

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 5174

A BY-LAW to provide for the operation, control and maintenance of a system of collection and disposal of Refuse, Landscape Refuse, and Construction and Demolition Refuse in the Municipality of Burnaby

The Council of The Corporation of the District of Burnaby **ENACTS** as follows:

1. This By-law may be cited as the "BURNABY REFUSE BY-LAW, 1967".

2. In this By-law, unless the context otherwise requires:

(1) "Ashes" means the residue or remainder of any substance, matter or thing after same has been consumed by fire, but does not include soot;

(2) "Collector" means the person appointed by the Council as Municipal Collector and includes any person or persons designated by him to act on his behalf;

(3) "Commercial Premises" means any building or structure which is used or occupied for the purpose of a business or a commercial undertaking and includes schools, kindergartens, rest homes, apartment houses, hotels, motels, lodging houses and similar premises.

(4) "Commercial and Industrial Receptacle" means a circular, galvanized, iron or plastic container, having:

- (a) an opening at the top of not less than 16" in diameter, tapering towards the bottom, which said bottom shall not be less than 14" in diameter;

- (b) a capacity not exceeding five cubic feet; ✓
- (c) two handles on the outside of said container near the top (one directly opposite the other); ✓
- (d) a total gross weight when full of not more than 100 lbs ✓
- (e) a watertight, removable cover. ✓

(5) "Construction and Demolition Refuse" means all rejected, abandoned or discarded waste or debris from the construction of or the partial or total demolition of a building, structure or similar thing;

(6) "Council" means the Municipal Council of the Corporation of the District of Burnaby;

(7) "Corporation" means The Corporation of the District of Burnaby;

(8) "Depositor" means a person authorized by the Engineer to deposit any Refuse, Construction and Demolition Refuse, Landscape Refuse, matter or thing on the Disposal Area; ✓

(9) "Disposal Area" means an area or areas, within or without the Municipality, designated by the Corporation as a place where Refuse, Construction and Demolition Refuse, Landscape Refuse and all noxious, offensive or unwholesome substances may be deposited or disposed of;

(10) "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;

(11) "Engineer" means the person appointed by the Council as Municipal Engineer and includes any person or persons designated by him to act on his behalf;

(12) "Garbage" means any waste or discarded food, and waste and discarded animal and vegetable matter;

(13) "Garden Refuse" means any weeds, leaves, grass, plant and shrubbery cuttings;

(14) "Household Receptacle" means a circular, galvanized, iron or plastic container, having:

- (a) an opening at the top of not less than 16" in diameter, tapering towards the bottom, which said bottom shall be not less than 14" in diameter;
- (b) a capacity not exceeding  $2\frac{1}{2}$  cubic feet;
- (c) two handles on the outside of said container near the top (one directly opposite the other);
- (d) a total gross weight when full of not more than 75 lbs.;
- (e) a watertight, removable cover.

(15) "Industrial Premises" means any building or structure which is used or occupied for the purpose of an industrial undertaking;

(16) "Landscape Refuse" means any earth, rocks, trees, stumps and debris, but does not mean or include earth, rocks, trees, stumps and debris from an excavation;

(17) "Municipal Receptacle" means any 1, 2 or 3 cubic yard receptacle provided by the Corporation for any purpose of this by-law and so constructed that it can be emptied mechanically by the Corporation's refuse collection motor vehicles;

(18) "Municipality" means The Corporation of the District of Burnaby;

(19) "Obnoxious Matter" means any offensive or unwholesome matter which may be germ or vermin infested or have an offensive odour or may be injurious to the health of a person handling same, or injurious to vehicles transporting same, and without limiting the generality of the foregoing, includes soot, acids, combustible material and similar things;

(20) "Occupier" means any person occupying any Dwelling or Commercial or Industrial Premises in the Municipality, but shall not include any person who is a boarder, roomer, lodger or occupier of an apartment;

(21) "Owner" means any person registered in the books of the Land Registry Office as owner of land or of any charge on land, whether entitled thereto in his own right or in a representative capacity or otherwise;

