

Town of Drumheller COUNCIL MEETING AGENDA

March 29 at 4:30 PM

Council Chamber, Town Hall

703-2nd Ave. West, Drumheller, Alberta



1.0 CALL TO ORDER

2.0 MAYOR'S OPENING REMARK

3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

4.1 Additions / Deletions

5.0 MINUTES

5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES

5.1.1 Regular Council Meeting Minutes of March 15, 2010

5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION

5.3. BUSINESS ARISING FROM THE MINUTES

6.0 DELEGATIONS

7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS

8.0 REQUEST FOR DECISION REPORTS

8.1. CAO

8.1.1 Bylaw 10.10 Waste Collection Bylaw - 1st reading

8.1.2 Bylaw 11.10 Amendment to Land Use Bylaw 10.08 (Definitions / Additions: Liquor Store, Renewable Energy System, Small Animal Care Centre, Small Wind Energy System / Service Stations, Kennels/ Drive Through) - 1st reading

8.2. Director of Infrastructure Services

8.3. Director of Corporate Services

8.4. Director of Community Services

9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION

10.0 PUBLIC HEARING DECISIONS

11.0 UNFINISHED BUSINESS

12.0 NOTICES OF MOTIONS

13.0 COUNCILLOR REPORTS

- 13.1 Councillor T. Yemen - Drumheller & District Chamber of Commerce AGM Election Results

14.0 IN-CAMERA MATTERS

- 14.1 Land Matter
- 14.2 Personnel Matter

For Approval

Town of Drumheller COUNCIL MEETING MINUTES

March 15, 2010 at 4:30 PM
Council Chamber, Town Hall
703-2nd Ave. West, Drumheller, Alberta



PRESENT:

MAYOR:
Bryce Nimmo

COUNCIL:

Andrew Berdahl
Karen Bertamini
Blaine McDonald
Don Guidolin
Sharel Shoff
Terry Yemen

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:
Ray Romanetz

DIRECTOR OF COMMUNITY SERVICES:
Paul Salvatore

RECORDING SECRETARY:
Linda Handy

ABSENT:

DIRECTOR OF CORPORATE SERVICES:
Michael Roy
DIRECTOR OF INFRASTRUCTURE SERVICES:
Allan Kendrick

1.0 CALL TO ORDER

2.0 MAYOR'S OPENING REMARK

- 2.1 Mayor Bryce Nimmo presented a letter from Hon. Hector Goudreau, Minister of Municipal Affairs announcing the appointment of Ken Lesniak as the new chair

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of the Municipal Government Board effective March 1, 2010.

- 2.2 Mayor Bryce Nimmo presented a Press Release on the proposed Alberta Electoral Boundaries Commission 2009/10 (Interim Report) for Council 's consideration. *"The Commission is seeking public input on the interim report and comments are to be submitted by April 2, 2010. Based on this feedback, a second series of public hearings will be held, to be scheduled as required during the period April 12 to 30, 2010."*

3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

MO2010.58 McDonald, Shoff moved to adopt the agenda as presented. Carried unanimously.

5.0 MINUTES

5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES

- 5.1.1 Regular Council Meeting Minutes of March 1, 2010
MO2010.59 Shoff, McDonald moved to approve the regular Council Meeting Minutes of March 1, 2010 as presented. Carried unanimously.

5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION

5.3. BUSINESS ARISING FROM THE MINUTES

6.0 DELEGATIONS

- 6.1 Drumheller Chamber of Commerce - Marketing Plan for the Badlands Community Facility
Heather Bitz, on behalf of the Chamber Board thanked Council for the opportunity to share their proposal for marketing of the Badlands Community Facility. The proposal suggests *"the Chamber would recruit and hire an individual whose primary responsibility would be to market the new facility. The Town of Drumheller and the Chamber would equally share the wage costs for this individual for the first three years, as well as any direct overhead costs. Revenue generated as a result of meeting room bookings and other related bookings would split equally during the first three years."* She stressed the urgency in moving forward to market the facility. R. Romanetz explained that the proposal originated from a meeting between

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himself and Heather to discuss the feasibility of this partnership. He further stated that he is pleased to see that the Chamber has moved forward with a proposal. He stated that further projections are required to determine the overall staffing needs of the facility.

Questions from Council:

Councillor S. Shoff asked the timeframe for hiring this individual. H. Bitz recommended that the individual be hired as soon as possible to ensure that the facility will be utilized to its maximum - 30-60 days is the suggested timeframe.

Councillor T. Yemen asked the location of an office and the day to day supervision. H. Bitz suggested that in the interim the ideal location would be at the Chamber as their office is close to the facility. R. Romanetz stated that once the facility is completed, there will be office space to accommodate a person at the facility which would provide support in other roles such as the library and marketing of all the facilities within Drumheller.

R. Romanetz stated that a more comprehensive report will be prepared by the Town Administration and the Chamber for presentation to the Steering Committee for their comments. The final draft will be presented to Council for approval.

- 6.2 Linda Digby, Atlas Coal Mine presented information on the Centennial Year of Coal Mining and Drumheller's 100th Anniversary. She presented a copy of the Silver Jubilee Celebration edition of the Drumheller Mail which commemorated our 25th anniversary in 1936. She stated that 1911 was the birth year of our community. She stated that she would like to raise awareness about our community's 100th year anniversary and if there were plans to celebrate the occasion already in the works. She further advised that coal mining was the break for our community - the schools were built, the post office established, the Northwest Mounted Police named their detachment Drumheller. She stated that Atlas Coal Mine is the herald of the event, the storyteller of the event and will be an enthusiastically committed member of the event. She stated that celebrating with the entire community is the right thing to do. She advised that letters have been sent to some mining families and a meeting has been arranged with any interested individuals for March 29th. She stated that the purpose of the meeting is to form a committee to prepare for the celebration. She shared a recommendation from a widow's miner that Drumheller lacks a memorial to honor the miners. She further stated that this memorial could be unveiled during the 2011 centennial celebrations.

