



CORPORATION OF THE DISTRICT OF TOFINO

Garbage and Recyclable Materials Collection and Regulation Bylaw No. 1070, 2008

Consolidated for Convenience Only

This is a consolidated version of the parent bylaw that incorporates changes made pursuant to the following amendment bylaws:

Amendment Bylaw	Effective Date
Bylaw No. 1108, 2010	February 9, 2010

This consolidation is for convenience and reference purposes only. Persons making use of this consolidated version of Bylaw No. 1070 are advised that it is not a legal document. For the purposes of interpreting and applying the law, the original Bylaw No. 1070 and all amending bylaws must be consulted.

Bylaw numbers appearing in the margin of this consolidated version refer to the applicable amendment bylaw.

*District of Tofino Garbage and Recyclable Materials Collection and Regulation
Bylaw No. 1070, 2008*

DISTRICT OF TOFINO

**GARBAGE AND RECYCLABLE MATERIALS COLLECTION AND REGULATION
BYLAW**

BYLAW NO. 1070, 2008

Whereas the Council of the District of Tofino is empowered and authorized to:

- (a) establish and maintain a system to collect, remove and dispose of garbage, ashes, refuse and other noxious, offensive, unwholesome and discarded matter;
- (b) compel persons to make use of a system established to dispose of garbage, ashes, refuse and other noxious, offensive, unwholesome and discarded matter, and prescribe the terms and conditions on which persons make use of the system;
- (c) enter into contracts with a person for all or part of the collection, removal and disposal of garbage and other waste, on terms and conditions prescribed in the bylaw.

Now Therefore the Council of the District of Tofino, in the Province of British Columbia, in an open meeting assembled **Hereby Enacts as Follows:**

1.0 Title

- 1.1 This bylaw shall be known and cited for all purposes as the "District of Tofino Garbage and Recyclable Materials Collection and Regulation Bylaw No. 1070, 2008".

2.0 Definitions

- 2.1 In this bylaw:

Animal Proof Enclosure means a structure that has four enclosed sides, a roof, door(s) and a self-latching device, of a design and strength sufficient to prevent access by animals.

Apartment - as defined in the Corporation of the District of Tofino Zoning Bylaw No. 770, 1997

Ashes - means ashes, cinders and the remains of any fuel, after such fuel has been consumed by fire.

Banned Materials - means all materials that have been banned by the Regional District from disposal at its landfills.

Commercial Classification - means any industrial premises; commercial premises; institutional premises; multi-family premises; dwelling units with more than one home occupation as permitted in the Corporation of the District of Tofino Zoning Bylaw No. 770, 1997, and other uses not included in the Residential Classification in this Bylaw.

***District of Tofino Garbage and Recyclable Materials Collection and Regulation
Bylaw No. 1070, 2008***

Commercial Garbage Receptacle - means a receptacle provided by the Garbage Collector, being a loading type of commercial bin.

Council - means the Council of the District of Tofino.

District - means the Corporation of the District of Tofino.

Dwelling - as defined in the Corporation of the District of Tofino Zoning Bylaw No. 770, 1997.

Dwelling Unit - as defined in the Corporation of the District of Tofino Zoning Bylaw No. 770, 1997.

Garbage - means and includes any and all rejected, abandoned or discarded waste of household foods or animal food, floor sweepings, crockery, metal ware, tins and bottles and other household waste, but does not include ashes, garden refuse, trade waste, wood or sawdust waste, but does not include recyclable materials or trade waste.

Garbage Collector - means the contractor or person appointed from time to time by resolution of the Alberni-Clayoquot Regional District to collect garbage and recyclable material within the District, and to carry out any related duties.

Garbage Container - means a container of 120 litres capacity or less, having two handles, a waterproof cover and being no longer than 1.2 metres in any dimension or as defined by the Regional District which may amended from time to time.

Garbage Tag – means a permit purchased from the District allowing for one (1) additional residential garbage receptacle.

Garden Refuse - shall include all garden remains and grass, trees, or hedge clippings.

Occupier - means a person

- (a) who is qualified to maintain an action for trespass;
- (b) in possession of Crown land under a homestead entry or pre-emption record;
- (c) in possession of Crown land or land owned by a municipality under a lease, licence, agreement for sale, accepted application to purchase, easement or other record from the Crown or municipality, or who simply occupies the land.

