

DISTRICT OF FORT ST JAMES
GARBAGE COLLECTION AND DISPOSAL
BYLAW NO. 832, 2006

Table of Contents

1. TITLE.....	2
2. REPEAL.....	2
3. DEFINITIONS	2
4. COLLECTION SYSTEM ESTABLISHED	5
5. SERVICE MANDATORY	5
6. RESIDENTIAL SERVICE	5
7. COMMERCIAL SERVICE.....	5
8. ALTERNATE SERVICE	5
9. UNACCEPTABLE MATERIALS	6
10. OWNER/OCCUPANT RESPONSIBILITIES	6
11. CONTAINER INSPECTION AND INVESTIGATION	7
12. RIGHT OF ENTRY	8
13. EXCLUSION OF OTHER SERVICE	8
14. FEES FOR GARBAGE COLLECTION	8
15. CHARGES DISCONTINUED	8
16. ERRORS	9
17. PENALTIES.....	9
SCHEDULE "A" - RATES AND CHARGES.....	10
SCHEDULE "B" - FINES.....	11

GARBAGE COLLECTION AND DISPOSAL BYLAW NO. 832, 2006

DISTRICT OF FORT ST JAMES

GARBAGE COLLECTION AND DISPOSAL

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A Bylaw to provide for the imposition of a charge against the owner of real property for the use of the garbage collection service operated by the District of Fort St. James, and to provide for the government, management, terms and conditions under which garbage may be collected.

NOW THEREFORE the Council of the District of Fort St. James, in open meeting assembled, enacts as follows:

1. TITLE

- 1.1 This Bylaw may be cited for all purposes as “District of Fort St. James Garbage Collection and Disposal Bylaw No. 832, 2006”.
- 1.2 This Bylaw includes:
 - (a) Schedule “A” Rates and Charges
 - (b) Schedule “B” Fines
- 1.3 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the invalid portion shall be severed, without affecting the remainder of this Bylaw;
- 1.4 Metric dimensions are used in this Bylaw.

2. REPEAL

The Fort St. James “Garbage Collection and Disposal Bylaw No. 333, 1980” and all amendments thereto are hereby repealed.

3. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- 3.1 “ADMINISTRATOR” means the person duly appointed as the Administrator of the Municipality;
- 3.2 “APPROVED DISPOSAL SITE” means a site authorized by the Municipality, the Regional District of Bulkley Nechako, or the Ministry of Environment for the deposit and disposal of garbage.
- 3.3 “BIOMEDICAL WASTE” means waste that is generated by
 - (a) human health care facilities,
 - (b) medical research and teaching establishments,
 - (c) clinical testing or research laboratories, and
 - (d) facilities involved in the production or testing of vaccines,

GARBAGE COLLECTION AND DISPOSAL BYLAW NO. 832, 2006

and that contains or may contain pathogenic agents that may cause disease in humans exposed to the waste.

- 3.4 “COLLECTION” means the removal of garbage by the Municipality or its contractor under this Bylaw.
- 3.5 “COMMERCIAL PREMISES” means a building or part of a building occupied for the purpose of carrying on a profession, trade or business.
- 3.6 “COMMERCIAL SERVICE” means the garbage collection service established under section 7 of this Bylaw.
- 3.7 “COMMERCIAL SERVICE USER” means a person who must use the municipal garbage collection service under section 7.1.
- 3.8 “CONTRACTOR” means a person under contract to the Municipality to provide a service.
- 3.9 “DIRECTOR OF FINANCE” means the person duly appointed the Director of Finance of the Municipality.
- 3.10 “DUMPSTER” means a container approved by the Public Works Superintendent that is capable of being lifted and dumped by the municipal garbage truck;
- 3.11 “DWELLING UNIT” means
- (a) a single family dwelling,
 - (b) in relation to a duplex, triplex or fourplex, each self-contained residential suite, or
 - (c) a secondary suite.
- 3.12 “GARBAGE” means discarded matter, but does not include any material listed in section 9.1 of this Bylaw.
- 3.13 “GARBAGE CAN” means a receptacle of not more than 70 to 77 litres capacity with carrying handles and a waterproof lid.
- 3.14 “GARBAGE CONTAINER” means a container for temporary storage of garbage which is capable of keeping garbage dry and safe from dogs, birds, bears or other animals, and includes:
- (a) garbage can
 - (b) dumpster
 - (c) box with hinged lid
- 3.15 “HAZARDOUS WASTE” means any gaseous, liquid or solid waste that, because of its inherent nature and quality, requires special disposal techniques to avoid creating health hazards, nuisances or environmental pollution, and includes:
- (a) paint
 - (b) oil
 - (c) gypsum
 - (d) toxic waste
 - (e) poisonous waste
 - (f) corrosive waste
 - (g) ignitable waste
 - (h) explosive waste.

