

CITY OF BURNABY

BYLAW NO. 12875

A BYLAW respecting solid
waste and recycling

The Council of the City of Burnaby ENACTS as follows:

1. This BYLAW may be cited as the **BURNABY SOLID WASTE AND RECYCLING BYLAW 2010**.
2. **DEFINITIONS**

In this BYLAW, unless the context otherwise requires,

- (1) "automated collection system" means the collection of garbage, yard waste, or food scraps using a specially designed vehicle with mechanical apparatus which empties a receptacle directly into the vehicle without requiring manual labour to empty the receptacle;
- (2) "blue box" means a container provided by the City for the deposit of recyclable materials;
- (3) "bulky item" means a household item which is larger than 1.2 metres in any one dimension or weighs in excess of 20 kilograms, including furniture of whatever size and weight as may be determined by the Engineer;
- (4) "City" means the City of Burnaby;
- (5) "commercial property" means a property in the City designated as being in a C District under the Zoning Bylaw;
- (6) "construction and demolition waste" means all rejected, abandoned or discarded material from the construction of or the partial or total demolition of a building or structure and includes earth, rocks, trees, stumps and debris from the excavation;
- (7) "collection day" means the day scheduled for collection of solid waste, yard waste, food scraps and recyclable material from a property in accordance with the schedule produced annually by the City or as directed by the Engineer from time to time;

- (8) “collection service” means a service for the collection of garbage, yard waste, food scraps, recyclable materials or other solid waste from a property;
- (9) “contamination” means the presence of hazardous waste or prohibited material, or the mixing of any two or more of the following items or materials:
 - (a) recyclable materials
 - (b) garbage
 - (c) yard waste and food scraps;
- (10) “disposal area” means an area, within or outside the boundaries of the City, designated by the City as a place where solid waste and obnoxious matter may be deposited or disposed of;
- (11) “dwelling” means a single family dwelling or each dwelling unit in a two family dwelling, as those terms are defined in the Zoning Bylaw;
- (12) “Engineer” means the City’s Director Engineering or the Engineer’s delegate;
- (13) “food scraps” means meat, poultry, fish, shellfish, bones, bread, dough, pasta, grains, eggs, dairy products, vegetables, fruit, coffee grounds filters, tea, food-soiled paper, but does not include liquids, grease and animal carcasses;
- (14) “garbage” means all waste other than food scraps, unless otherwise provided, yard waste, and recyclable materials but shall not include construction and demolition waste, landscape waste, hazardous waste or prohibited material;
- (15) “garbage receptacle” means a container provided to a dwelling or premises by the City or a private contractor to put garbage into;
- (16) “GVS & DD” means the Greater Vancouver Sewer and Drainage District;
- (17) “hazardous waste” means waste, natural or man-made, which is radioactive, toxic, pathogenic, corrosive or explosive, and any substance now or hereafter included in the definition of hazardous waste in the *Hazardous Waste Regulation* to the *Environmental Management Act* S.B.C. 2003, ch 53, or any other substance which constitutes or creates a health or safety risk;
- (18) “industrial property” means a property in the City designated as being in a M or B District under the Zoning Bylaw;
- (19) “institutional property” means a property in the City designated as being in a P District under the Zoning Bylaw;
- (20) “landscape waste” means earth, rocks, trees, stumps and debris, but does not include earth, rocks, trees, stumps and debris from an excavation;

- (21) "Metro Vancouver" means Metro Vancouver regional district and includes the Greater Vancouver Sewage and Drainage District and where the context requires the geographical region of the member municipalities of Metro Vancouver;
- (22) "multi-family property" means a property designated as being in an RM District under the Zoning Bylaw;
- (23) "municipal collection service" means the collection service operated by the City;
- (24) "obnoxious matter" means any offensive or unwholesome matter that may be germ or vermin infested, have an offensive odour, or be injurious to the health of a person handling it, and without limiting the generality of the foregoing includes animal wastes, acids, combustible material and similar matter;
- (25) "occupant" means a person who lawfully is in physical possession of or exercises dominion and control over a property, and includes the registered owner of the property and the agent of the owner or occupant;
- (26) "owner" means an owner as defined in the *Community Charter*;
- (27) "premises" means a multi-family, industrial, commercial, or institutional property;
- (28) "private contractor" means any person, firm or corporation that collects solid waste from premises within the City and includes all persons who dispose of waste from their own premises, but does not include employees of the City or persons, firms or corporation under contract with the City for the collection of solid waste;
- (29) "prohibited material" means any material defined as "Banned Recyclable Material" or "Prohibited Material" in the GVS&DD Tipping Fee and Solid Waste Disposal Regulation By-Law No. 250, 2009;
- (30) "receptacle" includes any container used for the collection of garbage, yard waste, food scraps or recyclable materials;
- (31) "recyclable material" means a product or substance no longer usable in its current state which can be diverted or recovered from solid waste and used in the processing or manufacture of a new product and, without limiting the foregoing, includes paper, cardboard, plastic or metal containers, household batteries (including rechargeable batteries) and materials recyclable under a product stewardship plan established under the *Recycling Regulation to the Environment Management Act*, S.B.C. 2003, ch. 53, and any other items designated as recyclable by the Engineer from time to time;