Questions from Council:

Councillor K. Bertamini asked if the plans were to place the memorial at the coal mine site. L. Digby stated that she feels the appropriate location would be at Atlas Coal Mine however it is a decision that could be made by the Planning Committee.

Councillor S. Shoff asked Linda is she was looking for the Town's feedback or

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direction. L. Digby stated that she intends to apply for two grants which requires a letter of support from the Town indicating a commitment for inkind support with a value attached. She explained that inkind support may be considered ground preparation, installation of the monument, possibly a land donation, administrative costs (photocopying), research costs, Committee space for planning, webpage space, staff dedicated to support the celebration - few hours per week. She further explained that two letters of support are required by April 15th. She stated that an invitation has been extended to all interested individuals to meet at the Drumheller Civic Centre AV Room on March 29th at 7:00 PM. Council recommended that Linda meet with Paul Salvatore, Director of Community Services for assistance with the grant application preparations. Council agreed to discuss the matter at a Committee of the Whole meeting once an update of the March 29th meeting has been provided.

7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS

8.0 REQUEST FOR DECISION REPORTS

8.1. CAO

8.1.1 Information - Work Priorities Update

R. Romanetz provided the following update on work priorities:

- Tourism Master Plan - Through the Canadian Badlands Ltd. grant application the Town will receive \$225,000 (75%/25% match) for specific projects. The Terms of Reference has been prepared and RFP's have been called with a closing date of March 19th.
- Waste Collection System - Administration has been working on a RFP for the supply of 3000 carts for the automated cart system. The second component is the service contract for emptying of the carts (commercial, residential and combined) which closes on March 25th. The three options will determine whether there will be any economy of scale. The third component involves the Waste Collection Bylaw amendments which will be presented to Council shortly.
- Wastewater Plant Upgrades and Landfill Project - the timeframe for the completion as set by the Province is March 31st however both projects will not be completed by this time line and a letter has been written requesting an extension for both projects to December 31st 2010. A verbal confirmation has been received from the Province and they are receptive to the new date.
- New recycling building (5000 sq ft) and the work that ties the facilities together, such as moving of forcemains and septic tank can not be in place until the frost is out of the grounds. The tender for this project closes on March 19th - the contract must be in place by March 31st.

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- Cast Iron Water Main Replacement - the 5 year plan to replace aging lines in the downtown area has been prepared for tender however Administration needs to finalized the line locations for the Badlands Community Facility. Pricing should be in by the end of April.
- Street Improvement Program - AECOM's engineer has put together the document which includes Alberta Transportation's request to include the work along North Dinosaur Trail intersection improvements at St. Anthony's new school. It is anticipated that there should be significant price reduction with their portion tendered with the Town's work - tendered within the next 30 days or run the risk of contractors not being competitive.
- Brownfields - Fire Chief Bill Bachynski is working with staff on compiling an inventory with mapping to identify the location and status of properties.
- Alberta Transportation - significantly overlay work taking place in the Drumheller Area - highway from Nacmine west to Carbon Hill including SH836 and SH837 overlay for 2010.

Questions from Council:

Council K. Bertamini asked if residential lines can be included in the cast iron work. R. Romanetz stated that this work may have to be tendered separately - the contractors will provide advice.

8.2. Director of Infrastructure Services

8.3. Director of Corporate Services

8.4. Director of Community Services

8.4.1 Information - Community Enforcement WorkPlan and Branding

P. Salvatore advised that the Policing Committee has endorsed the work plan and rebranding of Community Enforcement. He stated that his department would like to receive an endorsement from Council on the same matter. Councillor S. Shoff questioned why the proposal was endorsed by the Policing Committee prior to Council. P. Salvatore stated that the Policing Committee stated that the work plan was put forward to the committee in an advisory capacity. Councillor K. Bertamini stated that she would like to know the rebranding costs and any other implications. Council agreed to discuss the matter at the next Committee of the Whole meeting.

9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION

10.0 PUBLIC HEARING DECISIONS

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11.0 UNFINISHED BUSINESS

12.0 NOTICES OF MOTIONS

13.0 COUNCILLOR REPORTS

14.0 IN-CAMERA MATTERS MO2010.60 McDonald, Berdahl moved to go in camera at 5:29 PM. Carried unanimously.

14.1 Land Matter

14.2 Personnel Matter

MO2010.61 Berdahl, McDonald moved to revert to regular Council meeting at 6:14 PM. Carried unanimously.

There being no further business the Mayor declared the meeting adjourned at 6:15 PM.

MAYOR

CHIEF ADMINISTRATIVE
OFFICER

TOWN OF DRUMHELLER BYLAW #10-10

Being a Bylaw of the Town of Drumheller, in the Province of Alberta, to establish a bylaw to outline the provision of Solid Waste Management.

WHEREAS pursuant to the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of the people and the protection of the people and premises, nuisances, services provided by or on behalf of the municipality and

WHEREAS the Municipal Government Act also provides that a Council may pass bylaws to establish a system for the collection, removal and disposal of garbage and waste;

NOW THEREFORE the Municipal Council of the Town of Drumheller, in the Province of Alberta, duly assembled in a regular meeting, enacts as follows:

1. TITLE:

This Bylaw will be cited as "The Solid Waste Management Bylaw".

2. DEFINITIONS

- a) "Ashes" means cold residue from the burning of wood, coal and other like material for the purpose of cooking, heating buildings and disposition of waste combustible materials.
- b) "Automated Collection" means the collection of waste by a system of mechanical lifting and tipping of receptacles into specifically designed vehicles.
- c) "Biomedical Waste" means medical waste that requires proper handling and disposal because of environmental, aesthetic and health and safety concerns as well as risks to human health and safety concerns as well as risks to human health and includes:
 - i. Human anatomical waste;
 - ii. Infectious human waste;
 - iii. Infectious animal waste;
 - iv. Blood and body fluid waste; and
 - v. Medical sharps, such as needles, syringes, blades or other clinical laboratory material capable of causing punctures or cuts.
- d) "Boulevard" means:
 - i. The strip of land between the curb and the sidewalk and between the sidewalk and the property line, or;
 - ii. Where there is no curb, the strip of land between the near edge of the road and the property line.

