



DISTRICT OF NEW HAZELTON
BYLAW NO. 329, 2016

Being a bylaw to regulate the collection of garbage and recyclable materials within the District of New Hazelton

The Council of the District of New Hazelton, in accordance with Sections 8(2), (3), (7) and (8) and 194 of the *Community Charter*, may establish a Curbside Collection Service, exercise its statutory powers and impose fees and charges in relation to that Service;

The Council for the District of New Hazelton has determined that a curbside collection and recycling program should be implemented for residential properties within the District;

The Council for the District of New Hazelton, in open meeting assembled, enacts as follows:

PART 1 – INTERPRETATION

Definitions

1. For the purposes of this Bylaw, unless the context otherwise requires:
 - (a) **“Attractant”** means any substance which could reasonably be expected to attract wildlife or does attract wildlife, including but not limited to kitchen waste, food products, pet food, bird feed, compost, grease, fruit, honey, salt, or chemical products;
 - (b) **“Council”** means the Council for the District of New Hazelton;
 - (c) **“Collection Day”** means, subject to Section 19, the day designated for collection from residential premises under Section 22(d);
 - (d) **“Commencement Date”** means July 01, 2016;
 - (e) **“Contractor”** means the person or persons under contract to the District of New Hazelton to collect residential garbage and/or recyclable materials on behalf of the District;
 - (f) **“District”** means the District of New Hazelton;
 - (g) **“District Collection System”** means the District Collection System implemented under Section 2;
 - (h) **“ Dwelling Unit”** means one or more rooms for residential occupancy connected

together with facilities for living, sleeping, cooking and having a separate entrance, and includes a manufactured home;

- (i) **"Exempt Residential Premises"** means a residential premises exempted from the District Collection Service under Section 22(b)(c);
- (j) **"Garbage"** means discarded matter, including refuse, waste, noxious, offensive and unwholesome materials, but does not include recyclable materials;
- (k) **"Garbage Container"** means a rigid container of not more than 121 litres capacity, not more than 23 kilograms (50 pounds) gross weight, and having a secure, non-hinged lid that suppresses odours and deters access to the contents by wildlife without the use of ropes, strings, bungee cords, straps, string, or other such devices;
- (l) **"Manufactured Home"** has the meaning prescribed in the *Manufactured Home Park Tenancy Act*;
- (m) **"Manufactured Home Park"** has the meaning prescribed in the *Manufactured Home Park Tenancy Act*;
- (n) **"Multi-Family Building"** means a building in which two (2) or more dwelling units are located;
- (o) **"Non-Residential Waste"** means any discarded matter, including refuse, waste, noxious, offensive and unwholesome materials, recyclable materials and prohibited waste, produced by or resulting from any trade, business, or commercial, industrial or institutional activity;
- (p) **"Prohibited Waste"** means those types of waste listed in Schedule "A".
- (q) **"Public Works Superintendent"** means the person appointed to the position of Public Works Superintendent for the District of New Hazelton, or, where he or she is absent or unable to act, the Chief Administrative Officer;
- (r) **"Recyclable Materials"** means those materials listed in Schedule "C";
- (s) **"Recycling Container"** means a rigid container, visually distinct from a Garbage Container, of not more than 121 litres capacity, not more than 23 kilograms (50 pounds) gross weight, that is used for the temporary storage of recyclable materials awaiting collection, having a secure, non-hinged lid that suppresses odours and deters access to the contents by wildlife without the use of ropes, strings, bungee cords, straps, string, or other such devices;
- (t) **"Residential Garbage"** means garbage generated by the occupants of the residential premises, but does not include prohibited waste or non-residential waste;
- (u) **"Residential Premises"** means a single family detached dwelling, each dwelling unit of a duplex, triplex or quadruplex, and a manufactured home whether or not it is located in a manufactured home park, multi-family dwellings up to 10 units, but does not include, a vacant lot, residence that is vacant for a period of four months or more, or an exempt residential premises;
- (v) **"Residential Recyclable Materials"** means recyclable materials generated by the occupants of residential premises;

- (w) **“Service Area”** means the parts of the District which are to be provided with curbside collection services, as illustrated on the map in Schedule “D”.
- (x) **“Statutory Holiday”** means the following days, and any other day that may be deemed a statutory holiday by the *Employment Standards Act* (British Columbia);
- | | |
|-------------------|---------------------------|
| 1. New Year’s Day | 6. Civic Holiday (BC Day) |
| 2. Family Day | 7. Labour Day |
| 3. Good Friday | 8. Thanksgiving Day |
| 4. Victoria Day | 9. Remembrance Day |
| 5. Canada Day | 10. Christmas Day |
- (y) **“Vacant Premises”** means a residence that is not occupied or used by any means for a period of four (4) months or greater;
- (z) **“Weekly Collection Service”** means the scheduled collection of residential garbage or recyclables on a weekly basis;
- (aa) **“Wildlife”** includes but is not limited to bears, birds, cougars, coyotes, wolves, foxes, raccoons, dogs and skunks; and
- (bb) **“Working Day”** means any day other than Saturday, Sunday or a statutory holiday.