(22) "Person" means any person, firm, corporation, partnership, or party, and the heirs, executors, administrators, or other legal representative of same to whom the context could apply according to law;

(23) "Refuse" means Ashes, Garbage, Rubbish and Garden Refuse;

(24) "Remover" means any person authorized by the Engineer to remove Refuse, Construction and Demolition Refuse, and Landscape Refuse;

(25) "Rubbish" means any waste and abandoned material, paper, glass and metal containers, cardboard, glass, crockery, boxes, packing cases, wrapping material, floor sweepings, magazines and similar things;

(26) "Special Receptacle" means a receptacle approved in writing by the Engineer for use by the Owner or Occupier of Commercial or Industrial Premises;

(27) "Treasurer" means the person appointed by the Council as Municipal Treasurer and includes any person or persons designated by him to act on his behalf.

All other words, phrases, or expressions used in this By-law shall be construed, if not inconsistent with the context as it appears herein, as having the same respective meanings as in the Municipal Act, R.S.B.C., 1960.

3. The Engineer shall operate, control and maintain, within the Municipality, a system of collecting and disposing of Construction and Demolition Refuse, Landscape Refuse and Refuse.

4. Every Owner or Occupier of a Dwelling shall provide and maintain in good and substantial order and repair a Household Receptacle or Receptacles, sufficient in number at all times to contain all Refuse from such dwelling. Every Owner

or Occupier of a Dwelling shall deposit all Refuse from such dwelling in a Household Receptacle or Receptacles, and all such receptacle or receptacles shall at all times be kept on the premises of or connected with such dwelling and shall be so placed as to be conveniently handled from ground level and readily accessible to the Remover from the front, side, or rear entrance of such premises, 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.

5. Every Owner or Occupier of Commercial or Industrial Premises shall provide and maintain in good and substantial repair a Commercial and Industrial Receptacle or Receptacles, a Municipal Receptacle or Receptacles, or a Special Receptacle or Receptacles sufficient in number at all times to contain all Refuse from such commercial or industrial premises. Every such receptacle shall have the Owner's or Occupier's name and address clearly printed thereon. Every Owner or Occupier of a Commercial or Industrial Premises shall deposit all Refuse from such commercial or industrial premises in a Commercial or Industrial Receptacle or Receptacles, a Municipal Receptacle or Receptacles, or a Special Receptacle or Receptacles, and all such receptacle or receptacles shall at all times be kept on the premises of or connected with such commercial or industrial premises and shall be so placed so as to be conveniently handled from ground level and readily accessible to the Remover from the front, side or rear entrance of such 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. Where premises abut on a lane all Household Receptacles, Commercial and Industrial Receptacles, Municipal Receptacles and Special Receptacles shall be readily accessible from the lane by either a gate, door or entrance on ground level and said receptacles shall be located no further than 20 feet from such gate, door or entrance.

7. Where premises do not abut on a lane all Household Receptacles, Commercial and Industrial Receptacles, Municipal Receptacles and Special Receptacles shall be readily accessible.

from the street and such receptacles shall be located no further from the street than the rear line of the Dwelling or Commercial or Industrial Premises.

8. Where Household Receptacles, Commercial and Industrial Receptacles, Municipal Receptacles and Special Receptacles are enclosed in a separate shed or housing, such shed or housing shall be at ground level and shall have an opening through which such receptacles may be conveniently and quickly removed by the Remover.

9. Rubbish and Garden Refuse which cannot fit into a Household Receptacle or a Commercial or Industrial Receptacle shall be securely tied in bundles or put into waterproof containers and deposited next to the said receptacles for collection by the Remover. The said bundles or containers shall have no side greater than 36".

10. The Owner or Occupier of Commercial or Industrial Premises may, with the approval of the Engineer, deposit Refuse from said Commercial or industrial premises in a Municipal Receptacle or Receptacles. The Owner or Occupier of Commercial or Industrial Premises shall pay to the Corporation for the use of the said receptacle or receptacles the sum set out in Schedule "A" hereto.

