

# TOWN OF SMITHERS

## GARBAGE COLLECTION BYLAW NO. 1425

*A Bylaw to regulate the administration and collection of garbage  
in the Town of Smithers*

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**WHEREAS** Council has the authority, under Section 176 of the Local Government Act, to collect garbage and to impose charges against an owner or occupier of real property for the removal of same.

**WHEREAS** the Town of Smithers participates in the Bulkley Nechako *Regional District Solid Waste Management Plan* and supports the policy of waste reduction through the more equitable distribution of fees by charging on the basis of the amount of waste produced.

**NOW THEREFORE** the Council of the Town of Smithers, in open meeting assembled, hereby enacts as follows:

### **DIVISION 1 – ADMINISTRATIVE PROVISIONS**

#### **Section 1.1 Title, Transition and Severability**

##### **1.1.1 Short Title**

This Bylaw may be cited for all purposes as "*Garbage Collection Bylaw No. 1425*," and comes into effect on the date of adoption.

##### **1.1.2 Transition**

Bylaw No. 1350 cited as "Town of Smithers Garbage Collection Bylaw No. 1350, 2000" is hereby repealed as amended.

##### **1.1.3 Severability**

If any section, subsection, sentence, clause or phrase in this Bylaw is, for any reason, held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the Bylaw.

#### **Section 1.2 Definitions**

##### **1.2.1 In this Bylaw:**

"**Act**" means the Local Government Act.

"**Business core**" means the area of the Municipality encompassed by Highway 16, King Street, Queen Street and Railway Avenue.

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**"Business premises"** means a store, office, warehouse, factory, building, house, enclosure, yard or any other place occupied, or capable of being occupied by any person but does not include a dwelling as defined in this Bylaw.

**"Cart, business type"** means a rigid plastic container having a capacity of no more than 0.34m<sup>3</sup> (0.44yd<sup>3</sup>), compatible with the Town's Haul-All garbage truck, and purchased from the supplier through the Town.

**"Cart, dwelling type"** means a rigid plastic container having a capacity of no more than 0.24m<sup>3</sup> (0.32yd<sup>3</sup>), compatible with the Town's Haul-All garbage truck, and purchased from the supplier through the Town.

**"Container"** means a receptacle of rigid plastic or metal designed for the purpose of holding garbage.

**"Container, business type"** means a Haul-All metal container purchased from the supplier through the Town of a metal container supplied by a commercial garbage contractor.

**"Container, dwelling type"** means a galvanized or rigid plastic container having a capacity of no more than 0.1 m<sup>3</sup> (3.5 ft<sup>3</sup>). This container shall be equipped with a tight-fitting lid to repel wildlife and handles to provide for easy lifting.

**"Dwelling"** means one or more connecting rooms with self-contained cooking, sleeping, and sanitary facilities having an entrance to a common corridor or to the exterior, used, intended, or designed to be used as living accommodation for a single family.

**"Garbage"** means any material that currently has no economic value to a local enterprise and those items which are designated by the Municipality as being acceptable for refuse collection.

**"Municipality"** means the Corporation of the Town of Smithers.

**"Premises"** means a store, office, warehouse, factory, building, house enclosure, yard or any other place occupied, or capable of being occupied by any person.

**"Recycling Centre"** means a facility accepting recyclable or compostable materials.

**"Recyclables"** means those items which are designated by the Municipality as being acceptable for recycling or reuse and commonly includes: newspaper, flyers, phone books, catalogues, computer/office paper, grocery bags, non-waxed coated cardboard, clean cardboard, glass containers, metal food and beverage containers, plastic bottles and jugs with a screw type cap.

**"Refuse collection area"** means properties located within Town boundaries.

**"Residential property"** means properties that contain the following premises:

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- a. single family detached dwellings, duplexes, triplexes, four-plexes and five-plexes, and
  - b. strata title developments, mobile home developments and apartments containing fewer than six dwelling units.

**"Return centre"** means a facility accepting materials identified under Provincial or Federal Consumer Product Stewardship Programs.

