

TOWN OF GOLDEN

BYLAW NUMBER 1372, 2016

WASTE MANAGEMENT AND COLLECTION SERVICES

Being a bylaw to regulate the storage, collection, and disposal of domestic and commercial waste, and establish a service and fees for waste collection to residents.

The Council of the Town of Golden, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. CITATION

- (a) This Bylaw may be cited for all purposes as *“Waste Management and Collection Services Bylaw No. 1372, 2016”*.

2. DEFINITIONS

- (a) “Animal” means any animal that is normally domesticated including but not limited to dogs and cats and birds and any mammals not normally domesticated including but not limited to bears, cougars, coyotes, wolves, foxes, raccoons and skunks.
- (b) “Animal Resistant Container” means a fully enclosed receptacle with a sturdy, tight-fitting lid. Hinges and latches for lids and bag removal must be must be sufficiently strong and constructed in a manner that they cannot be pried open by jaws or claws. Container material must be sufficiently strong to prevent wildlife chewing, battering or crushing the container. The bin must be sufficiently stable or capable of being anchored to prevent tipping by large animals.
- (c) “Attractant” means any substance which could reasonably be expected to attract Animals or does attract Animals including but not limited to domestic garbage, kitchen waste, food products, pet food, bird Feed, compost, diapers, grease, game meat, fruit, honey, salt, oil, antifreeze, and other petroleum products and chemicals.
- (d) “Business Premises” means and shall include all commercial, industrial and motel occupied premises.
- (e) “Charge” means the amount payable to the Town of Golden by a Person who contravenes a provision of this bylaw.
- (f) “Commercial” means any individual premise such as a warehouse, factory, service station or garage; commercial premises such as retail stores, retail trade and services, wholesale trade, and industrial services; tourist related accommodations and resorts, office buildings, bake shops, restaurants; institutional premises such as hospitals and schools.
- (g) “Commercial Container” means a waste receptacle owned, leased, or rented by institutions, businesses, strata developments, apartment buildings, mobile home parks, and for special events, constructed of non-corrosive durable metal, equipped with latching doors, and able to be mechanically emptied only. For the purposes of this bylaw, a Commercial Container must also be an Animal Resistant Container.

- (h) “Condemned Container” means any Container as defined in this bylaw that has been physically compromised to the extent that in the judgment of the Waste Collector, it does not meet standards for Container definition, safety, security, efficiency, or in any other way the spirit and intent of this bylaw.
- (i) “Construction Container” means a waste receptacle typically utilized by the construction industry made of non-corrosive durable metal, able to be mechanically emptied, and not Animal Resistant.
- (j) “Container” means a waste receptacle owned by the Town of Golden and utilized by a Resident as required for waste collection and curbside recycling services.
- (k) “Council” means the duly elected Council of the Town of Golden.
- (l) “Domestic Waste” means domestic garbage, wrappers, non recyclable packaging, kitchen waste, food products, pet food, bird Feed, compost, noxious weeds, diapers, grease, game meat, fruit; combustibles such as leather, wood scraps, and non-recyclable paper; non-combustibles, such as crockery, unmarketable glass, dirt, ashes from fireplaces and solid fuel burning appliances; un-usable construction and demolition refuse, non-metal pipe and unrecyclable plastics; non locally recyclable empty household product containers, and accumulations of animal, fruit or vegetable matter that attends the use and preparation of meat, fish, fowl, fruits or vegetables.
- (m) “Enclosure” means a fully enclosed structure in good repair consisting of walls, roof and door(s) of sufficient design and strength so as to be capable of being securely latched to prevent access by animals.
- (n) “Enforcement Officer” means any designated Peace Officer including a conservation officer, bylaw enforcement officer, recycling and waste reduction officer, Animal or Wildlife awareness consultant, or other compliance and enforcement officer as designated by the Town of Golden.
- (o) “Fee” means the payable amount by each Resident for Residential Domestic Waste Collection and Curbside Recycling Services, including the cost for associated permits.
- (p) “Ignitable Waste” means substances liable to spontaneous combustion or substances that on contact with water emit flammable gases having the properties of flammable gas, flammable liquid, or flammable solids and as defined in the *Hazardous Waste Regulation*.
- (q) “Landfill” means the Refuse Disposal Facility described as Legal Subdivision 12, of Section 18, Township 27, Range 21, W5M or other sites owned and operated by the Columbia Shuswap Regional District in Area ‘A’ of the said Regional District.
- (r) “Multiple Residential Dwelling” means a building or buildings containing at least five Residential Dwelling’s on a parcel, which may or may not have direct access to each unit and includes row housing, cluster housing, townhouses, apartments or condominium uses.
- (s) “Owner” means the registered owner as defined in the *Land Title Act* and shall also be synonymous with a strata corporation or Multiple Residential Building owner.

