

CITY OF TERRACE

BYLAW NO. 2130 – 2017

"A BYLAW OF THE CITY OF TERRACE TO ESTABLISH AND MAINTAIN A SYSTEM FOR COLLECTION AND DISPOSAL OF SOLID WASTE"

WHEREAS a Council may, in accordance with the Community Charter, exercise its authority in relation to the use of waste disposal and recycling services, and impose fees and charges thereto:

NOW THEREFORE the Municipal Council of the City of Terrace in an open meeting assembled hereby enacts as follows:

1. DEFINITIONS:

"Bag Tag" shall mean the garbage tag sticker sold by the City of Terrace which is to be affixed to garbage bags which are exceeding the allowable limit.

"CAO" shall mean the Chief Administrative Officer of the City of Terrace, or the authorized representative.

"Cart" shall mean a wheeled receptacle, provided by the City of Terrace, compatible for use with automated and semi-automated collection vehicles.

"City" shall mean the City of Terrace.

"Commercial" shall mean businesses and institutional facilities, including educational and health care facilities, classified as commercial premises by the North American Industry Classification System, Canada 2012, as amended or replaced.

"Health Professional" shall mean a Physician, Nurse Practitioner, Enterostomal Therapy Registered Nurse, or Primary Care Nurse responsible for home care.

"Multi-Family" shall mean a multi-family building development, or trailer park containing six or more dwelling units for residential use which has its principal vehicle access from an entrance common to the dwellings.

"Organics" shall mean vegetative matter, food processing waste, cooked or raw meat, fish, bones, garden waste, kitchen scraps and other organic wastes that can be composted, and includes food, tissues, paper towels, food soiled paper, waxed cardboard, leaves, grass, small twigs, chipped tree waste, tree branches less than 75 mm (3 inches) in diameter, and compostable structural wood waste.

"Owner" shall mean the person registered on the current British Columbia Assessment Roll.

"Prohibited Waste" shall mean waste that is not acceptable for collection and shall include, but not be limited to, waste oil, batteries, and any waste classified as "special wastes" by the Environmental Management Act (2004).

"Recycle BC" shall mean the non-profit organization responsible for residential packaging and printed paper in British Columbia.

"Recycling" shall mean printed paper and packaging materials as defined by Recycle BC as acceptable for curbside single stream collection.

"Refuse" shall mean garbage, discarded material and matter, not including Organics, Yard Waste, or Recycling.

"Residential Unit" shall mean any single family detached dwelling, suite, each dwelling unit of a duplex, triplex, quadraplex, or each unit of a building development containing less than 6 units, each served by an independent access.

"Restricted Waste" shall mean materials designated by the CAO as banned or otherwise controlled.

"Solid Waste" shall mean Refuse, Yard Waste, Organics, and Recycling as defined in this bylaw, but not including RESTRICTED WASTE, PROHIBITED WASTE and SPECIAL WASTE.

"Special Waste" includes hazardous wastes, explosives, herbicides, pesticides, poisons, waste oils or liquids, biomedical waste and all wastes defined under the special waste regulations of the Environmental Management Act (2004).

"Waste Container" shall mean any Refuse, Recycling, or Organics Cart, bag or receptacle.

"Yard Waste" shall mean leaves, lawn clippings, garden trimmings, flowers, weeds, and small branches less than 12 mm (1/2 inch) in diameter and less than 1 metre (3 feet) in length.

2. CENTRAL CONTROL:

- (1) *Except as in this Bylaw provided, all persons within the City shall make use of the system established and provided by the City for the disposal of Residential Solid Waste.*
- (2) *Only the City may establish and maintain a system for the collection of Residential Refuse, Recycling, Organics, and Yard Waste within the City.*
- (3) *All Organics, Yard Waste, and Refuse, or other waste, collected by the City shall become the property of the City and may be sold or otherwise disposed of as the CAO may direct. Residential Recycling shall become the property of Recycle BC for processing and marketing.*
- (4) *The owner of any building or premises, within the City, who is not the occupant thereof, shall be guilty of an offence against this Bylaw where the occupant has contravened any requirement of this Bylaw.*
- (5) *Commercial and Multi-Family Solid Waste shall not be collected by the City. Residential suites located within Commercial premises may, at the owner's request, be serviced by the City's residential collection service at the discretion of the CAO.*