Owner in respect of real property, means the registered owner of an estate in fee simple, and includes

- (a) the tenant for life under a registered life estate;
- (b) the registered holder of the last registered agreement for sale;
- (c) the holder or occupier of land held in the manner mentioned in *Sections 409 and 410 of the Local Government Act, [RSBC 1996] Chapter 323.*

District of Tofino Garbage and Recyclable Materials Collection and Regulation
Bylaw No. 1070, 2008

- (d) a person who is an owner under the letter patent of a municipality, incorporated under *Section 10 of the Local Government Act, [RSBC 1996] Chapter 323*.

Property - means land, with improvement so affixed to the land as to make them in fact and law a part of it.

Recyclable Material - means paper, metal, plastic, boxboard, cardboard, and other materials as determined by the Regional District but excludes any material contaminated by food or oil.

Recycling Container – means a bag or container clearly marked with the words “Recycling” or “Recyclable Materials”.

Refuse – means items rejected as waste or garbage.

Regional District - means the Regional District of Alberni-Clayoquot

Regional District Bylaw – means the Regional District of Alberni-Clayoquot, Bylaw No. R1021, A Bylaw to Provide for the Collection of Garbage and Recyclable Materials within the Regional District of Alberni-Clayoquot which may be amended from time to time

Residential Classification - means a residential building containing not more than 2 dwelling units, but does not include a dwelling in a mobile home park or a building to which the only access for garbage collection is via an access route in a strata plan.

Trade Waste - means all refuse and accumulations of waste and abandoned materials resulting from the operation of any and all commercial classifications.

Wildlife Attractants - means any substance, with or without odour, which could attract wildlife or does attract wildlife, including but not limited to domestic garbage, waste, food for human consumption, grass or other seeds, food for animals (e.g. pet food, livestock feed, birdseed, hummingbird nectar and suet), recyclable materials with food residues, game meat, salt and compost waste excluding lawn clippings, leaves and branches.

3.0 General Conditions

- 3.1 This bylaw shall apply to all land within the District municipal boundaries.
- 3.2 No person shall dispose of any garbage, trade waste, garden refuse or recyclable materials except in strict accordance with the provisions of this bylaw.
- 3.3 No owner/occupier shall throw, place or pile, or cause to be thrown, placed or piled upon, any street, lane or private property, any waste product, refuse or domestic garbage.
- 3.4 Every owner or occupier of property shall store all garbage, trade waste, garden refuse or other noxious, offensive, unwholesome and discarded matter in a sanitary and inoffensive manner and shall cause the garbage, trade waste, garden refuse or other materials to be removed from the premises at least once every two weeks to the Regional Landfill site or other government approved disposal site.

District of Tofino Garbage and Recyclable Materials Collection and Regulation
Bylaw No. 1070, 2008

- 3.5. All residential and commercial garbage must be stored securely within the principle building, an accessory building, or in an animal proof enclosure.
- 3.6. On all residential garbage receptacles, every owner or occupier of property shall be responsible to ensure that, the civic address of such property is inscribed with permanent, bold and legible text.
- 3.7. No person shall place or allow to accumulate in any garbage receptacle any water or liquids unless in containers sealed against leakage.
- 3.8. No person shall place or allow to be placed in any garbage receptacle any noxious material, dangerous goods or banned material, including, but not limited to:
- (a) explosive substances;
 - (b) flammable or volatile liquids;
 - (c) human or animal excretions and offal;
 - (d) dead animals;
 - (e) malodorous substances;
 - (f) raw sewage, or septic tank sludge;
 - (g) demolition or construction waste;
 - (h) gypsum board or drywall;
 - (i) paint or used painting containers;
 - (j) rocks;
 - (k) hot or loose ashes;
 - (l) oil or lubricants;
 - (m) wet garbage unless it has first been drained of excess moisture and wrapped in a suitable waterproof material;
 - (n) grease or any other paste which may adhere to the garbage collection vehicle unless it has been wrapped in a suitable covering.
- 3.9. Every owner or occupier of property shall be responsible to make their own arrangements to dispose of:
- (a) all bulky waste and garden refuse;
 - (b) all garbage in excess of one garbage receptacle that does not have a garbage tag affixed;
 - (c) ashes;
 - (d) trade waste, wood or sawdust waste;

