

**DISTRICT OF CHETWYND**

**BYLAW NO. 1154, 2022**

**A bylaw to provide for solid waste collection and disposal**

**WHEREAS** the Council of the District of Chetwynd deems it necessary to provide for the collection and disposal of solid waste;

**AND WHEREAS** the Council considers it necessary to provide for regulations for the management of solid waste collection;

**NOW THEREFORE** the Council of the District of Chetwynd in open meeting assembled enacts as follows:

**1. CITATION**

This bylaw shall be cited as the “District of Chetwynd Solid Waste Collection and Disposal Services Bylaw No. 1154, 2022”.

**2. DEFINITIONS**

“**Apartment Building**” means any building divided into not less than three dwelling units, each of which is occupied or intended to be occupied as a permanent home or residence of one family as distinct from a hotel, motel, auto court, or motor hotel;

“**Ashes**” means cinders and the residue of any fuel after such fuel has been consumed by fire;

“**Bin**” means the container issued to each Industrial, Commercial, Institutional user and Apartment Building for the collection and disposal of waste;

“**Bylaw Enforcement Officer**” means any person appointed by the Council as Bylaw Enforcement Officer to enforce District bylaws;

“**Collection Cart**” means the container issued to each Household for the collection and disposal of waste;

“**Collection Day**” means the days assigned by the Director for the collection and disposal of waste from Participants;

“**Collector**” means a person or persons authorized by the District to collect Residential, Industrial, Commercial and Institutional waste, and haul or transport it to the landfill site;

“**Contractor**” means the person awarded the contract by the District for the collection and disposal of Residential, Industrial, Commercial and Institutional waste;

“**Council**” means the Council of the District of Chetwynd;

“**Curbside Collection**” means the collection of waste of the contents of Collection Carts from a location immediately adjacent to the edge of a road, street or lane that is adjacent to the property or grounds surrounding dwellings or facilities;

“**Curbside pickup account**” means an account that is set up by the property owner or occupant of a property when water service to that property is activated;

“**Director**” means the person appointed by Council as the Director of Engineering and Public Works or that person’s designate;

“**Director of Financial Administration**” means the person appointed by Council as the Director of Financial Administration or that persons’ designate;

“**District**” means the District of Chetwynd;

“**Dwelling Unit**” means a building, occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include hotels, motels, auto courts, motor hotels or institutions;

“**Household**” means:

- (a) a dwelling unit composed of:
  - (i) A person, or
  - (ii) Two or more persons related by blood, marriage, or adoption, or
  - (iii) A group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption; or
  - (iv) A combination of (ii) and (iii), provided that the total of the combination does not include more than three persons unrelated by blood, marriage or adoption, all living together in one dwelling unit using common cooking facilities.
- (b) In addition, a household may also include one housekeeper or nanny or caregiver.

“**Landfill Site**” means the landfill site operated through the Peace River Regional District for the District of Chetwynd;

“**Occupier**”

- (a) for the purposes of Division 8 [*Tax Liability of Occupiers*] of Part 7 [*Municipal Revenue*] of the *Community Charter*, means occupier as defined in the *Assessment Act*; and
- (b) for other purposes, 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 pre-emption record,
  - (iii) who is in possession of:
    - A. Crown land, or

- B. land owned by a municipality or regional district under a lease, licence, agreement for sale, accepted application to purchase, easement or other record from the Crown, municipality or regional district,
- (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*] of the *Community Charter* 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*;

**“Participant”** means every owner or occupier of real property to which the waste collection and disposal service is provided;

**“Property Tax System”** means the system of collection of property taxes for the municipality;

**“PRRD”** means the Peace River Regional District;

**“Public Place”** means any area or any lands under the care, occupation, possession, management and jurisdiction of the District of Chetwynd, including highways;

**“Recyclable Material”** means materials which are designated recyclable by the Peace River Regional District under the Solid Waste Management Plan;

**“Refuse”** means any discarded matter that originates from any person or from Residential, Industrial, Commercial, Institutional sources;

**“SWMP”** means the Solid Waste Management Plan of the Peace River Regional District; and

**“Solid Waste”** means material that is acceptable for landfilling under the Peace River Regional District Solid Waste Management Program at the Landfill Site.

### 3. ADMINISTRATION

- 3.1. The Director and Bylaw Enforcement Officers are hereby authorized to administer and enforce the provisions of this bylaw.
- 3.2. Any approvals required by the Director in accordance with this bylaw shall be in writing.

- 3.3. The Director of Financial Administration is authorized to collect all fees and charges in relation to this bylaw.

