and marked plastics, but excluding wet materials.
- 1.4 WASTE** - all normal refuse and waste which results from the operation of a household and shall, without restricting the generality of the foregoing, include paper, packaging materials, waste for the preparation of food, rags, as well as ashes from wood burning appliances. It shall not include recyclable materials, rubble and other waste from construction or demolition, dead animals, human feces, automobiles or other machinery, waste from institutional, industrial or commercial premises, or hazardous, explosive or toxic materials.
- 1.5 RESIDENTIAL COLLECTION UNIT** - a single family dwelling; or multi-family dwelling up to 6-plex in size; and manufactured home.
- 1.6 HOUSEHOLDER** - any Owner, occupant, lessee or tenant or any other person in charge of any building or other dwelling used or intended to be used as residential premises including a multiple family dwellings, but excluding commercial, industrial and institutional premises.
- 1.7 ORGANICS** – materials defined in Schedule “B”.
- 1.8 OWNER** - the assessed Owner of the land.
- 1.9 SERVICE PROVIDER** - the person, persons, company(s) or corporation(s) authorized by the Town to collect, remove and dispose of Waste, Recyclables, and Organics.
- 1.10 TOWN** - the Town of Westlock

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- 1.11 CONTAINER** - in the instance of Waste or Organics it is the roll-cart system container, in the instance of Blue Bag recycles, it is the container in which the recycle material is contained.

NUMBER and GENDER REFERENCES - All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

SECTION 2.0 – GENERAL PROHIBITIONS

- 2.1** Residential Waste, Recyclable and Organics collection services shall be provided to all single family and multifamily duplex residential units.
- 2.2** Residential Waste, Recyclable and Organics collection services shall be provided to multi-family units of 4-plex and 6-plex size where feasible. The decision on residential Waste, Recycle and Organics collection to these units will be at the discretion of the Chief Administrative Officer or designate. Criteria will include but not limited to; the physical feasibility of the placement of the Container.
- 2.3** No person shall collect, dispose of, or remove Waste, Recyclables or Organics except in accordance with the provisions of this Bylaw.
- 2.4** No person other than a Householder or the Service Provider shall open any Container or in any way disturb the contents thereof or handle, interfere with or disturb any Waste, Recyclables or Organics put out for collection or removal.
- 2.5** No person other than the Service Provider or Householder shall make collections of Waste, Recyclables or Organics from residential premises.
- 2.6** No person shall deposit any dead animal or parts, manure, excrement, Waste, Recyclables, Organics, refuse, liquid waste or other filth upon or into any street, service lane, alley, highway, ditch, water course or onto any land except with the written consent of the Town.
- 2.7** All pet related feces and cat litter must be packaged and enclosed in plastic bags and placed in the Container.
- 2.8** Needles, sharp objects or broken glass must be packaged in a puncture proof container to allow for safe transport.
- 2.9** No person shall place, permit to be placed, or mix any of the following materials for removal:
- a)** Any highly combustible or explosive waste, including, without restricting the generality of the foregoing, such materials as hot ashes, ignitable waste, or toxic materials;

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- b) Any compound that may be considered dangerous or hazardous under the provisions of any other legislation whether Provincial or Federal;
- c) Luminescent gas filled tubes;
- d) Building materials and construction waste;
- e) Dead animals or animal parts.

- 2.10** No person shall operate within the Town a vehicle transporting Waste, Recyclables or Organics unless the Waste, Recyclables or Organics is completely enclosed, or securely covered, or secured so as to prevent any portion of the Waste, Recyclables, or Organics from falling off or out of the vehicle while in transit.

SECTION 3.0 – WASTE and ORGANIC CONTAINERS

- 3.1** The Service Provider will provide, to each Residential Collection Unit, one (1) a numbered Container which will be assigned to, and remain with, the Residential Collection Unit until removed by the Service Provider. Additional Containers are available for a fee as described in the Fees and Rates Bylaw.
- 3.2** If a Householder of a Residential Collection Unit moves from that property the Container must remain with the assigned property.
- 3.3** If a Container becomes lost, damaged, or is removed from a Residential Collection Unit by a Householder, that Householder shall be responsible for replacement cost of the Container.
- 3.4** Owners are responsible for the assigned Container being used by tenants who are renting or leasing the premises.
- 3.5** The Householder is responsible for the care and cleaning of the Container.
- 3.6** The Service Provider will be responsible for the regular maintenance of the Container such as replacement of wheel, as well as any damage which may be caused by the Service Provider carrying out the process of Waste and Organic collections.
- 3.7** The Service Provider shall retain ownership of the Container at all times.

