

SOLID WASTE COLLECTION AND RECYCLING

BYLAW NO. 06-21

LEDUC COUNTY

A BYLAW FOR REGULATING AND PROVIDING SOLID WASTE COLLECTION AND RECYCLING SERVICES AND TRANSFER STATION SERVICES, AND THAT BYLAW NO. 02-17 BE RESCINDED.

WHEREAS

Pursuant to Sections 145 and 146 of the Municipal Government Act, being Chapter M-26, Revised Statutes of Alberta, 2000, and amendments thereto, the council of Leduc County may pass bylaws for the purpose of operating a public utility, subject to an terms, costs or charges which may be established by council;

Leduc County is responsible for the operation and maintenance of municipally owned solid waste programs including Collection Services and Transfer Stations; and

The council of Leduc County deems it necessary and desirable to establish a Solid Waste Service Bylaw to govern the management and operations of the solid waste utilities within the jurisdictional boundaries of Leduc County.

NOW THEREFORE

be it resolved that the council of Leduc County, duly assembled, enacts as follows:

1. Title

1.1 This bylaw may be cited as the "Solid Waste Bylaw".

2. Definitions

2.1 In this bylaw:

- a) "*Biomedical waste*" means all waste generated in or resulting from the operation of a sick room, funeral home, hospital, medical office, dental office, medical clinic, dental clinic, veterinary clinic or biological research station which contains or may contain pathogenic agents, pathological agents, or which may cause disease in persons exposed to such waste, and includes all human tissue, blood, organs, body parts and fluids;
- b) "*Blue bag*" means a sturdy disposable plastic bag, translucent blue in colour, used for disposing of Recyclables, securely tied at the top when set out for collection;
- c) "*Bulk waste*" includes furniture, appliances, mattresses, bicycles, or other oversize items not capable of being placed in a waste container or a blue bag for collection;
- d) "*Collection area*" means the geographic areas listed in Schedule "A" that are entitled to receive collection services in accordance with this bylaw;
- e) "*Collection services*" means curb side collection of household waste and recyclables from residential premises within the collection area;
- f) "*Commercial waste*" means any Waste generated by commercial, industrial, institutional, community, governmental, religious or charitable organizations;
- g) "*Construction waste*" means any waste generated by constructing, altering, repairing or demolishing any structure;
- h) "*Council*" means the municipal council of Leduc County;

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- i) *"County"* means the municipal corporation of Leduc County;
- j) *"County manager"* means the chief administrative officer for the county or his delegate;
- k) *"Customer"* means the owner or occupier of residential premises entitled to receive collection services;
- l) *"Fees and Charges Bylaw"* means the county bylaw to establish utility rates, fees and charges, as may be amended or repealed and replaced from time to time;
- m) *"Hazardous waste"* has the meaning set out in the *Environmental Protection and Enhancement Act* and regulations there under and includes any waste which contains trichlorophenol, pentachlorophenol, free cyanides or polychlorinated biphenyls; arsenic, cadmium chromium, lead, mercury nickel, selenium or thallium concentrations greater than 99 milligrams per kilogram; any pesticides, herbicides any liquid waste which contains an organic solvent in concentration greater than 999 milligrams per kilogram; any pesticides, herbicides, explosives, quick lime, sewage sludge, septic tank pumpings, oil, combustible liquids, batteries, poisons, acids, caustics; any container used to transport any such waste and any other waste which presents an unusual disposal problem for reasons of health or safety;
- n) *"Household waste"* means unwanted refuse or materials intended for disposal generated by normal human living processes and domestic activities;
- o) *"Liquid waste"* means any waste, other than hazardous waste, having a moisture content in excess of 30%;
- p) *"Multi-family residential premises"* means any building or group of buildings that includes more than four (4) separate dwelling units, including but not limited to apartment buildings and condominiums, and may include a designated manufactured home park;
- q) *"Occupant"* means a person occupying premises, including a lessee or licensee, who has actual use, possession or control of the premises;
- r) *"Owner"* means the registered owner of real property and includes a purchaser under an agreement for sale of real property;
- s) *"Peace officer"* means a bylaw enforcement officer, or a peace officer within the meaning of the *Peace Officer Act*, employed or appointed by the county;
- t) *"Person"* means any individual, firm, partnership, association, corporation, trustee, executor, administrator or legal representative to whom the context applies according to law;
- u) *"Recyclables"* means the clean materials listed in Schedule "B" as suitable for depositing in a blue bag for recycling;
- v) *"Residential premises"* includes
 - i) any building containing a single dwelling unit (single detached dwelling);
 - or

