

DISTRICT OF LILLOOET

BYLAW NO. 296

A Bylaw to regulate collection, removal,
recycling and disposal of garbage and other refuse

CONSOLIDATED TO JUNE 18, 2013

WHEREAS the Council of the District of Lillooet, pursuant to the provisions of the *Community Charter*, is empowered and authorized to establish and maintain a system to collect, remove, recycle and dispose of garbage, ashes, refuse and other noxious, offensive unwholesome and discarded matter;

AND WHEREAS Council is empowered and authorized to compel persons to make use of a system established to dispose of garbage, ashes, refuse and noxious, offensive unwholesome and discarded matter, and prescribe the terms and conditions on which persons make use of the system;

AND WHEREAS Council is authorized to enter into contracts for all or part of the collection, and removal of garbage and recyclables and disposal of garbage and other waste;

NOW THEREFORE the Council of the District of Lillooet, in open meeting assembled, enacts as follows:

CITATION AND REPEAL

1. This bylaw shall be known and cited for all purposes as the District of Lillooet “**Garbage Collection and Regulation Bylaw 2007, No. 296**”.
2. “Municipal Solid Waste Collection and Disposal Bylaw No. 69, 1997” and all amendments thereto are hereby repealed.

DEFINITIONS

3. In this bylaw:

Apartment shall mean any building that is, or is intended to be, occupied or used for any portion of any one year as a dwelling by three or more families in independent dwelling units.

Ashes mean ashes, cinders and remains of any fuel or material, after such has been consumed by fire.

Attractant means any substance, with or without an odour, which could attract wildlife or does attract wildlife, including but not limited to food products, pet food, feed or compost.

Bylaw Enforcement Officer means the persons designated by Council to enforce the regulations of this bylaw.

Commercial Classification means any individual premises such as a warehouse, factory, fish plant, garage or service station, commercial premises such as a shop, wholesale or retail business outlet, gift shop, tourist related or marine oriented business, office building, bake shop, restaurant; institutional premises such as a hospital, school; multi-family premise such as an apartment, row houses, condominium, or townhouse complex with more than three (3) dwelling units; and other uses not included in Residential Classification.

Commercial Garbage Receptacle means a loading type of commercial bin or receptacle.

Council means the Council of the District of Lillooet.

Director of Public Works means the person employed by the District of Lillooet, as the Director of Public Works.

District means the District of Lillooet.

Dwelling means any building that is, or is intended to be, occupied or used for any portion of any one year as a place of living, residence, or habitation.

Dwelling Unit means one or more habitable rooms, constituting a self-contained or independent unit with a separate entrance, which is or is intended to be used together for living and sleeping purposes, for not more than one family and contains a kitchen and bathroom. This includes single family, duplex unit apartment and suites.

Garbage means and includes any and all rejected, abandoned or discarded household waste, vegetable or animal food, floor sweepings, crockery, small metal ware, tin and bottles and other household waste, but does not include ashes, garden refuse, trade waste, wood waste, sawdust waste or recyclable materials, or other materials prohibited by this bylaw from being disposed of as garbage.

Garbage Collection Tag means the tag required for any Garbage Bag in excess of the four bag limit provided for in the basic garbage collection service.

Garbage Collection Sticker means the annual sticker available for Garbage Receptacles in excess of the two container limit provided for in the basic garbage collection service.

Garbage Collector means the contractor, person or municipal employee, appointed from time to time by resolution of Council, to collect garbage and/or trade waste within the District.

Garbage Receptacle means the Wildlife Resistant Container of approximately 150 litre volume measuring no more than twenty (20) inches (50 cm.) in diameter, thirty (30) inches (76.2 cm.) in height and a loaded weight not to exceed forty-four (44) pounds (20 kilograms) to be used for storage of garbage to be picked up by the Garbage Collector.

Garden Refuse shall include all garden remains and grass, trees or hedge clippings.

Noxious Material means any substance or hazardous material including, but not limited to, flammable/volatile liquids, explosive chemicals/vapours, human or animal excretions, offal, dead animals, refuse, garbage, waste products, accumulation of ashes, branches, leaves, or yard clippings, which is malodorous, offensive, harms or injures any person or animal or that has the same meaning as under the *Environmental Management Act* SBC 2003, Chapter 53 and regulations made thereunder.

Occupier means an Owner who occupies a property, a person who has signed a lease or rental agreement to occupy a property for residential purposes, or a person who otherwise occupies residential property as a tenant without a signed agreement.

Owner means the person or persons, including a corporation or company, who is liable under the *Local Government Act* or *Community Charter* or successor legislation to pay real property taxes.

