



City of Duncan

**Garbage, Recyclables and Organics Collection
Bylaw No. 3094, 2013**

(With Amendments to March 16, 2015)

Consolidated for Convenience Only

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject

Bylaw No. 3094.01, 2015 – Adopted March 16, 2015

BYLAW NO. 3094, 2013

GARBAGE, RECYCLABLES AND ORGANICS COLLECTION

**A BYLAW TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF A
SYSTEM FOR THE COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE,
RECYCLABLES, ORGANICS AND OTHER SOLID WASTES**

The Council of City of Duncan enacts as follows:

TITLE

1. This Bylaw may be cited as the “Garbage, Recyclables and Organics Collection Bylaw No. 3094, 2013.”

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:

“approved disposal site”	means a site authorized by the City of Duncan, the Cowichan Valley Regional District, or the Ministry of Environment, Lands and Parks for the deposit and disposal of garbage, recyclable materials, or organics materials.
“basic service”	means the garbage, recyclable collection and organics collection service established under section 4 of this Bylaw.
“basic service user”	means a person who must use the municipal garbage, recycling and organics collection service under section 5 of this Bylaw.
“biomedical waste”	means waste that is generated by: (a) human health care facilities, (b) medical research and teaching establishments, (c) clinical testing or research laboratories, and (d) facilities involved in the production or testing of vaccines, and contains or may contain pathogenic agents that may cause disease in humans exposed to the waste.

“boarder”	means a person who resides in a single family dwelling, but not in a self-contained unit within such dwelling and who pays a fixed sum periodically for accommodation.
“boarding house”	means a single family dwelling in which rooms are rented to more than five but not more than 16 boarders, but does not include community care facilities within the meaning of the <i>Community Care and Assisted Living Act</i> .
“City”	means the City of Duncan.
“collection”	means the removal of garbage, recyclable materials, organics materials or all three by the City or its contractor under this Bylaw.
“commercial premises”	means a building or part of a building occupied for the purpose of carrying on a profession, trade or business.
“contractor”	means a person under contract to the City to provide a service.
“Director of Finance”	means the person duly appointed the Director of Finance of the City or his designate;
“Director of Public Works”	means the person duly appointed the Director of Public Works of the City or his designate;
“dwelling unit”	means <ul style="list-style-type: none"> (a) a single family dwelling, (b) in relation to a duplex, triplex or fourplex, each self-contained residential suite, or (c) a secondary suite.
“extended service”	means the additional garbage collection service provided under section 9 of this Bylaw.
“extended service user”	means a person who receives extended service under section 9 of this Bylaw.
Amend# 3094.01	“garbage” means discarded matter, but does not include recyclable materials, organics materials or any material listed in section 14.1 of this Bylaw.
	“garbage container” means a receptacle of not more than 77 litres

	capacity with carrying handles and a waterproof cover used to collect and store garbage.
“garbage tags”	means single-use tags or stickers required to access extended service.
“garden waste”	means vegetation removed from gardens, lawns, shrubs and trees and includes prunings from shrubs and trees.
“group home”	means a dwelling owned by an incorporated non-profit society in good standing that has the care of persons as one of its objectives, and in which reside: <ul style="list-style-type: none"> (a) not more than five persons needing care, and (b) not more than two adults who are paid to provide such care.
“hazardous waste”	means any gaseous, liquid or solid waste that, because of its inherent nature and quality, requires special disposal techniques to avoid creating health hazards, nuisances or environmental pollution, and includes: <ul style="list-style-type: none"> (a) paint (b) oil (c) gypsum (d) toxic waste (e) poisonous waste (f) corrosive waste (g) ignitable waste (h) explosive waste
“ignitable waste”	means waste that is a: <ul style="list-style-type: none"> (a) flammable gas, (b) flammable liquid, or (c) flammable solid or substance susceptible to spontaneous combustion or substances that, on contact with water, emit flammable gases as defined by the Province of British Columbia.
“municipal garbage collection system”	means the garbage collection system established under section 3 of this Bylaw.
“municipal recycling system”	means the recyclable collection system established under section 3 of this Bylaw.
“municipal organics collection system”	means the organics collection system established under section 3 of this Bylaw.

