

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 7634, 2014

A Bylaw to provide for the management of solid waste, in the City of New Westminster and to regulate the conditions and terms under or upon which garbage and *Recycling services* may be provided.

The City Council of the City of New Westminster, in open meeting assembled, ENACTS AS FOLLOWS:

PART 1 - INTRODUCTION

This Bylaw shall be cited for all purposes as "New Westminster Solid Waste Regulation Bylaw 7634, 2014".

PART 2 - DEFINITIONS

In this bylaw:

“ATTRACTANT” means any substance which could reasonably be expected to attract insects or animals not normally domesticated, including but not limited to *solid waste*, Special Waste, food products, pet food, bird feed, compost, grease, fruit, honey, salt, or chemical products.

“AUTOMATED COLLECTION” means the collection of *garbage, recyclable materials, yard trimmings* and *food scraps* using a specially designed vehicle with a mechanical apparatus to empty a *collection cart* directly into the vehicle without requiring manual labour.

“CITY” means the City of New Westminster.

“CITY AGENT” means a third party Provider of Waste Management or other services for the *City*.

“COLLECTION CART” means a *garbage, recyclable materials, yard trimmings* or *food scraps* container identified for its appropriate use and equal to or less than 360L in volume, supplied by the *City* or the *City’s agent*, that is specially designed for *automated collection*.

“COLLECTION CREW” means any *City* employees or persons of the *City’s agent* that are authorized by the *City* to provide *solid waste* collection services under this Bylaw.

“CONTAMINATION” means the deposit of *garbage, food scraps, yard trimmings* or *recyclable materials* into a *collection cart* or *disposal bin* that is designated or identified for deposition of materials other than the material deposited.

“CONSTRUCTION AND DEMOLITION WASTE” means all earth, debris, rocks, trees, stumps, building materials and anything else originating from the construction or demolition of buildings and structures.

“COUNCIL” means the Council of the *City*.

“DIRECTOR OF ENGINEERING” means the *Director of Engineering* for the *City* and includes his or her duly appointed assistants and representatives.

“DISPOSAL BIN” means a large watertight, lidded, lockable container supplied by the *City*, the *City’s agent*, or a private waste hauler for the purpose of storing *solid waste* from *multiple residential or non-residential units*.

“DWELLING UNIT” means one or more habitable rooms which constitute one self-contained unit used or intended to be used as a residence for living and sleeping purposes.

“FEES AND RATES BYLAW” shall mean the *Engineering Fees and Rates Bylaw* No. 7553, 2013 as amended from time to time.

“FOOD SCRAPS” means meats, fish, bones, seafood shells, vegetable peelings and seeds, fruit peelings and seeds, eggshells, pasta, rice, baked goods, desserts, dairy, butter, sauces, food-soiled papers such as: pizza boxes, ice cream cartons, paper plates and napkins, coffee grounds and coffee filters, tea bags and tea leaves, and similar products as approved for disposal by the *Director of Engineering* but does not include oil or *special waste*.

“GARBAGE” means waste other than *food scraps*, *yard trimmings*, and *recyclable materials* but shall not include *construction and demolition waste* or *special waste* and other items the *Director of Engineering* considers hazardous or unacceptable to the *City’s* collection and disposal system.

“GARBAGE BAG” means a heavy weight plastic bag that contains materials for *garbage* disposal that does not exceed 60 litres or 23 kg.

“LOT” means a parcel of land other than an airspace parcel or an individual building strata *lot* and includes for the purposes of the Bare Land Strata Regulation only, a bare land strata *lot*.

“MULTIPLE RESIDENTIAL UNIT” means a building or portion of a building containing three or more *dwelling units*, but in the case of a mixed use development, may contain any number of *dwelling units* so long as it complies with the regulations of the specific zone.

“NON-RESIDENTIAL UNIT” means all taxable properties which are not *single residential unit* or *multiple residential units*.

“OCCUPIER” means householders, tenants or *owners* of a dwelling or *non-residential unit*.

“OWNER” means the person or persons whose name appears upon the Title of the property at the Land Titles Office and, where applicable, includes the Strata Corporation of which the *owner* is a member.

“RECYCLABLE MATERIALS” includes paper, cardboard, plastic or metal containers and other items determined by the *Director of Engineering* which may change from time to time.

“RECYCLING SERVICES” means services related to the collection and disposal of *recyclable materials, yard trimmings and food scraps*.

“RESIDENTIAL UNIT” includes *single residential unit* and *multiple residential units*.

“SINGLE RESIDENTIAL UNIT” means a building or portion of a building consisting of one principal *dwelling unit* only, and may include a secondary suite.