- (32) “recycling depot” means a facility constructed and operated by the City to enable recyclable materials, yard waste, food scraps and bulky items to be temporary stored;
- (33) “recycling receptacle” means a container provided to a dwelling or premises by the City or a private contractor for the deposit of recyclable materials and includes a blue box;
- (34) “remover” means any person authorized by the Engineer to remove solid waste;
- (35) “single family property” means a property on which there is a single family dwelling;
- (36) “solid waste” means waste that originates from residential, commercial, institutional, landscaping, demolition, land clearing or construction sources within the City;
- (37) “two family property” means a property on which there is a two family dwelling;
- (38) “waste” means discarded or abandoned materials, substances or objects;
- (39) “yard waste” means matter resulting from gardening or landscaping that is capable of being composted and includes grass, shrubs, tree branches, grass sod, flowers, weeds, leaves, vegetable stalks, and brush;
- (40) “yard waste receptacle” means a container provided to a dwelling or premises by the City or a private contractor for the deposit of yard waste and food scraps;
- (41) “Zoning Bylaw” means Burnaby Zoning Bylaw 1965.

3. For the purposes of this Bylaw any property:

- (1) which is designated as being in a CD (Comprehensive Development) District under the Zoning Bylaw shall be deemed to be designated as being in the R (Residential), RM (Multi Family Residential), C (Commercial), M or B (Industrial and Business Centre) or P (Public and Institutional) District upon which the CD zoning for that property is based; and
- (2) which is legally non-conforming as to use shall be deemed to be in the Zoning District that permits that use.

4. GENERAL

- (1) The Engineer is authorized to administer and enforce this Bylaw including the supervision, control and direction of the collection, removal and disposal of garbage, yard waste and recyclable materials from any property in the City.
- (2) The Engineer shall have the right to enter any property at all reasonable times for the purposes of administering this Bylaw and ascertaining whether the provisions of this Bylaw are being complied with.
- (3) Every owner or occupant of a property in the City which generates solid waste shall comply with the provisions of this Bylaw.
- (4) No owner or occupier of any property in the City shall cause or permit any waste to collect or accumulate on that property.
- (5) Every owner or occupant of a property in the City for which a municipal collection service or private contractor collection service is provided shall use one of those collection services.
- (6) Every owner or occupant of a property in the City for which a municipal collection service is not provided shall make adequate provision for collection and disposal of the solid waste that originates on that property in compliance with this Bylaw.
- (7) The City may establish, maintain and operate one or more recycling depots or disposal areas and may limit the kinds of solid waste or recyclable materials that may be deposited there.
- (8) No person shall remove, take or convert to their own use any garbage, yard waste or recyclable materials from a garbage receptacle, yard waste receptacle or a recycling receptacle except the owner or occupant of the property from which it is generated, the remover or a person providing the collection service at the request of the owner or the occupant.

5. RESIDENTIAL GARBAGE, YARD WASTE AND RECYCLABLE MATERIALS COLLECTION

The following provisions apply to single family and two family properties:

- (1) Any garbage receptacle, yard waste receptacle or blue box supplied by the City at no cost to the owner or occupant shall belong to the City and shall remain on the property.
- (2) A single family property shall have one garbage receptacle only. A two family property may have one garbage receptacle for each dwelling unit.

