

## **Consolidation of Bylaw No. 418-98**

### **SOLID WASTE BYLAW** Adopted February 9, 1998

As Amended By:

Bylaw No. 534-2003 adopted January 27, 2003  
Bylaw No. 664-2007 adopted January 22, 2007  
Bylaw No. 694-2007 adopted December 10, 2007  
Bylaw No. 697-2008 adopted February 25, 2008  
Bylaw 712-2008 adopted December 8, 2008

This Consolidation is not an Official Bylaw. It is prepared by the City Clerk's Office for assistance only. Copies of the Official Bylaw(s) may be purchased from the City Clerk's Office.

This Consolidated Bylaw was authorized pursuant to Bylaw No. 389-97.

## **Bylaw No. 418-98 SOLID WASTE BYLAW**

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**A BY-LAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING A SYSTEM AND A SCHEDULE OF RATES FOR THE COLLECTION, REMOVAL AND DISPOSAL OF SOLID WASTE.**

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**WHEREAS:** The *Municipal Government Act*, R.S.A. 1994, Chapter M-26.1, as amended, grants a Municipality the authority to pass a Bylaw respecting services provided by or on behalf of the Municipality and to pass a Bylaw respecting the safety, health and welfare of people;

**AND WHEREAS:** in accordance with the Act, the City desires to legislate, regulate, establish and maintain a system and schedule of rates for the collection, removal and disposal of waste throughout the Municipality;

**THEREFORE:** the Council of the City of Leduc in the Province of Alberta duly assembled, hereby enacts as follows:

### **PART I: BYLAW TITLE**

1. This Bylaw shall be known as the "Solid Waste" Bylaw.

### **PART II: DEFINITIONS**

**Ashes:** the residue left after the combustion of any substance, but shall not include such ashes as may accumulate as the result of building operation.

**Bag Limit:** the maximum amount of residential waste/refuse that can be placed in receptacles per pickup period without incurring an additional charge. This limit does not apply to recyclable newsprint or backyard grass, leaves, or tree trimmings that is intended for recycling or composting purposes.

**Base Rate:** the rate established in the Fees and Charges Bylaw for a maximum number of bags or equivalent to be collected from each eligible resident per pickup. ***Amended – Bylaw No. 712-2008 adopted December 8, 2008***

**Building:** any structure used or intended for supporting or sheltering any use or occupancy.

## **Bylaw No. 418-98 SOLID WASTE BYLAW**

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Building Waste:	waste produced in the process of constructing, altering, or repairing a building.
City:	the Municipal Corporation of the City of Leduc.
City Manager:	the Chief Administrative Officer of the City, as appointed pursuant to the <i>Municipal Government Act</i> .
Collector:	any person authorized to collect, remove and dispose of waste pursuant to the Bylaw.
Container:	a container for waste which is to be emptied only by mechanical means and specifically refers to commercial type bins/containers that are 2 cubic yards or greater in capacity.
Council:	the Council of the City.
Dangerous Goods:	any material defined as Dangerous Goods under the <i>Transportation of Dangerous Goods Control Act</i> , R.S.A. 1982, C. T-6.5 as amended or repealed or replaced from time to time.
Hazardous Waste:	hazardous substance, pesticide or herbicide as defined in the <i>Environmental Protection and Enhancement Act</i> , R.S.A. 1992, c. E-13.3 and Regulations.
Highway:	as defined in the <i>Highway Traffic Act</i> , RSA 1980, C., H-7.
Householder:	any owner, occupant, lessee or tenant or any other person in charge of any residential dwelling.
Identification:	a document which establishes to the satisfaction of the Manager, or any person acting under the authority and direction of the Manager, the identity and place of usual residence of any person.
Landfill:	an area designated by the Manager of Environmental Services where the public may bring and deposit approved types of waste material.