#### **4. ESTABLISHMENT OF SERVICE**

- 4.1. The District hereby establishes waste disposal service within the municipal boundaries of the District, known as the Solid Waste Collection and Disposal Service.
- 4.2. The District is hereby authorized to establish a method for collection of fees and charges for the use of the Municipality's solid waste collection system.
- 4.3. For the purposes of providing the Solid Waste Collection and Disposal Service the District may enter into a contract under section 7 of this bylaw or utilize the labour and equipment of the District.
- 4.4. All fees and charges as set forth in this bylaw shall be payable to the District of Chetwynd at the Municipal Hall, located at 5400 Hospital Road, P.O. Box 357, Chetwynd, British Columbia, V0C 1J0 or to a person(s) or institution as may be authorized by the municipality to act as collection agents for the municipality.

#### **5. REGULATIONS**

##### **5.1. Waste Collection and Disposal Service**

- 5.1.1. Every property within the service area must establish a solid waste curbside pickup account or commercial solid waste container service when a water service to that property is activated or established. Curbside pickup account fees will not be charged to the owner that provides proof of a contact for commercial container service at that location.
- 5.1.2. Every Participant shall dispose of waste originating from his or her property by using the Solid Waste Collection and Disposal Service pursuant to the provisions of this bylaw.
- 5.1.3. The Solid Waste Collection and Disposal Service include the provisions of equipment and personnel for the collection and disposal of waste as prescribed by the Director.
- 5.1.4. Every Participant shall obtain and use the Collection Cart provided by the District, unless otherwise approved by the Director.
- 5.1.5. Waste shall only be collected from Collection Carts issued by the District, or its agent.
- 5.1.6. Only waste generated from within the District will be collected, unless otherwise authorized by the Director.
- 5.1.7. A minimum charge for waste collection services shall be established as set out in Schedule "A" of this bylaw and shall apply to all Participants, whether or not such services are used.

## 5.2. Collection Carts

- 5.2.1. Every Curbside Pickup Account Owner shall be provided with One (1) Collection Cart, of small, medium or large size, by the District for the collection and disposal of waste. Provided Collection Carts remain the property of the District of Chetwynd and are linked to each property.
- 5.2.2. Should an additional Collection Cart be required for any reason, the District will provide a second cart subject to the applicable fees set out in Appendix 'A'.
- 5.2.3. All waste collected under the Solid Waste Collection and Disposal Service must be contained in the Collection Cart provided by the District.
- 5.2.4. Each household shall maintain the Collection Cart in a sanitary condition and in good order and repair.
- 5.2.5. Collection Carts that are damaged, lost or stolen must be immediately reported to the Director or Bylaw Enforcement Officer.
- 5.2.6. Where a Collection Cart has been damaged and is no longer water tight, does not adequately contain waste deposited in it, or otherwise no longer safe for use, the District will replace the Collection Cart, except where the damage is a result of neglect or misuse.
- 5.2.7. Where a Collection Cart has been damaged as a result of neglect or misuse on the part of the Participant, the Collection Cart will be replaced at the expense of the Participant.
- 5.2.8. Collection Carts shall be kept on the Participants premises, away from the pickup area, at all times except on the scheduled day for collection.
- 5.2.9. Collection Carts that have been stolen will be replaced by the District.
- 5.2.10. Commercial Solid waste Containers - Every Commercial Solid waste Container shall:
  - 5.2.9.1.1. Be of a capacity sufficient to contain the solid waste generated in the premises for which it is provided during the intervals between collections;
  - 5.2.9.1.2. Be maintained by its owner in good condition, and be kept in a clean and sanitary condition by the occupier of the premises for which it is provided;
  - 5.2.9.1.3. Be equipped with a water-shedding cover that is kept in place at all times except when its contents are being placed or removed, unless the Director has authorized the use of an uncovered container for the premises;
  - 5.2.9.1.4. Be located on a level site that can be accessed by the collection contractor; and not encroach on any highway, boulevard, lane or other public place unless the owner or occupant obtained written approval for the District.

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## 5.3. Storage and Disposal of Garbage

- 5.3.1. Every Curbside Pickup Account Owner and/or occupier shall store all garbage materials originating from his or her property in the appropriate containers provided.

