

CORPORATION OF THE CITY OF NEW WESTMINSTER



GARBAGE BYLAW NO. 4111, 1965

EFFECTIVE DATE: JANUARY 3, 1966

CONSOLIDATED FOR CONVENIENCE ONLY
(December 16, 2009)

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>AMENDMENT BYLAW</u>	<u>EFFECTIVE DATE</u>
No. 4387	June 9, 1969 (replaced by 4906)
No. 4906	May 3, 1976
No. 4922	July 5, 1976
No. 5225	May 5, 1980(replaced by 5361)
No. 5361	April 19, 1982(replaced by 5473)
No. 5473	June 25, 1984 (5826/5972)
No. 5826	May 8, 1989(replaced by 5846)
No. 5846	June 26, 1989(repl by 5891)
No. 5891	December 18, 1989 (5972)
No. 5972	December 17, 1990(rep by 6526)
No. 6191	May 2, 1994
No. 6288	October 23, 1995
No. 6435	November 10, 1997
No. 6444	December 18, 1997'
No. 6495	August 24, 1998 (eff Sept 1/98)
No. 6513	January 11, 1999(sec suites)
No. 6526	April 12, 1999(commercial cans)
No. 6751	June 17, 2002 (sec. 2, 16, & 18)
No. 6792	December 16, 2002 (Sec 18(g))
No. 6894 Sec18/19)	December 1, 2003 (eff Jan 1/04)
No. 6985 (Sec18/19/28)	December 13, 2004 eff Jan 1/05)
No. 7075 (Sec 18/19/28)	January 16, 2006 (eff Jan 1/06)
No. 7139 (Sec 18/19/28)	December 11, 2006(eff Jan 1/07)
No. 7207 (Sec18/19/28)	December 10, 2007 (eff Jan1/08)
No. 7292 (Sch A)	January 12, 2009 (eff Jan 1/09)
No. 7362 (Sch A)	December 14, 2009 (eff Jan 1/10)

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 4111, 1965. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Obtainable from the City Clerk's Office

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 4111, 1965

A Bylaw to provide for the operation and control of a system of collection and disposal of garbage, ashes, household and trade waste.

THE MAYOR AND COUNCIL of the City of New Westminster in open meeting assembled ENACT AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "GARBAGE BYLAW, 1965".

INTERPRETATION

Bylaw No. 6435, 1997

2. "Apartment House" means a building containing more than two dwelling units independent of one another on the same premises; and, without limiting the generality of the foregoing, also includes a hotel, auto court or tourist camp, lodging house, rooming house and boarding house; and also includes row of cabins, terrace of houses, row house or townhouse which does not have a separate and independent access to the street. Notwithstanding anything contained in the above, "apartment house" includes any room or suite of rooms in any building containing any trade premises, irrespective of the number of dwelling units contained therein.

"Ashes" means ashes, cinders and the remains of any fuel after such fuel has been consumed by fire, and metal tins, bottles, crockery and glass not having contained food;

"City Container" means any container provided by the City for any purpose of this Bylaw so constructed that it can be emptied mechanically by and into a motor vehicle operated by the City and used for the transportation of garbage and other discarded matter.

"Dwelling" means any building or place occupied or used as a dwelling place of abode, or place of living by not more than two families, but does not include any apartment house, hotel, any building forming part of an auto court or tourist camp, tenement house, rooming house, boarding house, cabin, terrace of houses under one roof, or and building containing

any trade premises, or any building in which more than two families live, abide, or dwell, nor does it include any building forming part of a group of two or more buildings, each of which is designed for the accommodation of one or more families erected on any single parcel of land having a court or yard common to each of the buildings.

“Garbage” means and includes any refuse and other noxious, offensive, unwholesome and discarded matter, but does not include grass, trees, hedge clippings, or other garden refuse or rubbish;

“Householder” means any person occupying any dwelling, habitation, or place of residence in the City, but does not include any person who is merely a boarder, roomer, or lodger therein, or the occupant of any apartment house;

“Household Waste” means general rubbish or an accumulation of waste or discarded materials or things of any kind or nature other than garbage or ashes as hereinbefore defined;

Bylaw No. 6751, 2002

“Owner of an Apartment House” shall include the agent of each owner, which in the case of a stratified property shall be deemed to be the strata corporation.”