## **Bylaw No. 418-98 SOLID WASTE BYLAW**

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Manager:	the Manager, or designate, of Environmental Services in the City who is responsible for the collection or disposal of waste.
Non-Residential Establishment:	any residence having six or more units per development, apartments, condominiums and bareland condominiums, as defined in the City Land Use Bylaw, and business, commercial and industrial buildings and premises.
Nuisance:	the disposal of waste in such a manner as to be offensive to the public at large, which, without restricting the generality of the foregoing, includes noxious or objectionable odors or objectionable appearance.
Peace Officer:	a member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer of the City.
Person:	any person, firm, corporation, partnership, association, tenant or organization of any kind.
Person in Charge:	any owner, landlord, occupant, tenant or licensee or Manager of a building, premise or undertaking.
Premises:	a site including any buildings erected thereon.
Receptacle:	means one of the following: <ul style="list-style-type: none"><li>a) a plastic or metal refuse can whose measurements do not exceed an average of 18" (40 cm) in diameter and height not to exceed 33" (84 cm), the volume or capacity of which does not exceed 4 cu. ft. (0.11 cu. m) or 60 lbs. (27 kilograms) when lifted; or</li><li>(b) non-returnable plastic bags no less than 1.25 mil thickness, securely tied at the top when ready for collection, and being no more than 26 inches (66 cm) in width, no more than 36" (91 cm) in height, and capable of holding 60 lbs. (27 kilograms) of contents when lifted; or</li><li>(c) a 75 Imperial Gallon (90 US Gallon) Schaffer roll out (or equivalent) refuse can and when filled with waste, the</li></ul>

## **Bylaw No. 418-98 SOLID WASTE BYLAW**

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total weight will not exceed 150 lbs. (70 kilograms). For the purpose of comparing capacities, one 75 Imperial

Gallon Schaffer refuse can is equivalent to 4 plastic bags or 4 plastic/metal refuse cans as described above.

**Recycling Depot:** a facility where waste is collected for the purpose of recovery and re-use.

**Refuse:** all putrescible materials resulting from the handling, preparation, cooking, consumption and storage of food, along with the following materials: broken dishes, tins, glass, rags, cast-off clothing, waste paper, excelsior, cardboard, sawdust, food containers, grass cuttings, plastic, shrubbery and tree pruning, weeds and garden waste; but does not include manure, tree stumps, roots, turf, earth, furniture, major household appliances, discarded auto parts or building waste.

**Residential Dwelling:** any low density housing which includes single family homes, duplexes up to and including five-plexes, and for the purpose of this Bylaw shall include churches.

**Tag:** the self adhesive sticker issued, upon payment (see the Fees and Charges Bylaw), by the City. This tag shall be of size, color, and numbered in such a manner as to be visible for ease of identifying refuse for collection over and above the limit (see the Fees and Charges Bylaw). **Amended – Bylaw No. 712-2008 adopted December 8, 2008**

**Trade Refuse:** ashes and refuse from non-residential establishments including, but not limited to, warehouses, factories, stores, hospitals, schools, cafes, eating houses, wholesale or retail business places, and office blocks where the establishment occupies all or part of a building having mixed uses including any building requiring additional collection service. It also includes refuse from any trade, business, commercial or industrial establishment operating from or within a residential dwelling. It does not include ashes and refuse from a residential dwelling.

## **Bylaw No. 418-98 SOLID WASTE BYLAW**

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Waste: any discarded or abandoned organic or inorganic material or material which the health regulations or the amenities of the area in which it exists, require that it be removed, and which, without limiting the generality of the foregoing includes refuse, trade refuse, and ashes.

### **PART III: DELEGATION OF AUTHORITY**

1. The Manager is hereby authorized to do all things necessary in order to administer this Bylaw.
2. The Manager shall have the following authority:
  - a) Supervise the collection, removal and disposal of waste under this Bylaw and under any contract entered into pursuant hereto;
  - b) Decide what does or does not constitute waste which shall be collected, removed and disposed of under this Bylaw.
3. Any person who considers himself aggrieved by a decision of the Manager under Part III, Section 2 may appeal such decision to Council in writing.
4. An appeal under Part III, Section 3 shall be made within 30 days after receipt of the Manager's written decision.
5. All appeals shall be made in writing addressed to the City Manager.
6. The decision of Council in such an appeal shall be final.

