

TO: CHAIR AND MEMBERS ENVIRONMENT AND SOCIAL PLANNING COMMITTEE **DATE:** 2019 May 16

FROM: DIRECTOR ENGINEERING **FILE:** 36500-01

Ref: *Solid Waste
Collection and
Disposal - Garbage*

SUBJECT: **AMENDMENTS TO SOLID WASTE AND RECYCLING BYLAW 12875 (2010)**

PURPOSE: To request the City Solicitor amend the City's Solid Waste and Recycling Bylaw 12875 (2010) and Bylaw Notice Enforcement Bylaw 12657 to reflect changes with service delivery, strengthen enforcement provisions and improve readability.

RECOMMENDATIONS:

1. **THAT** the Environment and Social Planning Committee recommend Council authorize the City Solicitor to amend:
 - a. the Solid Waste and Recycling Bylaw 12875 (2010):
 - i. to implement requirements for storage and management of receptacles for waste and set out requirements for collection of waste receptacles within determined bear areas;
 - ii. to implement changes to strengthen enforcement of illegal dumping;
 - iii. to provide clarity of language in several clauses throughout the Bylaw for increased readability; and
 - iv. to define the "Additional No-fee Medical Waste Receptacle"
 - b. the Bylaw Notice Enforcement Bylaw 12657:
 - i. to implement penalties for the storage and management of receptacles for waste and set out times of waste receptacles within designated bear areas;

To: Chair and Members Environment and Social
Planning Committee

From: Director Engineering

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- ii. to increase penalties for illegal dumping and various other bylaw infractions; and
- iii. to add new staff positions to the Screening Officer and Bylaw Enforcement Officer sections.

REPORT

INTRODUCTION

The Solid Waste and Recycling Bylaw was last updated in 2010 to reflect the expanded solid waste management practices and programs administered by the City. Since that time, the City has made a number of changes in service delivery in curbside residential and commercial programs, including the implementation of bi-weekly garbage collection and the completion of the Multi-Family Bear-Resistant Green Bin Receptacle Pilot Project.

The purpose of this report is to seek Council's approval to authorize the City Solicitor to amend the City's Solid Waste and Recycling Bylaw 12875 (2010) and Bylaw Notice Enforcement Bylaw 12657 to reflect changes with service delivery, strengthen enforcement provisions and readability.

POLICY SECTION

The proposed amendments to the Solid Waste and Recycling Bylaw are aligned with the City of Burnaby's Corporate Strategic Plan by supporting the following goals and sub-goals of the Plan.

Goal

- A Healthy Community
 - Healthy life –
Encourages opportunities for healthy living and well-being
 - Healthy environment –
Enhance our environmental health, resilience and sustainability
- A Dynamic Community
 - Community development –
Manage change by balancing economic development with environmental protection and maintaining a sense of belonging

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- A Thriving Organization
 - Organizational culture –
Ensure that our core values are reflected in our policies, programs and service delivery

AMENDMENTS TO THE SOLID WASTE AND RECYCLING BYLAW

The City has successfully implemented bi-weekly garbage collection as of April 2017 and upon receiving Council approval, has initiated implementation of the bear-resistant green bin program for impacted multi-family residents. In addition, staff have focused attention on addressing illegal dumping activities and planning for installation of three-compartment receptacles at all bus shelters.

With this, staff are now looking at bringing forward amendments to the City's Solid Waste and Recycling Bylaw in alignment with the noted service delivery changes.

The key amendments to the Solid Waste and Recycling Bylaw can be found in *Attachment #1* and include amendments to:

- Section 2: Definitions
- Section 4: General
- Section 5: Residential Garbage, Yard Waste, Food Scraps, and Recyclable Materials Collection
- Section 6: Multi-Family Garbage, Yard Waste, Food Scraps, and Recyclable Materials Collection
- Section 7: Industrial, Commercial and Institutional Garbage, Yard Waste, Food Scraps, and Recyclable Materials Collection
- Section 8: Litter Management

AMENDMENTS TO THE BYLAW NOTICE ENFORCEMENT BYLAW

As a result of the proposed changes to the Solid Waste and Recycling Bylaw, section references under the Bylaw Notice Enforcement Bylaw in respect to contraventions of the solid waste and recycling regulations also need to be updated.

