

**This document is consolidated into a single publication for the convenience of users. The Official Bylaw and all amendments thereto are available from the Legislative Services Department and should be consulted in interpreting and applying this Bylaw. In the case of any dispute, the original Waste Bylaw and amendments must be consulted.**



## **CITY OF FORT SASKATCHEWAN**

### **WASTE BYLAW**

#### **BYLAW NO. C16-18**

**A BYLAW OF THE CITY OF FORT SASKATCHEWAN, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF OPERATING AND REGULATING A SYSTEM FOR THE COLLECTION AND DISPOSAL OF WASTE.**

The Council of the City of Fort Saskatchewan in the Province of Alberta, duly assembled, enacts the “Waste Bylaw” as follows:

**1. SHORT TITLE**

This Bylaw shall be referred to as the “Waste Bylaw”.

**2. DEFINITIONS**

For the purpose of this Bylaw:

- a. “Account Holder” means the person named on a Utility Account.
- b. “Arrears” means that an amount owing on a Utility Account has remained unpaid for greater than 60 days from the specified due date.
- c. “Blue Bag” means a transparent disposable plastic bag, typically blue in colour, used for the collection of Recyclables.
- d. “City” means the City of Fort Saskatchewan.
- e. “City Manager” means the City’s Chief Administrative Officer or designate.
- f. “Council” means the municipal Council for the City of Fort Saskatchewan.
- g. “Collection Cart” means a reusable, wheeled receptacle supplied by the City to be used for the mechanized collection of Waste.
- h. “Collection Container” means a:
  - i. Collection Cart;
  - ii. Blue Bag;
  - iii. Common-Bin Container;

- iv. Roll-off Container; or
  - v. other bag or receptacle purposed for the collection of Waste.
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- i. “Collection Day” means the day of the week that collection is scheduled to occur in a given area, as designated by the City.
  - j. “Collection Event” means a specially scheduled Waste collection or drop-off service for a specific purpose, such as the disposal of Waste that is not normally collected due to volume, size, or nature, or for other purposes as applicable.
  - k. <sup>1</sup>“Collection Personnel” means an individual who is authorized to collect and dispose of Waste or otherwise act on behalf of the City or Waste Administrator pursuant to this Bylaw.
  - l. “Common-Bin Container” means a Waste collection bin purposed and sized to be shared by multiple dwellings typically on the same property, such as an apartment building or condominium complex, or any Waste bin that is similar to such a bin in size or make.
  - m. “Common-Bin Collection” means a Waste collection service provided by the City using a Common-Bin Container.
  - n. “Curbside Collection” means a Waste collection service provided by the City typically for Residential Premises, where each premises places Waste for collection individually and Collection Personnel stop at each premises on a route to collect the Waste, typically using collection vehicles loaded on the side or rear.
  - o. “Garbage” means Waste that is not Non-Collectable Material or Transfer Station Material and is not otherwise separated into a specific Waste Stream such as Organics or Recyclables (further described in Schedule “B” of this Bylaw).
  - p. “Garbage Cart” means a Collection Cart used for the collection of Garbage.
  - q. “Hazardous Substance” means any substance or mixture of substances that is designated as hazardous under the Alberta Waste Control Regulation or otherwise exhibits characteristics of flammability, corrosivity, reactivity, or toxicity.
  - r. “Heavy Industrial Premises” means a facility or land use permitted or zoned for heavy industrial activities in accordance with the City’s Land Use Bylaw.
  - s. “ICI Premises” means a facility or land use permitted or zoned for institutional, commercial, or light or medium industrial activities.
  - t. “Large Item” means a single item of Waste that is not Non-Collectable Material but exceeds the dimension limits for Garbage, Organics, and Recyclables (further described in Schedule “B” of this Bylaw).

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- u. <sup>2</sup>“Legal Owner” means a person who is a registered owner of a premises, and may include:
  - i. the registered owner under the *Alberta Land Titles Act*;
  - ii. a person granted legal representation of the registered owner; or
  - iii. a person specified and authorized by the registered owner or legal representative as responsible for the custody of the premises;and may open a Utility Account for a premises or add a Waste Subscription to a Utility Account.
- v. “Municipal Tag” means a tag or similar document issued by the City pursuant to the Alberta *Municipal Government Act* (MGA) for the purpose of notifying a person that an offence has been committed and which fine or prosecution may follow.
- w. “Non-Collectable Material” means any material, item, substance, or Waste that is listed in Schedule “A” of this Bylaw or that would, if placed for collection, cause a contravention of this Bylaw.
- x. “Order” means a written order pursuant to the MGA to remedy a contravention of this Bylaw.
- y. “Organics” means materials that can breakdown or decompose into homogeneous soil, these materials are generally of a biological origin (further described in Schedule “B” of this Bylaw).
- z. “Organics Cart” means a Collection Cart used for the collection of Organics.
- aa. “Owner” means a person who is:
  - i. a registered owner of a premises under the *Alberta Land Titles Act*;
  - ii. the person responsible for a premises including a tenant; or
  - iii. authorized to act on behalf of a person defined above.
- bb. “Pathological Waste” means any Waste that is designated as such under the Canadian *Human Pathogens and Toxins Act* or similar Waste of animal origin.
- cc. “Peace Officer” means a Peace Officer as defined in the Alberta *Provincial Offences Procedure Act*.
- dd. “Reactive Waste” means a substance that:
  - i. is normally unstable and readily capable of detonation, explosive decomposition, or violent reaction at standard temperature and pressure;
  - ii. is an explosive as defined under the Canadian *Explosives Act*; or
  - iii. when exposed to water, pH conditions between 2 and 12.5, a strong initiating source, heat under confinement, or agitation is capable of:

