

VILLAGE OF SAYWARD

BYLAW NO. 260, 1994

Consolidated to Include Amending Bylaw Nos. 280, 285, 295, 305 & 357

A BYLAW TO PROVIDE FOR THE CONTROL, COLLECTION AND DISPOSAL OF MUNICIPAL SOLID WASTE WITHIN THE VILLAGE OF SAYWARD

WHEREAS under Section 614 of the Municipal Act, the village of Sayward deems it necessary to provide and maintain a system to collect, remove and dispose of solid municipal waste;

AND WHEREAS the Village of Sayward wishes to establish charges payable by residential owners of improved real properties;

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

1. CITATION

This bylaw may be cited as the "Village of Sayward Establishment of Solid Waste Collection Regulations and Rates Bylaw No. 260, 1994."

2. DEFINITIONS

In this bylaw:

"Approved" means approved in writing by the Director of Environmental Services, including written confirmation of previous verbal approvals.

"Approved Receptacle" means a strong plastic or galvanized iron container, circular in design, with a volume capacity not to exceed One Hundred Ten Litres (110) and having a secure, watertight cover or lid, or other suitable sanitary container approved by the Director of Environmental Services as of suitable design and size to hold and contain the residential refuse from the dwelling it is designed to serve.

"Contractor" means the persons or companies with whom the Village of Sayward has a contract for the collection and disposal of Residential Refuse.

"Director of Environmental Services" means the Director of Environmental Services for the Regional District of Comox-Strathcona or his/her duly authorized representative.

"Dwelling Unit" means a self contained unit consisting of one or more rooms designed, occupied, or intended for occupancy, as a separate household with sleeping and sanitary facilities and not more than one set of kitchen and cooking facilities, but specifically excluding recreational vehicles.

“Eligible Dwelling” means a residential building or mobile home used exclusively for residential purposes consisting of not more than two dwelling units, but specifically excludes apartments, strata apartments and mobile homes within a designated mobile home park.

“Improved Property” means any property within the Village of Sayward upon which buildings have been constructed, or which is occupied for industrial, commercial or residential use.

“Landfill” means the District of Campbell River Sanitary Landfill.

“Municipal Solid Waste” means refuse which originates from residential, industrial, commercial, institutional, demolition, land clearing or construction sources.

“Owner” means an owner as defined in the Municipal Act.

“Regional District” means the Regional District of Comox-Strathcona.

“Residential Refuse” means any rejected, abandoned, discarded or waste materials normally used in a dwelling, and shall specifically include waste food, containers used for food, drink, and other household items, packaging, floor sweepings, crockery, ashes and cinders, but does not include grass, tree hedge clippings or any other garden refuse.

“Village” means the Village of Sayward.

GENERAL

3. At least once in every 7 days, every owner of improved property shall remove or cause to have removed from the property, all municipal solid waste.
4. All municipal solid waste shall be transported to the landfill, or other disposal location that may be approved in writing by the Director.

APPROVED RECEPTACLES

5.
 - (1) All owners of improved property containing eligible dwellings shall provide and maintain in serviceable condition 2 approved receptacles for the storage of residential refuse.
 - (2) All approved receptacles must be kept on the property containing an eligible dwelling.
 - (3) Refuse will only be collected from approved receptacles that are placed at the point of access to the property from the public road right of way considered to be frontage.
 - (4) The approved receptacles must be easily accessible to the contractor.
 - (5)
 - (a) No liquid shall be placed in, or permitted to accumulate in any approved receptacle.
 - (b) All approved receptacles must be securely covered with a water-tight lid.
6. The Village of Sayward will not be responsible for the replacement or repair of any garbage container which may be damaged or lost for any reason.

VOLUME OF REFUSE

7. (1) The occupants of each dwelling unit are permitted to have collected each week residential refuse which is easily contained within 2 approved receptacles not to exceed a weight of 25 kilograms per receptacle.
- (2) The occupants of each dwelling unit may be permitted to have collected refuse in containers in excess of 2 per dwelling unit by agreement with the Contractor, at the rate set out in Schedule "A".

