

NO: R173

COUNCIL DATE: September 14, 2015

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **September 8, 2015**

FROM: **General Manager, Engineering**

FILE: **5360-01**

XC: **3900-02**

SUBJECT: **Waste Management Regulations and Charges By-law**

RECOMMENDATION

The Engineering Department recommends that Council:

1. Authorize the City Clerk to introduce Waste Management Regulations and Charges By-law, 2015, No.18412, as attached in Appendix I; and
2. Approve amendments to the Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, as documented in Appendix III to this report.

INTENT

The purpose of this report is to seek Council approval to adopt a comprehensive and easier to follow new Waste Management Regulations and Charges By-law which was designed to reduce red tape by updating and consolidating current By-laws 3052, 3054, 3055, 3495 and 9883.

BACKGROUND

There are currently five (5) existing By-laws relating to the City's waste management and disposal services which were adopted in 1969, 1971 and 1989. A high level summary of the By-laws is provided below for reference. While amendments have been made over the years to incorporate service or operation changes, the By-laws have not undergone a comprehensive review or rewrite and are not reflective of the City's current waste collection services.

Existing Related By-laws

1. *Surrey Sanitation By-law, 1969, No. 3052* – Adopted in 1969, provides for the preservation of the public health and for maintenance and improvement of sanitary conditions within the City.
2. *Surrey Garbage and Rubbish Collection and Removal By-law, 1969, No. 3054* – Adopted in 1969, specifies the garbage collection areas.

3. *Surrey Garbage and Rubbish Collection Standards of Service and Charges By-law, 1969, No. 3055* – Adopted in 1969, provides the scale of charges payable by the owners and occupiers of real property.
4. *Regulation of Garbage Disposal By law, 1971, No. 3495* – Adopted in 1971, regulates the disposal of garbage and waste materials within the City of Surrey, to prohibit the disposal of same on property other than properly designated garbage disposal grounds and to establish a scale of fees to be charged by the City for the disposal of said materials.
5. *Recyclable Materials Collection By-law, 1989, No. 9883* - Adopted in 1989, promotes the reduction of City waste through the source separation of recyclable materials from the residential waste stream.

DISCUSSION

The Engineering Department recently completed a review of the City's waste management related By-laws. Based on this review, we have determined that majority of the provisions in the existing By-laws are either no longer applicable or outdated. The City's waste management services and operations have significantly changed following the last amendments to the related By-laws. For example, the existing Bylaws do not include any of our most recent service changes including:

- **Surrey's Rethink Waste Collection Program:** This service which introduced a cart-based system with weekly organic waste collection and alternating biweekly collection of garbage and recyclables to over 100,000 single family household customers; and
- **Surrey Apartment Organics Collection Program:** This program was initiated in July 2015 and provides for voluntary participation in weekly organic waste collection services at apartment buildings across the City. So far, 230 apartment buildings have opted to receive this service (out of an inventory of 422 apartment buildings across the City).

New Waste Management Regulations and Charges By-law

To address these inconsistencies and improve the overall organization of the By-laws, a completely new, easier to follow Waste Management Regulations and Charges By-law has been prepared which updates and consolidates the above noted existing By-laws 3052, 3054, 3055, 3495, and 9883.

Appendix I contains the new Waste Management Regulations and Charges By-law that replaces the above noted existing By-laws. For simple reference, Appendix II provides a high-level summary of the new Waste Management Regulations and Charges By-law.

The introduction of a new By-law will reduce red tape by providing clarity and up-to-date information with respect current City programs, services, policies, practices and procedures as well as federal, provincial, regional and municipal legislation. Additionally, this is the first comprehensive re-write of the By-laws since 1969. The By-law has been written with current day language, formatting and writing styles. The By-law will also be more concise, efficient and simpler to reference.

Amendments to Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508

By-law provisions regarding unlawful dumping, dumping in public space and deposit garbage in current By-laws No. 3495 and 3052 are enforced through *Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508*. In this regard, amendments are necessary to By-law 12508 in accordance with Appendix III.

Legal Review

Legal Services has reviewed the proposed By-law and amendments to *Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508*. They have no concerns.

SUSTAINABILITY CONSIDERATIONS

This project supports the following City Sustainability Charter scope actions:

- EN2: Waste Reduction;
- SC8: Municipal Outreach, Public Education and Awareness; and
- EN16: Land, Water and Air Quality Management.

CONCLUSION

The Engineering Department recommends that Council:

- Authorize the City Clerk to introduce Waste Management Regulations and Charges By-law, 2015, No.18412, as attached in Appendix I; and
- Approve amendments to the Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, as documented in Appendix III to this report.

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General Manager, Engineering

RAC/HJ/clr

Appendix I - Waste Management Regulations and Charges By-law, 2015, No. 18412

Appendix II - Summary of Major Changes from the Former By-laws

Appendix III - Proposed Amendments to Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, as amended (the "By-law")

WASTE MANAGEMENT REGULATIONS AND CHARGES BYLAW

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CITY OF SURREY

BYLAW NO. 18412

A Bylaw to regulate and impose fees and charges for the maintenance, collection and disposal of waste, including garbage, organics, recyclables, and to prohibit unlawful dumping within the City of Surrey.

.....

