

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 3282

A BY-LAW to provide for establishing, constructing, maintaining and operating a public incinerator and for the operation and control of a system of collection and disposal of garbage, ashes, household and trade waste, and for establishing a scale of charges for scavenging.

WHEREAS under the Municipal Act and Amending Acts the Council of the District of Burnaby has power to make By-laws for establishing, constructing, maintaining and operating a public incinerator and for compelling owners or occupiers of lands or premises to have brought to such public incinerator (inter alia) noxious, offensive or unwholesome matter or substance; AND further to appoint scavengers and prescribed their duties, and to establish a scale of charges for garbage collection and disposal.

AND WHEREAS pursuant to the said powers and all other powers them enabling, the Council has determined to inaugurate, maintain, equip and operate a system of garbage collection and disposal including an incinerator, within the Municipality, and for such purposes to set up a Scavenging Department under the control and direction of the Municipal Engineer subject to the general supervision of the Council.

The Reeve and Council of the District of Burnaby in open meeting assembled accordingly ENACTS as follows:

Interpretation

1. In this By-law unless the context otherwise requires:
 - (a) "Dwelling" means any building or place occupied or used as a dwelling place or abode or place of living by not more than two families, but does not mean or include any apartment house, hotel, licensed boarding house, licensed tenement-house, licensed rooming house, cabins or terrace of

houses respectively under the same roof, or any room or suite of rooms in any building containing any trade premises, or dwelling situated on same parcel of land together with trades premises, or any building in which more than two families live, abide or dwell.

(b) "Apartment House" shall mean a building which is, or is intended to be, occupied as a habitation or place of residence by more than two families living independently of one another upon the same premises; and shall also include hotel, licensed tenement-house, licensed lodging house, licensed rooming house, licensed boarding house, row of cabins, terrace of houses, and any habitation or place of residence where more than two families live, abide or dwell. Notwithstanding anything contained in the above, "apartment house" shall also include any living room or suite of rooms in any building containing any trade premises irrespective of the number of families living, abiding or dwelling therein.

(c) "Trade premises" means any warehouse, factory, storage yard, store, dump, cafe, eating house, wholesale or retail business place or office-block and any building other than a dwelling or apartment house.

(d) "Garbage" means and includes any and all rejected, abandoned or discarded waste or vegetable or animal food, floor sweeping, crockery, glass or metal ware having contained food, but does not include, grass, trees, hedge clippings, or other garden refuse or rubbish.

(e) "Ashes" means ashes, cinders and the remains of any fuel after such fuel has been consumed by fire; and shall be deemed to include metal tins, bottles, crockery and glass not having contained food.

(f) "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, sawdust, and all inflammable materials of a like nature other than garbage and ashes.

(g) "Household Waste" means general rubbish or an accumulation of waste or discarded materials or things of any kind or nature other than garbage, ashes or trade waste as hereinbefore defined.

(h) There shall be excepted from the foregoing expressions "ashes", "household waste" and "trade waste" all noxious, offensive and unwholesome matter or substance which is or might be or become by reason of being ermin or germ infected, dangerous to health, or which, by reason of offensive odour, is obnoxious; and which excepted matter or substance is herein defined as "noxious matter".

(i) "Householder" shall mean any person occupying any dwelling, habitation or place of residence in the Municipality, but shall not include any person who is merely a boarder, roomer or lodger therein or the occupant of any apartment house.

(j) "Owner of an apartment house" shall mean and include the agent of such owner.

2. The Council shall maintain and operate a system of garbage collection and disposal within the Municipality; and the same shall be under the control and direction of the Municipal Engineer, but subject to the general supervision of the Council.

3. Every householder and every owner of an apartment house and every person who occupies any trade premises shall provide and maintain in good and efficient order and repair for such dwelling, apartment house and trade premises occupied or owned by him, galvanized iron receptacles or receptacles approved by the Engineer of this Corporation (circular in design, and provided with a good sufficient and water-tight cover) each of a capacity of two and one-half cubic feet, and having a diameter of not more than twenty-four inches, sufficient in number at all times to contain all garbage, ashes, trade waste and household waste from such

dwelling, apartment house or trade premises.

4. A sufficient number of such receptacles shall at all times be so provided and kept by such householder, and every owner of any apartment house and trade premises and maintained for garbage and for nothing else, and a sufficient number of such receptacles shall at all times be kept and maintained by such householder and every owner of any apartment house and trade premises for ashes and for nothing else. Suitable receptacles must also be provided for household waste and trade waste where necessary and if any such waste is of such a nature as not to admit of its being placed in a convenient receptacle, then such waste shall be deposited in a careful manner convenient for handling at the places where the receptacles for garbage and ashes are usually placed. Provided further that in the case of apartment houses and trade premises, the owner's name shall be painted on all garbage cans.