3. LITTERING:

- (1) *No person shall throw, sweep, or place waste of any kind on to any land, street, walkway, sidewalk, or any public place in the City.*
- (2) *Every person shall take due precautions to ensure that no refuse of any kind drops from or is blown from any vehicle or property on to any other land, street, walkway, sidewalk, or public place in the City.*

4. RESIDENTIAL COLLECTION CARTS:

- (1) *Each eligible Residential Unit shall be provided a 240 litre Refuse Cart, a 240 litre Recycling Cart, and a 120 litre Organics Cart.*
- (2) *All Carts shall be inventoried and assigned to the specific Residential unit. Carts remain the property of the City of Terrace, and must be retained at the assigned address.*
- (3) *Occupants are responsible for the proper and sanitary storage of Carts on their property between collection days in a manner that reduces wildlife attraction.*

- (4) *The Owner shall notify the City of Terrace Public Works Department of any damaged or missing Carts. City of Terrace costs for repair or replacement of Carts damaged due to negligence will be the responsibility of the owner.*

5. CART AND SOLID WASTE POSITIONING:

- (1) *No person shall place or keep receptacles upon any lane, street, walkway, sidewalk, or other public place in the City, unless such location is approved in writing by the CAO.*
- (2) *Carts shall not be over filled to the point that the lid does not completely close. Materials shall be placed in the Cart uncompacted, in a manner that allows materials to discharge easily into the collection vehicle when tipped.*
- (3) *By 8:00 a.m. on the day Solid Waste collection service is provided for such Residential dwelling, the occupant shall place all Solid Waste Carts and other correctly packaged Solid Waste within two metres (six feet) of the travelled portion of the road designated as the collection route so that Refuse collectors shall have unobstructed and convenient access thereto.*
- (4) *Carts are to be positioned correctly oriented with arrows pointing towards the road with a minimum of one metre (three feet) separation between the Carts and a minimum of one metre (three feet) clearance from all other obstructions.*
- (5) *Empty Carts, uncollected materials and waste scattered by wildlife, wind or other causes shall be removed from the roadway no later than 10:00 p.m. on the collection day.*
- (6) *No collection of Solid Waste will be made from any yard, private property, or from the inside of any building unless arrangements for so doing have been made with the CAO in writing.*

6. TAMPERING WITH RECEPTACLES:

- (1) *No person shall place Solid Waste for pick-up with the Solid Waste of others or place materials in containers owned or leased by others without that owner's/leasee's permission.*

7. REFUSE PREPARATION:

- (1) *Refuse from Residential dwellings shall be thoroughly drained and wrapped in paper or plastic before being placed in Refuse Cart.*
- (2) *Refuse in excess of that which can be properly contained within the Refuse Cart will be collected if set out in black bags with a Bag Tag visibly affixed to the bag. Bags must not weigh in excess of 22 kgs (50 lbs). Bag Tags must be purchased from a City of Terrace office.*
- (3) *All materials eligible for Recycle BC Residential Recycling programs or Provincial Extended Producer Responsibility (EPR) programs shall not be disposed of as Refuse.*
- (4) *All Organics and Yard Waste shall not be disposed of as Refuse.*
- (5) *Ashes placed for collection shall be properly quenched and bagged before being placed in Refuse Cart.*
- (6) *Prohibited Waste, Restricted Waste, and Special Waste shall not be set out for collection.*
- (7) *Commercial or multi-family waste shall not be set out for residential collection.*

8. RECYCLING PREPARATION:

- (1) *Recycling shall be cleaned and placed loose in the Recycling Cart. Varied materials are not to be bagged within the Cart.*
- (2) *Only residential paper and packaging materials designated as acceptable under the Recycle BC program curbside collection may be set out for Recycling collection. Carts or bags containing unacceptable materials will not be collected.*
- (3) *Recycling materials in excess of that which can be properly contained within the Cart shall be set out in transparent bags. Large cardboard shall be broken down and set out in bundles not exceeding 20 cm (8") thick x 75 cm (30") wide x 75 cm (30") tall.*

