

BYLAW NO. 4679, 2016

Consolidated with amendments in Bylaws: (1) 5023, 2019

NOTE: This is a consolidation for convenience purposes only and does not have the force of law.

A Bylaw to establish a solid waste management system within the City of Coquitlam

WHEREAS:

- A. The *Community Charter*, S.B.C. 2003, c. 26 authorizes the City of Coquitlam to operate a solid waste management system as a municipal service;
- B. It is necessary to establish fees and charges for the provision of solid waste management services; and
- C. Council of the City of Coquitlam considers it desirable to adopt a new bylaw respecting solid waste management within the City,

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

1. Name of Bylaw

This Bylaw may be cited for all purposes as the “Solid Waste Management Bylaw No. 4679, 2016.”

2. Definitions

2.1 In this Bylaw, the following words have the following meanings:

AUTOMATED COLLECTION SYSTEM means the collection of solid waste using a specially designed vehicle with a mechanical apparatus to empty waste receptacles directly into the vehicle without requiring manual labour;

BANNED MATERIALS means any material defined as “Banned Material” in the Greater Vancouver Sewerage and Drainage District Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 293, 2015, as amended or replaced from time to time;

CITY means the City of Coquitlam;

COLLECTOR means any person appointed or otherwise authorized by the Engineer to collect and remove solid waste and recyclable material;

CONSTRUCTION AND DEMOLITION WASTE means any and all debris and rubbish that originates and is rejected, discarded or abandoned from any construction or partial or total demolition site and includes, without limitation, earth, rocks, trees, stumps and debris removed from excavations;

CO-MINGLING means the mixing of any two or more of the following items or materials:

- (a) *recyclable material,*
- (b) *household waste, or*
- (c) *landscape waste and food scraps;*

ENGINEER means the General Manager of Engineering and Public Works for the *City*, or his or her designate;

FOOD SCRAPS includes meats, fish, bones, seafood shells, vegetable peelings and seeds, fruit peelings and seeds, eggshells, pasta, rice, baked goods, desserts, dairy, butter, sauces, food-soiled papers including pizza boxes, paper plates and napkins, coffee grounds and coffee filters, tea bags and tea leaves, but does not include liquids and grease;

GARBAGE CART means a container provided to a *residential dwelling* by the *City* to be a receptacle for *household waste*;

GREEN CART means a container provided to a *residential dwelling* by the *City* to be a receptacle for *food scraps* and *landscape waste*;

GREEN WASTE means *food scraps* and *landscape waste*;

HOUSEHOLD WASTE means any and all accumulations of general rubbish, waste or discarded materials normally associated with *residential use*, but specifically excludes liquids and semi-fluids, *recyclable material*, *food scraps*, *landscape waste*, *construction and demolition waste*, and *banned materials*;

LANDSCAPE WASTE includes weeds, leaves, grass and tree, plant or shrubbery cuttings less than 7.5 centimeters in diameter and less than 1 meter in length;

OCCUPIER in respect of a *residential dwelling* has the meaning ascribed to it in the *Community Charter*, S.B.C. 2003, c. 26;

ONE-FAMILY RESIDENTIAL has the same meaning as in the *Zoning Bylaw*;

OWNER in respect of a *residential dwelling* or apartment has the meaning ascribed to it in the *Community Charter*, S.B.C. 2003, c. 26;

RECYCLING CONTAINER means a container, bag or other receptacle approved by the *Engineer* for the set-out of *recyclable material*;

RECYCLABLE MATERIAL means packaging and printed paper as defined in Schedule 5 of the Recycling Regulation, B.C. Reg. 449/2004, as amended or replaced from time to time;

RESIDENTIAL DWELLING means:

- (a) a *one-family residential* building; or
- (b) a *two-family dwelling* or *two family residential* building and includes, without limitation, a strata created in accordance with the *Strata Property Act* and intended as a residence for not more than two families; or
- (c) a building on a parcel approved by the *Engineer* pursuant to section 3.3 to receive *solid waste* collection services from the *City*.

RESIDENTIAL DWELLING CHARGE means the annual charge to be levied in respect of each residential dwelling for the collection and removal of waste from a *garbage cart* and *green cart* as set out in Schedule "A";

RESIDENTIAL USE has the same meaning as in the *Zoning Bylaw*;

RESIDENTIAL WASTE CONTAINER means a *garbage cart* and a *green cart*;

SCHEDULE "A" means the schedule attached to this Bylaw and labeled Schedule "A" and the same is incorporated into and forms part of this Bylaw;

SOLID WASTE means *household waste*, *food scraps*, *landscape waste*, and *recyclable materials*;

TWO-FAMILY RESIDENTIAL has the same meaning as in the *Zoning Bylaw*;

WILDLIFE means birds and any mammal not normally domesticated, including but not limited to bears, bobcats, cougars, coyotes, foxes, raccoons and skunks;

WILDLIFE RESISTANT ENCLOSURE means a fully enclosed structure consisting of wall, roof and door of sufficient design and strength so as to be capable of keeping its contents inaccessible to *wildlife*;

ZONING BYLAW means Zoning Bylaw No. 3000, 1996, as amended or replaced from time to time.

