

TOWN OF CRESTON

BYLAW NO. 1959

A bylaw pursuant to Section 64 of the *Community Charter* to manage and regulate Solid Waste disposal and curbside 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;

AND WHEREAS the Town of Creston considers that it is necessary to provide regulations for the curbside management of Garbage, Food Waste, Yard Waste, and Recyclables;

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 and Curbside Collection Regulations Bylaw No. 1959, 2022”.

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No. 1900, cited as “Solid Waste Management Regulations Bylaw No. 1900, 2019” and all amendments thereto, are hereby repealed.

Part 4 Definitions

- 4.1 In this Bylaw, unless the context otherwise requires:

“**Biomedical Waste**” shall mean material that is prescribed as Biomedical Waste by the *Environmental Management Act* of the Province of British Columbia.

“**Bylaw**” shall mean the Solid Waste Management and Curbside Collection Regulations Bylaw No. 1959, 2022 and amendments thereto.

“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.

“Certified Organic Compostable” shall mean materials approved by the Town of Creston that are designed to completely compost at a composting facility. They shall be paper products that do not contain plastic or Polyactic Acid (PLA) materials.

“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.

“Container” shall mean a metal, plastic or paper receptacle used for temporary storage of Garbage, Recyclables, Food Waste or Yard Waste. This may refer to bags, bins or carts owned by the User or the Town and used for curbside collection of Solid Waste.

“Creston Landfill” shall mean the Scaled Transfer Station and Refuse Disposal Site operated by the RDCK and located at 1501 Mallory Road, Creston, BC.

“Curbside Household” shall mean a self-contained dwelling unit providing accommodation to one or more people, including:

- a) single-family dwellings;
- b) bare land stratas;
- c) duplexes;
- d) mobile homes; and,
- e) other dwelling determined to be eligible to receive services by the Director.

Curbside Households are further defined as follows:

“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.

“Director” shall mean the official appointed by the Town as the Director of Infrastructure Services or a person designated to act in the place of the Director.

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

“Extra Food Waste” shall mean Food Waste exceeding the weekly limit of eighteen (18) kilograms (forty (40) lbs).

“Extra Food Waste Container” shall mean a User-owned receptacle fitted with secure handles used for the storage and collection of Extra Food Waste or Food Waste Bags. An Extra Food Waste Container must be clearly marked as Food Waste, have a lid that can be easily opened by the Collector and contain a maximum weight of eighteen (18) kilograms (forty (40) lbs). Each User-owned Extra Food Waste Container must have a Food Waste Collection Tag affixed to it.

“Food Waste” shall mean any Solid Waste deemed as Food Waste material under Schedule ‘A’ – Acceptable Materials – Food Waste, which originates from a day-to-day Curbside Household source.

“Food Waste Bag” shall mean a non-returnable Certified Organic Compostable bag used for the storage and collection of Food Waste and contain a maximum weight of ten (10) kilograms (twenty-two (22) lbs).

“Food Waste Container” shall mean a Town-owned receptacle used for the storage and collection of Food Waste or Food Waste Bags, and contain a maximum weight of eighteen (18) kilograms (forty (40) lbs).

“Food Waste Collection Tag” shall mean an official tag available at Town Hall that sticks onto each Extra Food Waste Bag or placed on Extra Food Waste within an Extra Food Waste Container.

“Garbage” or “Refuse” shall mean discarded Solid Waste materials, substances or objects which originate from a day-to-day Curbside Household source, other than items collected by the Town’s Curbside Collection Service under Schedule ‘A’ – Acceptable Materials, materials collected under a BC Stewardship program, or materials that are prohibited from the Creston Landfill (operated by the RDCK) under Schedule ‘B’ – Prohibited Materials, or as otherwise deemed unacceptable by the Director. The terms Garbage and Refuse may be used interchangeably.

“Garbage Bag” shall mean a non-returnable regular sized black garbage bag (65cm x 83cm) used for the storage and collection of Garbage, and contain a maximum weight of eleven (11) kilograms (twenty-five (25) lbs).

“Garbage Container” shall mean a User-owned, non-corrosive, durable, reusable receptacle fitted with secure handles and an optional cover that is easily removed by the Collector, used for the storage and collection of Garbage Bags, with a maximum volume of 120L and maximum filled weight of twenty three (23) kilograms (fifty (50) lbs).

“Garbage Collection Tag” shall mean an official tag available at Town Hall that sticks onto each additional Garbage Bag or placed on top of the contents in a Garbage Container and used to indicate to Collectors that the Town has permitted the Garbage collection. For use in commercial areas or where required in residential areas.

“Noxious Matter” shall mean any offensive, unwholesome or dangerous matter that may be germ or vermin infested, have an offensive odour, be explosive in itself or when mixed with other substances, or be injurious to the health of a person handling it, and without limiting the generality of the foregoing includes acids, combustible material and similar matter.

