

CITY OF DUNCAN
CURBSIDE COLLECTION BYLAW NO. 3256, 2025
A BYLAW TO ESTABLISH AUTOMATED CURBSIDE COLLECTION SERVICE

The Council of the Corporation of the City of Duncan enacts as follows:

PART 1 – INTERPRETATION AND ESTABLISHMENT

1. TITLE

1.1 This Bylaw may be cited as “Curbside Collection Bylaw No. 3256, 2025.”

2. REPEAL

2.1 “Garbage, Recyclables and Organics Collection Bylaw No. 3094, 2013” and amendments thereto are hereby repealed.

3. SEVERABILITY

3.1 If any part, section, sentence, clause, phrase or word of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the bylaw had been adopted without the invalid portion.

4. INTERPRETATION

4.1 A reference in this bylaw to any statute or *City* bylaw includes any amendments to the statute or *City* bylaw.

4.2 In this Bylaw, unless the context otherwise requires:

“approved disposal site” means any authorized site or facility identified in the Cowichan Valley Regional District Solid Waste Management Plan for the deposit, disposal or processing of *garbage, recyclable materials, food waste, or yard and garden waste*.

“automated collection service” means the service established under section 5 of this bylaw for the collection of *garbage, recyclable material, or comingled organic waste* using a specifically designed vehicle with a mechanical arm that empties *collection carts* directly into the vehicle without requiring manual labour.

“basic service” means the level of *automated collection service* established under section 6 of this Bylaw.

“biomedical waste” means waste that is generated from medical, dental, veterinary, or laboratory activities that may pose a risk of infection to humans or animals, including needles, syringes, blades, or other medical sharps capable of causing punctures or cuts.

“City”	means the City of Duncan.
“collection”	means the removal of <i>garbage, recyclable material, comingled organic waste</i> , or all three by the <i>City</i> or its contractor under this Bylaw.
“collection cart”	means a wheeled container for <i>garbage</i> (black lid) or <i>recyclable material</i> (blue lid) or <i>comingled organic waste</i> (green lid) that is owned by the <i>City</i> and provided to each residential <i>dwelling unit</i> that receives the <i>automated collection service</i> .
“collection day”	means the day scheduled for <i>collection</i> .
“comingled organic waste”	means a mixture of both <i>food waste</i> and <i>yard and garden waste</i> .
“commercial premises”	means a building or part of a building occupied for the purpose of carrying on a profession, trade, or business.
“contamination”	means the presence of <i>unacceptable material</i> in any <i>collection cart</i> , including: any item described in section 12 of this bylaw; and the presence of <i>garbage, recyclable material, food waste, or yard and garden waste</i> in a <i>collection cart</i> other than its designated <i>collection cart</i> .
“contractor”	means a person under contract to the <i>City</i> to provide a service.
“Director”	means the person duly appointed the <i>Director of Public Works and Engineering</i> of the <i>City</i> or their designate.
“dwelling unit”	means a self-contained living unit for residential use with sleeping areas, sanitary facilities, and only one (1) kitchen.
“food waste”	means any compostable food material that is acceptable at an <i>approved disposal site</i> .
“garbage”	means all waste other than <i>recyclable material, food waste, yard and garden waste</i> , any material listed in section 12.1 of this Bylaw, or any material not acceptable at an <i>approved disposal site</i> .
“garbage tag”	means a single-use tag available upon payment of fees established in the <i>City’s Fees and Charges Bylaw</i> that may be affixed to a <i>garbage</i> container to qualify for <i>collection</i> .
“hazardous waste”	any chemical compound, mixture, substance or article included in the definitions of “e-waste”, “moderate risk waste” or “hazardous waste” in BC’s <i>Hazardous Waste Regulation</i> as amended from time to time, enacted under the <i>Environmental Management Act</i> .
“multi-unit dwelling”	means a building containing five (5) or more <i>dwelling units</i> .