- (t) “Paper Fibres” include but are not limited to newspaper and inserts; office paper, including white and coloured ledger paper, computer paper, photocopy paper, writing pads, business forms, phone message notes, file folders, reports, envelopes, non-thermal fax paper, no carbon required (NRC) paper, calculator tape, ‘post-it’ type notes, business cards, paper index cards; boxboard, including paper egg cartons, laundry and cereal boxes; junk mail; gift wrapping and packaging paper; magazines; catalogues; calendars; postcards; shredded paper; paperback and hardcover books
- (u) “Parcel” means any lot, block or other area in which real property is held by a Resident or Owner or into which it is subdivided, including bare land strata lots.
- (v) “Person” means person as defined in the *Interpretation Act* and for the purposes of this bylaw shall mean any owner, tenant, lessee, agent, occupier, employee or volunteer of a Commercial premise or Multiple Residential Building; responsible for a site used for construction, catering, filming or special events; and shall also be synonymous with Resident as defined in this bylaw.
- (w) “Prohibited Waste” means materials and products requiring disposal not otherwise defined in this bylaw that may or may not constitute a hazard under legislative definition. It also includes material from excavations, material from lot clearing or building construction, repairs, alterations, or maintenance, debris from any building or part thereof removed or damaged or destroyed by fire or any other cause, material from any manufacturing processes, condemned or contaminated matter from any premises and any similar material other than human or animal excrement. It also includes but is not limited to:
 - (i) Hazardous Waste
 - (ii) Ignitable Waste
 - (iii) Biomedical Waste
 - (iv) Radioactive Waste
 - (v) Reactive Waste
 - (vi) Yard Waste
 - (vii) Liquids and sludge
 - (viii) PCB’s and pesticide products
 - (ix) Discarded furniture or other household equipment
 - (x) Paint
 - (xi) Discarded or abandoned vehicles or farm equipment or parts thereof
 - (xii) Scrap metal
 - (xiii) Tires
 - (xiv) Used, oil filters, waste oil or petroleum products
 - (xv) Lead acid batteries
 - (xvi) Propane tanks
 - (xvii) Hot or unwrapped ashes
 - (xviii) Animal carcasses
 - (xix) Stones, sand, and rocks
 - (xx) Concrete and asphalt
 - (xxi) Waste that is on fire or smouldering
 - (xxii) Unwrapped Sharps
 - (xxiii) Electronics and electrical products, including batteries
 - (xxiv) Animal excrement not contained in a separately sealed container
 - (xxv) Waxed paper; carbon paper; and other paper which is impregnated with blood,

grease, oil, chemicals, food residue or have a polyethylene, polystyrene, foil or other non-paper liner or attachment or are contaminated with a material which will render the paper fibres unrecyclable.