WHEREAS the Community Charter, S.B.C. 2003, c. 26 authorizes the City to operate a waste management system as a municipal service deemed to be necessary or desirable for all or part of the City and to regulate in relation to the waste management system;

AND WHEREAS it is necessary to fix the fees, charges and terms and conditions under which waste management system may be provided and used in the City;

THEREFORE the City Council of City of Surrey ENACTS AS FOLLOWS:

PART 1 – CITATION

1. This Bylaw shall be cited for all purposes as "Waste Management Regulations and Charges Bylaw, 2015, No. 18412".

PART 2 – DEFINITIONS

2. In the construction and for the purposes of this Bylaw, unless the context otherwise requires, the following words and terms shall have the meaning hereinafter assigned to them:

"AUTOMATED COLLECTION SYSTEM" means the collection of garbage, recyclables or organics using a specially designed vehicle with mechanical apparatus which tips waste carts directly into the vehicle without requiring manual labour to empty the waste carts.

"BANNED RECYCLABLES" means any material defined as "Banned Recyclable Material" in the GVS&DD Bylaw.

"BASIC STANDARD CARTS" has the meaning set out in Section 18.

"BARE LAND STRATA LOT" means a residential strata lot created by a bare land strata plan.

"BARE LAND STRATA PLAN" has the meaning as defined in the Strata Property Act, S.B.C. 1998, c. 43, as may be amended or replaced from time to time.

"BLUE BOX" means a container provided by the City for the deposit of recyclables.

"BUILDING" means a structure having a roof supported by columns or walls used or intended to be used for the shelter or accommodation of persons, animals or chattels.

"CITY" means the City of Surrey.

"COACH HOUSE" means a second dwelling unit that is separate from and accessory to the single family dwelling on the lot and is located either above a garage or at grade attached to a garage at the rear of the single family dwelling.

"COLLECTION DAY" means the day scheduled for collection of garbage, recyclables and organics from a property in accordance with the schedule created annually by the City or as directed by the General Manager, Engineering from time to time.

"COLLECTION SERVICES" means a service for the collection of garbage, recyclables, organics (or any combination of any of these services), or other solid waste from a parcel.

"CONSTRUCTION AND DEMOLITION WASTE" means all rejected, abandoned or discarded material from the construction of or the partial or total demolition of a building or structure and includes lumber, roofing, sheathing, rubber, broken concrete, earth, rocks, trees, stumps and debris from the excavation.

"CONTAMINATION" means the mixing of any two or more of the following items or materials:

- (a) garbage;
- (b) recyclables; or
- (c) organics.

"DUPLEX DWELLING" means a "Duplex Dwelling" as defined in the Surrey Zoning Bylaw, and the duplex dwelling may include one or more secondary suites, whether or not the secondary suite is permitted under the Surrey Zoning Bylaw.

"DWELLING UNIT" means one (1) or more habitable rooms which constitute one (1) self-contained unit used or intended to be used for living and sleeping purposes for which is provided:

- (a) cooking equipment or the facilities for the installation of cooking equipment; and
- (b) one or more bathrooms with a water closet, wash basin and shower or bath.

"GARBAGE" means all waste other than organics and recyclables but shall not include construction and demolition waste, landscape waste, human or animal feces, hazardous waste or prohibited material or banned recyclables or other items determined by the General Manager, Engineering from time to time.

"GARBAGE CART" means a waste cart provided to a parcel by the City to place garbage.

"GENERAL MANAGER, ENGINEERING" means the General Manager, Engineering for the City and shall include his or her duly appointed assistants and representatives.

"GVS&DD BYLAW" means the Greater Vancouver Sewer and Drainage District Tipping Fee and Solid Waste Disposal Regulation By-law No. 281, 2013, as may be amended or replaced from time to time.

"HAZARDOUS WASTE" means any material defined as "Hazardous Waste" in the GVS&DD Bylaw.

"LANDSCAPE WASTE" means earth, rocks, trees, stumps and debris from landscaping works.

"LARGE ITEM" means furniture, stoves, dishwashers, hot water tanks, refrigerators and freezers, mattresses, small household goods boxed or bundled of reasonable size, or other items determined by the General Manager, Engineering from time to time.

"MULTIPLE UNIT RESIDENTIAL BUILDING" means a building which contains two (2) or more dwelling units, excluding secondary suites.

"MULTIPLEX" means a building located on a parcel listed in Schedule B of this Bylaw until such time as the building is demolished, and the multiplex may include one or more secondary suites, whether or not the secondary suite is permitted under the Surrey Zoning By-law.

"MUNICIPAL COLLECTION SERVICES" means the collection services operated by the City.

"ORGANICS" means meat, poultry, fish, shellfish, bones, bread, dough, pasta, grains, eggs, dairy products, vegetables, fruit, coffee grounds filters, tea, food-soiled paper, yard trimmings but does not include diapers, human or animal feces, landscape waste and animal carcasses or other items determined by the General Manager, Engineering from time to time.

"ORGANICS CART" means a waste cart provided to a dwelling unit by the City to place organics.

"OWNER" means an owner of a parcel of real property including:

- (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; and
- (d) the holder or occupier of land held in the manner referred to in the definition of "Owner" in the Schedule to the Community Charter, S.B.C. 2003, c.26 as may be amended or replaced from time to time.

"PARCEL" means any lot, block, or other area in which real property is held or into which real property is subdivided.

"PRIVATE COLLECTOR" means any person, firm or corporation that collects solid waste from premises within the City and includes all persons who dispose of waste from their own premises, but does not include employees of the City or persons, firms or corporations under contract with the City for the collection of solid waste.

