

# **Bylaw No. 1169-2023**

## **WASTE BYLAW**

**WHEREAS** pursuant to Section 7(a) 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;

**AND WHEREAS** pursuant to Section 7(c) of the *Municipal Government Act*, R.S.A. 2000, c. M-26, a council may pass bylaws for municipal purposes respecting nuisances;

**AND WHEREAS** pursuant to Section 7(e) of the *Municipal Government Act*, R.S.A. 2000, c. M-26, a council may pass bylaws for municipal purposes respecting services provided by or on behalf of the municipality;

**AND WHEREAS** pursuant to Section 7(i) of the *Municipal Government Act*, R.S.A. 2000, c. M-26, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws including the creation of offences;

**AND WHEREAS** pursuant to Section 8(1)(a) of the *Municipal Government Act*, R.S.A. 2000, c. M-26, a council may, in a bylaw, regulate or prohibit,

**NOW THEREFORE**, Leduc City Council enacts as follows:

### **PART I - PURPOSE, DEFINITIONS AND INTERPRETATION**

#### **PURPOSE**

1. The purpose of this bylaw is to establish and maintain a system of Refuse 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 delegate;
  - d. **"Collector"** means a Person employed or contracted by the City to collect Refuse;
  - e. **"Co-locate"** means providing closely grouped containers designated to separately collect and store organics, recyclables, and waste;
  - f. **"Dangerous Goods"** has the same meaning as in the *Dangerous Goods Transportation and Handling Act*, R.S.A. 2000, c. D-4, as amended;

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- g. **"Diversion Plan"** means a plan submitted by an Owner of a Multi-Unit Development, which plan provides information regarding the collection of organics and recyclables.
- h. **"Dwelling" or "Dwelling Unit"** is as defined in Bylaw 809-2013 - Land Use Bylaw, as amended;
- i. **"Eco Station"** means a facility designed and intended for the collection of Recyclables;
- j. **"Hazardous Waste"** has the same meaning as in the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, as amended;
- k. **"Multi-Unit Residential Development"** means
  - a dedicated housing development consisting of three (3) or more Dwelling Units; or
  - a single mixed-use development, or phase thereof, that incorporates three (3) or more Dwelling Units;
- l. **"Material Recovery Facility"** means a facility that receives and prepares recyclables for marketing;
- m. **"Municipal Tag"** means a ticket alleging an offence issued pursuant to the authority of a bylaw of the City;
- n. **"Organics"** means the materials designated in Schedule A, and anything otherwise designated and accepted from time to time by the City as an organic material for the purposes of the City's organics program;
- o. **"Organics Cart"** means a Cart designated by the City Manager as being exclusively for the storage and collection of Organics;
- p. **"Organics Processing Facility"** means one of the following:
  - i. A facility that receives edible food donation;
  - ii. A facility that receives agricultural food donation;
  - iii. A composting facility;
  - iv. An aerobic digestion facility;
  - v. An anaerobic digestion facility; or
  - vi. Any other facility that reuses, repurposes or processes organics and is approved by the City Manager;
- q. **"Owner"** means, subject to Section 13(2), 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;
- r. **"Person"** means an individual, partnership, association, corporation, organization, business, cooperative, trustee, executor, administrator or legal representative;
- s. **"Recyclables"** means paper, cardboard, plastic containers, cartons, aluminum or steel containers, anything otherwise defined as "Recyclable Materials" in the Bylaw 809-2013 - Land

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- Use Bylaw, as amended, and anything otherwise designated and accepted from time to time by the City as a recyclable material for the purposes of the City's recycling program;
- t. **"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;
  - u. **"Residence"** means
    - a dedicated housing development consisting of one (1) or two (2) Dwelling Units; or
    - a single mixed-use development, or phase thereof, that incorporates one (1) or two (2) Dwelling Units;
  - v. **"Residential Collection System"** means the curbside refuse collection services provided by the City of Leduc, or its contractor;
  - w. **"Section"** and **"Subsection"** mean, respectively, a section or subsection of this bylaw;
  - x. **"Violation Ticket"** has the same meaning as in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended;
  - y. **"Waste"** means Refuse that does not include Organics or Recyclables;
  - z. **"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.

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#### **PEMITTED REFUSE**

6. The Owner of a Residence may place only 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;

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- 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.
- (3) An Owner may set out animal waste for collection in the Organics Cart if the animal waste is secured in a compostable bag.
- (4) An Owner may set out sawdust for collection in:
- a. a Waste Cart, if the sawdust is from finished or treated wood and secured in a suitable container or packaging; or
  - b. an Organics Cart, if the sawdust is from unfinished or untreated wood.

**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;

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- 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.

#### **MULTI-UNIT RESIDENTIAL DEVELOPMENT REFUSE COLLECTION**

13. (1) The provisions of this Section 13 apply specifically to Refuse collection in Multi-Unit Residential Developments.
- (2) In this Section 13, "Owner" means:
- a. the person shown as the owner on a land title for a Multi-Unit Residential Development;
  - b. the condominium corporation, in the case of a multi-residential complex registered under the *Condominium Property Act, R.S.A. 2000, c. C-22*; or
  - c. the housing association, in the case of a multi-residential property operated by a housing association registered under the *Cooperatives Act, S.A. 2001, c. C-28.1*.
- (3) The Owner must ensure adequate containers are available for the separate disposal of:
- a. Recyclables generated on-site;
  - b. Organics generated on-site; and
  - c. Waste generated on-site.
- (4) For the purposes of Subsection (3), "adequate containers" means one or more containers which are:
- a. maintained in good condition;

