

**TOWN OF OSOYOOS
BYLAW NO. 1370**

A bylaw to establish and set regulations for services to collect and dispose of solid waste and recyclable materials within the Town of Osoyoos

WHEREAS:

- A. The *Community Charter* authorizes a municipality to provide any service that the council considers necessary or desirable;
- B. Council may regulate, prohibit and impose requirements in relation to a municipal service; and
- C. Council believes it is desirable to provide services for collecting solid waste, disposal of solid waste and noxious, offensive or unwholesome substances, and solid recyclable materials, and to impose mandatory participation in such services from certain classes of residential properties;

NOW THEREFORE, the council of the Town of Osoyoos, in open meeting assembled, **ENACTS AS FOLLOWS:**

Citation

- 1. This bylaw may be cited for all purposes as “Waste Management Services and Regulation Bylaw No. 1370, 2020”.

Definitions

- 2. In this Bylaw:

“*Assessed*” means to evaluate and determine the quality, extent, significance of a material based on established empirical and measurable standards which regulates the requirements to handle, transport or sort the material set forth by Local Government, Provincial and Federal law.

“*Bulk Receptacle*” means a waste container for the containment of solid waste.

“*Cart*” means a wheeled receptacle that:

- a. is allocated to a Residence by the Town; and
- b. is intended for Automated Collection of Garbage, Recycling and/or Organics.

“Construction Mixed Load” means *“Mixed Load” “Solid Waste”* produced through new construction, building or putting together associated with buildings, structures, or other types of real property.

“Compostable Waste Sales”, means Marketable organic waste including but not limited to:

- a. Prunings;
- b. Wood Waste;
- c. Processed Organics;
- d. Yard and Garden Waste;
- e. Agricultural Organic Material;
- f. Solid Waste

“Controlled Waste”, means certain Hazardous Waste, liquid waste, and refuse which is approved for disposal at the Osoyoos Landfill site but which, because of its inherent nature and quantity, may require special handling and disposal techniques to avoid creating health hazards, nuisances, or environmental pollution. Controlled Waste includes, but is not limited to:

- (a) water containing soil, sand, gravel, other non-hazardous solids, sewage solids, trace levels of petroleum products, and/or grease, including;
 - (i) pumpings from parking lot drainage sumps;
 - (ii) pumpings from domestic septic tanks;
 - (iii) pumpings from laundry lint traps;
 - (iv) pumpings from sumps which collect runoff from vehicle washing facilities only, but not from facilities used for maintenance or lubrication of automobile components or where solvents or sandblasting are employed for removal of paint, grease, or oil;
- (b) screenings from municipal sewage treatment plants and pump stations;
- (c) waste sludge from municipal sewage treatment plants and pump stations;
- (d) condemned foods;
- (e) waste asbestos;
- (f) food processing wastes;
- (g) dead animals.

“Dead Animals”, means dead animals, or portions thereof, equal to or greater than five (5) kilograms in weight.

“Demolition and Renovation Mixed Load” means *“Mixed Load” “Solid Waste”* produced through the indiscriminate reduction of a human-made structure or the act of improvement, through remodeling, refurbishing or restoring of buildings, structures, or other types of real property.

“Director” means the person appointed by council as the Director of Operations and includes employees, contractors or agents working under the supervision of the Director for the purpose of administering or enforcing this bylaw and shall also include the following officers of the municipality: Chief Administrative Officer, Director of Finance and Director of Corporate Services.

“Garbage” excludes all Recyclable Waste and includes, but is not necessarily limited to food wastes, market wastes, combustibles such as leather and yard trimmings; noncombustibles such as crockery, dirt, ashes from fireplaces and on-site incinerators, street sweepings; bulky wastes such as furniture, refrigerators, tires and stumps; construction and demolition refuse such as pipe, concrete, lumber, and wire; all arising from domestic, commercial, industrial, institutional or municipal activities.

