

**REGIONAL DISTRICT OF  
ALBERNI-CLAYOQUOT BYLAW**

**NO. R1036**

**A BYLAW TO REGULATE THE STORAGE, COLLECTION AND DISPOSAL OF  
GARBAGE, RECYCLABLES AND ORGANIC WASTE ON THE WEST COAST  
WITHIN THE REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT**

**WHEREAS** Section 316(a) of the *Local Government Act* enables the Regional District of Alberni-Clayoquot to require persons to use a waste disposal or recycling service, including requiring persons to use a waste disposal or recycling service provided by or on behalf of the regional district;

**AND WHEREAS** Section 316(b) of the *Local Government Act* enables the Regional District of Alberni-Clayoquot to require owners and occupiers of real property to remove waste, garbage, rubbish and other matter from their property and take it to a specified place;

**AND WHEREAS** pursuant to Bylaw No. R1020, cited as the "Solid Waste Management Plan Bylaw No. R1020, 2007", the Regional District of Alberni-Clayoquot contemplates diversion of waste from landfills (the "Solid Waste Management Plan");

**AND WHEREAS** the Board of Directors of the Regional District of Alberni-Clayoquot has determined that it is consistent with the objectives of the Solid Waste Management Plan to require certain persons to use the Regional Collection Service provided by or on behalf of the Regional District and to regulate the storage, collection and disposal of waste;

**NOW THEREFORE** the Board of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts as follows:

**CITATION**

1. This Bylaw may be cited for all purposes as "West Coast Waste Materials Regulation and Charges Bylaw No. R1036, 2022."

**DEFINITIONS**

2. In this Bylaw, unless the context otherwise requires, the following words, terms, and phrases shall have the corresponding meaning:

<b>"Approved Disposal Site"</b>	means a licensed or regulated site that accepts Solid Waste for processing or disposal.
<b>"Approved Curbside Premises"</b>	means a premises that has been approved by the Solid Waste Manager for Collection Services in accordance with section 13 and 15.
<b>"Banned Recyclables"</b>	means Recyclable Material that is not accepted for curbside collection through the RecycleBC Program, including but not limited to: <ol style="list-style-type: none"> <li>(a) glass containers;</li> <li>(b) plastic bags and overwrap;</li> <li>(c) foam packaging; and</li> <li>(d) other flexible plastic packing</li> </ol>
<b>"Bear-Resistant"</b>	means a design to prevent access by bears and other wildlife during storage of waste as approved by the Solid Waste Manager.

- "Bear-Resistant Enclosure"** means a fully enclosed structure having four sides, a roof, door(s) and a locking device designed to discourage and prevent access by bears and, for clarity, includes a garage or other structure as approved by the Solid Waste Manager.
- "Bylaw Enforcement Officer"** means any person designated as bylaw enforcement officer in Bylaw Notice Enforcement Bylaw, 2020, Bylaw No. PS1008.
- "Cart Administration Fee"** means a fee payable for any changes in Collection Cart size permitted under this Bylaw in the amount set out in Schedule A [cost of upsizing or downsizing Collection Carts].
- "Cart Replacement Fee"** means a fee payable for any replacement of a Collection Cart by the Regional District in the amount set out in Schedule A [costs of cleaning, repairs and replacements].
- "Collection Cart"** means a container for the separation and storage of Solid Waste at a Serviced Premises, which shall be the containers provided by the Regional District and which containers are intended for the following types of Solid Waste: Garbage (black) or Recyclables (blue) or Organic Waste (green).
- "Collection Day"** means the day scheduled for the Collection Service.
- "Collection Service"** means the collection of Garbage, Recyclables, and Organic Waste from a Serviced Premises by the Regional District or Contractor in accordance with this Bylaw.
- "Construction and Demolition Waste"** means waste produced from the construction, renovation, deconstruction and demolition of buildings, and other structures, but does not include Hazardous Waste or Recyclable Material.
- "Contamination"** means the presence of:
- (a) Prohibited Material in any Collection Carts;
  - (b) Construction and Demolition Waste in any Collection Carts;
  - (c) Garbage in Recyclables (blue) Collection Cart or Organic Waste (green) Collection Cart;
  - (d) Recyclables in an Organic Waste (green) Collection Cart;
  - (e) Banned Recyclables in a Recyclables (blue) Collection Cart; or
  - (f) Organic Waste in a Recyclables (blue) Collection Cart.
- "Contractor"** means the person or persons who perform the Collection Service on behalf of the Regional District.
- "Eligible Curbside Premises"** means any Lot in the Service Area with a Residential Use as its Principal Use that is not a Mandatory Curbside Premises.
- "Environmental Management Act"** means the Environmental Management Act (British Columbia), as amended, or any successor legislation, and any regulations thereunder.
- "Garbage"** means all Solid Waste other than Recyclables and Organic Waste and excluding Construction and Demolition Waste, Hazardous Waste, Prohibited Material or any other items determined by the Solid Waste Manager from time to time.
- "Hazardous Waste"** means any chemical compound, mixture, substance or article defined as Hazardous Waste in the Hazardous Waste Regulation BC Reg. 63/88 enacted under the Environmental Management Act;
- "Mandatory Curbside Premises"** means any Lot in the Service Area that has a building with a Residential Use as its Principal Use, unless:

- (a) the Lot is Unserviceable;
- (b) the building contains more than four Dwelling Units; or
- (c) the Lot is created by a strata plan, including a Bare Land Strata Plan.

<b>"Occupier"</b>	means the person or persons residing at the Serviced Premises.
<b>"Organic Waste"</b>	means Solid Waste which is suitable for composting or processing at an Approved Facility.
<b>"Owner"</b>	as defined by the Community Charter, S.B.C. 2003, c. 26 as may be amended or replaced from time to time.
<b>"Private Collection Service"</b>	means the collection of Garbage, Recyclables, and Organic Waste by means other than the Collection Service from any location that generates Solid Waste and that is not an Approved Disposal Site.
<b>"Prohibited Material"</b>	means waste prohibited from disposal by the Regional District at its landfills in accordance with the applicable bylaw including West Coast Tipping Fee and Regulation Bylaw No. R1033.
<b>"Recyclable Material"</b>	has the same meaning as "recyclable material" in the <i>Environmental Management Act</i> .
<b>"Recyclables"</b>	means Recyclable Material that is accepted for curbside collection through the RecycleBC Program.
<b>"Regional District"</b>	means the Regional District of Alberni-Clayoquot.
<b>"Service Area"</b>	means the area shown on the map in in Schedule "B".
<b>"Serviced Premises"</b>	means any location that receives Collection Services under this Bylaw, either as a Mandatory Curbside Premises or as an Approved Curbside Premises.
<b>"Solid Waste"</b>	has the same meaning as "municipal solid waste" in the <i>Environmental Management Act</i> .
<b>"Solid Waste Management Plan"</b>	means a written document prepared by an Owner or Occupier describing the Private Collection Service, including but not limited to information on how Recyclables, Organic Waste and Garbage are separately stored and removed from their property and the location to which Recyclables, Organic Waste and Garbage is taken for disposal.
<b>"Solid Waste Manager "</b>	means the person duly appointed by the Regional District of Alberni-Clayoquot as the Manager responsible for Solid Waste or that person's delegate or designate.
<b>"Strata Property Act"</b>	means the <i>Strata Property Act</i> , S. B.C. 1998, c. 43,
<b>"Unserviceable"</b>	means a Mandatory Curbside Premises determined to be unserviceable in accordance with section 10 of this Bylaw.
<b>"Unserviced Premises"</b>	means any location that does not receives Collection Services under this Bylaw.
<b>"Wildlife Attractant"</b>	means any substance, with or without an odour, which attracts or is likely to attract wildlife; and without limitation includes refuse, recycling, food or other edible products, whether intended for humans, animals, or birds, grease, oil, antifreeze, paint, petroleum products, and compost other than grass clippings, leaves or branches.

