

# Office Consolidation of Waste Management Bylaw 2012-30

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# Office Consolidation

## CITY OF WHITEHORSE

### BYLAW 2012-30

A bylaw to provide for the collection, disposal, storage, and transportation of waste in the City of Whitehorse

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WHEREAS section 265(b) of the *Municipal Act* (2002) provides that council may pass bylaws for municipal purposes respecting municipal utilities, facilities, works, and improvements on private and public land including quarries, and sand and gravel pits; and

WHEREAS section 266(c) of the *Municipal Act* provides that, without restricting section 265, council may by bylaw provide for a system of licenses, inspections, permits, or approvals; and

WHEREAS it is deemed expedient and in the public interest to establish, operate, maintain and control a waste collection and disposal system in the City of Whitehorse.

NOW THEREFORE, the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

#### **SHORT TITLE**

1. This bylaw may be cited as the "**Waste Management Bylaw**".

#### **DEFINITIONS**

2. In this bylaw, unless the context otherwise requires:

“APPROVED” means approved by the Designated Officer.

“APPROPRIATE CART” means the garbage or composting cart to collect and store the corresponding and correct waste.

“APPROPRIATE WASTE FACILITY” means the site for the handling and processing of waste under the direction of a licensed business or not-for profit organization, and shall include but not be limited to the waste management facility, special waste facilities and recycling and re-use depots.

“BACK-YARD COMPOSTING” means the composting of approved food waste and leaf and yard waste as set out in Schedule “B” of this bylaw, where such waste is generated and composted on the property, and is contained in a home-made or commercial bin designed for aerobic composting.

“BANNED LANDFILL WASTE” means waste that is banned from being landfilled or composted in Whitehorse as set out in Schedule “E” to this bylaw, and must be disposed of at an appropriate waste facility.

“CART” means a wheeled receptacle, as approved by the Designated Officer, for the purpose of disposing of waste and suitable for service by the City’s waste collection equipment.

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“CHRISTMAS TREES” means natural trees used during the Christmas holiday season which are free from all ornaments, decorations and other apparatus.

"CITY" means the City of Whitehorse.

“CITY MANAGER” means the Chief Administrative Officer or designate of the City.

“CLEAN WOOD WASTE” means solid wood that is unpainted, unstained, unglued and untreated, but may or may not be pierced with nails or other metal fasteners. (*Bylaw 2014-26 – 2014-06-23*)

“COLLECTION DAY” means the day on which curb-side waste is collected as established by the Designated Officer.

"COLLECTION ROUTE" means a route established by the Designated Officer, covering an area within which waste will be collected by the City.

“COMMERCIAL FOOD SERVICE ESTABLISHMENT” means a business or institutional facility that generates food, food items, meals or meal portions to be sold or served in a form that will permit consumption on the premises or elsewhere. For the purposes of this bylaw this includes but is not limited to:

- Commercial accommodation with food services
- Drive-in businesses with food services
- Eating and drinking establishments
- Educational and health care facilities with food services
- Hotels and motels with food services
- Institutions providing food services
- Mobile catering services
- Retail services, convenience, that provide groceries and/or food services
- Retail services, general, that provide groceries and/or food services
- Other facilities providing commercial food services.

(*Bylaw 2015-18 – 2015-05-11*)

“COMMUNITY CLEAN-UP” means a litter clean-up program held within the City, and organized by the City or Yukon Government.

“COMPOST” means a stable humus-like product of composting which is used or sold for use as a soil amendment, topsoil or growing medium.

“COMPOSTING” means the natural biological process carried out under controlled conditions which converts compostable waste into a stable humus-like product.

“COMPOSTABLE BAG” means a bag that is approved for the collection of compostable waste.

“COMPOSTING CARTS” means carts approved by the Designated Officer for the disposal of compostable waste.

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“COMPOSTABLE WASTE” means, organic material of plant or animal origin as set out in Schedule “B” to this bylaw, but which does not include personal hygiene products, pet faeces, pet litter or ashes.

“CONTAMINATE” means the act of mixing waste of a different and incompatible nature with another distinct type of waste or adding different or incompatible waste to a receptacle not intended for such purposes.

"CONTROLLED WASTE" means waste as set out in Schedule “D” to this bylaw that must be disposed of according to procedures specified by the Designated Officer.

“CURB” means the concrete or asphalt border along the edge of a road.

“CURB-SIDE COLLECTION” means the collection of curb-side waste by the City.

“CURB-SIDE WASTE” means residual waste and compostable waste collected by the City.

"COUNCIL" means the elected Council of the City.

“DESIGNATED OFFICER” means an employee or contractor of the City or designate appointed to act as a designated officer.

"ELECTRONIC WASTE" means banned landfill waste of an electrical or electronic nature as set out in Schedule “E” to this bylaw.

“ELIGIBLE PREMISE” means an urban residential dwelling, single-family to four-plex, used in accordance with the City of Whitehorse Zoning Bylaw, located within the collection route and having frontage on an approved City street or lane.

“*ENVIRONMENT ACT*” means the Yukon *Environment Act* RSY 2002, c. 76.

“FEES AND CHARGES BYLAW” means the City of Whitehorse Fees and Charges Bylaw as amended from time to time.

“GARBAGE CARTS” means carts approved by the Designated Officer for the disposal of residual waste.

“HAULER” means any company, organization, person or persons who transport waste as part of their business or non-profit function.

“LANDFILL” means an approved site to handle and dispose of residual waste.

"LARGE METAL RECOVERY WASTE" means a controlled metal waste collected for subsequent use in the manufacture of new materials as set out in Schedule “D” to this bylaw.

“NON-ELIGIBLE PREMISE” means all property that is not eligible for curb-side waste collection.