9. ORGANICS PREPARATION:

- (1) *Only Organics or Yard Waste as defined shall be set out for collection in the Organics Cart.*

- (2) *Moist Organics shall be drained or placed in certified compostable or kraft paper bags.*
- (3) *Animal carcasses, slaughter waste, excrement, and manure shall not be set out as Organics waste.*
- (4) *Residents shall clean and maintain their Organics Cart in a sanitary manner.*

10. YARD WASTE PREPARATION:

- (1) *Yard Waste shall be placed in certified compostable bags or brown kraft paper bags. Materials set out other receptacles or bags not clearly labelled by the manufacturer as certified compostable will not be collected.*
- (2) *Bags shall be in sound condition and not loaded beyond material strength. Maximum bag weight shall be 22 kgs (50 lbs).*

11. MEDICAL WASTE EXEMPTION PROGRAM

- (1) *Where the owner or occupier of a Residential Unit has a medical condition that directly and routinely causes such person to produce Refuse in excess of the amount that can be accommodated by one (1) Refuse Cart during the Collection Period, that person may make an application to the CAO for inclusion in the Medical Waste Exemption Program.*
- (2) *The following conditions apply to the Medical Waste Exemption Program:*
 - (a) *the person applying must have a medical condition that directly and routinely causes the applicant to produce Refuse in excess of the amount that can be accommodated by one (1) Refuse Cart during the Collection Period.*
 - (b) *the applicant's medical condition must be verified in writing by a Health Professional.*
 - (c) *where an application is approved, the applicant will be provided with an additional Refuse Cart without charge.*
 - (d) *Biomedical waste, including needles and blood, is not exempted from the definition of Prohibited Materials and is not permitted in Refuse.*

(e) an applicant whose medical condition changes so that the applicant no longer qualifies for the Medical Waste Exemption Program must notify the CAO and must return the additional Refuse Cart.

(f) an applicant must notify the CAO of any change of address.

(g) an approved application for inclusion in the Medical Waste Exemption Program is valid for one (1) year from the date of approval, and an applicant who wishes to continue in the Medical Waste Exemption Program must re-apply prior to the expiry of the one (1) year period.

(h) verification of an applicant's medical condition by a Health Professional is required only once every two (2) years.

12. FREQUENCY OF COLLECTION:

(1) Unless otherwise arranged with the CAO, Residential Refuse collection shall be bi-weekly.

(2) Unless otherwise arranged with the CAO, Residential Recycling collection shall be bi-weekly.

(3) Unless otherwise arranged with the CAO, Residential Organics collection shall be weekly.

(4) Unless otherwise arranged with the CAO, Residential Yard Waste collection shall be weekly from mid-April to mid-November.

(5) HOLIDAYS: There will be no collection on a statutory holiday as observed by the City. The missed collecting day will be collected as scheduled on the annual collection calendar and route map provided to residential dwellings.

13. INSPECTION

(1) Representatives of the City are authorized to open waste containers to inspect the contents for compliance with this Bylaw

14. NO COLLECTION WHERE CONTRARY TO BYLAW

(1) The City shall not be obligated to collect any Solid Waste set out for collection contrary to the provisions of this Bylaw. Without limiting the foregoing, where a waste container contains any materials not permitted under this Bylaw, the City may refuse to collect the entire contents of the container.