- (3) Every owner or occupier of a dwelling must recycle by placing recyclable materials into a recycling receptacle without contamination.
- (4) Every owner or occupier of a dwelling must place food scraps and yard waste into a yard waste receptacle without contamination.
- (5) No garbage or plastic bags shall be placed in a recycling receptacle or yard waste container.
- (6) Every owner or occupier of a dwelling shall:
 - (a) separate garbage, yard waste, food scraps, and recyclable materials and place them in the receptacle provided for their deposit without contamination;
 - (b) only use the garbage receptacle, yard waste receptacle and blue box supplied by the City to deposit garbage, yard waste, food scraps and recyclable materials;
 - (c) at all times maintain all receptacles supplied by the City in a clean and sanitary condition, without overflow and free from any liquids;
 - (d) except as provided in subsections (f) and (h), keep the garbage receptacle, yard waste receptacle and blue box securely stored on the property at all times;
 - (e) place the garbage receptacle, yard waste receptacle and blue box on collection day so that they may be conveniently handled from ground level and readily accessible to the remover with at least one (1) meter clear space on all sides of each receptacle and three (3) meters of clear space above each receptacle;
 - (f) place the garbage receptacle, yard waste receptacle and blue box, at the collection point no earlier than 8:00 p.m. on the day before collection day and no later than 7:00 a.m. on the collection day;
 - (g) place the garbage receptacle, yard waste receptacle and blue box near the boundary of the property so that they do not impede pedestrian or vehicle traffic;
 - (h) ensure that empty receptacles and uncollected garbage, recyclable materials, food scraps and yard waste are removed from the collection point no later than 10:00 p.m. on the collection day;
 - (i) ensure that garbage is bagged before being placed in the garbage receptacle.

- (7) The Engineer may for any dwelling specify a collection point at which the garbage receptacle, yard waste receptacle and blue box must be placed.
- (8) Any garbage receptacles, yard waste receptacles or recycling receptacles not supplied by the City must be compatible with the automated collection system and shall otherwise be approved by the Engineer.
- (9) An owner or occupier may place not more than three bulky items for pickup on collection day provided that the owner or occupier has contacted the City's Sanitation Department in advance to make arrangements for the pickup of that bulky item. The bulky item shall be placed at the collection point or as otherwise directed by the Engineer.

6. MULTI FAMILY GARBAGE YARD WASTE AND RECYCLABLE MATERIALS COLLECTION

The following provisions apply to multi family properties:

- (1) Every owner or occupier of a premises shall:
 - (a) separate garbage and food scraps, yard waste, and recyclable materials and deposit them in the appropriate receptacle without contamination;
 - (b) use only a garbage receptacle, yard waste receptacle and recycling receptacle to deposit garbage, yard waste, food scraps and recyclable materials;
 - (c) at all times maintain all receptacles in a clean and sanitary condition, without overflow and free from any liquids;
 - (d) keep all receptacles securely stored on the property except on collection day;
 - (e) place the garbage receptacle, yard waste receptacle and recycling receptacle only at a collection point approved or directed by the Engineer.
- (2) Every owner or occupier of a premises must recycle by placing recyclable material into a recycling receptacle without contamination.
- (3) Every strata council of a strata titled multi-family residence and owner of a non-strata titled multi-family residence shall:

- (a) provide written information to new residents, employees and contractors and at least annually to all existing residents, employees and contractors on how to separate and deposit garbage, yard waste and recyclable materials into the appropriate receptacles;
- (b) post signage with information on separating garbage, yard waste and recyclable materials on the premises and in the recycling storage space;
- (c) provide storage for bulky items on site for collection.

7. INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL GARBAGE, YARD WASTE AND RECYCLABLE MATERIALS COLLECTION

Every owner or occupier of an industrial, commercial or institutional property shall:

- (a) separate garbage and food scraps, and recyclable materials;
- (b) maintain all receptacles in a clean sanitary condition, without overflow and free from any liquids at all times;
- (c) keep all waste receptacles securely stored on the property except on collection day; and
- (d) provide written information to new tenants, employees and contractors and at least annually to all existing tenants, employees and contractors regarding the requirements of the GVS&DD Tipping Fee and Solid Waste Disposal Regulation By-law.

8. LITTER MANAGEMENT

No person shall deposit or cause to be deposited any waste, garbage or material 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.