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- 1) detonation, explosive decomposition, or violent reaction; or
  - 2) generating toxic gases, vapours, or fumes in a quantity sufficient to present danger to human health or the environment.
- ee. “Recyclables” means materials that can be recovered for reuse or reprocessing and are designated by the Waste Administrator as materials to be collected for recycling (further described in Schedule “B” of this Bylaw).
- ff. “Residential Premises” means a building or land use, or that portion thereof, purposed, permitted, and zoned for providing living quarters, excluding living quarters within an institutional facility for assisted or supervised living.
- gg. “Roll-Off Container” means a high-capacity Waste bin that is loaded onto a collection vehicle and transported to another location to be emptied.
- hh. “Transfer Station” means the permanent area within the City that has been designated by the Waste Administrator to receive Transfer Station Material.
- ii. “Transfer Station Material” means any material or item that has been designated as such by the Waste Administrator due to the size or nature of the material or item (further described in Schedule “B” of this Bylaw).
- jj. <sup>3</sup>“Utility Account” means an agreement for the City to provide services, which may include a Waste Subscription or other services, to an Account Holder and to record related transactions including consumption, charges, and payments.
- kk. “Violation Ticket” means a Violation Ticket as defined in the Alberta *Provincial Offences Procedure Act*.
- ll. “Waste” means any discarded or abandoned material or item that require disposal to mitigate a nuisance or an unsafe or unsanitary condition.
- mm. “Waste Administrator” means the City’s appointed representative having the authority to give direction pursuant to this Bylaw.
- nn. “Waste Stream” means a classification of Waste that is distinct and typically separated from other types of Waste (e.g., Garbage, Organics, and Recyclables are each a Waste Stream).
- oo. “Waste Subscription” means an agreement for the City to collect Waste from an Account Holder in consideration of fees and charges paid to the City.
- pp. “Yard Waste” means compostable Waste resulting from growing and tending to plants, gardens, or yards (further described in Schedule “B” of this Bylaw).

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### **3. GENERAL**

#### 3.1. Intent:

- a. Any person generating Waste shall manage the Waste in a manner to minimize nuisance to others.
- b. Any person collecting Waste shall be responsible for its disposal at a facility that is designed, constructed, and permitted to receive such Waste. Disposal of Waste shall, when feasible, use systems that further process or recycle materials such that useful value is recovered from the Waste.
- c. As a benefit to the community to ensure responsible collection and disposal of Waste, the City shall provide Waste collection and disposal service upon such terms and conditions as are considered expedient.
- d. The City may contract with and grant an exclusive or non-exclusive right to any person to provide specific collection, disposal, and/or recycling services within the City.
- e. Where the City has granted an exclusive right for Waste collection pursuant to Section 3.1 d), the City shall regulate the terms and conditions related to pricing, billing, and payment through formal agreement with the person granted such right.
- f. If an agreement pursuant to Section 3.1 e) establishes terms or conditions for preparation or collection of Waste that differ from a specific provision of this Bylaw, the agreement shall prevail; however nothing in such agreement shall relieve any person from complying with other provisions of this Bylaw.

#### 3.2. Interference:

- a. No person shall collect or dispose of Waste in the City except in accordance with this Bylaw.
- b. No person other than Collection Personnel acting in accordance with this Bylaw shall disturb, add to, or remove any material in a Collection Container that is on another person's premises or is normally used by another person, without the permission of the person responsible for the Collection Container.
- c. No person shall alter, remove from any premises, damage, or tamper with any Collection Container supplied another person, including the City, without authorization from that person.
- d. <sup>4</sup>No person shall deposit Waste that was generated on private property into any Collection Container located along a roadway or at a park, City facility, or transit shelter, or into any other public Collection Container as designated by the Waste Administrator.

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3.3. Preparation and Storage of Waste:

- a. No person shall store any Collection Containers on any public land, boulevard, road, or sidewalk except:
  - i. where a Collection Container is in an alley and stored:
    - 1) against a permanent structure; and
    - 2) in accordance with the City's Traffic Bylaw, Land Use Bylaw, and any applicable City standards; or
  - ii. where otherwise authorized by the City.
- b. When directed by the Waste Administrator, any person storing a Collection Container pursuant to Section 3.3 a) shall remove the Collection Container from any public land, boulevard, road, alley, or sidewalk.
- c. The Owner of a premises shall ensure any Collection Container provided by the City is kept at the premises and secured to avert theft or misuse.
- d. Any Collection Container provided for Waste collection pursuant to this Bylaw shall be labelled or otherwise identifiable for a designated Waste Stream.
- e. No person shall deposit any Waste into a Collection Container for a designated Waste Stream that does not include that Waste.
- f. No person shall place for collection or deposit into a Collection Container any Transfer Station Material or Non-Collectable Material, except where:
  - i. a designated Collection Container or Collection Event for the specific material being deposited has been provided; and
  - ii. the preparation, collection, and disposal of the material are all completed in accordance with all applicable legislation.
- g. Prior to placing the Waste for collection or bringing the Waste to the Transfer Station, a person intending to dispose of Waste shall:
  - i. ensure Recyclables are clean and dry;
  - ii. put sharp objects and broken glass in a labelled puncture-proof container;
  - iii. remove any metal, plastic, or other foreign matter such as decorations, lights, stands, bags, or tarps from any trees, branches, and yard waste, including Christmas trees and Halloween pumpkins;
  - iv. remove any doors, fuel, and contents from any Large Item; and
  - v. cut down or break apart any Waste that would otherwise exceeds the dimension limits of Schedule "C" of this Bylaw.
- h. No person shall deposit Waste inside a non-compostable plastic bag into a Collection Container designated for Organics.
- i. No person shall fasten a reusable Collection Container closed in a manner that would impede collection, without authorization from the City.

- j. No person shall place for collection any Waste or Collection Container that exceeds the dimension limits of Schedule “C” of this Bylaw.
- k. Any material or item that is set at a location where Waste is normally placed for collection and appears to be Waste shall be considered as placed for collection. The City shall not be responsible for any material or items that are damaged or lost as a result of being mistaken as Waste.
- l. In the event any material or item is collected in error, any recovery attempt shall be at the discretion of the Waste Administrator and the person requesting recovery shall be responsible for any resulting expenses.

#### **4. COLLECTION EVENTS**

- 4.1. The Waste Administrator may schedule additional Waste Collection Events for specific materials or Waste Streams.
- 4.2. The Waste Administrator may establish additional requirements in relation to a Collection Event. If any such requirement differs from a specific provision of this Bylaw, the requirement of the event shall prevail; however, in all other cases, the provisions of this Bylaw shall apply.