GARBAGE COLLECTION AND DISPOSAL BYLAW NO. 832, 2006

- 3.16 “IGNITABLE WASTE” means waste that is a
- (a) flammable gas,
 - (b) flammable liquid, or
 - (c) flammable solid or substance susceptible to spontaneous combustion or substances that, on contact with water, emit flammable gases as defined in the Special Waste Regulation of the Province of British Columbia;
- 3.17 “MUNICIPALITY” means the District of Fort St. James.
- 3.18 “MUNICIPAL GARBAGE COLLECTION SYSTEM” means the garbage collection system established under section 4 of this Bylaw;
- 3.19 “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, or
 - (c) non-anatomical waste infected with communicable disease;
- 3.20 “PRIVATE COLLECTION” means a garbage collection service operating under a valid Municipal business licence that is not operated by or on behalf of the Municipality;
- 3.21 “PUBLIC WORKS SUPERINTENDENT” means the person duly appointed the Public Works Superintendent of the Municipality;
- 3.22 “RESIDENTIAL GARBAGE” means garbage generated by the occupants of a dwelling unit;
- 3.23 “RESIDENTIAL SERVICE” means the garbage collection service established under section 6.1 of this Bylaw.
- 3.24 “RESIDENTIAL SERVICE USER” means a person who must use the municipal garbage collection service under section 6.
- 3.25 “SECONDARY SUITE” means a self-contained suite with a separate entrance and separate bathroom within a building that was originally constructed as a single family dwelling or a legal duplex, triplex or fourplex;
- 3.26 “SERVICE PERIOD” means the period of time associated with scheduled garbage collection services.
- 3.27 “STREET” means a highway;
- 3.28 “TRADE OR INDUSTRIAL WASTE” means garbage resulting from the operation of industrial, commercial or institutional premises;
- 3.29 “UNSERVICEABLE PROPERTY” means:
- (a) any property or dwelling unit to which access from a street is inadequate for service as determined by the Public Works Superintendent; or
 - (b) any property or dwelling unit which by its lack of proximity to other dwelling units being provided basic service would result in excessively high costs or time being allocated to service as determined by the Public Works Superintendent; or

GARBAGE COLLECTION AND DISPOSAL BYLAW NO. 832, 2006

(c) any property or dwelling unit the Public Works Superintendent determines is unsafe to service.

4. COLLECTION SYSTEM ESTABLISHED

4.1 A municipal garbage collection system is established to collect, remove and dispose of residential and commercial garbage.

5. SERVICE MANDATORY

5.1 Subject to subsection 5.2, all serviceable residential and commercial properties shall be subject to garbage collection under this bylaw.

5.2 Subsection 5.1 does not apply to dwelling units and commercial properties where garbage is disposed through a private collection service as permitted under section 8.4.

6. RESIDENTIAL SERVICE

6.1 Residential service consists of removal of garbage from garbage cans from one dwelling unit each scheduled collection.

6.2 Unless otherwise approved by the Public Works Superintendent and scheduled accordingly, garbage shall be collected once each week on the same day of each week.

7. COMMERCIAL SERVICE

7.1 Commercial service consists of removal of garbage from garbage containers from one business premises each scheduled collection.

7.2 Unless otherwise approved by the Public Works Superintendent and scheduled accordingly, commercial garbage shall be collected three times each service period on the same days of each week.

8. ALTERNATE SERVICE

8.1 The Municipality shall not collect garbage from:

(a) an unserviceable property.

(b) a dwelling or premises approved under section 8.4 for service by a private collection service.

8.2 An owner of premises listed in subsection 8.1 shall ensure that garbage is removed from the premises on a regular basis and taken to an approved disposal site to prevent the development of noxious odours and the accumulation of garbage.

8.3 An owner of a dwelling or premises served by the municipal garbage collection system may apply, in writing, to the Public Works Superintendent for permission to have his or her garbage collected and disposed of by a private collection service.

GARBAGE COLLECTION AND DISPOSAL BYLAW NO. 832, 2006

- 8.4 The Public Works Superintendent may approve an application made under subsection 8.3 where the applicant demonstrates that the municipal garbage collection system does not provide service adequate to deal with the type or volume of garbage generated by the applicant.
- 8.5 If an application under Section 8.3 is approved, the applicant shall notify the Administrator in writing of:
- (a) the date private collection service will start, and
 - (b) the name of the collection service to be used.