“private collection service”	means the collection of <i>garbage, recyclable material, and comingled organic waste</i> by means other than the <i>collection</i> operated by or on behalf of the <i>City</i> operating under a valid <i>City</i> business licence.
“recyclable material”	means packaging and printed paper material accepted for <i>collection</i> under agreement with Recycle BC, as updated from time to time.
“street”	includes every road, street, lane, bridge, boulevard, sidewalk, or right-of-way designed or intended for or used by the general public for the passage or access of vehicles in the <i>City</i> .
“industrial waste”	means waste resulting from the operation of industrial or institutional premises.
“unacceptable material”	means waste prohibited from disposal at an <i>approved disposal site</i> , including but not limited to “prohibited material” identified in CVRD Bylaw No. 4412 – Solid Waste Fees and Regulations Bylaw, as amended from time to time.
“user”	means a person who uses the <i>automated collection service</i> as eligible or approved under this bylaw.
“yard and garden waste”	means vegetation removed from gardens, lawns, shrubs and trees and includes pruning from shrubs and trees no greater than 1.5 cm (0.5 inches) in diameter and 60 cm (24 inches) in length.

5. SERVICE ESTABLISHMENT

- 5.1 An *automated collection service* is established by the *City* to collect, remove, and dispose of *garbage, recyclable material, and comingled organic waste*.
- 5.2 Participation in the *automated collection service* and payment of fees established in the *City’s Fees and Charges Bylaw* is mandatory for all residential properties with up to four (4) *dwelling units*.
- 5.3 Subsection 5.2 does not apply to:
 - (a) *multi-unit dwelling*, and
 - (b) occupants of *dwelling units* who are serviced by a *private collection service* as permitted under section 11.

PART 2 – TYPES OF SERVICE

6. BASIC SERVICE

- 6.1 The *City* will provide one *collection cart* each for *garbage, recyclable material, and comingled organic waste* to each *dwelling unit* that receives the *automated collection service*.
- 6.2 *Collection carts* are the *City’s* property, but they shall remain on the property of the *dwelling unit* to which they were issued.

- 6.3 *Basic service* for each *dwelling unit* receiving *automated collection service* consists of the removal of:
- (a) *recyclable material* from one (1) *recyclable material collection cart* every two (2) weeks;
 - (b) *garbage* from one (1) *garbage collection cart* every two (2) weeks, on alternate weeks from *recyclable materials collection*; and,
 - (c) *comingled organic waste* weekly from one (1) *comingled organic waste collection cart* every week.
- 6.4 The frequency of the *collection* provision under section 6.3 is subject to change from time to time, as determined by the *Director*, or as necessary to respond to environmental, emergency, or other unforeseen circumstances.
- 6.5 Unless otherwise approved by the *Director* and scheduled accordingly, *collection* will occur in accordance with the *City's collection* schedule published annually on the *City's* website and distributed to *users*.

7. GLASS COLLECTION

- 7.1 The *City* may provide additional *collection* for glass bottles and jars accepted through the Recycle BC program in whatever frequency or manner as determined by the *Director*.

8. ADDITIONAL CARTS

- 8.1 A *basic service user* may request a maximum of one (1) additional *garbage, recyclable material, and comingled organic waste collection carts*, for a total of up to three (3) *collection carts* per *dwelling unit*.
- 8.2 Fees for additional *collection carts* are set out in the Fees and Charges Bylaw.
- 8.3 A *user* may put out for *collection* on *collection day* a maximum of four (4) *collection carts* from each *dwelling unit, commercial premises, or other premises* approved to use the *automated collection service*, not including any *garbage* containers with a *garbage tag*.

9. GARBAGE TAGS

- 9.1 A *basic service user* may put out for *collection* additional *garbage* containers if:
- (a) extra *garbage* is placed in standard garbage bags tied securely closed inside a plastic or metal container that has a lid;
 - (b) one (1) *garbage tag* is affixed to each container visible on top of the lid; and
 - (c) the container does not exceed 23 kilograms (50 pounds).

