

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2244

A bylaw to provide for the control, collection and disposal of garbage and other discarded matter

Whereas pursuant to the Local Government Act, Council may require persons to use a waste disposal or recycling service, including requiring persons to use a waste disposal or recycling service provided by or on behalf of the municipality; and impose a fee or charge payable in respect of all or part of a service of the municipality.

Now Therefore, the Council of the Corporation of the City of Courtenay, in open meeting assembled, enacts as follows:

Part 1 - Definitions

1.1 In this Bylaw:

- (a) **“Ashes”** means ashes, cinders and other remains of fuels after such fuel has been consumed by fire;
- (b) **“City”** means the Corporation of the City of Courtenay;
- (c) **“Container”** means a container provided by the Contractor for use by Trade premises or Multiple dwellings, which containers have at least a two (2) cubic yard capacity;
- (d) **“Collection Day”** means, with respect to a premise, each day that garbage is scheduled for collection in accordance with the collection schedule;
- (e) **“Collection schedule”** means, with respect to regulation garbage receptacle collection, the schedule for garbage collection distributed by the City from time to time, and with respect to container collection, the collection days determined by the contractor in each case;
- (f) **“Contractor”** means the person with whom the City has entered into a contract for the collection, removal and disposal of garbage and recyclable materials within the City;

- (g) **“Council”** means the Council of the City of Courtenay;
- (h) **“Curbside collection program”** means the biweekly pick up of all newspaper, plastic milk jugs, metal food containers, aluminum beverage cans, mixed waste paper and plastics 1 through 7 except film wrap or plastic bags from residential premises;
- (i) **“Garbage”** means all waste and discarded materials produced as a result of domestic or business activities, but excludes prohibited waste and recyclable materials;
- (j) **“Garbage collection system”** means the system of garbage and recyclable materials collection and disposal established and maintained under this bylaw;
- (k) **“Garbage Sticker”** means a garbage collection ticket which may be purchased at City Hall or other designated locations to permit the disposal of additional garbage in excess of the maximum 121 litres of garbage allowed per premise, per week;
- (l) **“Multiple dwelling”** means a residential building which consists of two or more dwelling units where garbage is stored and collected from a single point on the premises;
- (m) **“Municipal engineer”** means the engineer for the City and his or her delegate;
- (n) **“Occupier”** means a person occupying any dwelling or trade premises within the City, but not including any person who is merely a boarder, roomer or lodger;
- (o) **“Owner”** has the meaning given to it in section 5 of the Local Government Act, R.S.B.C. 1996, Chapter 323, on the date of adoption of this bylaw;
- (p) **“Premises”** means every parcel of land, including strata lots, and every separately occupied or leased area within a building;
- (q) **“Prohibited waste”** means the type of waste set out in section 5.1;

- (r) **“Recyclable Materials”** means plastic milk jugs rinsed with lids removed, metal food containers rinsed with labels removed, mixed waste paper including junk mail, envelopes and stationary, newspaper and magazines including inserts, cardboard and boxboard with plastic and waxed liners removed, plastics 1 through 7 except film wrap or plastic bags collected for recycling by the City under its curbside recycling program;
- (s) **“Regulation garbage receptacle”** means a receptacle provided with a water tight cover, having a capacity of 121 litres (26.6 Imperial gallons), a diameter of not more than 60 centimetres (24 inches), and a depth of not more than 90 centimetres (36 inches), and made of iron, plastic or rubber, or securely closed plastic garbage bags having a capacity of no more than 50 litres, but excludes cardboard boxes and paper bags;
- (t) **“Special waste”** includes hazardous wastes, pathological wastes, explosives, radio active materials, paint and paint products, all waste resulting from an industrial or manufacturing operation, and all wastes defined as “special waste” in the Waste Management Act (British Columbia);
- (u) **“Trade premises”** means any warehouse, factory, store, hotel, restaurant, wholesale or retail business, garage or office building; and
- (v) **“Yard waste”** means grass, soil, hedge clippings or other garden refuse.

Part 2 - Regulation Garbage Receptacle Collection

- 2.1 Every owner or occupier of a premises within the City, other than a multiple dwelling or a trade premise for which a container has been obtained, must provide and maintain in good order and repair sufficient regulation garbage receptacles to contain all garbage created by that premise.
- 2.2 Where any regulation garbage receptacle is determined by the City to no longer be in good order and repair, the owner or occupier must immediately cease all use of that regulation garbage receptacle and replace it with a regulation garbage receptacle which meets the requirements of this bylaw.
- 2.3 The City may from time to time establish a collection schedule and distribute that collection schedule to all premises within the City.

- 2.4 On each applicable collection day, the owner or occupier of a premise must, prior to 8:00 a.m., place all regulation garbage receptacles within 1 metre of the curb or curb line adjacent to the front of the premises, or, where the collection service is provided from a lane, on the premises adjacent to the property line abutting the lane, so as to be conveniently handled from ground level and readily accessible from the lane. In no circumstances may any regulation garbage receptacle be placed where it may cause any hazard to vehicle or pedestrian traffic. All regulation garbage receptacles must be removed from their collection locations by 6:00 p.m. on the collection day.
- 2.5 The City will provide the following basic collection service for premises using regulation garbage receptacles:
- (a) up to 121 litres of garbage per premises per week, being no more than one 121 litre regulation garbage receptacle; and
 - (b) biweekly collection of plastic milk jugs, metal food containers, mixed waste paper, newsprint and magazines, cardboard and boxboard and plastics 1 through 7 except film wrap or plastic bags.
- The City will collect up to an additional 200 litres of garbage per premise on the collection day, being no more than four 50 litre garbage bags (60 cm x 90 cm), provided each garbage bag has attached to it a user pay garbage sticker which has been purchased from the City.
- 2.6 Regulation garbage receptacles including their contents must under no circumstances exceed the following weight limitations:
- (a) 25 kilograms (55 lbs.) for a 121 litre water tight garbage receptacle; and
 - (b) 16 kilograms (35 lbs.) for a 50 litre securely closed garbage bag.

