

**TOWN OF PORT MCNEILL**  
**Bylaw No. 559, 2003**

A bylaw to provide for the control, collection and disposal of municipal solid waste within the Town of Port McNeill.

WHEREAS in accordance with the provisions of Section 8(2) of the Community Charter, a municipality may provide any service that the council considers necessary or desirable, and may do this directly or through another public authority or another person or organization,

AND WHEREAS in accordance with the provisions of Section 8(3) of the Community Charter, a council may, by bylaw, regulate, prohibit and impose requirements in relation to municipal services,

AND WHEREAS in accordance with the provisions of Section 12 of the Community Charter a council may, by bylaw, establish variations, terms and conditions in relation to municipal services,

AND WHEREAS in accordance with the provisions of Section 194 of the Community Charter a council may, by bylaw, impose a fee payable in respect of all or part of a service of the municipality,

NOW THEREFORE the Town of Port McNeill, in open meeting assembled, enacts as follows:

**1. Definitions:**

In this bylaw, unless the context otherwise requires:

**Apartment House** means a building which is, or is intended to be, occupied as a place of residence by more than two families living independently of one another upon the same premise and may include townhouses and row houses which have not been subdivided under the Condominium Act,

**Dwelling** means any building or place of residence including apartments, townhouses, mobile homes, secondary suites, used for the purpose of providing a place of permanent residence therein,

**Garbage** means any and all 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, packing, floor sweepings, crockery, ashes, but does not include: grass, tree or hedge clippings or any other garden refuse or wood or metal waste, waste or rubbish from building, renovating or re-modeling,

**Garbage Collection Contractor** means the persons or companies, with whom the Town of Port McNeill has an agreement for the collection and disposal of residential solid waste,

**Landfill** means the Regional District of Mount Waddington Seven Mile Solid Waste Refuse disposal site, or any site established by the Town for the receipt of garbage.

**Occupier** shall mean any person occupying any dwelling or place of residence within the Town, but shall not include any person who is a boarder, roomer, or lodger therein,

**Owner** means an owner as defined in the Municipal Act,

**Premise** means a building, mobile home, apartment, townhouse, duplex used primarily for residential purposes,

**Regulation Garbage Receptacle** shall mean a household receptacle provided by the resident or occupier for the purpose of garbage storage and collection with a secure watertight cover or lid and a capacity not exceeding seventy (70) litres or more than 25 kg. (55 lbs.) when full or heavy-duty plastic garbage bags not less than 76 by 127 cm. (30 X 50 inches). A receptacle may be used with a plastic bag liner for removal.

**Standard Container or Bin** means a container designed to meet safety requirements and to be handled and emptied by mechanical means by garbage trucks operating for the Town, and having a capacity of 2.4 cubic metres (3 cubic yards) or larger,

**Tag-a-Bag Tie** shall mean a tag, which must be placed on all garbage bags, which exceed the quantity limits for garbage removal outlined in this bylaw,

**Town** means the Council of the Town of Port McNeill, its servants and agents.

## **2. General:**

- 2.1 No person shall dispose of garbage within the Town of Port McNeil except in accordance with the provisions of this bylaw.
- 2.2 At least once in every seven (7) days, every owner or occupier of improved property shall remove or cause to have removed from their property, all garbage.
- 2.3 All garbage shall be transported to the landfill.
- 2.4 Every owner or occupier of any dwelling or apartment within the Town, shall provide and maintain a garbage receptacle or receptacles in good and sanitary condition.
- 2.5 Any receptacle which has been condemned by the Town or the Contractor as unfit for the purpose, shall be removed along with the garbage and the owner or occupier of the premises shall be required to replace the condemned

receptacle with a suitable new receptacle.

- 2.6 Every owner or occupier of residential premises shall be entitled to have his garbage removed and disposed of by the Town and shall comply with all regulations set out in this bylaw.
- 2.7 In the case of multiple housing units (townhouses, apartments) standard containers as defined in section (1) Definitions, may be used.

### **3. Accessibility of Garbage Receptacle:**

- 3.1 All regulation Garbage receptacles shall be accessible within one (1) metre (3 feet) of the property line between the hours of 8:00 a.m. and 5:00 p.m. on all designated collection days. Such days shall be designated by the Garbage Collection Contractor and approved by the Town. No garbage will be removed from private property or driveways on private property.

