



A bylaw to provide a system for the collection,  
removal, and disposal of solid waste and recyclables  
for the Tk'emlúps te Secwépemc

Bylaw Number 2019-04  
Approved by Chief and Council the 19<sup>th</sup> day of August 2019

Tk'emlúps te Secwépemc  
Bylaw No. 2019-04  
A bylaw provide a system for the collection,  
removal, and disposal of solid waste and recyclables  
for the Tk'emlúps te Secwépemc

**WHEREAS** section 35 of the Constitution Act, 1982 recognizes and affirms the existing aboriginal self-government and treaty rights of the aboriginal peoples of Canada;

**AND WHEREAS** the Council of the Tk'emlúps te Secwépemc desires to make a bylaw to provide a system for the collection, removal, and disposal of solid waste and recyclables for the Tk'emlúps te Secwépemc;

**AND WHEREAS** the Council of the Tk'emlúps te Secwépemc is empowered to make such bylaw pursuant to paragraphs 81 (a), (c), and (r) of the *Indian Act*;

**AND WHEREAS** the Council of the Tk'emlúps te Secwépemc did enact Bylaw No. 2017-03 on the 31<sup>st</sup> day of May, 2017, and wishes to repeal the said bylaw No. 2017-03 and replace it with this bylaw;

**NOW THEREFORE** the Council of the Tk'emlúps te Secwépemc hereby makes the following bylaw.

**1. SHORT TITLE**

This bylaw may be cited as the Tk'emlúps te Secwépemc Solid Waste Bylaw No. 2019-06

**2. DEFINITIONS**

In this bylaw, unless the context otherwise requires:

"Approved Garbage Bag" means a garbage bag constructed of 1.5 mm polyethylene and measuring 66 cm (approximately 26 in.) in diameter by 91 cm (approximately 36 in.) in height, and must not exceed 22.7 kg (approximately 50 lb.) when placed out for collection.

"Approved Recycling Garbage Bag" means a bag that is transparent.

"Approved Solid Waste Container" means a solid waste container that has been approved by the Planning and Engineering Manager as per the terms of this bylaw.

"Automated Collection" means the collection of solid waste using a specially designed vehicle with mechanical apparatus, which empties a solid waste container directly into a vehicle without requiring manual labour to empty the container or solid waste bin.

"Band" means the Tk'emlúps te Secwépemc.

"Band Land" reserve lands of the Tk'emlúps te Secwépemc that are not held under Certificate of Possession.

"Band Member" means a person who is a member of the Band and is registered on the Band List as defined in the Indian Act or who is entitled to have his or her name appear on the Band List.

"Bear Attractants" include any and all food wastes, offal, and accumulations of discarded fruit, whether on public or private land.

"Bin Collection Utility Charge" means the utility charge that is imposed, in accordance with this bylaw, upon the owners of real property who have been authorized to use the TteS bin collection service for solid waste.

"Certificate of Possession Holder or Locatee" means a person entitled to the use and occupation of a parcel of reserve land duly allotted to him/her under Certificates of Possession or Notice of Entitlement.

"Collection Service" means the TteS automated collection or semi-automated collection of solid waste or recyclables or both by means of either bins or carts or bags which are approved pursuant to this bylaw.

"Collection Crew" means any TteS employee or other person authorized by TteS to provide any service under this bylaw.

"Council" means the Chief and Councillors of the Band duly elected or holding office and sworn into office in good standing under the relevant provisions of the Band's Custom Elections Regulation.

"Customer" means the legally registered and unregistered (buckshee) leaseholder or occupier of the property. This includes Head Leasee, Locatee, and Leasee.

"Dwelling or Dwelling Unit" means one or more rooms forming a single unit that is/are used or intended to be used for residential accommodations and contains cooking, sleeping, and sanitary facilities.

"Excess Producer" refers to that class of residential property, the owners or occupiers of which at any time produce more solid waste or recyclables than the level of current cart collection services provided by TteS is able to accommodate.

