

**DISTRICT OF PORT HARDY
BYLAW NO. 12-2009**

**A BYLAW TO AUTHORIZE AND
REGULATE THE COLLECTION OF GARBAGE**

WHEREAS it is deemed advisable that the District of Port Hardy establishes and operates a system for collection of garbage and trade waste;

THEREFORE, the Council of the District of Port Hardy, in open meeting assembled, enacts as follows:

1. TITLE

This bylaw may be cited as "District of Port Hardy Garbage Regulation Bylaw No. 12 - 2009".

2. DEFINITIONS

In this bylaw:

APARTMENT BUILDING means a building that is, or it is intended to be, occupied as habitation or place of residence by more than two families living independently of one another upon the same premises.

COMMERCIAL PREMISES means a building or part of a building occupied for the purposes of carrying on a profession, trade or business including an industry of any kind but shall not include a home based occupation.

DISTRICT means the District of Port Hardy and, where the context requires, the Council of the District of Port Hardy, its servants and agents.

DWELLING UNIT means any building or place of residence used for the purpose of providing a place of permanent residence therein, including townhouses, manufactured homes, and secondary suites but shall not include apartment buildings or hotels, motels or similar transient accommodation.

GARBAGE includes any and all rubbish, ashes, household waste, discarded matter, rejected, abandoned or discarded waste with vegetable or animal food, floor sweeping, crockery, glass or metal ware having contained food and includes tree pruning of a diameter not more than two inches, hedge clippings and other garden refuse or rubbish, that can be placed in a standard container or regulation garbage receptacle but does not include waste or rubbish from renovating, re-modelling or re-building.

GARBAGE COLLECTOR means the Contractor appointed from time to time by resolution of the Municipal Council to collect garbage and trade waste within the District, and to carry out the duties imposed by this bylaw.

INSPECTOR means the Municipal Inspector for the District of Port Hardy.

OCCUPIER means any person occupying any dwelling unit, habitation, place of residence, or commercial premises within the District, but shall not include any person who is merely a boarder, roomer, or lodger therein.

OWNER means, in respect of any parcel of land, the person registered as such on the current British Columbia Assessment Roll.

PUBLIC HEALTH INSPECTOR means any person appointed by the Ministry of Health Services to provide public health services within the District.

RECYCLABLE MATERIAL includes, but is not limited to, glass jars and bottles, tin and aluminum cans, plastic bottles, rigid plastic containers, plastic grocery bags, newsprint, mixed paper and corrugated cardboard;

RECYCLABLE CORRUGATED CARDBOARD means a container for goods which is composed of an inner fluting (wave-like) of material and one or two outer liners of material (liner board) which is not contaminated with matter such as oil, grease and food.

REFUSE means discarded household and trade materials, substances and objects.

REGULATION GARBAGE RECEPTACLE (RECEPTACLE) means a durable receptacle provided by an occupier for the purpose of garbage storage and collection with a good fitting, water tight cover and a capacity of not more than seventy (70) litres (2.5 cubic feet), or more than 25 kg when full. A receptacle may be used with a plastic bag liner for removal.

STANDARD CONTAINER (CONTAINER) means a metal container designed to be handled by garbage trucks operating for the District, and having a capacity of not more than 3 cubic yards (2.3 m³).

TAG-A-BAG LABEL means a label required to be placed on all garbage bags that exceed the quantity limits for garbage removal set out in this bylaw and made available by the District for a fee.

TRADE WASTE includes refuse and accumulations of waste and abandoned material resulting from the operation of trade or business in commercial premises including paper, boxes and cardboard packing cases, wrapping materials, sweepings and all inflammable materials of a like nature other than liquid waste and hot ashes.

WILDLIFE means raptors, game or other species of vertebrates prescribed as wildlife.

WILDLIFE ATTRACTANT means any substance that could be reasonably expected to attract wildlife including but not limited to food products, domestic garbage, pet food, seed, restaurant grease, game meat or glass or metal ware or other item containing remnants of food.

