



THE CORPORATION OF THE VILLAGE OF FRUITVALE

BYLAW NO. 949, 2022

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

WHEREAS pursuant to the *Community Charter* Section (8), Subsections (3) and (7) 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) 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 curb-side 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.
4. 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.

5. 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.
6. 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.
7. 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

8. 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.
9. 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

10. 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*.
11. 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

12. 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 shall be levied in accordance with Appendix 11 of any Rates, Fees and Charges Bylaw or amendments thereto.
13. 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.
14. 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.
15. All fees and charges remaining unpaid on the 31st day of December in 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.
16. 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.
17. No person shall dispose of solid waste within a waste receptacle, unless given the authority to do so, by the occupier.
18. No person shall dispose of garbage, recyclable materials, waste, special waste or unacceptable waste, by burning.
19. 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

20. 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

21. That the "Village of Fruitvale Solid Waste Control Bylaw No. 935, 2022 is hereby repealed in its entirety.

22. This Bylaw shall be cited as the "Village of Fruitvale Solid Waste Control Bylaw No. 949, 2022".

READ A FIRST time this 7th day of November, 2022.

READ A SECOND time this 5th day of December, 2022.

READ A THIRD time this 9th day of January, 2023.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 6th day of February, 2023.

Mayor

Chief Administrative Officer

Certified a true copy of the Village of Fruitvale Bylaw entitled "Village of Fruitvale Waste Control Bylaw No. 949, 2022".

Dated this 6th day of February, 2023.

Chief Administrative Officer