

UNOFFICIAL CONSOLIDATION

**CITY OF BURNABY
BYLAW NO. 12875**

A BYLAW respecting solid
waste and recycling

(Consolidated for convenience with Bylaw 13052, 13153, 13260, 13513, 13620, 13695 and
13964)

The Council of the City of Burnaby ENACTS as follows:

1. This BYLAW may be cited as the **BURNABY SOLID WASTE AND RECYCLING
BYLAW 2010.**

2. **DEFINITIONS**

In this BYLAW, unless the context otherwise requires,

- (1) “automated collection system” means the collection of garbage, yard waste, or food scraps using a specially designed vehicle with mechanical apparatus which empties a receptacle directly into the vehicle without requiring manual labour to empty the receptacle;
- (2) “blue box” means a container provided by the City for the deposit of recyclable materials;
- (3) “bulky item” means a household item which is larger than 1.2 metres in any one dimension or weighs in excess of 20 kilograms, including furniture of the size and weight as determined by the Engineer; (Bylaw No. 13052)
- (4) “City” means the City of Burnaby;
- (5) “commercial property” means a property in the City designated as being in a C District under the Zoning Bylaw;
- (6) “construction and demolition waste” means all rejected, abandoned or discarded material from the construction of or the partial or total demolition of a building or structure and includes earth, rocks, trees, stumps and debris from the excavation;
- (7) “collection day” means the day scheduled for collection of solid waste, yard waste, food scraps and recyclable material from a property in accordance with the

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- schedule produced annually by the City or as directed by the Engineer from time to time;
- (8) “collection service” means a service for the collection of garbage, yard waste, food scraps, recyclable materials or other solid waste from a property;
- (9) “contamination” means the presence of hazardous waste or prohibited material, or the mixing of any two or more of the following items or materials:
- (a) recyclable materials
 - (b) garbage
 - (c) yard waste and food scraps;
- (10) “disposal area” means an area, within or outside the boundaries of the City, designated by the City as a place where solid waste and obnoxious matter may be deposited or disposed of;
- (10A) “due date” means the date by which payment must be received by the City; (Bylaw No. 13260)
- (11) “dwelling” means a single family dwelling or each dwelling unit in a two family dwelling, as those terms are defined in the Zoning Bylaw;
- (12) “Engineer” means the City’s Director Engineering or the Engineer’s delegate;
- (13) “food scraps” means meat, poultry, fish, shellfish, bones, bread, dough, pasta, grains, eggs, dairy products, vegetables, fruit, coffee grounds filters, tea, food-soiled paper, but does not include liquids, grease, diapers, animal waste, (Bylaw No. 13260) and animal carcasses; (Bylaw No. 13052)
- (14) “garbage” means all waste other than food scraps, yard waste, and recyclable materials but shall not include construction and demolition waste, landscape waste, hazardous waste or prohibited material; (Bylaw No. 13052)
- (15) “garbage receptacle” means a container provided to a dwelling or premises by the City or a private contractor to put garbage into;
- (15A) ‘green bin receptacle’ means a container provided to a dwelling or premises by the City or a private contractor for the deposit of yard waste and food scraps; (Bylaw No. 13052)
- (15B) “grey box” means a container provided by the city for the deposit of glass containers and jars; (Bylaw No. 13620)
- (16) “GVS & DD” means the Greater Vancouver Sewer and Drainage District;

