

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1003

A bylaw to provide for the establishment, maintenance and regulation of a system for the collection, removal, and disposal of garbage, organics, recyclables, and other solid waste.

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as “Solid Waste Bylaw No. 1003, 2014”.
2. In this Bylaw, unless the context otherwise requires:

“**basic service**” means the solid waste collection service established under section 4 of this bylaw;

“**biomedical waste**” means biomedical waste as defined in the Hazardous Waste Regulation of the *Environmental Management Act* as amended or re-enacted from time to time;

“**extended service**” means the additional solid waste collection service provided under section 7 of this bylaw;

“**garbage**” means discarded matter, but does not include organics or recyclable materials or any prohibited material listed in section 8 of this bylaw;

“**garbage container**” means a container of not more than 120 litres in volume, with carrying handles and waterproof cover, which is used to collect and store solid waste;

“**garbage tags**” means single-use tags or stickers required to access extended service;

“**hazardous waste**” means hazardous waste as defined in the Hazardous Waste Regulation of the *Environmental Management Act* as amended or re-enacted from time to time;

“**household hazardous waste**” means household hazardous waste as defined in the Hazardous Waste Regulation of the *Environmental Management Act* as amended or re-enacted from time to time;

“**ignitable waste**” means waste that is ignitable as defined the Hazardous Waste Regulation of the *Environmental Management Act* as amended or re-enacted from time to time;

“organics” means the allowed kitchen organics and yard waste collected in any applicable Village of Cumberland organics compost program;

“organics container” means a lidded container used for the collection and storage of organics;

“owner” means a person registered in the land registry records as owner of land or of a charge on land, whether entitled to it in his own right or in a representative capacity as well as a tenant or leaseholder;

“pathological waste” means

- (a) any part of the human body, including tissues and bodily fluids, but excluding fluids, extracted teeth, hair, nail clippings, and like parts, that are not infectious,
- (b) any part of the carcass of an animal infected with a communicable disease or suspected by a veterinary practitioner to be infected with a communicable disease, and
- (c) non-anatomical waste infected with communicable disease;

“public health inspector” means any person appointed as such by the Ministry of Health within the Village;

“premises” means the location from which the solid waste originates;

“recyclable materials” means

- (a) dry newspaper
- (b) dry corrugated cardboard
- (c) dry mixed wastepaper
- (d) metal food and beverage containers
- (e) plastic containers numbered #1-7,
- (f) effective May 19, 2014, all recyclable materials allowed under the Multi Material British Columbia (MMBC) collection system for residential curbside collection;

“recycling container” means a container used for the collection and storage of recyclable materials;

“residential unit” means

- (a) a single family dwelling,
- (b) a unit within a duplex, triplex or fourplex,
- (c) a secondary suite,
- (d) mobile home,
- (e) a coach house,
- (f) a dwelling unit secondary to a principal commercial use,

each considered a self-contained dwelling unit with cooking, living, sleeping and sanitary

facilities;

“solid waste” means any combination of garbage, organics and recyclable materials;

“solid waste collector” means the person or persons designated by the Village to collect and dispose of solid waste within the Village;

“superintendent” means any person assigned the responsibility to administer this bylaw;

“unserviceable property” means

- (a) any property or residential unit to which access from a street is inadequate for service as determined by the Superintendent,
- (b) any property or residential unit which by its lack of proximity to other residential units being provided basic service would result in excessively high costs or time being allocated to service as determined by the Superintendent, or
- (c) any property or residential unit the Superintendent determines is unsafe to service;

village means the Corporation of the Village of Cumberland.

3. **System Establishment**

A solid waste collection system is established to collect, remove, and dispose of garbage, organics and recyclable materials from premises within the Village.

4. **Basic Service**

- (1) Basic service for a residential unit consists of collection from one dwelling unit of
 - (a) garbage, in the amount of one regulation garbage container, bi-weekly; and,
 - (b) recyclable materials, in an unlimited quantity, bi-weekly, and
 - (c) organics, in an unlimited quantity, weekly.
- (2) Basic service for commercial, industrial and institutional premises consists of collection from each premises of
 - (a) garbage, in the amount of three regulation garbage containers per week, and
 - (b) recyclable materials, in an unlimited quantity bi-weekly.
- (3) The Superintendent is authorized to schedule solid waste collection.

