

CITY OF PORT ALBERNI

BYLAW NO. 4885

A BYLAW TO PROVIDE FOR THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF A SYSTEM FOR COLLECTION AND DISPOSAL OF WASTE PRODUCTS AND FOR ESTABLISHING A SCALE OF CHARGES

WHEREAS a Council may, in accordance with the *Community Charter*, exercise its authority in relation to the use of waste disposal and recycling services, and impose fees and charges thereto:

THEREFORE THE COUNCIL OF THE CITY OF PORT ALBERNI, IN OPEN MEETING ASSEMBLED, ENACTS AS FOLLOWS:

1.0 **TITLE**

- 1.1 This Bylaw may be cited as the **"Solid Waste Collection and Disposal 2015, Bylaw No. 4885"**.

2.0 **REPEAL**

Bylaw #4790 is hereby repealed.

3.0 **METRIC UNITS**

- 3.1 Metric units are used for all measurements in this Bylaw. The approximate equivalent of those units in Imperial measure (feet, inches, etc.) are shown in brackets following each metric measurement and such bracketed figures are included for convenience only and do not form part of this Bylaw.

4.0 **APPLICATION**

- 4.1 This Bylaw shall be applicable to all owners of dwelling units and subscribed commercial units within the Garbage Collection Area as defined by this Bylaw.

5.0 **DEFINITIONS**

- 5.1 In this Bylaw,

"automated collection" means the collection of garbage using a specially designed vehicle with mechanical apparatus which empties a collection cart directly into the vehicle without requiring manual labour to empty the cart.

"animal attractant" means any substance or material with or without an odour, which attracts or is likely to attract animals; and without limitation includes food or other edible products, whether intended for humans, animals, or birds, grease, oil, antifreeze, paint, petroleum products and compost other than grass clippings, leaves or branches.

"animal resistant hardware" means a locking device installed on collection carts to protect carts and their contents from wildlife.

"bin container" means a corrosion resisting metal receptacle, rectangular in shape provided with a cover and lid, with a capacity between 2 and 5 cubic meters (2.6 and 6.5 cubic yards), which can be emptied mechanically by collection vehicles, and which has received approval in writing by the Engineer for use within multiple residential or commercial premises;

- a) Lids must close to reduce odors (for both environment and as an animal attractant);
- b) Lids must be self closing/latching, and either tightly recessed, or with no overlap which could permit a large animal (i.e. bear) from prying the lid open;
- c) Latches for lids must be animal resistant;
- d) Latches and hinges for lids must be able to withstand severe force so as not to be pried open or broken by animals;
- e) Container must be stable or capable of being anchored to prevent tipping by animals;
- f) Container must be constructed of strong material to prevent animals from crushing, battering or chewing the container.

"biomedical waste" means material that is prescribed as biomedical waste by the *Environmental Management Act of the Province of British Columbia*.

"bylaw enforcement officer" means a person appointed by the Municipal Council as a Bylaw Enforcement Officer or a member of the Royal Canadian Mounted Police;

"City" means the City of Port Alberni;

"collector" means City waste collection crews and any person authorized by the Engineer to remove waste;

"commercial premises" means a building or structure or portion thereof containing commercial, industrial, or business units, and includes a school, church, hospital, kindergarten, rest home, hotel, motel or mobile home park;

"commercial unit" means a self-contained set of premises used for the purpose of a business, commercial, industrial or institutional undertaking;

"construction refuse" means all debris, abandoned or discarded material resulting from the construction or demolition of a building or structure, including without limitation, earth, rocks, trees and stumps resulting from an excavation;

"Council" means the Council of the City;

"dwelling unit" means a self-contained set of habitable rooms containing not more than one set of cooking facilities, or such a set of rooms registered as a condominium under a strata plan in conformance with the *Condominium Act* of British Columbia;

"Engineer" means the City Engineer or delegate;

"garbage" means discarded matter, but does not include recyclable materials;

"Garbage Collection Area" means the lands and improvements situate within the boundaries of the City of Port Alberni;

"yard waste" means weeds, leaves, grass, plant shrubbery cuttings, and other such garden materials;