#### **5. RESIDENTIAL PREMISES**

- 5.1. The City shall provide services for Garbage, Organics, and Recyclables collection and for any Collection Events for all Residential Premises.
- 5.2. The Waste Administrator shall determine whether Curbside Collection, Common-Bin Collection, or another type of collection will be used for each Waste Stream or Collection Event at a Residential Premises.
- 5.3. Disposal of Waste not collected by the City from a Residential Premises shall be the responsibility of the person disposing of the Waste.

#### **6. CURBSIDE COLLECTION**

- 6.1. Collection Containers:
  - a. <sup>5</sup>The City shall provide Collection Carts for Garbage and Organics to each premises that receives Curbside Collection from the City.
  - b. Collection Carts shall remain the property of the City.
  - c. Each Collection Cart shall be assigned specifically to the premises to which it was provided and shall be linked to the premises by a serial number.

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- d. <sup>6</sup>The City shall establish the size and quantity of Collection Carts to be made available.
- e. The City shall be responsible for repairs and replacements of a Collection Cart resulting from normal use.
- f. The Owner of a premises assigned Collection Carts shall be responsible for:
  - i. notifying the City of any stolen, lost, or damaged Collection Cart;
  - ii. making all Collection Carts at the premises available for inspection, repair, or confirmation of serial number upon request of the City; and
  - iii. the repair or replacement of a Collection Cart that is damaged or lost due to negligence, misuse, alteration, or contravention of this Bylaw.
- g. A person receiving Curbside Collection shall be responsible for providing:
  - i. Blue Bags or other Collection Containers to contain Recyclables accumulated at the premises;
  - ii. compostable paper bags or other Collection Containers to contain Yard Waste to be placed for collection during a schedule Yard Waste Collection Event; and
  - iii. any bags, cans, and other supplies related to the management of Waste at the premises.
- h. Any reusable Collection Container placed for collection shall:
  - i. have sufficient handles or gripping area;
  - ii. be self-supporting and rigid in construction;
  - iii. conform to the dimension limits of Schedule “C” of this Bylaw; and
  - iv. conform to any other requirements of the Waste Administrator.
- i. A person receiving Curbside Collection shall maintain all Collection Containers used at a premises in a functional, clean, and sanitary condition.
- j. All Collection Containers used for Curbside Collection shall be stored within an enclosed shelter, or where enclosure is not feasible, be stored in an orderly manner, upright, and closed and either set against a permanent structure or integrated into landscaping in a manner that provides screening.

6.2. Preparation of Waste for Collection:

- a. Waste that is placed for collection shall be contained within an appropriate Collection Container:
  - i. Garbage shall be placed only in the assigned Garbage Cart;
  - ii. if separated, Organics shall be placed only in the assigned Organics Cart; and

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- iii. if separated, Recyclables shall be placed only in Blue Bags or Collection Containers that comply with Section 6.1 h).
- b. Notwithstanding Section 6.2 a), cardboard bundled in compliance with Schedule "C" of this Bylaw may be set outside of a Collection Container and during a scheduled Yard Waste Collection Event, Yard Waste may be deposited outside an Organics Cart in a compostable paper bag or other Collection Container that complies with Section 6.1 h).
- c. The lid of each Collection Cart shall be completely closed when placed for collection.
- d. Collection Containers shall be filled such that:
  - i. the contents in Collection Containers designated for Recyclables and Organics are identifiable by Collection Personnel; and
  - ii. reusable Collection Containers will empty without jamming.

6.3. Collection:

- a. A person receiving Curbside Collection shall be responsible for confirming when the collection of each Waste Stream is scheduled and ensuring that the correct Waste Stream is placed for collection.
- b. Collection Containers shall be placed for collection no earlier than 5:00pm the day before the scheduled Collection Day and no later than 7:00am on the scheduled Collection Day.
- c. Collection Containers shall be returned to their regular storage location before 9:00am on the day following the scheduled Collection Day unless otherwise instructed by the City.
- d. Collection shall occur along the road in front of or beside a premises, except where an accessible alley exists, in which case collection shall occur along the alley, unless otherwise directed by the Waste Administrator.
- e. When placed for collection, Collection Containers shall have 1.0 metre of clearance between any structure, vehicle, other Collection Container, or other object.
- f. During snow removal, street sweeping, road maintenance, and other events that may require the roadway to be clear, Collection Containers must be placed on a driveway and set back from the curb or road edge.
- g. Collection Containers shall be placed in a manner and location such that each Collection Container is visible and accessible to Collection Personnel and does not obstruct traffic or pedestrians.
- h. Collection Carts shall be set in an upright position with the front of the cart facing the road or alley and placed:

- i. at the end of the driveway of the premises;
  - ii. on the road against the curb or against the edge of the road or alley; or
  - iii. where otherwise directed by the Waste Administrator.
- i. Sections 6.3 a) through g) shall apply to bundled cardboard and to any Waste, including but not limited to Yard Waste and Large Items, placed for collection during a scheduled Collection Event for that material.

## **7. COMMON-BIN COLLECTION**

### **7.1. Collection Containers:**

- a. The City shall be responsible for providing Collection Containers to each premises that receives Common-Bin Collection from the City.
- b. The City shall establish the number and size of Collection Containers to be made available to each premises receiving Common-Bin Collection.
- c. The Owner of a premises receiving Common-Bin Collection shall be responsible for:
  - i. providing a sufficient area for Collection Containers in accordance with applicable City standards and Land Use Bylaw at a location agreed to by the Waste Administrator;
  - ii. ensuring all Collection Containers are accessible to the residents or occupants of the premises and to Collection Personnel;
  - iii. notifying the City of any damaged or missing Collection Container; and
  - iv. the repair or replacement of a Collection Container that is damaged or lost due to negligence, misuse, alteration, or contravention of this Bylaw.
- d. A person residing at a premises that receives Common-Bin Collection shall be responsible for providing Blue Bags and any other any bags, cans, and other supplies related to the personal management of Waste.