Agenda Item # 8.1.1

- e) "Building Waste" means all produced in the process of constructing, demolishing, altering or repairing a building and shall include, but not be limited to soil, vegetation and rock displaced during the process of building.
- f) "Bylaw Enforcement Officer" means an appointed Bylaw Officer or Community Bylaw Enforcement Officer, Peace Officer, Chief Administrative Officer or the Royal Canadian Mounted Police – Drumheller Detachment.
- g) "Chief Administrative Officer" means the CAO for the Town of Drumheller or a person appointed by the CAO to oversee the Engineering and Infrastructure Services Department and/or their duly authorized delegate, authorized agent or representative.
- h) "Collection Day" means the day which is scheduled by the Chief Administrative Officer for municipal collection of Solid Waste.
- i) "Collector" means a person or corporation who collects waste within the Town for and on behalf of the Town.
- j) "Commercial Bin" means a bin used for the storage of waste materials generated by the industrial, commercial or institutional sector that is collected by a Contractor and approved by the Chief Administrative Officer.
- k) "Commercial Premises" means a premise which:
 - i) houses a waste generator producing an average volume equivalent to more than five (5) bags of solid waste per week;
 - ii) has activity which is likely to be, but not limited to Institutional, Commercial or Industrial in nature;
 - iii) is not regularly a residential dwelling or condominium;
 - iv) is any premises which is an apartment consisting of more than four (4) self-contained suites;
 - v) has, at the sole discretion of the Chief Administrative Officer, been otherwise described as commercial and therefore not entitled to residential waste collection and removal.
- l) "Cubic Meter" for the purposes of collection shall be one Cubic Meter of volume of solid waste.
- m) "Curb" means the actual curb, if there be one and if there is no curb in existence, shall mean the division of roadway between that part intended for the use of vehicles and that part intended for the use of pedestrians.
- n) "Exclusive Franchise" means a contractual agreement between the Town and a single Contract Hauler, for a fixed time period, for the removal of solid waste from commercial premises. At the discretion of the Town, the description of solid waste shall be expanded to include the removal of recyclable and compostable materials.

Agenda Item # 8.1.1

- o) "Food Waste Disposal Unit" means an electrically operated unit intended to be used with kitchen sinks, designed to grind garbage into a state suitable for discharge into the sanitary sewer system.
- p) "Garbage" means waste bi-products produced from household and commercial process and can be composed of organic and inorganic material.
- q) "Hazardous Waste" means any substance or thing that falls within the definition of Hazardous Waste in Schedule 1 of the Alberta Regulation of July 6, 1999 192/96, the Waste Control Regulation.
- r) "IC&I Waste" means waste materials generated from the industrial, commercial or institutional sector.
- s) "Lane" means a narrow roadway intended chiefly to give access to the rear of buildings and parcels of land.
- t) "Leaf and Yard Waste" means grass clippings, leaves, brush, twigs, house and garden plants, sawdust and wood shavings or other similar items as designated by the Chief Administrative Officer.
- u) "Manual Collection" means collecting waste by manually tipping cans or lifting bags into a waste collection vehicle.
- v) "Material Recycling Facility" "MRF" means both of the material recycling facilities located at the Drumheller and District Regional Landfill which are approved to accept uncontaminated recyclable material.
- w) "Occupant" means a person or corporation in actual possession of any premises either as an owner or tenant.
- x) "Plastic Garbage Bag" means a sturdy plastic bag specifically marketed to store waste and excludes bags that are intended for other purposes.
- y) "Premises" means any land, building, supplied with utilities by the Town.
- z) "Recyclable" means refuse, garbage, waste or other which, when separated and uncontaminated, is deemed by the Chief Administrative Officer to have available a disposal method alternate to Landfill.
- aa) "Residential" means any premises which:
 - i. Is actually used as a dwelling;
 - ii. Consists of four (4) or fewer self contained suites;
 - iii. Produces an average volume equivalent to five (5) bags or less of solid waste per dwelling or self contained suite per week;

- iv. Has one (1) storage location to permit refuse collection to be made directly from a street;
 - v. Is constructed and located to permit refuse collection to be made directly from a street;
 - vi. Has, at the sole discretion of the Chief Administrative Officer, been described otherwise as residential and therefore entitled to residential waste collection and removal.
- bb) "Shared Receptacle Service" means garbage collection services provided to a specific multi-premise site in Town in which several premises share one or more waste receptacles for garbage collection.
- cc) "Sidewalk" means that part of a roadway primarily intended for the use of pedestrians and includes the part lying between the curb line or edge of the roadway and the adjacent property line, whether or not paved or improved.
- dd) "Street" means any thoroughfare, highway, road, trail, avenue, parkway, driveway, viaduct, lane, alley square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
- i. A sidewalk, including a boulevard adjacent to the sidewalk;
 - ii. If a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - iii. If a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a highway.
- ee) "Town" means the corporation of the Town of Drumheller or the area contained within the boundaries thereof, as the context requires.
- ff) "Waste" means any discarded household debris, commercial debris, recyclables or household hazardous waste as herein defined.
- gg) "Waste Container" means a waste receptacle provided by the occupant specifically marketed to store waste and excludes containers that are meant for other purposes.
- hh) "Waste Collection Cart" means a cart that is supplied by the Town designed to receive waste then rolled to a collection point and emptied by an automated collection truck.
- ii) "Waste Receptacle" means a commercial bin, waste collection cart, waste container or a plastic garbage bag.

