

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 7660, 2015

A bylaw for the management of waste and recyclable materials from demolition work

WHEREAS Part 2, Division 1, Section 8 of the *Community Charter* authorizes the City of New Westminster to, by bylaw, regulate, prohibit, and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to refuse, garbage or other material that is noxious, offensive or unwholesome, and in relation to the use of waste disposal and recycling services;

WHEREAS Part 7, Division 2, Section 194 of the *Community Charter* authorizes the City of New Westminster to, by bylaw, impose a fee in respect of the exercise of its authority to regulate, prohibit or impose requirements;

WHEREAS the Greater Vancouver Sewerage and Drainage District, Greater Vancouver Regional District, and their respective member municipalities have set a target in the *Integrated Solid Waste and Resource Management Plan* of 70% diversion of municipal solid waste from disposal by 2015; and

WHEREAS it is deemed desirable to regulate, prohibit, and impose requirements with respect to the use of waste disposal and recycling services to ensure that waste and recyclable materials resulting from demolition work are managed in a manner that enhances and protects the well-being of the community and the target diversion rate is achieved;

NOW THEREFORE, the Council of the Corporation of the City of New Westminster, in open meeting assembled, enacts as follows:

1.0 Citation

1.1 This Bylaw may be cited for all purposes as “Demolition Waste and Recyclable Materials Management Bylaw No. 7660, 2015”.

2.0 Definitions

2.1 In this Bylaw:

“AUTHORIZED AGENT” means a person authorized in writing to act on behalf of an *Owner* in connection with a *Permit*, including a hired tradesman or contractor.

“BUILDING BYLAW” means the *City’s* Building Bylaw No. 6897, 2003.

“BUILDING OFFICIAL” has the same meaning defined in the *Building Bylaw*.

“CITY” means the Corporation of the City of New Westminster.

“COMPLIANCE REPORT” means a form of report prescribed by the Director of Development Services for the purpose of reporting the requirements set out in section 5.1 and which form specifies a percentage level of compliance using the following calculation:

$$\% = ((\text{Amount of } \textit{Recyclable Material} \text{ in tonnes removed from the } \textit{Site} \text{ and taken to a } \textit{Recycling Facility}) \div (\text{Amount in tonnes of material, substance or object that is produced, originates or results from the } \textit{Work})) \times 100 .$$

“DISPOSAL” means:

- (a) the abandonment, discard, or destruction of any materials, substances, or objects;
- (b) the application, release, or incorporation of materials, substances, or objects in or to land.

“DISPOSAL FACILITY” means a *Facility* that:

- (a) has a valid and subsisting permit, licence, or operational certificate issued under GVS&DD’s Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996, for the operation of a disposal facility regulated under that bylaw;
- (b) is approved as a disposal facility under the *Integrated Solid Waste and Resource Management Plan*; or
- (c) destroys or landfills *Waste* or *Recyclable Materials* in the course of conducting an industry, trade, or business.

“FACILITY” means any land, building, site, or structure.

“FEE INCENTIVE” means the refund of a *Waste Disposal and Recycling Services Fee* paid in respect of a *Waste Disposal and Recycling Services Plan*, as calculated in accordance with City of New Westminster Development Services Fees and Rates Bylaw No. 7683, 2014.

“GVS&DD” means the Greater Vancouver Sewerage and Drainage District.

“HAZARDOUS MATERIALS” means any material, product, or substance regulated as a controlled product or hazardous waste under the British Columbia *Workers Compensation Act* and the British Columbia *Environmental Management Act*, respectively, that is present on a *Site* or that is produced, originates, or results from *Work*.

“HAZARDOUS MATERIALS REPORT” means a form of report prescribed by the Director of Development Services for the purpose of providing the information required by section 6.1 of this Bylaw and for submitting a hazardous materials assessment of the *Site* that has been completed by a qualified person in accordance with section 6.6 of British Columbia *Occupational Health and Safety (OHS) Regulation*.

“INTEGRATED SOLID WASTE AND RESOURCE MANAGEMENT PLAN” means GVS&DD’s approved Integrated Solid Waste and Resource Management Plan.

“OWNER” means the registered owner in fee simple of land.