"Inspector" means the Medical Health Officer, Health Inspector, Fire Prevention Officer, Building Inspector or any official appointed for the purpose of enforcing the provisions of this Bylaw;

"land clearing waste" means debris resulting from the clearing of land, including without limitation, earth, rocks, trees and stumps, but does not include earth, rocks, trees and stumps resulting from excavation;

"multiple residential premises" means a building containing three or more dwelling units including an apartment building, a boarding or rooming house, or a residential condominium;

"obnoxious matter" means any noxious, offensive, unwholesome or dangerous matter, or any such matter that may be:

- (a) germ or vermin infested
- (b) have an offensive odour,
- (c) be explosive in itself or when mixed with other substances, or
- (d) be injurious to the health of a person handling it, and, without limiting the generality of the foregoing, includes acids, combustible material, paints and solvents and similar matter

"owner" means the registered owner of any dwelling unit or commercial unit within the garbage collection area and shall include, where applicable, the agent, heir, executor or administrator of such owner or the person occupying the dwelling unit or commercial unit including without limitation the renter or lessee of such premises, but shall not include any person who is a boarder, roomer, or lodger therein;

"private bin container" means a bin container provided to an owner by a collector authorized by the Engineer to remove waste products, or a bin container provided by the owner for pick up by collectors;

"recyclable material" means paper, newspaper, cardboard, cans, plastic items and other materials as determined by the Regional District but excludes any material contaminated by food or oil.

"recycling container" means a bag or container clearly marked with the words "Recycling" or "Recyclable Materials";

"Regional District" means the Alberni-Clayoquot Regional District;

"Regional District Bylaw" means the Alberni-Clayoquot Regional District, Bylaw No. R1021, A Bylaw to Provide for the Collection of Garbage and Recyclable Materials within the Regional District of Alberni-Clayoquot which may be amended from time to time.

"residential condominium" means a building containing three or more dwelling units registered as condominiums under a strata plan in conformance with the *Condominium Act* of British Columbia;

"residential premises" means a building containing not more than two dwelling units;

"special container" means a container the design of which has been specifically approved in writing by the Engineer;

"special waste" means hazardous, flammable, radioactive and toxic materials as defined in the *Waste Management Act* of British Columbia;

"standard container" means a rigid plastic container provided by the city for the automated collection of garbage.

(a) the standard sizes are 80 litre, 120 litre, and 240 litre.

"waste product" means all refuse, discarded, obnoxious offensive or unwholesome matter, including without limitation:

- (a) garbage,
- (b) construction refuse,
- (c) garden debris,
- (d) landscape refuse,
- (e) obnoxious matter, and
- (f) special waste:

6.0 **COLLECTION AND DISPOSAL SYSTEM**

- 6.1 The City may establish, maintain and operate a system to collect, remove and dispose of waste products or may enter into a contract with a contractor who shall operate such a system.

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- 6.2 The City may establish, maintain and operate a system to collect, remove and dispose of waste products from bin containers or standard containers at multiple residential premises and commercial premises.
- 6.3 The City may establish, maintain and operate a system of collecting and processing recyclable materials or may enter into a contract with a contractor who shall operate such a system.
- 6.4 The City may establish, maintain and operate public incinerators and grounds for disposal of waste products.
- 6.5 The City will provide weekly curbside garbage collection for all residential premises.
- 6.6 The frequency of the provision of collection services is subject to change from time to time due to statutory holidays and extreme weather conditions.
- 6.7 An owner may apply to change the size of the standard container by submitting a written request to the Engineering Department. The requests will be subject to an exchange fee as outlined in schedule A.
- 6.8 Where an occupier is physically challenged and unable to comply with the set out provisions in Section 11.0 and does not have an able-bodied person assisting with their household activities, the individual may apply to the Engineer for assistance from the City in performing such obligations. If the Engineer is satisfied that the individual requires such assistance, then a special designation will be made under conditions and terms set out by the Engineer in relation to the service. On receiving evidence that assistance is no longer necessary, or in any case on an annual basis, the Engineer may review the matter and suspend or cancel the designation as appropriate in the circumstances. Application is to be made by completing the form established in Schedule B – Setout/Setback Service. As a condition of this service under this Section, the occupier shall ensure that containers are at all times freely accessible and not enclosed within any buildings or gated area. Schedule B is attached and forms part of this Bylaw.

