



THE CORPORATION OF THE CITY OF PORT COQUITLAM

BYLAW NO. 3760

*A bylaw to provide a system for the collection and disposal
of solid waste and establishment of a scale of charges*

The Council of the City of Port Coquitlam enacts as follows:

1. TITLE

This Bylaw may be cited as the “Solid Waste Bylaw, 2011, No. 3760”.

2. DEFINITIONS

In this Bylaw and the Schedules to it:

Attractant means any substance which could reasonably be expected to attract wildlife or does attract wildlife including but not limited to household refuse, kitchen waste, food products, beverage containers, barbecue grills, pet food, bird feed, diapers, grease barrels, fruit, honey, salt, oil and other petroleum products and chemical products;

Automated Collection means the collection of solid waste 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;

Caregiver means a person who provides extensive physical assistance for a fee (minimum of \$150.00 per month) to an owner, or a spouse, parent or child of an owner provided that the person receiving the care is permanently disabled;

Collection Cart means a solid waste container for automated collection that is owned by the City and loaned to an owner who receives curbside collection as described in Section 4.2;

Collection Crew means any City employees and other persons authorized by the City to provide services under this Bylaw;

Construction and Demolition Waste means all earth, debris, rocks, trees, stumps, building materials and anything else originating from the construction or demolition of buildings and structures;

Dwelling Unit means one or more rooms forming a single unit that is used or intended to be used as a residence and contains cooking, eating, sleeping, and sanitary facilities;

Extensive Physical Assistance means extensive physical assistance and care which is necessary in order to perform the functions of daily living in the home; for example, preparation of meals, personal care and hygiene. Extensive physical assistance does not include, for example:

- (a) assistance and supervision provided by a family member, regardless of whether this involves loss of income earning opportunities;
- (b) assistance with activities outside of the home, i.e. driving, grocery shopping or recreation;
- (c) home care provided by a provincial health care or social services government or government funded agency, including, but not limited to, caregivers;
- (d) assistance with home repairs and maintenance or yard work;

Food Scraps means 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 such as pizza boxes, ice cream cartons, paper plates and napkins, coffee grounds and coffee filters, tea bags and tea leaves, and similar products as approved for disposal by the City from time to time;

Garbage means waste other than food scraps/yard trimmings and recyclables but shall not include special waste, construction, demolition or land clearing waste, animal or human feces, animal carcasses or their parts, car parts, furniture, and other items the Director of Engineering and Operations considers hazardous or unacceptable to the City's collection and disposal system;

Grandparent means a person who is the grandparent of the owner, who is related by blood, marriage or adoption;

Industrial, Commercial, Institutional (I.C.I.) unit means any building or part thereof used for a distinct and separate industrial, commercial or institutional use;

Land Clearing Waste means all earth, debris, rocks, trees, stumps and anything else originating from clearing land, landscaping or renovation activities;

Multi-Family Building means a building or part of a building used or intended to be used for three or more dwelling units;

Occupier means the person residing at the premises;

Parent means a person who is the father or mother of the owner, who is related by blood, marriage or adoption;

Permanently Disabled means a person with a permanent disability for which there is no remedial therapy available which would significantly lessen the disability; and which is sufficiently severe that in order to manage normal daily functioning in the home in which the person resides the person requires either extensive physical assistance; or structural modifications to the home;

Person includes an individual, corporation or partnership;

Physically Challenged means a person who has physical infirmities;

Premises means a dwelling unit or I.C.I. unit;

Principal Residence means the usual place where an individual makes his or her home and to which, whenever absent, the individual intends to return and, for clarity, no one can maintain two principal residences;

Recyclable Materials include paper & cardboard, plastics and metals and other items determined by the Director of Engineering and Operations from time to time based on the City's recycling facilities;

Scavenge means to separate or remove, without authorization from the Director of Engineering and Operations, materials from solid waste which has been set out for collection;

Solid Waste means garbage, food scraps/yard trimmings and recyclables;

Special Waste includes hazardous wastes, pathological wastes, explosives, radio-active material, security wastes, confidential documents, negotiable papers, medical wastes, and includes all wastes resulting from any industrial or manufacturing operations, the construction or demolition of buildings and structures, abandoned vehicles and parts thereof, dead animals, and all animal parts and agricultural wastes and any hazardous waste, or other prescribed substance, under contaminated sites legislation in the Province of British Columbia;

Suite means a dwelling unit that is ancillary and subordinate to another dwelling unit, such as a basement or attic suite;

Yard Trimmings means weeds, plants, leaves, ashes, sawdust, grass, hedge and plant clippings, twigs; branches 3" or less in diameter and less than 40 inches long and may include Christmas trees free of tinsel and chemical sprays, cut to suit; but does not include land clearing waste.