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- (17) “hazardous waste” means waste, natural or man-made, which is radioactive, toxic, pathogenic, corrosive or explosive, and any substance now or hereafter included in the definition of hazardous waste in the *Hazardous Waste Regulation* to the *Environmental Management Act* S.B.C. 2003, ch 53, or any other substance which constitutes or creates a health or safety risk;
- (18) “industrial property” means a property in the City designated as being in a M or B District under the Zoning Bylaw;
- (19) “institutional property” means a property in the City designated as being in a P District under the Zoning Bylaw;
- (20) “landscape waste” means earth, rocks, trees, stumps and debris from landscaping works, but does not include earth, rocks, trees, stumps and debris from an excavation; (Bylaw No. 13052)
- (21) “Metro Vancouver” means Metro Vancouver regional district and includes the Greater Vancouver Sewage and Drainage District and where the context requires the geographical region of the member municipalities of Metro Vancouver;
- (22) “multi-family property” means a property designated as being in an RM District under the Zoning Bylaw;
- (23) “municipal collection service” means the collection service operated by the City;
- (24) “obnoxious matter” means any offensive or unwholesome matter that may germ or vermin infested, have an offensive odour, or be injurious to the health of a person handling it, and without limiting the generality of the foregoing includes animal or human wastes, acids, combustible material and similar matter; (Bylaw No. 13052)
- (25) “occupant” means a person who lawfully is in physical possession of or exercises dominion and control over a property, and includes the registered owner of the property and the agent of the owner or occupant;
- (25A) “overflow” means a situation where the material placed in a receptacle results in the lid being open to an angle of more than 45 degrees; (Bylaw No. 13260)
- (26) “owner” means an owner as defined in the *Community Charter*;
- (27) “premises” means a multi-family, industrial, commercial, or institutional property;
- (28) "private contractor" means any person, firm or corporation that collects solid waste from premises within the City and includes all persons who dispose of waste from their own premises, but does not include employees of the City or

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persons, firms or corporation under contract with the City for the collection of solid waste;

- (29) “prohibited material” means any material defined as “Banned Recyclable Material” or “Prohibited Material” in the GVS&DD Tipping Fee and Solid Waste Disposal Regulation Bylaw; (Bylaw No. 13052)
- (30) "receptacle" includes any container used for the collection of garbage, yard waste, food scraps or recyclable materials;
- (31) “recyclable material” means a product or substance no longer usable in its current state which can be diverted or recovered from solid waste and used in the processing or manufacture of a new product and, without limiting the foregoing, includes paper, cardboard, plastic or metal containers, household batteries (including rechargeable batteries) and materials recyclable under a product stewardship plan established under the *Recycling Regulation to the Environment Management Act*, S.B.C. 2003, ch. 53, and any other items designated as recyclable by the Engineer from time to time;
- (32) “recycling depot” means a facility constructed and operated by the City to enable recyclable materials, yard waste, food scraps and bulky items to be temporary stored;
- (33) “recycling receptacle” means a container provided to a dwelling or premises by the City or a private contractor for the deposit of recyclable materials and includes a blue box, grey box, yellow bag or recycling cart, or any combination of these receptacles;
(Bylaw No. 13620)
- (33A) “yellow bag” means a bag provided by the City for the deposit of mixed paper as designated by the Director Engineering;
(Bylaw No. 13620)
- (34) “remover” means any person authorized by the Engineer to remove solid waste;
- (35) “single family property” means a property on which there is a single family dwelling;
- (36) “solid waste” means waste that originates from residential, commercial, institutional, industrial, landscaping, demolition, land clearing or construction sources within the City; (Bylaw No. 13052)
- (37) “two family property” means a property on which there is a two family dwelling;
- (38) “waste” means discarded or abandoned materials, substances or objects;

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- (39) “yard waste” means matter resulting from gardening or landscaping that is capable of being composted and includes grass, shrubs, tree branches, grass sod, flowers, weeds, leaves, vegetable stalks, and brush;
 - (40) REPEALED (Bylaw No. 13052)
 - (41) “Zoning Bylaw” means Burnaby Zoning Bylaw 1965.
3. For the purposes of this Bylaw any property:
- (1) which is designated as being in a CD (Comprehensive Development) District under the Zoning Bylaw shall be deemed to be designated as being in the R (Residential), RM (Multi Family Residential), C (Commercial), M or B (Industrial and Business Centre) or P (Public and Institutional) District upon which the CD zoning for that property is based; and
 - (2) which is legally non-conforming as to use shall be deemed to be in the Zoning District that permits that use.
4. **GENERAL**
- (1) The Engineer is authorized to administer and enforce this Bylaw including the supervision, control and direction of the collection, removal and disposal of garbage, yard waste, food scraps and recyclable materials from any property in the City. (Bylaw No. 13052)
 - (2) The Engineer shall have the right to enter any property at all reasonable times for the purposes of administering this Bylaw and ascertaining whether the provisions of this Bylaw are being complied with.
 - (3) Every owner or occupant of a property in the City which generates solid waste shall comply with the provisions of this Bylaw.
 - (4) No owner or occupier of any property in the City shall cause or permit any waste to collect or accumulate on that property.
 - (5) Every owner or occupant of a property in the City for which a municipal collection service or private contractor collection service is provided shall use one of those collection services.
 - (6) Every owner or occupant of a property in the City for which a municipal collection service is not provided shall make adequate provision for collection and disposal of the solid waste that originates on that property in compliance with this Bylaw.