**"Zoning Bylaw"** means the Alberni-Clayoquot Zoning By-law 1971, as of the date of adoption of this Bylaw.

3. Any terms used in this Bylaw that are not otherwise defined herein, but that are defined in the Zoning Bylaw, shall have the meaning set out in the Zoning Bylaw.
4. Any terms used in this Bylaw that are not otherwise defined herein, but that are defined in the *Strata Property Act*, shall have the meaning set out in the *Strata Property Act*.
5. In this Bylaw, a reference to any statute, regulation or other enactment refers to that enactment as amended or replaced from time to time, unless otherwise specified.

#### **ROLE OF THE SOLID WASTE MANAGER**

6. The Solid Waste Manager is authorized to administer and enforce this Bylaw including the supervision, control and direction of the Collection Service. Included in this authorization is the authority to:
  - a) create, amend, publish and prescribe any forms, notices, policies, or other documents that may be convenient for the administration of this Bylaw;
  - b) keep records of applications received and warnings, notices, directions and orders given in relation to compliance with this Bylaw;
  - c) delegate any of the authority given to the Solid Waste Manager under this Bylaw to another employee of the Regional District; and
  - d) to implement processes for determining the amount and manner of collection of any fees established by this Bylaw, which includes the authority to reduce, waive or refund these fees in circumstances in which the Solid Waste Manager determines that:
    - i. there has been an error in the imposition or calculation of the fees;
    - ii. a person has prepaid towards the costs of the service to which the fee or charge relates and use of the service by the person is discontinued; or
    - iii. the fees are unrecoverable or it would be impractical to recover the unpaid fees.

#### **RESPONSIBILITY TO STORE, ARRANGE FOR COLLECTION AND DISPOSAL OF SOLID WASTE**

7. No Owner or Occupier shall cause or permit any Solid Waste to collect or accumulate on their premises.
8. Every Owner or Occupier of a premises upon or within which Solid Waste is generated shall be responsible for its proper storage and disposal in accordance with the regulations set out in this Bylaw, in addition to any applicable provincial and federal laws or other Regional District bylaws.

#### **MANDATORY PARTICIPATION IN THE COLLECTION SERVICE**

9. Unless Unserviceable, every Owner of a Mandatory Curbside Premises shall participate in the Collection Service and pay fees in accordance with this Bylaw. No Owner or Occupier of a Residential Dwelling within the Service Area may opt out of participation in the Collection Service, except as permitted under this Bylaw.
10. Any premises that the Solid Waste Manager determines cannot be safely, efficiently and legally serviced from the adjacent street may be considered Unserviceable for the purposes of this Bylaw. If the Solid Waste Manager determines that a Mandatory Curbside Premises is Unserviceable, the Owner shall be given written notice and the Owner will be required to comply with the provisions of this Bylaw related to Unserviced Premises.

**UNSERVICED PREMISES**

11. An Owner of an Unserviced Premises must do the following:
  - a) arrange for a Private Collection Service for the collection and disposal of Garbage, Recyclables, and Organic Waste and other similar Solid Waste generated at the premises, and
  - b) ensure that the collection and disposal of Garbage, Recyclables, and Organic Waste and other similar Solid Waste complies with the regulations in this Bylaw, and
  - c) ensure that Recycling containers are blue and Organics containers are green, and
  - d) ensure that Garbage containers are neither blue nor green.
12. The Solid Waste Manager may request a Solid Waste Management Plan at any time from an Owner or Occupier of an Unserviced Premises.
13. Notwithstanding section 11 of this Bylaw, the Solid Waste Manager may, on application from an Owner of an Unserviced Premises, provide the Collection Service to any Unserviced Premises within the Service Area on the terms and conditions prescribed by the Solid Waste Manager.
14. Nothing in this bylaw prevents an Owner or Occupier of an Unserviced Premises from disposing of the Solid Waste generated at their own premises by hauling it themselves to an Approved Facility, provided that:
  - a) they have submitted a Solid Waste Management Plan to the Solid Waste Manager; and
  - b) the Solid Waste Manager either approves the Solid Waste Management Plan or the Solid Waste Manager has established a policy and the submitted Solid Waste Management Plan conforms to the policy.

**APPLICATION TO BECOME AN APPROVED SERVICED PREMISES**

15. An Eligible Curbside Premises may apply to the Solid Waste Manager to become an Approved Curbside Premises as follows:
  - a) A strata corporation, on behalf of all of the Owners of the Residential Strata Lots in the strata plan that creates Residential Strata Lots with Single Family Dwellings, including Bare Land Strata Lots, may apply to the Regional District to use the Collection Service.
  - b) On an application from a strata corporation, the Solid Waste Manager may approve the Collection Service to each Residential Strata Lot if the Solid Waste Manager is satisfied that all of the Residential Strata Lots can be safely, efficiently and legally serviced.
  - c) Once approved, each Residential Strata Lot becomes an Approved Curbside Premises.
  - d) The Regional District will provide each Approved Curbside Premises with a set of Collection Carts and the Owner of the Approved Curbside Premises shall pay fees in accordance with this Bylaw.
16. An Approved Curbside Premises may discontinue the Collection Services only where all of the following conditions are met:
  - a) The strata corporation, on behalf of all of the Owners, must apply to the Solid Waste Manager with the following information:
    - i. the requested date the Private Collection Service will commence collection services for all Approved Curbside Premises in the strata plan;
    - ii. the name of the Private Collection Service;
    - iii. a Solid Waste Management Plan confirming the separated collection of all Solid Waste; and
    - iv. any other information as required by the Solid Waste Manager to conclude the Collection Service.
  - b) There are no unpaid fees for any Approved Curbside Premises governed by the strata corporation.

