

BYLAW NO. 1395

A bylaw to regulate the collection of residential and trade premise garbage and waste within the Town of Creston.

WHEREAS pursuant to the Municipal Act, the Council may establish provisions for the collection, removal and disposal of garbage, ashes, refuse and other noxious, offensive, unwholesome and discarded matter;

AND WHEREAS the cost of garbage disposal and the difficulty in finding landfill sites continues to increase;

AND WHEREAS the Province of British Columbia, in response to worldwide concerns about Waste Management, set waste reduction goals of Thirty Percent (30%) per capita by 1995 and Fifty Percent (50%) per capita by the year 2000;

AND WHEREAS it is deemed desirable and expedient to provide uniform standards for garbage containers and to establish fees for the collection of garbage and trade waste in order to encourage citizens to reduce, re-use, recycle and compost, thereby reducing waste volumes going to the landfill and reducing the cost of garbage collection and disposal;

NOW THEREFORE the Council of the Town of Creston, in open meeting assembled, enacts as follows:

1. Citation

- 1. This Bylaw may be cited as "Waste Management Regulations Bylaw No. 1395, 1997".

TABLE OF CONTENTS

1. Citation 1
2. Definitions 1
3. Container Standards and Contents 2
4. Collection and Location..... 2
5. Spring and Fall Clean-up 3
6. Exceptions to Garbage Collections 3
7. Regulations 3
8. Failure to Comply 3
9. Penalties 4
10. Repeal 4
11. Effective Date 4
 SCHEDULE "A" 5
 SCHEDULE "B" 6

2. Definitions

For the purpose of this bylaw:

- 2.1 **"Fee"** and **"fees"** means the fees and charges prescribed by the *Fees and Charges Bylaw*.
BL#1764
- 2.2 **"Fees and Charges Bylaw"** means the Fees and Charges Bylaw in force from time to time and adopted by the Council under section 194 of the *Community Charter* or similar successor legislation.
BL#1764
- 2.3 **"Garbage"** means and includes any and all rejected animal, mineral and vegetable matter in any form or state abandoned, discarded or thrown out by an occupant of a residential dwelling unit or trade premises;

- 2.4 “**Garbage Collector**” means the Contractor named in the Garbage Collection Authorization Bylaw, that is in effect at the current time; and further, may include employees of the Town of Creston who are appointed from time to time by the Works Superintendent to carry out such duties;
- 2.5 “**Occupant**” means and includes any occupant, owner, lessee, tenant or responsible employee thereof for any residential property or dwelling;
- 2.6 “**Recyclable material**” means any waste which is accepted for recycling by the local recycling depot or any waste that can be composted.
- 2.7 “**Residential dwelling unit**” means *one* or more rooms used for the domestic use of one or more individuals as a single housekeeping unit with self-contained cooking, living, sleeping and sanitary facilities;
- 2.8 “**Town**” means the Town of Creston;
- 2.9 “**Trade premises**” means and includes any warehouse, factory, store, café, restaurant, wholesale, retail or service business premises, hotel, motel, motor inn, school office block or any other building apart from a residential dwelling unit;
- 2.10 “**Trade waste**” means and includes garbage from a trade premises;
- 2.11 “**Works Superintendent**” means the person appointed to that position by the Council of the Town of Creston.

3. Container Standards and Contents

- 3.1 A regulation garbage container may be a galvanized iron container or regular plastic garbage can circular in design and must have a cover so as to be water tight. The maximum size is not to exceed 80 litres (18 imperial gallons) and no container shall exceed 23 kilograms (50 pounds) in weight.
- 3.2 A plastic bag may be used as a garbage container provided that:
- it is strong enough to withstand normal handling and lifting;
 - it is properly closed and sealed;
 - it contains no glassware, bottles or sharp pieces of wood or metal which might tear the bag and cause injury to the Garbage Collector;
 - it is stored within an enclosed shelter until garbage pickup time to prevent unsightly and unsanitary conditions due to dogs or other causes; and
 - the maximum size is not to exceed 66 cm by 97 cm (26" by 38") and shall not exceed 23 kilograms (50 pounds) in weight.
- 3.3 All occupants shall thoroughly drain all garbage or trade waste before placing it in garbage containers and no garbage or trade waste of a semi-liquid consistency shall be collected from any premises whatsoever.

