



TOWN OF PINCHER CREEK

GARBAGE UTILITY BYLAW

1605-22

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**BYLAW #1605-22 of the
TOWN OF PINCHER CREEK**

**A BYLAW OF THE MUNICIPALITY OF THE
TOWN OF PINCHER CREEK, IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF REGULATING THE GARBAGE UTILITY WITHIN THE
MUNICIPALITY OF THE TOWN OF PINCHER CREEK**

WHEREAS the Municipal Government Act, being Chapter M-26, R.S.A. 2000 and amendments thereto, permits the municipality to pass Bylaws regarding public utilities.

WHEREAS the Council of the Town of Pincher Creek wishes to establish regulations, rates and penalties for garbage utility services.

NOW THEREFORE, the Municipal Council of the Town of Pincher Creek hereby enacts as follows:

1.0 TITLE AND DEFINITIONS:

1.1 Title: This bylaw may be cited as “**The Garbage Utility Bylaw of the Town of Pincher Creek.**”

1.2 Definitions. In this bylaw unless the context otherwise requires:

APPLICATION means the application made by the consumer to the Town for the supply of utility services.

AUTHORIZED PERSON means any employee of the Town of Pincher Creek.

COMMERCIAL shall mean all properties over two dwelling units, retail, commercial, industrial, church, schools, and properties owned or operated by non-profit organizations.

COMMUNITY PEACE OFFICER means the Community Peace Officer as appointed by the Town of Pincher Creek.

CONSUMER means any person who has entered into a Contract with the Town for utility services, and is the owner of any premises connected to or provided with utility.

COUNCIL means the Council of the Town elected pursuant to the provisions of the Municipal Elections Act.

FINANCIAL INSTITUTION means a bank, a trust company, or a credit union, located in the Town.

HIGHWAY means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway, or other place whether publicly or privately owned any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles.

INSPECTOR means the Building Inspector appointed by Council of the Town of Pincher Creek.

CAO means the Town CAO or CAO of the Town of Pincher Creek as appointed by Town Council and includes any person authorized by him/her or the Town to act for or carry out the duties of the Town CAO to the extent that authorization is given.

MGA means the Municipal Government Act, Chapter M-26 R.S.A. 2000 and amendments thereto.

NON-RESIDENTIAL CONSUMERS means those persons who use a utility service for any purpose other than exclusively residential purposes. For greater certainty and



without limiting the generality of the foregoing, this shall include services provided for buildings intended for commercial use where part of the building may be used as a residence or where service is provided for buildings intended for commercial use where part of the building may be used as a residence or where service is provided for two or more buildings even though one building may be used for residential purposes.

OWNER means the registered owner of a property or the purchaser thereof.

PERSON includes any individual, partnership, firm, corporation, municipality, association, society, political or other group, and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law.

RESIDENTIAL CONSUMERS means those persons who occupy a building used exclusively for residential purposes and provided with a utility.

RESIDENTIAL shall mean all properties with two dwelling units or less.

SOLID WASTE COLLECTION CART (CART) shall mean a two or four wheeled plastic container, sixty-five (65) litre; ninety-five (95) litre; six hundred sixty (660) litre or eleven hundred (1100) litre.

STREET means all those lands situated, within a registered road right-of-way at the Land Titles Office, Calgary, Alberta.

DIRECTOR OF OPERATIONS means the Director of Operations for the Town of Pincher Creek or person authorized by him or by the Town to act for or carry out the duties of the Director of Operations.

DIRECTOR OF FINANCE AND HUMAN RESOURCES means the Town Director of Finance and Human Resources of the Town of Pincher Creek as appointed by Bylaw or a person authorized by the Director of Finance and Human Resources to act or carry out the duties of the Town Director of Finance and Human Resources.

UTILITY AND UTILITY SERVICE shall mean and include, as the context may require; the provision of garbage services.

2.0 ADMINISTRATION OF UTILITY AND COLLECTIONS

2.1 Application for Utility Service

- a. The utility services shall be under the general supervision and control of the Town CAO.
- b. The Director of Operations and Director of Finance and Human Resources shall exercise the powers and perform the duties with respect to the utility services conferred and placed upon them by this and any other bylaw of the Town applicable thereto and any order or direction the Town CAO or Council with respect thereto.
- c. All Schedules attached form part of this bylaw and may be amended from time to time by simple resolution of Council.