“SOLID WASTE” means *garbage, food scraps, yard trimmings and recyclable materials*.

“SPECIAL WASTE” includes hazardous wastes, pathological wastes, explosives, radioactive material, security wastes, confidential documents, negotiable papers, medical wastes, and includes all wastes resulting from any industrial or manufacturing operations, construction and demolition structures, abandoned vehicles and parts thereof, dead animals, and all animal parts other than appropriately cleaned and prepared for consumption, and agricultural wastes and any hazardous waste, or other prescribed substance, under contaminated sites legislation in the Province of British Columbia.

“YARD TRIMMINGS” means house plants, weeds, plants, leaves, grass, hedge and plant clippings, lawn edgings, twigs and branches up to twelve (12) inches in diameter but does not include *construction and demolition waste*.

PART 3. COLLECTION SYSTEM

3.1 An *owner* and *occupier* of a *lot* containing a *single residential unit* must utilize the *garbage, recyclable materials and food scraps* collection services provided by the *City* or the *City’s agent* under section 4.1.

3.2 An *owner* of a *lot* containing a *multiple residential unit* must utilize the *recyclable materials and food scraps* collection services provided by the *City* or the *City’s agent* under section 4.2 and may apply to the *Director of Engineering* to use the *City’s garbage* service under section 4.1.

3.3 An *owner* of a *lot* containing a *non-residential unit* may apply to the *Director of Engineering* to use the *City’s garbage, recyclable materials or food scraps* collection and disposal services under section 4.3.

3.4 An *owner* of a *lot* containing a *multiple residential unit* or a *non-residential unit* must provide *garbage* collection services to the *occupier* of the unit, either via agreement with the *City* or otherwise.

3.5 Where the *City* cannot safely, effectively, or efficiently service a *lot*, the *City* may opt out of providing *solid waste* services.

PART 4. COLLECTION AND DISPOSAL SERVICES

4.1 The *City* shall provide the following services by way of *automated collection* to a *single residential unit*, or to a *multiple residential unit lot* which is subject to an agreement with the *Director of Engineering* for additional services as set out in section 3.2:

- a) Collection of *garbage*;
- b) Collection of *recyclable materials*; and
- c) Collection of *food scraps/yard trimmings*.

4.2 The *City* shall provide the following services to each *multiple residential unit* under section 3.2:

- a) Collection of *recyclable materials*; and
- b) Collection of *food scraps*.

4.3 The *City* shall provide the following services to each *non-residential unit* as set out by agreement of the *owner* of the *non-residential unit* with the *Director of Engineering*:

- a) Collection of *garbage*;
- b) Collection of *recyclable materials*; and
- c) Collection of *food scraps*.

4.4 Notwithstanding the charges for service pursuant to Part 6, the *City* shall loan to the *owner* of a *lot*, upon the *lot* initially becoming serviced under Part 3 as applicable:

- a) for *single residential unit*, one-120L or 240L *garbage collection cart*, one-120L or 240L *food scraps/yard trimmings collection cart* and one-120L or 240L or 360L *recyclable materials collection cart*;
- b) for *multiple residential units* as set out in section 4.2, three 360L *recyclable materials carts* per 12 *dwelling units* and one 240L *food scraps cart* per 49 *dwelling units* or as determined by the *Director of Engineering*, and where a *multiple residential unit* is subject to an agreement with the *Director of Engineering* for *garbage* collection under section 3.2, one 240L *garbage collection cart* per two *dwelling units* or as determined by the *Director of Engineering*;
- c) for *non-residential units* subject to an agreement for services with the *Director of Engineering* as set out in section 4.3, *garbage collection carts*, *recyclable materials carts* and *food scraps/yard trimming carts* as set out in that agreement for services.

4.5 The frequency of the collection services under section 4.1, 4.2, and 4.3 is subject to change from time to time, as determined by the *Director of Engineering*.

4.6 Subject to section 4.7, the *City's* collection services under section 4.1, 4.2 and 4.3 shall be limited to the applicable number and size of *collection carts* supplied.

4.7 An *owner* of a *single residential, multiple residential or non-residential unit* receiving services under this Bylaw, may apply to the *Director of Engineering* for a change in the number or size (or both) of *collection carts* to be collected, provided that the level of service for *single or multiple residential units* may not be reduced below the basic levels as set out in sections 4.1, 4.2, 4.4a, and 4.4b. The Director may approve such an application where he or she is satisfied that the addition or reduction in services is reasonably necessary or justified.