4. Collection and Location

- 4.1 (a) Each residential dwelling unit or trade premise shall be permitted to place out two (2) containers or approved bags each week, without charge, effective June 1, 1997; and

(b) For each additional container or approved bag there shall be a fee as prescribed in the Fees and Charges Bylaw. **BL#1764**

- 4.2 The payment of such fee shall be made to the Town by the occupant of the residential dwelling or trade premise, through the purchase of tags from the Town Office. In the case of disposable plastic bags, the tag must be affixed to the bag in a clearly visible location. In the case of enclosed containers, the tag must be placed on the garbage within the container so the tag is readily seen upon removal of the container's lid.
- 4.3 The collection of residential and trade premises garbage, waste or refuse shall be made no more than once each week.
- 4.4 All trade premises garbage containers shall be kept on the premises at ground level and readily accessible from the street, lane, side or rear entrance of such premises.
- 4.5 All trade premises containers shall be provided by the owner or occupier and must be maintained in good repair and sanitary condition. The owner or occupier shall ensure that garbage containers do not spill and shall clean up any spillage that may occur.
- 4.6 All garbage, waste or refuse shall be set out by the curb side or such other site as designated by 8:00 am on regular pickup days.
- 4.7 The Garbage Collector shall not be required to enter upon private property except by special contractual agreement between the owner or occupier and the Town. Pursuant to the foregoing, where the Garbage Collector enters onto private property, the owner or occupier of the premises shall provide an adequate turn around area, proper overhead clearance and a waiver of liability for any damages in the form set out in Schedule "B", which is attached to and forms a part of this bylaw.

5. Spring and Fall Clean-up

- 5.1 Twice per year, for one week in the Spring and one week in the Fall, as designated by the Works Superintendent, garden refuse including tree cuttings, hedge clippings and other garden refuse and rubbish may be picked up when piled at the curb.

6. Exceptions to Garbage Collections

- 6.1 No farm animal faeces, hazardous waste, tires, grass clippings, leaves, tree prunings, scrap lumber, logs, metal, stone, brick, concrete, car or truck batteries, recyclable material or any waste that can be composted, shall be set out for collection. **BL#1413**

7. Regulations

- 7.1 No person or occupant shall deposit, pile, place, discard or otherwise allow to accumulate any garbage in or on any residential property, residential dwelling unit or trade premises except as authorized by this bylaw.
- 7.2 No person shall spill, scatter, deposit, throw, cast, lay, pile, place, discard, accumulate or otherwise cause to be thrown, cast or laid, or disturb or interfere with any garbage or trade waste of any kind or nature on any street, lane, highway, park, boulevard, sidewalk, or other public place or private property within the Town.

8. Failure to Comply

8.1 Failure to comply with Sections 7.1 and 7.2 herein may result in the Town, by its own employees or other, cleaning up and removing such garbage and the cost of such cleaning and removal shall be charged to the owner or occupier of the residential property, residential dwelling unit or trade premises and where such charges are unpaid on the thirty-first of December in the same year, they shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears and offenders may be publicly identified.

9. Penalties

9.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,500, and is guilty of a separate offence each day that a violation continues or exists. **BL#1773**

9.2 The Town by its employees, servants or authorized agents shall forthwith at the expense of the offender take such action as is deemed necessary to carry out the requirements of this bylaw and the expense therefor, and if unpaid on the thirty-first of December in the same year, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears. **BL#1773**

10. Repeal

10.1 Garbage Collection & Disposal Bylaw No. 1023 and all amendments are hereby repealed.

11. Effective Date

11.1 This Bylaw shall come into full force and effect upon adoption.

READ A FIRST TIME on the 5th day of May, 1997.

READ A SECOND TIME on the 5th day of May, 1997.

READ A THIRD TIME AND PASSED on the 5th day of May, 1997.

ADOPTED on the 20th day of May, 1997.

“Lela Irvine”

Mayor

“Wm. F. Hutchinson”

Clerk

SCHEDULE "A"

BL#1764

SCHEDULE "B"

RELEASE OF LIABILITY

In consideration of the Town of Creston having agreed to enter the undersigned's premises to collect garbage,

I/We, _____
(Please print name/s)

hereby covenant to release and indemnify the Town of Creston and its officer's, servants, agents and employees from any and all liability for bodily injury and property damages which they may incur from or in connection with their collection of garbage while in or on my/our premises, at

(Civic address of property)

Dated at Creston, BC

this day of , 199____.

Signature of Property Owner

Signature of Witness

Signature of Property Owner

Signature of Witness

Signature of Tenant (if applicable)

Signature of Witness

APPROVED ON BEHALF OF
THE TOWN OF CRESTON

Clerk

INDEX OF AMENDING BYLAWS

Bylaw 1413.....	Adopted September 2, 1997
Bylaw 1764.....	Adopted December 13, 2011
Bylaw 1773.....	Adopted December 13, 2011

NOTE TO USERS

"WHEREAS each bylaw consolidation shall be proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of passage of the original and all amending bylaws", pursuant to 'Authority to Consolidate Municipal Bylaws No. 1533', which was adopted on the 11th day of June, 2001.