Wildlife means birds and any mammals not normally domesticated, including but not limited to bears, cougars, coyotes, wolves, foxes, raccoons and skunks;

Wildlife Resistant Container means a solid waste container whose material and construction is of sufficient strength and design so as to prevent access by wildlife and which has been accepted as such by the British Columbia Conservation Foundation.

Wildlife Resistant Enclosure means a fully enclosed structure consisting of walls, roof and door(s) with no more than a 1 cm gap or opening at any location, of sufficient design and strength so as to prevent access by wildlife, and for clarity, includes a garage, shed, or other structure that is inaccessible to wildlife.

3. COLLECTION AND DISPOSAL SYSTEM

3.1 Every owner and occupier of a parcel containing one dwelling unit or two dwelling units shall make use of the solid waste disposal services provided by the City under section 4.1.

3.2 Notwithstanding the foregoing, if the Director of Engineering and Operations considers that a parcel cannot be safely, efficiently and legally serviced, the Director of Engineering and Operations shall exclude that parcel from servicing under this Bylaw and, upon notice to the owner of the parcel, the parcel will not be permitted or required to receive the City's solid waste disposal services.

3.3 An owner of a parcel containing a multi-family building or an I.C.I. unit may apply to the Director of Engineering and Operations to use City services set out in Section 4.1 by completing:

(a) Multi-family Recycling Application for recyclables collection;

(b) Multi-family Green Cart Application for food scraps/yard trimmings; and/or,

(c) I.C.I application for recyclables collection.

The Director of Engineering and Operations shall accept the application if the Director of Engineering and Operations is satisfied that the parcel can be safely, efficiently and legally serviced by the City's automated collection system. If accepted, the owner(s) shall be provided with carts according to section 4.2, and pay fees according to Schedule A. The owner(s) shall, as a condition of the City actually collecting any solid waste from the parcel but without affecting the owner's obligation to pay such fees, comply with any terms and conditions imposed from time to time by the Director of Engineering and Operations in order to ensure that the City can safely, efficiently and legally service the parcel;

3.4 If an owner of a parcel containing a multi-family building or I.C.I. unit receiving City's services in accordance with section 3.3 wishes to opt out of all such services, they shall notify the Director of Engineering and Operations by completing the Application for Service Level Change no later than November 30th preceding the year when service is to cease. The service shall cease as of January 1st of the year following the November 30th deadline.

4. CITY SERVICES

- 4.1** The City shall provide the following services by way of automated collection to each parcel under section 3.1 and, as applicable, to those parcels for which owners apply to receive City services and are accepted under section 3.3:
- (a) garbage collection every other week;
 - (b) recyclable material collection every other week; and,
 - (c) food scraps/yard trimmings collection, at such frequencies and times as determined by the Director of Engineering and Operations.
- 4.2** Notwithstanding the charges for service pursuant to Section 5, the City shall loan to the parcel, upon the parcel initially becoming serviced under section 4.1, as applicable:
- (a) one-240L garbage collection cart, one-240L food scraps/yard trimmings collection cart and one-240L recyclable material collection cart for a parcel containing one dwelling unit;
 - (b) one-360L garbage collection cart, one-360L food scraps/yard trimmings collection cart and one-360L recyclable material collection cart for a parcel containing two dwelling units;
 - (c) for multi-family buildings, 360L recycling carts but not more than one for every three dwelling units; and
 - (d) for multi-family buildings, one-240L food scraps/yard trimmings carts per 20 dwelling units
 - (e) for all other parcels, one-240L recycling cart.
- 4.3** The frequency of the provision of the collection services under section 4.1 is subject to change from time to time, as determined by the Director of Engineering and Operations.
- 4.4** Subject to section 4.5, the City's collection services under section 4.2 shall be limited to the applicable number and size of collection carts supplied.
- 4.5** An owner of a parcel containing one or two dwelling units, or representatives of multi-family buildings receiving services under this Bylaw, may from time to time request in writing to the Director of Engineering and Operations (by completing the Application for Service Level Change) that the City increase the number or size (or both) of collection carts to be collected under section 4.2. The owner or representative of multi-family buildings shall pay the applicable fee under Schedule A with respect to the increased number or size of carts to be collected.