Bylaw No. 6191, 1994

“Receptacle” means a can or any galvanized iron or plastic water tight receptacle (circular in design, and provided with a good, sufficient and water tight cover) of a capacity of TWO AND ONE-HALF CUBIC FEET; and having a diameter of not more than seventeen inches and a depth of not more than twenty-four inches; and shall include a plastic bag of equal capacity and of sufficient strength to contain all materials placed therein and which shall be securely tied when placed for collection”;

Bylaw No. 6751, 2002

“Recyclables” means newspaper, mixed waste paper and boxboard, corrugated cardboard cut into 0.3 meter square pieces, all colours of glass containers, all ferrous and non-ferrous metal cans and tins, and plastic food and beverage containers identified by SPI Codes 1 through 7.”

“Scavenging” means collecting, removing, transporting, salvaging or disposing of any garbage or other discarded matter;

“Trade Premises” means any building or place used as a warehouse, factory, store, café, eating house, wholesale or retail business, place, or office block;

“Trade Waste” means refuse and accumulation of waste and abandoned materials resulting from the operation of a trade or business, including paper, boxes and packing cases, wrapping material, sweepings, and all inflammable materials of a like nature other than garbage and ashes.

Bylaw No. 6495, 1998

“Dwelling Unit” shall be as defined in the Zoning Bylaw No. 1743, 1940 at the time of adoption of this bylaw.

“House” means a one-family dwelling, semi-detached dwelling, two-family dwelling, duplex, row house, or a townhouse (each as defined in Zoning Bylaw No. 1743, 1940) which is used as a dwelling unit and has a separate and independent entrance from the street.

Bylaw No. 6495, 1998

“Secondary Suite” shall be defined in the Zoning Bylaw No. 1743, 1940 at the time of adoption of this bylaw.

“Facility for Cooking” shall be defined in the Zoning Bylaw No. 1743, 1940 at the time of adoption of this bylaw.

3. The City has established, equipped, maintained and is operating a system of scavenging within the City, and for such purpose a Scavenging Department has been created under the control and direction of the City Engineer.

4. **Bylaw No. 4922, 1976**

Every householder, apartment house owner, and every person occupying any trade premises shall provide and maintain in good and sufficient order and repair and in water tight condition, for such dwelling, apartment house and trade premises, occupied or owned by him, receptacles, not less than one in number but sufficient in number at all times to contain all garbage and ashes from such dwelling, apartment house or trade premises accumulating between regular collection times of the scavenging department.

5. A sufficient number of such receptacles shall, at such times, be so kept by each householder, and every owner of any lodging house, apartment house, rooming house, maintained for garbage only exclusive of ashes, and a sufficient number of such receptacles shall at all times be kept and maintained by each householder and every owner of any lodging house, apartment house, rooming house, for ashes alone. Suitable receptacles must be also provided for rubbish where necessary, and if any rubbish is

of such a nature as not to admit of its being placed in the circular receptacle, then such rubbish shall be deposited in a careful manner convenient for handling at the places where the receptacles for garbage and ashes are usually placed.

6. Such receptacles shall at all times be kept on the premises of or connected with such dwelling, and they shall not at any time be kept or placed on, nor shall they encroach upon nor project over any street, lane or public place.

Bylaw No. 4922, 1976

7. All receptacles shall be kept on the ground level and readily accessible from the street, side or rear entrance of such dwelling, apartment house or trade premises.
8. Where a lane is provided in the block, such receptacle shall be kept and maintained at and readily accessible from the lane either by a gate, door or entrance on the ground level, which gate, door or entrance shall, between the hours of 8:00 a.m. and 5:00 p.m. on week days, be kept unlocked or unfastened.