### **7.2. Preparation of Waste for Collection:**

- a. Waste to be collected at a premises receiving Common-Bin Collection shall be deposited within an appropriately designated Collection Container.
- b. No person shall deposit any Waste outside of a designated Collection Container at premises receiving Common-Bin Collection except as directed by the Waste Administrator.
- c. No person shall deposit any Waste in a manner or of a nature that will impede the emptying of a Common-Bin Container.

7.3. Collection:

- a. If the Waste Administrator extends Curbside Service or a Collection Event for a specific Waste Stream to a premises otherwise receiving Common-Bin Collection, the requirements related to Curbside Collection shall apply for that Waste Stream.

**8. INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL PREMISES**

- 8.1. No person shall dispose of or deposit any Waste from an ICI Premises or a Heavy Industrial Premises at a Residential Premises.
- 8.2. The Owner of an ICI Premises or Heavy Industrial Premises shall:
  - a. provide a sufficient area for Collection Containers in accordance with applicable City standards and Land Use Bylaw;
  - b. provide arrangements for the collection and disposal of Waste accumulated at the premises;
  - c. ensure a sufficient number of Collection Containers are available; and
  - d. ensure all Collection Containers are accessible to the occupants of the premises and to Collection Personnel.
- 8.3. The Owner of a Heavy Industrial Premises may arrange with any person for any Waste collection, disposal, recycling, or handling services.
- 8.4. The Owner of an ICI Premises shall arrange for Waste collection, disposal, and recycling service only with a person who has an exclusive right for the applicable service required.
- 8.5. <sup>7</sup>The Owner of an ICI Premises may share arrangements for Waste collection, disposal, and recycling service with another ICI Premises or, subject to the approval of the Waste Administrator, may arrange for a collection service provided by the City.

**9. TRANSFER STATION AND RECYCLING DEPOT**

- 9.1. Transfer Station Material requiring disposal shall be brought to the Transfer Station or a similar facility that accepts Transfer Station Material.
- 9.2. Any person using the Transfer Station shall obey all signs, posted regulations, and directions of site attendants.
- 9.3. No person shall deposit any Non-Collectable Material at the Transfer Station unless an area specifically designated has been provided.

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- 9.4. No person shall remove any Garbage, Recyclables, Organics, Transfer Station Material, or other Waste from anywhere on the Transfer Station site without authorization from the City unless those materials are in a designated reuse area and removed during designated operating hours.
- 9.5. No person other than Collection Personnel acting in accordance with this Bylaw or City staff shall enter any closed portion of the Transfer Station site outside of designated operating hours without authorization from the City.

## **10. DUTY OF COLLECTORS**

- 10.1. Collection Personnel shall:
  - a. collect Waste from Garbage Carts, Organics Carts, Blue Bags, and other Collection Containers that are properly placed for collection in accordance with this Bylaw;
  - b. make reasonable effort to avoid damage to any Collection Container;
  - c. return reusable Collection Containers to approximately the same location as they were placed; and
  - d. gather and collect any Waste that was released into the environment during the course of collection.
- 10.2. Collection Personnel shall not, except as directed by the Waste Administrator:
  - a. scavenge, pick through, or in any other way interfere with the Waste being collected; or
  - b. remove any material or item from private property or of a nature or placed in a location or manner where it is not clear if the material or item is Waste.

## **11. PARKING AND OBSTRUCTIONS ON COLLECTION DAY**

- 11.1. No person shall park a vehicle within 1.0 metre of a Collection Container on Collection Day.
- 11.2. No person shall park a vehicle on Collection Day at any angle or in any manner that restricts the collection of any Collection Container.
- 11.3. No person shall impede Collection Personnel or equipment on any road or alley while collection service is underway.

## **12. INTERRUPTION OF SERVICE**

- 12.1. The City may interrupt the collection of Waste or may close the Transfer Station with or without notice for any purpose that, in the opinion of the City, it may be expedient to do so, for any duration as the City deems necessary.

- 12.2. Service may be interrupted by any combination of the following means:
  - a. directing any Collection Personnel to stop the collection of Waste or to reduce the amount of Waste collected;
  - b. locking a Collection Container or closing or locking a gate providing access to any Collection Container or the Transfer Station; or
  - c. ordering a person, for a specified time or duration, to:
    - i. stop placing Waste for collection or bringing Waste to the Transfer Station; or
    - ii. reduce the amount of Waste placed for collection or brought to the Transfer Station.
- 12.3. No reduction in charges or rates shall be made resulting from any interruption to service.

**13. BURNING, DUMPING, AND CONTAINMENT OF WASTE**

- 13.1. No person shall, in lieu of disposing of Waste in accordance with this Bylaw, cause or permit the direct or indirect:
  - a. ignition or burning of any Waste;
  - b. release of Waste into the environment; or
  - c. deposit or burial of any Waste on any public or private land, roadway, or watercourse.
- 13.2. Any person storing or placing Waste for collection shall ensure that the Waste is properly contained to prevent the release of any materials into the environment.
- 13.3. Any person transporting Waste shall ensure that the Waste is properly secured so as to prevent the release of any materials into the environment.
- 13.4. In the event any Waste is released or other adverse incident occurs:
  - a. the person responsible for the management and control of the incident shall be responsible to:
    - i. gather any Waste released and keep it properly contained;
    - ii. provide notice to and follow the direction of any applicable authority in regard to the spill or release of any Hazardous Substance; and
    - iii. do everything reasonably possible to mitigate the incident and protect human health, safety, the environment, and property; and
  - b. any person causing, whether by act or negligence, a direct or indirect release of Waste or other adverse incident and the Owner of the premises where the incident occurred shall be responsible for:

- i. clean-up resulting from the incident including any Hazardous Substance or other contaminated residue;
  - ii. restoration of the affected area to its prior condition;
  - iii. any other resulting repair or remedy required;
  - iv. any applicable penalties specified in Schedule "D" of this Bylaw; and
  - v. all resulting costs and damages.
- 13.5. Notwithstanding Section 13.1 a), nothing in this Bylaw shall restrict a person from using a fire-pit in accordance with the City's Fire Service Bylaw and any other applicable legislation.
- 13.6. Notwithstanding Section 13.1 c), nothing in this Bylaw shall restrict a person from carrying out home-based or on-site composting in accordance with the City's Community Standards Bylaw and any other applicable standard and legislation.