- (x) “Radioactive Waste” means waste containing a prescribed substance as defined in the Atomic Energy Control Act (Canada) in sufficient quantity or concentration to require a license for possession or use under that Act and regulations made under that Act.
- (y) “Reactive Waste” means a gaseous, liquid or solid material, substance or object:
 - (i) which is explosive, oxidizing or so unstable that it readily undergoes violent change in the presence of air or water;
 - (ii) generates toxic gases, vapours or fumes by itself or when mixed with water; or
 - (iii) is polymerized in whole or in part by chemical action and causes damage by generating heat or increasing in volume,and as defined in the *Hazardous Waste Regulation*.
- (z) “Recyclable Waste” means any material or product for which the Waste Collection Service is provided for Residents including:
 - (i) Aluminum and tin cans
 - (ii) Corrugated cardboard
 - (iii) Paper Fibres
 - (iv) Rigid plastic and stretchy plastic film from Grades #1 to #7
- (aa) “Resident” means and shall include the Owner, Tenant, Lessee, Agent, Occupier or any other person who enjoys the sole right of entry to and control of any Residential Dwelling to which this bylaw applies. If approved by the Town to receive the Residential Waste Collection Service, an Owner shall become a Resident.
- (bb) “Residential Dwelling” means a building containing up to a maximum of four dwelling units, each of which has direct access and is occupied or intended to be occupied as the permanent home of at least one family, with the number of kitchens in the building determining the number of dwellings in the building.
- (cc) “Waste Collection Service” means the service provided by the Town of Golden described in this bylaw including but not limited to the collection and disposition of Domestic Waste and Recyclable Waste produced and placed by Residents in Containers for scheduled removal from their frontage.
- (dd) “Waste” means the collective equivalent of all Waste’s as defined in this bylaw.
- (ee) “Waste Collection Day” means that recurring day of the week prescribed for a given residential location when the Waste Collector is typically scheduled to empty the Containers of Residents.
- (ff) “Waste Collector” means the person appointed by the Council and any person delegated to assist them in carrying out their duties under this bylaw.
- (gg) “Wildlife” means a bear, cougar, coyote, wolf, skunk, raccoon, raven or crow.

- (hh) "Yard Waste" means organic debris produced by the properties of Residents, including but not limited to grass clippings, leaves, tree cones, tree branches, shrubs, bushes, and parts thereof, wood stumps, and soil.

3. GENERAL CONDITIONS

- (a) No Person within the Town of Golden shall dispose of any Waste except in accordance with the provisions of this Bylaw or by direct authorization by the Town of Golden.
- (b) Notwithstanding s. 3(a), any Person may dispose of Yard Waste on their Parcel in such a manner that enables organic composting provided that such disposal does not constitute an Attractant, nor contravene any other Bylaw of the Town of Golden.
- (b) No Person shall store, handle or dispose of Waste and Attractants in such a way that they are accessible to Animals.
- (c) No Person shall Feed or attempt to Feed Wildlife or deposit Waste and Attractants in a place or manner that attracts Wildlife.
- (d) Every Person shall ensure that fruit fallen from a tree or bush upon the real property in his Charge is removed from the ground and if stored outdoors, only within either an Animal Resistant Container or within an Enclosure.
- (e) Every Person shall ensure that any refrigerator, freezer or similar appliance, device or apparatus that contains food or Attractants, is located and equipped in such a manner that it is inaccessible to Animals.
- (f) Every Person shall ensure that any bird Feeder containing bird Feed, suet or nectar is suspended on a cable or other device in such a manner that it is inaccessible to Wildlife and that the area below any bird Feeding devices or activity is kept free of accumulations of seeds and similar Attractants.
- (g) Every Person must ensure that barbecue equipment and tools that remain out of doors must be clean and free of residual food or grease.
- (h) No Person shall fail to take remedial action to avoid Waste caused contact or conflict with Animals after being advised by an Enforcement Officer such action is necessary.
- (i) No Person shall deposit or use Waste for lot filling or leveling purposes.
- (j) No person shall allow Waste of any kind whatsoever to leak, spill, blow or drop from any vehicle or Container onto any street or public boulevard within the Town.
- (k) No Person shall place or cause to be placed any Waste upon any street or public land other than in accordance with the Waste Collection Service conditions or Commercial Waste Management provisions.
- (l) No person shall dispose of Waste into a Container belonging to another person unless given the authority to do so by the owner or occupier of the premises.

