

VILLAGE OF NAKUSP

BYLAW NO. 500 – **CONSOLIDATED**

PROVINCE OF BRITISH COLUMBIA

A BYLAW OF THE VILLAGE OF NAKUSP IN THE PROVINCE OF BRITISH COLUMBIA TO PROVIDE FOR THE COLLECTION, DISPOSAL AND CONTROL OF SOLID WASTE, AND TO ESTABLISH FEES THEREON.

CONSOLIDATED TO INCLUDE BYLAW 500-1, 500-2, 500-4, 500-5 AND 500-6

WHEREAS pursuant to the Municipal Act, being Chapter 290 of the Revised Statutes of British Columbia, 1979 as amended, a municipality may by bylaw, establish and maintain a system to collect, remove, and dispose of garbage, ashes, refuse and other noxious, offensive, unwholesome and discarded matter, and prescribe 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 Nakusp in the Province of British Columbia, duly assembled, hereby enacts as follows:

Bylaw 500-2 adopted November 27, 1997 changed the bylaw sub-sections to be renumbered as follows:

SECTION I: TITLE

(1) This Bylaw shall be cited as the “Village of Nakusp Waste Control Bylaw No. 500, 1997”

SECTION II: DEFINITIONS

(2) In this Bylaw, unless the context otherwise requires:

“Collector” shall mean the Treasurer for the Village of Nakusp, 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 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.

Bylaw 500-1 adopted June 12, 1997 changed the definition of “Non-Residential Receptacle” as follows:

“Non-Residential Receptacle” shall mean a metal bin, having capacity of one cubic meter of more used or intended to be used at a commercial, industrial, institutional or other non-residential premise; and which is compatible to and operable with the Village waste collection equipment, in a fashion satisfactory to 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 and 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 wear, 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 Bylaw.

“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 Nakusp 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 Nakusp garbage bag; and as sold/distributed by the Village office or the Village’s authorized agents.

SECTION III

REGULATIONS FOR WASTE AND WASTE RECEPTACLES

Bylaw 500-6 adopted May 8, 2017 replaced Section III (3) – Regulations for Waste and Waste Receptacles with the following:

(3) All solid waste disposed of must be contained within a Village garbage bag or bags and placed in a watertight waste receptacle, for collection purposes. Waste placed out for collection that is not contained within a Village garbage bag contained within a watertight waste receptacle 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 the wastes at the Nakusp landfill; or
- Contain the waste within a Village garbage bag placed in a watertight waste receptacle 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 bags from the Village or the Village's authorized agents.

(4) Notwithstanding the above Section III (3), waste placed out for collection in non-residential receptacles shall be collected by the Village. Fees for such collection shall be outlined in Schedule "A" attached to this Bylaw.

Bylaw 500-6 adopted May 8, 2017 replaced Section III (5) – Regulations for Waste and Waste Receptacles with the following:

(5) All waste receptacles and bags shall be kept within the confines of an occupier's property. All non-residential receptacles must be located on a concrete surface, provided at the expense of the occupier. It is the responsibility of the occupant to ensure that waste receptacles are kept at all times in a fashion that keeps same inaccessible to animals and impervious to weather. No waste shall be placed out for collection prior to 7:00 am on the designated collection day.

(6) All waste receptacles and bags shall be kept within the confines of an occupier's property. All non-residential receptacles must be located on a concrete surface, provided at the expense of the occupier. 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.

(7) 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 5:00 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:

SOILD WASTES COLLECTION SERVICES

Bylaw 500-1 adopted June 12, 1997 changed Section IV to read as follows:

- (8) 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 designated by the Village). Said collection services shall consist of the removal of solid waste contained within Village garbage bags, or within approved non-residential receptacles and placed out for collection, by the dwelling or premises occupant.

SECTION V: SPECIAL WASTES/OTHER UNACCEPTABLE WASTES

- (9) Collection of special wastes will not be undertaken by the Village. If disposal is required, an occupier must contact the Regional District of Central Kootenay, to receive further directions regarding regulations for disposal and permission to do so, as established by the Waste Management Act.

- (10) 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

Bylaw 500-5 adopted April 24, 2013 deleted Section VI (11) in its entirety and replaced with the following:

- (11) Every occupier shall pay to the Village fees and charges for the collection, disposal and control of solid waste. All fees and charges shall be as per Schedule 4 of the Fees and Charges Bylaw 632, 2011.
- (12) 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.
- (13) 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.

(14) All fees and charges remaining unpaid on the 31st day of December in 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.

SECTION VII: PROHIBITIONS

(15) No person shall dispose of solid waste anywhere within the boundaries of the Village, except within the appropriate containers, as defined in this Bylaw, or as permitted in Section III of this Bylaw.

(16) No person shall dispose of solid waste within a waste receptacle, unless given the authority to do so, by the occupier.

(17) No person shall dispose of garbage, recyclable materials, waste, special waste or unacceptable waste, by burning.

SECTION VIII: PENALTY & SUMMARY CONVICTIONS

Bylaw 500-2 adopted November 27, 1997 Section VIII deleted Two Hundred Dollars (\$200.00) with the following:

(18) Any person who contravenes any provision of this Bylaw, commits an offence and is punishable in accordance with the Offence Act, and shall be liable on convictions, to a fine or penalty of not less than One Hundred Dollars (\$100.00) and not more than Two Thousand (\$2,000.00).

SECTION IX: GENERAL

(19) Bylaw 282 and any amendments thereto, are hereby repealed.

FIRST READING THIS 23RD DAY OF JANUARY 1997
SECOND READING THIS 23RD DAY OF JANUARY 1997
THIRD READING THIS 13TH DAY OF FEBRUARY 1997
RECONSIDERED AND FINALLY ADOPTED THIS 27TH DAY OF FEBRUARY 1997

R.Johnson
Mayor

Martin Buckley
Clerk

SCHEDULE "A"
BYLAW 500
VILLAGE OF NAKUSP WASTE CONTROL BYLAW

SOLID WASTE FEES & CHARGES

Bylaw 500-5 deleted schedule A in its entirety