#### **14. MONITORING**

- 14.1. The Waste Administrator shall have the authority to carry out any inspection reasonably required to ensure compliance with this Bylaw, including but not limited to the authority to:
  - a. inspect, observe, measure, sample or test material in or removed from any Collection Container or otherwise placed for collection or brought to the Transfer Station;
  - b. inspect, observe, and document the condition of any Collection Container; and
  - c. require a person to provide information concerning a matter in relation to this Bylaw.
- 14.2. Any single sample of Waste collected from a premises may be used to determine compliance with this Bylaw.
- 14.3. The Waste Administrator may obtain a random sample of Waste collected from any premises or set of premises in the City for the purposes of determining the composition of a Waste Stream.
- 14.4. All tests, measurements, examinations, and analyses of samples pursuant to this Bylaw shall be carried out in accordance with applicable procedures and, if applicable, performed by a laboratory duly accredited in accordance with requirements such as those established by the Standards Council of Canada or the International Organization for Standardization, or as otherwise agreed to in writing by the Waste Administrator.

#### **15. UTILITY ACCOUNT**

- 15.1. New Utility Account and addition of Waste Subscription:

- a. <sup>8</sup> Deleted
  - b. <sup>9</sup>The Legal Owner shall open a Utility Account that includes a Waste Subscription or shall add a Waste Subscription to a Utility Account when:
    - i. taking possession or custody of a premises where collection services are provided by the City;
    - ii. an existing Utility Account with a Waste Subscription is closed; or
    - iii. <sup>10</sup>the Legal Owner requests a collection service provided by the City.
  - c. <sup>11</sup>Notwithstanding Section 15.1 b), the Legal Owner of a premises shall not be required to open a Utility Account if the premises is a single unit within a condominium association or cooperative with a common Utility Account.
  - d. <sup>12</sup>If the Legal Owner fails to open a new Utility Account or add a Waste Subscription pursuant to Section 15.1 b), the City may do so on the behalf of the Legal Owner and such action by the City shall not exempt the Legal Owner from any Account Holder responsibilities.
  - e. A Utility Account may be opened and a Waste Subscription may be added in person, in writing, electronically, or by telephone. The Account Holder shall provide current contact information and provide a deposit in accordance with the City's Fees and Charges Bylaw.
  - f. Collection of Waste from a premises shall not be provided without a Utility Account that includes a Waste Subscription.
- 15.2. Account Holder responsibility:
- a. An Account Holder shall be responsible for:
    - i. all fees and charges levied for the Waste Subscription in accordance with the City's Fees and Charges Bylaw, regardless of whether service was used or whether the Account Holder had made arrangements for another person to make payment;
    - ii. ensuring that payment of all charges is made in accordance with the due date or payment arrangements provided by the City;
    - iii. updating the City when contact information changes; and
    - iv. adherence to the requirements of this Bylaw.
- 15.3. Utility Account closure and removal of Waste Subscription:
- a. An existing Utility Account for a premises shall be closed upon:

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<sup>10</sup> C13-19

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- i. <sup>13</sup>request of the Legal Owner to open a new Utility Account;
  - ii. <sup>14</sup>a change in the Legal Owner;
  - iii. <sup>15</sup>Account Holder request if the Account Holder is not the Legal Owner;
  - iv. <sup>16</sup>suspension of the Utility Account pursuant to Section 16.1, if the Account Holder is not the Legal Owner; or
  - v. the removal of all services provided under a Utility Account.
- 15.4. A Waste Subscription shall be removed from a Utility Account only upon Account Holder request and only if waste collection service by the City has been permanently discontinued at the discretion of the Waste Administrator.
- 15.5. The deposit shall be applied as a credit to the final amount owing for the Waste Subscription and to any other final balance on the Utility Account. The City shall provide a refund for any credit in excess of the final balance. The Account Holder shall be responsible for payment of any remaining unpaid balance prior to closure.
- 15.6. No interest shall be payable by the City on the deposit.

## **16. CONTRAVENTION AND NON-PAYMENT**

- 16.1. Suspension with notice:
- a. The City may, without prejudice to any of the City's other remedies, suspend a Utility Account and Waste collection service to a premises after providing at least 48 hours' notice to the premises in the following circumstances:
    - i. the Utility Account for the premises falls into Arrears;
    - ii. no Waste Subscription for the premises exists where required; or
    - iii. a person responsible for Waste on the premises is in contravention of any provision of this Bylaw.
- 16.2. Non-collection:
- a. <sup>17</sup>The City may, without prejudice to any of the City's other remedies, leave Waste from a premises uncollected, without notice, if the Waste:
    - i. causes or is capable of causing an adverse effect;
    - ii. is hazardous or creates an immediate danger to life or property;
    - iii. contains or includes any Non-Collectable Material;
    - iv. does not comply with the provisions of Sections 3.3, 6.2, or 7.2;
    - v. is not placed in a Collection Container approved for that material stream in accordance with Section 6.2 a) or 7.2 a);
    - vi. is not accessible or placed for collection in accordance with Section 6.3;

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- vii. exceeds the dimension limits of Schedule “C” of this Bylaw; or
- viii. otherwise endangers or interferes with Collection Personnel or equipment or any Waste disposal or recycling process.

16.3. Before the City restores service, the Account Holder shall, as applicable:

- a. make payment arrangements subject to the City’s approval for:
  - i. any amount owing on the Utility Account; and
  - ii. any service restoration fee or other penalty levied on the Utility Account in accordance with the City’s Fees and Charges Bylaw; and
- b. ensure, to the satisfaction of the Waste Administrator, that the cause of any contravention has been remedied.

16.4. If an Account Holder neglects or fails to comply with any payment arrangements, any unpaid amount shall constitute a debt owing to the City and shall be recoverable by:

- a. action in a court of competent jurisdiction;
- b. collecting in a like manner as property tax or accounts receivable; or
- c. <sup>18</sup>if the Account Holder for the applicable premises is the Legal Owner, adding the amount to the property tax roll of the Legal Owner.

