

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2960

A bylaw to regulate the use of Regional District Solid Waste Management Facilities and set fees for the diversion and disposal of municipal solid waste at Regional District of North Okanagan Solid Waste Management Facilities

WHEREAS it is desirable to establish fees and set standards of use for solid waste management facilities owned and operated by the Regional District of North Okanagan in keeping with the Solid Waste Management Plan, environmental protection standards and to provide for the enforcement of these standards;

AND WHEREAS, the Regional District of North Okanagan 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 of North Okanagan has an approved *Solid Waste Management Plan*;

AND WHEREAS Section 378 [*Options for cost recovery*] of the *Local Government Act*, states that Section 397 [*Imposition of fees and charges*] of the *Local Government Act* applies to Regional Districts in relation to their services;

AND WHEREAS Section 397 [*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;

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

A. CITATION

1. This bylaw may be cited as ***“Municipal Solid Waste Management Bylaw No. 2960, 2023”***.

B. INTERPRETATION

1. Words or phrases defined in the British Columbia *Interpretation Act*, *Community Charter*, or *Local Government Act* or any successor legislation shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.
2. The headings contained in this Bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this Bylaw.
3. Any act or enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any Bylaw referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Board of the Regional District of North Okanagan, as amended, revised, consolidated or replaced from time to time.

4. If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the Bylaw and such invalidity shall not affect the validity of the remaining portions of this Bylaw.

C. SCHEDULES

The following Schedules are attached to and form part of this bylaw and are enforceable in the same manner as this Bylaw:

1. Schedule "A" – Diversion and Disposal Fees

D. DEFINITIONS

1. In this bylaw, unless the context otherwise requires:

Adequately Secured means that MSW is contained or immobilized in such a way that the MSW cannot leak, spill, blow, fall or otherwise be dislodged from a vehicle and/or trailer attached to a vehicle operating within a Solid Waste Management Facility (SWMF).

Additional Handling means the work SWMF operators and staff must do to keep waste diversion stockpiles (concrete, wood, etc.) free from contamination when customers place other waste materials in the stockpiles. The fee associated with this additional handling covers the extra costs.

Asbestos Containing Material means a manufactured article or other material that is determined to contain at least 0.5% asbestos by weight when tested in accordance with accepted methods or vermiculite insulation determined to contain any asbestos when tested in accordance with generally accepted methods.

Asphalt Roofing – Clean means loads containing exclusively waste asphalt roofing that is free of contamination other than nails and screws. Loads containing waste asphalt roofing that also contain major amounts of contamination other than nails and screws such as paper, wood and miscellaneous refuse is considered Construction and Demolition Waste. This material is considered MSW.

Biosolids means stabilized wastewater treatment plant solids with less than 30% solids resulting from a wastewater treatment process. This waste material is not considered MSW and requires pre-approval for disposal.

Bulky Waste means MSW articles with a volume greater than one and one half (1.5) cubic metres, or materials greater than two and one-half (2.5) metres in length; or articles that the Manager determines require special or additional handling and/or disposal techniques.

Carcasses means dead animals, or portions thereof, that are not a Renderable Product. This waste material is considered MSW.

Clinical/Laboratory Waste means non-anatomical waste, including Sharps, that is generated by institutions including but not limited to, hospitals, laboratories, doctors' offices, medical clinics, and veterinary clinics, and has been sterilized such that all micro-organisms including bacteria, viruses, spores, and fungi are killed. This waste material is considered MSW.

Commercial Food Waste means raw or cooked food waste generated by a commercial food generator and includes but is not limited to:

- (a) fruits and vegetables
- (b) meat, fish, shellfish, poultry, egg and egg shells and bones
- (c) dairy products
- (d) bread, pasta, rice and baked goods
- (e) coffee grounds, filters, tea bags
- (f) soiled waxed paper
- (g) food soiled cardboard and paper

Commercial Food Generator means businesses and commercial institutions where food is sold and includes but is not limited to:

- (a) Food processors/wholesalers/distributors
- (b) Food and beverage retailers
- (c) Food Services and drinking places

Compost means screened, composted yard and garden waste from the Regional Yard Waste Composting Facility that is suitable for distribution to the public.

Controlled Waste means MSW that requires preapproval by the Manager for disposal at a SWMF that, because of its inherent nature and quantity, may require special handling and/or disposal techniques to avoid creating health hazards, nuisances, operational issues or environmental pollution, including, but not limited to:

- (a) Animal feces;
- (b) Asbestos Containing Material;
- (c) Biosolids;
- (d) Bloody furniture, bedding and rugs/carpet;
- (e) Bulky Waste;
- (f) Carcasses;
- (g) Clinical/Laboratory Waste;
- (h) Condemned foods;
- (i) Food Processing Waste;
- (j) Foundry Dust;
- (k) Hydrocarbon Impacted Soil;
- (l) Infested Vegetation;
- (m) Logs and Stumps – large, dirty and ungrindable;
- (n) Preserved Wood including Creosote treated railway ties;
- (o) Sawdust;
- (p) Screenings from municipal sewage treatment plants, pump stations, domestic septic systems or other wastewater treatment systems;
- (q) Septage Waste; and
- (r) Tire – Oversize.

