

CITY OF KELOWNA

BYLAW NO. 10741

Amendment No.9 to the Solid Waste Management Regulation Bylaw No. 10106

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Solid Waste Management Regulation Bylaw No. 10106 be amended as follows:

1. THAT Section **1 INTRODUCTION, 1.2 INTERPRETATION**, be amended as follows:

a) Adding new definitions in their appropriate location as follows:

"Biosolids" means stabilized municipal sewage sludge resulting from a municipal waste water treatment process or septage treatment process which has been sufficiently treated to be deemed non-hazardous and passes the Paint Filter Test (US EPA SW-846 Test Method 9095B: Paint Filter Liquids Test or other methodology approved by the BC Ministry of Environment).

"Commercial Refuse Haulers" are garbage/refuse collection companies with a valid business licence whose primary function is handling refuse and delivering this refuse to the Glenmore Landfill for disposal, recycling or composting.

"International Waste" means vegetative, food and other refuse left at the Kelowna International Airport which may or may not contain pests or diseases detrimental to local agriculture."

b) Adding after the words "asphalt, concrete" in the definition for **"Mandatory Recyclable Material"**, (b) **"Mandatory Landfill or Recycling Depot Recyclable Material"** the words "asphalt shingles";

c) Adding in its appropriate location a definition for **"Stumps"** as follows:

"Stumps" means the woody part of the root system of a tree or large shrub, cut at ground level and without attached granular soil materials.";

d) Deleting in its entirety **"Recyclable Gypsum"** that reads:

"Recyclable Gypsum" means source-separated gypsum board or wall board, including new construction off-cuts or scraps, and old wallboard that has been painted, covered in wallpaper, vinyl or ceramic tiles and is removed during renovation, but excluding lathe masonry gypsum wallboard, wallboard associated with asbestos and wallboard contaminated with any other waste.

and replacing it with the following:

"Recyclable Gypsum" means source-separated gypsum board or wall board, including new construction off-cuts or scraps, and old wallboard that has been painted or covered in wallpaper, and is removed during

renovation, but excluding lathe masonry gypsum wallboard, wallboard associated with asbestos and wallboard contaminated with any other waste.

e) Deleting the definition for "**Wood Waste**" in its entirety that reads:

"Wood Waste" means clean, organic, source-separated material including, but not necessarily limited to:

- kiln-dried dimensional lumber (such as wood pallets, and demolition wood waste);
- branches or prunings greater than 20 centimetres (8 inches) in diameter;
- plywood;
- particle board; and,
- pressed board

provided such material is free of chemical treatments, creosote, rocks, metals (other than nails and screws), heavy coats of paint, wire, fibreglass, asphalt materials, and other non-wood materials."

and replacing it with the following:

"Wood Waste" means clean, organic, source-separated material including, but not necessarily limited to:

- Branches greater than 5 centimetres in circumference;
- kiln-dried dimensional lumber (such as wood pallets, board ends and demolition wood waste);
- plywood;
- particle board; and
- pressed board.

provided such material is free of chemical treatments, creosote, rocks, metals (other than nails and screws), paint, wire, fibreglass, asphalt materials, and other non-wood materials."

f) Deleting the definition for "**Yard Waste**" in its entirety that reads:

"Yard Waste" means green waste including but not necessarily limited to grass and hedge clippings, leaves, grass, flowers, vegetable stalks, woody or herbaceous waste, fruit and vegetable waste, and prunings that can be effectively composted. Includes prunings up to 1 metre in length and 5 centimetres in circumference."

and replacing it with the following:

"Yard Waste" means green waste including but not necessarily limited to grass, hedge clippings, leaves, flowers, vegetable stalks, woody or herbaceous waste, and prunings up to 5 centimetres in circumference." and

g) Deleting "2105 Glenmore Road" from the definition of "**Landfill**" and replacing it with "2720 John Hindle Drive".

2. AND THAT Section 2 **COLLECTION SYSTEMS**, Section 2.1.1 be amended by deleting the words ", except those who have been granted a waiver of service by City Council."

3. AND THAT Section 3 **LANDFILL AND RECYCLING DEPOTS**, be amended by adding new **3.2 AUTOMATED SCALE USE** and **3.3.2 SCALE ACCESS CARDS** that reads:

3.2 AUTOMATED SCALE USE

- 3.2.1 Commercial refuse haulers possessing a charge account in good standing for a minimum of one calendar year with the City for the Glenmore Landfill may apply to utilize the automated scale terminals.
- 3.2.2 Commercial Refuse haulers utilizing this service must have drivers trained by City Landfill staff in the automated scale terminal operations.