9. UNACCEPTABLE MATERIALS

- 9.1 No person shall place any of the following items in any garbage container for collection by the Municipality or its contractor:
- (a) hazardous waste,
 - (b) biomedical waste,
 - (c) pathological waste,
 - (d) trade or industrial waste,
 - (e) raw sewage or septic tank sludge,
 - (f) items that will not fit in an approved garbage can, other than bundled cardboard
 - (g) demolition or construction waste,
 - (h) rocks,
 - (i) engine oil,
 - (j) oil filters, or
 - (k) automotive or marine-type batteries, or
 - (l) any other materials that are deemed to be unacceptable by the Regional District of Bulkley-Nechako for deposit at the waste transfer station.
- 9.2 Any material listed in subsection 9.1 put out for collection by the municipal garbage collection system shall not be collected.

10. OWNER/OCCUPANT RESPONSIBILITIES

- 10.1 Every owner or occupier of a dwelling unit served by the municipal garbage collection system shall:
- (a) place all garbage in garbage can(s);
 - (b) ensure that each garbage can set out for collection does not weigh more than 22 kilograms or have a total capacity greater than 77 litres;
 - (c) flatten or break down all corrugated cardboard and tie in bundles for collection;
 - (d) set out for collection by 7:00 a.m. on the collection day all garbage cans;
 - (e) place all garbage cans as close as possible to the edge of the street adjoining the dwelling unit in a location clearly visible to collection workers, but not placed so as to obstruct vehicles or pedestrians;

GARBAGE COLLECTION AND DISPOSAL BYLAW NO. 832, 2006

- (f) remove all empty garbage cans from the street after collection and keep all garbage cans, when not set out for collection, on the property from which the garbage originates;
 - (g) maintain all garbage cans in a safe, sanitary and usable condition;
 - (h) drain excess moisture from wet garbage and wrap wet garbage in a waterproof material before placing it in the garbage can,
 - (i) ensure no liquid is deposited in any garbage can,
 - (j) ensure no liquid runs into or accumulates in any garbage can,
 - (k) cover all garbage cans at all times with a waterproof lid.
- 10.2 Every owner or occupier of a commercial premises served by the municipal garbage collection system shall:
- (a) place all garbage in garbage container(s);
 - (b) ensure that each garbage can set out for collection does not weigh more than 22 kilograms or have a total capacity greater than 77 litres;
 - (c) flatten or break down all corrugated cardboard and tie in bundles for collection;
 - (d) place all garbage containers in an accessible off-street location by 7:00 a.m. on the collection day;
 - (g) maintain all garbage containers in a safe, sanitary and usable condition;
 - (h) drain excess moisture from wet garbage and wrap wet garbage in a waterproof material before placing it in the garbage container,
 - (k) cover all garbage containers at all times with a waterproof lid,

11. CONTAINER INSPECTION AND INVESTIGATION

- 11.1 The Public Works Superintendent must inspect and approve any commercial garbage containers before they are put into use.
- 11.2 The Public Works Superintendent may inspect all garbage containers.
- 11.3 Garbage containers must be available for inspection at all reasonable hours.
- 11.4 The Public Works Superintendent may determine that a garbage container is no longer suitable for use because it is broken, hazardous or unsanitary.
- 11.5 Any garbage container referred to in subsection 11.4 may be removed when the garbage is removed.

GARBAGE COLLECTION AND DISPOSAL BYLAW NO. 832, 2006

- 11.6 The owner or occupier of the premises shall replace any garbage container referred to in subsection 11.5 prior to their next scheduled collection.

12. RIGHT OF ENTRY

- 12.1 Subject to the provisions of this Bylaw, the Public Works Superintendent or a bylaw enforcement officer may enter at all reasonable times upon any property to determine whether the provisions of this Bylaw are being obeyed.

13. EXCLUSION OF OTHER SERVICE

- 13.1 No person shall operate within the Municipality any system for the collection and disposal of garbage that interferes with the municipal garbage collection system, unless the person has been authorized by the Municipality to operate such a system.

14. FEES FOR GARBAGE COLLECTION

- 14.1 The charges for garbage collection set out in Schedule "A" of this Bylaw are hereby imposed upon owners or occupiers of property referred to in sections 6.1 and 7.1.

- 14.2 Charges imposed under this bylaw may be billed from time to time to a maximum of 12 times per year.

- 14.3 Charges for garbage collection shall be levied from the earlier of

- (a) the date of an occupancy permit issued under the current building bylaw; or
- (b) the date of actual occupancy of a premises.