Crushable Material for Aggregate means concrete, masonry, brick, ceramics (NOT including Ceramic Toilets) and Glass or glass materials delivered to a SWMF that is no larger than 1.0 m x 1.0 by 0.5 m, and that does not contain protruding rebar longer than 0.1 m or contain any metal, plastic, insulation, wood, asbestos or other contaminants defined by the Manager. This waste material is considered MSW.

Construction and Demolition Waste means MSW originating from the construction, demolition and/or renovation of buildings and structures, primarily including but not limited to, materials such as plastic, wood, metal, insulation, roofing, flooring, carpet, plumbing, electrical, concrete, masonry ceramics and glass, some of which may be Regulated Material.

Cover Material – Hydrocarbon Impacted means soil that is impacted by hydrocarbons at concentrations allowed under the SWMF Operational Certificates and that is pre-approved for delivery by the Manager to a SWMF.

Deconstruction means the dismantling of a human-made structure in a manner that enables maximum salvage of reusable building components and recycling of the remaining building components.

Designated RDNO Employee means an RDNO employee that is designated by a Manager to enforce the provision of the Bylaw.

Deposit means to place MSW in a location at a SWMF for the purposes of diversion, reuse or recycling.

Dispose means the introduction of MSW into the environment through burial or other non-diversion, recycling or reuse techniques at a SWMF.

Drywall - Authorized Commercial means gypsum based building material that has never been used for building purposes and does not contain tape, paint or mud. An RDNO Letter Agreement for Authorized Commercial Drywall Recycling is required for assessment of this MSW material.

Drywall means gypsum based building material delivered to a SWMF for disposal and has been determined not to contain asbestos. This material is considered MSW.

E-Waste means various types of MSW containing mainly electronic components and listed in a stewardship plan approved by the British Columbia Government.

Extended Producer Responsibility Program means a program administered by industry to manage specific MSW products for which there is a British Columbia Government approved stewardship plan.

Facility Contractor means a Contractor or employees of a Contractor having a contract with the Regional District to provide services at a SWMF.

Fluorescent Tubes and Bulbs means used fluorescent light bulbs and lamps as listed in a stewardship plan approved by the British Columbia Government. This also refers to commercial quantities not currently included in a stewardship plan. This waste material is considered MSW.

Food Processing Waste means any organic waste and/or waste by-product that may be produced from a commercial food processing operation, and is unsuitable for composting within existing Regional District programs. This waste material is considered MSW.

Glass means glass containers. This waste material is considered MSW.

Hazardous Waste means those materials defined in the Hazardous Waste Regulation as dangerous goods that are no longer used for their original purpose, and meet the criteria for Class 2, 3, 4, 5, 6, 8, or 9 of the transportation of dangerous goods regulations. Such materials include:

- (a) PCB wastes;
- (b) waste containing dioxin;
- (c) biomedical waste;
- (d) waste oil;
- (e) waste asbestos;
- (f) waste pest control product containers ;
- (g) waste containing pest control products, including waste produced in the production of treated wood products;
- (h) leachable toxic waste;
- (i) waste containing tetrachloroethylene;
- (j) waste listed in Schedule 7 to Hazardous Waste Regulation B.C.; and
- (k) waste containing polycyclic aromatic hydrocarbon.

Products and materials classified as 'Hazardous Waste' include goods that are:

- (a) recycled, treated, abandoned, stored or disposed of;
- (b) intended for recycling, treatment or disposal; or
- (c) in storage or transit before recycling, treatment or disposal.

Infested Vegetation means trees, shrubs, herbaceous plants or associated fruit that show the presence of Plant Disease, Noxious Insects, pathogens or related pests that have caused or are likely to cause significant damage to the trees, shrubs, herbaceous plants or associated fruit. This waste material is considered MSW.

Litter means MSW that has been deposited illegally on public land or without the consent of the land owner, occupier or other person or authority having control of the land, whether or not the MSW has any commercial value or is capable of being used for a useful purpose and is delivered to a SWMF or material that is delivered to a SWMF after a clean-up event by employees or volunteers of a local government, thrift store, community group, road maintenance company or the RCMP.

Logs and Stumps – Clean and Grindable means non-agricultural parts of a plant, tree, or shrub that remain attached to the roots after the trunk is cut, and trunks, whereby the trunk is greater than 20 cm in diameter and there are no rocks and soil adhered to the wood. This waste material is considered MSW.

Logs and Stumps – Large, Dirty or Ungrindable means logs and stumps requiring extra handling or disposal if rocks and/or soil are adhered to the wood or the stump is greater than .75m diameter. This waste material is considered MSW.

Major Appliances means those appliances received at a SWMF designated as an appliance under the Major Appliance Recycling Roundtable Stewardship Plan.

Manager means the Diversion and Disposal Facilities Operations Manager for the Regional District of North Okanagan or a designate.

