

THE CORPORATION OF THE CITY OF TRAIL

BYLAW NO. 2936

A BYLAW TO REGULATE THE CONDITIONS AND TERMS FOR SOLID WASTE & YARD AND GARDEN WASTE COLLECTION AND DISPOSAL

WHEREAS the *Community Charter* authorizes the Council of the City of Trail to require persons to use a solid waste disposal service provided by or on behalf of the municipality;

AND WHEREAS it the City of Trail considers that it is necessary to provide regulations for the management of solid, yard and garden waste;

NOW THEREFORE, the Council of the City of Trail, in open meeting assembled ENACTS AS FOLLOWS:

PART 1 – SHORT TITLE

1. This bylaw may be cited as the “Solid and Yard Waste Regulation Bylaw, No. 2936, 2024”.

PART 2 – INTERPRETATION

2. For the purposes of this bylaw, the following words and expressions are defined:
 - a) “City” means the Corporation of the City of Trail
 - b) “Compostable Materials” means approved refuse, kitchen waste or organic materials as defined by the Regional District of Kootenay Boundary (RDKB) as qualifying to be placed in the Green Bin.
 - c) “Contractor(s)” means the collection of refuse as administered by the Regional District of Kootenay Boundary (RDKB) to service the City.
 - d) “Contractor’s Sticker” means a sticker that must be placed on the Solid Waste bag in order for Solid Waste to be collected and disposed of by the Contractor. Sheets of stickers are made available at local businesses and at Trail City Hall for purchase.
 - e) “Green Bin” means the container designated by the Regional District of Kootenay Boundary for the disposal of Compostable Materials.
 - f) “Landfill Site” means any solid waste sanitary landfill site operated by the Regional District of Kootenay Boundary to service the City.
 - g) “Owner(s)” includes the agent, executor or administrator of an owner.
 - h) “General Manager of Municipal Services” means the person appointed as such by the Chief Administrative Officer and/or Council of the City and any person delegated to assist them in carrying out their duties under this bylaw.

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- i) "Recycling Service" means the collection of recyclable materials as administered by others to service the City.
- j) "Refuse" means any discarded or abandoned food, substance, recycling, material, or object, whether from domestic, commercial, industrial, institutional, or other use;
- k) "Residential Recyclable Material(s)" means any and all clean paper products, newspaper, cardboard, glass, tin cans and acceptable rigid plastic containers.
- l) "Residential Dwelling Premise(s)" means the individual dwelling units and for single family dwellings means one unit, for two family dwellings means two units, for triplexes means three units, and for fourplexes means four units. Maximum of four-unit multi-family buildings.
- m) "Solid Waste(s) (or Garbage)" means any and all rubbish, household waste, ashes, discarded matter, and discarded waste or vegetable or animal food; but does not include building construction waste, recyclable materials and yard and garden waste.
- n) "Solid Waste Collection Area" means within the boundaries of the City.
- o) "Special Waste(s)" includes hazardous waste, pathological waste, explosives, radio-active material, all waste resulting from any industrial or manufacturing operations, the construction or demolition of buildings and structures, abandoned vehicles and parts thereof, dead animals and all animal parts and agricultural waste and other prescribed substances under any contaminated sites legislation of the Province of British Columbia or the Government of Canada.
- p) "Yard and Garden Waste(s)" means green waste including but not necessarily limited to grass and hedge clippings, leaves, grass, flowers, vegetable stalks, woody or herbaceous waste, fruit and vegetable waste, and pruning that can be effectively composted.

PART 3 – GENERAL PROVISIONS

- 3.1 Solid Waste collection and disposal, by the City or its Contractor, from properties, unless otherwise provided in this Bylaw, shall be limited to waste placed on the curb for pick-up by the City or its contractor, provided such waste is securely contained in a plastic bag displaying the designated collection sticker approved by the City for Solid Waste service (a "Contractor Sticker").
- 3.2 The City and/or Contractor shall not pick up any solid waste or Solid Waste bags not labeled with the appropriate "Contractor Sticker(s)".
- 3.3 Solid Waste bags shall be sized in accordance with the dimensions as identified under 4.3 of this Bylaw.
- 3.4 No person within the solid waste collection area shall illegally dump or dispose of any solid

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waste(s), yard and garden waste(s), special waste(s), and/or recyclable material(s).