- (7) The City may establish, maintain and operate one or more recycling depots or disposal areas and may limit the kinds of solid waste or recyclable materials that may be deposited there.
- (8) No person shall remove, take or convert to their own use any garbage, yard waste or recyclable materials from a garbage receptacle, green bin receptacle or a recycling receptacle except the owner or occupant of the property from which it is generated, the remover or a person providing the collection service at the request of the owner or the occupant. (Bylaw No. 13052)

5. **RESIDENTIAL GARBAGE, YARD WASTE, FOOD SCRAPS AND RECYCLABLE MATERIALS COLLECTION** (Bylaw No. 13052)

The following provisions apply to single family and two family properties:

- (1) Any garbage receptacle, green bin receptacle or recycling receptacle supplied by the City at no cost to the owner or occupant shall belong to the City and shall remain on the owner or occupant's property.
(Bylaw No. 13620)
- (2) A single family property shall have one garbage receptacle only. A two family property may have one garbage receptacle for each dwelling unit.
- (3) Every owner or occupier of a dwelling must recycle by placing recyclable materials into the appropriate recycling receptacle without contamination.
(Bylaw No. 13620)
- (4) Every owner or occupier of a dwelling must place food scraps and yard waste into a green bin receptacle without contamination. (Bylaw No. 13052)
- (5) REPEALED (Bylaw No. 13052)
- (6) Every owner or occupier of a dwelling shall:
 - (a) separate garbage, yard waste, food scraps, and recyclable materials and place them in the receptacle provided for their deposit without contamination;
 - (b) only use the garbage receptacle, green bin receptacle and recycling receptacles supplied by the City to deposit garbage, yard waste, food scraps and recyclable materials;
(Bylaw No. 13620)
 - (c) at all times maintain all receptacles supplied by the City in a clean and sanitary condition, without overflow and free from any liquids;

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- (d) except as provided in subsections (f) and (h), keep the garbage receptacle, green bin receptacle and recycling receptacles securely stored on the property to which the receptacles belong;
(Bylaw No. 13620)
 - (e) REPEALED (Bylaw No. 13052)
 - (f) place the garbage receptacle, green bin receptacle and recycling receptacles out at the collection point near the boundary of the property so that they do not impede pedestrian or vehicle traffic, and with at least one (1) meter clear space on all sides of each receptacle and three (3) meters of clear space above each receptacle, no earlier than 8:00 p.m. on the day before collection day and no later than 7:00 a.m. on the collection day;
(Bylaw No. 13620)
 - (g) REPEALED (Bylaw No. 13052)
 - (h) ensure that empty receptacles and uncollected garbage, recyclable materials, food scraps and yard waste are removed from the collection point no later than 10:00 p.m. on the collection day;
 - (i) ensure that garbage is bagged before being placed in the garbage receptacle.
- (7) The Engineer may for any dwelling, specify a collection point at which the garbage receptacle, green bin receptacle and recycle receptacles must be placed.
(Bylaw No. 13620)
 - (8) Any garbage receptacles, green bin receptacles or recycling receptacles not supplied by the City must be compatible with the automated collection system and shall otherwise be approved by the Engineer. (Bylaw No. 13052)
 - (9) An owner or occupier may place not more than three bulky items for pickup on collection day provided that the owner or occupier has contacted the City's Sanitation Department in advance to make arrangements for the pickup of that bulky item. The bulky item shall be placed at the collection point or as otherwise directed by the Engineer.

