

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2864, 2019

A bylaw to regulate the use of the Apex Mountain Waste Transfer Station

WHEREAS by Apex Mountain Solid Waste Transfer Station Local Service Establishment Bylaw No. 2593, 2012 the Regional District provided for the establishment and continuation as a service of the Regional District of Okanagan-Similkameen the construction and operation of a waste transfer station for the Apex Mountain ski resort area;

AND WHEREAS under the *Local Government Act* a Regional District may regulate in relation to a service;

NOW THEREFORE the Board of the Regional District of Okanagan-Similkameen, in open meeting assembled, enacts as follows:

1. Citation

This Bylaw may be cited as "Apex Mountain Waste Transfer Station Regulation Bylaw No. 2864, 2019".

2. Interpretation

In this bylaw, unless the context otherwise requires:

"Board" means the Board of Directors of the Regional District of Okanagan-Similkameen;

"Commercial" means any property or portion of property defined Business Other by BC Assessment;

"Regional District" means the Regional District of Okanagan-Similkameen and all duly authorized Regional District Employees, Consultants, Contractors and Operators working on the Regional District's behalf;

"Facility" means the Apex Mountain Waste Transfer Station;

"Garbage" means materials defined as REFUSE under Waste Management Service Regulatory Bylaw No. 2796, 2018 and any amendments thereto for the Campbell Mountain Landfill;

"Person" means as defined in the *Interpretation Act* R.S.B.C. 1996 c.238 and any amendments thereto;

"Premises" means any real property and any buildings on it;

“Prohibited Materials” includes and is not limited to any individual item over 95 litres in volume, furniture, appliances, mattresses, demolition waste, land clearing debris, construction waste, yard waste, wood, metal items, tires, other materials defined as recyclable or compostable at the Campbell Mountain Sanitary Landfill not collected at the Facility or items deemed by the Regional District as being hazardous;

“Recreational” means any property or portion of property defined as Recreational Property, Non-profit Organization by BC Assessment;

“Recycling” means recyclable printed paper and packaging materials authorized for collection by the Regional District at the Facility;

“Residential” means any property or portion of property defined residential by BC Assessment;

“Service Area” means the service area at the Apex Mountain Resort as defined by Apex Mountain Solid Waste Transfer Station Local Service Establishment Bylaw No. 2593, 2012 and any amendments thereto;

"User" means any Person or Persons who is authorized to deposit materials at the Facility.

3. General Provisions and Restrictions on Use

- 3.1 No User may dispose of household garbage or recyclable materials except in accordance with this section.
- 3.2 Only Garbage and Recycling generated from Residential, Commercial or Recreational properties within the Service Area or authorized by the Regional District may be deposited at the Facility.
- 3.3 Users in the Service area must transport and deposit their Garbage and Recyclable materials to the Facility and place materials in the appropriate receptacle or designated area as indicated by signage or as directed by the Regional District.
- 3.4 Users may deposit accepted materials at the Facility at any time unless the Facility is closed by the Regional District or by contractors of the Regional District.
- 3.5 No Prohibited Materials shall be deposited at the Facility without the permission of the Regional District.
- 3.6 Any vehicles found to be parked at the Facility may be towed at the discretion of the Regional District.
- 3.7 Video surveillance of the Facility shall be in accordance with Regional District policies.

4. Receiving Garbage and Recycling

- 4.1 Garbage must be placed in specified receptacles loose or in plastic bags.
- 4.2 Recycling must be placed in specified receptacles as directed by the Regional District.
- 4.3 The Regional District may change the methods of receiving Garbage or Recycling as required to maintain the service by placing clear signage at the Facility.
- 4.4 From time to time, the Regional District may provide other receptacles or designated areas for placement of specified items or materials for disposal or recycling and require that Users follow all signed instructions on placing these items or materials at the Facility.

5. Penalties

- 5.1 Contraventions of this Bylaw will be enforceable under the Regional District's Bylaw Notice Enforcement Bylaw.
- 5.2 Any Person who:
 - a) causes or permits any act to be done in contravention or violation of any of the provisions of this Bylaw; or
 - b) neglects or omits to do anything required under this Bylaw; or
 - c) carries out, causes, or permits to be carried out any use, or construction in a manner prohibited by or contrary to any of the provisions of this Bylaw; or
 - d) fails to comply with an order, direction or notice given under this Bylaw;shall be guilty, upon summary conviction, of an Offence under this Bylaw.
- 5.3 Except as otherwise provided in this Bylaw, a person who is guilty of an Offence under this Bylaw for which a penalty is not otherwise provided, shall be liable to a fine of not less than \$100.00 and not more than \$10,000.00.

READ A FIRST, SECOND AND THIRD TIME this 18th day of July, 2019.

ADOPTED this 18th day of July, 2019.

RDOS Board Chair

Corporate Officer