

**VILLAGE OF FRUITVALE
SPECIAL COUNCIL MEETING AGENDA
Council Chambers
MONDAY, FEBRUARY 24, 2020**

A. CALL TO ORDER - 12:45 PM

B. PURPOSE OF THE MEETING

To adopt Wastewater System User Rates and Fees Bylaw 915, 2020 and Solid Waste Control Bylaw 916, 2020

C. ADOPTION OF AGENDA

RECOMMENDATION: THAT the agenda be adopted as presented.

D. BUSINESS AT HAND

- a) Wastewater System User Rates and Fees Bylaw No. 915, 2020 - Reconsideration and Adoption

RECOMMENDATION: THAT the Wastewater System User Rates and Fees Bylaw No. 915, 2020 be reconsidered and finally adopted.

- b) Solid Waste Control Bylaw No. 916, 2020 - Reconsideration and Adoption

RECOMMENDATION: THAT Solid Waste Control Bylaw No. 916, 2020 be reconsidered and finally adopted.

E. ADJOURNMENT

RECOMMENDATION: THAT the meeting adjourn at 12:50 pm.



THE CORPORATION OF THE VILLAGE OF FRUITVALE

BYLAW NO. 915, 2020

A By-law to impose a charge against the owner or occupier
of real property for the use of the Village of Fruitvale Wastewater System

WHEREAS it is deemed expedient and necessary to impose and levy a fee to meet the costs of works and services to the Wastewater System;

AND WHEREAS municipalities are authorized under the *Community Charter*, Part 7 *Revenue*, Division 2 *Fees*, Section 194 *Municipal Fees* (http://www.bclaws.ca/civix/document/id/complete/statreg/03026_07) to impose fees and vary rates thereon for municipal services;

NOW THEREFORE the Council of the Corporation of the Village of Fruitvale, in open meeting assembled, enacts as follows:

1. THAT a wastewater system user fee shall be charged against the owner or occupier of land or real property where a sewer or drain connection has been installed to the property;
2. THAT the said wastewater system user fee shall be varied in accordance with the nature and use of the premises served. Schedule "A", attached hereto and forming part of this bylaw, sets out the wastewater system user fees and rates applicable in the Village of Fruitvale;
3. THAT the Collector of the Corporation of the Village of Fruitvale shall, when making out the roll of rates and taxes payable to the Village, make a separate roll of the wastewater system user fees due for the use of the said common sanitary sewer system in the Village of Fruitvale, and cause such roll to be placed in the hands of the Municipal Collector;
4. THAT the said wastewater system user fees and rates shall be levied and imposed as set out in Schedule "A" attached hereto and forming part of this bylaw;
5. THAT the said wastewater system user fees and rates shall be due and payable as set out in Schedule "B", attached hereto and forming part of this bylaw;
6. THAT the wastewater system user fees and rates payable by the owner or occupier of any parcel of land in the Village with a sewer connection, if unpaid on the 31st day of December in any year, shall be added to and form part of the taxes payable in respect to that land, and shall be entered upon the Collector's Roll as taxes in arrears.
7. THAT "Village of Fruitvale Waste Water System User Rates and Fees Bylaw No. 903, 2019 is hereby repealed.

8. THAT this bylaw shall be known and cited for all purposes as the "Village of Fruitvale Wastewater System User Rates and Fees Bylaw No. 915, 2020;" and

9. THAT this bylaw shall take effect as of the first day of January, 2020.

READ A FIRST TIME this 10th day of February, 2020.

READ A SECOND TIME this 10th day of February, 2020.

READ A THIRD TIME this 10th day of February, 2020.

RECONSIDERED, FINALLY PASSED AND ADOPTED this XX day of XXXX, 2020.

Mayor

Corporate Officer

CERTIFIED a true copy of Bylaw No. 915 entitled "Village of Fruitvale Wastewater System User Rates and Fees Bylaw No. 915, 2020".

DATED this XX day of XXXX, 2020.

