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- 8.12 Notwithstanding Section 8.6 above, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw, notwithstanding that a Municipal Tag has not first been issued.
- 8.13 Where a Violation Ticket has been issued to a Person pursuant to this Bylaw, that Person may plead guilty to the offence by submitting to a Clerk of the Provincial Court, the specified penalty set out on the Violation Ticket at any time prior to the appearance date indicated on the Violation Ticket.

PART IX – NOTICES

- 9.1 Unless a provision of this Bylaw dictates otherwise, any notice required to be given pursuant to this Bylaw may be given by registered mail, personal service, or by posting the notice at a location on the premises where the notice is likely to come to the attention of the Person to whom it has been issued.

This Bylaw shall come into full force and effect on the date of its third and final reading.

READ a first time this 21st day of May, 2008.

READ a second time this 4th day of June, 2008.

READ a third and finally passed this 3rd day of September, 2008.



 Mayor – Larry Nilsson



 CAO – J. Scott Barton

BYLAW NO. 418-08

A BYLAW OF THE VILLAGE OF STIRLING, IN THE PROVINCE OF ALBERTA, RESPECTING THE REGULATION AND MANAGEMENT OF WASTE AND REFUSE

WHEREAS the Village Council has determined it is expedient to establish a Waste Management Bylaw for the Village of Stirling;

AND WHEREAS the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended, provides the Village Council with the authority to deal with the accumulation, transportation and disposal of waste;

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act*, R.S.A. 2000 c.M-26, as amended, Village Council for the Village of Stirling, duly assembled enacts as follows:

PART I – INTERPRETATION

1.1 This Bylaw may be referred to as the “Waste Management Bylaw”.

PART 2-APPLICATION

2.1 This Bylaw applies to all Waste produced, generated, located or transported within the boundaries of the Village.

PART 3- DEFINITIONS

Unless the context otherwise indicates, the following terms have the following definitions for the purpose of this Bylaw:

- 3.1 “Alley” means a narrow laneway intended chiefly to give access to the rear of buildings and parcels of land;
- 3.2 “Bylaw Enforcement Officer” means a Person appointed by the Village pursuant to Section 555 of the *Municipal Government Act*;
- 3.3 “CAO” means the Chief Administrative Officer for the Village appointed by Council in accordance with the *Municipal Government Act*;
- 3.4 “Construction Site” means land where there is construction, demolition, alterations, renovations or repair of a building or residence being undertaken;
- 3.5 “Construction Waste” means all waste produced in the process of constructing, demolishing, altering, or repairing a building or residence and shall include, but not be limited to earth, vegetation and rock displaced during the applicable process;

- 3.6 “Council” means the Municipal Council of the Village of Stirling;
- 3.7 “Designated Officer” means a person appointed pursuant to Section 210(1) of the *Municipal Government Act*, and includes for the purpose of this Bylaw, the CAO and Bylaw Enforcement Officer;
- 3.8 “Disposal Site” means any location designated by the Village for the disposal of Waste or any other location approved by Alberta Environment for the disposal of Waste;
- 3.9 “Garbage” has the same meaning as “Waste”;
- 3.10 “Garbage Bag” means a non-returnable plastic bag meeting the following specifications:
- a) made from sturdy material which is strong enough to withstand normal handling and lifting,
 - b) can be securely tied at the top, and
 - d) is in good condition, free from rips and tears.
- 3.11 “Garbage Container” means a sturdy container in a safe and serviceable condition which is:
- a) designed for the purpose of storage of Garbage;
 - b) constructed of non-corrosive metal or rigid plastic,
 - c) having a smooth rim, two rigid fixed handles, and
 - d) a removable watertight lid.
- 3.12 “Hazardous Waste” means Waste that is generated from any Premises whatsoever and has one or more hazardous properties as described in the *Alberta Environmental Protection and Enhancement Act*, R.S.A. 2000, Chapter E-12 and the *Waste Control Regulation* (Alta. Reg. 192/96), Schedule 1;
- 3.13 “*Municipal Government Act*” means R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time;
- 3.14 “Municipal Tag” means a notice issued by the Village pursuant to Section 7 of the *Municipal Government Act*, for the purpose of providing a Person with an opportunity to acknowledge a contravention of this Bylaw, and to pay a penalty directly to the Village, in order to avoid prosecution for the contravention;
- 3.15 “Occupant” means a Person occupying a Premises, including an Owner, lessee or licensee, or anyone who has actual use, possession or control of the Premises including a general contractor with respect to a Construction Site;
- 3.16 “Owner” means the registered owner of real property;

- 3.17 “Person” includes any individual, firm, partnership or body corporate;
- 3.18 “Premises” means real property and all buildings, structures and improvements thereon;
- 3.19 “Road” means land shown as road on a plan of survey that has been filed or registered in a land titles office;
- 3.20 “Village” means the municipal corporation of the Village of Stirling, or the geographical area of the Village, as applicable;
- 3.21 “Violation Ticket” means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act* R.S.A. 2000, Chapter P-34;
- 3.22 “Waste” means any discarded refuse including, but not limited to, such items as dry waste, food waste, construction waste, and yard waste generated by any residential, commercial or industrial property;
- 3.22 “Waste Bin” means a bulk Waste receptacle with capacity of greater than 1.5 m³ and which requires Automated Collection; and
- 3.23 “Waste Receptacle” includes Garbage Bag, Garbage Container, and Waste Bin.