Property means land with improvements so affixed to the land as to make them, in fact and law, a part of it.

Recyclable Material may include used newspapers, cans, glass items, metals, cardboard and any other items intended to be recycled as designated by the Squamish Lillooet Regional District.

Trade Waste means all accumulations of waste and abandoned materials resulting from the operation of any and all commercial classifications.

Wildlife includes any animal that is not normally domesticated, including but not limited to bears, cougars, coyotes, raccoons, wolves and birds.

Wildlife Resistant means fully contained or enclosed to prevent access by wildlife.

Wildlife Resistant Container means a fully enclosed waterproof container with a lid and a latching device of sufficient design and strength to prevent access by dangerous wildlife.

Wildlife Resistant Enclosure means a structure that has four enclosed sides, a roof, doors and a latching device, of sufficient design and strength to prevent access by wildlife.

GENERAL CONDITIONS

4. No person shall dispose of any garbage, trade waste, garden refuse or recyclable materials except in strict accordance with the provisions of this bylaw.
5. Every owner or occupier of property shall store all garbage, trade waste, garden refuse or other noxious, offensive, unwholesome and discarded matter in a sanitary and inoffensive manner and shall cause such garbage, trade waste, garden refuse or other materials to be removed from the premises to the Regional Landfill site or other government approved disposal site.

6. All domestic garbage and food waste or other edible waste that could attract domestic animals or wildlife shall be stored indoors in a Wildlife Resistant Enclosure and shall not be left in or on any area accessible to domestic animals or wildlife, including on any patio, balcony or deck.
7. Every owner or occupier of property shall keep all Garbage Receptacles in good condition and shall replace any that become damaged so as to be no longer waterproof or dangerous to persons handling them.
8. No owner or occupier shall place a Garbage Receptacle on the road right of way for pick-up before 6:00 AM on the day of scheduled garbage collection.
9. No person shall throw, place or pile, or cause to be thrown, placed or piled upon, any street, lane, private property, any waste product, refuse or domestic or commercial garbage.
10. No person shall dispose of household waste in public litter cans.
11. No person shall place or allow to be placed in any Garbage Receptacle any Noxious Material.
12. Every owner or occupier of property shall be responsible to make their own arrangements to legally dispose of:
 - (1) all bulky waste and garden refuse;
 - (2) all garbage in excess of the two 150 litre Garbage Receptacles or 4 large garbage bags, included in the residential garbage collection service, unless an approved Garbage Collection Tag or Garbage Collection Sticker has been placed on each additional Garbage Receptacle; or Garbage Bag.
 - (3) ashes; trade waste, wood or sawdust waste;
 - (4) explosives, raw sewage, highly flammable materials, dangerous or highly offensive wastes, dead animals; hazardous or dangerous goods
 - (5) demolition or construction materials;
 - (6) corrugated cardboard;
 - (7) items of any kind that exceed the size or weight allowed for a Garbage Receptacle.
 - (8) Appliances, furniture, electronics, mechanical parts, metal, tires, or batteries
13. No owner or occupier shall burn garbage.

GARBAGE COLLECTION – RESIDENTIAL CLASSIFICATION

14. The residential garbage collection service provided by the District is designed to be utilized by the owners or occupiers of :
 - (1) all detached, single-family dwelling units;
 - (2) all duplexes;
 - (3) all multi-family buildings to a maximum of three dwelling units.
15. Where the Director of Public Works deems that collection service cannot be provided to a property, the property owner will be notified that the residential collection service will not be provided.
16. The residential garbage collection service shall be provided once every week.
17. The maximum number of Garbage Receptacles included in the residential garbage collection service is two (2) standard sized (150 litre each weighing not more than 44 pounds/20 kilograms each) Garbage Receptacles per dwelling unit.
18. All garbage intended for collection and placed in a Garbage Receptacle must be enclosed and secured within a large garbage bag so as to contain such garbage within the container.
19. Each Garbage Receptacle, over the maximum allowable of two Garbage Receptacles must have an approved Garbage Collection Sticker placed on the container; or the container will not be collected.
20. Every own or occupier or property serviced by the residential garbage collection system of the District shall be required to:
 - (1) place all garbage for collection in one or two Garbage Receptacles.
 - (2) place all containers for collection in full view of and beside the travelled portion of the roadway servicing the property
 - (3) place all containers for collection as near to collection time as possible, and in all instances they shall be placed no earlier than 8:00 p.m. on the day before regularly scheduled collection and no later than 8:00 a.m. on the regularly scheduled day of collection.
 - (4) ensure that each Garbage Receptacle or bag in excess of the maximum allowed per property has an approved Garbage Collection Sticker on the container or Garbage Collection Tag on the bag.
21. All containers must be located and designed to be easily accessible by the Garbage Collector.

