

THE CITY OF SPRUCE GROVE

BYLAW C-1233-22

MUNICIPAL SOLID WASTE UTILITY BYLAW

WHEREAS, pursuant to the *Municipal Government Act*, R.S.A. 2000, c M-26, a council may pass bylaws respecting public utilities;

AND WHEREAS, the City of Spruce Grove owns and operates a Solid Waste management system as a public utility for the benefit of its residents;

AND WHEREAS, the City of Spruce Grove owns and operates an Eco Centre to manage Recyclables, Household Hazardous Waste, Organic Waste or other waste material as identified by the City, for the benefit of its residents;

AND WHEREAS, the City of Spruce Grove is committed to offering Solid Waste Services in a manner that does not negatively impact the environment;

AND WHEREAS, this bylaw sets out how residential Solid Waste Services are regulated in the City of Spruce Grove;

AND WHEREAS, it is deemed just and proper to levy rates and charges on all Persons to whom such Solid Waste Services are provided and to set forth the terms and conditions under which the services are provided;

NOW THEREFORE, the Council for the City of Spruce Grove, duly assembled hereby enacts as follows:

1. BYLAW TITLE

1.1 This bylaw is called the "Municipal Solid Waste Utility Bylaw".

2. DEFINITIONS

2.1 "Act" means the *Municipal Government Act*, R.S.A. 2000, c M-26, as amended.

2.2 "Alley" means a narrow Road Right of Way providing access to the rear of buildings and parcels of land.

2.3 "Automated Collection" means the collection of Garbage or Organic Waste in carts designed to be mechanically emptied into a collection vehicle.

- 2.4 “Black Waste Cart” means a black wheeled receptacle owned and supplied by the City for the Automated Collection and disposal of Garbage.
- 2.5 “Blue Bag” means a blue transparent bag appropriate for the collection and disposal of clean Recyclables.
- 2.6 “Cart” means a wheeled receptacle owned and supplied by the City for the Automated Collection of Solid Waste.
- 2.7 “City” means the municipal corporation of the City of Spruce Grove in the Province of Alberta.
- 2.8 “City’s Website” means the website operated by the City of Spruce Grove and located at <http://www.sprucegrove.org>, as amended, or such other website as may replace it.
- 2.9 “City Manager” means the administrative head of the City of Spruce Grove.
- 2.10 “Collector” means a Person authorized by the City to collect and dispose of Solid Waste.
- 2.11 “Collection Areas” means the assignment of Collection Days to identified neighbourhoods for the provision of Solid Waste Services.
- 2.12 “Collection Day” means the day or days designated by the City for provision of Solid Waste Services.
- 2.13 “Collection Services” means residential Solid Waste collection and disposal as detailed in this bylaw and rendered by the City or a Collector.
- 2.14 “Designated Officer” means a bylaw enforcement officer appointed under the Act, or any other person who is, in the execution of their duties, responsible for the preservation and maintenance of the public peace, and may also include, a Safety Codes Officer, member of the Royal Canadian Mounted Police, and a Peace Officer appointed under the Peace Officer Act, S.A. 2006, c P-3.5, as amended.
- 2.15 “Driving Lane” means that portion of a Road Right of Way intended for vehicle passage.

- 2.16 “Duplex” means a single Building containing two dwellings on the same Site, not including Secondary Suites. Each unit shall have a separate entrance directly to the outdoors.
- 2.17 “Eco Centre” means a drop-off facility where residents can dispose of items that cannot be placed in their Black Waste Cart, Blue Bag, or Green Organic Waste Cart. Household Hazardous Waste, Electronic Waste, appliances, and extra Garbage are also accepted at the Eco Centre.
- 2.18 “Electronic Waste (E-Waste)” means eligible electronic waste for recycling programs established under the jurisdiction of Alberta Recycling Management Authority (ARMA).
- 2.19 “Fee” means any fee as set out in the Fees and Charges Bylaw, as amended.
- 2.20 “Fee Simple Lot” means a lot where the landowner has total ownership rights to the land and buildings on a particular piece of real property.
- 2.21 “Garage Suite” means a single storey dwelling, which is located above a detached garage. A Garage Suite is accessory to a building in which the principal use is single detached dwelling. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal building located on the site. A Garage Suite has an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure. A Garage Suite does not include Secondary Suites or Garden Suites.
- 2.22 “Garbage” means Solid Waste other than Organic Waste or Recyclables.
- 2.23 “Garden Suite” means a single storey dwelling, which is located in a building separate from the principal use single detached dwelling. A Garden Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal building located on the site. This use does not include Secondary Suites or Garage Suites.
- 2.24 “Green Organic Waste Cart” means a green wheeled receptacle owned and supplied by the City for the Automated Collection and disposal of Organic Waste.

