

BYLAW NUMBER 40M2016

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND BYLAW 20M2001,
THE WASTE AND RECYCLING BYLAW

WHEREAS Council has considered Report UCS2016-0692 and deems it necessary to amend Bylaw 20M2001, the Waste and Recycling Bylaw;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. Bylaw 20M2001, the Waste and Recycling Bylaw, as amended, is hereby further amended.
2. In section 2:
 - (1) in subsection 2(d), the words “or recyclable materials” are deleted;
 - (2) in subsection 2(e), the words “recyclable material” are deleted and replaced with “includes a black cart, blue cart, and green cart”;
 - (3) the following is added after subsection 2(f) as subsections 2(f.1) and (f.2):
 - “(f.1) “*black cart*” means a black automated collection container provided for the collection of garbage;
 - (f.2) “*blue cart*” means a blue automated collection container provided for the collection of residential recyclable material;”;
 - (4) subsection (j) is deleted and replaced with the following:
 - “(j) “*collection*” means picking up and gathering waste including transport of the waste to a disposal site, material recovery facility, or a food and yard waste material recovery facility, as applicable;”;
 - (5) in subsection 2(k), the words “and recyclable material collection services” are deleted;
 - (6) in subsection 2(l), the words “or recyclable materials” are deleted;
 - (7) the following is added after subsection 2(o) as subsection 2(o.1):
 - “(o.1) “*compostable bag*” means:
 - (i) a liner bag, independently certified as compostable based on standards established by the American Society for Testing and Materials Standard Specification for Compostable Plastics (ASTM D6400), and used for placement in a green cart;

- (ii) a paper bag used to line a green cart; or
 - (iii) another acceptable liner bag as designated by the Director, Waste and Recycling Services;”;
- (8) the following is added after subsection 2(u) as subsections 2(u.1) and (u.2):
- “(u.1) *“food and yard waste material”* means the materials designated in Schedule E;
 - (u.2) *“food and yard waste material recovery facility”* means one of the following:
 - (i) a facility that receives edible food donation;
 - (ii) a facility that receives agricultural food donation;
 - (iii) a composting facility;
 - (iv) an aerobic digestion facility;
 - (v) an anaerobic digestion facility;
 - (vi) a rendering plant facility;
 - (vii) a mulching facility;
 - (viii) a drying/pelletizing facility; or
 - (ix) any other facility that reuses, repurposes or processes food and yard waste material and is approved by the Director, Waste & Recycling Services;”;
- (9) the following is added after subsection 2(v) as subsection 2(v.1):
- “(v.1) *“garbage”* means material set out for collection, but does not include recyclable material or food and yard waste material;”;
- (10) the following is added after subsection 2(w) as subsection 2(w.1):
- “(w.1) *“green cart”* means a green automated collection container provided for the collection of food and yard waste material;”;
- (11) in subsection 2(ff), the word “waste” is deleted and replaced with “garbage”;
- (12) subsection 2(mm) is deleted and replaced with the following:

“(mm) “waste” means anything that is set out for collection and includes garbage, recyclable material, and food and yard waste material;”;

and

(13) subsection 2(pp) is deleted.

3. In section 3:

(1) in subsection 3(b):

- (a) the words “or recyclable material” are deleted; and
- (b) after the words “material recovery facility”, the words “, City composting facility” are added;

(2) in subsections 3(c),(e) and (f) the words “or recyclable material” are deleted.

4. Section 3.1 is deleted and replaced with the following.

“3.1 (1) Council shall set rates for the following:

- (a) waste disposed of at a City disposal site;
- (b) the blue cart program rate;
- (c) the waste management rate; and
- (d) the green cart program rate.

(2) Where waste management services, blue cart program services and green cart program services are supplied by the City, the owner of a residential dwelling shall pay to the City a monthly charge as set out in Schedule “B”.

(3) Rates for waste management, the residential blue cart program and the residential green cart program will apply even where no material is set out for collection.

