

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

BYLAW NUMBER 92-064

A BYLAW TO ESTABLISH, MAINTAIN AND OPERATE GROUNDS FOR THE
DISPOSAL OF SOLID WASTE AT THE SUMMERLAND LANDFILL

**CONSOLIDATED FOR CONVENIENCE TO INCLUDE BYLAWS 98-041,
2000-071, and 2000-261**

WHEREAS pursuant to Section 577 of the Municipal Act, Revised Statutes of British Columbia , a Municipality may establish, maintain and operate grounds for the disposal of refuse;

AND WHEREAS it is deemed expedient and desirable to maintain a Sanitary Landfill operation on Lot "A", District Lot 3756, Osoyoos Division Yale District, Plan 22447;

NOW THEREFORE, the Municipal Council of the Corporation of the District of Summerland in open meeting assembled, ENACTS AS FOLLOWS:

1. **DEFINITIONS**

In this Bylaw unless the context otherwise requires:

"CONTROLLED WASTE", means certain Hazardous Waste, liquid waste, and refuse which is approved for disposal at the Summerland Sanitary Landfill site but which, because of its inherent nature and quantity, may require special handling and disposal techniques to avoid creating health hazards, nuisances, or environmental pollution. Controlled waste includes, but is not limited to:

- (i) water containing soil, sand, gravel, other non-hazardous solids, sewage solids, trace levels of petroleum products, and/or grease, including:
 - a) pumpings from parking lot drainage sumps;
 - b) pumpings from domestic septic tanks;
 - c) pumpings from laundry lint traps;
 - d) pumpings from sumps which collect runoff from vehicle washing facilities only, but not from facilities used for maintenance or lubrication of automobile components or where solvents or sandblasting are employed for removal of paint, grease, or oil;
- (ii) condemned foods;
- (iii) waste asbestos;
- (iv) food processing wastes;
- (v) dead animals.

"CORPORATION", means the Corporation of the District of Summerland or the Council thereof where the text so requires.

"COVERED SOLID WASTE" means a load of refuse secured and/or covered on the vehicle so that it cannot blow or fall off which in transit;

"DEAD ANIMALS" means dead animals, or portions thereof, equal to or greater than 5 kilograms in weight;

CONSOLIDATED LAND FILL BYLAW 92-064- 01/12/07

"DISPOSAL SITE" means the Summerland Landfill Site, located on Lot "A", District Lot 3756, Plan 22447, Osoyoos Division Yale District;

Bylaw 2000-261 added the following definition:

"ELECTRONIC WASTE OR E-WASTE" means computers and accessories;

"HAZARDOUS WASTE" means gaseous, liquid and solid waste which because of its inherent nature and quantity requires special disposal techniques to avoid creating health hazards, nuisances or environmental pollution. Hazardous Wastes are toxins or poisons, corrosives, irritants, strong sensitizers, flammables, explosives, infectious wastes, condemned foods, etc. Flammable wastes exclude plastics, paper, paper products and the like;

"IGNITABLE" means having the properties of:

- (i)flammable gas;
- (ii) flammable liquid, or
- (iii) flammable solids, substances liable to spontaneous combustion or substances that on contact with water emit flammable gases as defined in the Special Waste Regulation.

"PERSON" means an individual, a body corporate, a firm, partnership, association or any other legal entity or an employee or agent thereof.

Bylaw 2000-071, adopted April 9, 2001 revised the following definition effective August 1, 2001:

"PROHIBITED WASTE" means gaseous liquid and solid waste not acceptable for landfilling at the Summerland Landfill Site and includes, but is not limited to:

- (i)liquids, except as permitted herein;
- (ii) empty waste containers unless they are crushed, shredded or similarly reduced in volume to the maximum practical extent;
- (iii) ignitable wastes;
- (iv) reactive waste;
- (v) radioactive waste;
- (vi) hazardous waste except as permitted herein;
- (vii) special waste, excluding waste asbestos;
- (viii) refuse that is on fire or smoldering, and
- (ix) recyclable materials as defined by this bylaw.

"PUBLIC WORKS SUPERINTENDENT" means the appointed officer of the District of Summerland, or his authorized agent;

"RADIOACTIVE WASTE" means waste containing a prescribed substance as defined in defined in the "Atomic Energy Control Act" in sufficient quantity or concentration to require a licence for possession or use under that Act and regulations made under that Act.

"REACTIVE" means waste which is:

- (i)explosive, oxidizing, or so unstable that it readily undergoes violent change in the presence of air or water;
- (ii) generates toxic gases, vapours, or fumes by itself or when mixed with water; or
- (iii) polymerizes in whole or in part by chemical action and causes damage by generating heat or increasing in volume as defined in the Special Wastes Regulation.

Bylaw 2000-071, adopted April 9, 2001 added the following definition effective August 1, 2001:

"RECYCLABLE MATERIALS" means tin cans, aluminum cans, corrugated cardboard (except wax coated), newsprint, plastic milk jugs, box board (cereal boxes, etc.) and mixed glossy paper (magazines).

Bylaw 98-041 adopted January 11, 1999 amended the following definition, and Bylaw 2000-071 adopted April 9, 2001 replaced the following definition effective August 1, 2001:

"REFUSE" does not include recyclable materials as defined by this bylaw. Except as otherwise noted, refuse shall include but not necessarily be limited to food wastes, market wastes, combustibles such as paper, cardboard, plastics, leather, non-combustibles such as metal cans, glass containers, crockery, dirt, ashes from fireplaces and on-site incinerators, street sweepings; bulky wastes such as furniture, refrigerators, tires and stumps; construction and demolition refuse such as pipe, concrete, lumber, plastic and wire; all arising from domestic, commercial, industrial, institutional or municipal activities.

