

**VILLAGE OF PORT ALICE
BYLAW NO. 484**

Being a bylaw to repeal Bylaw No. 135, "Village of Port Alice Amendment Bylaw (Garbage) No. 135, 1975", and to repeal Bylaw No. 406, "Village of Port Alice Garbage Removal and Rates Bylaw No. 406, 1997", and also to repeal Bylaw No. 452, "Village of Port Alice Garbage Removal and Rates Amendment Bylaw No. 452, 2000."

WHEREAS pursuant to the Local Government Act, the Council has the power to regulate the collection and disposal of trade waste, house garbage, rubbish and all noxious, offensive and unwholesome matter from premises within the municipality and to establish a scale of charges therefore;

AND WHEREAS it is deemed necessary that the Village of Port Alice establish and operate a system for the collection and disposal of garbage, trade waste, and rubbish;

NOW THEREFORE, the Council of the Village of Port Alice, in open meeting assembled, enacts as follows:-

1. Bylaw No. 135, cited as "Village of Port Alice Amendment Bylaw (Garbage) No. 135, 1975, Bylaw No. 406 cited as "Village of Port Alice Garbage Removal and Rates Bylaw No. 406, 1997" and Bylaw No. 452 cited as "Village of Port Alice Garbage Removal and Rates Amendment Bylaw No. 452, 2000 is hereby repealed.
2. Pursuant to the Local Government Act, the following regulations are hereby enacted:

1) Interpretation

For this Bylaw, unless the context otherwise requires,

"dwelling" means any building or place occupied or used as a dwelling, place of abode or place of living by not more than one family, but does not mean or include any apartment house, hotel, licensed rooming house, licensed boarding house, or any building in which more than one family live, abide or dwell within the Village of Port Alice.

"occupier" shall mean any person occupying any dwelling, habitation or place of residence in the Village of Port Alice, but shall not include any person who is merely a boarder, roomer, or lodger therein.

"apartment house" shall mean a building which is, or is intended to be, occupied as a habitation or place of residence by more than one family living independently of one another upon the same premises.

"trade premises" means any warehouse, factory, store, cafe, eating-house, wholesale or retail business place, garage or office building, and any building other than a dwelling or apartment house.

"institutional" shall mean any school, church, hospital, municipal building, dental office, health office, or other establishment that is not included in "trade premises".

"trade waste" shall mean and include refuse and accumulation of waste and abandoned material resulting from the operation of trade or business 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.

VILLAGE OF PORT ALICE
BYLAW NO. 484

"garbage collector" shall mean the person appointed from time to time by resolution of the Municipal Council to collect garbage and trade waste within the Village of Port Alice, to carry out the duties imposed on him by this bylaw.

"collector" shall mean the Collector of Taxes of the Village of Port Alice.

"old age pensioner" shall mean any person collecting the "Old Age Pension"

"regulation garbage receptacle" shall mean a receptacle provided with a good fitting water tight cover, and a capacity of not more than 3.5 cubic feet. A receptacle may be used with a plastic bag liner for removal. Plastic bags shall not be permitted for use as a normal garbage receptacle or commercial container.

"standard container" shall be a container designed to meet safety requirements, and to be handled by garbage trucks operating for the Village, and having a capacity of 3 cubic yards. The container shall be securable and constructed of a solid non-pliable material capable of withstanding bear access. When secured and under stress the container will not have accessible fixtures that would allow a bear to gain entry.

"garbage" means and includes any and all rejected, abandoned or discarded waste or vegetable or animal food, floor sweepings, crockery, glass or metal ware having contained food, but does not include grass, trees, hedge clippings, or other garden refuse or rubbish. Neither shall white goods, car parts, construction waste, etc., be considered as waste or garbage.

"ashes" means ashes, cinders, and remains of any fuel after such fuel has been consumed by fire.