(4) Subject to subsection (1), the Director, Waste and Recycling Services, may establish fees for products and services provided with respect to the collection and disposal of waste including the maintenance, repair and replacement of City-owned automated collection containers and commercial bins.”.

5. In sections 3.2, 4(1), 5 and 9, the words “or recyclable material” are deleted.

6. Section 6 is deleted and replaced with the following:

“6. (1) No person shall deposit waste in an automated collection container, waste container or commercial bin without the consent of:

- (a) the owner of the container or bin;
 - (b) the owner of the property where the container or bin is located; or
 - (c) the occupant of the property where the container or bin is located.
- (2) A person may consent to the deposit of waste that has been generated off-site in an automated collection container only where it does not cause excess waste to be deposited outside the automated collection container.”.
7. In section 7, following the words “garbage bags containing”, the word “waste” is deleted and replaced with “garbage”.
8. In section 9.1:
- (1) subsection 9.1(1) is deleted and replaced with the following.
 - “(1) Residential dwellings that are eligible for automated collection of garbage, residential recyclable material, or food and yard waste material will be assigned and delivered any allocated automated collection containers.”;
 - (2) in subsection 9.1(5)(d), after the words “of the exterior;”, the word “and” is added;
and
 - (3) subsection 9.1(5)(e) is deleted.
9. The following is added after section 9.1 as section 9.2:

“COLLECTION OF WASTE IN AUTOMATED COLLECTION CONTAINERS

- 9.2 (1) Waste set out for automated collection must be sorted as follows:
- (a) all garbage must be placed in a black cart;
 - (b) all residential recyclable material must be placed in a blue cart; and
 - (c) all food and yard waste material must be placed in a green cart.
- (2) An owner shall ensure that any automated collection containers for waste used at the owner’s premises are filled so that the total weight of the container and its contents does not exceed 60 kilograms.
- (3) Unless an owner has written approval from the Director, Waste and Recycling Services to set an automated collection container for waste out for collection at a specific location, the owner shall ensure that an automated collection container filled with waste:

- (a) is located at least 1 metre from any object on either side of the container;
- (b) is located at least 30 centimetres from any object behind the container;
- (c) has an overhead clearance above the top of the automated collection container of 3 metres;
- (d) if intended for front street collection, is:
 - (i) located in front of the residential dwelling that generated the waste materials;
 - (ii) located on the street at the curb; or on the driveway at the street; and
 - (iii) placed in an upright position with the lid closed and the front of the cart facing the street;
- (e) if intended for alley collection, is:
 - (i) located behind the residential dwelling that generated the waste materials;
 - (ii) located adjacent to the alley on level ground and not on a step or raised platform of any kind; and
 - (iii) placed in an upright position with the lid closed and the front of the container facing the alley;
- (f) is not obstructing traffic in the street or alley.

(4) Where more than one automated collection container is set out for automated collection:

- (a) the minimum amount of space between individual automated collection containers or additional waste shall be 30 centimeters; and
- (b) a minimum of 1 metre of space from any object shall exist on both sides of the grouping of containers or additional waste.

(5) Notwithstanding section 18 and section 18.1 of the Street Bylaw 20M88, as amended, an owner may set out one or more automated collection containers for waste on the street or alley for automated collection in accordance with the requirements of subsections (3) and (4) of this section.

