

Waste Bylaw

City of Leduc Bylaw No. 800-2012

Whereas, pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 a council may pass bylaws for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property; services provided by or on behalf of the municipality; and the enforcement of bylaws including the creation of offences;

Leduc City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE

1. The purpose of this bylaw is to establish and maintain a system of waste collection in the City.

DEFINITIONS

2. In this bylaw, unless the context otherwise requires:
 - a. “**Cart**” means a waste disposal cart distributed by the City;
 - b. “**City**” means the municipal corporation of the City of Leduc;
 - c. “**City Manager**” means the Chief Administrative Officer of the City or his delegate;
 - d. “**Collector**” means a Person employed or contracted by the City to collect Refuse;
 - e. “**Dangerous Goods**” has the same meaning as in the *Dangerous Goods Transportation and Handling Act*, R.S.A. 2000, c. D-4, as amended;
 - f. “**Eco Station**” means a facility designed and intended for the collection of Recyclables;
 - g. “**Hazardous Waste**” has the same meaning as in the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, as amended;
 - h. “**Municipal Tag**” means a ticket alleging an offence issued pursuant to the authority of a bylaw of the City;
 - i. “**Organics**” means biodegradable waste, typically originating from plant or animal sources, which may be broken down by other living organisms;
 - j. “**Organics Cart**” means a Cart designated by the City Manager as being exclusively for the storage and collection of Organics;
 - k. “**Owner**” means the Person in care and control and includes the Person registered under the *Land Titles Act*, R.S.A. 2000, c. L-4 as owner in fee simple, a lessee, or any Person who exercises the power and authority of ownership;
 - l. “**Person**” means an individual, partnership, association, corporation, organization, business, cooperative, trustee, executor, administrator or legal representative;
 - m. “**Recyclables**” means a substance or mixture of substances that is intended to be recycled;
 - n. “**Refuse**” means any solid or liquid material or product or combination of them that is intended to be treated or disposed of or that is intended to be stored and then treated or disposed of at a Class II landfill as permitted by Alberta Environment and includes:

- i. Organics;
- ii. Recyclables; and
- iii. Waste;
- o. “**Residence**” means low density housing consisting of up to five dwellings, but does not include the land surrounding the Residence;
- p. “**Violation Ticket**” has the same meaning as in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended;
- q. “**Waste**” means Refuse that does not include Organics or Recyclables;
- r. “**Waste Cart**” means a Cart designated by the City Manager as being exclusively for the storage and collection of Waste;

RULES FOR INTERPRETATION

- 3. The marginal notes and heading in this bylaw are for reference purposes only.

PART II – REFUSE COLLECTION

RESIDENTIAL REFUSE COLLECTION

- 4. The City will collect Refuse from Residences at a time specified by the City Manager, but only if the refuse complies with the provisions of this Part.

NO REFUSE

- 5. No Person shall dispose of Refuse except in accordance with this bylaw.

PEMITTED REFUSE

- 6. The Owner of a Residence may only place the following items for collection:
 - a. one Organics Cart;
 - b. one Waste Cart, unless a second Waste Cart has been approved by the City Manager, in which case two Waste Carts are permitted;
 - c. Recyclables set out in compliance with section 11;
 - d. clippings from shrubs or trees, but only if those clippings are securely bound in bundles not exceeding 1.2 metres in length nor 27 kilograms in weight; and
 - e. items permitted in writing by the City Manager.

WEIGHT LIMIT

- 7. The Owner of a Residence shall not cause or permit any Cart from the Residence to weigh more than ninety (90) kilograms.

ORGANICS CARTS

- 8. (1) The Owner of a Residence shall place Organics from the Residence in the Organics Cart for the Residence.
- (2) The Owner of a Residence shall only place or permit to be placed in the Organics Cart for the Residence:
 - a. Organics; and

- b. compostable bags.

WASTE CARTS

9. (1) The Owners of a Residence shall place Waste from the Residence for collection in the Waste Cart for the Residence.
- (2) The Owner of a Residence shall not place or permit to be placed into the Waste Cart for the Residence:
 - a. loose litter, unless it is bagged;
 - b. ashes, unless they are cooled and sealed in a container;
 - c. sawdust, unless it is sealed in a container;
 - d. animal feces or animal carcasses, unless they are double bagged;
 - e. any highly flammable, combustible or explosive materials including, but not limited to:
 - i. petroleum based fuel or lubricant;
 - ii. gun powder;
 - iii. bullets;
 - iv. blasting caps;
 - v. motion picture film;
 - vi. hot ashes; and
 - vii. toxic materials;
 - f. Dangerous Goods;
 - g. radioactive material;
 - h. Hazardous Waste;
 - i. hypodermic needles, unless they are packaged in a manner that allows for safe handling;
 - j. luminescent gas filled lights, unless they are pre-broken or packaged in a manner that allows for safe handling; or
 - k. sharp objects or broken glass, unless it is packaged in a manner that allows for safe handling.