PART 2 – PROVISION OF SERVICE

Implementation of Collection System

2. There is hereby implemented throughout the District, a District Collection System for the collection, removal and disposal of residential garbage and residential recyclable materials.

Mandatory Service

3. From and after the commencement date, every owner or occupier of residential premises located within the District shall use the District Collection System for the collection, removal and disposal of all residential garbage and residential recyclable materials generated in their residential premises.

Optional Service to Vacant Lots and Residential Premises Located in a Commercial Building

4. Option requests for service may be granted to:
- (a) The owner or occupier of a vacant lot zoned for residential use may, by written request to the Public Works Superintendent or his designate, opt to receive the District Collection Service at such vacant lot, and unless a designation is made under Section 22(b), such vacant lot shall be deemed to be a residential premises for purposes of this Bylaw effective on the date determined by the Public Works Superintendent.
- (b) The owner of a residential premises that is located in a commercial building may, by written request to the Public Works Superintendent or his designate, opt to receive the District Collection Service at the residential premises.

PART 3 – COLLECTION SERVICE REGULATIONS

Prohibited Materials

5. No person shall place any of the following in a garbage container for collection by the District Collection System:
 - (a) prohibited waste;
 - (b) non-residential waste;
 - (c) wet residential garbage, unless it has been drained of excess moisture and wrapped in a suitable waterproof material before being placed in the garbage container;
 - (d) liquid in free form;
 - (e) solids or greases which may adhere to the garbage collection vehicle body, unless they are wrapped in a waterproof covering or placed in a sealed container; and
 - (f) attractants, unless they are sealed in a bag or other container that does not leak.
6. No person shall use a recycling container for any purpose other than the deposit and accumulation of residential recyclable materials and without limiting the generality of the foregoing, no person shall deposit garbage or any material other than residential recyclable materials in a recycling container.

Handling of Waste and Containers

7. Every owner or occupier of residential premises served by the District Collection System shall:
 - (a) place all residential garbage in garbage containers in accordance with this Bylaw;
 - (b) place all residential garbage in bags before placing it in garbage containers;
 - (c) place all residential recyclable materials in recycling containers in accordance with this Bylaw;
 - (d) place all residential recyclable materials in clear or translucent bags before they are placed in recycling containers;
 - (e) paper and cardboard materials must be separated from the rest of the recyclable materials then bundled or placed in a separate clear or translucent bag;
 - (f) by 9:00 a.m. on collection day, but not earlier than 10:00 p.m. on the day before collection day, place any garbage containers, or recycling containers, as the case may be, in full view, at ground level and two (2) metres off the travelled portion of the roadway serving the premises, without obstructing vehicle or pedestrian traffic;
 - (g) where it is impractical for the owner or occupier of a residential premises to place containers in a manner consistent with subsection 7(f), place containers in such alternate location as the Public Works Superintendent may designate;

- (h) ensure that empty garbage containers and recycling containers and uncollected garbage and recyclable materials are removed from the collection point no later than 10:00 p.m. on the collection day;
- (i) maintain all garbage containers and recycling containers in good condition and replace any which become damaged or dangerous to persons handling them;
- (j) pick up and properly bag any loose garbage or recyclable materials that may be scattered by wildlife, wind, or other causes;
- (k) refrain from compressing garbage or residential recyclable materials into any container in a manner that will inhibit the materials from falling freely into the collection vehicle during the regular emptying process; and
- (l) keep garbage containers and recycling containers on the residential premises which they are intended to service at all times, and shall at no time place any garbage container or recycling container upon, or permit any garbage container or recycling container to encroach upon or project over any street, lane or public place, except as permitted or required pursuant to subsection 7(f) of this Bylaw.

Container Limits

- 8. Subject to Section 10, each residential premises served by the District Collection System is limited to two (2) garbage containers per collection date.
- 9. There is no limit on the quantity of recyclable materials that may be set out. Each recycling container must not exceed 23 kilograms (50 pounds) gross weight.

