



THE CORPORATION OF THE VILLAGE OF FRUITVALE BYLAW 964, 2024

A Bylaw to Regulate the Conditions and Terms for
Solid Waste and Yard and Garden Waste Collection and Disposal

WHEREAS the *Community Charter* authorizes the Council of the Village of Fruitvale to require persons to use a solid waste disposal service provided by or on behalf of the municipality;

AND WHEREAS it the Village of Fruitvale considers that it is necessary to provide regulations for the management of solid, yard and garden waste;

NOW THEREFORE, the Council of the Village of Fruitvale, in open meeting assembled ENACTS AS FOLLOWS:

PART 1- SHORT TITLE

This bylaw may be cited as the " Village of Fruitvale Solid Waste & Yard and Garden Waste Collection and Disposal Bylaw No. 964, 2024".

PART 2- DEFINITIONS

For the purposes of this bylaw, the following words and expressions are defined:

- a. "**Compostable Materials**" means approved refuse, kitchen waste or organic materials as defined by the Regional District of Kootenay Boundary (RDKB) as qualifying to be placed in the Green Bin.
- b. "**Contractor(s)**" means the collection of refuse as administered by the Regional District of Kootenay Boundary (RDKB) to service the Village.
- c. "**Contractor's Sticker**" means a sticker that must be placed on the garbage bag in order for garbage to be collected and disposed of by the Contractor. Sheets of stickers are made available at local businesses and at the Village of Fruitvale Office for purchase.
- d. "**Green Bin**" means the container designated by the Regional District of Kootenay Boundary (RDKB) for the disposal of Compostable Materials.
- e. "**Landfill Site**" means any solid waste sanitary landfill site operated by the Regional District of Kootenay Boundary (RDKB) to service the Village.
- f. "**Non-Residential**" shall mean any building or self-contained part thereof, used or intended for use, other than a dwelling.
- g. "**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.

- h. "**Owner(s)**" includes the agent, executor or administrator of an owner.
- i. "**Recycling Service**" means the collection of recyclable materials as administered by others to service the Village.
- j. "**Refuse**" means any discarded or abandoned food, substance, recycling, material, or object, whether from domestic, commercial, industrial, institutional, or other use;
- k. "**Residential Recyclable Material(s)**" means any and all clean paper products, newspaper, cardboard, glass, tin cans and acceptable rigid plastic containers.
- l. "**Residential Dwelling Premise(s)**" means the individual dwelling units and for single family dwellings means one unit, for two family dwellings means two units, for triplexes means three units, and for fourplexes means four units. Maximum of four-unit multi-family buildings.
- m. "**Solid Waste(s) (or Garbage)**" means any and all rubbish, household waste, ashes, discarded matter, and discarded waste or vegetable or animal food; but does not include building construction waste, recyclable materials and yard and garden waste.
- n. "**Solid Waste Collection Area**" means within the boundaries of the Village of Fruitvale.
- o. "**Special Waste(s)**" includes hazardous waste, pathological waste, explosives, radioactive material, all waste 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 waste and other prescribed substances under any contaminated sites legislation of the Province of British Columbia or the Government of Canada.
- p. "**Village**" shall mean the Village of Fruitvale in the Province of British Columbia, or the area within its boundaries.
- q. "**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 is sold/distributed by the Village Office.
- r. "**Yard and Garden Waste(s)**" means green waste including but not necessarily limited to grass and hedge clippings, leaves, grass, flowers, vegetable stalks, woody or herbaceous waste, fruit and vegetable waste, and pruning that can be effectively composted. Includes pruning under 2.5 centimetres in diameter and 1 metre in length.

PART 3 - GENERAL PROVISIONS

- 3.1 Solid Waste collection and disposal, by the Village or its Contractor, from properties, unless otherwise provided in this Bylaw, shall be limited to waste placed on the curb for pick-up by the Village or its contractor, provided such waste is securely contained in a plastic bag displaying the designated collection sticker approved by the Village for garbage service (a "Contractor Sticker").