- (6) If the black cart is full, any additional garbage may be placed in a plastic garbage bag or waste container and placed at least 30 centimeters from any automated collection container.
 - (7) Where residential recyclable material is placed in a receptacle other than a blue cart, the receptacle and its contents will not be collected.
 - (8) If the green cart is full, any additional food or yard waste material may be set out for collection if it is:
 - (a) packaged in compostable bags; or
 - (b) tied with compostable strings in bundles no more than 1.25 metres in length;and placed at least 30 centimeters from any automated collection container.
 - (9) An owner shall ensure that waste from the owner's premises is set out for collection no later than 7:00 a.m. on the day of collection.
 - (10) An owner with front street collection shall:
 - (a) set automated collection containers out for collection no earlier than 7:00 p.m. on the day before collection; and
 - (b) remove automated collection containers from the collection location before 7:00 p.m. on collection day.”.
10. In section 10:
- (1) after the words “provided in sections”, the words “11,12, 13, 14 and 15” are deleted and replaced with “11, 12, 15, 15.1, 15.2 and 15.3”;
 - (2) subsection 10(d) is deleted and replaced with the following:
 - (d) sharp objects such as glass, nails, knives, or metal;”; and
 - (3) subsection 10(h) is deleted.
11. In sections 10, 21, 23 and 24, the word “his” is deleted and replaced with “the owner’s” wherever it appears.
12. Sections 13 and 14 are deleted.
13. In section 15, the word “, sawdust” is deleted.
14. The following is added after section 15 as sections 15.1, 15.2 and 15.3:

- “15.1 A person may set out animal waste for collection in a green cart if the animal waste is secured in a compostable bag so as to ensure that the animal waste cannot be exposed when being collected.
- 15.2 A person may set out sawdust for collection in:
- (a) a green cart, if the sawdust is from unfinished or untreated wood and secured in a compostable bag so as to ensure that the sawdust cannot be exposed when being collected; or
 - (b) a black cart, if the sawdust is from finished or treated wood and secured in a suitable container or packaging so as to ensure that the material cannot be exposed when being collected.
- 15.3 A person may set out liquid food waste for collection in a green cart, as long as it is sufficiently contained or absorbed so as not to spill when being collected.”.
15. Section 16 is deleted.
16. In the title to section 16.1, the word **WASTE** is deleted and replaced with **GARBAGE**.”.
17. In section 16.1:
- (1) the word “waste” is deleted and replaced with “garbage”; and
 - (2) the words “26, 27, 28, 29, and 30” are deleted and replaced with “26, 27, 28, and 29”.
18. In section 17 the word “waste” is deleted and replaced with “garbage”.
19. Sections 18 and 19 are deleted.
20. Section 20 is deleted and replaced with the following:
- “20. Where garbage is placed in a receptacle other than an automated collection container, waste container or plastic garbage bag, the receptacle is deemed to be garbage and may be collected as such.”.
21. In section 22, after the words “100 litres if”, the word “waste” is deleted and replaced with “garbage”.
22. In section 24.1:
- (a) the word “waste” is deleted and replaced with “garbage”; and
 - (b) the words “or residential recyclable material” are deleted.
23. In section 25, the words “or automated collection containers” are deleted wherever they appear.
24. Sections 25.1 and 30 are deleted.

25. In the title to section 31, the word "**WASTE**" is deleted and replaced with "**GARBAGE**".
26. In section 31, the word "waste" is deleted and replaced with "garbage".
27. In section 32, after the words "approval to set", the word "waste" is deleted and replaced with "garbage".
28. In section 33, after the words "and retain all", the word "waste" is deleted and replaced with "garbage".
29. In subsection 34(c), after the words "The City collects", the word "waste" is deleted and replaced with "garbage".
30. In section 42.1:
 - (1) subsection 42.1(4) is deleted and replaced with the following:

“(4) A commercial hauler must not deposit at a community recycling depot:

 - (a) garbage;
 - (b) recyclable material; or
 - (c) food and yard waste material;

that were collected in the course of the commercial hauler’s business.”;

and
 - (2) in subsection 42.1(5), the words "and recyclable materials" are deleted.
31. In the title to section 42.2, following the words "**RESIDENTIAL RECYCLING SERVICES**", the words "**AND RESIDENTIAL DIVERSION OF FOOD AND YARD WASTE MATERIAL**" are added.
32. In section 42.2:
 - (1) in subsection 42.2(1), the word "shall" is deleted and replaced with "and residential diversion of food and yard waste material will";
 - (2) in subsection 42.2(1)(b), the word "waste" is deleted and replaced with "black cart"; and
 - (3) subsection 42.2(2) is deleted.
33. Section 42.3 is deleted.