“Hazardous Waste” means gaseous, liquid and solid waste which because of its inherent nature and quantity requires special disposal techniques to avoid creating health hazards, nuisances or environmental pollution. Hazardous Wastes are toxins or poisons, corrosives, irritants, strong sensitizers, flammables, explosives, infectious wastes, condemned foods, etc. Flammable wastes exclude plastics, paper, paper products and the like.

“Ignitable” means having the properties of:

- (a) flammable gas;
- (b) flammable liquid, or
- (c) flammable solids, substances liable to spontaneous combustion or substances that on contact with water emit flammable gases

as defined in the Special Waste Regulation.

“Landfill” means the Osoyoos Sanitary Landfill, located on Lot 829, Plan 5102, D.L. 2450S and a portion of Lot 993, Plan 22982, D.L. 2450S, SDYD at 146th Avenue, approximately 5 km northwest of the Osoyoos Town Centre.

“Large Item” means a mattress, box spring, fridge, stove, dishwasher, couch, table or similar household appliance or furniture item.

“Mixed Load” means a load containing two or more of the *“Solid Waste”*, as designated in the Town of Osoyoos Fees and Charges Bylaw as amended from time to time.

“Oversize Tires” means assorted means assorted agricultural, industrial and OTR (Off the Road) TIRES with Thread Codes C,E,G,L, IND & NHS as defined by the Tire Stewardship B.C., Schedule “A.”

“Person” means an individual, a body corporate, a firm partnership, association or any other legal entity or an employee or agent thereof.

“Prohibited Waste” means gaseous liquid and solid waste not acceptable for land filling at the Osoyoos Landfill. Prohibited Waste includes, but is not limited to:

- (a) liquids, except as permitted herein;
- (b) empty waste containers unless they are crushed, shredded or similarly reduced in volume to the maximum practical extent;
- (c) ignitable wastes;
- (d) reactive waste;
- (e) radioactive waste;
- (f) hazardous waste except as permitted herein;
- (g) special waste, excluding waste asbestos;
- (h) garbage that is on fire or smoldering.

“Radioactive Waste” means waste containing a prescribed substance as defined in the “Atomic Energy Control Act” in sufficient quantity or concentration to require a license for possession or use under that Act and regulations made under the Act.

“Reactive” means waste which is:

- (a) explosive, oxidizing, or so unstable that it readily undergoes violent change in the presence of air or water;
- (b) generates toxic gases, vapours, or fumes by itself or when mixed with water; or;
- (c) polymerizes in whole or in part by chemical action and causes damage by generating heat or increasing in volume

as defined in the Special Wastes Regulation.

“Recyclable Gypsum Board and Wallboard” means construction off-cuts and scraps of gypsum board or wallboard, and used gypsum board or wallboard that is uncontaminated by materials other than paint or wallpaper and removed during renovation or deconstruction.

“Recyclable Materials” includes:

- (a) Tin and aluminum cans, trays and foil
- (b) Glass bottles and jars
- (c) Newspapers and flyers
- (d) Corrugated cardboard other than waxed or plastic coated cardboard
- (e) Mixed paper including magazines, books, catalogues, writing and computer paper
- (f) Boxboard and heavy paper other than waxed or coated cartons or foil gift wrap
- (h) All plastics (except Styrofoam)
- (i) Or any other materials the Town and/or Recycle BC deems suitable for collection

“Solid Waste” means garbage and controlled waste suitable for landfilling at the Osoyoos Landfill site but excluding Prohibited Waste;

“Special Waste” means any chemical, compound, mixture, substance or article which is defined as such in the Special Waste Regulation.

“Special Waste Regulation” means a regulation of the Province of British Columbia under the *Waste Management Act* and/or the most current Special Waste Regulation issued by the Province of British Columbia.

“Tire” means the outer pneumatic rubber covering of wheels including but not limited to PLT (Passenger Light Truck), MT (Motor Truck) and large off road Tires.

“Town” means the Town of Osoyoos.

“Trade Waste” means any and all rejected, abandoned or discarded matter including but not limited to wrapping materials, sweepings, and all inflammable materials of a like nature resulting from the operation of a commercial/industrial premise but does not include “Approved Recycling List” items noted in Section 4 or Special Waste.