“OWNER” means the person, or persons, or corporation who has, by law, the management, control or custody of a property.

“PERMIT TO COLLECT WASTE” means a permit issued by the Designated Officer that allows a hauler to collect waste within City limits.

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“PERMIT TO DISPOSE OF WASTE” means a permit issued by the Designated Officer that allows a hauler to dispose of waste at the waste management facility.

“PERMIT TO SCAVENGE” means a permit issued by the Designated Officer that allows a person to remove or disturb waste deposited at the waste management facility.

“PERMIT TO TRANSPORT WASTE” means a permit issued by the Designated Officer that allows a hauler to transport waste within the City.

“PERSON” means an individual, individuals, a business, corporation, non-profit organization or society, or similar entity.

“PRIVATE WASTE COLLECTION” means the collection, transportation and disposal of all waste excluding waste collected as part of curb-side collection.

“PROPERTY” means a piece of real estate defined by survey lines that is registered in the Yukon Land Titles Office and shall include mobile units such as RV’s.

“PUBLIC WASTE” means waste generated by a person or a person’s pet while out in public and shall include, but not be limited to, candy bar wrappers, pop cans, bottles, empty chip bags, coffee cups, fast food containers, items for day-use outings and picnics, and single-use bags with dog faeces.

“RECYCLABLE WASTE” means waste collected for subsequent use in the manufacture of new materials as set out in Schedule “C” to this bylaw.

“RECYCLING OR RE-USE DEPOT” means an area for the organized collection of recyclable or re-useable waste.

“RECYCLING RECEPTACLE” means a weather-proof bag, box, or container designed to hold recyclable waste.

“RESIDUAL WASTE” means all waste other than that which can be segregated as compostable waste, recyclable waste, controlled waste, and banned landfill waste as set out in Schedules “B”, “C”, “D” and “E” to this bylaw.

“REUSABLE WASTE” means a controlled waste for which there is at least one further use in the same form as set out in Schedule “D” to this bylaw.

“SELF-HAULER” means a person or persons who transports waste generated from their property or on behalf of another person for no financial gain.

“UNSORTED LOAD” means a load in which the waste has not been separated in accordance with the provisions of this bylaw. (*Bylaw 2016-48 – 2016-11-28*)

“WASTE” includes compostable waste, recyclable waste, controlled waste, banned landfill waste and residual waste, as set out in Schedules “B”, “C”, “D”, “E” and “F” to this bylaw.

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"WASTE MANAGEMENT FACILITY" means the City site for the handling and disposal of waste, and includes any land, transfer stations, or buildings associated with the facility and any machinery, equipment, devices, tanks or other works used on the site to process or dispose of the waste, as set out in Schedules "B", "C", "D", "E", "F" and "G" to this bylaw. (*Bylaw 2016-48 – 2016-11-28*)

"WASTE RECEPTACLE" means any container used to store waste, which will be collected by a hauler or self-hauler, and includes carts and public and private waste receptacles.

## **ADMINISTRATION**

3. The Designated Officer shall administer this bylaw.

## **GOVERNING LAWS**

4. No person shall collect, store, transport or dispose of waste in the City except in accordance with this or any other bylaw and relevant territorial and federal legislation and regulations.

## **GENERAL RULES**

5. No person shall set out waste in any manner or condition that:
  - (1) is unsightly to the neighbouring environment;
  - (2) harbours or attracts wildlife; or
  - (3) is a hazard or threat to public health and safety.
6. No person shall allow waste to spill over or accumulate on any street or adjoining public or private property and shall ensure, at all such times, that all waste is kept within the waste receptacle with the lid fully closed.
7. No person shall dispose of waste in or beside any waste receptacle without prior approval from the owner.
8. No person shall dispose of waste in any manner other than:
  - (1) residual waste into approved garbage carts;
  - (2) compostable waste into approved composting carts;
  - (3) properly sorted waste in waste receptacles supplied for this purpose; or
  - (4) by transporting waste to an appropriate waste facility.
9. No person shall dispose of waste:
  - (1) at any public or private location or appropriate waste facility unless that facility is duly licensed to receive and dispose of the particular category of waste; and
  - (2) at or near a waste facility when the facility is closed or when the owner or operator refuses to accept waste at that time or from that person.

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10. No person shall operate a vehicle in the City while it is carrying waste unless the waste load is securely covered by a tarpaulin, mesh or other covering, or is otherwise secured. In the event of an offence where the operator cannot be located, the vehicle owner shall be responsible for all associated fines, fees and clean-up costs.
11. Every person authorized to collect and remove waste shall have the right to:
  - (1) enter property to the extent necessary to perform their duties in accordance with the bylaw; and
  - (2) inspect waste set out for waste collection.
12. If in the opinion of the Designated Officer certain waste practices threaten public safety or health, the Designated Officer may make a decision, which shall not be subject to appeal, to limit, restrict, or prohibit the continuation of such waste practices.
13. No person other than the owner, their authorized agent or hauler, or a Designated Officer, shall pick over, remove, disturb, collect or otherwise interfere with waste generated on such owner's property.
14. No person shall contaminate waste or a waste receptacle.
15. No person shall dispose of any hot ashes or burning matter in any waste receptacle or at the waste management facility.
16. Any waste placed for collection that does not meet the specifications of this bylaw shall not be collected by the City, hauler or self-hauler and shall remain the responsibility of the owner.

### **CITY CURB-SIDE WASTE COLLECTION**

17. Collection of curb-side waste shall be provided by the City to eligible premises.
18. The owner of non-eligible premises may apply to the Designated Officer for curb-side collection.
  - (1) The Designated Officer shall review such applications and decide whether to approve or refuse the application, the approval of which shall deem such premises as eligible premises
19. The owners of eligible premises are required to provide or seek private waste collection for all waste not otherwise collected as curb-side waste.
20. The Designated Officer shall establish collection days, collection routes, and types of curb-side waste that will be collected on a particular collection day, all of which may be altered from time to time.
21. The Designated Officer may apply temporary local restrictions for collection day and collection route to accommodate special operational or safety circumstances.