- 3.2 The Village and/or Contractor shall not pick up any solid waste or garbage bags not labeled with the appropriate "Contractor Sticker(s)".
- 3.3 Garbage bags shall be sized in accordance with the dimensions as identified under 4.3 of this Bylaw.
- 3.4 No person within the solid waste collection area shall illegally dump or dispose of any solid waste(s), yard and garden waste(s), special waste(s), and/or recyclable material(s).
- 3.5 No person shall dump or dispose of any garbage, building waste, yard and garden waste, special waste, or any other noxious, offensive, unwholesome or discarded material in any place, land or grounds other than the landfill site.
- 3.6 Lawful disposal of any solid waste that is not displaying a "Contractor's Sticker" shall be the sole responsibility of the owner of the waste.
- 3.7 No person shall place solid waste for pick up with the solid waste of others or place solid waste in containers owned by others without that owner's written permission.
- 3.8 No person shall place any solid waste in any Village buildings, facilities, amenities or containers, etc. that is originally created at/on residential dwelling premises and/or private lands that is generally intended for inclusion with either Village solid waste collection services or disposal at a landfill site.
- 3.9 The Contractor must not enter any building for the purpose of carrying out or returning thereto any container, nor shall he demand or receive any gratuity, gift, payment or consideration for services rendered in connection with garbage collection beyond their regular remuneration.

PART 4 - RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL SERVICE

- 4.1 Every Owner of a Residential Dwelling Premise(s) within the Solid Waste Collection Area shall use the Service and shall pay the rates and fees as set out and agreed to between the Village of Fruitvale and the Regional District of Kootenay Boundary or any applicable rates in the Village's Rates, Fees and Charges Bylaw as amended from time to time.
- 4.2 The Contractor shall pick up all Solid Waste materials set out at Residential Dwelling Premises within the Collection Area on the designated day of collection, provided such waste is securely contained in a bag within a container with a secure lid and in accordance with the Village's Wildlife Attractant Bylaw, as amended, and displays the appropriate Contractor Sticker in an easily identifiable location prior to collection.
- 4.3 The Contractor Sticker shall be affixed to the top or side of a bag no larger than approximately 80- 100 litre equivalents (generally around 76 x 83 centimetres or 30 x 33 inches).
- 4.4 Each container shall not weigh more than 23 kilograms or 50 pounds when full.

- 4.5 The Village or Contractor reserves the right to refuse to remove all material that is not Solid Waste, Yard Waste or Residential Recyclable Material, as defined by this bylaw.

PART 5 – NON-RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL SERVICE

- 5.1 The Village of Fruitvale shall provide collection services for solid waste removal from 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 of Fruitvale garbage bags and placed out for collection by the owner or premises' occupant.
- 5.2 All non-residential properties within the solid waste collection area desiring to utilize the collection service shall be required to purchase Village of Fruitvale garbage bags from the Village Office.
- 5.3 Fees and charges for non-residential garbage collection and disposal shall be levied in accordance with Appendix 11 of any Village of Fruitvale Rates, Fees and Charges Bylaw or amendments thereto.
- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 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.
- 5.8 All garbage containers 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 the designated collection day, with the exception of statutory holidays. All waste receptacles not accessible or not meeting the accessibility criteria on the designated collection day shall not be collected until the next scheduled collection day.

PART 6 - CONTAINER REQUIREMENTS

- 6.1 Every owner of residential dwelling premises within the solid waste collection area shall provide and maintain in sanitary condition and in good order and repair, standard garbage containers sufficient in number at all times to contain all garbage generated

on the residential dwelling premises in a sanitary condition.

- 6.2 Every owner of premises other than residential dwelling premises shall provide containers sufficient in size and number to contain all garbage generated on the premises without spillage and in a sanitary condition at all times.
- 6.3 The Village or the Contractor shall not be responsible for the replacement of any containers or lids damaged or lost for any reason whatsoever.
- 6.4 Containers shall be kept on the premises at all times and shall not encroach upon or project over any street, lane or public place except when placed on a street or lane for the purpose of collection under this bylaw.
- 6.5 For collection purposes, all containers must be placed next to the lane or the boulevard or at a place designated by the Village as per either the Village's Wildlife Attractant Control Bylaw or similar bylaws, which may be amended from time to time. Special instances related to the temporary placement of containers during adverse climatic weather conditions or periods may be implemented.
- 6.6 The Village may, after providing the owner with at least 7 days written notice and an opportunity to be heard before Council, suspend or discontinue collection service from any residential premise where containers or location or design of pick-up facilities are contrary to the provisions of this bylaw, but such suspension shall not waive any requirement, or abate or waive any charges or fees under the provisions of applicable Village Bylaws.

