

CITY OF ST. ALBERT

BYLAW 17/2018

A Bylaw regulating residential solid waste management in the City of St. Albert

The Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

Part 1: Interpretation

Title

1. This Bylaw may be referred to as the “Residential Solid Waste Management Bylaw”.

Definitions

2. In this Bylaw:
 - (a) “Act” means the *Municipal Government Act*, R.S.A. 2000 c. M-26, as amended;
 - (b) “Ashes” means the residue from any substance after combustion and includes partially burnt wood, charcoal or coal;
 - (c) “Annexed Area” means those annexed lands to which the Lieutenant Governor in Council’s Order 38/2007 refer;
 - (d) “Automated Collection” means the collection of organic or garbage material disposed of through a Cart system designed to be emptied through mechanical means into a collection vehicle;
 - (e) “Blue Bag” means a blue transparent plastic bag of a similar size to a Standard Bag but shall be filled only with cleaned Recyclables;
 - (f) “Bylaw” means this Residential Solid Waste Bylaw;
 - (g) “Cart” means a wheeled receptacle that:
 - (i) is allocated to a Residence by the City; and
 - (ii) is intended for Automated Collection of Garbage or Organics.
 - (h) “City” means the municipal corporation of the City of St. Albert or, where the context so requires, the area contained within the boundaries of the City;

- (i) “City Manager” means the City’s Chief Administrative Officer;
- (j) “Collector” means a Person authorized by the City to collect, remove and dispose of Waste from a Residence;
- (k) “Collection Day” means the day or days designated by the City Manager for Waste collection for any particular Residential Premise;
- (l) “Collection Services” means residential Waste collection and disposal as detailed in this Bylaw and rendered by the City or a Collector pursuant to the City’s Residential Solid Waste Program;
- (m) “Commercial Waste” means waste from establishments considered to be institutional, commercial or industrial in accordance with the *Land Use Bylaw*;
- (n) “Compostable Bag” means a transparent bag made of organic materials that will breakdown through the composting process. A Compostable Bag shall be filled only with Organics;
- (o) “Council” means the municipal council of the City of St. Albert;
- (p) “Dwelling” means a self-contained residence comprising kitchen, washroom, living and sleeping facilities with a separate private entrance from the exterior of a building or from a common hall, lobby or stairway inside a building, but does not include any part of hospital, hotel, motel or recreation vehicle;
- (q) “Extra Garbage Tag” means tags which are sold or have been previously provided to Service Users by the City to dispose of additional Residential Waste;
- (r) “Fee” means any fee, as set out in Schedule A to this Bylaw, that may be levied as a utility service charge by the City in exchange for the collection, disposal and recycling of Waste;
- (s) “Garbage” means waste other than Organics or Recyclables.
- (t) “Industrial Wastes” are solid, liquid, or gaseous waste materials from all industrial or commercial establishments, but excludes Ashes, Waste, and Trade Waste;
- (u) “Inert Materials” means non-toxic materials including demolition refuse, dirt and similar waste material;
- (v) “*Land Use Bylaw*” means Bylaw 9/2005, as amended;

- (w) “Multiple Dwelling Development” means a residential condominium development or any development containing 3 or more Dwelling units on a single legal parcel of land;
- (x) “Municipal Violation Tag” means a City-issued notice that alleges an offence and provides a person with the opportunity to pay an amount to the City in lieu of prosecution for the offence;
- (y) "Occupant" means a Person occupying, but not owning, a Residence that receives or is eligible to receive Collection Services;
- (z) “Organics” means leaves, grass clippings, weeds, garden waste, house and garden plants, shrubbery and tree prunings, sawdust, wood shavings, soiled paper products, shredded paper, kitchen food waste (fruits, vegetables and peelings, table scraps, meat, poultry, fish, shell fish, dairy products, cooking oil, grease, fat, bread, grain, rice, pasta, bones, egg shells, coffee grounds and filters, tea leaves and bags) and any other substance or material as the City Manager from time to time deems an “organic”;
- (aa) “Owner” means the Person shown as the registered owner of the fee simple estate on the certificate of title for Residence that receives or is eligible to receive Collection Services;
- (bb) “Peace Officer” means a Person employed for the purposes of preserving and maintaining the public peace, and includes:
 - (i) a provincially-appointed Special Constable or Community Peace Officer, and
 - (ii) a Bylaw Enforcement Officer or Municipal Enforcement Officer authorized to enforce this Bylaw in accordance with his or her appointment;
- (cc) “Person” includes any individual, corporation, society, association, partnership or firm;
- (dd) “Recyclable” means mixed paper, corrugated cardboard, newsprint, magazines, catalogues, flyers, telephone or other soft cover books, rigid plastics, plastic milk jugs or waxed cardboard milk containers, glass bottles and jars, aluminum, steel and tin cans or other similar material as the City Manager from time to time deems suitable for Collection Services;
- (ee) “Residence” means any premises that qualifies as Residential Premises under the *Land Use Bylaw*, and for the purposes of this Bylaw includes any Dwelling unit deemed by the City Manager to be eligible for Collection Services;

