



Northern Rockies Regional Municipality Residential Curbside Collection Bylaw No. 100, 2014

A bylaw of the Northern Rockies Regional Municipality to establish and regulate the curbside collection of residential solid waste in Fort Nelson.

WHEREAS, the Council of the Northern Rockies Regional Municipality deems it advisable to implement a curbside solid waste collection system;

AND WHEREAS, section 8(3)(h) of the *Community Charter* authorizes the Council of the Northern Rockies Regional Municipality to regulate, prohibit and impose requirements in relation to the protection and enhancement of the well being of its community in relation to refuse, garbage or other material that is noxious, offensive or unwholesome and use of waste disposal and recycling services;

AND WHEREAS, section 194(1) of the *Community Charter* authorizes the Council of the Northern Rockies Regional Municipality to impose a fee payable in respect of all or part of a service of the Municipality;

AND WHEREAS, section 18 of the *Community Charter* authorizes the Council of the Northern Rockies Regional Municipality to establish circumstances in which it may discontinue providing a service provided that provision is made for reasonable notice, and an opportunity to make representations to council if the discontinuance of service flows from non-compliance with the rules established by the bylaw respecting the use of the service;

NOW THEREFORE, the Council of the Northern Rockies Regional Municipality, in open meeting assembled, hereby enacts as follows:

1. CITATION

- 1.1. This bylaw may be cited as 'The Northern Rockies Regional Municipality Curbside Collection Bylaw No. 100, 2014'.

2. DEFINITIONS

The following words and phrases shall have the following meanings:

“Authorized agent, acting on behalf of an owner” includes a person who represents to the Municipality in writing that he or she is a member of the board of directors, management company or other entity reasonably likely to have control and administrative responsibility for solid waste on behalf of the owner.

“Collection point” means a location where a solid waste cart is placed for collection by the Municipality.

“Director of Public Works” means the Director of Public Works for the Northern Rockies Regional Municipality and shall include his or her duly appointed assistants and representatives.

“Duplex” means a building containing two dwelling units each of which is separated from the other by an unpierced wall extending from ground to roof, or an unpierced ceiling and floor extending from exterior wall to exterior wall.

“Dwelling unit” means self-contained living premises for one family with cooking, sleeping and sanitary facilities.

“Fourplex” means a building consisting of only four dwelling units.

“Municipality” means the Northern Rockies Regional Municipality.

“Owner” means:

- a) The registered owner of an estate in fee simple,
- b) The tenant for life under a registered life estate,
- c) The registered holder of the last registered agreement for sale, and
- d) The holder or occupier of land held in the manner referred to in section 228 (taxation of Crown land used by others) or section 229 (taxation of municipal land used by others) of the *Community Charter*,

and in dealings with the Municipality, also includes the authorized agent, acting on behalf of the owner.

“Private contractor” means a person or company who collects residential solid waste under contract with an owner or occupant.

“Prohibited waste” means the types of waste listed in Schedule C of this Bylaw.

“Secondary suite” means a dwelling unit added to and wholly contained within a single family dwelling, for use as a complete, independent living facility with provision within the secondary suite for cooking, eating, sanitation and sleeping.

“Single family dwelling” means a detached, residential property consisting of one single dwelling unit, or one dwelling unit and an auxiliary suite within the same building, and includes a manufactured home not located within a mobile homepark.

“Solid waste” means refuse, recyclable waste, demolition, land clearing and construction waste, yard and garden waste, processed yard and garden waste and controlled waste acceptable for disposal at the Fort Nelson Landfill, but excludes prohibited waste.

“Solid waste cart” means a 240 litre wheeled container supplied by the Municipality for the deposit of solid waste.

“Solid Waste Curbside Collection Service” means the service as established in section 3 of this bylaw.

“Solid Waste Curbside Collection Service Area” means the area where the Solid Waste Curbside Collection Service applies as defined by Schedule A of this bylaw.

“Specified residential properties” means all single family dwellings, all duplexes, all tri-plexes and fourplexes within the solid waste curbside collection service area.

“Yard and garden waste” means organic source separate waste that includes grass, lawn and hedge clippings, grass sod, flowers, leaves, weeds, vegetable stocks, shrubs and shrub and tree branches less than 75 millimetres in diameter.

