

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:

“Accessory Dwelling Unit” shall mean the same as defined in City of Salmon Arm Zoning Bylaw No. 2303 and amendments thereto.

“Additional Food Waste Collection” shall mean the collection of Food Waste in an Additional Food Waste Container.

“Additional Food Waste Container” shall mean a Food Waste Container used for Additional Food Waste Collection

“BC Stewardship Program” shall refer to a program whereby the producers are responsible to reduce the environmental impact of their products throughout the product lifecycle, including providing a means to collect and recycle their products at end-of-life. These are also referred to as Extended Producer Responsibility Programs, or EPR.

“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 a material approved to be compostable in an industrial composting facility by a reputable certification organization, including but not limited to, the Biodegradable Products Institute (“BPI”) and Bureau de normalisation du Quebec (“BNQ”).

“Clean” in the context of Recyclables, shall mean free-of and uncontaminated by solid or liquid residue, other than water.

“Collection Bags” shall mean Refuse Bags, Food Waste Bags and Yard Waste Bags that conform to the requirements defined for each in Section 1 of this bylaw.

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

“Compostable Bag” shall mean a bag made entirely of paper or of a Certified Compostable material.

“Container” shall mean a non-corrosive, durable, light-weight receptacle used for the storage and collection of Refuse, Recyclables, Food Waste or Yard Waste, having a maximum volume of one-hundred and twenty litres (120 L), and may include bins, carts or boxes owned by the User or the City.

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

“CSRD” shall mean the Columbia Shuswap Regional District

“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 fronting directly on to a City owned and maintained roadway where the Occupier of the Dwelling Unit is expected to individually deliver Containers and Collection Bags to the curb for collection, and may include: (i) Single Family Dwellings; (ii) rowhouses and townhouses of two or more units (excluding Secondary Suites and Accessory Dwelling Units); and (iii) other Dwelling Units determined to be eligible to receive the Curbside Collection Service by the Director in accordance with Section 6 of this Bylaw.

“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.

“Dwelling Unit” shall mean the same as defined in City of Salmon Arm Zoning Bylaw No. 2303 and amendments thereto.

“Extra Food Waste” shall mean Food Waste exceeding the limit specified in Section 4(a) of this Bylaw.

“Extra Food Waste Container” shall mean a User-owned, reusable Container used for the storage and collection of Extra Food Waste, having a maximum volume of one-hundred and twenty litres (120 L), fitted with secure handles and a lid that can be easily opened by the Collector, and being clearly marked as Food Waste.

“Extra Food Waste Tag” shall mean an official, Certified Compostable tag provided by the City to be affixed to a Food Waste Bag or Extra Food Waste Container containing Extra Food Waste.

“Extra Refuse” shall mean Refuse exceeding the limit specified in Section 4(b) of this Bylaw.

“Extra Refuse Tag” shall mean an official tag provided by the City to be affixed to a Refuse Bag or Refuse Container containing Extra Refuse.

“Food Waste” shall mean residential organic matter, as included under Food Waste in Schedule ‘A’ – Acceptable Materials of this Bylaw.

“Food Waste Bag” shall mean a single-use, Compostable Bag used for the storage and collection of Food Waste, having a maximum volume of one-hundred and twenty litres (120 L).

“Food Waste Container” shall mean a City-owned and branded receptacle used for the storage and collection of Food Waste or Food Waste Bags, having a maximum volume of one-hundred and twenty litres (120 L);

“Kraft Paper Bag” shall mean a bag made entirely of high-strength paper.

“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 a person or persons inhabiting 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.

“Recyclables” or “Recycling” shall mean residential paper products and packaging (“PPP”) materials deemed to be acceptable for the Curbside Collection Service by Recycle BC, as included under Schedule ‘A’ – Acceptable Materials of this Bylaw.

“Recyclables Container” shall mean a User-owned, reusable Container used for the storage and collection of Recyclables, having a maximum volume of one-hundred and twenty litres (120 L), and fitted with secure handles. Recyclables Containers shall be set-out for collection without lids and be clearly marked as Recyclables.

