

VILLAGE OF TAHSIS

SOLID WASTE MANAGEMENT BYLAW NO. 590, 2017

A BYLAW TO PROVIDE FOR THE ESTABLISHMENT, MAINTENANCE AND REGULATION OF THE CONTROL, COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE, ORGANICS, RECYCLABLES AND OTHER SOLID WASTE

THE COUNCIL OF THE VILLAGE OF TAHSIS, in open meeting assembled, ENACTS AS FOLLOWS:

Citation and Definitions

1. This bylaw may be cited as the "Solid Waste Management Bylaw, No 590, 2017".
2. In this bylaw the following definitions shall apply:
 - a) "Attractant waste" means any garbage which could reasonably be expected to attract wildlife and/or does attract wildlife.
 - b) "Basic Service" means garbage materials collection service established under section 9 of this bylaw.
 - c) "Collection" means the removal of garbage by the Village under the authority of the Director of Infrastructure and Operations.
 - d) "Commercial Premises" means a building or part of a building occupied for the purpose of carrying on a profession, trade, institution (e.g., school or hospital) industry or business, but does not include a home based business or multiple family premises.
 - e) "Container" means a container of not more than 77 litres in volume with carrying handles and a waterproof cover not weighing more than 22 kilograms when full which is used to collect and store garbage.
 - f) "Council" means the Council of the Village of Tahsis.

- g) "Curbside collection service" means the system established by this Bylaw by the Village for the collection and removal of solid waste.
- h) "Director" means the Village Director of Infrastructure and Operations or his or her appointed delegates, assistants or representatives.
- i) "Dumpster" means a XX cubic meter bin rented by the Village according the fee schedule in Schedule "A".
- j) "Extended Service" means the additional garbage collection service provided for under sections 10-15.
- k) "Garbage" means trade waste, household waste, garden refuse and all noxious, offensive or unwholesome matter of substances or articles or materials which the owner does not wish to retain but does not include hazardous waste, attractant waste and/or recyclable materials.
- l) "Home based business" means an occupation, business, craft, or profession conducted for profit, which is carried on as an accessory use in a dwelling unit or accessory building to the dwelling unit.
- m) "Guest House" shall mean a single family residence which is rented or otherwise used for accommodation, but does not include a bed and breakfast, campground, marina or multiple family premises.
- n) "Hazardous waste" means any gaseous, liquid or solid waste that, because of its inherent nature and quality, requires special disposal techniques to avoid creating health or environmental hazards, nuisances or environmental pollution and includes:
 - i. paint
 - ii. oil
 - iii. gypsum
 - iv. toxic waste
 - v. poisonous waste
 - vi. corrosive waste
 - vii. ignitable waste
 - viii. explosive waste
 - ix. automotive or marine batteries
 - x. other hazardous waste as defined by the Hazardous Waste Regulation of the *Environmental Management Act*

- o) "Hotel" means a building occupied as the temporary accommodation of individuals who are lodged there with or without meals and in which there are more than five (5) sleeping rooms with no cooking equipment or facilities in the rooms.
- p) "Mobile Home" means a structure manufactured as a unit designed to be transported on its own wheels or by other means, and arriving at the site ready for occupancy apart from incidental operations and connections;.
- q) "Motel" means a group of furnished rooms or separate buildings providing sleeping and parking accommodation for tourists and commonly known as tourist cabins or motor courts, as distinguished from furnished rooms in an existing residential building.
- r) "Multiple Family Premises" means a building or part of a building which is, or is intended to be, used for residential occupancy and having a common entrance to two or more dwelling units apartment or condominium buildings, hotels, motels, duplexes, triplexes, fourplexes, campgrounds and/or marinas.
- s) "Owner" means an owner of a parcel or real property including:
 - i. the registered owner of an estate in fee simple;
 - ii. the tenant for life under a registered life estate;
 - iii. the registered holder of the last registered agreement for sale; and
 - iv. the holder or occupier of land in the manner referred to in the definition of "Owner" in the Schedule to the *Community Charter* and amendments thereto
- t) "Premises" means land composed of one or more parcels along with any building or group of buildings which may be located thereon and includes buildings located on land under common ownership or management.
- u) "Rate" means the price or sum of money to be paid by any consumer to the Village for garbage removal services.
- v) "Recyclable material" means
 - i. Dry newsprint
 - ii. Dry corrugated cardboard
 - iii. Dry mixed paper
 - iv. Metal, glass and plastic food and beverage containers
 - v. Plastic overwrap and plastic shopping bags

w) "Refundable items" means beverage containers which can be returned to a retailer for a deposit refund.