PART 7 - DISPOSAL REQUIREMENTS

- 7.1 No liquids shall be put in or allowed to accumulate in any container.
- 7.2 All table and kitchen garbage, all wet garbage, floor sweepings and sawdust or other granular materials must be placed in a bag before being placed within the applicable container.
- 7.3 No garbage which might adhere to or stick to any container shall be placed within a container unless the garbage is first placed inside a separate receptacle.
- 7.4 No person shall dispose of garbage, recyclable materials, waste, special waste or unacceptable waste, by burning.

PART 8 - PROHIBITED MATERIALS

- 8.1 Special Waste, recyclable materials and yard and garden waste shall not be placed in a container for residential solid waste collection or disposal.
- 8.2 No person shall place or mix with any material for removal as garbage any explosive, volatile or corrosive materials, special waste, dangerous chemicals or any other material dangerous to the health and safety of the garbage collection personnel or other members of the public.

PART 9 - RECYCLABLE AND ORGANIC MATERIALS

- 9.1 Recyclable materials shall be sorted and placed for collection in accordance with the guidelines and schedule established by the applicable company and/or organization performing recycling services for the Regional District of Kootenay Boundary.
- 9.2 Compostable materials shall be sorted and placed for collection in accordance with the guidelines and schedule established by the applicable company and/or organization performing organics collection services for the Regional District of Kootenay Boundary.

PART 10 - RESIDENTIAL YARD AND GARDEN WASTE COLLECTION SERVICE

- 10.1 From time to time, the Village may designate days when the Village may provide general residential yard and garden waste collection and disposal activities.
- 10.2 During the Residential Yard and Garden Waste Collection Program, owners or occupiers receiving solid waste curbside collection and disposal services shall be permitted to place at the curb for pick-up, yard and garden waste including but not limited to grass, leaves, pine needles and cones, and prunings, wood or tree limbs **under 2.5 centimetres in diameter and 1 metre in length**. Materials must be bagged and/or bundled where appropriate and placed for collection in accordance with Village guidelines. Guidelines are administered by the Public Works Foreman and are subject to change from time to time.
- 10.3 Yard and Garden Waste shall not include:
- a) Liquids;
 - b) Fats, meat and bones, food waste and kitchen waste, peels, coffee grounds, tea bags;
 - c) Loose soil and rocks;
 - d) Solid Waste and/or Garbage;
 - e) Prunings, wood or tree limbs over 1 metre in length and 2.5 centimetres in diameter;
 - f) Human or animal excrement;
 - g) Contaminated soil or other special waste;
 - h) Invasive Species,
 - i) Other materials such as determined from time by time by the Public Works Foreman.
- 10.4 If the Village designates days for yard and garden waste collection and disposal activities under 10.2, the Village may collect a maximum of one (1) cubic yard of yard and garden waste from each residential dwelling, unit or premise.

PART 11 - ENFORCEMENT

- 11.1 The Village or Contractor may refuse to remove any and all waste material which is defined by this bylaw.
- 11.2 Any person who violates any provision of this bylaw, or who suffers or permits any act to be done in contravention or violation of any of the provisions of this bylaw, or who neglects or refrains from doing anything required to be done by any provision of this

bylaw, commits an offence and is subject to a fine or penalty by bylaw notice under the Local Government Bylaw Notice Enforcement Act, Chapter 6, SBC 2003.

11.3 Each day the offence continues is considered a separate offence.

PART 12 - SEVERABILITY

12.1 If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

12.2 Any person who contravenes any provision of this Bylaw commits an offence 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.

PART 13 - ENACTMENT AND REPEAL

13.1 This Bylaw shall come into full force and effect upon the final adoption thereof.

13.2 The Village of Fruitvale Solid Waste Control Bylaw No. 949, 2022 and any and all of its amendments are hereby repealed.

READ a first time this 8th day of January, 2024.

READ a second time this 8th day of January, 2024.

READ a third time this 5th day of February, 2024.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 4th day of March, 2024.

Mayor

Chief Administrative Officer

CERTIFIED a true copy of Bylaw 964 cited as "Solid Waste & Yard and Garden Waste Collection and Disposal Bylaw No. 964, 2024".

DATED this 4th day of March, 2024.

Chief Administrative Officer