

**TOWN OF LAKE COWICHAN
BYLAW 1063-2021**

**A BYLAW TO AUTHORIZE AND REGULATE
THE COLLECTION OF WASTE**

WHEREAS under Section 8 of the *Community Charter*, the Council may by bylaw regulate, prohibit and impose requirements in relation to municipal services;

AND WHEREAS it is deemed advisable that the Town of Lake Cowichan shall establish and operate a system of collection for garbage, organic material, rubbish and other unwholesome and discarded material;

NOW THEREFORE, the Council of the Town of Lake Cowichan in open meeting assembled, ENACTS as follows:

1. TITLE

This bylaw may be cited as the "Town of Lake Cowichan Waste Collection Regulations and Rates Bylaw No. 1063-2021".

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

COMMERCIAL ENTERPRISE shall mean any business requiring a business licence to operate a business in the Town of Lake Cowichan;

CONSTRUCTION WASTE means

- (a) waste resulting from or produced by the alteration, renovation, or construction of residential structures such as buildings, houses, sheds, garages, driveways, and other related improvements; and
- (b) includes any waste associated with the construction trades;

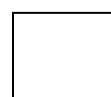
GARBAGE shall mean and include any and all rubbish and household waste and any items designated by the Town as acceptable for refuse collection but excludes construction waste, kitchen organics, prohibited waste, recyclable materials, and garden and yard waste;

HYDRAULIC BIN shall be a container designed to meet safety requirements, and to be handled by garbage trucks operating for the Town and having a capacity of 3 cubic yards (2.3m³) and not weighing more than 225 kgs;

INSTITUTION in this bylaw shall only mean facilities owned and operated by the Vancouver Island Regional Library;

KITCHEN ORGANICS is kitchen waste that is compostable and includes food scraps, egg shells, fish, seafood, nuts, shells, bones, tea bags, coffee grounds, paper filters, dairy products, fruits, vegetables, breads, cereals, pasta, cakes, biscuits, paper towels, napkins, paper plates, paper cups, pizza boxes and other food soiled cardboard, gable top milk and wax coated ice cream containers, houseplants and for certainty excludes yard and garden waste and non-compostable bags;

OCCUPIER shall mean any person occupying any dwelling, habitation, place of residence, or trade premises within the Town, but shall not include any person who is merely a boarder, roomer, or lodger therein;



OWNER shall mean and include a person as defined in the **SCHEDULE — DEFINITIONS AND RULES OF INTERPRETATION** to the *Community Charter*;

PROHIBITED WASTE includes:

- (a) explosive material, radioactive substances, hazardous waste, petroleum products, and industrial chemical waste;
- (b) furniture, appliances, motor vehicle tires, motor vehicle bodies, and farm tools or equipment;
- (c) construction waste;
- (d) anything that is on fire or is smouldering;
- (e) dead animals, or parts thereof, including:
 - (i) roadkill, wildlife, or pets; but
 - (ii) excludes what is considered food waste by the Town;
- (f) yard and garden waste; and
- (g) any other matter that is so considered by the Town;

RECYCLABLES are materials accepted for collection accepted for collection under a recycling program with Recycle BC;

REGULATION GARBAGE RECEPTACLE shall mean a tote provided by the Town for the purpose of garbage storage and collection with a good fitting, watertight cover, and a capacity of not more than eighty (80 litres or 34 kg), or one hundred twenty (120) litres, or two hundred and forty (240) litres, when full. A receptacle may be used with a plastic bag liner for removal. Plastic bags shall not be permitted for use as a normal garbage receptacle unless plastic bag is placed in an approved container marked with a tag;

REGULATION ORGANICS RECEPTACLE shall mean a tote provided by the Town for the purpose of organics storage and collection with a good fitting, watertight cover and a capacity of not more than eighty (80 litres or 34 kg), or one hundred twenty (120) litres, or two hundred and forty (240) litres, when full. A receptacle may be used with a compostable plastic bag liner for removal. Plastic bags shall not be permitted for use as a normal organic receptacle;

RESIDENTIAL DWELLING shall mean a single segregated self-contained residential dwelling used for, or intended for the domestic use of one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities including, but not limited to a townhouse, semi-detached, residential home, duplex or a cabin;

RESIDENTIAL PROPERTY means a property within the Town limits that is used for residential purposes, and includes single-family homes, duplexes, townhouses, multi-family apartments, condominiums, and co-ops;

SUPERINTENDENT means the Superintendent, Public Works, and Engineering Services of the Town of Lake Cowichan;

TAG shall mean a garbage tag obtainable at the Town of Lake Cowichan for use in connection with a regulation garbage receptacle;

TOWN means the Town of Lake Cowichan.