"rubbish" shall mean all waste material not defined as garbage, ashes, or trade waste, but shall not include sod, stones, earth, or other massive materials which by its nature cannot be lifted and carried by the driver of the Municipal garbage truck, or the authorized vehicle of garbage collector, and shall not include any material specifically mentioned in this bylaw as not coming within the definition of garbage, ashes, trade waste or rubbish.

"municipality" shall mean the Village of Port Alice.

"owner" shall be held and construed to mean and include the owner or his tenant, duly authorized agent or other person having any right or interest in any real property within the Village of Port Alice, other than a person who holds an interest in such property as security only, and who is not in possession thereof.

2) Collection Required

Owners and occupiers shall obtain the services for removal and disposal of rubbish, garbage and trade waste provided by the Garbage Collector authorized by the Village of Port Alice, and shall comply with all regulations of this bylaw.

VILLAGE OF PORT ALICE
BYLAW NO. 484

3) Receptacle Requirements

Every occupier, as herein before defined, and every owner of an apartment house, and every person who occupies any trade premises within the boundaries of the Village of Port Alice shall provide and maintain in good and sufficient order and repair, for such dwelling, apartment house, or trade premises occupied or owned by him, regulation receptacles, as defined in this bylaw, sufficient in number to contain all garbage, trade wastes, ashes, and rubbish from such dwelling, apartment house or trade premises.

4) Refuse Preparation

Wet garbage shall be drained of excess moisture, and wrapped in paper before being placed in the garbage can.

5) Accessibility of Garbage Receptacles

RESIDENTIAL:-all regulation garbage receptacles shall be accessible within 1 meter (3 feet) of the curb or curb line on a public road site, if not contained in a constructed bin at the edge of their 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 Collector, and approved by the Village. No garbage will be removed from private property, driveways on private property, etc.

COMMERCIAL:- all garbage receptacles shall be accessible to the Collector at a predetermined location, and sites and days will be approved by the Village.

All garbage shall be at the predetermined location between the hours of 8:00 a.m. and 5:00 p.m.

6) Contents of Receptacles

Garbage, trade wastes, ashes and rubbish shall be placed in separate receptacles. If any rubbish is of such nature as to not admit its being placed in a receptacle provided for hereof, such rubbish shall be deposited in a careful manner, convenient for handling, adjacent to the receptacles for garbage, ashes, trade wastes and rubbish. A charge for removal of excessive amounts of rubbish will be made at the discretion of the Garbage Collector.

No liquids, or free water shall be put or placed in or allowed to run into, or accumulate in, any receptacle for garbage or ashes, and all such receptacles shall at all times be kept securely covered with a water tight lid.

No person shall place any explosive substance in any garbage receptacle.

VILLAGE OF PORT ALICE
BYLAW NO. 484

7) Condition of Receptacle

All receptacles herein before mentioned shall be accessible for inspection at all reasonable hours, and when any receptacles have been condemned by the Municipality as unfit for the purpose, such receptacle shall be removed along with the garbage, ashes or household or trade waste, and the householder, owner of an apartment house, or owner or occupier of trade premises, shall forthwith provide a suitable and sanitary regulation receptacle, as described in this bylaw.

8) Removal of Refuse

The Municipality shall remove the said garbage, ashes, trade waste and rubbish, at such times and in such manner as the Municipal Council may from time to time, by resolution determine, and the said garbage, trade waste and rubbish shall be disposed of by the Village of Port Alice, in accordance with the provisions of this bylaw.

9) Appointment of Garbage Contractor

The Municipality shall, by resolution, appoint a Contractor to remove garbage, ashes, trade waste and rubbish from all or any part or parts of the Municipality, for such period as the Municipal Council may determine. It shall be the duty of such contractor, to remove said garbage, ashes, trade waste and rubbish, in accordance with the provisions of this bylaw, and in accordance with such further directions as may be given by the Clerk and the said contractor shall be paid such amount and in such manner as the Municipal Council may determine.