Mixed Residential Waste means Refuse from a residential source, self-hauled to a SWMF, which is observed to contain more than 40% wood and/or metal and/or Yard and Garden waste by weight and which is sorted and deposited in the designated areas at a SWMF.

Mixed Source Waste means Refuse from both residential and commercial sources comingled in one load. These loads are to be tallied as ICI and not Residential in the Regional District's disposed tonnage tracking data.

Municipal Solid Waste or MSW means

- (a) Solid Waste that originates from residential (single family and multi-family), commercial, institutional, demolition, land clearing or construction sources, or
- (b) Solid Waste specified by the British Columbia Government to be included in a waste management plan.

Noxious Insects means all insects designated by the Regional District's, Noxious Insect Control Bylaw, including, but not limited to:

- (a) Codling moths: *Carpocapsa pomonella*;
- (b) Scales: San Jose – *Aspidiotus perniciosus* (Comstock);
- (c) European Fruit – *Aspidiotus ostreaeformis* Curt;
- (d) Shot-Hole Borer: *Scolytus rugulosus* (Ratzenburg);
- (e) Pear Psylla (Psyllia): *Pyricola* (Forester);
- (f) Cherry Fruit Flies: *Rhagoletis* Species;
- (g) Ambrosia Beetle: *Anisandrus* Species; and
- (h) Douglas Fir Tussock Moth: *Orgia Pseudotsugata*.

Noxious Weeds means non-native plants that have been introduced to British Columbia without the insect predators and plant pathogens that help keep them in check in their native habitats as listed in the British Columbia Weed Control Regulation. This material is considered MSW if defined as such in the Regional District Solid Waste Management Plan.

Ozone Depleting Substance means a substance defined as such in the *British Columbia, Ozone Depleting Substances and other Halocarbons Regulation*, under the *Environmental Management Act*.

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

Plant Disease means a condition that exists in a plant or seed as the result of the action of virus, fungus, bacterium, or any other similar or allied organism and that injures or may injure the plant or any part thereof, and that may be spread to another plant or plants with economic, ornamental or aesthetic value, including, but not limited to:

- (a) Apple Scab (*Venturia inaequalis*);
- (b) Anthracnose or Perennial Canker (*Cryptosporiopsis curvispora C. perennans*);
- (c) Bacterial Canker (*Pseudomonas syringae* pv. *syringae*; *P. syringae* pv. *morsprunorum*);
- (d) Blister spot (*Pseudomonas syringae* pv. *papulans*);
- (e) Brown Rot (*Monilinia fructicola*);
- (f) Coryneum Blight (*Wilsonomyces carpophilus*);
- (g) Crown Gall;
- (h) Crown Rot (*Phytophthora cactorum*);
- (i) Cytospora Canker (*Leucostoma cincta*);
- (j) European Canker (*Nectria galligena*);
- (k) Fire Blight (*Erwinia amylovora*);
- (l) Little Cherry Virus;

- (m) Powdery Mildew (*Podosphaera leucotricha*; *P. clandestina*; *Sphaerotheca pannosa*);
- (n) Peach Leaf Curl (*Taphrina deformans*);
- (o) Root Gall and Hairy Root (*Agrobacterium tumefaciens*); and
- (p) Verticillium Wilt (*Verticillium dahliae*).

Preserved Wood means waste wood products which have been treated with preservatives such as *chromated copper arsenate* (CCA), *aromatic hydrocarbons* (PAHs), and *ammonium copper arsenate* (ACA) to prevent rotting. This waste material is considered MSW.

Prohibited Waste means Solid Waste designated in an Operational Certificate, in the Regional District of North Okanagan Solid Waste Management Plan, or by the Regional District Board of Directors from time to time, to be inappropriate for disposal at a SWMF for environmental, regulatory or legal reasons, or reasons related to the safe or efficient operation of a SWMF, currently including the following specified materials:

- (a) Automobiles and other large metallic objects such as mobile homes and recreational vehicles;
- (b) Biomedical Waste defined as such in the document “*Guidelines for the Management of Biomedical Waste in Canada*” (CCME, February 1992);
- (c) Hazardous Waste, except Waste Asbestos approved for disposal at a SWMF under an Operational Certificate;
- (d) Liquid or semi-solid wastes, including Septage Waste, except as permitted in this bylaw;
- (e) Renderable Products;
- (f) Slaughterhouse, fish hatchery, and cannery wastes and by-products;
- (g) Solid Waste that is on fire or smouldering;
- (h) Waste not defined as MSW, except when approved in an RDNO Solid Waste Management Plan or by the RDNO Board of Directors from time to time.

Propane Tank means a refillable or non-refillable metal container which is used to contain flammable hydrocarbon gases used as fuel. This waste material is considered MSW.

Recyclable Commercial Cardboard means packaging material made of multiple paper layers including a corrugated inner layer and does not contain a wax, plastic or foam lining and is free from contaminants such as oil, grease and food originating from a commercial source.

Refrigeration Appliances means refrigerators, freezers, air conditioners or any other item that may contain an Ozone Depleting Substance. This waste material is considered MSW.