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22. The owner of eligible premises shall dispose of curb-side waste in the appropriate cart in the following manner:
  - (1) residual waste into garbage carts; and
  - (2) compostable waste into composting carts.
23. On collection day, the owner of eligible premises shall set out curb-side waste by 7:00 a.m., but no earlier than 6:00 p.m. on the evening prior to collection day, by placing the appropriate cart:
  - (1) outside of any structure, fence or other enclosure;
  - (2) at the curb or other location specified by the Designated Officer;
  - (3) with the handles of such cart facing toward the front of the eligible premises and the front of the cart facing toward the street; and
  - (4) at least one metre away, on all sides, from other carts and obstacles.
24. The owner of eligible premises shall, by 11:00 p.m. on collection day, return the appropriate cart to, and store it on, the owner's property in accordance with setback requirements as prescribed in the City of Whitehorse Zoning Bylaw.

### **CURB-SIDE CARTS**

25. The City shall provide and register to the address of eligible premises, one garbage cart and one composting cart, both of which shall be the sole responsibility of the owner of such premises but which shall remain the property of the City.
26. Upon registration of carts to the address of an eligible premise, such carts shall not be moved by any person to a new address, for any purpose, including the sale of the eligible premises.
27. When a garbage or composting cart has been lost, stolen or damaged, the owner of an eligible premise shall report the incident to the Designated Officer within 24 hours of such occurrence, after which the City may supply the eligible premises with a new cart which shall be registered to the address of the eligible premises.
28. The Designated Officer may, in the event that loss, theft or damage of a cart occurs repeatedly, is not reported within 24 hours of the incident, occurs when the cart has been left on the street for longer than 24 hours or has been used at another premises, charge the owner the full cost of the repair or replacement of the cart or terminate curb-side waste collection to such eligible premises.
29. Owners of eligible premises may purchase additional composting carts from the City by paying a fee as prescribed by the Fees and Charges Bylaw, after which the owner of such eligible premises shall own the cart.
30. An owner of eligible premises is not required to bag curb-side waste prior to placing such waste in a cart except as otherwise provided in this bylaw.



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31. An owner of eligible premises shall bag and securely close such bag of the following residual waste:
  - (1) pet faeces; and
  - (2) cold ashes
32. The amount of residual waste that may be collected from an eligible premise on a collection day shall not exceed the manufacturer's maximum cart-weight specifications and shall fit into one garbage cart with the lid fully closed.
33. There is no limit on the number of composting carts, or the amount of properly sorted compostable waste, which may be collected from an eligible premise on collection day save and except that:
  - (1) the lids of such carts shall be fully closed;
  - (2) the compostable waste is fully contained in such carts; and
  - (3) all other requirements of this bylaw have been met.
34. Despite any other provision of this bylaw, leaf and yard waste in excess of that which fits in the composting cart, with the lid fully closed, shall be managed by the owner of an eligible premises as follows:
  - (1) at least one composting cart shall be set out for collection;
  - (2) compostable bags shall be used to contain the leaf and yard waste;
  - (3) each compostable bag shall not exceed 25 kg; and
  - (4) extra compostable bags shall be placed next to the composting cart.
35. Compostable waste contaminated with any other waste or stored in a receptacle other than a composting cart or in violation of this bylaw, will not be collected as compostable curb-side waste and the owner shall, in accordance with this bylaw:
  - (1) ensure the proper sorting of the residual waste from controlled waste and the exclusion of banned landfill wastes; and
  - (2) dispose of such waste either as residual waste on the curb-side collection day or by private waste disposal if such waste is recyclable, controlled or banned landfill waste.
36. Notwithstanding any other provision of this bylaw, the Designated Officer may schedule special curb-side collection days such as for the collection of Christmas trees.

### **BACK-YARD COMPOSTING**

37. An owner may back-yard compost on their property but shall at no time be permitted to compost on public lands such as, but not limited to, greenbelt property.
38. No person shall include meat, fish, pet faeces or other non-compostable waste in back-yard composting.

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39. No person shall sell compost generated from back-yard composting.

### **PRIVATE WASTE COLLECTION**

40. Owners of non-eligible premises are responsible for the supply, installation, maintenance, capital costs and operating costs of private waste collection.

41. The owner of every property with private waste collection shall:

- (1) provide an enclosure or area to contain waste prior to its removal from the property;
- (2) ensure the proper sorting of residual waste from controlled waste and the exclusion of banned landfill waste;
- (3) provide waste receptacles which meet the requirements of this bylaw;
- (4) ensure that they possess an adequate number of waste receptacles to contain waste generated from the property;
- (5) obtain a street occupancy permit from the Designated Officer prior to placing a waste receptacle on City property;
- (6) ensure that the placement of waste receptacles will not impact access to any property; and
- (7) ensure that the contents of such waste receptacles meet the requirements of this bylaw.

42. Owners of waste receptacles shall ensure that such receptacles:

- (1) are non-combustible;
- (2) have been approved by the Designated Officer; and
- (3) have a tight-fitting solid lid.

43. The hauler and self-hauler of waste from a waste receptacle shall ensure that the contents of such receptacle meet the requirements of this bylaw.

44. An owner of a waste receptacle shall prominently post on the waste receptacle a sign or sticker supplied by the Designated Officer prohibiting the use by anyone who is not authorized by the owner, and prohibiting the disposal of any waste other than that for which the receptacle is intended in accordance with this bylaw.