3. GENERAL

Authority of the Town:

3.1 Except as otherwise provided in this Bylaw, the town shall provide for the public collection and removal of waste within the limits of the Town and shall supervise the facilities and equipment necessary or desirable for the management of waste collected or disposed by the Town.

Authority of the Town Engineer:

3.1 The Town Engineer shall:

- a) Supervise the collection, removal and disposal of waste, and;
- b) Set the days and times that collection shall be undertaken in different portions of the Town;
- c) Outline the quantities and classes of waste to be removed from any premises or accepted by the Town for disposal;
- d) Decide which method will be used to collect waste;
 - i. Manual Collection, or
 - ii. Automated Collection, or
 - iii. Shared Receptacle Services.
- e) State the location from which waste will be collected;
 - i. Front Street Collection, or
 - ii. Rear Lane Collection.
- f) Set instructions and operating policy for Automated Cart Collection;
- g) May specify availability of waste collection for commercial pick-up;
- h) May specify that private waste haulers report the total volume of solid waste to be hauled out of the Town's boundaries;
- i) Carry out any inspections required to determine compliance with this Bylaw;
- j) Take any steps or carry out any actions required to enforce this Bylaw;
- k) Take any steps to carry out any actions required to remedy a contravention of this Bylaw;
- l) Establish an exclusive franchise for the collection and removal of refuse and recyclables from commercial premises and direct commercial waste generators to be responsible for their own contractual relations as described in the franchise.

4. WASTE RECEPTACLES

- a) Any waste that is to be collected must be:
 - i. Must be bagged to prevent loose waste from escaping, or
 - ii. When bagging is not possible must be prepared or packaged in a manner that will prevent loose material from escaping;
- b) The occupant of any residential premises in the Town from which waste is to be collected shall provide and maintain waste containers sufficient to hold the amount of garbage which accumulates in between designated pick-up periods;
- c) Except as otherwise provided, no person shall place waste elsewhere than in waste receptacles, which comply with the requirements of this bylaw;
- d) Waste receptacles provided by the occupant shall be either a waste container or a plastic garbage bag;
- e) The occupant shall ensure that waste containers used:
 - i. Are constructed of a sturdy, water-tight material
 - ii. Are maintained in good condition;

- iii. Have fixed rigid handles and a smooth rim;
- iv. Have properly fitted lids that are kept closed except when the containers are loaded and unloaded;
- v. Are of a tapered cylindrical design such that waste will slide out, and
- vi. Not be less than 70 litres and not more than 100 litres in size;
- f) Waste containers larger than 100 litres may be used only if the container is wheeled and plastic garbage bags are used in the waste container so that the bags can be easily removed without the need to lift the container. Each plastic garbage bag counts as one waste receptacle;
- g) The occupant shall ensure that plastic bags used:
 - i. Are made of material capable of bearing the weight of its contents without tearing or breaking when lifted, and;
 - ii. Are securely tied or fastened so that the contents are wholly enclosed by the bag, and;
 - iii. Are no smaller than 60 litres, no larger than 100 litres, approximately 85 cm in height, approximately 70 cm in width, and;
 - iv. Are placed in a waste enclosure or waste receptacle to adequately protect the bags from scavenging by animals;
- h) The occupant of the premises will be provided with a Waste Collection Cart if they are party to Automated Collection Service;
- i) The Town will provide 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, stolen or damaged 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;
- j) A Waste Receptacle or Collection Cart shall not be filled to a height greater than 5 cm from the top of the receptacle;
- k) The Waste Receptacle or Collection Cart shall be cleaned out regularly by the customer to avoid build-up of odours;
- l) No person shall place waste in any Waste Receptacle without the permission of the owner or occupant of the premise;
- m) The Chief Administrative Officer 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 in a contrary to the instructions and operating policy of the Chief Administrative Officer.

5. WASTE BOXES OR ENCLOSURES – MANUAL COLLECTION SYSTEM

The occupant of the premises from which waste is to be collected under a Manual Collection System when the premises are fenced from the lane or street where collection is made:

- a) Shall provide waste boxes or enclosures for the protection of waste containers or plastic garbage bags and in other applications as required by the Chief Administrative Officer.

- b) Residents with boxes or enclosures for Manual Collection are responsible for ensuring that the design, construction and state of repair of any permanent enclosure for the storage of waste containers and plastic garbage bags at collection locations allow for the safe and efficient collection of waste and meets the following requirements:
 - i. Enclosure doors should be hinged at the sides with the bottom of the door located a minimum of 15 cm above grade level;
 - ii. Door latches should be large enough to be used by Waste Collectors even while wearing mitts or gloves;
 - iii. An enclosure should allow a minimum clearance of 30 cm above the waste receptacles and lids;
 - iv. An enclosure should not be constructed in such a way that it requires Waste collectors to lift waste receptacles over any obstacle exceeding 15 cm in height, and;
 - v. Be free of rodents, wasps and other pests;
- c) Residential enclosures shall meet the minimum instructions, operating policy and design standards as set by the Chief Administrative Officer;
- d) Residential enclosures that are permanent can not encroach past the property line on to public lands or land;
- e) Enclosures for commercial waste bins shall meet the minimum instructions, operating policy and design standards as set by the Chief Administrative Officer.