- 2.25 “Highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, Alley, square, bridge, causeway, trestleway, or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or allowed to use for the passage or parking of vehicles.
- 2.26 “Household Hazardous Waste (HHW)” means chemical products such as cleaning solvents, paints, pesticides, or other materials disposed of by residential consumers, which qualifies as hazardous waste when discarded. Hazardous wastes and hazardous recyclable materials are defined as those with properties such as flammability, corrosiveness, or inherent toxicity.
- 2.27 “Multi-Unit Dwelling” means a residential development containing three or more dwellings that share a common entrance, and may contain one or more suites, containing sleeping and sanitary facilities and may have cooking and food preparation facilities, for temporary lodging or housekeeping.
- 2.28 “Occupant” means a Person occupying, but not owning, a dwelling that receives or is eligible to receive Solid Waste Services.
- 2.29 “Organic Waste” means grass clippings, leaves, garden waste, house and garden plants, shrubbery and tree limbs, sawdust, wood shavings, kitchen food waste, compostable paper, and any other material of organic origin as designated by the City.
- 2.30 “Owner” means the registered Owner of Property within the boundaries of the City of Spruce Grove.
- 2.31 “Person” means any individual, partnership, firm, corporation, municipality, association, society, political or other group, and the heirs, executors, administrators, or other legal representatives of a Person to whom the context can apply according to law.
- 2.32 “Principal Building” means a building which constitutes the primary purpose for which the site is used and is the main building among one or more buildings on the site.
- 2.33 “Private Development” means a site which contains several buildings or dwellings that are situated along private roadways.

- 2.34 “Recyclables” means any clean household waste material that is accepted as Solid Waste within the City’s Blue Bag program or at the Eco Centre, as identified on the City’s Website.
- 2.35 “Rental Project” means a residential project, or portion thereof, on a Fee Simple Lot, containing more than one dwelling unit, which is intended to be rented to tenants.
- 2.36 “Residential District” means those areas of the City districted or zoned for residential use under the Land Use Bylaw, as amended.
- 2.37 “Residential Premises” means those property types within a Residential District identified within the scope of service section of this bylaw.
- 2.38 “Road Right of Way” means the land generally contained between Private Development boundaries that contains a public roadway and includes the Street or Alley, the boulevard or Verge, and sidewalks.
- 2.39 “Roadway” means that part of a Highway intended for use by vehicular traffic.
- 2.40 “Row Housing” means a development of three or more dwellings joined in whole or in part at the side only, with no dwelling being placed over another in whole or in part. Each dwelling shall be separated from the one adjoining, where they are adjoining, by a vertical wall which is insulated against sound transmission. Each dwelling shall have separate, individual, and direct access to grade. This use class shall not include Multi-Unit Dwellings.
- 2.41 “Row Housing Development” means a site which contains several row house groupings that are situated along private roadways.
- 2.42 “Second and Subsequent Offence” means a continuation or contravention of the same offence for each day the said offence is committed, or in the case of a specified time period, the time period equal to the original posted allowed time.
- 2.43 “Secondary Suite” means a development consisting of a dwelling located within, and accessory to, a structure in which the principal use is single detached dwelling or other residential use as defined in a direct control district. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal building, either from a common indoor landing or directly from the side or rear of the structure.

This use class includes the development or conversion of basement space or above-grade space to a separate dwelling, or the addition of new floor space for a Secondary Suite to an existing single detached dwelling. This use class does not include Garage Suite and Garden Suite.