10. COMMERCIAL AND MULTI-UNIT DWELLINGS

- 10.1 Owners or operators of *commercial premises* and *multi-unit dwellings* may apply in writing to the *Director* to receive service under the *automated collection service*.

- 10.2 To be eligible for service, applicants under subsection 10.1 must satisfy the *Director* that the *collection* service required by the applicant does not exceed the requirements under section 6 of this bylaw.
- 10.3 The *Director* will approve or revoke application under subsection 10.1, considering such things as, but not limited to, operational efficiencies, location of premises, ease of access, and the quantity of waste to be collected.
- 10.4 Applicants not approved for service under this section must arrange for *private collection service* under section 11 of this bylaw.

11. PRIVATE COLLECTION SERVICE

- 11.1 The *City* shall not collect *garbage, recyclable material, or comingled organic waste* from:
- (a) *multi-unit dwellings* unless approved under section 10 of this bylaw,
 - (b) *commercial premises* unless approved under section 10 of this bylaw,
 - (c) industrial and institutional operations,
 - (d) an unserviceable property, as determined by the *Director*, on the basis that it cannot be safely, efficiently, or legally serviced.
- 11.2 An owner of premises listed in subsection 11.1 or approved under section 11.4 shall:
- (a) arrange collection by a *private collection service* that disposes of materials at an *approved disposal site*, and
 - (b) ensure that *collection* occurs on a regular basis to prevent the development of noxious odours and the accumulation of materials.
- 11.3 An owner of a *dwelling unit* or premises served by the *automated collection system* may apply, in writing, to the *Director* for permission to have their *garbage, recyclable materials, and food waste* collected and disposed of by a *private collection service*.
- 11.4 The *Director* may approve an application made under subsection 11.3 where the applicant demonstrates that the *automated collection service* does not provide service adequate to deal with the type or volume of *garbage, recyclable materials, or food waste* generated by the applicant or due to other site specific circumstances.
- 11.5 If an application under subsection 11.3 is approved, the applicant shall notify the *Director* in writing of:
- (a) the date *private collection service* will start;
 - (b) the name of the *private collection service* to be used; and
 - (c) proof that the *private collection service* will separate the *garbage, recyclable materials, and food waste* and dispose of them appropriately.

PART 3 - TERMS AND CONDITIONS OF SERVICE

12. UNACCEPTABLE MATERIALS

- 12.1 No person shall place any of the following items in any *collection cart* or container for collection by the *City* or its *contractor*:
- (a) animal feces, waste, or related litter products that is not bagged,
 - (b) batteries and electronics,
 - (c) *biomedical waste*,
 - (d) construction and demolition waste,
 - (e) dead animals or animal parts,
 - (f) gas cylinders,
 - (g) *hazardous waste*,
 - (h) *industrial waste*,
 - (i) liquids or sludges,
 - (j) oversized items of any kind exceeding 0.6 metres (two feet) in any dimension,
 - (k) pharmaceutical products,
 - (l) poly-styrene (styrofoam),
 - (m) rocks, ash, soot, or soil,
 - (n) light bulbs including florescent tubes, or
 - (o) any item that is not accepted at an *approved disposal site*.
- 12.2 Any *collection cart* or container containing any material listed in subsection 12.1 put out for collection by the *automated collection service* shall not be collected.
- 12.3 No person shall place out for collection a *collection cart* that contains *contamination*.