SECTION 4.0 – COLLECTION AND DISPOSAL

- 4.1** All Householders shall at all times ensure that Waste and Organics are kept within the Container provided for that purpose and not allowed to spill over or accumulate on any land or street adjoining public or private property.
- 4.2** The Householder shall place the Container as close as possible to the travelled portion of their front street, but not on a sidewalk or in such a location as to interfere in any way

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with vehicular or pedestrian traffic providing a minimum of one (1) meter clearance on all sides of the Container and in a timely manner for the regular schedule.

- 4.3** Any Waste or Organics not in the Container shall not be picked up by the Service Provider.
- 4.4** Waste that requires special handling such as tires, large auto parts, furniture, white goods, or any renovation or construction Waste, or toxic or hazardous Waste shall not be placed in the Containers, and if placed in the Containers, it shall not be picked up by the Service Provider.
- 4.5** Containers are not to be put out for collection more than twenty four (24) hours before collection time and date.
- 4.6** Containers are to be removed from the street/avenue within twenty four (24) hours of collection.

SECTION 5.0 - RECYCLABLES

- 5.1** The Service Provider will provide a Blue Bag Recycle pickup.
- 5.2** Recycling materials will be identified by being contained in a blue semi transparent Recycling bag; a clear plastic bag; or Recycle box such as a blue box and shall be restricted to the materials as set out in Schedule "A" attached.
- 5.3** The pickup location for the Blue Bag program will be the front curb.

SECTION 6.0 – ORGANICS

- 6.1** The Service Provider will also provide Organics collection.
- 6.2** All Organics set out for collection by the Householder shall comply with Section 4 of this Bylaw.

SECTION 7.0 – FEE AND RATES

- 7.1** Every person, firm or corporation being a registered Owner or purchaser entitled to possession under an agreement for sale of property which is served by Waste, Recyclable and Organics Collection services of the Town shall pay charges for the collection, removal and disposal of Waste, Recyclable, and Organics materials in accordance with the rates established in the Fees and Rates Bylaw.
- 7.2** The Town shall provide all Owner's with a utility bill, during the Billing Period, covering all fees as established under this Bylaw requiring payment by the date specified on the utility bill. The fees will be charged whether the services are being used or not.

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- 7.3** Any utility bill which remains unpaid after the specified due date is subject to a penalty as established by Council.
- 7.4** If the Owner is in default of payment of the said charges, the amount of such sums in default shall be a charge against the property for which the service was provided. Such charge shall be subject to the same penalties and collected by the same manner as other utilities levied by the Town, and collected by the Town by whatever means available.
- 7.5** The Owner of residential lands or premises may remove the waste, recyclables, organics from the lands or premises at their own expense, and employ other person(s) for such purpose, but such action shall not relieve the Owner of this liability to pay the Town the fees levied under this Bylaw for removal of waste, recyclables and organics.

SECTION 8.0 - LANDFILL PERMITS

- 8.1** The Town of Westlock is a partner in the Westlock Regional Waste Services Commission which operates a Regional Landfill located at NE 27 - 59 - 26 - W4.
- 8.2** All site users are to follow all the policies and procedures of the Westlock Regional Waste Services Commission.
- 8.3** All Residents of the Town of Westlock will receive a Residential Landfill Card Permit through their Residential Utility Account as per the Residential Landfill Card Program Policy. All Residents are required to comply with the rules and regulations at the Landfill, as set by the Westlock Regional Waste Management Services Commission.
- 8.4** All Commercial Accounts are required to set up an account directly with the Westlock Regional Waste Management Commission and will be billed by the Westlock Regional Waste Management Services Commission for their usage.

SECTION 9.0 - OFFENCE and PENALTY

Any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine of not less than \$125.00, and not more than \$10,000.00 or imprisonment for a term of not more than one year, or both.

Notwithstanding the foregoing, the minimum fine payable in respect of a contravention of this Bylaw for any offence is \$250.00.

When a voluntary payment option is provided, the specified penalty payable in respect of a contravention of this Bylaw shown for any offence is \$250.00.

A contravention of this Bylaw constitutes a separate offence in respect of each day or part of a day on which it continues. A person guilty of such offence is liable to a fine in an amount not less than that established by this bylaw for each such day. No proceedings may be instituted under this Bylaw more than 6 months after the last occurrence of the alleged offence.