10) Loose Dog on Premises

No garbage collector shall be obliged to collect garbage if there is a loose dog on the premises, and if the Collector requests the occupier to tie or confine the dog, so that the dog cannot interfere with such removal, the occupier must do so, and failure to do so, shall result in prosecution under this bylaw.

11) Service Fees Paid

The owners of premises, whether occupied or vacant, on which a premise exists, shall be responsible for the payment of all garbage user fees, whether the service is actually used or not.

12) Collection of Fees

Every owner and occupier, as defined in this bylaw, of residential and commercial property within the Municipal townsite shall pay, to the Municipality, the fees and charges, as set out in Schedule A, attached to this bylaw.

Monthly rates will be billed semi-annually, and paid to the Collector no later than May 31st and November 30th in each year. Users on the water metre billing cycle shall be billed semi-annually and paid to the Collector no later than February 15th and August 15th in each year.

VILLAGE OF PORT ALICE
BYLAW NO. 484

Property owners who are collecting the Old Age Pension will receive a 10% discount on their billings.

If an account remains unpaid by the due date, a ten percent (10%) penalty will be imposed, and added to the outstanding balance. Any charges authorized by this bylaw, which remain unpaid on December 31st, in the year in which they were imposed, shall be transferred to property taxes in the following year, unless sooner paid.

13) Duties of Garbage Collector

It shall be the duty of the Garbage Collector:

- a) to collect all garbage and trade waste;
- b) to report any infraction of this bylaw;
- c) to clean up garbage spilled or scattered on the day of collection;
- d) to answer all complaints courteously and promptly;
- e) not to trespass needlessly on private property, but to follow pedestrian walks and not cross 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 Village;
- g) to have all garbage collection equipment accessible to the Public Health Inspector at all times;
- h) to maintain a list of users who fail to meet the requirements set forth in this bylaw.

14) Collection of Garbage - Number of Pick-ups

- a) Residential (single family dwelling) - maximum of once per week.
- b) Commercial & Multi-family dwellings (apartments) - maximum of twice per week.

15) Number of Receptacles

- a) Residential (single family dwelling) - maximum two (2) regulation receptacles.
- b) Commercial and Multi-family dwellings:
 - 1. Commercial - maximum two (2) commercial standard containers or three (3) regulation garbage receptacles.
 - 2. Apartments and Townhouses - maximum twelve (12) standard containers (total).

VILLAGE OF PORT ALICE
BYLAW NO. 484

16) Ticketing System

For the collection of garbage in excess of maximum amounts, as outlined in Sections 14 and 15, tickets provided at the Municipal Office, and fees charged, are set out in Schedule A, attached to this bylaw.

17) Infraction of Bylaw

Any person who shall be guilty of any breach or infraction of any of the provisions of this bylaw shall be liable on summary conviction, to a fine or penalty not exceeding the sum of One Hundred Fifty Dollars (\$150.00).

18) Citation

For all intents and purposes, this bylaw may be cited as "Village of Port Alice Garbage Removal and Rates Bylaw No. 484, 2003".

READ A FIRST, SECOND AND THIRD TIME this 22nd day of October, 2003.

RECONSIDERED AND FINALLY PASSED AND ADOPTED this 12th day of November, 2003.

Kim Frech
Clerk

Jim Neely
Acting Mayor

Certified a true copy of Bylaw No. 484, 2003 as adopted

Kim Frech
Clerk

**VILLAGE OF PORT ALICE
BYLAW NO. 484**

SCHEDULE "A"

Single Family Dwelling, Strata Units
Mobile Homes, Jeune Landing Homes

\$10.00 per month

Rental Units (Hume Investments)

\$14.00 per bin/pickup

Commercial/Institutions - small
- large

\$17.00 per month

\$14.00 per bin/pickup

TICKETING SYSTEM:

Residential excess garbage

\$1.50 per bag or can

Standard containers in excess of two pick-ups per week

\$14.00 per bin/pickup