No Collection Where Contrary to Bylaw

- 10. Neither the District nor its Contractor shall be obligated to collect any garbage or recyclable materials set out for collection contrary to the provisions of this Bylaw.

PART 4 – FEES AND CHARGES

Fees and Charges Imposed

- 11. The fees and charges shown on Schedule "B" in this Bylaw are hereby imposed and levied on the owners of residential premises within the service area.
- 12. The fees and charges imposed under this Bylaw are payable whether or not:
 - (a) a residential premises is used or occupied unless exempted in another Section of this bylaw;
 - (b) the owner or occupier of a residential premises makes use of the District Collection Service;

- (c) the District Collection Service is interrupted or altered in any manner; and
- (d) the owner or occupier of a residential premises receives a bill generated pursuant to section 16.

Billing

- 13. Within the District, the fees and charges shall be billed annually and shown as a utility on the annual tax form. New occupancies and residential premises that require adjustment after the annual billing will be done in the form of an invoice. Payment of the invoice will be due within thirty days (30) of issuance.
- 14. The fees and charges payable under Section 13 will apply to new residential premises within the District boundaries upon the earlier of actual occupancy, the issuance of an occupancy permit, or the premises being offered or made available for occupancy. The fees and charges applicable to new residential premises, including garden or secondary suites, during the first year of service to those premises will be prorated on a daily basis.
- 15. A parcel of real property containing only one principal single family detached dwelling with a secondary suite shall be treated as a single dwelling unit for the purposes of the District Collection Service.

Overdue Fees and Charges

- 16. To encourage prompt payment of fees and charges levied under Section 13, an additional charge of 10% shall be imposed on overdue fees and charges owing under this Bylaw, on the day immediately following the date they fall due.
- 17. A fee or charge imposed under this Bylaw which remains unpaid on December 31st in any year shall be deemed to be taxes in arrears on the land or real property on which the charge was imposed, and may be recovered as provided in the *Local Government Act*.

PART 5 – SYSTEM OPERATION

Scavenging

- 18. No person, except an occupier of the residential premises which generated the residential recyclable materials, the District or its Contractor shall remove from a recycling container, or from an area adjacent to a recycling container, any recyclable material.

Frequency of Collection

- 19. There shall be no regularly scheduled collection on Saturdays, Sundays or statutory holidays. Where a statutory holiday falls on a regular collection day, the collection shall be made on the following working day.

Collection of Other Wastes

20. The District will not provide for the collection and disposition of any wastes other than residential garbage and residential recyclable materials. It is the responsibility of any owner or occupier of residential premises to provide for the lawful collection and disposition of all other waste products.
21. Hazardous waste, as defined in the *Environmental Management Act*, must be disposed of by an owner or occupier of residential premises in accordance with all applicable federal and provincial enactments including, without limitation, the provisions of the *Environmental Management Act* and regulations made thereunder.

PART 6 – ADMINISTRATION

Administration

22. The Public Works Superintendent is authorized to administer this Bylaw. Without limiting the generality of the foregoing, the Public Works Superintendent is hereby authorized to do the following:
 - (a) designate, pursuant to subsection 7(f), for the period of time the Public Works Superintendent considers appropriate, an alternate location for placement of garbage containers and recycling containers, having regard to the circumstances of the request, including the nature of the roadway, topography of the land, weather conditions, and the ability of the Contractor to safely access the location;
 - (b) designate a residential premises as an exempt residential premises, where the Public Works Superintendent, is satisfied that the Contractor is unable to provide collection service having regard to all relevant circumstances, including the remoteness of the residential premises, topography of the land, and availability of public roads;
 - (c) designate a residential premises as an exempted residential premises when determined to be a vacant premises according to the definitions of this Bylaw;
 - (d) prescribe a schedule for weekly collection services; and
 - (e) provide notice by mail to all affected residential premises, as a condition of the exercise of the authority under subsections 22(a), (b) and (d), and provide notice by any other means the Public Works Superintendent considers necessary or desirable.

Right of Entry

23. A Peace Officer, including a bylaw enforcement officer, the Chief Administrative Officer, or the Public Works Superintendent, and his or her delegate shall have the right to enter at all reasonable times upon any property subject to the provisions of this Bylaw, for the purposes of ascertaining whether any requirement of this Bylaw or the regulations in this Bylaw are being observed.

PART 7 – OFFENCES AND PENALTIES

Violation

24. Any person who violates any provision of this Bylaw or who suffers or permits any act or thing to be done in contravention of, or in violation of any of the provisions of this Bylaw, commits an offence and is punishable in accordance with the Offence Act.