“organics”	means kitchen waste that is compostable and includes egg shells, bones, tea bags, coffee grounds, paper, filters, dairy products (butter, cheese) fruits, vegetables, (no packaging) breads, pasta, cakes, biscuits, paper towels, napkins, paper plates, paper cups, pizza boxes, food soiled cardboard.
“organics container”	means a container of not more than 45 litres capacity, with a tight seal for pest and odour resistance.
“pathological waste”	means <ul style="list-style-type: none"> (a) any part of the human body, including tissues and bodily fluids, but excluding fluids, extracted teeth, hair, nail clippings and like parts, that are not infectious, (b) any part of the carcass of an animal infected with a communicable disease or suspected by a veterinary practitioner to be infected with a communicable disease, or (c) non-anatomical waste infected with communicable disease.
“private collection service”	means a garbage and recyclable collection service operating under a valid City of Duncan business licence and that is not operated by or on behalf of the City.
“recyclable materials”	includes all recyclable: <ul style="list-style-type: none"> (a) newsprint, (b) corrugated cardboard, (c) mixed waste paper, (d) metal food and beverage containers, (e) plastic containers, or (f) other material that is collected from time to time by the City or its contractor as a recyclable product.
“recycling bin”	means a bin provided by the City or its contractor for the deposit of recyclable materials at locations approved by the Director of Public Works.
“recycling container”	means a reusable container approved by the Director of Public Works used for the purpose of storing and collecting recyclable materials.

“residential garbage”	means garbage generated by the occupants of a dwelling unit.
“residential recyclable materials”	means recyclable materials generated by the occupants of a dwelling unit.
“secondary suite”	means a self-contained suite with a separate entrance and separate bathroom within a building that was originally constructed as a single family dwelling or a legal duplex, triplex or fourplex.
“street”	means a highway.
“trade or industrial waste”	means garbage resulting from the operation of industrial, commercial or institutional premises.
“unit”	means the amount of service applied to or collected from one dwelling unit in accordance with the basic service.
“unserviceable property”	means <ul style="list-style-type: none"> (a) any property or dwelling unit to which access from a street is inadequate for service as determined by the Director of Public Works, or (b) any property or dwelling unit which by its lack of proximity to other dwelling units being provided basic service would result in excessively high costs or time being allocated to service as determined by the Director of Public Works, (c) any property or dwelling unit the Director of Public Works determines is unsafe to service.
“waste”	means discarded, rejected or abandoned materials, substances or objects.

PART 1 – BASIC SERVICE, ALTERNATE SERVICE AND EXTENDED SERVICE

3. Collection Systems Established

- 3.1 A municipal garbage collection system is established to collect, remove and dispose of residential garbage, residential recyclable materials and residential organics.
- 3.2 A municipal recycling system is established to collect and dispose of residential recyclable materials.

3.3 A municipal organics collection system is established to collect and dispose of residential organic material.

4. Basic Service Mandatory

4.1 Subject to subsection 4.2, for all residential properties participation in the municipal garbage collection system, the municipal recycling system and the municipal organics system, as established by this Bylaw, is mandatory.

4.2 Subsection 4.1 does not apply to:

- (a) multi-family premises that consist of more than four dwelling units, and
- (b) occupants of dwelling units who dispose of their residential garbage through a private collection service as permitted under section 7.4.

5. Basic Service

5.1 Basic service consists of the removal of:

- (a) recyclable materials, once every second scheduled collection,
- (b) garbage from one garbage container, once every second collection, on alternate weeks from recyclable collection, and
- (c) organics from one organics container each scheduled collection.

6. Boarding Houses and Licensed Private Group Homes

6.1 Owners or operators of group homes and boarding houses may apply in writing to the Director of Public Works to receive service under the municipal garbage collection system.