“Waste Asbestos” means waste containing friable asbestos fibres or asbestos dust as defined in the Special Waste Regulation.

“Yard Waste” includes prunings, leaves, clippings and other compostable items originating from the yards of residential properties.

Services Established

3. There is hereby established in the Town of Osoyoos, a municipal service to collect residential solid waste (“Garbage Service”) and a service to collect residential recyclable materials (“Recycling Service”) from those classes of residential dwelling units described in this Bylaw (hereinafter collectively called the “Services”).

Recycling Service

4. The Recycling Service consists of regularly-scheduled collection of prescribed “Recyclable Materials” plus an annual collection of Large Items in accordance with the following regulations:
 - (a) The materials eligible for recycling are as defined by Recycle BC and the Statement of Work as signed by the Town of Osoyoos for Curbside Collection.
 - (b) Recyclable Materials shall be placed out for collection in a “Cart” by 7:00 A.M. on days and in locations designated by the Director.
 - (c) Sharp objects must be wrapped in a manner, which will prevent accident or injury to the recycle collection workers.
 - (d) Carts shall be filled such that the Recyclable Materials are fully contained within each receptacle; with the exception of bundled, flatten cardboard.
 - (e) Clear Blue Bags or Clear Bags may only be used for shredded paper.
 - (f) During the annual collection of Large Items, a maximum of two such items may be placed out for collection by each residential unit.
 - (g) For the purpose of determining eligibility for recycling collection, properties are classified into the following categories:
 - (i) “Mandatory Curbside Recycling Collection Properties” include:
 - (1) a detached dwelling unit;
 - (2) properties which contain one single family dwelling;
 - (3) apartment with less that five dwelling units,

- (4) properties which contain one duplex dwelling;
 - (5) properties which contain a multiple dwelling unit with less than five dwelling units in total;
 - (6) mobile home; and
 - (7) churches.
- (ii) "Ineligible Curbside Recycling Properties" include:
- (1) vacant properties;
 - (2) properties which contain five or more dwelling units in total.
 - (3) properties which contain apartment buildings with more than five or more dwelling units;
 - (4) properties which contain a commercial unit such as a restaurant, café, store, hotel, motel, campsite, office block, retail or service business;
 - (5) properties that contain a residential dwelling unit or multiple dwelling unit located in a building or on a property with a commercial unit;
 - (6) mobile home parks;
 - (7) properties that contain an industrial unit such as warehouse, factory and wholesale business;
 - (8) properties that contain an agricultural and institutional operation.
- (iii) All owners and occupiers of Mandatory Recycling Collection Properties must pay for and participate in the Recycling Service.
- (iv) Owners and occupiers of Ineligible Recycling Collection Properties must arrange for their own collection and disposal of Recyclable Waste and may not participate in the Recycling Service.
- (v) Recyclable waste placed out for collection must originate from the Mandatory Recycling Collection Properties that are included in this service. Recyclable Waste originating from Ineligible Recycling Properties or from outside the Town are not eligible for Recycling Services.

Garbage Service

5. The Garbage Service consists of regularly-scheduled collection of residential garbage plus a spring and fall collection of Yard Waste in accordance with the following regulations:
- (a) Garbage shall be placed out for collection in garbage bags, reusable garbage containers or Carts by 7:00 A.M. on days and in locations designated by the Director.
 - (b) All garbage tendered for collection must be securely tied, bagged or placed in containers such that the gross weight of any bundle, bag or container does not exceed 20 kilograms.