The key amendments to the Bylaw Notice Enforcement Bylaw can be found in *Attachment #2* and include amendments to:

- Set out penalties for collection and management of waste receptacles within designated bear areas;
- Increase penalties to strengthen enforcement for litter and illegal dumping;
- Add new screening and enforcement positions; and

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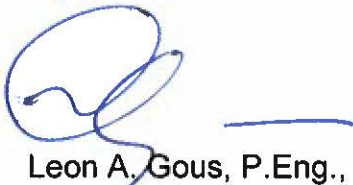
- Apply penalties to further strengthen enforcement of contamination of the garbage, green bin and recycling streams.

CONCLUSION

The Solid Waste and Recycling Bylaw was last updated in 2010 to reflect the expanded solid waste management practices and programs administered by the City. With commitments to improve litter and illegal dumping matters made during the transition from weekly garbage collection to bi-weekly garbage collection along with the completion of the Multi-Family Bear-Resistant Green Bin Pilot Project, amendments to the Solid Waste and Recycling Bylaw are required to strengthen the City's enforcement for litter and illegal dumping and will assist in the reduction of human-bear interactions with respect to the storage and management and collection of receptacles within designated bear areas.

RECOMMENDATION

Staff recommends that the Environment and Social Planning Committee recommend Council to authorize the City Solicitor to bring forward bylaw amendments for the City's Solid Waste and Recycling Bylaw, as well as make further amendments to the Bylaw Notice Enforcement Bylaw, as outlined in *Attachment #1* and *Attachment #2* of this report.



Leon A. Gous, P.Eng., MBA
DIRECTOR ENGINEERING

JL/ac

Attachments

Copied to: City Manager
Director Finance
City Solicitor

Attachment #1 - Solid Waste and Recycling Bylaw Amendments

Staff recommends that the following amendments be included in the Solid Waste and Recycling Bylaw:

Section 2 – Definitions

Additional Definitions	
2(1A) “Attractant” means any substance which could reasonably be expected to attract wildlife or does attract wildlife including without limiting the foregoing garbage, food scraps, recyclable materials, barbeque grills and drip trays, bird feeders.	
2(1B) “Bear Area” means a geographical area within the City that has been determined by the Engineer to be frequented by bears.	
2(15C) “Additional No-fee Medical Waste Receptacle” means an additional Garbage Receptacle which the City has provided to a resident at no additional fee to assist in the collection and disposal of excessive amounts of non-hazardous medical waste generated by the in-home treatment of a prescribed medical condition.	
2(38A) “Bear Resistant Receptacle” means a receptacle whose material and construction is of sufficient strength and design so as to reasonably prevent access by bears during storage.	
2(38C) “Bear Resistant Enclosure” means a fully enclosed structure of sufficient design and strength so as to prevent access by bears, includes a garage, shed, fenced structure or otherwise approved by the Engineer.	
Former Definition	Amendment
2(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 absorbed in paper, diapers, animal waste, (Bylaw No. 13260) and animal carcasses;	2(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;
2(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)	2(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 No. 13052)
2(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)	2(29) “prohibited material” means any material defined as “Banned Materials” in the GVS&DD Tipping Fee and Solid Waste Disposal Regulation Bylaw; and materials recyclable under a product stewardship plan established under the BC Recycling Regulation to the Environment Management Act and any other items designated as recyclable by the Engineer.

2(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 Act, S.B.C. 2003, ch. 53, and any other items designated as recyclable by the Engineer from time to time.	2(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, and materials prohibited materials as defined as “Banned Materials” in the GVS&DD Tipping Fee and Solid Waste Disposal Regulation Bylaw and materials recyclable under a product stewardship plan established under the BC Recycling Regulation to the Environment Act and any other items designated as recyclable by the Engineer.
2(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.	2(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.
2(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.	2(11A) “Eco-Centre” means a facility constructed and operated by the City to enable acceptable recyclable materials, yard waste, food scraps and bulky items to be temporarily stored.

