



# **SOLID WASTE MANAGEMENT BYLAW**

**2304, 2015**

Adopted November 23, 2015

**CONSOLIDATED VERSION  
FOR CONVENIENCE ONLY**

**Includes Amendment Bylaw:**

**2327, 2016**

Adopted August 8, 2016

**CITY OF FORT ST. JOHN**

**BYLAW NO. 2304, 2015**

**Solid Waste Management Bylaw**

A Bylaw to regulate the collection and disposal of garbage, and the collection of recyclable materials within the City of Fort St. John pursuant to the provisions of Sections 8 and 64 of the *Community Charter*

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WHEREAS Sections 8(3)(h) and 64 of the *Community Charter* authorize Council of the City, by bylaw, to regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to refuse, garbage or other material that is noxious, offensive or unwholesome, and the use of waste disposal and recycling services;

AND WHEREAS Section 194(1)(a) of the *Community Charter* authorizes Council of the City, by bylaw, to impose a fee payable in respect of all or part of a service of the municipality;

NOW THEREFORE, pursuant to the above-recited and other authority, the Council of the City of Fort St. John, in open meeting assembled, enacts as follows:

**Title**

1. This Bylaw may be cited as “Solid Waste Management Bylaw No. 2304, 2015”.

**Definitions**

2. The following words and phrases shall have the following meanings:

**"authorized agent, acting on behalf of an owner"** includes a person who represents to the City in writing that he or she is a member of the board of directors, management company or other entity reasonably likely to have control and administrative responsibility for solid waste on behalf of the owner;

**"City"** means the City of Fort St. John;

**"collection point"** means a location where a garbage cart or recyclable materials cart is placed for collection by the City;

**"General Manager of Integrated Services"** means the General Manager of Integrated Services for the City and shall include his or her duly appointed assistants and representatives;

**"duplex"** means a building consisting of only two dwelling units;

**Definitions** (continued)

2. The following words and phrases shall have the following meanings:

“**dwelling unit**” means one or more habitable rooms which contain only one set of cooking facilities and which are used for living and sleeping purposes for one household as a functioning set of living quarters;

“**fourplex**” means a building consisting of only four dwelling units;

“**garbage**” means solid waste that is not yard waste or recyclable materials;

“**garbage cart**” means a 240-litre wheeled container supplied by the City for the deposit of garbage;

“**garbage service**” means the service established in section 3 of the Bylaw;

“**owner**” means,

- (a) the registered owner of an estate in fee simple,
- (b) the tenant for life under a registered life estate,
- (c) the registered holder of the last registered agreement for sale,
- (d) the holder or occupier of land held in the manner referred to in section 228 [*taxation of Crown land used by others*] or section 229 [*taxation of municipal land used by others*] of the *Community Charter*, and
- (e) an Indian who is an owner under the letters patent of a municipality incorporated under section 12 of the *Local Government Act*;

and in dealings with the City, also includes the authorized agent, acting on behalf of an owner;

“**private contractor**” means a person or company who collects solid waste or recyclable materials under contract with an owner or occupant;

“**recyclable materials**” means all materials accepted for recycling by the City, including but not exclusively, plastics #1-7, aluminium and tin, corrugated cardboard and boxboard, and mixed paper products

“**recyclable materials cart**” means a 360-litre wheeled container supplied by the City for the deposit of recyclable materials;

“**rowhouse**” means a dwelling unit attached horizontally to one or two other dwelling units by a party wall;

**Definitions** (continued)

“**secondary suite**” means a self-contained, accessory dwelling unit located within a principal single-detached dwelling or in an accessory building on the same parcel as a single-detached dwelling. A secondary suite has its own separate cooking, sleeping and bathing facilities. It has direct access to the outside without passing through any part of the principal unit. A secondary suite does not include a duplex.