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

6. All receptacles shall be placed so as to be conveniently handled from ground level and readily accessible from the street, side or rear entrance of such dwelling, apartment house or trade premises.

7. Where a lane is provided in the block, such receptacles shall be placed and maintained at and readily accessible from such lane, either by a gate, door or entrance on the ground level which gate, door or entrance shall, between the hours of 8 a.m. and 5 p.m. on week days, be kept unlocked or unfastened.

8. Where there is no lane as mentioned in the preceding section, all garbage, ashes, household and trade waste in

cans, as hereinbefore mentioned, shall be placed in a suitable location on the premises as designated or ordered by the Municipal Engineer.

9. In case such receptacles are enclosed in any separate shed or housing then, if there be a lane, such shed or housing shall be built to comply with the Building By-law. 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 opening may be installed provided that when opened, the said doors shall not encroach upon or overhang the lane. On the side remote from 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.

10. In case there is no such lane, and where such receptacles are enclosed in a separate shed or housing, as aforesaid, then such shed or housing shall contain doors opening from some side thereof, whereby the receptacles may be conveniently emptied, and a lift door at the top through which garbage or ashes may be deposited in such receptacles.

11. 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 size and kind to enable any employee of the Municipality to carry any such receptacles through same to the street.

12. 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 hereinbefore required to be provided for same.

13. All waste material which is not garbage, ashes, household waste or trade waste as defined in this By-law

required to be removed, 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.

14. All receptacles used as containers for garbage, ashes, household or trade waste and any separate shed or housing used as a cover for such retainers, shall at all times be kept in a good condition and accessible for inspection at all reasonable hours, and when any receptacle has been condemned by the Municipal Engineer or some person authorized by him, as unfit for the purpose, after due notice such receptacle shall be removed, along with the garbage, ashes, household or trade waste and such householder, owner of apartment house or occupier of trade premises shall forthwith provide a suitable and sanitary receptacle in its place.

15. Notwithstanding anything hereinbefore set out in the case of all buildings, other than a dwelling as hereinbefore described, the ashes, garbage, household or trade waste of or from which shall amount to more than five (5) cubic feet per week, the receptacle or receptacles for such ashes or garbage, household waste or trade waste, may be of such other shape, nature, capacity and design as the Municipal Engineer may approve, and shall be placed and located in such places as the Municipal Engineer shall, on application being made in writing to him, approve and designate but otherwise all the provisions of this By-law shall apply to the case of any such building.

16. Garbage disposal services shall be as follows:
In the case of a dwelling, a regular bi-weekly service.

In the case of trade premises and apartment houses, service shall be twice weekly or as often as possible to keep establishments in a clean and sanitary condition.

17. (a) No charge shall be made in respect of each dwelling, except where a special pick-up is requested by the property owner or the householder, and/or, where four or more garbage cans are in use. Provided, however, that where a parcel of land having a dwelling or living quarters located on it together with a trade premises, whether attached or detached, the whole of the property shall be classed as "Trade Premises" and the rates hereinafter provided shall apply.

(b) In respect of garbage, ashes, household waste or trade waste removed from any apartment house or trade premises, there shall be payable at the option of the Engineer, the rate of 15¢ per each regulation garbage can or a rate of \$1.60 per cubic yard, or a time rate of \$6.25 per hour during which the scavenger is engaged in loading up such household waste or trade waste.

18. The Municipality may construct and maintain and operate a public incinerator.

19. Every person desirous of having any cremating work done by the Municipality shall pay the fees and charges as hereinafter provided. No garbage shall be removed by the Municipality to the incinerator unless such garbage is placed so that it is free from and unmixed with ashes, liquids or other non-combustible materials. The following shall be the fees and charges for cremating:

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| Horses | \$5.00 |
| Calves, pigs, sheep and goats | 2.00 |
| Cows | 4.00 |
| Dogs or cats, if picked up on notification by owner of such dog, or cat | 1.00 |
| Dogs or cats if delivered to incinerator | .50 |
| Decayed fruit and vegetables, 100 lbs. | .50 |
| Fish, 100 lbs. | .50 |
| Slaughter house offal, 100 lbs. | .50 |
| Meat, 100 lbs. | .50 |
| Eggs, 100 lbs. | 1.00 |
| Canned goods, 100 lbs. | 1.00 |
| Milk or Cream, 100 lbs. | 1.00 |
| Loose refuse, such as shavings, paper, bones, etc., 100 lbs. | .10 |
| Manure, dry 100 lbs. | .10 |
| Manure, wet, 100 lbs. | .20 |
| Other noxious matter, 100 lbs. | 1.00 |

20. (a) The Municipality shall not accept at the incinerator loads containing anything except garbage, as defined in Section 1 hereof, combustible or inflammable material and noxious matter.