7.0 **PRIVATE COLLECTORS**

- 7.1 Any person who contracts to collect waste products or recyclable material from any premises within the Garbage Collection Area shall register their name, address and other particulars with the Engineer and shall obtain a special permit from him for such collection. This permit shall be in the format of Schedule C which is attached and forms part of this Bylaw. Private collectors must conform to the City of Port Alberni Solid Waste Collection and Disposal Bylaw.

8.0 **ACCESS TO PROPERTY AND STANDARD CONTAINERS**

- 8.1 No person other than the owner, occupier or collector shall lift a lid from a standard or

bin container or remove or disturb the contents thereof or remove or disturb any recyclable material or garbage.

- 8.2 No person other than those authorized by the owner shall place waste material in the owner's standard or bin container or place waste material out for collection on or adjacent to an owner's property.
- 8.3 No person shall deposit residential garbage into a City owned container placed out for the collection of street litter.
- 8.4 An officer or employee of the City may enter onto any property in accordance with section 16 of the Community charter, S.B.C.c.26 to inspect and determine whether this Bylaw is being met.

9.0 **TYPE OF CONTAINER**

- 9.1 Every owner of a dwelling unit within residential premises shall use a standard container for the disposal of garbage.
- 9.2 The Engineer may provide a standard container to multiple residential or commercial premises at the request or application of the owner of a dwelling unit or commercial unit within such premises.
- 9.3 The City may require the owner of a multiple residential premises or commercial unit within commercial premises, notwithstanding the amount of waste, to use special containers or bin containers if the garbage or other waste originating from such premises is determined to be a hazard or nuisance by the Engineer or Inspector.
- 9.4 The standard containers that are assigned to each dwelling unit are the property of the City. The standard container remains with the property if ownership changes.

10.0 **VOLUME & WEIGHT RESTRICTIONS**

- 10.1 The owner of a dwelling unit within residential premises shall not place out for collection a weekly volume of garbage of more than can be contained in the standard container.
- 10.2 No person shall place out for collection a standard container that weighs more than:
- 30 kilograms (66 pounds) – 80 litre container
 - 45 kilograms (99 pounds) – 120 litre container
 - 90 kilograms (198 pounds) – 240 litre container
 - 135 kilograms (298 pounds) – 360 litre container

11.0 **DUTIES OF OWNERS IN RESPECT OF STANDARD CONTAINERS**

- 11.1 Every owner and occupier of a premise that receives solid waste services shall do, or cause to be done, the following:
- a) Place all residential and commercial garbage in a securely stored container within

the principle building, an animal resistant accessory building, or in an animal resistant container;

- b) Separate solid waste for collection into appropriate collection containers for garbage and recycling;
- c) Notify the City if a collection cart is damaged or a cart is stolen;
- d) Take steps to secure their standard container against theft or damage. If a container is stolen or damaged due to the neglect of an owner or occupier, the owner must reimburse the collector for its costs of replacing or repairing the cart within 30 days of receiving an invoice;
- e) Maintain all standard containers supplied to the premise in a clean and sanitary condition at all times and remove from the street after collection and store in a safe place;
- f) Maintain all standard containers as received without modifying the containers or their components;
- g) Ensure that all assigned standard containers are accessible for inspection by the City;
- h) Keep the container that is supplied with animal resistant hardware locked, except to deposit waste or allow for collection and disposal;
- i) Every owner shall set out standard containers on the day of collection and ensure that they are readily accessible for emptying by collectors between the hours of 7:00 a.m. and 7:00 p.m. on the specified day of collection.
- j) If the container is equipped with animal resistant hardware, ensure that it is unlatched by 7:00 a.m. on the day of collection and re-latched within 12 hours.
- k) Every owner shall remove all standard containers from the shoulder or boulevard of the street or lane from which collection service is provided within 12 hours after the collection.
- l) For the purposes of collection, every owner shall place all standard containers at the curb, or where there is no curb a point on the shoulder or boulevard of the street or lane from which collection service is provided as directed by the Engineer.
- m) Ensure that only recyclable materials are deposited in the recycling container.
- n) Ensure that solid waste has been drained of all liquid and that waste such as ashes, sawdust and other such items are separately contained within the cart;
- o) Set out only the amount of waste that will fit into a standard container with the lid closed and so as not to exceed the weight limit;
- p) Dispose of excessive solid waste to the appropriate waste facility;

