

**THE CORPORATION OF THE VILLAGE OF LUMBY
BYLAW NO. 856, 2021**

**A Bylaw to Provide for and Regulate the Collection and Disposal of Solid Waste
and to Establish a Scale of Fees and Charges Therefore**

WHEREAS The Corporation of the Village of Lumby has established a service to provide for the management of solid waste; and

AND WHEREAS The Corporation of the Village of Lumby considers that it is necessary to provide regulations for the management of solid waste;

NOW THEREFORE The Council of the Corporation of the Village of Lumby in open meeting assembled, enacts as follows:

1 INTERPRETATION

- 1.1 This bylaw may be cited for all purposes as the “Village of Lumby Solid Waste Management Bylaw 856, 2021.”
- 1.2 The headings contained in this bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this bylaw.
- 1.3 Any act or enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Council of the Corporation of the Village of Lumby, as amended, revised, consolidated or replaced from time to time.

2 DEFINITIONS

- 2.1 All words and phrases contained in this bylaw shall have their normal or common meaning except where the same is changed, modified, or expanded by the definitions as set forth in the *Waste Management Act*, R.S.B.C. 1996, c. 482 and the *Community Charter*, S.B.C. 2003, c. 26 and as set forth in Part 2 of this bylaw.
- 2.2 In this bylaw, unless the context otherwise requires:

“**Administrator**” means the Chief Administrative Officer of the Village, or his or her designate.

“Automated Collection” means the collection of Municipal Solid Waste or Food Waste using a specially designed vehicle with mechanical apparatus, which empties a Municipal Solid Waste Container or Food Waste Container directly into a vehicle without requiring manual labour.

“Collection Area” means the area shown outlined in bold red on the drawing attached to this bylaw as Schedule “A”.

“Collection Crew” means any Village employee or other Person authorized by the Village to provide any service under this bylaw.

“Collection Services” means the Village’s collection of Solid Waste by means of Automated Collection, Semi-Automated Collection, or Manual Collection pursuant to this bylaw.

“Council” means the Council of the Corporation of the Village of Lumby.

“Designated Properties” means non-commercial properties located within the Collection Area including but not limited to senior citizen housing facilities, churches, community halls, or any other non-commercial property that the Administrator designates from time to time.

“Food Waste” means coffee grounds, coffee filters, tea bags, tea leaves, eggs, eggshells, dairy products, bread, baked goods, pasta, batter, dough, meat, poultry, fish, shellfish, bones, fat, shells, fruit, vegetables, grains, nuts, seeds, peelings, shells, oils, butter, sauces combined with foods, whether raw, cooked or processed, and food soiled paper products (including but not limited to pizza boxes, paper towels and paper take out containers) but excludes grease, diapers, animal carcasses, pet waste, plastics, and liquid oils not combined with food.

“Food Waste Collection Day” means Thursday of each week, or any other day as determined by the Village from time to time unless such day is a Holiday, in which case the Food Waste Collection Day will be the next subsequent business day after the Holiday.

“Food Waste Container” means a bin, owned by the Village or its contractor and used in Manual Collection of Food Waste from Dwelling Units in accordance with this bylaw.

“Garbage Bag Tag” means a tag purchased from the Village for the purpose of being placed on garbage bags to be collected by the Collection Crew in accordance with this bylaw for the fee set out in Schedule “B”.

“Hazardous Waste” has the meaning assigned in the *Hazardous Waste Regulation* B.C. Reg 63/88 of the *Environmental Management Act* S.B.C. 2003, c. 53.

“Holiday” means New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, BC Day, Labour Day, Thanksgiving Day, Remembrance Day, and Christmas Day.

“Manual Collection” means the collection of Municipal Solid Waste or Food Waste from Municipal Solid Waste Containers or Food Waste Containers by the Collection Crew by hand.

“Municipal Solid Waste” means waste material, not including recyclables, Hazardous Waste, Yard Waste, or Prohibited Waste, or any other unacceptable materials, as determined by the Administrator from time to time.

“Municipal Solid Waste Collection Day” means every other Thursday, or any other day as determined by the Village from time to time unless such day is a Holiday, in which case the Municipal Solid Waste Collection Day will be the next subsequent business day after the Holiday.

