

**THE CORPORATION OF THE VILLAGE OF ASHCROFT**  
**BYLAW NO. 785**

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A Bylaw to Establish a System of Solid Waste Removal

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WHEREAS the Council for the Village of Ashcroft desires to develop a bylaw to establish, operate and maintain a system of Solid Waste removal and disposal and to establish a scale of charges for such removal and disposal;

NOW THEREFORE the Council of the Village of Ashcroft, in open meeting assembled, enacts as follows:

**Citation**

1. This bylaw may be cited as "Village of Ashcroft Solid Waste Removal and Disposal Bylaw No. 785, 2013".

**Definitions**

2. In this bylaw,

**"Automated Collection"** means a method of collection by which a specifically equipped vehicle can mechanically pick up and empty a container specifically designed for that purpose.

**"Building Waste"** means all waste produced in the process of constructing, demolishing, altering or repairing a building and shall include but not be limited to soil, vegetation and rock displaced during the process of building.

**"Bylaw Enforcement Officer"** means the person or persons appointed by the Council as Bylaw Enforcement Officers for the District.

**"Collector"** means collector as defined in the "*Community Charter*".

**"Commercial Premises"** means the building or part of a building situated within the Village of Ashcroft that is used or intended to be used for any type of business including without limitation the carrying on of commercial, industrial or professional undertakings of any kind.

**"Compost"** means the soil amendment created by the natural decomposition of yard and garden waste.

**"Dwelling"** means a residence occupied by a single family, either permanently or temporarily, whether the residence is stationary or a mobile home or in a multiple dwelling complex with five or fewer units.

**"Fire Chief"** means the person appointed by the Council as the Fire Chief and any person authorized by the Fire Chief to administer this bylaw.

**"Foreman"** means the person appointed by the Council as Foreman of Public Works for the Village and any other person authorized by the Foreman to administer this bylaw.

**"Full Service Area"** means the portion of the Village that receives scheduled solid waste pick up.

**"Hazardous Waste"** means any waste designated as such in the Hazardous Waste Regulation under the *Environmental Management Act* and as amended from time to time.

**“Health Officer”** means a medical officer appointed for the enforcement of the *Health Act* or of any other Act of British Columbia relating to public health.

**“Multiple Dwelling”** means a building designed for residential occupation by more than one family and includes apartment houses, condominiums, rooming houses, boarding houses and row houses with six or more units within the multiple dwelling complex.

**“Occupier”** means any person occupying such property within the Village, and includes the owner of the property where:

- a. The Owner is the person occupying such property; or
- b. The property is unoccupied

But does not include any person who is a boarder, roomer or lodger.

**“Owner”** means owner as defined in the *Community Charter*.

**“Permanently Disabled”** means a person with a permanent disability who would qualify for the additional Home Owner Grant as defined in the *Home Owner Grant Act*.

**“Physically Challenged”** means a person who has physical infirmities.

**“Recyclable Material”** includes, but is not limited to mixed paper, newsprint, corrugated cardboard, glass, aluminum cans and plastic milk jugs and other materials determined by the TNRD from time to time based on the nature and capacity of their designated recycling facility.

**“Recycling Depot”** means the TNRD recycling collection depot located on Railway Avenue, Ashcroft BC and any other recycling collection areas that may be established from time to time.

**“Solid Waste”** means any and all rejected, abandoned or discarded waste, vegetable or animal food, floor sweepings, but does not include grass, trees, hedge clippings or other garden waste.

**“Solid Waste Business Container”** means a 360 litre solid waste container provided by the Village and designed to be emptied by automated machinery

**“Solid Waste Commercial Container”** means a 1,130 litre solid waste container provided by the Village and designed to be emptied by automated machinery.

**“Solid Waste Receptacle”** means either a solid waste cart or a solid waste container.

**“Solid Waste Residential Cart”** means a 240 litre cart provided by the Village that is designed to be moved to and from the collection point by an able-bodied individual and to be emptied by automated machinery

**“TNRD”** means the Thompson Nicola Regional District

**“Trade Premise(s)”** shall mean any warehouse, factory, store, hotel, restaurant, auto camp, wholesale or retail business place, garage, office building, public and institutional buildings, any building in or from which solid waste is generated, other than a dwelling and multiple dwelling within the Village.