Section 4: General

Former Bylaw	Amendment
4(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.	4(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 there.
	4(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, without tampering, adjustment, modification or alteration.
	4(10) The City shall develop and maintain procedures for the provision of Additional No-fee Medical Waste Receptacles to residents who generate excessive medical waste which are separate and distinct from this Bylaw

Section 5: Residential Garbage, Yard Waste, Food Scraps and Recyclable Materials Collection

Former Bylaw	Amendment
Section 5(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.	Section 5(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.
5(2) A single family property shall have one garbage receptacle only. A two family property may have one garbage receptacle for each dwelling unit.	5(2) A single family property shall have one garbage receptacle only. A two family property may have one garbage receptacle for each dwelling unit. Additional No-fee Medical Waste Receptacles may be provided to residents who generate excessive medical waste.
Section 5(3) Every owner or occupier of a dwelling must recycle by placing recyclable materials into the appropriate recycling receptacle without contamination.	<p>Section 5(3) Every owner or occupier of a dwelling must:</p> <ul style="list-style-type: none"> (a) recycle by placing recyclable materials into the appropriate recycling receptacle without contamination. (b) take recyclable materials excluded from curbside collection service to the Eco-Centre or appropriate facility.
Section 5(6)(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;	<p>Section 5(6)(f)</p> <ul style="list-style-type: none"> (i) 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 impeded pedestrian or vehicle traffic, and with at least one (1) meter clear space on all sides of each receptacles 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. (ii) For properties within designated bear areas 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

	<p>impeded pedestrian or vehicle traffic, and with at least one (1) meter clear space on all sides of each receptacles and three (3) meters of clear space above each receptacle, no earlier than 5:30 a.m. and no later than 7:00 a.m. on the collection day.</p> <p>(iii) Every owner or occupier of a dwelling when placing out bear resistant receptacles must ensure that latches are unclipped on the collection day.</p>
Section 5(6)(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 collection day.	Section 5(6)(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.
Section 5(9) An owner or occupier may place not more than three bulky items for pick up on collection day provided that the owner or occupier has contracted 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.	Section 5(9) An owner or occupier may place bulky items out for collection provided that the owner or occupier has contacted the City in advance to make arrangements for the pickup of that bulky item. The bulky item shall be placed at the designated collection point or as otherwise directed by the Engineer.

Section 6: Multi-Family Garbage, Yard Waste, Food Scraps, and Recyclable Materials Collection

Former Bylaw	Amendment
6(1)(d) keep all receptacles securely stored on the property except on collection day;	<p>Section 6(1)(d)</p> <p>(i) keep all receptacles securely stored on the property except on collection day.</p> <p>(ii) for properties within designated bear areas, garbage, green bin and recycling receptacle(s) shall be stored on the property except on collection day in a bear resistant enclosure(s) or receptacles must be bear resistant.</p>
Section 6(1)(e) place garbage receptacle, green bin receptacle and recycling receptacle only at a collection point approved or directed by the Engineer.	<p>Section 6(1)(e)</p> <p>(i) place garbage receptacle, green bin receptacle and recycling receptacle only at a collection point approved</p>

	<p>or directed by the Engineer no earlier than 8:00 p.m. the day before collection day and no later than 7:00 a.m. on collection day.</p> <p>(ii) for properties within designated bear areas, garbage, green bin and recycling receptacles must be removed from bear-resistant enclosures or latches on bear-resistant receptacles must be unclipped on collection day and only and placed at a collection point approved or directed by the Engineer no earlier than 5:30 a.m. and before 7:00am on collection day.</p>
Section 6(2) Every owner or occupier of a premises must recycle by placing recyclable materials into a recycling receptacle without contamination.	<p>Section 6(2) Every owner or occupier of a premises must:</p> <p>(i) recycle by placing recyclable materials into the appropriate recycling receptacle without contamination.</p> <p>(ii) take recyclable materials excluded from curbside collection service to the Eco-Centre or appropriate facility.</p>

Section 6(3)(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.	Section 6(3)(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.
Section 6(3)(c) provide storage and signage for bulky items on site for collection.	Section 6(3)(c) Designate a storage area and signage for bulky items within the property.
	Section 6(3)(d) Provide the City at its request proof of service for the collection of bulky items.

