

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1591

(Consolidated for convenience only to include up to 1591.05)

**A BYLAW TO PROVIDE FOR THE
COLLECTION OF GARBAGE, FOOD WASTE AND
RECYCLABLE MATERIALS WITHIN THE
REGIONAL DISTRICT OF NANAIMO**

WHEREAS pursuant to “Recycling and Compulsory Collection Local Service Establishment Bylaw No. 793, 1989”, the Regional District of Nanaimo is authorized to provide a service for the collection of garbage and recyclable materials;

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

NOW THEREFORE the Board, in open meeting assembled, enacts as follows:

1. **DEFINITIONS**

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

“**Apartment Building**” means a building having entrances to Dwelling Units on multiple levels and in which five (5) or more Dwelling Units are located.

“**Approved Disposal Site**” means a site for the deposit and disposal of Garbage, Residential Food Waste and/or Recyclable Materials, which is either owned and operated by the District or licensed by the District under Bylaw No. 1386.

“**Board**” means the governing and executive body of the Regional District of Nanaimo.

“**Bi-Weekly Collection Service**” means scheduled collection of Garbage or Recyclable Materials every-other-week.

“**Collection Period**” means a period of regular collection, Weekly or Bi-Weekly as set out in this Bylaw.

“**Commencement Date**” means the date established for billing purposes under paragraph 5(2)(g).

“**Commercial Waste**” means all refuse and waste 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 like nature, other than Garbage.

“Composting Facility” means a facility under contract to the Regional District to accept Residential Food Waste that composts organic matter to produce compost and holds a valid Waste Stream Management License issued under Bylaw No. 1386.

“Contractor” means the person or persons under contract to the District to collect Garbage, Residential Food Waste and Recyclable Materials on behalf of the Regional District of Nanaimo.

“District” means the Regional District of Nanaimo.

“Dwelling Unit” means one or more rooms for residential occupancy connected together with facilities for living, sleeping, cooking and having a separate entrance, and includes a Manufactured Home as defined within this Bylaw.

“Food Waste” means compostable food waste, and other material acceptable at the Composting Facility, generated within the Service Area including, without limitation:

- a) fruits and vegetables
- b) cooked and raw foods
- c) meat, fish, shellfish, poultry and bones thereof
- d) dairy products
- e) bread, pasta and baked goods
- f) tea bags, coffee grounds and filters
- g) soiled paper plates and cups
- h) soiled paper towels and napkins
- i) soiled waxed paper
- j) food soiled cardboard and paper
- k) egg shells
- l) Food Waste excludes Yard and Garden Waste

“Food Waste Container” means the container described in Schedule ‘C’ of this bylaw and provided to owners from time to time of Residential Premises specifically for the collection and disposal of Residential Food Waste, and when set at the Curbside for collection not weighing more than fifty (50) pounds (23 kilograms) gross weight.

“Garbage” means discarded matter and includes refuse, waste, noxious, offensive and unwholesome materials, but does not include Residential Food Waste, Recyclable Materials, Commercial Waste or unacceptable waste as set out in this bylaw.

“Garbage Container” means a container of not more than 100 litres capacity, of not more than fifty (50) pounds (23 kilograms) gross weight, and having a waterproof cover; or plastic bags of not less than two (2) mil thickness, of not more than fifty (50) pounds (23 kilograms) gross weight, with a maximum measurement of 26” by 36” when filled.

“General Manager” means a person appointed to the position of General Manager.

“Holiday” means New Years Day, Good Friday, Victoria Day, Canada Day, B.C. 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.

“Manufactured Home” means any structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another by being towed or carried, and which is used as a Dwelling Unit.

“Materials for Collection” means all Recyclable Materials, Food Waste, and Garbage that are placed at the curbside by the occupants of Residential Premises.

“Manufactured Home Park” means land used or occupied by a person to provide spaces for accommodating one or more Manufactured Homes owned or being purchased by other persons where a charge or rental is imposed for the use of that space, and the Manufactured Home is assessed and taxed in the name of its owner or purchaser.

“Multi-Family Dwelling Unit” means a Dwelling Unit located in a building or combination of buildings, or a Manufactured Home Park, which comprises five or more Dwelling Units, but does not include a resort, an Apartment Building or a Dwelling Unit in a Multi Level Entry Building.

“Multi Level Entry Building” means a building in which five (5) or more Dwelling Units are located used for residential purposes, or a combination of residential and non-residential uses where one or more Dwelling Units are located above or below another Dwelling Unit or above or below a unit used for a non-residential use.

“Private Collection Service” means a collection service which is not operated by the Contractor for the District, and includes any commercial containerized collection service or a Commercial Waste collection service.