WASTE COLLECTOR shall mean the Town or person appointed from time to time by resolution of the Municipal Council to collect garbage and trade waste or kitchen organic within the Town of Lake Cowichan;

YARD AND GARDEN WASTE is organic materials, other than kitchen organics, including grass, lawn and hedge clippings, sod, earth, flowers, weeds, leaves, shrubs, and branches.

3. GENERAL PROVISIONS

- 3.1 No person within the Town of Lake Cowichan shall dispose of garbage or waste except in accordance with the provisions of this bylaw.
- 3.2 No person shall place anything other than garbage into the garbage receptacle or kitchen organics into the kitchen organics receptacle.
- 3.3 Every occupier or owner of any dwelling, apartment house and trade premises within the Town shall ensure that regulation garbage receptacles are put out prior to pick-up times only on the days specified for pick up.
- 3.4 A residential dwelling within the Town limits will be issued one garbage receptacle and one kitchen organics receptacle.
- 3.5 Receptacles provided by the Town shall, at times, remain the property of the Town and may not removed from the premises. Where this should occur, the new owner will be held responsible for the replacement costs.
- 3.6 Where the property owner requests a change in organics and garbage services applicable charges as determined in this bylaw or by council shall apply.

4. ACCESSIBILITY OF WASTE RECEPTACLE

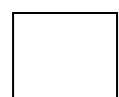
- 4.1 RESIDENTIAL: all regulation garbage receptacles shall be accessible within 1 meter (3 feet) of the curb or curb line on a public road site on all designated collection days or edge of pavement. Such days shall be designated by the Town. No garbage will be removed from private property or driveways on private property. Every occupier or owner of a dwelling shall place all garbage and recyclable containers before 7:00 a.m. on the day designated by the Superintendent for collection.
- 4.2 COMMERCIAL: all garbage receptacles shall be accessible to the Waste Collector at a predetermined location, and sites and days will be approved by the Town. Every commercial enterprise shall place all garbage and recyclable containers before 7:00 a.m. on the day designated by the Superintendent for collection.

5. PROPER RECEPTACLE

- 5.1 Every occupier or owner of a dwelling, apartment house and trade premises shall use the correct receptacle for garbage or kitchen organics at all times.
- 5.2 Where garbage or kitchen organics is not contained within the receptacle or where the occupier or owner causes the garbage or kitchen organics to be strewn in or outside the dwelling, apartment house or trade premises the Superintendent may order the clean-up of the garbage. The costs of the clean-up will be assessed against the owner of the property responsible for the cause of the clean-up.

6. CONTAINER REQUIREMENTS

- 6.1 No liquids or free water shall be put or placed in or allowed to run or accumulate in any regulation garbage receptacle, and all such regulation garbage receptacles shall, at all times, be kept securely covered with a water-tight cover.



- 6.2 No person shall place any explosive substance in any regulation garbage receptacle.
- 6.3 All garbage shall be drained and dry before being deposited in a garbage receptacle.
- 6.4 No person shall place kitchen scraps into a kitchen organics receptacle unless the kitchen scraps are securely contained in a paper bag or a compostable bag.
- 6.5 No person shall place garbage or kitchen organics for pick-up in receptacles owned by others without that owner's permission.

7. PROHIBITED MATERIALS

- 7.1 No owner or occupier shall deposit for the collection by the Waste Collector of prohibited materials, yard and garden waste and glass or recyclable materials.

8. CONDITION OF RECEPTACLE

- 8.1 All regulation garbage receptacles shall at all times be kept in good and sanitary condition and shall be accessible for inspection at all reasonable times.

9. MANDATORY SERVICE

- 9.1 All premises within the Town must have all trade waste and house rubbish removed and disposed of by the Town of Lake Cowichan and shall comply with all regulations.
- 9.2 Notwithstanding section 9.1, commercial and institutional enterprises may opt out of municipal waste collection service by notifying the Town in writing of the effective date it has entered into a garbage collection and recycling contract with a bona fide garbage and recycling contractor.

10. INDEPENDENT SERVICE

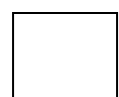
- 10.1 In the case of building or premises being used as separate units, each must pay the independent garbage user fee of the Town, as prescribed in the schedule attached to this bylaw.
- 10.2 The property owner is responsible for the purchase of organics and waste totes for secondary suites, where required, and the property owner also responsible for the monthly waste collections fees in accordance with Schedule A.

11. CHARGES WHEN VACANT

- 11.1 All of the Town has a specified garbage district, therefore, the owners of premises, whether occupied or vacant, on which a premise exists, shall be responsible for the payment of all annual garbage user fees, whether the service is actually used or not.