"Garbage Tag" means a tag issued by TteS in accordance with this bylaw.

"Green Waste" means grass and hedge clippings, flowers, leaves, garden waste, and branch and tree pruning's up to 15 cm (approximately 6 in.) in diameter

"Gypsum" means any gypsum based building material commonly known as drywall, gypsum board, wallboard, plasterboard, rock lath, sheetrock, and/or Gyproc.

"Hazardous Waste" has the meaning assigned in the Hazardous Waste Regulation of the

*BC Environmental Management Act*, as amended from time to time.

"Head Leasee" means a person that holds a lease on Band Land that is subleased to one or more other persons.

"Large Carcasses" means any dead stock, deceased animal, or part thereof, weighing more than 60 kilograms, which is not Specified Risk Material.

"Leasee" means a person that sub-leases from a head leasee or leases or sub-leases from a Certificate of Possession holder.

"Material Recovery Facility" means a facility that accepts recyclables, as defined in this bylaw, and sells the recyclables on the open market.

"Multi-Family Dwelling" means a building or part of a building used or intended to be used for three or more dwelling units.

"Occupier" means every person who occupies or uses any land or building situated within TteS, and includes, without limitation, all tenants and lessees of the said lands or buildings.

"Offensive Waste" means any matter or thing, natural or manmade, that, on its own or when mixed with any other substance, may be germ or vermin infested, have an offensive odour, be injurious to the health of a person handling it, or that results in the disruption of solid waste collection service by reason of the need to clean equipment, personal, public or private property, and includes, without limitation, acids and other corrosive materials, and combustible materials, but does not include hazardous waste.

"Payable" means by money order, certified cheque, cash or online banking.

"Person" means any individual, firm, company, association, society, corporation, group or municipality. In addition to its ordinary meaning, includes any association, household, society, corporation, partnership or party, whether acting by themselves or by a servant, agent or employee, and the successors, assigns and personal or other legal representatives of such person to whom the context can apply according to law.

"Person with Disabilities" has the meaning assigned in the BC Employment and Assistance for *Persons with Disabilities Act*, as amended from time to time.

"Private Bin Collection Service" means any automated collection or semi-automated collection of solid waste by means of bins, other than the bin collection service provided by TteS pursuant to this bylaw.

"Planning & Engineering Department" means the Planning and Engineering Department of the Band and any successor to this department from time to time.

"Recyclables" means the following items, which may be comingled in an approved recycling bag for collection:

Cardboard: flattened boxboard and cardboard, including corrugated

cardboard, all of which is relatively free from wax, plastic, foil, or foam and relatively free from absorbed materials such as blood, grease, oil, chemicals, and food residue;

Mixed Containers: rinsed ferrous and non-ferrous metal cans and lids, aluminum/tin foil, aluminum food trays;

rinsed plastic bottles and food tubs numbered 1 through 7 of any colour, which, for certainty, includes items such as, but not limited to, milk jugs, shampoo/liquid soap bottles, vitamin bottles, margarine containers, yogurt containers, and ice cream tubs;

rinsed clamshell plastic food trays and inserts (clear portion only);

Paper: all non-food contaminated waste paper, including old newspaper, paper board, computer paper, file folders, white and coloured ledger paper, bond paper, craft paper, flyers, junk mail, magazines, catalogues, paper egg cartons, paper grocery bags, telephone directories, hard and soft cover books, book covers, other paper stock and other commonly used paper;

"Residential" means all single family dwellings, duplexes, semi-detached or row housing.

"Secondary Suite" means an accessory dwelling unit located within the structure of a principal single family detached dwelling.

"Semi-Automated Collection" means the collection of solid waste using a specially designed vehicle with mechanical apparatus which requires the collection crew to manually situate the container in the appropriate position for lifting.