“Owner” means the registered owner of any lands and premises situated within the Village, and shall, where applicable, include the agent, executor or administrator of such Owner or the lessee or occupier of the premises.

“Person” shall in addition to its ordinary meaning, include a firm or partnership, company or corporation, and the singular shall be held to mean and include the plural and the masculine, the feminine or body corporate, where the context requires.

“Prohibited Waste” means any matter or thing, natural or manmade, that, on its own or when mixed with any other substance, may be germ or vermin infested, have an offensive odour, be injurious to the health of a person handling or disposing of it, that results in the disruption of Collection Services by reason of the need to clean equipment, personal, public or private property, or is defined as a dangerous good in the British Columbia *Transport of Dangerous Goods Act* R.S.B.C. 1996, c. 458, and includes, without limitation, acids and other corrosive materials, and combustible materials.

“Residential Dwelling Unit” means an individual dwelling unit with direct access to and from the outdoors which could include single family dwellings, two family dwellings, residential triplexes or fourplexes, manufactured homes, or individually serviced units of apartments or condominiums. For the purposes of this bylaw, Residential Dwelling Unit includes Designated Properties, but does not include, stratified properties to which access to each individual unit is only available via common strata property.

“Semi-Automated Collection” means the collection of Municipal Solid Waste or Food Waste using a specially designed vehicle with mechanical apparatus which requires the Collection Crew to manually situate Municipal Solid Waste Containers or Food Waste Containers in the appropriate position for lifting.

“Solid Waste” means Municipal Solid Waste and Food Waste.

“Municipal Solid Waste Container” means a wheeled container owned by the Village or its contractor for the collection of Municipal Solid Waste from Residential Dwelling Units in accordance with this bylaw.

“Village” mean the Corporation of the Village of Lumby.

“Wildlife Attractants” means any substance or material which attracts or could attract wildlife including bears, coyotes, cougars, raccoons, wolves, or any other vertebrates native to British Columbia.

“Yard Waste” means organic or inert material, including but not limited to grass, lawn and hedge clippings, flowers, weeds, leaves, garden waste, shrub and tree prunings, soil, dirt, sod, gravel, concrete, asphalt or sand.

3 ADMINISTRATION

3.1 Where this bylaw directs a Person to do anything or to comply with regulations, the Administrator and any Person authorized by the Administrator to do so, may enter at all reasonable times and in a reasonable manner on any lands that are subject to this bylaw to inspect and determine whether the regulations are being observed.

3.2 The Administrator may, where collection vehicle access to any Residential Dwelling Unit is hampered by any circumstance, designate in writing any location for the placement of Municipal Solid Waste Containers at the Residential Dwelling Unit, and those locations shall substitute for the locations prescribed for the Residential Dwelling Unit by this bylaw until the Administrator notifies the Owner of the Residential Dwelling Unit otherwise.

3.3 The Administrator may from time to time prescribe the form of applications, certificates and other documents required in the administration of this bylaw.

4 SOLID WASTE COLLECTION SERVICES

4.1 Every Owner of a Residential Dwelling Unit within the Collection Area shall use the Collection Services established by the Village pursuant to this bylaw and shall pay the rates and fees set out in Schedule “B”.

4.2 The Village may enter into contract(s) with Person(s) to perform the Collection Services.

4.3 The Village, or a contractor acting on behalf of the Village, shall pick up Municipal Solid Waste set out at each Residential Dwelling Unit within the Collection Area on the Municipal Solid Waste Collection Day, provided that each Owner complies with the terms of this bylaw.

- 4.4 The Village, or a contractor acting on behalf of the Village, shall pick up Food Waste set out at each Residential Dwelling Unit within the Collection Area on the Food Waste Collection Day, provided that each Owner complies with the terms of this bylaw.
- 4.5 Notwithstanding sections 4.1, 4.3, and 4.4 of this bylaw, the Village reserves the right to alter or exclude a Residential Dwelling Unit from the Collection Services if collection costs, access routes, or location of the Residential Dwelling Unit are unsafe or unreasonable.
- 4.6 The Village reserves the right to refuse to collect all material that is not Solid Waste as defined in this bylaw.