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- ii) a semi detached dwelling (duplex/triplex), where each single dwelling unit is deemed to be a residential premises;
 - w) “*Transfer station*” means a county facility where waste is received for transfer to another location for processing or disposal;
 - x) “*Violation ticket*” means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*;
 - y) “*Waste*” means any discarded material intended for disposal and includes but is not limited to biomedical waste, bulk waste, commercial waste, construction waste, hazardous waste, household waste, liquid waste and recyclables;
 - z) “*Waste collection fees*” means the fixed monthly service fee charged to customers for collection services as established in the Fees and Charges Bylaw;
 - aa) “*Waste collector*” means any authorized employee or agent of the county performing waste collection activities;
 - bb) “*Waste container*” means an approved automated cart supplied by the county.
3. Application
- 3.1 Nothing in this bylaw relieves any person from complying with any federal or provincial law or regulation, other bylaw, or any requirement of any lawful permit, order or license.
 - 3.2 Any headings or subheadings or tables of contents in this bylaw are included for guidance purposes and convenience only, and shall not form part of this bylaw.
 - 3.3 Specific references to other bylaws, statutes and regulations are intended to refer to the current laws applicable within the province of Alberta as at the time this bylaw was enacted, and as may be amended from time to time, including successor legislation.
 - 3.4 All schedules attached to this bylaw shall form part of this bylaw.
 - 3.5 This bylaw is gender neutral and accordingly, any reference to one gender includes another.
4. Collection services
- 4.1 The county will place all residential premises located in the collection area in account for collection services.
 - 4.2 The county will provide collection services to all customers located within the collection area at the rates, fees or other charges specified in the Fees and Charges Bylaw.
 - 4.3 The owner or occupant of any premises not described in subsection (1) shall, either personally or by employees, contractors or agents, and in compliance with all applicable federal, provincial and municipal laws, promptly remove and dispose of all waste generated on the premises, at the owner or occupant’s sole expense.
5. Prohibited waste
- 5.1 The county shall not collect nor be responsible for the collection of any waste other than household waste and recyclables generated by residential premises located within the

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collection area.

- 5.2 No person shall set out, or permit to be set out, any waste for collection other than household waste or recyclables in accordance with this bylaw including, without limiting the foregoing;
- a) household waste generated by any residential premises outside of the collection area;
 - b) household waste generated by any multi-family residential premises;
 - c) animal carcasses;
 - d) biomedical waste;
 - e) bulk waste;
 - f) commercial waste;
 - g) construction waste;
 - h) hazardous waste;
 - i) hot ashes; or
 - j) Liquid waste.

6. Account and fees

- 6.1 The county shall create an account for each customer within the collection area for collection services and the customer shall be responsible for payment of the waste collection fee. The customer shall be subject to an account set up fee as set out in the Fees and Charges bylaw.
- 6.2 An account for collection services will only be opened with the owner of the property.
- 6.3 The waste collection fee shall apply even where no waste is set out.
- 6.4 Any customers wishing to deactivate or reinstate their account will be subject to a disconnect and reconnection fee as set out in the Fees and Charges bylaw.
- 6.5 In the event that waste collection fees remain unpaid after the date fixed for payment, a late payment charge, as established in the Fees and Charges Bylaw, will be added to the principal amount outstanding and form part of the waste collection fee levied.
- 6.6 Any waste collection fees remaining outstanding will constitute a debt owing to the county, and is recoverable by the county in accordance with the county's statutory common law rights.

7. Preparing waste for collection

- 7.1 No person shall set out, or permit to be set out waste for collection without ensuring that the waste has been prepared for collection in accordance with the following:
- a) all household waste must be secured within a waste container;
 - b) all recyclables must be secured within a blue bag;
 - c) wet waste must be thoroughly drained, double-bagged, and tied securely;
 - d) light dusty materials such as cooled ashes, sawdust, powders, vacuum cleaner bags, furnace filters and absorbents must be placed in a sealed disposable container; and

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- e) objectionable materials including animal feces and diapers must be double bagged and tied securely; and sharp and dangerous items, including broken glass, razor blades, sheet metal scraps and items with exposed screws or nails must be contained within protective packaging (sturdy, sealed cardboard box or rigid disposable plastic container).

8. Waste containers

8.1 A person setting out waste containers for collection shall ensure that:

- a) the contents of a waste container must not be packed or jammed into the waste container to the extent that the contents will not fall freely from the waste container during collection activities;
- b) the contents of the waste container must not prevent the closure of the lid;
- c) waste container lids must not be chained or tied to the waste container;
- d) waste containers must not be chained or tied to fences or waste container enclosures;
- e) the waste container must not be loaded beyond capacity by volume or weight; and
- f) the waste container is maintained in good repair and sanitary condition.