- (ff) “RFID” means Radio Frequency Identification, which is a system that identifies a Cart as belonging to a specific Residence through the use of computer chips and identification hardware and software;
- (gg) “Section” means a section of this Bylaw;
- (hh) “Service Charge” means a Collection Service charge set out in Schedule A of this Bylaw;
- (ii) “Service User” means the utility service account holder who is deemed by the City to receive Collection Services;
- (jj) “Sidewalk” means that part of a road right of way especially adapted to the use of or ordinarily used by pedestrians;
- (kk) “Solid Waste” means Waste, Commercial Waste, Inert Materials and Industrial Waste and includes any other matter or materials suitable for disposal by sanitary landfilling;
- (ll) “Standard Bag” means a plastic bag that is typically used to dispose of Waste;
- (mm) “Street” means the portion of any road right of way, including a lane, normally intended for vehicle passage;
- (nn) “Violation Ticket” means a violation ticket issued in accordance with the *Provincial Offences Procedure Act* R.S.A. 2000, c.P-34, as amended; and
- (oo) “Waste” means materials and substances normally considered to be household waste, including:
 - (i) Organics;
 - (ii) Recyclables;
 - (iii) broken dishes, rags, cast-off clothing, waste paper, food containers;
 - (iv) non-recyclable tins, glass and plastic; and
 - (v) other sharp objects or broken glass packaged to allow safe handling without special equipment or clothing,

but not including:

- (viii) manure;
- (ix) tree stumps, roots, turf, and earth;
- (x) furniture and major household appliances;
- (xi) discarded auto parts;
- (xii) such waste matter as may accumulate as a result of building construction, renovation, or repair;

- (xiii) any substance that may be considered biomedical, dangerous or hazardous under the provisions of any applicable legislation;
- (xiv) hypodermic needles or sharps;
- (xv) pharmaceuticals and;
- (xvi) any highly combustible or explosive waste, including, but without limiting the generality thereof, such materials as powder, dynamite, motion picture film, hot ashes, or toxic materials.

Part 2: Application

General

3. No Person shall collect, dispose of, or otherwise manage Residential Solid Waste in the City except in accordance with this Bylaw.
4. Notwithstanding Section 3, the City Manager in his sole discretion may authorize alternative practices and procedures for managing Solid Waste in the Annexed Area.
5. Collection Services shall be rendered with respect to:
 - (a) all Residences that are not Multiple Dwelling Developments; and
 - (b) at the sole discretion of the City Manager, a Multiple Dwelling Development provided in part that:
 - (i) each Dwelling unit therein is connected to a separate water meter; and
 - (ii) the development configuration and Street design reasonably accommodate automated truck access and curbside Waste removal in front of each Dwelling unit.
6. Except as permitted under this Bylaw or by the City Manager, no Person shall:
 - (a) deposit or permit to be deposited any type of Solid Waste on any City property;
 - (b) put out for Collection Services any Solid Waste other than Waste; or
 - (c) dispose of non-solid Waste except at a regulated commercial landfill site and at the Person's sole expense.

Use of Carts and Bags

7. Except as permitted by the City Manager, no Person may put out Waste for collection services unless it is contained in a Cart assigned to the Residence or in a Blue Bag.
8. Carts and Blue Bags shall be filled such that Waste is fully contained within each receptacle.
9. Lids on Carts must remain completely closed once placed for Automated Collection.
10. Carts at all times shall be kept in good repair, clean and accessible for inspection upon request by the City.
11. No Person shall place anything other than Recyclables in Blue Bags.
12. No Person shall place anything other than Organics in Organics Carts, and hot Ashes shall not be placed in Carts at any time.
13. No Person who uses bags within an Organics Cart to contain disposed Organics shall use anything other than Compostable Bags.
14. Carts shall be filled in such fashion that Automated Collection trucks are able to empty the material from the Carts using standard operating procedures.