## 17. **ENFORCEMENT**

17.1. Orders to Remedy Contraventions:

- a. If the City Manager finds that a person is contravening this Bylaw, the City Manager may by written Order in accordance with the *Municipal Government Act* (MGA), require any person responsible for the contravention to remedy it.
- b. The Order may:
  - i. direct a person to stop doing something, or to change the way in which they are doing it;
  - ii. direct a person to take any action necessary to remedy the contravention of this Bylaw to prevent a re-occurrence of the contravention;
  - iii. state a specified time to comply; and
  - iv. state that if the person does not comply within a specified time, the City shall take necessary action, at the expense of the person.
- c. The expenses and costs resulting from action taken by the City under Section 17, are due and payable by the person in contravention of this Bylaw.

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- d. The City may in accordance with the MGA, add outstanding amounts for unpaid expenses and costs referred to in Section 17.1 c) to a property tax roll, if the contravention of this Bylaw occurred on all or part of the Owner's premises.

17.2. Service of Order:

- a. In the case of an individual, an Order issued in accordance with this Bylaw may be served by:
  - i. delivering it personally to the individual's apparent place of residence; or
  - ii. registered mail addressed to the individual at their apparent place of residence, or to any address for the individual on the property tax roll of the City.
- b. In the case of a corporation, an Order issued in accordance with this Bylaw may be served by:
  - i. delivering it personally to any representative of the corporation or to the corporation's place of operation; or
  - ii. registered mail addressed to the registered office of the corporation.

17.3. Review by Council:

- a. A person who receives an Order under this Bylaw, may submit a written request for Council to review the notice or Order within 14 days after the date it was received.
- b. After review, Council may confirm, vary, substitute or cancel the Order.

17.4. Offence:

- a. A person who contravenes any provision of this Bylaw is guilty of an offence.
- b. A person shall not interfere with a Peace Officer in the exercise of their powers and duties under this Bylaw.

17.5. Vicarious Liability:

- a. For the purpose of this Bylaw, an act or omission by the Owner or another person acting on their behalf is deemed to be an act or omission of the Owner, if the act or omission occurred in the course of exercising the powers or performing any duties on behalf of the Owner.

17.6. Corporations and Partnerships:

- a. 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, or agreed or participated in the act or omission that constitutes the offence, is guilty of the offence.

- b. If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act, who agreed or participated in the act or omission that constitutes the offence, is guilty of the offence.

17.7. Fines and Penalties:

- a. A person who is guilty of an offence is liable for a fine pursuant to Schedule "D" of this Bylaw, not to exceed ten thousand dollars (\$10,000.00) or for the imprisonment of not more than six months for non-payment of a fine, as per the MGA.
- b. Without restricting the generality of Section 17.8.a and Section 17.10.a, the penalties specified in Schedule "D" of this Bylaw are established for use on Municipal Tags and Violation Tickets, if a voluntary payment option is offered.

17.8. Municipal Tag:

- a. A Peace Officer is hereby authorized to issue a Municipal Tag to any person who the Peace Officer believes has contravened any provision of this Bylaw.
- b. A Municipal Tag may be issued:
  - i. personally; or
  - ii. by mailing a copy to such person at their last known municipal address.
- c. The Municipal Tag shall be in a form approved by the City Manager and shall state:
  - i. the name of the person;
  - ii. the offence;
  - iii. the specified penalty established by this Bylaw for the offence;
  - iv. that the penalty shall be paid within 7 days of the issuance; and
  - v. any other information as may be required by the City Manager.

17.9. Payment in Lieu of Prosecution:

- a. Where a Municipal Tag is issued pursuant to this Bylaw, the person to whom it is issued may, in lieu of being prosecuted for the offence, pay the penalty to the City, specified within the prescribed time indicated on the Municipal Tag.

17.10. Violation Ticket:

- a. Where a Municipal Tag has been issued and the specified penalty has not been paid within the prescribed time, a Peace Officer is authorized to issue a Violation Ticket pursuant to the Alberta *Provincial Offences Procedure Act*.
- b. Notwithstanding Section 17.10.a, a Peace Officer is hereby authorized to issue a Violation Ticket pursuant to the Alberta *Provincial Offences*

*Procedure Act* to any person who the Peace Officer believes has contravened any provision of this Bylaw.

- c. Where a Violation Ticket is issued in respect of an offence, it may:
  - i. specify the fine amount established by this Bylaw for the offence; or
  - ii. require a person to appear in court, without the alternative of making a voluntary payment.

17.11. Voluntary Payment:

- a. A person who commits an offence may submit the voluntary payment noting the specified penalty to the Provincial Court Clerk, on or before the initial appearance date indicated on the Violation Ticket, if the Violation Ticket:
  - i. is issued with respect to the offence; and
  - ii. specifies the fine amount established by this Bylaw for the offence.

**18. POWERS OF THE CITY MANAGER**

18.1. Without restricting any other power, duty, or function granted by this or any other Bylaw, the City Manager may:

- a. carry out inspections to determine compliance with this Bylaw;
- b. take steps or carry out actions required to enforce this Bylaw;
- c. take necessary steps or carry out actions required to remedy a contravention of this Bylaw;
- d. establish forms for the purposes of this Bylaw; and
- e. delegate powers, duties, or functions under this Bylaw to an employee of the City.

**19. INTERPRETATION**

19.1. All references in this Bylaw will be read with such changes in number and gender as may be appropriate, and references shall be read as a corporation or partnership, and pronouns shall be deemed to not be gender specific.

19.2. References to provisions of statute, rules, or regulations shall be deemed to include references to such provisions as amended, modified, or re-enacted from time to time.

19.3. Nothing in this Bylaw relieves any person from compliance with any other bylaw or applicable federal or provincial law, regulation, or enactment.

**20. SEVERABILITY**

If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion must then be severed and the remainder of the Bylaw is deemed valid.

**21. EFFECTIVE DATE**

This Bylaw becomes effective upon third and final reading.

**22. REPEAL OF BYLAWS**

Upon third reading of Bylaw C16-18, Bylaw C11-95 and all amendments thereto are hereby repealed.