Corporate Officer

SCHEDULE "A"

BYLAW NO. 915, 2020

A Schedule to govern Rates
For Wastewater System User Fees and Rates in the Village of Fruitvale

PREMISES	RATES	
	MONTHLY	ANNUALLY
Each dwelling unit, including duplexes	\$32.50	\$390.00
Each apartment building, a minimum charge of	\$44.58	\$535.00
For each additional unit	\$12.50	\$150.00
Each living unit adjoining a business premise	\$32.92	\$395.00
Each restaurant, garage or car wash (Heavy Commercial Use)	\$45.42	\$545.00
Each store or office building (Light Commercial Use)	\$35.42	\$425.00
Each hotel	\$163.33	\$1960.00
Each school - for first classroom	\$20.42	\$245.00
For each additional classroom	\$16.25	\$195.00
Sewer Blockage Clearing	ACTUAL COSTS INCURRED	

SCHEDULE "B"

BY-LAW NO. 915, 2020

A Schedule to Govern
Billing Periods and Discount of Wastewater System User Fees and Rates

1. All accounts are payable January 1st of each year or on receipt of the billing notice.
2. Accounts are billed annually and are applicable for the calendar year.
3. Where the full year fee is paid within 30 days of the issuance of the billing notice, a five per cent (5%) discount will be given.
4. Where a new account is set up at any time in the during the year, a bill will be sent for the remaining months of that year and a 5% discount will be allowed if the total amount due is paid within 30 days of the date of billing.
5. Where an account is in arrears, or taxes are in arrears for sewer, no discount will be given unless the arrears are first paid.
6. A late penalty of 10% shall be charged on all accounts outstanding after the last working day of October of each year.



THE CORPORATION OF THE VILLAGE OF FRUITVALE

BYLAW NO. 916, 2020

A Bylaw to Provide for the Collection, Disposal and Control of Solid Waste, and to Establish Fees Thereon

WHEREAS pursuant to the *Community Charter* Section (8), Subsections (3) and (7) (http://www.bclaws.ca/civix/document/id/complete/statreg/03026_03#division_d2e5099) a municipal Council may, by bylaw, regulate, prohibit and impose requirements respecting persons, property, things and activities in relation to the protection and enhancement of the well-being of its community in relation to the matters referred to in Section 64, being nuisances, disturbances and other objectionable situations;

AND WHEREAS pursuant to the *Community Charter* Section (12), Subsection (1) (http://www.bclaws.ca/civix/document/id/complete/statreg/03026_03#division_d2e6780) a bylaw may make different provisions for different areas, times, conditions or circumstances; establish different classes of persons, places, activities, property or things; make different provisions, including exceptions, for those different classes established; and may, in exercising its powers under Section (8) establish any terms and conditions it considers appropriate;

AND WHEREAS Council of the Village of Fruitvale deems it appropriate, by bylaw, to establish a scale of charges payable by owners or occupiers of real property for the removal to a designated place for refuse, garbage or other material that is noxious, offensive or unwholesome; and for the use of waste disposal and recycling services; and for compelling payment of the charges so fixed, and for imposing penalties for neglecting to remove or have removed and brought to the designated place the refuse, garbage or other material that is noxious, offensive or unwholesome;

NOW THEREFORE, the Council of the Village of Fruitvale in open meeting assembled hereby enacts as follows:

SECTION I: DEFINITIONS

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

“Collector” shall mean the Chief Financial Officer for the Village of Fruitvale, and his/her designate, appointed to receive and distribute all money paid to the municipality.

“Dwelling” shall mean any residential building or self-contained unit, having one kitchen, used or intended for use as a dwelling, place of abode, or place of living, by one family or tenant, and includes, but is not limited to, each such unit of a duplex, apartment, townhouse or mobile home.

“Non-Residential” shall mean any building or self-contained part thereof, used or intended for use, other than a dwelling.

“Non-Residential Receptacle” shall mean a metal bin, having a capacity of three (3) cubic metres, used or intended to be used at a commercial, industrial, institutional, or other non-residential premise.

