

**THE CORPORATION OF THE VILLAGE OF NEW DENVER**

**BYLAW NO. 581**

A Bylaw to provide for the collection and removal  
of solid waste within the Village of New Denver

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WHEREAS Section 64 of the Community Charter provides that Council may, by bylaw;

- a) require persons to use a waste disposal or recycling service, including requiring persons to use a waste disposal or recycling service provided by or on behalf of the municipality;
- b) require owners or occupiers of real property to remove trade waste, garbage, rubbish and other matter from their property and take it to a specified place;
- c) require the emptying, cleansing and disinfecting of private drains, cesspools, septic tanks and outhouses, and the removal and disposal of refuse from them.

AND WHEREAS the Council wishes to encourage waste reduction, reuse, composting and recycling to reduce the volume of waste being deposited into the landfill;

NOW THEREFORE the Council of the Corporation of the Village of New Denver, in open meeting assembled, enacts as follows:

- 1. This bylaw may be cited for all purposes as "Village of New Denver Solid Waste Management Bylaw No. 581, 2004."

**DEFINITIONS**

- 2. In this bylaw, unless the context otherwise requires,

"bear proof container" means, in the case of residential garbage, a cylindrical metal or rectangular wooden container with a secure lid, not exceeding 75 cm in height or 50cm in diameter, which is inaccessible to bears.

"collection day" means the day or days during each week on which waste is scheduled to be collected from a specific premises;

"container or non-bear proof container" means a receptacle constructed of non-corrosive durable metal or plastic equipped with a tight fitting cover constructed of the same or similar material and handles for lifting, having a capacity not greater than 79.56 litres (17.5 gallons) and fully lined with a plastic bag of the type designed for the disposal of domestic waste 76 x 90 cm (30"x 36") and constructed of material not less than 1.5 mil thickness;

"Council" means the Council of the Corporation of Village of New Denver;

"industrial waste" means material from excavations; material from lot clearing or building construction, repairs, alterations, or maintenance; debris from any building removed or damaged or destroyed by fire or any other cause; material from any manufacturing processes; dead animals; condemned or contaminated matter from any premises; (and any similar material other than human or animal excrement);

"landfill" means an area designated and established for the use of residents of the Village for the disposal of waste;

"non-residential container" means a metal bin, having a capacity of 3.06 cubic metres (4 cubic yards), used or intended to be used at a commercial, industrial, institutional, or other non-residential premises, supplied by the Village;

“stand” means a wooden or metal enclosure designed to hold all containers required by the premises on which the stand is provided, and which shall be so designed as to keep all containers a minimum of 250 mm (10 inches) and a maximum of 750 mm (29.5 inches) from ground level, in a closed position at all times and protected from interference from animals;

“waste” means discarded or rejected material but does not include human or animal excrement, industrial waste, compostable matter or recyclable material;

“waste collection area” means an area or areas established by Council within which waste will be collected by the Village as frequently as is considered necessary by Council;

“village” means the Village of New Denver.

#### RESPONSIBILITIES OF OWNERS AND OCCUPANTS

3. (1) No person shall dispose of waste or industrial waste except in accordance with this bylaw.  
  
(2) No person shall dump or dispose of any waste or industrial waste, or any noxious, offensive, unwholesome or discarded matter in any place other than the designated landfill unless directed to do so by the Village.
4. The owner or occupant of every premises shall provide sufficient containers to hold the normal waste generated from that premises during the period between collection days.
5. No person shall place or keep any container or receptacle for industrial/residential waste upon any street or public land in the Village except as specifically provided in this bylaw.
6. The owner or occupant of every premises shall provide, and maintain in good and sanitary condition, sufficient containers for all waste upon the premises owned or occupied by him, and shall ensure that the mouth of each container is closed or securely covered except when the container is actually being filled or emptied.
7. Every person shall dispose of waste upon the premises owned or occupied by him/her by placing or causing the same to be placed in a container maintained for that purpose, but not elsewhere.
8. Except as otherwise directed by the Superintendent of Public Works, non-beat proof containers shall not be placed on the streets and lanes prior to 6:00 am on garbage collection days.
9. The owner or occupant of premises from which waste is to be collected shall ensure that all wet or granular material is separately wrapped or put into a plastic bag before being placed in a container for pick-up.
10. All non-residential containers shall be located in an area as directed by the Village. It shall be the responsibility of the occupant to ensure that all waste containers are kept, at all times before collection, in a fashion that keeps same inaccessible to animals and impervious to weather.

GENERAL REGULATIONS

11. Notwithstanding any other provisions of this bylaw, where a recycling program is in effect and storage or other recycling facilities are available, either within the Village or elsewhere, the following shall be either recycled or otherwise disposed of in accordance with this bylaw:
  - (a) aluminum and tin cans
  - (b) corrugated cardboard
  - (c) glass bottles and jars
  - (d) motor oil
  - (e) paper
  - (f) magazines and catalogues
  - (g) plastic milk jugs
  - (h) all other material as may, from time to time, be accepted for recycling
  
12. The Village shall be responsible for removing on collection day only the contents of one container of residential garbage. Removal and disposal of the contents of all other containers which do not clearly display official Village tags shall be the sole responsibility of the owner or occupier of the premises which produced the waste.
  - (a) Official tags will be sold by the Village of a cost of \$2.00 each and:
    - (i) one tag will be required for a second container of garbage
    - (ii) two tags will be required for each container in excess of two containers per week
    - (iii) may be obtained at the municipal office or from the public works crew during garbage collection runs
    - (iv) be firmly affixed to the top of the waste in the can
    - (v) be whole, unaltered, unobscured and clearly visible to the collector immediately upon removing the lid of the can
  
  - (b) On a disposable box or carton the official tag shall:
    - (i) be firmly affixed to the top of the closed box
    - (ii) be whole, unaltered, unobscured and clearly visible to the collector.
  