12. COLLECTION OF FEES

- 12.1 All accounts will be billed annually in January for the period January 1st to December 31st and payable in advance. The due date is March 31st. These rates shall be payable at any place designated by Council, but in all cases, the owner shall be subject to the provisions of Section 258 of the *Community Charter* and shall be paid at the rates set forth for the respective year in Schedule "A" attached to this bylaw.



- 12.2 Invoicing for new customers will commence upon the issuance of the occupancy certificate by the building inspector.
- 12.3 Tags for use with additional regulation garbage receptacles may be bought at the Town office during regular business hours at the rate established in Schedule "A".

13. DISCOUNTS AND PENALTIES

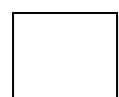
- 13.1 All accounts shall be allowed a discount of 10 percent (10%) for prompt payment of the annual billing or portion thereof if paid on or before the last day of February.
- 13.2 The annual billing is due and payable on or before March 31st of the current year. If the account remains unpaid after the first business day in July a 5 percent (5%) penalty will be applied to the outstanding balance. If the account remains unpaid after September 30th an additional 5 percent (5%) penalty will be applied to the outstanding balance.
- 13.3 Excess toter pickup billings will be due 30 days from the invoice date. If the account remains unpaid after 60 days from the billing date, monthly interest charges will be applied at 2% until the account is paid.
- 13.4 All outstanding balances as at December 31st will be transferred to taxes as arrears.

14. DUTIES OF WASTE COLLECTOR

- 14.1 It shall be the duty of the Waste Collector:
 - a) To collect all garbage, trade waste, recycling and organics;
 - b) To report any infraction of this bylaw;
 - c) To answer all complaints courteously and promptly;
 - d) Not to trespass needlessly on private property, but to follow pedestrian walks and not cross from one property to another;
 - e) To have all garbage collection equipment accessible to the Public Health Inspector at all times; and
 - f) To maintain a list of users who fail to meet the requirements set forth in this bylaw.

15. COLLECTION OF GARBAGE FROM RESIDENTIAL DWELLINGS

- 15.1 The schedule for the pick-up of garbage and organics from dwellings each year shall be determined prior to December 31st of the current year.
- 15.2 Garbage shall be collected and carried away by the Waste Collector from all strata corporations biweekly (depending on service levels). The strata corporation must sign a waiver of liability in the form attached as Schedule "B" to this bylaw.
- 15.3 A strata corporation, on behalf of all of the owners of the residential strata lots in the strata plan that are townhouses or bare land strata lots, may apply to the Town for individual service for municipal collection services provided under the garbage, recyclables and organics as set out in this bylaw.



- 15.4 The Town will accept the application if the Town is satisfied that the residential strata lots can be safely, efficiently and legally serviced by the Town's automated collection system. If accepted, the owners of each residential strata lot will be provided with basic standard carts and pay the fees according to Schedule "A".
- 15.5 The owners shall, as a condition of the Town actually providing municipal collection services from the residential strata lots but without affecting the owners' obligations to pay the fees, comply with any terms and conditions imposed from time to time by the Town in order to ensure that the Town can safely, efficiently and legally service the residential strata lots.
- 15.6 The strata council must ensure that access through the strata corporation is kept clear of snow and debris at all times and no part the access will be blocked to the automated garbage collection system.

16. COLLECTON OF ORGANICS FROM RESIDENTIAL DWELLINGS

- 16.1 Organics shall be collected and carried away by the Waste Collector from all dwellings a minimum of once every second week in each year (See Schedule "A" for multiplying factor relative to pick-up.).
- 16.2 The designated kitchen organics container, as specified by the Town, must be used. To prevent a pest problem and for odour control the lid must be tightly sealed.
- 16.3 If a liner is used in the organics container, the liner must be compostable.

17. COLLECTION FROM TRADE PREMISES

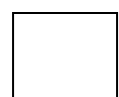
- 17.1 Garbage and Kitchen Organics shall be collected and carried away from trade premises, apartment houses and buildings in which more than two dwelling units, at such periods as the Waste Collector may establish. (See Schedule "A" for multiplying factor relative to pick-ups).

18. REGULATION RECEPTACLE

- 18.1 For the purpose of this bylaw, a garbage or kitchen organics service shall consist of the removal of the contents of not more than one garbage receptacle for a residential or commercial can, of a size specified in the definition "Regulation Garbage Receptacle" or "Trade Waste".
- 18.2 Notwithstanding the foregoing, any residential or commercial user is entitled to extra pick-ups at the scheduled time of garbage pick-up if each additional regulation garbage receptacle is affixed with a prepaid tag.