6.2 To be eligible for service, applicants under subsection 6.1 must satisfy the Director of Public Works that the garbage collection service required by the applicant does not exceed the requirements under section 5. Basic Service, per unit.

6.2.1 Fees for service shall be based on the number of units requested for collection by the applicant.

6.2.2 Applicants not approved for service under this section, or who cannot stay within the limit prescribed under subsection 5.1, must arrange alternate service under section 8. Alternate Service of this Bylaw.

7. Commercial and Multi Family Premises

7.1 Owners or operators of commercial and Multi Family premises may apply in writing to the Director of Public Works to receive service under the municipal garbage collection system.

- 7.2 To be eligible for service, applicants under subsection 7.1 must satisfy the Director of Public Works that the garbage collection service required by the applicant does not exceed the requirements under section 5. Basic Service per unit.
- 7.3 Approval of any application under subsection 7.1, and revocation of any approval is in the sole discretion of the Director of Public Works considering such things as, but not limited to, operational efficiencies, location of premises, ease of access, and the quantity of recyclable materials to be collected.
- 7.4 Applicants not approved for service under this section, or who cannot stay within the limit prescribed under subsection 7.2, must arrange alternate service under section 8 Alternate Service of this Bylaw.

8. Alternate Service

- 8.1 The City shall not collect garbage, recyclables or organics from:
- (a) a multiple family dwelling consisting of more than four dwelling units unless approved under section 7. Commercial and Multi Family Premises,
 - (b) boarding houses and licensed group homes that do not qualify for basic service under section 6. Boarding Houses and Licensed Private Group Homes,
 - (c) commercial premises that do not qualify for basic service under section 7 Commercial and Multi Family Premises,
 - (d) industrial and institutional operations,
 - (e) an unserviceable property.
- 8.2 An owner of premises listed in subsection 8.1 or approved under section 8.4 shall:
- (a) arrange garbage collection by a private collection service that disposes of garbage at an approved disposal site, and
 - (b) ensure that garbage is collected on a regular basis to prevent the development of noxious odours and the accumulation of garbage.
- 8.3 An owner of a dwelling or premises served by the municipal garbage, recycling and organics collection systems may apply, in writing, to the Director of Public Works for permission to have his or her garbage, recycling and organics collected and disposed of by a private collection service.
- 8.4 The Director of Public Works may approve an application made under subsection 8.3 where the applicant demonstrates that the municipal garbage, recycling or organics collection system does not provide service

adequate to deal with the type or volume of garbage, recycling or organics generated by the applicant.

- 8.5 If an application under subsection 8.3 is approved, the applicant shall notify the Director of Finance in writing of:
- (a) the date private collection service will start, and
 - (b) the name of the collection service to be used,
 - (c) proof that the private collection service will separate the garbage, recyclables and organics and dispose of appropriately.

9. Private Collection Systems

- 9.1 Every person who has entered into a contract with a licensed contractor for the removal of waste shall:
- (a) only use containers supplied or specified by the contractor; and,
 - (b) keep the container and the area around the container in a condition not noxious, offensive, objectionable, or dangerous to the public or to public health.
- 9.2 All private contractors operating within the City must comply with the following regulations:
- (a) Containers must at all times be:
 - (i) kept in good repair, clean, free of graffiti, and
 - (ii) designed and maintained so as to prevent the intrusion of rain water or pests into the container and so as to contain any and all liquids comprising part of, or which escape from, the waste; and,
 - (iii) approved by the Director of Public Works.
 - (b) All vehicles used for the collection of waste that is liable to rot or putrefy must be of a closed metal type, suitably designed to contain the liquid by-products of any rotting or putrefaction.
 - (c) Subject to the provisions of the Noise Control Bylaw, the hours of operation in and adjacent to residential areas are limited to the period between 7:00 a.m. and 9:00 p.m.
 - (d) All collecting, transporting, processing, converting or salvaging of any waste, must be carried out so as not to be offensive or objectionable.
 - (e) Any waste that will not immediately be processed, converted or salvaged must be removed as directly as possible on the day of collection to an approved disposal site.