CART PLACEMENT AND STORAGE

10. (1) The Owner of a Residence shall place all Carts for the Residence for collection:
 - a. only within 24 hours of a scheduled collection for the Residence;
 - b. at the edge of the roadway adjacent to the Residence, unless the City Manager has specified an alternate location, in which case the Cart must be placed as directed by the City Manager;
 - c. with lid to the Cart securely closed;
 - d. with the arrow on the lid of the Cart facing the roadway; and
 - e. in an area accessible to Collectors.
- (2) The Owner of a Residence shall store all Carts for the Residence away from the roadway when not set out for collection in accordance with subsection (1).

RECYCLABLES

11. The Owner of a Residence shall place Recyclables from the Residence for collection:
- a. only within 24 hours of a scheduled collection for the Residence;
 - b. at the edge of the roadway adjacent to the Residence, unless the City Manager has specified an alternate location, in which case the Recyclables must be placed as directed by the City Manager;
 - c. in semi-transparent blue bags; and
 - d. in the case of corrugated cardboard:
 - i. securely bound with string or masking tape, and
 - ii. not exceeding 60 centimetres by 90 centimetres by 60 centimetres.

WALK UP SERVICE

12. (1) The Owner of a Residence who is infirm or disabled may apply to the City Manager to have Refuse from the Residence collected from an area on the premises that is away from the roadway or location directed by the City Manager.
- (2) An Owner who has been approved for collection in accordance with subsection (1) shall:
- a. affix the approval issued by the City Manager to the Carts for the Residence in a visible location;
 - b. station the Carts and Recyclables from the Residence in a location visible from the roadway; and
 - c. permit Collectors to enter the premises for the purposes of Refuse collection.

NON-RESIDENTIAL REFUSE COLLECTION

13. The Owner of a premises other than a Residence shall:
- a. store Refuse in suitable containers on the premises;
 - b. not place any Refuse from the premises for collection at a Residence; and
 - c. remove, or cause to be removed, Refuse from the premises in a manner and at a frequency directed by the City Manager.

COLLECTORS

14. A Collector shall:
- a. collect Refuse from Residences at a time and in a manner specified by the City Manager;
 - b. return Carts to the same location from which they were collected;
 - c. remove any Refuse that spills during the course of collection;
 - d. not scavenge, pick through, sort over or in any other way interfere with the Refuse being collected; and
 - e. for those Residences that have been approved for walk up collection in accordance with section 12, enter the premises to collect Refuse.

FEES

15. (1) All Residences shall pay user fee charges as set out in the Fees & Charges Bylaw, No. 712-2008, as amended.

- (2) The user fee charges levied pursuant this section apply to all Residences, regardless of whether any Refuse has been collected from the Residence by the City.

PART III – CONDUCT WITH RESPECT TO REFUSE

NO OTHER RECEPTACLE

16. No Person shall place Refuse into the Cart, receptacle, or other container of another Person.

NO INTERFERENCE

17. No Person shall scavenge, pick through, sort over or in any other way interfere with the Refuse of another Person, including Refuse deposited or abandoned at an Eco Station.

REFUSE AREA

18. The Owner of a premises shall keep the portion of the premises where Refuse is set for collection clear of Refuse, including any Refuse spilt during collection.

TRANSPORTATION OF REFUSE

19. No Person shall transport any Refuse unless it is transported in a vehicle and covered in such a manner that no part of the load can be dislodged from the vehicle.

NO BURNING

20. No Person shall burn, ignite, or cause to be burned or ignited any Refuse.

ECO STATION

21. No Person shall deposit Refuse at an Eco Station unless the Refuse:
- a. consists of the following items:
 - i. Recyclables;
 - ii. Waste;
 - iii. paint;
 - iv. oil;
 - v. batteries;
 - vi. Hazardous Waste exclusively from a Residence;
 - vii. corrugated cardboard;
 - viii. electronics;
 - ix. used clothing;
 - x. florescent light tubing;
 - xi. any other items permitted in writing by the City Manager;
 - b. is deposited in the manner and during the hours specified by the City Manager;
 - and
 - c. is deposited in a manner that prevents the scattering of the Refuse.

NO NUSIANCE

22. (1) No Person shall place or caused to be placed any Refuse in such a manner that it constitutes a nuisance.
- (2) For the purpose of this section Refuse constitutes a nuisance if it exhibits any of the following characteristics:
- a. a generally offensive odour;
 - b. a generally offensive appearance;
 - c. the production of excessive dust, dirt or smoke; or
 - d. a risk to the health and safety of people.

PART IV - ENFORCEMENT

OFFENCE

23. A Person who contravenes this bylaw is guilty of an offence.

CONTINUING OFFENCE

24. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established in this bylaw for each such day.

VICARIOUS LIABILITY

25. For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers of performing the duties on behalf of the Person under their agency relationship.