5. Basic Service Mandatory

- (1) Subject to subsection 5(2), every person must dispose of solid waste through the Village solid waste collection system in accordance with this bylaw.
- (2) The solid waste collection system shall not be provided to
 - (a) occupants of multi-family premises that consist of more than four attached residential units who dispose of their residential solid waste through a private collection service as permitted under section 6,
 - (b) occupants of commercial, industrial or institutional premises who dispose of their solid waste through a private collection service, and
 - (c) occupants of any premises who have received written notice from the Village that they must make arrangements for private collection service.

6. Alternate Service

- (1) The Village shall not collect solid waste from
 - (a) commercial, industrial, institutional, or multi-family premises that do not qualify for basic service under section 5, and
 - (b) any unserviceable property.
- (2) An owner of premises listed in subsection 6(1) must
 - (a) arrange solid waste collection by a private collection service that disposes of solid waste at an approved disposal site,
 - (b) ensure that solid waste is collected on a regular basis to prevent the development of noxious odours and the accumulation of solid waste, and
 - (c) store all solid waste in an animal-proof location or in animal-resistant containers.
- (3) An owner of a premises served by the solid waste collection system may apply in writing to the Superintendent for permission to have the solid waste for that premises collected and disposed of by a alternate private collection service, provided that the applicant
 - (a) can demonstrate the solid waste collection system does not provide service adequate to deal with the type or volume of solid waste generated by the applicant, and
 - (b) has exhibited a proven effort and due diligence in the applicant's efforts to participate in diverting waste through the solid waste collection system.
- (4) The Superintendent is authorized to
 - (a) approve an application made under this section where the applicant demonstrates that the solid waste collection system cannot provide

service adequate to deal with the type or volume of solid waste generated by the applicant and the applicant has exhibited a proven effort and due diligence in their efforts to participate in diverting waste through the available services provided,

- (b) deny an application when the information submitted is insufficient to determine compliance subsection 3, when incorrect information is submitted, or approval of the application would be prohibited by this, or any other bylaw or regulation, and
- (c) revoke an approval made under this section if the alternate collection service used by that applicant does not meet the requirements of this or any other bylaw or regulation.

7. Extended Service

- (1) A basic service user who requires additional garbage collection shall use the extended service.
- (2) A basic service user shall access extended service by using garbage tags authorized by the Village for the extended service.
- (3) The Village imposes fees for garbage tags as set out in Schedule A to this bylaw.
- (4) Each garbage tag entitles the extended service user to the collection of one regulation garbage container.
- (5) Beyond the basic service limits and subject to section 7(4), an extended service user may put out a maximum of two additional garbage containers from each unit per scheduled solid waste collection.
- (6) An extended service user shall attach garbage tags inside the additional garbage container put out for collection.
- (7) Garbage tags are not reusable or refundable.

8. Prohibited Materials

- (1) No person shall place any of the following materials in any container for collection:
 - (a) hazardous waste;
 - (b) household hazardous waste;
 - (c) biomedical waste;

- (d) pathological waste;
 - (e) ignitable waste;
 - (f) raw sewage or septic tank sludge;
 - (g) dead animals;
 - (h) animal feces, waste, or related litter products other than from domestic pets;
 - (i) items of any kind exceeding 60cm in size in any direction;
 - (j) demolition or construction waste;
 - (k) ashes.
- (2) Prohibited materials listed in this section shall not be collected by the solid waste collector.
- (3) Every owner of premises upon or within which prohibited materials listed in this section are created, stored or held shall be solely responsible for
- (a) the proper sanitation of those materials, and
 - (b) the storage, removal, and disposal of all such wastes in compliance with all applicable laws and bylaws.

9. **Owner Responsibilities**

- (1) Every owner of a premises served by the solid waste collection system must
- (a) place all garbage in a regulation garbage container,
 - (b) maintain all garbage containers in safe, sanitary, and usable condition,
 - (c) place all recyclable materials in a clearly marked recycling container capable of confining the recyclable materials set out for collection,
 - (d) place all organics in a clearly marked organics container,
 - (e) store all garbage, organics and recyclable materials in an animal-proof location or in animal-resistant containers until the scheduled collection day,
 - (f) drain excess moisture from wet garbage and wrap wet garbage in waterproof material before placing it in the garbage container,
 - (g) ensure no liquid is deposited in any garbage container,
 - (h) ensure no liquid runs into or accumulates in any garbage container,
 - (i) ensure no solid or semi-solid greases are deposited in a garbage container unless wrapped in a waterproof covering or placed in a tightly closed container,
 - (j) cover all garbage containers at all times with a waterproof lid,
 - (k) ensure that any garbage container, organics container and recyclable material container set out for collection does not weigh more than 22 kilograms (50 pounds),
 - (l) set out for collection on the scheduled collection day by 8:00 a.m. and on no other day all garbage containers, organics containers and recycling

- containers,
- (m) place all garbage containers, organics containers and recycling containers in one location per premises or unit as close as possible to the edge of the street adjoining the dwelling unit or premises in a location clearly visible to collection workers, but not placed so as to obstruct vehicles or pedestrians, and
 - (n) remove all empty garbage containers, organics containers and recycling containers from the street after collection on the day of collection and keep all garbage containers, organics containers and recycling containers, when not set out for collection, on the property from which the solid waste materials originate.