“**single family dwelling**” means a detached, residential property consisting of one single dwelling unit, or one dwelling unit and an auxiliary suite within the same building, and includes a manufactured home, including one within a manufactured home park;

“**solid waste**” includes garbage, recyclable material, and yard waste;

“**specified residential properties**” means all single family dwellings, all duplexes, all tri-plexes, fourplexes, and those rowhouses listed in Schedule “A” of this Bylaw;

“**strata**” means a parcel that:

- (a) is held by strata lot lease under Part 3 (Leasehold Strata Plans) of the *Strata Property Act*; or
- (b) is a strata lot as defined in section 1 of the *Strata Property Act*; or
- (c) is a strata lot created by a "bare land strata plan" as defined in section 1 of the *Strata Property Act*;

“**yard waste**” means vegetative trimmings or cuttings from yards or other landscaped areas, including leaves, grass clippings, trees, plants, tree and plant limbs, brush, hedge clippings, Christmas trees, and dry seed pods.

**Service Established**

3. The City hereby establishes the service of municipal collection of garbage and recyclable materials from the specified residential properties, using a system of garbage and recyclable materials carts and mechanized collection vehicles. This service will alternate weekly with garbage collected one week and recyclable materials collected the following week.

**Authority of General Manager of Integrated Services**

4. Council authorizes the General Manager of Integrated Services to administer the garbage service.

**Service Conditional on Compliance**

- 5. The City will collect garbage only from the specified residential properties and only where the owners and occupiers of those properties have complied with sections 9, 10, 13, 14, 15, 16, 18 and 19 of this Bylaw.

**Garbage and Recyclable Materials Carts Allocation**

- 6. Each specified residential property will be allocated by the City the following number of garbage and recyclable materials carts:

Single-family dwelling - one garbage cart and one recyclable materials cart.

Single-family dwellings that contain a legal secondary suite will be allocated two garbage carts and two recyclable materials carts.

Duplex - two garbage carts and two recyclable materials carts

Tri-plex – three garbage carts and three recyclable materials carts

Fourplex - four garbage carts and four recyclable materials

Rowhouse - one garbage cart and one recyclable materials cart per dwelling unit as identified in Schedule A

and the City will collect only that number of garbage carts and recyclable materials carts from each specified residential property unless additional garbage and recyclable materials carts have been provided pursuant to section 7.

Each garbage cart and recyclable materials cart will have a serial number permanently etched in the plastic and the civic address will be identified on each cart. This cart will remain with the residence and is the City’s property.

**BYLAW 2327 Additional Garbage Carts and Recyclable Materials Carts**

- 7. If an owner wishes an additional garbage cart or recyclable materials cart to be collected bi-weekly by the City, the owner may apply to the City for an additional garbage cart or recyclable materials cart. The fee for obtaining an additional cart and collection service payable by the owner is the amount specified in Schedule “B”.

**Replacement Garbage Carts and Recyclable Materials Carts**

8. One replacement cart per property will be supplied at the City's expense once every ten years. If an owner or occupier should for any reason require another replacement garbage cart from the City during this ten year period, the fee for obtaining the replacement garbage cart payable by the owner or occupier is the amount specified in Schedule "B".

**Permitted Type of Garbage Cart or Recyclable Materials Cart**

9. The City will not collect garbage or recyclable materials from a specified residential property unless the owner or occupier has placed the garbage or recyclable materials intended for collection in a cart supplied by the City.
10. An owner or occupier of a specified residential property must not place garbage or recyclable materials for collection by the City in any bag or other container except a cart supplied by the City.

**Storage of Garbage Carts and Recyclable Materials Carts**

11. An owner or occupier must store garbage carts and recyclable materials carts with the lids closed at all times.

**Use of Garbage Carts and Recyclable Materials Carts**

12. An owner or occupier must:
  - (1) not use a garbage cart or recyclable materials cart for any purpose other than the storage of garbage or recyclable materials for collection by the City.
  - (2) bag the garbage placed in the garbage cart
  - (3) not bag the recyclable materials placed in the recyclable materials cart

**Garbage Carts and Recyclable Materials Carts – Weight and Content Limits**

13. An owner or occupier must not fill a garbage cart or recyclable materials cart in his or her possession:
  - (a) to the extent that the lid does not close; or
  - (b) to the extent that the collector cannot easily empty the contents.

**Garbage Carts and Recyclable Materials Carts - Placement for Collection**

14. Every owner or occupier of a specified residential property must place all garbage carts and recyclable materials carts which the owner or occupier wishes to be collected behind the curb or sidewalk immediately adjacent to the street fronting the property before 8:00 a.m. on the day scheduled for the collection of garbage or recyclable materials and the cart must be removed by the owner or occupier by the end of the collection day.