PROHIBITED REFUSE

8. (1) No person shall place or mix with any material for removal as refuse any explosive, volatile or corrosive materials, dangerous chemicals or any other materials dangerous to the health and/or safety of the Contractor or its employees.
- (2) No person shall place for removal as refuse any packing cases, wood or scrap material from building, scrap iron or metal, waste oil or petroleum product, hot ashes, liquid wastes, bulk chemicals composition waste, animal cuttings or wastes, dead animals, or any product which may be banned from time to time by the District of Campbell River from being disposed at the landfill.

INSPECTION AND ENFORCEMENT

9. The Director or duly authorized representative may
 - (a) inspect containers used for storage and collection of residential refuse during normal business hours for the Village of Sayward, and
 - (b) may, upon determining that the container is unsuitable for use as an approved receptacle, require the owner to replace it with an approved receptacle.
10. Owners and occupiers shall make containers accessible for inspection by the Director, and if the Director should condemn any container, the owner shall promptly remove it and provide an approved receptacle.
11. The Director may enter, at all reasonable times, on any property subject to this bylaw, to determine whether there is compliance with this bylaw.
12. The Village of Sayward may suspend garbage collection service from any property where the container or its design or location or usual contents or the pick-up facilities are contrary to the provisions of this bylaw, but any suspension shall not be deemed to be a waiver or abatement of any requirement or charges and fees under this bylaw.

BYLAW NO. 280, 1996 ADOPTED APRIL 10, 1996 DELETED SECTION 13 TEMPORARY SUSPENSION OF SERVICE IN ITS ENTIRETY.

FEES FOR COLLECTION

14. The fees for collection are set out in Schedule "A".
15. (1) Commencing August 1, 1994 each owner of an eligible dwelling shall pay to the Village of Sayward the fees set out in Schedule "A".
(2) The owner shall pay the fee on an annual basis, as determined by the Village of Sayward.
(3) In the event the solid waste collection service commences during any year, the charge imposed shall begin, with the month during which the service commenced.
(4) All fees and charges payable by the owner under this bylaw which remain unpaid after December 31 in any year, shall be added to and form part of the taxes payable in respect of that land and shall be entered upon the collector's roll as taxes in arrears.

OFFENCE

16. Any person who violates any of the provisions of this bylaw or suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything to be done by any of the provisions of this bylaw, shall be deemed to be guilty of any offence and liable to a summary conviction.

PENALTY

17. Every person guilty of an offence under this bylaw shall be liable on summary conviction to a penalty under the Offence Act.
18. The minimum fine which is established for an offence under this bylaw is \$100.00

SCHEDULES

19. All schedules attached to this bylaw form part of this bylaw.

SEVERANCE

20. If any part of this bylaw is held to be invalid by a court of competent jurisdiction, then that part of the bylaw may be severed from this bylaw without affecting the validity or enforceability of the remainder of this bylaw.

READ for a first time this 11th day of May, 1994

READ for a second time this 11th day of May 1994

READ for a third time this 22nd day of June 1994

RECEIVED the approval of the Ministry of Health this 31st day of October, 1994

ADOPTED this 23rd day of November, 1994.

Original signed by "J.A. Loftus"
Mayor

Original signed by "J. Phye"
Clerk

I HEREBY CERTIFY THIS TO BE A TRUE
CONSOLIDATED COPY OF BYLAW NO.
260, 1994 including Amending Bylaw Nos.
280, 285, 295, 305 and 357

Chief Administrative Officer

Date

BYLAW NO. 280 ADOPTED APRIL 10, 1996, BYLAW NO. 285 ADOPTED MARCH 12, 1997, BYLAW NO. 295 ADOPTED JANUARY 27, 1999, BYLAW NO. 305 ADOPTED APRIL 12, 2000 ALL REPLACED SCHEDULE “A”.

BYLAW NO. 357 ADOPTED FEBRUARY 22, 2006 REPLACED SCHEDULE “A” WITH THE FOLLOWING:

SCHEDULE ‘A’ TO BYLAW NO. 260, 1994

FEES FOR COLLECTION OF SOLID WASTE FROM APPROVED RECEPTABLES AND EXCESS RECEPTACLES

Up to two approved receptacles	\$100.00 per year
Each receptacle over 2 receptacles	\$1.50 for each additional
Disposal of solid waste commencing January, 2006	\$45.00 per calendar year