

## THE CORPORATION OF THE VILLAGE OF TELKWA

### REGULATION, COLLECTION AND DISPOSAL OF GARBAGE BYLAW NO. 605, 2011

A Bylaw to provide for the regulation, collection and disposal of garbage or other material that is noxious, offensive or unwholesome in the Village of Telkwa.

**WHEREAS** the Council of The Village of Telkwa, in accordance with sections 8(2), (3), (7) and (8) and 194 of the *Community Charter*, may establish a Garbage Collection Service, exercise its statutory powers and impose fees and charges in relation to that Service;

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

#### 1. CITATION

- 1.1 This bylaw may be cited for all purposes as the "Regulation, Collection and Disposal of Garbage Bylaw No. 605, 2011".
- 1.2 "Village of Telkwa Garbage Rates and Regulations Bylaw No. 529, 2002" is hereby repealed.

#### 2. INTERPRETATION

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

**"Chief Administrative Officer"** means the Chief Administrative Officer duly appointed from time to time by the Council.

**"Change Out"** means change out of a Garbage Cart to a larger size or adding another Garbage Cart for additional service.

**"Change Out Fee"** means the Fee prescribed for the Change Out.

**"Collection"** means the collection of Garbage by the Village.

**"Collection Day"** means the days and times established by Council from time to time for the Collection.

**"Collection Fee"** means the Fee prescribed for the Collection.

**"Collection Point"** means the location where the Garbage Cart and Excess Waste Bags are placed for Collection.

**"Construction / Demolition Waste"** has the same meaning as in the Regional District of Bulkley-Nechako Construction / Demolition and Land Clearing Waste Regulation and Tipping Fee Bylaw No. 1258, 2003.

**"Director of Finance"** means the Director of Finance duly appointed by the Council or their appointed designate.

**"Dwelling"** has the same meaning as in the Village of Telkwa Zoning Bylaw No 514, 2002,

and includes the following:

- (a) "**Dwelling, Single Family**" as defined in the Village of Telkwa Zoning Bylaw No. 514, 2002;
- (b) "**Dwelling, Multiple Family**" as defined in the Village of Telkwa Zoning Bylaw No. 514, 2002; and
- (c) "**Duplex**" as defined in the Village of Telkwa Zoning Bylaw No. 514, 2002

"**Dwelling Unit**" has the same meaning as in the Village of Telkwa Zoning Bylaw No. 514, 2002.

"**Excess Producer**" means an Owner or Occupier who generates more Garbage than can be accommodated by the Collection.

"**Excess Waste Bags**" means a marked Garbage bag made available by the Village, for a Fee, to be used when the amount of Garbage for Collection exceeds the limit of the Garbage Cart.

"**Fee**" means the fee prescribed for the applicable part of the Service in the Village of Telkwa Fees and Charges Bylaw No. 603, 2011.

"**Food Waste**" means compostable food waste, including:

- (a) fruits and vegetables;
- (b) cooked and raw foods;
- (c) meat, fish, shellfish, poultry and bones thereof;
- (d) dairy products;
- (e) bread, pasta and baked goods;
- (f) tea bags, coffee grounds and filters;
- (g) soiled paper plates and cups;
- (h) soiled paper towels and napkins;
- (i) soiled waxed paper;
- (j) food soiled cardboard and paper; and
- (k) egg shells.

"**Garbage**" means all waste, rubbish and any noxious, offensive, unwholesome or discarded matter and includes Food Waste, but does not include Land Clearing Waste, Hazardous Waste, Construction / Demolition Waste, White Waste, Recycled Waste, or any refuse resulting from industrial operations.

"**Garbage Cart**" means a wheeled container purchased by the Owner or Occupier from the Village to be used exclusively for the Collection.

"**Garbage Cart Price**" means the Fee prescribed for the purchase of a Garbage Cart.

"**Garbage Collection Service**" or "**Service**" means the service referred to in section 3 of this Bylaw.

"**Hazardous Waste**" means materials, including but not limited to, household wastes, which carry the poison, fire compressed gas and/or corrosive warning labels, solvents, batteries, paints, cleaning fluids, biomedical wastes, polychlorinated biphenyls (PCB's) and any other hazardous waste as defined by the *Hazardous Waste Regulation of the Environmental Management Act*, which require special handling.

**"Land Clearing Waste"** has the same meaning as in the Regional District of Bulkley-Nechako Construction / Demolition and Land Clearing Waste Regulation and Tipping Fee Bylaw No. 1258, 2003.

**"Occupier"** has the same meaning as in the *Community Charter* and for the purposes of this Bylaw includes an Owner of land in the Village.

**"Owner"** has the same meaning as in the *Community Charter* and for the purpose of this Bylaw includes an Occupier of land or premises in the Village.

**"Person"** has same meaning as in the *Interpretation Act*.

**"Prohibited Waste"** means waste designated as prohibited waste in section 8.1 of this Bylaw.

**"Recycled Waste"** means waste for which there are facilities in place in the Village for the receiving of recyclable waste.

