



Solid Waste Collection Bylaw No. 1859

Consolidated to January 23, 2020

**TOWN OF SMITHERS
BYLAW NO. 1859**

Page 2

LIST OF AMENDMENTS

BYLAW NO.	ADOPTION DATE	AMENDMENT No.	GENERAL DESCRIPTION
1886	January 14, 2020	#1	Fees and Charges



BYLAW NO. 1859

SOLID WASTE COLLECTION

*A Bylaw to regulate the administration and collection of solid waste
in the Town of Smithers*

WHEREAS Council has the authority, under Section 176 of the Local Government Act, to collect solid waste and to impose charges against an owner or occupier of real property for the removal of same;

AND WHEREAS the Town of Smithers participates in the Bulkley Nechako *Regional District Solid Waste Management Plan* and supports the policy of waste reduction through the more equitable distribution of fees by charging on the basis of the amount of waste produced.

NOW THEREFORE the Council of the Town of Smithers, in open meeting assembled, hereby enacts as follows:

Citation:

This Bylaw may be cited for all purposes as "Bylaw No.1859 – Solid Waste Collection", and comes into effect on the date of adoption.

Repeals:

This bylaw repeals "Bylaw No. 1762 – Solid Waste Collection".

Severability:

If any section, subsection, sentence, clause or phrase in this Bylaw is, for any reason, held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the Bylaw.

Definitions:

"Act" means the Local Government Act.

"Business Premises" means a store, office, warehouse, factory, building, house, enclosure, yard or any other place occupied, or capable of being occupied by any person but does not include a dwelling as defined in this Bylaw.

"Cart, Business Type" means a rigid plastic container having a capacity of no more than 0.34m³ (0.44yd³), compatible with the Town's Haul-All garbage truck, and purchased from the supplier through the Town.

"Cart, Dwelling Type" means a rigid plastic container having a capacity of no more than 0.24m³ (0.32yd³), compatible with the Town's Haul-All garbage truck, and purchased from the supplier through the Town.

"Container, Business Type" means a Haul-All metal container purchased from the supplier through the Town or a metal container supplied by a commercial garbage contractor.

"Curbside Recycling Program" means a program operated by the Town of Smithers in partnership with Recycle BC working on behalf of businesses that supply packaging and printed paper to collect and manage these materials to be recycled.

"Dwelling" means one or more connecting rooms with self-contained cooking, sleeping, and sanitary facilities having an entrance to a common corridor or to the exterior, used, intended, or designed to be used as living accommodation for a single family.

"Garbage" means any material that currently has no economic value and those items which are designated by the Municipality as being acceptable for collection.

"Garbage Collection Area" means properties located within Town boundaries.

"Mandatory Garbage Cart Requirement" means a dwelling type cart must be purchased from the supplier through the Town.

"Municipality" means the Corporation of the Town of Smithers.

"Premises" means a store, office, warehouse, factory, building, house enclosure, yard or any other place occupied, or capable of being occupied by any person.

"Prohibited 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 Waste Management Act.

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

"Recycling" means printed paper and packaging materials as defined by Recycle BC as acceptable for curbside single stream recycling.

"Recycling Centre" means a facility accepting recyclable or compostable materials.

"Residential Property" means properties that contain the following premises:

- Single family detached dwellings, duplexes, triplexes, four-plexes and five-plexes, and
- Strata title developments, mobile home developments and apartments containing fewer than six dwelling units.

"Return Centre" means a facility accepting materials identified under Provincial or Federal Consumer Product Stewardship Programs.

"Solid Waste" means Refuse, Yard Waste, Organics and Recycling as defined in this bylaw but not including Prohibited or Special Waste as defined under the regulations of the Waste Management Act.

GENERAL REGULATIONS

Sole Authority

Pursuant to Section 176 of the Local Government Act, the Municipality is hereby authorized to establish, equip, maintain and operate a system of "Solid Waste Collection" within the Municipality.

Every owner or occupier of a Premise shall pay for the collection of Garbage as set forth in the Town's Fees and Charges Bylaw, as may be amended from time to time.

Administration

This Bylaw shall be administered by the Director of Works and Operations or any other official of the Municipality who may be appointed from time to time by the Municipal Council.

The Director of Works and Operations or any other employee of the Municipality appointed to administer this Bylaw may enter upon, at all reasonable times, any Property in order to ascertain whether the regulations and provisions of this Bylaw are being, or have been, complied with.