x) "Residential dwelling unit" means:

- i. Single family dwelling
- ii. Single family dwelling with one secondary suite
- iii. Bed and Breakfast
- iv. Guest house
- v. Single family dwelling with home based business
- vi. Mobile home

But does not include apartment buildings, duplexes, triplexes, fourplexes, hotels, motels, campgrounds, or marinas.

y) "Scavenging" means to remove from any municipal or private solid waste container, recyclable materials, diversion items, clean fill, rubble, debris, discarded articles, or any other materials or things disposed or deposited without the express written permission from the property owner in the case of private solid waste container or the chief administrative officer in the case of a municipal solid waste container.

z) "Trade waste" means refuse and accumulation of waste and abandoned materials resulting from the operation of a business or trade including boxes and packing cases, wrapping material, sweepings and all flammable materials.

aa) "Unserviceable property" means

- i. Any premises to which access from a street is inadequate for collection service as determined by the Director; or
- ii. Any premises the Director determines is unsafe to service

bb) "Village" means the Corporation of the Village of Tahsis

cc) "Waste" means discarded, rejected or abandoned materials, substances or objects

dd) "Wildlife" means any mammal or bird not normally domesticated, including but not limited to bears, cougars, coyotes, wolves, otters, ravens, eagles, and raccoons.

General Provisions

3. Council may from time to time amend this bylaw in whole or in part and may without limiting the generality of the foregoing establish or amend policies, criteria, rates and fees
4. The Schedule attached is an integral part of this bylaw

System Establishment

5. This bylaw shall apply to the solid waste system owned and operated by the Village.
6. A solid waste collection system is established to collect, remove, and dispose of garbage from premises within the Village.
7. Every person must dispose of solid waste through the Village solid waste collection system in accordance with this bylaw.
8. The Director of Infrastructure and Operations ("the Director") or delegate is authorized to schedule solid waste collection, manage the operations and exercise any authorities specifically stipulated in this Bylaw.

Basic Service

9.
 - a) Basic service for a residential dwelling unit consists of collection from one dwelling unit of garbage in the amount of one regulation container per week or as otherwise scheduled by the Director.
 - b) Basic service for multiple family premises, commercial, industrial and institutional premises consists of collection from each premises for garbage in the amount of three regulation containers per week or as otherwise scheduled by the Director.

Extended Service

10. A basic service user who requires additional garbage collection shall use the extended service.
11. A basis service user shall access the extended service by using garbage tags authorized by the Village for the extended service.

12. The Village imposes fees for the garbage tags as set out in Schedule "A" to this Bylaw.
13. Each garbage tag entitles the extended service user to the collection of one regulation container.
14. Beyond the basic service limits and subject to s. 13, an extended service user may have up to two additional containers collected from each unit per scheduled solid waste collection.
15. An extended service user shall attach garbage tags to the inside of the additional garbage container intended for collection.

Prohibited Materials

16. No person shall place any of the following prohibited materials in any container for collection:
 - a. attractant waste
 - b. hazardous waste
 - c. ignitable waste
 - d. raw sewage or septic tank sludge
 - e. dead animals, including fish and/or animal carcasses
 - f. animal feces or waste other than litter from domestic pets
 - g. items of any kind exceeding 60 cm in any direction
 - h. demolition or construction waste
 - i. ashes
 - j. recyclable materials, including cardboard
17. Prohibited materials listed in s. 16 shall not be collected by the Village.
18. Every owner of premises where prohibited materials are created, stored or held shall be solely responsible for:
 - a) the proper sanitation of those materials; and
 - b) the storage, removal and disposal of all such wastes in compliance with all applicable bylaws and provincial and federal statutes and regulations.

Recyclable and Refundable Materials

19. All persons are required to dispose of recyclable materials using the appropriate containers at the Village recycling facility.

20. Any garbage container which includes recyclable and refundable material may not be collected as part of the basic service.
21. Refundable items can be disposed of at the Village "free store" facility.