6. MULTI FAMILY GARBAGE YARD WASTE, FOOD SCRAPS AND RECYCLABLE MATERIALS COLLECTION (Bylaw No. 13052)

The following provisions apply to multi family properties:

- (1) Every owner or occupier of premises shall:

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- (a) separate garbage and food scraps, yard waste, and recyclable materials and deposit them in the appropriate receptacle without contamination;
 - (b) use only a garbage receptacle, green bin receptacle and recycling receptacle to deposit garbage, yard waste, food scraps and recyclable materials; (Bylaw No. 13052)
 - (c) at all times maintain all receptacles in a clean and sanitary condition, without overflow and free from any liquids;
 - (d) keep all receptacles securely stored on the property except on collection day;
 - (e) place the garbage receptacle, green bin receptacle and recycling receptacle only at a collection point approved or directed by the Engineer; (Bylaw No. 13052)
 - (f) replace any lost or stolen receptacles at their cost. (Bylaw No. 13052)
- (2) Every owner or occupier of a premises must recycle by placing recyclable material into a recycling receptacle without contamination.
- (2A) Every owner or occupier of a premises shall place yard waste and food scraps into a green bin receptacle without contamination. (Bylaw No. 13052)
- (3) Every strata council of a strata titled multi-family residence and owner of a non-strata titled multi-family residence shall:
- (a) provide written information to new residents, employees and contractors and at least annually to all existing residents, employees and contractors on how to separate and deposit garbage, yard waste, food scraps and recyclable materials into the appropriate receptacles; (Bylaw No. 13620)
 - (b) post signage with information on separating garbage, yard waste, food scraps and recyclable materials on the premises and in the recycling storage space; (Bylaw No. 13620)
 - (c) provide storage and signage for bulky items on site for collection. (Bylaw No. 13052)

7. INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL GARBAGE, YARD WASTE AND RECYCLABLE MATERIALS COLLECTION

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Every owner or occupier of an industrial, commercial or institutional property shall:

- (a) separate garbage and food scraps, and recyclable materials;
- (b) maintain all receptacles in a clean sanitary condition, without overflow and free from any liquids at all times;
- (c) keep all waste receptacles securely stored on the property except on collection day; and
- (d) provide written information to new tenants, employees and contractors and at least annually to all existing tenants, employees and contractors regarding the requirements of the GVS&DD Tipping Fee and Solid Waste Disposal Regulation Bylaw. (Bylaw No. 13052)

8. **LITTER MANAGEMENT**

No person shall deposit or cause to be deposited any waste, garbage or material on any street, sidewalk, boulevard, park or other lands owned by the City or other public property or upon private property whether owned by that person or not except in a receptacle or facility designed and intended for such use.

9. **CHARGES AND FEES**

- (1) Every owner of a single family or two family property shall be charged an annual charge for the municipal collection service as set out in Part E of Schedule A to this Bylaw which shall be due and payable at the same time and in the same manner as property taxes. An owner of a single family or two family property that does not use the municipal collection service shall be charged the lowest of the charges set out in Part E of Schedule A. (Bylaw No. 13260)
- (2) Every owner of a multi-family property, commercial property, industrial property or institutional property to which the City provides a municipal collection service shall pay the applicable charges set out in Parts A and B of Schedule A of this Bylaw. Charges shall be billed quarterly in respect of the preceding three month period, unless the owner and the City have agreed to a different billing cycle. Charges are due and payable not later than the 15th day of the month following the month in which the bill is issued by the City. (Bylaw No. 13260)
- (3) Every person who deposits yard waste at a disposal area designated by the City for the disposal of yard waste shall pay the charges set out in Part C of Schedule A of this Bylaw.

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- (4) Replacement garbage receptacles and extra or replacement green bin receptacles may be purchased from the City at the price set out in Part D of Schedule A of this Bylaw. (Bylaw No. 13052)
- (5) Any charge imposed under this Bylaw, other than one imposed under subsection (1), shall be subject to late payment charges if not paid by the due date. Late payment charges shall be payable at the rate of 2% of the amount of the overdue charges (including any applicable taxes). (Bylaw No. 13260)
- (6) Any fee or charge imposed by this Bylaw which is unpaid on December 31, is deemed to be taxes in arrear and may be collected in the same manner and with the same remedies as ordinary taxes on the property.
- (7) The owner of an unimproved single family property or two family property shall not be subject to the charge set out in subsection (1). Bylaw No. 13260)
- (8) Payments received by the City shall be applied firstly to outstanding late payment charges, secondly to outstanding interest charges, thirdly to overdue charges and lastly to current charges. (Bylaw No. 13260)
- (9) Every owner or occupant of a multi-family property, commercial property, industrial property or institutional property that has contracted with the City for the municipal collection service shall provide the City with not less than thirty (30) days within notice of its intention to terminate that service, during which time the charges payable under this Bylaw shall continue to apply. (Bylaw No. 13260)
- (10) Products and services described in Part F of Schedule A of this Bylaw are available from the City at the charges set out in Part F. (Bylaw No. 13260)

10. SEVERABILITY

If any section or part of the 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.