### **PART IV: COLLECTION**

1. The City may enter into a contract with any person for the collection, removal, and disposal of the whole or part of the waste upon such terms and conditions as are considered expedient.
2. All persons in charge of any residential dwelling or non-residential establishment shall provide and maintain in good condition a sufficient number of containers or receptacles to contain all waste from the premises in respect of which said containers or receptacles are used.

**Bylaw No. 418-98**  
**SOLID WASTE BYLAW**

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3. Where there is no single person in charge of any building or premise and there are two (2) or more separate tenants, each such tenant shall provide sufficient receptacles or containers.
4. The Manager shall determine who is the person in charge of either a residential dwelling or a non-residential establishment and his decision shall be binding.
5.
  - a) All receptacles and containers must be fitted with covers which must remain closed. The covers must prevent waste from spilling or blowing from the receptacles and containers.
  - b) All receptacle lids shall be either secured by a closure clip, or shall be fastened to a stand by a suitable chain, wire or rope.
6.
  - a) No person shall use or permit to be used any containers or receptacles for waste disposal which can spill or blow from the said containers or receptacles when waste is being dumped or stored in the containers or receptacles.
  - b) The owner of the container or receptacle who fails to, within 24 hours, pick up waste which has spilled from such containers or receptacles is liable to an offense under the Bylaw.
7. No person shall place waste in a receptacle or container of any other person without the express written consent of the owner of the receptacle or container.
8. No person shall collect or dispose of any waste as defined herein except under the provisions of this Bylaw.
9. If the number or condition of receptacles or containers provided by a person in charge is considered by the Manager to be insufficient in practice to meet the requirements of this Bylaw, then the Manager may, by written notice, direct the person in charge to promptly provide additional receptacles or containers as the case may be.
10. No person shall dispose of any waste from non-residential establishments in a receptacle used for disposal of waste intended for residential dwellings.
11. All non-residential establishments must have the waste or trade refuse placed in suitable containers.

**Bylaw No. 418-98**  
**SOLID WASTE BYLAW**

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- a) If site conditions dictate otherwise, the person in charge may use suitable receptacles providing they meet the criteria as established in PART I and PART IV - 2 & 5 of this Bylaw, and approved by the Manager.
  - b) In new development or redevelopment areas, provisions must be made by the owner to provide suitable space and access for the proper disposal of waste or trade refuse in containers.
12. The City shall remove refuse/waste from the residential dwellings located in the collection area. The frequency is to be determined by Council.

**PART V: DUTY OF COLLECTORS**

- 1. Collectors shall replace emptied receptacles and the lids and containers in approximately the same location where picked up.
- 2. Collectors shall not leave waste/refuse which has spilled on the ground from the receptacle, the container or the collection vehicle during the process of loading.
- 3. A person employed in the collection of waste/refuse shall not scavenge, pick, sort over, or remove any waste from the collection vehicle, the owner's premises, or recycling depot except as directed by the Manager.
- 4. No person, other than a collector or the person who places waste/refuse in a receptacle or container, shall interfere with or disturb the contents of any receptacle or container after the contents have been placed in the receptacle or container for collection.
- 5. All waste/refuse collected by a collector or disposed of by any person at a recycling depot pursuant to the terms of this Bylaw becomes the property of the City of Leduc.

**PART VI: PREPARATION OF WASTE FOR COLLECTION**

- 1. The person in charge of any building or premises shall keep the lane in the rear of their premises and/or sidewalk in front of their premises in a clean and tidy condition and free from refuse.
- 2. The City shall not collect waste/refuse from:

**Bylaw No. 418-98**  
**SOLID WASTE BYLAW**

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- a) any receptacle that does not conform to the description as indicated in the definitions, and/or if the weight of its contents, exceeds 27 kilograms (60 pounds), excepting Schaffer refuse cans where the weight will not exceed the manufacturer's or collector's weight restrictions, whichever is smaller; or
  - b) any receptacle which cannot be emptied by the collector in a normal "free-flowing" manner; or
  - c) any receptacle which does not conform to the standards as established in this Bylaw; or
  - d) any receptacle that is not clearly marked with the appropriate "tag(s)" when the amount of waste is over the specified bag limit.
3. A Person shall not put out or permit to be put out waste or refuse for collection unless:
- a) clippings from shrubs and trees commonly called "brush" are compactly and securely tied in bundles not exceeding 1.2 meters (1.32 feet) in length nor 27 kilograms (62 pounds) in weight, and placed beside the receptacles;
  - b) the refuse is thoroughly drained and wrapped in paper and securely tied before being put into receptacles for collection;
  - c) rags and cast-off garments are tied securely in bundles and placed within or beside receptacles for removal;
  - d) waste paper and cardboard is securely tied in bundles and placed within or beside receptacles for removal;
  - e) newsprint intended for recycling is to be securely tied in bundles with string or masking tape and placed beside the receptacle for recycling pick-up, or placed in a separate container or untied grocery bag;
  - f) ashes are cooled and put into sealed disposable containers;
  - g) sawdust is put into sealed disposable containers;

**Bylaw No. 418-98**  
**SOLID WASTE BYLAW**

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- h) animal feces and any other manure type wastes are packed separately from other waste in a securely tied double plastic bag before being placed for collection;
  - i) any waste/refuse that is in excess of the designated bag limit must be placed in the appropriate receptacle as specified in the definitions and clearly marked with the approved "tag(s)" when applicable;
  - j) animal carcasses or animal remains thereof must be packed separately from other waste in a securely tied, doubled plastic bag before being placed for collection.
4. A Person shall not place, permit to be placed, or mix with any material for collection or disposal as waste any:
- a) highly flammable, combustible or explosive material which, without limiting the generality of the foregoing, shall include petroleum based fuel or lubricant, powder, dynamite, blasting caps, motion picture film, hot ashes, or toxic materials;
  - b) Dangerous Goods or radioactive material of any type;
  - c) hazardous waste;
  - d) hypodermic needles unless packaged so they can be handled safely;
  - e) luminescent gas filled lights, unless such lights are pre-broken or encased in a container of sufficient size and strength to protect such tubes from breakage and allow safe handling; or
  - f) sharp objects or broken glass unless packaged to allow safe handling.
5. In cases where receptacles are normally kept at the point of regular pick-up, such receptacles shall be placed on a suitable stand. Said stands shall not be less than 15 centimeters (6 inches) and not more than 30 centimeters (12 inches) above the ground and be constructed so as to make the receptacles reasonably safe from being displaced by winds, animals or other ways.
6. All receptacle lids shall be either secured by a closure clip, or shall be fastened to a stand by a suitable chain, wire or rope.

**Bylaw No. 418-98**  
**SOLID WASTE BYLAW**

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**PART VII: TIME OF COLLECTION**

1. The Manager shall approve the scheduling for the collection of waste.

**PART VIII: LOCATION OF RECEPTACLES AND CONTAINERS**

1. No person in charge shall store receptacles or containers for waste once emptied upon any lane or highway of the City. Such receptacles and containers where practical shall be placed and kept at the rear of the building or premises concerned as near the lane as practicable so that the collector shall have unobstructed and convenient access thereto.
2. In cases where:
  - a) no lane exists in the rear of any building or premises; or
  - b) other special conditions exist making it impractical to place and keep such receptacles or containers at the location specified in Part VIII Section 1. Such receptacles or containers shall be placed and kept where directed by the Manager.
3. Where there is a retaining wall, steep slope or other obstruction between the lane from which the waste is collected and the pick-up location, the receptacles shall be placed at a convenient height to enable the collector to obtain from the lane level.
4. Collection shall not be made from inside any building except when, in the sole judgment of the Manager it is impractical to place the receptacles outside of the building to await collection.
5. All persons shall permit authorized collectors of waste to enter their yards and premises at all reasonable times for the purpose of carrying out their duties as outlined in this Bylaw.
6. Any person in charge of any property or premises who puts out waste for collection shall provide unobstructed and convenient access for collection of such waste.