**"Special waste"** includes hazardous wastes, explosives, herbicides, pesticides, poisons, waste oils or liquids, biomedical waste and all wastes defined under the special waste regulations of the *Waste Management Act*.

**"Tag-a-Bag"** means a waste collection service permitting the service user to set out additional garbage beyond the three-container limit prescribed by the Municipality provided that the service user attaches a tag for which a fee has been paid to the Municipality for each additional container of garbage.

**"Trade waste"** means waste resulting from a manufacturing or industrial process that is not found in regular household or business garbage.

## **DIVISION 2 - GENERAL REGULATIONS**

### **Section 2.1 Sole Authority**

2.1.1 Pursuant to Section 176 of the Act, the Municipality is hereby authorized to establish, equip, maintain and operate a system of "Garbage Collection" within the Municipality.

Every owner or occupier of a premise shall pay for the collection of garbage as set forth in Schedule "A", attached to and forming part of this Bylaw.

### **Section 2.2 Administration**

2.2.1 This Bylaw shall be administered by the Director of Operational Services or any other official of the Municipality who may be appointed from time to time by the Municipal Council.

2.2.2 The Director of Operational Services or any other employee of the Municipality appointed to administer this Bylaw may enter upon, at all reasonable times, any property in order to ascertain whether the regulations and provisions of this Bylaw are being, or have been, complied with.

### **Section 2.3 Restricted Materials**

2.3.1 No person shall place or mix with any material for removal as garbage, the following materials:

- (a) raw sewage and septic tank sludge;
- (b) explosives;

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- (c) materials defined by the *Workplace Hazardous Material Information System Standards (WHMIS)* as a compressed gas, flammable, combustible, oxidizing, poisonous, infectious, toxic, corrosive and dangerously reactive;
  - (d) trees, stumps, logs, branches and land clearing debris;
  - (e) motor vehicle parts or bodies and farm implements;
  - (f) carcasses, offal or viscera;
  - (g) Special waste;
  - (h) construction materials or wastes;
  - (i) materials that are on fire or above a temperature of 65.5° C;
  - (j) clean wood waste originating from industrial operations, construction, reconstruction, or demolition;
  - (k) biomedical waste, as defined by the *Waste Management Act*, except sharps (needles) that have been properly contained through a method approved by the Ministry of Environment, Lands and Parks and the Municipality;
  - (l) containers with significant residuals of any above listed materials;
  - (m) animal excreta, unless properly contained;
  - (n) compostable yard and garden waste;
  - (o) clean cardboard;
  - (p) products that are accepted at return or recycling centres;
  - (q) soils; and
  - (r) articles of garbage too large for container.

The Municipality reserves the right not to remove such materials. A charge shall be made and payable should the removal of such waste material be necessary according to the scale of charges as set forth in Schedule "A".

2.3.2 The Municipality may, at its discretion, declare special clean-up events from time to time, as it deems necessary.

## **Section 2.4 Garbage Preparation**

### **2.4.1 Containerized Garbage**

All wet garbage shall be thoroughly drained and wrapped in paper or placed in plastic bags before being placed in a garbage container.

Discarded clothing, waste paper, and inoffensive household garbage may be placed directly in garbage containers.

Food contaminated cardboard crates, cartons and all other similar containers shall be broken down and compacted flat before being placed in any container.

Garbage shall not be placed in containers or carts in such a manner as to prohibit the closing of the attached covers.

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Containers containing restricted materials specified in Section 2.3 and/or in contravention of the specifications within this Section shall not be collected. A notice will be placed on the container identifying the reason the container was not serviced.

## **Section 2.5 Containers and Container Locations**

### **2.5.1 General**

In an attempt to reduce human interaction with wildlife, every person or business shall place waste in containers with fitted lids in a reasonable state of repair of a type and size acceptable to the Municipality.

All persons requiring residential collection shall ensure garbage is stored and placed in a sanitary and inoffensive manner, and in a way that will not harm or injure persons handling it.

