

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2097

To require securing of all loads of refuse or recyclable materials entering the
Regional District of North Okanagan Recycling and Disposal Facilities

WHEREAS Section 796(1) [*General authority for services*] of the *Local Government Act*, R.S.B.C., 1996, Chapter 323, as amended, and Regulations passed pursuant thereto, states that the Board of the Regional District of North Okanagan may operate any service that the Board considers necessary or desirable for all or part of the regional district;

AND WHEREAS, the Regional District has established a local service to regulate, store and manage municipal solid waste and recyclable material by Bylaw 1352, being "*Solid Waste Management Local Service Establishment Bylaw No. 1352, 1996*";

AND WHEREAS the Regional District has an approved *Solid Waste Management Plan*;

AND WHEREAS Section 803(1) [*Options for cost recovery*] of the *Local Government Act*, states that Section 363 [*Imposition of fees and charges*] of the *Local Government Act* applies to Regional Districts in relation to their services;

AND WHEREAS Section 363 [*Imposition of fees and charges*] of the *Local Government Act* provides that a Board of a Regional District may, by bylaw, impose a fee or charge payable in respect of all or part of a service of the Regional District;

AND WHEREAS, the Regional District is empowered to charge collection and disposal fees under the provisions of Section 19.1 of the *Waste Management Act*, and by Bylaw 1352;

NOW THEREFORE, the Board of the Regional District of North Okanagan, in open meeting assembled ENACTS AS FOLLOWS:

1. INTERPRETATION

1.1 Definitions

In this bylaw:

"**Adequate Cover**" means a tarpaulin, other overlay, or container that is used to confine a load of refuse and/or recyclable material to the vehicle.

"**Board**" means the Regional Board of the Regional District of North Okanagan (RDNO).

"**Bylaw Enforcement Officer**" means any person appointed from time to time by the Chief Administrative Officer of the RDNO for the purpose of enforcing this Bylaw.

"**Facility Operator**" means a firm and/or employees of a firm contracted to the Regional District for the purpose of operating a Recycling and Disposal Facility or any employee of the RDNO hired for the purpose of operating a Recycling and Disposal Facility.

"**Manager of Solid Waste**" means the RDNO employee responsible for the management of the regional solid waste function or another person assigned by the Manager of Solid Waste to act on their behalf.

“**Notice**” means a form developed by the RDNO and issued by a Bylaw Enforcement Officer, employee of the RDNO, or a Landfill Operator to a person in violation of this Bylaw for the purpose of informing the person of their specific offence and penalty and indicating how and where the person can make an appeal.

“**Recycling and Disposal Facility**” means a facility for the purposes of waste disposal and/or recycling owned and/or operated by the Regional District of North Okanagan for which an Operational Certificate has been issued by the Ministry of Water, Land and Air Protection of the Province of British Columbia

“**Regional District of North Okanagan or RDNO**” means the Corporation of the City of Vernon, the Corporation of the District of Coldstream, the Corporation of the Township of Spallumcheen, the Corporation of the City of Armstrong, the Corporation of the Village of Lumby, the Corporation of the City of Enderby and Electoral Areas “B”, “C”, “D”, “E”, and “F”, all within the Regional District of North Okanagan.

1.2 Citation

This bylaw may be cited for all purposes as “**Secure Load Bylaw No. 2097, 2005**”.

1.3 No Conflict with Waste Management Act

Nothing in this Bylaw is intended to conflict with *the Waste Management Act*, but this Bylaw may impose further restrictions or require further conditions than those imposed under the *Environment Management Act*.

1.4 Compliance with Other Laws

Except as otherwise specifically provided, nothing in this Bylaw excuses any person from complying with all other applicable enactments and laws.

1.5 Headings

The headings in this Bylaw are for convenience only and shall not limit, enlarge or affect the scope of any of the provisions in this Bylaw.

2. GENERAL

2.1 Prohibition

Loads of refuse and/or recyclable material entering a Recycling and Disposal Facility shall be secured with an Adequate Cover to prevent materials from blowing or falling off the vehicle while in transit.

3. RECYCLING AND DISPOSAL FACILITIES

This Bylaw shall be applicable at the following Recycling and Disposal Facilities, all located within the Regional District:

- (a) Greater Vernon
- (b) Lumby and Area “D”

- (c) Armstrong and Spallumcheen
- (d) Cherryville
- (e) Kingfisher (Hupel)
- (f) Silver Star
- (g) Or any other Recycling and Disposal Facility as established from time to time.

4. INSPECTIONS

A Bylaw Enforcement Officer, Facility Operator, or other employee of the RDNO may inspect any or all loads of refuse and/or recyclable material entering a Recycling and Disposal Facility for the purpose of determining compliance with the Bylaw.

5. OFFENCE AND PENALTIES

5.1 Offence

Any person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, is guilty of an offence under this Bylaw, and is liable to a penalty as follows:

- (a) For inspected loads in violation of Section 2 of this Bylaw, a Bylaw Enforcement Officer, Facility Operator, or other employee of the Regional District, may
 - (i) Refuse entry of any person to the Recycling and Disposal Facility; or
 - (ii) Require the person in violation to pay two (2) times the applicable tipping fee to a minimum of \$10.00 per load.
- (b) For the following offence, a ticket may be issued, and/or an information may be laid under the Offence Act, by a Bylaw Enforcement Officer:

Section 2 Entering a Recycling and Disposal Facility with a load of refuse and/or recyclable material without Adequate Cover to prevent materials from blowing or falling off the vehicle while in transit.

5.2 No Limitation

Nothing in this Bylaw shall limit the RDNO from utilizing any other remedy that would otherwise be available to the RDNO at law.

6. NOTICE OF PENALTY AND DISPUTE MECHANISM

6.1 Notice

For penalties listed in Section 5 of this Bylaw, a Bylaw Enforcement Officer, Facility Operator, or other employee of the RDNO may issue to the person in violation of this

Bylaw, a Notice indicating in writing the nature of the violation and penalty.

6.2 Appeal Intention

The person on whom a Notice is served may, dispute the penalty contained in the notice by informing the Manager of Solid Waste within 72 hours after the time of service verbally or in writing of their intention to appeal a Notice and delivering to the Manager of Solid Waste a copy of the Notice.

6.3 Hearing

The Manager of Solid Waste may arrange a hearing before the RDNO Chief Administrative Officer when and if necessary or requested by the person making the appeal.

6.4 Ruling

The Manager of Solid Waste and Chief Administrative Officer will assess and rule on the dispute within a reasonable time.

7. RECORDS

A record shall be kept by the Facility Operator of each Recycling and Disposal Facility of the following information applicable to each person and load of refuse and/or recyclable material denied access to a Recycling and Disposal Facility, issued a Notice, or that is subject to a penalty under Section 5 of the Bylaw:

- (a) Date and time the load is denied access or subject to a penalty;
- (b) Name and address of the person delivering the load of refuse;
- (c) Nature of violation;
- (d) Receipt, waybill and/or scale ticket number for the load of refuse; and
- (e) Any other information that the Regional District may require.

Read a FIRST, SECOND and THIRD TIME

this 4th day of October, 2005

Reconsidered, Finally Passed and ADOPTED

this 4th day of October, 2005

"S. Field"

Chair

"B. Reardon"

Corporate Officer