

CITY OF SALMON ARM

BYLAW NO. 4281 - CONSOLIDATED VERSION For Convenience Only

A bylaw to provide for a system for the collection of residential refuse, recycling, food waste and yard waste for disposal or processing.

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 curbside collection services;

AND WHEREAS the City of Salmon Arm considers that it is necessary to provide regulations for the curbside management of refuse, food waste, yard 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 Curbside Collection Bylaw No. 4281 and amendments thereto.

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

“City” shall mean the City of Salmon Arm.

“Certified Compostable” shall mean materials approved by the Biodegradable Products Institute (BPI) that are designed to completely biodegrade at an industrial composting facility.

“Collector” shall mean the entity performing the Curbside Collection Service for the City.

“Container” shall mean a metal, plastic or paper receptacle used for temporary storage of Refuse, Recyclables, Food Waste or Yard Waste. This may refer to bags, bins or carts owned by the User or the City, and used for curbside collection.

“Council” shall mean the elected Mayor and Council members of the City of Salmon Arm.

“Curbside Collection Service” shall mean the City’s collection and delivery of Refuse, Recyclables, Food Waste and Yard Waste to the appropriate facility for disposal or processing.

“Curbside Household” shall mean a self-contained dwelling unit providing accommodation to one or more people, including (i) single-family dwellings, (ii) bare land stratas (iii) duplexes (iv) mobile homes and (vi) other dwelling determined to be eligible to receive services by the Director.

“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 Food Waste shall mean Food Waste exceeding the weekly limit of ten (10) kilograms (twenty-two (22) lbs).

“Extra Food Waste Container” shall mean a User-owned, non-corrosive, durable, reusable receptacle fitted with secure handles and used for the storage and collection of Extra Food Waste. An Extra Food Waste Container must be clearly marked as Food Waste, have a lid that can be easily opened by the Collector and contain a maximum weight of ten (10) kilograms (twenty-two (22) lbs).

“Extra Food Waste Tag” shall mean an official tag provided by the City that sticks onto an extra Food Waste Bag or placed on Extra Food Waste within an Extra Food Waste Container.

“Extra Refuse Tag” shall mean an official tag provided by the City that sticks onto an extra Refuse Bag.

“Food Waste” shall mean any Food Waste material under Schedule ‘A’ Acceptable Materials which originates from a day-to-day Curbside Household source.

“Food Waste Bag” shall mean a non-returnable Certified Compostable bag used for the storage and collection of Food Waste, and contain a maximum weight of ten (10) kilograms (twenty-two (22) lbs).

“Food Waste Container” shall mean a City-owned receptacle used for the storage and collection of Food Waste or Food Waste Bags, and contain a maximum weight of ten (10) kilograms (twenty-two (22) lbs).

“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 materials deemed acceptable for Curbside Collection by Recycle BC under Schedule ‘A’ Acceptable Materials which originate from a day-to-day Curbside Household source.

“Recyclables Container” shall mean a non-corrosive, durable, reusable, open receptacle fitted with secure handles, clearly marked as Recyclables and used for the storage and collection of Recyclables, and contain a maximum weight of ten (10) kilograms (twenty-two (22) lbs).

“Recycle BC” shall mean MMBC Recycling Inc. doing business as Recycle BC.

“Refuse” shall mean discarded materials, substances or objects which originate from a day-to-day Curbside Household source, other than items collected by the City’s Curbside Collection Service under Schedule ‘A’ Acceptable Materials, materials collected under a BC Stewardship program or materials that are prohibited from the CSRD landfill under Schedule ‘B’ Solid Waste Not Eligible for Refuse Disposal, or as otherwise deemed unacceptable by the Director. The terms Refuse and Garbage may be used interchangeably.

“Refuse Bag” shall mean a non-returnable garbage bag used for the storage and collection of Refuse, and contain a maximum weight of ten (10) kilograms (twenty-two (22) lbs).