2.2 Termination and/or Temporary Disconnection

- a. (i) When the premises to which utility service is provided becomes vacant and no new application for service has been made, the Town may terminate the contract and, in lieu of disconnecting the service, open a new utility account in the name of the owner who shall be responsible only for charges thereafter incurred or a minimum bi-monthly fixed charge. See Schedule A and the Fee Structure Bylaw.



- (ii) A tenant or owner may request a temporary discontinuance of a service in which case the tenant or owner shall be responsible for a minimum bi-monthly fixed charge. See Schedule A and the Fee Structure Bylaw.
 - (iii) Nothing herein shall prevent the owner from requesting that the Town disconnect such utility service provided the owner pays the service charge prescribed herein.
- b. The Town may discontinue the supply of all utility service for any of the following reasons:
- non-payment of any utility accounts, or
 - inability of the Town to obtain access to a residential premises for a period of three months, or
 - failure by, or refusal of, a consumer to comply with any provision of this bylaw, or
 - failure by, or refusal of, a consumer to comply with any provisions of any Provincial Acts, the Building Code, or any regulations thereunder, or
 - in any other case provided for in this bylaw.

and in such event the Town, its officers, employees or agents shall not be liable for any damages of any kind from such discontinuance of service.

3.0 PAYMENT OF UTILITY ACCOUNTS

3.1 Rates & Charges Payable

All rates and charges payable hereunder shall be paid to the Town within the time prescribed by this bylaw. Penalty Rates for unpaid accounts are as listed in Schedule B.

- a. The entire utility account is due and payable when rendered and if not paid by the penalty date stated on the utility bill is deemed to be in arrears. Failure to receive a utility bill does not relieve the customer of liability.
- b. A consumer who has not paid the full utility account rendered on or before the penalty date stated in the utility account may have the supply of all or any utility services discontinued without notice. The Town reserves the right to disconnect utility services to any consumer whose utility account falls into arrears if the utility account remains unpaid after 7 days of being notified of such arrears by letter. The utility service will not be reinstated until all arrears and charges owed to the Town are paid.

3.2 Interim Account

- a. Where any service rate or charge is designated by reference to a certain time, the charge for a lesser period of time shall be calculated on a proportionate basis.
- b. The Director of Finance and Human Resources may enforce payment of all accounts rendered hereunder by whatever means he/she considers appropriate in accordance with the Municipal Government Act.

3.3 Appeals/Errors

- a. Notwithstanding any other provision of this bylaw or the rate schedules forming part hereof, any consumer who feels himself aggrieved in respect of rate charged to him under this bylaw on the ground that such rates are unfair, unreasonable or discriminatory may, by notice in writing delivered to the Director of Operations, Town CAO or Town Director of Finance and Human Resources, specifying the grounds of his complaint, appeal such rates. Such appeal shall in the first instance be heard and determined by the Director of Operations, Town CAO or



Town Director of Finance and Human Resources, provided that if such consumer is not satisfied with such determination he may, by notice in writing to be delivered to the Town CAO within 30 days of the date of such determination, further appeal the matter of Council.

- b. In the event an error has occurred in the utility billing:
 - a. and the town is responsible, the account will be adjusted for 3 billing periods plus the current period.
 - ii. and the consumer is responsible, it shall be adjusted on the date notification is received.

4.0 GARBAGE COLLECTION SERVICE

4.1 Administration

- a)
 - i) The Town shall cause waste to be collected once per week for residential dwellings and as per demand for commercial accounts upon approval of the Director of Operations.
 - ii) When a waste pick-up day falls on a holiday, the Town will continue the normal pick-up and the pick-up for that particular holiday day will be done on the next working day. Exceptions may be made at the discretion of the Director of Operations.
- b) The Town shall supervise the facilities and equipment necessary or desirable for disposal of waste collected or disposed of by the Town.
- c) The Director of Operations shall:
 - i) Supervise the collection, removal and disposal of waste.
 - ii) Direct the days and times that collections shall be made from different portions of the Town, and
 - iii) Decide as to the quantities and classes of waste to be removed from any premises or accepted by the Town for disposal.
- d) *Toxic Materials* will not be picked up. Please ensure that all toxic materials (paint and household products) are taken to the Annual Reuse Fair .
- e) Payment of Accounts:
 - i) All charges and rates payable under this Bylaw, and the Fee Structure Bylaw shall be paid to the office of the Director of Finance and Human Resources and the collection of all disbursements connected with the operation of the garbage collection system and supervision of books of accounts shall be under the immediate control and direction of the Director of Finance and Human Resources. The Director of Finance and Human Resources shall be promptly notified, by the Public Works Department so that the proper charges or allowance may be made when collection begins or is discontinued.