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Notwithstanding the foregoing, the minimum fine and specified penalty payable in respect of a second or subsequent contravention of the same section of this Bylaw committed within twenty-four (24) months shall be double the minimum fine and specified penalty of the previous offence, up to a maximum penalty of \$10,000.00.

SECTION 10.0 - VICARIOUS LIABILITY

In this Bylaw, employees, employers, principals, and agents, are each severally liable and each guilty of the offence for any contravention of or any failure to comply with this Bylaw committed in the course of employment or in the course of the agent's exercising powers or performing duties on behalf of their principal. When a corporation contravenes or fails to comply with this Bylaw, every principal, director, officer, manager, employee or agent of the corporation who authorized, assented to, acquiesced, or participated in the act or omission that constitutes the offence is severally liable and guilty of the offence.

In this Bylaw, the legal and beneficial owners of any land are each severally liable and each guilty of the offence if the tenant(s), lessee(s), or occupier(s) of such land contravene or fail to comply with this Bylaw in relation to such land.

In this Bylaw, the operator and the owner(s) of any vehicle are each severally liable and each guilty of the offence if either of them contravenes or fails to comply with this Bylaw in relation to any such vehicle. In this section, "owner" has the same definition as is used in the *Traffic Safety Act*, RSA 2000, c T-6, and all amendments thereto.

SECTION 11.0 – INSPECTING and REMEDYING CONTRAVENTIONS

On behalf of the Town of Westlock, any Peace Officer, employee or agent of the Town of Westlock may enter upon any parcel of land within the Town of Westlock and take any actions or measures deemed necessary by such person(s) to achieve any of the following purposes:

- a) To carry out any inspections to determine compliance with this Bylaw;
- b) To eliminate any danger to public safety caused by a structure, excavation, or hole;
- c) To deal with the unsightly condition of the property;
- d) To extinguish fires;
- e) To keep sidewalks adjacent to the subject premises clear of snow and ice;
- f) To enforce this Bylaw; or
- g) To prevent a re-occurrence of any contravention of this Bylaw.

Except as otherwise provided, in this Bylaw, notice shall be provided as follows:

- 1) If a Peace Officer, employee or agent of the Town of Westlock reasonably believes that there may be an emergency related to the subject premises, a fire located upon the subject premises, or that there is snow or ice located on the sidewalk adjacent to the subject premises, no notice is required;
- 2) Where only an investigation to determine compliance is conducted, notice may be effected upon the occupants of the premises in writing or verbally not less than 24 hours in advance, and need not be in the form of an Order to Remedy; and

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- 3) Subject to the foregoing, no such action or measures referred to in the preceding section may be performed until 7 days have elapsed following the mailing of an order to remedy the danger, unsightly condition, or contravention, as prescribed by the *Municipal Government Act*, RSA 2000, c M-26, and all amendments thereto (an "Order to Remedy"). An Order to Remedy shall be served personally or by registered mail to the address specified in the Land Titles Certificate for any parcel of land which will be affected by such action or measures. Such mailing shall be effective notwithstanding that the registered mail is not accepted or retrieved.

All expenses, costs, and legal costs on a solicitor-client basis incurred by the Town of Westlock or its agents for any such action or measure performed pursuant to this Bylaw or the *Municipal Government Act*, RSA 2000, c M-26, and all amendments thereto, are amounts owing to the Town of Westlock by the person who was required to do something by the Order to Remedy, shall be paid within 30 days of any such person receiving notice of the amount due by registered mail served and effective in the same manner as the Order to Remedy, and are amounts which may be added to the property tax roll, the business tax roll, or both pursuant to the *Municipal Government Act*, RSA 2000, c M-26, and all amendments thereto.

No person shall obstruct or hinder any other person in the exercise or performance of that person's powers pursuant to this Bylaw.

SECTION 12.0 - VIOLATION TAGS

Any Peace Officer, in that Officer's sole discretion, is hereby authorized and empowered to issue a Violation Tag to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened or failed to comply with any provision of this Bylaw. In this Bylaw, "Peace Officer" shall have the same definition as contained in the *Provincial Offences Procedure Act*, RSA 2000, c P-34 and all amendments thereto.

A Violation Tag may be issued to any person either:

- a) Personally;
- b) By placing a copy of the Violation Tag upon a vehicle registered to such person; or
- c) By mailing a copy to such person by registered or ordinary mail to their last known mailing address.