- 3.5 No person shall dump or dispose of any Solid Waste, building waste, yard and garden waste, special waste, or any other noxious, offensive, unwholesome or discarded matter in any place, land or grounds other than the landfill site.
- 3.6. Lawful disposal of any solid waste that is not displaying a “Contractor’s Sticker” shall be the sole responsibility of the owner of the waste.
- 3.7 No person shall place solid waste for pick up with the solid waste of others or place solid waste in containers owned by others without that owner’s written permission.
- 3.8 No person shall place any solid waste in any City buildings, facilities, amenities or containers, etc. that is originally created at/on residential dwelling premises and/or private lands that is generally intended for inclusion with either City solid waste collection services or disposal at a landfill site.
- 3.9 The Contractor must not enter any building for the purpose of carrying out or returning thereto any container, nor shall he demand or receive any gratuity, gift, payment or consideration for services rendered in connection with Solid Waste collection beyond their regular remuneration.

PART 4 – RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL SERVICE

- 4.1 Every Owner of a Residential Dwelling Premise(s) within the Solid Waste Collection Area shall use the Service and shall pay the rates and fees as set out and agreed to between the City of Trail and the Regional District of Kootenay Boundary or any applicable rates in the City’s Fees and Charges Bylaw as amended from time to time.
- 4.2 The Contractor shall pick up all Solid Waste materials set out at Residential Dwelling Premises within the Collection Area on the designated day of collection, provided such waste is securely contained in a bag within a container with a secure lid in accordance with this Bylaw, and displays the appropriate Contractor Sticker in an easily identifiable location prior to collection.
- 4.3 The Contractor Sticker shall be affixed to the top or side of a bag no larger than approximately 80-100 litre equivalents (generally around 76 x 83 centimetres or 30 x 33 inches).
- 4.4 Each container shall not weigh more than 23 kilograms or 50 pounds when full.
- 4.5 The City or Contractor reserves the right to refuse to remove all material that is not Solid Waste, Yard Waste or Residential Recyclable Material, as defined by this bylaw.

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PART 5 - CONTAINER REQUIREMENTS

- 5.1 Every owner of residential dwelling premises within the Solid Waste Collection Area shall provide and maintain in sanitary condition and in good order and repair, standard garbage containers sufficient in number at all times to contain all Solid Waste generated on the residential dwelling premises in a sanitary condition.
- 5.2 Every owner of premises other than residential dwelling premises shall provide for a system of Solid Waste collection, removal, and disposal for their premises consistent with any Federal, Provincial, Regional District, or Municipal regulations that may apply.
- 5.3 The City or the Contractor shall not be responsible for the replacement of any containers or lids damaged or lost for any reason whatsoever.
- 5.4 Containers shall be kept on the premises at all times and shall not encroach upon or project over any street, lane or public place except when placed on a street or lane for the purpose of collection under this bylaw.
- 5.5 For collection purposes, all containers must be placed next to the lane or the boulevard or at a place designated by the General Manager of Municipal Services, no earlier than 5:00 a.m. but before 8:00 a.m. on the day of collection indicated by the City or Contractor. Special instances related to the temporary placement of containers during adverse climatic weather conditions or periods may be implemented.
- 5.6 The City may, after providing the owner with at least 7 days written notice and an opportunity to be heard before Council, suspend or discontinue collection service from any residential premise where containers or location or design of pick-up facilities are contrary to the provisions of this bylaw, but such suspension shall not waive any requirement, or abate or waive any charges or fees under the provisions of applicable City Bylaws.

PART 6 – DISPOSAL REQUIREMENTS

- 6.1 No liquids shall be put in or allowed to accumulate in any container.
- 6.2 All table and kitchen Solid Waste, all wet Solid Waste, floor sweepings and sawdust or other granular materials must be placed in a bag before being placed within the applicable container.
- 6.3 No Solid Waste which might adhere to or stick to any container shall be placed within a container unless the Solid Waste is first placed inside a separate receptacle.