- 4.6** An owner of a parcel may request in writing to the Director of Engineering and Operations (by completing the Application for Service Level Change) a reduction in number or size (or both) of collection carts to be collected under section 4.2, provided that the level of service may not be reduced below the basic levels.
- 4.7** Where an occupier is physically challenged and unable to comply with Section 8.1 (b) and (c) and does not have an able-bodied person assisting with their household activities, the individual may apply to the Director of Engineering and Operations for assistance from the City in performing such obligations. If the Director of Engineering and Operations is satisfied that the individual requires such assistance, then a special designation shall be made under conditions and terms set out by the Director of Engineering and Operations to alert the collection crew to provide the service, until such time as the Director of Engineering and Operations cancels such service, at his or her discretion. Application is to be made by completing the Application for Setout/Setback Service. If the Director of Engineering and Operations considers it necessary, the Director may require that the applicant provide proof of the physical challenge from a physician by completing the Supplemental Form for Physically Challenged Persons. As a condition of service under this Section, on collection day, the occupier shall ensure that collection carts are at all times freely accessible and not enclosed within any buildings or gated area. The City is not responsible for any property damage as a result of executing this service.

5. CHARGES FOR SERVICE

- 5.1** The rates and fees set out in Schedule A to this Bylaw are payable by the owners of a parcel for services provided to each parcel under this Bylaw. Such rates are payable whether or not:
- (a) the units on a parcel are occupied;
 - (b) any owner or occupier of a parcel makes use of any of the services; or
 - (c) the service is interrupted or altered in any manner.
- 5.2** Upon issuance of a building permit to construct a building that will be serviced under this Bylaw, the owner of the subject parcel shall pay, in advance, the per diem rates under Schedule A.d for the balance of the year following 120 days after building permit issuance.
- 5.3** Where a parcel contains two dwelling units and one of the dwelling units is the owner's principal residence, the parcel shall be considered to contain one dwelling unit provided:
- (a) the other dwelling unit is occupied by a caregiver who is providing extensive physical assistance to an owner or a spouse or child of an owner who resides in the other dwelling unit; or

(b) the other dwelling unit will not and is not occupied or rented at any time during a calendar year; and

(c) the owner completes the Application for Suite Exemption form and, if applicable under 5.3(a), the Supplementary Disability Form for Suite Exemption.

5.4 Where a parcel contains two dwelling units and one of the dwelling units is the owner's principal residence, and the other dwelling unit is occupied by the parent(s) or grandparent(s) of the owner, the owner may be granted an exemption of 50% of the levy for the other dwelling unit, by completing the Application for Suite Exemption form.

5.5 In the case of 5.3 or 5.4, the Manager of Revenues and Collections may require a physical inspection of the premises by a Bylaw Enforcement Officer of the City.

5.6 If, despite the submission of the declarations required under section 5.3 or 5.4, a parcel ceases to meet any of the requirements under section 5.3 or 5.4, the parcel shall be treated as a parcel containing two dwelling units under this Bylaw.

5.7 An owner shall immediately notify the Manager of Revenue and Collections of any occurrence triggering section 5.6.

5.8 All rates and fees imposed under this Bylaw may be collected in the same manner and with the same remedies as ordinary taxes on land and improvements under the *Local Government Act*, *Community Charter* or other legislation governing taxation by the City.