- (f) All containers used by private contractors or their customers must, unless approved by the Director of Public Works to occupy a street, lane, walkway, sidewalk, or other public place, be kept on private premises at all times.
- (g) Ensure that customers are equipped with suitable, and a sufficient number of containers so that the containers themselves, and the area around the containers, remains in a condition not noxious, offensive, objectionable, or dangerous to the public or to public health.

10. Extended Service

- 10.1 A basic service user who requires additional garbage collection shall use the extended service.
- 10.2 A basic service user shall access extended service by using garbage tags authorized by the City for the extended service.
- 10.3 The City imposes charges for garbage tags as set out in the City of Duncan Fees and Charges Bylaw and amendments thereto.
- 10.4 Each garbage tag entitles the extended service user to the collection of one garbage container.
- 10.5 Beyond the basic service limits and subject to section 10.4 an extended service user may put out for collection a maximum of one additional garbage container from each dwelling unit.
- 10.6 An extended service user shall attach garbage tags in a visible location on the top of each garbage container put out for collection.
- 10.7 Garbage tags are not reusable or refundable.
- 10.8 An extended service user shall only use authorized garbage tags to access extended service within the City.

11. Frequency of Garbage Collection Service

- 11.1 Unless otherwise approved by the Director of Public Works and scheduled accordingly, garbage shall be collected once every second week on the same day of each week, excluding statutory holidays.

12. Frequency of Recyclable Collection Service

- 12.1 Unless otherwise approved by the Director of Public Works and scheduled accordingly, recyclable materials shall be collected on weeks alternate to scheduled garbage collection and on the same day of the week as garbage collection service.

13. Frequency of Organics Collection Service

- 13.1 Unless otherwise approved by the Director of Public Works and scheduled accordingly, organics shall be collected weekly on the same day of each week, along with either the garbage or the recycling, excluding statutory holidays.

PART 2 - TERMS AND CONDITIONS OF SERVICE

14. Unacceptable Materials

- 14.1 No person shall place any of the following items in any container for collection by the City or its contractor:

- (a) hazardous waste,
- (b) biomedical waste,
- (c) pathological waste,
- (d) trade or industrial waste,
- (e) raw sewage or septic tank sludge,
- (f) dead animals,
- (g) animal feces, waste, or related litter products,
- (h) oversized items of any kind exceeding two feet in any dimension,
- (i) demolition or construction waste,
- (j) wood or wood refuse,
- (k) styrofoam,
- (l) rocks,
- (m) ashes,
- (n) engine oil,
- (o) oil filters, or
- (p) automotive or marine-type batteries.

- 14.2 Any material listed in subsection 14.1 put out for collection by the municipal garbage, recycling or organics collection system shall not be collected.

- 14.3 No person shall place recyclable materials out to be collected as garbage.

- 14.4 No person shall place organic materials out to be collected as garbage or recycling.

- 14.5 No person shall place glass out to be collected as garbage, organics or recycling.

- 14.6 No person shall place yard waste out to be collected as garbage, organics or recycling.