(b) No person shall place or mix with any material for delivery to the incinerator any explosive substances whatever.

21. No matter or substance hereinbefore specifically defined as "noxious matter" shall be kept exposed or retained upon any land or in or upon any premises whatsoever whether public or private within the Municipality and the owners or occupiers of any land or premises whereon any such noxious matter shall be or be found shall forthwith deposit or place the same in a galvanized iron receptacle or container with a properly fitting lid and shall cause the same to be brought to the public incinerator and shall pay for the cremating thereof the fees and charges hereinbefore provided. Provided nevertheless, that if such person establishes to the satisfaction of the Engineer and Sanitary Inspector that such noxious matter is not his property nor was produced by him but was merely found upon his land and premises, no fees shall be charged in respect of such cremating.

22. Every person who violates any of the provisions of this By-law, or who suffers or permits any act or thing to be done, maintained or continued in contravention or in violation of any of the provisions of this By-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law, or who does, maintains or continues any act which violates any of the provisions of this By-law, shall be deemed to be guilty of an infraction thereof, and liable to the penalties hereby imposed.

23. Every householder and every owner of an apartment house, or if such apartment house is leased by the owner, then the lessee of such apartment house and every occupier of trade

premises shall be liable for, and shall pay the respective charge or charges imposed and payable under this By-law. Accounts for such charge or charges shall be rendered monthly or quarterly at the option of the Collector of the Corporation, and shall be due and payable immediately upon the rendering of such account, and shall be a debt due to the Municipality recoverable by action in any Court of competent jurisdiction in that behalf, together with interest thereon and the costs thereof. The charges payable as aforesaid by the owner or occupier of any land or premises under this By-law, if unpaid on the 31st day of December in any year shall be added to and form part of the taxes payable in respect of that land or premises and shall be entered upon the Collector's Roll as taxes in arrears.

24. After the coming into effect of this By-law, no person or persons shall collect or remove or dispose of any ashes, garbage, household waste or trade waste from any building in the Municipality, unless authorized by the Municipality in writing so to do, and any person so collecting or removing or disposing any such ashes, garbage, household waste or trade waste without such permission shall be guilty of an infraction of the provisions of this By-law and shall be liable to the penalties hereby imposed. Provided that notwithstanding the provisions of this paragraph, any person may, subject to the approval of the Municipal Engineer, deposit at the Municipal Dump, ashes, garbage, household waste or trade waste, upon payment of a fee of Fifty cents per truck load, which fee shall be paid to the Collector of the Corporation prior to the said ashes, garbage, household waste or trade waste being deposited.

25. Any person guilty of an infraction of this By-law shall upon conviction thereof before the Reeve, Police Magistrate or any two Justices of the Peace, or other Magistrate

or Magistrates having jurisdiction in the Municipality of Burnaby, on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Reeve, Police Magistrate, Justices or other Magistrate or Magistrates convicting, a fine or penalty not exceeding the sum of One hundred dollars and costs for each offence, and for each and every day during which such offence shall be continued; and in default of payment thereof forthwith, it shall be lawful for such Reeve, Police Magistrate, Justices or other Magistrate or Magistrates convicting as aforesaid to issue a warrant under his or their hand and seal to levy the said fine or penalty and costs, or costs only, by distress and sale of the offender's goods and chattels; and in case of no distress or no sufficient distress found to satisfy the said fine or penalty, it shall and may be lawful for the Reeve, Police Magistrate, Justices or other Magistrate or Magistrates convicting as aforesaid, to commit the offender to the common gaol or any lock-up house in the Municipality of Burnaby for any period not exceeding two months (with or without hard labour) unless the said fine or penalty be sooner paid.

26. The following By-laws are hereby repealed:

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| By-law No. 1949 | "Burnaby Incinerator and Garbage Disposal By-law 1947" |
| By-law No. 1968 | "Burnaby Incinerator and Garbage Disposal By-law 1947 Amendment By-law 1947" |
| By-law No. 2011 | "Burnaby Incinerator and Garbage Disposal By-law 1947 Amendment By-law 1948" |
| By-law No. 2096 | "Burnaby Incinerator and Garbage Disposal By-law 1947 Amendment By-law 1949" |
| By-law No. 3096 | "Burnaby Incinerator and Garbage Disposal By-law 1947 Amendment By-law 1951" |

27. This By-law may be cited as the "BURNABY INCINERATOR AND GARBAGE DISPOSAL BY-LAW 1953".

DONE AND PASSED in Open Council on the Ninth (9th)
day of February, A. D. 1953.

RECONSIDERED AND FINALLY PASSED this Sixteenth (16th)
day of February, A. D. 1953.



W. R. Beaman
REEVE

Charles B. Brown

CLERK