

THE CORPORATION OF THE VILLAGE OF MONTROSE

**BYLAW #707**

A BYLAW TO PROVIDE FOR AND REGULATE THE COLLECTION, STORAGE AND DISPOSAL OF GARBAGE WITHIN THE VILLAGE OF MONTROSE AND TO CONTROL WILDLIFE ATTRACTANTS

WHEREAS in accordance with the *Community Charter*, and in the interests of public health, Council may establish services for the collection, removal and disposal of garbage;

AND WHEREAS it is deemed desirable and expedient to provide standards for the collection of garbage in order to encourage citizens to reduce, re-use, recycle and compost, thereby reducing waste volumes going to the landfill and reducing the cost of garbage collection and disposal;

AND WHEREAS it is deemed advisable to enact a bylaw so as to discourage and prevent dangerous wildlife from accessing and becoming conditioned to, or dependent on food sources generated or controlled by human activity;

NOW THEREFORE be it resolved that the Council of the Corporation of the Village of Montrose, in open meeting assembled, enacts as follows:

**SHORT TITLE**

This Bylaw may be cited as the “**Waste Management and Wildlife Attractant Bylaw**”

**DEFINITIONS**

1. In this by-law:

|                                     |  |
|-------------------------------------|--|
| <b>Attractant</b>                   | means any substance which could reasonably be expected to attract wildlife or does attract wildlife including but not limited to household refuse, kitchen waste, food products, beverage containers, barbecue grills, pet food, bird feed, diapers, grease barrels, fruit, honey, salt, oil and other petroleum products and chemical products; |
| <b>Container</b>                    | means, durable receptacles, fitted with secure handles and a water-tight cover;  |
| <b>Dangerous Wildlife</b>           | means bear, cougar, coyote or wolf, or a species of wildlife that is prescribed as dangerous under the <i>BC Wildlife Act</i> ;  |
| <b>Designated Officer</b>           | means a Bylaw Enforcement Officer, member of the RCMP or a Conservation Officer as appointed under the <i>BC Wildlife Act</i> ;  |
| <b>Garbage</b>                      | means waste other than food scraps/yard trimmings and recyclables and includes all animal, mineral, synthetic, paper product, and vegetable matter in any form or state abandoned, discarded or thrown out by any occupant of and generated from a residential, commercial, institutional or industrial property;                                |
| <b>Garbage Bag</b>                  | means a plastic disposable garbage bag, purchased from the Village of a size of 76 cm by 92 cm (30" by 36") and shall not exceed 20 kilograms (44 Pounds) in weight;   |
| <b>Hazardous Waste</b>              | means hazardous waste as defined in the <i>British Columbia Hazardous Waste Regulations, B.C. Reg. 63/88, O.C. 268/88</i> as amended from time to time;  |
| <b>Occupant</b>                     | means and includes any occupant, owner, lessee, tenant or responsible employee thereof of any residential property or dwelling or trade premises;  |
| <b>Recyclable Material</b>          | means any waste which is accepted for recycling by local recycling providers, including the Regional District;   |
| <b>Wildlife Resistant Enclosure</b> | means a fully enclosed structure consisting of walls, roof and door(s)   |

with no more than a 1 cm gap or opening at any location, of sufficient design and strength so as to prevent access by wildlife, and for clarity, includes a garage, shed, or other structure that is inaccessible to wildlife.

## **GENERAL REGULATIONS**

2. That the Council shall be empowered to enter into an agreement with the Regional District of Kootenay Boundary, or any member municipality of the Regional District, to provide for the dumping of garbage collected within the Village, upon the dump to be maintained by or for the Village,
3. No person shall store, deposit, pile, place, discard or otherwise allow to accumulate any garbage in or on any property, and in such a manner that may be accessible to wildlife, except as authorized by this bylaw.
4. No person shall spill, scatter, deposit, throw, cast, lay, pile, place, discard, accumulate or otherwise cause to be thrown, cast or laid, or disturb or interfere with any garbage or wildlife attractant of any kind or nature on any street, lane, highway, park, boulevard, sidewalk, or other public place or private property within the Village.