**“Village”** means the Village of Ashcroft and where the context so requires, the geographical area within the municipal boundaries of the Village of Ashcroft.

**“Yard Waste”** means vegetative trimmings from yards or other landscaped areas and consisting only of leaves, grass clippings, plants, small brush and hedge clippings.

### **Administrative**

3. There is hereby established within the boundaries of the Village, a system for collection, removal and disposal of solid waste.
4. The Foreman will direct the days and times that collections will be made from different areas of the Village and the schedule is subject

to change from time to time to accommodate statutory holidays.

5. Upon providing the occupier with 24 hours written notice, the Foreman is authorized to enter at all and reasonable time and in a reasonable manner, any land and buildings for the purposes of ascertaining whether the provisions of this bylaw are being complied with.
6. The Village will only pick up solid waste receptacles provided by the Village.
7. No person within the Village will dispose of solid waste, except in accordance with the provisions of the bylaw.
8. The Village may establish a system for the collection and removal of yard waste.
9. Every owner or occupier of a trade premise having solid waste in excess of two (2) solid waste business containers per week, shall be required to convert to the solid waste commercial container system.

### **Duties of Occupiers**

10. No person will cause or permit any loss of or damage to a Village owned solid waste receptacle.
11. No person will dispose of solid waste anywhere in the Village other than in a solid waste receptacle or at a provincially approved Waste Management Centre.
12. A person who has placed solid waste contrary to the provisions of this bylaw will remove the waste or cause the waste to be removed upon being directed to do so by the occupier of the land, the Foreman, a Health Officer, the Fire Chief or a Bylaw Enforcement Officer.
13. If the identity of the person who placed waste on the land contrary to the provisions of the bylaw cannot reasonably be ascertained, the occupier of the land will remove the waste or cause the waste to be removed upon being directed to do so by the Foreman, a Health Officer, the Fire Chief or a Bylaw Enforcement Officer.
14. Every occupier, as designated by the Foreman, within the Full Service Area shall use the system established by this bylaw for the collection and disposal of solid waste, and will place the solid waste generated from his or her premises out for collection at those premises in accordance with this bylaw.
15. No person will cause or permit the accumulation of solid waste except where such solid waste is placed in a suitable solid waste receptacle for collection and removal. The contents to be protected to minimize as much as possible the escape of offensive odours.
16. All solid waste receptacles must, at all times, be maintained in a clean and sanitary condition.
17. No occupier will cause or permit the contents of a solid waste receptacle, for which he or she is responsible, to exceed the manufacturer's rated weight limit.
18. No occupier will accumulate, store, or collect any bear attractants in a manner that poses or may pose a risk to the safety of any person.

19. All solid waste must be bagged to prevent loose waste from becoming wind borne. The occupier must protect solid waste receptacles from spillage and promptly clean up any such spillage.
20. No person will place any solid waste receptacle in any location that in the opinion of the Fire Chief creates a fire hazard or endangers the life or safety of persons by impeding access to premises by firefighting apparatus or personnel.
21. Each dwelling will be provided with one solid waste residential cart for the sole use of the occupier of the residence. Should an occupier require another solid waste residential cart they may place their request with the Village. Every dwelling is permitted a maximum of two (2) solid waste residential carts. Additional costs as detailed in Schedule "A" will be levied.
22. Every dwelling may place a maximum of two (2) solid waste residential carts out for weekly collection.
23. Solid waste residential carts are the property of the Village and are not to be removed from the residence by the occupier, or used for any purpose other than as permitted in this bylaw.
24. Every occupier of a dwelling will, on the date set for solid waste collection and not prior to 5 am, place the solid waste residential cart at or near the street in a position readily accessible by the Village for convenient pick up. The placement of such solid waste residential carts is not to interfere with snow plowing, snow removal or street cleaning.
25. Solid waste receptacles are not to be filled higher than the upper rim or in a manner which prevents full closure of the lid. The solid waste receptacle lids must be left closed except when depositing waste in order to reduce odours and to prevent waste from being blown from the solid waste receptacle.
26. Solid waste carts are to be:
  - (a) set out in accordance with the instructions and operating policy of the Foreman;
  - (b) set out so that they will not likely be overturned; and
  - (c) stored on the private property when not being used.
27. No person will place solid waste for pick up with the solid waste of others or place solid waste in solid waste receptacles owned by others without the other owner's permission.
28. An occupier whose solid waste receptacle is lost, stolen or damaged due to negligence or misuse shall notify the Foreman immediately and have the solid waste receptacle replaced at the expense of the occupier as per Schedule "A".
29. Every occupier of a trade premises or multiple dwelling must provide an accessible location for solid waste receptacles to be accessed for dumping by the specially equipped vehicle. The placement of such solid waste receptacle must not interfere with snow plowing, snow removal or street cleaning.
30. Any structure built to accommodate solid waste receptacles must be built in accordance with all relevant legislation and with approval from the Foreman.
31. Where a solid waste receptacle is stored in a gated enclosure, all gates on the enclosure must be secured in an open position for solid waste collection.
32. An occupier may keep the solid waste receptacle lid locked provided that:
  - (a) the occupier unlocks the solid waste receptacle lid for collection purposes;
  - (b) solid waste containers must be unlocked by 7:00 am on the scheduled collection day; and
  - (c) locks must be provided by the occupier.
33. Every occupier of a trade premise or multiple dwelling must ensure that the area surrounding the solid waste receptacle is kept free from ice and snow.