- c) The Solid Waste Manager approves the application by the strata corporation after being satisfied that the strata corporation has made alternate arrangements for the storage, collection and disposal of Solid Waste generated by all the Approved Curbside Premises.

17. If the application is approved by the Solid Waste Manager, the Collection Service shall cease within 60 days of the approval. Each Approved Curbside Premises will pay the fees for the Collection Service in accordance with the Bylaw up to the date that the Collection Service ceases.

#### **RESIDENTIAL WASTE COLLECTION SERVICE REGIONAL DISTRICT COLLECTION SERVICE**

18. The Regional District will provide the following frequency of Collection Service for Services Premises:

- a) Garbage collection every two weeks;
- b) Recyclables collection every two weeks; and
- c) Organic Waste collection every week.

18. The frequency of the provision of the Collection Service under section 17 is subject to change from time to time, as determined by the Solid Waste Manager, or as otherwise necessary to respond to environmental, emergency or other unforeseeable circumstances.

#### **WASTE COLLECTION CARTS**

19. The Collection Carts shall remain at the Serviced Premises to which they were issued, and the Contractor and the Regional District shall have the right to inspect, alter, remove, or replace the Collection Carts at any time.

20. An Owner or Occupier of a Serviced Premises shall ensure that a Collection Cart is not overfilled and that the lid of the Collection Cart is kept fully closed at all times and secured with the latching devices except as required on designated collection days.

21. If the volume of Recyclables, Organic Waste or Garbage for disposal from a Serviced Premises exceeds the capacity of the respective Collection Carts, the Owner or Occupier shall make their own arrangement for disposal of the Solid Waste at an Approved Disposal Site.

22. An Owner may request a change in Collection Cart size once in a 12-month period and along with their request shall pay the Cart Administration Fee.

23. The Collection Carts shall not be used for any purpose other than the storage and disposal of Recyclables, Organic Waste or Garbage in accordance with this Bylaw.

#### **DUTIES OF OWNERS AND OCCUPIERS**

24. To prevent the accumulation of Solid Waste at their premises, an Owner or Occupier must remove any Solid Waste that is generated at the premises, including Solid Waste that overflows from a Collection Cart or other container used for a Private Collection Service.

25. An Owner or Occupier must store and dispose of Solid Waste in accordance with all laws.

26. An Owner or Occupier must not leave, place or store outdoors any Solid Waste that is a wildlife attractant unless such Solid Waste is left, placed or stored in both of the following:

- a. in a Bear-Resistant Collection Cart with latching devices secured; and
- b. in a Bear-Resistant enclosure surrounding the Bear Resistant Collection Cart or, if the Bear Resistant Collection Cart is stored outdoors, the container must be anchored to prevent tipping or being dragged away by an adult bear.

27. An Owner or Occupier of an Unserviced Premises must arrange for private hauling of their Garbage, Recyclables and Organic Waste to an Approved Disposal Facility.

### **SOLID WASTE COLLECTION SET-OUT REQUIREMENTS**

28. Every Owner or Occupier of a Serviced Premises shall:

- a. separate Garbage, Recyclables and Organic Waste and place each type of material in the applicable Collection Cart, without Contamination
- b. not place material in a Collection Cart that exceeds the weight limit or capacity specified on the Collection Cart or in this Bylaw;
- c. use the Collection Carts only to deposit Garbage, Recyclables and Organic Waste in their respective Collection Cart; and
- d. be limited to the number and size of Collection Carts specified under Schedule A of this Bylaw.

29. On designated Collection Days, an Owner or Occupier of a Serviced Premises shall:

- a. place Collection Carts with the lids in the closed position, no earlier than 5 AM and prior to 8 AM:
  - i. on the shoulder or along the curb or adjacent to the property line abutting the street from which the Collection Service is provided; and
  - ii. such that the Collection Carts can be conveniently handled from the ground level;
- b. ensure all latching devices on the Collection Carts, if any, are unlatched by 8 AM;
- c. place all Collection Carts with a minimum one (1) metre of clearance space on all sides of each Collection Cart, with three (3) metres of clearance space above each Collection Cart, and with one and half (1.5) metres of clearance space from parked vehicles; and
- d. remove all Collection Carts from the street or sidewalk after collection, no later than 10 PM on each designated Collection Day.

30. Other than on designated Collection Days, Collection Carts shall be kept on the Serviced Premises to which they are assigned and under no circumstances shall they be kept, encroach upon or project over any street, lane or public place.

31. An Owner or Occupier receiving the Collection Service shall at all times maintain all Collection Carts supplied by the Contractor in a good, clean and sanitary condition with latching devices in good working condition.

32. An Owner of a Serviced Premises shall notify the Contractor if a Collection Cart is damaged or stolen within 48 hours.

33. Where a Serviced Premises is not in compliance with any of the provisions of this Bylaw, the Regional District may, at the sole discretion of the Solid Waste Manager, refuse the Collection Service to that Serviced Premises without affecting an Owner's obligation to pay fees for the Collection Services.

### **LITTER MANAGEMENT**

34. No person shall accumulate, spill, drop, dump, dispose of any Solid Waste or any other material on any street, sidewalk, boulevard, park, public spaces or other lands owned by the Regional District or on private property other than an Approved Disposal Facility.

35. No person, except an Owner or Occupier of the Serviced Premises to which the Collection Carts were supplied or the Contractor, shall remove any materials from the Collection Carts.

**CHARGES AND FEES**

36. The charges and fees set out in Schedule A to this Bylaw are payable by the Owner of the Serviced Premises. These charges and fees shall form a charge on the Serviced Premises and may be recovered in the same manner and by the same means as overdue taxes. The charges and fees are payable whether or not:
- a. the Dwelling Unit is occupied;
  - b. any Owner or Occupier of a Dwelling unit makes use of the Collection Service; or
  - c. the Collection Service is interrupted, temporarily ceased, or is changed in any manner by the Contractor or the Regional District.
37. The charges and fees set out in Schedule A to this Bylaw are levied on a Dwelling Unit as identified in this Bylaw, including Collection Cart replacement or exchange.
38. In the event that a Collection Cart must be replaced, a Cart Replacement Fee will be charged as per Schedule A.
39. The charges and fees shall be invoiced to the Owners of Serviced Premises annually and shall be due and payable as shown on the billing form. Where the Collection Service is provided to any Serviced Premises after the first day of July in any year, the charges pursuant to this Bylaw shall be calculated as follows:
- a. The billing cycle is July 1 to June 30.
  - b. For a newly constructed Dwelling Unit, the charges for that year shall apply upon the earlier of occupancy, the issuance of an Occupancy Permit or where there is evidence that the Dwelling Unit, is available for occupancy, and the full annual charge according to Schedule A of this Bylaw shall be prorated by the number of days in the full months remaining in the billing cycle in which the Collection Service starts.
  - c. For an existing Dwelling Unit, the charges for that year shall apply from the date the Collection Service begins and shall be prorated by the number of days in the full months remaining in the billing cycle in which the Collection Service starts.
40. All charges and fees pursuant to this Bylaw which remains unpaid on December 31 in any year shall be deemed to be taxes in arrears and shall be recovered by the Surveyor of Taxes as provided for in the *Local Government Act*.
41. All charges or fees levied on a Serviced Premises do not in any way imply that the use of the property by the Owner is legal or otherwise in compliance with the Regional District's bylaws. In levying the charges or fees, the Regional District is in no way determining that a Serviced Premises complies with other Regional District bylaws and the Regional District reserves all of its rights to enforce its bylaws at any time.