"PROHIBITED MATERIAL" means any material defined as "Prohibited Material" in the GVS&DD By-law;

"RECEPTACLE" means any container used for the collection of garbage, recyclables or organics.

"RECYCLABLES" means material defined in the packaging and printed paper stewardship plan defined in Schedule 5 of the Recycling Regulation, B.C. Reg. 449/2004 under the Environmental Management Act, S.B.C. 2003, c.53, as may be amended or replaced from time to time.

"RECYCLING CART" means a waste cart provided to a dwelling unit by the City to place recyclables.

"RESIDENTIAL STRATA LOT" has the meaning defined in the Strata Property Act, S.B.C. 1998, c. 43, as may be amended or replaced from time to time.

"SECONDARY SUITE" means an additional dwelling unit, located within a single family dwelling, duplex dwelling or multiplex.

"SINGLE FAMILY DWELLING" means a detached building used for residential purposes that consists of one dwelling unit and may contain one or more secondary suites or coach house, whether or not the secondary suite is permitted under the Surrey Zoning By-law.

"SOLID WASTE" means waste that originates from residential, commercial, institutional, industrial, landscaping, demolition, land clearing or construction sources within the City.

"STANDARD GARBAGE CAN" means a garbage can not exceeding 121-litres.

"STRATA CORPORATION" has the meaning defined in the Strata Property Act, S.B.C. 1998, c. 43, as may be amended or replaced from time to time.

"SURREY ZONING BY-LAW" means "Surrey Zoning By-law, 1993, No. 12000" as may be amended or replaced from time to time.

"TOWNHOUSE" means a residential strata lot within a "Row Housing Building" as defined in the Surrey Zoning By-law.

"WASTE" means discarded or abandoned materials, substances or objects.

"WASTE CARTS" means 80-litre, 120-litre, 180-litre, 240-litre, 360-litre plastic container equipped with wheels, handles and a tight fitting cover that is capable of being mechanically handled by an automated collection system.

PART 3 – GENERAL

Role of the General Manager, Engineering

3. The General Manager, Engineering is authorized to administer and enforce this Bylaw including the supervision, control and direction of the collection, removal and disposal of garbage, recyclables, and organics from any property in the City.

Responsibility for Waste

4. Every owner or occupant of a parcel in the City which generates solid waste shall comply with the provisions of this Bylaw.
5. No owner or occupier of any parcel in the City shall cause or permit any waste to collect or accumulate on the parcel.
6. Each owner or occupier of a parcel in the City upon or within which garbage, organics, recyclables, prohibited material, hazardous waste, construction and demolition waste, and banned recyclables or any other material is generated shall be responsible for its proper storage and disposal in accordance with the applicable regional, provincial and federal laws and City Bylaws.

Single Family Dwellings, Duplex Dwellings and Multiplexes

7. Every owner or occupier of a parcel in the City containing a single family dwelling, duplex dwelling or multiplex shall make use of the municipal collection services for garbage, recyclables and organics where these services are made available by the City.

Townhouses and Bare Land Strata Lots

8. A strata corporation, on behalf of all of the owners of the residential strata lots in the strata plan that are townhouses or bare land strata lots, may apply to the City to use the municipal collection services provided under Part 4 for garbage, recyclables and organics as set out in this Bylaw.
9. The City will accept the application made under Section 8 if the City is satisfied that the residential strata lots can be safely, efficiently and legally serviced by the City's automated collection system. If accepted, the owners of each residential strata lot will be provided with basic standard carts and pay the fees according to Schedule A. The owners shall, as a condition of the City actually providing municipal collection services from the residential strata lots but without affecting the owners' obligations to pay the

fees, comply with any terms and conditions imposed from time to time by the City in order to ensure that the City can safely, efficiently and legally service the residential strata lots.

10. If the owners of residential strata lots receiving municipal collection services under Part 4 of this Bylaw wish to opt out of all such services, the strata corporation, on behalf of all of the owners of the residential strata lots in the strata plan, must notify the City in writing. The service to the residential strata lots shall cease within 60 days of the City's receipt of the written notice.

Multiple Unit Residential Buildings

11. Every owner or occupier of a parcel containing a multiple unit residential building shall make use of the municipal collection services for recyclables provided by the City as specified in Part 5 of this Bylaw.
12. A strata corporation, on behalf of all of the owners of a multiple unit residential building, may apply to the City to use the municipal collection services for organics provided by the City as specified in Part 5 as set out in this Bylaw. The City will accept the application if the City is satisfied that organics can be collected in a manner that meets the requirements of Part 5 for organics as set out in this Bylaw. If accepted, the multiple unit residential building will be provided with the organics carts specified in Part 5 for organics and the owners of each multiple unit residential building shall pay the fees according to Schedule A.

Responsibility for Disposal Where Collection Services Not Provided by City

13. Every owner or occupier of a parcel to which the City does not provide municipal collection services shall separate garbage, recyclables and organics and, at minimum of once each week, make provisions for the private collection and disposal of garbage, recyclables and organics that originate on the parcel.
14. Every owner or occupier of a parcel to which the City provides municipal collection services for recyclables only, or recyclables and organics only, shall separate garbage from recyclables and organics and, at minimum of once each week, make provisions for the private collection and disposal of garbage that originates on the parcel.

Unauthorized Removal of Waste

15. No person shall remove, take or convert to his or her own use any garbage, recyclables or organics placed at the designated pickup location except the owner

or occupant of the parcel from which it is generated, employee or agent of the City, or the person providing the private collection service at the request of the owner or occupier of the parcel.