9. Set-out locations

9.1 All collection services shall be from a front yard, curbside location unless otherwise authorized by the county manager.

9.2 A person setting out waste for collection shall ensure that:

- a) all waste containers placed curb side along the edge of the roadway with wheels in the gutter; with a minimum of one meter clearance on all sides and three meters above the waste container from any obstacle, including, but not limited to blue bags, parked vehicles, fences, or other waste containers;
- b) all blue bags are placed curb side along the edge of the roadway; and must be kept at a minimum of one meter distance from waste containers;
- c) convenient and unobstructed access to waste containers and blue bags shall be maintained at all times;
- d) no person shall set out waste for collection in a location that is unsafe, obstructed, poorly maintained, uneven or that otherwise prevents a waste collector from collecting waste in a safe and efficient manner; and
- e) set out locations comply with all solid waste collection services policies and procedures as established from time to time.

10. Collection schedules

10.1 Collection services will be performed as per a set schedule which will be established annually for all customers within the collection area by the county manager.

10.2 Additional collections may be scheduled if and when required, at the discretion of the county manager.

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11. Time of day

- 11.1 Waste containers must be placed at the set-out location no later than 7:00 a.m. on the scheduled collection day.
- 11.2 No person shall place waste containers at any set out location before 5:00 p.m. on the day prior to the scheduled collection day.

12. Waste collection

- 12.1 Waste collection services may occur at any time during the collection day (7:00 a.m. – 10:00 p.m.) and actual time of collection will often vary on a weekly or seasonal basis.
- 12.2 If a civic holiday occurs on the scheduled collection day, collection will be made within two (2) scheduled working days of the holiday.
- 12.3 In the event of severe weather or unusually large waste volumes, the county manager may alter the collection schedule for part or all of the collection area to include the day before and the day after the regularly scheduled collection day.
- 12.4 No person shall leave empty waste containers at any set out location later than 12:00 p.m. of the day following collection.

13. Ownership of waste

- 13.1 All waste set out for collection remains the property of the person placing the waste until accepted by the county at the time of collection.

14. Waste volume limits

- 14.1 No person shall set out, or allow to be set out, waste exceeding the volume of the assigned container.

15. Withholding collection services

- 15.1 The county reserves the right to withhold collecting of improperly prepared waste, prohibited waste, excessive quantities of waste, waste located at unsafe or non-compliant locations, or is in breach of this bylaw.

16. Damage to waste containers

- 16.1 Waste collectors shall:
 - a) use best efforts to avoid damage to waste containers during waste collection activities;
 - b) replace emptied waste containers as close as possible to the original location; and
 - c) clear away any waste spilled onto the ground from the waste container, or collection vehicle during collection.
- 16.2 The county is not responsible for damage to waste containers resulting from normal, repetitive activity or for lost waste containers, including lids.

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17. Interference with waste containers

- 17.1 No person shall place waste in a waste container or blue bag of another person without the other person's consent.
- 17.2 No person other than an authorized waste collector or the person placing waste in a waste container or blue bag shall interfere with, disturb or remove the contents of a waste container or blue bag set out for collection.

18. Entering private property

- 18.1 Waste collectors shall not be required to enter onto private property to collect waste unless such entry is necessary or desirable, in the discretion of the county.
- 18.2 Waste collectors are authorized to enter the front yard of residential premises at all reasonable times for the purpose of carrying out their duties.
- 18.3 Waste collection vehicles will not enter onto private property to collect waste unless written authorization is given by the owner of the property and the county manager.
- 18.4 The county will not be responsible for any damage to roads or infrastructure on private property resulting from legitimate operation of waste collection vehicles during waste collection activity on that private property.

19. Transportation of waste

- 19.1 No person shall use, or permit to be used, any vehicle for the conveyance or storage of waste unless such vehicle is fitted with a suitable cover capable of preventing the dropping, spilling or blowing off of waste while it is being transported or stored in the vehicle.

20. Transfer stations

- 20.1 No person shall deposit any waste generated outside of the municipal boundaries of the county at a transfer station, unless otherwise authorized by the county manager.
- 20.2 The county manager will establish the conditions and requirements for waste to be accepted at a transfer station, including but not limited to specifying the types and quantities of waste, and the hours of operations that waste will be accepted.
- 20.3 The conditions and requirements established under subsection (2) may be site specific and vary from transfer station to transfer station and may be amended from time to time, as required, in the sole discretion of the county manager.
- 20.4 No person shall deposit any waste at a transfer station contrary to the conditions and requirements established by the county manager pursuant to this section.
- 20.5 All persons must obey all signs, posted regulations, and directions of site attendants at a transfer station.
- 20.6 The county manager may refuse to permit a person to enter a transfer station if that person is in breach of this bylaw.