**No Interference with Traffic**

15. No person may place, and no owner or occupier shall permit the placement of, a garbage cart or recyclable materials cart on a street, lane or public place in a way that interferes with the ordinary travel or parking of vehicles and passage of pedestrians, or, except as permitted under section 17, such that the cart encroaches on any street, lane or public place.

**Space Around Garbage Carts and Recyclable Materials Carts**

16. An owner or occupier wishing garbage in a garbage cart or recyclable materials in a recyclable materials cart to be collected by the City on the scheduled collection day must place the cart in a location free from obstructions at least one metre horizontally on all sides of the cart and three metres vertically above the cart.

**Alternative Location**

17. The General Manager of Integrated Services may authorize the placement of a garbage cart or recyclable materials cart in a location that does not comply with section 15 or section 16 where reasonable under the circumstances peculiar to the property.

**Materials Prohibited from Garbage Carts and Recyclable Materials Carts**

18. No person may deposit anything described in Schedule “C” to this Bylaw into a garbage cart or recyclable materials cart.

**Garbage Cart and Recyclable Materials Cart Condition**

19. Each owner or occupier to whom a garbage cart and a recyclable materials cart have been issued must keep the carts in good and generally clean condition.

**Garbage Cart and Recyclable Materials Carts Unfit for Use**

20. Where the General Manager of Integrated Services determines that a garbage cart or recyclable materials cart is unfit for use within the City's solid waste system, the owner or occupier of the specified residential property must stop using that cart and obtain a replacement one pursuant to section 8 and the General Manager of Integrated Services

**Garbage Cart and Recyclable Materials Carts Unfit for Use** (continued)

20. may elect not to collect garbage or recyclable materials from that specified residential property unless and until a replacement cart is obtained by the owner or occupier.

**Private Solid Waste Collection**

21. Private contractors must use for the collection of solid waste that is likely to rot or putrefy only vehicles of a closed metal type, that are suitably designed to contain the liquid by-products of any rotting or putrefying waste.
22. Private contractors must operate in and adjacent to residential areas only between 7:00 a.m. and 7:00 p.m.
23. All private contractors must remove solid waste to a place of disposal on the date of collection unless the solid waste will be immediately processed, converted or salvaged.

**Use of Private Solid Waste Collection**

24. The owner or occupier of a specified residential property is not required to use the City's garbage service if the owner or occupier contracts with a private contractor to remove garbage from the property, but entering into that private contract will not relieve the owner from payment of the annual fee for the garbage service under this Bylaw.

**Fees for Garbage Service**

25. The monthly fees set out in Schedule "B" of this Bylaw for solid waste services are due and payable by each owner of a specified residential property, whether or not:
  - (a) any or all of the dwelling units within that specified residential property are occupied or unoccupied for any length of time,
  - (b) the owner or occupier of the specified residential property makes use of the solid waste service, or
  - (c) the solid waste service is interrupted or altered in any manner,

**Fees Added to Taxes**

26. All fees imposed under this Bylaw, inclusive of accumulated penalties, may be collected in the same manner and with the same remedies as property taxes and if due and payable by December 31 and unpaid on that date are deemed to be taxes in arrears.



**Exempt Properties**

27. Where a specified residential property is by law exempt from property tax, the fees for the solid waste service will be due and payable by the occupier of that exempt property.

**Interest, Penalties and Costs**

28. The City will apply the same interest, penalties and other costs to fees payable under this Bylaw as are applicable in the City of Fort St. John Water Regulation Bylaw, as amended from time to time.

**Schedules**

29. The schedules to this Bylaw form an integral part of this Bylaw.

**No Liability**

30. 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 the solid waste service or by reason of the manner of the City supplying the solid waste service.

**Compliance with Laws**

31. No person will be relieved of the obligation to observe the requirements of all federal, provincial and municipal laws by reason of the solid waste service provided by the City.

