



BYLAW NO. 1472, 2020

A bylaw to provide for the management of Solid Waste in the District of Hope

WHEREAS under the *Community Charter S.B.C. c26* authorizes Council to regulate, prohibit and impose requirements in relation to municipal services;

AND WHEREAS, Council considers it desirable to regulate solid waste services in the District of Hope to the extent provided herein;

NOW THEREFORE the Council of the District of Hope, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited as the ***District of Hope Solid Waste Management Bylaw No. 1472, 2020.***

2. DEFINITIONS

In this bylaw

“attractant” means any substance which could reasonably be expected to attract wildlife or does attract wildlife including but not limited to *garbage, organics*, beverage containers, barbecue grills, pet food, bird feed, diapers, grease barrels, fruit, salt, oil and other petroleum products and chemical products;

“Building Inspector” means a person appointed or authorized by the Council as a Building Inspector for the District of Hope;

“Bylaw Enforcement Officer” means the person or persons appointed by Council as Bylaw Enforcement Officer pursuant to the *Police Act* and *Community Charter*;

“collection cart(s)” means a solid waste container for semi-automated collection that is owned by the *waste hauler* and loaned to a *premises* that receives curbside collection as described in section 4.

“collection crew” means any District employees and other persons authorized by the District to provide services under this bylaw;

“contamination” means the presence of hazardous waste or prohibited material, or mixing of any two or more of the following items or materials:

- a) recyclable materials
- b) garbage
- c) organics

“construction and demolition waste” means all earth, debris, rocks, trees, stumps, building materials and anything else originating from the construction or demolition of buildings and structures;

“Director of Operations” means the person holding the title “Director of Operations” at the District of Hope, or his/her designate;

“district” means the District of Hope;

“dwelling unit” means one or more rooms forming a single unit that is used or intended to be used as a residence and contains cooking, eating, sleeping, and sanitary facilities;

“garbage” means waste other than organics and recyclables but shall not include special waste, construction, demolition or land clearing waste, human or animal feces, animal carcasses or their parts, car parts, furniture, and other items the Director of Operations or designate considers hazardous or unacceptable to the District’s collection and disposal system;

“grandparent” means a person who is the grandparent of the owner, who is related by blood, marriage or adoption;

“green waste” means weeds, plants, leaves, ashes, sawdust, grass, hedge and plant clippings, twigs; branches 3” or less in diameter and less than 40 inches long and may include Christmas trees free of tinsel and chemical sprays, cut to suit; but does not include land clearing waste;

“industrial, commercial, institutional (I.C.I.) unit” means any building or part thereof used for a distinct and separate industrial, commercial or institutional use;

“invasive plants” means any invasive plant species that has the potential to pose undesirable or detrimental impacts on people, animals or ecosystems as defined by the Invasive Species Council of British Columbia;

“land clearing waste” means all earth, debris, rocks, trees, stumps and anything else originating from clearing land, landscaping or renovation activities;

“multi-family building” means a building or part of a building used or intended to be used for three or more dwelling units, excluding townhouses;

“occupier” means the person residing at the premises;

“organic waste” means material that can be composted or digested, including the following:

- food waste including meat, fish, seafood, bones, grain products (bread/pasta/baked goods), salad, salad dressing, coffee grounds, dairy products, eggs, egg shells, fruits, vegetables, nuts, nutshells, on-liquid fats, butter, mayonnaise, and other condiments;

- food soiled paper including paper that has been soiled by or co-mingled with food residue, compostable paper packaging, paper plates, carbon paper, facial tissue, paper napkins or paper towels;
- plant waste including grass clippings, moss, tree trimmings and branches, leaves, plants, flowers, weeds, bark mulch, but excluding agricultural wasteland
- single-use wooden food utensils including toothpicks, popsicle sticks, stir sticks, skewers and chop sticks.

“**parent**” means a person who is the father or mother of the owner, who is related by blood, marriage or adoption;

“**person**” includes an individual, corporation or partnership;

“**premises**” means a dwelling unit, multi-family building, townhouse or I.C.I. unit;

“**principal residence**” means the usual place where an individual makes his or her home and to which, whenever absent, the individual intends to return and, for clarity, no one can maintain two principal residences;

“**receptacle(s)**” means a plastic container for glass packaging that is owned by the *waste hauler* and loaned to a *premises* that receives curbside collection as described in section 4.