EXTENDED SERVICE

22. Residents receiving the basic service and requiring garbage collection beyond the basic

service provided, shall be required to access extended service through the use of Garbage Collection Stickers or Garbage Collection Tags purchased for this service and within the limits defined herein.

- (1) Garbage Collection Stickers and Garbage Collection Tags may be purchased from the District of Lillooet as outlined in Schedule “A”;
- (2) Each Garbage Collection Sticker will provide for the annual collection of one (1) additional Garbage Receptacle as allowed under extended service.
- (3) Garbage Collection Tags for one time use only, are not reusable or refundable and are only for the use of acquiring services provided as extended service for refuse collection.
- (4) A Garbage Collection Sticker shall be permanently affixed to the Garbage Receptacle in such a way that it is clearly visible to the Garbage Collector.
- (5) A Garbage Collection Tag shall be attached to the top of each Garbage Receptacle or Bag, clearly visible to the Garbage Collector, and in a location that provides for easy access. Such tag will be disposed of with the garbage bag.

GARBAGE COLLECTION – COMMERCIAL CLASSIFICATION

23. Commercial Garbage Receptacles shall not be placed on municipal property or on road or highway rights-of-way.
24. Commercial Garbage Receptacles must be placed on private property and, where possible, must be placed in a location out of, or screened from, public view.
25. Effective January 1, 2009, all Commercial Garbage Receptacles must be wildlife resistant.
26. All construction sites must have a designated container that receives refuse. At the end of each day, all refuse must be stored in a building or enclosure, which may include a wildlife resistant container or a wildlife resistant enclosure, such that the accumulation is not visible from another parcel or highway, and is not accessible by wildlife.

CONSTRUCTION SITE REFUSE DISPOSAL

27. All construction sites must have a designated container that receives refuse. The container must:
 - (1) be emptied at the end of each day and stored in a building or trailer; or,
 - (2) be stored in a wildlife resistant enclosure; or,
 - (3) be a wildlife resistant container.

GARBAGE RATES

28. The fee for the services to be performed under this bylaw shall be as listed in Schedule “A” forming part of this bylaw.

29. Where a building contains more than one dwelling unit, each dwelling unit shall be charged in accordance with this bylaw.
30. All charges on dwellings shall be levied on assessed owners of such lands and premises lying and being in the District and shall be collected for the year on an annual basis.
31. Any charges remaining unpaid on the 31st day of December in any one year shall be added to and form part of the taxes payable in respect of real property and shall be entered upon the Collector’s Roll as taxes in arrears.
32. Single-family dwelling unit users of the garbage collection service who are eligible for the additional Home Owner Grant for persons 65 and over will receive a reduction of 10% from the user rate as established in Schedule “A” of this bylaw.
33. A new consumer will be charged the full monthly rate if the water service is turned on before the 15th day of the month; otherwise, the charge shall be one-half the monthly charge for that month. Fees for the remainder of the year shall be paid by new consumers at the time the water is turned on.
34. A rebate may be allowed for any full months that have been paid in full if a consumer applies for a water turn-off.
35. Any fee unpaid as of 4:30 p.m. on May 1 of the current year, will receive a 10% penalty on the unpaid balance.

ADDITIONAL PROVISIONS TO MINIMIZE WILDLIFE/HUMAN CONFLICTS

36. No person shall knowingly or willingly feed wildlife, or provide in any manner access to garbage, food or other attractants to wildlife.
37. Bird feeders are allowed but must be inaccessible to other wildlife.
38. No person shall fail to take remedial action to avoid contact or conflict with wildlife after being advised by the Bylaw Enforcement Officer that such action is necessary. Remedial action may include, but is not limited to securing, in a wildlife resistant enclosure, all garbage containers, removal of cooking grills, pet food, bird feeders or any other attractants.

BYLAW ENFORCEMENT OFFICER

39. For the purposes of this bylaw, the designated Bylaw Enforcement Officer means any of the following:
 - (1) Bylaw Enforcement Officer for the District of Lillooet.
 - (2) Director of Public Works for the District of Lillooet.
 - (3) Chief Administrative Officer for the District of Lillooet.
40. The Bylaw Enforcement Officer is authorized and empowered to inspect, compel, and require that all the regulations and provisions prescribed in this bylaw are carried out.

