COWICHAN VALLEY REGIONAL DISTRICT

Bylaw No. 1958
(As Amended by Bylaws No. 2092, 2116, 2530, 3007, 3061, 3360, 3477, 3586, 3700, 3706, 3802, 4021, 4277, 4314, 4446 and 4527)

BYLAW NO. 1958 – COWICHAN VALLEY REGIONAL DISTRICT GARBAGE AND/OR RECYCLABLE MATERIALS COLLECTION BYLAW, 1999

CONSOLIDATED FOR CONVENIENCE ONLY
(January 10, 2024)

The amendment bylaws listed below have been incorporated into enactment Bylaw No. 1958 for convenience purposes only. Persons making use of the consolidate version of Bylaw No. 1958 are advised that it is not a legal document and that for the purpose of interpreting and applying the law, the original bylaws must be consulted. Certified copies or original bylaws are available through the Corporate Secretary's Office.

AMENDMENT BYLAW	EFFECTIVE DATE
Bylaw No. 2092 (Schedule A)	May 10, 2000
Bylaw No. 2116 (Definition)	August 23, 2000
Bylaw No. 2530 (Definitions & Schedule A)	April 28, 2004
Bylaw No. 3007 (Schedule A)	August 8, 2007
Bylaw No. 3061 (Schedule A)	February 13, 2008
Bylaw No. 3360 (Schedule A)	April 14, 2010
Bylaw No. 3477 (Schedule A)	April 13, 2011
Bylaw No. 3586 (Schedule A)	March 14, 2012
Bylaw No. 3700 (Schedule A)	May 8, 2013
Bylaw No. 3706 (Definitions, Fees & Schedule B)	July 10, 2013
Bylaw No. 3802 (Definitions)	May 14, 2014
Bylaw No. 4021 (Additions to Schedule A)	June 8, 2016
Bylaw No. 4277	May 22, 2019
Bylaw No. 4314	February 26, 2020
Bylaw No. 4446	May 10, 2023
Bylaw No. 4527	January 10, 2024

COWICHAN VALLEY REGIONAL DISTRICT

Bylaw No. 1958 – Consolidated for Convenience with Amending Bylaws No. 2092, 2116, 2530, 3007, 3061, 3360, 3477, 3586, 3700 3706, 3802, 4021, 4277, 4314, 4446 and 4527.

A Bylaw to Provide for the Collection of Garbage and/or Recyclable Materials within the Cowichan Valley Regional District

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WHEREAS pursuant to CVRD Bylaw No. 1758, a bylaw to establish solid waste as a Local Service within the Regional District, the Cowichan Valley Regional District is authorized to provide a service for the collection of garbage and recycling materials;

AND WHEREAS the Board of Directors of the Cowichan Valley Regional District has determined that Regional Collection Service should be provided to certain areas and classes of land within the District;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as **"CVRD Bylaw No. 1958 – Cowichan Valley Regional District Garbage and/or Recyclable Materials Collection Bylaw, 1999."**

2. DEFINITIONS

For the purposes of this bylaw, unless the context otherwise requires:

"Approved Disposal Site" means a site for the deposit of ***Garbage*** and/or ***Recyclable Materials***, which is either owned or operated by the ***District*** or authorized or licensed by the ***District***.

"Automated Collection System" means the collection of garbage or recyclable material using a specially designed vehicle with mechanical apparatus which empties a receptacle directly into the vehicle without requiring manual labour to empty the receptacle.

"Banned Material" means all materials that have been banned from disposal at the ***Approved Disposal Site*** by CVRD Bylaw No. 2108 – Solid Waste Management Charges and Regulations Bylaw, 2000, and any subsequent amendments thereto.

"Board" means the governing and executive body of the Cowichan Valley Regional

District.

"Collection Period" means a period of regular collection, weekly or bi-weekly as set out in Schedule "A" of this bylaw.

"Commencement Date" means July 5, 1999 for the residential ***Garbage*** and ***Recyclable Materials*** Collection, and August 3, 1999 for ***Recyclable Materials*** only Collection or such later date as the ***District*** may specify in writing.

"Commercial Property" means property that is defined as 'Commercial' or 'Industrial' under applicable local zoning Bylaws, and includes property that is currently defined as 'Farm Land' by the BC Assessment Authority and the property owner applies for exemption under Bylaw No. 1958.