3.3 SCALE ACCESS CARDS

- 3.3.1 Access cards for automated scale terminals may be issued to credit account holders who are commercial refuse haulers, provided the account has been in good standing for a minimum of one year.
- 3.3.2 Access cards may be provided to approved account holders for an annual fee of \$10.00 per card plus applicable taxes, with no activation fee. The annual renewal date is July 1st.
- 3.3.3 Replacement for lost or stolen access cards may be provided at a cost of \$25.00 per access card plus applicable taxes, with a \$100.00 reactivation fee. There is no charge to replace or reactivate access cards that are malfunctioning or misreading.
- 3.3.4 Automated scale use privileges may be revoked by the City for reasons including but not limited to:
- 1) inaccuracy or falsely reporting load composition at the terminal;
 - 2) allowing a charge account to fall over 60 days in arrears;
 - 3) failure to declare contamination in a load, once it is deposited on site;
 - 4) sharing or misuse of access cards
- 3.3.5 If, after entering the load composition at the terminal, an account holder discovers a contaminated or misrepresented load upon depositing/unloading and fails to immediately report the error to the scale operator, notification will be delivered to the company on each offence as follows:
- a) First Offence – Correct charge will be filed against the ticket and all applicable surcharges will be added. The offending Access Card will be deactivated for 14 calendar days and subject to a reactivation fee of \$100.00.
 - b) Second Offence – First offence penalty will be applied, in addition all cards provided to the company will be deactivated for 30 calendar days and subject to a reactivation fee of \$100.00 per card.
 - c) Third Offence – First offence penalty will be applied, in addition all cards provided to the company will be deactivated for a minimum of one year. The company will no longer have access to the automated scale terminal and may re apply for access cards after ONE calendar year at the discretion of the Director of Civic Operations.

4. AND THAT Section 4 **PROHIBITIONS, OFFENCES AND PENALTIES, 4.1 PROHIBITIONS** be amended by adding in its appropriate location a new sub-section 4.1.15 that reads:

"4.1.15 No person shall, while on site at the landfill, act in a manner, or manoeuvre a vehicle in a manner that may be construed as reckless, dangerous or threatening."

5. AND THAT Section 4 **PROHIBITIONS, OFFENCES AND PENALTIES, 4.2 OFFENCES AND PENALTIES** be amended by deleting sub-section 4.2.2.3 in its entirety that reads;

"4.2.2.3 May be prohibited from entering and depositing *Garbage* or *Recyclable Material* at the *Landfill*; or"

and replacing it with the following:

"4.2.2.3 May be prohibited from entering the *Landfill* for a period of one (1) month for a first offence; six (6) months for a second offence, and; one (1) year for a third offence; or"

6. AND THAT **Schedule "B" CURBSIDE PICK UP LIMITS AND COLLECTION FEES, Section 2.0** be amended by deleting in its entirety the following:

"2.0 The following fees and charges shall be paid in relation to the removal of *Garbage, Mandatory Residential Recyclable Material* and *Yard Waste* pursuant to the residential collection system established under this bylaw:

\$162.30 for each individual *Collection and Solid Waste Reduction Service fee* and an additional \$72.00 per year *Large Cart Fee* for each individual *Residential Dwelling Premise* using the 240 litre Cart collection service for *Garbage* as per section 2.2.15. Notwithstanding this provision, where a waiver of service has been approved pursuant to section 2.1 of this bylaw, a *Collection Fee* shall not be levied, however a *Solid Waste Reduction Services Fee* shall be levied for landfill disposal costs, waste reduction activities, recycling depot and recycle processing facility operations. This fee for *Solid Waste Reduction Services* is set at \$99.04 for 2012 per year and \$108.42 per year for starting in 2013 for each *Residential Dwelling Premise*. *Collection Fee* portion of the *Collection and Solid Waste Reduction Service Fee* is \$88.88. *Residential Dwelling Premises* shall be invoiced annually, with charges covering a twelve month period being placed on the annual property tax bill sent by the *City*.

Payments received are applied firstly to arrears, then to current charges. New accounts are billed from the date of request for final inspection of the applicable building permit works, on a pro-rated basis."

and replacing it with:

"2.0 The following fees and charges shall be paid in relation to the removal of *Garbage, Mandatory Residential Recyclable Material* and *Yard Waste* pursuant to the residential collection system established under this bylaw:

	2018	2019	2020
Garbage Collection fee	\$84.96	\$84.96	\$84.96
Finance Administration fee	\$4.21	\$4.21	\$4.21
Landfill Disposal	\$50.68	\$56.68	\$56.68
WRO Programming	\$17.56	\$17.56	\$17.56
Cart Borrowing Costs	\$16.89	\$16.89	\$16.89
TOTAL	\$174.30	\$180.30	\$180.30

Each *Residential Dwelling Premise* using a 240L cart for garbage collection will pay an additional annual fee outlined in the table below. Also, each *Residential Dwelling Premise* may request and obtain a second Yard Waste Cart for a one-time cost of \$55.00 plus an annual fee of \$30.00

	2018	2019	2020
Large Garbage Cart (240L) fee	\$84/annum	\$90/annum	\$90/annum

Residential Dwelling Premises shall be invoiced annually, with charges covering a twelve-month period being placed on the annual property tax bill sent by the *City*. Payments received are applied firstly to arrears, then to current charges. New accounts are billed from the date of request for final inspection of the applicable building permit works, on a pro-rated basis."

