

CITY OF SALMON ARM
BYLAW NO. 3845

A bylaw to provide for a system for the collection and disposal of solid waste and recycling

WHEREAS, the Board of the Columbia Shuswap Regional District (hereinafter referred to as the CSRD) has established a Solid Waste Management Plan, adopted in March 2009, identifying a strategic implementation and operational plan to provide public direction for reduce, reuse, recycle and disposal programs within the Columbia Shuswap Regional District including all member municipalities;

AND WHEREAS Sections 8 (3) and 64 (d) of the *Community Charter, SBC, 2003, Chapter 26* and amendments thereto, empower the Council to enact a bylaw to regulate and impose requirements in respect to municipal services regarding the use of solid waste and recycling collection and disposal services;

AND WHEREAS the City of Salmon Arm considers that it is necessary to provide regulations for the curbside management of solid waste and recyclables;

NOW THEREFORE the Council of the City of Salmon Arm, in open meeting assembled enacts as follows:

DEFINITIONS

1. In this Bylaw, unless the context otherwise requires:

“Biomedical Waste” shall mean material that is prescribed as biomedical waste by the *Environmental Management Act* of the Province of British Columbia.

“Bylaw” shall mean the Collection and Disposal of Solid Waste and Recycling Bylaw No. 3845 and amendments thereto.

“Bylaw Enforcement Officer” shall mean the person appointed by the City.

“City” shall mean the Corporation of the City of Salmon Arm or its contractors.

“Collection and Disposal Service” shall mean the collection and disposal/processing of Solid Waste and Recyclables by the City.

“Director” shall mean the official appointed by the City as the Director of Engineering and Public Works or a person designated to act in the place of the Director.

“Extra Bag Tag” shall mean an official tag provided by the City that sticks onto extra bag of Solid Waste.

“Mobile Home” shall mean a Mobile Home as defined by the City of Salmon Arm Zoning Bylaw No. 2303 and amendments thereto.

“Noxious Matter” shall mean any offensive, unwholesome or dangerous matter that may be germ or vermin infested, have an offensive odour, be explosive in itself or when mixed with other substances or be injurious to the health of a person handling it and without limiting the generality of the foregoing includes acids, combustible material and similar matter.

“Occupier” shall mean householders, tenants or owners of a dwelling.

“Owner” shall mean the person or persons whose name appears upon the title of the property at the Land Titles Office.

“Parcel” shall mean any lot, block or other area in which real property is held or into which it is subdivided, including bare land strata lots.

“Recyclables” shall mean all newsprint, mixed waste paper, cardboard, plastics #1 - #7 (excluding Styrofoam), metal cans and other materials, excluding glass, which originate from a Single Family Residential or Mobile Home source and that the City may advise from time to time may be sorted for recycling.

“Recycling Collection Bag” shall mean a non-returnable clear or clear blue plastic bag, used for storing Recyclables which has a maximum size of sixty-six (66) by eighty-two point six (82.6) cm (twenty-six (26) inches by thirty-six 36 inches), with a volume equivalent to seventy-five (75) litres (seventeen (17) imperial gallons) and with a weight not to exceed ten (10) kilograms (twenty-two (22) lbs).

“Recycling Container” shall mean a non-corrosive, blue in color, durable receptacle fitted with secure handles and a water-tight cover.

"Salmon Arm Refuse Disposal Site" shall mean the Scaled Transfer Station and Refuse Disposal Site operated by the CSRD and located at 4290 - 20 Avenue SE, Salmon Arm, B.C.

“Single Family Dwelling” shall mean a Single Family Dwelling as defined by the City of Salmon Arm Zoning Bylaw No. 2303 and amendments thereto.

“Solid Waste” shall mean discarded materials, substances or objects which originate from a day to day Single Family Residential or Mobile Home source, other than items considered unacceptable by the Director or Solid Waste Not Eligible For Regular Disposal.

“Solid Waste Collection Bag” shall mean a non-returnable plastic garbage bag, used for storing Solid Waste, which has a maximum size of sixty-six (66) by eighty-two point six (82.6) cm (twenty-six (26) inches by thirty-six 36 inches), with a volume

equivalent to seventy-five (75) litres (seventeen (17) imperial gallons) and with a weight not to exceed ten (10) kilograms (twenty-two (22) lbs).

“Solid Waste Container” shall mean a non-corrosive, durable receptacle fitted with secure handles and a water-tight cover.