- q) Clean up spillage originating from containers;
- r) No owner, occupier, or other person shall keep any attractant on their premises in such a manner as to be accessible to wildlife, and without limiting the generality of the foregoing, every owner, occupier, or other person shall ensure that:
 - I. all fruit is removed from trees immediately upon ripening;
 - II. bee hives and bird feeders are inaccessible to wildlife;
 - III. petroleum products including grease and motor oil are inaccessible to wildlife;
 - IV. outdoor refrigerators or freezers are either inaccessible to wildlife or securely locked to prevent access by wildlife;
 - V. wildlife attractants, including but not limited to meat, bones, dairy, and oil, are not put into compost piles.
 - VI. Antifreeze and paint are stored in such a manner that it is inaccessible to animals.
 - VII. Fish offal is disposed of in an animal resistant container.

11.2 Every premise is responsible to prevent animals from accessing the garbage through proper management of the garbage and the container. The City of Port Alberni provides animal resistant hardware for standard containers where requested by the residents for situations where animals are a nuisance.

12.0 **DUTIES OF OWNERS IN RESPECT OF BIN CONTAINERS**

- 12.1 Every owner of a dwelling unit or commercial unit within multiple residential or commercial premises supplied with bin containers shall:
- (a) ensure that the bin container used for those premises may be conveniently handled from ground level and is readily accessible to the collector from the front, sides, or rear entrance and without the necessity of opening gates;
 - (b) ensure that the bin container used for those premises is placed so that it does not rest on, encroach upon or project over a street, lane or public place, nor in any way impede or endanger pedestrian or vehicular traffic;
 - (c) ensure that the bin container used for those premises is placed so as not to constitute a fire hazard to adjacent buildings, or any other hazard or nuisance as determined by the Engineer or Inspector.
- 12.2 The collector shall be responsible for the maintenance and replacement of bin containers under normal use and the lessee of such container shall be responsible for the cleanliness, sanitation and damages from other than normal use.
- 12.3 The City shall not be responsible for maintenance or replacement of private bin containers.

13.0 GENERAL PROHIBITIONS**13.1 No person shall:**

- (a) deposit or allow to accumulate any liquids or semi-liquids in any standard or bin container;
- (b) deposit within any standard or bin container any putrescible garbage, including without limitation table, kitchen or wet garbage or grease without first enclosing such garbage in a plastic bag or other sealed container;
- (c) deposit in any standard or bin container any solid garbage which might adhere to such container without first separately wrapping such garbage;
- (d) deposit any ashes in any standard or bin container other than in non-combustible standard containers (excluding plastic bags) in which case such ashes must be kept separate from other garbage or flammable material;
- (e) place or mix with any garbage any obnoxious matter, including without limitation any explosive, volatile, corrosive or dangerous chemicals or materials, or any materials dangerous to the health and/or safety of the collectors;
- (f) deposit in any standard or bin container any waste product other than garbage, and without limiting the foregoing, no person shall deposit in any standard or bin container any:
 - (i) obnoxious matter,
 - (ii) construction refuse,
 - (iii) landscape refuse,
 - (iv) garden refuse,
 - (v) liquids or semi liquids,
 - (vi) special waste,
 - (vii) biomedical waste,
 - (viii) car parts,
 - (ix) furniture,
 - (x) items prohibited by the Alberni-Clayoquot Regional District
 - (xi) dead animals
 - (xii) hazardous waste
 - (xiii) lead acid batteries

- (xiv) electronics and appliances
- (xv) pesticides and herbicides
- (xvi) paint
- (xvii) oil

unless approved by the Engineer under Section 16.1 of this Bylaw;

- (g) place out for collection any plastic bag or any other container that is not a standard container;
- (h) place out for collection any standard or bin container that is not kept covered with a water tight lid;

13.2 Notwithstanding the above, the City may from time to time undertake a period of special collection service to allow owners to set out some bulky items not normally collected. The scheduling, duration and specifics of such periods shall be determined by the Engineer.