Bylaw No. 4922, 1976 (repeals Section 9, 11 & 12)

9. (a) Where there is no lane to serve any dwelling to which the scavenging service hereby authorized is provided, the householder shall place all receptacles containing garbage, ashes and trade waste on the days fixed for the making of collections and prior to the usual time for the making thereof, at the curb of the street on which the dwelling fronts, and where an integral curb and sidewalk exists, on the boulevard or property adjacent to the property side of the sidewalk, or where directed by the City Engineer, and said receptacles shall be so placed as to be conveniently handled from ground level and readily accessible from such street. No such receptacle shall be placed where it may affect or cause any hazard to traffic on such street or sidewalk, and all such receptacles shall be removed from the street allowance or front of the property prior to midnight of the day on which such collection is made.

Nothing in this Bylaw contained shall be construed as requiring the City or its employees or agents to enter upon any private property on which any dwelling is situate in order to provide the scavenging service hereby authorized.

- (b)
 - (i) Where there is no lane to serve any apartment house or any trade premises, all receptacles shall be placed in a suitable location on the premises as designated or ordered by the City Engineer and as a condition of providing the scavenging service hereby authorized, the owner or occupier shall be taken to have granted the City and its employees and agents, authority to enter upon the said property and premises and to remove therefrom the garbage, ashes and trade waste placed therein for removal.
 - (ii) Where there is no lane to serve and premises referred to in clause (i) hereof, and where such receptacles are enclosed in a separate shed or housing, then such shed or housing shall contain doors opening from a side thereon whereby the receptacles may be conveniently emptied and a lift door through which garbage or ashes may be deposited in such receptacles.
 - (iii) A passage-way and ready means of access to such receptacles shall, at all reasonable times, be provided from the street, and such passage-way and means of access shall be unobstructed and of sufficient dimension to enable any employee or agent of the City to carry any receptacles through to the street.
- 10. In case such receptacles are enclosed in any separate shed or housing, then if there be a lane, such shed or housing shall comply with the Building Bylaw. An opening on the side adjacent to the lane shall be provided of such size and shape that the receptacles may be conveniently and quickly handled by the collectors. Doors to such openings may be installed provided that, when opened, the said doors shall not encroach upon or overhand the lane. On the side not adjacent to the lane a lift door may be provided to the said shed or housing through which garbage and ashes may be deposited in such receptacles.
- 11. **Bylaw No. 4922, 1976** (repeals Section 11)
- 12. **Bylaw No. 4922, 1976** (repeals Section 12)
- 13. Every householder and every owner or lessee of an apartment house, and every occupier of trade premises, shall deposit all garbage, ashes, household and trade waste in the receptacles required to be provided by this Bylaw.

14. All Waste Material, other than garbage, ashes, household waste or trade waste, as defined in this Bylaw, required to be removed by scavenging shall be deposited in a safe place convenient for handling. A special charge shall be payable for the removal of such waste material according to the scale of charges hereinafter provided.

Bylaw No. 4922, 1976

15. All receptacles used as containers for garbage, ashes or trade waste, and any separate shed or housing as a cover for such receptacles, shall at all times be kept in a good condition and accessible for the inspection at all reasonable hours, and when any receptacle has been condemned to the owner thereof by the City Engineer, or some person authorized by him, as unfit for the purpose, such receptacle shall be removed by the owner thereof, and such householder, owner of apartment house, or occupier of trade premises, shall forthwith provide a receptacle, conforming to the provisions of this Bylaw, in its place.

Bylaw No. 6435, 1997

16. (a) Every owner or occupier of a Dwelling Unit in a House, shall at least once in every fourteen days, set out for collection by the City, all garbage, ashes, and household waste of or from all premises owned or occupied by him or her.
- (b) Every owner of an Apartment House and every occupier of trade premises shall at least once every fourteen days cause to be removed all garbage, ashes, household waste and trade waste of or from all premises owned or occupied by him or her.

Bylaw No. 6495, 1998

- (c) Every owner or occupier of a Secondary Suite in a House, shall be at least once in every fourteen days, set out for collection by the City, all garbage, ashes, and household waste of or from all premises owned or occupied by him.