13. All waste placed in containers constructed of metal or plastic, for collection, must first be placed inside a plastic bag.
  
14. Garden waste placed at the curb for collection may be placed in secure, covered, disposable corrugated cardboard boxes or cartons which, when filled, weight no more than 10kg (23 pounds). For the purposes of Section 11, each such box or carton shall be counted as a container.
  
15. When a stand is used for the storage of waste as provided for in this Bylaw, and while the stand is on his/her premises the owner or occupant of the premises shall be responsible for maintaining the stand in a condition which is not offensive or dangerous to the public health.
  
16. Where Council considers it in the public interest to do so, the Village may temporarily place one or more stands on public or private lands to accommodate waste expected to be generated at a special event or function. Council may, at its discretion, establish a charge for the temporary placement, use, and removal of stands under this subsection.
  
17. The owner or occupant of any premises shall at all times ensure that waste or industrial waste is kept within the containers or stand provided for that purpose, and not allowed to spill onto, or accumulate on, any street or adjoining public or private property.
  
18. No water or other liquid shall be kept in, or be permitted to remain or accumulate in, any container or stand and no person shall keep or place any explosive, toxic, hot or highly flammable substance in any container or stand.

19. Where any premises is served by a lane, all waste from such premises shall be placed in containers for collection at a location with two (2) metres of such lane, but not in the lane.
20. Where containers are placed for collection within any structure, fence, or other enclosure, direct access to the containers from a street or lane shall be provided.
21. Where any premises is not served by a lane, all waste from such premises shall be placed in containers for collection at a location as close as possible to the traveled portion of an adjacent street but not on a sidewalk or in such a location as to interfere with vehicular or pedestrian traffic.
22. Except on collection day, all containers shall be kept and maintained on the premises of the owner or occupant, and any can located on any street or other public land in the Village other than on collection day may be removed and disposed of at the discretion of the Village without compensation to the owner thereof.
23. Collectors designated by Council for the collection and removal of waste shall have the right to enter at all reasonable times all premises and yards to the extent necessary for the performance of his/her duties in accordance with this bylaw.
24. No person other than a lawful user thereof, or an authorized collector of the Village, shall open any container or stand, remove anything therefrom, add anything thereto, or in any way disturb the contents thereof; nor shall any other person handle, interfere with or in any manner disturb any container put out for collection.
25. When any can is in a condition that presents a hazard to the collector or has been condemned by the Village for any other reason, and written notice to that effect has been given to the owner or occupant, the condemned can may be removed and disposed of along with the waste from that premises.
26. No person shall operate a vehicle in the Village while it is carrying waste or industrial waste unless the portion of the vehicle in which the material is being carried is securely covered or the material is secured to prevent any part of such material from falling off or out of the vehicle while it is in transit.
27. The removal of industrial waste from any premises and the full cost thereof shall be the sole responsibility of the owner or occupant of such premises.
28. The Village may suspend collection service from properties where stands or their locations for pick-up do not comply with the requirements of this Bylaw, but such suspension shall not relieve the owners or occupants of such premises from their responsibilities under this Bylaw.
29. Collectors shall not enter any building for the purpose of carrying from or returning thereto any container, except when in the judgement of the Village it is impractical to store the container outside the building.
30. Collectors shall not pick, sort over, or remove for their own use any waste or other discarded materials on any premises or on the collection vehicle.

#### FEES AND PAYMENTS

31. All fees and charges, commencing in the calendar year 2005 shall be as per Schedule "A" attached and forming part of this Bylaw.

OFFENSES AND PENALTIES

- 32. Every person who violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of the bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, shall be deemed to be guilty of an offence under this Bylaw and shall be liable on summary conviction to a fine of not less than \$50.00 nor more than \$2,000.00.

REPEAL

- 33. Village of New Denver Garbage Collection Bylaw No. 536, 2000 and all amendments thereto are hereby repealed in their entirety.

EFFECTIVE DATE

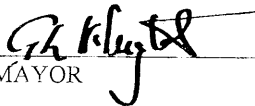
- 34. This Bylaw shall come into full force and effect on January 1, 2005.

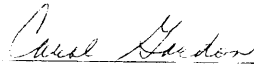
READ A FIRST TIME this 14 day of December, 2004.

READ A SECOND TIME this 14 day of December, 2004.

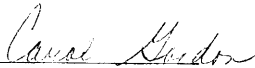
READ A THIRD TIME this 14 day of December, 2004.

RECONSIDERED AND FINALLY ADOPTED this 17 day of December, 2004.

  
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 MAYOR

  
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 ADMINISTRATOR

Certified a true copy of  
Bylaw No. 581

  
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 Administrator

VILLAGE OF NEW DENVER

BYLAW NO. 581, 2004

SCHEDULE A

1.	Residential - 1 container or less per week	96.00 per year
	- one additional container per week	2.00
	- additional containers in excess of two per week	4.00 each
2.	Hospital	2,613.00 per year
3.	School	1,593.00 per year
4.	Senior Citizens Housing Complex	506.00 per year
5.	Municipal Buildings	No charge
6.	Sandwich Shops	222.00 per year
7.	Hotel, Motel	370.00 per year
8.	Restaurant, Cafe	347.00 per year
9.	Grocery Stores, Supermarkets	469.00 per year
10.	Convenience Stores	177.00 per year
11.	Auto Repair Service with Gas Station	200.00 per year
12.	Auto Repair Only	177.00 per year
13.	Post Office	256.00 per year
14.	All other business (once weekly pick-up)	143.00 per year