15. BUILDING OPERATIONS:

No person carrying out building construction or demolition operations within the City shall:

- (1) place or dump the waste accumulating from such construction or operations on any lane, street, walkway, sidewalk or any public place; or*
- (2) accumulate such waste on the land or about the premises where such construction or operation is being carried out without disposing of waste within such time as the CAO may deem reasonable by written notice.*

16. COMMERCIAL AND MULTI-FAMILY SOLID WASTE:

The Owner of every Commercial and Multi-Family premise within the City shall:

- (1) Provide and maintain in a good and sanitary condition a sufficient number of independent receptacles to hold at least the volume of Refuse, cardboard and paper, and Organics which accumulates at such building or premises between time of collection;*
- (2) Place and keep all such Solid Waste from said building or premises in such receptacles unless the Bylaw otherwise provides.*
- (3) Dispose of all such Solid Waste in accordance with this Bylaw and applicable Bylaws of the Regional District of Kitimat-Stikine.*

17. COLLECTION OF OTHER WASTES

- (1) The City will not provide for the collection and disposition of any wastes other than that described in this Bylaw. It is the responsibility of any owner or occupier of a premise to for the lawful collection and disposition of all other waste products.*
- (2) Hazardous Waste and Special Waste as defined under the Environmental Management Act must be disposed of by and owner or occupier of a premise in accordance with all applicable Federal and Provincial enactments including, without limitation, the provisions of the Environmental Management Act and regulations made thereunder.*

18. COLLECTION CHARGES:

- (1) *The charges levied by the City for collection of Solid Waste are outlined on Schedule "A" entitled "City of Terrace Solid Waste Operations Charges" which is attached hereto and forms a part of this Bylaw.*
- (2) *New Residential units will be provided Refuse, Recycling and Organics Carts upon issuance of an Occupancy Permit for the dwelling unit. The Owner shall be charged the cost of Carts as outlined on Schedule "A" entitled "City of Terrace Solid Waste Operations Charges" which is attached hereto and forms a part of this Bylaw.*

19. SERVICE BILLING:

- (1) *The calendar year's services shall be billed on the annual property tax Invoice and if payment is not made before the due date, there shall be payable a penalty of ten percent (10%) of the outstanding amount.*
- (2) *All charges shall be to the Owner.*

20. ARREARS:

If charges for service provided under this Bylaw are unpaid on the 31st day of December in the current year, the outstanding amount complete with penalties shall be deemed to be taxes in arrears in respect of the property and shall be entered on the real property tax as taxes in arrears on January 1st of the following year.

21. INFRACTIONS:

Any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of this Bylaw or who neglects to do or refrains from doing anything which is compelled to be done by him by virtue of this Bylaw, shall be guilty of an offence and shall be liable on summary conviction to a fine, such fine to be a minimum of one hundred (\$100.00) dollars and a maximum fine of two thousand (\$2,000.00) dollars together with costs for each offence.

22. METRIC:

Metric units are used for all measurements in this Bylaw. The approximate equivalent of those units of Canadian measure (feet, pounds, etc.) are shown in brackets following each metric measurement and such bracketed figures are included for convenience only and do not form part of this Bylaw.

23. *Terrace Solid Waste Collection and Disposal Bylaw No. 2084-2015 and all amendments thereto is hereby repealed.*

24. *This Bylaw may be cited as "City of Terrace Solid Waste Operations Bylaw No. 2130 – 2017".*

READ a first time this 24th day of April, 2017.

READ a second time this 24th day of April, 2017.

READ a third time this 24th day of April, 2017.

ADOPTED this 8th day of May, 2017.

Mayor

Clerk

SCHEDULE "A"

CITY OF TERRACE SOLID WASTE

OPERATIONS CHARGES

| | CLASSIFICATION | BASIC CHARGES |
|----|--|------------------------------------|
| 1. | <i>Refuse Collection – Bi-Weekly</i> | <i>\$12.50 per month</i> |
| 2. | <i>Organics Collection - Weekly</i> | <i>included with basic charges</i> |
| 3. | <i>Recycling Collection – Bi-Weekly</i> | <i>no charge</i> |
| 4. | <i>Yard Waste Collection Weekly from mid-April to mid-November</i> | <i>included with basic charges</i> |
| 5. | <i>Bag Tags</i> | <i>\$2.00 per tag</i> |
| 6. | <i>240 litre Refuse Cart</i> | <i>\$75.00</i> |
| 7. | <i>240 litre Recycling Cart</i> | <i>\$75.00</i> |
| 8. | <i>120 litre Organics Cart</i> | <i>\$55.00</i> |