45. The Designated Officer may condemn a waste receptacle for failure to meet the requirements of this bylaw and, upon 14 days written notice to the owner, may remove and dispose of such receptacle and associated waste, the costs of which shall be borne by the owner in accordance with the Fees and Charges Bylaw.

### **RECYCLABLE AND REUSEABLE WASTE**

46. A person with the appropriate permits to collect, transport and dispose of waste may operate a private recycling or re-use business which may include disposing of recyclable or re-useable waste on behalf of clients.

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47. Recyclable and re-useable waste shall be disposed of in a receptacle specifically identified for such waste.
48. Any waste rejected by a person, including a recycling or re-use depot or hauler, and brought to the waste management facility shall be charged the appropriate tipping fee as prescribed in the Fees and Charges Bylaw consistent with the waste categories in Schedules "B", "C", "D", "E", "F" and "G" attached hereto and forming part of this bylaw. (*Bylaw 2016-48 – 2016-11-28*)

### **WASTE DISPOSAL BY BURNING**

49. No person shall burn any waste as a method of waste disposal or heat production in a barrel, stove or other device or in the open, except for brush, tree limbs and milled wood that is free from adhesives, coatings and preservatives, and waste oil as authorized under the Special Waste Regulations of the *Environment Act*, unless otherwise permitted in a bylaw or territorial or federal legislation or regulations.

### **DISPOSAL AT WASTE MANAGEMENT FACILITY**

50. Persons who enter the waste management facility do so at their own risk.
51. Prior to transporting waste, and upon entering the waste management facility, a person shall:
  - (1) have the necessary valid permits contemplated by bylaw;
  - (2) have all waste segregated and easily identifiable as compostable waste, recyclable waste, controlled waste, electronic waste, large metal recovery waste, construction and demolition waste, banned landfill waste or residual waste, as defined in Schedules "B", "C", "D", "E" and "F" of this bylaw;
  - (3) ensure that the waste is securely covered by a tarpaulin, mesh or other covering, or is otherwise secured, until the vehicle has stopped for the unloading of the waste;
  - (4) stop at the gate house, or automated scale/gate, as directed by signs preceding the gate house;
  - (5) provide identification and valid permits if requested by the Designated Officer;
  - (6) declare any and all waste by type to the Designated Officer;
  - (7) use the weigh scale, when and as directed by the Designated Officer;
  - (8) pay the appropriate fees and charges in accordance with the Fees and Charges Bylaw to the Designated Officer, deposit such fees and charges into the automated scale/gate, or make a payment on an active account for the payment of fees;
  - (9) follow all directions posted on signs, unless otherwise directed by the Designated Officer;

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- (10) deposit the waste in the appropriate designated areas and as directed by the Designated Officer;
  - (11) stay with the vehicle at all times; and
  - (12) stop at the gate house prior to exiting, if directed by the Designated Officer.
52. Notwithstanding any other provision of the bylaw, all persons shall abide by the following rules and standards of the waste management facility:
- (1) entrance to the facility is prohibited outside of posted hours of operation;
  - (2) snow machines and all-terrain vehicles, as defined in the City of Whitehorse Snowmobile and ATV Bylaws, are prohibited;
  - (3) children under 16 shall be supervised by an adult at all times and shall remain inside a vehicle if directed by the Designated Officer;
  - (4) pets are prohibited unless kept inside a vehicle;
  - (5) smoking is prohibited, both inside and outside a vehicle; and
  - (6) cutting torches and similar devices, and open flames are prohibited.
53. The Designated Officer may inspect and prohibit disposal of waste at the waste management facility that does not meet the requirements of this bylaw.
54. Every vehicle that disposes of a load at the Waste Management Facility shall be subject to a load inspection by a Designated Officer of the City of Whitehorse.
- (1) The Designated Officer will assess the load to determine if it has been sorted in accordance with the provisions of this bylaw. The determination of the Designated Officer with respect to this matter shall be final.

*(Section 54 added by Bylaw 2016-48 passed 2016-11-28)*

55. No person other than the Designated Officer of the waste management facility shall remove or otherwise tamper with waste stored in or around the facility.

### **PUBLIC WASTE RECEPTACLES**

56. Public waste receptacles may be used by a person to dispose of public waste and at no time shall a person dispose of waste generated from such person's property.
57. No person shall install a public waste receptacle on streets, in parks or highway rest stops without the prior approval of the Designated Officer.

### **PERMITS**

58. No person shall collect waste from another person, unless a permit to collect waste has been obtained from the Designated Officer.
59. No person shall transport waste unless a permit to transport waste has been obtained from the Designated Officer.

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60. No person shall dispose of waste unless a permit to dispose of waste has been obtained from the Designated Officer.
61. Disposal of waste that originates from outside the city boundaries is prohibited at the waste management facility unless a permit to dispose of waste has been issued by the Designated Officer.
62. No person shall remove or disturb any waste at the waste management facility unless a permit to scavenge has been obtained from the Designated Officer.  
*(Bylaw 2016-48 – 2016-11-28)*
63. No person shall own or operate a landfill unless authorized by the Designated Officer and in accordance with the appropriate zoning and Yukon Environment requirements.
64. Upon receipt of an application for a permit or renewal thereof, the Designated Officer shall, within five business days, make one of the following decisions:
  - (1) approve the application and issue a permit; or
  - (2) refuse the application.
65. In the event that the Designated Officer refuses the application, the City shall provide written reasons of such decision to the applicant by registered letter or by personal service.
66. A person who is issued a permit under this bylaw shall meet all terms and conditions of the permit on a continuous basis, failure of which may result in the cancellation or suspension of the permit by the Designated Officer.