15. Owner/Occupant Responsibilities

- 15.1 Every owner or occupier of a dwelling unit or commercial or other premises served by the municipal garbage collection system, the municipal recycling collection system, and the municipal organics collection system shall:
- (a) place all garbage in a garbage container,
 - (b) tie into bundles all recyclable materials set out for collection or place recyclable materials in a recycling container capable of confining and keeping dry the recyclable materials,
 - (c) ensure that garbage containers and recycling containers set out for collection do not weigh more than 22 kilograms (50 pounds) or have a total capacity greater than 77 litres (2.7 cubic feet),
 - (d) flatten or break down all recyclable corrugated cardboard and tie in bundles for collection,
 - (e) set out for collection by 7:30 a.m. on the collection day, and not before the collection day, all garbage containers and/or recycling containers and organics containers,
 - (f) place all garbage containers, recycling containers and organics containers as close as possible to the edge of the street adjoining the dwelling unit in a location clearly visible to collection workers, but not placed so as to obstruct vehicles or pedestrians,
 - (g) remove all empty garbage containers and recycling containers from the street after collection and keep all garbage containers, recycling containers, and organics containers, when not set out for collection, on the property from which the garbage, recyclable materials or organics materials originate,
 - (h) maintain all garbage containers, recycling containers and organics containers in a safe, sanitary and usable condition,
 - (i) tie or otherwise seal any plastic bags containing garbage, recyclable or organics materials set out for collection to prevent spillage or entry of water,
 - (j) drain excess moisture from wet garbage and wrap wet garbage in a waterproof material before placing it in the garbage container,
 - (k) ensure no liquid is deposited in any garbage container,
 - (l) ensure no liquid runs into or accumulates in any garbage container,
 - (m) ensure no solid or semi-solid greases are deposited in a garbage container unless wrapped in a waterproof covering or placed in a tightly closed container,
 - (n) cover all garbage containers at all times with a waterproof lid,
 - (o) provide a ready means of access to all garbage containers and recycling containers at all reasonable times, and

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- (p) ensure the means of access is unobstructed and of sufficient size and kind to permit garbage containers, recycling containers and organics containers to be seen by collection staff and, if required, carried through the means of access to the street to ensure adequate collection.

15.2 No person shall deposit waste, including but not limited to garbage, recyclable materials, organics, garden waste, ignitable waste, or any other material listed in Section 14.1 of this bylaw from a dwelling unit or commercial premises into a City garbage receptacle located in a public area.

16. Recycling Containers and Bins

16.1 No person shall use a recycling container for any purpose other than for depositing recyclable materials.

16.2 No person shall place a privately owned recycling bin on City property without first obtaining the written approval of the Director of Public Works.

16.3 No person shall damage, tamper with, or vandalize a recycling bin owned or operated by the City.

16.4 No person shall place any material other than recyclable materials in a recycling container or bin designated by the Director of Public Works for that material.

17. Organics Containers

17.1 No person shall use an organics container for any purpose other than for depositing organics materials.

18. Scavenging Prohibited

18.1 No person, except an occupant of the dwelling unit from which the recyclable materials originate, shall remove any material from a recycling container or from the area next to the recycling container, before the recyclable materials have been collected by the City or its contractor.

18.2 No person shall remove any material from a recycling bin except the person who obtained approval from the City to place the recycling bin on City property under section 16. Recycling Containers and Bins.

19. Container Inspection and Investigation

19.1 The Director of Public Works may inspect all garbage containers, recycling containers and organics containers.

19.2 Garbage containers, recycling containers and organics containers must be available for inspection at all reasonable hours.

- 19.3 The Director of Public Works may determine that a garbage container, recycling container or organics container is no longer suitable for use because it is broken, hazardous or unsanitary.
- 19.4 Any garbage container, recycling container or organics container referred to in subsection 19.3 shall be removed when the garbage, recyclable material, or organics is removed.
- 19.5 The owner or occupier of the dwelling unit shall replace any garbage container or recycling container referred to in subsection 19.3 prior to their next scheduled collection.

20. Right of Entry

- 20.1 Subject to the provisions of this Bylaw, the Director of Public Works or a Bylaw Enforcement Officer may enter at all reasonable times upon any property to determine whether the provisions of this Bylaw are being obeyed.
- 20.2 No person shall obstruct or interfere with the Director of Public Works or any Bylaw Enforcement Officer acting in the conduct of administration and enforcement of this Bylaw.

21. Exclusion of Other Services

- 21.1 No person shall operate within the City any system for the collection and disposal of garbage and/or recyclable materials and/or organics material that interferes with the municipal garbage collection system, the basic service, the municipal recycling system, or the organics collection system unless the person has been authorized by the City to operate such a system.
- 21.2 Subsection 21.1 does not authorize a person to provide garbage or recyclable collection or organics collection services to a basic service user.