6. WEIGHT OF WASTE

- i. For Manual Collection shall not exceed 27 kilograms or 60 lbs;
- ii. For Automated Collection, the maximum weight will be set by the Chief Administrative Officer

7. LOCATION OF WASTE RECEPTACLES

- a) Except as otherwise provided herein, no person shall place or keep waste receptacles upon any portion of the street or lane. Any waste receptacle improperly left in the street may be removed and disposed of by the Town;
- b) No person who receives waste collection shall set out waste receptacles at locations that are: unsafe, obstructed, blocked by snow, ice poorly maintained or that prevent Waste Collectors from collecting waste in a safe and efficient manner in the opinion of the Chief Administrative Officer or their designate;
- c) The occupant of residential premises shall place waste receptacles for collection in such a way that Collectors shall have access without entering into private property;
- d) Waste receptacles set out for Manual Collection at premises serviced by front street pickup must be placed such that:
 - i. Where there is a combined curb sidewalk, the receptacles are placed not more than 1 metre away from the travel portion of the sidewalk adjacent to and directly in front of the premises;
 - ii. Where there is a separated curb and sidewalk by a boulevard, the receptacles are placed not more than 1 metre away from the travel portion of the street adjacent to and directly in front of the premises;

- iii. Where there is a curb and no sidewalk, the receptacles are placed not more than 1 metre away from the travel portion of the street adjacent to and directly in front of the premises.
- e) Except where in the opinion of the Chief Administrative Officer, it is impractical to store waste receptacles outside of the building, no Collector shall make a collection of waste from inside any building;
- f) Automated Waste Collection Cart shall be:
 - i. Set out in accordance with the instructions and operating policy of the Chief Administrative Officer;
 - ii. Placed in the alley if the resident has back alley pick-up or set out on the street if the resident has frontal pickup;
 - iii. Set out so that they will not likely be overturned;
 - iv. Stored out of sight on the premise;
- g) The Town shall collect waste from only one pick-up point from each premise, except where the Chief Administrative Officer has designated any other pick-up point he considers necessary;
- h) Waste receptacles must be placed in a location that is free of rodents, wasps and other pests.

8. GARBAGE, WASTE & ASHES

- a) An occupant of premises from which garbage is to be collected shall:
 - i. Thoroughly drain all household garbage and place it in a plastic garbage bag before disposing of it in the waste receptacle;
 - ii. Quench all ashes for collection and if possible put them in separate waste receptacles from the other waste;
 - iii. Double bag all light, dusty or objectionable materials including cooled ashes, powders, sawdust, vacuum cleaner bags, furnace filters, animal feces and absorbents and disposable diapers;
 - iv. Use protective packaging (sturdy sealed cardboard box or rigid disposable plastic container) for the disposal of sharp, dangerous items including broken glass, razor blades, sheet metal scraps and items with exposed screws or nails;
 - v. Ensure material unsuitable for bagging is to be bundled and securely tied with the bundles not exceeding 1.2 metres (4 feet) in length, 0.75 metres (2.5 feet) in diameter and 27 kg (60 lbs) in weight;
- b) Other than as stated elsewhere in this Bylaw, the Town shall not remove the following from premises:
 - i. Highly combustible or explosive materials including but not limited to liquid or solid fuels, gunpowder, ammunition or explosives;
 - ii. Hot ashes which are not properly quenched and appear to be hot or likely to cause a fire;
 - iii. Compressed propane or butane cylinders;
 - iv. Toxic or household hazardous waste including solvents, oven cleaners, paints, automotive fluids, wet cell batteries, pesticides, herbicides or any material commonly referred to as household, commercial or industrial hazardous waste;
 - v. Biomedical waste including hypodermic needles or syringes, lancets or any sharp item used in home medical care;

- vi. Large bulky items such as mattresses, box springs, dressers, tables, chairs, major appliances, auto and truck parts, tires, tree limbs, whole shrubs or discarded heavy machinery;
 - vii. Sheet iron, large pieces of scrap metal or machine parts;
 - viii. Electronic equipment including televisions, computers, computer monitors, keyboards and associated cables;
 - ix. Renovation, construction or demolition material
 - x. Stumps, concrete blocks or slabs, soil, rocks or aggregate;
 - xi. Dead animals and animal parts from hunting or trapping;
 - xii. Transient waste;
 - xiii. Septic tank pumping, raw sewage or industrial sludge;
 - xiv. Radioactive waste;
 - xv. Waste material which has not been placed for collection in accordance with the provision of this Bylaw;
 - xvi. Liquid waste or material that has attained a fluid consistency and has not been drained.
- c) The Town may accept from time to time and with advance notice, irregular waste items including: appliances, white goods, furniture, mattresses and the like.

9. BUILDING MATERIALS AND CONSTRUCTION WASTE

- a) A person carrying out the construction, demolition or alteration of buildings or other building operations on any property shall do so in such manner as to not permit building material or building waste material to remain loose, free or uncontrolled on the property;
- b) The main contractor on the building site shall be responsible for the actions of any subcontractor or tradesman who fail to comply with subsection a);
- c) Any building material or building waste material which blows free from the building site shall be recaptured, returned to the building site and deposited in a waste receptacle;
- d) The main contractor on a building site shall be responsible for the term of the construction in providing a suitable waste receptacle capable of receiving all building waste material and maintaining the same in a safe contained manner;
- e) Where the contractor is working on more than one building site and they are adjoining, he may provide one building waste receptacle for each three building sites;
- f) The main contractor on a building site shall be responsible for having all unused building material and building waste material disposed of in a Landfill or appropriate area;
- g) The Chief Administrative Officer may direct the person carrying out the construction or alteration of a building to provide a fence of a type that will trap any building material or building waste material in such a manner as to prevent it from escaping from the building site.

10. COLLECTION SCHEDULE

The Town shall collect waste:

- a) From each residential premises once each week; except as detailed in Section 9 b);

- b) The Town may provide one leaf and yard waste collection cart for the collection of leaf and yard materials from each residential premise;
- c) Any waste that is stored in a commercial bin may be collected by the Town at the Chief Administrative Officer discretion;
- d) The Town may establish an exclusive franchise at the discretion of Town Council, for the collection and removal of refuse and recyclables from commercial premises and direct commercial waste generators to be responsible for their own contractual relations as described in the franchise;
- e) Where the town does not collect waste at commercial premises, the occupant, either by contractors, agents or by employees, shall remove and dispose of the waste in compliance with all applicable Federal, Provincial and Municipal laws.