“PERMIT” means a permit required under the *Building Bylaw* for *Work*.

“PROJECT COMPLETION” means the date of completion and final approval of *Work* as determined in accordance with the *Building Bylaw*.

“RECYCLABLE MATERIAL” means a material, substance, or object that is produced, originates, or results from *Work* and satisfies at least one of the following:

- (d) is organic material from residential, commercial, or institutional sources and is capable of being composted;

- (e) is managed as a marketable commodity with an established market by the *Owner* or operator of a *Site*;
- (f) is being used in the manufacture of a new product that has an established market or is being processed as an intermediate stage of an existing manufacturing process.

“RECYCLING FACILITY” means a *Facility*, other than a *Disposal Facility*, that:

- (g) has a valid and subsisting permit, licence, or operational certificate issued under GVS&DD’s Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996 for a *Facility* regulated under that bylaw; or
- (h) is approved as:
 - (i) a new organics processing facility; or
 - (ii) a publicly-owned transfer station,under the *Integrated Solid Waste and Resource Management Plan* for purposes other than Disposal.

“SITE” means any land, building, structure, or improvements where *Work* is or is intended to be performed.

“WASTE” means any discarded or abandoned material, substance, or object that is produced, originates, or results from *Work*, and any other prescribed material, substance, of object.

“WASTE DISPOSAL AND RECYCLING SERVICES FEE” means the fee calculated in accordance with City of New Westminster Development Services Fees and Rates Bylaw No. 7683, 2014.

“WASTE DISPOSAL AND RECYCLING SERVICES PLAN” means a form of plan prescribed by the Director of Development Services through which the Developer:

- (a) provides an estimate of the amount of *Waste* and Recyclable Material to be generated by the *Work*;
- (b) provides estimates of the amounts of particular types of material generated by the *Work*; and
- (c) describes the manner of removal of the *Waste* and Recyclable Material generated by the *Work*.

“WORK” means the demolition, deconstruction, or systematic disassembly of a building, structure, or improvement regulated by the *Building Bylaw*.

2.2 References in this Bylaw to enactments, bylaws of the *City*, or the bylaws or plans of GVS&DD, include those enactments, bylaws, and plans as they may be amended or replaced from time to time.

2.3 Unless otherwise defined herein, all words and expressions used in this Bylaw have the same meaning as the same or like words and expressions used in the *Building Bylaw*.

3.0 Application

- 3.1 No person shall commence or continue, or cause or allow the commencement or continuation of, any *Work* except in accordance with the provisions of this Bylaw.
- 3.2 This Bylaw does not apply to:
- (a) any demolition, deconstruction, or systematic disassembly of a building, structure, or improvement that the *Building Official* deems is required to protect public health and safety in an emergency; or
 - (b) any other demolition, deconstruction, or systematic disassembly of a building, structure, or improvement approved in writing by the *Building Official*.
- 3.3 Nothing in this Bylaw precludes or relieves a person from complying with any provision of the *Building Bylaw* or other bylaws of the *City*, or any federal, provincial, or local government laws or regulations applicable to *Work*.
- 3.4 Neither the review nor acceptance of a *Waste Disposal and Recycling Services Plan*, *Hazardous Materials Report*, or *Compliance Report* constitutes a representation, warranty, assurance, or statement by the *City* that the *Owner* has complied with the *Building Bylaw*, this Bylaw, or any other applicable enactment, law, or regulation respecting safety.

4.0 Mandatory Recycling

- 4.1 At the time of submitting an application for a *Permit*, a properly completed *Waste Disposal and Recycling Services Plan* regarding the management of *Waste* and *Recyclable Materials* must be signed by the *Owner* or *Authorized Agent* and submitted to the *Building Official*.
- 4.2 If *Recyclable Material* is removed from a *Site*, the *Recyclable Material* must be removed:
- (a) to a *Recycling Facility*; or
 - (b) in accordance with an approved *Waste Disposal and Recycling Services Plan*.
- 4.3 No person shall commence or continue, or cause or allow the commencement or continuation of, any *Work* unless the *Building Official* has approved a *Waste Disposal and Recycling Services Plan* for that *Work*.
- 4.4 Notwithstanding the provisions of any other bylaw of the *City*, no *Permit* issued under the *Building Bylaw* for *Work* with respect to which a *Waste Disposal and Recycling Services Plan* is required under this Bylaw is valid unless the *Building Official* has approved the *Waste Disposal and Recycling Services Plan* for that *Work*.