**(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000,c.M-26 and Bylaw C5-13, and printed under the Director, Legislative Service's authority)**

**Bylaw C16-18, passed by Council, May, 2018**

**Amendments:**

**Bylaw C13-19, October 22, 2019**

## BYLAW C16-18

### SCHEDULE "A" NON-COLLECTABLE MATERIAL

1. Any material or Waste shall be Non-Collectable Material if:
  - 1.1. The deposit, collection, or processing of the material or Waste may cause or result in:
    - a. an abnormal or unanticipated health or safety hazard to Collection Personnel or to any person who is inspecting, operating, maintaining, or otherwise working on any facility or equipment for the collection or processing of Waste;
    - b. an offence under any applicable legislation or any regulation made thereunder;
    - c. the failure of any product from a Waste processing facility to meet product specifications or objectives or any criteria listed in any applicable legislation;
    - d. adverse interference with, impairment of, or damage to any Waste collection or processing equipment, facility, or process;
    - e. injury to any person, animal, property or vegetation; or
    - f. an abnormally noxious odour.
  - 1.2. The material or Waste is, contains, or may have contained:
    - a. any Hazardous Substance including but not limited to:
      - i. fuel, any flammable or explosive substance, or Reactive Waste;
      - ii. monochlorinated or polychlorinated biphenyls (PCBs);
      - iii. radioactive substances in concentrations in excess of those specified for release to the environment under the *Canadian Nuclear Safety and Control Act* and applicable regulations; and
      - iv. pesticides or toxic substances not otherwise regulated in this Bylaw;
    - b. biomedical waste including but not limited to:
      - i. Pathological Waste;
      - ii. human or animal anatomical waste;
      - iii. untreated microbiological waste;
      - iv. waste sharps; and
      - v. untreated human blood and body fluids known to contain viruses and agents listed in "Risk Group 4" as defined in "Laboratory Biosafety Guidelines" published by Health Canada;
    - c. Sewage or Sludge; or
    - d. any material that has been designated as Non-Collectable Material by the Waste Administrator.

## BYLAW C16-18

### SCHEDULE "B" TYPICAL WASTE MATERIALS

1. Garbage:

- 1.1. Garbage typically includes, but is not necessarily limited to discarded materials and items that cannot be reused or cannot be readily recycled, such as:
- a. rags and clothing;
  - b. small household furnishings and household items excluding electronics;
  - c. materials associated with home renovations or similar projects;
  - d. single use plastics, foam plastics, and film plastics;
  - e. composite materials and packaging made of 2 or more materials that cannot be separated such as plastic or foil coated paper, pet food bags, flour bags, and single-use coffee cups;
  - f. sanitation and hygiene products, including but not limited to sanitary wipes, diapers, and dental floss; and
  - g. any other materials or items that are:
    - i. not Non-Collectable Material or Transfer Station Material;
    - ii. comply with the dimension limits of Schedule "C" of this Bylaw; or
    - iii. designated as Garbage by the Waste Administrator.

2. Large Items:

2.1. Large items may include:

- a. appliances, scrap metal, and electronics including but not limited to:
  - i. televisions;
  - ii. barbeques;
  - iii. kitchen and laundry appliances;
  - iv. hot water tanks;
- b. furniture including but not limited to:
  - i. couches, chairs, and tables;
  - ii. desks and dressers;
  - iii. mattresses and box springs, and
- c. any other materials or items that are not Non-Collectable Material and comply with the dimension limits of Schedule "C" of this Bylaw.

- 2.2. The Waste Administrator may restrict the collection specific Large Items or may designate a specific material or items as a Large Item on a case-by-case basis.

3. Organics and Yard Waste:

3.1. Organics may include, but not necessarily be limited to materials such as:

a. Yard Waste including but not limited to:

i. grass, leaves, house and garden plants, flowers, garden soil, sod, small twigs and branches;

b. food scraps including but not limited to:

i. fruits and vegetables, peels and cores, meat and dairy products, shells, bones, coffee grounds and tea leaves, paper coffee filters and tea bags, paper plates and napkins, cooking oil, grease and fat, baked goods and baking ingredients;

c. paper and soiled cardboard including but not limited to:

i. pizza boxes, paper towel, paper egg cartons and paper drink trays;

d. pet waste including but not limited to:

i. litter, compostable cage bedding, and fur;

e. ashes, saw dust, and wood shavings;

f. other compostable material that is not Non-Collectable Material and complies with the dimension limits of Schedule "C" of this Bylaw; and

g. any other materials designated as such by the Waste Administrator.

3.2. Organics shall not include plastic or foil coated paper, non-compostable plastic, glass, metal, rocks, branches in excess of the dimension limits of Schedule "C" of this Bylaw, or other material that does not decompose. The Waste Administrator may further restrict material accepted as Organics on a case-by-case basis.

4. Recyclables

4.1. Recyclables shall be cleaned of any residue and may include, but not necessarily be limited to materials such as:

a. metal cans and containers;

b. plastic dairy product containers;

c. plastic beverage, soap, shampoo, and detergent bottles;

d. newsprint and mixed paper;

e. boxboard and corrugated cardboard;

f. telephone books, magazines, catalogues, and paperback books; and

g. any other materials designated as such by the Waste Administrator.

4.2. Recyclables shall not include Non-Collectable Material or any item or material specifically listed as Garbage in this Schedule. The Waste Administrator may further restrict material accepted as Recyclable on a case-by-case basis.

4.3. The Waste Administrator may further direct that Recyclables be further separate into multiple Waste Streams for separate collection and processing.



5. Transfer Station Material:

5.1. Transfer Station Material includes:

- a. paint, tires, and electronics;
- b. automotive oil and glycol;
- c. propane tanks and empty fire extinguishers;
- d. batteries and smoke detectors;
- e. fluorescent light tubes and ballasts;
- f. glass and ceramics;
- g. household renovation waste;
- h. Large Items;
- i. rocks and concrete rubble within the limits of Schedule "C" of this Bylaw;
- j. excess Yard Waste and branches;
- k. excess Garbage; and
- l. any other material that may be designated as such by the Waste Administrator.