"Small Carcasses" means an dead stock, deceased animal or part thereof, weighing less than 60 kilograms, which is not Specified Risk Material.

"Solid Waste" means waste material, not including recyclables, hazardous waste, offensive waste, or any other unacceptable materials, as determined by the Environmental Specialist and Planning and Engineering Manager from time to time.

"Solid Waste Cart" means a container with a 245 litre capacity, which has been approved by the Planning and Engineering Manager in accordance with this bylaw for use with the solid waste collection service.

"Solid Waste Container" means a solid waste cart or solid waste bin, as defined in this bylaw.

"Solid Waste Utility Charge" means the utility charge that is imposed, in accordance with this bylaw, upon the owners of real property within the boundaries of TteS on which one or more dwelling units are situated.

"Strata Properties" includes modular home parks.

TteS" means Tk'emlúps te Secwépemc.

### **3. ADMINISTRATIVE**

- (1) TteS, by this bylaw, is authorized to establish and operate the solid waste collection service and the recyclable collection service for the purposes of collecting, removing, and disposing of solid waste and recyclables within TteS, either by contract or by use of Band owned equipment and Band labour, and such service shall be under the control and subject to the inspection of the Planning and Engineering Manager.
- (2) TteS retains the discretion to decrease collection service provided for under this bylaw at any time, without notice, for any reason, and to provide a corresponding reduction in collection rates.
- (3) The Environmental Specialist and Planning and Engineering Manager is authorized to enter, at all reasonable times and in a reasonable manner, any land and buildings for the purposes of ascertaining whether the provisions of this bylaw are being complied with.
- (4) The Environmental Specialist and Planning and Engineering Manager is authorized to prohibit any person from entering or using the Band landfill site.
- (5) No person shall hinder, delay, or obstruct the Environmental Specialist and Planning and Engineering Manager or any person or persons lawfully exercising their duties under this bylaw.

### **4. SOLID WASTE DISPOSAL REQUIREMENTS**

- (1) No person within TteS shall dispose of solid waste, except in accordance with the provisions of this bylaw.
- (2) All owners or occupiers of real property must deposit all solid waste in an approved solid waste container.
- (3) No owner or occupier of real property shall cause or permit the accumulation of solid waste at or near commercial premises, except where such solid waste is placed in suitable solid waste containers for collection and removal.
- (4) All owners or occupiers of real property must remove contents of solid waste containers at least once per week or as otherwise directed by the Planning and Engineering Manager.
- (5) Every owner or occupier of real property must, at all times, maintain all solid waste containers in a clean and sanitary condition and cover all solid waste containers securely with the lid.
- (6) Every owner or occupier is responsible for preventing damage to the solid waste container(s) located on his or her property.

- (7) No person shall cause or permit the contents of a solid waste container for which he or she is responsible to exceed the manufacturer's rated weight limit.
- (8) No owner or occupier of real property or person shall accumulate, store, or collect any bear attractants unless stored, accumulated, or collected in an enclosed structure or container.
- (9) TteS may suspend solid waste collection service or order solid waste collection service suspended from properties where the solid waste containers, whether by location or design, are not accessible for pickup according to the provisions of this bylaw; but such suspension shall not waive any requirement, or abate or waive any fees or charges under the provisions of this bylaw.
- (10) No person may deposit in any solid waste container or recycling container any of the following:
  - (a) hot ashes from incinerators or burning barrels;
  - (b) any liquid wastes;
  - (c) bulk chemical composition waste;
  - (d) animal cuttings or waste of dead animals;
  - (e) tires, oil, fuel, and other equipment lubricant filters;
  - (f) hazardous waste; or
  - (g) offensive waste.
- (11) Where TteS recycling collection is available at a particular property, no person may deposit in any solid waste container which is located on that property any of the following:
  - (a) grass clippings;
  - (b) cardboard; or
  - (c) newspaper.
- (12) All table and kitchen waste, wet garbage, pet waste, cold ashes, sawdust and other granular materials must be enclosed in Approved Garbage Bags prior to being placed in any solid waste container.
- (13) All materials which might adhere to any solid waste container or solid waste bin must be separately wrapped or disposed of within individual disposable wrappings prior to being placed in any solid waste container.
- (14) No owner or occupier of real property shall cause or permit to be deposited for pickup by the solid waste collection service any explosive, volatile, or corrosive materials; dangerous chemicals; or any other material that, on its own or when mixed with another material, may pose a risk to the health

and/or safety of the collection crew.