## **REGULATIONS SPECIFIC TO WILDLIFE ATTRACTANTS**

5. A person must not feed or attempt to feed dangerous wildlife, and must not feed other animals in a manner that is likely to attract wildlife.
6. No person may accumulate, store or collect any attractants in a manner that they are accessible to dangerous wildlife which may pose a risk to the safety of any person.
7. No person shall fail to take remedial action to avoid contact or conflict with dangerous wildlife after being advised by a designated officer that such action is necessary.
8. Every owner or occupier of real property must ensure that:
  - (a) Any fruit that has fallen from a tree or bush is removed from the ground and properly stored or disposed of and, if stored outdoors, only in a wildlife resistant enclosure;
  - (b) Any birdfeeder containing bird feed, suet or nectar is suspended on a cable or other device in such a manner that it is inaccessible to wildlife; and the area below any bird feeding devices or activity is kept free of accumulations of seeds and similar wildlife attractants;
  - (c) Barbecue equipment and tools that remain out of doors must be clean and free of residual food or grease;
  - (d) Any refrigerator, freezer, storage container or similar appliance, device or apparatus or garbage bag that contains animal attractants of any type, if placed or located outdoors, is located and equipped in such a manner that it is inaccessible to wildlife;
  - (e) Any grease, antifreeze, paint or petroleum product is stored in such a manner that is inaccessible to wildlife; and
  - (f) That all garbage that is stored outside is stored in wildlife resistant enclosures and are made wildlife resistant as defined in this Bylaw.

## **FAILURE TO COMPLY**

9. Failure to comply with Sections 3 and 4 herein may result in the Village by its own employees or others, cleaning up and removing such garbage and the cost of such cleaning and removal shall be charged to the owner or occupier of the property and where such charges are unpaid on the thirty-first of December in the same year, they shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears and offenders may be publicly identified.

## **ENTRY AND INSPECTION**

10. A Designated Officer may enter onto any property in accordance with Section 16 of the *Community Charter* to inspect and determine whether this bylaw is being met.
11. Where the Designated Officer believes that, as a result of a breach of this bylaw, wildlife is located on or near the property and has endangered or harmed a person, or presents an imminent threat to the safety of any person, the designated officer may take steps to

prevent, avert, reduce or mitigate the harm or threat or provide assistance.

12. A person must not obstruct or interfere with a Designated Officer, or other person who is assisting the officer, who has entered onto property pursuant to Section 16 of the *Community Charter*.

#### **PLACEMENT AND SPECIFICATIONS FOR GARBAGE CONTAINERS**

13.
  - a) Every residential customer shall place all garbage in a container or garbage bag as defined in this Bylaw;
  - b) For collection purposes, all garbage containers or garbage bags must be placed in full view and as close as possible to the edge of the travelled way serving the property, without obstructing traffic;
  - c) Garbage containers or garbage bags shall be readily accessible by 7:30 a.m. on the day designated by the Village for garbage collection;
  - d) No person shall place any garbage containers or garbage bags out for collection before 4:30 a.m. of the day as designated by the Village for garbage collection;
  - e) Tie or otherwise seal, to prevent spillage or entry of water, any plastic bags placed for collection;
  - f) It is the responsibility of the owner or occupier of the property to ensure the garbage container or garbage bag is in good condition and that the garbage is contained within the container or bag; and
  - g) It is the responsibility of the owner or occupier of the property to ensure that any garbage strewn or scattered by animals is cleaned up.

#### **EXCEPTIONS TO GARBAGE COLLECTIONS**

14. No hazardous waste, tires, grass clippings, leaves, tree pruning's, scrap lumber, logs, metal, stone, brick, concrete, car or truck batteries, recyclable oil or oil filters or recyclable corrugated cardboard, shall be set out for collection; except when stated otherwise by the Village.

#### **COLLECTION TIMES**

15. The frequency of garbage collection for residential customers shall be as set by Council policy.
16. All property owners, whether residential customers of the Village collection system or not, shall ensure that garbage is collected from their property on a regular basis.

#### **PAYMENT OF FEES**

17. Fees for collection and disposal of garbage shall be as outlined in the Garbage User Rates Bylaw.

#### **PENALTIES**

18. Every person violating any provisions of this by-law shall upon conviction be liable to a fine not exceeding Two Thousand (\$2,000.00) Dollars, plus costs for such violation.
19. Upon conviction for a breach of the provisions of this by-law, the Court of jurisdiction, besides imposing a penalty under the Section 11 hereof, may order the offender to carry out the provisions of this by-law within a time to be limited by the order and in default of the defendant carrying out such order, the Village by its employees, servants or authorized agents shall forthwith at the expense of the offender take such action as is deemed necessary to carry out the requirements of this by-law and the expense therefore, if unpaid on the 31st of December in the same year, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.

#### **Enactment**

20.
  - (1) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
  - (2) This Bylaw shall come into full force and effect on final adoption.
  - (3) Bylaw # 217 is hereby repealed.

READ A FIRST TIME  
READ A SECOND TIME  
READ A THIRD TIME  
RECONSIDERED AND FINALLY ADOPTED

this 7<sup>th</sup> day of October, 2013  
this 21<sup>st</sup> day of October, 2013  
this 21<sup>st</sup> day of October, 2013  
this 4<sup>th</sup> day of November, 2013

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Mayor

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Village Clerk

Certified a true copy of Bylaw #707, as adopted

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Village Clerk