11. TRANSPORTATION OF WASTE

No person shall convey through any street in the Town any waste except in a properly enclosed receptacle or in a vehicle which is covered with canvas or tarpaulin or secured such that the contents are protected from being wind borne or falling on the streets.

12. DAMAGE TO PRIVATE ROADS AND INFRASTRUCTURE

The Town will not be responsible for any damage to roads or infrastructure on a private site resulting from legitimate operation of waste collection vehicles during waste collection activity at that private site.

13. OTHER PROVISIONS

- a) It shall be unlawful for any person to dump building waste, garbage or other waste material anywhere within the limits of the Town of Drumheller, except in the location designated by the Chief Administrative Officer;
- b) No person, other than the occupant of the premise, shall pick over, remove, disturb, or otherwise interfere with any waste material that has been set out for municipal collection;
- c) No person shall place residential or commercial waste in a public litter container;
- d) No person shall burn household refuse, burnable debris or prohibited debris in any fireplace or fire pit within the Town;
- e) The Town reserves the right to withhold collection of improperly prepared waste, prohibited waste, excessive quantities of waste or waste located at unsafe or non-compliant set out locations;
- f) The occupant shall keep the lane at the rear of the premises occupied or under his control – to the centre of the lane – in a clean and tidy condition and free from refuse of any nature;
- g) The occupant shall keep the curb and gutter at the front of the premises in a clean and tidy condition.
- h) No person shall dispose of waste or recyclable materials in the Landfill or at the Material Recycling Facilities except as directed by the Landfill Manager, employee or agent of the Landfill.
- i) All IC&I generators shall be required to deliver, dispose of or allow or cause to be delivered or disposed of only such recyclable materials that the Material Recycling

Facilities are approved to accept and shall ensure that all recyclable material is source separated and free of any contamination.

- j) The Chief Administrative Officer shall determine which commercial operations will be required to source separate their recyclables.

14. CONTRAVENTION

Any person who contravenes a provision of the Bylaw is guilty of an offence and is liable of a fine not exceeding \$2,500 dollars.

15. VIOLATION TICKETS AND PENALTIES

- a) Where a Bylaw Enforcement Officer and/or the Chief Administrative Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw, he may serve upon such person a violation tag provided by this section:
 - i. Either personally on the premises or by leaving it for the occupant at their residence with a person on the premises who appears to be a least eighteen (18) years of age or by registered mail and such service shall be adequate for the purpose of this Bylaw;
 - ii. A violation tag shall be in such form as determined by the Town of Drumheller and shall state the section of the Bylaw which was contravened and the amount which is provided, that will be accepted by the Town in lieu of prosecution;
 - iii. Upon production of a violation tag issued pursuant to this section within fourteen (14) days from the issue thereof together with the payment to the Town of Drumheller of the fee as provided, the person to whom the tag was issued shall not be liable for prosecution for the contravention in respect of which the tag was issued;
 - iv. Notwithstanding the provisions of this section, a person to whom a tag has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of the provisions of this Bylaw.
- b) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in the attached Schedule A in respect of that provision;
- c) The minimum penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in the attached Schedule A in respect of that provision;
- d) Notwithstanding subsection 16 b:
 - i. Where any person contravenes the same provision of the Bylaw twice within one eighteen month period, the specified penalty payable in respect of the second contravention is double the amount shown in current Schedule A in respect of that provision, and
 - ii. Where any person contravenes the same provision of this Bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in the current Schedule A in respect of that provision.

16. COMPLIANCE WITH OTHER LEGISLATION

No section of this Bylaw relieves a person from complying with any federal or permit, order, consent or other direction.

17. VALIDITY OF BYLAW

Every provision of this Bylaw is independent of 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.

18. ENACTMENT

1. This Bylaw will take full force and effect on the first day of A.D. 2010.
2. Upon enactment of this Bylaw, Bylaw #28-98 as amended is hereby rescinded.

READ A FIRST TIME this day of , AD 2010.

Mayor

Chief Administrative Officer

READ A SECOND TIME this day of , AD 2010.

Mayor

Chief Administrative Officer

READ A THIRD AND FINAL TIME this day of , AD 2010.

Mayor

Chief Administrative Officer

CONTRAVENTION PENALTIES

SCHEDULE A

1. Contravention of the following provisions within the Town of Drumheller Solid Waste Management Bylaw shall be as follows:
 - a. Waste Receptacles Section 4 (a–m) - liable to a minimum of \$ 50.00
 - b. Waste Boxes or Enclosures Section 5 (a-e) - liable to a minimum of \$ 50.00
 - c. Weight of Waste Section 6 (i) - liable to a minimum of \$ 50.00
 - d. Location of Waste Receptacles Section 7 - liable to a minimum of \$ 50.00
 - e. Other Provisions Section 13 (c, f &g) - liable to a minimum of \$ 50.00
 - f. Garbage Waste and Ashes Section 8 (a (ii) - liable to a minimum of \$150.00
 - g. Garbage Waste and Ashes
Section 8 (a (i, iii, iv & v) - liable to a minimum of \$ 50.00
 - h. Building Materials and Construction Waste
Section 9 - liable to a minimum of \$250.00
 - i. Transportation of Waste Section 11 - liable to a minimum of \$350.00
 - j. Other Provisions Section 13 (b, d & h) - liable to a minimum of \$500.00
 - k. Other Provisions Section 13 (i) - liable to a minimum of \$1,000.00
 - l. Other Provisions Section 13 (a) - refer to clause 14 Contravention

Objectives:

1. To encourage/enforce commercial businesses to recycle their paper fibres.
Section 13 (h, i & j)
2. To eliminate non recyclable waste from being disposed of in the recycling containers from the commercial sector.
Section 13 (h & i)
3. To prevent the public from scavenging recyclables from the mobile collection units or containers.
Section 13 (b)
4. To prevent the public from disposing of waste materials (other than acceptable recyclables) at the community drop off.
Section 4 (c) Section 13 (a)
5. Exclusive Franchise agreement
Section 10 Collection Schedule (d)
6. Implementation of the Cart Collection System
Section 3. General (3.2)
Section 4 Waste Receptacles (h, l j, k,)
Section 6 Weight of Waste (ii)
Section 7 Location of Waste Receptacles (f – i-iv)
Section 10 Collection Schedule (b)- leaf and yard waste cart

TOWN OF DRUMHELLER BYLAW NUMBER #11-10

BEING A BYLAW TO AMEND LAND USE BYLAW NO. 10-08 FOR THE TOWN OF DRUMHELLER IN THE PROVINCE OF ALBERTA.