“Recyclable Materials” means materials accepted at a Recycling Facility and includes but is not limited to:

- (a) newsprint
- (b) metal food and beverage containers
- (c) aluminum foil

- (d) mixed waste paper
- (e) empty HDPE containers
- (f) empty LDPE containers
- (g) old corrugated cardboard
- (h) old directories
- (i) old magazines
- (j) textiles
- (k) or such materials designated from time to time by the Regional District.

“Recycling Container” means the multi-material Recycling Container described in Schedule ‘B’ of this bylaw and when set at the Curbside for collection not weighing more than fifty (50) pounds (23 kilograms) gross weight.

“Recycling Facility” means a facility for the receiving, processing, handling, separating and marketing of Recyclable Materials and holding a current Waste Stream Management License issued under Bylaw No. 1386.

“Recycling Only Service” means collection of Recyclable Materials only from those Residential Premises not receiving Garbage and Food Waste collection service as at the commencement of the 2010 collection contract.

“Regional Collection System” means the Regional Collection System established under Section 2(1).

“Residential Food Waste” means Food Waste generated by the occupants of Residential Premises

“Residential Garbage” means Garbage generated by the occupants of Residential Premises.

“Residential Premises” means a Single Family Dwelling Unit or a Multi-Family Dwelling Unit.

“Service Area” means that portion of the Regional District of Nanaimo situated on Vancouver and Gabriola Island but excluding the City of Nanaimo.

“Single Family Dwelling Unit” means a single family detached dwelling and each Dwelling Unit of a duplex, triplex or quadruplex and a Manufactured Home not situated in a Manufactured Home park.

“Weekly Collection Service” means the scheduled collection of Food Waste on a weekly basis.

“Yard and Garden Waste” means all organic material produced by a yard or garden including grass clippings, hedge and tree pruning material, weeds and material from flower beds and vegetable gardens.

2. **PROVISION OF SERVICE**

(1) **Establishment of Collection System**

There is hereby established throughout the Service Area a Regional Collection System for the collection, removal and disposal of Residential Garbage, Residential Food Waste and Recyclable Materials.

(2) **Mandatory Service**

Every owner or occupier of Residential Premises located within the Service Area, and provided with service under Section 2(3), shall use the Regional Collection System for the collection, removal and disposal of all Residential Garbage, Residential Food Waste and Recyclable Materials generated in their Residential Premises.

(3) **Provision of Service**

(a) The Regional District of Nanaimo is hereby authorized to collect or provide for the collection of Residential Garbage from Residential Premises within the Service Area except within the Town of Qualicum Beach.

(b) The Regional District of Nanaimo is hereby authorized to collect or provide for the collection of Recyclable Materials from Residential Premises within the Service Area.

(c) The Regional District of Nanaimo is hereby authorized to collect or provide for the collection of Residential Food Waste from Residential Premises within the Service Area.

(4) **Alternate Service**

(a) Owners or occupiers of Residential Premises, having Garbage for disposal in any one Collection Period which exceeds the limitations set out in Subsection 4(1)(a)(vi) shall make their own arrangements for disposal at an Approved Disposal Site.

(b) Owners and occupiers of a Multi-Family Dwelling Unit such as a Manufactured Home located in a Manufactured Home Park where the owner had in place on July 1, 1994, an alternative program to collect Garbage and provide for recycling of Recyclable Materials, may continue to make use of such alternative programs and the charge for service to such class of person shall be nil while the alternative program remains in effect.

(c) Owners or occupiers of Residential Premises where there is a proven inability by the Contractor to provide the service to the Residential Premises, shall make their own arrangements for disposal at an Approved Disposal Site and the charge for service to such class of person shall be nil while the alternative program remains in effect.

3. **PREPARATION OF MATERIALS FOR COLLECTION**

(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
 - (vii) demolition or construction waste
 - (viii) Yard and Garden Waste
 - (ix) rocks
 - (x) hot ashes
 - (xi) Recyclable Materials
 - (xii) Food Waste
- (b) No person shall place items other than Recyclable Materials in a Recycling Container.
- (c) No person shall place items other than Food Waste in a Food Waste 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 or Food Waste Container.

(4) **Greases**

No solids or greases which may adhere to the garbage collection vehicle body, shall be put or placed in any Garbage Container unless wrapped in a waterproof covering or placed in a closed container.