PART 4 – RESIDENTIAL WASTE COLLECTION SERVICES

Municipal Collection Services

16. The City will provide the following municipal collection services by way of automated collection system to each parcel under Section 7 and, as applicable, to those parcels for which owners apply to receive City services under Section 8 and are accepted by the City under Section 9:
 - (a) garbage collection every two weeks;
 - (b) recyclables collection every two weeks;
 - (c) organics collection every week; and
 - (d) large item pickup as specified in Section 25 of this Bylaw.
17. The frequency of the provision of the municipal collection services under Section 16 is subject to change from time to time, as determined by the General Manager, Engineering.

Waste Carts

18. Notwithstanding the charges for service set out in Schedule A, the City will provide the following basic standard carts:
 - (a) to each single family dwelling: one-240L garbage cart, one-240L recycling cart, one-240L organics cart;
 - (b) to each duplex dwelling: two-240L garbage cart, two-240L recycling cart, two-240L organics cart;
 - (c) to each single family dwelling with secondary suite: one-360L garbage cart, one-360L recycling cart, one-240L organics cart;
 - (d) to each single family dwelling with coach house: one-360L garbage cart, one-360L recycling cart, one-240L organics cart;
 - (e) to each duplex dwelling with secondary suite: one-240L garbage cart, one-240L recycling cart, one-240L organics cart and one-360L garbage cart, one-360L recycling cart, one-240L organics cart;

- (f) to each townhouse or bare land strata lot: one-180L garbage cart, one-240L recycling cart, one-120L organics cart;
 - (g) to each multiplex without a secondary suite: one-240L garbage cart, one-240L recycling cart, one-240L organics cart for each dwelling unit; and
 - (h) to each multiplex with a secondary suite: one-360L garbage cart, one-360L recycling cart, one-240L organics cart for each dwelling unit that is not a secondary suite.
19. The City will only collect excess volumes of garbage, recyclables or organics where they exceed the capacity of the cart as follows:
- (a) garbage that is placed in garbage bags or standard garbage cans with an additional garbage sticker affixed to each bag or can in accordance with Schedule A;
 - (b) recyclables that are placed into regular standard blue boxes;
 - (c) organics that are placed in Kraft Paper bags not exceeding 23 kilograms or standard garbage cans not exceeding 23 kilograms or 121L with a yard waste decal affixed on the can.
20. The City will, as requested by the owner, exchange the basic standard carts issued or provide additional waste carts to be collected by the City under this Part. The owner shall pay the applicable fees under Schedule A.
21. Where an owner or occupier has a disability and basic standard carts issued are not of sufficient capacity the individual may apply to have the waste cart sizes increased to 360L size or have an additional 120L waste carts. If the General Manager, Engineering is satisfied that the individual requires an increase or additional waste cart, then an exemption shall be made in accordance with Schedule A, until such time as the General Manager, Engineering cancels such service, at his or her discretion. If the City considers it necessary, the General Manager, Engineering may require that the applicant provide proof of the disability from a physician.
22. The General Manager, Engineering may authorize and approve the use of other waste receptacles other than those specified in Sections 18 and 19.
23. Where an owner or occupier is physically challenged and unable to comply with Section 27 and does not have an able-bodied person assisting with their household activities, the individual may apply to the General Manager, Engineering for assistance from the City in performing such obligations. If the General Manager, Engineering is

satisfied that the individual requires such assistance, then a special designation shall be made under conditions and terms set out by the City to alert the collection crew to provide the service, until such time as the General Manager, Engineering cancels such service, at his or her discretion. If the City considers it necessary, the General Manager, Engineering may require that the applicant provide proof of the physical challenge from a physician. As a condition of service under this Part, on collection day, the owner or occupier shall ensure that collection carts are at all times freely accessible and not enclosed within any buildings or gated area. The City is not responsible for any property damage as a result of executing this service.

24. Any garbage carts, recycling carts or organics carts supplied by the City shall remain the property of the City and shall remain on the parcel to which they were issued and the City shall have the right to inspect, alter, remove and replace carts from time to time.

Large Item Pickup

25. The City shall collect on an annual basis no more than four large items per parcel for pickup on collection day provided that the owner or occupier has contacted the City's Solid Waste Department in advance to make arrangements for collection. The large items shall be placed at the collection point as specified in Section 27 or as otherwise directed by the General Manager, Engineering.

Waste Collection Set out Requirements

26. Every owner or occupier of a parcel receiving municipal collection services under this Part shall:
 - (a) separate garbage, recyclables and organics and place them in the appropriate cart provided by the City without contamination, prohibited material, hazardous waste, construction and demolition waste and banned recyclables;
 - (b) only use the garbage carts, recycling carts and organics carts provided by the City to deposit garbage, recyclables and organics; and
 - (c) only place excess volumes of garbage, recyclables or organics where they exceed the capacity of the carts and only in the manner set out in Section 19.