**RIGHT OF ENTRY**

42. The Solid Waste Manager, a Bylaw Enforcement Officer, or any such other person authorized by the Regional District shall have the right to enter at all reasonable times upon any property subject to the provisions of the Bylaw for the purposes of ascertaining whether the regulations in this Bylaws are being observed, including but not limited to, determining the number of Dwelling Units at a Serviced Premises.

**ENFORCEMENT**

43. The Solid Waste Manager or any Bylaw Enforcement Officer may order or direct any person to:
- a) discontinue or refrain from doing anything that is in contravention of this Bylaw; and



- b) do anything required by this Bylaw

within the time specified in such order or direction.

- 44. No person shall interfere with, hinder or obstruct an authorized person in the exercise or performance of his or her powers, duties or functions under this Bylaw including, without limiting generality of foregoing by:
  - a) Providing false information;
  - b) Removing, or attempting to remove a warning or notice posted on a Collection Cart; or
  - c) Obstructing an investigation.
- 45. A person who contravenes any provision of this Bylaw may be subject to:
  - a) denial of service under section 35 of this Bylaw;
  - b) an order or direction under section 45 of this Bylaw;
  - c) a bylaw notice issued pursuant to Bylaw Notice Enforcement Bylaw, 2020, Bylaw No. PS1008; or
  - d) a prosecution under the Offence Act.
- 46. This bylaw may be enforced by a Bylaw Enforcement Officers or the Solid Waste Manager.

#### **OFFENCES AND PENALTIES**

47. A person who:

- a) does any act or thing which contravenes any provision of this Bylaw;
- b) suffers or allows any other person to do any act or thing which contravenes any provision of this Bylaw;
- c) neglects to do or refrains from doing anything required to be done by any provision of this Bylaw;
- d) fails to comply with an order or direction given under any provision of this Bylaw; or
- e) suffers or allows any other person to fail to comply with an order or direction given under any provision of this Bylaw;

is guilty of an offence against this Bylaw.

- 48. Every person who commits an offence under this Bylaw shall be liable on conviction to a fine of:
  - a) no less than ONE HUNDRED DOLLARS (\$100.00) for a first offence; and
  - b) no less than TWO HUNDRED DOLLARS (\$200.00) for a second offence.
- 49. Each day that an offence against this Bylaw continues shall be deemed a separate and distinct offence.
- 50. Any person who contravenes any provisions of this Bylaw is liable to the Regional District for and must indemnify the Regional District from all costs, expenses and damages incurred by the Regional District in remedying the contravention.
- 51. Nothing in this Bylaw limits the Regional District from utilizing, enforcing or relying on any other remedy that is otherwise available to the Regional District under its bylaws or at law generally.

#### **SEVERABILITY**

- 52. Each provision of this Bylaw is severable from each other provision, and, if any provision is determined by a Court of competent jurisdiction to be void or unenforceable in whole or in part, this determination shall not be deemed to affect or impair the validity of any other provision, unless a Court otherwise determines that the provision is void or unenforceable.

**TITLE**

53. This Bylaw may be cited for all purposes as " West Coast Waste Materials Regulation and Charges Bylaw No. R1036, 2022"

Read a first time this	8 <sup>th</sup>	day of	June,	2022
Read a second time this	8 <sup>th</sup>	day of	June,	2022
Read a third time this	8 <sup>th</sup>	day of	June,	2022
ADOPTED this	8 <sup>th</sup>	day of	June,	2022

Certified true and correct copy of "West Coast Waste Materials **Regulation and Charges Bylaw No. R1036, 2022**"

The Corporate seal of the Regional District of Alberni-Clayoquot was hereto affixed in the presence of:

*Wendy Thomson*  
\_\_\_\_\_  
Wendy Thomson  
General Manager of Administrative Services

*John Jack*  
\_\_\_\_\_  
John Jack  
Chair

Schedule "A"  
Recycling and Garbage and Organics Collection, Replacement and  
Administrative Fees

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1. Collection fees for Serviced Premises are \$125/year effective until October 31, 2022.
2. 3-Stream Collection Fees for Serviced Premises within the service area, effective November 1, 2022:

Cart Types	Default sizes	Larger Organics	Larger Garbage	Larger Organics + Garbage
Organics (green)	120 L	240 L	120 L	240 L
Recycling (blue)	240 L	240 L	240 L	240 L
Garbage (black)	120 L	120 L	240 L	240 L
	<b>\$200/year</b>	<b>\$250/year</b>	<b>\$350/year</b>	<b>\$400/year</b>

3. Collection Cart Fees
  - a) The Cart Administration Fee is non-refundable, unless subject to (b)
  - b) The Solid Waste Manager may, at their discretion, waive or provide a refund of the Cart Administration Fee.

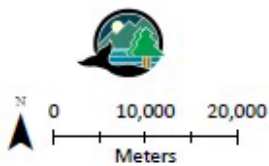
Cart Size	Replacement Fee	Administration Fee
Garbage/Organics	\$175	\$80
Recycling	\$100	\$80


4. Billing will occur during the first quarter of the billing cycle and payment is due and payable on the due date stated on the invoice, no less than thirty (30) days after the issuance of the bills.
5. A penalty of 2% interest on outstanding charges may be applied to fees not collected by the due date as recorded on the invoice.

Schedule "B"  
West Coast Waste Materials Regulations Service Area

# Schedule 'B'

This schedule is attached to and forms part of Bylaw R1036 West Coast Waste Materials Regulation Bylaw, 2022.