Regulated Material means the following:

- (a) All products under a BC Government approved stewardship plan – as amended from time to time;
- (b) Asphalt Roofing – Clean;
- (c) Box Springs;
- (d) Crushable Material for Aggregate ;
- (e) Drywall – New and Recyclable
- (f) Landclearing and Property Development Waste;
- (g) Logs and Stumps – Clean and Grindable;
- (h) Mattresses;
- (i) Propane Tanks;
- (j) Scrap Metal;

- (k) Soil or Other Fill Material (for landfill cover);
- (l) Wood Waste – Clean and Dirty;
- (m) Yard and Garden Waste; and
- (n) Commercial Food Waste
- (o) Recyclable Commercial Cardboard.

Refuse means MSW with less than 30% moisture and is intended for disposal at a SWMF.

Regional District means the Regional District of North Okanagan.

Renderable Products means dead animals, animal parts and animal by-products that were generated at such establishments as slaughter houses, butcheries, retail and wholesale stores, farms, and veterinary clinics acceptable for rendering into other products, for example dog food, at any approved animal bone, meat, and fat rendering facility. This waste material is not considered MSW.

Rescale means to go through a SWMF scale with a single load of mixed MSW more than once in order to determine the weight of each of the different products in the load.

Scrap Metal means recyclable ferrous and non-ferrous metallic materials and products containing more than seventy-five percent (75%) metal by volume, including but not limited to, metal food containers, sheet metal, siding, roofing, rebar, flashings, pipes, window frames, doors, furnaces, duct work, wire, cable, bathtubs, fencing, bicycle frames, automotive body parts, machinery, metal furniture, tire rims and appliances. This waste material is considered MSW.

Septage Waste means liquid waste 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 motor vehicle washing facilities containing oil separation units 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; and
- (e) water containing soil, sand, gravel, or non-hazardous solids.

Service Area means the service area of the Solid Waste Management Service established by the Regional District, *Solid Waste Management Local Service Establishment Bylaw No. 1352, 1996*.

Sharps means needles, syringes, blades or laboratory glass generated at clinics and laboratories and if rendered safely contained (e.g. in metal or Styrofoam containers) is considered MSW.

Solid Waste means non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, and mining residues. Technically, solid waste also refers to liquids and gases in containers and with respect to this bylaw, also includes Refuse, Controlled Waste, Prohibited Waste and Regulated Material.

Solid Waste Management Facility or SWMF means a designated site owned and/or operated by or for the Regional District for the disposal, diversion or recycling of MSW. The term is used interchangeably with the term Diversion and Disposal Facility and includes all RDNO owned and/or operated Transfer Stations.

Tires – Passenger and Light Truck means tires designed for use on passenger cars, light trucks, small recreational vehicles and multipurpose passenger vehicles including sport utility vehicles and crossover utility vehicles and comply with Canadian Motor Vehicle Safety Standard (CMVSS No. 109) or tires designed for use on consumer or commercial light trucks under 10,000 lbs. gross vehicle weight and comply with Canadian Motor Vehicle Safety Standard (CMVSS No. 119). Codes on the sidewall or passenger and light truck tires are P and LT. All tires specifically designed for on/off highway motorcycles, motorcycle side cars, motor bikes, mopeds, mini-cycles, golf carts and all-terrain vehicles, pneumatic forklift tires, Bobcat/Skid Steer tires measuring 16” and under, recreational vehicle and utility trailer tires marked ST (special trailer), drive and free rolling farm and implement tires up to 16” deemed for use on farm equipment. This waste material is considered MSW.

Tires – Medium Truck means truck and bus tires designed for truck/bus applications and larger recreational vehicle tires not marked “P” or “LT” all of which comply with Canadian Motor Vehicle Standard (CMVSS No. 119). Drive wheel tires used on tractors and combine equipment identified with a sidewall marking with suffix letters R (Radial Ply) or HF (High Flotation) and are 16.5” to 25.5”, pneumatic forklift tires, Bobcat/Skid Steer tires measuring 16.5” and over. This waste material is considered MSW.

Tires - Oversize means assorted agricultural, industrial and OTR (Off the Road) tires, specifically tires with Tread Codes C, E, G, L, IND & NHS as defined by Tire Stewardship BC. This waste material is considered MSW.

Visitor means an authorized Person who enters a SWMF for purposes other than to bring, deposit or dispose MSW.

Waste Asbestos has the meaning prescribed in British Columbia and Canadian regulations and guidelines. This waste material must be disposed of in a manner pre-approved by the Manager and is considered MSW.

Wood Waste – Clean means solid wood lumber and pallets that are unpainted, unstained, untreated and free of glue. This waste material is considered MSW.

Wood Waste – Dirty means all organic wood materials other than Yard and Garden Waste, Wood – Clean and Logs and Stumps delivered to a SWMF. This material is considered MSW.