14.0 **MAINTENANCE OF STANDARD AND PRIVATE CONTAINERS**

14.1 The Engineer or Inspector may condemn a standard or private bin container that is not maintained in good order and repair and properly cleaned or does not conform to the specifications for containers.

14.2 Where the Engineer or Inspector has condemned a container, the City shall deliver notice in writing to the owner of the container where the condemned container is located, and the notice shall instruct the owner to replace, repair or clean the container within one week.

14.3 The City may refuse to collect garbage from condemned containers that have not been replaced, repaired or cleaned one week after delivery of notice under Section 14.2.

15.0 **EXTRA SERVICE**

15.1 Where an owner requires extra pickup of a standard container such extra pickup can be arranged by provision of 24 hours notice to the City and payment of the appropriate pickup fee in Schedule A. This provision is for commercial or multifamily premises.

16.0 **CHARGES**

16.1 The fees imposed for the collection of garbage under the terms of this Bylaw shall be those set out in Schedule A attached to and forming part of this Bylaw. Under special circumstances Council may by resolution apply special charges for specific premises. Special charges may be in excess of or a reduction to those listed in Schedule A.

- 16.2 Upon issuance of Final Occupancy of a single-family or two-family building, the garbage container will be delivered and billing will begin.
- 16.3 A multi-family building or commercial premise may commence City solid waste disposal services partway through the year, in which case charges for services are determined on a proportional basis in relation to the period services are provided.

17.0 **SUSPENSION OF SERVICE**

- 17.1 The City may suspend collection service or order collection services suspended from properties where the standard containers, or the location or design or accessibility for pick up facilities, are contrary to the provisions of this Bylaw. Such suspension shall not waive any requirement or abate or waive any charges or rates under the provisions of this Bylaw.

18.0 **OFFENCE**

- 18.1 The Bylaw Enforcement Officer is authorized and empowered to inspect, compel, and require that all the regulations and provisions prescribed in this bylaw are carried out.
- 18.2 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 provisions 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.
- 18.3 Every violation shall be deemed to be a continuing, new and separate offence for each day during which the offence continues.
- 18.4 Any person guilty of an offence under this Bylaw shall be liable, upon summary conviction, to a fine not exceeding \$5,000 and costs.
- 18.5 This Bylaw is designated, pursuant to section 264 of the Community Charter, S.B.C 2003, c.26, as a Bylaw that may be enforced by means of a ticket in the prescribed form;
- 18.6 The words or expressions listed in Schedule "D" of this Bylaw in the "Designated Expression" column are authorized to be used on a ticket pursuant to section 264(1)(c) of the *Community Charter* to designate an offence against the respective section of this Bylaw appearing opposite in the "Section" column. The amounts appearing in the "Fine" column are the fines set pursuant to section 265 of the *Community Charter* for contravention of the respective section of this Bylaw appearing opposite in the "Section" column.

19.0 **SEVERABILITY**

If any section, subsection or clause of this Bylaw is declared or held to be 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 invalid and severed section, subsection or clause.

20.0 **EFFECTIVE DATE**


The effective date of this Bylaw is September 15, 2015.

READ A FIRST TIME THIS 10TH DAY OF AUGUST, 2015.


READ A SECOND TIME THIS 10TH DAY OF AUGUST, 2015.

READ A THIRD TIME THIS 10TH DAY OF AUGUST, 2015.

FINALLY ADOPTED THIS 14TH DAY OF SEPTEMBER, 2015.



