

UNOFFICIAL CONSOLIDATION

**CITY OF BURNABY
BYLAW 12875**

A BYLAW respecting solid
waste and recycling

(Consolidated for convenience with Bylaw 13052, 13153, 13260, 13513, 13620, 13695, 13964,
14046, 14090, 14124, 14242, 14349, 14397, 14398 and 14531)

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, large household appliances, mattresses and box springs of the size and weight as determined by the Engineer; (BYLAW 14046)
- (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;

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- (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 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 13260)
- (11) “dwelling” means a single family dwelling, each dwelling unit in a two family dwelling, and a row housing dwelling, as those terms are defined in the Zoning Bylaw; (BYLAW 14090)
- (11A) “Eco-Centre” means a facility constructed and operated by the City to enable temporary drop-off and storage of those recyclable materials, yard waste, food scraps and bulky items designated by the Engineer for acceptance at the facility; (BYLAW 14046)
- (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, and small amounts of grease, but does not include liquids, large volumes of grease, diapers, animal waste, and animal carcasses; (BYLAW 14046)
- (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 13052)
- (15) “garbage receptacle” means a container provided to a dwelling or premises by the City or a private contractor to put garbage into;

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- (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 13052)
- (15B) “grey box” means a container provided by the city for the deposit of glass containers and jars;
(BYLAW 13620)
- (16) “GVS & DD” means the Greater Vancouver Sewer and Drainage District;
- (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 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 be 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 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 13260)

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- (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 persons, firms or corporation under contract with the City for the collection of solid waste;
- (29) “prohibited material” means any material defined as “Banned Materials” in the GVS and DD Tipping Fee and Solid Waste Disposal Regulation Bylaw and any other items designated as “prohibited materials” by the Engineer;
(BYLAW 14046)
- (30) "receptacle" includes any container used for the collection of garbage, yard waste, food scraps or recyclable materials;
- (31) “recyclable materials” means materials defined as “Recyclable Materials”, other than food scraps and yard waste, in the GVS and DD Tipping Fee and Solid Waste Disposal Regulation Bylaw and any other items designated as “recyclable materials” by the Engineer; (BYLAW 14046)
- (32) REPEALED (BYLAW 14046)
- (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; (BYLAW 14046)
- (33A) “yellow bag” means a bag provided by the City for the deposit of mixed paper as designated by the Director Engineering; (BYLAW 13620)
- (34) “remover” means any person authorized by the Engineer to remove solid waste;
- (34A) “row housing property” means a property on which there is a row housing dwelling or dwellings; (BYLAW 14090)
- (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 13052)
- (37) “two family property” means a property on which there is a two family dwelling;

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- (38) “waste” means discarded or abandoned materials, substances or objects;
- (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 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 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.

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- (7) The City may establish, maintain and operate one or more Eco-Centre(s) or disposal areas and may limit the kinds of solid waste or recyclable materials that may be deposited in such facility or facilities. (BYLAW 14046)
- (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 13052)
- (9) Every owner or occupant of a property in the City for which a municipal collection service is provided must maintain all receptacles supplied by the City in good working order, and shall not tamper, adjust, modify or alter the receptacle. (BYLAW 14046)

5. RESIDENTIAL GARBAGE, YARD WASTE, FOOD SCRAPS AND RECYCLABLE MATERIALS COLLECTION (BYLAW 13052)

The following provisions apply to single family and two family properties and row housing properties that receive curbside collection service: (BYLAW 14090)