 West Coast Waste Materials Regulation Service Area

**REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT**

**BYLAW NO. R1036-1**

**A BYLAW TO REGULATE THE STORAGE, COLLECTION AND DISPOSAL OF GARBAGE, RECYCLABLES AND ORGANIC WASTE ON THE WEST COAST WITHIN THE REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT**

**WHEREAS** Section 316(a) of the *Local Government Act* enables the Regional District of Alberni-Clayoquot to require persons to use a waste disposal or recycling service, including requiring persons to use a waste disposal or recycling service provided by or on behalf of the regional district;

**AND WHEREAS** Section 316(b) of the *Local Government Act* enables the Regional District of Alberni-Clayoquot to require owners and occupiers of real property to remove waste, garbage, rubbish and other matter from their property and take it to a specified place;

**AND WHEREAS** pursuant to Bylaw No. R1020, cited as the "Solid Waste Management Plan Bylaw No. R1020, 2007", the Regional District of Alberni-Clayoquot contemplates diversion of waste from landfills (the "Solid Waste Management Plan");

**AND WHEREAS** the Board of Directors of the Regional District of Alberni-Clayoquot has determined that it is consistent with the objectives of the Solid Waste Management Plan to require certain persons to use the Regional Collection Service provided by or on behalf of the Regional District and to regulate the storage, collection and disposal of waste;

**NOW THEREFORE** the Board of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts as follows:

**CITATION**

1. Bylaw No. R1036 cited as the "West Coast Waste Materials Regulation and Charges Bylaw No. R1036, 2022" is hereby amended by replacing Schedule "A" with Schedule "A" attached to and forming part of this bylaw.
2. This bylaw may be cited as "West Coast Waste Materials Regulation and Charges Amendment Bylaw No. R1036-1, 2022".

**TITLE**

1. This Bylaw may be cited for all purposes as " West Coast Waste Materials Regulation and Charges Amendment Bylaw No. R1036-1, 2022"

Read a first time this	28th	day of	September,	2022
Read a second time this	28th	day of	September,	2022
Read a third time this	28th	day of	September,	2022
ADOPTED this	28th	day of	September,	2022

Certified true and correct copy of **“West Coast Waste Materials Regulation and Charges Bylaw No. R1036-1, 2022”**

The Corporate seal of the Regional District of Alberni-Clayoquot was hereto affixed in the presence of:

*Wendy Thomson*

\_\_\_\_\_  
Wendy Thomson  
General Manager of Administrative Services

*John Jack*

\_\_\_\_\_  
John Jack  
Chair

Schedule "A"  
Recycling and Garbage and Organics Collection, Replacement and  
Administrative Fees

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1. Collection fees for Serviced Premises are \$125/year until December 4, 2022, or the start date of the 3-Stream Collection Fees for Serviced Premises within the service area.
2. 3-Stream Collection Fees for Serviced Premises within the service area, anticipated date, effective December 5, 2022.

Cart Types	Default sizes	Larger Organics	Larger Garbage	Larger Organics + Garbage
Organics (green)	120 L	240 L	120 L	240 L
Recycling (blue)	240 L	240 L	240 L	240 L
Garbage (black)	120 L	120 L	240 L	240 L
	<b>\$200/year</b>	<b>\$250/year</b>	<b>\$350/year</b>	<b>\$400/year</b>

3. Collection Cart Fees
  - a) The Cart Administration Fee is non-refundable, unless subject to (b)
  - b) The Solid Waste Manager may, at their discretion, waive or provide a refund of the Cart Administration Fee.

Cart Size	Replacement Fee	Administration Fee
Garbage/Organics	\$175	\$80
Recycling	\$100	\$80

4. Billing will occur during the first quarter of the billing cycle and payment is due and payable on the due date stated on the invoice, no less than thirty (30) days after the issuance of the bills.
5. A penalty of 2% interest on outstanding charges may be applied to fees not collected by the due date as recorded on the invoice.

**REGIONAL DISTRICT OF  
ALBERNI-CLAYOQUOT BYLAW**

**NO. R1036**

**A BYLAW TO REGULATE THE STORAGE, COLLECTION AND DISPOSAL OF  
GARBAGE, RECYCLABLES AND ORGANIC WASTE ON THE WEST COAST  
WITHIN THE REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT**

**WHEREAS** Section 316(a) of the *Local Government Act* enables the Regional District of Alberni-Clayoquot to require persons to use a waste disposal or recycling service, including requiring persons to use a waste disposal or recycling service provided by or on behalf of the regional district;

**AND WHEREAS** Section 316(b) of the *Local Government Act* enables the Regional District of Alberni-Clayoquot to require owners and occupiers of real property to remove waste, garbage, rubbish and other matter from their property and take it to a specified place;

**AND WHEREAS** pursuant to Bylaw No. R1020, cited as the "Solid Waste Management Plan Bylaw No. R1020, 2007", the Regional District of Alberni-Clayoquot contemplates diversion of waste from landfills (the "Solid Waste Management Plan");

**AND WHEREAS** the Board of Directors of the Regional District of Alberni-Clayoquot has determined that it is consistent with the objectives of the Solid Waste Management Plan to require certain persons to use the Regional Collection Service provided by or on behalf of the Regional District and to regulate the storage, collection and disposal of waste;

**NOW THEREFORE** the Board of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts as follows:

**CITATION**

1. This Bylaw may be cited for all purposes as "West Coast Waste Materials Regulation and Charges Bylaw No. R1036, 2022."

**DEFINITIONS**

2. In this Bylaw, unless the context otherwise requires, the following words, terms, and phrases shall have the corresponding meaning:

<b>"Approved Disposal Site"</b>	means a licensed or regulated site that accepts Solid Waste for processing or disposal.
<b>"Approved Curbside Premises"</b>	means a premises that has been approved by the Solid Waste Manager for Collection Services in accordance with section 13 and 15.
<b>"Banned Recyclables"</b>	means Recyclable Material that is not accepted for curbside collection through the RecycleBC Program, including but not limited to: <ol style="list-style-type: none"> <li>(a) glass containers;</li> <li>(b) plastic bags and overwrap;</li> <li>(c) foam packaging; and</li> <li>(d) other flexible plastic packing</li> </ol>
<b>"Bear-Resistant"</b>	means a design to prevent access by bears and other wildlife during storage of waste as approved by the Solid Waste Manager.