3. ESTABLISHMENT OF SERVICE

- 3.1. The Municipality hereby establishes the service of municipal collection of solid waste from the specified residential properties, using a system of solid waste carts.
- 3.2. For the purposes of providing the solid waste curbside collection service, the Municipality may utilize its own labour and equipment or the labour and equipment of a third party contractor.
- 3.3. The Municipality shall provide waste collection to each specified residence once per week and in accordance with the schedule for waste collection determined by the Municipality.
- 3.4. The Municipality will collect solid waste only from the specified residential properties and only where the owners and occupiers of those properties have complied with the provisions of this bylaw.

4. AUTHORITY

- 4.1. The Director of Public Works or his/her designate is authorized to administer the solid waste curbside collection service.
- 4.2. Where this bylaw directs a person to do anything or to comply with regulations, the Director of Public Works and any person authorized by the Municipality to do so, may enter onto any land or premises that are subject to the regulations to inspect and determine whether the regulations are being observed.

5. SOLID WASTE CARTS

- 5.1. Each specified residential property will be allocated by the Municipality the following number of solid waste carts:
 - a) Single family dwelling – one cart.
 - b) Duplex – two carts

- c) Tri-plex – up to three carts
 - d) Fourplex – up to four carts
- 5.2. Solid waste carts remain the property of the Municipality.
- 5.3. An owner or occupier must not use a solid waste cart for any purpose other than the storage of solid waste for collection by the Municipality.
- 5.4. The Municipality will collect only the number of solid waste carts authorized under section 5.1 of this bylaw from each specified residential property unless additional solid waste carts have been provided pursuant to section 5.9 of this bylaw.
- 5.5. The solid waste cart provided for a particular residence and identified by a serial number permanently etched in the plastic will remain with that residence.
- 5.6. Each owner or occupier to whom a solid waste cart is issued must:
- a) ensure that the solid waste cart is not subject to abuse that would damage the solid waste cart; and
 - b) keep the solid waste cart in a good and generally clean condition.
- 5.7. The Municipality may refuse to collect solid waste from a specified residential property unless the owner or occupier has placed the solid waste intended for collection in the cart provided by the Municipality.
- 5.8. An owner or occupier of a specified residential property shall place solid waste in the provided solid waste cart supplied by the Municipality for collection by the Municipality.
- 5.9. If an owner wishes an additional solid waste cart to be collected weekly by the Municipality, the owner shall:
- a) apply to the Municipality for an additional solid waste cart; and
 - b) pay the additional collection fee set out in Schedule B of this bylaw.
- 5.10. The fee for an additional cart under section 5.9 of this bylaw is set out in Schedule B of this bylaw. This additional cart will be removed from the residence when relocating to another property. An additional annual collection fee as specified in Schedule B for the additional cart will apply.
- 5.11. If, after the expiry of ten years from the date a solid waste cart has been allocated, the Municipality determines that a solid waste cart has suffered damage to the extent that it needs to be replaced, a replacement will be provided at the Municipality's expense.
- 5.12. If a replacement cart is required before the expiry of ten years, a replacement will be provided upon payment of the fee specified in Schedule B of this bylaw.

- 5.13. An owner or occupier must store solid waste carts with the lids closed at all times and in compliance with the Northern Rockies Regional Municipality Garbage Disposal and Wildlife Attractants Bylaw No. 05, 2009.
- 5.14. An owner or occupier must not fill a solid waste cart in his or her possession:
- a) to the extent that the lid does not completely close;
 - b) to the extent that the collector cannot easily empty the contents; or
 - c) so that the combined weight of the solid waste cart and its contents exceed 100 kg.
- 5.15. All solid waste placed within a solid waste cart must be enclosed within a plastic bag.
- 5.16. Where the Director of Public Works determines that a solid waste cart is unfit for use within the Municipality's solid waste system, the owner or occupier of the specified residential property must stop using the solid waste cart and obtain a replacement one pursuant to section 5.11.
- 5.17. Upon the:
- a) failure to pay the required fees; or
 - b) non compliance with any provision of this bylaw
- the Municipality may discontinue the collection of solid waste from a specified residential property.
- 5.18. With respect to the discontinuance of the collection of solid waste from a specified residential property pursuant to section 5.17.b) of this bylaw, the Municipality shall give the owner or occupier of the specified residential property for which the service is proposed to be discontinued:
- a) 7 days notice of the proposed discontinuance of the service, and the reasons for it
 - b) And notice that they may, within the 7 days notice period, request an opportunity to make representations to the Council of the Municipality with respect to the proposed discontinuance of the service.
- 5.19. After hearing representations to the Council of the Municipality, the owner or occupier of the specified residential property for which the service is proposed to be discontinued under section 5.18.a) of this bylaw the Council may:
- a) confirm the discontinuance of the service, which discontinuance shall take effect immediately; or
 - b) confirm the discontinuance of the service, which discontinuance shall take effect immediately, until such time as the owner or occupier of the specified residential property has complied with the provisions of this bylaw; or
 - c) rescind the discontinuance of the service.