“**recyclable materials**” include paper & cardboard, plastics and metals and other items determined by the Director of Operations from time to time based on the District’s recycling program;

“**scavenge**” means to separate or remove, without authorization from the Director of Operations, materials from solid waste which has been set out for collection;

“**semi-automated collection**” means the collection of solid waste using a specially designed vehicle with mechanical apparatus which empties a collection cart directly into the vehicle without requiring manual labour to tip the cart;

“**solid waste**” means garbage, organics and recyclables;

“**special waste**” includes hazardous wastes, asbestos containing material, pathological wastes, explosives, radio-active material, security wastes, confidential documents, negotiable papers, medical wastes, and includes all wastes resulting from any industrial or manufacturing operations, the construction or demolition of buildings and structures, abandoned vehicles and parts thereof, dead animals, and all animal parts and agricultural wastes and any hazardous waste, or other prescribed substance, under contaminated sites legislation in the Province of British Columbia;

“**suite**” means a dwelling unit that is ancillary and subordinate to another dwelling unit, such as a basement or attic suite;

“**townhouse(s)**” means a building or buildings containing three or more strata –titled dwelling units, where each unit has a separate entrance at first–story level;

“transfer station” means the District of Hope Transfer Station located at 22970 Trans Canada Highway, Hope, British Columbia

“waste hauler” means Valley Waste And Recycling Inc;

“wildlife” means birds and any mammals not normally domesticated, including but not limited to bears, cougars, coyotes, wolves, foxes, raccoons and skunks;

“wildlife resistant container” means a solid waste container and device whose material and construction is of sufficient strength and design so as to prevent access by wildlife during storage. On a case by case basis, an additional latch or lid restraining device may be required to qualify the container as wildlife resistant.

“wildlife resistant enclosure” means a fully enclosed structure consisting of walls, roof and door(s) of sufficient design and strength so as to prevent access by wildlife, and for clarity, includes a garage, shed, or other structure that is inaccessible to wildlife.

3. COLLECTION AND DISPOSAL SYSTEM

3.1 Every owner and occupier of premises shall make use of the solid waste disposal services provided by the District under section 4.1.

3.2 Every premises notwithstanding the foregoing, if the Director of Operations considers that a parcel cannot be safely, efficiently and legally serviced, the Director of Operations shall exclude that parcel from servicing under this bylaw and, upon notice to the owner of the parcel, the parcel will not be permitted or required to receive the District’s solid waste services.

4. DISTRICT SERVICES

4.1 The District shall provide the following services by way of collection to each premises under section 3.1:

- a) garbage collection every other week;
- b) recyclable material and glass collection every other week;
- c) organics and green waste collection, weekly; and,
- d) solid waste collection services for multi-family and ICI at such frequencies and times as determined by the Director of Operations.

4.2 Notwithstanding the charges for service pursuant to Section 5, the District shall loan to the parcel, upon the parcel initially becoming serviced under section, 4.1, as applicable:

- a) one - 240L garbage collection cart, one - 240L organics/green waste collection cart one - 240L recyclable material collection cart and one glass receptacle for a parcel containing one dwelling unit;
- b) two - 240L garbage collection carts, two - 240L organics/green waste collection carts two - 240 L recyclable material collection carts and two glass receptacles for a parcel containing two dwelling units;
- c) for multi-family and ICI buildings, a sufficient number of collection carts and receptacles to contain the volume of waste generated on the parcel. This can be a combination of carts, receptacles, and commercial containers.

d) townhouses may choose similar services as set out in 4.2 a) or as specified under 4.2 c).

4.3 The frequency of the provision of the collection services under section 4.1 is subject to change from time to time, as determined by the Director of Operations.

4.4 Subject to section 4.5, the District's collection services under section 4.1 shall be limited to the applicable number and size of collection carts, receptacles and commercial containers supplied.

4.5 An owner of a parcel containing one or two dwelling units, representatives of multi-family buildings or I.C.I units receiving services under this bylaw, may from time to time request in writing to the Director of Operations (by completing the Application for Service Level Change) that the District increase the number of collection carts or commercial containers to be collected under section 4.2 or limited by section 8.2 or 8.3. The owner of the dwelling unit or representative of multi-family buildings or I.C.I units shall pay the applicable fee with respect to the increased number of carts or commercial containers to be collected. Any approved increase in the number of Collection Carts or Receptacles is valid for a minimum of one year from the date of approval unless there has been a change of ownership or tenancy for the parcel.