- 5.3.2. Wet waste shall be thoroughly drained or securely sealed in a container before being placed in a Collection Cart or Bin for disposal. No liquids shall be put in or be allowed to accumulate in Collection Carts or Bins.
- 5.3.3. All materials that might adhere to any container shall be separately contained within individual disposable wrappings or containers before being placed in a Collection Cart or Bin.
- 5.3.4. Ashes shall be completely cooled and shall be placed in non-combustible containers and separate from other waste or flammable material. Hot ashes from incinerators or burning barrels, any liquid wastes, bulk chemical composition waste, animal cuttings or wastes or oil, fuel, or other equipment lubricant filters shall not be placed for collection.
- 5.3.5. No tires, grass clippings, leaves, tree prunings, scrap lumber, logs, metal, stone, brick, concrete, car or truck batteries, recyclable oil or oil filters or recyclable corrugated cardboard shall be set out for collection.
- 5.3.6. All waste shall be placed in Collection Carts in such a manner to prevent spillage at any time and such Collection Carts shall not be filled beyond a point 5cm (2") from the top thereof.
- 5.3.7. All containers shall be kept securely covered at all times.
- 5.3.8. All waste collected by the District must be contained in the Collection Cart provided by the District, or its agent.
- 5.3.9. Waste shall be placed in containers sufficient to prevent the entry of water, rain, flies and animals and the escape of noxious odours.
- 5.3.10. A person must not leave or place an attractant in, on or about any land or premises where there are or there are likely to be people, in a manner in which the attractant could a) attract dangerous wildlife to the land or premises and b) be accessible to dangerous wildlife.

#### 5.4. Waste Collection

- 5.4.1. Waste shall be picked up by the District or a Contractor acting on behalf of the District, provided it conforms to the terms of this bylaw.
- 5.4.2. The District will not remove any material that is prohibited under the provisions of this bylaw or the PRRD-SWMP.
- 5.4.3. Waste will be collected each week on days and times designated by the Director.
- 5.4.4. Collection Carts must be placed at the curb, or another location designated by the Director, before 8:00 a.m. on the scheduled collection day, without obstruction, either physically or visually.
- 5.4.5. Waste must not be compressed into any container in a manner that will inhibit the waste from falling free into a waste collection vehicle during the regular tipping process.
- 5.4.6. Collection Carts must be removed from the curb or other collection location designated by the Director by midnight of the collection day and stored on the Participant's private property in a safe manner.
- 5.4.7. Collection Carts and Bins must be kept on the premises at all times and shall not encroach upon or project over any public place except when placed at

the curb or designated location for the purpose of collection under this bylaw.

5.4.8. The Director reserves the right to refuse to remove material that is prohibited by this bylaw.

5.4.9. Notwithstanding the provisions of this bylaw, the Director reserves the right to alter or exclude the collection of waste if collection costs, access routes or location are unsafe or unreasonable.

## 5.5. Prohibitions

No person shall:

- (a) Litter, dump or dispose of waste or other material contrary to the provisions of this bylaw;
- (b) place or deposit liquids in Collection Carts or Bins or allow or permit any liquid to accumulate in any waste container;
- (c) fill a Collection Cart or Bin above the top of the container in such a manner that the material does not remain contained;
- (d) at any time, place waste into the waste collection vehicle, without the authorization of the Collector;
- (e) place or deposit table or kitchen waste, wet waste, floor sweepings, sawdust, or other granular waste, or waste that may adhere to the container unless such waste is contained in a waste bag or is wrapped in paper;
- (f) place or deposit in Collection Carts or Bins any prohibited matter or substance under the PRRD-SWMP or any matter that may affect the health and safety of waste collection and disposal personnel;
- (g) throw, place or pile or cause to be thrown, placed or piled upon any public place within the District or upon any private lot or property within the District, any waste;
- (h) scavenge through Collection Carts or Bins;
- (i) place waste or allow waste to be placed, in such a way that it is not contained within a Collection Cart or Bin;
- (j) place waste for collection with waste of others or place waste in containers owned or leased by others;
- (k) deposit waste in Collection Carts or Bins that does not originate from within the District, unless approved by the Director;
- (l) dispose of waste any place other than:
  - (i) Collection Carts or Bins as part of the District's program;
  - (ii) at a designated transfer station; or
  - (iii) at the landfill;
- (m) place any material other than waste in a Collection Cart or Bin;
- (n) dispose of recyclable material any place other than a recycling depot, or at a place designated for the deposit of the designated recyclable material at the landfill;
- (o) intentionally contaminate recyclable materials so as to make them non-recyclable;
- (p) deposit waste at a recycling depot; or

- (q) allow or permit containers in residential areas, except otherwise provided in this bylaw.

## **6. SUSPENSION**

- 6.1. The Director may suspend collection service from Participants where containers or location or design of pick-up are contrary to the provisions of this bylaw.
- 6.2. The Director may suspend collection of waste where a condition exists on any property which prevents the Collector from carrying out his or her duties by virtue of hazard, potential danger, difficulty of access or other abnormal or dangerous condition.
- 6.3. The Director shall give written notification to the owner or occupier of the property that the condition exists under the provisions of sections 6.2 and direct that the condition must immediately be abated and in default of abatement, shall direct that waste collection service be discontinued until the condition is abated.
- 6.4. Responsibility for disposal of waste during discontinuance of service under section 6.3 shall rest with the owner or occupier.
- 6.5. Fees and charges under the provisions of this bylaw will not be reduced or eliminated where the Director has ordered the discontinuance of service under this bylaw.