PART IV- AUTHORITY OF THE CAO

- 4.1 The CAO is responsible for the administration and enforcement of this Bylaw, and may delegate this authority and he/she, in his/her sole discretion, deems appropriate.

PART V – RESPONSIBILITIES OF OWNERS AND OCCUPANTS

- 5.1 At all times, all Owners and Occupants of Premises shall ensure that all Waste generated on the Premises is stored in a neat and secure manner in a Waste Receptacle and is contained in such a manner that the Waste does not escape the Premises.
- 5.2 Owners and Occupants of Premises are responsible to ensure that there are adequate number of Waste Receptacles located on the Premises to contain Waste.
- 5.3 At all times, all Owners and Occupants of Premises shall ensure that Waste does not accumulate on the Premises so as to render the Premises unsightly, create odors, or attract animals, including rodents and other pests.
- 5.4 The storage of Waste and the placement of Waste Receptacles shall at all times be in compliance with the *Alberta Fire Code Regulations*.
- 5.5 Where Waste has spilled from a Waste Receptacle, the Owner and Occupant shall be responsible for the clean-up, removal and proper disposal of the Waste.

- 5.6 All Waste Receptacles shall be secured in such a manner as to prevent animals from accessing the contents.
- 5.7 No Owner or Occupant shall permit Waste to remain loose, free or uncontrolled on the Premises.
- 5.8 The Owner and Occupant are responsible to ensure that any Waste which escapes from the Premises is retrieved and deposited into a Waste Receptacle located on the Premises.
- 5.9 The Owner and Occupant of the Premises are responsible for ensuring the regular and proper disposal of Waste from the Premises.

Construction Site/Construction Waste

- 5.10 Every Owner and Occupant, including the general contractor, of a Construction Site shall ensure that there are sufficient Waste Receptacles available to contain the Construction Waste.
- 5.11 Every Owner or Occupant, including the general contractor, of a Construction Site is responsible to ensure that the Construction Site is maintained in a tidy manner and free of debris and Construction Waste.
- 5.12 No Owner or Occupant, including the general contractor, of a Construction Site shall permit Construction Waste to remain loose, free or uncontrolled on the Premises.
- 5.13 A Construction Waste which escapes from the Construction Site must be retrieved and deposited into a Waste Receptacle designated for the Construction Site.
- 5.14 The Owner or Occupant, including the general contractor, of the Construction Site is responsible for ensuring the regular and proper disposal of the Construction Waste at a Disposal Site.
- 5.15 The CAO may require the Owner or Occupant, including the general contractor, of the Construction Site to provide fencing that will prevent Construction Waste from escaping the Construction Site.

PART VI - RESTRICTED AND PROHIBITED WASTE

- 6.1 Any Person who breaches any of the sections in this Part of the Bylaw shall be responsible for all costs incurred in eliminating any pollution or contamination of the Disposal Site or any other property in the Village and shall make payment of same to the Village on demand for same. Payment of such costs or payments will not exempt the Person from prosecution for contravention of this Bylaw.
- 6.2 Any Person that produces or possesses any dangerous, toxic or Hazardous Waste shall remove and dispose of such Waste in accordance with applicable Provincial and Federal statutes and regulations. No person shall dispose of dangerous, toxic or Hazardous Waste into any Waste Receptacle located on Village owned property.

Animal Carcasses

- 6.3 The Owner or Person responsible for a dead cat, dog, or other small animal shall be responsible for the proper Disposal of same and the charges incurred in connection with the Disposal.
- 6.4 No Person shall bring a dead horse, cow, pig, sheep, or other large animal into Village. The Village shall not accept any large animal carcasses for Disposal.
- 6.5 No Person responsible for an animal shall permit the animal carcass to remain on any Road to obstruct the same and to remain undisposed of, for longer than four (4) hours after the carcass of the dead animal was discovered by the Person responsible for the animal. The Person responsible for the dead animal shall be responsible for the Disposal of the animal carcass and for all charges incurred in connection with its Disposal.

Hazardous Waste

- 6.6 The Person responsible for the existence or accumulation of Hazardous Waste shall cause the Hazardous Waste to be properly transported to a proper Disposal Site and disposed of in accordance with applicable Provincial and Federal regulations.