- 2.44 “Service Account” means a non-transferable agreement between an Owner or Occupant and the City for the supply of Solid Waste Services. The terms of this bylaw form a part of the Service Account and includes amounts payable by the Owner or Occupant to the City. A Service Account is considered active while Solid Waste Services are being provided.
- 2.45 “Solid Waste” means materials and substances normally considered to be household waste, including Organics, Recyclables, and Garbage. But not including:
- (a) commercial, industrial, or agricultural waste;
 - (b) liquid waste;
 - (c) manure;
 - (d) tree stumps, roots, turf, and earth;
 - (e) furniture and major household appliances;
 - (f) discarded auto parts;
 - (g) construction or renovation waste;
 - (h) any substance that may be considered biomedical, dangerous, or hazardous under the provisions of any applicable legislation;
 - (i) hypodermic needles or sharps;
 - (j) pharmaceuticals;
 - (k) any highly combustible, explosive or toxic materials, including but not limited to, gunpowder, fireworks, dynamite, or hot ashes; and
 - (l) Any waste that requires special packaging or preparation or may otherwise pose a hazard to the Collector.
- 2.46 “Solid Waste Services” means the provision of waste management services to Residential Premises and includes the collection and disposal of Garbage, Organic Waste, and Recyclables.
- 2.47 “Street” means the portion of any Road Right of Way, including an Alley, normally intended for vehicle passage or vehicle parking where permitted.

- 2.48 “Verge” means a paved or unpaved strip of land on the edge of an alley.
- 2.49 “Violation Ticket” means a ticket issued pursuant to Part II or Part III of the Provincial Offences Procedure Act, RSA 2000, cP-34, as amended, detailing an offence or contravention of this Act or this bylaw.

3. SCOPE OF SERVICE

- 3.1. The following property types are deemed eligible to receive Solid Waste Services:
- (a) a Fee Simple Lot in a Residential District that is serviced by a public roadway;
 - (b) a Duplex in a Residential District that is serviced by a public roadway; and
 - (c) Secondary Suites, Garage Suites and Garden Suites in a Residential District.
- 3.2. The following property types are not deemed to be eligible to receive Solid Waste Services:
- (a) Private Developments
 - (b) Rental Project
 - (c) Multi-unit Dwellings; and
 - (d) Row Housing Developments

4. SOLID WASTE UTILITY ADMINISTRATION

- 4.1. As provided under section 33 of the Act, the City shall be the sole provider of Solid Waste Services to Residential Premises, as described within this Bylaw.
- 4.2. The City may, from time to time, host and/or sponsor seasonal events as part of its Collection Services where additional Solid Waste or other items may be permitted to be left out for collection.
- 4.3. The City may enter contracts with Collectors for the delivery of Solid Waste Services.

- 4.4. Property types deemed eligible to receive Solid Waste Services under this bylaw cannot opt out of the receipt of said services with the exception of Secondary Suites, Garage Suites or Garden Suites in a Residential District.
- 4.5. Owners of Secondary Suites, Garage Suites or Garden Suites in a Residential District may choose to receive Solid Waste Services for those property types.
- 4.6. When an Owner of a Secondary Suite, Garage Suite or Garden Suite in a Residential District chooses to receive Solid Waste Services for those property types, the monthly solid waste utility fee for those suites will be added to an existing Service Account in the name of the Owner.
- 4.7. Solid Waste Services may be provided to Private Developments, or those premises not defined as Residential Premises at the sole discretion of the City Manager.
- 4.8. Fees pertaining to Solid Waste Services under this bylaw appear in the Fees and Charges Bylaw, as amended.
- 4.9. Each property type eligible to receive Solid Waste Services shall be assigned one (1) Black Waste Cart and one (1) Green Organic Waste Cart.
- 4.10. All Carts are the property of the City and shall not be altered or customized in any manner.
- 4.11. Carts assigned to a property associated with a Service Account must remain with the property to which they were originally assigned.
- 4.12. Carts will not be assigned or delivered to a newly developed Residential Premises until the Owner has established a Service Account.
- 4.13. To deliver Solid Waste Services effectively the City may:
 - (a) divide the City into Collection Areas for the purpose of scheduling Collection Days
 - (b) alter the boundaries of collection areas as deemed necessary on reasonable notice to Owners and Occupants;

- (c) determine the frequency of Collection Services; and
- (d) designate the conditions and guidelines for Collection Services.