- 14.4 All charges shall be due and payable by the due date specified on the invoice.

- 14.5 All charges shall be subject to a ten per cent (10%) discount if charges for the current billing period are paid in full, along with any outstanding arrears, on or before the close of business on the date indicated on the statement.

- 14.6 A charge imposed under this Bylaw which remains unpaid on the 31st day of December in any year shall be deemed to be taxes in arrears on the land or real property on which the charge is imposed.

15. CHARGES DISCONTINUED

- 15.1 Charges for garbage collection will only be discontinued in respect of a dwelling unit or commercial or other premises if

- (a) the premises are permanently vacated;
- (b) the premises are temporarily rendered uninhabitable because of fire or other similar disaster; or;

GARBAGE COLLECTION AND DISPOSAL BYLAW NO. 832, 2006

- (c) because of extended temporary vacancy, the owner of the premises has obtained a water disconnect from the Municipality, in which case charges will resume when water service is reconnected.

16. ERRORS

- 16.1 An owner or occupier of a dwelling unit or commercial or other premises shall bring any alleged error in any charge to the attention of the Administrator within one year of the end of the period for which such garbage rates were imposed.
- 16.2 No complaint of error shall be considered by the Municipality and no adjustment for any error shall be made after a period of one year has elapsed from the end of the billing period in respect of which the charges were imposed.
- 16.3 At the end of the period referred to in subsection 16.2, all charges shall be deemed to have been properly and correctly made.
- 16.4 Despite subsections 16.2 and 16.3, the Administrator may authorize an adjustment for a period of up to ten years to correct an error made by the Municipality.

17. PENALTIES

- 17.1 A person who violates any of the provisions of this Bylaw shall
 - (a) upon summary conviction, be liable to pay a penalty of not more than \$2,000.00;
 - (b) if an information is laid by means of a ticket, be liable to pay a fine as set out in Schedule "B" of this Bylaw.
- 17.2 Where an offence against any provision of this Bylaw is of a continuing nature, a separate offence shall be deemed to occur on each day the offence occurs or continues.

READ A FIRST, SECOND AND THIRD TIME THIS 22nd DAY OF FEBRUARY, 2006.

ADOPTED THIS 8th DAY OF MARCH, 2006.

Rob MacDougall, Mayor

Nigel Black, CAO

Certified a true copy of Bylaw No. 832, "District of Fort St. James Garbage Collection and Disposal Bylaw No. 832, 2006."

Nigel Black, CAO

GARBAGE COLLECTION AND DISPOSAL BYLAW NO. 832, 2006

DISTRICT OF FORT ST. JAMES GARBAGE COLLECTION & DISPOSAL BYLAW NO. 832, 2006

SCHEDULE "A" - RATES AND CHARGES

USER TYPE	RATE PER MONTH
Residential (per unit dwelling)	7.56
Bachelor Suites	3.88
Rental Units (other than Bachelor)	7.49
Churches	7.49
Service & Retail	
0 - 1,000 square feet	5.56
1,001 - 2,000 square feet	11.13
2,001 - 5,000 square feet	16.71
5,000 square feet and over	22.28
Supermarkets	61.20
Licensed Premises & Clubs	22.28
Restaurants	22.28
Take-Out Restaurants	22.28
Hotel/Motel/Inn/Lodge (per room)	1.44
Schools	44.56
Hospitals	44.56
Laundromats	12.92
Historic Park & RCMP	22.28
Recreation & Entertainment Facilities	17.62
Industrial Shops & Car Washes	
0 - 1,000 square feet	5.56
1,001 - 2,000 square feet	11.13
2,001 - 5,000 square feet	16.71
5,000 square feet and over	22.28
Refuse Container Rental	25.00

Removal of brush, roots, stumps, car bodies and other special pick-ups may be picked up on request, and will be billed at actual cost with a minimum fee of \$85.00.

GARBAGE COLLECTION AND DISPOSAL BYLAW NO. 832, 2006

**DISTRICT OF FORT ST. JAMES
GARBAGE COLLECTION & DISPOSAL
BYLAW NO. 832, 2006**

SCHEDULE "B" - FINES

The following fines are prescribed for the purposes of this Bylaw:

OFFENCE	SECTION	FINE
Fail to dispose of garbage in accordance with the Bylaw	5.1	\$100.00
Unacceptable material in container	9.1	\$100.00
Fail to use suitable garbage container	10.1(b)	\$50.00
Fail to remove empty containers	10.1(f)	\$50.00