Section 7: Industrial, Commercial and Institutional Garbage, Yard Waste, Food Scraps, and Recyclable Materials Collection

Former Bylaw	Amendment
Section 7(a) separate garbage and food scraps, and recyclable materials	<p>Section 7(a)</p> <p>(i) separate garbage and food scraps, and recyclable materials without contamination.</p>

	<ul style="list-style-type: none"> (ii) recycle by placing recyclable materials in recycling receptacle without contamination. (iii) take recyclable materials excluded from curbside collection service to an appropriate facility (iv) place yard waste and food scraps in a green bin receptacle without contamination.
Section 7(c) keep all waste receptacles securely stored on the property except on collection day.	<p>Section 7(c)</p> <ul style="list-style-type: none"> (i) keep all waste receptacles securely stored on the property except on collection day. (ii) for properties within designated bear areas, garbage receptacles and green bin receptacles shall be stored on the property except on collection day in a bear resistant enclosure or receptacles must be bear resistant.
Section 7(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	Section 7(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.
	7(e) replace any lost or stolen receptacles at their cost.

Section 8: Litter Management

Former Bylaw	Amendment
Section 8 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.	<p>Section 8</p> <p>(a) 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 to you by the City or private contractor that are intended for such use.</p> <p>(b) 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.</p>

Attachment #2 – Bylaw Notice Enforcement Bylaw Amendments

Staff recommends that the following contraventions be included in the Bylaw Notice Enforcement Bylaw:

Bylaw Section	Description	A1 Penalty Amount	A2 Discounted Penalty (within 15 days)	A3 Compliance Agreement Available (50% reduction)
Burnaby Solid Waste and Recycling Bylaw 2010				
4(9) NEW	General – Failure of the owner/occupant to maintain receptacles provided by the City in good working order, without tampering, adjustment, modification or alteration.	250	200	YES
5(3)(a) 5(3)(a) and 5(3)(b) replace current 5(3)	Residential – Failure of the owner/occupier of a property to recycle and place recyclable materials in the appropriate recycling receptacle without contamination.	250	200	YES
5(3)(b) 5(3)(a) and 5(3)(b) replace current 5(3)	Residential – Failure of the owner/occupier to take recyclable materials excluded from curbside collection service to the Eco-Centre or appropriate facility.	250	200	YES
5(6)(c) NEW	Residential - Failure of owner/occupant to maintain all receptacles supplied by the City in a clean and sanitary condition, without overflow and free from liquids.	200	150	YES
5(6)(f)(i) 5(6)(f)(i), 5(6)(f)(ii), and 5(6)(f)(iii) replace current 5(6)	Residential - Failure of owner/occupant to properly place garbage receptacle, green bin receptacle and recycling receptacle at the allowable times for collection.	200	150	YES
5(6)(f)(ii) 5(6)(f)(i), 5(6)(f)(ii), and 5(6)(f)(iii) replace current 5(6)	Residential – Failure of owner/occupant within designated bear areas to properly place garbage receptacle, green bin receptacle and recycling receptacles at allowable times for collection.	200	150	YES
5(6)(f)(iii) 5(6)(f)(i), 5(6)(f)(ii), and 5(6)(f)(iii) replace current 5(6)	Residential – Failure of owner/occupant within designated bear areas to ensure that latches are unclipped on bear resistant receptacle on collection day.	200	150	YES

