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**A BYLAW OF THE SUMMER VILLAGE OF SUNDANCE BEACH TO PROVIDE FOR  
THE COLLECTION AND DISPOSAL OF WASTE WITHIN THE BOUNDARIES OF  
THE SUMMER VILLAGE**

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**WHEREAS**, Section 7 of the MGA (as defined below) authorizes a council of a municipality to pass bylaws for municipal purposes respecting public utilities;

**AND WHEREAS**, the Council (as defined below) deems it proper and expedient to pass a Bylaw regulating the collection and disposal of waste in the Summer Village (as defined below);

**NOW THEREFORE**, the Council, duly assembled, enacts as follows:

**1. SHORT-TITLE**

1.1 This Bylaw shall be known as the "Collection and Disposal of Waste Bylaw".

**2. DEFINITIONS**

2.1 Definitions used in this Bylaw, if not defined in this Bylaw, shall have the same meanings attributed to those definitions in the MGA.

2.2 In this Bylaw:

- a) **"Approved Waste"** means any materials or substances which are typically considered to be normal residential and domestic household waste including, without limitation (i) food waste and table scraps, (ii) plastic items, (iii) newspapers and other paper items, (iv) cardboard boxes and other cardboard items, (v) cloth and fabric items, (vi) small metal cans and containers, (vii) bottles and glassware, (viii) grass clippings, leaves and small tree branches, (ix) vegetation and garden waste, (x) lumber or other building materials or products which can fit within a Waste Receptacle, and (xi) any other materials or substances which are permitted under the Waste Collection Requirements and which can be placed in a Waste Receptacle;
- b) **"Bylaw Enforcement Officer"** means (i) a person who is an employee of the Summer Village or a third party and who has been appointed to carry out the duties of enforcing its Bylaws, (ii) a person who is a community peace officer as defined under the *Peace Officer Act, Statutes of Alberta 2006, Chapter P-3.5*, or (iii) a person who is a member of the Royal Canadian Mounted Police;



- c) **"CAO"** means the Chief Administrative Officer of the Summer Village;
- d) **"Council"** means the Council of the Summer Village;
- e) **"MGA"** means the *Municipal Government Act, Revised Statutes of Alberta, 2000 Chapter M-26*;
- f) **"Municipal Tag"** means a ticket issued by the Summer Village pursuant to the MGA for breach of its Bylaws;
- g) **"Non-Approved Waste"** means any materials or substances which are typically considered to be commercial and industrial waste or which are typically considered to be dangerous or harmful to people including, without limitation (i) hazardous waste, (ii) chemical waste, (iii) radioactive waste, (iv) medical or biomedical waste, (v) animal carcasses or parts, (vi) automotive waste including gasoline, diesel fuel, oil, automobile parts, tires and batteries, (vii) household appliances, (viii) electronic devices or components, (ix) PCBs, and (x) any other materials or substances which are prohibited under the Waste Collection Requirements or should not be placed in a Waste Receptacle pursuant to the Waste Collection Requirements;
- h) **"Occupant"** means a Person, other than an Owner or a User, who (i) is in possession or control of a Property, or (ii) has the right to use and occupy a Property, in each case whether under a lease, tenancy or rental arrangement;
- i) **"Owner"** means a Person who is a registered owner of a Property located in the Summer Village;
- j) **"Person"** means an individual and includes partnership, corporation, trustee, executor, joint venture, proprietorship, association, society and any other legal entity;
- k) **"POPA"** means the *Provincial Offences Procedure Act, Revised Statutes of Alberta, 2000 Chapter P-34*;
- l) **"Property"** means (i) any land or real property which is located in the Summer Village and which is designated as a residential lot, and (ii) the land or real property upon which the Summer Village's community centre is located;



- m) **"Remedy Order"** means an order issued in accordance with Section 545 or 546 of the MGA;
- n) **"Resident"** means a Person who is an Owner, Occupant or User of a Property;
- o) **"Right of Access"** means the right of a Bylaw Enforcement Officer or a designated officer to enter on a Property to inspect such Property in accordance with Section 542 of the MGA and determine if there are conditions which contravene or fail to comply with this Bylaw;
- p) **"Summer Village"** means the Summer Village of Sundance Beach;
- q) **"User"** means a Person, other than an Owner or an Occupant, who has the right to use or occupy a Property, whether as a guest, relative or otherwise;
- r) **"Violation Ticket"** means a ticket issued pursuant to Part 2 or Part 3, as applicable, of the POPA;
- s) **"Waste Collection Contractor"** means the contractor who provides the Waste Collection Services to the Summer Village in accordance with an agreement made between such contractor and the Summer Village;
- t) **"Waste Collection Requirements"** means the requirements or guidelines which are established, from time to time, by the Waste Collection Contractor with respect to the Waste Collection Services and which are to be followed by the Residents and the Summer Village, whether such requirements or guidelines are posted on the website of the Waste Collection Contractor or provided in writing to the Summer Village;
- u) **"Waste Collection Schedule"** means the schedule established by the Waste Collection Contractor from time to time setting out the days in a calendar year on which the Waste Collection Services will be provided to the Residents;
- v) **"Waste Collection Services"** means the collection services to be provided by the Waste Collection Contractor to the Summer Village and whereby the Waste Receptacles, when properly located in the Summer Village in accordance with the Waste Collection Requirements, are emptied and the Approved Waste is removed from the Summer Village; and