WHEREAS pursuant to the provision of Section 639 of the *Municipal Government Act*, RSA 2000, Chapter M-26, the Council of the Town of Drumheller (hereinafter called the Council), has adopted Land Use Bylaw No. 10-08;

AND WHEREAS the Council deems it desirable to amend Land Use Bylaw 10-08; and

NOW THEREFORE the Council hereby amends Land Use Bylaw No. 10-08 as follows:

1. The addition of the following definitions in Part 1 (2) Definitions:

"Liquor Store" means a use:

- (a) where alcoholic beverages are sold for consumption off the retail outlet premises, that has been licensed by the Alberta Gaming and Liquor Commission;
- (b) must not be located within 300 metres of any other liquor store, when measured from the closest point of a liquor store to the closest point of another liquor store;
- (c) must not be located within 150 metres of a parcel that contains a school, when measured from the closest point of a liquor store to the closest point of a parcel that contains a school.

"Renewable Energy System" means a use:

- (a) that produces electrical power to be used for the on-site consumption requirements by alternative means such as but not limited to active and passive solar collectors, photovoltaic solar panels, geothermal energy;
- (b) may be connected or disconnected from the electrical grid in accordance with the requirements of the appropriate authority;
- (c) may provide residual power to the grid but is not intended to produce power primarily for resale;
- (d) a Renewable Energy System shall be in accordance with *Section 83*.

"Small Animal Care Centre" means a use:

- (a) where small animals are washed, groomed, trained or boarded;
- (b) where the animals must not be boarded overnight; and
- (c) that may have the incidental sale of products relating to the services provided by the use; and
- (d) must not have any outside enclosures, pens or exercise areas.

"Small Wind Energy System" means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 300 kW, and which is intended to primarily provide electrical power for the on-site consumption

requirements, either on or off-grid, and may provide residual power to the grid but is not intended to produce power primarily for resale. A SWES shall be in accordance with **Section 82**.

"Small Wind Energy System – Blade" means an element of a SWES rotor that acts as a single airfoil and extracts kinetic energy directly from the wind.

"Small Wind Energy System - Total System Height" means the height from ground level to the tip of the blade at its highest point.

"Small Wind Energy System - Tower Height" means the height above-grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor.

"Small Wind Energy System – Turbine" means the parts of the wind system including the rotor, generator and tail.

"Small Wind Energy System – Turbine Tower" means the guyed or freestanding structure that supports a wind turbine generator.

"Small Wind Energy System – Visual Impact" means the impact of a small turbine's visibility beyond the property lines of the subject parcel. The visual impact shall take into consideration the landscape setting, the points from which it would be viewed, and the perception of the surrounding land owners where significant views may be affected.

2. Amendments to Part VI Land Use Districts as follows:

Addition of 'Small Wind Energy System' as a discretionary use in the following land use districts:

- 25. CR – Country Residential
- 27. SCR - Suburb Community Residential District
- 28. R-CH – Residential Cottage Housing District
- 37. A—Agricultural District
- 32. HWY-C - Highway Commercial District
- 33. M-1 -- Light Industrial District
- 34. M-2 – Medium Industrial District
- 35. M-2R – Restricted Industrial District
- 36. P – Community Service District
- 38. UT—Urban Transitional District

Addition of 'Small Animal Care Centre' as a discretionary use in the following land use districts:

- 28. R-CH – Residential Cottage Housing District
- 29. C-B—Central Commercial District
- 30. DT—Downtown Transition District
- 31. C-1 -- Local Commercial District
- 32. HWY-C - Highway Commercial District

- 33. M-1 -- Light Industrial District
- 34. M-2 -- Medium Industrial District
- 35. M-2R -- Restricted Industrial District
- 37. A--Agricultural District

Addition of 'Kennel as a discretionary use in the following land use districts:

- 33. M-1 -- Light Industrial District
- 34. M-2 -- Medium Industrial District
- 35. M-2R -- Restricted Industrial District
- 38. UT--Urban Transitional District

Addition of 'Liquor Store as a discretionary use in the following land use districts:

- 29. C-B--Central Commercial District
- 30. DT--Downtown Transition District
- 31. C-1 -- Local Commercial District
- 32. HWY-C - Highway Commercial District

3. The amendment of the following under Part VII General Land Use Regulations:

Amendment of:

51. Drive Through

The following regulations shall apply to the development of drive through services that are applied for in connection with another use:

- (a) If outdoor speakers are provided they shall be a minimum 20 metres (66 ft.) from the property boundary of a parcel designated as a residential district and separated from a residential district by a building;
- (b) Drive through aisles shall be screened from residential land uses and not located within 20 metres (66 ft.) and shall be separated by a building;
- (c) drive through aisles may be located in a required setback area if there are no safety or nuisance concerns identified with adjacent land uses;
- (d) drive through aisles must not provide direct access to any land or street;

As follows:

51. Drive Through

The following regulations shall apply to the development of drive through services that are applied for in connection with another use:

- (a) If outdoor speakers are provided they shall be:
 - i. a minimum 20 metres (66 ft.) from the property boundary of a parcel designated as a residential district; or