4. **SYSTEM OPERATION**

(1) **Residents' Responsibility**

- (a) Every owner or occupier of Residential Premises served by the Regional Collection System shall:
 - (i) place Garbage in Garbage Containers, Food Waste in approved Food Waste Containers, and Recyclable Materials in Recycling Containers, in accordance with this bylaw;
 - (ii) by 8:00 a.m. on the day designated for their Residential Premises for collection, place their Garbage Containers, Food Waste Containers, and Recycling Containers in full view and as close as possible to the edge of the travelled way serving the premises, without obstructing traffic;
 - (iii) where their premises are served by lane collection, place Garbage Containers, Food Waste Containers, and Recycling Containers so that they are accessible from the lane so that the collection worker will not be required to enter upon private property, open gates, climb or descend stairs, or lift containers over fences for emptying;
 - (iv) tie, or otherwise seal, to prevent spillage or entry of water, any plastic bags placed for collection;
 - (v) place tags, as described in Schedule 'A', on extra Garbage Containers so that they are clearly visible to collection workers;
 - (vi) set out for collection, no more Garbage Containers than three (3) for Bi-Weekly Collection Service;
 - (vii) remove all Garbage Containers, Food Waste Containers, and Recycling Containers from the public street or lane, after emptying, on the same day that the service is provided.
- (b) Garbage Containers, Food Waste Containers, and Recycling 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 4(1)(a)(ii) or 4(1)(a)(iii) of this bylaw.
- (c) Every owner or occupier of Residential Premises served by the Regional Collection Service shall keep all Garbage Containers, Food Waste Containers and Recycling Containers in good condition and shall replace any which become damaged or dangerous to persons handling them.

(2) **Storage and Removal of Garbage, Residential Food Waste and Recyclable Materials**

Every owner or occupier of Residential Premises served by the Regional Collection Service shall store all Garbage, Food Waste and Recyclable Materials in suitable containers and all such Garbage, Food Waste and Recyclable Materials shall be put out for collection at least once in every Collection Period.

(3) **Use of Recycling Containers**

No person shall use a Recycling Container for any purpose other than the deposit and accumulation of Recyclable Materials and, not without limiting the generality of the foregoing, no person shall deposit Garbage in a Recycling Container.

(4) **Scavenging**

(a) No person, except an occupier of the Residential Premises to which a Recycling Container was distributed, shall remove from a Recycling Container, or from an area adjacent to a Recycling Container, any recyclable material prior to its collection by the Contractor.

(b) No person, except an occupier of the Residential Premises to which a Food Waste Container was distributed, shall remove from a Food Waste Container, or from an area adjacent to a Food Waste Container, any Residential Food Waste prior to its collection by the Contractor.

(5) **Frequency of Collection**

There shall be no regularly scheduled collection on Saturdays, Sundays or statutory holidays.

5. **ADMINISTRATION**

(1) **Administration**

The General Manager is authorized to administer this bylaw.

(2) **Fees**

(a) The fees and charges shown on Schedule 'A' to this bylaw are hereby imposed and levied on the owners of Residential Premises.

(b) Within the Electoral Areas of the District the fees and charges shall be billed annually in advance on or about June 1st each year and shall be due as payable as shown on the billing form.

(c) Each month the District will bill the City of Parksville, the Town of Qualicum Beach and District of Lantzville the charges shown on Schedule A times the number of Residential Premises identified as being served by the Regional Collection Service within their respective jurisdictions. The amount billed shall be due and payable to the District within thirty days of the receipt of a bill.

(d) The City of Parksville, Town of Qualicum Beach and District of Lantzville shall confirm on or before the 1st of each month, the number of Residential Premises within their jurisdictions receiving the service identified in Section 2 of this Bylaw.

(e) The fees and charges billed by the District may be included on a common form with other rates or items which may be billed by the District.

- (f) Subject to paragraph 5(2)(g) the fees and charges payable under paragraph 5(2)(a) will apply to new Residential Premises upon the earlier of occupancy, the issuance of an occupancy permit or where there is evidence that the premises are available for occupancy.
- (g) Where in respect of Residential Premises within the Electoral Areas of the District, the date determined under paragraph 5(2)(f) (the Commencement Date) results in a billing period shorter than the annual billing period, the charges for such shorter period in respect of such Residential Premises shall be calculated, levied and collected on the following basis:
 - (i) If the Commencement Date occurs between the first day and the fifteenth day of the month, the annual rate shall be applied on a pro rata basis from the first day of the month.
 - (ii) If the Commencement Date occurs between the fifteenth day and the last day of the month, the annual rate shall be applied on a pro rata basis from the first day of the following month.
- (h) To encourage prompt payment of fees and charges levied under paragraph 5(2)(b), the Board shall establish annually an adjustment to the rates and the adjustment will apply provided fees and charges billed are paid in full, including all arrears then outstanding, into the office of the District on or before the close of business on the date set out in the billing form.
- (i) No complaint of an error in any charge for rates or charges billed under this Bylaw shall be considered and no adjustment of any such error shall be made after a period of one year has elapsed since the end of the period for which such user rates or charges were billed. After the termination of this period all such user rates or charges shall be deemed to have been properly and correctly made.
- (j) A charge imposed under this bylaw which remains unpaid on December 31 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 *Local Government Act*.