“Occupier” shall mean householders, tenants or Owners of a dwelling.

“Owner” shall mean the person or persons whose name appears upon the title of the property at the Land Title Office.

“Parcel” shall mean any lot, block or other area in which real property is held, or into which it is subdivided, including bare land strata lots.

“RDCK” means the Regional District of Central Kootenay.

“Recyclables” or **“Recyclable Materials”** shall mean all Solid Waste materials deemed acceptable for curbside collection by Recycle BC under Schedule ‘A’ – Acceptable Materials - Recyclables, which originate from a day-to-day Curbside Household source.

“Recyclables Container” shall mean a Town or User-owned, non-corrosive, durable, reusable, open receptacle fitted with secure handles, clearly marked as Recyclables and used for the storage and collection of Recyclables, and contain a maximum weight of eighteen (18) kilograms (forty (40) lbs).

“Recycle BC” shall mean MMBC Recycling Inc. doing business as Recycle BC.

“Solid Waste” refers to Recyclables and compostable materials comprising of Food Waste and Yard Waste, as well as Garbage from households, businesses, institutions, and construction and demolition sites.

“Solid Waste Disposal System” means the process and bylaws established by the Town to facilitate the safe and efficient curbside collection and disposal of Solid Waste which is comprised of Garbage, Recyclables, Food Waste, and Yard Waste.

“Solid Waste Collector” or **“Collector”** means any Town employee assigned to collect Solid Waste, or the entity performing the curbside collection of Solid Waste for the Town.

“User” shall mean an Owner or Occupier of a Curbside Household who receives Town collection services.

“Yard Waste” shall mean any Solid Waste that is made up of biodegradable, organic, non-Food Waste materials, substances or objects defined under Part 6 - Yard Waste, originating from a Curbside Household source.

“Yard Waste Container” shall mean a User-owned, rigid, weather-proof Container, or a non-returnable Kraft compostable paper bag used for the storage and collection of Yard Waste, and contain a maximum weight of twenty three (23) kilograms (fifty (50) lbs).

“Town” means the Town of Creston.

Part 5 Solid Waste Disposal System Regulations

5.1 Solid Waste Disposal System Regulations - General

- 5.1.1 A Curbside Collection Service is hereby established by the Town for the curbside collection of Solid Waste, which is comprised of Food Waste, Garbage, Recyclables, and Yard Waste, as set out in this Bylaw.
- 5.1.2 Council delegates to the Director of Infrastructure Services the authority to maintain Acceptable and Prohibited Materials lists for the purposes of this Bylaw.
- 5.1.3 No person shall dispose of Solid Waste contrary to the provisions of this Bylaw.
- 5.1.4 No person shall allow the accumulation of Solid Waste on property they own or occupy, except as authorized by this Bylaw.
- 5.1.5 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.
- 5.1.6 No person shall tamper with or otherwise handle a Solid Waste Container from a property they do not own or occupy.
- 5.1.7 The Town, or a contracted Collector, shall collect Solid Waste from all properties included in the Solid Waste Disposal System at regular intervals, not exceeding two weeks.
- 5.1.8 No Container shall be placed for collection prior to 5:00 a.m. on the day of scheduled collection.
- 5.1.9 No Container shall be left on the curbside past 9:00 p.m. on the day of scheduled collection.
- 5.1.10 Extra Garbage Collection Tags for collection from commercial properties and additional residential Garbage Containers must be purchased from Town Hall at the rate defined by the Fees and Charges Bylaw No. 1763, 2011, as amended from time to time.
- 5.1.11 Extra Food Waste Collection Tags for collection from additional residential Food Waste Containers must be purchased from Town Hall at the rate defined by the Fees and Charges Bylaw No. 1763, 2011, as amended from time to time.

5.2 Residential Curbside Collection Regulations

- 5.2.1 Every owner of property with one (1) to four (4) Residential Dwelling Units shall be included in the Solid Waste Disposal System established by the Town, pursuant to this Bylaw.
- 5.2.2 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.
- 5.2.3 Every Owner of property with five (5) 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.

