

TOWN OF CRESTON

BYLAW NO. 1900

A bylaw pursuant to Section 64 of the *Community Charter* to manage and regulate solid waste disposal and collection.

WHEREAS the Council of the Town of Creston may, pursuant to Section 64 of the *Community Charter*, by bylaw, exercise authority in relation to refuse, garbage or other material that is noxious, offensive or unwholesome, and the use of waste disposal and recycling services;

AND WHEREAS Council deems it necessary and in the public interest to establish solid waste management regulations;

NOW THEREFORE the Council of the Town of Creston, in open meeting assembled enacts as follows:

Part 1 Citation

1.1 This Bylaw may be cited as "Solid Waste Management Regulations Bylaw No. 1900, 2019".

Part 2 Severability

2.1 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.

Part 3 Previous Bylaw Repeal

3.1 Town of Creston Bylaw No. 1395, cited as "Waste Management Regulations Bylaw No. 1395, 1997" and all amendments thereto, are hereby repealed.

Part 4 Definitions

4.1 "**Bylaw Enforcement Officer**" means any of the following:

- a) Director of Infrastructure Services of the Town of Creston;
- b) Public Works Supervisor of the Town of Creston;
- c) Fire Chief of the Town of Creston;
- d) Assistant Fire Chief of the Town of Creston;
- e) Public Safety and Compliance Officer of the Town of Creston;
- f) British Columbia Conservation Officers;
- g) RCMP Officers; or,
- h) their duly appointed designate.

"**Collection Cart**" means a large cart or dumpster designed for the efficient removal of large amounts of Solid Waste using an appropriately equipped Solid Waste collection vehicle.

"**Commercial Primary Use**" means the use of a property primarily for commercial, industrial, or institutional purposes.

“Solid Waste Container” means a plastic or metal garbage can, or plastic bag designed for Solid Waste disposal.

“Double-bagged” means the placement of a sealed plastic bag within a second sealed plastic bag.

“Recyclable Materials” means any material which can be processed or collected for recycling at a facility located in the Creston Valley.

“Residential Dwelling Unit” means two or more rooms used or intended for the domestic use of one or more individuals living as a single housekeeping unit, with cooking, living, sleeping and sanitary facilities.

“Primary Residential Dwelling Unit” means the primary residence on a residential property. A property may have multiple Primary Residential Dwelling Units. Eg. apartments, strata lots, condominiums, etc.

“Secondary Suite” means a self-contained dwelling unit with its own kitchen or bathroom, which is separate from the principle dwelling in a house. It can be located either with the principal dwelling or in an accessory building on the same lot as the principal dwelling.

“Solid Waste” means any and all solid waste or household waste that is not suitable for reuse or recycling programs, for which there is no opportunity for resource recovery, and which must be disposed of at a landfill.

“Solid Waste Collector” means any Town employee assigned to collect Solid Waste, or any person under contract to the Town to collect Solid Waste.

“Solid Waste Disposal System” means the process and bylaws established by the Town to facilitate the safe and efficient collection and disposal of Solid Waste.

“Solid Waste Collection Tag” means a tag available at Town Hall for the purpose of attachment to plastic bags or placement on top of the contents in a rigid Solid Waste Container, used to indicate to Solid Waste Collectors that the Town has permitted the Solid Waste collection, for use in commercial areas or where required in residential areas.

“Town” means the Town of Creston.

Part 5 Solid Waste Disposal System Regulations

5.1 Solid Waste Disposal System Regulations - General

- .1 No person shall dispose of Solid Waste contrary to the provisions of this Bylaw.
- .2 No person shall allow the accumulation of Solid Waste on property they own or occupy except as authorized by this Bylaw.
- .3 No person shall place Solid Waste for collection with the Solid Waste of others or place Solid Waste in Collection Carts or Containers owned by others without that owner’s permission.

- .4 No person shall tamper with or otherwise handle a Solid Waste Container from a property they do not own or occupy.
- .5 The Town, or a contracted Solid Waste Collector, shall collect Solid Waste from all properties included in the Solid Waste Disposal System at regular intervals not exceeding two weeks.
- .6 No Solid Waste Container shall be placed for collection prior to 5:00 a.m. on the day of scheduled collection.
- .7 No Solid Waste Container shall be left on the curbside past 9:00 p.m. on the day of scheduled collection.
- .8 Solid Waste Collection Tags for collection from commercial properties and additional residential Solid Waste Containers must be purchased from Town Hall at the rate defined by Fees and Charges Bylaw No. 1763, 2011, as amended from time to time.