Yard and Garden Waste – Bulk means organic material originating from yard and garden management, maintenance or repair at residential, commercial or industrial properties or organic waste generated from land clearing and property development activities, delivered to a SWMF in a dual rear axle vehicle or dual rear axle vehicle combination (dual axle trailers are not considered a dual axle vehicle), including but not limited to:

- (a) trimmings and prunings (<20 cm diameter and 2 m long);
- (b) leaves;
- (c) grass;
- (d) mulch;
- (e) flowers;
- (f) vegetable stalks;
- (g) woody or herbaceous waste;

- (h) wood chips;
- (i) wind fallen fruit and vegetables; and
- (j) tree trunks and stumps (<20 cm diameter).

This does not include animal feces, cardboard, plastic, soil, rocks, fencing, fabric, netting and other non-vegetated landscaping and gardening waste. This waste material is considered MSW.

Yard and Garden Waste – Commercial means organic material originating from yard and garden management, maintenance or repair at residential, commercial or industrial properties delivered to a SWMF by a landscape maintenance contractor or business, including but not limited to:

- (a) trimmings and prunings (<20 cm diameter and 2 m long);
- (b) leaves;
- (c) grass;
- (d) mulch;
- (e) flowers;
- (f) vegetable stalks;
- (g) woody or herbaceous waste;
- (h) wood chips;
- (i) wind fallen fruit and vegetables; and
- (j) tree trunks and stumps (<20 cm diameter).

This does not include animal feces, cardboard, plastic, soil, rocks, fencing, fabric, netting and other non-vegetated landscaping and gardening waste. This waste material is considered MSW.

Yard and Garden Waste – Residential means organic material originating from yard and garden management, maintenance or repair at residential properties delivered to a SWMF by the occupier or owner of a residential property, including but not limited to:

- (a) trimmings and prunings (<20 cm diameter and 2 m long);
- (b) leaves;
- (c) grass;
- (d) mulch;
- (e) flowers;
- (f) vegetable stalks;
- (g) woody or herbaceous waste;
- (h) wood chips;
- (i) wind fallen fruit and vegetables; and
- (j) tree trunks and stumps (<20 cm diameter).

This does not include animal feces, cardboard, plastic, soil, rocks, fencing, fabric, netting and other non-vegetated landscaping and gardening waste. This waste material is considered MSW.

E. APPLICATION

1. This bylaw shall apply to all MSW management facilities owned and/or operated by the Regional District of North Okanagan.

F. ENVIRONMENTAL MANAGEMENT ACT

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

G. COMPLIANCE WITH OTHER LAWS

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

H. REGULATIONS

1. No Person shall:
 - (a) deliver Prohibited Waste to a SWMF unless the acceptance of such waste is specifically authorized in writing by both the Regional District and the British Columbia Government;
 - (b) deliver Controlled Waste to a SWMF unless the Manager determines that special handling and disposal techniques are not required, or where special handling and disposal techniques are required, the Manager has determined that the Controlled Waste can be disposed of safely at a SWMF and has given permission and directions for such disposal;
 - (c) deposit Regulated Material in locations at a SWMF that are not specifically designated for the material type by signage or verbal or written instructions;
 - (d) deliver Hydrocarbon Impacted Cover Material to a SWMF without prior written consent of the Manager. The Manager may specify the disposal location of the quantity of hydrocarbon impacted cover soil accepted and may request documentation to verify that the Hydrocarbon Impacted Cover Material meets acceptance criteria.;
 - (e) deliver Litter to a SWMF and receive the reduced disposal fee without the prior written consent of the Manager;
 - (f) deposit or dispose any MSW at a SWMF in a manner or in a location contrary to the signage or written or verbal direction and designation of the Facility Contractor or Designated RDNO Employee;
 - (g) enter a SWMF or deposit or dispose of any material at a SWMF at any time other than the designated hours of operation, except by prior arrangement with the Manager;
 - (h) discharge any firearm at a SWMF, except as permitted under an applicable enactment and prearranged with the Manager (i.e. to control wildlife);
 - (i) remove, alter, or deface any sign placed or erected at a SWMF;
 - (j) ignite a fire, cause a fire to be ignited, or deposit at a SWMF materials that are on fire, are smouldering or were on fire within the previous seven days;
 - (k) cause the release of an Ozone Depleting Substance at a SWMF;

- (l) remain at a SWMF for longer than is required to deposit or dispose MSW or conduct other business related to SWMF operations;
- (m) without authorization, drive any motor vehicle on a SWMF except on designated roads;
- (n) act in a manner contrary to any posted SWMF regulations;
- (o) act at a SWMF in a manner that is discourteous, disruptive, threatening or wilfully negligent;
- (p) act in a manner contrary to SWMF and Regional District rules, signage and policies for the measurement and inspection of all loads entering and exiting a SWMF.
- (q) deposit or dispose of any material at a SWMF except in accordance with this Bylaw and any regulations posted at a SWMF;
- (r) salvage, scavenge or remove anything from a SWMF without the express written permission of the Manager;
- (s) deposit or dispose of any MSW at a SWMF that does not originate from within the Service Area, unless prior written approval is received from the Manager;
- (t) allow children shorter than 42 inches or under the age of 10 years and/or pets to be outside a vehicle at a SWMF unless under direct and controlled supervision of an adult;
- (u) operate a vehicle within a SWMF with a load that is not Adequately Secured except those containing stumps that are chained to a flat bed or are confined inside a truck box; soil, sand, gravel and rocks that are within the confines of a truck box with the tailgate up; bulky heavy items that are greater than 1.5 m³ (53 cubic feet/330 gallons) in size and confined or secured to the vehicle; and logs that are more than 2.5 m in length and chained to a flat bed or confined to a truck box;
- (v) light or smoke any cigarette, vaporizer, cigar, pipe, or any other substance within the boundaries of a SWMF or in areas adjacent to SWMFs where the presence of methane has been detected;
- (w) exceed 15 km/hr or the posted speed limit, whichever is lower, at a SMMF; or
- (x) enter into a SWMF or exit a SWMF if they are a Visitor without following the SWMF Sign In procedure at the facility scale or gate house indicating the purpose of their visit to the SWMF.