- (15) Solid waste must not be compressed into any solid waste container in a manner that will inhibit the waste from falling freely into the collection vehicle during the regular tipping process.
- (16) The Planning and Engineering Manager has the discretion to determine whether or not multi-family dwellings are provided with solid waste bins or solid waste carts for their solid waste collection services. The rates for collection services will depend on whether a solid waste bin or solid waste cart is used.

## **5. RECYCLABLES DISPOSAL REQUIREMENTS**

- (1) No person within TteS shall dispose of recyclables, except in accordance with the provisions of this bylaw.
- (2) All owners or occupiers of real property must deposit all recyclables in see through blue bags.
- (3) TteS may suspend recyclable collection service or order recyclable collection service suspended; but such suspension shall not waive any requirement, or abate or waive any fees or charges under the provisions of this bylaw.
- (4) TteS may suspend recyclable collection service or order recyclable collection service suspended from properties where items other than those listed in the definition of recyclables have been deposited in a recycling bag for pickup according to the provisions of this bylaw; but such suspension shall not waive any requirement, or abate or waive any fees or charges under the provisions of this bylaw.
- (5) The Planning and Engineering Manager has the discretion to determine whether or not multi-family dwellings are provided with and billed for recycling bins or recycling carts for their recycling collection services. The rates for collection services will depend on whether a recycling bin or recycling cart is used.

## **6. CART COLLECTION SERVICE OF SOLID WASTE**

- (1) Property owners and occupiers may apply to the Planning and Engineering Manager for use of the Band's solid waste cart collection service.
- (2) The Planning and Engineering Manager may authorize the provision of its solid waste cart collection service to any property owner or occupier if the Planning and Engineering Manager is satisfied that:



- (a) the premises to which the solid waste cart collection service will apply is within the boundaries of TteS;
  - (b) the collection vehicle will have convenient and safe access to and from the subject premises in general, and to and from the designated collection point in particular; and
  - (c) the anticipated amount, frequency and type of solid waste will be compatible with the cart collection service.
- (3) The Planning and Engineering Manager may approve a container for use with the solid waste cart collection service if he or she is satisfied that the solid waste container:
- (a) has no more than a 245 litre capacity;
  - (b) is designed so as to permit it to be mechanically lifted directly into a vehicle for semi-automated or manual collection; and
  - (c) is compatible with the Band's solid waste cart collection service equipment and protocol.
- (4) Any person wishing to receive solid waste cart collection service must deposit his or her solid waste in an approved solid waste cart, unless otherwise directed by the Planning and Engineering Manager.
- (5) Approved solid waste carts may be leased from TteS at the rates set forth in Schedule "A".
- (6) The Planning and Engineering Manager may allocate to an excess producer one or more additional or larger solid waste carts in sufficient size and number to enable the Band's cart collection service to adequately accommodate the solid waste produced by the excess producer. Additional charges for the additional carts will be added to the property owner's utility bill.
- (7) Solid waste cart collection service shall consist of one collection per week, or as otherwise directed by the Planning and Engineering Manager from time to time.
- (8) For collection purposes every owner or occupier must close all the solid waste cart lids and place the solid waste carts next to the lane, on the edge of the roadway, or at a place designated by the Planning and Engineering Manager.
- (9) Solid waste containers shall be readily accessible for emptying between the hours of 6:30 am and 7:00 pm on the day of collection.