“Recycle BC” shall mean the non-profit organization responsible for the recycling of residential and packaging and paper product (PPP) recycling throughout British Columbia.

“Refuse” or “Garbage” shall mean discarded materials, substances or objects which originate from a residential source, other than:

- a) Materials collected under the City’s curbside collection of Recyclables, Food Waste and Yard Waste, as listed in Schedule ‘A’ – List of Accepted Materials;
- b) Materials collected under a BC Stewardship program;
- c) Materials that are prohibited from a CSRD landfill under Schedule ‘B’ Solid Waste Not Eligible for Refuse Disposal (Prohibited Materials); or
- d) Materials otherwise deemed unacceptable by the Director.

“Refuse Bag” shall mean a single-use garbage bag used for the storage and collection of Refuse, having a maximum volume of one-hundred and twenty litres (120 L).

“Refuse Container” shall mean a User-owned, reusable Container used for the storage and collection of Refuse Bags, having a maximum volume of one-hundred and twenty litres (120 L), and fitted with secure handles and an optional lid that can be easily opened by the Collector.

“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.

“Secondary Suite” shall mean the same as defined in City of Salmon Arm Zoning Bylaw No. 2303 and amendments thereto.

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

“User” shall mean an Owner or Occupier of a Curbside Household who receives the Curbside Collection Service.

“Yard Waste” shall mean residential organic matter, as included under Yard Waste in Schedule ‘A’ - Acceptable Materials of this Bylaw.

“Yard Waste Bag” shall mean a single-use, Kraft Paper Bag used for the storage and collection of Yard Waste, having a maximum volume of one-hundred and twenty litres (120 L). Bags made of or containing Certified Compostable plastic are not accepted for Yard Waste.

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 User 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 of up to 10 kg (22 lb), per week;
 - b) Refuse:
Maximum of one (1) Refuse Bag or one (1) Refuse Container of up to 10 kg (22 lb) every second week, on alternate weeks from Recyclables collection;
 - c) Recyclables:
Unlimited Recyclables Containers of up to 10 kg (22 lb) per Container every second week, on alternate weeks from Refuse collection; and
 - d) Yard Waste:
Unlimited Yard Waste of up to 20 kg (44 lb) per Yard Waste Bag monthly, from April to November each year.
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.
 - a) The Owner of a Parcel having a Dwelling Unit not conforming to the definition of Curbside Household in this Bylaw may make an application ("opt-in") to the Director to receive the Curbside Collection Service, and the Director may approve the Dwelling Unit as Curbside Household to receive the Curbside Collection Service under this Bylaw.
 - b) Where a Parcel has multiple Dwelling Units (excluding Secondary Suites and Accessory Dwelling Units), all Dwelling Units must be included in the application for the Curbside Collection Service. The application shall be made by the Owner of the Parcel or a strata council, whichever is applicable.
 - c) Secondary Suites and Accessory Dwelling Units are eligible for opt-in, pursuant to Section 6(a) of this Bylaw.

- d) The approval of an opt-in shall in no way constitute the City's approval of a non-conforming dwelling or granting of occupancy; it is solely for the purpose of providing the Curbside Collection Service.
 - e) Upon approval of an opt-in, fees shall apply to each Curbside Household pursuant to City of Salmon Arm Fee for Services Bylaw No. 2498 and amendments thereto.
 - f) The Owner of a Curbside Household receiving the Curbside Collection Service prior to adoption of this Bylaw shall not be required to opt-in if the Dwelling Unit does not conform to the definition of Curbside Household in this Bylaw.
7. The frequency and/or days of collection of the Curbside Collection Service pursuant to Section 4 of this Bylaw are subject to change from time-to-time due to statutory holidays or other factors, as determined by the Director."
8. The City's Curbside Collection Service is limited to the applicable number, size and weight of Collection Bags and 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 User who receives the 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, Recyclables Containers, Food Waste and Extra Food Waste Containers (hereinafter collectively referred to as Containers) which comply with this Bylaw;
 - c) Ensure that only items listed in Schedule 'A' – List of Accepted Materials of this Bylaw are deposited in the respective Food Waste, Recyclables or Yard Waste Containers or Collection Bags;
 - d) Ensure that Recyclables deposited in the Recyclables Containers are Clean;
 - e) Ensure that only Refuse eligible for regular disposal is deposited in the Refuse Bags and does not include any material listed in Schedule 'B' – Solid Waste Not Eligible for Refuse Disposal (Prohibited Materials) of this Bylaw;
 - f) 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;