A Violation Tag shall be in a form approved by the Town of Westlock and shall include:

- a) the name of the person;
- b) the date upon which the offence was committed;
- c) the section number(s) of this Bylaw which were contravened;
- d) the appropriate specified penalty or minimum fine for the offence as prescribed by this Bylaw;
- e) the time within which the entire penalty must be paid to the Town of Westlock; and

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- f) that if payment is not received within the time permitted by such Violation Tag, there shall be an administrative surcharge of \$20.00, or 20% of the specified penalty, whichever amount is greater.

If payment is received by the Town of Westlock within the period of time permitted by any such Violation Tag, no Information or Violation Ticket may be issued against the same offender for the same offence.

Except where a Violation Tag has been paid as prescribed herein, nothing in this Bylaw shall limit a Peace Officer's discretion to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, RSA 2000, c P-34 and all amendments thereto, or instead lay an Information pursuant to the *Criminal Code*, RSC 1985, c C-46 and all amendments thereto, at any time within 6 months of the last occurrence of the offence, regardless of whether or not a Violation Tag has been issued.

Any Peace Officer, in that Officer's sole discretion, is authorized to issue a Violation Ticket which permits the voluntary payment of the fine or specified penalty indicated thereon in the manner specified by the *Provincial Offences Procedure Act*, RSA 2000, c P-34, and all amendments and regulations thereto.

Any fine or penalty imposed upon conviction for any offence occurring within the Town of Westlock ensures to the benefit of the Town of Westlock.

SECTION 13.0 - VALIDITY

13.1 By-Law 2014-05 and amendments are hereby repealed.

13.2 The invalidity of any section, clause, sentence or provision of this Bylaw shall not affect the validity of any other part of this Bylaw, which can be given effect with such invalid part or parts.

SECTION 14.0 - AMENDMENTS

Council may, by Bylaw or resolution in Council, alter, amend or repeal any or all of the Schedules, which form part of the Bylaw.

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SECTION 15.0 EFFECTIVE DATE

This Bylaw shall take full force and effect on third and final reading and upon signing in accordance with Section 213, *Municipal Government Act*.

READ A FIRST TIME THIS 22ND DAY OF JUNE, 2015.

READ A SECOND TIME THIS 22ND DAY OF JUNE, 2015.

UNANIMOUS CONSENT FOR THIRD AND FINAL READING THIS 22ND DAY OF JUNE, 2015.

READ A THIRD AND FINAL TIME AND PASSED THIS 22ND DAY OF JUNE, 2015.

SIGNED BY THE MAYOR AND CAO THIS 22ND DAY OF JUNE, 2015.

MAYOR, Ralph Leriger

CAO, Dean Krause

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SCHEDULE “A”

RECYCLING MATERIALS

Acceptable recycling materials and placement at the front curb as listed below:

- Flattened corrugated cardboard – to be set under the Blue Bag
- Flattened boxboard – to be placed in Blue Bag
- Newsprint – to be placed in Blue Bag
- Magazines and Flyers – to be placed in Blue Bag
- Tins – labels removed, rinsed, and placed in Blue Bag
- Plastic Milk Jugs and Waxed Cardboard Milk Containers – lids removed, rinsed and placed in Blue Bag
- Recyclable plastic Containers – to be placed in Blue Bag

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SCHEDULE "B"

ORGANIC MATERIALS

Acceptable organic materials:

Line the rolling organic cart with paper, leaves or grass clippings and fill with:

- Grass clippings
- Branches – each bundle must be no more than 1.2 meters in length and 34 kilogram in weight.
- Leaves
- Cooking oils/ grease – small amounts , not more than 4 litres. Contractor is not responsible for any leakage from the Container.
- Dairy Products
- Bread
- Egg Shells
- Teas Bags
- Meat
- Produce
- Fish
- Wax Paper
- Corks
- Pizza Boxes
- Egg Shells
- Soiled Paper
- Cardboard / Sawdust
- Wood – unstained, unpainted, not preserved
- Tissue
- Rice
- Dryer Lint
- Coffee grounds and Filters
- Cold Ashes – is small amounts, not more than 2 ft³ per collection. Contractor is not responsible for any dust that might escape during collection.
- Bones – from kitchen food waste
- Soap
- Pet Waste - bagged in small amounts, in biodegradable bags
- Cat Litter - in small amounts. Contractor is not responsible for any dust that might escape during collection.
- Popcorn bags

Not acceptable materials:

No animal remains, deceased pets, rodents etc.