The Director of Operations may accept the application if satisfied that the parcel can be safely, efficiently and legally serviced by the District's Waste Hauler.

4.6 An owner of a parcel may request in writing to the Director of Operations (by completing the Application for Service Level Change) a reduction in number of collection carts to be collected under section 4.2, provided that the level of service may not be reduced below the minimum levels. The owner of the dwelling unit or representative of multi-family buildings or I.C.I units shall pay the applicable fee with respect to the decreased number of carts or commercial containers to be collected. An application for Service Level Change for a reduction in Collection Carts or Receptacles must be made prior to December 31 in a calendar year unless there has been a change in ownership or tenancy for the parcel.

4.7 Where an occupier is physically challenged and unable to comply with section 6.1 (g) and (h) and does not have an able-bodied person assisting with their household activities, the individual may apply to the Director of Operations for assistance from the District in performing such obligations. If the Director of Operations is satisfied that the individual requires such assistance, then a special designation shall be made under conditions and terms set out by the Director of Operations to alert the collection crew to provide the service, until such time as the Director of Operations cancels such service, at his or her discretion. Application is to be made by completing the Application for Setout/Setback Service. If the Director of Operations considers it necessary, the Director may require that the applicant provide proof of the physical challenge from a physician by completing the Supplemental Form for Physically Challenged Persons. As a condition of service under this section, on collection day, the occupier shall ensure that collection carts are at all times freely accessible and not enclosed within any buildings or gated area. The District is not responsible for any property damage as a result of executing this service.

5. CHARGES FOR SERVICE

5.1 The rates and fees set out in *Schedule L* of the *Fees and Charges Bylaw* are payable by the owners of a parcel for services provided to each parcel under this bylaw. Such rates are payable whether or not:

- a) the units on a parcel are occupied; or
- b) any owner or occupier of a parcel makes use of any of the Services-

5.2 Fees may be waived at the sole discretion of the District for service interruptions resulting from extenuating circumstances. In such cases, the responsibility to suspend services and notify the District is the responsibility of the owner of the Premises.

5.3 Upon issuance of an occupancy permit or approval achieved through the authority of the Building Inspector for a building that will be serviced under this bylaw, the owner of the subject parcel shall pay the appropriate fees under *Schedule L* of the *Fees and Charges Bylaw* prorated from the date of the occupancy permit.

5.4 Where a parcel contains two dwelling units and one of the dwelling units is the owner's principal residence, the parcel shall be considered to contain one dwelling unit provided:

- a) the other dwelling unit is occupied by a caregiver who is providing extensive physical assistance to an owner or a spouse or child of an owner who resides in the other dwelling unit; or
- b) the other dwelling unit will not and is not occupied or rented at any time during a calendar year; or
- c) the other dwelling unit is decommissioned by the property owner(s) and a letter of commitment from the property owner(s) is provided to the District affirming completion of the works required to satisfy decommissioning; and
- d) the owner(s) completes the Application for Suite Exemption Form and, if applicable under section 5.3(a), the Supplementary Disability Form for Suite Exemption.

5.5 Where a parcel contains two dwelling units and one of the dwelling units is the owner's principal residence, and the other dwelling unit is occupied by the parent(s) or grandparent(s) of the owner, the owner may be granted an exemption of 50% of the levy for the other dwelling unit, by completing the Application for Suite Exemption Form.

5.6 In the case of section 5.3 or 5.4, the Director of Operations may require a physical inspection of the premises by a Bylaw Enforcement Officer of the District.

5.7 If, despite the submission of the declarations required under section 5.3, a parcel ceases to meet any of the requirements under section 5.3, the parcel shall be treated as a parcel containing two dwelling units under this bylaw.

5.8 An owner shall immediately notify the District of any occurrence triggering section 5.6.

5.9 Where a residential parcel containing either one or two dwellings also contains a home based business, service or other non-residential operation, the residential portion of the parcel shall be charged according to either the One Dwelling or Two Dwelling fee model as appropriate. In addition, the non-residential portion of this parcel may request in writing to receive service and be billed as an I.C.I unit.

5.10 All rates and fees imposed under this bylaw may be collected in the same manner and with the same remedies as ordinary taxes on land and improvements under the *Local Government Act, Community Charter* or other legislation governing taxation by the District.