Part 3 - Container Collection

- 3.1 All multiple dwellings and trade premises assigned a container must obtain the container from the contractor. The number and size of containers, and the collection schedule, will be determined by the contractor and the owner or occupier of the premise, with notice of the collection schedule given by the contractor to the City.

- 3.2 Every owner or occupier of a trade premise or multiple dwelling creating garbage in excess of twelve (12) regulation garbage receptacles per week, may be required by the Municipal Engineer to use a container.
- 3.3 All containers must be accessible for collection at a location to be determined by the contractor, and all garbage must be placed in the container by 8:00 a.m. on each applicable collection day.
- 3.4 Every owner or occupier of a premise using a container must provide a suitable level base on which the container must be located. This base must comprise a 2.44 metre (8 feet) by 2.44 metre (8 feet) area, with a concrete or asphalt surface, or other surface sufficient to safely and effectively support the container when full.

Part 4 - Recyclable Materials

- 4.1 All cardboard to be discarded by the owner or occupier of a residential premise using regulation garbage receptacles must be separately bundled and placed adjacent to the regulation garbage receptacles for collection in accordance with the curbside collection program collection schedule.
- 4.2 All trade premises and multiple dwellings disposing of cardboard may obtain from the contractor a designated container for the disposal of cardboard and blue bag recyclables, to be collected in accordance with the collection schedule.
- 4.3 Trade premises and multiple dwellings disposing of cardboard into a container other than a container designated for cardboard disposal must pay a higher rate for collection and disposal.
- 4.4 All newspaper, plastic milk jugs, metal food containers, aluminum beverage cans, mixed waste paper and plastic 1 through 7 except film wrap or plastic bags to be recycled by the owner or occupier of a residential premise using regulation garbage receptacles must place the recyclables in a transparent blue recycling bag and place it adjacent to the regulation receptacle for collection in accordance with the curbside collection program schedule.
- 4.5 Multi-family strata, patio homes and apartments which have cardboard recycling containers may place newspaper, plastic milk jugs, metal food containers, aluminium beverage cans, mixed waste paper and plastics 1 through 7 except film wrap or plastic bags into a transparent blue recycling bag and then place the bag in the cardboard recycling container.

Part 5 - Restricted Materials

- 5.1 No person may place or mix any of the following materials for removal as garbage:
- (a) construction materials;
 - (b) wood waste;
 - (c) yard waste;
 - (d) vehicle, vehicle parts or scrap metal;
 - (e) dead animals or birds;
 - (f) hot ashes;
 - (g) tires;
 - (h) batteries;
 - (i) paints; or
 - (j) special wastes.
- 5.2 In addition to items referred to in Section 5.1, no owner or occupier of trade premises or multiple dwelling may place or mix any recyclable materials in any container.

Part 6 - Use of Garbage Collection System

- 6.1 Every owner and occupier of a premise must deposit all garbage in a regulation garbage receptacle or a container, as applicable, and must make use of the garbage collection system established and maintained under this bylaw.
- 6.2 Every owner or occupier of a premise must dispose of all recyclable materials only in accordance with this bylaw.

Part 7 - Rates and Charges

- 7.1 All owners or occupiers of premises must pay those rates and charges set out in the City of Courtenay Fees and Charges Bylaw No. 1673, 1992 as amended or replaced, for the collection and disposal of garbage and recyclable materials under this bylaw. Premises using regulation garbage receptacles are charged a flat rate for collection services. Premises using containers are assessed a

charge per pick up, a tipping fee based on the size of the container. A rental charge for each container will be levied by the garbage contractor.

- 7.2 All fees and charges assessed and payable under the provisions of this bylaw may be billed and collected annually by the collector at the same time and in a like manner as property taxes, and will be subject to the same penalties if not paid by the due date for payment of property tax.
- 7.3 If an account remains unpaid after December 31 in any year, the unpaid amount, including any penalty, will be added to and form part of the taxes payable in respect of the land for which the garbage collection services were provided and will be entered upon the tax roll as taxes in arrears.

Part 8 - Penalties

- 8.1 Any person who contravenes any of the provisions of this bylaw commits an offence and is liable on summary conviction to a penalty not exceeding \$2,000.00.
- 8.2 This bylaw may be enforced by issuance of a Municipal Ticket Information in accordance with the Local Government Act (British Columbia).

Part 9 - General Provisions

- 9.1 “City of Courtenay Refuse Materials Collection, Removal and Regulation Bylaw No. 2060, 1998”, and “City of Courtenay Refuse Materials Collection, Removal and Regulation Amendment Bylaw No. 2153, 2000” are hereby repealed.
- 9.2 This bylaw may cited as the “City of Courtenay Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002”
- 9.3 This bylaw shall come into force and effect upon adoption thereof.

Read a first time this 17th day of June, 2002

Read a second time this day 17th of June, 2002

Read a third time this 15th day of July, 2002

Finally passed and adopted this 19th day of August, 2002

Mayor

Clerk