34. Every occupier of a trade premise or multiple dwelling must ensure that the area surrounding the solid waste receptacles is safe from hazards. Areas considered unsafe by the Village's operator will not be serviced.
35. Every occupier of a trade premise or multiple dwelling will be provided with sufficient solid waste receptacles to accommodate the potential amount of waste generated. Should an occupier of a trade premise or multiple dwelling require more solid waste receptacles they may place their request with the Village.
36. Occupiers of trade premises who require an occasional additional collection may arrange with the Foreman for same, at the rates provided in Schedule "A" to this bylaw.
37. No occupier of a trade premise will:
  - (a) dispose of commercial cooking grease except in a commercial grease container; or
  - (b) fail to maintain a commercial cooking grease container in a clean and sanitary state.

### **Types of Refuse Not Collected**

38. The Village will not remove the following:
  - (a) recyclable material
  - (b) highly combustible or explosive materials including but not limited to liquid or solid fuels, gunpowder, ammunition or explosives
  - (c) compressed propane or butane cylinders, toxic or household hazardous waste including solvents, oven cleaners, paints, automotive fluids, wet cell batteries, pesticides, herbicides, or any material commonly referred to as household, commercial, or industrial hazardous waste.
  - (d) hot ashes
  - (e) large amounts of excrement
  - (f) any refuse not contained within a Village supplied solid waste receptacle, unless by prior arrangement
  - (g) discarded furniture
  - (h) discarded automobile parts
  - (i) tires
  - (j) liquid wastes or sludge
  - (k) private vehicles
  - (l) household equipment and appliances
  - (m) tree limbs, whole shrubs or bushes, portions of hedges
  - (n) fences, gates, other permanent and semi-permanent fixtures on the premises
  - (o) building waste
  - (p) oil, fuel or other equipment lubricant
  - (q) discarded heavy machinery
  - (r) bi-products of manufacturing
  - (s) heavy or bulky wrapping, packaging or crating materials, and
  - (t) yard waste.

### **Miscellaneous**

39. The Village may authorize a clean-up campaign in the spring and/or fall of any year at which time all waste will be picked up with the exception of construction waste, hazardous waste, car bodies, manure and dead animals.
40. No person will convey solid waste on any street within the Village, except in a properly covered receptacle, or in a vehicle which is covered with canvas or tarpaulin, or other covering so that the contents are protected from becoming wind borne or being deposited in the streets.
41. Corrugated cardboard will not be picked up from any residential or commercial location. All corrugated cardboard must be delivered to the recycling depot.

42. The Village may request or authorize the use of special commercial garbage receptacles other than, or in addition to, the commercial regulation type. Rates for these special receptacles shall be determined on an individual basis with the final decision being that of the Village.