"Contractor" means the person or persons under contract to the ***District*** to collect ***Garbage*** and/or ***Recyclable Materials*** on behalf of the Cowichan Valley Regional District.

"District" means the Cowichan Valley Regional District.

"Dwelling Unit" means one or more rooms for residential occupancy connected together with facilities for living, sleeping, cooking and having a separate entrance.

"Eligible Residence(s)" means: a single family detached dwelling; each ***Dwelling Unit*** of a duplex, triplex, quadruplex, townhouse, or row house development; a ***Manufactured Home***; but does not include: an apartment building containing more than four (4) ***Dwelling Units***; a hotel, motel, resort or marina; or any ***Commercial Property***; seasonal campsite; or a ***Manufactured Home*** situated within a ***Manufactured Home*** park that has commercial ***Garbage*** collection containers; or any property zoned *R5 - Comprehensive Urban Residential* with a ***Private Collection Service*** accepting at minimum the same ***Garbage*** and ***Recyclable Materials*** as the ***Regional Collection System*** in the electoral area in which the property is located.

"Extra Garbage Container" means a container of not more than seventy-seven (77) litre capacity, of not more than twenty (20) kilograms gross weight, and having a waterproof cover and handles suitable for lifting of the container.

"Garbage" means discarded matter and includes refuse, waste, noxious, offensive and unwholesome materials enclosed in a garbage container, but does not include ***Recyclable Materials***, ***Banned Materials***, ***Trade Waste*** or unacceptable waste as set out in this bylaw.

"Garbage Tote" means a wheeled container owned and supplied by the *District* and used for the collection of ***Garbage*** from ***Eligible Residence(s).***

"Glass Packaging" means all clear and coloured glass bottles and jars used to hold consumer products but does NOT include Beverage Containers, window glass, laminated glass, safety or tempered glass, mirrored glass, automotive glass, fibre glass, Plexiglas, light bulbs, fluorescent tubes, kitchenware, ceramics, or containers that have contained Hazardous Waste.

"Holiday" means New Years Day, Good Friday, Easter Monday, Victoria Day, Canada Day, BC Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing

Day, or any other day proclaimed by the Parliament of Canada or the Legislature of British Columbia as a public holiday.

"Manager" means the person duly appointed by the ***Board*** to the position of "Manager of Engineering Services ".

"Manufactured Home" means any structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured for full-time occupancy and to be moved from one place to another by being towed or carried, and which is used as a dwelling.

"Packaging and Printed Paper" means a product that falls under the *Recycling Regulation* (BC Reg. 449/2004) and all amending regulations under the *Environmental Management Act.*

"Polyethylene (PE) Film Packaging" means HDPE Films and LDPE/LLDPE Films, but does NOT include stretch film.

"Polystyrene (PS) Foam Packaging" means PS Clamshells (EPS), PS Trays/Plates (EPS), PS Meat Trays (EPS), PS Hot Drink Cups (EPS), and PS Cushion Packaging (EPS) but does NOT include foam packaging peanuts.

"Private Collection Service" means a collection service that is not operated by the ***Contractor*** for the ***District***, and in addition to service to residences outside of the ***Service Areas*** includes any commercial containerized collection service or ***Trade Waste*** collection service.

"Recyclable Materials" means ***Packaging and Printed Paper*** but does NOT include ***Glass Packaging***, ***Polyethylene (PE) Film Packaging,*** or ***Polystyrene (PS) Foam Packaging***.

"Recycling Tote" means a wheeled container owned and supplied by the ***District*** and used for the collection of ***Recyclable Materials***.

"Regional Collection System" means the Regional Collection System established under Section 3(1).

"Residential Garbage" means ***Garbage*** generated by the occupants of ***Eligible Residence(s)***.

"Service Areas" means all of ***District*** Electoral Areas:

A – Mill Bay/Malahat
B – Shawnigan Lake
C – Cobble Hill
D – Cowichan Bay
E – Cowichan Station/Sahtlam/Glenora
F – Cowichan Lake South/Skutz Falls
G – Saltair/Gulf Islands (except for the Gulf Islands)
H – North Oyster/Diamond
I – Youbou/Meade Creek

except those lands under federal jurisdiction or otherwise exempted under this

bylaw.