22. General Conditions of Service

- 22.1 The City will not be liable for any damages suffered or costs incurred by any person by reason of the failure of the City to supply collection service.
- 22.2 No person will be relieved of the obligation to observe the requirements of all Federal, Provincial, and Municipal laws by reason of the services provided by the City.
- 22.3 The City shall not be responsible for the replacement of any containers or lids damaged or lost for any reason whatsoever.

22.4 The City will not be responsible for the accidental collection of goods not meant to be placed for collection if the items are left in garbage bags or containers.

23. Right to Refuse Waste

23.1 The City reserves the right to refuse to collect all waste which is not acceptable at the approved disposal site or which does not comply with the provisions of this Bylaw.

24. Suspension of Service

24.1 The City may suspend collection service from any premises where the provisions of this Bylaw are not met, including but not limited to, bagging of wastes; number of bags; number, condition or lack of standard containers; location of containers; or the condition of wastes, but such suspension shall not waive any requirement, or abate or waive any charges or rates, under the provisions of this Bylaw.

PART 4 – GENERAL

25. Littering

25.1 No person shall throw, sweep, or place any waste onto any premises, street, lane, walkway, sidewalk, or other public place in the City.

25.2 Every person shall take due precautions to ensure that no waste of any kind drops from or is blown from any vehicle or premises onto any other premises, street, lane, walkway, sidewalk, or other public place in the City.

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26. Fees and Charges

26.1 For City collection services and for general disposal of solid wastes at an approved disposal site, the collection and disposal rates set out in the City's Fees and Charges Bylaw are hereby imposed and levied by the City and are due and payable to the City by the parties liable under this Bylaw for having collection service or for disposal of such solid waste.

26.2 The rates set out in the City's Fees and Charges Bylaw for residential collection services are due and payable by the owner whether or not:

- (a) the dwelling units are occupied
- (b) the owner makes use of the service, or
- (c) the service is interrupted or altered in any manner.

unless any of the circumstances in Section 26.3 apply and the prior arrangements referred to in Section 26.3 have been made.

26.3 Charges for residential solid waste collection will only be discontinued in respect of a dwelling unit if the owner has 'previously' notified the City in writing that:

- (a) the dwelling unit is temporarily rendered uninhabitable because of fire or other similar disaster; or
- (b) the dwelling unit is serviced by an approved alternate service and the owner has provided the name of the collection service to be used and the date private collection service will start.

and in such event the charge or rate shall be abated or reduced pro rata as the case may be.

26.4 Should the City become aware that the dwelling unit has been occupied without notification, or that the private collection service has been terminated without reinstating City collection services, the City shall back charge the owner to the date of discontinuation of the collection service fee and charge the ten (10%) percent late payment penalty.

27. Penalty

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27.1 Every Person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by an provision of this Bylaw, commits an offence and is liable on summary conviction to a fine of \$10,000 or to imprisonment not exceeding the maximum allowed by the *Offence Act*, as amended, or to both a fine and imprisonment and the cost of prosecution.

27.2 Where the offence is a continuing one, each day the offence continues shall be a separate offence.

28. Severability

28.1 If any part, section, sentence, clause, phrase or word of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the bylaw had been adopted without the invalid portion.

29. Reference to Other Bylaws or Enactments

29.1 Any enactment referred to herein is a reference to an enactment of Canada or British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein

is a reference to an enactment of the Council of the City of Duncan, as amended, revised, consolidated or replaced from time to time.

30. Enforcement

30.1 The provisions of this Bylaw may be enforced by the Director of Public Works or City of Duncan Bylaw Enforcement Officer.

31. Repeal

31.1 "Garbage, Recyclables and Organics Collection Bylaw No. 3008" and amendments thereto are hereby repealed.

READ A FIRST TIME THE 21st. DAY OF OCTOBER, 2013.

READ A SECOND TIME THE 21st DAY OF OCTOBER, 2013.

READ A THIRD TIME THE 21st DAY OF OCTOBER, 2013.

ADOPTED THIS 18th DAY OF NOVEMBER, 2013.

Karen Burley,
Director of Corporate Services

Phil Kent,
Mayor