5.2. The Waste Administrator may further restrict material accepted at the Transfer Station on a case-by-case basis.

## BYLAW C16-18

### SCHEDULE "C" DIMENSION LIMITS

1. The following volume, mass, and size limits shall apply to all Waste and Collection Containers for the specified Waste Streams and collection methods, unless otherwise directed by the Waste Administrator:
2. Curbside Collection:
  - 2.1. Collection Containers other than Collection Carts:
    - a. A reusable Collection Container for Recyclables or for other Waste placed for collection in accordance with the requirements of a Collection Event shall be between 45cm and 80cm in height and shall not exceed 60cm in width, depth, or diameter.
  - 2.2. Garbage:
    - a. <sup>19</sup>The volume of material within a Garbage Cart placed for collection shall not exceed the closed-lid capacity of the Garbage Cart and the number of Garbage Carts placed for collection shall not exceed the quantity assigned to a premises.
    - b. The total mass of a Garbage Cart, including contents, that is placed for collection shall not exceed 90 kilograms.
  - 2.3. Organics:
    - a. <sup>20</sup>The volume of material within an Organics Cart placed for collection shall not exceed the closed-lid capacity of the Organics Cart and the number of Organics Carts placed for collection shall not exceed the quantity assigned to the premises.
    - b. The total mass of an Organics Cart, including contents, that is placed for collection shall not exceed 90 kilograms.
    - c. Yard Waste consisting of branches or sticks deposited in an Organics Cart shall not exceed 2.5 centimetres in diameter or 75 centimetres in length.
  - 2.4. Recyclables:
    - a. The total mass of each Blue Bag or other Collection Container for Recyclables, including contents, that is placed for collection at a premises receiving Curbside Collection for Recyclables shall not exceed 20 kilograms.

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- b. A bundle of cardboard placed for collection at a premises receiving Curbside Collection for Recyclables shall not exceed:
    - i. 100 centimetres in length or width;
    - ii. 10 centimetres in thickness; or
    - iii. 20 kilograms.
- 3. Yard Waste, Branches, and Trees:
  - 3.1. Yard Waste:
    - a. The total mass of each Collection Container for Yard Waste, including contents, that is placed for collection during a designated Collection Event shall not exceed 20 kilograms.
  - 3.2. Branches and trees:
    - a. Branches or stumps placed for collection during a designated Collection Event shall not exceed:
      - i. 15 centimetres in diameter;
      - ii. 100 centimetres in length; or
      - iii. 20 kilograms per stump, branch, or bundle.
    - b. Christmas trees placed for collection during a designated Collection Event shall not exceed 20 kilograms and shall not exceed 200 centimetres in length.
- 4. Large Items:
  - 4.1. No more than 2 Large Items from a premises shall be placed for collection during a designated Collection Event.
  - 4.2. Large Items placed for collection shall not exceed 90 kilograms and shall not exceed 200 centimetres in length, width, or depth.
- 5. Common-Bin Collection:
  - 5.1. The volume of Waste deposited into a Common-Bin Container shall not exceed the closed-lid capacity of the Collection Container.
  - 5.2. The total mass of the Collection Container and contents shall not exceed the capacity of the collection equipment.
- 6. Transfer Station Material:
  - 6.1. The Waste Administrator may impose limitations on the volume, size, and weight of any material or item to be deposited at the Transfer Station and may restrict the deposit of any material or item if the capacity to store that material at the Transfer Station is reached.

- 6.2. The Waste Administrator shall ensure that any new limitations or restrictions to be imposed are posted at the Transfer Station within a reasonable time.

## BYLAW C16-18

### SCHEDULE "D" SPECIFIED PENALTIES

Section	Offence	Penalty 1st Offence	Penalty 2nd and Subsequent Offence
3.2 a)	Unauthorized collection or disposal of Waste	\$150	\$300
<sup>21</sup> 3.2 b), c), & d)	<sup>22</sup> Unauthorized disturbance or tampering of a Collection Container including addition or removal of material to or from the Collection Container.	\$100	\$250
3.3 a), b) 6.1 i) & j)	Improper storage and maintenance of a Collection Container	\$100	\$200
3.3 c)	Failure to secure a Collection Container or keep a Collection Container at a premises	\$100	\$200
3.3 d)	Failure to properly label a Collection Container	\$50	\$100
3.3 e), f)	Improper use of a Collection Container for a designated Waste Stream	\$100	\$250
3.3 g) to j), 6.2, 7.2, 13.2, 13.3	Failure to ensure Waste is properly prepared and secured for collection or transport	\$100	\$250
6.1 f) (i), 7.1 c) (iii)	Failure to notify the City of any lost, stolen or damaged Collection Container	\$50	\$100
6.1 f) (ii)	Failure to make a Collection Cart available to the City within a reasonable time upon request	\$100	\$200
6.3	Improper placement of a Collection Container for collection	\$100	\$200
7.1 c) (i), 8.2 a), b) & c)	Failure to provide a sufficient area for or sufficient number of Collection Containers	\$250	\$500
7.1 c) (ii), 8.2 d)	Failure to maintain access to Collection Containers	\$250	\$500
8.1	Disposal of any Waste from an ICI Premises or Heavy Industrial Premises at a Residential Premises	\$250	\$500

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9.2	Failure to obey Transfer Station signs or instructions	\$100	\$250
9.3	Improper disposal of Waste at the Transfer Station	\$200	\$400
9.4	Unauthorized removal of an item or material from the Transfer Station	\$100	\$200
9.5	Unauthorized entrance into the Transfer Station	\$250	\$500
10	Failure of a Collection Personnel to properly conduct collection duty	\$250	\$500
11.1, 11.2	Improper parking on Collection Day	\$100	\$200
11.3	Impeding collection	\$100	\$200
13.1 (a)	Burning or igniting Waste	\$250	\$500
13.1 (b), (c)	Unauthorized dumping or disposal of Waste	\$500	\$1000
13.4 a) (ii)	Failure to properly respond to the release of a Hazardous Substance	\$300	\$1000
13.4 b)	Failure properly clean-up any released Waste	\$250	\$500
14	Interfering or impeding with Collection Personnel or any monitoring program	\$250	\$500
15.2 (iii)	Failure to notify the City when contact information changes	\$50	\$100
17.4 (b)	Interfering with the duty of a Peace Officer	\$250	\$500