Penalty

25. Any person who violates any of the provisions of this Bylaw is liable, upon summary conviction thereof, to a penalty of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1000.00) for a first offence and for each subsequent offence to a fine of not less than two hundred dollars (\$200.00) and not more than two thousand dollars (\$2000.00).
26. Where an offence against this Bylaw is of a continuing nature, it shall be lawful to impose a fine or penalty not exceeding five hundred dollars (\$500.00) plus costs for each day such offence is continued by the offender.

PART 8 – GENERAL

Schedules

27. The schedules annexed to this Bylaw shall be deemed to be an integral part of this Bylaw.

Headings

28. The headings in this Bylaw are inserted for convenience only, and shall not affect the interpretation of any provision in it.

Severability

29. If any provision of this Bylaw is found to be invalid by a court of competent jurisdiction it may be severed from the Bylaw, and the remainder of the Bylaw shall continue in full force and effect.

PART 9 – CITATION

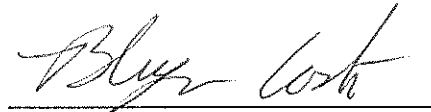
30. This Bylaw may be cited as "Curbside Collection Bylaw No. 329, 2016".

READ A FIRST TIME this 2nd day of April, 2016

READ A SECOND TIME this 2nd day of April, 2016

READ A THIRD TIME this 2nd day of April, 2016

ADOPTED this 9th day of April, 2016


CORPORATE OFFICER


MAYOR

SCHEDULE "A"

Prohibited Wastes

The following wastes are not accepted for curbside garbage collection:

- (a) recyclables covered by an approved Product Stewardship plan pursuant to the Recycling Regulation, including without limitation recyclable materials as defined in this Bylaw;
- (b) any material that has been banned from the Designated Disposal Facility by a Bylaw of the District or Bylaw of the Regional District of Kitimat Stikine;
- (c) any material which will become or is reasonably likely to become frozen to the container and incapable of being easily removed;
- (d) hot ashes, any waste material capable of starting fires, and highly flammable material;
- (e) explosive or highly combustible materials;
- (f) liquid wastes, including raw sewage or septic tank sludge;
- (g) biomedical and hazardous wastes, as defined by the Hazardous Waste Regulation;
- (h) industrial, manufacturing or trade waste, including any abandoned, condemned or rejected product or waste material, and stock of any wholesale or retail merchant;
- (i) sod, earth, rocks, tree trunks and branches greater than 3" (75mm) in diameter;
- (j) live creatures, carcasses or parts thereof, or any dog, cat, fowl, fish, or any other creature (with the exception of normal kitchen waste);
- (k) hay, straw and manure;
- (l) discarded vehicle parts, and accessories from automotive service stations or other automotive establishments;
- (m) tires used for automobiles, trucks, trailers, motorcycles, bicycles, or any other mechanized equipment;
- (n) major appliances, large household furnishings and other bulky household wastes;
- (o) oversized items of any kind exceeding two (2) feet in any dimension; and
- (p) construction or demolition debris, except small quantities that fit in the garbage container.

SCHEDULE "B"

User Fees associated with Collection of Garbage and Recyclable Materials

The rates in this schedule apply to all residential premises in the District unless exempted under the provisions of this Bylaw.

Service	Payment before Due Date	Payment after Due Date	Other Charges
Garbage and Recyclable Material Collection for standard residential service	\$264	\$290.40	N/A
Multi-family Duplex	\$264/unit	290.40/unit	N/A
Multi-family Building up to 4 units	\$264/unit	\$290.40/unit	N/A
Multi-family Building 5 – 10 units	\$249/unit	\$273.90/unit	N/A
Multi-family Building over 10 units	Exempt*	Exempt	N/A
Commercial Buildings	Exempt*	Exempt	

*Multi-family apartment buildings with more than 10 units must make private arrangements with contractor of their choice for collection of refuse and recycling.

*Commercial buildings must make private arrangements with the contractor of their choice for the collection of refuse and recycling.

These fees are secured until June 30, 2019 and include the supply of 26 transparent bags per year per residence for recycling purposes.