6. DUTIES OF OWNERS AND OCCUPIERS

6.1 Every Owner or Occupier of a Parcel that receives Solid Waste Services from the District shall:

- a) keep on the Parcel at all times all Collection Carts and Receptacles loaned to the parcel;
- b) place all solid waste intended for collection in Collection Carts;
- c) separate solid waste for collection into appropriate Collection Carts as designated;
- d) notify the Waste Hauler if a Collection Cart or Receptacle is damaged or stolen;
- e) maintain all Collection Carts and Receptacles supplied to the Parcel in a clean and sanitary condition at all times;
- f) maintain all Collection Carts as received without modifying the carts or their components;
- g) on collection day, the Collection Carts must be placed on the driveway of the parcels near as possible to the travelled portion of the road no earlier than 4:30 a.m. and no later than 7:00 a.m. and ensure that the Collection Carts do not impeded pedestrian traffic. Collection carts placed out for collection after 7:00 a.m. and after the Waste Hauler has passed the Premesis, will not be collected until the next scheduled collection day;
- h) ensure that all Collection Carts are returned to their storage area by no later than 9:00 p.m. on collection day. Should collection be delayed, carts may remain at the curb beyond this time, subject to instructions from the District;
- i) shall ensure that all latching devices on wildlife resistant containers are re-locked by 9:00 p.m. on collection day and kept locked until the following designated collection day;
- j) shall ensure all garbage and organics/green waste collection carts are stored in wildlife resistant enclosures or the carts are made wildlife resistant as defined in this bylaw;
- k) take steps to secure their Collection Carts against theft or damage. If a Collection Cart is stolen or damaged due to the neglect of an Owner or Occupier, reimburse the District for the cost of replacing or repairing the cart within 30 days of receiving an invoice;
- l) ensure that all assigned Collection Carts are accessible for inspection by the District;
- m) keep the Collection Carts supplied to the Parcel with the lid securely closed and latched where applicable, except to deposit waste or allow for collection and disposal;

- n) ensure that only solid waste eligible for regular disposal is deposited in the Garbage Collection Cart;
- o) ensure that only accepted Recyclable Materials are deposited in the Recyclable Materials Collection Cart and that such materials are clean and dry;
- p) ensure that only Organic Waste and Green Waste is deposited in the Organic Waste/Green Waste Collection Cart;
- q) ensure that solid waste has been drained of all liquid and that waste such as ashes, sawdust and other such items are separately contained within the cart;
- r) set out only the amount of waste that will fit into a Collection Cart with the lid closed and so as not to exceed the weight limit specified on the cart;
- s) dispose of excessive solid waste to the appropriate waste facility;
- t) clean up spillage originating from Collection Carts;
- u) no Owner, Occupier, or other person shall keep any Attractant on their premises in such manner as to be accessible to Wildlife.

6.2 Where the owner or occupier of a parcel that receives District's solid waste services has not complied with any part of section 6.1 or other relevant sections contained in this bylaw, the District may at its discretion refuse to collect any or all solid waste from that parcel.

7. ACCESS TO PARCEL AND COLLECTION CARTS

7.1 The District's Bylaw Enforcement Officer(s) are hereby authorized to enter upon at all reasonable times any parcel for the purposes of ascertaining whether the provisions of this bylaw are being complied with.

7.2 The District's Bylaw Enforcement Officer may enter onto property if Wildlife poses a threat.

7.3 No person shall delay, hinder or obstruct, an officer, employee or agent of the District in the exercise of the performance of their duties or functions.

8. SUFFICIENT NUMBER OF COLLECTION CARTS

8.1 Every owner of a parcel that receives services under this bylaw shall ensure, by making a request under section 4.5, that a sufficient number of Collection Carts are supplied to the parcel to contain all the solid waste generated by or on the parcel.

8.2 The minimum number of receptacles for a one-dwelling residential parcel is one 240L Garbage Cart, one 240L Recycling Cart, one 240L Organics Cart and one glass container. A cart limit of 2 carts per waste stream is applied per parcel.

8.3 The minimum number of receptacles for a two-dwelling unit is two 240L Garbage Carts, two 240L Recycling Carts, two 240L Organics Carts and two glass receptacles. A cart limit of 2 carts per waste stream is applied per parcel.

9. TRANSFER STATION

9.1 No person may deliver any of the following for disposal at the Transfer Station unless authorized by the Director of Operations. If authorized, the applicable fees as set out in *Schedule L* of the *Fees and Charges Bylaw* may be applied.