5.2 Residential Collection Regulations

- .1 Every owner of property with one to four Residential Dwelling Units shall be included in the Solid Waste Disposal System established by the Town, pursuant to this Bylaw.
- .2 Notwithstanding Section 5.2.1, owners and residents of Residential Dwelling Units located on property with a Commercial Primary Use shall comply with the Commercial Collection Regulations found in Section 5.3 of this Bylaw.
- .3 Every owner of property with five or more Residential Dwelling Units shall provide appropriate arrangements for private Solid Waste collection, according to the requirements of Section 5.4 of this Bylaw.
- .4 Notwithstanding Section 5.2.3, a property owner with five or more Residential Dwelling Units on a property may apply for inclusion in the Town's Solid Waste Disposal System. Inclusion in the Solid Waste Disposal System must include all units on a property, and partial inclusion will not be considered. Approval of an application for inclusion in the Town's Solid Waste Disposal System will be given by the Director of Infrastructure Services, or designate, if it can be reasonably accommodated by the Town.
- .5 No resident or owner of a Primary Residential Dwelling Unit, included in the Town's Solid Waste Disposal System, shall place for collection more than two Solid Waste Containers per primary dwelling unit, unless a Solid Waste Collection Tag is clearly visible on, or on top of the contents within, the additional Solid Waste Container(s). Additional Solid Waste Containers placed for collection without a Solid Waste Collection Tag will not be collected.
- .6 Owners of Secondary Suites included in the Town's Solid Waste Disposal System shall be issued 52 Solid Waste Collection Tags per unit, on January 1st of each year. Additional Solid Waste Collection Tags can be purchased at Town Hall.
- .7 No resident or owner of a Secondary Suite, included in the Town's Solid Waste Disposal System, shall place for collection a Solid Waste Container, unless a Solid Waste Collection Tag is clearly visible on, or on top of the contents within, the Solid Waste Container. Solid Waste Containers placed for collection without a visible Solid Waste Collection Tag will not be collected.

5.3 Commercial Collection Regulations

- .1 Every property with a Commercial Primary Use shall be included in the Solid Waste Disposal System established by the Town, pursuant to this Bylaw.
- .2 Every Solid Waste Container placed for collection at a property with a Commercial Primary Use, shall clearly display a Solid Waste Collection Tag on, or on top of the contents within, the Solid Waste Container. Solid Waste Containers placed for collection without a visible Solid Waste Collection Tag will not be collected.
- .3 Every property with a Commercial Primary Use shall be issued 104 Solid Waste Collection Tags per unit, on January 1st of each year. Additional Solid Waste Collection Tags can be purchased at Town Hall.
- .4 Notwithstanding Section 5.3.1, an owner of property with a Commercial Primary Use may apply for exclusion from the Town's Solid Waste Disposal System, if appropriate arrangements for private Solid Waste collection are made according to the requirements of Section 5.4 of this Bylaw.

5.4 Private Solid Waste Collection

- .1 Properties excluded from the Solid Waste Disposal System must provide appropriate arrangements for private Solid Waste collection, including:
 - a. the provision of a suitable bear-proof Solid Waste enclosure which is easily accessible for collection, screened from public view, located behind buildings, and separated from customer or visitor parking areas where the size of the property permits; and,
 - b. regularly scheduled Solid Waste collection at intervals not exceeding two weeks.

5.5 Solid Waste Container Usage Regulations

Solid Waste Container usage must comply with the following regulations:

- .1 Solid Waste Containers and Collection Carts must be kept entirely on the premises they serve at all times except when placed on a boulevard or lane for the purpose of collection under this Bylaw.
- .2 For collection purposes, all Solid Waste Containers must be placed next to the lane, or boulevard adjacent to their premises, or at a place designated by the Director of Infrastructure Services, or designate.
- .3 For collection purposes, all Solid Waste Containers shall be placed as close as possible to the curb, or where no curb exists, the edge of the road area, without obstructing vehicle or pedestrian traffic.
- .4 For collection purposes, all Solid Waste Containers shall be kept at ground level or on a platform not more than 30 centimetres in height above ground.
- .5 No liquids shall be put in or allowed to accumulate in any Solid Waste Container.

- .6 All table and kitchen Solid Waste, all wet Solid Waste, ashes, sawdust or any other granular materials must be Double-bagged before being placed within any Solid Waste Container.
- .7 Any substance which might adhere to a Solid Waste Container shall be separately contained within individual disposable wrappings or containers before being placed in a Solid Waste Container.
- .8 All pet feces must be Double-bagged prior to being placed in a Solid Waste Container.
- .9 No Solid Waste Container placed for collection shall exceed 80 litres in volume or 23 kilograms in weight.
- .10 All Solid Waste Containers placed for collection shall be covered with a water-tight lid, or in the case of plastic bags, securely tied.
- .11 No person shall place any item(s) in a Solid Waste Container which could cause injury to a Collector.
- .12 All Solid Waste Containers must be maintained in good repair and sanitary condition.
- .13 The owner or tenant of a property shall ensure that Solid Waste Containers do not spill and shall clean any spillage that may occur immediately.