“Solid Waste Not Eligible For Regular Disposal” shall mean recyclables, yard waste, land clearing, construction and demolition waste, noxious matter, biomedical waste, large items, car parts, furniture, and other items identified as prohibited by Schedule “A” attached hereto and forming part of this Bylaw.

“User” shall mean an Owner or Occupier of a Single Family Dwelling or Mobile Home who receives City collection services.

“Wildlife” shall mean a bear, cougar, coyote or wolf.

“Yard Waste” shall mean house plants, weeds, plants, leaves, grass, hedge and plant clippings, lawn edgings, twigs and branches.

COLLECTION AND DISPOSAL SYSTEM

2. A Collection and Disposal Service is hereby established by the City for weekly solid waste collection and disposal and bi-weekly recycling collection and processing as set out in this Bylaw.
3. Each Owner or Occupier of a Single Family Dwelling or Mobile Home, shall make use of the Collection and Disposal Service provided by the City, subject to the following limits per Single Family Dwelling and Mobile Home:
 - a) Solid Waste:
Maximum of one (1) Solid Waste Collection Bag per week ; and
 - b) Recyclables:
Unlimited Recycling Collection Bags every second (2nd) week.
4. Despite any other provisions in this Bylaw, where the Director may consider that a Parcel cannot be safely or efficiently serviced using the City's existing vehicles and equipment, the Director may exclude that Parcel from servicing under this Bylaw and, upon notice to the Owner of the Parcel, the Parcel is not permitted or required to receive the City's Collection and Disposal Service either permanently or for a temporary period as authorized by the Director.
5. Notwithstanding Section 3 of this Bylaw, any Owner of a Parcel may make application to the Director for Collection and Disposal Service under this Bylaw and the Director may include that Parcel in the Collection and Disposal Service.

6. The frequency of the provision of the Collection and Disposal Service pursuant to Section 3 of this Bylaw is subject to change from time to time due to statutory holidays, as determined by the Director.
7. The City's Collection and Disposal Service are limited to the applicable number and size of Solid Waste Collection Bags pursuant to Section 3 of this Bylaw.
8. Fees for the Collection and Disposal Service are pursuant to the City of Salmon Arm Fee for Service Bylaw No. 2498 and amendments thereto.

DUTIES OF OWNERS AND OCCUPIERS

9. Every Owner and Occupier of a Parcel that receives Collection and Disposal Service shall do, or cause to be done, the following:
 - a) Provide Solid Waste Collection Bags and Recycling Collection Bags (hereinafter collectively referred to as Collection Bags) which comply with this Bylaw;
 - b) Place all Solid Waste and Recyclables intended for collection in Collection Bags;
 - c) Collection Bags may be placed in Solid Waste Containers and Recycling Containers (hereinafter referred to as Containers) respectively;
 - d) Maintain all Collection Bags and Containers in a clean and sanitary condition at all times;
 - e) Ensure that only Solid Waste Eligible For Regular Disposal is deposited in the Solid Waste Collection Bags;
 - f) Ensure that only Recyclable materials are deposited in the Recycling Collection Bag and that such materials are clean and dry;
 - g) Set out only the amount of Solid Waste that will fit into a Solid Waste Collection Bag with the Solid Waste Collection Bag securely tied and so as not to exceed the weight limit specified in this Bylaw;
 - h) Clean up spillage originating from Collection Bags; and
 - i) Comply with all Sections of this Bylaw.
10. The City need not collect all or any Solid Waste or Recyclables from a Parcel if an Owner or Occupier has not complied with this Bylaw.

EXCESS SOLID WASTE

11. Owners or Occupiers of a Single Family Dwelling or Mobile Home who wish to dispose of additional Solid Waste Collection Bag (in excess of the one (1) Solid Waste Collection

Bag per week limit) may purchase and Extra Bag Tag from the City pursuant to the City of Salmon Arm Fee for Service Bylaw No. 2498 and amendments thereto.

ACCESS TO PARCEL

12. An officer or employee of the City may enter onto any property in accordance with this Bylaw to inspect and determine whether this Bylaw is being complied with.
13. A Bylaw Enforcement Officer may enter onto property if wildlife poses a threat and if necessary, with assistance from a Conservation Officer appointed under the Ministry of Environment (*Wildlife Act*) or a police officer.
14. The Director may determine if roadways are clear and safely passable to provide for curbside Collection and Disposal Service.
15. A person must not interfere with, hinder or obstruct a municipal officer or employee in the exercise of performance of his or her powers, duties or functions.