6(1)(d)(i) 6(1)(d)(i) and 6(1)(d)(ii) replace current 6(1)(d)	Multi-Family - Failure of the owner/occupier of premise to secure garbage receptacle, green bin receptacle and recycling receptacle on the property at all times except on the collection day	500	400	YES
6(1)(d)(ii) 6(1)(d)(i) and 6(1)(d)(ii) replace current 6(1)(d)	Multi-Family – Failure of owner/occupier of a premise within designated bear areas to secure their garbage and green bin receptacle(s) in a bear resistant enclosure or within bear resistant receptacles.	500	400	YES
6(1)(e)(i) 6(1)(e)(i) and 6(1)(e)(ii) replace current 6(1)(e)	Multi-Family – Failure of owner/occupier in a premise to place garbage receptacle, green bin receptacle and recycling receptacle only at a collection point approved or directed by the Engineer.	500	400	YES
6(1)(e)(ii) 6(1)(e)(i) and 6(1)(e)(ii) replace current 6(1)(e)	Multi-Family – Failure of owner/occupier of a premise within a designated bear area to remove garbage receptacle, green bin receptacle from a bear resistant enclosure or ensure latches on bear resistant receptacles are unclipped and placed only at a collection point approved or directed by the Engineer.	500	400	YES
6(2)(i) 6(2)(i) and 6(2)(ii) replace current 6(2)	Multi-Family - Failure of owner/occupier of premise to recycle by placing recyclable materials into the appropriate recycling receptacle without contamination.	500	400	YES
6(2)(ii) 6(2)(i) and 6(2)(ii) replace current 6(2)	Multi-Family - Failure of owner/occupier of a premise to take recyclable materials excluded from curbside collection service to the Eco-Centre or appropriate facility.	500	400	YES
6(3)(a) NEW	Multi-Family – Failure of strata council or owner of non-strata-titled premise to provide written information on new residents, employees and contractors, and on an annual basis to existing residents, employees and contractors on how to separate garbage, yard waste, food scraps and recyclable materials	300	250	YES
6(3)(d) NEW	Multi-Family – Failure of owner/occupier of a premise to provide the City at its request a copy of the contract for the collection of bulky items.	500	400	YES

7(a)(i) 7(a)(i), 7(a)(ii), 7(a)(iii), and 7(a)(iv) replace current 7(a)	ICI – Failure by owner/occupant to separate garbage and food scraps, and recyclable materials without contamination.	500	400	YES
7(a)(ii) 7(a)(i), 7(a)(ii), 7(a)(iii), and 7(a)(iv) replace current 7(a)	ICI- Failure of owner/occupant to recycle by placing recyclable materials in recycling receptacle without contamination.	500	400	YES
7(a)(iii) 7(a)(i), 7(a)(ii), 7(a)(iii), and 7(a)(iv) replace current 7(a)	ICI- Failure of owner/occupant to take recyclable materials excluded from curbside collection service to an appropriate facility.	500	400	YES
7(a)(iv) 7(a)(i), 7(a)(ii), 7(a)(iii), and 7(a)(iv) replace current 7(a)	ICI – Failure of owner/occupant to place yard waste and food scraps in a green bin receptacle without contamination.	500	400	YES
7(c)(i) 7(c)(i) and 7(c)(ii) replace current 7(c)	ICI - Failure by owner/occupant to secure all receptacles on the property at all times except on the collection day	500	400	YES
7(c)(ii) 7(c)(i) and 7(c)(ii) replace current 7(c)	ICI – Failure by owner/occupants within designated bear areas to store garbage and green bin receptacles in a bear resistant enclosure or within a bear resistant receptacle.	500	400	YES
8(a) 8(a) and 8(b) replace current 8	Depositing garbage, yard waste, food scraps or recyclable materials in receptacles other than those provided by the City or private contractor that are intended for such use.	250	200	YES
8(b) 8(a) and 8(b) replace current 8	Depositing 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.	500	400	YES

Staff further recommends that Section 8 and 10 of the Bylaw Notice Enforcement Bylaw be amended to add the following positions as screening officers and bylaw enforcement officers, respectively:

Section 8: Screening Officers

- Add:
 - Manager, Solid Waste & Recycling, Traffic Signs & Markings

Section 10: Bylaw Enforcement Officers

- Add:
 - Manager, Solid Waste & Recycling, Traffic Signs & Markings