- (m) No Person shall open any Container, add anything thereto or in any way disturb or tamper with the contents thereof, nor shall any Person handle, interfere with, disturb or tamper with any Container placed for collection other than the Waste Collector or an Enforcement Officer.
- (n) Nothing contained in this bylaw shall be construed as to prevent any Person from the Town from hauling their own Waste to the Landfill or centralized recycling facility.

4. WASTE COLLECTION SERVICE

DUTIES OF THE TOWN

- (a) The Town hereby establishes a Waste Collection Service with commensurate public regulations and billing procedures.
- (b) The Waste Collection Service shall include but may not be limited to the systematic emptying of Containers upon a regularly scheduled Waste Collection Day placed by Residents upon their Parcel frontage, providing that the frequency of the Waste Collection Day is subject to change from time to time due to statutory holidays or other factors as determined by the Town.
- (c) The Town shall supply every Parcel with one (1) Container for use by Residents for Domestic Waste and one (1) Container for Recyclable Waste, both of which are and remain the property of the Town.
- (d) Upon application approval, the Town may supply a Resident with a maximum of one (1) additional Domestic Waste Container and one (1) additional Recyclable Waste Container provided that an additional annual, non-refundable Fee shall apply.
- (e) The Town shall replace a Condemned Container issued to a Resident subject to ss.7 (d) (e).
- (f) Despite any other provisions in this Bylaw, where the Town considers that a Parcel cannot be safely or efficiently provided Waste Collection Service and, upon notice to the Resident, the Parcel is not permitted or required to receive the Waste Collection Service either permanently or for a temporary period as authorized by the Town.

DUTIES OF THE RESIDENT

- (g) Every Resident within the Town is subject to and must use the Waste Collection Service and shall pay the annual Fees applicable as set out in Schedule "A."
- (h) Every Resident shall use only the Containers supplied by the Town for the Waste Collection Service and exercise all reasonable diligence to properly store and maintain all supplied Containers.
- (i) Every Resident shall ensure any Container supplied by the Town permanently remains on the Parcel to which it was issued unless authorized by the Town.
- (j) On their Waste Collection Day, each Resident requiring service shall:
 - (i) Place a Container(s) for collection upon their frontage in a location that easily identifies the Container(s) as belonging to the Resident, is clearly visible to the Waste Collector, as close as possible to the travelled portion of an adjacent street,

level with the surface of the lane, but not on a sidewalk or in such a location as to interfere with or impede with vehicular or pedestrian traffic.

- (ii) Place a Container(s) for collection no earlier than 6:00 a.m. and no later than 8:00 a.m. on each Waste Collection Day.
- (iii) Remove their Container from the property frontage to a site not visible from the frontage within 24 hours of it being emptied by the Waste Collector.
- (k) On their Waste Collection Day, each Resident requiring service shall not:
 - (i) Place more than one (1) Container each for Domestic Waste and Recyclable Waste for Waste Collector pick-up unless otherwise authorized by the Town of Golden to do so.
 - (ii) Place Waste for Waste Collector pick-up unless inside a fully closed Container.
 - (iii) Place a Condemned Container.
 - (iv) Place a Container that is not fully closed.
 - (v) Place Recyclable Waste that is not clean and dry into a Container.
 - (vi) Place any other Waste other than Domestic Waste or Recyclable Waste into a Container to be collected.
 - (vii) Place Domestic Waste into a Recyclable Waste Container or vice versa.