5 MUNICIPAL SOLID WASTE CONTAINERS AND FOOD WASTE CONTAINERS

- 5.1 Every Owner of a Residential Dwelling Unit within the Collection Area shall use one Municipal Solid Waste Container and one Food Waste Container provided by the Village or its contractor, and shall pay the rates set out in Schedule "B" for such use.
- 5.2 An Owner of a Residential Dwelling Unit may request that the Administrator provide them with an additional Food Waste Container for the fee set out in Schedule "B".
- 5.3 An Owner of a Residential Dwelling Unit may request that the Administrator provide them with a replacement Municipal Solid Waste Container or Food Waste Container for the fee set out in Schedule "B".
- 5.4 Every Owner of a Residential Dwelling Unit shall maintain their Municipal Solid Waste Container and Food Waste Container in a sanitary condition and in good order and repair, and shall notify the Administrator of any lost, stolen or damaged Municipal Solid Waste Container or Food Waste Container, and shall promptly obtain a replacement Municipal Solid Waste Container or Food Waste Container for the fee set out in Schedule "B".
- 5.5 Municipal Solid Waste Containers and Food Waste Containers shall be kept at the Owner's Residential Dwelling Unit at all times and shall not encroach upon or project over any street, lane, or public place except when placed on such street, lane or public place for the purpose of Collection Services under this bylaw.
- 5.6 Unless exempted in accordance with Part 6 of this bylaw for reasons of physical disability, all Municipal Solid Waste Containers and Food Waste Containers shall be made readily accessible and with lids unlocked for emptying, only between the hours of 7:00 a.m. and 7:00 p.m. on the Municipal Solid Waste Collection Day and the Food Waste Collection Day, as the case may be.

- 5.7 For collection purposes, Municipal Solid Waste Containers and Food Waste Containers shall be readily accessible, and placed as follows:
- (a) In the case of Residential Dwelling Units where Collection Services are provided from the street, Municipal Solid Waste Containers and Food Waste Containers shall be placed with the wheels positioned away from the street, and within one metre from the curb or travelled portion of the street; and
 - (b) In the case of Residential Dwelling Units where Collection Services are provided from a lane, Municipal Solid Waste Containers and Food Waste Containers shall be placed with the wheels positioned away from the lane, and shall be readily accessible from the lane abutting the Residential Dwelling Unit.
- 5.8 In addition to a Solid Waste Container, an Owner of a Residential Dwelling Unit may place a maximum of two (2) additional garbage bags for pick up provided that each bag is tagged with a Garbage Bag Tag.

6 SET OUT/ SET BACK SERVICES

- 6.1 If an Owner of a Residential Dwelling Unit is unable to comply with section 5.6, the Administrator may authorize the provision of a medical set out/set back service, whereby the Collection Crew moves an Owner's Municipal Solid Waste Container and Food Waste Container to and from the collection point on the Municipal Solid Waste Collection Day and the Food Waste Collection Day at no cost, if the Administrator is satisfied that the Owner:
- (a) regularly resides in the Residential Dwelling Unit at which the medical set out/set back service will apply;
 - (b) has a physical disability that prevents the Owner from moving their Municipal Solid Waste Container and Food Waste Container to and from their collection point; and
 - (c) has no able-bodied assistance available to them.
- 6.2 Medical set out/set back service application forms may be obtained from the Village Municipal Office.
- 6.3 The Administrator may require the applicant to provide proof of physical disability by means of a physician's certificate.
- 6.4 If an Owner of a Residential Dwelling Unit no longer meets the criteria for receiving the medical set out/set back service established in section 6.1 then they shall promptly notify the Village and the Village shall cancel the medical set out/set back service.

- 6.5 If the Administrator has authorized a medical set out/set back service, then the Collection Crew may enter onto the subject Owner's property to collect the Municipal Solid Waste Container and Food Waste Container, provided that they have safe access, and they are visible from the street or lane.

7 FEES AND CHARGES

- 7.1 Every Owner of a Residential Dwelling Unit required to use the Collection Services under this bylaw shall pay the fees set out in Schedule "B".
- 7.2 The Village shall render its account for Collection Services on an annual basis in accordance with Schedule "B".
- 7.3 Fees imposed for Collection Services may be collected in the same manner and with the same remedies as property taxes on the Residential Dwelling Unit for which they are imposed and, if unpaid on December 31 of the year in which they are imposed and due and payable, on that date, shall be deemed to be taxes in arrears.