6. PLACEMENT OF SOLID WASTE CARTS

- 6.1. Every owner or occupier of a specified residential property must place all solid waste carts containing solid waste which the owner or occupier wishes to be collected on the curb immediately adjacent to the street fronting their property; and on the day scheduled for the collection of solid waste.
- 6.2. Solid waste collection carts placed for collection must be:
 - a) placed prior to 8:00am, but not before 5:00am, on the day scheduled for the collection of solid waste; and
 - b) removed and stored in compliance with the Northern Rockies Regional Municipality Garbage Disposal and Wildlife Attractants Bylaw No. 05, 2009 by 7:00pm on the day scheduled for the collection of solid waste.
- 6.3. No owner or occupier shall permit the placement of a solid waste cart on a street, lane or public place in a way that interferes with the ordinary travel or parking of vehicles or the passage of pedestrians, or, except as permitted under section 6.5, such that the solid waste cart encroaches on any street, lane or public place.
- 6.4. An owner or occupier wishing solid waste in a solid waste cart to be collected by the Municipality on the scheduled collection day must place the solid waste cart:
 - a) facing toward the street; and
 - b) with the lid closed; and
 - c) in a manner that ensures that there are no obstructions at least:
 - i. one metre horizontally on all sides of the solid waste cart; and
 - ii. three meters vertically above the solid waste cart.
- 6.5. The Director of Public Works, or his/her designate, may authorize the placement of a solid waste cart in a location that does not comply with sections 6.3 or 6.4 of this bylaw where reasonable under the circumstances peculiar to the property.

7. MATERIALS PROHIBITED FROM SOLID WASTE CARTS

- 7.1. No person may deposit anything described in Schedule C of this bylaw into a solid waste cart.

8. PRIVATE SOLID WASTE COLLECTION

- 8.1. The owner or occupier of a specified residential property is not required to use the Municipality's solid waste curbside collection service if the owner or occupier contracts with a private contractor to remove solid waste from the property, but entering into that private contract will not relieve the owner from payment of the quarterly fee for the solid waste curbside collection service under this bylaw.

- 8.2. Private contractors must use for the collection of solid waste that is likely to rot or putrefy, only containers and vehicles of a closed metal type that are suitably designed to contain the liquid by-products of any rotting or putrefying waste.
- 8.3. Private contractors must operate in and adjacent to residential areas only between 8:00am and 7:00pm.
- 8.4. All private contractors must remove solid waste to a place of disposal on the date of collection, unless the solid waste will be immediately processed, converted or salvaged.

9. FEES FOR SOLID WASTE SERVICE

- 9.1. The solid waste curbside collection service fees set out in Schedule B of this bylaw shall be due and payable quarterly.
- 9.2. Any amount not remitted pursuant to section 9.1 of this bylaw, shall be subject to a 10% penalty added at the end of the quarter.
- 9.3. Any fees remaining unpaid on the 31st day of December shall be deemed taxes in arrears in respect of the property and be entered on the real property tax roll as taxes in arrears.
- 9.4. The quarterly fees set out in Schedule B of this bylaw for solid waste services are mandatory and due and payable by each owner of a specified residential property, whether or not;
 - a) Any or all of the dwelling units within that specified residential property are occupied or unoccupied for any length of time.
 - b) The owner or occupier of the specified residential property makes use of the solid waste service, or
 - c) The solid waste curbside collection service is interrupted or altered in any manner, or
 - d) The solid waste curbside collection service is discontinued under section 5.17 of this bylaw.
- 9.5. There will be no refund of the fee where a specified residential property is demolished or, for any other reason, the solid waste curbside collection service is not used for the remainder of the quarter.

10. NO LIABILITY

- 10.1. The Municipality will not be liable for any damages suffered or costs incurred by any person by reason or failure of the Municipality to supply the solid waste curbside collection service or by reason of the manner of the Municipality supplying the solid waste curbside collection service

11. COMPLIANCE WITH LAWS

- 11.1. No person will be relieved of the obligation to observe the requirements of all federal, provincial and municipal laws by reason of the solid waste curbside collection service provided by the Municipality

12. VIOLATIONS AND PENALTIES

- 12.1. The Director of Public Works or his/her designate, British Columbia Conservation Officers or any Bylaw Enforcement Officer as defined by the Northern Rockies Regional Municipality Bylaw Notice Enforcement Bylaw No. 59, 2011 is authorized to enforce the provisions of this bylaw and may order or direct any person to:
- a) discontinue or refrain from doing anything that is in contravention of this bylaw, and
 - b) carry out any work or do anything required by this bylaw.

and failure on the part of such a person to comply with such an order or direction within the time specified in such order or direction is a violation of this bylaw.