- (c) Sharp objects must be placed in containers or wrapped in a manner, which will prevent accident or injury to the garbage collection workers.
- (d) Subject to subsection (6), the maximum amount of garbage collected from any residential dwelling unit on any collection day shall not exceed one container, with a total volume not greater than 80 litres.
- (e) Garbage amounts in excess of those prescribed by subsection (5) shall not be collected unless they have attached thereto one or more tags supplied by the Town to authorize their collection. Each tag shall allow the collection of one container, containing not more than 80 litres of additional garbage.
- (f) During Yard Waste collection events, such waste must be bagged (kraft yard waste bags only), bundled or placed in clearly marked reusable containers such that the gross weight of each bundle or container not exceed 20 kilograms.
- (g) For the purpose of determining eligibility for garbage collection, properties are classified into the following categories:
 - (i) “Mandatory Garbage Collection Properties” include:
 - (1) a detached dwelling unit;
 - (2) properties which contain one single family dwelling;
 - (3) apartment with less than five dwelling units,
 - (4) properties which contain one duplex dwelling;
 - (5) properties which contain a multiple dwelling unit with less than five dwelling units in total;
 - (6) mobile home; and
 - (7) churches.
 - (ii) “Ineligible Garbage Collection Properties” include:
 - (1) vacant properties;
 - (2) properties which contain five or more dwelling units in total.
 - (3) properties which contain apartment buildings with more than five or more dwelling units;
 - (4) properties which contain a commercial unit such as a restaurant, café, store, hotel, motel, campsite, office block, retail or service business;
 - (5) properties that contain a residential dwelling unit or multiple dwelling unit located in a building or on a property with a commercial unit;
 - (6) mobile home parks;
 - (7) properties that contain a industrial unit such as warehouse, factory and wholesale business;
 - (8) properties that contain an agricultural and institutional operation.

- (h) All owners and occupiers of Mandatory Garbage Collection Properties must pay for and participate in the Garbage Services.
- (i) Owners and occupiers of Ineligible Garbage Collection Properties must arrange for their own collection and disposal of solid wastes and may not participate in the Garbage Service.
- (j) Regulations for Waste Receptacles
 - (i) All Owners and occupiers shall thoroughly drain all garbage or trade waste before placing it in receptacles and no garbage or trade waste of a semi-liquid consistency shall be collected from any premises whatsoever.
 - (ii) All bulk receptacles shall be maintained in a clean and sanitary condition. The Receptacle Owner shall be responsible for repairs, painting and general maintenance of the solid waste bulk receptacles. All bulk receptacles shall be cleaned by the Owner a minimum of once per year.
 - (iii) All garbage receptacles shall be kept within the confines of an Occupant's property, where reasonably possible.
 - (iv) Bulk receptacles must be located on a paved or concrete surface, provided at the expense of the occupant.
 - (v) All garbage receptacles shall be accessible for collection, located at the owner or occupier's property line, either adjacent to the sidewalk or road shoulder, on all designated collection days. All solid waste receptacles not accessible or not meeting the accessibility criteria, on designated collection days, shall not be collected until the next regularly scheduled collection. Absentee homeowners must arrange to have the waste receptacles put out on the designated collection day or take their waste to the Landfill.
- (k) If disposal of Special Waste is required, an owner or occupier must contact the Ministry of Water, Land and Air Protection to receive regulations for disposal and permission to do so as regulated by the Waste Management Act.

Landfill Service

- 6. No person shall, in depositing refuse at a Disposal Site:
 - (a) deposit a Recycled Waste;
 - (b) deposit a Prohibited Waste;
 - (c) deposit Solid Waste except as directed by regulations for the use of the Disposal Site;

- (d) drive a vehicle anywhere on the Disposal Site except on roads provided by the Town for that purpose unless otherwise instructed;
 - (e) act in a manner contrary to the posted site regulations;
 - (f) motor vehicles entering the Sanitary Landfill shall have their loads adequately covered and secured to prevent materials from blowing, bouncing or falling off the vehicle while in transit. An adequate cover is a tarpaulin, other overlay, or container that is used to confine the material to the vehicle or all materials must be contained within intact secured closed garbage bags or container.
7. Controlled Waste will not be accepted for disposal at the Landfill without written approval from the Director. This requirement may be waived at the option of the Director if the Director determines that special handling and disposal techniques are not required to dispose of the Controlled Waste. Controlled Waste for which special handling and disposal techniques are required are subject to a Special Disposal Fee as determined by the Director, which is based on actual cost of disposing of the Controlled Waste.
 8. All persons within the Town of Osoyoos shall utilize the service established by the Landfill.
 9. Person from the Town of Osoyoos, Electoral Areas "A & C" of the Regional District of Okanagan Similkameen and the Town of Oliver may deposit controlled waste at the liquid waste handling facility within the Landfill.