PLACEMENT OF COLLECTION BAGS

16. Unless an exception is provided by the Director, every Owner of a Parcel that that receives Collection and Disposal Service shall do, or cause to be done, the following:
 - a) Shall keep on the Parcel at all times, other than specified in Section 16.d), all Collection Bags and Containers;
 - b) Shall not place any Collection Bags and Containers within one (1) metre of any structure;
 - c) Shall not place any Collection Containers that, in the opinion of the Fire Chief, creates a fire hazard or endangers the life or safety of persons by impeding access to parcels by firefighting apparatus or personnel;
 - d) Shall, after 5:30 a.m., and prior to 7:00 a.m. on designated collection days, place the Collection Bags and Containers in accordance with this Bylaw, or the instructions of the Director, in the front yard, on the driveway or access to the Parcel, adjacent to the street (not a lane) as near as possible to but not on the travelled portion of the street location without obstructing pedestrian and/or vehicular traffic; and
 - e) Shall remove all Collection Containers from the street or lane allowance within a period of twelve (12) hours immediately following collection by the City and store such cans to the side or rear of the dwelling.

BILLING AND PAYMENT OF CHARGES

17. The user fees relative to the Collection and Disposal Service provided under this Bylaw shall be pursuant to the City of Salmon Arm Fee for Service Bylaw No. 2498 and amendments thereto. If an Owner has failed to pay the Collection and Disposal Service costs pursuant to the of Salmon Arm Fee for Service Bylaw No. 2498 and amendments thereto, the unpaid amounts are deemed to be a debt to the City and any unpaid amounts remaining unpaid on the 31st day of December in the year that Collection and Disposal Service costs apply, shall be added to and form part of the taxes payable on the Parcel as property taxes in arrears. All such arrears will be collected in the same manner and with the same remedies as property taxes.
18. Upon application for a Building Permit to construct a Single Family Dwelling or place a Mobile Home, the applicant shall prepay the pro-rated Collection and Disposal Service for the remaining portion of the year, calculated from the first (1st) day of the fourth (4th) month following the date of the Building Permit issuance or from the date of Occupancy Permit issuance.

ENFORCEMENT AND PENALTIES

19. Every person who contravenes a provision of this Bylaw, or who suffers, allows or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw.
20. Every violation shall be deemed to be a continuing, new and separate offence for each day during which the offence continues.
21. Any person who contravenes any provision of this Bylaw commits an offence punishable upon summary conviction and is liable to a fine not exceeding \$5,000.00 and costs. If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.
22. This Bylaw may be enforced by the impositions of fines under the City of Salmon Arm Municipal Ticketing Information Utilization Bylaw No. 2760 and amendments thereto.
23. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

SEVERABILITY

24. If any portion of this Bylaw is held invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed portion.

ENACTMENTS

25. Any enactments referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.

EFFECTIVE DATE

26. This Bylaw shall come into full force and effect upon adoption of same.

CITATION

27. This Bylaw may be cited as the "City of Salmon Arm Collection and Disposal of Solid Waste and Recycling Bylaw No. 3845"

READ A FIRST TIME THIS	8th	DAY OF	November	2010
READ A SECOND TIME THIS	8th	DAY OF	November	2010
READ A THIRD TIME THIS	8th	DAY OF	November	2010
ADOPTED BY THE COUNCIL	22nd	DAY OF	November	2010

"M. BOOTSMA"

MAYOR

"C. BANNISTER"

CORPORATE OFFICER

Schedule "A"

Solid Waste Not Eligible For Regular Disposal
(Prohibited Materials)

- Agricultural waste;
- Automobile bodies and parts;
- Barrels or drums in excess of 205 litres (45 gallons), whether full or empty;
- Biomedical waste;
- Dead animals;
- Electronics and electrical products , including batteries;
- Animal excrement not contained in a sealed container;
- Gypsum;
- Hazardous waste;
- Hospital office waste;
- Inert fill materials including soil, sod, gravel, concrete and asphalt
- Demolition, land clearing and construction (DLC) waste;
- Lead acid batteries;
- Liquids and sludge;
- Noxious matter;
- Oil containers, oil filters, paint products, solvents and flammable liquids;
- Metal household or commercial appliances;
- Pesticide products;
- Pharmaceuticals;
- Radioactive and reactive waste;
- Recyclables;
- Refuse that is on fire, smoldering, flammable or explosive;
- Refuse that would cause undue risk of injury or occupational disease to any person at the Disposal Site or that would otherwise contravene the Occupational Health and Safety Regulations;
- Yard waste;
- Tires; and
- Any single object weighing more than ten (10) kilograms or measuring more than one (1) metre (in size in any direction).