5.6 Prohibited and Hazardous Materials

- .1 No person shall place or mix with any material for removal as Solid Waste any of the following:
 - a. Tier 1 – Prohibited Materials
 - i. farm animal feces;
 - ii. oil or oil filters;
 - iii. tires;
 - iv. organic yard waste;
 - v. wood;
 - vi. stone;
 - vii. brick;
 - viii. concrete;
 - ix. batteries;
 - x. recyclable materials;
 - xi. Christmas trees;
 - xii. liquid waste; and,
 - xiii. dead animals, or portions thereof.
 - b. Tier 2 – Hazardous Materials
 - i. explosive materials;
 - ii. volatile materials;
 - iii. flammable materials;
 - iv. corrosive materials;
 - v. toxic materials;
 - vi. dangerous chemicals;
 - vii. unknown chemicals;
 - viii. hazardous materials; and,
 - ix. hot ashes.

- .2 Notwithstanding Section 5.6.1(a)(xiii), dead rodents shall be Double-bagged and placed in a Solid Waste Container for collection.

Part 6 Yard Waste

- 6.1 Twice per year, for one week in the Spring and one week in the Fall, as designated by the Director of Infrastructure Services, garden refuse including tree prunings, leaves, and other compostable waste, may be picked up by the Town under the following conditions:
 - .1 Branches and prunings must be cut into 1 metre lengths and wrapped in bundles;
 - .2 Grass clippings, leaves and other organic waste must be placed in rigid, weather-proof containers;
 - .3 No plastic bags will be accepted;
 - .4 No non-compostable material will be picked up; and,
 - .5 Yard Waste must be placed in a separate location than Solid Waste Containers on the property frontage.

Part 7 Fees and Charges

- 7.1 The fees for Solid Waste Collection Tags, utility billing, and any other fees related to Solid Waste collection, are as found in “Schedule 10 – Solid Waste Fees” of Fees and Charges Bylaw No. 1763, 2011, as amended from time to time.
- 7.2 Payment of fees, rates, and charges as set out in “Schedule 10 – Solid Waste Fees” of Fees and Charges Bylaw No. 1763, 2011, shall be the responsibility of the owner of the premises receiving Solid Waste collection.
 - i) Non receipt of an account billing will not exempt the owner from the payment of the bill, fee, charge, or penalty.
- 7.3 Payment of fees, rates, and charges as set out in “Schedule 10 – Solid Waste Fees” of Fees and Charges Bylaw No. 1763, 2011, are payable annually on or before December 31st.
- 7.4 A discount of 3% shall be deducted from the rates set out in “Schedule 10 – Solid Waste Fees” of Fees and Charges Bylaw No. 1763, 2011, if the annual charge is paid in full on or before January 31st for the current year.
 - i) No discount shall apply to the purchase of additional Solid Waste Collection Tags.
- 7.5 For new properties included in the Solid Waste Disposal System, Solid Waste billing will commence upon opting in to the Solid Waste Disposal System or issuance of an Occupancy Permit. A new customer shall be charged a prorated annual fee from the date of occupancy.
- 7.6 No refunds will be issued by the Town for discontinuation of inclusion in the Solid Waste Disposal System.

Part 8 Enforcement and Penalties

- 8.1 No person shall unreasonably obstruct or prevent a Bylaw Enforcement Officer or Solid Waste Collector from carrying out their duties as prescribed in this Bylaw. The Bylaw Enforcement Officer is authorized and empowered to inspect, compel and require that all the regulations and provisions in this Bylaw are carried out.
- 8.2 Every person who contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, omits, or neglects to fulfil, observe, carry out, or perform a duty or obligation imposed by this Bylaw, shall be deemed to have committed an offence against this Bylaw and:
- i. Shall be liable to a penalty set out in Bylaw Notice Enforcement Bylaw No. 1760, 2011, as amended from time to time; or,
 - ii. Shall be liable, upon summary conviction, to the penalties provided under the *Offence Act*, and amendments thereto, or any other penalty or order imposed or remedies available to the Town under the *Community Charter (BC)*; or,
 - iii. Both 8.2(i) and 8.2(ii).
- 8.3 Any fee, charge, rate, or bill unpaid on the 31st day of December shall be deemed to be taxes in arrears in respect of the property included in the Solid Waste Disposal System and shall forthwith be entered on the real property tax roll by the Town as taxes in arrears.
- 8.4 The Town or the Solid Waste Collector may refuse to remove all waste material which is not Solid Waste, as defined by this Bylaw.
- 8.5 The Town or the Solid Waste Collector may perform audits on waste material set out for collection, to ensure compliance of this Bylaw.

Part 9 Effective Date

- 9.1 This Bylaw shall come into full force and effect on the 1st day of January, 2020.

READ A FIRST TIME by content and SECOND TIME by title this 10th day of December, 2019.

READ A THIRD TIME by title this 10th day of December, 2019.

ADOPTED this 17th day of December, 2019.

“Jim Elford”
Acting Mayor Jim Elford

“Bev Caldwell”
Bev Caldwell, Corporate Officer