(3) **Right of Entry**

The General Manager or other such representatives as may, from time to time, be duly authorized and appointed by the 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 (\$2,000.00) 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.

6. **CITATION**

This bylaw may be cited as “Regional District of Nanaimo Solid Waste and Recycling Collection Service Rates and Regulations Bylaw No. 1591, 2010”.

7. **REPEAL**

“Regional District of Nanaimo Garbage and Recyclable Materials Collection Bylaw No. 1009, 1996” and amendments, Bylaws No. 1009.01, 1009.02, 1009.03, 1009.04, 1009.05, 1009.06, 1009.07, 1009.08, 1009.09, 1009.10, 1009.11 and 1009.12 are hereby repealed.

Introduced and read three times this 27th day of April, 2010.

Adopted this 27th day of April, 2010.

CHAIRPERSON

SR. MGR., CORPORATE ADMINISTRATION

Chairperson

Sr. Mgr., Corporate Administration

SCHEDULE 'A'
BYLAW NO. 1591

User Fees associated with Collection of Garbage, Food Waste and Recyclable Materials

The rates in this schedule apply to the jurisdictions as outlined in the body of this bylaw.

Service Area	Prompt Payment Rate (rates rounded for convenience)	Payment after Due Date	Other Charges
Electoral Areas ⁽¹⁾	\$121.50	\$135.00	
City of Parksville ⁽¹⁾	\$121.50	\$135.00	
District of Lantzville ⁽¹⁾	\$121.50	\$135.00	
Town of Qualicum Beach ⁽²⁾	\$80.10	\$89.00	
Recycling Only ⁽³⁾	\$22.50	\$25.00	
Tags for set out of additional Garbage Containers (excluding Town of Qualicum Beach)	-	-	\$2.00 per garbage container
Green Bin food waste containers			\$25.00 ⁽⁴⁾ each \$26.00 ⁽⁴⁾ each

Explanation of Service Level Container Limits included in Basic Rate

(1) Service Level Basic Rates Container Limits =

The basic rate will include up to one container of Residential Garbage per collection period (one container per two weeks), one container of Residential Food Waste per collection period (one container per week), and unlimited Recyclable Materials per collection period.

(2) Service Level Basic Rates Recycling and Food Waste Collection for Town of Qualicum Beach =

The basic rate will include up to one container of Residential Food Waste per collection period (one container per week), and unlimited Recyclable Materials per collection period.

(3) Service Level Basic Rates Recycling Only Collection =

The basic rate includes unlimited Recyclable Materials only per collection period.

(4) Charge for Green Bin food waste container includes taxes. Old stock (model # NPL 280) charged at \$25.00 each. Upon depletion of old stock, charge of \$26.00 each for new stock (model # NPL 280A).

Chairperson

Sr. Mgr., Corporate Administration

SCHEDULE 'B'

MULTI-MATERIAL RECYCLING CONTAINER

A. BLUE BOX MAXIMUM REQUIREMENTS

Dimensions

Each container must measure no more than (Outside Dimensions):
20" x 16" x 16" (L x W x H)

Each container must have a rated capacity of approximately 80 litres.

Colour:

Each container must be Dark Blue with White Lettering

Special:

Each container must contain silicon rubber die hot stamps:

On both sides "ZERO WASTE RDN" and on both ends "universal recycling logo" together with Regional District of Nanaimo recycling logo in contrasting colour to the colour of the container and must be no less than 1-1/2" in height.

General:

Each container must be rectangular in shape and designed for a multi-material curbside collection program.

Each container must have a rated capacity of no less than 80 lbs.

Each container must have a 10 oz. capacity within the container to accumulate spillage when stored in the home, with four bottom vent holes in centre of raised levels to drain excess accumulation of rain or snow melt when stored outside.

Each container must have an anti-slide bottom pattern to resist wind blow-away.

Each container must have enclosed handles for safety and cleanliness.

Weight:

Each container must be no heavier than fifty (50) lbs (23 kilograms) when placed at the curb.

Example:

An example of an approved "Blue Box" recycling container is Norseman Plastics Product ID NPL 250 or NPL 259.

Chairperson

Sr. Mgr., Corporate Administration

SCHEDULE 'C'

FOOD WASTE CONTAINER

A. CURBSIDE CONTAINER MAXIMUM REQUIREMENTS

Dimensions

Each container must measure no more than (Outside Dimensions):
12" x 11" x 27" (L x W x H)

Each container must have a rated capacity of approximately 50 litres.

Colour:

Green with "Zero Waste – Beyond Composting" logo hot-stamped on front.

General:

Each container must have a latching lid, 360 degree double rim closure (to enhance lid seal), and handles for ease of transport by resident and for collection workers.

Curbside Weight:

Each container must be no heavier than fifty (50) lbs (23 kilograms) when placed at the curb.