- (1) Any garbage receptacle, green bin receptacle or recycling receptacle supplied by the City to the owner or occupant shall belong to the City and shall remain on the owner or occupant's property. (BYLAW 14046)
- (2) A single family property shall have one garbage receptacle only. A two family property and a row housing property that receives curbside collection service shall have one garbage receptacle for each dwelling unit. (BYLAW 14090)
- (2A) Notwithstanding subsection (2), the Engineer may approve an additional garbage receptacle for a single family property, two family property or row housing property that receives curbside collection where an owner or occupant has a medical condition that results in a quantity of non-hazardous solid waste which exceeds the capacity of the garbage receptacle supplied by the City. (BYLAW 14046, 14090)
- (3) Every owner or occupier of a dwelling must:
 - (a) place recyclable materials designated by the Engineer for collection service into a recycling receptacle without contamination, and (BYLAW 14046)
 - (b) dispose of recyclable materials not designated by the Engineer for collection service at an Eco-Centre or other facility that accepts such recyclable materials. (BYLAW 14046)

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- (4) Every owner or occupier of a dwelling must place food scraps and yard waste into a green bin receptacle without contamination. (BYLAW 13052)
- (5) REPEALED (BYLAW 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 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;
 - (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 13620)
 - (e) REPEALED (BYLAW 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 13620)
 - (g) REPEALED (BYLAW 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 8:00 p.m. on collection day unless otherwise directed by the Engineer; (BYLAW 14046)
 - (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 13620)

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- (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 13052)
- (9) An owner or occupant may place bulky items out for collection provided that the owner or occupant has contacted the City in advance to make arrangements for the pickup of such bulky items, in quantities as approved by the City's Solid Waste and Recycling Division for each collection. The bulky items shall be placed at the collection point designated by the Engineer or as otherwise directed by the Engineer. (BYLAW 14046)

6. MULTI FAMILY GARBAGE YARD WASTE, FOOD SCRAPS AND RECYCLABLE MATERIALS COLLECTION (BYLAW 13052)

The following provisions apply to multi family properties:

- (1) Every owner or occupier of premises shall:
 - (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 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 13052)
 - (f) replace any lost or stolen receptacles at their cost. (BYLAW 13052)
- (2) Every owner or occupier of premises must:
 - (a) place recyclable materials designated by the Engineer for collection service into a recycling receptacle without contamination; and (BYLAW 14046)

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- (b) dispose of recyclable materials not designated by the Engineer for collection service at an Eco-Centre or other facility that accepts such recyclable materials. (BYLAW 14046)
- (2A) Every owner or occupier of a premises shall place yard waste and food scraps into a green bin receptacle without contamination. (BYLAW 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, its employees and contractors on how to separate and deposit garbage, yard waste, food scraps and recyclable materials into the appropriate receptacles without contamination; (BYLAW 14046)
 - (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 13620)
 - (c) designate a storage area and signage for bulky items within the property; and (BYLAW 14046)
 - (d) enter into a contract with a service provider for the collection of bulky items from the property and, upon request, provide the City proof of such contract. (BYLAW 14046)

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

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

- (a) (BYLAW 14046)
 - (i) place garbage in a garbage receptacle without contamination;
 - (ii) place recyclable materials designated by the Engineer for collection service in a recycling receptacle without contamination;
 - (iii) dispose of recyclable materials not designated by the Engineer for collection service at a facility that accepts such recyclable materials; and
 - (iv) place yard waste and food scraps in a green bin receptacle without contamination;

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- (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 on how to separate and deposit garbage, yard waste, food scraps, and recyclable materials into the appropriate receptacles without contamination; and (BYLAW 14046)
- (e) replace any lost or stolen receptacles supplied by the City at the owner or occupant's expense. (BYLAW 14046)

8. LITTER MANAGEMENT

- (1) No person shall deposit or cause to be deposited any waste, garbage, yard waste, food scraps or recyclable materials in receptacles other than those provided by the City or private contractor for the property from which the waste, garbage, yard waste, food scraps or recyclable materials originated. (BYLAW 14046)
- (2) 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 waste, garbage, or material. (BYLAW 14046)

8A. DESIGNATED BEAR AREAS (BYLAW 14046)