8 PROHIBITIONS, OFFENCES AND PENALTIES

Prohibitions

- 8.1 No Person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 8.2 An Owner of a Residential Dwelling Unit shall not fill a Municipal Solid Waste Container:
- (a) to a gross weight that exceeds 23 kilograms;
 - (b) to the extent that the lid does not close; or
 - (c) to the extent that the Collection Crew cannot easily empty the contents.
- 8.3 An Owner of a Residential Dwelling Unit shall not fill a Food Waste Container:
- (a) to a gross weight that exceeds 10 kilograms;
 - (b) to the extent that the lid does not close; or
 - (c) to the extent that the Collection Crew cannot easily empty the contents.
- 8.4 No Person shall place in any Municipal Solid Waste Container any material that is not Municipal Solid Waste.

- 8.5 No Person shall place in any Food Waste Container any material that is not Food Waste.
- 8.6 No Person shall litter or dispose of Municipal Solid Waste contrary to the provisions of this bylaw.
- 8.7 No Person shall dispose of Municipal Solid Waste in any place other than a Municipal Solid Waste Container or garbage bag tagged with a Garbage Bag Tag for collection as part of the Village's Collection Services provided for pursuant to this bylaw.
- 8.8 No Person shall dispose of Food Waste in any place other than a Food Waste Container for collection as part of the Village's Collection Services provided for pursuant to this bylaw.
- 8.9 No Person shall place Municipal Solid Waste for pick-up with the Municipal Solid Waste of others or in Municipal Solid Waste Containers used by others without the Owner's permission.
- 8.10 No Person shall place Food Waste for pick-up with the Food Waste of others or in Food Waste Containers used by others without the Owner's permission.
- 8.11 No Person shall scavenge Municipal Solid Waste or Food Waste placed out for collection at a Residential Dwelling Unit.
- 8.12 No Person shall place any Municipal Solid Waste Container or Food Waste Container or garbage bag in any location that, in the opinion of the Village's Fire Chief, creates a fire hazard or endangers the life or safety of persons by impeding access to premises by firefighting apparatus or personnel.
- 8.13 No Person shall accumulate, store, or collect any Wildlife Attractants unless stored, accumulated, or collected in an enclosed structure or container.

Offences and Penalties

- 8.14 Every Person who violates any provision of this bylaw, or who permits any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this bylaw, shall be deemed to have committed an offence against this bylaw and:
 - (a) shall be liable to a fine set out in the Village of Lumby Municipal Ticketing By-law No. 644-2006; or
 - (b) shall be liable, upon summary conviction, to the penalties provided under the *Offence Act*; or

(c) where a specific penalty has not otherwise been designated, shall be liable to a fine and/or penalty provided under the *Community Charter*, or

(d) any combination of the above.

8.15 Each day that an offence against this bylaw continues shall be deemed a separate and distinct offence.

8.16 Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or legislation.

9 GENERAL

Severance

9.1 If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the bylaw and such invalidity shall not affect the validity of the remaining portions of this bylaw.

Schedules

9.2 All schedules of this bylaw are attached to and form part of this Bylaw and are enforceable in the same manner as this bylaw.