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Part III – CONTRACT WASTE COLLECTION SERVICES

21. Additional services

21.1 The county may, on request, provide contract waste collection on a fee-for service basis in the following categories:

- a) residential premises located outside of the collection area, but within the municipal boundaries of the county;
- b) multi-family residential premises within the municipal boundaries of the county; or
- c) commercial, industrial or institutional premises within the municipal boundaries of the county.

21.2 The county manager will establish the availability and conditions of service, frequency and method of collection, waste storage, and set out locations, and fees for contract waste collection service provided by the county.

Part VI – ENFORCEMENT

22. Offence

22.1 A person who contravenes any provision of this bylaw is guilty of an offence.

23. Continuing offence

23.1 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 by this bylaw for each such day.

24. Vicarious liability

24.1 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 or performing the duties on behalf of the person under their agency relationship.

25. Corporations and partnerships

25.1 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 is guilty of the offence whether or not the corporation has been prosecuted for the offence.

25.2 If 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.

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26. Fines and penalties

26.1 A person who is guilty of an offence is liable to a fine in an amount not less than \$100.00 and not exceeding \$10,000.00.

26.2 Without restricting the generality of subsection (1) the fine amounts established for use on violation tickets if a voluntary payment option is offered are as set out in Schedule "C".

27. Violation ticket

27.1 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 by submitting to a clerk of the provincial court, on or before the initial appearance date indicated on the violation ticket, the specified penalty set out on the violation ticket.

28. Obstruction

28.1 No person shall obstruct, hinder, or impede any authorized representative of the county in the exercise of any of their powers or duties pursuant to this bylaw.

Part V – GENERAL

29. County manager

29.1. Without restricting any other power, duty or function granted by this bylaw, the county manager may:

- a) carry on whatever inspections are reasonably required to determine compliance with this bylaw;
- b) take any steps or carry out any actions required to enforce this bylaw or remedy a contravention of this bylaw;
- c) delegate any powers, duties, or functions under this bylaw to an employee, contractor, or agent of the county; and
- d) establish forms for the purpose of this bylaw.

30. Certified copy of record

30.1 A copy of a record of the county, certified by the county 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.

31. Schedules

31.1 The following schedules are included in, and form part of this bylaw:

- a) Schedule "A" – Collection area

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- b) Schedule "B" – Recyclables
- c) Schedule "C" – Specified penalties

32. Severability

32.1 If any section or parts of this bylaw are found in any court of law to be illegal or beyond the power of council to enact, such section or parts shall be deemed to be severable and all other sections or parts of this bylaw shall be deemed to be separate and independent there from and to be enacted as such.

33. Repeal and effective date

33.1 Bylaw No. 02-17 is rescinded upon this bylaw coming into force.

33.2 This bylaw shall take effect on the date of third reading.

Read a first time this 23rd day of March, A.D. 2021.

Read a second time this 23rd day of March, A.D. 2021.

Read a third time with the unanimous consent of the Council Members present and finally passed this 23rd day of March, A.D. 2021.



MAYOR



COUNTY MANAGER

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Schedule "A"

Collection areas

- New Sarepta Hamlet
- Nisku Hamlet
- Diamond Estates subdivision
- Royal Oaks subdivision
- Lukas Estates subdivision

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Schedule "B"

Recyclables

- Newspaper
- Mixed papers (including office paper, magazines, flyers)
- Corrugated cardboard
- Box board
- Metal cans (i.e. food tins)
- Milk containers
- Beverage containers
- Rigid, molded plastic containers labeled #1 to #7

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Schedule "C"

Specified penalties

Section	Offence	Specified Penalty
s. 4 (4.3)	Fail to promptly remove and dispose of all waste generated on the premises	\$250
s. 5 (5.2)	Prohibited waste	\$100
s. 7	Improperly prepared waste	\$100
s. 9 (9.2)	Unsafe set out location	\$100
s. 11 (11.2)	Set out waste before 5 p.m.	\$100
s. 12 (12.4)	Fail to return waste container for storage	\$100
s. 14 (14.1)	Excess volume of waste	\$100
s. 17	Interfere with waste container	\$100
s. 19	Improper transport of waste	\$250
s. 20 (20.1)	Deposit waste generated outside county at transfer station	\$500
s. 20 (20.4)	Deposit unauthorized waste at transfer station	\$250
s. 28	Obstruction of employee	\$250
	Any other offence not listed above	\$100 to \$10,000
	Any subsequent offence	Double the specified penalty listed above.