PART VII- GENERAL PROVISIONS

- 7.1 No Person shall dispose of Waste other than in accordance with the terms of this Bylaw or at a Disposal Site appropriate for the type of Waste being disposed.
- 7.2 Unless the Person has first obtained permission and all necessary permits from the Village, no Person shall burn Waste within the Village.
- 7.3 Whenever in this Bylaw it is directed that an Owner, Occupier, or Person shall do any manner of thing, then in default of its being done by such person, the same may be done by the Village at the expense of such person and the Village may recover the expense thereof with costs in any Court of competent jurisdiction or in like manner as municipal taxes.
- 7.4 No Person shall import Waste of any kind into the Village for disposal.
- 7.5 No Person shall transport Waste within the Village boundaries, unless the Waste is securely covered in such a manner as to prevent the Waste from falling out of the vehicle during transport. The Owner or Person driving the vehicle transporting the Waste shall be responsible to immediately clean up any Waste that drops from or falls out of the vehicle.

- 7.6 Any Person who disposes of Waste contrary to the provisions of this Bylaw is guilty of an offence and, in addition to any other penalty or fine that may be imposed, is responsible for the cost of removing the Waste and the proper disposal of the Waste.
- 7.7 No Person shall deposit Waste in a Waste Receptacle without the consent of the Owner or Occupant of the Premises on which the Waste Receptacle is located.
- 7.8 Except as otherwise provided herein, no Person shall place or keep Waste Receptacles upon any portion of a Road.
- 7.9 No Person shall place Waste of any type on a Road or other public place.
- 7.10 Nothing contained within this Bylaw relieves any Person from complying with any Federal, Provincial or municipal law, regulation, bylaw, permit, order, consent or other direction.
- 7.11 Every provision of this Bylaw is independent from all other provisions. If any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

PART VII – OFFENCES AND PENALTIES

Designated Officers

- 8.1 The CAO and Bylaw Enforcement Officers are Designated Officers for the purposes of inspection and enforcement under this Bylaw.
- 8.2 Where a Designated Officer finds that an Owner, Occupant, Consumer or Person is contravening any provision of this Bylaw, in addition to any other remedy provided, the Designated Officer may issue an Order to the Owner, Occupant, Consumer or Person responsible for the contravention pursuant to Section 545 or 546 of the *Municipal Government Act*, as applicable, directing that the Owner, Occupant, Consumer or Person responsible for the contravention or any or all of them take the steps necessary to remedy the contravention in a time period set by the Designated Officer.

Inspection

- 8.3 A Designated Officer under this Bylaw has the right to enter upon and inspect any Premises for the purposes of determining compliance with and enforcing this Bylaw in accordance with Section 542 of the *Municipal Government Act*.

Offences

- 8.4 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to the applicable penalties set out in Schedule “A”.

- 8.5 Any Person who provides false information to the Village, the CAO, a Designated Officer or to any other person empowered to enforce the terms of this Bylaw, is guilty of an offence and, upon summary conviction, shall be liable to the applicable penalties set out in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, and any amendments and regulations thereto, and the Village's *Rates Bylaw*, as established by Council from time to time.

Municipal Tags

- 8.6 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Municipal Tag to any Person whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 8.7 A Municipal Tag shall be served upon such Person personally, or in the case of a corporation, by serving the Municipal Tag personally upon the Manager, Secretary or other Officer of the corporation, or a person apparently in charge of a branch office, or by mailing a copy to such Person by registered mail.
- 8.8 Where personal service cannot be affected upon a Person, the Bylaw Enforcement Officer may serve the Municipal Tag by leaving the Tag with a Person on the Premises who has the appearance of being at least eighteen (18) years of age.
- 8.9 A Municipal Tag shall be in a form approved by Council, and shall contain the following information:
- a) The name of the Person to whom the Municipal Tag is issued;
 - b) The date of issuance;
 - c) A description of the offence, the section number of the Bylaw, and the date on which the offence occurred;
 - d) The appropriate penalty for the offence as specified in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, and any amendments and regulations thereto, and the Village's *Rates Bylaw*, as established by Council from time to time;
 - e) That the penalty shall be paid within a time prescribed by the Bylaw Enforcement Officer or Special Constable in order to avoid prosecution; and
 - f) Any other information as may be required by the Village Manager from time to time.
- 8.10 Where a Municipal Tag has been issued pursuant to Section 8.5, the Person to whom the Municipal Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Village, the penalty specified on the Municipal Tag, within the time period provided.

Violation Tickets

- 8.11 In those cases where a Municipal Tag has been issued and the penalty specified on the Municipal Tag has not been paid within the prescribed time, the Bylaw Enforcement

Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*.

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This Bylaw shall come into full force and effect on the date of its third and final reading.

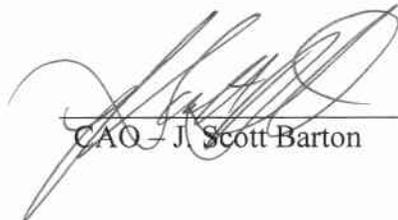
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 Mayor - Larry Nilsson



 CAO - J. Scott Barton

SCHEDULE "A"

Penalties

The fine for violating any provision of this Bylaw is as follows:

- a) \$500.00 for the first offence,
- b) \$600.00 for the second offence, and
- c) \$750.00 for the third and all subsequent offences.