**PART IX: TRANSPORTATION OF WASTE**

1. A person shall not use or permit to be used any vehicle for the conveyance or storage of waste, refuse or trade refuse unless such

**Bylaw No. 418-98**  
**SOLID WASTE BYLAW**

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vehicle is fitted with a suitable cover capable of preventing the dropping, spilling or blowing of waste, refuse or trade refuse while being transported or stored.

**PART X: BURNING OF WASTE**

1. No open burning of waste is permitted within the City.

**PART XI: PRIVATE COLLECTION CONTRACTS**

1. A person in charge of any non-residential establishment is responsible for the collection, removal and disposal of the waste accumulated at that building or premises within the City and may enter into a contract for the collection, removal and disposal of the trade refuse, building refuse or other waste.
2. A person in charge of any residential dwelling may not enter into a contract or contracts with any person for the collection, removal or disposal of any waste accumulated at that building or premises within the City except:
  - a) when a residential dwelling contains a trade, business, commercial or industrial establishment that generates trade refuse;
  - b) when a building is being renovated thereby causing building waste.  
Such trade refuse or building waste shall be removed by the person in charge of the premises.

**PART XII: RECYCLING STATIONS**

1. The Manager shall have the authority to regulate the disposal of waste at recycling depots in any manner which is not inconsistent with the provisions of this Bylaw, which, without limiting the generality of the foregoing, shall include the authority to prescribe hours of operation and types of waste which may be disposed of at recycling depots.
2. A person shall not deposit waste at any of the recycling depots unless the following conditions are met:

## **Bylaw No. 418-98 SOLID WASTE BYLAW**

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- a) the waste is deposited in accordance with the directions of the recycling depot attendant and/or in accordance with the appropriate signs at the sites; and
  - b) all Waste is deposited in a manner which will prohibit scattering by the wind.
3. It shall be unlawful for any unauthorized persons to enter a recycling depot for the purpose of scavenging, salvaging, scattering, searching through or burning any waste.
  4. No person shall ignite, or cause to be ignited, waste at any recycling depot.
  5. The Manager, or any person acting under the authority and direction of the Manager, shall have the authority to request Identification from any person wishing to dispose of waste at a recycling depot.
  6. The Manager may refuse entry to a recycling depot to any person violating the terms of this Bylaw.
  7. No person shall deposit or leave at a recycling depot any waste/refuse which may, by itself, or in combination with any other material that may be present, create a danger to the health or safety of persons employed by the contractor or persons employed at the Leduc Regional Landfill. This would include:
    - a) a dangerous good or radioactive material of any type;
    - b) a hazardous waste;
    - c) a public hazard; or
    - d) a dead animal.

### **PART XIII: WASTE DISPOSAL CHARGES**

1. Subject to Part XIII, Section 2 herein, all persons receiving waste/refuse disposal services for residential dwellings pursuant to the Bylaw shall pay the charges set out in the Fees and Charges Bylaw attached to and forming part of this Bylaw. In the event that any waste disposal charge remains unpaid after the date fixed for payment, there shall be added, by way of penalty, ten (10%) percent of the total amount remaining unpaid.  
*Amended – Bylaw No. 712-2008 adopted December 8, 2008*

**Bylaw No. 418-98**  
**SOLID WASTE BYLAW**

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2. City Council may, by resolution, temporarily suspend the levying of waste disposal charges as provided in this Bylaw.
3. Any unpaid waste disposal charge under this Bylaw shall constitute a debt owing to the City and is accruable by any of the following methods:
  - a) by action in any Court of competent jurisdiction;
  - b) by distress and sale of the goods and chattels of the person owing the waste disposal charge, where ever they may be found in the City; or
  - c) by discontinuing the waste disposal service.
4. The power to do any of the things provided for in this Bylaw, for the purposes of enforcing the payment of any waste disposal charge as may be deemed necessary, is hereby delegated to the Manager.