Placement, Collection and Storage

15. For collection purposes a Cart must be placed no less than 1 meter from any obstruction, including other Carts or Blue Bags.
16. Service Users may place any number of Blue Bags out for collection on Collection Day.
17. Where a lane exists at the rear of any Dwelling, Carts and Blue Bags should be placed for collection within the property line adjacent to the lane.
18. Where no lane exists at the rear of any Residence, or where other special conditions exist such as unimproved lanes, steep grades or any condition that makes collection impractical or hazardous, Carts and Blue Bags shall be placed adjacent to the front curb line.
19. During Collection days Organic and Garbage Carts will be permitted to be placed on streets and alleys adjacent to the curb or boulevard, but clearly off the traveled portion of the roadway.
20. Carts and Blue Bags placed for collection may be moved back from the front curb line only to accommodate planned snow removal or road maintenance.

21. No Person other than the applicable Service User or persons permitted by the City Manager shall interfere with or disturb the contents of any Cart or Blue Bag after it has been placed for collection.
22. When not in use, Carts must be stored on the Service User's or Occupant's property.

Time of Collection

23. The City Manager shall schedule all Collection Services.
24. Carts and Blue Bags may be set out for collection no earlier than 12 hours before the scheduled Collection Day.
25. Carts shall be returned to their regular storage location within 24 hours of being emptied on Collection Day.

Subscriptions

26. An Owner or Occupant shall subscribe to Collection Services prior to occupying any Residence.
27. A Service User shall subscribe to both of the following:
 - (a) a Garbage Cart having one of the following approximate capacities:
 - (i) Small (80 Litres);
 - (ii) Medium (120 Litres); or
 - (iii) Large (240 Litres); and
 - (b) an Organics Cart having one of the following approximate capacities:
 - (i) Medium (120 Litres); or
 - (ii) Large (240 Litres).
28. Upon request the City may allocate, in accordance with the applicable Service Charges, an additional Cart to a Residence provided the Service Users has already subscribed to the largest capacity Cart.
29. With respect to any lost or damaged Carts the City may charge a fee to a Service User in accordance with the applicable Service Charges.
30. Extra Garbage Tags may be used as follows:

- (a) one Extra Garbage Tag shall be affixed to any Standard Bag of Garbage that may be disposed of in a designated bin at the City of St. Albert's Mike Mitchell Recycling Depot or any other location designated by the City; or
 - (b) a prescribed number of Extra Garbage Tags may be affixed to other Solid Waste items that may be designated by the City Manager for disposal purposes at any time.
31. A Service User may change subscriptions by providing the City with written notice in the form provided by the City no later than thirty (30) days before the Service User wishes the change to take effect.
32. A change in subscription may be made once a calendar year, between January 1 and December 31.
33. Home Health Care Exemption
- (a) A Home Health Care Exemption will be available at no charge, to each Service User with a home health care issue requiring an additional residential Garbage Cart.
 - (b) Only one Home Health Care Exemption will be available to each Service User.
 - (c) Service Users applying for a Home Health Care Exemption must provide a declaration of a parent/guardian, caregiver, family member or said individual declaring the eligibility of the individual for the program.
 - (d) The Home Health Care Exemption is for the Service User only and will not be transferred or used for non-home health care waste purposes.
 - (e) The Home Health Care Exemption is for Service Users and not meant to be used for excess waste generated by home businesses such as day or group homes.
 - (f) The Home Health Care Exemption is for a one-year period only from the date of application and the Service User will need to reapply for the exemption each year.
 - (g) If the Home Health Care Exemption is no longer required, the Service User must notify the City immediately to arrange for the Garbage Cart to be returned.
 - (h) Service Users with a Home Health Care Exemption can subscribe to an additional Large (240 Litre) Garbage Cart to meet the needs of their household.