Owner Responsibilities

22. Every owner of a premises served by the solid waste collection system must:
 - a) place all garbage in a regulation container
 - b) maintain all containers in a clean and usable condition
 - c) store all garbage in a wildlife-proof location or wildlife-resistant containers until scheduled collection day
 - d) ensure no liquid is deposited into any garbage container
 - e) place wet garbage in waterproof material before placing it in a garbage container
 - f) ensure no solid or semi-solid greases are deposited into a garbage container unless wrapped in a waterproof and tightly closed container
 - g) cover all garbage containers at all times with a waterproof lid
 - h) set out garbage container(s) for collection on the scheduled collection day by 7:00 AM and on no other day
 - i) place all garbage containers in one location per premises or unit as close as possible to the edge of the street in a location clearly visible but not so as to obstruct vehicles or pedestrians
 - j) remove all empty garbage containers after collection and store as per s. 18.

Proper Container

23. In the event of solid waste not being contained within the garbage container or when the owner causes or allows solid waste materials to be strewn in or around premises, the Director may order the clean up of solid waste. The fees for such a clean up will be charged as per Schedule "A".
24. The Director may approve the use of containers other than a regulation container where special conditions exist.
25. Should the Director or the Vancouver Island Health Authority determine that a container is unfit, the container will be removed along with the solid waste.
26. Where any accumulation of solid waste is found in or upon any land or premises, the Director or person designated by the Vancouver Island Health

Authority may order the removal of the same in accordance with this bylaw and the Property Maintenance Regulation Bylaw No. 573, 2013.

Anti-Scavenging

27. It is unlawful and a contravention of this bylaw for any person to engage in scavenging activity as defined in s.2.

Fees

28. Council may from time to time set the solid waste fees.
29. The fees for solid waste collection and related operations are set out in Schedule "A" to this Bylaw.
30. These fees are imposed upon all property owners and any other persons receiving solid waste collection system basic service.
31. Tags for using additional garbage containers are available at the Village office during regular business hours for the fees set out in Schedule "A".
32. All property owners, whether the premises are occupied or vacant or whether the property is occupied on a seasonal basis, shall be responsible for the payment of all solid waste fees whether the service is used or not.
33. A 10% penalty shall be added to all fees set out in Schedule "A" which are not paid prior to 30 days from each billing date.
34. Solid waste fees enumerated in Schedule "A" are hereby imposed and levied for the solid waste service supplied or ready to be supplied by the Village. All rates, fees and charges shall form a charge on the parcels of the respective owners and may be recovered in the same manner and by the same means as overdue taxes including unpaid fees, rates and charges.
35. No prepayment for any service shall prevent the amount of any increase being charged to and collected from any consumer.
36. The Village shall furnish to any consumer or ratepayer, on request, one copy of a statement showing the rates, fees and charges for the time being in force for the solid waste service.

Offences

37. Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act, or who violates any of the provisions of this Bylaw shall be deemed to be guilty of an infraction and liable to the penalties imposed in this Bylaw.

Penalties

38. Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this Bylaw is liable, on summary conviction, to a fine of not less than the sum of One Hundred Dollars (\$100.00), but not exceeding the sum of Ten Thousand Dollars (\$10,000.00).
39. Where there is an offence that continues for more than one day, separate fines may be issued for each day or part thereof in respect of which the offence occurs or continues.
40. Any person who contravenes any provision of this Bylaw is liable to the Village and must indemnify the Village from all costs, expenses, damages and injuries resulting from the contravention. This does not in any way limit any other provision or any other remedy the Village may have under this Bylaw or otherwise at law.
41. Nothing in this Bylaw limits the Village from utilizing any other remedy that is otherwise available to the Village at law.

Administration

42. This bylaw hereby repeals "Village of Tahsis Solid Waste Management Regulations and Rates Bylaw No. 541, 2008"
43. This bylaw shall come into effect upon its adoption.

This bylaw shall become effective on the 21 day of March, 2017, upon which date Bylaw No. 541, 2008 shall be repealed.

Categories

[illegible]

Except where specified, all rates apply whether occupied or not, whether operating or not

READ for the first time this 21st day of February, 2017

READ for the second time this 21st day of February, 2017

READ for the third time this 7th day of March, 2017

ADOPTED BY COUNCIL, SIGNED BY THE MAYOR AND THE CHIEF ADMINISTRATIVE OFFICER AND SEALED WITH THE SEAL OF THE VILLAGE OF TAHSIS.

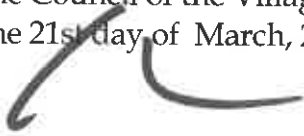


Mayor



Chief Administrative Officer

I hereby certify that the foregoing is a true and correct copy of the original Bylaw No. 590 duly passed by the Council of the Village of Tahsis on the 21st day of March, 2017



Chief Administrative Officer