- 12.2. Any person who contravenes this bylaw shall be guilty of an offence.
- 12.3. Each day that a contravention exists will constitute a separate offence.
- 12.4. This bylaw may be enforced by means of a notice in the form prescribed under the *Local Government Bylaw Notice Enforcement Act*.
- 12.5. Any person who has been issued a Bylaw Notice as being in contravention of any provision of this bylaw and wishes to dispute the allegation, may do so in accordance with the Northern Rockies Regional Municipality Bylaw Notice Enforcement Bylaw No. 59, 2011 and give notice in person of the dispute, or deliver, have delivered, or mail a notice of dispute to the Northern Rockies Municipal Office, 5319 – 50th Avenue South, PO Bag Service 399, Fort Nelson BC, V0C 1R0.

13. SEVERABILITY

- 13.1. If a section, subsection, clause or phrase of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

14. SCHEDULES

14.1. The following schedules attached hereto are hereby made part of this Bylaw and adopted as the Residential Curbside Collection Bylaw for the Northern Rockies Regional Municipality:

- **Schedule A: Solid Waste Curbside Collection Service Area Map**
- **Schedule B: Solid Waste Curbside Collection Service Fees**
- **Schedule C: Prohibited Materials**
- **Schedule D: Bylaw Notice Enforcement Bylaw Amendment**

15. AMENDMENTS

15.1. Schedule A of the Northern Rockies Bylaw Notice Enforcement Bylaw is hereby amended to include the fine table included in Schedule D of this bylaw.

16. EFFECTIVE DATE

16.1. This bylaw shall take effect upon its adoption.

READ a first time this 26th day of May, 2014

READ a second time this 26th day of May, 2014

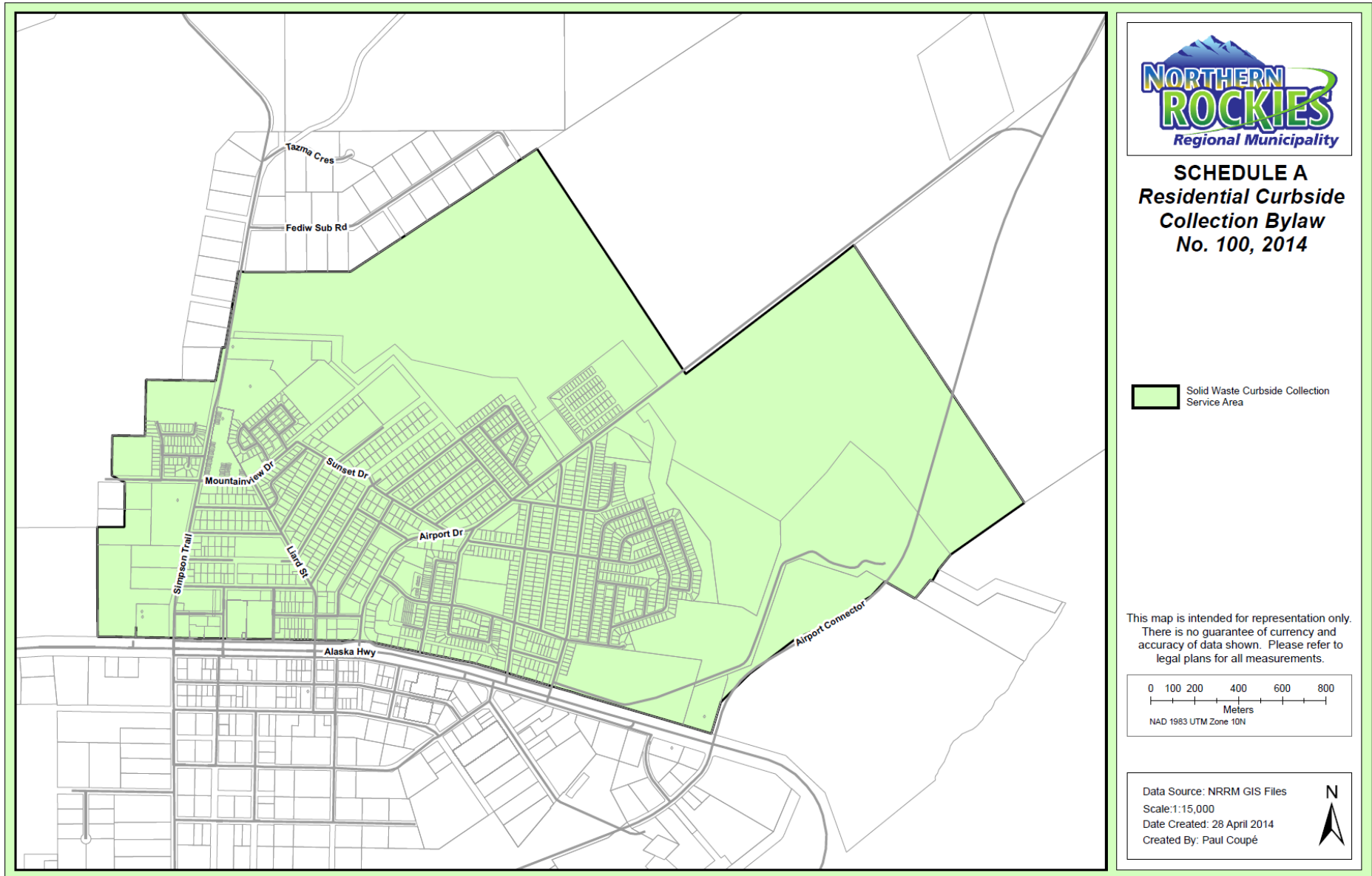
READ a third time this 26th day of May, 2014