Mayor



Clerk

**CITY OF PORT ALBERNI
SOLID WASTE COLLECTION AND DISPOSAL BYLAW
SCHEDULE "A" TO BYLAW NO. 4885**

CHARGES

1. Residential Premises

An annual charge for every residence shall apply for the weekly collection of one standard container per residence as follows:

- 80 litre - \$83.00/yr
- 120 litre - \$98.00/yr
- 240 litre - \$200.00/yr

2. Multiple Residential Premise or Commercial Premises using Standard Containers

An annual charge for every premise shall apply for the weekly collection of one standard container per premise as follows:

- 80 litre - \$83.00/yr
- 120 litre - \$98.00/yr
- 240 litre - \$200.00/yr
- 360 litre - \$300.00/yr

This charge may be pro-rated monthly where the service is required for a period shorter than one full calendar year.

Extra service pickups may be requested and will be charged at the following rate per pickup of standard containers:

1 – 3 standard containers	-	\$25.00/pickup
4 – 6 standard containers	-	\$35.00/pickup
7 + standard containers	-	\$45.00/pickup

3. Standard Container Exchange Fee

This fee applies at the request of owner to change the size of the container.

- \$25.00 plus applicable taxes.

**CITY OF PORT ALBERNI
SOLID WASTE COLLECTION AND DISPOSAL BYLAW
SCHEDULE "B" TO BYLAW NO. 4885**

**APPLICATION FOR SET-OUT/SET-BACK SERVICE
CITY OF PORT ALBERNI**

A. Set Out/Set Back Service

Set Out/Set Back Service in which collection crews will enter my property parcel to move solid waste collection carts to the curb for collection and return them to the property.

I, _____ as occupier of property located at
(Last Name) (First Name)

Address: _____
(Apt #) (Street Number) (Street Name)

(City) (Province) (Postal Code)

hereby apply for this service and agree to the following conditions:

- The occupier of this property has a physical challenge or infirmities that prevent him/her from moving the cart collection point and does not have an able-bodied person to help them with this activity;
- Carts shall be freely accessible and not be placed inside closed buildings or a gated area;
- If an able-bodied person becomes available prior to the expiry of an approval, this service will no longer be provided;
- The City is not responsible for any damage to private property resulting from the undertaking of this service.

Applicant's Information:

What is the nature of the disability? _____

Is the disability permanent? ☐ Yes or ☐ No (if yes, this application is valid for 3 years)

If the disability is not permanent, at what date would the Applicant be sufficiently recovered? _____
(Year) (Month) (Day)

(Signature of Applicant)

(Phone Number)

(Date)

OFFICE USE ONLY

☐ Your application is approved or ☐ Your application is denied

☐ Physician's Certificate required (Schedule E to be completed and returned to the City)

The occupier will assist with any special designations as may be required to alert the crews that this type of collection is required, and comply with the following:

Date Received: _____

Streets Superintendent: _____

**SOLID WASTE COLLECTION AND DISPOSAL BYLAW
SCHEDULE "C" TO BYLAW NO. 4885**

PRIVATE COLLECTORS OPERATIONS PERMIT

Company Name: _____

Contact Name: _____

Address: _____

Phone Number: _____

Cell Number: _____

Email Address: _____

Description of the waste collection service being provided: _____

This permit authorizes the business mentioned above to collect waste products or recyclable materials as described within the Garbage Collection Area, provided they conform to the City of Port Alberni Solid Waste Collection and Disposal Bylaw.

Date: _____

(City Engineer)

**CITY OF PORT ALBERNI
SOLID WASTE COLLECTION AND DISPOSAL BYLAW
SCHEDULE "D" TO BYLAW NO. 4885**

FINE SCHEDULE

Designated Expression	Section	Fine Amount
Garbage Security	11.1 (a)	\$100
Separate Garbage and Recycling	11.1 (b)	\$100
Maintain Containers	11.1 (e) and (k); 14.2	\$100
Animal Resistant Hardware Use	11.1 (h) and (j)	\$100
Amount of Waste	11.1 (q)	\$100
Accessible to Wildlife	11.1 (r) and 11.2	\$100
Bin Container Location	12.1 (b)	\$100
Waste Deposit	13.1 (f)	\$100