- 5.2.4 Notwithstanding Section 5.2.3, a property Owner with five (5) 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.
- 5.2.5 Each Owner or Occupier of a Curbside Household shall make use of the Town's Solid Waste Disposal System, subject to the following limits per Curbside Household:
- a) Food Waste in Town-owned Container:
Maximum of one (1) Food Waste Container per week;
 - b) Garbage in User-owned Container:
Maximum of one (1) Garbage Container (120L max.) OR 2 regular size black garbage bags (65cm x 83cm) every second week;
 - c) Recyclables in Town-owned Container:
Unlimited Recyclables Containers every second week; and,
 - d) Yard Waste in User-owned Container:
Unlimited Yard Waste Containers tri-annually.
- 5.2.6 Owners of Secondary Suites included in the Town's Solid Waste Disposal System shall be issued 26 Garbage Collection Tags per unit, on January 31st of each year which are good for twelve (12) months. Additional Garbage Collection Tags can be purchased at Town Hall.
- 5.2.7 No resident or Owner of a Secondary Suite included in the Town's Solid Waste Disposal System, shall place for collection a Garbage Container, unless a Garbage Collection Tag is clearly visible on, or on top of the contents within, the Garbage Container. Garbage Containers placed for collection without a visible Garbage Collection Tag will not be collected.
- 5.2.8 Despite any other provisions in this Bylaw, where the Director may consider that a Parcel cannot be safely or efficiently serviced, the Director may exclude that Parcel from servicing under this Bylaw and, upon notice to the Owner of the Parcel, the Parcel is not permitted or required to receive the Town's Solid Waste Disposal System, either permanently or for a temporary period, as authorized by the Director.
- 5.2.9 Notwithstanding this Bylaw, any Owner of a Parcel may make an application to the Director for Curbside Collection Service under this Bylaw, and the Director may include that Parcel in the Curbside Collection Service.
- 5.2.10 The frequency of the provisions of the Solid Waste Disposal System pursuant to this Bylaw is subject to change from time to time due to statutory holidays, as determined by the Director.
- 5.2.11 The Town's Solid Waste Disposal System is limited to the applicable number, size and weight of Containers pursuant to Section 5.2.5 of this Bylaw.
- 5.2.12 The Town shall provide each Curbside Household with one (1) 45L Food Waste Container and one (1) 83L Recyclables Container.

5.3 Excess Refuse

5.3.1 Users who wish to occasionally dispose of additional Garbage Bags (in excess of the one (1) Garbage Container (120L max.) OR (2) regular size black Garbage Bags (65cm x 83cm) every second week collection limit) may purchase Extra Garbage Tags from the Town pursuant to the Town of Creston's Fees and Charges Bylaw No. 1763, 2011 and amendments thereto. Each Extra Garbage Tag will permit the collection of one (1) Garbage Bag in addition to the Garbage limit specified in Section 5.2.5. Excess Garbage may be contained within a Garbage Container with an Extra Garbage Tag attached to each Garbage Bag.

5.4 Excess Food Waste

5.4.1 Users who wish to occasionally dispose of additional Extra Food Waste may purchase Extra Food Waste Tags from the Town, pursuant to the Town of Creston's Fees and Charges Bylaw No. 1763, 2011 and amendments thereto. Each Extra Food Waste Tag will permit the collection of one (1) Food Waste Bag or Extra Food Waste Container in addition to the Food Waste limit specified in Section 5.2.5. An Extra Food Waste Tag shall be placed on a Food Waste Bag. Where an Extra Food Waste Container is used, the sticker shall be placed on the Food Waste Bag or Extra Food Waste within the container.

5.4.2 Users who wish to regularly dispose of Extra Food Waste may purchase one or more additional Food Waste Containers and additional weekly Food Waste collections from the Town. Fees for each additional Food Waste Container and collection are set out in "Schedule 10 – Solid Waste Fees" of the Fees and Charges Bylaw No. 1763, 2011, as amended from time to time.

5.5 Commercial Collection Regulations

5.5.1 Every property with a Commercial Primary Use shall be included in the Solid Waste Disposal System established by the Town, pursuant to this Bylaw.

5.5.2 Commercial Primary Use will only be eligible for Garbage Collection under the Solid Waste Disposal System established by the Town, pursuant to this Bylaw.

5.5.3 The Town, or a contracted Collector, shall collect Garbage from Commercial Primary Use property every two (2) weeks.

5.5.4 Every Garbage Container placed for collection at a property with a Commercial Primary Use, shall clearly display a Garbage Collection Tag on, or on top of the contents within, the Garbage Container. Garbage Containers placed for collection without a visible Garbage Collection Tag will not be collected.

5.5.5 Every property with a Commercial Primary Use shall be issued 104 Garbage Collection Tags per unit, on January 31st of each year which are good for twelve (12) months. Additional Garbage Collection Tags can be purchased at Town Hall.

5.5.6 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.

5.6 Private Solid Waste Collection

5.6.1 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.