5. **OWNER/OCCUPANT RESPONSIBILITIES**

5.1. Owners and Occupants shall:

- (a) promptly advise the City of damaged or missing Carts;
- (b) utilize only Carts provided by the City for storage of Garbage and Organic Waste for the provision of Collection Services;
- (c) ensure waste placed in Carts is contained in securely tied bags and lids remain closed to prevent access by pets or wildlife;
- (d) place only Garbage in Black Waste Carts and only Organics in Green Organic Waste Carts;
- (e) ensure the Carts are not loaded beyond their capacity of 200lbs (90 kg);
- (f) use only semi-transparent and securely tied blue plastic bags for Recyclables collection;
- (g) place only those Recyclables identified under the City's Blue Bag program for collection on the assigned Collection Day;
- (h) make assigned Carts available to the City or its agents within a reasonable time frame upon request for inspection or for the purpose of repair or replacement;
- (i) form cardboard into flat pieces no larger than 0.5 meters by 1.0 meter and place under Blue Bags for collection;
- (j) place Carts and Blue Bags on the Roadway with one (1) meter clearance on all sides;
- (k) ensure lids on Carts are fully closed when placed for collection on Collection Day;
- (l) ensure Solid Waste is set out for collection no earlier than 24 hours prior to Collection Day but prior to 7:00 a.m. on Collection Day at the location determined by the City;

- (m) remove Carts from the Roadway and/or Road Right of Way by midnight on each Collection Day unless otherwise directed by the City;
- (n) remove from the Road and/or Road Right of Way any uncollected or uncollectable Solid Waste by midnight on the day following Collection Day unless otherwise directed by the City; and
- (o) when not out for collection, ensure the Black Waste Cart and Green Organic Waste Cart are stored on the property and not in the Road Right of Way.

6. USE OF ECO CENTRE

- 6.1. The Eco Centre is available for the disposal of:
 - (a) residential waste that is not permitted within Black Waste Carts, Green Organic Waste Carts, or Blue Bags such as Household Hazardous Waste, e-waste, appliances, and other items as identified on the City's Website;
 - (b) excess residential Solid Waste originating from Residential Premises within the City; and
 - (c) other waste as may be identified on the City's Website and accepted for landfill disposal or for diversion.
- 6.2. All items disposed of through the Eco Centre may be subject to fees as identified in the Fees and Charges Bylaw, as amended.
- 6.3. Fees payable for materials brought to the Eco Centre for disposal will be based on Fees approved within the Fees and Charges Bylaw, as amended.
- 6.4. Eco Centre personnel may refuse items not accepted under facility operation guidelines which may be altered from time to time to accommodate required disposal processing.
- 6.5. Quantities exceeding typical household volumes may be deemed a commercial volume and may be refused at the discretion of Eco Centre personnel.

- 6.6. Responsibility for alternate disposal of items refused by the Eco Centre shall remain with the Person who has possession of the items.
- 6.7. A Person accessing the Eco Centre shall comply with directions given to them by Eco Centre personnel for proper disposal of items.

7. PROHIBITIONS

- 7.1. No Person shall place or set out any Solid Waste for Collection Services unless they hold an active Service Account or are an Occupant of a Residential Premises with an active Service Account.
- 7.2. Except for an agent of the City, no Person other than the Owner or Occupant of the property set out in section 3.1 shall pick over, remove, disturb, or otherwise interfere with any Solid Waste that has been set out for collection.
- 7.3. No Person shall place waste in a Cart unless they are the Owner or Occupant of the Residential Premises to which the Cart has been assigned.
- 7.4. No Person shall set out any Solid Waste or Cart beyond those times specified in this bylaw.
- 7.5. No Person shall leave any Cart on the Road Right of Way beyond 11:59 p.m. on the designated Collection Day.
- 7.6. No Person shall place out any carts beyond those that have been assigned to property associated with the Service Account.
- 7.7. No Person shall leave any uncollected Solid Waste beyond 11:59 p.m. on the day following the designated Collection Day, unless otherwise directed by the City.
- 7.8. No Person shall leave out for collection any material that is not deemed Solid Waste as set out in the bylaw.
- 7.9. No Person shall loiter or scavenge at the Eco Centre.
- 7.10. No Person shall fail to follow Eco Centre personnel directions or conduct themselves in a manner that is disrespectful or abusive to Eco Centre patrons or Eco Centre personnel.