27. The owners or occupiers of the parcel receiving municipal collection services under this Part 4 shall no earlier than one day before collection day and prior to 7:30 am on collection days:
 - (a) place waste carts for collection at a point on the shoulder of the road or lane or along the curb in front of the premises or on the premises adjacent to the property line abutting upon the road or lane from which the collection service is provided and shall be placed so that they can be conveniently handled from ground level and readily accessible from such road or lane. No such receptacle shall be placed where it may affect or cause any hazard to traffic on such road, lane or sidewalk, and all waste carts shall be removed from the road, lane or sidewalk within a period of eight (8) hours immediately following the passage of the collection truck and crew. The General Manager, Engineering may for any parcel change the collection point at which the garbage cart, recycling cart and organics cart must be placed; and
 - (b) place the garbage cart, recycling cart and organics cart with at minimum one (1) meter clearance space on all sides of each cart, three (3) meters of clearance space above each cart and one and half (1.5) meters from parked vehicles.
28. The owners or occupiers of the parcel shall at all times maintain all receptacles supplied by the City in a clean and sanitary condition, without overflow and free from any liquids
29. The owners or occupiers of the parcel shall notify the City if a waste cart is damaged or stolen. If a waste cart is stolen or damaged due to the neglect of an owner or occupier (including, for certainty, where the owner or occupier fails to comply with Section 30), reimburse the City for its costs of replacing or repairing the cart within 30 days of receipt of an invoice pursuant to Section 3 of Schedule A.
30. Except as provided in Section 27, the owners or occupiers of the parcel shall at all times securely store on the parcel garbage carts, recycling carts, organics carts and containers used for excess garbage, recyclables or organics.
31. The owners or occupiers of the parcel shall place garbage, recyclables and organics that will fit in the appropriate carts with the lid closed and not to exceed the weight limit specified on the cart.

32. Where the owner or occupier of a parcel that receives municipal collection services under this Part 4 has not complied with any provisions contained in this Bylaw, the City may at its discretion refuse to collect any or all solid waste from that parcel.

Townhouses and Bare Land Strata Lots

33. The owner of a townhouse or bare land strata lot may from time to time request the City to exchange or provide additional waste carts from the basic standard carts issued to be collected under this Part 4. The owner shall pay the applicable fee under Schedule A.

PART 5 – MULTIPLE UNIT RESIDENTIAL BUILDING RECYCLABLES AND ORGANICS COLLECTION SERVICES

Municipal Collection Services

34. The City will provide recyclables only, or recyclables and organics, collection to multiple unit residential buildings on a weekly collection frequency. The General Manager, Engineering may change from time to time the frequency of the municipal collection services.
35. Notwithstanding the charges for service pursuant to Schedule A, the City shall provide to each multiple unit residential building 360L recycling carts. The number of recycling carts to be provided by the City will be based on three (3) carts per fifty (50) dwelling units.
36. Notwithstanding the charges for service pursuant to Schedule A, the City shall provide 240L or 360L organics cart to each multiple unit residential building that is provided organics collection in accordance with Section 12. The number of organics carts to be provided by the City will be based on three (3) carts per fifty (50) dwelling units.
37. The General Manager, Engineering may authorize and approve the use of other waste receptacles other than those specified in Sections 35 and 36.
38. The owners or occupiers of a multiple unit residential building may from time to time request in writing to the City that the City increase or decrease the number of recycling carts or organics carts to be collected by the City under this Part.
39. Any recycling carts and organics carts supplied by the City shall remain the property of the City and shall remain on the parcel to which they were delivered and the City shall have the right to inspect, alter, remove and replace carts from time to time.

Recyclables and Organics Collection Set out Requirements

40. Every owner or occupier of a multiple unit residential building provided recyclables only, or recyclables and organics, collection shall:
 - (a) separate recyclables and organics and place them in the appropriate cart provided by the City without garbage, contamination, prohibited material, hazardous waste, construction and demolition waste and banned recyclables; and
 - (b) only use the recycling carts and organics carts, where applicable, provided by the City to deposit recyclables and organics.
41. The owners or occupiers of the multiple unit residential building shall place recycling carts, and organics carts where applicable, no earlier than one day before collection day as follows:
 - (a) at a designated collection point approved by the General Manager, Engineering in an area within the property, where waste collection vehicles can safely and efficiently provide municipal collection services;
 - (b) if the General Manager, Engineering determines that the property or designated collection point cannot be safely or efficiently accessed by the collection vehicle, the carts shall be placed for collection at a point on the shoulder of the road or lane or along the curb in front of the premises or on the premises adjacent to the property line abutting upon the road or lane from which the collection service is provided and shall be placed so that they can be conveniently handled from ground level and readily accessible from such road or lane. No such receptacle shall be placed where it may affect or cause any hazard to traffic on such road, lane or sidewalk, and all waste carts shall be removed from the road, lane or sidewalk within a period of eight (8) hours immediately following the passage of the collection truck and crew.
42. The General Manager, Engineering may change the collection point at which the recycling carts or organics carts must be placed.
43. The owners or occupiers of the multiple unit residential building shall at all times maintain all recycling carts and organics carts supplied by the City in a clean and sanitary condition, without overflow and free from any liquids.
44. The owners or occupiers of the multiple unit residential building shall notify the City if a recycling cart or organics cart is damaged or stolen. If a recycling cart or organics

cart is stolen or damaged due to the neglect of an owner or occupier (including, for certainty, where the owner or occupier fails to comply with Section 45), reimburse the City for its costs of replacing or repairing the recycling cart or organics cart within 30 days of receipt of an invoice pursuant to Schedule A.

45. Except as provided in Section 41, the owners or occupiers of the multiple unit residential building shall store recycling carts and organics carts securely on the parcel at all times.
46. The owners or occupiers of the multiple unit residential building shall place recyclables and organics that will fit in the recycling carts or organics carts with the lid closed and not to exceed the weight limit specified on the carts.
47. Where the owner or occupier of a parcel that receives municipal collection services under this Part 4 has not complied with any provisions contained in this Bylaw, the City may at its discretion refuse to collect any or all solid waste from that parcel.