5.7 Container Usage Regulations

5.7.1 Container usage must comply with the following regulations:

- a) 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.
- b) For collection purposes, all 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.
- c) For collection purposes, all 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.
- d) For collection purposes, all Containers shall be kept at ground level or on a platform not more than thirty (30) centimeters in height above ground.
- e) No liquids shall be put in or allowed to accumulate in any Container.
- f) All wet Garbage, ashes, sawdust, or any other granular materials must be Double-bagged before being placed within any Garbage Container.
- g) Any substance which might adhere to a Garbage Container shall be separately contained within individual disposable wrappings or containers before being placed in a Garbage Container.
- h) All cat litter and pet feces must be Double-bagged prior to being placed in a User-owned Garbage Container.
- i) No User-owned Garbage, Recyclables or Yard Waste Container placed for collection shall exceed 120L in volume or twenty-three (23) kilograms (fifty (50) lbs) in weight.
- j) No User-owned single-use black plastic bag for Garbage placed for collection shall exceed 65cm x 83cm (74L) in volume or eleven point five (11.5) kilograms (twenty-five (25) lbs) each in weight.
- k) No Town-owned Food Waste or Recyclables Container placed for collection shall exceed eighteen (18) kilograms (forty (40) lbs).
- l) All User-owned Garbage Containers placed for collection shall be covered with a water-tight lid, or in the case of plastic bags, securely tied.

- m) No person shall place any item(s) in a Container which could cause injury to a Collector.
- n) All Containers must be maintained in good repair and sanitary condition.
- o) The Owner or tenant of a property shall ensure that Containers do not spill and shall clean any spillage that may occur immediately.
- p) All material placed in Garbage Containers must be bagged. Loose material, even if contained within a Garbage Container, will not be collected.
- q) All Biomedical Waste must be Double-bagged prior to being placed in a User-owned Garbage Container; additionally, sharps waste shall be placed in a puncture-resistant container, in accordance with the National Standard of Canada, prior to being Double-bagged.

5.8 Prohibited and Hazardous Materials

- 5.8.1 No person shall place or mix with any material identified in Schedule 'B' – Prohibited Materials for removal, as any Garbage, Recyclables or Food Waste.
- 5.8.2 Notwithstanding Schedule 'B' – Prohibited Materials, dead rodents may be Double-bagged and placed in a Garbage Container for collection.

Part 6 Yard Waste

- 6.1 Three times per year, for one week in the Spring and for two, non-consecutive, weeks in the Fall, as designated by the Director of Infrastructure Services, garden waste including tree prunings, leaves, chipped yard and garden and other compostable waste, may be picked up by the Town under the following conditions:
 - a) branches and prunings, a maximum of 15 cm (6") in diameter must be cut into 1 metre (36") lengths and wrapped in bundles;
 - b) grass clippings, leaves and other organic waste must be placed in rigid, weather-proof Containers or compostable Kraft paper bags;
 - c) no plastic bags will be accepted;
 - d) no non-compostable material will be picked up; and,
 - e) Yard Waste must be placed in a separate location than Containers on the property frontage.

Part 7 Fees and Charges

- 7.1 The fees for Garbage and Food Waste Collection Tags, utility billing and any other fees related to Curbside Collection of Solid Waste, are as found in "Schedule 10 – Solid Waste Fees" of the 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 the Fees and Charges Bylaw No. 1763, 2011, shall be the responsibility of the Owner of the premises receiving Curbside Collection of Solid Waste.
- 7.2.1 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 the Fees and Charges Bylaw No. 1763, 2011, are payable annually on or before December 31st for the current year.
- 7.4 A discount of 3% shall be deducted from the rates set out in “Schedule 10 – Solid Waste Fees” of the Fees and Charges Bylaw No. 1763, 2011, if the annual charge is paid in full on or before January 31st for the current year.
- 7.4.1 No discount shall apply to the purchase of additional Garbage or Food Waste Collection Tags.
- 7.5 For new properties included in the Curbside 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 Fees for replacement of Food Waste and Recyclables Containers provided by the Town to each Curbside Household, are set out in “Schedule 10 – Solid Waste Fees” of the Fees and Charges Bylaw No. 1763, 2011, as amended from time to time.
- 7.7 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:
- a) shall be liable to a penalty set out in the Bylaw Notice Enforcement Bylaw No. 1760, 2011, as amended from time to time; or,
 - b) 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,
 - c) both 8.2a) and 8.2b).

- 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 Curbside 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 upon adoption.

READ A FIRST TIME by content and SECOND TIME by title this 14th day of June, 2022.

READ A THIRD TIME by title this 14th day of June, 2022.

ADOPTED this 28th day of June, 2022.

“Ron Toyota”
Mayor Ron Toyota

“Michael Moore”
Michael Moore, Chief Administrative Officer

Schedule 'A'

Acceptable Materials

Contact the Town for a complete list of materials accepted in the Curbside Collection Service.

Schedule 'B'

Solid Waste Not Eligible for Refuse Disposal

Contact the Town for a complete list of materials prohibited from the Curbside Collection Service.