- (1) For the purposes of this Section 8A:
 - (a) "bear area" means a geographic area frequented by bears, as designated by the Engineer;
 - (b) "bear-resistant receptacle" means a receptacle with material and construction of a sufficient strength and design, including a latch or other device for securing the lid for the receptacle, so as to reasonably prevent access by bears into the contents of the receptacle; and
 - (c) "bear-resistant enclosure" means a fully enclosed structure of sufficient strength and design so as to prevent access by bears, including a garage, shed, fenced structure or otherwise approved by the Engineer.
- (2) The Engineer may, from time to time, designate one or more geographic areas within the City as a bear area and subsections (3) to (6) apply to such bear area or

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bear areas, in addition to all other provisions of this Bylaw. Where there is a conflict between a requirement of this Section 8A and a requirement in the remainder of this Bylaw, the requirement in this Section 8A prevails to the extent of the conflict.

- (3) Where a single family property, two family property or row housing property that receive curbside collection service is located in the bear area, the owner or occupant of the dwelling shall place the garbage receptacle, green bin receptacle and recycling receptacles at the collection point near the boundary of the property so that the receptacles 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 clear space above each receptacle, no earlier than 5:30 a.m. and no later than 7:00 a.m. on collection day. (BYLAW 14090)
- (4) For multi-family properties located in a bear area, the owner or occupant shall:
 - (a) store all garbage, yard waste, food scraps and recyclable materials in bear-resistant receptacles or store garbage receptacles, green bin receptacles and recycling receptacles in a bear-resistant enclosure on the property; and
 - (b) on collection day, place receptacles at a collection point approved or directed by the Engineer no earlier than 5:30 a.m. and no later than 7:00 a.m.
- (5) For industrial properties, commercial properties and institutional properties in a bear area, the owner or occupant shall store all garbage, yard waste, food scraps and recyclable materials in bear-resistant receptacles or store garbage receptacles, green bin receptacles and recycling receptacles in a bear-resistant enclosure on the property.
- (6) Every owner or occupant of a property shall place and keep the latch or other security device on a bear-resistant receptacle in the unlocked position on collection day.

9. **CHARGES AND FEES**

- (1) Every owner of a single family property and each dwelling on a two family property and row housing property that receives curbside collection service shall be charged an annual charge for the municipal collection service set out in the Burnaby Consolidated Fees and Charges Bylaw. An owner of a single family property or two family property that does not use municipal collection service, or a row housing property that receives curbside collection service but does not use municipal collection service, shall be charged the lowest of the charges set out in the Burnaby Consolidated Fees and Charges Bylaw. (BYLAW 14091, 14531)
- (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 the Burnaby Consolidated Fees and

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Charges 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 13260, 14531)

- (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 the Burnaby Consolidated Fees and Charges Bylaw. (BYLAW 14531)
- (4) Replacement garbage receptacles and extra or replacement green bin receptacles may be purchased from the City at the price set out in the Burnaby Consolidated Fees and Charges Bylaw. Where the Engineer has approved an additional garbage receptacle pursuant to section 5(2A) of this Bylaw, the additional garbage receptacle shall be provided free of charge to the owner or occupant. (BYLAW 13052, 14046 and 14531)
- (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 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, two family property or row housing property shall not be subject to the charge set out in subsection (1). (BYLAW 14090)
- (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 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 13260)
- (10) Products and services described in the Burnaby Consolidated Fees and Charges Bylaw are available from the City at the charges set out in the Burnaby Consolidated Fees and Charges Bylaw. (BYLAW 13260, 14531)
- (11) With the exception of new accounts and first time fees, the charges set out in the Burnaby Consolidated Fees and Charges Bylaw shall not be subject to proration. Where an owner or occupant replaces a garbage receptacle with a smaller or larger

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garbage receptacle, the charge for the new garbage receptacle set out in the Burnaby Consolidated Fees and Charges Bylaw will take effect in the next calendar year. (BYLAW 14090, 14531)

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.
- (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 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

CLERK

CERTIFIED TRUE COPY
THIS 7th DAY OF DECEMBER 2010

AUTHORIZED SIGNATORY CLERK

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SCHEDULE A
(Repealed by BYLAW 14531)