PART 6 – LITTER MANAGEMENT

48. No person shall accumulate, spill, drop, dump or dispose of any garbage, organics, recyclables, prohibited material, hazardous waste, construction and demolition waste or banned recyclables or any other 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 unless the property is properly zoned and licensed and approved by the City for waste disposal.
49. Every vehicle used for the collection or transportation of garbage, organics, recyclables, prohibited material, hazardous waste, construction and demolition waste, banned recyclables or any other material shall be equipped with a leak-proof body and if of the open body type shall be fitted with a suitable cover which shall be kept in place over the body while the vehicle is in motion to prevent the contents from being dropped or blown from the vehicle. All such vehicles shall be maintained in a clean and sanitary condition and to the satisfaction of the City.

PART 7 – CHARGES AND FEES

50. The charges and fees set out in Schedule A to this Bylaw are payable by the owners of a parcel for services provided to the parcel under this Bylaw and they shall form a charge on the parcel and may be recovered in the same manner and by the same means as overdue taxes. The charges and fees are payable whether or not:

- (a) the dwelling units on a parcel are occupied;
 - (b) any owner or occupier of a parcel makes use of any of the services; or
 - (c) the service is interrupted or changed in any manner.
51. The charges and fees set out in Schedule A to this Bylaw are payable by the owners of a parcel for replacing, exchanging or additional waste carts.
52. No rebate, refund or credit whatsoever of any moneys paid or payable for municipal collection services shall be made except as provided in this Bylaw.
53. No prepayment for any municipal collection services shall prevent the amount of any increase being charged to and collected from any owner.
54. Where service is provided to any parcel after the first day of January in any year, the charges pursuant to this Bylaw shall be calculated as follows:
- (a) For newly constructed premises or dwelling units the charges for that year shall apply three months from the date of application for building permit and shall be one-twelfth ($1/12$) of the full annual charge according to Schedule A of this Bylaw multiplied by the number of full months remaining in the calendar year in which service starts.
 - (b) In the case of a parcel of land or premises to which service is requested for an existing building or premises during any year, the charges for that year shall apply from the date service begins and shall be one-twelfth ($1/12$) of the full annual charge according to Schedule A of this Bylaw, multiplied by the number of full months remaining in the calendar year in which service starts.
55. All charges pursuant to this Bylaw which remain unpaid on the thirty-first day of December in any year shall forthwith be entered on the real property tax roll as taxes in arrears in respect of the real property for which the collection services were provided.
56. The charges levied on a parcel do not in any way legalize the use of land and premises which might be in breach of other City Bylaws. In levying the charges, no determination of compliance with other City Bylaws has been made and should the use of land and premises breach any of its Bylaws now or in the future, the City reserves the right to enforce those Bylaws in accordance with their conditions.
57. The General Manager, Planning and Development for the City, or his or her designate,

shall have the right of entry into any building or premises within each parcel under this Bylaw at any reasonable time for the purposes of determining the number and factual existence of dwelling units in such building or premises.

PART 8 – OFFENCES AND PENALTIES

Offences

58. Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention 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, or who does any act, or who violates any of the provisions of this Bylaw shall be deemed to be guilty of an infraction and liable to the penalties imposed in this Bylaw.
59. When requested by a By-law Enforcement Officer:
- (a) the driver or operator of a vehicle or any equipment being used to deposit waste or garbage, or the person in charge of the vehicle or equipment, shall correctly state his or her name and address, the name and address of the owner of the vehicle or equipment, the name and address of the person at whose direction the waste or garbage is being deposited and the addresses of the property or location from which the waste or garbage is being transported from; and
 - (b) any person, including an owner, who has apparently committed an offence under this Bylaw, shall correctly state his or her name and address.
60. Every person shall at all times comply with any lawful order, direction, signal or command made or given by the By-law Enforcement Officer in the performance of his or her duties enforcing the provisions of this Bylaw.

Penalties

61. Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this Bylaw is liable, on summary conviction, to a fine of not less than Two Hundred Dollars (\$200.00) and not more than Ten Thousand Dollars (\$10,000.00).

62. In addition to the penalties imposed under Section 61, any person who violates any of the provisions of this Bylaw or who suffers or permits anything to be done in violation of such provision shall be liable for all costs incurred by the City to remedy the harm caused by the violation including, but not limited to, the City's full cost of clean-up and disposal of any illegally dumped materials, all related administration, labour, equipment, material and disposal costs as well as any legal costs that are incurred in undertaking the clean-up activities, or pursuing payment, or both.
63. Where there is an offence that continues for more than one day, separate fines may be issued for each day or part thereof in respect of which the offence occurs or continues.
64. Any person who contravenes any provision of this Bylaw is liable to the City for and must indemnify the City from all costs, expenses, damages and injuries resulting from the contravention. This does not in any way limit any other provision or any other remedy the City may have under this Bylaw or otherwise at law.
65. The City may enforce compliance with the stipulations within this Bylaw or non-payment of fines by discontinuing the provision of municipal collection services to the user.
66. Nothing in this Bylaw limits the City from utilizing any other remedy that is otherwise available to the City at law.