### **FEES AND PAYMENTS**

67. Curb-side waste collection shall at all times be subject to the following terms and conditions:
  - (1) every owner or occupant of eligible premises shall pay for the service of curb-side collection all amounts set out in the Fees and Charges Bylaw;
  - (2) all accounts, including interim accounts, shall be due and payable when rendered;
  - (3) a separate account shall be rendered in respect of each property serviced or as directed by the Designated Officer; and
  - (4) all charges for waste services that remain unpaid for a period exceeding 60 days from the due date shall be subject to a penalty charge of ten percent of the current unpaid account every 60 days until paid.
68. All haulers who wish to establish an account for payment of fees for using the waste management facility shall;
  - (1) supply adequate identifying information and the tare weight for each vehicle as required by the Designated Officer;
  - (2) provide new tare weights upon request of the Designated Officer;

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- (3) display the assigned unique identifying code in accordance with the Designated Officer's instructions;
  - (4) present the assigned identification code to the Designated Officer upon entering the waste management facility;
  - (5) be responsible for the payment of all accounts within 30 days of the statement date for the waste disposed of under the assigned identification code. The disposal of waste at the waste management facility shall be subject to the amounts set out in the Fees and Charges Bylaw;
  - (6) be subject to a penalty charge of ten percent of the current unpaid account that remains unpaid for a period exceeding 60 days from the due date; and
  - (7) be refused entry to the waste management facility by the Designated Officer following 14 days written notice being given to any person whose account is in arrears over 60 days. The Designated Officer shall be notified of all haulers on refused admittance status and will be instructed to deny access to the waste management facility. The Designated Officer may require the posting of a performance bond or any other security in the event that accounts continue from time to time to be unpaid.
69. The owner shall be liable for all rates, fees and costs chargeable or payable under this bylaw with respect to that property. The City may make the balance of any account in arrears over 60 days, together with a penalty of ten percent of such arrears, a charge against the property to which the collection service was supplied, as a special tax to be recovered in like manner as other taxes on property.
70. The Designated Officer or the hauler may request a new tare weight before exiting the waste management facility
71. The Designated Officer shall set per cubic metre rates payable by the hauler to be used when the weigh scale becomes inoperative, which shall be applied based on the capacity of the vehicle, compaction capabilities of the vehicle, and the Designated Officer's visual volume estimate of the waste in the vehicle in accordance with the Fees and Charges Bylaw.
72. If the weight reading of the weight scale at the waste management facility is disputed by either the Designated Officer or any other person, the scale shall be tested by a qualified person retained by the Designated Officer. If the scale is found to be accurate within 98.5% to 101.5%, the expense of the test shall be borne by the party disputing the reading, in accordance with the Fees and Charges Bylaw. If the scale is found not to be accurate within the specified limits, it shall be repaired or replaced by another scale at the expense of the City and all accounts rendered immediately preceding the date of such test shall be corrected in proportion to the inaccuracy found. The person shall then be charged or refunded the difference and upon receipt of payment, or refund, all claims on account of the inaccurate scale shall be deemed settled.

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73. Every vehicle that disposes of a load at the Waste Management Facility that exceeds the thresholds of controlled and banned materials as set out in Schedule “G” of this bylaw shall be subject to unsorted tipping fees in accordance with the Fees and Charges Bylaw. (*Bylaw 2016-48 – 2016-11-28*)
74. A resolution of Council is required to authorize the waiving of fees and charges as prescribed by the Fees and Charges Bylaw except with respect to programs such as community clean-up, for which the Designated Officer may waive such fees and charges.

### **PENALTIES**

75. The fine issued for an offence contrary to this bylaw shall double for the second and each subsequent offence.
76. Any person who commits an offence subsequent to any provisions of this bylaw is liable, upon summary conviction to:
- (1) a voluntary fine under section 20 of the *Summary Convictions Act*, issued in respect of an offence specified in Schedule “A” attached hereto and forming part of this bylaw; or
  - (2) a fine not exceeding ten thousand dollars (\$10,000.00) where proceedings are commenced pursuant to the summary conviction provisions of the *Criminal Code of Canada*; or
  - (3) a fine not exceeding five hundred dollars (\$500.00) where proceedings are commenced pursuant to the *Summary Convictions Act* of Yukon.
77. Where an offence is committed or continued on more than one day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued.
78. Any person who commits an offence shall be liable in addition to the penalties provided herein, to pay the costs related to the offence, including clean-up, removal, transportation, proper segregation and disposal costs.
79. In the event that the City provides the service of removal and proper disposal, the person responsible and the owner of the waste shall be equally responsible to pay all costs associated with the proper disposal in accordance with the Fees and Charges Bylaw, in addition to any penalties provided herein.
80. The Designated Officer may terminate curb-side collection or the use of the waste management facility to any person who contravenes any provision of this bylaw. The Designated Officer shall send the notice of contravention by registered mail and shall be deemed to have been received by such person on the fifth day after it is mailed. The Designated Officer may suspend services 14 days after written notice of the contravention has been given to such person. The suspension of service shall not waive any person’s responsibilities, or abate or waive any charges or rates under the provision of this bylaw.

# **Office Consolidation of Waste Management Bylaw 2012-30**

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81. The offending person may apply for reinstatement of service by a request in writing to the Designated Officer. The suspension shall remain in place until the contravention has been corrected and all outstanding fees have been paid.
82. Should any person owning or occupying property within the City refuse or neglect to pay any penalties that have been levied pursuant to this bylaw, the Designated Officer may inform such person in default that if the charges are unpaid on the thirty-first day of December on the same year, they will be added to and form part of the taxes payable in respect of that property as taxes in arrears.

## **APPEAL OF DESIGNATED OFFICER'S DECISION**

83. Where any decision has been made by the Designated Officer under this bylaw, the person affected by such decision may file a written appeal to the City Manager within seven days after the decision was rendered.
84. The City Manager shall make a final decision on the appeal within 14 days.