"Trade Waste" means refuse and accumulation of waste and abandoned material resulting from the operation of a trade or business including paper boxes and packing cases, wrapping material, wrappings and all materials of a like nature, other than ***Garbage***.

3. PROVISION OF SERVICE

(1) **Establishment of Collection System**

There is hereby established throughout the service areas as of the ***Commencement Date*** a ***Regional Collection System*** for the collection, removal and disposal of residential ***Garbage*** and/or ***Recyclable Materials***.

(2) **Mandatory Service**

Every owner or occupier of ***Eligible Residences*** located within the service areas, and provided with service under Section 3(3) shall use the ***Regional Collection System*** for the collection, removal and disposal of residential ***Garbage*** and/or ***Recyclable Materials*** generated in their ***Eligible Residences***, unless exempted in writing by the ***Manager***.

(3) **Provision of Service**

(a) The Cowichan Valley Regional District is hereby authorized to collect or provide for the collection of ***Garbage*** from ***Eligible Residences*** within the ***Service Areas.***

(b) The Cowichan Valley Regional District is hereby authorized to collect or provide for the collection of ***Recyclable Materials*** from ***Eligible Residences*** within the ***Service Areas***.

(4) **Alternate Service**

(a) Owners or occupiers of ***Eligible Residences***, having ***Garbage*** for disposal in any one ***Collection Period*** which exceeds the limitations set out in Subsection 5(1)(a)(vi) shall make their own arrangements for disposal at an ***Approved Disposal Site***.

(b) Owners and occupiers of ***Manufactured Homes*** such as mobile homes located in a ***Manufactured Home*** park where the owner had an alternative program in place to collect ***Garbage*** and provide for recycling of ***Recyclable Materials*** prior to the ***Commencement Date***, may continue to make use of such alternative programs and the charge for service to such class or person shall be nil until the commencement of service is authorized by the ***Manager*.**

4. PREPARATION OF GARBAGE

(1) **Unacceptable Waste**

(a) No person shall place any of the following items in a ***Garbage Container*** for collection by the ***Regional Collection System***:

(i) explosives
(ii) raw sewage or septic tank sludge

(iii) highly flammable material
(iv) dangerous or highly offensive wastes
(v) oversized items of any kind exceeding two (2) feet in any dimension
(vi) dead animals or animal wastes, including bones, feathers skin and hair
(vii) demolition or construction waste
(viii) rocks
(ix) hot ashes
(x) waste oil or petroleum by-products
(xi) gypsum board/drywall
(xii) ***Banned Material***

(b) No person shall place items other than ***Recyclable Materials*** in a ***Recycling Container.***

(2) **Wet Garbage**
Wet ***Garbage*** shall be drained of excess moisture and wrapped in a suitable waterproof material before being placed in any ***Garbage Container***.

(3) **Liquids**
No liquid in free form shall be allowed in any ***Garbage Container***.

(4) **Grease**
No solids or grease, which may adhere to the ***Garbage*** collection vehicle receptacle, shall be put or placed in any ***Garbage Container*** unless wrapped in a waterproof covering or placed in a closed container.

5. SYSTEM OPERATION

(1) **Residents' Responsibility**

(a) Every owner or occupier of an ***Eligible Residence(s)*** served by the ***Regional Collection System*** shall:

(i) place ***Garbage*** in ***Garbage Tote,*** if provided with ***Garbage*** service.

(ii) not set out ***Garbage Totes***, ***Recycling Totes*** or any ***Extra Garbage Container*** before 5 a.m. on the day designed for their ***Eligible Residence(s)*** for collection, place their ***Garbage Tote*** and/or ***Recycling Tote*** out at the collection point near the boundary of the property so that they do not impede pedestrian or vehicle traffic, and with at least one (1) meter clear space on all sides of each receptacle and three (3) meters of clear space above each receptacle in full view and as close as possible to the edge of the travelled way serving the premises, and with the front of the tote positioned towards the travelled way serving the premises.

(iii) where their residence is served by lane collection, place ***Garbage Tote*** and/or ***Recycling Tote*** so that they are accessible from the lane so that the refuse worker will not be required to enter upon private property, open gates, climb or descend stairs, or lift containers over fences for emptying.