**PART XIV: NON-COMPLIANCE WITH BYLAW**

1. If a person in charge of any building or premises has been given a written order by the Manager to remedy any condition contrary to any part of this Bylaw and neglects or refuses to comply with such an order within the time specified, the same may be done by the City at the expense of the person in default:
  - a) All expenses incurred by the City shall be in addition to and not a substitute for any fines or penalties to which the Person may be subject pursuant to the provisions of this Bylaw.
  - b) On default of payment of these expenses the City may recover the expenses with the costs, as set out in Part XIII Section 3.
2. No person shall place any waste, refuse, ashes, building waste, or trade refuse in receptacles or containers not designated for same materials.
3. No person shall dispose of waste in a container, receptacle or in any other manner so as to constitute a nuisance.
4. No person shall deposit any dangerous goods, hazardous waste, dead animal, excrete, waste or other filth on or upon any street, lane, highway, water well, body of water, stream or any land.

**Bylaw No. 418-98**  
**SOLID WASTE BYLAW**

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5. The Manager may issue an order requiring the removal of any accumulation of dirt, stone, old implements or old automobiles, iron or other rubbish from roads, lands or other private or public property within the City by the person depositing the same any person who fails to comply with the requirement shall be liable to penalties provided for in Schedule B, attached to and forming part of this Bylaw.
6. Where any waste is used or put out or left in violation of any provision of this Bylaw, the owner, occupant, tenant, or person in charge of the property where the violation occurs is liable for the penalty as stated in Schedule B of this Bylaw.

**PART XV: PENALTIES**

1. Any person who contravenes or fails to comply with any of the provisions of this Bylaw is guilty of an offense and is liable upon conviction to a fine of not less than fifty (\$50.00) dollars and not more than ten thousand (\$10,000.00) dollars and/or one(1) year in jail.
2. An offense ticket having printed wording stating the nature of the offense, may be issued pursuant to the City's 'General Penalties Bylaw' and served by a Peace Officer upon any person alleged to have breached any of the provisions of the Bylaw. The said ticket may provide for a payment to the City of the amount specified on the ticket.

**PART XVI: SEVERABILITY**

1. Each section of this Bylaw shall be read and construed as being separate and severable from each other section. Should any section of this Bylaw be found to have been improperly enacted for any reason, then such section or part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

**PART XVII: REPEAL**

1. Bylaw Numbers 326-94 and 384-96 and any subsequent amendments are hereby repealed.

**Bylaw No. 418-98  
SOLID WASTE BYLAW**

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**PART XVIII: ENACTMENT**

First Reading date: January 26, 1998  
Second Reading date: February 9, 1998  
Third Reading date: February 9, 1998  
Date Signed: February 13, 1998

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"John Jackie"  
Mayor

\_\_\_\_\_  
"Coral Callioux"  
City Clerk

## **Bylaw No. 418-98 SOLID WASTE BYLAW**

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*Deleted and Replaced - Bylaw No. 534-2003 adopted January 27, 2003*  
*Deleted and Replaced - Bylaw No. 664-2007 adopted January 22, 2007*  
*Deleted and Replaced - Bylaw No. 694-2007 adopted December 10, 2007*  
*Deleted and Replaced - Bylaw No. 697-2008 adopted February 25, 2008*  
*Repealed - Bylaw No. 712-2008 adopted December 8, 2008*

### **Schedule A**

**Bylaw No. 418-98  
SOLID WASTE BYLAW**

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**Schedule B**

**PENALTIES**

<b>BYLAW SECTION</b>	<b>DESCRIPTION</b>	<b>VOLUNTARY PENALTY</b>
Part IV, Section 2 & 3	Failure to provide sufficient number of receptacles	\$50.00
Part VI, Section 2	Failure to provide proper size of receptacle	\$50.00
Part VI, Section 3	Failure to properly place waste/refuse in suitable receptacles, containers, or bundles as specified	\$50.00
Part IV, Section 5	Failure to bag or secure waste/refuse properly	\$50.00
Part IV, Section 6	Failure to pickup spilled waste/refuse within 24 hours	\$100.00
Part IV, Sections 7 & 10	Illegal disposal of waste/refuse	\$100.00
Part IX, Section 1	Unsecured or uncovered load	\$100.00
Part X, Section 1	Open burning of waste	\$100.00