3. Collection and Removal System

- 3.1 The *Engineer* is authorized to establish and regulate, by the *City* directly or through contractors, a system of collecting and removing *solid waste*, by way of an *automated collection system* or manual labour, or a combination thereof, from *residential dwellings* at the frequency set out in Schedule "A".
- 3.2 Every *residential dwelling* shall be included within the *solid waste* collection and disposal system provided by the *City*.
- 3.3 Notwithstanding section 3.1, the *Engineer* may, on application from an *owner* or *occupier*, and on terms and conditions prescribed by the *Engineer*, provide *solid waste* collection and disposal services to any parcel used for a *residential use* in the *City*.
- 3.4 Notwithstanding section 3.2, if the *Engineer* considers that a parcel cannot be safely and efficiently serviced, the *Engineer* may exclude that parcel from servicing under this Bylaw and, upon notice to the *owner* and *occupier* of the parcel, the parcel will not be permitted or required to receive the *City's solid waste* collection and removal services.

4. Collection and Removal Procedures

- 4.1 Every *owner* or *occupier* of a *residential dwelling* that wishes to have their waste collected must:
 - 4.1.1 where the property on which a *residential dwelling* is located abuts a lane, place the *residential waste containers* and *recycling containers* at the property line, level with the surface of the lane, no earlier than 5:30 a.m. and not later than 7:30 a.m., on each day designated for collection and removal of *solid waste* and *recyclable material*; or
 - 4.1.2 where the property on which a *residential dwelling* is located does not abut a lane, place the *residential waste containers* and *recycling containers* on the street, as near as possible to the driveway of the property, without obstructing vehicle or pedestrian traffic, no earlier than 5:30 a.m. and not later than 7:30 a.m., on each day designated for collection and removal of *solid waste* and *recyclable material*.
- 4.2 Every *owner* and *occupier* must ensure that, when placing *residential waste containers* and *recycling containers* for collection under section 4.1, the *residential waste containers* and *recycling containers* are placed:
 - 4.2.1 with at least 1 metre of clearance space on all sides of each *residential waste container* and *recycling container*,

- 4.2.2 with at least 3 metres of open space above, and
- 4.2.3 at least 1.5 metres away from parked vehicles.
- 4.3 Notwithstanding section 4.1, the *Engineer* may provide notice to the *owner* or *occupier* of any *residential dwelling* specifying the placement of a *garbage cart*, a *green cart* or a *recycling container*, which may be different than the requirements established in sections 4.1 and 4.2.

5. Duties of Owners or Occupiers

- 5.1 Every *owner* or *occupier* of a *residential dwelling* must ensure that:
 - 5.1.1 all *household waste* is deposited and contained in a *garbage cart*;
 - 5.1.2 all *food scraps* and *landscape waste* are deposited and contained in a *green cart*;
 - 5.1.3 all *recyclable material* is deposited and contained in a *recycling container*;
 - 5.1.4 there is no *co-mingling*;
 - 5.1.5 there is no *construction and demolition waste* or *banned materials* in a *residential waste container* or a *recycling container*;
 - 5.1.6 no *residential waste container* contains *solid waste* weighing, in the aggregate, more than:
 - 5.1.6.1 50 kilograms in a 120 litre container;
 - 5.1.6.2 100 kilograms in a 240 litre container; or
 - 5.1.6.3 150 kilograms in a 360 litre container;
 - 5.1.7 when a *residential waste container* or *recycling container* is not set out for collection in accordance with section 4.1, they are stored on the property in such a manner that they do not rest on, encroach upon or project over and, wherever reasonably feasible, are not visible from, any street (which includes sidewalks, boulevards and lanes) or other public place and do not in any manner impede or endanger vehicle or pedestrian traffic on any street or other public place.

- 5.2 Notwithstanding section 5.1.2, the *Engineer* may, on providing notice in a form and manner acceptable to the *Engineer*, designate dates and times during which *landscape waste* may be set-out for collection other than in a *green cart*, and may prescribe terms and conditions for set-out under this section.
- 5.3 No person shall place any waste into a *residential waste container* or *recycling container* other than those provided to that person's *residential dwelling*.
- 5.4 The *Engineer* may issue a notice requiring all *owners* and *occupiers* of a *residential dwelling* to place any *solid waste* specified in the notice in a *wildlife resistant enclosure* until such *solid waste* is placed out for collection pursuant to the provision of this Bylaw. Any *owner* or *occupier* who has been given a notice under this section must comply with the conditions as specified by the *Engineer*.

6. Residential Dwelling Charge

- 6.1 Every *residential dwelling* will be subject to the *residential dwelling charge* and such charge will be recorded on the municipal utility billing for the property on which the residential dwelling is located and payable by the owner of such property in accordance with the provisions for payment of municipal utilities taxes. Charges unpaid on the thirty-first of December in the year in which it is levied shall be deemed taxes in arrears in respect of the property and shall forthwith be entered on the Real Property Tax Roll as taxes in arrears.