- w) **"Waste Receptacle"** means a wheeled container or cart (i) which is owned by the Waste Collection Contractor, (ii) which is provided by the Waste Collection Contractor to the Summer Village, and (iii) which is assigned to a Property and is to be used by the Resident of such Property.

### **3. GENERAL INTERPRETATION**

- 3.1 All schedules attached to this Bylaw form part of this Bylaw.
- 3.2 Headings or subheadings in this Bylaw are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- 3.3 Words in the singular include the plural and words in the plural include the singular.
- 3.4 Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference to the act, regulation, code or other bylaw includes any amendments thereto before or after the commencement of this Bylaw, and includes reference to any act, regulation, code or other bylaw that may be substituted in its place.
- 3.5 Each provision of this Bylaw is independent of, and severable from, all other provisions and if any provision is declared invalid or unenforceable for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- 3.6 Nothing in this Bylaw relieves a Person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or license.

### **4. WASTE COLLECTION SERVICES**

- 4.1 The Summer Village shall arrange for the Waste Collection Services to be provided to the Residents on terms and conditions which are acceptable to the Council and the CAO.
- 4.2 The Summer Village shall make available to the Residents information which is provided by the Waste Collection Contractor to the Summer Village from time to time and which is considered relevant by the CAO including, without limitation, information concerning the Waste Collection Requirements and the Waste Collection Schedule. Such information shall be posted on the Summer Village's website and, if considered appropriate by the CAO, sent by e-mail to the Residents.



- 4.3 The costs and expenses applicable to the Waste Collection Services shall form part of the operating costs of the Summer Village.
- 4.4 Subject to any changes made by the CAO from time to time, the days and times upon which the Waste Receptacles are to be emptied by the Waste Collection Contractor shall be set out in the Waste Collection Schedule.
- 4.5 To the extent necessary to empty a Waste Receptacle located on a Property, the Waste Collection Contractor shall have the authority to enter such Property without the express permission of the Resident of such Property.

## **5. RESPONSIBILITIES OF RESIDENTS**

- 5.1 Each Owner of a Property shall comply, and shall cause all Occupants and Users of such Property to comply, with the Waste Collection Requirements.
- 5.2 Without restricting the generality of Section 5.1 above, each Owner of a Property shall comply, and shall cause all Occupants and Users of such Property to comply, with the following:
  - a) only Approved Waste shall be placed or deposited in a Waste Receptacle;
  - b) any Approved Waste to be collected by the Waste Collection Contractor from a Property shall be placed in closed or tied plastic bags and deposited in the Waste Receptacle assigned to such Property;
  - c) no Approved Waste applicable to a Property shall be placed or deposited in any Waste Receptacle other than the Waste Receptacle assigned to such Property;
  - d) the amount and weight of Approved Waste placed or deposited in a Waste Receptacle shall be restricted or limited so that the lid of such Waste Receptacle can be securely closed after such placement or deposit and so that such Waste Receptacle is not damaged or overloaded;
  - e) no Non-Approved Waste shall be placed or deposited in a Waste Receptacle at any time and it shall be the responsibility of each Owner of a Property to properly and safely dispose of all Non-Approved Waste applicable to such Property in accordance with applicable law;
  - f) in order to allow the Waste Collection Contractor to empty a Waste Receptacle assigned to a Property, a Resident of such Property shall, prior to the time and date of collection as set out in the Waste Collection Schedule, (i) place such Waste Receptacle in the location required in