Adopted this 9th day of June, 2014

Bill Streeper, Mayor

Heather Cobbett, Deputy CAO of
Administration & Corporate Manager

Schedule A: Solid Waste Curbside Collection Service Area Map



Schedule B: Fees

Solid Waste Collection Service Fees

Quarterly fee for solid waste collection service: **\$50**

Solid Waste Cart Fees

Fee for each additional solid waste cart: **\$100** (\$50 of which will be refunded upon the return of the cart to the Municipality)

Fee for each replacement solid waste cart: **\$100**

Schedule C: Prohibited Materials

Waste that is prohibited from being placed in solid waste carts includes for the Purposes of this bylaw includes:

- liquids
- slurry; except as permitted herein
- empty steel and plastic drums, unless they are crushed, shredded or similarly reduced in volume to a condensed mass
- contaminated soils
- waste asbestos
- waste oil and lubricants
- ignitable, reactive and radioactive waste
- hazardous waste, except as permitted herein
- refuse that is on fire or smoldering
- explosives
- industrial chemical waste
- lead acid batteries
- all tires that are mounted on rims
- ozone depleting substances except as permitted herein
- unspecified chemicals and gases

Schedule D: Bylaw Notice Enforcement Bylaw Amendment

Bylaw	Description	Section	A1 Penalty	A2 Early Payment Penalty within 21 days	A3 Late Payment Penalty after 32 days	A4 Compliance Agreement Allowed	A5 Compliance Agreement maximum discount
Curbside Collection Bylaw No. 100, 2014							
<i>Curbside Collection</i>	Unauthorized use of solid waste cart	5.3	\$50	\$45	\$55	Yes	50%
<i>Curbside Collection</i>	Placing solid waste for collection not within an appropriate cart	5.8	\$50	\$45	\$55	Yes	50%
<i>Curbside Collection</i>	Cart stored with open lid	5.13	\$50	\$45	\$55	Yes	50%
<i>Curbside Collection</i>	Over-full/over-weight solid waste cart	5.14	\$50	\$45	\$55	Yes	50%
<i>Curbside Collection</i>	Cart in wrong location	6.1	\$50	\$45	\$55	Yes	50%
<i>Curbside Collection</i>	Cart left out for collection outside of allowed times	6.2	\$200	\$180	\$220	Yes	50%
<i>Curbside Collection</i>	Cart interfering with traffic	6.3	\$50	\$45	\$55	Yes	50%
<i>Curbside Collection</i>	Insufficient space around solid waste cart	6.4	\$50	\$45	\$55	Yes	50%
<i>Curbside Collection</i>	Prohibited material in solid waste cart	7.1	\$50	\$45	\$55	Yes	50%
<i>Curbside Collection</i>	Leakage from private solid waste collector contractor vehicle	8.2	\$50	\$45	\$55	Yes	50%
<i>Curbside Collection</i>	Private solid waste collector operation outside permitted hours	8.3	\$50	\$45	\$55	Yes	50%