Restricted Materials

No person shall place or mix with any material for removal as garbage, the following materials:

- (a) Raw sewage and septic tank sludge;
- (b) Explosives;

-
- (c) Materials defined by the *Workplace Hazardous Material Information System Standards (WHMIS)* as a compressed gas, flammable, combustible, oxidizing, poisonous, infectious, toxic, corrosive and dangerously reactive materials;
 - (d) Trees, stumps, logs, branches and land clearing debris;
 - (e) Motor vehicle parts or bodies and or farm implements;
 - (f) Carcasses, offal or viscera;
 - (g) Special or prohibited waste as defined under the Waste Management Act;
 - (h) Construction or demolition materials or wastes;
 - (i) Materials that are on fire or above a temperature of 65.5° C;
 - (j) Clean wood waste originating from industrial operations, construction, or demolition;
 - (k) Biomedical waste, as defined by the Waste Management Act, except sharps (needles) that have been properly contained through a method approved by the Ministry of Environment and the Municipality;
 - (l) Containers with significant residuals of any above listed materials;
 - (m) Animal excreta, unless properly contained;
 - (n) Compostable yard and garden waste;
 - (o) Clean cardboard;
 - (p) Products that are accepted at return or recycling centres;
 - (q) Soils;
 - (r) Articles of garbage too large for container or cart and;
 - (s) Materials accepted in the curbside single stream recycling program.

The Municipality reserves the right not to remove such materials from Carts or Containers.

The Municipality may, at its discretion, declare special clean-up events from time to time, as it deems necessary which may include normally restricted items.

Garbage Preparation

All wet Garbage shall be thoroughly drained and placed in plastic bags before being placed in a Garbage Container or Cart.

Discarded clothing, waste paper, and inoffensive household Garbage may be placed directly in Garbage containers or Carts.

Food contaminated cardboard, cartons and all other similar non recyclable containers shall be broken down and compacted flat before being placed in any Container or Garbage Cart.

In an attempt to reduce human interaction with wildlife, every Person or Business shall place Garbage inside the approved Container or Cart with the lid securely closed.

Garbage shall not be placed in containers or Carts in such a manner as to prohibit the closing of the attached lids.

All materials eligible for Recycle BC residential Recycling Programs or Provincial Extended Producer Responsibility (EPR) programs shall not be disposed of as Garbage.

Commercial or Multi-family garbage shall not be set out for Residential collection.

Dwelling Type Carts containing restricted materials specified in the Restricted Materials section and or in contravention of the specifications within this section shall not be collected. A notice will be placed on the Dwelling Type Cart identifying the reason the Container or Cart was not serviced.

Recycling Preparation

Recycling materials shall be cleaned and placed loose in the recycling Cart. Varied materials are not be bagged within the recycling Cart.

Only Residential paper and packaging materials designated as acceptable under the Recycle BC Curbside Recycling Program may be set out for Recycling collection. Carts or bags containing unacceptable materials will not be collected.

Recycling materials in excess of that which can be properly contained within the recycle Cart shall be set out in a cardboard box or reusable tote beside the recycling Cart.

Large cardboard or cardboard boxes shall be broken down flat and set out beside the recycle Cart for collection.

Containers and Container Locations

General

All Businesses utilizing Business Garbage collection shall ensure Garbage is placed and stored in a sanitary and inoffensive manner in an approved Business Type Cart or Container supplied through the Municipality and in a way that will not harm or injure persons handling it.

All persons utilizing residential Garbage collection shall ensure Garbage is stored and placed in an approved Dwelling Type Cart purchased from the supplier through the Municipality in a sanitary and inoffensive manner, and in a way that will not harm or injure persons handling it.

No person or Business will place Solid Waste:

- In front of another person's property without the permission of that owner; or
- In a Container or Cart without the permission of the owner.

Only Solid Waste generated within Town boundaries will be collected.

Scavenging is prohibited without permission of the owner or occupier. No person, except the occupant of the dwelling from which the Garbage and/or Recycling Containers originate, shall remove any material from the Container before the materials have been collected by the Town unless permission is so granted.

All Residential Containers or Carts must be placed in the proper location as specified in the section of this Bylaw entitled Dwelling Type Container or Cart and Business Type Cart Location (Residential and Commercial Property) no more than 12 hours prior to collection and removed within 12 hours of being emptied.

Dwelling Type Carts are to be purchased from the supplier through the Municipality.

Containers and Carts (Business)

Business premises shall use the Haul-All containers or approved Carts purchased from the supplier through the Municipality or containers provided by the commercial garbage contractor.

The owner or others will not alter structure or colour of Containers or Carts dumped by the Municipality in any way without the approval of the Municipality.

Container Location (Business Premises)

All Business premises shall provide on the parcel, a minimum space of three (3) metres in width, three (3) metres in depth and three and one half (3.5) metres in height for the placement of Garbage Containers.