I. CONDITIONS OF USE

1. The Regional District hereby authorizes the Facility Contractor to implement such rules or give such directions to SWMF users that are consistent with this Bylaw and are necessary for the safe, efficient and lawful operation of the SMMF.
2. Every Person using a SWMF shall comply with and abide by all rules and directions of the Manager or their designate, acting reasonably, whether such rules and directions are verbal or written, including but not limited to, complying with policies regarding the measurement and inspection of loads entering or exiting a SWMF.

3. Persons entering a SWMF whether a Visitor or customer, do so at their own risk. The Regional District accepts no responsibility and/or liability for any injury and/or damage to any Person and/or property of a Person using the SWMF.
4. Persons who contravene this Bylaw or the posted rules or verbal direction given at a SWMF by the Facility Contractor or Regional District staff, may be refused entry (prohibited from entering) for a specified period of time at the discretion of the Manager.
5. Controlled Waste must be manifested as required by the Regional District or by the British Columbia Government. Twenty-four (24) hours advance notice to the Regional District is required in order to obtain approval prior to depositing or disposing Controlled Waste at a SWMF.
6. All material deposited or disposed at a SWMF becomes the property of the Regional District, except where such material is deposited or disposed contrary to the provisions of this Bylaw.
7. Fees assessed on the actual weight of a load of MSW entering a SWMF will not be reduced due to the water content.
8. The fee for compost does not include loading.
9. The minimum fees payable at unscaled SWMFs will be assessed at the Refuse Minimum Fee as listed in Schedule A.
10. Fees payable at an unscaled SWMF shall be assessed based on volume using the following conversion factors:

Refuse:	0.40 tonnes/m ³
Wood Waste and Yard and Garden Waste:	0.25 tonnes/m ³
11. Any Person who fails to pay the fees and charges required under this Bylaw may be refused entry to a SWMF for a specified period of time at the discretion of the Manager.
12. A Person with a load of material generated outside the Regional District may be refused entry to a SWMF.
13. Where a per tonne fee is applicable, this is to be interpreted as a prorated charge for a portion of a tonne in 10 kg increments.
14. Where a dollar amount per tonne fee is charged and the customer pays by cash, debit card, credit card or prepaid card, the fee shall be rounded to the nearest quarter of a dollar.
15. In the event that the scale(s) at a scaled SWMF are not operational, the appropriate fee shall be determined by the Manager, Operations Supervisor or Scale Attendant based on the estimated volume of the load and the product(s) in the load or in another manner deemed acceptable by the Manager, Operations Supervisor or Scale Attendant and customer.
16. Noxious Weeds are to be disposed as per RDNO Solid Waste Management guidance which requires this material to be adequately contained (using clear plastic bags, clear plastic sheets or tarps) and deposited in a designated area.

J. GENERAL

1. Facility Contractors are hereby authorized to:
 - (a) Require a customer or visitor to leave a facility;
 - (b) inspect each load of MSW entering a SWMF;
 - (c) assess appropriate fees associated with MSW entering or leaving a SWMF in accordance with this Bylaw;
 - (d) collect fees as specified in this Bylaw on behalf of the Regional District;
 - (e) enforce SWMF rules and requirements of this Bylaw;
 - (f) direct the placement of MSW and materials required for the operation of a SWF; and
 - (g) MSW; and
 - (h) require advanced notice of the delivery of MSW and clean fill to a SWMF when necessary.

2. Designated RDNO Employees are hereby authorized to:
 - (a) Require a customer or visitor to leave a facility;
 - (b) Inspect each load of MSW entering a SWMF;
 - (c) Assess appropriate fees associated with MSW entering or leaving a SWMF in accordance with this Bylaw;
 - (d) collect fees as specified in this Bylaw;
 - (e) enforce SWMF rules and requirements of this Bylaw;
 - (f) direct the placement of MSW and materials required for the operation of a SWMF;
 - (g) limit the number of loads of MSW or clean fill entering a SWMF; and
 - (h) require advanced notice of the delivery of MSW and clean fill to a SWMF when necessary.