13. COLLECTION REQUIREMENTS

- 13.1 Every owner or occupier of a *dwelling unit*, *commercial premises*, or other premises served by the *automated collection service* shall:
- (a) separate *garbage*, *recyclable material*, and *comingled organic waste* and place them in the applicable *collection cart*, without *contamination*,
 - (b) ensure that *collection carts* do not exceed 34 kilograms (75 pounds),
 - (c) use only the *collection carts* provided by the *City*,
 - (d) be limited to the number of *collection carts* corresponding to the number of *collection carts* paid for by the property owner, and
 - (e) provide a ready means of access to all *collection carts* at all reasonable times.
- 13.2 On designated *collection days*, the owner or occupier of a *dwelling unit*, *commercial premises*, or other premises served by the *automated collection service* shall:
- (a) place *collection carts* out for collection no earlier than 6:00 AM and before 7:30 AM on the appropriate scheduled *collection day*,
 - (b) place *collection carts* so that the lid opens up into the *street*,
 - (c) ensure that lids are closed,

- (d) place *collection carts* and any *garbage* containers as close as possible to the edge of the *street* adjoining their *dwelling unit* in a location clearly visible but not placed so as to obstruct vehicles or pedestrians, or placed in an alternate collection point in accordance with section 13.3,
 - (e) place *collection carts* at least one (1) metre apart and one (1) metre away from obstacles to the side of the cart and at least three (3) metres vertically away from overhanging obstacles,
 - (f) remove all *collection carts* from the *street* after *collection*, no later than 10:00 PM on *collection day*, and
 - (g) ensure clean-up and removal from the *street* of any remaining waste or debris that was not collected or that escaped from a *collection cart* after *collection* has occurred.
- 13.3 If an additional *garbage* container is placed out with a *garbage tag*, it must be in an easily visible location that is easily accessible for manual *collection* without infringing on the required spacing of the *collection carts* in section 13.2 (e).
- 13.4 Where placement of *collection carts* adjacent to a premises serviced by the *automated collection service* is not safe or operationally efficient, as determined by the *Director*, the *Director* may designate an alternate *collection* point for the use of specific premises.
- 13.5 The owner or occupier of the *dwelling unit* serviced by the *automated collection service* may not mark their *collection carts* in any way other than to record their address on the inside of the lid.
- 13.6 *Collection carts* shall at all times be kept on the property of the *dwelling unit*, *commercial premises*, or other premises to which they are assigned and under no circumstances shall they be kept, encroach upon, or project over any *street* or public place except for the purposes outlined in section 13.2 of this bylaw.
- 13.7 The owner or occupier of the *dwelling unit* serviced by the *automated collection service* shall at all times maintain all *collection carts* supplied by the *City* in a good, clean, and sanitary condition, without overflow and free from any liquids.
- 13.8 The owner or occupier of the premises serviced by the *automated collection service* shall notify the *City* if a *collection cart* is damaged or stolen.
- 13.9 If a *collection cart* is damaged or stolen due to the neglect or misuse by the owner or occupier, as determined by the *Director*, upon payment of the fee in accordance with the fees and charges bylaw, the *City* will make the replacement *collection cart* available in accordance with its usual practices

14. GENERAL CONDITIONS OF SERVICE

- 14.1 The *City* will not be liable for any damages suffered or costs incurred by any person by reason of the failure of the *City* to supply *automated collection service*.
- 14.2 No person will be relieved of the obligation to observe the requirements of all federal, provincial, and municipal laws by reason of the services provided by the *City*.
- 14.3 The *City* will not be responsible for the accidental *collection* of goods not meant to be placed for *collection* if the items are left in *collection carts* on *collection day*.

15. CONTAINER INSPECTION AND INVESTIGATION

- 15.1 The *City* may inspect any *collection carts* and any contents therein to determine compliance with this bylaw.
- 15.2 All *collection carts* must be available for inspection at all reasonable hours or on request.
- 15.3 The *Director* may determine that a *collection cart* is no longer suitable for use because it is broken, hazardous, or unsanitary.

16. SUSPENSION OF SERVICE

- 16.1 The *Director* may suspend *automated collection service* from any premises where the provisions of this Bylaw are not met, including but not limited to, location of *collection carts* and insufficient spacing of *collection carts*, until compliance is achieved, but such suspension shall not waive any requirement, or abate or waive any charges or rates, under the provisions of this bylaw.

