

DISTRICT OF 100 MILE HOUSE

Bylaw No. 1284

A bylaw to provide for the management of solid waste and recyclables.

The Council of the District of 100 Mile House in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as ***“Solid Waste and Recyclables Regulation Bylaw No. 1284 2015.”***

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

“APARTMENT” means a building which is, or is intended to be occupied as habitation or place of residence by more than two families living independently of one another;

“ASHES” means and include any cinders and remains of any fuel after such fuel has been consumed by fire;

“AUTOMATED COLLECTION” means the collection of garbage and recyclable materials using a specially designed vehicle with a mechanical apparatus which empties a garbage container or recycling container directly into the vehicle without requiring manual labour to empty the *garbage container* or *recycling container*;

“COMMERCIAL REGULATION GARBAGE RECEPTACLE” or **“TRADE WASTE CONTAINER”** means a receptacle of fire-proof and vermin-proof material fitted with a lid which covers the entire top and shall be securely fastened in such a manner that the contents cannot overflow or escape. Must have a minimum capacity of 2 cubic yards and capable of being unloaded mechanically;

“CONTRACTOR” means a company or entity contracted by the District to collect and dispose of garbage and recyclable materials under terms and conditions prescribed in this Bylaw;

“DWELLING UNIT” means one self-contained unit designed for year-round occupancy by one (1) family, and the principal use of such dwelling is residential, with the complete living facilities for one (1) or more persons, and containing only one (1) complete set of cooking facilities, but shall not include hotel, motel, or other living units operated for transient occupancy;

“GARBAGE” means any discarded materials resulting from day-to-day operations of a residential household, but does not include noxious, offensive, or unwholesome matter or any recyclable material, trade waste, or any waste prohibited by this Bylaw;

“GARBAGE CONTAINER” means a receptacle for the automated collection of garbage, with a black coloured lid, supplied to the parcel by the Contractor, with a holding capacity of 240 Litres;

“HAZARDOUS MATERIAL” means gaseous, liquid and solid waste which, because of its inherent nature and quantity, requires special disposal techniques to avoid creating health hazards, nuisances or environmental pollution. Hazardous wastes are toxins or poisons, corrosives, irritants, strong sensitizers, flammables, explosives, infectious wastes, condemned foods and asbestos, sharps (hypodermic needles, ext.), animal excrement, soiled diapers and used personal hygiene products. Flammable wastes exclude plastics, paper, paper products and the like;

“MANAGER” means the Director of Community Services or his/her delegate.

“NOXIOUS, OFFENSIVE, OR UNWHOLESOME MATTER” means any offensive, volatile, dangerous or hazardous material or material which may be germ or vermin infested, have an offensive odour, be explosive in itself or when mixed with other substances or be injurious to the health of a person handling it, or injurious to vehicles containing it and, without limiting the generality of the foregoing, includes acids, combustible material, animal excrement and similar matter;

“OCCUPIER” means any person occupying any dwelling, habitation, place of residence or trade premise but does not include a boarder, roomer or lodger therein;

“OWNER” means the person, persons, or entity which legally owns a dwelling unit, strata lot or manufactured home in which garbage and recyclable materials are collected within the District of 100 Mile House;

“RECYCLING CONTAINER” means a receptacle for the automated collection for recyclable materials, with a blue coloured lid, supplied to a parcel by the Contractor with a holding capacity of 240 Litres;

“RECYCLING MATERIALS” means, subject to section 8 of this Bylaw, mixed paper, tin and metal cans, plastics labelled one (1) through seven (7), and all types of cardboard including corrugated cardboard;

“REFUSE” means and includes all garbage, trade waste, rubbish and ashes and excludes animal carcasses and hides.

“TRADE PREMISES” means any premises occupied and used as other than a dwelling unit, except churches; and

“TRADE WASTE” shall mean refuse and accumulation of waste and abandoned materials resulting from the operation of a trade or business.

3. ESTABLISHMENT OF SOLID WASTE SYSTEM

The District hereby establishes a system for the collection and removal of garbage and recyclable materials as set out in this Bylaw.

4. MANDATORY SERVICE

Subject to Sections 5 and 6(n) of this Bylaw, every owner of a dwelling unit, trade premises, strata lot, apartment building, hotel, motel, auto court, trailer park or mobile home park within the District of 100 Mile House shall use the solid waste disposal system established by this Bylaw and shall comply with the rules and regulations set out within this Bylaw.

5. EXEMPTION FROM AUTOMATED COLLECTION

Where an owner is unable to comply with section 4 of this Bylaw, that owner may make a written application to the manager for an exemption from section 4 of this Bylaw. If the manager is satisfied, in his or her sole discretion, that the owner is unable to comply with this Bylaw, then a special designation will be made under conditions and terms set out by the manager in relation to the service. On receiving evidence that an exemption is no longer necessary, or in any case on an annual basis, the manager may review the matter and suspend or cancel the designation or amend the conditions and terms applicable to the exemption, as appropriate in the circumstances.