- (a) semi-solid or liquid waste including but not limited to raw sewage, septic tank sludge, waste water sludge, parking lot pumping or grease trappings;
- (b) loose soils or rocks;
- (c) wood or tree limbs over 360 millimetres in diameter;
- (d) Special Waste or soil contaminated with Special Waste;
- (e) flammable, combustible or oxidizing materials;
- (f) materials that are on fire or above a temperature of 65.5 C;
- (g) any explosive substance, object or mechanism;
- (h) animal waste, carcasses, offal or viscera excluding loads containing mixed manure and used animal bedding;
- (i) wood treated with creosote or petroleum derivatives, etc.;
- (j) Invasive Plants requiring special disposal, unless authorized by the Director of Operations in advance.

9.2 No person shall collect, take, remove, salvage or convert to their own use Garbage, Recyclable Materials, Green Waste, Organic Waste, discarded matter or any other material from the Transfer Station, unless the person is:

- (a) the person who initially placed the material for collection;
- (b) an employee or agent of the District, or,
- (c) an employee or member of an organization or corporation, which has been duly authorized by the District to carry out the collection of Garbage, Recyclable Materials and Organic/Green Waste in the District.

9.3 No person shall deposit, or cause or allow to be deposited, any Garbage, Organic Waste, refuse or other discarded matter at the Transfer Station.

- (a) without paying the applicable fees as set out in *Schedule L of the Fees and Charges Bylaw*.
- (b) except as directed by an employee, agent or contractor of the District and in an area specified and marked by signs; or

9.4 No person shall trespass or loiter in or upon the Transfer Station, or park a vehicle at the Transfer Station except in the course of disposing of waste.

9.5 No person being the owner of, or in care and control of, any animal shall allow the animal in or upon the Transfer Station unless the animal is confined within a motor vehicle.

10. GENERAL PROHIBITIONS

10.1 No person other than an owner or occupier of a parcel to whom a Collection Cart has been issued, or a collection crew, shall open the cover from the said Collection Cart or remove or disturb the said Collection Cart or the contents thereof.

10.2 No person shall scavenge solid waste from a Collection Cart or Receptacle.

11. PROVISION OF SERVICES

11.1 The District may provide the services to be provided under this bylaw by its own forces or through contractors or any combination thereof.

12. ENFORCEMENT

12.1 The Bylaw Enforcement Officer(s) or RCMP may give notice to any person ordering or directing that person to:

- (a) discontinue or refrain from proceeding with any work or using or occupying any land or building or doing anything that contravenes this bylaw; or
- (b) carry out any work or do anything to bring any land or building into conformity with this bylaw;

within the time specified in such notice.

12.2 The Bylaw Enforcement Officer or RCMP may serve a notice under this bylaw:

- (a) by mailing it, by registered post, to an owner who is the addressee of the notice at the address of the owner shown on the real-property assessment roll prepared pursuant to the *Assessment Act*;
- (b) by handing it to the person who is the addressee of the notice; or
- (c) if the notice refers to real property, by posting it on the real property.

13. OFFENCE AND PENALTIES

13.1 Notwithstanding the offence and penalties as provided under the *Community Charter* or *Local Government Act*, the following will apply:

- (a) a violation of any of the provisions identified in this bylaw will result in liability for penalties and late payment amounts established in the *District's Bylaw Notice Enforcement Bylaw* and *Municipal Ticket Information Bylaw*;
- (b) a violation of any of the provisions identified in this bylaw will be subject to the procedures, restrictions, limits, obligations and rights established in the *Bylaw Notice Enforcement Bylaw*, in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c. 60*;
- (c) a person who:
 - i. contravenes, violates or fails to comply with any provision of this bylaw;
 - ii. suffers or allows any act or thing to be done in contravention or violation of this bylaw; or
 - iii. fails or neglects to do anything required to be done under this bylaw,is deemed to have committed an infraction of, or an offence against, this bylaw; and is liable on summary conviction to a fine of not more than Five Thousand Dollars (\$5,000.00); and
- (d) each day such infraction is caused, or allowed to continue, constitutes a separate offence.

14. SEVERABILITY

14.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

15. REPEAL

15.1 That *Solid Waste Collection and Disposal Bylaw No. 8/91*, and all amendments thereto, are hereby repealed.

Read for a first, second and third time this 22nd day of June, 2020.

Adopted this 22nd day of June, 2020.

Original Signed by Peter Robb

Mayor

Original Signed by Donna Bellingham

Director of Corporate Services