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PART 7 – PROHIBITED MATERIALS

- 7.1 Special Waste, recyclable materials and yard and garden waste shall not be placed in a container for residential solid waste collection or disposal.
- 7.2 No person shall place or mix with any material for removal as Solid Waste any explosive, volatile, or corrosive materials, special waste, dangerous chemicals or any other material dangerous to the health or safety of the Solid Waste collection personnel or other members of the public.

PART 8 – RECYCLABLE AND ORGANIC MATERIALS

- 8.1 Recyclable materials shall be sorted and placed for collection in accordance with the guidelines and schedule established by the applicable company and/or organization performing recycling services for the Regional District of Kootenay Boundary.
- 8.2 Compostable materials shall be sorted and placed for collection in accordance with the guidelines and schedule established by the applicable company and/or organization performing organics collection services for the Regional District of Kootenay Boundary.

PART 9 - RESIDENTIAL YARD AND GARDEN WASTE COLLECTION SERVICE

- 9.1 From time to time, the City may designate days when the City may provide general residential Yard and Garden Waste collection. Materials must be bagged, bundled and placed for collection in accordance with City guidelines. Guidelines are administered by the General Manager of Municipal Services and are subject to change from time to time.
- 9.2 If the City designates days for yard and garden waste collection, the City will collect a maximum of one cubic yard of yard and garden refuse from each residential dwelling premise.
- 9.3 Yard and Garden Waste shall not include:
- a) Liquids;
 - b) Fats, meat and bones, food waste and kitchen waste, peels, coffee grounds, tea bags;
 - c) Loose soil and rocks;
 - d) Solid Waste and/or garbage;
 - e) Prunings, wood or tree limbs over 15 centimetres (6 inches) in diameter;
 - f) Human or animal excrement;
 - g) Contaminated soil or other special waste;
 - h) Invasive Species,
 - i) Other materials such as determined from time by time by the General Manager of Municipal Services.

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- 9.4 As an alternative to providing a collection service, the City may designate an area(s) and/or location(s) where residents may deposit / place residential yard and garden waste. Items for such deposit / placement shall be consistent with the materials identified in 9.1. If this alternative method is abused in any manner by any user, the City will look to complete any and all investigations and/or activities as may be required in accordance to carry out actions identified in section 10.2 of this Bylaw.

PART 10 – RATES AND CHARGES

- 10.1 Property owners shall be responsible for payment of all rates for solid waste and recycling services for properties owned by them.
- 10.2 The user rates and charges levied for solid waste and recycling services supplied by the City shall be levied via General Taxation.
- 10.3 For any solid waste and recycling service started after the 1st of January, the user account will be billed for an amount equal to the annual rate prorated for the number of days remaining in the year.
- 10.4 All rates and charges remaining unpaid on the 31st. of December in each year shall be added to and form part of the taxes payable on respect of the land and improvements therein, and shall be entered on the Collector’s Roll as taxes in arrears.

PART 11 – ENFORCEMENT

- 11.1 The City or Contractor may refuse to remove any and all waste material which is defined by this bylaw.
- 11.2 Any person who violates any provision of this bylaw, or who suffers or permits any act to be done in contravention or violation of any of the provisions of this bylaw, or who neglects or refrains from doing anything required to be done by any provision of this bylaw, commits an offence and is liable on conviction to a fine of not more than \$2,000.00, and not less than \$500.00 per offence.
- 11.3 Each day the offence continues is considered a separate offence.

PART 12 - SEVERABILITY

- 12.1 If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

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PART 13 - ENACTMENT AND REPEAL

- 13.1 This Bylaw shall come into full force and effect upon the final adoption thereof.
- 13.2 City of Trail Garbage and Waste Bylaw No. 2662, 2007, and any and all of its amendments are hereby repealed.

READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME
RECONSIDERED AND FINALLY ADOPTED

this 12th day of February, 2024
this 12th day of February, 2024
this 12th day of February, 2024
this 26th day of February, 2024

MAYOR

CORPORATE OFFICER