5.0 Compliance Reporting and Record Keeping

- 5.1 To ensure compliance with this Bylaw, the *Owner* must keep records of the surveying, removal, handling, management, and *Disposal* of *Waste* and *Recyclable Material*, including:
- (a) payment receipts, donation receipts, weigh bills, inspection reports, clearance letters, sampling reports, and *Waste* transport manifests;
 - (b) photographs, if applicable, recording:
 - (i) the use of *Recyclable Material* on the *Site* for backfill;
 - (ii) the removal of *Recyclable Material* from the *Site* and used as backfill or as specified in an approved *Waste Disposal and Recycling Services Plan*; and
 - (c) any other records that the *Building Official* specifies at the time of application for a *Permit* must be kept.
- 5.2 Within ninety (90) days after *Project Completion*, the *Owner* or *Authorized Agent* must submit to the *Building Official*:
- (a) a properly completed *Compliance Report*; and
 - (b) originals of the records required to be kept under section 5.1.

6.0 Hazardous Materials

- 6.1 At the time of submitting an application for a *Permit*, a properly completed *Hazardous Materials Report* regarding the surveying, removal, handling, management, and *Disposal* of *Hazardous Materials* must be signed by the *Owner* or *Authorized Agent* and submitted to the *Building Official*.
- 6.2 No person shall commence or continue, or cause or allow the commencement or continuation of, any *Work* unless the *Building Official* has received a completed *Hazardous Materials Report* for that *Work* to the satisfaction of the *Building Official*.
- 6.3 Notwithstanding the provisions of any other bylaw of the *City*, no *Permit* issued under the *Building Bylaw* for *Work* with respect to which a *Hazardous Materials Report* is required under this Bylaw is valid unless the *Building Official* has received a completed *Hazardous Materials Report* for that *Work* to the satisfaction of the *Building Official*.
- 6.4 To ensure compliance with this Bylaw, the *Owner* or *Authorized Agent* must keep records of the notification to WorkSafeBC regarding the surveying, removal, handling, management, and *Disposal* of *Hazardous Materials*, including:
- (a) a completed WorkSafeBC “Notice of Project” for *Work* that is or is intended to be performed on a *Site*, where a “Notice of Project” is required by WorkSafeBC;
 - (b) if 6.4(a) applies, confirmation from WorkSafeBC that it has received the “Notice of Project” for that *Work*; and
 - (c) any other records that the *Building Official* specifies at the time of application for a *Permit*.

6.5 If 6.4(a) and (b) apply, a copy of the confirmation from WorkSafeBC that it has received the “Notice of Project” for *Work* that is or is intended to be performed on a *Site* must be posted on the *Site* for inspection by the *Building Official*.

7.0 Waste Disposal and Recycling Services Fee

7.1 Every person who performs, or causes or allows the performance of, *Work* must pay the *Waste Disposal and Recycling Services Fee* at the time of submitting the *Waste Disposal and Recycling Services Plan*.

7.2 A person who has paid the *Waste Disposal and Recycling Services Fee* and completed:

(a) a *Waste Disposal and Recycling Services Plan*; and

(b) a *Compliance Report*,

to the satisfaction of the *Building Official*, is eligible for a *Fee Incentive*.

7.3 A person who is eligible for a *Fee Incentive* must:

(a) within ninety (90) days after *Project Completion*, apply to the *Building Official* for the *Fee Incentive*; and

(b) within seven (7) days of being requested to do so, submit any of the records required to be kept under this Bylaw to the *Building Official* in order to evaluate eligibility for the *Fee Incentive*.

8.0 Offences

8.1 No person shall provide false information on any report or record required under this Bylaw.

8.2 Any person who contravenes this Bylaw commits an offence and is liable on conviction to a fine not exceeding \$2,000.

ADOPTED December 7, 2015