11. OFFENCE

- (1) Every person who contravenes a provision of this Bylaw, suffers or permits any act or thing to be done in contravention of any provision of this Bylaw or neglects to do or refrains from doing anything required to be done by any provision of this Bylaw is guilty of an offence.

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- (2) Every violation of this Bylaw shall be deemed to be a continuing, new and separate offence for each day during which the offence continues.
- (3) Any person guilty of an offence under this Bylaw shall be liable, upon summary conviction, to a fine not exceeding \$10,000 and in default of payment to imprisonment not exceeding six (6) months. (Bylaw No. 13513)

12. **REPEAL**

Burnaby Solid Waste Bylaw, 1981 is repealed.

Read a first time this 22nd day of November, 2010

Read a second time this 22nd day of November, 2010

Read a third time this 22nd day of November, 2010

Reconsidered and adopted this 6th day of December, 2010

Mayor

City Clerk

CERTIFIED TRUE COPY
THIS 7TH DAY OF DECEMBER 2010

AUTHORIZED SIGNATORY CLERK

SCHEDULE A (Bylaw No. 13620)

- A. Multi-family, institutional, commercial and industrial rates for garbage receptacles (subject to applicable taxes).

Municipal Receptacle	Type	Rent Per Month	Pick-up Charges	Non-Scheduled Pick-Ups
6 cu.yd.	Skids Only	\$27	\$59 ⁽¹⁾	\$66
4 cu.yd.	Skids	\$26	\$45 ⁽¹⁾	\$53
	Castors	\$31	\$45 ⁽¹⁾	\$53
3 cu.yd. or less	Skids	\$25	\$39 ⁽¹⁾	\$45
	Castors	\$30	\$39 ⁽¹⁾	\$45
360L	Toter	\$11	\$9	Not available
180L or 240L	Toter	\$11	\$7	Not available

⁽¹⁾ First pick-up each week is without pick-up charge with rental of City receptacle for multi-family co-operatives and strata titled developments.

- B. Multi-family, institutional, commercial and industrial rates for recycling and/or green bin receptacles (subject to applicable taxes).

Municipal Receptacle and Type	Rent per month (no disposal fee)
Cardboard container – 3, 4 or 6 cu.yd.	\$22 ⁽²⁾⁽³⁾
Recycling toter-mixed paper, newspaper or mixed containers	\$6 ⁽²⁾⁽³⁾
Green bin container – food scraps or yard waste	\$5 ⁽²⁾⁽³⁾

⁽²⁾ Recycling and/or green bin services only available to customers with an existing City garbage account

⁽³⁾ Emptied weekly

- C. Burnaby Yard Waste Depot charges:

- (1) \$95 per tonne, inclusive of applicable taxes (Bylaw No. 13964)
- (2) no minimum charge
- (3) no fee for a resident of Burnaby with a load of 100kg or less (limit of one free visit per day)

- D. Cost for purchase/replacement of new receptacles is outlined in the table below. A \$50 service fee is payable for Toter exchanges

Garbage and Yard Waste Container Replacement Costs	
Container Size	Replacement Cost (includes applicable taxes)
120 L (available for garbage container only)	\$65
180 L	\$75
245 L	\$85
360 L	\$95

- E. Single family dwelling and two family premises garbage disposal fee (per dwelling unit) based on garbage receptacle volume.⁽⁴⁾ Taxes not applicable.

Receptacle Size (litres)	Annual Fee
120 L	\$25
180 L	\$75
245 L	\$140
360 L	\$385

⁽⁴⁾ If paid on or before March due date in the year for which they are payable the above-noted fees shall be subject to a discount of 5%.

(Bylaw No. 13964)

- F. Miscellaneous (Includes applicable taxes)

Item	Fee
Composter (per unit)	\$30
Rain barrel (per unit)	\$100
Delivery (per trip)	\$25

(Bylaw No. 13964)