**"Trade Premises"** means a warehouse, factory, shop, café, restaurant, eating house, club, drive-in lunch counter, wholesale, retail or industrial business place, or office block, and any building other than a Dwelling.

**"Village"** means The Corporation of the Village of Telkwa, its officers or persons duly authorized by Council.

**"White Waste"** means large appliances and includes washers, dryers, dishwashers, refrigerators, freezers, air conditioners and hot water tanks.

- 2.2 Wherever the singular or masculine is used in this bylaw, the same shall be deemed to include the plural or the feminine or the body politic or corporate, and also their respective heirs, executors, administrators, successors and assigns.

### **GARBAGE COLLECTION SERVICE REQUIREMENTS**

#### **3. Garbage Collection Service – Use and Garbage Carts**

- 3.1 The Garbage Collection Service established and maintained by the Village for the collection, removal, and disposal of garbage in regulation garbage cans is continued in accordance with this Bylaw.
- 3.2 Unless exempted or opted out under this Bylaw, an Owner or Occupier of a Dwelling and an Owner, Occupier or operator of a Trade Premises must use the Garbage Collection Service in accordance with this Bylaw.
- 3.3 An Owner, Occupier or operator of a Trade Premises from which Garbage is disposed and an Owner or Occupier of a Dwelling must purchase a Garbage Cart from the Village and pay the Fee for it.
- 3.4 The Owner or Occupier of a Dwelling and the Owner, Occupier or operator of a Trade Premises must maintain the Garbage Cart in good condition and repair.

#### **4. Excess Waste**

- 4.1 The Owner or Occupier must

- (a) purchase from the Village and pay the Fee for an Excess Waste Bag if the Owner or Occupier wishes to put out for Collection Garbage exceeding the capacity of the Garbage Cart;
- (b) place the Excess Waste Bag for Collection in a careful manner and convenient for handling in the same location as the Garbage Cart;
- (c) ensure that any Garbage released from the Excess Waste Bag by animals, birds or other cause is promptly cleaned up.

## **5. Excess Waste Bag Limit**

- 5.1 An Owner or Occupier is limited to a maximum of two Excess Waste Bags per Single Family Dwelling or Dwelling Unit in a Duplex or a Multiple Family Dwelling that uses the Collection.
- 5.2 Disposal of Garbage exceeding the maximum Excess Waste Bag limit is the responsibility of the Owner or Occupier.

## **6. Garbage Cart Location**

- 6.1 An Owner or Occupier shall ensure their Garbage Cart
  - (a) is at all times kept on their property and does not encroach upon or project over any street, lane or public highway, except for the purpose of Collection in accordance with this Bylaw;
  - (b) is placed on their property line adjoining the road allowance, prior to 8:00 a.m. the morning of Collection Day; and
  - (c) is stored between Collections not more than one metre above the ground level of the property and readily accessible from the street, side or rear entrance of their Dwelling or Dwelling Unit, whichever applies.

## **PROHIBITIONS**

### **7. Food Waste**

- 7.1 No person shall dispose of Food Waste as Garbage unless it is first wrapped in paper before deposit into a Garbage Cart.
- 7.2 A Garbage Cart containing Food Waste not wrapped in paper will not be collected and the Owner or Occupier must take the Food Waste for disposal at the landfill/transfer station and no other place.

### **8. Prohibited Waste**

- 8.1 No person shall either place out for Collection or place or mix with any material for removal as Garbage any of the following:
  - (a) Construction / Demolition Waste;
  - (b) Hazardous Waste;
  - (c) Land Clearing Waste;

- (d) Recycled Wastes; or
- (e) White Waste.

8.2 Garbage containing any Prohibited Waste referred to in section 9.1 will not be removed during Collection.

8.3 An Owner or Occupier is responsible for and must dispose of Prohibited Waste at the landfill/transfer station or a facility approved under the *Environmental Management Act* to receive such waste and at no other place.

## **9. Construction / Demolition Waste Disposal**

9.1 No person shall

- (a) place or dump Construction / Demolition Waste on any lane, street, walkway, sidewalk or any public place; or
- (b) accumulate for an unreasonable duration Construction / Demolition Waste on their property where such construction is being carried out.

9.2 An Owner or Occupier who deposits Construction / Demolition Waste on their property must

- (a) remove the Construction / Demolition Waste within a reasonable period of time after being placed on their property, and
- (b) dispose of the Construction / Demolition Waste at the landfill/transfer station and no other place.

9.3 If the Owner or Occupier receives a Notice in writing from the Village requiring the Construction / Demolition Waste be removed, the Owner or Occupier must dispose of the Construction / Demolition Waste in accordance with the requirements set out in the Notice.

## **10. White Waste Disposal**

10.1 No person shall put out White Waste for Collection.

10.2 An Owner or Occupier who deposits White Waste on their property must

- (a) remove the White Waste within seven (7) days of it being placed on their property and
- (b) dispose of the White Waste at the landfill/transfer station and no other place.

## **11. Recyclable Waste Disposal**

11.1 No person shall place Recyclable Waste out for Collection.

11.2 Recyclable Waste must be disposed of at a facility approved under the *Environmental Management Act* to receive such waste.