“Refuse Container” shall mean a non-corrosive, durable, reusable receptacle fitted with secure handles and an optional cover that is easily removed by the Collector, used for the storage and collection of Refuse Bags, and contain a maximum weight of 10 kg (22 lbs).

“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.

“User” shall mean an Owner or Occupier of a Curbside Household who receives City collection services.

“Yard Waste” shall mean any organic, non-Food Waste materials, substances or objects under Schedule ‘A’ Acceptable Materials, originating from a day-to-day Curbside Household source.

“Yard Waste Bag” shall mean a non-returnable; Kraft Compostable Paper used for the storage and collection of Yard Waste, and contain a maximum weight of twenty (20) kilograms (forty-four (44) lbs).

CURBSIDE COLLECTION SERVICE

2. A Curbside Collection Service is hereby established by the City for the curbside collection of Food Waste, Refuse, Recyclables and Yard Waste, as set out in this Bylaw.
3. The Council delegates to the City Engineer the authority to maintain an Acceptable Materials list for the purposes of this bylaw.
4. Each Owner or Occupier of a Curbside Household shall make use of the Curbside Collection Service provided by the City, subject to the following limits per Curbside Household:
 - a) Food Waste:
Maximum of one (1) Food Waste Container per week;
 - b) Refuse:
Maximum of one (1) Refuse Bag every second week;
 - c) Recyclables:
Unlimited Recyclables Containers every second week; and
 - d) Yard Waste:
Unlimited Yard Waste Containers bi-annually.
5. Despite any other provisions in this Bylaw, where the Director may consider that a Parcel cannot be safely or efficiently serviced, 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 Curbside Collection Service either permanently or for a temporary period as authorized by the Director.
6. Notwithstanding Section 4 of this Bylaw, any Owner of a Parcel may make an application to the Director for Curbside Collection Service under this Bylaw and the Director may include that Parcel in the Curbside Collection Service.
7. The frequency of the provision of the Curbside Collection Service pursuant to Section 4 of this Bylaw is subject to change from time to time due to statutory holidays, as determined by the Director.
8. The City's Curbside Collection Service is limited to the applicable number, size and weight of Containers pursuant to Section 4 of this Bylaw.

9. The City shall provide each Curbside Household with one (1) Food Waste Container and one (1) Recyclables Container.
10. Fees for the Curbside Collection Service are pursuant to the City of Salmon Arm Fee for Service Bylaw No. 2498 and amendments thereto.

DUTIES OF OWNERS AND OCCUPIERS

11. Every Owner and Occupier of a Parcel that receives Curbside Collection Service shall do, or cause to be done, the following:
 - a) Provide Refuse Bags, Food Waste Bags and Yard Waste Bags (hereinafter collectively referred to as Collection Bags) which comply with this Bylaw;
 - b) Provide Refuse Containers, additional Recyclables Containers as required, and Extra Food Waste Containers (hereinafter and inclusive of the City provided Recyclables Container and Food Waste Container collectively referred to as Containers) which comply with this Bylaw;
 - c) Place all Refuse, Recyclables, Food Waste and Yard Waste in their respective Collection Bags or Containers and place at curbside on collection day in compliance with Section 20;
 - d) Ensure Refuse Bags are securely tied;
 - e) Ensure Food Waste Containers, Extra Food Waste Containers and Yard Waste Bags are securely closed;
 - f) Set out only the amount of material that will fit securely in the respective Collection Bag or Container and so as not to exceed the weight limits specified in this Bylaw;
 - g) Maintain all Containers in a clean and sanitary condition at all times;
 - h) Clean up spillage originating from Containers; and
 - i) Comply with all Sections of this Bylaw.
12. The City need not collect all or any Refuse, Food Waste, Recyclables or Yard Waste from a Parcel if an Owner or Occupier has not complied with this Bylaw.

EXCESS REFUSE

13. Users who wish to occasionally dispose of additional Refuse Bags (in excess of the one (1) Refuse Bag every second week collection limit) may purchase Extra Refuse Tags from the City pursuant to the City of Salmon Arm Fee for Service Bylaw No. 2498 and amendments thereto. Each Extra Refuse Tag will permit the collection of one (1) Refuse Bag in addition to the Refuse limit specified in Section 4.b). Excess Refuse may be contained within a Refuse Container with Extra Refuse Tag attached to Refuse Bag.