4.2 Collection Service

- a) The collection of garbage by the Town of Pincher Creek or other agencies as approved by the Town is compulsory for all residential, commercial and industrial residents of the Town.

- b) The residential Occupant of the Premises will be provided with a Waste Collection Cart.

The Town will provide at its own expense the first Waste Collection Cart to premises:

- i) The cart is to remain at the Premises at all times;
 - ii) The Town may, at the time of collection or any other time, remove, repair, or replace any obsolete, damaged or non-serviceable carts;
 - iii) If the Waste Collection Cart is lost or stolen, or damaged through negligence of the occupant, the Occupant shall be responsible for purchasing a replacement cart from the Town or pay for the cost of repairs;
 - iv) The Town owns all Waste Collection Carts.
- c) A Waste Receptacle or Collection Cart shall not be filled to a height greater than 5 cm from the top of the receptacle.
- d) The customer to avoid build-up of odours shall clean out the Waste Receptacle and/or Collection Cart regularly.
- e) No person shall place waste in any waste receptacle without the permission of the owner or occupant of the premise.
- f) The Director reserves the right to withhold collection of waste where the Waste Receptacle does not meet the necessary requirements or is in a depilated, unsafe, or in an unsanitary condition or is contrary to the instructions and operating policy of the Director.
- g) Except where in the opinion of the Director of Operations it is impractical to store waste receptacles outside of the building, the Town shall not make a collection of waste from inside any building.
- h) The occupant of premises from which waste is to be collected shall:
- i) Place the cart out on the front street by the curb abutting the front of the dwelling or front street, to which the Town has unobstructed access, or in the lane where deemed applicable by the Director of Operations on collection day;
 - ii) Shall place or locate the waste carts for collection in such a manner that they will not overturn or be likely to be overturned.
 - iii) Store the cart out of sight, if possible, on the premise;
 - iv) The Town shall collect waste from only one pick-up point from each premise, except where the Director has designated any other pick-up point he/she considers necessary.
 - v) As of April 1, 2009, cardboard is excluded from the residential waste stream and should be taken to a recycling depot; and
 - vi) As of November 1, 2008, cardboard will not be accepted from any business utility account.
- i) In Commercial Areas:

- i) The occupant shall supply sufficient container capacity. The containers may be a commercial garbage container, which meets the Town's specifications, which may be obtained from the Town Office, or may

be the regular type of container as outlined previously in this bylaw. In any instance, in commercial areas, no more than two (2) 95 litre cart containers supplied by the Town per premises will be allowed before a commercial garbage container must be used.

- ii) When a commercial garbage container is used or required, it shall be placed on an asphalt or concrete pad. The size and location of the pad is subject to approval by the Director of Operations.

4.3 Restrictions and Prohibitions of Garbage Services

- a) Except as otherwise provided, no person shall place waste from a building or premises elsewhere than in waste receptacles, which comply with the requirements of this bylaw.
- b) Except as otherwise herein provided, no person shall place or keep waste receptacles upon any portion of a street, lane or boulevard and such waste receptacles may be removed and disposed of by the Town.
- c) Cardboard and construction materials shall not be considered as garbage or refuse and it shall be the responsibility of the occupant of the premises to arrange for the disposal or recycling of these materials.
- d) Used oil or oil by-products shall not be disposed of into the Town's sanitary sewer system. It shall be the responsibility of the occupant to provide proper containers and to dispose of the said containers in a proper manner.
- e) It shall be unlawful for any person to dump garbage or any other waste material anywhere within the limits of the Town of Pincher Creek.
- f) Burning of Garbage:
 - (1) All burning is subject to the Fire Bylaw of the Town of Pincher Creek and amendments thereto.
 - (ii) Burning in commercial, industrial, school, church, hospital or similar public use facilities will not be allowed unless in incinerators that are approved by the Alberta Department of Environment. Ashes from such incinerators will be collected only if placed in proper receptacles.
- g) Every occupier of a hotel, boarding house, restaurant or retail or wholesale food outlet within the Town from which wet garbage is produced, shall make due provision for the disposal of wet garbage by means of food waste disposal units to the sanitary sewer system of the Town or otherwise and shall not permit more than one day's accumulation of wet garbage on his premises at any time.