Bylaw No. 6571, 2002

- (d) "16 (d) Every Owner of an Apartment House shall, at least once every fourteen days, set out for collection by the City, in receptacles as provided by the City, or the City's agent, all Recyclables from all Dwelling Units contained within the Apartment House."
17. Notwithstanding any other provisions of this Bylaw, where, in the case of all buildings, other than dwellings, as hereinbefore described, the ashes,

garbage, household waste, or trade waste, which amounts to more than five (5) cubic feet per week, the receptacles or receptacle for such ashes or garbage, household waste, or trade waste, may be of such shape, nature, capacity and design as the City Engineer may approve in each case and shall be placed and located in such places as the City Engineer shall, on application being made in writing him, approve and designate, provided that in the absence of such approval, all the provisions of this bylaw shall apply.

Bylaw No. 7207, 2007

- 18(a) For each Dwelling Unit, which is not a Secondary Suite, in a House:
- (i) not more than two receptacles or equivalent quantity of garbage or household waste per week shall be set out for collection by the City;
 - (ii) a solid waste charge in accordance with the table of rates set out in "Schedule A" of this bylaw, shall be levied and collected annually in advance.

Bylaw No. 7207, 2007 (b only)

Section 18(b) is hereby repealed and the following is inserted in its place:

- 18(b) Despite Section 18(a), additional receptacles may be set out for collection by the City at a charge in accordance with the table of rates set out in "Schedule A" of this bylaw;
- (c) Each additional receptacle shall be tagged with a tag issued by the City;
 - (d) Any receptacle over and above the two receptacles permitted per week under Section 18(a) which does not have a tag affixed to it will not be collected by the City.

Bylaw No. 6444, 1997

- (e) Council hereby waives 25% of the solid waste rate it imposes in this bylaw for the purpose of pollution control and abatement facilities for solid waste removal and recycling for every person who certifies that he or she is 65 years of age or over during the calendar year, who is the sole occupier of the dwelling unit in a house for which the charge is assessed during the calendar year, who is a registered owner either solely or with others during the calendar year and who submits to the City an application in a form provided by the City.

Bylaw No. 7207, 2007

- 18(f) For each Secondary Suite in a House:
- (i) not more than two receptacles or equivalent quantity of garbage or household waste per week shall be set out for collection by the City;
 - (ii) a solid waste charge in accordance with the table of rates set out in "Schedule A" of this bylaw, shall be levied and collected annually in advance.

Bylaw No. 7207, 2007

- 18(g) For each Dwelling Unit in an Apartment House an annual recycling charge in accordance with the table of rates set out in "Schedule A" of this bylaw shall be levied and collected in advance from the Owner of the Apartment House.

Bylaw No. 6751, 2002

- (h) For that period only commencing July 1, 2002 and ending June 30, 2003, for every Owner of an Apartment House with an existing contract for the provision of service for the collection of Recyclables, subsection 16 (d) will not apply and there will be no charge.

Bylaw No. 5972, 1990

Bylaw No. 6526, 1999

19. For the collection and removal of garbage, ashes and trade waste from premises other than dwellings, including Apartment Houses and Trade Premises, the following conditions shall apply:

Bylaw No. 7207, 2007 (a only)

- 19(a) Where the owner, lessee or occupier of a premises, his servant or agent, has arranged with the City, its servants or agents, to make regular calls for the collection of such garbage, ashes and trade waste, a charge in accordance with the table of rates set out in "Schedule A" of this bylaw for each receptacle of the type described in Section 4 shall be paid;
- (b) Each receptacle shall be tagged with a tag issued by the City;

- (c) Any receptacle that does not have a tag affixed to it will not be collected by the City.