## **7. WASTE COLLECTION AND DISPOSAL CONTRACT**

The District may enter into a Contract for the collection and disposal of waste from Participants within the District and such Contract shall be on such conditions as the District may determine and shall be consistent with the terms of this bylaw and the Peace River Regional District Solid Waste Management Plan.

## **8. FEES AND CHARGES**

- 8.1. Fees and charges for waste collection and disposal shall be as follows:
  - (a) Billed quarterly in accordance with Schedule "A" attached to and forming part of this bylaw;
  - (b) Billing periods are January 1 to March 31, April 1 to June 30, July 1 to September 30 and October 1 to December 31;
  - (c) Billings are due and payable immediately upon receipt;
  - (d) Billings will be mailed to the address of the property owner as identified on the most recent version of the BC Assessment Roll;
  - (e) Where a Participant pays the total amount of the quarterly billing within fifteen (15) days following the billing date, a 5% discount will be applied;
  - (f) A 10% penalty will be applied to any amounts outstanding at the end of a quarterly billing period;



- (g) Garbage collection service initiated or discontinued during the designated billing periods shall be prorated on a monthly basis and shall be billed accordingly; and
- (h) Fees and charges under the provisions of this bylaw remaining unpaid on the 31<sup>st</sup> day of December shall be deemed to be taxes in arrears and shall be entered on the real property tax roll in respect of the property.

8.2. Except as otherwise provided in this bylaw, suspension of collection service shall not waive any requirement, or abate or waive any fees or charges under the provisions of this bylaw.

## **9. LIABILITY**

The Municipality shall not be under any liability to furnish a continuous garbage collection service to any premises. The Municipality shall not be liable for any reduction in service as a result of a work stoppage, strike or contract dispute. In the event of such service stoppage continuing for a period of more than ten (10) consecutive days, an equitable reduction will be made on all fees and charges for services affected thereby. It shall be lawful for the Municipality, without notice, to discontinue garbage collection service to any building or premises where it is deemed to be advisable.

## **10. ENFORCEMENT**

10.1. The Director or Bylaw Enforcement Officer is hereby authorized, in accordance with Section 16 of the *Community Charter*, to enter, at any reasonable time, onto property in the course of enforcing this bylaw in order to ascertain whether the regulations of this bylaw are being observed.

10.2. No person shall prevent or obstruct, or attempt to prevent or obstruct, the entry of the Director or Bylaw Enforcement Officer upon any property as authorized under the provisions of this bylaw.

## **11. OFFENCES AND PENALTIES**

11.1. No person shall carry out, suffer or permit any act or thing to be done in contravention of this bylaw.

11.2. Every person who violates any provision of this bylaw, or permits any act or thing to be done in violation 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 shall be liable, upon summary conviction, to the penalties provided under the *Offence Act* and in any case the penalty shall not be less than \$500.00;

11.3. Each day that any violation of a provision of this by-law continues shall be deemed to be a separate offence.

**12. SEVERABILITY**

If any portion this bylaw is held to be invalid by a decision of any Court of competent jurisdiction, the invalid portion must be severed and the remainder of the bylaw is deemed valid.

**13. EFFECTIVE DATE**

This bylaw shall come into full force and effect January 1, 2023.

**14. REPEAL**

The following bylaws are hereby repealed:

“Waste Collection Bylaw No. 914, 2010” and all amendments thereto.

Read a First time this	21 <sup>st</sup> day of November, 2022
Read a Second time this	21 <sup>st</sup> day of November, 2022
Read a Third time this	21 <sup>st</sup> day of November, 2022
Reconsidered and Adopted by Council this	12 <sup>th</sup> day of December, 2022

ORIGINAL SIGNED BY  
Allen Courtoreille - Mayor

ORIGINAL SIGNED BY  
Deanne Ennis - Corporate Officer

Certified a true and correct copy of the “District of Chetwynd Tax Exemption Bylaw No. 1154, 2022” as adopted on the 12<sup>th</sup> day of December, 2022.

ORIGINAL SIGNED BY  
Deanne Ennis - Corporate Officer

**DISTRICT OF CHETWYND  
SOLID WASTE COLLECTION AND DISPOSAL SERVICES AMENDMENT  
BYLAW NO. , 2022  
SCHEDULE “A”  
FEEES AND CHARGES**

		<b>Per Quarter</b>	<b>Per Annum</b>
1.)	Minimum Charge	\$ 20.00	\$ 80.00
2.)	Collection Cart [includes one (1) pickup per week]		
	⇒ Small Cart	\$ 42.09	\$ 168.36
	⇒ Medium Cart	\$ 45.14	\$ 180.56
	⇒ Large Cart	\$ 48.18	\$ 192.72