- g) Ensure all Refuse is contained within securely tied Refuse Bags, even when a Refuse Container is used;
 - h) Ensure Food Waste Containers, Extra Food Waste Containers and Yard Waste Bags are securely closed;
 - i) Ensure that Recyclables are placed loosely in the open Recyclables Containers in a manner that doesn't exceed the capacity of the container, so as not to escape or be spilled into the environment;
 - j) 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;
 - k) Set out Collection Bags and Containers in a manner that ensure they will not fall over and cause spillage into the environment;
 - l) Maintain all Containers in a clean and sanitary condition at all times;
 - m) Clean up spillage originating from Containers; and
 - n) Comply with all Sections of this Bylaw."
12. The City need not collect any or all Refuse, Food Waste, Recyclables or Yard Waste from a Curbside Household if a User has not complied with this Bylaw."

EXCESS REFUSE

13. Users who need to dispose of Extra Refuse 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 a maximum of ten (10) kilograms (twenty-two (22) lbs) of Extra Refuse contained in one (1) Refuse Bag. Where a Refuse Container is used, the Extra Refuse Tag shall be affixed to the Refuse Bag within the container. There is no limit to the number of Refuse Bags with Extra Refuse Tags that may be set out for collection in addition to the Refuse limit specified in Section 4(b).

EXCESS FOOD WASTE

14. Users who need to occasionally dispose of Extra Food Waste may purchase Extra Food 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 a maximum of ten (10) kilograms (twenty-two (22) lbs) of Extra Food Waste contained in one (1) Food Waste Bag or one (1) Extra Food Waste Container. Where an Extra Food Waste Container is used, the Extra Food Waste Tag shall be affixed to the Food Waste within the container.

There is no limit to the number of Food Waste Bags and/or Extra Food Waste Containers that may be set out for collection with Extra Food Waste Tags, in addition to the Food Waste limit specified in Section 4(a).

15. Users who need to regularly dispose of Extra Food Waste may purchase one or more Additional Food Waste Containers and Additional Food Waste Collections from the City, pursuant to City of Salmon Arm Fee for Service Bylaw No. 2498 and amendments thereto. Each Additional Food Waste Container permits a maximum of ten (10) kilograms (twenty-two (22) lbs) of Extra Food Waste to be set-out weekly. There is no limit to the number of Additional Food Waste Containers that may be set out for collection in addition to the Food Waste limit specified in Section 4(a).

ACCESS TO PARCEL

16. An officer or employee of the City may enter onto any Parcel in accordance with this Bylaw to inspect and determine whether this Bylaw is being complied with.
17. A Bylaw Enforcement Officer may enter onto a Parcel 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 User 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 Collection Bags and Containers in accordance with this Bylaw, or the instructions of the Director:
 - i. as near as possible to, but not on the travelled portion of the City roadway where collection occurs, without obstructing vehicular or pedestrian traffic utilizing any street, lane, sidewalk, multi-use path or other City right-of-way; and
 - ii. 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 User, 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 a User, require Refuse Bags or extra Food Waste Bags be placed in a Refuse Container or Extra Food Waste Container respectively, to address and discourage scavenging by wildlife; and
- h) Shall remove all Containers and Collection Bags from the street or lane allowance within a period of twelve (12) hours immediately following collection by the City and store such Containers in a location on the Parcel other than outside the front of the dwelling and in a location or manner that ensures they are inaccessible to wildlife.

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.

ENFORCEMENT AND PENALTIES

- 22. 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.
- 23. Every violation shall be deemed to be a continuing, new and separate offence for each day during which the offence continues.
- 24. 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.
- 25. 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.
- 26. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

SEVERABILITY

27. 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

28. 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

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

CITATION AND REPEAL

30. "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.
31. 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.