3. The Regional District hereby establishes and imposes the fees and charges set out in Schedule 'A' of this Bylaw and every Person delivering MSW or other pre-approved materials to a SWMF shall pay the applicable fees and charges therein stated.

4. The payment of fees for the delivery of MSW or other pre-approved materials to a SWMF shall be applicable at the following facilities, all located within the Regional District:
 - (a) Greater Vernon Diversion and Disposal Facility
 - (b) Armstrong/Spallumcheen Diversion and Disposal Facility
 - (c) Lumby and Area "D" Diversion and Disposal Facility
 - (d) Cherryville Diversion and Disposal Facility (Transfer Station)
 - (e) Kingfisher (Hupel) Diversion and Disposal Facility (Transfer Station).

or any other Regional District facility established from time to time by the Regional District or British Columbia Government.

5. All loads of MSW or other pre-approved materials entering a SWMF will be assessed the highest applicable fee on the quantity (weight or volume) of the entire load regardless of the different types and quantities of materials in the load. A Person may sort or separate the load on site and dispose or deposit the materials in the designated location and may rescale to determine the actual quantities of the different types of materials.

6. After disposing or depositing of portions of a load in the designated location at a SWMF and in a manner compliant with this Bylaw, the load may be reweighed so that fees more accurately reflect what the load contained.

7. The Regional District may, at its full discretion, provide for the collection of, and set fees for, a product or products managed under an Extended Producer Responsibility Program (EPRP).

K. EXEMPTIONS

1. Free Days and Charge Days for Yard & Garden Waste and for Compost are as designated by the General Manager Community Services.

L. VIOLATION AND PENALTIES

1. It shall be an offence for a Person to contravene or violate this Bylaw.
2. No Person shall do any act or suffer or permit any act or thing to be done in contravention of this Bylaw.
3. Every Person who violates any provision of this Bylaw, or who permits any act or thing to be done in violation of this Bylaw, or who fails to do any act or thing required by this Bylaw, shall be deemed to have committed an offence against this Bylaw and:
 - (a) Shall be liable to a fine set out in Regional District of North Okanagan Ticket Information Authorization or Bylaw Notice Enforcement Bylaw; or
 - (b) Shall be liable, upon summary conviction, to the penalties provided under the *Offence Act*; or
 - (c) Shall be liable, upon summary conviction, to a fine of not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00) for a first offence, and to a fine of not less than two hundred dollars (\$200.00) and not more than two thousand dollars (\$2,000.00) for each subsequent offence; and
 - (d) May be prohibited from entering a SWMF for a period of one (1) month for a first offence; six (6) months for a second offence; and one (1) year for a third offence; or
 - (e) any combination of the above.
4. For violations of Section H – Regulations of this Bylaw, a ticket may be issued or information may be laid, under the *British Columbia Offence Act*, by a Bylaw Enforcement Officer.
5. Each day that an offence against this Bylaw continues shall be deemed a separate and distinct offence.
6. Any penalty imposed pursuant to this Bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or legislation.

M. INSPECTIONS

1. A Bylaw Enforcement Officer, or other Designated RDNO Employee of the Regional District may inspect any or all loads entering or exiting a SWMF for the purpose of determining compliance with this Bylaw.

N. DISPUTE MECHANISM NOTICE

- 1. For decisions made under this Bylaw, a Bylaw Enforcement Officer, or other Designated RDNO Employee of the Regional District may issue to the person for whom a decision has been made with respect to this Bylaw, a notice indicating in writing, the method by which a fee or decision made under this Bylaw can be appealed to the Regional District.

O. NO LIMITATION

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

P. REPEAL

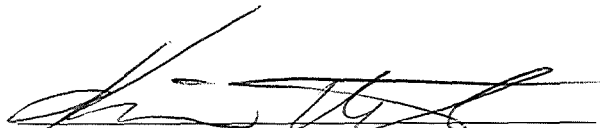
- 1. *Municipal Solid Waste Management Bylaw No. 2832, 2019*, and all amendments thereto, are hereby repealed.