6. DUTIES OF OWNERS AND OCCUPIERS

6.1 Every owner and occupier of a parcel that receives City solid waste services shall:

(a) only deposit garbage, recycling and food scraps/yard trimmings generated on the parcel into the appropriate collection carts;

(b) ensure that recyclable materials are clean and dry;

(c) ensure that garbage and food scraps/yard trimmings collection carts are stored in wildlife resistant enclosures or the carts are made wildlife resistant as defined in this Bylaw;

(d) ensure wildlife resistant containers that are stored outside on the parcel are locked, except when set out for collection as provided by this Bylaw;

(e) maintain all collection carts supplied to the parcel in a clean and sanitary condition and clean up any spillage;

(f) notify the Director of Engineering and Operations if a collection cart is damaged or a cart is stolen;

- (g) if a collection cart is stolen or damaged due to the neglect of an owner or occupier (including, for certainty, where the owner or occupier fails to comply with sections 8.1(b) or (c)), reimburse the City for its costs of replacing or repairing the cart within 30 days of receipt of an invoice;
- (h) set out only the amount of waste that will fit into a collection cart with the lid closed and so as not to exceed the weight limit specified on the cart;
- (i) comply with section 8;

6.2 Where the owner or occupier of a parcel that receives City solid waste services has not complied with any part of Section 6.1 or other relevant sections contained in this Bylaw, the City may at its discretion refuse to collect any or all solid waste from that parcel.

6.3 Every owner and occupier of a parcel that receives private solid waste services shall:

- (a) ensure that all garbage or other solid waste containing attractants intended for collection are stored in wildlife resistant containers or enclosures;
- (b) ensure that wildlife resistant containers that are stored outside on the parcel are locked, except when set out for collection as provided by this Bylaw;
- (c) maintain all solid waste containers in a clean and sanitary condition at all times;
- (d) deposit all solid waste generated on the parcel into the appropriate refuse containers;
- (e) not deposit any special waste into a solid waste container;
- (f) immediately clean up spillage originating from solid waste containers.

6.4 No owner, occupier, or other person shall keep any attractant on their premises in such manner as to be accessible to wildlife.

7. ACCESS TO PARCEL AND COLLECTION CARTS

7.1 The Director of Engineering and Operations is appointed to administer or enforce the provisions of this Bylaw and is hereby authorized to enter upon at all reasonable times any parcel for the purposes of ascertaining whether the provisions of this Bylaw are being complied with.

7.2 The Director of Engineering and Operations and any collection crew are hereby authorized to enter upon any parcel for the purposes of providing the services contemplated under this Bylaw.

7.3 No person shall delay, hinder, obstruct, or prevent an employee, officer, or agent of the City from carrying out duties specified under Sections 7.1 or 7.2 of this bylaw.

8. PLACEMENT OF COLLECTION CARTS

8.1 Every owner of a parcel and occupier of any premises on a parcel that receives services under this Bylaw:

- (a) shall keep on the parcel at all times the collection carts loaned to the parcel, and shall store such carts to the rear of the front building setback as established under the City's Zoning Bylaw unless authorized by the Director of Engineering and Operations;
- (b) shall, on designated collection days between 5:30 a.m. and 7:30 a.m. and as close to 7:30 a.m. as practicable, move the collection carts supplied to the parcel to a collection location in accordance with the instructions of the Director of Engineering and Operations;
- (c) shall return all carts to their storage area no later than 7:00 p.m. on collection days;
- (d) shall ensure that all latching devices on wildlife resistant containers are unlatched by 7:30 a.m. on each designated collection day. Containers must be re-locked by 7:00 p.m. on collection day and kept locked until the following designated collection day; and
- (e) shall ensure all garbage and food scraps/yard trimmings collection carts are rendered inaccessible to wildlife by no later than 7:00 p.m. on each designated collection day.

8.2 Every owner and occupier of a parcel that receives private solid waste services:

- (a) shall ensure that all latching devices on wildlife resistant containers are unlatched no earlier than 5:30 a.m. on each designated collection day. Containers must be re-locked by 7:00 p.m. on collection day and kept locked until the following designated collection day; and
- (b) shall ensure all garbage and other solid waste containing attractants are rendered inaccessible to wildlife by no later than 7:00 p.m. on each designated collection day.