## **GENERAL INTERPRETATIONS**

85. Wherever the singular or the masculine is used in the bylaw, the same shall be deemed to include the plural or the feminine or the body politic or corporate where the context of the bylaw requires.
86. The invalidity of any section, sentence, or provision of the bylaw shall not affect the validity of any other part of the bylaw which can be given effect without such invalid part or parts.

## **SCHEDULES**

87. Schedules "A", "B", "C", "D", "E", "F" and "G" attached hereto and forming part of this bylaw are enforceable in the same manner as the bylaw. (*Bylaw 2016-48 – 2016-11-28*)

## **BYLAW SHALL PREVAIL**

88. Where the provisions of this bylaw conflict with the provisions of any other bylaw of the City, the bylaw with the more stringent provisions shall prevail.

## **REPEAL**

89. Bylaw 2009-20, including all amendments thereto, is hereby repealed.

## **COMING INTO FORCE**

90. This bylaw shall come into full force and effect on the final passing thereof.
91. Notwithstanding section 90 of this bylaw, the fees with respect to compostable waste from commercial food service establishments shall be implemented in the Fees and Charges Bylaw and effective on and from the 1<sup>st</sup> day of September, 2016. (*Bylaw 2015-18 – 2015-05-11*)



# Office Consolidation of Waste Management Bylaw 2012-30

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92. Notwithstanding section 90 of this bylaw, the tipping fees applicable to unsorted loads shall come into force and effect in accordance with the application dates identified in Schedule "G". (*Bylaw 2016-48 – 2016-11-28*)
93. Notwithstanding section 90 of this bylaw, the tipping fees applicable to any appliance containing Freon, e-waste, tires, or hazardous waste in a commercial load shall come into force and effect on the first day of April, 2019. (*Bylaw 2016-48 – 2016-11-28*)

**FIRST and SECOND READING:** May 28, 2012  
**AMENDMENT** by Resolution: June 25, 2012  
**THIRD READING and ADOPTION:** June 25, 2012

ORIGINAL BYLAW SIGNED BY:

*"Bev Buckway"*

Bev Buckway, Mayor

*"Valerie Anderson"*

Valerie Anderson, Acting City Clerk

# Office Consolidation of Waste Management Bylaw 2012-30

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## SCHEDULE "A" VOLUNTARY FINES

<u>Authority</u>	<u>Ticket Description of Offence</u>	<u>Penalty</u>
Section 4	Store, collect, transport or dispose waste contrary to bylaw	200.00
Section 5	Waste is unsightly, attracts wildlife or is hazard	200.00
Section 6	Waste spill over/accumulate from receptacle	200.00
Section 7	Unauthorized disposal	100.00
Sections 8, 9(1)	Improper disposal	300.00
Section 9 (2)	Deposit waste at/near waste facility when closed	300.00
Section 10	Transport unsecured waste	200.00
Section 13	Remove/disturb waste	100.00
Section 14	Contaminate waste or receptacle	200.00
Section 15	Dispose hot ash or burning matter in receptacle or waste facility	500.00
Section 22	Contaminate curb-side waste	200.00
Section 23/24	Set-out/remove carts contrary to bylaw	50.00
Section 26	Fail to maintain carts on registered premises	200.00
Section 31	Fail to properly secure pet faeces or ashes	50.00
Section 35	Contaminate compostable waste with other waste	200.00
Section 37	Back-yard compost not on property	50.00
Section 38	Back-yard compost contains meat, fish or pet faeces	50.00
Section 39	Sell back-yard compost	50.00
Section 41 (1)(4)(6)	Fail to provide proper waste storage prior to removal	100.00
Section 41 (2)	Owner fails to sort waste	200.00
Section 41 (5)	Fail to obtain street occupancy permit for receptacle	100.00
Section 43	Hauler collects unsorted waste	200.00
Section 47	Contaminate recycling/reuse	200.00
Section 49	Burn waste	200.00
Section 51-52	Fail to follow directions of designated officer and posted signs	500.00
Section 51 (1)	Fail to have valid permits	200.00
Section 51 (2)	Fail to have waste sorted	200.00
Section 51 (3)	Enter waste management facility with unsecured load	200.00
Section 51 (4)	Fail to stop at landfill gate house	200.00
Section 51 (5)	Fail to provide identification/permits	100.00
Section 51 (6)	Fail to declare waste types	200.00
Section 51 (10)	Improper disposal of waste at waste management facility	200.00
Section 52 (1)	Enter waste management facility when closed	200.00
Section 52 (2)	Snow machine/all -terrain vehicle prohibited	300.00
Section 52 (5)(6)	Smoking, using cutting torches or open flames at facility	500.00
Section 56	Improper use of public waste receptacle	200.00
Sections 58-63	Collect, transport, dispose or scavenge waste without permit	200.00
Section 63	Unauthorized landfill	500.00
Section 66	Fail to meet terms and conditions of permit	200.00

## **SCHEDULE “B”**

### **COMPOSTABLE WASTE**

“COMPOSTABLE WASTE” means such waste as defined in this bylaw.