- 41. No person shall unreasonably obstruct or prevent a Bylaw Enforcement Officer from carrying out his duties as prescribed in this bylaw.

FINES AND PENALTIES

- 42. Every person who violates any of the provisions of his bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw is liable on summary conviction to a fine of not more than ten thousand dollars (\$10,000.00) and costs (including the costs of the committal and conveyance to the place of imprisonment) for each offence, and in default of payment therefore, to imprisonment of a term not exceeding six months in jail. Each day that such violation is permitted to continue shall be a separate offence.
- 43. If action is taken pursuant to this bylaw, expenses may be recovered, together with costs and interest, in the same manner as prescribed for municipal taxes.

MUNICIPAL TICKET INFORMATION PROVISIONS

- 44. This Bylaw is designated pursuant to Section 264 of the *Community Charter*, as a bylaw that may be enforced by means of a ticket in the form prescribed.
- 45. Bylaw Enforcement Officers are designated to enforce this bylaw by means of a ticket pursuant to Section 264 of the *Community Charter*.
- 46. The words or expressions listed in Schedule “B” of this bylaw in the “Offence” column are authorized to be used on a ticket pursuant to section 264(1)(c) of the *Community Charter* to designate an offence against the respective section of this bylaw appearing opposite in the “Section” column. The amounts appearing in the “Fine” column are the fines set pursuant to section 265 of the *Community Charter* for contravention of the respective section of this Bylaw appearing opposite in the section column.
- 47. The Bylaw Enforcement Officer shall refer every disputed ticket to the Provincial Court for a hearing.

SEVERABILITY

- 48. If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw.
- 49. Upon adoption this bylaw shall apply to all lands within the existing service area as shown outlined on Schedule “C” attached hereto and forming part of this bylaw.
- 50. Effective January 1, 2009, this bylaw shall apply to all lands within the District of Lillooet.

“C. Roshard”
Mayor

“G. Loyer”
Corporate Officer

“Garbage Collection and Regulation Bylaw 2007, No. 296”

SCHEDULE “A”

FEES AND CHARGES

- | | | |
|----|---|--------------------|
| 1. | Basic Garbage Collection Service
- provides for weekly pickup of
two (2) Garbage Receptacles
(150 litre each) (4 bags) | \$ 210.00 per year |
| 2. | Garbage Collection Tag
- provides for one time only
pickup of one additional
Garbage Bag | \$ 3.40 per tag |
| 3. | Garbage Collection Sticker
- provides for weekly pickup
of one additional Garbage
Receptacle (2 bags) | \$ 139.00 per year |

“Garbage Collection and Regulation Bylaw 2007, No. 296”

SCHEDULE “B”

Fines and Penalties

Offence	Section	1st Offence	2nd and Subsequent Offences
Improper storage of garbage	5	\$50.00	\$100.00
Unsanitary storage of garbage	5	\$50.00	\$100.00
Offensive storage of trade waste	5	\$50.00	\$100.00
Offensive storage of garden waste	5	\$50.00	\$100.00
Broken/Dangerous Garbage Receptacles	7	\$25.00	\$50.00
Placing Garbage Receptacle out for collection prior to 6:00 AM on the scheduled day of collection	8	\$50.00	\$100.00
Throw, pile, place on any street, road, private property or public litter can, domestic garbage or waste product	9	\$100.00	\$200.00
Dispose of raw sewage	11	\$100.00	\$200.00
Dispose of highly flammable material	11	\$100.00	\$200.00
Disposal of offensive waste, i.e. dead animals or other restricted material	11	\$100.00	\$200.00
Disposal of hot or loose ash	11	\$100.00	\$200.00
Disposal of demolition material	11	\$100.00	\$200.00
Disposal of explosive or noxious materials	11	\$100.00	\$200.00
Garbage not enclosed in bag or other container within residential Garbage Receptacle	18	\$25.00	\$50.00
No Garbage Collection Tag on excess Garbage Bag	19	\$10.00 per bag	\$20.00 per bag
Placement of Commercial Receptacles on Municipal Property/Road ROW's	23	\$100.00	\$200.00
Use of Non Wildlife Resistant Commercial Garbage Receptacle	25	\$200.00	\$500.00
Improper Construction Site Refuse Container	27	\$100.00	\$200.00
Construction Site Refuse Container Improperly Stored	27	\$200.00	\$500.00
Providing Attractants/Food to Wildlife	36	\$200.00	\$500.00
Failure to take Remedial Action on Advice from Bylaw Enforcement Officer	38	\$100.00	\$200.00
Obstruction of Bylaw enforcement Officer	41	\$150.00	\$300.00