- "Bear-Resistant Enclosure"** means a fully enclosed structure having four sides, a roof, door(s) and a locking device designed to discourage and prevent access by bears and, for clarity, includes a garage or other structure as approved by the Solid Waste Manager.
- "Bylaw Enforcement Officer"** means any person designated as bylaw enforcement officer in Bylaw Notice Enforcement Bylaw, 2020, Bylaw No. PS1008.
- "Cart Administration Fee"** means a fee payable for any changes in Collection Cart size permitted under this Bylaw in the amount set out in Schedule A [cost of upsizing or downsizing Collection Carts].
- "Cart Replacement Fee"** means a fee payable for any replacement of a Collection Cart by the Regional District in the amount set out in Schedule A [costs of cleaning, repairs and replacements].
- "Collection Cart"** means a container for the separation and storage of Solid Waste at a Serviced Premises, which shall be the containers provided by the Regional District and which containers are intended for the following types of Solid Waste: Garbage (black) or Recyclables (blue) or Organic Waste (green).
- "Collection Day"** means the day scheduled for the Collection Service.
- "Collection Service"** means the collection of Garbage, Recyclables, and Organic Waste from a Serviced Premises by the Regional District or Contractor in accordance with this Bylaw.
- "Construction and Demolition Waste"** means waste produced from the construction, renovation, deconstruction and demolition of buildings, and other structures, but does not include Hazardous Waste or Recyclable Material.
- "Contamination"** means the presence of:
- (a) Prohibited Material in any Collection Carts;
  - (b) Construction and Demolition Waste in any Collection Carts;
  - (c) Garbage in Recyclables (blue) Collection Cart or Organic Waste (green) Collection Cart;
  - (d) Recyclables in an Organic Waste (green) Collection Cart;
  - (e) Banned Recyclables in a Recyclables (blue) Collection Cart; or
  - (f) Organic Waste in a Recyclables (blue) Collection Cart.
- "Contractor"** means the person or persons who perform the Collection Service on behalf of the Regional District.
- "Eligible Curbside Premises"** means any Lot in the Service Area with a Residential Use as its Principal Use that is not a Mandatory Curbside Premises.
- "Environmental Management Act"** means the Environmental Management Act (British Columbia), as amended, or any successor legislation, and any regulations thereunder.
- "Garbage"** means all Solid Waste other than Recyclables and Organic Waste and excluding Construction and Demolition Waste, Hazardous Waste, Prohibited Material or any other items determined by the Solid Waste Manager from time to time.
- "Hazardous Waste"** means any chemical compound, mixture, substance or article defined as Hazardous Waste in the Hazardous Waste Regulation BC Reg. 63/88 enacted under the Environmental Management Act;
- "Mandatory Curbside Premises"** means any Lot in the Service Area that has a building with a Residential Use as its Principal Use, unless:

- (a) the Lot is Unserviceable;
- (b) the building contains more than four Dwelling Units; or
- (c) the Lot is created by a strata plan, including a Bare Land Strata Plan.

<b>"Occupier"</b>	means the person or persons residing at the Serviced Premises.
<b>"Organic Waste"</b>	means Solid Waste which is suitable for composting or processing at an Approved Facility.
<b>"Owner"</b>	as defined by the Community Charter, S.B.C. 2003, c. 26 as may be amended or replaced from time to time.
<b>"Private Collection Service"</b>	means the collection of Garbage, Recyclables, and Organic Waste by means other than the Collection Service from any location that generates Solid Waste and that is not an Approved Disposal Site.
<b>"Prohibited Material"</b>	means waste prohibited from disposal by the Regional District at its landfills in accordance with the applicable bylaw including West Coast Tipping Fee and Regulation Bylaw No. R1033.
<b>"Recyclable Material"</b>	has the same meaning as "recyclable material" in the <i>Environmental Management Act</i> .
<b>"Recyclables"</b>	means Recyclable Material that is accepted for curbside collection through the RecycleBC Program.
<b>"Regional District"</b>	means the Regional District of Alberni-Clayoquot.
<b>"Service Area"</b>	means the area shown on the map in in Schedule "B".
<b>"Serviced Premises"</b>	means any location that receives Collection Services under this Bylaw, either as a Mandatory Curbside Premises or as an Approved Curbside Premises.
<b>"Solid Waste"</b>	has the same meaning as "municipal solid waste" in the <i>Environmental Management Act</i> .
<b>"Solid Waste Management Plan"</b>	means a written document prepared by an Owner or Occupier describing the Private Collection Service, including but not limited to information on how Recyclables, Organic Waste and Garbage are separately stored and removed from their property and the location to which Recyclables, Organic Waste and Garbage is taken for disposal.
<b>"Solid Waste Manager"</b>	means the person duly appointed by the Regional District of Alberni-Clayoquot as the Manager responsible for Solid Waste or that person's delegate or designate.
<b>"Strata Property Act"</b>	means the <i>Strata Property Act</i> , S. B.C. 1998, c. 43,
<b>"Unserviceable"</b>	means a Mandatory Curbside Premises determined to be unserviceable in accordance with section 10 of this Bylaw.
<b>"Unserviced Premises"</b>	means any location that does not receives Collection Services under this Bylaw.
<b>"Wildlife Attractant"</b>	means any substance, with or without an odour, which attracts or is likely to attract wildlife; and without limitation includes refuse, recycling, food or other edible products, whether intended for humans, animals, or birds, grease, oil, antifreeze, paint, petroleum products, and compost other than grass clippings, leaves or branches.

**"Zoning Bylaw"** means the Alberni-Clayoquot Zoning By-law 1971, as of the date of adoption of this Bylaw.

3. Any terms used in this Bylaw that are not otherwise defined herein, but that are defined in the Zoning Bylaw, shall have the meaning set out in the Zoning Bylaw.
4. Any terms used in this Bylaw that are not otherwise defined herein, but that are defined in the *Strata Property Act*, shall have the meaning set out in the *Strata Property Act*.
5. In this Bylaw, a reference to any statute, regulation or other enactment refers to that enactment as amended or replaced from time to time, unless otherwise specified.

#### **ROLE OF THE SOLID WASTE MANAGER**

6. The Solid Waste Manager is authorized to administer and enforce this Bylaw including the supervision, control and direction of the Collection Service. Included in this authorization is the authority to:
  - a) create, amend, publish and prescribe any forms, notices, policies, or other documents that may be convenient for the administration of this Bylaw;
  - b) keep records of applications received and warnings, notices, directions and orders given in relation to compliance with this Bylaw;
  - c) delegate any of the authority given to the Solid Waste Manager under this Bylaw to another employee of the Regional District; and
  - d) to implement processes for determining the amount and manner of collection of any fees established by this Bylaw, which includes the authority to reduce, waive or refund these fees in circumstances in which the Solid Waste Manager determines that:
    - i. there has been an error in the imposition or calculation of the fees;
    - ii. a person has prepaid towards the costs of the service to which the fee or charge relates and use of the service by the person is discontinued; or
    - iii. the fees are unrecoverable or it would be impractical to recover the unpaid fees.

#### **RESPONSIBILITY TO STORE, ARRANGE FOR COLLECTION AND DISPOSAL OF SOLID WASTE**

7. No Owner or Occupier shall cause or permit any Solid Waste to collect or accumulate on their premises.
8. Every Owner or Occupier of a premises upon or within which Solid Waste is generated shall be responsible for its proper storage and disposal in accordance with the regulations set out in this Bylaw, in addition to any applicable provincial and federal laws or other Regional District bylaws.