- (10) Between April 1 and November 30, no owner or occupier of real property shall cause or permit to be placed any solid waste out for pickup by the cart collection service prior to 4:00 am of the collection day.
- (11) Every owner or occupier of real property must remove all solid waste carts from the lane, roadway, or other collection place designated by the Planning and Engineering Manager by 7:00 pm on collection day and store all solid waste carts on private property in a safe manner.
- (12) All solid waste carts must be stored completely on the property. Where, in the opinion of the Planning and Engineering Manager, it is not possible to store the solid waste carts on the property the owner or occupier may apply to the Planning and Engineering Manager for permission to store the recycling carts on the street or lane.
- (13) Where solid waste carts are stored on a street or lane, a property owner or occupier must maintain each cart and area adjacent to each cart in a condition that is clean and sanitary and not noxious, offensive or dangerous to public health.
- (14) Where collection vehicle access to any premises is hampered by any circumstance, the Planning and Engineering Manager may designate an alternate location for the placement of the solid waste cart and/or Approved Garbage Bags.
- (15) A parcel of real property containing only one principal single family detached dwelling with a secondary suite shall be treated as a single dwelling unit for the purposes of the solid waste cart collection service.
- (16) All TteS leased solid waste carts that are damaged, lost, or stolen must be reported to the Planning and Engineering Manager immediately. All TteS - leased solid waste carts that are damaged or stolen as a result of neglect or misuse on the part of the property owner or occupier must be replaced at the expense of the property owner; otherwise, the TteS leased solid waste cart will be repaired or replaced at the cost of the Band. Refer to Schedule "A" for replacement costs.
- (17) TteS leased solid waste carts may be exchanged at the request of the property owner or occupier. Refer to Schedule "A" for solid waste carts exchange rate.
- (18) All solid waste carts provided by TteS for solid waste collection services are leased by TteS and are registered to a specific property address. Unless otherwise specified by the Planning and Engineering Manager, such carts must not be removed from the address to which they are registered.

## **7. COLLECTION SERVICE OF RECYCLABLES**

- (1) Property owners and occupiers may apply to the Planning and Engineering Manager for use of the Band's recyclable collection service.
- (2) The Planning and Engineering Manager may authorize the provision of its recyclable collection service to any property owner or occupier if the Planning and Engineering Manager is satisfied that:
  - (a) the premises to which the recyclable collection service will apply is within the boundaries of TteS;
  - (b) the collection vehicle will have convenient and safe access to and from the subject premises in general, and to and from the designated collection point in particular; and
  - (c) the anticipated amount, frequency and type of recyclables will be compatible with the collection service.
- (3) Residents or owners of residential strata properties or to which access to each individual unit is only available via common strata property (for example, bare land strata or ordinary strata developments) may utilize the recycling collection system established by TteS pursuant to this bylaw, upon application for approval submitted to the Planning and Engineering Manager. Applicants must demonstrate the suitability of the proposed pick-up location and access thereto, such that TteS shall be able to collect recyclables pursuant to the terms of this bylaw. Such properties shall participate in the system, and shall pay all respective fees and charges, in accordance with Schedule "B". The Planning and Engineering Manager may, at his discretion, bill the strata corporation, the strata management company or the individual strata lot owners.
- (4) The contents of any recycling bag which have been placed out for collection become the property of TteS, provided the contents comply with the requirements of this bylaw.
- (5) Any person wishing to receive recyclable collection service must deposit his or her recyclables in a clear blue recycling bag.
- (6) Recyclable collection shall consist of recycle bags collected once per week, or as otherwise directed by the Planning and Engineering Manager from time to time.
- (7) For collection purposes, every owner or occupier must have all recycling bags placed next to the lane, on the edge of the roadway, or at a place designated by the Planning and Engineering Manager.
- (8) Recycling bags shall be readily accessible for emptying between the hours of 6:30 am and 7:00 pm on the day of collection.