34. In section 42.4:

- (1) in subsection 42.4(3), after the words “of subsection (2)”, the words “and (6)(a)” are added;
- (2) subsection 42.4(4.1) is deleted; and
- (3) the following is added after subsection 42.4(5) as subsection 42.4(6):
 - “(6) The occupant of a premises, within a multi-residential complex, that is used for commercial purposes must:
 - (a) provide their own adequate containers for the storage of non-residential recyclable material generated on-site and stored separate from other waste; and
 - (b) deposit non-residential recyclable material in the containers provided pursuant to subsection (a); and
 - (c) ensure that the containers provided pursuant to subsection (a) are emptied as necessary and that non-residential recyclable material generated on the parcel is taken to and deposited at a material recovery facility.”.

35. Section 42.4 is deleted and replaced with the following:

“RECYCLING AND DIVERSION OF FOOD AND YARD WASTE MATERIAL AT MULTI-RESIDENTIAL COMPLEXES”

42.4 (1) In this section, “owner” means:

- (a) the person shown as the owner on a land title for a multi-residential complex;
- (b) the condominium corporation, in the case of a multi-residential complex registered under the *Condominium Property Act*, R.S.A. 2000, c. C-22; or
- (c) the housing association, in the case of a multi-residential complex operated by a housing association registered under the *Cooperatives Act*, S.A. 2001, c. C-28.1.

(2) The owner of a multi-residential complex must ensure adequate containers are available for the storage of:

- (a) residential recyclable material generated on-site; and
- (b) food and yard waste material generated on-site;

and stored separate from other garbage containers.

- (3) For the purposes of subsections (2) and (8)(a), “adequate containers” means one or more containers which are:
- (a) maintained in good condition; and
 - (b) provided in:
 - (i) sufficient numbers and locations; and
 - (ii) of sufficient capacity;to contain the volume of recyclable material and food and yard waste material generated at the multi-residential complex.
- (4) The occupants of a multi-residential complex must deposit residential recyclable material and food and yard waste material generated at their dwelling unit in the containers provided pursuant to subsection (2).
- (5) The owner of a multi-residential complex must ensure that the containers provided pursuant to subsection (2) are emptied as necessary and that:
- (a) residential recyclable material generated on the parcel is taken to and deposited at a material recovery facility; and
 - (b) food and yard waste material generated on the parcel is taken to a food and yard waste material recovery facility.
- (6) Despite subsections (5)(a) and 8(c)(ii), occupants of a multi-residential complex may conduct their own on-site composting of food and yard waste material generated at the parcel.
- (7) The owner of a multi-residential complex must:
- (a) ensure clear signage is posted on all waste collection containers, indicating what type of waste materials can be disposed of in each collection container; and
 - (b) on an annual basis, and on commencement of a new tenancy, provide information as prescribed by the Director, Waste and Recycling Services, to all occupants detailing what waste materials can be collected and the proper method for preparing and sorting waste materials for collection.
- (8) The occupant of a premises, within a multi-residential complex, that is used for commercial purposes must:
- (a) provide their own adequate containers for the storage of:
 - (i) non-residential recyclable material generated on-site; and

(ii) food and yard waste material generated on-site;

and stored separate from other garbage containers;

(b) deposit non-residential recyclable material and food and yard waste material in the containers provided pursuant to subsection (a);

(c) ensure that the containers provided pursuant to subsection (a) are emptied as necessary and that:

(i) non-residential recyclable material generated on the parcel is taken to and deposited at a material recovery facility; and

(ii) food and yard waste material generated on the parcel is taken to and deposited at a food and yard waste material recovery facility;

and

(d) ensure clear signage is posted on all waste collection containers, indicating what type of waste materials can be disposed of in each collection container.”

36. In the title to section 42.5, after the word “**RECYCLING**”, the words “**AND DIVERSION OF FOOD AND YARD WASTE MATERIAL**” are added.