#### **MANDATORY PARTICIPATION IN THE COLLECTION SERVICE**

9. Unless Unserviceable, every Owner of a Mandatory Curbside Premises shall participate in the Collection Service and pay fees in accordance with this Bylaw. No Owner or Occupier of a Residential Dwelling within the Service Area may opt out of participation in the Collection Service, except as permitted under this Bylaw.
10. Any premises that the Solid Waste Manager determines cannot be safely, efficiently and legally serviced from the adjacent street may be considered Unserviceable for the purposes of this Bylaw. If the Solid Waste Manager determines that a Mandatory Curbside Premises is Unserviceable, the Owner shall be given written notice and the Owner will be required to comply with the provisions of this Bylaw related to Unserviced Premises.

**UNSERVICED PREMISES**

11. An Owner of an Unserviced Premises must do the following:
  - a) arrange for a Private Collection Service for the collection and disposal of Garbage, Recyclables, and Organic Waste and other similar Solid Waste generated at the premises, and
  - b) ensure that the collection and disposal of Garbage, Recyclables, and Organic Waste and other similar Solid Waste complies with the regulations in this Bylaw, and
  - c) ensure that Recycling containers are blue and Organics containers are green, and
  - d) ensure that Garbage containers are neither blue nor green.
12. The Solid Waste Manager may request a Solid Waste Management Plan at any time from an Owner or Occupier of an Unserviced Premises.
13. Notwithstanding section 11 of this Bylaw, the Solid Waste Manager may, on application from an Owner of an Unserviced Premises, provide the Collection Service to any Unserviced Premises within the Service Area on the terms and conditions prescribed by the Solid Waste Manager.
14. Nothing in this bylaw prevents an Owner or Occupier of an Unserviced Premises from disposing of the Solid Waste generated at their own premises by hauling it themselves to an Approved Facility, provided that:
  - a) they have submitted a Solid Waste Management Plan to the Solid Waste Manager; and
  - b) the Solid Waste Manager either approves the Solid Waste Management Plan or the Solid Waste Manager has established a policy and the submitted Solid Waste Management Plan conforms to the policy.

**APPLICATION TO BECOME AN APPROVED SERVICED PREMISES**

15. An Eligible Curbside Premises may apply to the Solid Waste Manager to become an Approved Curbside Premises as follows:
  - a) A strata corporation, on behalf of all of the Owners of the Residential Strata Lots in the strata plan that creates Residential Strata Lots with Single Family Dwellings, including Bare Land Strata Lots, may apply to the Regional District to use the Collection Service.
  - b) On an application from a strata corporation, the Solid Waste Manager may approve the Collection Service to each Residential Strata Lot if the Solid Waste Manager is satisfied that all of the Residential Strata Lots can be safely, efficiently and legally serviced.
  - c) Once approved, each Residential Strata Lot becomes an Approved Curbside Premises.
  - d) The Regional District will provide each Approved Curbside Premises with a set of Collection Carts and the Owner of the Approved Curbside Premises shall pay fees in accordance with this Bylaw.
16. An Approved Curbside Premises may discontinue the Collection Services only where all of the following conditions are met:
  - a) The strata corporation, on behalf of all of the Owners, must apply to the Solid Waste Manager with the following information:
    - i. the requested date the Private Collection Service will commence collection services for all Approved Curbside Premises in the strata plan;
    - ii. the name of the Private Collection Service;
    - iii. a Solid Waste Management Plan confirming the separated collection of all Solid Waste; and
    - iv. any other information as required by the Solid Waste Manager to conclude the Collection Service.
  - b) There are no unpaid fees for any Approved Curbside Premises governed by the strata corporation.

- c) The Solid Waste Manager approves the application by the strata corporation after being satisfied that the strata corporation has made alternate arrangements for the storage, collection and disposal of Solid Waste generated by all the Approved Curbside Premises.

17. If the application is approved by the Solid Waste Manager, the Collection Service shall cease within 60 days of the approval. Each Approved Curbside Premises will pay the fees for the Collection Service in accordance with the Bylaw up to the date that the Collection Service ceases.

#### **RESIDENTIAL WASTE COLLECTION SERVICE REGIONAL DISTRICT COLLECTION SERVICE**

18. The Regional District will provide the following frequency of Collection Service for Services Premises:

- a) Garbage collection every two weeks;
- b) Recyclables collection every two weeks; and
- c) Organic Waste collection every week.

18. The frequency of the provision of the Collection Service under section 17 is subject to change from time to time, as determined by the Solid Waste Manager, or as otherwise necessary to respond to environmental, emergency or other unforeseeable circumstances.

#### **WASTE COLLECTION CARTS**

19. The Collection Carts shall remain at the Serviced Premises to which they were issued, and the Contractor and the Regional District shall have the right to inspect, alter, remove, or replace the Collection Carts at any time.

20. An Owner or Occupier of a Serviced Premises shall ensure that a Collection Cart is not overfilled and that the lid of the Collection Cart is kept fully closed at all times and secured with the latching devices except as required on designated collection days.

21. If the volume of Recyclables, Organic Waste or Garbage for disposal from a Serviced Premises exceeds the capacity of the respective Collection Carts, the Owner or Occupier shall make their own arrangement for disposal of the Solid Waste at an Approved Disposal Site.

22. An Owner may request a change in Collection Cart size once in a 12-month period and along with their request shall pay the Cart Administration Fee.

23. The Collection Carts shall not be used for any purpose other than the storage and disposal of Recyclables, Organic Waste or Garbage in accordance with this Bylaw.

#### **DUTIES OF OWNERS AND OCCUPIERS**

24. To prevent the accumulation of Solid Waste at their premises, an Owner or Occupier must remove any Solid Waste that is generated at the premises, including Solid Waste that overflows from a Collection Cart or other container used for a Private Collection Service.

25. An Owner or Occupier must store and dispose of Solid Waste in accordance with all laws.

26. An Owner or Occupier must not leave, place or store outdoors any Solid Waste that is a wildlife attractant unless such Solid Waste is left, placed or stored in both of the following:

- a. in a Bear-Resistant Collection Cart with latching devices secured; and
- b. in a Bear-Resistant enclosure surrounding the Bear Resistant Collection Cart or, if the Bear Resistant Collection Cart is stored outdoors, the container must be anchored to prevent tipping or being dragged away by an adult bear.

27. An Owner or Occupier of an Unserviced Premises must arrange for private hauling of their Garbage, Recyclables and Organic Waste to an Approved Disposal Facility.

### **SOLID WASTE COLLECTION SET-OUT REQUIREMENTS**

28. Every Owner or Occupier of a Serviced Premises shall:

- a. separate Garbage, Recyclables and Organic Waste and place each type of material in the applicable Collection Cart, without Contamination
- b. not place material in a Collection Cart that exceeds the weight limit or capacity specified on the Collection Cart or in this Bylaw;
- c. use the Collection Carts only to deposit Garbage, Recyclables and Organic Waste in their respective Collection Cart; and
- d. be limited to the number and size of Collection Carts specified under Schedule A of this Bylaw.