- (9) Between April 1 and November 30, no owner or occupier of real property shall cause or permit to be placed any recyclables out for pickup by the collection service prior to 4:00 am of the collection day.
- (10) Where collection vehicle access to any premises is hampered by any circumstance, the Planning and Engineering Manager may designate an alternate location for the placement of the recycling bags.
- (11) A parcel of real property containing only one principal single family detached dwelling with a secondary suite shall be treated as a single dwelling unit for the purposes of the recyclables collection service.

## **8. FEES, SUBSIDIES AND SET OUT/SET BACK SERVICES**

- (1) A solid waste utility charge shall be and is hereby imposed upon the owners of all real property within the boundaries of TteS on which one or more dwelling units are situated, unless an exemption has been granted by the Planning and Engineering Manager in accordance with this bylaw.
- (2) The solid waste utility charge imposed herein shall be calculated in accordance with the rates set forth in Schedule "A" attached to and forming part of this bylaw, and is payable whether or not:
  - (a) any of the dwelling(s) situated on the real property are used or occupied;
  - (b) the property owner makes use of the solid waste cart collection service; or
  - (c) the solid waste cart collection service is interrupted or altered in any manner.
- (3) Once the Planning and Engineering Manager deems the recyclable collection service to be operational, a recyclable utility charge shall be and is hereby imposed upon the owners of all real property within the boundaries of TteS on which one or more dwelling units are situated, unless an exemption has been granted by the Planning and Engineering Manager in accordance with this bylaw.
- (4) The recyclable utility charge imposed herein shall be calculated in accordance with the rates set forth in Schedule "B", and is payable whether or not:
  - (a) any of the dwelling(s) situated on the real property are used or occupied;
  - (b) the property owner makes use of the recyclable collection service; or

- (c) the recyclable collection service is interrupted or altered in any manner.
- (5) The Planning and Engineering Manager may exempt a property owner from all or part of the cart collection service requirements herein, the solid waste utility charge and/or the recyclable utility charge, and impose any conditions or requirements he or she deems necessary, if the Planning and Engineering Manager is satisfied that:
- (a) TteS is unable or unwilling to provide solid waste cart collection service or recyclable collection service to all of the dwelling units situated on the subject property;
  - (b) having considered all of the surrounding circumstances, the Planning and Engineering Manager is satisfied that it would be in the best interests of TteS to exempt the person; or
  - (c) having considered all of the surrounding circumstances, the Planning and Engineering Manager is satisfied that it would be just and fair to so exempt the person;

provided that, in the case of solid waste utility charge exemption, the property owner has satisfied the Planning and Engineering Manager that the property owner has arranged for each of the dwelling units situated on the subject property to have access to the Band's solid waste and recycling collection service or a private bin collection service.

- (6) The Planning and Engineering Manager may authorize the provision of a medical set out/set back service, whereby the collection crew moves a person's solid waste cart and/or recycling to and from the collection point on collection day at no cost, if the Planning and Engineering Manager is satisfied that the person:
- (a) regularly resides in the premises at which the medical set out/set back service will apply;
  - (b) has a physical disability or medical condition that prevents him/her from moving his/her solid waste cart and/or recycling cart to and from his/her collection point; and
  - (c) has no able-bodied assistance available to him/her.
- (7) The Planning and Engineering Manager may authorize the provision of a non-medical set out/set back service between April 1 to November 30, whereby the collection crew moves a person's solid waste cart and/or recycling to and from the collection point on collection day, upon prepayment of the rates set forth in Schedules "A" and "B", if the Planning and Engineering Manager is satisfied that the person:
- (a) regularly resides in the premises at which the non-medical set out/set back service will apply;
  - (b) has a valid reason preventing him/her from moving his/her

solid waste cart and/or recycling cart to and from his/her collection point between April 1 to November 30; and

- (c) has no able-bodied assistance available to him/her.
- (8) Medical set out/set back service application forms and non-medical set out/set back service application forms may be obtained from the Planning and Engineering Manager.
- (9) When the Planning and Engineering Manager has authorized a medical set out/set back service or a non-medical set out/set back service, the collection crew may enter onto the subject property to collect the applicable solid waste cart and/or recycling cart, provided the carts are visible from the designated collection point and there is a safe and clear passageway.