4.8 Where an *occupier* is physically challenged and unable to comply with sections 10c, 10d and 10e and does not have an able-bodied person assisting with their household activities, the individual may apply to the *Director of Engineering* for assistance from the *City* in performing such obligations. If the Director is satisfied that the individual requires such assistance, then a special designation shall be made under conditions and terms set out by the Director to alert the *collection crew* to provide the service, until such time as the Director cancels such service, at his or her discretion. If the *Director of Engineering* considers it necessary, the Director may require that the applicant provide proof of the physical challenge from a physician. As a condition of service under this Section, on collection day, the *occupier* shall ensure that *collection carts* are at all times freely accessible and not enclosed within any buildings or gated area. The *City* is not responsible for any property damage as a result of executing this service.

4.9 Where an *occupier* may produce additional *solid waste* due to a medical condition, the individual may apply to the *Director of Engineering* for special collection service from the *City* in performing such obligations. If the Director is satisfied that the individual requires such service, then a special designation shall be made under conditions and terms set out by the Director to alert the *collection crew* to provide the service, until such time as the Director cancels such service, at his or her discretion. If the *Director of Engineering* considers it necessary, the Director may require that the applicant provide proof of the medical condition from a physician.

PART 5. EXCESS GARBAGE (Tag-a-Bag Service).

5.1 An *occupier* of a *single residential unit or non-residential unit* which receives collection by the *City* may set out additional *garbage bags* for collection, subject to the following conditions:

- a) Each additional bag of *garbage* shall be tagged with a tag issued by the *City*;
- b) Any bag which does not have a tag affixed to it will not be collected by the *City*;
- c) Each bag of *garbage* must have a volume no greater than 60 litres and weigh no more than 23 kilograms;
- d) Each bag must be set out for collection as determined by the *Director of Engineering*;
- e) A charge in accordance with the table of rates set out the *Fees and Rates Bylaw* will be collected at the time of purchase of the tags.

PART 6. CHARGES FOR SERVICE

6.1 Each *owner* of a *Residential unit* is subject to the *Fees and Rates Bylaw*, and charges under the *Fees and Rates Bylaw* are payable by the *owner* of a unit whether or not:

- a) the units on a parcel are occupied;
- b) any *owner* or *occupier* of a unit makes use of any of the services; or
- c) the service is interrupted or altered in any manner.

6.2 A *solid waste* charge in accordance with the *Fees and Rates Bylaw* shall be levied and collected annually in advance from *owners* of *residential unit*.

6.3 Each *owner* or *occupier* of a *non-residential unit* that requires *City* provided *solid waste* collection shall:

- a) Apply to the *Director of Engineering* for services in writing;
- b) Be subject to the *Fees and Rates Bylaw*, and charges under the *Fees and Rates Bylaw* for the duration of service provision;
- c) Notify the *Director of Engineering* in writing upon request for cancellation of collection services at least thirty (30) calendar days prior to discontinuance of service.

6.4 A *solid waste* charge in accordance with the rates set out in the *Fees and Rates Bylaw* shall be levied and collected monthly or bi-monthly for services provided to *owners* of *non-residential units*.

6.5 Upon issuance of a building permit to construct a *single residential unit* building that will be serviced under this Bylaw, the *owner* of the subject unit shall pay, in advance, the per diem rates under the *Fees and Rates Bylaw* for the balance of the year following 180 days after building permit issuance.

6.6 Upon issuance of a permit for building occupancy of a *multiple residential unit* that will be serviced under this bylaw, the *owner* of the subject unit shall pay the rates under the *Fees and Rates Bylaw*.

6.7 For every *owner* of a *single residential unit* who receives *solid waste* services who is 65 years of age or older during the calendar year and who is the sole *occupier* of the unit may apply to the *Director of Engineering* to have services waived at 25% of the *solid waste* services rate set out in the *Fees and Rates Bylaw*.

PART 7 – DUTIES OF OWNERS AND OCCUPIERS

7.1 Every *owner* or *occupier* of a residential or *non-residential unit* shall:

- a) Separate *garbage*, yard waste, *food scraps* and *recyclable materials* and place them in the *collection cart* provided or *disposal bin* for their deposit without *contamination*;
- b) Deposit *garbage*, *recyclable materials* and *food scraps/yard trimmings* generated by the unit only into the appropriate *collection carts* or *disposal bin* supplied to that unit;
- c) Ensure that *recyclable materials* are clean and dry;
- d) Deposit *food scraps* only in loose form, or in kraft paper bags or wrapped in newspaper;
- e) Maintain all *collection carts* in a clean and sanitary condition and clean up any spillage;
- f) Maintain all *disposal bins* in a clean and sanitary condition, free of graffiti and odours;
- g) Prevent liquids or free water from being put or placed in or allowed to run into or accumulate in any *collection cart* or *disposal bin*;
- h) Keep all *collection carts* or *disposal bins* closed at all times with a water-tight lid;
- i) Keep all *disposal bins* stored outdoors or in a covered parking area locked or otherwise secured at all times;
- j) Set out only the amount of waste that will fit into a *collection cart* or *disposal bin* with the lid closed and so as not to exceed the weight limit specified on the *collection cart* or *disposal bin*;
- k) Notify the *Director of Engineering* if a *collection cart* is damaged or stolen;
- l) If a *collection cart* is stolen or damaged due to the neglect of an *owner* or *occupier*, reimburse the *City* for its costs of replacing or repairing the cart within 30 days of receipt of an invoice in accordance with rates set out in the *Fees and Rates Bylaw*;
- m) Refrain from disposing of any *solid waste* on a different *owner's* property without authorization.