19. CONTRAVENTION AND PENALTIES

- 19.1 Any person who evades or knowingly assists in the evasion of rates under this bylaw is guilty of an offence and shall be liable to a penalty equal to twice the amount that was evaded.
- 19.2 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 neglects or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction hereof and shall be liable to the penalties imposed.
- 19.3 Any person found guilty of an infraction of any of the provisions of this bylaw, shall, upon summary conviction, be liable to a fine not exceeding Two Thousand Dollars (\$2,000) which shall be recoverable and enforceable upon summary conviction in the manner provided by the *Offence Act*.



20. REPEALED

20.1 That upon adoption of the bylaw, Bylaw No. 1032-2020 being the "Town of Lake Cowichan Garbage Regulations and Rates Bylaw" and all amendments thereto are hereby repealed.

READ A FIRST TIME on the 23rd day of November 2021.

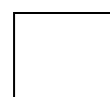
READ A SECOND TIME on the 23rd day of November 2021.

READ A THIRD TIME on the 23rd day of November 2021.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the 21st day of December 2021.

Bob K. Day
Mayor

Joseph A. Fernandez
Corporate Officer



SCHEDULE "A"**ATTACHED TO AND FORMING PART OF BYLAW NO. 1063-2021****WASTE COLLECTION RATES****WASTE COLLECTION RATES - 2022**

The rates reflected in this schedule are based on a flat rate billing system and include fees for garbage, organics and recycling.

The monthly minimum fee payable for the removal of waste shall be as follows:

- a) **Residential** - based on a maximum of one regulation size garbage can per bi-weekly pick-up and one regulation size organics pickup per week for each single family unit at:
 - i) \$15.70 per month for 80 litre tote
 - ii) \$23.55 per month for 120 litre tote
 - iii) \$47.10 per month for 240 litre tote (only applicable to multi-family residential)
- b) **Commercial** - offices, warehouses, small retail and wholesale outlets, industrial and other small commercial enterprises for each enterprise based on a maximum of one regulation size garbage and where applicable one regulation size organics can at:
 - i) \$15.70 per month for 80 litre tote with bi-weekly garbage pickups
 - ii) \$5.50 per pickup for 80 litre tote (one pickup per week minimum)
 - iii) \$8.25 per pickup for 120 litre tote (one pickup per week minimum)
 - iv) \$11.60 per pickup for commercial tote (one pickup per week minimum)
 - v) \$60.50 per hydraulic bin pickup

WASTE COLLECTION RATES - 2023

The rates reflected in this schedule are based on a flat rate billing system and include fees for garbage and recycling.

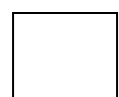
The monthly minimum fee payable for the removal of waste shall be as follows:

- a) **Residential** - based on a maximum of one regulation size garbage tote collected bi-weekly and one regulation size organics tote collected weekly for each single family unit at:
 - i) \$16.00 per month for 80 litre tote
 - ii) \$24.00 per month for 120 litre tote
 - iii) \$48.80 per month for 240 litre tote (only applicable to multi-family)
- b) **Commercial** - offices, warehouses, small retail and wholesale outlets, industrial and other small commercial enterprises for each enterprise based on a maximum of one regulation size garbage and where applicable one regulation size organics can at:
 - i) \$16.00 per month for 80 litre tote with bi-weekly pickups
 - ii) \$5.80 per pickup for 80 litre tote (one pickup per week minimum)
 - iii) \$8.70 per pickup for 120 litre tote (one pickup per week minimum)
 - iv) \$12.20 per pickup fee for commercial tote (one pickup per week minimum)
 - v) \$61.50 per hydraulic bin pickup

GENERAL FEES APPLICABLE

Container rental fee where applicable shall be levied as follows:

Toter	\$ 4.00 per month
Hydraulic bin	\$ 64.50 per month



SCHEDULE "B"

ATTACHED TO AND FORMING PART OF BYLAW NO. 1063-2021

INDEMNIFYING RELEASE

In consideration of the restricted access available to larger vehicles and in relation to the collection of garbage in or about

Lake Cowichan, B.C.

I/We,

agree to save harmless and keep indemnified any or all of the staff, members of Council, agents, servants and representatives of the Town of Lake Cowichan (hereinafter referred to as the "Town") from and against all claims, actions, expenses and demands in respect to injuries, death, loss and damage to my/our property howsoever caused, arising out of or in connection with the collection of garbage from these premises.

Dated this _____ day of _____, _____.

WITNESS TO:

AUTHORIZED SIGNATORY

_____)	_____
Print Name Occupation)	Print Name
)	
_____)	_____
Address)	Address
)	
_____)	_____
)	
_____)	_____
Signature)	Signature
)	