7. Provision of Residential Waste Containers

- 7.1 The *City* retains ownership of the *residential waste containers* provided to the *owner* or *occupier* of a *residential dwelling*, except for a *residential waste container* purchased by an *owner* or *occupier* of a *residential dwelling* as allowed in Schedule "A" to this Bylaw.
- 7.2 The *City* may charge a fee for the provision or exchange of any *residential waste container* in accordance with the fee schedule set out in Schedule "A" to this Bylaw.
- 7.3 For a newly constructed *residential dwelling*, the *City* is not obligated to provide a *residential waste container* to such *residential dwelling* until construction has been completed and the *owners* or *occupiers* are residing in the *residential dwelling*.

8. Maintenance of Residential Waste Containers

- 8.1 The *owner* or *occupier* of a *residential dwelling* is responsible for maintaining a *residential waste container* assigned to them in good condition.
- 8.2 An *owner* or *occupier* of a *residential dwelling* may request the *City* to repair or replace a *residential waste container* that has been damaged. The *City* may charge the *owner* or *occupier* requesting the repair or replacement of a *residential waste container* the fee set out in Schedule "A".

9. Collection of Other Wastes

- 9.1 The *City* will not provide for the collection and disposition of any wastes other than *solid waste*. It is the responsibility of any *owner* or *occupier* of property to provide for the legal collection and disposition of all other waste products, including, without limitation, *banned materials* and *construction and demolition waste*.

10. Offences and Penalties

- 10.1 It is an offence:
- 10.1.1 to contravene any provision of this Bylaw, including, without limitation, to fail to comply with any notice or order issued under this Bylaw;
 - 10.1.2 for any person other than an *owner*, *occupier* or *collector* to open the cover of any *residential waste container* or to interfere with or disturb the contents of any *residential waste container* or *recycling container*; and
 - 10.1.3 to interfere with or otherwise impede the ability of any *collector* to carry out the collection and removal functions authorized by this Bylaw.
- 10.2 Every person who violates a provision of this Bylaw, or who causes, permits, or allows an act or thing to be done in violation of a provision of this Bylaw, or who neglects or refrains from doing anything required by a provision of this Bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding the maximum set out in the *Offence Act*, as amended.

11. Repeal

City of Coquitlam Solid Waste Management Bylaw No. 2512, 1992 is hereby repealed.

12. Severability

If any section, subsection, clause or phrase of this Bylaw is, for any reason, held to be invalid by a court of competent jurisdiction, it will be deemed to be severed and the remainder of the Bylaw will remain valid and enforceable in accordance with its terms.

READ A FIRST TIME this 4th day of July, 2016.

READ A SECOND TIME this 4th day of July, 2016.

READ A THIRD TIME this 4th day of July, 2016.

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 18th day of July, 2016.

_____ MAYOR

_____ CLERK

SCHEDULE “A”

This is Schedule “A” to the City of Coquitlam Solid Waste Management Bylaw No. 4679, 2016. Each of the terms used in this Schedule has the meaning ascribed to it in the Bylaw.

The *residential dwelling charge* in respect of a newly constructed *residential dwelling* will commence on the earlier of the date the City issues cart(s) in respect of that *residential dwelling* or one year after final building permit inspection.

1. Changes to be levied pursuant to the Bylaw are detailed in the following table:

<u>Name of Charge</u>	<u>Cost of Charge</u>
(a) <i>residential dwelling charge</i>	<p>\$251.00 per annum for collection and removal of waste from a maximum of one 120 litre residential <i>garbage cart</i> collected every other week, plus collection and removal of <i>green waste</i> on a weekly basis; or</p> <p>\$333.00 per annum for collection and removal of waste from a maximum of one 240 litre residential <i>garbage cart</i> collected every other week, plus collection and removal of <i>green waste</i> on a weekly basis; or</p> <p>\$471.00 per annum for collection and removal of waste from a maximum of one 360 litre residential <i>garbage cart</i> collected every other week, plus collection and removal of <i>green waste</i> on a weekly basis.</p>
(b) Cart exchange fee	\$50.00 per cart to exchange a cart at a <i>residential dwelling</i> for another <i>garbage cart</i> or <i>green cart</i> of a different size.
(c) Additional <i>green carts</i>	Residents may purchase additional <i>green carts</i> at a cost of \$140.00 for each additional 120 litre <i>green cart</i> ; or \$150.00 for each additional 240 litre <i>green cart</i> ; or \$160.00 for each additional 360 litre <i>green cart</i> .

(d) Wildlife resistant *garbage cart*

Residents may purchase a *wildlife* resistant *garbage cart* to use instead of their regular *garbage cart* at a cost of \$140.00 for a 120 litre cart; or \$150.00 for a 240 litre cart; or \$160.00 for a 360 litre cart.

(e) Residential Waste Container repair / replacement

Actual Cost