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- b. co-located, such that containers for Waste, Recyclables and Organics are located near each other and equally accessible;
  - c. of sufficient capacity to contain the volume of Refuse materials anticipated to be generated on site; and
  - d. secured with a lid that remains closed at all times except when materials are being placed in the containers.
- (5) Residential unit occupants must deposit Refuse generated at their respective units in the containers provided pursuant to Subsection (2).
- (6) The Owner must ensure that the containers provided pursuant to Subsection (2) are emptied as necessary and that:
- a. Recyclables are taken to and deposited at a Material Recovery Facility by a licensed hauler; and
  - b. Organics are taken to and deposited at an Organics Processing Facility by a licensed hauler.
- (7) Despite Subsection (6), Owners of a Multi-Unit Residential Development may self-haul Recyclables to the Leduc Eco Station.
- (8) The Owner must:
- a. ensure clear signage is posted on all collection containers, indicating what type of material can be disposed of in each collection container; and
  - b. on an annual basis, and on commencement of a new tenancy, provide information to all occupants detailing what materials can be collected and the proper method for preparing and sorting recyclables and organics.
- (9) The Owner must submit a diversion plan to the City annually, or as set out in the diversion plan accompanying their development approval.

**NON-RESIDENTIAL REFUSE COLLECTION**

14. The Owner of a premises other than a Residence or a Multi-Unit Residential Development shall:
- a. store Refuse in suitable containers on the premises;
  - b. remove, or cause to be removed, Refuse from the premises in such manner and frequency so as to not create a nuisance.

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### **COLLECTORS**

15. A Collector shall:
- a. collect Refuse 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; and
  - d. not scavenge, pick through, sort over or in any other way interfere with the Refuse being collected.

### **FEES**

16. (1) All Residences shall pay user fee charges as set out in the Fees Bylaw
- (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**

17. No Person shall place Refuse into the Cart, receptacle, or other container of another Person without the permission of that Person.

### **NO INTERFERENCE**

18. 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**

19. 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**

20. 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**

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



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### **ECO STATION**

22. 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 NUISANCE / RESPONSIBILITY OF OWNER**

23. (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.
- (3) An Owner is responsible for the use, placement, and contents of Carts allocated to that Owner's Residence or containers serving the Owner's Multi-Unit Residential Development, and as such, shall be deemed to have caused any breach or contravention of this Bylaw as it pertains to such Carts or containers.

## **PART IV – ENFORCEMENT**

### **OFFENCE**

24. A Person who contravenes a provision of this bylaw is guilty of an offence.

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#### **CONTINUING OFFENCE**

25. 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**

26. 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**

27. (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**

28. (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. \$100.00 for an offence for which a fine is not otherwise established in this Section;
- b. \$250 for an offence pursuant to Section 13, and
- c. \$100.00 for an offence pursuant to Section 14, 17, 19, 20 or 21
- d. Double these fine amounts for any subsequent offence.

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### **MUNICIPAL TAG**

29. 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**

30. 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**

31. 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**

32. 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.

### **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, and notwithstanding fees paid for refuse collection, the City Manager may refuse to collect Refuse from a Residence or may retain Carts allocated to the 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.

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### 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 Refuse 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

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on the person alleging the existence of such a permit on a balance of probabilities.

**REPEALS**

40. The Waste Bylaw, No. 800-2012 is repealed.

**EFFECTIVE DATE**

41. (1) Subject to Subsection (2), this bylaw comes into force once passed.

(2) Section 13 shall come into effect on January 1, 2026.

READ A FIRST TIME IN COUNCIL THIS 5<sup>TH</sup> DAY OF FEBRUARY, 2024.

READ A SECOND TIME IN COUNCIL THIS 4<sup>TH</sup> DAY OF MARCH, 2024.

READ A THIRD TIME IN COUNCIL AND PASSED THIS 4<sup>TH</sup> DAY OF MARCH, 2024.

“Original Signed”

\_\_\_\_\_  
**MAYOR**

“Original Signed”

\_\_\_\_\_  
**CITY CLERK**

March 4, 2024

\_\_\_\_\_  
Date Signed

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## Schedule A - Organics

Ashes (cooled)	Corn cobs	Grass clippings	Pizza/soiled boxes
Bakery goods	Dairy products	Grease (kitchen)	Popcorn/bags (paper)
Beef & scraps	Dead animals (small)	Gum	Popsicle sticks
Bones	Dead plants/flowers	Hair	Pork & scraps
Bread	Dirt (small amt.)	Kabob skewers (wood)	Pumpkins
Cheese	Dirty paper	Kitchen scraps	Rice
Chicken & scraps	Dog waste (compostable bag)	Leaves	Sauces/spreads
Candy	Dryer lint	Meat/bones	Sawdust/wood chips
Cardboard (soiled)	Eggs/shells	Oil (used cooking/cooled)	Seafood/shells
Cat litter	Facial tissue (soiled)	Oily/fatty foods	Seeds/nuts
Cat waste (compostable bag)	Feathers	Paper (shredded)	Shredded paper
Cereal	Fish & parts	Paper bags	String (cotton)
Coffee filters/grounds	Flour/grains/dough	Paper products (soiled)	Tea bags
Cooking oil (cooled)	Fruit/peelings	Pasta	
Cotton balls (clean)	Garden waste	Peanut shells	

<https://www.leduc.ca/curbside-cart-collection-recycling-program/cart-content-preparation>