EXCESS FOOD WASTE

14. Users who wish to occasionally dispose of additional Extra Food Waste may purchase Extra Food Waste Tags from the City pursuant to the City of Salmon Arm Fee for Service Bylaw No. 2498 and amendments thereto. Each Extra Food Waste Tag will permit the collection of one (1) Food Waste Bag or Extra Food Waste Container in addition to the Food Waste limit specified in Section 4.a). An Extra Food Waste Tag shall be placed on a Food Waste Bag. Where an Extra Food Waste Container is used, the sticker shall be placed on the Food Waste Bag or Extra Food Waste within the container.
15. Users who wish to regularly dispose of Extra Food Waste may purchase one or more additional Food Waste Containers and additional weekly Food Waste collections from the City. Fees for each additional Food Waste Container and collection are pursuant to City of Salmon Arm Fee for Service Bylaw No. 2498 and amendments thereto.

ACCESS TO PARCEL

16. 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.
17. 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.
18. The Director may determine if roadways are clear and safely passable to provide for Curbside Collection Service.
19. 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 AND CONTAINERS

20. Unless an exception is provided by the Director, every Owner of a Parcel that receives Curbside Collection Service shall do, or cause to be done, the following:
- a) Shall keep all Collection Bags and Containers on the Parcel at all times, other than specified in Section 20.c);
 - b) Shall not place any Collection Bags and 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;
 - c) Shall 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 but not on the travelled portion of the street location without obstructing pedestrian and/or vehicular traffic, prior to 7:00 a.m. on the designated collection day;
 - d) Notwithstanding Section 20.c) of this Bylaw, the Director may, upon notice to the Owner of the Parcel, require the placement of Collection Bags and Containers after 5:30 a.m. on designated collection days to address and discourage scavenging by wildlife;
 - e) May place Refuse Bags inside Refuse Containers;
 - f) May place extra Food Waste Bags inside Extra Food Waste Containers;
 - g) The Director may, upon notice to the Owner of the Parcel, require Refuse Bags or extra Food Waste set out for collection be placed in a Refuse Container or Extra Food Waste Container respectively to address and discourage scavenging by wildlife; and
 - h) 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 in a location other than outside the front of the dwelling.

BILLING AND PAYMENT OF CHARGES

21. The user fees relative to the Curbside Collection 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 Curbside Collection 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 Curbside Collection 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.
22. Upon application for a Building Permit to construct a Curbside Household, the applicant shall prepay the pro-rated Curbside Collection 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

23. 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.
24. Every violation shall be deemed to be a continuing, new and separate offence for each day during which the offence continues.
25. 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.
26. 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.
27. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

SEVERABILITY

28. 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

29. 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

30. This Bylaw shall come into full force on July 1, 2019.

CITATION AND REPEAL

31. “City of Salmon Arm Collection and Disposal of Solid Waste and Recycling Bylaw No. 3845” and all previous versions, consolidations and amendments made thereto are repealed upon adoption of this Bylaw.
32. This Bylaw may be cited as the "City of Salmon Arm Curbside Collection Bylaw No. 4281"

READ A FIRST TIME THIS	27th	DAY OF	May	2019
READ A SECOND TIME THIS	27th	DAY OF	May	2019
READ A THIRD TIME THIS	27th	DAY OF	May	2019
ADOPTED BY THE COUNCIL	10th	DAY OF	June	2019

“A. HARRISON”
MAYOR

“E. JACKSON”
CORPORATE OFFICER

Schedule 'A'
Acceptable Materials

Contact the City for a complete list of materials accepted in the Curbside Collection Service.

Schedule 'B'
Solid Waste Not Eligible for Refuse Disposal

Contact the City for a complete list of materials prohibited from the Curbside Collection Service.