If Containers are enclosed in a structure, such structure shall be built with doors or openings facing the street or lane and shall allow access by Municipal personnel at all times. Any such structure shall not be constructed on Municipal property and shall only be constructed with prior approval from the Municipality's Development Services Department.

If an owner or occupant of a Business utilizes Business Type Garbage Containers, such owner or occupant shall provide a level crush rock, concrete or asphalt surfaced area suitable to the chosen Container size for Haul-All garbage Containers picked up by the Town. Surface area must be approved by the Director of Works and Operations prior to Container placement. Roofs are not permitted on Haul-All Container structures or enclosures.

The owner or occupant of a Business shall be responsible for the protection of their Containers against upset or spillage at all times. Spilled or upset Garbage cleanup shall be the responsibility of the owner or occupant.

The Municipality shall not be responsible for the removal of any Garbage not placed in an approved Container or Cart at the designated location at the proper time.

Restricted Area Dwellings

The owner of any Dwelling located in a Business shall be restricted to the use of the containers or Carts utilized by the Business.

Container Sizes and Quantity (Dwellings)

The Municipality shall not collect more than one (1) Dwelling Type Cart, per premise bi-weekly.

No Dwelling type Cart with a combined weight of Cart and Garbage in excess of 45 kg (100 lbs) shall be emptied by the Municipality.

Dwelling Type Cart and Business Type Cart Location (Residential and Business Property)

All Garbage containers or Carts shall be kept on the parcel belonging to that Dwelling or Business unless approved by the owner of an alternative property. Carts placed for collection shall be placed on the street, boulevard or laneway as designated by the Municipality. The owner or occupant of the Dwelling or Business shall be responsible for the placement and removal of that Dwelling's or Business' Carts.

The owner or occupant of a Dwelling or Business shall be responsible for the protection of their Containers or Carts against upset or spillage at all times. Spilled or upset garbage cleanup shall be the responsibility of the owner or occupant.

The Municipality shall not be responsible for the removal of any Garbage not placed at the designated location by 8:00 a.m. on the scheduled day of Solid Waste Collection. The occupant or owner of each Dwelling shall be responsible for ascertaining the scheduled day of Solid Waste collection for their street.

Maintenance of Containers or Carts

All Containers or Carts for Garbage and any structure used as a cover or enclosure for such containers shall, at all times, be kept in good repair and clean and accessible for inspection at all times. When any Container or Cart has been condemned by the Director of Works and Operations or Medical Health Officer, such container or Carts shall not be emptied by the Municipality.

Lost or Damaged Containers or Carts

The Municipality shall not be responsible for the replacement or repair of any Containers, Carts or lids damaged or lost for any reason whatsoever.

Frequency of Collection

The basic service offered by the Municipality for Residential Dwellings is the bi-weekly disposal of Garbage from one (1) approved Dwelling Type Cart per premise.

The basic service offered by the Municipality for Residential Curbside Recycling collection is the bi-weekly collection of Residential recycling materials properly set out from each Residential Property included in the program.

There will be no collection of Solid Waste on a statutory holiday as observed by the Municipality. The missed collection day will be collected as scheduled on the annual collection calendar and route map provided to residents.

Inspection

Representatives of the Municipality are authorized to open any Solid Waste Container or Cart to inspect contents for compliance with this Bylaw.

Municipality Right of Suspension

Suspension

The Municipality reserves the right to suspend collection services from Business Premises or Residential Properties where the Containers, Carts or facilities for such are contrary to the provisions of this Bylaw.

No Collection Where Contrary to Bylaw

The Municipality 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 Town may refuse to collect the entire contents of the Container or Cart.

Persons in Violation

Violations

Any person who violates any 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 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) dollars and a maximum fine of two thousand (\$2000) dollars together with costs for each offence.

**TOWN OF SMITHERS
BYLAW NO. 1859**

Page 11

Where an offence against any provision of this Bylaw is of a continuing nature, a separate offence shall be deemed to occur on each day that the offence occurs or continues.

READ A FIRST TIME THIS 12TH DAY OF MARCH, 2019.

READ A SECOND TIME THIS 12TH DAY OF MARCH, 2019.

READ A THIRD TIME THIS 12TH DAY OF MARCH, 2019.

ADOPTED THIS 26TH DAY OF MARCH, 2019.

The Corporate Seal of the Town of Smithers
was hereto affixed in the presence of:

Taylor Bachrach
Mayor

Dianna Plouffe
Acting Chief Administrative Officer

CERTIFIED A TRUE AND CORRECT
COPY of Bylaw 1859 cited as
"Bylaw No.1859 – Solid Waste Collection"

Dianna Plouffe
Corporate Administrator