6. RESIDENTIAL COLLECTION

- a) Subject to sections 5 and 6(n) of this Bylaw, the Contractor shall issue one (1) garbage container and (1) recycling container to each dwelling unit, duplex, triplex, and four-plex in existence as at the date of adoption of this Bylaw.
- b) Each garbage container and recycling container issued by the Contractor shall have a corresponding serial number.
- c) Each garbage container and recycling container issued by the Contractor shall be for the use of and shall remain with the parcel to which it was originally issued.

- d) An owner must not remove a garbage container or recycling container from the parcel to which the container was originally issued.
- e) Owners shall keep garbage containers and recycling containers in a sanitary condition and in good order.
- f) Owners shall take steps to secure their garbage container and recycling container against theft or damage and shall promptly notify the Contractor if a garbage container or recycling container is lost, damaged or stolen.
- g) Property owners shall be responsible for any damaged or lost garbage containers or recycling containers issued to their parcel.
- h) Property owners shall be responsible for payment of all rates for garbage services for properties owned by them.
- i) Automated garbage and recycling collection services provided by the Contractor shall be on a weekly basis for garbage collection and a bi-weekly basis for recycling collection.
- j) The frequency and provision of the automated collection services under section 7(i) above is subject to change from time to time at the District's discretion. The District reserves the right to make changes to collection days by providing the owner with at least sixty (60) days notice.
- k) Owners shall place their garbage containers and recycling containers no later than 7:00 am on the allocated day of collection and shall remove their garbage containers and recycling containers the same day as collection.
- l) On the collection day, owners shall place garbage containers and recycling containers with wheels against the curb, with spacing between containers of three (3) to four (4) feet. In the event a curb is not present, garbage containers and recycling containers are to be placed on the edge of the roadway.
- m) Access to garbage containers and recycling containers shall be free from debris, snow, or other substances or structures that would impede collection of containers.
- n) Despite any other provision in this Bylaw, where the manager may consider that a parcel cannot be safely or efficiently serviced using the Contractor's existing vehicles and equipment, the manager may exclude the parcel from servicing under this Bylaw and upon notice to the owner of the parcel, the parcel is not permitted or required to receive the District's garbage or recyclable materials disposal services either permanently or for a temporary period described in the notice. Responsibility for disposal of garbage during discontinuance of service as aforesaid shall rest with the owner or occupier.

7. Prohibited Waste

No person shall place any of the following materials in a garbage container or recycling container for collection:

- (a) Explosives;
- (b) Raw sewage or septic tank sludge;
- (c) Highly flammable materials;
- (d) Noxious, offensive, or unwholesome matter;
- (e) Oversized items of any kind that do not allow for proper closure of both garbage containers and recycling containers;
- (f) Dead animals;
- (g) Demolition or construction waste;
- (h) Trade waste; or
- (i) All liquids.

8. Recyclable Materials

Items that may be placed in recycling containers are as follows;

- (a) Paper;
 - a. Includes newspapers, magazines, office paper, catalogues
- (b) Paper Packaging (dry items);
 - a. Includes corrugated cardboard boxes, paper bags, boxboard
- (c) Paper Packaging (liquids);
 - a. Includes paper cups, gable top cartons, frozen dessert boxes
- (d) Metal cans and lids;
 - a. Includes empty aerosol cans and caps, steel cans
- (e) Aluminum containers;
 - a. Includes aluminum cans and lids, aluminum foil containers, spiral wound cans
- (f) Plastic containers;
 - a. Includes plastic jugs with screw tops, plastic bottles and caps, plastic clamshells, plastic tubs and trays, plastic pails

The definition of recyclable materials may change from time to time at the District's sole discretion.

9. COMMERCIAL COLLECTION

- a) Every owner or occupier of a trade premises having trade waste in excess of a residential regulation garbage container (240Litres) per week will be required to use commercial regulation garbage receptacles.

- b) The Contractor shall provide commercial regulation garbage receptacles for collection of trade waste from trade premise, apartment buildings, hotels/motels/auto court, strata lots with more than 4 units, trailer parks and mobile home parks and like institutions. The number of receptacles and pickups per week shall be determined in consultation with the Garbage Collector, with the final decision being that of the District.
- c) The location and placement of trade waste containers shall be mutually agreed upon, with the final decision being that of the District.
- d) All commercial regulation garbage receptacles shall be accessible, collected and removed from trade premises, apartment buildings, hotels/motels/auto courts, strata lots, mobile home and trailer parks, and like institutions at such periods as the Contractor may establish with a minimum of one (1) monthly pickup. All trade waste shall be placed in the receptacle by 7:00 a.m. on all designated collection days.
- e) There shall be no parking allowed within the designated area of the commercial regulation garbage receptacles so as to facilitate removal of trade waste.
- f) All pickup locations shall be approved by the District. Any premise not complying with this regulation may be subject to discontinuance of service.