Bylaw No. 4906, 1976

- 20. Where the quantity of garbage, ashes and trade waste is such that the use of the receptacles, as described in Section 4 hereof, is inconvenient as determined by the City Engineer, the following scale of charges shall apply:
 - A. Where the garbage, ashes, or trade waste is conveniently placed, as described in Section 5 hereof, and is capable of being loaded directly on to trucks, \$3.00 per cubic yard.
 - B. A charge for a carry or wheel out not exceeding twenty-five (25) feet on ground level, \$3.50 per cubic yard.
 - C. A charge for a carry or wheel out exceeding twenty-five (25) feet, but not exceeding fifty (50) feet, on ground level, \$4.00 per cubic yard.
 - D. A charge for a carry or wheel out exceeding fifty (50) feet, \$6.00 per cubic yard.

Bylaw No. 4906, 1976 (repeals Clauses E and F)

Bylaw No. 4906, 1976

- 21. Where the conditions enumerated in Section 19 hereof do not apply, or where by reason of the nature of the material to be collected and removed, the rates set out in Section 19 and 20 hereof cannot reasonably be used, as determined by the City Engineer, as where the material to be removed consists of tree, plant or shrub refuse, a rate of \$20.00 per hour shall be payable by the person requesting the service, for the use of one (1) truck and two (2) men pro rated for each portion of an hour of use where applicable, with a minimum charge of \$1.00 for any one trip.
- 22. No liquids or free water shall be put or placed in or allowed to run into, or accumulate in any receptacles for garbage or ashes, and all such receptacles shall at all times be kept securely covered with a water-tight cover.
- 23. The driver of any vehicle of the City which is used for the purposes of collecting garbage, ashes, household or trade waste may refuse to collect any such materials, if they contain, or are mixed with any substance or thing which, in his opinion, may be inflammatory or otherwise dangerous to persons or property.

24. Every householder or every owner of an apartment house, and every occupier of trade premises, shall pay the respective charge or charges imposed under this Bylaw not later than the FIRST day of the month following the incurring thereof.
25.
 - (1) No person, other than the City of New Westminster, shall engage in the business of scavenging without holding a valid Scavenging License.
 - (2) Any person applying for a scavenging license shall first submit to the City License Inspector a written application in triplicate. Such application shall contain the following information:
 - a) Name, business address and business telephone number of the applicant;
 - b) Description of the proposed scavenging operation, showing the method of collection, nature of material to be collected, and method and place of disposal (incineration, dumping, salvage or conversion);
 - c) Description of each vehicle which will be used in collection and transporting putrescible waste of any kind;
 - d) Such additional information as may be requested by the City License Inspector.
 - (3) The City License shall not issue a Scavenging License to an applicant until he has received the approval in writing of the City Engineer and the Medical Health Officer, who may withhold approval until the applicant has complied with their requirements as to any of the matters mentioned in this bylaw.
 - (4) After the approval in writing of the City Engineer and the Medical Health Officer has been given the License Inspector may issue a Scavenging License, which shall be subject to the following conditions:
 - a) All vehicles which may be used for the collection of putrescible waste shall be of a closed metal type suitable designed for that purpose;
 - b) All vehicles used in scavenging shall be kept in good repair, well painted and clean inside and outside at all times;
 - c) The hours of operation in and adjacent to residentially developed areas shall be confined to the period between 7:00 a.m. and 7:00 p.m.;

- d) All collecting, transporting, processing, converting or salvaging of any garbage, ashes, refuse or other discarded matter shall be carried out so as not to be offensive or objectionable to any person;
 - e) Any garbage, ashes, refuse or other discarded matter which will not immediately be processed, converted or salvaged shall be removed as soon as possible on the day of collection to the place of disposal which may be designated by the City Engineer;
 - f) Every vehicle used for scavenging shall carry in a conspicuous place on such vehicle an identifying mark, plate, or device, issued annually by the City License Inspector. Such identifying mark, plate, or device shall distinguish between those vehicles used for the collection and transportation of:
 - (i) putrescible waste, and
 - (ii) non-putrescible waste.
26. No person shall use any vehicle for the collection, removal, transportation or disposal of putrescible waste except in compliance with the provisions of Section 25, whether in the business of scavenging or not.
27. Notwithstanding the provisions of Section 4 and 5, every owner or occupier of premises who has entered into a contract with a licensed scavenger for the removal of garbage, ashes, refuse or other discarded material may use for such purpose containers supplied or specified by such scavenger and approved for the purpose by the City Engineer and Medical Health Officer.