- ii. separated from a residential district by a building; or
- iii. appropriately screened and/ or designed so that the noise from the speaker does not adversely affect adjacent residential land uses at the discretion of the approving authority.
- (b) Drive through aisles shall be appropriately screened from residential land uses and/ or not located within 20 metres (66 ft.) of a residential building at the discretion of the approving authority;
- (c) drive through aisles may be located in a required setback area if there are no safety or nuisance concerns identified with adjacent land uses or if any concerns are sufficiently remedied;
- (d) a drive through window shall not provide direct access to any street or adjacent property;

Amendment of:

70. Service Stations

Service stations, where permitted in this Bylaw, shall comply with the following requirements:

- (b) Minimum Requirements
 - (i) no part of a service station building or any pump island shall be within 6.1 m (20 ft.) of front, side or rear property lines;
 - (ii) minimum front yard of 10.6 m (35 ft.) with no pumping island closer than 4.5 m (15 ft.) to the building.

As follows:

70. Service Stations

Service stations, where permitted in this Bylaw, shall comply with the following requirements:

- (b) Minimum Requirements
 - (iii) no part of a service station building or any pump island shall be within 6.1 m (20 ft.) of front, side or rear property lines or a greater setback if required as part of the minimum requirements of the land use district;
 - (iv) minimum front yard of 10.6 m (35 ft.) from the service station building with no pumping island closer than 4.5 m (15 ft.) to the building.

Addition of:

72a. Kennels

The following regulations shall apply to any development permit application for a Kennel:

- (a) A Kennel must be a minimum distance of 150.0 metres from any adjacent dwelling, which must be measured from the nearest point of the building containing the use to

the nearest point of the adjacent dwelling unless the residence is associated with the operation.

- (b) All animals shall be kept indoors from 9 p.m. to 7 a.m.
- (c) Kennels should not be approved in areas with clustered residential developments due to the potential for land use conflict and nuisance effects including noise, smell, and public safety.
- (d) Any development permit application for a Kennel shall be circulated to all neighbouring property owners within a 300 metre radius of the property boundaries of the proposed location of the Kennel.

Addition of:

82. Small Wind Energy Systems

It is the purpose and intent to promote the safe, effective and efficient use of small wind energy systems (SWES) to reduce the on-site consumption of utility-supplied electricity while protecting public health and safety without significantly increasing the cost or decreasing the efficiency of a SWES. An SWES may be appropriately located on larger residential parcels, commercial/ industrial sites or for public facilities and shall be considered an accessory structure and use in the land use districts where it is listed in accordance with the following requirements:

(1) Maximum Tower Height:

- (a) Parcel size – 0.2 ha. (0.5 acres) – 0.4 ha. (1.0 acre)
25 m (80 ft.)
- (b) Parcel size greater than 0.4 ha. (1.0 acre)
No maximum

Tower height shall be in accordance with the manufacturer requirements and shall conform to the setback requirements below.

(2) Setback Requirements:

- (a) Setbacks from property lines
The SWES tower base shall be no closer to the property line than the **total system height** of the SWES, and no part of the tower structure, including guy wire anchors, may extend closer than 3 m (10 ft.) to the property boundaries of the installation site. The Development Authority may waive the tower base setback requirements if the adjacent property owner grants an easement for the location of the SWES to be closer than these requirements.
- (b) Setbacks from Structures
 - (i) Dwellings:
The SWES tower base shall be no closer to a dwelling unit on an **adjacent** property than the **total system height** of the SWES.
 - (ii) Accessory buildings or structures
No requirements

The Development Authority may waive the tower base setback requirements if the affected adjacent property owner grants an easement registered on title for the location of the SWES to be closer than these requirements.

(3) Sound

Sound levels from a SWES shall not negatively impact adjacent property owners. A satisfactory report from a sound engineering professional may be required to ensure noise levels are not above that of normal ambient background noise on adjacent properties. This determination shall be measured at the at the property line of the adjacent property.

(4) Visual Impact

The nature of a SWES requires the installation of the turbine on a tall tower, 25-30 ft. above structures or trees to reach wind conditions and avoid turbulence. Visual Impact concerns shall be considered where there is significant scenic or historical value associated and where there is a clear public benefit.

(5) Consultation Requirements

Applicants for a SWES shall be responsible for circulating the proposal prior to application to adjacent property owners using the approved form. Any comments received from the circulation shall be included with the application.

(6) Decommissioning

If the active production of electricity from a SWES is discontinued for two years or more the SWES shall be removed. Upon termination of the use, the entire facility shall be removed and the site shall be restored to pre-construction condition.

83. Renewable Energy Systems

Renewable energy systems such as, but not limited to, active and passive solar, photovoltaic solar panels, heat exchange systems and generators are encouraged as a method to reduce green house gas emissions and to promote sustainability objectives within the Town of Drumheller. Alternative Energy Systems shall require a development permit to ensure there are no nuisance effects that extend beyond the site and shall have consideration for the following requirements:

- (a) Renewable energy systems shall meet the minimum requirements of the appropriate land use district including setbacks and height; and
- (b) Renewable energy systems shall be considered a discretionary use in all land use districts.
- (c) Renewable Energy Systems shall follow the minimum requirements for accessory buildings and uses in the appropriate Land Use District.

Deletion of the following requirement from the R-4 Land Use District and addition to the R-1A and R-3 Land Use Districts:

- (c) One 3 m (10 ft.) side yard (excluding corner lots) to provide alternate access to the rear of buildings in a laneless subdivision;

READ A FIRST TIME THIS ___th DAY OF _____, 2010

READ A SECOND TIME THIS ___th DAY OF _____, 2010.

READ A THIRD TIME AND PASSED THIS ___th DAY OF _____, 2010.

MAYOR

CHIEF ADMINISTRATIVE OFFICER