10. ACCUMULATION OF OBJECTIONABLE GARBAGE PROHIBITED

No person shall suffer or permit within the Municipality, the collection or accumulation upon his/her premises or upon lands or premises occupied by him/her or under his/her control, or deposit or permit the deposit upon any lands belonging to him/her or in his/her occupation, offensive or unwholesome matters of substance and the owners or occupier of real property or their agents shall remove therefrom any accumulation of filth, discarded materials or rubbish of any kind and in default of such removal, the District, by its workers and others, may enter and effect such removal at the expense of the person so defaulting and the charges for doing, if unpaid on the 31st day of December in the year of such removal, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrear.

11. CHARGES FOR COLLECTION

- a) The annual charges for collection of residential garbage and recycling will be determined by way of a tax levy. This levy will be imposed on all properties assessed as "Class 1-Residential" by BC Assessment Authority and who are in possession of a garbage container and recycling container and will appear as a charge together with the annual property tax notice.
- b) Trade Waste Container rental and pick up fees as supplied by the Contractor, will be invoiced to the property owner by the Contractor on a monthly basis, and paid directly to the Contractor.

12. GARBAGE COLLECTOR

It shall be the duty of the garbage collector to provide the following services:

- a) To collect all garbage, recyclables and trade waste.
- b) To report to the Director of Community Services any violation of this bylaw by persons within the District.
- c) Clean up any collectible garbage spilled or scattered during collection operations.
- d) Ensure persons employed for the collection of garbage act in a courteous and disciplined manner.
- e) Have a central dispatch office equipped with a telephone capable of receiving orders or complaints during ordinary office hours.
- f) Answer all complaints courteously and promptly.
- g) Respect private property.
- h) Provide garbage collection vehicles of substantial construction, which shall be equipped with sufficient covers.
- i) Ensure garbage vehicles are washed and cleaned and disinfected to such a degree and at such intervals as will meet the requirements of the Public Health Inspector at all times.
- j) Have all garbage collection equipment accessible to the Public Health Inspector at all reasonable times.
- k) Ensure that garbage collection vehicles do not interfere needlessly with traffic and that such vehicles are not left standing unnecessarily on any street.
- l) Abide by all Federal, Provincial and local laws and requirements.

13. NON-COLLECTION OF GARBAGE AND/OR RECYCLABLE MATERIALS

- a) The District or its contractor, as applicable, need not collect all or any garbage or recyclable materials from a parcel if the owner has not complied with this Bylaw.
- b) Non-collection of garbage and recyclable materials shall be at the discretion of the District or its contractor, as applicable, and if garbage and recyclable materials are not picked up, a written explanation will be placed on the applicable container.
- c) Without limiting the generality of section 13(a) or 13(b) above, garbage and recyclable materials may not be collected for the following reasons;
 - i) Excess garbage placed beside container,
 - ii) Container lid not completely closed,
 - iii) Improper placement of container(s),
 - iv) Contaminants in recycling containers (ie: prohibited recyclable materials including those which are not listed in section 8 of this bylaw),
 - v) Parked vehicle(s) prohibited collection,
 - vi) Snow, ice, debris or other substances or structures impeding collection, or

- vii) Noxious, offensive or unwholesome matter is placed in the containers.
- d) Owners whose garbage containers and/or recycling containers are not collected for reasons outlined in sections 13 (a) (b) or (c) above will be responsible for the disposal of both garbage and recyclable materials for that collection period.
- e) Neither the District or its contractor, will be liable for any damages suffered or costs incurred by any person by reason of the failure of the District or its contractor to supply the services set out in this Bylaw.
- f) No person will be relieved of the obligation to observe the requirements of all federal, provincial and local government laws by reason of services provided by the District pursuant to this Bylaw..
- g) All garbage containers and recycling containers must be made accessible for inspection upon the request of the manager.

14. ENFORCEMENT

- a) Every person who contravenes any provision of this Bylaw is guilty of an offence under the BC Offence Act and is liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1,000), and costs for every offence and in default of payment thereof, to imprisonment for a period not exceeding thirty (30) days, and each day that the owner or occupier fails to comply shall be deemed a separate offence.
- b) This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of Section 264 of the *Community Charter*.
- c) Pursuant to Section 264(1)(b) of the *Community Charter*, Bylaw Enforcement Officers are designated to enforce this bylaw.
- d) No person shall interfere with or obstruct the Bylaw Enforcement Officer or any person acting in the conduct of administration or enforcement of this Bylaw.

15. ENTRY

The Bylaw Enforcement Officer is hereby authorized, in accordance with section 16 of the *Community Charter*, to enter, at any reasonable time, onto property in the course of enforcing this bylaw in order to ascertain whether the regulations of this bylaw are being observed.

16. SEVERANCE

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

17. REPEAL

That "District of 100 Mile House Garbage Regulation and Rates Bylaw No. 1238, 2012" is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME this 25 day of August, 2015.

ADOPTED this 29 day of September, 2015.

Mayor

Corporate Officer