Read a First, Second and THIRD Time

this 19th day of April, 2023

ADOPTED

this 19th day of April, 2023



 Chair
 Kevin Acton



 Deputy Corporate Officer
 Ashley Bevan

**Schedule "A" attached to and forming part of "Municipal
Solid Waste Management Bylaw No. 2960, 2023"**

	Effective January 1, 2023		
PRODUCT CATEGORY	UNITS	FEE	MIN FEE
DISPOSED MATERIAL			
Construction and Demolition Waste	tonne	\$265.00	\$12.00
Controlled Waste	tonne	\$185.00	\$12.00
Cover Material (receipt subject to Manager approval)	truck box	\$20.00	\$20.00
Cover Material - Hydrocarbon Impacted	tonne	\$10.00	\$10.00
Cover Material - Hydrocarbon Impacted: Out of Region	tonne	\$30.00	\$25.00
Mixed Residential Waste	tonne	\$73.00	\$8.00
Noxious Weeds	Tonne	\$0.00	\$0.00
Refuse	tonne	\$110.00	\$8.00
Refuse Containing Regulated Material – 0% threshold	tonne	\$265.00	\$12.00
Refuse: Out of Region (if accepted)	tonne	\$371.00	\$12.00
Unsecured Load Surcharge (per load, plus applicable recycling and disposal fee)	load	\$10.00	\$10.00
DIVERTED MATERIAL			
Asphalt Roofing - Clean	tonne	\$88.00	\$12.00
Chipped Yard and Garden Waste and Wood Waste	tonne	\$0.00	\$0.00
Compost – Charge Days	tonne	\$21.00	\$8.00
Compost – Free Days	tonne	\$0.00	\$0.00
Crushable Material for Aggregate	tonne	\$15.00	\$8.00
Drywall – Authorized Commercial	tonne	\$110.00	\$8.00
Drywall	tonne	\$159.00	\$8.00
E-Waste (Kingfisher and Cherryville DDFs only)	unit	\$5.00	\$5.00
Logs and Stumps - Clean and Grindable	tonne	\$33.00	\$12.00
Major Appliances	unit	\$0.00	\$0.00
Mattresses / Box Springs (plus weight as refuse when in a co-mingled load)	unit	\$10.00	\$10.00
Propane Tanks	unit	\$0.00	\$0.00
Refrigeration Appliances	unit	\$0.00	\$0.00
Scrap Metal	tonne	\$15.00	\$8.00
Tires - Passenger and Light Truck without rims	unit	\$10.00	\$10.00
Tires - Passenger and Light Truck on rims	unit	\$15.00	\$15.00
Tires - Medium Truck without rims	unit	\$20.00	\$20.00
Tires - Medium Truck on rims	unit	\$43.00	\$43.00
Wood Waste - Clean	tonne	\$10.00	\$8.00
Wood Waste - Dirty	tonne	\$33.00	\$8.00
Yard and Garden Waste - Commercial	tonne	\$0.00	\$0.00
Yard and Garden Waste -Residential	tonne	\$0.00	\$0.00
Yard and Garden Waste – Bulk	tonne	\$41.00	\$8.00
ADMINISTRATIVE			
Additional Handling	tonne	\$210.00	\$12.00
Scale Only Use	per use	\$10.00	\$10.00

PRODUCT CATEGORY	Effective January 1, 2024		
	UNITS	FEE	MIN FEE
DISPOSED MATERIAL			
Construction and Demolition Waste	tonne	\$270.00	\$15.00
Controlled Waste	tonne	\$189.00	\$15.00
Cover Material (receipt subject to Manager approval)	truck box	\$20.00	\$20.00
Cover Material - Hydrocarbon Impacted	tonne	\$10.00	\$10.00
Cover Material - Hydrocarbon Impacted: Out of Region	tonne	\$30.00	\$25.00
Mixed Residential Waste	tonne	\$74.00	\$10.00
Noxious Weeds	Tonne	\$0.00	\$0.00
Refuse	tonne	\$113.00	\$10.00
Refuse Containing Regulated Material – 0% threshold	tonne	\$270.00	\$15.00
Refuse: Out of Region (if accepted)	tonne	\$378.00	\$15.00
Unsecured Load Surcharge (per load, plus applicable recycling and disposal fee)	load	\$10.00	\$10.00
DIVERTED MATERIAL			
Asphalt Roofing - Clean	tonne	\$90.00	\$15.00
Chipped Yard and Garden Waste and Wood Waste	tonne	\$0.00	\$0.00
Compost – Charge Days	tonne	\$21.00	\$10.00
Compost – Free Days	tonne	\$0.00	\$0.00
Crushable Material for Aggregate	tonne	\$15.00	\$10.00
Drywall – Authorized Commercial	tonne	\$113.00	\$10.00
Drywall	tonne	\$162.00	\$10.00
E-Waste (Kingfisher and Cherryville DDFs only)	unit	\$5.00	\$5.00
Logs and Stumps - Clean and Grindable	tonne	\$34.00	\$15.00
Major Appliances	unit	\$0.00	\$0.00
Mattresses / Box Springs (plus weight as refuse when in a co-mingled load)	unit	\$10.00	\$10.00
Propane Tanks	unit	\$0.00	\$0.00
Refrigeration Appliances	unit	\$0.00	\$0.00
Scrap Metal	tonne	\$15.00	\$10.00
Tires - Passenger and Light Truck without rims	unit	\$10.00	\$10.00
Tires - Passenger and Light Truck on rims	unit	\$15.00	\$15.00
Tires - Medium Truck without rims	unit	\$20.00	\$20.00
Tires - Medium Truck on rims	unit	\$44.00	\$44.00
Wood Waste - Clean	tonne	\$10.00	\$10.00
Wood Waste - Dirty	tonne	\$34.00	\$10.00
Yard and Garden Waste - Commercial	tonne	\$0.00	\$0.00
Yard and Garden Waste -Residential	tonne	\$0.00	\$0.00
Yard and Garden Waste – Bulk	tonne	\$41.00	\$10.00
ADMINISTRATIVE			
Additional Handling	tonne	\$215.00	\$15.00
Scale Only Use	per use	\$10.00	\$10.00