11. Where Refuse from Commercial or Industrial Premises cannot, due to the volume or character of such refuse, be deposited in Commercial or Industrial Receptacles, the Owner or Occupier of Commercial or Industrial Premises may deposit such refuse in Special Receptacles or on the premises in an area approved in writing by the Engineer. The Engineer shall not issue such approval until he is satisfied that the said area is properly covered, of a sufficient size and accessible to the Remover from the front, side or rear. The Owner or Occupier of Commercial or Industrial Premises shall pay to the Corporation for the removal of such refuse the sum set out in Schedule "B" hereto.

12. No person shall deposit in any Household Receptacle, Commercial or Industrial Receptacle, Municipal Receptacle or Special Receptacle, any explosive or obnoxious matter, Construction and Demolition Refuse, Landscape Refuse, liquids semi-liquids or free water.

13. No person shall deposit any Garbage in a Household Receptacle, a Commercial or Industrial Receptacle, Municipal Receptacle or Special Receptacle until such garbage has been drained of all liquid and wrapped in paper or similar material.

14. No liquids, semi-liquids, free water or obnoxious matter shall be put or placed in, allowed to run into, accumulate in or remain in any Household Receptacle, Commercial and Industrial Receptacle, Municipal Receptacle, or Special Receptacle, and all such receptacles shall be kept at all times securely covered with a watertight cover.

15. Refuse, which cannot in the opinion of the Engineer be reasonably handled, shall not be collected by the Remover.

16. No employee of the Corporation shall, unless specifically authorized in writing by the Engineer, enter any Dwelling or Commercial or Industrial Premises for the purpose of collecting or returning any Household Receptacle, Commercial or Industrial Receptacle, Municipal Receptacle or Special Receptacle.

17. All Household Receptacles, Commercial and Industrial Receptacles and Special Receptacles shall at all times be kept in good condition and repair. When any such receptacle has been condemned by notice in writing by the Engineer, the Owner or Occupier of a Dwelling, or Commercial or Industrial Premises shall forthwith replace such condemned receptacle or have same replaced with a receptacle conforming to the provisions of this By-law. One week after such notice has been mailed to such owner or occupier such condemned receptacle will not be emptied by the Corporation.

18. No person other than an Owner, Occupier or Remover shall remove any cover from any Household Receptacle, Commercial and Industrial Receptacle, Municipal Receptacle or Special Receptacle or remove or disturb the contents thereof or remove or disturb any Refuse, Landscape Refuse or Construction and Demolition Refuse.

19. Every Owner or Occupier of a Dwelling shall, at least once in every seven days, cause to be removed, all Refuse, Landscape Refuse and Construction and Demolition Refuse, of and from all Dwellings owned or occupied by him.

20. Every Owner or Occupier of a Commercial or Industrial Premises shall, at least once in every seven days, cause to be removed, all Refuse, Landscape Refuse and Construction and Demolition Refuse, of and from all Commercial and Industrial Premises owned or occupied by him.

21. The Remover may, if authorized so to do by the Engineer, collect all Refuse from a Dwelling. The Owner or Occupier of a Dwelling shall not pay for the first three Household Receptacles collected by the Remover but shall pay to the Corporation for every Household Receptacle over three collected by the Remover the sum set out in Schedule "B" hereto.

22. The Remover may, if authorized so to do by the Engineer, collect all Construction and Demolition Refuse and Landscape Refuse from a Dwelling provided that such refuse emanates from such dwelling or the land pertaining thereto and provided further that the Owner or Occupier of such dwelling is doing the construction, reconstruction, demolition or landscaping. The Owner or Occupier of such dwelling shall pay to the Corporation for such removal the sum set out in Schedule "B" hereto. If the construction, reconstruction, demolition or landscaping is being done by someone other than the Owner or Occupier of such dwelling, such person shall, at least once in every seven days, remove or cause to be removed all Landscape Refuse, & Construction and Demolition Refuse from such dwelling.