CORPORATIONS AND PARTNERSHIPS

26. (1) When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- (2) If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

FINES AND PENALTIES

27. (1) A Person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000, and to imprisonment for not more than six months for non-payment of a fine.

- (2) The following fine amounts are established for use on municipal tags and violation tickets if a voluntary payment option is offered:
 - a. \$50.00 for an offence for which a fine is not otherwise established in this section; and
 - b. \$100.00 for an offence pursuant to section 13, 16, 18, 19 or 20.

MUNICIPAL TAG

28. If a municipal tag is issued in respect of an offence the municipal tag must specify the fine amount established in this bylaw for the offence.

PAYMENT IN LIEU OF PROSECUTION

29. A Person who commits an offence may, if a municipal tag is used in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.

VIOLATION TICKET

30. If a violation ticket is issued in respect of an offence, the violation ticket may:
 - a. specify the fine amount established by this bylaw for the offence; or
 - b. require the Person charged to appear in court without the alternative of making a voluntary payment.

VOLUNTARY PAYMENT

31. A Person who commits an offence may:
 - a. if a violation ticket is issued in respect of the offence; and
 - b. if the violation ticket specifies the fine amount established by this bylaw for the offence;make a voluntary payment equal to the specified fine.

ORDER TO COMPLY

32. (1) If the City Manager believes, on reasonable grounds, that a person is contravening any provision of this bylaw, the City Manager may, by written order, require any person responsible for the contravention to remedy it.
- (2) The order may:
 - a. direct a Person to stop doing something or to change the manner in which the Person is doing it;
 - b. direct a Person to take any actions or measures necessary to remedy the contravention of the bylaw and, if necessary, to prevent a re-occurrence of the contravention;
 - c. state a time within which the Person must comply with the directions;
 - d. state that if the Person does not comply with the directions within a specified time, the City will take the action or measure.

- (3) A Person named in and served with an order issued pursuant to this section shall comply with any action of measure required to be taken within the time specified.
- (4) An order issued pursuant to this section may be served:
 - a. in the case of an individual:
 - i. by serving it personally to the individual;
 - ii. by leaving it for the individual at their apparent place of residence with someone who appears to be 18 years of age; or
 - iii. by mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the City or at the Land Titles registry; and
 - b. in the case of a corporation:
 - i. by delivering it personally to any director or officer of the corporation;
 - ii. by delivering it personally a person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or
 - iii. by mail addressed the registered office of the corporation.

OBSTRUCTION

- 33. A Person shall not obstruct or hinder any Person in the exercise or performance of the Person's powers pursuant to this bylaw.

REFUSAL OF COLLECTION

- 34. In addition to any other remedy or penalty, the City Manager may refuse to collect Refuse from a Residence if the Owner of that Residence is in breach of this bylaw.

REFUSAL OF ENTRY

- 35. In addition to any other remedy or penalty, the City Manager may refuse to permit a Person to enter an Eco Station if that Person is in breach of this bylaw.

PART V – GENERAL

POWERS OF THE CITY MANAGER

- 36. Without restricting any other power, duty or function granted by this bylaw the City Manager may:
 - a. carry out any inspections necessary to determine compliance with this bylaw;
 - b. take any steps or carry out any actions necessary to enforce this bylaw;
 - c. take any steps or carry out any actions necessary to remedy a contravention of this bylaw;
 - d. set the schedule for the collection of Refuse in the City;
 - e. specify Carts as being exclusively for Organics or Waste;
 - f. permit a second Waste Cart for a Residence and set any associated fees;
 - g. specify the location from which Refuse is to be collected at a Residence;
 - h. permit the collection of items in addition to those set out in section 6, including:
 - i. the date and time of any such collection,

- ii. the Refuse to be collected at such collection, and
- iii. any other regulation on the collection;
- i. review and approve or deny applications for walk up service;
- j. specify the manner and frequency of non-residential Refuse collection;
- k. specify the hours of operation of Eco Stations;
- l. specify the Recyclables permitted at Eco Stations;
- m. delegate any powers, duties or functions under this bylaw to an employee of the City.

CITY PROPERTY

37. Any Organics and Waste collected in accordance with this bylaw becomes the sole property of the City.

CERTIFIED COPY OF RECORD

38. A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the Person signing it.

PROOF OF PERMIT

39. The onus of proving a permit or approval has been issued in relation to any activity otherwise regulated, restricted or prohibited by this bylaw is on the person alleging the existence of such a permit on a balance of probabilities.

REPEALS

40. The Solid Waste Bylaw, No. 418-98 is repealed.

EFFECTIVE DATE

41. This bylaw comes into force on September 1, 2012.

READ A FIRST TIME IN COUNCIL THIS 27TH DAY OF AUGUST, 2012.

READ A SECOND TIME IN COUNCIL THIS 27TH DAY OF AUGUST, 2012.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 27TH DAY OF AUGUST, 2012.

"original signed"

Greg Krischke
MAYOR

"original signed"

Laura Knoblock
CITY CLERK

August 27, 2012
Date Signed