The following items, loose or in compostable bags, shall be deemed to be compostable waste for the purposes of this bylaw:

1. Food-soiled and non-recyclable paper including without limitation:
  - (1) damp and food-soiled newspaper and flyers;
  - (2) napkins, paper towels and fast food wrappers;
  - (3) paper plates and cups;
  - (4) pizza boxes;
  - (5) sugar, flour and potato paper bags;
  - (6) wax paper and parchment baking paper;
2. Food waste including, without limitation:
  - (1) fruit, vegetables, and peelings;
  - (2) meat, poultry and fish, shellfish including skin, shells and bones;
  - (3) dairy products;
  - (4) household cooking oil, grease and fat;
  - (5) baked goods and baking ingredients;
  - (6) bread, grain, rice and pasta;
  - (7) table scraps and sauces,
  - (8) egg shells;
  - (9) coffee grounds and filters, tea leaves and bags;
3. Human hair, pet hair, fur, feathers, chicken manure and compostable bedding;
4. Leaf and yard waste including, without limitation:
  - (1) chipped or ground branches and bushes;
  - (2) grass clippings;
  - (3) leaves, coniferous needles and cones;
  - (4) brush and twigs 1.5 cm in diameter or less;
  - (5) house and garden plants and trimmings;
  - (6) pressed paper plant pots;
  - (7) sawdust and wood shavings from untreated wood;
5. Natural Christmas trees without decorations and stands;
6. Polylactic acid (PLA) fibre, compostable, or corn products including, without limitation:
  - (1) cutlery, plates, bowls and cups;
  - (2) food containers and trays
7. Any other item identified by the Designated Officer from time to time.

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## **SCHEDULE "C"**

### **RECYCLABLE WASTE**

"RECYCLABLE WASTE" means such waste as defined in this bylaw.

The following empty and clean items shall be deemed to be recyclable materials for the purposes of this bylaw, and may have additional requirements/instructions as per the appropriate waste facility:

1. Beverage cartons and tetra-paks;
2. Glass food and beverage bottles and jars;
3. Milk cartons;
4. Metal including, without limitation:
  - (1) aluminium foil, plates and trays;
  - (2) aluminium/tin/steel food and beverage cans;
  - (3) metal containers;
5. Paper products including, without limitation:
  - (1) boxboard, such as cereal, shoe, tissue, cracker, cookie and frozen food boxes, core rolls from towels and toilet paper;
  - (2) coloured paper;
  - (3) newspapers, magazines, catalogues, and flyers;
  - (4) telephone books;
  - (5) white paper;
6. Plastic including, without limitation:
  - (1) plastic clam shell containers for eggs, vegetables, fruits, and other products;
  - (2) plastic containers used for beverages, shampoos, lotions, cleaners, windshield washer fluids;
  - (3) plastic food tubs and lids for yogurt, margarine, sour cream, cottage cheese, ice cream;
  - (4) plastic pails, plant trays and pots;
  - (5) rigid plastic bottles, jugs, trays and jars used for food, beverages, antifreeze and other household products;
  - (6) soft plastic bags and wrap;
  - (7) plastic water tanks;
7. Any other item specified in the Yukon Beverage Container Regulations
8. Any other item identified by the Designated Officer from time to time.

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## **SCHEDULE "D"**

### **CONTROLLED WASTE**

"CONTROLLED WASTE" means such waste as defined in this bylaw.

The following items shall be deemed to be controlled waste for the purposes of this bylaw:

1. Bulky items including, without limitation:
  - (1) bed springs and mattresses;
  - (2) wooden furniture;
  - (3) wooden fencing;
2. Carcasses and animal parts, excluding slaughter waste, without limitation;
  - (1) domestic pets;
  - (2) large game carcasses and hides;
  - (3) road killed animals;
3. Construction and demolition waste generated as a result of construction, renovation, repair, plumbing or demolition activities including, without limitation:
  - (1) cupboards and counter tops;
  - (2) carpet and underlay;
  - (3) porcelain sinks and toilets;
  - (4) plastic and fibreglass fixtures;
  - (5) bricks, masonry, concrete;
  - (6) gyproc;
  - (7) planking and siding;
  - (8) polystyrene or fibreglass insulation;
  - (9) treated wood;
  - (10) any other item identified by the Designated Officer from time to time;
4. Uncontaminated soil and soil contaminated with other controlled waste;
5. Grubbing material including, without limitation:
  - (1) roots, stumps, embedded logs;
  - (2) branches and bushes greater than 1.5 cm in diameter;
6. Manure, kennel material, excreta and fish processing material, excluding chicken manure and compostable bedding;
7. Special Waste as defined by the Special Waste Regulations of the *Environment Act*, including without limitation:
  - (1) asbestos segregated and prepared for disposal in accordance with the Occupational Health Regulations of the *Occupational Health and Safety Act*;
  - (2) cold incinerator ash verified by laboratory analysis to not be a special waste;

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8. Large Metal Recovery Waste, including without limitation;
  - (1) Scrap Metal including, without limitation:
    - (a) filing cabinets;
    - (b) hot water tanks;
    - (c) metal roofing;
    - (d) metal fencing including chain-link fencing;
    - (e) metal desks and other metal furniture;
    - (f) metal wiring;
    - (g) propane tanks with valves removed;
    - (h) purged fuel tanks cut in half;
    - (i) cleaned and purged barrels with lids removed;
    - (j) sheet iron;
    - (k) vehicle parts with all fluids removed;
  - (2) Items containing ozone depleting substances, as defined by the Ozone Depleting Substances Regulation of the *Environment Act*, including without limitation:
    - (a) fridges
    - (b) freezers
    - (c) air-conditioning units;
  - (3) White Goods including, without limitation:
    - (a) dishwashers;
    - (b) stoves, ranges, and ovens;
    - (c) washing machines and clothes dryers
  - (4) Any other item identified by the Designated Officer from time to time;
9. Re-useable waste not including any banned landfill waste
10. Clean, uncontaminated corrugated cardboard (*Bylaw 2013-52 – 2013-11-12*)
11. Clean wood waste including, without limitation, unpainted pallets and untreated, unstained, unpainted, and unglued dimensional lumber (largely spruce, pine or fir). (*Bylaw 2014-26 – 2014-06-23*)
12. Compostable waste from commercial food service establishments **Effective June 1, 2015** (*Bylaw 2015-18 – 2015-05-11*)
13. Any other item identified by the Designated Officer from time to time.