7.2 Where the *owner* or *occupier* of a residential or *non-residential unit* that receives *City solid waste* services has not complied with any sections contained in this Bylaw, the *City* may at its discretion refuse to collect any or all *solid waste* from that unit.

PART 8 – LITTER PREVENTION

No person shall deposit or cause to be deposited any *solid waste*, *attractant*, or any other materials on any street, sidewalk, boulevard, park or other lands owned by the *City* or other public property or upon private property whether owned by that person or not, except in a receptacle or facility designed and intended for such use.

PART 9 - ACCESS TO COLLECTION CARTS AND DISPOSAL BINS

9.1 To inspect *solid waste* storage compliance, the *Director of Engineering Services* or the *City's* Bylaw Officer, are appointed to administer or enforce the provisions of this Bylaw and are hereby authorized to enter upon, at all reasonable times, any residential or *non-residential lot* for the purposes of ascertaining whether the provisions of this Bylaw are being complied with.

9.2 No person shall delay, hinder, obstruct, or prevent an employee, officer, or *City agent* from carrying out duties specified under Sections 9.1 of this Bylaw.

PART 10 – PLACEMENT OF COLLECTION CARTS AND DISPOSAL BINS

10.1 Every *owner* or *occupier* of a residential or *non-residential unit* that receives services under this Bylaw shall:

- a) store *collection carts* loaned to the *owner* of the unit within the property at all times;
- b) place *collection carts* on the curb or lane near the boundary of the property on collection day so that they do not impede pedestrian or vehicle traffic, or parked vehicles and with at least one (1) meter clear space on all sides of each collection container and three (3) metres of clear space above each receptacle; unless specifically authorized by the *Director of Engineering* to place *carts* elsewhere on *City* property;
- c) place *collection carts* out for collection prior to 7am on the collection day;
- d) return *collection carts* to their storage location no later than the end of the day of collection;
- e) refrain from placing *disposal bins* out on *City* property, unless specifically authorized by the *Director of Engineering Services*. If such an authorization is provided, on collection day, the *bins* may be permitted to be placed out for collection between 7:00am – 7:00pm;
- f) return *disposal bins* to their storage location no later than 60 minutes after collection.

PART 11 – GENERAL PROHIBITIONS

11.1 No person other than an *owner* or *occupier* of a residential or *non-residential unit* to whom a *collection cart* or *Disposal bin* has been issued, or a *collection crew*, shall remove the cover from the said *collection cart* or *Disposal bin* or add material to, remove or disturb the said *collection cart* or *Disposal bin* or the contents thereof.

11.2 Collection of *solid waste* is only permitted between the hours of 7:00am – 7:00pm.

PART 12– SEVERABILITY

Each provision of this Bylaw is severable from each other provision, and, if any provision is determined to be void or unenforceable in whole or in part, this determination shall not be deemed to affect or impair the validity of any other provision, unless a Court otherwise determines.

PART 13 - OFFENCE

13.1 Every person who contravenes a provision of this Bylaw, or who suffers, allows or permits any act or thing to be done in contravention of any provision of this Bylaw, or who

neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw.

13.2 Every violation shall be deemed to be a continuing, new and separate offence for each day during which the offence continues.

13.3 Any person who fails to take remedial action within a reasonable time of being advised by the *City's* Bylaw Officer that such action is necessary commits an offence against this Bylaw.

PART 14 – REPEAL OF PREVIOUS BYLAW

"New Westminster Garbage Bylaw No. 4111, 1965" and all amendments thereto are hereby repealed.

GIVEN FIRST READING THIS _____ day of _____ 2014.

GIVEN SECOND READING THIS _____ day of _____ 2014.

GIVEN THIRD READING THIS _____ day of _____ 2014.

ADOPTED and the Seal of the Corporation of the City of New Westminster affixed this _____ day of _____ 2014.

MAYOR

CITY CLERK