No person or business will place waste:

- in front of another person's property without the permission of that owner; or
- in a container without the permission of the container's owner.

Only waste generated within Town boundaries will be collected.

The basic service offered by the Municipality for residential dwellings is the weekly disposal of waste from three containers, dwelling type or one cart, dwelling type per premise. Additional services will be charged at the rates specified in Schedule "A".

Scavenging is prohibited without permission of the owner or occupier. No person, except the occupant of the dwelling unit from which the garbage and/or recycling containers originate, shall remove any material from the container before the materials have been collected by the Town unless permission is so granted.

All Residential containers or carts must be placed in the proper location as specified in Section 2.5.6 no more than 24 hours prior to collection and removed within 24 hours of being emptied.

Dwelling type carts are to be purchased from the supplier through the Municipality.

### **2.5.2 Containers and Carts (Business)**

Business premises shall use the Haul-All containers or carts purchased from the supplier through the Municipality or containers provided by the commercial garbage contractor. Dwelling type containers are not permitted for business use.

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The owner or others will not alter structure or colour of containers or carts dumped by the Municipality in any way without the approval of the Municipality.

**2.5.3 Container Location (Business Premises)**

All business premises shall provide on the parcel, a minimum space of three (3) metres in width, three (3) metres in depth and three and one half (3.5) metres in height for the placement of garbage containers.

If containers are enclosed in a structure, such structure shall be built with doors or openings facing the street or lane and shall allow access by Municipal personnel at all times. Any such structure shall not be constructed on Municipal property and shall only be constructed with prior approval from the Municipality's Development Services Department.

If an owner or occupant of a business utilizes commercial garbage containers, such owner or occupant shall provide a level crush rock, concrete or asphalt surfaced area suitable to the chosen container size for Haul-All garbage containers picked up by the Town. Surface area must be approved by the Director of Operational Services prior to container placement. Roofs are not permitted on Haul-All container structures or enclosures.

The owner or occupant of a business shall be responsible for the protection of their containers against upset or spillage at all times. Spilled or upset garbage cleanup shall be the responsibility of the owner or occupant.

The Municipality shall not be responsible for the removal of any garbage not placed in a suitable container at the designated location at the proper time.

**2.5.4 Restricted Area Dwellings**

The owner of any dwelling located in a business shall be restricted to the use of the containers or carts utilized by the business.

**2.5.5 Container Sizes and Quantity (Dwellings)**

The Municipality shall not collect more than three (3) dwelling type containers, per dwelling or one (1) dwelling type cart, per dwelling per week. Additional containers are acceptable if identified through the Tag-a-Bag service with a tag as provided by the Municipality or through a local distributor.

Owners or occupiers of Residential properties may also use the business type containers or carts purchased from the supplier through the Municipality. These containers are available from the Municipality according to the scale of charges as set forth in Schedule "A".

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No dwelling type container with a combined weight of container and garbage in excess of 18.75 kg (45 lbs) shall be emptied by the Municipality.

If an owner or occupant of a Residential property utilizes the business type containers, such owner or occupant shall meet all applicable location requirements as described in Sections 2.5.3 of this Bylaw.

**2.5.6 Dwelling Type Container or Cart and Business Type Cart Location (Residential and Commercial Property)**

All garbage containers or carts shall be kept on the parcel belonging to that dwelling or business unless approved by the owner of an alternative property. Containers or carts placed for emptying shall be placed on the street, boulevard or laneway as designated by the Municipality. The owner or occupant of the dwelling or business shall be responsible for the placement and removal of that dwelling's or businesses containers or carts.

The owner or occupant of a dwelling or business shall be responsible for the protection of their containers or carts against upset or spillage at all times. Spilled or upset garbage cleanup shall be the responsibility of the owner or occupant.

The Municipality shall not be responsible for the removal of any garbage not placed in a suitable container or cart at the designated location by 8:00 a.m. on the scheduled day of garbage pickup. The occupant or owner of each dwelling shall be responsible for ascertaining the scheduled day of garbage pickup for their street.