**Orders and Directions**

32. Council empowers the General Manager of Integrated Services or his deputy or any bylaw enforcement officer of the City to order or direct any person to:
- (a) discontinue or refrain from doing anything that is in contravention of this Bylaw; and
  - (b) carry out any work or do anything required by this Bylaw;

and failure on the part of such person to comply with such order or direction within the time specified in such order or direction is a violation of this Bylaw. Continuation of the above noted infractions will result in the discontinuation of solid waste service to the residence.

**Delivery of Notice**

33. The General Manager of Integrated Services or his or her deputy or any bylaw enforcement officer of the City may serve an order, direction, or notice under this Bylaw:
- (a) by mailing it by registered mail to the owner or occupier of the applicable property at the address shown on the assessment roll;
  - (b) by mailing it by registered mail to the address of the user shown on the garbage cart or recyclable materials cart;
  - (c) by handing it to a person at the address of the user shown on the garbage cart or recyclable materials cart; or
  - (d) if a garbage cart or recyclable materials cart is situated on a street or lane, by posting the notice on the cart.

**Offence under Bylaw**

34. A person who:
- (a) contravenes any provision of this Bylaw, or does any act or thing which contravenes any provision of this Bylaw, or suffers or allows any other person to do any act or thing which contravenes any provision of this Bylaw;
  - (b) neglects to do or refrains from doing anything required to be done by any provision of this Bylaw; or
  - (c) fails to comply with an order, direction, or notice given under any provision of this Bylaw, or suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this Bylaw;
- is guilty of an offence against this Bylaw.

**Fine for offence**

35. Every person who commits an offence against this Bylaw is punishable upon summary conviction by a fine of not less than \$50.00 and not more than \$10,000.00 for each offence.

**Fine for continuing offence**

36. If a person commits a continuing offence against this Bylaw, each day constitutes a new offence.

**Municipal Tickets**

- 37. The City designates this Bylaw as a bylaw that may be enforced by means of a ticket in the form prescribed for that purpose by the *Community Charter* and the Community Charter Bylaw Enforcement Ticket Regulation.
- 38. The persons appointed to the job positions or titles listed in Schedule “D” of this Bylaw are designated as Bylaw Enforcement Officers for the purposes of issuing tickets under this Bylaw.
- 39. The words or expressions set forth in Column 1 of Schedule “E” of this Bylaw designate the offence committed under the Bylaw section number appearing in Column 2 opposite the respective words or expressions for the purposes of issuing tickets under the *Community Charter*.
- 40. The amounts appearing in Column 3 of Schedule “E” of this Bylaw are the fines set pursuant to the *Community Charter* of the corresponding offences designated in Column 1 for the purposes of issuing tickets under the *Community Charter*.

**Severance**

- 41. If any section, subsection, clause or phrase of this Bylaw is for any reason held to be invalid or illegal by a decision of any court of competent jurisdiction, it shall be severable, and such a decision shall not affect the validity of the remaining sections, subsections, clauses or phrases of this Bylaw.

**Headings**

- 42. Section or subsection headings are inserted in this Bylaw for ease of reference and are not to be used in interpreting this Bylaw.

**Schedules**

- 43. The following schedules form part of this Bylaw:

- Schedule “A” – List of Rowhouses included as Specified Residential Properties
- Schedule “B” – Fees for Solid Waste Service
- Schedule “C” – Materials Prohibited from Garbage and Recyclable Materials carts
- Schedule “D” – Designated Bylaw Enforcement Officers
- Schedule “E” – Offences and Fines for the purposes of issuing Municipal Tickets

**Repeal**

44. Garbage Regulation Bylaw No. 2043, 2010 and Garbage Regulation Amendment Bylaw No. 2045, 2010 are hereby repealed.

**Effective Date**

45. This Bylaw is to come into force and take effect on January 1, 2016.

READ A FIRST TIME this 9<sup>th</sup> day of November, 2015

READ A SECOND TIME this 9<sup>th</sup> day of November, 2015

READ A THIRD TIME this 9<sup>th</sup> day of November, 2015

ADOPTED this 23<sup>rd</sup> day of November, 2015

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LORI ACKERMAN  
MAYOR

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JANET PRESTLEY, DIRECTOR OF  
LEGISLATIVE AND ADMINISTRATIVE  
SERVICES