## **SCHEDULE "E"**

### **BANNED LANDFILL WASTE**

"BANNED LANDFILL WASTE" means such waste as defined in this bylaw.

The following items shall be deemed to be banned from landfill for the purposes of this bylaw:

1. Bio-medical waste, as defined by the Special Waste Regulations of the *Environment Act*, including without limitation:
  - (1) dressings, bandages or other infected material;
  - (2) hypodermic needles;
2. Slaughter waste;
3. Hazardous waste, as defined by the Special Waste Regulations of the *Environment Act*, including without limitation:
  - (1) aerosols and empty aerosol containers;
  - (2) antifreeze and brake fluid;
  - (3) cleaning chemicals;
  - (4) fluorescent light ballasts manufactured prior to 1980;
  - (5) fluorescent light bulbs;
  - (6) gasoline, propane, solvents and waste oil;
  - (7) herbicides and pesticides;
  - (8) pharmaceuticals;
  - (9) rechargeable batteries
  - (10) vehicle batteries ;
  - (11) paint and paint products;
  - (12) other products labelled as corrosive, toxic, reactive, explosive, oxidizing, poisonous, infectious, or flammable;
4. Highly combustible and explosive material, including without limitation:
  - (1) ammunition, dynamite or other explosives;
  - (2) celluloid cuttings and cellulose motion picture film;
  - (3) chemicals, acids or other combustible residues;
  - (4) oil or gasoline soaked rags and containers;
  - (5) propane tanks with the valve on;
  - (6) fuel tanks that have not been purged;
5. Liquid waste, including without limitation:
  - (1) raw sewage or industrial sludge;
  - (2) septic tank pumpings and wash water;
  - (3) sump waste, as defined in the City of Whitehorse Sewer and Water Bylaw;
6. Tires;
7. 45 gallon drums with contents not purged or with lid on;

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8. Radioactive waste;
9. Waste from international air travel;
10. Contaminated soil containing a contaminant which is in an amount, concentration, or level in excess of that prescribed by regulation or allowed under a permit;
11. Vehicles including all-terrain vehicles and snowmobiles;
12. Incinerator ash that is special waste;
13. Electronic waste, including without limitation
  - (1) Handheld devices including, without limitation:
    - (a) calculators;
    - (b) cell phones and pagers;
    - (c) headsets and microphones;
    - (d) portable cameras;
    - (e) portable electronic game devices;
    - (f) other wireless and handheld devices;
  - (2) Audio equipment including without limitation:
    - (a) AM/FM radios;
    - (b) amplifiers, equalizers and speakers;
    - (c) audio players and stereo systems;
    - (d) cameras and video recorders;
    - (e) non-portable DVD and CD players;
    - (f) non-portable electronic game equipment;
    - (g) projectors;
    - (h) telephones and answering machines;
  - (3) Computer equipment including without limitation:
    - (a) desktop computers;
    - (b) laptops and notebooks;
    - (c) monitors;
    - (d) central processing units, mouse, keyboard, cables and other components;
  - (4) Copy equipment including without limitation:
    - (a) printers;
    - (b) scanners;
    - (c) fax machines;
    - (d) photocopiers;
  - (5) Televisions
14. Any other item identified by the Designated Officer from time to time.



## **SCHEDULE "F"** **RESIDUAL WASTE**

"RESIDUAL WASTE" means such waste as defined in this bylaw.

The following items shall be deemed to be Residual Waste for the purposes of this bylaw:

1. alkaline non-rechargeable batteries;
2. broken bottles, crockery and glassware;
3. broken toys that are not considered E-Waste;
4. chewing gum, cigarettes, and cold ashes;
5. discarded clothing and furnishings;
6. empty and dry paint cans;
7. empty motor oil containers and filters;
8. floor sweepings and dryer lint;
9. incandescent and halogen light bulbs;
10. latex gloves;
11. non-recyclable plastic, metal and packaging including without limitation:
  - (1) chocolate bar and candy wrappers and potato chip bags;
  - (2) frozen juice cans;
  - (3) mesh onion bags;
  - (4) soiled aluminium foil and plastic wrap;
  - (5) polystyrene foam (Styrofoam);
12. Non-repairable goods, except those qualifying as a controlled waste or banned landfill waste;
13. Pet faeces, including litter box filler (kitty litter);
14. Personal hygiene products including, without limitation:
  - (1) diapers and wipes;
  - (2) feminine sanitary products;
  - (3) incontinence products;
15. Vacuum cleaner bags and contents
16. Any other item identified by the Designated Officer from time to time.

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## **SCHEDULE "G"** **UNSORTED LOAD FEES**

<b>Unsorted Multi-customer Loads</b> (including but not limited to front-load trucks)		
	Tipping Fee	Application Date
Loads containing controlled or banned materials that exceed 50% of the total load	Per Fees and Charges Bylaw	April 1, 2017
Loads containing controlled or banned materials that exceed 25% of the total load	Per Fees and Charges Bylaw	April 1, 2018
Loads containing controlled or banned materials that exceed 10% of the total load	Per Fees and Charges Bylaw	April 1, 2019

  

<b>Unsorted Loads from Single-source Customers</b> (including but not limited to roll-off trucks)		
	Tipping Fee	Application Date
Loads containing controlled or banned materials that exceed 10% of the total load	Per Fees and Charges Bylaw	April 1, 2017

  

<b>Per item tipping fee on all sorted loads</b> (Fee applies to each item in addition to regular tipping fees)		
	Tipping Fee	Application Date
<b>Loads containing any appliance with Freon, electronic waste, hazardous waste, or tires</b>	Per Fees and Charges Bylaw	April 1, 2019

*(Schedule "G" added by Bylaw 2016-48 passed 2016-11-28)*