## **9. DISPOSAL SITES**

- (1) No person other than a Band Member, with a Reserve address, is permitted to use the TteS landfill without a permit.
- (2) Household waste is only allowed to be disposed of at the TteS landfill.
- (3) All waste items must be sorted for disposal as directed by the landfill attendant.
- (4) No development, business or commercial waste, Band Member owned or otherwise, is permitted to be disposed at the TteS landfill without a permit.
- (5) A person may apply to the Planning and Engineering Manager for a permit to dispose waste in the TteS landfill
- (6) No person shall remove or salvage any materials from the TteS landfill site.
- (7) Sun River's residents may dispose of green waste at the TteS landfill in a spot designated by the Environmental Specialist and Planning and Engineering Manager.
- (8) The Environmental Specialist and Planning and Engineering Manager may regulate and control the type and nature of waste that is disposed of at TteS landfill sites.
- (9) Oil, fuel, or other equipment lubricant filters shall not be deposited at TteS landfill sites.
- (10) Hazardous waste shall not be deposited in the TteS landfill sites.
- (11) Offensive waste shall not be deposited in the TteS landfill sites unless permission has been obtained from the Environmental Specialist and Planning and Engineering Manager at least forty-eight (48) hours in advance

of the proposed deposit. The Environmental Specialist and Planning and Engineering Manager may refuse any or all classes of offensive waste.

- (12) The Planning and Engineering Manager and Environmental Specialist may grant permission to deposit offensive waste at the TteS landfill site, if he or she is satisfied that such deposit:
  - (a) will not pose an unreasonable risk to the health or safety of any individual; and
  - (b) will not pose an unreasonable risk to any property.
- (13) The Planning and Engineering Manager may authorize exemption from the payment of disposal fees at any TteS operated landfill as follows:
  - (a) On days sanctioned by Council as "community clean" days for residential customers only;
  - (b) For loads delivered from a TteS owned construction or demolition project where a waste management plan has been reviewed and approved by the Planning and Engineering Manager; and
  - (c) For disposal of waste collected by individuals or groups from public lands where the TteS boundary as a public service by issuing a letter to the individual or group to be presented at the landfill as proof of the approval.
- (14) In order to determine whether to grant a person permission to deposit offensive waste at a TteS landfill site, the Environmental Specialist and Planning and Engineering Manager may require that the person supply written documentation establishing the chemical composition and/or properties of the waste material the person proposes to deposit.
- (15) A person applying to dispose of offensive waste in the TteS landfill sites shall pay all costs associated with the disposal.

## **10. FEES AND CHARGES**

- (1) Any person who feels that they have been unjustly charged or incorrectly billed for a solid waste collection service and/or recyclable collection service may appeal to the Planning and Engineering Manager.
- (2) The Planning and Engineering Manager may exempt a person from all or part of a solid waste utility charge and/or recycling utility charge issued hereunder if he/she is satisfied that:
  - (a) the solid waste utility charge and/or recycling utility charge was, in whole or in part, incorrectly issued by the Band; or