23. The Corporation may construct, maintain and operate a public incinerator.

24. The Corporation may establish, maintain and operate a Disposal Area.

25. Any person may, upon obtaining the authorization of the Engineer and paying to the Corporation the sum set out in Schedule "C" hereto, deposit at the Disposal Area any Refuse, Construction and Demolition Refuse or Landscape Refuse. Payments for depositing at the Disposal Area shall be paid at the time of depositing unless otherwise authorized by the Treasurer.

26. The Engineer may refuse to authorize the depositing of any Refuse, Construction and Demolition Refuse, Landscape Refuse, or any other matter or thing at the Disposal Area if, in his opinion, such refuse, construction and demolition refuse, landscape refuse, matter or thing has been collected outside the Municipality or is or may be detrimental to the safety, health or interest of any person, property or thing or is or may be detrimental to the Corporation.

27. Every Owner or Occupier of a Dwelling and every Owner or Occupier of Commercial or Industrial Premises shall be liable for, and shall pay, the respective charge or charges imposed and payable under this by-law, and such charge or charges shall become due and payable immediately upon the collection of any Refuse, Landscape Refuse or Construction and Demolition Refuse and shall be a debt due to the Corporation recoverable by action in any Court of competent jurisdiction in that behalf, together with interest thereon and the costs in respect thereof. The charge or charges, payable as aforesaid, unpaid on the 31st day of December in any year shall be deemed to be taxes in arrears in respect of that property and shall forthwith be entered on the real property tax roll by the Collector as taxes in arrears.

28. Every person who offends against any of the provisions of this by-law, or who suffers or permits any act or thing

to be done 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 any act or thing which violates any of the provisions of this by-law, shall be deemed to be guilty of an infraction of this by-law and shall be liable to the penalties thereby imposed. Every infraction shall be deemed to be a continuing, new and separate offence for each day during which the same shall continue.

30. Any person guilty of an infraction of this by-law shall be liable, upon summary conviction, to a fine or penalty not exceeding \$500.00 and costs, and in default of payment, to imprisonment for a term not exceeding sixty days.

31. In reckoning time for the purpose of this by-law, any period of time expressed in days shall be exclusive of Saturday and any holiday as defined by the "Interpretation Act".

32. By-law No. 3282 known as the "BURNABY INCINERATOR AND GARBAGE DISPOSAL BY-LAW 1953" and all By-laws amending the said By-law are hereby repealed.

33. This By-law shall come into force and take effect upon the adoption thereof.

Read a first time this 31st day of July, 1967.

Read a second time this 31st day of July, 1967.

Read a third time this 31st day of July, 1967.

Reconsidered and adopted this 14th day of August, 1967.



*[Handwritten Signature]*  
R E E V E  
*[Handwritten Signature]*  
C L E R K

SCHEDULE "A"

\$ 3.15 per month for a one cubic yard Municipal Receptacles

\$ 4.85 per month for a two cubic yard Municipal Receptacles

\$ 6.20 per month for a three cubic yard Municipal Receptacles

SCHEDULE "B"

1. One collection a week:
  - (a) for each Household Receptacle over three collected \$0.15
  - (b) for each Commercial and Industrial Receptacle collected \$0.30
  - (c) for each Municipal Receptacle collected
    - 1 cubic yard capacity \$1.00
    - 2 cubic yards capacity \$1.50
    - 3 cubic yards capacity \$2.00
  - (d) for every cubic yard, or part thereof, as estimated by the Collector of Refuse, Landscape Refuse, Construction or Demolition Refuse (In Special Receptacles or not in Receptacles) \$1.65
  
2. Second and each subsequent collection in the same week:
  - (a) for each Commercial and Industrial Receptacle collected \$0.35
  - (b) for each Municipal Receptacle collected
    - 1 cubic yard capacity \$1.10
    - 2 cubic yards capacity \$1.65
    - 3 cubic yards capacity \$2.20
  - (c) for every cubic yard, or part thereof, as estimated by the Collector of Landscape Refuse, Construction or Demolition Refuse (In Special Receptacles or not in Receptacles) \$1.80