Bylaw No. 7207, 2007

28. A householder, owner of an apartment house or person occupying trade premises may in lieu of supplying the containers described in Sections 4 or 17 hereof, apply to the City Engineer for the use of one or more City owned containers for the collection, removal and disposal from his premises of garbage, ashes, household or trade waste, which may be obtained on the terms and conditions and subject to the payment of the charges in accordance with the table of rates set out in "Schedule A" of this bylaw.

Bylaw No. 7362, 2009

"SCHEDULE A"
TABLE OF RATES

Effective Date
January 1, 2010

A.	<u>RESIDENTIAL RATES</u> (Classification of user as defined by Zoning Bylaw No. 6680, 2001 at the time of adoption of this bylaw)_	<u>Basic Flat Rate</u>	<u>5% Discount If Applicable</u>	<u>Net Flat Rate</u>
	(1) Single Detached Dwelling Annually	\$204.02	\$10.20	\$193.82
	(2) Secondary Suite Annually per dwelling unit	\$102.01	\$5.10	\$96.91
	(3) Duplex and Row House Single Detached Dwelling basic flat rate for each unit.			
	(4) Discount applicable if paid within 60 days of billing date.			

B.	<u>MULTIFAMILY RECYCLING</u>	
	(1) For each dwelling unit in an Apartment Building (apartment building does not include hotel, boarding house or rooming house) and for each Townhouse dwelling unit. Annually per dwelling unit	\$16.46

C.	<u>ADDITIONAL RECEPTACLES</u> (per tag)	
	(1) For each tag for every additional receptacle	\$ 2.25

D. RENTAL AND PICKUP CHARGES FOR CITY CONTAINERS

Container Size Cubic Yard	Monthly Charge - pickups/week			Charge for each additional pickup during the month
	Bi-weekly*	Weekly	Twice Weekly	
1.	\$ 67.52	\$102.71	\$181.04	\$20.11
2.	\$ 86.92	\$142.22	\$262.91	\$31.60
3.	\$104.89	\$172.41	\$316.07	\$38.06

*Where collection is less than bi-weekly, the minimum monthly charge shall be the same as the bi-weekly rate.

Terms and Conditions for use of City Containers:

1. The City Engineering Department only shall service and empty all City containers.
2. Any contract made for use of containers may be terminated by the City or the contractor upon one week's notice given to the other in writing.
3. The contractor shall now allow any container to hold contents weighing more than 1,000 lbs. In a 1 cubic yard container; 2,000 lbs. In a 2 cubic yard container; 2,000 lbs. in a 3 cubic yard container.
4. The contractor shall reimburse the City for the cost of repairing any damages suffered by any City containers in the applicant's possession not caused by the City's servants or equipment or reasonable wear and tear and shall deliver up all containers to the City upon the termination of his agreement in good condition.
5. The applicant shall keep the City containers in any part of the applicant's premises as the City Engineer may require available for inspection by his representative at all reasonable times and shall provide a loading area for the City containers from which they can be emptied safely and conveniently into the vehicles of the City used from time to time for the transportation thereof and shall place the City containers on the loading area in due time for pick up by the City.
6. The applicant shall not use or cause, suffer or permit to be used by the City containers for the storage or disposal of any substance considered by the City Engineer to be dangerous or harmful to life or property, or likely to damage the said container, and shall not use them other than for the purpose of containing garbage or other waste material.

E. SENIOR CITIZEN WAIVER

Council hereby waives 25% of the solid waste rate it imposes in this bylaw for the purpose of pollution control and abatement facilities and for solid waste removal and recycling for every person who certifies that he or she is 65 years of age or over during the calendar year, who was the sole occupier of the dwelling unit in a house for which the charge is assessed during the calendar year, who is a registered owner of the property either solely or with others during the calendar year and who submits to the City an application in a form provided by the City.

F. EFFECTIVE DATE

The Garbage table of rates imposed by this bylaw shall be due and payable on or after the first of January, 2010.