10. **Proper Container**

- (1) Where solid waste is not contained within the garbage container, organics container or recycling container or where the owner causes the solid waste materials to be strewn in or outside the premises the Superintendent may order the clean-up of the solid waste. The costs of the clean up will be assessed against the owner of the premises.
- (2) The Superintendent is authorized and empowered to approve and authorize the use of other containers than the regulation garbage container, organics container or recycling container where special conditions may exist, at the Superintendent's discretion.
- (3) All approved garbage containers, organics containers or recycling containers shall at all times be kept in good and sanitary condition and shall be accessible for inspection at all reasonable times by the Superintendent or Public Health Inspector.
- (4) When the Superintendent or Public Health Inspector has determined that any container is unfit, such container shall be removed along with the solid waste. The occupier or owner of any premises from which the condemned container has been removed shall forthwith be advised to and shall provide a suitable and sanitary regulation garbage container, organics container or recyclable materials container.
- (5) Where any accumulation of solid waste is found in or upon any land or premises, the Superintendent or Public Health Inspector may order the removal of the same within the time specified in his order. Failure or neglect by the owner to obey such an order within the time specified shall constitute a violation of this Bylaw.

11. Fees

- (1) The fees for solid waste collection set out in Schedule A to this Bylaw are imposed upon owners of premises receiving the solid waste collection system basic service.
- (2) Fees imposed by this bylaw will be billed quarterly and are due and payable on receipt to the Corporation of the Village of Cumberland. Failure to receive an invoice will not be accepted as a reason for non-payment of the required charge.
- (3) Fees for new services will commence the month an occupancy permit has been issued and will be prorated for the duration of the remaining quarter.
- (4) Tags for use with additional regulation garbage containers may be purchased at the Village office during regular business hours for the fee set out in Schedule A.
- (5) The owners of premises, whether occupied or vacant, shall be responsible for the payment of all solid waste collection user fees, whether the service is actually used or not.
- (6) A 10% penalty shall be added to all fees set out in Schedule A which are not paid prior to 30 days from each billing date.
- (7) All outstanding balances plus penalties after December 31st of each year shall be transferred to taxes as arrears.

12. Offences and Penalties

- (1) No person may evade or knowingly assists in the evasion of fees under this bylaw.
- (2) Every person who contravenes any provisions of this bylaw commits an offence punishable upon summary conviction and is liable to a fine not exceeding \$10,000 as set out in the *Offence Act*.
- (3) Each day that an offence against this bylaw continues or exists shall be deemed to be a separate and distinct offence.

13. Severability

If any portion of this bylaw is declared *ultra vires* by a Court of competent jurisdiction, then that portion of the bylaw shall be deemed to be severed from the bylaw and the remainder of the bylaw shall remain in force without affecting the validity of the

remainder of the bylaw.

14. Repeal

The “Corporation of the Village of Cumberland Garbage Collection and Disposal Regulations and Rates Bylaw No. 887, 2007” as amended is repealed.

15. Effective Date

This bylaw comes into force on April 1, 2014.

READ A FIRST TIME THIS	24TH	DAY OF	FEBRUARY	2014.
AMENDED THIS	10TH	DAY OF	MARCH	2014.
READ A SECOND TIME THIS	10TH	DAY OF	MARCH	2014.
READ A THIRD TIME THIS	10TH	DAY OF	MARCH	2014.
ADOPTED THIS	24TH	DAY OF	MARCH	2014.

Mayor

Corporate Officer

Schedule A
Solid Waste Collection Fees

[Bylaw 1120]

Use of Land or Real Property	Solid Waste Fees Effective January 1, 2019	Solid Waste Fees Effective January 1, 2020
Residential unit:	\$23.40 per quarter	\$24.45 per quarter
Commercial, Industrial, Institutional premises:	\$46.25 per quarter	\$47.20 per quarter
Additional garbage tags:	\$2 per bag	\$2 per bag