- accordance with the Waste Collection Requirements, and (ii) ensure that such Waste Receptacle is not blocked or obstructed by any object on such Property and is otherwise easily accessible to the Waste Collection Contractor in accordance with the Waste Collection Requirements;
- g) no Resident of a Property shall interfere with the collection of Approved Waste from such Property or from any other Property;
  - h) a Waste Receptacle assigned to a Property shall remain at such Property and shall not be removed from such Property;
  - i) if any Waste Receptacle assigned to a Property is lost or damaged to the extent that such Waste Receptacle cannot be used in the manner described in the Waste Collection Requirements, then the Owner of such Property shall be responsible for the cost of repairing or replacing such Waste Receptacle, whether or not such loss or damage was caused by a Resident of such Property or some other Person; and
  - j) within 48 hours following the emptying of a Waste Receptacle assigned to a Property, the Owner of such Property shall (i) move such Waste Receptacle, or make arrangements to have such Waste Receptacle moved, to the location on such Property where such Waste Receptacle is normally kept, and (ii) clean up, or make arrangements to clean up, any Approved Waste from such Waste Receptacle which has spilled on the ground.

## **6. FINES AND ENFORCEMENT**

- 6.1 A Person who contravenes any provision of this Bylaw is guilty of an offence pursuant to this Bylaw.
- 6.2 A Bylaw Enforcement Officer or a designated officer is hereby authorized to have the Right of Access to enter any Property for the inspection of conditions that may contravene or fail to comply with the provisions of this Bylaw.
- 6.3 Any Owner, Occupant or User who contravenes this Bylaw may be issued a Remedy Order by a Bylaw Enforcement Officer or a designated officer to remedy the contravention in any manner deemed necessary in the circumstances pursuant to Section 545 of the MGA.
- 6.4 When a condition exists which contravenes any of the provisions of this Bylaw, the Bylaw Enforcement Officer or a designated officer may:



- a) issue a warning notice to the Owner, Occupant or User of the Property in question, advising of the condition and directing as to what conditions are to be rectified within 14 days from the date of issuing the warning notice or as determined by the Bylaw Enforcement Officer or designated officer; and/or
  - b) issue a Remedy Order to the Owner, Occupant or User of the Property in question and direct that the condition be rectified within 14 days from the date of issuing the Remedy Order.
- 6.5 If any Owner, Occupant or User fails, neglects or refuses to remedy the condition as directed by the Bylaw Enforcement Officer or the designated officer, then the Summer Village may cause the work to be performed to remedy the condition and, with respect to the costs of such work:
- a) recover such costs from such Owner, Occupant or User as a debt due to the Summer Village; or
  - b) charge such costs against the Property in question as taxes due and owing in respect of such Property and recover such costs as such.
- 6.6 Notwithstanding that a Remedy Order has been issued under this Bylaw, any Person who contravenes any provision of this Bylaw is guilty of an offence under this Bylaw and liable for a fine not less than the amount established in this section and not more than \$10,000. The following fine amounts are established for use in Municipal Tags and Violation Tickets (which offer a voluntary payment option):
- a) \$200 for any offence under this Bylaw; and
  - b) double the fine amount described above for any subsequent offence which means an offence committed by a Person within one year after that Person has already been convicted of the same offence or has voluntarily paid a fine for the same offence.
- 6.7 With respect to an offence under this Bylaw, a Bylaw Enforcement Officer may issue a Municipal Tag or a Violation Ticket specifying the amount of the fine established in accordance with Section 6.6 above.
- 6.8 When a Municipal Tag is issued, the amount of the fine indicated therein may be paid in accordance with the Municipal Tag in lieu of prosecution.



- 6.9 When a Violation Ticket is issued with a specified penalty, the amount of the fine indicated therein may be paid in accordance with the Violation Ticket in lieu of prosecution.
- 6.10 Nothing in this Bylaw shall preclude a Bylaw Enforcement Officer from issuing a Validation Ticket for a mandatory court appearance to any Person who contravenes any provision of this Bylaw.
- 6.11 Nothing in this Bylaw shall preclude a Bylaw Enforcement Officer from laying charges under any alternate governing legislation.

## **7. REPEAL**

- 7.1 This Bylaw shall replace Bylaw No. P23 and Bylaw No. P23 is hereby repealed.

## **8. COMING INTO FORCE**

- 8.1 This Bylaw shall come into full force and effect upon final passing.

**READ** a first time this 21<sup>st</sup> day of January, 2021.

**READ** a second time this 21<sup>st</sup> day of January, 2021.

**UNANIMOUS CONSENT** to proceed to third reading this 21<sup>st</sup> day of January, 2021.

**READ** a third and final time this 21<sup>st</sup> day of January, 2021.

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Peter Pellatt, Mayor  
Summer Village of Sundance Beach

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June Boyda, Chief Administrative Officer  
Summer Village of Sundance Beach