3. GENERAL PROVISIONS

- (a) A municipal service comprising the collection of garbage and trade waste is established.
- (b) No person shall dispose of garbage or trade waste except in accordance with the provisions of this bylaw.
- (c) Every occupier or owner of any dwelling unit within the District shall provide and maintain regulation garbage receptacles in good and sufficient order and repair for such premises and shall place all garbage originating in such premises within such garbage receptacles or containers.
- (d) Every occupier or owner of any apartment building or commercial premises within the District shall provide a closed and secure standard container for deposit of all refuse.

4. ACCESSIBILITY OF GARBAGE RECEPTACLES AND CONTAINERS

- (a) **DWELLING UNITS:** all regulation garbage receptacles and standard containers shall be accessible within 1 meter (3 feet) of the curb or curb line on a public road, between the hours of 5:00 a.m. and 7:00 p.m. on all designated collection days. Such days shall be designated by the Garbage Collector and approved by the District. No garbage will be removed from private property or driveways on private property.
- (b) **COMMERCIAL PREMISES AND APARTMENTS:** all garbage receptacles and standard containers shall be accessible to the Garbage Collector at a location determined by the Garbage Collector.

5. USE OF RECEPTACLES

- (a) No liquids shall be put or placed in or allowed to run or accumulate in any garbage receptacle or container and all such receptacles and containers shall, at all times, be kept securely covered with a water-tight cover.
- (b) All garbage such as rejected, abandoned, or discarded vegetable or animal matter, shall be drained and wrapped before being deposited in a garbage receptacle or container.
- (c) No person shall deposit garbage or trade waste for pick-up with the garbage or trade waste of others or deposit garbage or trade waste in receptacles or containers owned by others without that owner's permission.

6. CONDITION OF RECEPTACLES AND CONTAINERS

All regulation garbage receptacles and standard containers shall at all times be kept in good and sanitary condition and shall be accessible for inspection at all reasonable times and, when any receptacle or container has been condemned by the District as unfit for the purpose, such receptacle or container may be removed along with the garbage and the occupier or owner of any dwelling unit from which the condemned receptacle or container has been removed shall forthwith provide a suitable and sanitary receptacle or container.

All commercial containers shall at all times be kept in good and sanitary condition and shall be accessible for inspection at all reasonable times and, when any container has been condemned by the District as unfit for the purpose, the owner of said container shall forthwith provide a suitable and sanitary container in its place.

7. STORAGE OF GARBAGE OR REFUSE

- (a) No person shall store any garbage or refuse that is a wildlife attractant in such a manner that is accessible to wildlife.
- (b) All domestic garbage and food waste or other edible waste that could attract domestic animals or wildlife shall be stored indoors in an enclosed building, shed or storage facility or in a locked standard container and shall not be left in or on any area accessible to domestic animals or wildlife.
- (c) A person is exempt from section (a) between the hours of 5:00 a.m. and 7:00 p.m. on the garbage collection day designated for their real property.
- (d) Garbage containers required for temporary special events, such as weekend ball tournaments, Filomi Days and Canada Day are exempt from this requirement if emptied before 10:00 p.m. on the day of the event.

8. PROHIBITED MATERIALS

No person shall, in depositing garbage or trade waste in any receptacle or container for pick up by the garbage contractor, deposit:

- (a) explosive material;
- (b) biomedical wastes;
- (c) radioactive substance or waste;
- (d) hazardous waste;
- (e) petroleum products (including lubricant oil and lubricant filters);
- (f) industrial chemical waste;
- (g) motor vehicle parts or bodies;
- (h) refuse that is on fire or smoldering;
- (i) construction waste;
- (j) demolition waste;
- (k) animal carcasses or hides; or
- (l) recyclable corrugated cardboard.

9. FEES

(a) Fees for the service established by this bylaw shall be in accordance with the District of Port Hardy Rates Bylaw. All monthly fees are effective January 1st of the current year and are payable at the end of each quarter as follows:

- i) Services for January, February, March will be billed in April and are due 40 days after invoice date;
 - ii) Services for April, May, June will be billed in July and are due 40 days after invoice date;
 - iii) Services for July, August, September will be billed in October and are due 40 days after invoice date;
 - iv) Services for October, November, December will be billed in January and are due 40 days after invoice date;
 - v) These rates shall be payable at any place designated by Council, subject to the provisions of the *Community Charter*, and
 - vi) A penalty of 2.5% of the entire outstanding balance shall be applied on each of the quarterly due dates indicated above.
- (b) Regulations governing fees shall apply to all dwellings in the District, whether occupied or vacant and whether the service is actually used or not.
- (c) Where garbage service is required beyond that stipulated in this bylaw, the owner or occupier shall place a tag-a-bag label on each additional garbage receptacle or plastic bag placed for collection.
- (d) The fee for the tag-a-bag label is established in District of Port Hardy Rate Bylaw.
- (e) Invoicing for users occupying new buildings will commence when the Building Permit is issued.