5.0 POWER AND AUTHORITY OF TOWN EMPLOYEES

- 5.1 The Director of Operations in charge of administering each utility and other duly authorized employees of the Town and contractors appointed by the Town, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provision of this bylaw. If such inspection discloses any failure, omission, or neglect respecting any utility upon the consumers' premises, or discloses any defect in the location, construction, design or maintenance of any facility any connection there from to the utility service, the person making such inspection shall, in writing, notify the consumer, owner, proprietor or occupier to rectify the cause of complaint within a reasonable time as determined by the Director of Operations. Such person shall within the time limit rectify such cause of complaint stated in the notice.

- 5.2 The Town may serve any person violating any provision of this bylaw with written notice stating the nature of the violation and requiring the satisfactory correction thereof within 48 hours, or such additional time as determined by the Director of Operations. Such person shall, within the time stated in such notice, permanently cease all violations.

6.0 OFFENCES AND PENALTIES

- 6.1 Any person who contravenes this Bylaw is guilty of an offence and may forfeit the right to use the public utility system and be subject to a fine not exceeding ten thousand dollars (\$10,000.00).
- 6.2 In lieu of prosecution for contravention of this Bylaw, the Town of Pincher Creek may issue an offence ticket imposing a penalty for offences in accordance with the amounts set out in Schedule "A", and the Fee Structure Bylaw.
- 6.3 An offence ticket may be issued by a peace officer, the Bylaw Enforcement Officer, Inspector, CAO, or Director of Operations to any person, firm or corporation who has allegedly breached any provision of this Bylaw and the said offence ticket shall require the appropriate penalty payment to the Town of Pincher Creek within fourteen (14) days from the date of service of the said offence ticket.
- 6.4 The offence ticket in the form and content of which is set forth in Form "B" annexed hereto and made part of this Bylaw, is hereby prescribed and approved as the offence ticket to be issued for any contravention of this Bylaw.
- 6.5 Service of such offence ticket shall be sufficient if it is:
- a) personally served, or
 - b) if mailed to the address of the person, firm or corporation who has allegedly contravened this Bylaw.
- 6.6 If at any time after the expiration of the fourteen (14) days from service of the offence ticket, and up to and excluding the three days prior to the return date on any summons issued, a person tenders payment for an offence ticket issued for contravention of any section of this Bylaw, the Town shall accept payment of the penalty specified in Schedule "A" , and the Fee Structure Bylaw, in lieu of prosecution.
- 6.7 If the person upon whom such offence ticket is served fails to pay the required sum within the times hereinbefore limited, the provisions of this section for acceptance of payment in lieu of prosecution do not apply.
- 6.8 Where any person has made payment pursuant to the provisions of this part and is prosecuted for the offence in respect of which such payment has been made, such payment shall be refunded.
- 6.9 Should a person not pay the penalty provided for contravention of any section of this Bylaw and a prosecution has been entered against him/her, he/she shall be liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00).

7.0 SUSPENSION OF EXISTING CONTROLS

- 7.1 Bylaw #1605-13 and all other bylaws regarding garbage collection services are hereby repealed.

8.0 DATE OF COMMENCEMENT

- 8.1 This bylaw shall come into effect upon final passing thereof.



READ A FIRST TIME THIS 12th DAY OF DECEMBER, 2022



MAYOR, Don Anderberg



CAO, L. Wilgosh

READ A SECOND TIME THIS 12TH DAY OF DECEMBER, 2022



MAYOR, Don Anderberg



CAO, L. Wilgosh

READ A THIRD AND FINAL TIME THIS 12th DAY OF MDECEMBER, 2022



MAYOR, Don Anderberg



CAO, L. Wilgosh



SCHEDULE "A"
GARBAGE COLLECTION RATES

All Rates as per Fee Structure Bylaw

Handwritten initials in blue ink, appearing to be 'A' and 'B' or similar, written over a horizontal line.

SCHEDULE 'B'
PENALTY RATE

1. That in the event that such utility bill for utility services remains unpaid twenty (20) days following the due date, the said due date considered to be the date of receipt and the said date of receipt considered to be four (4) days after the date of mailing, there shall be added thereto by way of a penalty, an amount which shall be two and one half percent (2.5%) of the then unpaid utility bill. If the principal and initial penalty remains unpaid, compounding can occur at the same rate every twenty-one (21) days from the imposition of the initial penalty.