9. SUFFICIENT NUMBER OF COLLECTION CARTS

9.1 Every owner of a parcel that receives services under this Bylaw shall ensure, by making a request under section 4.5, that a sufficient number of collection carts are supplied to the parcel to contain all the solid waste generated by or on the parcel.

10. GENERAL PROHIBITIONS

10.1 No person other than an owner or occupier of a parcel to whom a collection cart has been issued, or a collection crew, shall remove the cover from the said collection cart or remove or disturb the said collection cart or the contents thereof.

10.2 No person shall scavenge solid waste from a collection cart.

11. PROVISION OF SERVICES

11.1 The City may provide the services to be provided under this Bylaw by its own forces or through subcontractors or any combination thereof.

12. SEVERABILITY

12.1 If any section or part of a section of this Bylaw is 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 enacted and adopted without the severed portion.

13. OFFENCE

13.1 Every person who

(a) evades or assists in the evasion of rates under this Bylaw; or

(b) makes a false declaration in respect of this Bylaw; or

(c) otherwise contravenes a provision of this Bylaw

is guilty of an offence punishable upon summary conviction by a fine not exceeding \$5,000.00.

13.2 Every offence under this Bylaw shall be deemed to be a continuing, new and separate offence for each day during which the offence continues.

13.3 Notwithstanding the penalties prescribed pursuant to this Bylaw, an owner or occupier who contravenes a provision of this Bylaw is subject to the discontinuation of services provided for in this Bylaw until it is demonstrated that the said owner or occupier is in compliance with this Bylaw.

14. REPEAL

The following Bylaw and all amendments to it are hereby repealed:

“City of Port Coquitlam Solid Waste Bylaw No. 3730”.

Read a first time by the Municipal Council this 28th day of March, 2011.

Read a second time by the Municipal Council this 28th day of March, 2011.

Read a third time by the Municipal Council this 28th day of March, 2011.

Adopted by the Municipal Council of the Corporation of the City of Port Coquitlam this 11th day of April, 2011.

G. MOORE

Mayor

S. RAUH

Corporate Officer



SCHEDULE "A"

A1. Annual Rates for Basic Solid Waste Collection for Buildings with One Dwelling Unit:

	Base Solid Waste Levy		
	120 Litre	240 Litre	360 Litre
Garbage	\$81.02	\$111.02	\$141.02
Food scraps/yard trimmings	N/A	\$65.28	\$75.28
Recycling	N/A	\$0	\$10

A2. Annual Rates for Solid Waste Collection for Buildings with Two Dwelling Units:

	Base Solid Waste Levy		
	120 Litre	240 Litre	360 Litre
Garbage	\$162.04	\$192.04	\$222.04
Food scraps/yard trimmings	N/A	\$120.56	\$130.56
Recycling	N/A	\$0	\$0

A3. Annual Rates for Food scraps/yard trimmings Collection for Multi-family Buildings:

	240 Litre
Food scraps/yard trimmings	\$12.00 per dwelling
Additional 240 Litre Carts	\$76.41

B. Annual Fees for Additional Carts for Buildings with One or Two Dwelling Units:

	Annual Costs for Additional Carts	
	240 Litre	360 Litre
Garbage	\$60	\$90
Food scraps/yard trimmings	\$20	\$30
Recycling	\$20	\$30

C. Property owners who require additional capacity above the standard issued carts as noted in section 4.2 shall pay an administrative fee of \$50.00 per application for service level change. This fee is waived in 2011 and 2012 for green carts for multi-family buildings.

D. Per diem rate payable in advance under section 5.2:

Upon issuance of a building permit, \$0.48 per day for each unit identified in Section A of this Schedule.

* *Fees for extra carts will not be prorated and must be paid to the Engineering and Operations Department before the extra cart(s) will be delivered.*

E. The following forms are available at the Engineering and Operations Department in a form approved by the Director of Engineering and Operations or his/her designate.

- 1) Application for Service Level Change
- 2) Application for Set Out/Set Back Service
- 3) Supplemental Form for Physically Challenged Persons
- 4) Application for Suite Exemption
- 5) Supplementary Disability Form for Suite Exemption
- 6) Multi-Family Green Cart Application
- 7) Multi-Family Recycling Application
- 8) Application for Commercial Business Recycling