**2.5.7 Maintenance of Containers or Carts**

All containers or carts for garbage and any structure used as a cover or enclosure for such containers shall, at all times, be kept in good repair and clean and accessible for inspection at all times.

When any container or cart has been condemned by the Director of Operational Services or Medical Health Officer, such container or carts shall not be emptied by the Municipality. Containers or carts declared as unfit shall forthwith be replaced with a suitable container as described in Section 2.5.2 and Section 2.5.5 of this Bylaw.

**2.5.8 Lost or Damaged Containers or Carts**

The Municipality shall not be responsible for the replacement or repair of any containers, carts or lids damaged or lost for any reason whatsoever.

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**Section 2.6 Municipality Right of Suspension**

**2.6.1 Suspension**

The Municipality reserves the right to suspend collection services from business premises or residential properties where the containers or facilities for containers are contrary to the provisions of this Bylaw.

**Section 2.7 Persons in Violation**

**2.7.1 Violations**

A person who violates any of the provisions of this Bylaw shall:

- a) upon summary conviction, be liable to pay a penalty of not more than \$2000;
- b) if violation is laid out by means of a ticket, be liable to pay a fine as set out in Schedule "B", Fine Schedule, attached to and forming part of this Bylaw.

Where an offense against any provision of this Bylaw is of a continuing nature, a separate offense shall be deemed to occur on each day that the offense occurs or continues.

**Section 2.8 Billing**

**2.8.1 Annual Billing**

All annual garbage collection rates specified in Schedule "A", shall be billed on the annual property tax notice. A penalty addition of ten per cent (10%) shall be applied on the amount unpaid as of the tax penalty date of the Municipality.

**2.8.2 Tag-a-Bag System**

The Municipality has implemented a Tag-a-Bag system to allow for dwellings that desire service for more than three (3) permanent dwelling type containers or one dwelling type cart.

**2.8.3 Quarterly Service Charges**

The monthly commercial and other garbage collection services (other than the annual charges) are billed on a quarterly basis. The property owner shall pay a penalty of 10% of any service charges that remain unpaid for a period of sixty (60) days.

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**2.8.4 Interest**

Any amounts remaining unpaid on December 31<sup>st</sup> each year shall be deemed to be taxes in arrears in respect of the property concerned and shall be forthwith entered on the real property tax roll as taxes in arrears, and will be subject to prescribed rates of interest.

READ A FIRST TIME THIS 14<sup>th</sup> DAY OF JANUARY 2003.

READ A SECOND TIME THIS 14<sup>th</sup> DAY OF JANUARY 2003.

READ A THIRD TIME THIS 14<sup>th</sup> DAY OF JANUARY 2003.

ADOPTED THIS 28<sup>th</sup> DAY OF JANUARY 2003.

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\_\_\_\_ Jim Davidson  
Mayor

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Wallace Mah  
Corporate Administrator (CAO)

**CERTIFIED A TRUE AND  
CORRECT COPY** of "Garbage  
Collection Bylaw No. 1425".

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Wallace Mah  
Corporate Administrator (CAO)

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**SCHEDULE "B"  
FINE SCHEDULE**

OFFENCE	SECTION	FINE
1. Unacceptable material in a container: a) recyclables (restricted materials h,j,o, and p) b) clean organics (restricted materials d,n, and q) c) special organics (restricted materials a,f,m) d) hazardous (restricted materials b,c,e,g,i,k)	2.3	\$50 \$100 \$200 \$500
2. Failure to use suitable garbage container.	2.5.1	In any one year period (January-December):  1 <sup>ST</sup> offence \$25 2 <sup>nd</sup> offence \$50 3 <sup>rd</sup> offence \$100
3. Failure to protect garbage from wildlife:	2.5.1	
4. Failure to remove containers.	2.5.1	
5. Scavenging from container.	2.5.1	
6. Placing garbage in the improper location.	2.5.1	
7. Leaving garbage and containers adjacent to road for an extended period of time.	2.5.1	
8. Defacing or altering containers or carts.	2.5.2	