Effective Date

9.3 This bylaw shall come into full force and effect as and from the date of adoption.

Repeal

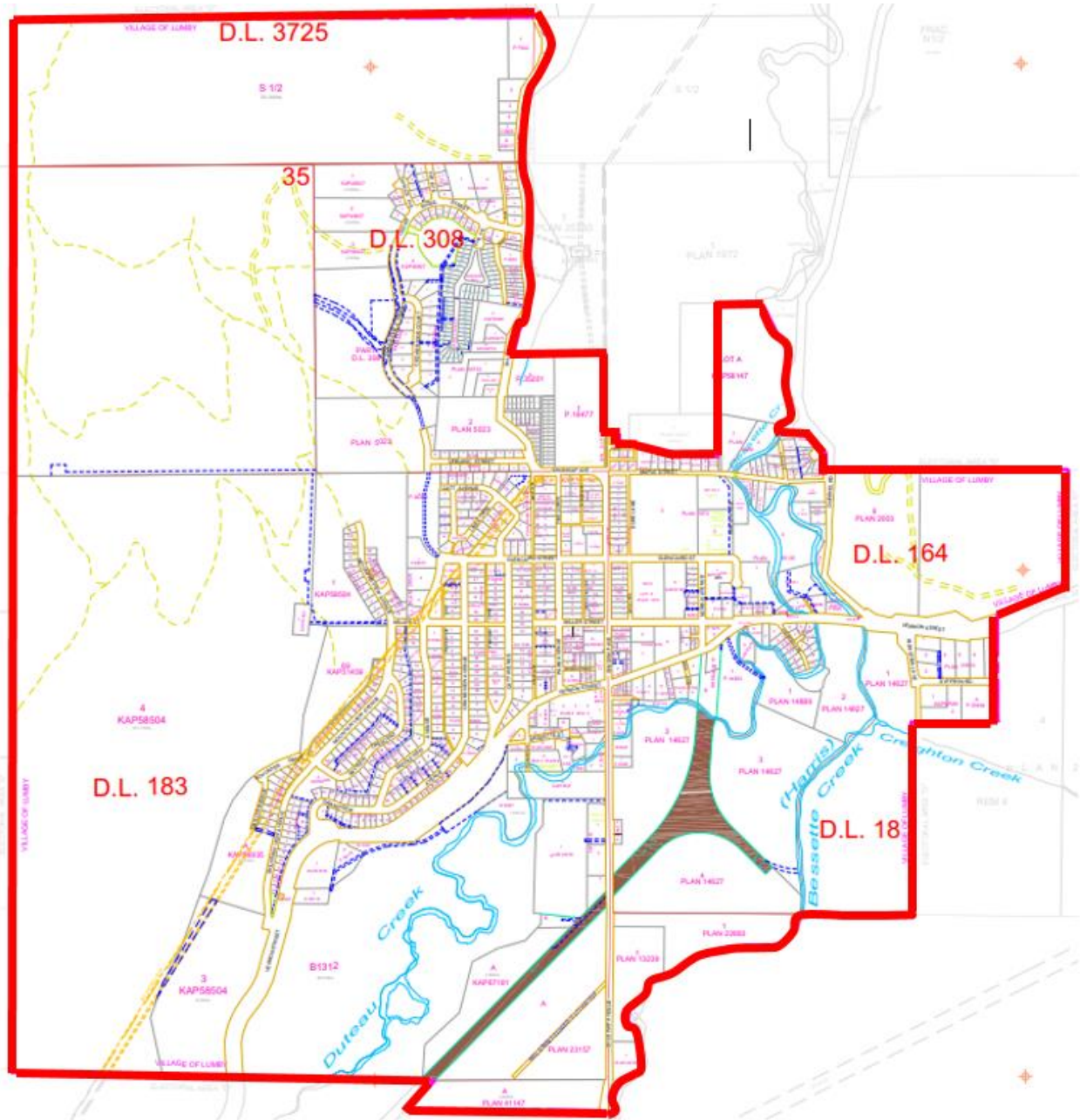
9.4 The Corporation of the Village of Lumby Refuse Collection Bylaw No. 533, 1995 and all amendments thereto are hereby repealed.

READ A FIRST TIME this	15th day of	March, 2021
READ A SECOND TIME this	15th day of	March, 2021
READ A THIRD TIME this	15th day of	March, 2021
ADOPTED this	6th day of	April, 2021

Mayor

Corporate Officer

SCHEDULE "A"
Collection Area



SCHEDULE "B"

Rates and Fees for Solid Waste Collection and Containers

1. The Waste Collection utility charge, as designated by the Administrator is \$77.84 per year.
2. The cost for each Municipal Solid Waste Container from the Village or its contractor is \$7.00 per year.
3. The cost for each Food Waste Container from the Village or its contractor is \$7.00 per year.
4. The cost for a Garbage Bag Tag is \$3.00.
5. The cost for an additional Food Waste Container is \$50.00.
6. The cost for medical setout/set back services is: no charge.
7. The replacement cost for Municipal Solid Waste Containers is: \$100.00.
8. The replacement cost for Food Waste Containers is: \$50.00.