5. COMMERCIAL WASTE AND MULTIPLE RESIDENTIAL CONDITIONS

- (a) Any Person responsible for a Multiple Residential Dwelling must ensure a Commercial Container is located and accessible on-site.
- (b) Notwithstanding s.5 (a) any Owner of a Parcel representing a Multiple Residential Dwelling may make application for consideration of inclusion in the Waste Collection Service by the Town and the Waste Collector.
- (c) Without limiting any other provisions in this bylaw, any Person responsible for a site that is used for catering, special events or filming must ensure a Commercial Container is located and accessible on-site.
- (d) Construction sites may utilize a Construction Container provided that no Domestic Waste shall be deposited within it.
- (e) Any Person responsible for generating grease from commercial food production must ensure that the grease is contained within an Animal Resistant Container.
- (f) Any person responsible for a Commercial Container must ensure it is securely closed at all times and no Waste shall otherwise be stored outside, adjacent to, or upon the exterior of the Business Premises.

- (f) Any Person responsible for a tourist accommodation building shall provide for Waste management in the form of either storage within the building, within a Commercial Container, or within an Enclosure.
- (g) Business premises shall be required to make their own arrangements for the collection and disposal of their Waste and in so doing shall be governed by the provisions of this bylaw and the *Health Act* and Regulations.
- (h) Any Enclosure damaged or otherwise physically compromised to the extent that it can no longer prohibit Animal entry must be repaired by the Person responsible within 10 business days of the damage occurring.

6. FEES AND CHARGES

- (a) Annual Fees applicable under this Bylaw for Residents shall form a component of the water and sewer utility billings for the applicable calendar year and are set out forthwith in Schedule 'A'.
- (b) A Person shall be deemed to have received notification of Fees if said notification was mailed to the address maintained in the Town's utility invoicing system, and no Person shall be discharged or relieved from liability in respect of such Fees or from penalties attached to non-payment hereby imposed by reason of non-receipt of any statement of account thereof.
- (c) If Waste Collection Service to a Resident is initiated before the fifteenth (15th) day of a month, the full monthly Fee will be Charged for that month; if made after the fifteenth (15th) day of a month, the Fee will be one-half (1/2) of the monthly Fee for that month.
- (d) If Waste Collection Service to a Resident is terminated before the fifteenth (15th) day of a month, the Fee will be one-half (1/2) of the monthly Fee for that month; if made after the fifteenth (15th) day of a month, the full monthly Fee will be Charged for that month.
- (e) A Person shall be deemed to have received notification of Charges if said notification was mailed or otherwise delivered via attached notice to the Container belonging to the address maintained in the Town's utility invoicing system, and no Person shall be discharged or relieved from liability in respect of such Charges or from penalties attached to non-payment hereby imposed by reason of non-receipt of any statement of account thereof.
- (f) Resident Fees and Charges on the annual utility bill remaining unpaid in the utility system after December 31st in each calendar year shall be deemed to be taxes in arrears in respect of the property and shall be forthwith entered on the real property tax roll as taxes in arrears, having also been subject to a daily interest service charge of 1% per month.
- (g) All accounts shall be rendered to the owner of lands and premises to which the Waste Collection Service is being provided on the basis that every tenant or occupier of said lands or premises shall be jointly liable with the owner for the same.

- (h) Upon application for a Building Permit to construct or locate a Residential Dwelling the applicant shall prepay the pro-rated Waste Collection Service Fee for the remaining portion of the year, calculated from the date of Occupancy Permit issuance.