**Schedule “A”**

**List of Rowhouses included as Specified Residential Properties**

- 10804/62 – 102 Street
- 9807/9915 – 108 Avenue
- 9803/9831 – 97 Street
- 9806/12 – 95 Street
- 9416 – 103 Avenue
- 8112 – 96 Avenue
- 9812 – 107 Avenue

**Schedule “B”**

**Garbage Cart or Recyclable Materials Cart Fees**

Administration fee for each additional cart - \$30.00

Fee for each replacement cart - \$75.00

**Fees for Solid Waste Service**

For each specified residential property, the following monthly fee applies and will be added to the monthly utility bill:

<u>Type of Property</u>	<u>Fee</u>	<u>Imposed On</u>
Single family dwelling	\$5.00 per garbage cart \$5.00 per recyclable materials cart	Owner of single family dwelling
Duplex	\$5.00 per garbage cart \$5.00 per recyclable materials cart	Owner of duplex building
Fourplex	\$5.00 per garbage cart \$5.00 per recyclable materials cart	Owner of fourplex building
Rowhouse	\$5.00 per garbage cart \$5.00 per recyclable materials cart	Owner of rowhouse building or owner of individual rowhouse unit if strata titled

**BYLAW  
2327****Schedule “C”****Examples of Materials Prohibited from Garbage and Recyclable Materials Carts**

1. Pathogenic, radioactive, toxic and biomedical waste.
2. Liquid wastes or sludges.
3. Explosive substances or explosives.
4. Chemicals reasonably likely to cause a hazard to garbage collectors.
5. Inflammable materials.
6. Material hot enough to start combustion or any hot materials.
7. Oil, petroleum by-products, oil filters, and empty oil containers.
8. Carcasses other than kitchen meat and fish scraps.
9. Barrels, pails or other large liquid containers, whether full or empty.
10. Gypsum.
11. Appliances and power tools.
12. Any soil with contaminant levels exceeding those defined for Urban Park Land by the Contaminated Sites Regulation of the *Environmental Management Act* of British Columbia.
13. Wire in excess of 1% by weight of the contents of the garbage cart.
14. Tires.
15. Any material or substance defined as "Hazardous Waste" under the *Environmental Management Act* of British Columbia.
16. Batteries.
17. Propane tanks.
18. Medications and pharmaceuticals.
19. Paint.
20. Any material that is hazardous or is impractical for collection.
21. Yard waste. Grass trimmings and leaves are allowed in garbage cart only.

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**Schedule “C”**

**Items Accepted in Recycling Carts**

**Plastics**

- Containers with the  1 - 7
- Plastic bags – clear or opaque for groceries, dry cleaning, produce or bread etc.

**Paper and cardboard**

- hot and cold beverage cups - rinsed
- milk and cream cartons- rinsed
- boxes and cartons including: cereal and cracker boxboard as well as corrugated cardboard
- newspaper
- printed materials

**Tin:** cans, tin foil, foil baking containers

**Do NOT include:**

Non-recyclable plastics  
Furniture  
Yard waste  
Biodegradable bags  
Food scraps or household garbage  
Pet feces or cat litter  
Gift wrapping paper  
Foiled paper

**Do NOT include but DO take to recycling depot:**

Styrofoam  
Glass  
Books  
Electronics  
Small appliances  
Batteries  
Lightbulbs  
Paint cans  
Motor oil and containers  
Scrap metal



**Schedule “D”**

**Designated Bylaw Enforcement Officers**

Director of Public Works and Utilities

General Manager of Integrated Services

Bylaw Enforcement Officers

**Schedule “E”****Offences and Fines for the purposes of issuing Municipal Tickets**

<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
<b>OFFENCE</b>	<b>SECTION</b>	<b>FINE</b>
Cart stored with open lid	11	\$50.00
Unauthorized use of cart	12	\$50.00
Over-full cart	13	\$50.00
Cart in wrong location	14	\$50.00
Cart interfering with traffic	15	\$50.00
Insufficient space around cart	16	\$50.00
Prohibited material in cart	18	\$50.00
Leakage from vehicle	21	\$50.00
Operation outside permitted hours	22	\$50.00