### **4. Container Requirements:**

- 4.1 No liquids or free water shall be put or placed in or allowed to run or accumulate in any regulation garbage receptacle, and all such regulation garbage receptacles shall, at all times, be kept securely covered with a water-tight cover.
- 4.2 No person shall place any explosive or corrosive or prohibited materials in any regulation garbage receptacle.
- 4.3 All garbage such as rejected, abandoned, or discarded vegetable, meat, poultry or seafood products, shall be drained and wrapped before being deposited in a garbage receptacle.
- 4.4 No person shall place animal carcasses or animal hides in any garbage receptacle for collection by the Contractor; these must be disposed of at the landfill by the owner.
- 4.5 No person shall place garbage for pick-up with the garbage of others or place garbage in containers owned by others without that owner's consent.
- 4.6 Any resident using heavy duty garbage bags shall ensure that the bags are securely tied with no rips or tears, any refuse scattered by animal or fowl shall be cleaned up by the person depositing the bags.
- 4.7 Occupiers or residents of dwelling units are permitted to use **not more than two (2) regulation garbage cans or two (2) regulation garbage bags.**
- 4.8 Where garbage collection service is required beyond that set out in section 4.7 of this bylaw, prepaid tags as described under Tag-a-bag definition in this bylaw, are required to be placed on each additional garbage receptacle, the

tags may be purchased from the place designated by the Town and for a fee set for this purpose.

- 4.9 Every occupier or owner of a dwelling unit or apartment house shall deposit garbage in a regulation garbage receptacle or standard container or bin in accordance with the requirements of this bylaw.

**5. Fees:**

- 5.1 The land within the Town boundaries comprises the garbage collection area. Owners of premises within the collection area, whether occupied or vacant, upon which a premise exists, shall be responsible for the payment of all garbage user fees, whether the service is actually used or not.
- 5.2 Invoicing for new customers will commence no later than four (4) months after the Building permit is issued. If the premise is occupied sooner, invoicing will commence upon occupancy. It is the responsibility of the owner of the premise to advise the Town if the premise is occupied.
- 5.2.1. User fees for new residences will be calculated proportionately and invoiced for the balance of the calendar year; discounts do not apply to partial year billings.
- 5.3 User fees for residential garbage collection shall be invoiced in January of each year in accordance with rates set out and amended from time to time in Fee Setting Bylaw No. 558, 2003
- 5.4 Accounts are billed from January 1<sup>st</sup> to December 31<sup>st</sup> in each year. The user rates and charges specified in schedule "A" of the Town of Port McNeill Fee Setting Bylaw No. 558, 2003, as amended from time to time, are hereby imposed and levied for Solid Waste Collection and Disposal Services by the Town.
- 5.5. If the account remains unpaid as at October 31<sup>st</sup>, a penalty of ten percent (10%) will be applied to the outstanding balance, any unpaid amounts will be transferred to taxes and collectible in the manner set forth in the Municipal Act.
- 5.6 User fees for multiple dwellings such as apartments, duplexes and townhouses will be applied in the manner set forth in Fee Setting Bylaw No. 558, 2003.

**6. Duties of Garbage Contractor:**

- 6.1 It shall be the duty of the Garbage Collection Contractor to:
- collect all garbage;
  - report any infraction of this Bylaw;
  - clean up garbage spilled or scattered in the operation of collection;
  - answer all complaints courteously and promptly;
  - not trespass needlessly on private property, but to follow pedestrian walks and not cross from one property to another;
  - have garbage trucks washed, cleaned and disinfected to such a degree, and at such intervals as will meet the requirements of the Public Health Inspector and the Town;
  - have all garbage collection equipment accessible to the Public Health Inspector;
  - maintain a list of users who fail to meet the requirements set forth in this bylaw and provide this list to the Town Office on a regular basis.

**7. Infractions:**

- 7.1 No person shall throw, place or pile, or cause to be thrown, placed or piled upon any street, lane or alley within the Town of Port McNeill, any garbage, waste/refuse or unwanted item, without a permit from the owner. Permits issued under this section shall be issued in accordance with Provincial Legislation and Town Bylaws.
- 7.2 Any person who violates any provision of this bylaw, or who suffers or permits any act to be done in contravention or violation of any of the provisions of this bylaw, or who neglects or refrains from doing anything required to be done by any provision of bylaw, commits an offence and is liable to:
- a) Prosecution of the offence in accordance with the Offence Act; or
  - b) Proceeding under Division 3 of Part 8 of the Community Charter (Ticketing for Bylaw Offences); or
  - c) Court action under Division 4 of Part 8 of the Community Charter (Enforcement by Civil Proceedings).

**8. Enactment:**

- 8.1 The Town of Port McNeill "Household Refuse Collection Rates Bylaw No. 424, 1993" and all amendments are repealed on the date this bylaw comes into effect.
- 8.2 The "Town of Port McNeill Solid Waste Collection and Disposal Regulation Bylaw No. 466, 1996" and all amendments are repealed on the date this bylaw comes into effect.

8.3 This Bylaw may be cited as the "Town of Port McNeill Solid Waste Bylaw No.559, 2003" and becomes effective on January 01, 2004.

Read a first time the 15<sup>th</sup> day of December 2003

Read a second time the 15<sup>th</sup> day of December 2003

Read a third time the 05<sup>th</sup> day of January 2004

Reconsidered, finally passed and adopted the 07<sup>th</sup> day of January 2004

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

Certified to be a correct copy of Bylaw No. 559, 2003 as adopted.

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Corporate Officer