- (f) Any charges authorized by this bylaw which remain unpaid on December 31st shall form a charge or lien upon the land or real property upon which or in respect of which they are imposed, and Section 258 of the *Community Charter* shall apply to the collection of such charges. These unpaid charges will be transferred to taxes in arrears and will accrue daily interest.

10. FEES DISCONTINUED

- (a) Charges for garbage collection may be discontinued in respect of a commercial premises if:
 - i) the commercial premises are permanently vacated;
 - ii) the commercial premises are temporarily rendered uninhabitable because of fire or other similar disaster; or
 - iii) the Commercial premises will become vacant for a period in excess of 30 days,
- (b) The owner may submit a request in writing to the Inspector that the charge be cancelled for the period of the vacancy. The effective date for such cancellation shall be the first day of the month following the date such request is received.

11. PROHIBITION

No person shall throw, place or pile or cause to be thrown, placed or piled upon any street, land or alley within the District, any garbage, waste/refuse or unwanted item.

12. DUTIES OF GARBAGE COLLECTOR

It shall be the duty of the Garbage Collector:

- (a) To collect all garbage and trade waste placed for collection in accordance with this bylaw;
- (b) To report any infraction of this bylaw;
- (c) To clean up garbage spilled or scattered in the operation of collection;
- (d) To answer all complaints in respect of the garbage collection service courteously and promptly;
- (e) Not to trespass needlessly on private property but to follow pedestrian walks and not cross directly from one property to another;
- (f) To have garbage trucks washed and cleaned and disinfected to such a degree and at such intervals as will meet the requirements of the Public Health Inspector and the District;
- (g) To have all garbage collection equipment accessible to the Public Health Inspector for inspection at reasonable times;
- (h) To maintain a list of users who fail to meet the requirements set forth in this bylaw.

13. COLLECTION OF GARBAGE FROM DWELLING UNITS

Garbage shall be collected and carried away by the Garbage Collector from all dwelling units a minimum of once each week in each and every year or at such times as the Collector may from time to time establish.

14. COLLECTION FROM COMMERCIAL PREMISES

Garbage shall be collected and carried away from commercial premises and buildings containing more than two dwelling units, at such periods as the collector may establish.

15. EXCLUSION OF OTHER SERVICE

No person shall operate within the District any system for the collection and disposal of garbage or recyclable materials that interferes with the municipal garbage collection system or the basic service of the municipal recycling system, unless the person has been authorized by the District to operate such a system.

16. MAXIMUM SERVICE

For the purpose of this bylaw, the garbage service shall consist of the weekly removal of the contents of not more than two regulation garbage receptacles from dwelling units.

17. CONTRAVENTION AND PENALTIES

- (a) Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction hereof and shall be liable to the penalties imposed. Every continuing infraction shall be deemed to be a new and separate offence for each day during which the same shall continue.
- (b) Any person found guilty of an infraction of any of the provisions of this bylaw shall, upon summary conviction, be liable to a minimum fine of Five Hundred Dollars (\$500), which shall be recoverable and enforceable upon summary conviction in the manner provided by the Offence Act.

18. INCLUSIVITY

In this bylaw, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation.

19. SEVERABILITY

If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

20. REPEAL

District of Port Hardy Garbage Regulation Bylaw 11-2008 is hereby repealed.

READ A FIRST TIME ON THE 10TH DAY OF OCTOBER, 2009.

READ A SECOND TIME ON THE 10TH DAY OF OCTOBER, 2009.

READ A THIRD TIME ON THE 10TH DAY OF OCTOBER, 2009.

ADOPTED ON THE 24TH DAY OF NOVEMBER, 2009.

Original signed by:

DIRECTOR
OF CORPORATE SERVICES

DEPUTY MAYOR