- 7.11. No Person shall deposit anything other than Organic Waste in the assigned Green Organic Waste Cart.
- 7.12. No Person shall transport household Solid Waste and deposit it in a City waste receptacle on public lands.
- 7.13. No Person shall fail to properly store the Black Waste Cart and Green Organic Waste Cart as set out in section 5.1(o).
- 7.14. Any Person breaching any part of this bylaw may be issued a Violation Ticket and/or the City may cause the Solid Waste or debris to be cleaned and the costs and expenses thereof shall be paid to the City upon demand; failing payment, such costs and expenses shall be added to the tax roll for the property in question.

8. OFFENCES AND PENALTIES

- 8.1. Any Person who contravenes any provision of this bylaw is guilty of an offence and is liable upon summary conviction, to a specified penalty for that offence as set out in Schedule 1 of this bylaw.
- 8.2. Notwithstanding Schedule 1 of this bylaw, any Person who commits a Second and Subsequent offence under this bylaw, where the Second or Subsequent fine is not otherwise specified in Schedule 1, is liable on summary conviction to double the fine set out in Schedule 1 to this bylaw, for that offence.
- 8.3. Any Person who is guilty of an offence is liable to a fine in an amount not less than that established in in Schedule 1, and not exceeding \$10,000 or to an order of imprisonment for not more than one (1) year, or both.

9. ENFORCEMENT

- 9.1. A Designated Officer who inspects any property under this bylaw, or any Person who takes any actions or performs any work on behalf of the City pursuant to this bylaw, is not liable for any damages caused by the inspection, the work, or the actions.
- 9.2. Each Designated Officer is hereby authorized to enforce this bylaw.

- 9.3. A Designated Officer is hereby empowered to issue a Violation Ticket to any Person who is believed on reasonable and probable grounds to have contravened any provision of this bylaw.
- 9.4. A Violation Ticket shall be deemed to have been sufficiently served:
- (a) if served personally or substitutionally upon the Owner or Occupant;
or
 - (b) in the case of a business or corporation:
 - (i) by sending the Violation Ticket by single registered mail to the registered office of the business or corporation; or
 - (ii) by delivering the Violation Ticket personally to the manager, secretary other person apparently in charge of the business or corporation.
- 9.5. If a Person has been prosecuted for the offence specified in the Violation Ticket and has been convicted of such, then the fine imposed shall not be less than the original amount indicated on the Violation Ticket.
- 9.6. For the purposes of enforcing this bylaw, the lot side property lines of a Residential Premises shall be deemed to extend three (3) meters into the street to determine placement of Carts and Blue Bags. Any Cart or Blue Bag placed within this area will be deemed to be placed by the Occupant or Owner at that Residential Premises.

10. **SEVERABILITY**

- 10.1. Every provision of this bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provision shall be severed, and the remainder provisions shall remain valid and enforceable.

11. **EFFECTIVE DATE**

- 11.1. This bylaw shall come into force and effect when it receives third reading and is duly signed.

- 11.2. Where conflict exists, this bylaw supersedes C-866-14 - Municipal Utility Service Bylaw, as amended.
- 11.3. Where conflict exists, this bylaw supersedes C-1228-22 - 2023 Fees and Charges Bylaw, as amended.

First Reading Carried	23 October 2023
Second Reading Carried	23 October 2023
Third Reading Carried	20 November 2023
Date Signed	20 November 2023

Mayor

City Clerk

UNCERTIFIED COPY

SCHEDULE 1 – FINES

OFFENCE	SECTION	FINE
Placing out solid waste for collection without an active Service Account in place	7.1	\$100
Picking through and/or disturbing Solid Waste or Cart	7.2 & 7.3	\$100
Placing Solid Waste or Cart out for collection outside the prescribed time.	7.4	\$100
Failure to remove Cart during prescribed time.	7.5	\$100
Placing out additional cart(s) for collection beyond those assigned to the Service Account.	7.6	\$200
Failure to remove uncollected Solid Waste within the prescribed time.	7.7	\$100
Placing out for collection any material that does not meet the definition of Solid Waste	7.8	\$200
Loitering or scavenging at Eco Centre	7.9	\$100
Disrespectful or abusive conduct at Eco Centre	7.10	\$100
Placing material other than organic waste in a Green Organic Waste Cart	7.11	\$100
Transporting household Solid Waste and depositing it in a City waste receptacle on public lands.	7.12	\$100
Failure to properly store the Black Waste Cart or Green Organic Waste Cart	7.13	\$100