“Non-Residential Solid Waste” shall mean any and all rejected, abandoned or discarded matter, including but not limited to paper, boxes, packing cases, wrapping materials, sweepings and all inflammable materials of a like nature, resulting from the operations of a commercial, industrial or institutional premise, but does not include special waste.

“Occupier” shall mean any person occupying any dwelling, or commercial, industrial, institutional premise, within the Village, including any owner, lessee or tenant.

“Operator” shall mean the person(s) appointed to collect solid waste from within the solid waste collection area.

“Recyclable Materials” are residential solid waste items that qualify for curbside pick-up on designated recycling days, or, which can be deposited by residents at the McKelvey Creek Landfill recycling depot.

“Residential Solid Waste” shall mean any and all rejected, abandoned or discarded matter, including vegetable or animal food, floor sweepings, crockery, glass or metal ware, having contained food, ashes, grass, hedge clippings, or other garden refuse or rubbish.

“Solid Waste Collection Area” shall mean the areas as outlined in Schedule “B” attached to and forming part of this Bylaw.

“Special Waste” shall include, but not be limited to, all hazardous, inflammable, radioactive and toxic materials as defined in the *Environmental Management Act*, Chapter 53 of the Statutes of British Columbia, 2003 as amended.

“Village” shall mean the Village of Fruitvale in the Province of British Columbia, or the area within its boundaries.

“Village Garbage Bag” or “Bag” shall mean a polyethylene garbage bag marked with lettering identifying the bag as an approved Village of Fruitvale garbage bag; and as sold/distributed by the Village office or the Village’s authorized agents.

SECTION II: REGULATIONS FOR WASTES AND WASTE RECEPTACLES

3. All solid waste disposed of must be contained within a Village garbage bag or bags, for collection purposes. Waste placed out for collection that is not contained within a

Village garbage bag shall not be picked up by the Operators; and it shall be the responsibility of the occupier of the dwelling or non-residential premises to either:

- a) dispose of these wastes at the McKelvey Creek Landfill; or
- b) contain the wastes with a Village garbage bag for pick-up on the next collection day.

All persons within the solid waste collection area desiring to utilize the collection service shall be required to purchase Village garbage bags from the Village office or the Village's authorized agents.

4. All solid waste must be capable of being placed and fully contained within a Village garbage bag. All liquids being placed in a Village garbage bag must first be secured in a container with a watertight lid, in said bag. All pet waste must be sealed in a separate bag (double bagged) within the Village garbage bag. The Village garbage bag, when filled shall not exceed 23 kilograms (50 pounds) in total weight.
5. All waste receptacles and bags shall be kept within the confines of an occupier's property. It is the responsibility of the occupant to ensure that waste receptacles and bags are kept, at all times before collection, in a fashion that keeps same inaccessible to animals and impervious to weather.
6. All waste receptacles and bags shall be accessible for collection, located at the occupier's property line, either adjacent to the sidewalk or road shoulder, or as designated by the Village, between the hours of 7:00 a.m. and 3:30 p.m. on all designated collection days, with the exception of statutory holidays. All waste receptacles not accessible or not meeting the accessibility criteria on designated collection days shall not be collected until the next scheduled collection day. The Village may agree to waive this requirement, in situations where the occupier is a disabled person and has no other means of transporting the waste receptacle to the property line.

SECTION III: SOLID WASTES COLLECTION SERVICES

7. The Operators shall provide collection services for solid waste removal, from every dwelling and non-residential premises, within the Village boundaries at such times and intervals as designated by the Village. Said collection services shall consist of the removal of solid waste contained within Village garbage bags, and placed out for collection, by the owner or premises' occupant.
8. The Village reserves the right to require non-residential users to acquire a non-residential waste receptacle and contract waste removal services from a commercial provider of such services.