- (b) having considered all of the surrounding circumstances, the Planning and Engineering Manager is satisfied that it would be in the best interests of the Band to so exempt the person; or
  - (c) having considered all of the surrounding circumstances, the Planning and Engineering Manager is satisfied that it would be just and fair to so exempt the person.
- (3) Any person who wishes to appeal a decision of the Environmental Specialist and Planning and Engineering Manager may appeal to Council by giving written notice to the Corporate Officer of his or her intention to appeal. Such appeal shall state the grounds upon which the appeal is made. Council shall appoint a time and place for the hearing of the appeal and may confirm or set aside such decisions made by the Environmental Specialist and Planning and Engineering Manager, as it may deem appropriate.
  - (4) Non-receipt of a utility billing will not exempt the customer from paying for the services received.
  - (5) All cart collection service customers who are on a billing cycle will be invoiced for the annual rate set out in Schedules "A" and "B" of this bylaw, which shall be due and payable on or before the due date of January 1, in each and every year, provided that if this day falls on a Saturday or Sunday or statutory holiday, then the due date shall be the earliest day preceding January 1, as the case may be, during which the TteS offices are open for business.
  - (6) If all or any portion remains unpaid by the due date, this portion accrues interest at a rate of Prime + 5%. Payments, including those made at a financial institution, must be received by TteS on or before the applicable due dates in order for the customer to avoid interest charges.
  - (7) Any person may be charged retroactively for solid waste collection service and/or recyclable collection service.
  - (8) Payments shall be applied to the oldest balance first, then to interest, and then to current charges.
  - (9) All solid waste utility charges, recycling utility charges, bin collection utilities charges and other fees or charges imposed under this bylaw may be collected in the same manner and with the same remedies as property taxes on the premises in respect of which they are imposed and, if unpaid on December 31 of the year in which they are imposed and due and payable, on that date, shall be deemed to be taxes in arrears.

## 11.

### **PENALTIES**



A person who violates any of the provisions of this bylaw commits an offence and is liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1000) or to imprisonment for a term not exceeding Thirty (30) days, or to both.

## **12. SCHEDULES**

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

Schedule "A" – Rates for Cart Collection of Solid Waste

Schedule "B" – Rates for Collection of Recyclables

DATES OF ADOPTION

READ A FIRST TIME the 18th day of March, 2019

READ A SECOND TIME the 15<sup>th</sup> day of July, 2019

READ A THIRD TIME the 19<sup>th</sup> day of August, 2019


This bylaw is hereby passed at a duly convened meeting of the Council of the Tk'emlúps te Secwépemc the 19<sup>th</sup> Day of August, 2019.

Voting in favour of this bylaw are the following members of the Council:

\_\_\_\_\_  
Chief – Rosanne Casimir


  
\_\_\_\_\_  
Marie Baptiste

  
\_\_\_\_\_  
Thomas Blank

  
\_\_\_\_\_  
Justin Gottfriedson

\_\_\_\_\_  
Katy Gottfriedson

  
\_\_\_\_\_  
Jeanette Jules

  
\_\_\_\_\_  
Sonny Leonard

\_\_\_\_\_  
Collen Mosterd-McLean

Being the majority of those members of the Council of the Tk'emlúps te Secwépemc present. There are eight (8) Council members and a quorum of Council is five (5) members.

Number of members of the Council present at the meeting: 5.

This bylaw comes into force on the day on which it is first published.

## **SCHEDULE "A"**

### **RATES FOR CART COLLECTION OF SOLID WASTE**

- (1) Minimum annual solid waste utility charge, as designated by the Planning and Engineering Manager:  
\$130.00 per year
  
- (2) Annual cost to lease each approved solid waste container from TteS:  
\$10.00 per year
  
- (3) Cost for medical and non-medical set out/set back services:  
No charge
  
- (4) Replacement cost of Band-leased solid waste container:  
\$75.00

## **SCHEDULE "B"**

### **RATES FOR COLLECTION OF RECYCLABLES**

- (1) The annual recycling utility charge for residential units , as designated by the Planning and Engineering Manager:  
\$33.00 per year
- (2) The annual recycling utility charge for Talasa at Sun Rivers, as designated by the Planning and Engineering Manager:  
\$26.00 per unit.
- (3) Cost for medical and non-medical set out/set back services: (this service is only available to residents of single-family residences and does not apply to multi-family complexes)  
No charge