(iv) ensure that lids on all ***Garbage Totes*** and ***Recycling Totes*** placed out for collection are kept closed to prevent spillage or entry of water, and with bear-proof hardware unlocked, so that the lid will open smoothly when picked up by an automated collection vehicle.

(v) place tags, as described in Schedule "A" on ***Extra Garbage Containers*** so that they are clearly visible to refuse workers.

(vi) set out for collection, no more ***Extra Garbage Containers*** than described in Schedule "A" Item (1) without additional ***Extra Garbage Containers*** having tags as described in Schedule "A" Item (2), with the total number of ***Extra Garbage Containers*** not to exceed three (3) with weekly service, or six (6) with bi-weekly service.

(viii) remove ***Garbage Tote*** *and/or* ***Extra Garbage*** **Containers** and/or ***Recycling Tote*** from the public street or lane, after emptying, on the same day that the service is provided.

(ix) only use the ***Garbage Tote*** and ***Recycling Tote*** supplied by the ***District*** and ***Extra Garbage Containers*** as described in *Schedule "A" Item (2) and Item (3),* to deposit ***Garbage*** and ***Recyclable Materials.***

(x) at all times maintain all receptacles supplied by the ***District*** in a clean and sanitary condition, without overflow and free from any liquids.

(xi) except as provided in Subsections 5(1)(a)(ii) or 5(1)(a)(iii), keep ***Garbage Totes*** and ***Extra Garbage Containers*** and ***Recycling Totes*** stored in an wildlife-proof manner on the property until the day of collection.

(xii) ensure that dusty, wet, or strongly offensive smelling waste be bagged before being placed in the ***Garbage Tote***.

(a) ***Garbage Totes*** and/or ***Recycling Totes*** and ***Extra Garbage Containers*** shall at all times be kept on the premises which they are intended to serve, and shall at no time be kept or encroach upon or project over any street, lane or public place, except for the purposes of Subsection 5(1)(a)(ii) or 5(1)(a)(iii) of this bylaw.

(b) Every owner or occupier of an ***Eligible Residence*** served by the ***Regional Collection Service*** shall keep all ***Extra Garbage Containers*** in good condition and shall replace any which become damaged or dangerous to persons handling them.

(2) **Storage and Removal of Garbage and Recyclable Materials**
Every owner or occupier of ***Eligible Residences*** served by the ***Regional Collection Service*** shall store all ***Garbage*** and/or ***Recyclable Materials*** in suitable containers and all such ***Garbage*** and/or ***Recyclable Materials*** shall only be set out for collection on the day designated for their ***Eligible Residence(s).***

(3) **Use of *Recycling Tote***
No person shall use a ***Recycling Tote*** for any purpose other than the deposit and accumulation of ***Recyclable Materials*** and, without limiting the generality of the foregoing, no person shall deposit ***Garbage*** in a ***Recycling Tote***.

(4) **Scavenging**

(a) No person, except an occupier of the ***Eligible Residence(s)*** to which a ***Recycling Tote*** was distributed, shall remove from a ***Recycling Tote*** from an area adjacent to a ***Recycling Tote*** or ***Extra Recycling Container***, any ***Recyclable Material*** prior to its collection.

(b) No person, except an occupier of the ***Eligible Residence(s)*** who has placed a ***Garbage Tote*** or ***Extra Garbage Container*** at the curb for collection, shall remove from a ***Garbage Tote*** or an ***Extra Garbage Container***, any ***Garbage*** prior to its collection.

(5) **Frequency of Collection**
There shall be no regularly scheduled collection on Sundays, Christmas Day or New Year's Day.

(6) **No Responsibility for Damage**
The ***District*** will not be responsible for the replacement or repair of any ***Extra Garbage Container*** that may be damaged.

6. ADMINISTRATION

(1) **Administration**
The ***Manager*** is authorized to administer this bylaw.

(2) **Fees**

(a) The fees and charges enumerated in Schedule "A" of this bylaw are hereby imposed and levied on the owners of ***Eligible Residence(s)*** being served by the ***Regional Collection System*** within the ***Service Areas***. The fees and charges imposed for weekly ***Garbage*** and/or ***Recycling Materials*** collection, bi-weekly ***Garbage*** and/or ***Recycling Materials*** collection, or weekly and bi-weekly ***Recycling Materials*** collection, as applicable, shall be billed annually and shall be due payable when levied.