Fees

10. The applicable fees for Recycling Service, Garbage Service, Landfill Services are set out in Schedule A, attached to and forming part of this bylaw. All fees are per residential dwelling unit, regardless of size unless otherwise noted.

Due dates for fee payment

11. Subject to section 12, fees for Recycling and Garbage Services are payable not later than the property tax due date and cover the calendar year from January 1 to December 31 of the year they are assessed.

Pro-rated services

12. Properties which become eligible for receiving Recycling Service or Garbage Service part way through a year, shall be charged a pro-rated fee for this service, which shall be due on the property tax due date or within 30 days of their eligibility for service, whichever occurs later.

Penalties

- 13. Fees not paid by the due date will incur a 10% penalty.
- 14. Any person who contravenes any provision of this bylaw, commits an offence and is punishable in accordance with the Offence Act and shall be liable on conviction to a fine or penalty of not less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00).

Unpaid amounts transferred to taxes

- 15. Fees and accrued penalties not paid by December 31 of any year shall be transferred to arrears taxes.

No refunds

- 16. No credit or refund shall be given on any charges or fees prescribed by this bylaw.

Severance

- 17. If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court in competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

Repeal of old bylaws

- 18. Waste Management Services and Regulations Bylaw No. 1309, 2015 and all amendments thereto are hereby repealed.

Read a first time, as amended, this 9th day of December, 2020.

Read a second and third time, this 9th day of December, 2020.

Adopted on the 21st day of December, 2020.

Original signed by Mayor Sue McKortoff

Original signed by Brianne Hillson

Mayor

Corporate Administration Officer

SCHEDULE A – To Waste Management Services and Regulations Bylaw No. 1370, 2020

Garbage Collection and Recycle Collection	\$170.50 / residential dwelling / year
Garbage Tags	\$2.50 / tag to collect up to 80 litres of garbage in one container.
Landfill Tipping Fees	\$114.99 per tonne, with a minimum charge of \$6.50, which must be paid to the designated landfill operator before exiting the facility.
Assessed Demolition and Renovation Mixed Load	\$525.00 per tonne, with a \$25.00 minimum charge.
Non-Assessed Demolition and Renovation Mixed Load	\$730.00 per tonne, with a \$50.00 minimum charge.
Construction Mixed Load	\$730.00 per tonne, with a \$50.00 minimum charge.
Controlled Waste	\$210.00 per tonne, for all items other than septic tank liquid waste, with a \$50.00 minimum charge.
Recyclable Gypsum Board	\$115.00 per tonne, with a \$10.00 minimum charge.
Tires (not oversized)	Free
Oversized Tires	\$525.00 per tonne.
Tires with Rims	\$3.00 per Tire with rim.
Yard Waste	Tipping fees are waived on Type “A” compostables and chippables under 5” for loads weighing 100 kg or less, loads over 100 kg are charged \$60.00 per tonne for the portion of the load over weight, with a \$6.50 minimum charge.
Compostable Waste Sales	\$60.00 per tonne (volumes less than 5 tonnes) and \$30.00 per tonne (volumes greater than 5 tonnes) as measured by weight on the scale provided at the site by the Town of Osoyoos with a minimum charge of \$6.50.
Prepaid Landfill Tipping Fees	Persons may prepay tipping fees by depositing an amount of not less than \$200.00 with the Town of Osoyoos.
Appliance Charge at Landfill	\$15.00 per appliance containing Freon.
Mattresses & Box-springs	\$15.00 per mattress of any size and \$15.00 per box-spring of any size.
Liquid Waste Handling Facility Fee	\$40.50 per tonne.

Depositing of Recyclable Waste

Fee for depositing loads containing more than 1% Recyclable or Compostable Waste in non-compliance areas:
\$10.00 or double the normal Landfill Tipping Fees.

Non adherence to Section 6(f)

\$10.00 or double the normal Landfill Tipping Fees for loads not adequately covered and secured, whichever is greater.