## **12. Land Clearing Waste Disposal**

12.1 No person shall place Land Clearing Waste out for Collection.

12.2 Land Clearing Waste shall be disposed of at the landfill/transfer station or at a facility approved under the *Environmental Management Act* to receive such waste.

### 13. Littering

No person shall throw, sweep or place noxious, offensive, unwholesome or discarded matter or other rubbish onto any land, street, walkway, sidewalk or any public place in the Village and shall not sweep or place noxious, offensive, unwholesome or discarded matter or other rubbish from any walkway or building into a street or gutter.

### GENERAL

#### 14. Quantities and classes

The decision of the Village or its authorized representative shall be conclusive with respect to the quantities and classes of Garbage and other matter collected from any Dwelling by the Village.

#### 15. Trade Premises Collection

15.1 The Owner or Occupier of Trade Premises may opt out of Collection.

15.2 Where an Owner or Occupier of Trade Premises opts out of Collection, the Owner or Occupier

- (a) must not place their Garbage out for Collection, and
- (b) is responsible to remove and dispose of all Garbage located on the Trade Premises at the landfill/transfer station, and no other place, at least every seven (7) days.

### PENALTIES

16. A person who contravenes this bylaw or who neglects to do or refrains from doing anything required by this bylaw commits an offence and is liable to prosecution or other proceedings authorized under the *Community Charter*, as applicable.

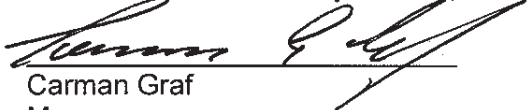
17. A person who commits an offence under this Bylaw, is liable, on summary conviction, to a penalty not exceeding Ten Thousand Dollars (\$10,000.00), and costs of the proceedings.

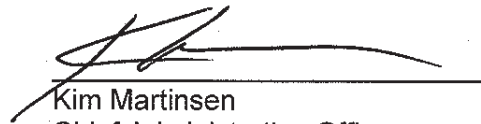
READ a first time this 13<sup>th</sup> day of June, 2011

READ a second time this 13<sup>th</sup> day of June, 2011

READ a third time this 13<sup>th</sup> day of June, 2011

ADOPTED THIS 27<sup>th</sup> day of June, 2011

  
Carman Graf  
Mayor

  
Kim Martinsen  
Chief Administrative Officer

Certified a true copy of Village of Telkwa  
Solid Waste Management and Regulations  
Bylaw No. 605, 2011"

  
Kim Martinsen  
Chief Administrative Officer

## APPENDIX

### MEANING OF TERMS USED IN THIS BYLAW AND DEFINED IN OTHER VILLAGE REGIONAL DISTRICT BYLAWS OR PROVINCIAL STATUTES

**"Construction / Demolition Waste"** means residual, non-recycled wastes produced for the construction, renovation or demolition of residential and commercial buildings and other structures and usually includes asphalt, concrete, wood, pipe, electrical wire, drywall, shingles, glass, insulation, plastic packaging and does not include regular household waste, Hazardous Waste, Asbestos, Contaminated Soils, non-contaminated soil or liquid waste.

**"Dwelling"** means a building used or intended to be used as a residence, but shall not include hotels or institutions:

- (a) **"Dwelling, Single Family"** means any building, consisting of 1 dwelling unit, used or intended to be used as the residence of 1 family, and includes community care facilities which are licensed under Part 5 of the Community Care Facility act; this includes modular homes, but excludes mobile homes;
- (b) **"Dwelling, Multiple Family"** means any building or cluster of buildings consisting of three or more dwelling units, and includes building with two dwelling units on a lot where such a buildings was designed to be part of a cluster of buildings, but does not include duplex where the duplex is the only building on the lot containing more than one dwelling; and
- (c) **"Duplex"** means a structure containing 2 dwelling units within 1 building located on a single lot and which is used or intended to be used as the residences for 2 families.

**"Dwelling Unit"** means 1 or more habitable room, with a separate entrance, which together constitute a self contained living unit providing cooking, sanitary and sleeping facilities.

**"Land Clearing Waste"** means residual, non-recycled wastes produced from the clearing of land and usually includes wood stumps, branches, wood chips and non-contaminated soil in amounts greater than two cubic metres per single load and does not include regular household waste, Hazardous Waste, Contaminated Soils, liquid or Asbestos.

**"Occupier"** means a person

- (i) who is qualified to maintain an action for trespass,
- (ii) who is in possession of Crown land under a homestead entry or preemption record,
- (iii) who is in possession of
  - (A) Crown land, or
  - (B) land owned by a municipality or regional districtunder a lease, license, agreement for sale, accepted application to purchase, easement or other record from the Crown, municipality or regional district, or
- (iv) who simply occupies the land.

**"Owner"** means, in respect of real property,

- (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,
- (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], and
- (e) an Indian who is an owner under the letters patent of a municipality incorporated under section 12 [incorporation of *reserve residents as a village*] of the *Local Government Act*;

**"Person"** includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law.