37. The following is added after section 42.5 as section 42.6:

“42.6 (1) An owner or occupant of a non-residential parcel may apply to the Director, Waste and Recycling Services to be exempted from the requirements of section 42.5.

(2) The Director may grant an exemption pursuant to subsection (1) if the Director is satisfied that the parcel does not routinely generate non-residential recyclable material.”

38. Section 42.5 and 42.6 are deleted and replaced with the following:

“42.5 (1) The owner of a non-residential parcel must ensure adequate containers are available for the storage of:

(a) non-residential recyclable material generated on-site; and

(b) food and yard waste material generated on-site;

and stored separate from other garbage containers.

(2) For the purposes of subsection (1), “adequate containers” means one or more containers which are:

- (a) maintained in good condition; and
- (b) provided in:
 - (i) sufficient numbers and locations; and
 - (ii) of sufficient capacity;

to contain the volume of non-residential recyclable material and food and yard waste material generated at the non-residential parcel.

- (3) The occupants of a non-residential parcel must deposit non-residential recyclable material and food and yard waste material generated on site in the containers provided pursuant to subsection (1).
- (4) The owner of a non-residential parcel must ensure that the containers provided pursuant to subsection (1) are emptied as necessary and that:
 - (a) non-residential recyclable material generated on the parcel is taken to and deposited at a material recovery facility; and
 - (b) food and yard waste material generated on the parcel is taken to and deposited at a food and yard waste material recover facility.
- (5) Despite subsection (4)(b), occupants of a non-residential parcel may conduct their own on-site composting of food and yard waste material generated at the parcel.
- (6) The owner of a non-residential parcel must:
 - (a) ensure clear signage is posted on all waste collection containers, indicating what type of waste materials can be disposed of in each collection container; and
 - (b) on an annual basis, and on commencement of a new tenancy, provide information as prescribed by the Director, Waste and Recycling Services, to all occupants detailing what waste materials can be collected and the proper method for preparing and sorting waste materials for collection.

- 42.6 (1) An owner or occupant of a non-residential parcel may apply to the Director, Waste and Recycling Services to be exempted from the requirements of section 42.5 with respect to non-residential recyclable material, food and yard waste material, or both.
- (2) The Director may grant an exemption pursuant to subsection (1) if the Director is satisfied that the parcel does not routinely generate:

- (a) non-residential recyclable material;
 - (b) food and yard waste material;
- or both.”.

39. In Schedule “A”:

- (1) in sections 4, 5 and 6, the words “or recyclable material” are deleted;
- (2) section 6 is renumbered as “6(1)”;
- (3) after section 9, the following is added under the headings indicated:

<u>Section</u>	<u>Amount of Specified Penalty in Dollars</u>
“9.2(1) Fail to appropriately sort waste materials set out for collection	\$250.00
9.2(2) Filled automated collection container exceeds 60 kilograms	\$125.00
9.2(3)(4) Fail to properly locate automated collection containers for collection	\$125.00
9.2(10) (a) Set automated collection containers out before 7:00 p.m. on the day before collection	\$125.00
(b) Fail to remove automated collection containers from front street by 7:00 p.m. on collection day	\$125.00”.

- (4) subsection 42.4(4.1) is deleted;
- (5) sections 16, 18, 19, 25.1(1), 25.1(3), 42.3(3)(a), 25.1(4), 25.1(5), 42.3(4), 42.3(5), 42.2(2), 42.3(3)(b), 42.5(a) and 42.5(b) are deleted;
- (6) in subsections 25(a) and (b), the words “or automated collection containers” are deleted wherever they appear;
- (7) in subsection 42.1(4), the words “or recyclable materials at commercial” are deleted and replaced with “at community”;
- (8) in subsection 42.4(4), after the words “recyclable material”, the words “and food and yard waste material” are added;
- (9) after subsection 42.4(5), the following is added under the headings indicated:

<u>Section</u>		<u>Amount of Specified Penalty in Dollars</u>
"42.4(6)(a)	Occupant of commercial premises fail to provide adequate containers at a multi-residential complex	\$250.00
42.4(6)(b)	Occupant of commercial premises fail to deposit non-residential recyclable material in containers at multi-residential complex	\$250.00
42.4(6)(c)	Occupant of commercial premises fail to empty containers at multi-residential complex or to ensure recyclable material taken to and deposited at material recovery facility	\$250.00
(10)	subsections 42.4(6)(a), (b) and (c) are deleted;	
(11)	in subsection 42.4(5), after the words "at multi-residential complex," the word "and" is deleted and replaced with "or";	
(12)	after section 42.4(5), the following is added under the headings indicated:	

<u>Section</u>		<u>Amount of Specified Penalty in Dollars</u>
"42.4(7)(a)	Fail to ensure clear signage posted on waste collection containers	\$250.00
42.4(7)(b)	Fail to provide information to residents and occupants on proper preparation and storage of waste	\$250.00
42.4(8)(a)	Occupant of commercial premises fail to provide adequate containers at a multi-residential complex	\$250.00
42.4(8)(b)	Occupant of commercial premises fail to deposit non-residential recyclable material and food and yard waste material in containers at multi-residential complex	\$250.00

42.4(8)(c)	Occupant of commercial premises fail to empty containers at multi-residential complex or to ensure recyclable material and food and yard waste material taken to and deposited at designated facility	\$250.00
42.4(8)(d)	Occupant of commercial premises fail to ensure clear signage posted on waste collection containers	\$250.00
42.5(1)	Fail to provide adequate containers at a non-residential parcel	\$250.00
42.5(3)	Fail to deposit non-residential recyclable material and food and yard waste material in containers at non-residential parcel	\$250.00
42.5(4)	Fail to empty containers at non-residential parcel or fail to ensure non-residential recyclable material and food and yard waste material taken to and deposited at designated facility	\$250.00
42.5(6)(a)	Fail to ensure clear signage posted on waste collection containers	\$250.00
42.5(6)(b)	Fail to provide information to occupants on proper preparation and storage of waste	\$250.00".

40. In Schedule "B":

- (1) the words "**& Recycling**" are deleted in the title to Schedule B; and
- (2) the title for Table 2 is deleted and replaced with the following:

"TABLE 2 – BLUE CART PROGRAM RATE".

41. The following is added after Schedule "D" as Schedule "E":

"SCHEDULE "E"

Pursuant to this Bylaw, the following materials are designated as food and yard waste material:

FOOD WASTE

1. Fruits and Vegetables
2. Meat, fish, shellfish, poultry, bones
3. Dairy products (cheese, sour cream)
4. Eggs and egg shells
5. Bread, cereal, crackers and grains
6. Pasta, beans, rice, couscous
7. Cookies, cakes, muffins and pastries
8. Salad dressing, mayonnaise, sauces, dips, gravy
9. Jams, marmalades, chutneys and peanut butter
10. Cooking oils, lard, shortening, butter
11. Coffee grounds, filters and tea bags
12. Chips, popcorn and candy
13. Seeds, pits, nuts and shells

FOOD SOILED PAPER

1. Food soiled paper towels, napkins and tissues
2. Paper plates

YARD WASTE

1. Plants, flowers and weeds
2. Leaves
3. Grass clippings
4. Branches (up to 15 cm in diameter), twigs and hedge trimmings
5. Sod

- 6. Household plants, including soil”.
- 42. (1) This Bylaw comes into force on November 1, 2017.
- (2) Despite subsection (1), sections 2(3), 2(10), 4, 34, 37, 39(4), 39(9) and 40(2) of this Bylaw come into force on the day it is passed.

READ A FIRST TIME THIS ___ DAY OF _____, 2016.

READ A SECOND TIME THIS ___ DAY OF _____, 2016.

READ A THIRD TIME THIS ___ DAY OF _____, 2016.

MAYOR
SIGNED THIS ___ DAY OF _____, 2016.

CITY CLERK
SIGNED THIS ___ DAY OF _____, 2016.