7. AND THAT **Schedule "B" CURBSIDE PICK UP LIMITS AND COLLECTION FEES, Section 2.2** be amended by deleting in its entirety the following:

"Each individual *Residential Dwelling Premise* will receive one free *Garbage, Yard Waste* and *Recyclables Cart Change Out* for different cart sizes as per sections 2.2.15 and 2.2.16. Additional cart size *Change Outs* will be assessed a *Change Out Fee* of \$25.00 per *Change Out* exchange and will be invoiced to the *Owner* of the *Residential Dwelling Premise*."

And replacing it with:

"Each individual *Residential Dwelling Premise* will receive one free *Garbage, Yard Waste* or *Recyclables Cart Change Out* for different cart sizes as per sections 2.2.15 and 2.2.16. Additional cart size *Change Outs* will be assessed a *Change Out Fee* of \$25.00 plus applicable taxes per *Change Out* exchange and will be invoiced to the *Owner* of the *Residential Dwelling Premise*."

8. AND THAT **Schedule "E" SANITARY LANDFILL / RECYCLING FEES, Section 1** be amended by:

- a) deleting "\$145.00" in sub-section (a)(iii) gypsum drywall \$145.00 per metric tonne and replacing it with "\$175.00";
- b) deleting "\$145.00" in sub-section (c) Recyclable Gypsum in loads of one metric tonne or less and replacing it with "\$175.00"
- c) deleting in its entirety sub-section (b) clean wood waste and replacing it with the following:

“(b)	<i>Wood Waste</i>	\$10.00 per metric tonne
(i)	Lumber	\$10.00 per metric tonne”

- d) deleting in its entirety sub-section (e) Yard Waste and replacing it with the following:

“(i)	Yard waste	\$40.00 per metric tonne
(ii)	Stumps	\$ 90.00 per metric tonne”

- e) deleting the amount "\$1.00" from sub-section (f)(i) and replacing it with "\$3.00";
- f) deleting the amount "\$150.00" from sub-section (g) Asbestos (friable), and replacing it with a new amount of "\$250.00";
- g) deleting the amount "\$65.00" from sub-section (k) Carcasses weighing under 100 kg, and replacing it with:

"\$85.00"	Effective January 1, 2018
"\$95.00"	Effective January 1, 2019
"100.00"	Effective January 1, 2020

- h) deleting in its entirety sub-section (m) All other residential Garbage not included above: \$65.00 per metric tonne and replacing it with the following:

“(m) All other municipal Garbage not included above:

"\$85.00 per metric tonne"	Effective January 1, 2018
"\$95.00 per metric tonne"	Effective January 1, 2019
"\$100.00 per metric tonne"	Effective January 1, 2020

- i) Adding a new sub-paragraphs (q), (r), (s), (t), (u) and (v) as follows:

“(q)	Handling Fee for Contaminated Mandatory Recyclable Loads	\$50.00 per metric tonne
(r)	Handling Fee for immediate burial of International Waste	\$150.00 surcharge (plus applicable weight-based fees)

- (s) Requiring sorting \$125.00 per metric tonne
- (t) Stumps (no soil or rocks attached) \$90.00 per metric tonne
- (u) Mattresses \$12.50 each or \$12.50 each plus weight (as Garbage) when in a co-mingled load
- (v) Biosolids (only accepted on a short term emergency basis and with prior written approval from the City) \$250.00 per metric tonne

9. AND THAT **Schedule "E" SANITARY LANDFILL / RECYCLING FEES, Section 3** be amended by deleting the following:

- \$2.50 per *Standard Garbage Bag* up to six (6) *Standard Garbage Bags*
- \$8.00 per load of *Garbage* for loads weighing up to and including 250 kg effective January 1, 2012 and \$10.00 per load of *Garbage* for loads weighing up to and including 250 kg effective January 1, 2013
- \$65.00 per metric tonne of *Garbage* for loads weighing greater than 250 kg

and replace it with:

- \$5.00 per load of wood waste or yard waste for loads weighing up to and including 250 kg, and as per the table below for Garbage or other billable waste streams for loads weighing up to and including 250 kg:

\$11 per load	Effective January 1, 2018
\$12 per load	Effective January 1, 2019

\$85.00 per metric tonne	Effective January 1, 2018
\$95.00 per metric tonne	Effective January 1, 2019
\$100.00 per metric tonne	Effective January 1, 2020

12. This bylaw may be cited for all purposes as "Bylaw No. 10741 being Amendment No. 9 to the Solid Waste Management Regulation Bylaw No. 10106."

Read a first, second and third time this by the Municipal Council of the City of Kelowna this 2nd day of October, 2017.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

Clerk