7. ENFORCEMENT AND IMPLEMENTATION PROVISIONS

- (a) Every Resident within the Town shall be entitled to have their Domestic Waste and Recyclable Waste collected and disposed of by the Waste Collector, except where a Resident commits an offence against this bylaw.
- (b) A Resident possessing or placing a Condemned Container caused so by the Resident other than by normal wear and tear shall be supplied with a new Container and assessed a full replacement Fee.
- (c) A Resident possessing or placing a Condemned Container caused by normal wear and tear shall be supplied with a new Container at no additional Fee.
- (d) A Condemned Container placed by a Resident may be disposed of by the Waste Collector upon notice served.
- (e) The suspension of Waste Collection Services to any Resident shall not relieve the Resident's responsibilities under this bylaw.
- (f) Each day that a contravention or violation of or failure to perform any provision of this bylaw continues to exist will be deemed to be a separate offence.
- (g) Any person who violates any provision of this bylaw or who suffers or permits any act or thing to be done in contravention of or in violation of any of the provisions of this bylaw, or who neglects to do, or refrains from doing anything required to be done by any of the provisions of this bylaw commits an offence and is liable on summary conviction to a fine of not less than \$50.00 nor more than \$2,000.00.
- (h) This Bylaw is designated under the provisions of s.264 of the *Community Charter* as a Bylaw that may be enforced by means of a ticket in the form prescribed, and in accordance with this Bylaw.
- (i) Violation of provisions 4.(g) through 4.(k) may result in suspension of Waste Collection Services, notice served explaining the suspension, and Charges rendered.
- (j) Any person who violates any provision of this bylaw or who suffers or permits any act or thing to be done in contravention of or in violation of any of the provisions of this bylaw, or who neglects to do, or refrains from doing anything required to be done by any of the provisions of this bylaw commits an offence and is liable for all Fees and Charges as outlined in this Bylaw.
- (k) Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

7. REPEAL

- (a) *Waste Management and Collection Services Bylaw Number 1257, 2011* and all amendments thereto are repealed.

READ A FIRST TIME THIS 6TH DAY OF DECEMBER , 2016.

READ A SECOND TIME THIS 6TH DAY OF DECEMBER , 2016.

READ A THIRD TIME THIS 6TH DAY OF DECEMBER , 2016.

ADOPTED THIS 20TH DAY OF DECEMBER , BY A UNANIMOUS DECISION OF ALL MEMBERS OF TOWN COUNCIL PRESENT AND ELIGIBLE TO VOTE.



MAYOR



CORPORATE OFFICER

TOWN OF GOLDEN

BYLAW NUMBER 1372, 2016
WASTE MANAGEMENT AND COLLECTION SERVICES
SCHEDULE 'A' - FEES

1. RESIDENT FEES FOR WASTE COLLECTION SERVICES 2017 – 2021

- (a) For each Parcel supplied with 1 Container for Domestic Waste and 1 Container for Recyclable Waste the following Fees shall apply:

Year	Service	Annual Fee	Monthly Fee
2017	Domestic Waste	\$92.39	\$7.70
	Recyclable Waste	\$24.56	\$2.05
2018	Domestic Waste	\$93.77	\$7.81
	Recyclable Waste	\$24.93	\$2.08
2019	Domestic Waste	\$95.15	\$7.93
	Recyclable Waste	\$25.29	\$2.11
2020	Domestic Waste	\$97.64	\$8.14
	Recyclable Waste	\$25.95	\$2.16
2021	Domestic Waste	\$98.00	\$8.17
	Recyclable Waste	\$26.05	\$2.17

- (b) The same Fees shall be again applied to any Parcel having an additional Domestic Waste or Recyclable Waste Container (by permit only).
- (c) Replacement Fee for Domestic Waste Container: \$150.00
- (d) Replacement Fee for Recyclable Waste Container: \$75.00
- (e) Annual Resident Fees shall be determined based upon:
- (i) The annual cost of contracting the Waste Collection Service including a contingency for possible fuel levy surcharges;
 - (ii) An administration Charge of 5% of the Waste Collection Service contract;
 - (iii) Estimation of CSRD Tipping Fees to be paid annually;
 - (iv) Scope of MMBC incentive subsidy; and,
 - (v) Annual contribution to the *Equipment Operating Reserve Fund* in anticipation of future Container purchases.