9. CHARGES AND FEES

- (1) Every owner of a single-family property or two-family property shall be charged an annual charge for the municipal collection service as set out in Part E of Schedule A to this Bylaw which shall be due and payable at the same time and in the same manner as property taxes.
- (2) Every owner of a multi-family property, commercial property, industrial property or institutional property to which the City provides a municipal collection service shall pay the applicable charges set out in Parts A and B of Schedule A of this Bylaw. Charges shall be billed monthly in respect of the preceding month and are due and payable within 30 days from the date of the billing.
- (3) Every person who deposits yard waste at a disposal area designated by the City for the disposal of yard waste shall pay the charges set out in Part C of Schedule A of this Bylaw.
- (4) Replacement garbage receptacles and extra or replacement yard waste receptacles may be purchased from the City at the price set out in Part D of Schedule A of this Bylaw.
- (5) Any charge imposed under this Bylaw, other than one imposed under subsection (1), shall be subject to interest if unpaid after the due date. Interest shall be at the rate of 2% per month, calculated monthly and not in advance.
- (6) Any fee or charge imposed by this Bylaw which is unpaid on December 31, is deemed to be taxes in arrear and may be collected in the same manner and with the same remedies as ordinary taxes on the property.

10. SEVERABILITY

If any section or part of the of this Bylaw is held to be invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been enacted and adopted without the severed portion.

11. OFFENCE

- (1) Every person who contravenes a provision of this Bylaw, suffers or permits any act or thing to be done in contravention of any provision of this Bylaw or neglects to do or refrains from doing anything required to be done by any provision of this Bylaw is guilty of an offence.
- (2) Every violation of this Bylaw shall be deemed to be a continuing, new and separate offence for each day during which the offence continues.

- (3) Any person guilty of an offence under this Bylaw shall be liable, upon summary conviction, to the penalties provided for in the *Offence Act*.

12. **REPEAL**

Burnaby Solid Waste Bylaw, 1981 is repealed.

Read a first time this 22nd day of November, 2010

Read a second time this 22nd day of November, 2010

Read a third time this 22nd day of November, 2010

Reconsidered and adopted this 6th day of December, 2010


Mayor


City Clerk

SCHEDULE A

A. Multi-family, institutional, commercial and industrial rates for garbage receptacles (rates are subject to HST)

Municipal Receptacle	Type	Rent Per Month	Pick-up Charges	Non-Scheduled Pick-Ups
6 cu.yd	Skids Only	\$26.00	\$51.50 ⁽¹⁾	\$58.00
4 cu.yd.	Castors	\$25.00	\$40.00 ⁽¹⁾	\$46.00
	Skids	\$25.00	\$40.00 ⁽¹⁾	\$46.00
3 cu.yd. Or less	Castors	\$24.00	\$34.00 ⁽¹⁾	\$40.00
	Skids	\$24.00	\$34.00 ⁽¹⁾	\$40.00
180L or, 240L	Toter	\$10.00	\$6.50	Not available
360L	Toter	\$10.00	\$8.50	Not available

(1) First pick-up each week is free with rental of receptacle for multi-family co-operatives and strata titled developments.

B. Multi-family, institutional, commercial and industrial rates for recycling receptacles (rates are subject to HST)

Municipal Receptacle and Type	Rent per month (no disposal fee)
Cardboard container- 3, 4 or 6 cu.yd.	\$20.00 ⁽²⁾
Recycling toter- mixed paper, newspaper or mixed containers	\$6.00 ⁽²⁾

(2) Recycling services only available to customers with an existing City garbage account

C. Burnaby Yard Waste Depot charges:

- (1) \$63 per tonne, inclusive of HST
- (2) no minimum charge
- (3) no fee for a resident of Burnaby with a load of 100 kg or less (limit of one free visit per day)

D. Cost for purchase/replacement of new receptacles is outlined in the table below. A \$25 service fee is also payable in addition to the replacement cost.

Garbage and Yard Waste Container Replacement Costs	
Garbage/Yard Waste Container Size	Replacement Cost (Includes HST)
120 L (available for garbage container only)	\$65.00
180 L	\$75.00
245 L	\$85.00
360 L	\$95.00

SCHEDULE A

E. Annual charge for single and two family residential garbage collection based on garbage receptacle volume.

Garbage Container Sizes and Garbage Collection Costs	
Container Size (litres)	Collection Costs
120	\$40/year/property credit (applied to property taxes)
180	Default size; no charge
245	\$110/year/property charge
360	\$275/year/property charge