



THE CORPORATION OF THE VILLAGE OF FRUITVALE

BYLAW NO. 809

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

WHEREAS pursuant to the Municipal Act, being Section 363 of the Municipal Act, a municipality may by by-law, establish and maintain a system to collect, remove, and dispose of garbage, ashes, refuse and other noxious, offensive, unwholesome and discarded matter, and compel persons to make use of a system established to dispose of garbage, ashes, refuse and other noxious, offensive, unwholesome and discarded matter, and specify the terms and conditions on which persons make use of the system;

AND WHEREAS pursuant to the aforesaid Municipal Act, a municipality may, by by-law, establish a scale of charges payable by owners or occupiers of real property for the removal to the designed place for trade waste, garbage, rubbish and matter, 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 trade waste, garbage, rubbish and other matter;

NOW THEREFORE, the Municipal Council of the Village of Fruitvale in the Province of British Columbia, duly assembled, hereby enacts as follows:

SECTION I: TITLE

1. This By-law shall be cited as the “Village of Fruitvale Waste Control By-law No. 809, 2009”.

SECTION II: DEFINITIONS

2. In this By-law, unless the context otherwise requires:

“Collector” shall mean the Treasurer 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, supplied by and purchased from the Village.

“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.

“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 By-law.

“Special Waste” shall include, but not be limited to, all hazardous, inflammable, radioactive and toxic materials as defined in the Waste Management Act, Chapter 41 of the Revised Statutes of British Columbia, 1982 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 III: 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:
 - dispose of these wastes at the McKelvey Creek Landfill; or
 - contain the wastes with a Village garbage bag for pick-up on the next collection day.

All persons within the solid waste collection area wanting to utilize the collection service shall be required to purchase Village garbage bags from the Village 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. The bag, when filled shall not exceed twenty-three kilograms (23kgs) 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 regularly scheduled collection. 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 IV: 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, once per week, fifty-two weeks per year (or 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.

SECTION V: SPECIAL WASTES/OTHER UNACCEPTABLE WASTES

8. 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 Waste Management Act.
9. The following wastes will not be collected by the Village:
 - explosives;
 - raw sewage or septic tank sludge;
 - oversized items of any kind exceeding 0.61 metres in any dimension;
 - dead animals or parts of dead animals;
 - demolition or construction waste;
 - rocks;

- hot ashes;
- brush and garden trimmings;
- corrugated cardboard suitable for recycling.

SECTION VI: FEES AND PAYMENT

10. 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 1998, shall be as per Schedule "A", attached to and forming part of this By-law.
11. 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.
12. 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 a water shut-off is not viable, vacancy will be determined by the Village, upon inspection.
13. 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 as taxes in arrears against the affected property.
14. No persons shall dispose of solid waste anywhere within the boundaries of the Village, except within the appropriate containers as defined in this By-law, or as permitted in Section III of this By-law.
15. No person shall dispose of solid waste within a waste receptacle, unless given the authority to do so, by the occupier.
16. No person shall dispose of garbage, recyclable materials, waste, special waste or unacceptable waste, by burning.
17. Where Council is satisfied that special circumstances exist, Council, may by resolution, provide for special services, for a fixed period of time.

SECTION VIII: PENALTY & SUMMARY CONVICTION

18. Any person who contravenes any provision of this By-law, commits an offense and is punishable in accordance with the Offense Act, and shall be liable on conviction, to a fine or penalty of not less than Two Hundred Dollars (\$200.00) and not more than Two Thousand Dollars (\$2,000.00).

SECTION IX: GENERAL

19. That the “Village of Fruitvale Waste Control By-law No. 712, 2004 are hereby repealed.

READ A FIRST time this 24th day of February, 2009.

READ A SECOND time this 24th day of February, 2009.

READ A THIRD time this 24th day of February, 2009.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 10th day of March, 2009

Mayor

Administrator

Certified a true copy of the Village of Fruitvale By-law entitled “Village of Fruitvale Waste Control By-law No. 809, 2009”.

Dated this 12th day of March, 2009.

Administrator

**VILLAGE OF FRUITVALE
WASTE CONTROL BYLAW, SOLID WASTE FEES & CHARGES
BYLAW NO. 809**

SCHEDULE "A"

- (a) The minimum Annual Garbage Service Charge shall be \$50.00 and with this charge residents may choose to receive 20 bags.
- (b) All additional bags may be purchased at a cost of \$2.50 per bag.
- (c) A 5% discount will be applied on the Annual Garbage Service Charge if paid for on/or before the last working day in March.
- (d) A 5% discount will be applied on the purchase of bags until the last working day in March.
- (e) A late penalty of 10% shall be charged on all accounts outstanding after the last working day in October.