PART 9 – SEVERABILITY

67. Each provision of this Bylaw is severable from each other provision, and, if any provision is determined to be void or unenforceable in whole or in part, this determination shall not be deemed to affect or impair the validity of any other provision, unless a Court otherwise determines.

PART 10 – REPEAL

68. The following Bylaws are hereby repealed:
 - a. "Surrey Sanitation By-law, 1969, No. 3052" and all amendments thereto;
 - b. "Surrey Garbage and Rubbish Collection and Removal By-law, 1969, No. 3054" and all amendments thereto;
 - c. "Surrey Garbage and Rubbish Collection Standards of Service and Charges By-law, 1969, No. 3055" and all amendments thereto;

- d. "Regulation of Garbage Disposal By law, 1971, No. 3495" and all amendments thereto; and
- e. Recyclable Materials Collection By-law, 1989, No. 9883" and all amendments thereto.

PASSED FIRST READING on the th day of , 2015.

PASSED SECOND READING on the th day of , 2015.

PASSED THIRD READING on the th day of , 2015.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the th day of , 2015.

_____MAYOR

_____CLERK

**SCHEDULE A
FEES AND CHARGES**

1. Annual Collection Services Fees

Single Family Dwelling: \$283.00 per year

Townhouse or Bare Land Strata Lot: \$283.00 per year

Duplex Dwelling: \$566.00 per year

Multiplex: \$283.00 per year for each dwelling unit that is not a secondary suite

Multiple Unit Residential Buildings:

(a) Organics and Recycling Collection Service: \$35.00 per dwelling unit per year; or

(b) Recycling Collection Service Only: \$25.00 per dwelling unit per year

Single Family Dwelling, Duplex Dwelling or Multiplex with Secondary Suite: add \$142.00 per year

Single Family Dwelling, Duplex Dwelling or Multiplex with Coach House: add \$142.00 per year

2. Additional Annual Fees for Upsizing or Additional Garbage Carts

(a) To all dwelling units in Section 1, increase the basic standard cart for garbage waste to 360L capacity:

Each Garbage Cart: add \$142.00 per year

(b) To all parcels in Section 1, increase the number of garbage carts above the number of basic standard carts issued:

Additional Cart Size	Additional Collection Services Fee
80L/120L	Add \$142.00 per year
180L/240L	Add \$283.00 per year
360L	Add \$425.00 per year

3. Fees to Exchange, Replace or Order Additional Waste Carts

- (a) Exchange Garbage Cart:

Each Exchange: \$15.00

This fee will not be applied to the upsize exchange described in Section 2(a).

- (b) Exchange Organics Cart or Recycling Cart:

Each Exchange: \$15.00

- (c) Additional Organics Cart or Recycling Cart:

Each additional cart: \$25.00

The fees in this Section 3 will be waived by the City if the owner makes their own arrangements to pick up the new carts at the City Operations Centre (Works Yard) or such other place as may be designated by the General Manager, Engineering.

4. Fees for Excess Volume of Garbage Collection

- (a) The charge for each can, bag or bundle equivalent to or smaller than the standard garbage cart of 121L and not exceeding twenty-three (23) kilograms, will be \$5.50 each. Each bag or can must have an additional garbage sticker affixed which must be pre-purchased from designated City Facilities.

SCHEDULE B – MULTIPLEX LIST

Civic Address House	Civic Address Street
11216	136 ST
13523	KING GEORGE BLVD
13585	KING GEORGE BLVD
11051	130 ST
10705	KING GEORGE BLVD
10723	137A ST
9756	137A ST
14281	PARK (PMT) DR
14884	FRASER HWY
2770	168 ST
7831	184 ST
13907	BRENTWOOD CR
10057	137A ST
2616	180 ST
13033	103A AVE
12991	100 AVE
13047	101B AVE
12240	100A AVE
14082	PARK (PMT) DR
2711	MCBRIDE AVE
8749	157 ST
12739	88 AVE
13276	96 AVE
13289	95A AVE
8371	120A ST
5679	176 ST
10892	133A ST
10474	132 ST
13019	103A AVE
15482	86B AVE
13275	95A AVE
6955	128 ST
1682	160 ST
12317	BEECHER ST
5867	172A ST
5940	176 ST

Summary of Major Changes from the By-laws 3052, 3054, 3055, 3495, and 9883.

1. Inclusion of Rethink Waste Collection Service Provisions

1. Organic Waste Diversion

The separation of organic waste from garbage is identified in the Metro Vancouver Regional Integrated Solid Waste and Resource Management Plan (ISWRMP) which establishes the goal of achieving 70% waste diversion (recycling) within the Region in 2015, with an aspirational target of reaching 80% by 2020.

One of the key strategies to achieve the regional diversion goals is the implementation of an Organics Disposal Ban which restricts disposal of household kitchen waste/food scraps and other compostable materials in landfills. This means that all property owners within the region are required to separate organic waste from their regular garbage. Property owners that do not comply with this requirement may face higher costs related to the 50% disposal fee surcharge (on top of the existing regional disposal rates) that will be placed on organic waste by Metro Vancouver at their transfer stations starting July 1, 2015.

In response to the Metro Vancouver Organics Disposal Ban, the City initiated two programs which require the separation of organic (food waste and yard waste) from garbage:

- Rethink Waste Collection Program to all 100,000 single family household customers in October 2012; and
- Apartment Organics Collection Program in July 2015. The program is available to apartments on a voluntarily opt-in basis.

The new By-law includes provisions for both single-family dwellings and apartment buildings receiving the service to separate organic waste from garbage and place them into separate carts for collection by the City without contamination.