SECTION IV: SPECIAL WASTES/OTHER UNACCEPTABLE WASTES

9. Collection of special wastes will not be undertaken by the Village. If disposal is required, an occupier must contact the Regional District of Kootenay Boundary, to receive further directions regarding regulations for disposal and permission to do so as established by the *Environmental Management Act*.
10. The following wastes will not be collected by the Village:
 - a) explosives;
 - b) raw sewage or septic tank sludge;
 - c) oversized items of any kind exceeding 0.61 metres (24 inches) in any dimension;
 - d) dead animals or parts of dead animals;
 - e) demolition or construction waste;
 - f) rocks;
 - g) hot ashes;
 - h) brush and garden trimmings;
 - i) corrugated cardboard suitable for recycling; or
 - j) any other such material as deemed suitable for recycling under the Regional District of Kootenay Boundary recycling service regulations.

SECTION V: FEES AND PAYMENT

11. Every occupier shall pay to the Village fees and charges for the collection, disposal and control of solid waste, which are payable, regardless if the collection services are utilized. All fees and charges, commencing in the calendar year of 2014, shall be as per Schedule "A", attached to and forming part of this Bylaw.
12. Any new residential/non-residential occupiers shall be charged with the full monthly proportion of the applicable fee if his/her application is dated on or before the 15th day of the month. No such proportion of the monthly fee shall be charged on applications submitted after the 15th day of the month.
13. A dwelling or premise will be considered vacant if an application for water shut-off has been approved and will not be charged for waste collection services. If water shut-off is not viable, vacancy will be determined by the Village, upon inspection.
14. All fees and charges remaining unpaid on the 31st day of December any year shall be added to and form a part of the property taxes and will be entered on the property tax roll as taxes in arrears against that property.
15. No persons shall dispose of solid waste anywhere within the boundaries of the Village, except within the appropriate containers as defined in this Bylaw, or as permitted in Section II of this Bylaw.

- 16. No person shall dispose of solid waste within a waste receptacle, unless given the authority to do so, by the occupier.
- 17. No person shall dispose of garbage, recyclable materials, waste, special waste or unacceptable waste, by burning.
- 18. Where Council is satisfied that special circumstances exist, Council, may by resolution, provide for special services, for a fixed period of time.

SECTION VI: PENALTY

- 19. Any person who contravenes any provision of this Bylaw commits an offense and such contravention is subject to a fine or penalty by bylaw notice under the *Local Government Bylaw Notice Enforcement Act*, Chapter 60, SBC 2003.

SECTION VII: GENERAL

- 20. That the "Village of Fruitvale Waste Control Bylaw No. 904, 2019 is hereby repealed in its entirety
- 21. This Bylaw shall be cited as the "Village of Fruitvale Solid Waste Control Bylaw No. 916, 2020".

READ A FIRST time this 10th day of February, 2020.

READ A SECOND time this 10th day of February, 2020.

READ A THIRD time this 10th day of February, 2020.

RECONSIDERED, FINALLY PASSED AND ADOPTED this XX day of XXXX, 2020.

Mayor

Corporate Officer

Certified a true copy of the Village of Fruitvale Bylaw entitled "Village of Fruitvale Waste Control Bylaw No. 916, 2020".

Dated this XX day of XXXX, 2020.

Corporate Officer

**VILLAGE OF FRUITVALE
SOLID WASTE CONTROL BYLAW 916, 2020**

**SOLID WASTE FEES & CHARGES
SCHEDULE "A"**

- a) The minimum Annual Garbage Service Charge shall be \$82.00 and with this charge residents may choose to receive 20 Village garbage bags.
- b) All additional bags may be purchased at a cost of \$4.10 per bag.
- c) A 5% discount will be applied on the Annual Garbage Service Charge if paid within thirty (30) days of issuance of the billing.
- d) A late penalty of 10% shall be charged on all accounts outstanding after the last working day in October.
- e) All accounts unpaid on the 31st day of December in any year shall be added to and form part of the taxes payable in respect of that land and shall be entered upon the Collector's Roll as taxes in arrears.