***District of Tofino Garbage and Recyclable Materials Collection and Regulation
Bylaw No. 1070, 2008***

- (e) explosives, raw sewage, flammable materials, dangerous or highly offensive wastes, dead animals;
- (f) demolition or construction materials;
- (g) items of any kind that exceed the size or weight allowed for a residential garbage receptacle as per the applicable Alberni Clayoquot Regional District's Bylaw which may be updated from time to time

4.0 Garbage Collection - Residential Classification

4.1 The residential garbage collection service provided by the District shall be utilized by the owners or occupiers of:

- (a) all detached, single-family dwelling units;
- (b) each dwelling unit of a:
 - (i) duplex;
 - (ii) triplex;
 - (iii) quadruplex;
 - (iv) townhouse; or
 - (v) row house development;
 - (vi) a mobile home;

but does not include an apartment building containing more than four dwelling units, a hotel, motel, resort, or marina, strata, any commercial property or seasonal campsite.

4.2 The residential garbage collection service shall be provided once every week.

4.3 The maximum number of garbage containers to be included in the residential garbage collection service is one (1) receptacle per dwelling.

4.4 All garbage in excess of one garbage container to be included in the residential garbage collection service shall have a garbage tag affixed to each additional garbage container as per the Regional District Bylaw.

4.5 The maximum number of additional garbage containers affixed with a tag shall not exceed two containers per dwelling serviced.

4.6 Every owner or occupier of property serviced by the residential garbage collection system of the District shall:

- (a) place all garbage for collection in garbage containers.
- (b) ensure that garbage containers have at least two securely mounted handles, and are durable, rust resistant, non-absorbent, water tight, and have close-fitting lids or covers.
- (c) ensure that all garbage set out for collection is placed in a garbage container in accordance with this Bylaw and in such a manner that such waste is not a wildlife attractant, and cannot be blown by wind onto any public or private property.

District of Tofino Garbage and Recyclable Materials Collection and Regulation
Bylaw No. 1070, 2008

- (d) ensure that every garbage container set out for collection is not filled above the top level of such receptacle and is securely closed with a close-fitting lid or cover.
- (e) place all garbage containers for collection in full view of and beside the travelled portion of the roadway servicing the property.
- (f) ensure that no garbage container be placed for collection before 6:00 a.m. on the regularly scheduled day for collection .
- (g) ensure that no garbage container be placed for collection later than 8:00 a.m. on the regularly scheduled day for collection.
- (h) shall not set out a garbage container for collection that contains anything except garbage originating from the property being serviced.
- (i) shall not set out for collection a garbage container that together with the garbage contained in it weighs more than twenty kilograms.

4.7 Every owner or occupier of property shall be responsible to make their own arrangements to dispose of items of any kind that exceed the size or weight allowed for a garbage container.

5.0 Garbage Collection - Commercial Classification

5.1 Owners and occupiers of buildings with a commercial classification pursuant to this bylaw shall make their own arrangements for the removal and disposal of garbage.

6.0 Collection of Recyclable Materials

6.1 Recycling collection services shall be provided once every two weeks to owner/occupiers serviced by the residential garbage collection service as per section 4.1 of this Bylaw.

6.2 Every owner or occupier of property serviced by the recycling container system of the District must:

- (a) place all recyclable materials for collection in recycling container clearly identified as containing recyclable materials, in accordance with Alberni-Clayoquot Regional District applicable Bylaws, which may be updated from time to time.
- (b) ensure that all recycling materials set out for collection are placed in a recycling container so that such material is not a wildlife attractant, is free of food waste/residue, and cannot be blown by wind onto any public or private property.
- (c) ensure that no substance or items aside from approved recyclable materials are placed for collection.
- (d) place all recyclable materials for collection in full view of and beside the travelled portion of the roadway servicing the property.
- (e) ensure that no receptacles containing recyclable materials be placed for collection before 6:00 a.m. on the regularly scheduled day for collection.

***District of Tofino Garbage and Recyclable Materials Collection and Regulation
Bylaw No. 1070, 2008***

- (f) ensure that no receptacles containing recyclable materials be placed for collection later than 8:00 a.m. on the regularly scheduled day for collection.