PART 4 – GENERAL PROVISIONS

17. SCAVENGING PROHIBITED

- 17.1 No person shall remove any material from a *collection cart* or from the area next to the *collection cart* except for a resident of the property to which the *collection cart* was delivered by the *City*.

18. LITTERING

- 18.1 Any remaining *garbage* or debris not collected or spilled from any *collection cart* or container put out for *collection* must be cleaned up and removed the same day by the owner or occupant from where it originated.
- 18.2 Every person shall take due precautions to ensure that no waste of any kind drops from or is blown from any *collection cart* or *garbage* container onto any other premises, *street*, walkway, sidewalk, or other public place in the *City*.

- 18.3 No person, except an owner or occupier of the premises to which the *collection carts* were supplied or the *City*, shall place any materials into or remove any materials from the *collection cart*.
- 18.4 An owner or occupier shall remove any *garbage* generated at a premises as frequently as necessary to prevent the accumulation of *garbage* at the premises, including regularly cleaning up any *garbage* that has overflowed from a *collection cart* or container used for a *private collection service*.

19. UNAUTHORIZED DISPOSAL

- 19.1 No person shall deposit waste, including but not limited to *garbage, recyclable materials, food waste, yard and garden waste, hazardous material* or any other material listed in section 12.1 of this bylaw from a *dwelling unit* or *commercial premises* into a *City garbage* or *recyclable material* receptacle located in a public area.

PART 5 – ADMINISTRATION AND ENFORCEMENT

20. FEES AND CHARGES

- 20.1 For the *automated collection service* and for general disposal of solid waste at an *approved disposal site*, the *collection* and disposal rates set out in the *City's Fees and Charges Bylaw* are hereby imposed and levied by the *City* and are due and payable to the *City* by the parties liable under this bylaw for having *automated collection service* or for disposal of such solid waste.
- 20.2 The rates set out in the *City's Fees and Charges Bylaw* for the *automated collection service* are due and payable by the owner whether or not:
- (a) the premises are occupied
 - (b) the owner makes use of the service, or
 - (c) the service is suspended, interrupted, or altered in any manner.
- 20.3 Charges for *collection* will only be discontinued in respect of a *dwelling unit, commercial premises*, or other premises if the owner has previously notified the *City* in writing that:
- (a) the premises is temporarily rendered uninhabitable because of fire or other similar disaster; or
 - (b) the premises is serviced by a *private collection service* established under section 11 of this bylaw,
- and in such event the charge or rate shall be abated or reduced pro rata as the case may be.
- 20.4 Further to section 20.3, should the *City* become aware that the premises has been occupied without notification, or that the *private collection service* has been terminated without reinstating the *automated collection service*, the *City* shall back charge the owner to the date of discontinuation of the *automated collection service* fee and charge the ten percent (10%) late payment penalty.

21. PENALTY

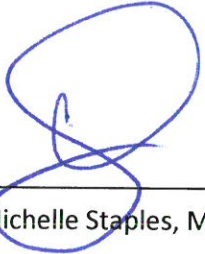
- 21.1 Every person who contravenes or violates any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this bylaw, or who neglects to do or refrains from doing anything required to be done by an provision of this bylaw, commits an offence and is liable on summary conviction to a fine of \$50,000 or to imprisonment not exceeding the maximum allowed by the *Offence Act*, as amended, or to both a fine and imprisonment and the cost of prosecution.
- 21.2 Where the offence is a continuing one, each day the offence continues shall be a separate offence.

PASSED FIRST READING 23-JUNE-2025.

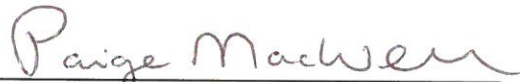
PASSED SECOND READING 23-JUNE-2025.

PASSED THIRD READING 23-JUNE-2025.

ADOPTED 28-JULY-2025.



Michelle Staples, Mayor



Paige MacWilliam, Corporate Officer