SCHEDULE "C"

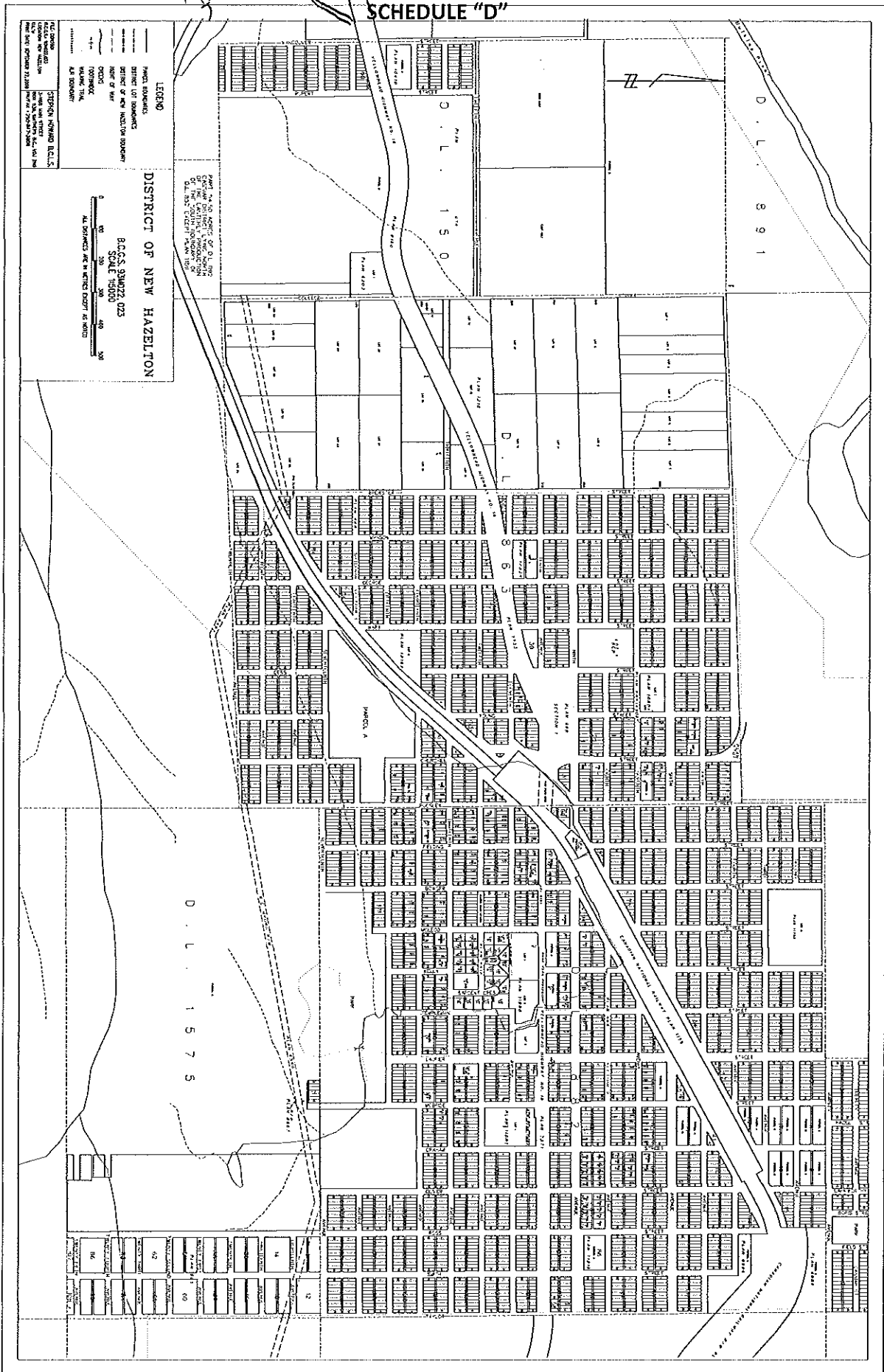
Recyclable Materials

The following materials are designated as recyclable materials:

- (a) paper (newsprint, mixed waste paper, boxboard);
- (b) old corrugated cardboard;
- (c) rigid plastic containers;
- (d) polycoat containers;
- (e) aseptic boxes and cartons;
- (f) metal packaging; and
- (g) any other materials that have been designated as acceptable materials as set out in literature provided by the District of New Hazelton and the New Hazelton Bottle Depot

Vancouver Street
3012

SCHEDULE "D"



LEGEND
STREET NAMES
LOT NUMBERS
DISTRICT OF NEW HAZELTON
SCALE 1:500
DISTRICT OF NEW HAZELTON
SCALE 1:500

DISTRICT OF NEW HAZELTON
SCALE 1:500
DISTRICT OF NEW HAZELTON
SCALE 1:500