- (i) All Home Health Care Exemption waste must be bagged and tied closed, before placing inside the Garbage Cart.
- (j) The Home Health Care Exemption program includes waste such as:
 - (i) empty and rinsed colostomy bags;
 - (ii) empty and rinsed gastric and nasal tubes;
 - (iii) incontinence pads and products;
 - (iv) intravenous bags and tubing;
 - (v) sponges, dressing; gloves;
 - (vi) any other material deemed Home Health Care Exemption waste by the City Manager;

but excludes:

 - (vii) biomedical waste (pathological waste and human tissues);
 - (viii) hazardous materials (combustible, toxic or dangerous materials);
 - (ix) sharps (hypodermic needles, syringes, lancets or sharps);
 - (x) pharmaceuticals (pills, liquids, ointments obtained through a prescription).
- (k) Service Users participating in the Home Health Care Exemption programs may have their Garbage Cart inspected by the City to ensure compliance with the program.
- (l) Failure to comply with the program guidelines will result in immediate removal from the Home Health Care Exemption program.

Service Charges

- 34. Service Users shall pay Service Charges as set out in Schedule A of this Bylaw.
- 35. Service Charges shall be added to Service Users' utility bills and are due and payable on the date indicated on the utility bill as the "billing date".
- 36. If all or a portion of the utility bill remains unpaid within twenty-one (21) days of the date shown as the billing date on the utility bill, the Service User must pay an additional late payment amount as set out in Schedule "A" of this Bylaw.

Collection Services

- 37. Collection Services shall not be provided:
 - (a) to any Service User who is in default of payment of Service Charges;

- (b) to any Service User who uses a Cart that does not comply with the criteria set out in this Bylaw; or
 - (c) with respect to any Blue Bag or Cart that is not placed for collection in accordance with this Bylaw.
38. Notwithstanding Section 36, Service Users remain responsible to pay the Service Charges while utility services are provided to the Residence.

Part 3: Miscellaneous Provisions

Burning

39. No Person shall burn Solid Waste in the open air except in accordance with the City's authorization and all necessary legislated permits or approvals.

Transfer Stations

40. The City may designate transfer stations, including recycling depots, for the disposal of residential Waste generated within the City. Proof of City residency may be required prior to disposal.
41. No Person shall deposit Solid Waste at any transfer station, including a recycling depot, unless the Solid Waste is deposited in accordance with site rules and signage.

Part 4: Enforcement

Offence

42. A Person who contravenes this Bylaw is guilty of an offence.
43. When Solid Waste is deposited or left for collection in contravention of this Bylaw, the Owner or Occupant of the property whereupon such Solid Waste is deposited or left for collection is deemed to have caused or permitted the contravention.

Continuing Offence

44. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention 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 separate offence.

Fines and Penalties

45. A Person who is guilty of an offence is liable:
- (a) to a fine of \$100.00; or
 - (b) on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than 1 year, or both.

Municipal Violation Tag

46. A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount (including any early payment fine amount) established by this Bylaw.
47. When a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

Violation Ticket

48. A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket:
- (a) specifying the fine amount established by this Bylaw; or
 - (b) requiring an appearance in court without the option of making a voluntary payment.
49. Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

Certified Copy of Record

50. 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.

Part 5: Repeal

51. Bylaw 24/2011 is hereby repealed.

READ a first time this 16th day of April, 2018.

READ a second time this 16th day of April, 2018.

READ a third time this 16th day of April, 2018.

SIGNED AND PASSED this day , 2018.

MAYOR

CHIEF LEGISLATIVE OFFICER

SCHEDULE "A"

| | 2018 |
|--|----------------------------|
| 1. Flat Fees | |
| General waste collection: | \$7.88 per month |
| Recycling program: | \$5.15 per month |
| Organics Program: | \$6.43 per month |
| 2. Subscription Rates | |
| Small (80 Litre) PAYT Garbage Cart: | \$1.16 per month |
| Medium (120 Litre) PAYT Garbage Cart: | \$4.87 per month |
| Large (240 Litre) PAYT Garbage Cart: | \$10.04 per month |
| Extra Garbage Tags: | \$2.25 each |
| 3. Subscription Change | |
| Additional Subscription Changes per calendar year (Admin Fee): | \$50.00 per occurrence |
| Additional 240 Litre Garbage Cart (Admin Fee): | \$50.00 per occurrence |
| Additional 240 Litre Garbage Cart (PAYT Fee): | \$10.04 per month |
| Replacement fee for lost or damaged Cart: | \$50.00 per occurrence |
| Penalty for overdue charges: | 2.5% of outstanding amount |
| 4. Supplemental Capital Contribution | \$0.21 |