Bylaw 2000-261 added the following definition:

"SCRAP METAL" means recyclable ferrous and non-ferrous metallic materials, including but not limited to metal food containers, sheet metal, siding, roofing, rebar, flashing, pipes, window frames, doors, furnaces, duct work, wire cable, bath tubs, fencing, bicycle frames, automotive body parts, machinery, metal furniture, tire rims and WHITE GOODS;

"SOLID WASTE" means refuse and controlled waste suitable for landfilling at the Summerland Landfill Site but excluding Prohibited Waste;

"SPECIAL WASTE" means any chemical, compound, mixture, substance or article which is defined as such in the Special Waste Regulation.

"SPECIAL WASTE REGULATIONS" means a regulation of the Province of British Columbia under the Waste Management Act and/or the most current Special Waste Regulation issued by the Province of British Columbia.

"WASTE ASBESTOS" means waste containing friable asbestos fibres or asbestos dust as defined in the Special Waste Regulation.

Bylaw 2000-261 added the following definition:

"WHITE GOODS" means metal consumer appliances typically finished in white enamel such as clothes dryers, dishwashers, clothes washers, ranges, stoves and hot water tanks and refrigeration units;

Bylaw 2000-261 added the following definition:

"WOOD WASTE" means clean, organic material including, but not necessarily limited to:

- i) kiln dried dimensional lumber such as wood pallets and demolition waste,
- ii) branches greater than 12.5 millimeters (1.2 inch) in diameter and a maximum of 1.8 meters (6 feet) in length;
- iii) plywood;
- iv) particle board;
- v) pressed board of MDF (medium density fiberboard), and
- vi) tree stumps,

provided such material is free of creosote, rocks, metal other than nails and screws, heavy coats of paint, wire, fiberglass, asphalt roofing material, and other non-wood materials;

CONSOLIDATED LAND FILL BYLAW 92-064- 01/12/07

Bylaw 2000-261 added the following definition:

'YARD AND GARDEN WASTE' means green waste including prunings which do not fall within the definition of WOOD WASTE, grass and hedge clippings, leaves, grass, flowers, vegetable stalks, woody or herbaceous waste, and fruit and vegetable waste;

Bylaw 98-041 adopted January 11, 1999 added the following definition:

"YARD TRIMMINGS" include leaves and grass clippings arising from domestic, commercial, industrial, institutional or municipal activities.

2. CONDITIONS

- (a) No person shall, in depositing refuse at a Disposal Site:
 - (i) deposit a Prohibited Waste;
 - (ii) deposit Solid Waste except as directed by regulations for the use of the Disposal Site;
 - (iii) unless permitted by the Public Works Superintendent, deposit Solid Waste without first having it inspected by the Attendant;
 - (iv) drive a vehicle anywhere on the Disposal Site except on roads provided by the Corporation for that purpose unless otherwise instructed;
 - (v) act in a manner contrary to the posted site regulations.
- (b) Controlled Waste will not be accepted for disposal at the Site without written approval from the Public Works Superintendent. This requirement may be waived, at the option of the Public Works superintendent, if the Public Works Superintendent determines that special handling and disposal techniques are not required to dispose of the Controlled Waste. Controlled Waste for which special handling and disposal techniques are required are subject to a Special Disposal Fee as outlined in Schedule "B" of this Bylaw.

Bylaw 98-041 adopted January 11, 1999 amended the following section to read:

- (c) Yard trimmings will not be accepted for disposal at the site designated for refuse, household or other, but will be accepted at the site designated for compost materials.

3. CHARGES

- (a) Every person depositing refuse at the Disposal Site shall pay to the Corporation the applicable charge as set out in the District of Summerland Fees and Charges Bylaw.

Bylaw 2000-071, adopted April 9, 2001, added the following section effective August 1, 2001:

- (b) Every person depositing refuse or compostable materials at the Disposal Site who has not properly secured and/or covered their load of refuse or compostable materials while delivering the materials to the Disposal Site shall pay double the landfill tipping fee as set out in the District of Summerland Fees and Charges Bylaw.

4. VIOLATIONS AND PENALTIES

- (a) No person shall do any act or suffer or permit any act or thing to be done in contravention of this Bylaw;
- (b) Every person who contravenes this Bylaw, by doing any act which the Bylaw forbids, or omits to do any act which the Bylaw requires to be done:
 - (i) is guilty of an offence and is liable, on summary conviction, to a fine of not less than Two Hundred Dollars (\$200.00) and not more than Two Thousand Dollars (\$2,000.00) for a

CONSOLIDATED LAND FILL BYLAW 92-064- 01/12/07

first offence and for each subsequent offence to a fine of not less than Five Hundred Dollars (\$500.00) and not more than Two Thousand Dollars (\$2,000.00). A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues;

(ii) may be prohibited from depositing refuse at the disposal site.

(c) The penalties imposed under subsection (b) hereof, shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw or any other statute, law or regulation.

5. REPEAL

The District of Summerland Landfill Bylaw Number 2324 is hereby repealed.

6. TITLE

This Bylaw may be cited as the "District of Summerland Landfill Regulations Bylaw Number 92-064".

READ A FIRST, SECOND AND THIRD time this 28th day of September, 1992.

RECONSIDERED, FINALLY READ AND ADOPTED by the Municipal Council of the Corporation of the District of Summerland, sealed with the Corporate Seal of the said Corporation, this 13th day of October, 1992.

'R. Shewfelt'

MAYOR

'G. Redlich'

CLERK