2. Apartment Organics Collection Service and Costs

Current bylaw provisions reflect that the City's waste collection service to apartment buildings is limited to recycling collection only (garbage collection is handled independently by each apartment building through their own contracts – the City does not provide this service).

As mentioned in the Corporate Report, the City has initiated an Apartment Organics Collection Program and provides for voluntary participation in weekly organic waste collection services at apartment buildings across the City.

Accordingly, the new By-law includes voluntary opt-in provisions for apartments to receive the City's Rethink Apartment Organics Waste Service. The By-law also includes provisions to charge apartment buildings that opt for the City's weekly organic waste collection program. The 2015 cost will \$35 per unit (this includes both organic and recycling collection service).

Apartment buildings that do not to opt for the City's organics service will still be mandatorily charged the existing annual cost for weekly recycling (\$25 per unit for 2015).

3. Higher annual fees for upsizing or additional garbage carts

Single family households are allotted one-240L garbage cart and are charged \$283 annual waste collection fee. Single-family households with secondary suites are allotted 360L carts and are charged an annual waste collection service fee of \$422.

Households that upsize or order an additional garbage cart(s) will be charged an additional annual service fee. The intent of the higher annual fee is to discourage households from upsizing or ordering additional garbage cart(s) since garbage disposal costs are significantly higher than organics and recycling disposal and the regional/City mandate is to reduce garbage.

2015 fees have been set as follows:

- a) Upsize to 360L cart - \$142.00 per year
- b) Additional 80L/120L - \$142.00 per year
- c) Additional 180L/240L - \$283.00 per year
- d) Additional 360L - \$425.00 per year

4. Fees for exchanging or multiple recycling or organics carts

A delivery fee will be applied to households that exchange or order multiple recycling carts. 2015 fees have been set as follows:

- a) Each Delivered Exchange - \$15.00
(the fee is applied for delivery when households request the change in cart size and no fee will apply if resident's pickup carts at the Works Yard)
- b) Each Delivered Additional Cart - \$25.00
(the fee of \$25 is applied when a request is received from households for an additional cart. Households are not delivered additional cart at the sole request of the City's waste collection contractor unless the homeowner agrees.)

Both fees reflected in 4 (a) and (b) above will be waived by the City if the property owner makes their own arrangement to pick up their new carts at the Operations Centre (works Yard).

5. Waste cart sizes based on dwelling types

The City will provide cart sizes based on the dwelling type unless special order has been submitted by the property. For example, single-family homes are provided with 240L carts for garbage, recycling and organics. Those with secondary suites are provided with 360L carts for garbage and recycling and 240L organics cart.

6. Collection schedule

The Rethink Waste Program is based on a biweekly collection of garbage and recycling and weekly collection organics schedule whereas the previous collection system was based on weekly collection.

7. Waste cart set-out requirements for customers

Set-out requirements have been updated to ensure compliance with the cart-based waste collection services.

8. Illegal Dumping Bylaw Enforcement Provisions

In May 2011, the City endorsed an Illegal Dumping Abatement Strategy, which included amendments to Surrey Sanitation By-law, 1969, No. 3052. This included increasing the maximum fine for violations against the provisions of that By-law from the current \$2,000 maximum to a maximum of \$10,000 and to make the offender liable to the City for its costs of cleaning up the illegal dumping. These provisions have been included in the new By-law.

2. Repeal of Existing By-laws Provisions

1. *Surrey Garbage and Rubbish Collection and Removal By-law, 1969, No. 3054* - specifies to the collection service area. This is no longer required as the current collection area will be specified in the new By-law.
2. *Regulation of Garbage Disposal By law, 1971, No. 3495* - provided provisions for the Port Mann Landfill and disposal on public/private property. The landfill is no longer in operation and provisions pertaining to the landfill will not be included in the new By-law. Provisions referring to unlawful dumping on private/public property have been updated and included in the new By-law.
3. *Recyclable Materials Collection By-law, 1989, No. 9883* – specified provisions for source separating recyclable material. This is no longer required as new provisions reflecting the current recycling services will be included in the new By-law.
4. *Surrey Garbage and Rubbish Collection Standards of Service and Charges By-law, 1969, No. 3055* – specified waste collection fees. This is no longer required as this will be included in the new By-law.
5. *Surrey Sanitation By-law, 1969, No. 3052* – provided provisions for waste collection services and littering/dumping. The waste collection service provisions have been updated according to new service. Provisions for litter/dumping have been updated and included in the new By-law.

**Proposed Amendments to Surrey Municipal Ticket
Information Utilization By-law, 1994, No. 12508,
as amended (the "By-law")**

That the By-law be further amended as follows:

1. By deleting the words "Regulation of Garbage Disposal By-law, 1971, No. 3495" and replacing them with the words "Waste Management Regulations and Charges By-law, 2015, No. 18412" from Section 10 of Schedule 1;
2. By deleting Section 13 from Schedule 1;
3. By deleting Schedule 11 in its entirety and replacing it with the new Schedule 11 attached to and forming part of this By-law; and
4. By deleting Schedule 14 in its entirety.

SCHEDULE 11 TO BY-LAW NO. 12508

WASTE MANAGEMENT REGULATIONS

AND CHARGES BY-LAW, 2015, NO. 18412

	<u>SECTION</u>	<u>FINE</u>
1. Unlawfully deposit garbage	48	\$1,000.00