### **Fees and Charges**

43. Every occupier will pay to the Village the fees and charges for collection, removal and disposal of solid waste prescribed in Schedule "A" of this bylaw on or before the due date.
44. The fees and charges enumerated under Schedule "A" of this bylaw, are hereby imposed and levied for solid waste removal and disposal by the local government and all such rates and charges shall be rendered annually on the Utility Billing sent out each year and will be due and payable as current year's utilities in respect to the land on which the said dwelling, multiple dwelling or trade premises is located.
45. To encourage early payment, there will be a ten percent (10%) discount for accounts paid before April 1<sup>st</sup> of the year in which they are first billed.
46. Accounts billed after March 31<sup>st</sup> in any given year will be allowed a ten percent (10%) discount if paid within thirty (30) days of the date of the billing. Billings for new structures will be charged a prorated amount on a monthly basis.
47. Homeowners over 65 years of age, and others who qualify for the additional Home Owners Grant, may upon application receive a reduction equivalent to twenty-five (25%) of the solid waste bill for a single family residence.
48. Any charges authorized by this bylaw which remain unpaid by December 31<sup>st</sup> in the year in which they were imposed will be added to and form part of the taxes payable in respect of the land on which said premises is situated and shall be entered upon the collector's roll as taxes in arrears.
49. The Village of Ashcroft shall establish a Full Service Area within the Village, therefore the owners of premises within the area, whether occupied or vacant on which a premise exists, shall be responsible for the payment of all solid waste fees and charges, whether the service is actually used or not.

However, upon written application to the Village the owner of land shall be exempt from payment of user rates when:

- (a) water disconnection fee has been paid and the water service to the land has been disconnected;
  - (b) the exemption shall continue so long as the land remains unoccupied.
50. The Full Service Area is outlined on "Schedule B" of this bylaw.

### **Offence**

51. Any person who contravenes any provision of this bylaw is liable upon summary conviction, the penalties prescribed by the *Offence Act*.
52. No person shall:
- (a) fail to comply with an order made under this bylaw;
  - (b) obstruct or hinder a Village employee or representative acting under this bylaw; or
  - (c) fail to comply with any provision of this bylaw.

**Schedules**

53. The schedules to this bylaw form part of this bylaw and are enforceable in the same manner as this bylaw.

**Severability**

54. If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portion of this bylaw.

**General**

55. The Village will undertake a review of the Solid Waste Fee Schedule "A", attached to this bylaw, at least once every five (5) years.

56. That the Village of Ashcroft Solid Waste Collection, Disposal and Control Bylaw No. 775, 2012 is hereby repealed in its entirety.

READ A FIRST TIME THIS	9 <sup>th</sup>	DAY OF	December	, 2013
READ A SECOND TIME THIS	9 <sup>th</sup>	DAY OF	December	, 2013
READ A THIRD TIME THIS	9 <sup>th</sup>	DAY OF	December	, 2013
RECONSIDERED AND ADOPTED THIS	13 <sup>th</sup>	DAY OF	January	, 2014

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Morley H. (Andy) Anderson, Mayor

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J. Michelle Allen, Chief Administrative Officer

Certified to be a true and correct copy of Bylaw No. 785 as adopted by Council.

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J. Michelle Allen, Chief Administrative Officer

JMA/kdw

**CORPORATION OF THE VILLAGE OF ASHCROFT**

**BYLAW NO. 785**

**SOLID WASTE REMOVAL AND DISPOSAL**

**SCHEDULE "A"**

<b>COLLECTION FEES – Once per week</b>	<b>JANUARY 1, 2014</b>	<b>JANUARY 1, 2015 &amp; Subsequent Years</b>
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Solid Waste Residential Cart (240 litre)	\$100 per cart	\$117 per cart
Solid Waste Business Container (360 litre)	\$176	\$176
Solid Waste Commercial Container (1100 litre)	\$538	\$538

**COLLECTION FEES – Twice per week**

Solid Waste Residential Cart (240 litre)	N/A	N/A
Solid Waste Business Container (360 litre)	\$352	\$352
Solid Waste Commercial Container (1100 litre)	\$1,076	\$1,076

Trade premises or multiple dwellings must apply to the Village for twice per week pick up and will receive a decal to indicate that applicable fees have been paid.

**ADDITIONAL RECEIPTICLE/REPLACEMENT COSTS**

Solid Waste Residential Cart	Entire unit	\$75 plus taxes
	Replacement Lid	\$35 plus taxes
	Replacement Wheels	\$20 plus taxes
Solid Waste Business Container	Entire Unit	\$100 plus taxes
	Replacement Lid	\$45 plus taxes
	Replacement Wheels	\$20 plus taxes
Solid Waste Commercial Container	Entire Unit	\$600 plus taxes
	Replacement Lid	\$175 plus taxes

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