6.3 No person shall remove, take or convert to his or her own use any recyclable materials placed on a road allowance, including the sidewalk or boulevard, unless he or she is:

- (a) the person who initially placed the recyclable materials on the road allowance;
- (b) an employee or agent of the municipality; or
- (c) an employee or member of an organization which has been duly authorized by the municipality or the regional district to carry out the collection of recyclable materials within the boundaries of the District.

6.4 On all permitted recycling containers, every owner or occupier of property shall be responsible to ensure that, the civic address of such property is inscribed in permanent, bold and legible text.

7.0 Rates and Charges

7.1 Each residential property serviced by the garbage collector will be charged by the Alberni Clayoquot Regional District in accordance with the Regional District Bylaw.

8.0 Bylaw Enforcement Officer

8.1 The Bylaw Enforcement Officer is authorized and empowered to inspect, compel, and require that all the regulations and provisions prescribed in this bylaw are carried out.

8.2 For purposes of this bylaw, the Bylaw Enforcement Officer means any of the following:

Clerk-Administrator of the District of Tofino
Director of Development Services of the District of Tofino
Bylaw Enforcement Officer of the District of Tofino
Superintendent of Public Works of the District of Tofino
or their duly appointed designate.

8.3 No person shall unreasonably obstruct or prevent a Bylaw Enforcement Officer from carrying out his duties as prescribed in this bylaw.

9.0 Removal of Garbage

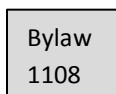
9.1 (a) Any garbage, bag, garbage bag, bin, receptacle, garbage receptacle, garbage container, commercial garbage receptacle, garbage bag, recyclable material, recycling container, recycling bag, wildlife attractants, waste, trade waste, refuse, garden refuse, food waste, litter, or anything similar in nature that is found to be in contravention of this bylaw shall immediately be removed by the owner/occupier of the dwelling . Where the removal is not immediate, the District of Tofino may remove the

**District of Tofino Garbage and Recyclable Materials Collection and Regulation
Bylaw No. 1070, 2008**

garbage, at the expense of the owner/occupiers of said dwelling, as described in Section 9.1 (b) of this bylaw.

- (b) The costs payable in the case of removal and disposal as authorised by section 9.1(a) shall be as follows:
 - (i) Removal and Disposal Fee on first offence:
\$150.00
 - (ii) Removal and Disposal Fee on each subsequent offence:
\$300.00
- (c) If the removal and disposal fee is not paid, the District of Tofino may recover the expense, with interest, at the rate of 8% per year with costs in the same manner as Municipal Taxes.

10.0 Offences & Ticketing



- 10.1 Every person who contravenes any provision 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 fulfil, observe, carry out, or perform a duty or obligation imposed 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 the District of Tofino Municipal Ticket Information System Bylaw No. 1088, 2009 as amended from time to time; or
 - b) shall be liable to a penalty set out in the District of Tofino Bylaw Notice Enforcement and Dispute Adjudication System Bylaw No. 1107, 2009 as amended from time to time; or
 - c) shall be liable, upon summary conviction, to the penalties provided under the Offence Act and amendments thereto; or
 - d) any combination of 10.1 a), b), and c).
- 10.2 If action is taken pursuant to this bylaw to remove or dispose of garbage that was in contravention of this bylaw, the expenses incurred for the removal or disposal may be charged against the property on which the services are provided. These expenses may be recovered together with costs and interest in the same manner as municipal taxes.

11.0 Severance

- 11.1 The provisions of this bylaw are severable. If any provision is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this bylaw.

12.0 Bylaws Repealed

- 12.1 This bylaw repeals “District of Tofino Garbage Collection and Regulation Bylaw No. 857, 2000.”

Read a first time this 24th day of June, 2008.

Read a second time this 24th day of June, 2008.

Read a third time this 24th day of June, 2008.

***District of Tofino Garbage and Recyclable Materials Collection and Regulation
Bylaw No. 1070, 2008***

Adopted by Council this 22nd day of July, 2008.

John Fraser, Mayor

Rob Bremer, CAO

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1070, 2008 cited as the “District of Tofino Garbage and Recyclable Materials Collection and Regulation Bylaw No. 1070, 2008” as adopted by Council this 22nd day of July, 2008.

Rob Bremer, CAO