(b) The fees and charges enumerated in Schedule "A" of this bylaw may be included on a common form with other user rates levied by law.

(c) Subject to 6(2)(d) these charges will apply to new ***Eligible Residence(s)*** upon occupancy or upon issuance of an occupancy permit, whichever is earlier.

(d) Where new ***Eligible Residence(s)*** are occupied for a period shorter than the normal billing period, the charges for such shorter period in respect of such new ***Eligible Residence(s)*** shall be calculated, levied and collected on the following basis:

(i) If occupancy occurs between the first day and the fifteenth day of the month, the annual charge shall be applied on a proportionate basis from the first day of the month.

(ii) If occupancy occurs between the sixteenth day and the last day of the month, the annual charge shall be applied on a proportionate basis, from the first day of the following month.

(e) A charge imposed under this bylaw which remains unpaid on the thirty-first day of December in any year shall be deemed to be taxes in arrears on the land or real property on which the charge was imposed, and may be recovered as provided in the *Municipal Act*.

(f) Replacement of a Garbage Tote and/or Recycling Tote may be obtained from the District at the price set out in Schedule "B" of this Bylaw.

(3) **Right of Entry**

The ***Manager*** of Engineering Services, Bylaw Enforcement Officers of the Regional District and Peace Officers shall have the right to enter at all reasonable times upon any property subject to the provisions of this bylaw, for the purposes of ascertaining whether any requirement of this bylaw or the regulations in this bylaw are being observed.

(4) **Violation**

Any person who violates any provision of this bylaw or who suffers or permits any act or thing to be done in contravention of, or in violation of any of the provisions of this bylaw, commits an offence and is punishable in accordance with the *Offence Act*.

(5) **Penalty**

Any person who violates any of the provisions of this bylaw shall, upon summary conviction thereof, be liable to a penalty of not more than Two Thousand ($2,000) Dollars and costs. Where an offence against this bylaw is of a continuing nature, it shall be lawful to impose a fine or penalty not exceeding Five Hundred ($500.00) Dollars and costs for each day such offence is continued by the offender.

READ A FIRST TIME this 23rd day of June, 1999.

READ A SECOND TIME this 23rd day of June, 1999.

READ A THIRD TIME this 23rd day of June, 1999.

ADOPTED this 23rd day of June, 1999.

R. Hutchins
Chairperson

J.A. Forrest
Secretary

SCHEDULE A

TO BYLAW NO. 1958

RECYCLING AND GARBAGE COLLECTION RATES

1.

Electoral Area	Frequency of Garbage Collection Service	Frequency of Recycling Collection Service	Basic Rate (Per Annum) effective January 1, 2024
A	None	Bi-weekly	$38.50
B	None	Bi-weekly	$38.50
C	None	Bi-weekly	$38.50
D	Bi-weekly	Bi-weekly	$184.50
E	Bi-weekly	Bi-weekly	$184.50
F	Bi-weekly/Weekly Jun 15-Oct 15	Bi-weekly	$209.50
G	Bi-weekly	Bi-weekly	$184.50
H	None	Bi-weekly	$38.50
I	Bi-weekly/Weekly Jun 15-Oct 15	Bi-weekly	$209.50

2. One garbage or recycling tote collected per service.

3. Tags for disposal of extra ***Garbage*** allows for setting out additional ***Garbage Containers*** over and above those permitted under Item 1, but limited to the maximum specified under Section 5 (1)(a) (vi).

$5.00 per ***Garbage Container***

4. Garbage Tote Upgrade Fees:

i. Standard Garbage Sized Tote (140L) – see the basic rate under bullet 1 schedule A

ii. Medium Garbage Sized Tote (240L) – an additional annual fee of $26

iii. Large Garbage Sized Tote (360L) – an additional annual fee of $57

SCHEDULE B

TO CVRD BYLAW NO. 1958

ADMINISTRATIVE/SERVICE FEES:

Replacement Garbage Tote (any size):	$25.00
Replacement Recycling Tote (any size):	$25.00
Bear-proof Hardware:	$60.00
Tote Delivery Charge:	$25.00