29. On designated Collection Days, an Owner or Occupier of a Serviced Premises shall:

- a. place Collection Carts with the lids in the closed position, no earlier than 5 AM and prior to 8 AM:
  - i. on the shoulder or along the curb or adjacent to the property line abutting the street from which the Collection Service is provided; and
  - ii. such that the Collection Carts can be conveniently handled from the ground level;
- b. ensure all latching devices on the Collection Carts, if any, are unlatched by 8 AM;
- c. place all Collection Carts with a minimum one (1) metre of clearance space on all sides of each Collection Cart, with three (3) metres of clearance space above each Collection Cart, and with one and half (1.5) metres of clearance space from parked vehicles; and
- d. remove all Collection Carts from the street or sidewalk after collection, no later than 10 PM on each designated Collection Day.

30. Other than on designated Collection Days, Collection Carts shall be kept on the Serviced Premises to which they are assigned and under no circumstances shall they be kept, encroach upon or project over any street, lane or public place.

31. An Owner or Occupier receiving the Collection Service shall at all times maintain all Collection Carts supplied by the Contractor in a good, clean and sanitary condition with latching devices in good working condition.

32. An Owner of a Serviced Premises shall notify the Contractor if a Collection Cart is damaged or stolen within 48 hours.

33. Where a Serviced Premises is not in compliance with any of the provisions of this Bylaw, the Regional District may, at the sole discretion of the Solid Waste Manager, refuse the Collection Service to that Serviced Premises without affecting an Owner's obligation to pay fees for the Collection Services.

### **LITTER MANAGEMENT**

34. No person shall accumulate, spill, drop, dump, dispose of any Solid Waste or any other material on any street, sidewalk, boulevard, park, public spaces or other lands owned by the Regional District or on private property other than an Approved Disposal Facility.

35. No person, except an Owner or Occupier of the Serviced Premises to which the Collection Carts were supplied or the Contractor, shall remove any materials from the Collection Carts.

**CHARGES AND FEES**

36. The charges and fees set out in Schedule A to this Bylaw are payable by the Owner of the Serviced Premises. These charges and fees shall form a charge on the Serviced Premises and may be recovered in the same manner and by the same means as overdue taxes. The charges and fees are payable whether or not:
- a. the Dwelling Unit is occupied;
  - b. any Owner or Occupier of a Dwelling unit makes use of the Collection Service; or
  - c. the Collection Service is interrupted, temporarily ceased, or is changed in any manner by the Contractor or the Regional District.
37. The charges and fees set out in Schedule A to this Bylaw are levied on a Dwelling Unit as identified in this Bylaw, including Collection Cart replacement or exchange.
38. In the event that a Collection Cart must be replaced, a Cart Replacement Fee will be charged as per Schedule A.
39. The charges and fees shall be invoiced to the Owners of Serviced Premises annually and shall be due and payable as shown on the billing form. Where the Collection Service is provided to any Serviced Premises after the first day of July in any year, the charges pursuant to this Bylaw shall be calculated as follows:
- a. The billing cycle is July 1 to June 30.
  - b. For a newly constructed Dwelling Unit, the charges for that year shall apply upon the earlier of occupancy, the issuance of an Occupancy Permit or where there is evidence that the Dwelling Unit, is available for occupancy, and the full annual charge according to Schedule A of this Bylaw shall be prorated by the number of days in the full months remaining in the billing cycle in which the Collection Service starts.
  - c. For an existing Dwelling Unit, the charges for that year shall apply from the date the Collection Service begins and shall be prorated by the number of days in the full months remaining in the billing cycle in which the Collection Service starts.
40. All charges and fees pursuant to this Bylaw which remains unpaid on December 31 in any year shall be deemed to be taxes in arrears and shall be recovered by the Surveyor of Taxes as provided for in the *Local Government Act*.
41. All charges or fees levied on a Serviced Premises do not in any way imply that the use of the property by the Owner is legal or otherwise in compliance with the Regional District's bylaws. In levying the charges or fees, the Regional District is in no way determining that a Serviced Premises complies with other Regional District bylaws and the Regional District reserves all of its rights to enforce its bylaws at any time.

**RIGHT OF ENTRY**

42. The Solid Waste Manager, a Bylaw Enforcement Officer, or any such other person authorized by the Regional District shall have the right to enter at all reasonable times upon any property subject to the provisions of the Bylaw for the purposes of ascertaining whether the regulations in this Bylaws are being observed, including but not limited to, determining the number of Dwelling Units at a Serviced Premises.

**ENFORCEMENT**

43. The Solid Waste Manager or any Bylaw Enforcement Officer may order or direct any person to:
- a) discontinue or refrain from doing anything that is in contravention of this Bylaw; and

- b) do anything required by this Bylaw

within the time specified in such order or direction.

- 44. No person shall interfere with, hinder or obstruct an authorized person in the exercise or performance of his or her powers, duties or functions under this Bylaw including, without limiting generality of foregoing by:
  - a) Providing false information;
  - b) Removing, or attempting to remove a warning or notice posted on a Collection Cart; or
  - c) Obstructing an investigation.
- 45. A person who contravenes any provision of this Bylaw may be subject to:
  - a) denial of service under section 35 of this Bylaw;
  - b) an order or direction under section 45 of this Bylaw;
  - c) a bylaw notice issued pursuant to Bylaw Notice Enforcement Bylaw, 2020, Bylaw No. PS1008; or
  - d) a prosecution under the Offence Act.
- 46. This bylaw may be enforced by a Bylaw Enforcement Officers or the Solid Waste Manager.

#### **OFFENCES AND PENALTIES**

47. A person who:

- a) does any act or thing which contravenes any provision of this Bylaw;
- b) suffers or allows any other person to do any act or thing which contravenes any provision of this Bylaw;
- c) neglects to do or refrains from doing anything required to be done by any provision of this Bylaw;
- d) fails to comply with an order or direction given under any provision of this Bylaw; or
- e) suffers or allows any other person to fail to comply with an order or direction given under any provision of this Bylaw;

is guilty of an offence against this Bylaw.

- 48. Every person who commits an offence under this Bylaw shall be liable on conviction to a fine of:
  - a) no less than ONE HUNDRED DOLLARS (\$100.00) for a first offence; and
  - b) no less than TWO HUNDRED DOLLARS (\$200.00) for a second offence.
- 49. Each day that an offence against this Bylaw continues shall be deemed a separate and distinct offence.
- 50. Any person who contravenes any provisions of this Bylaw is liable to the Regional District for and must indemnify the Regional District from all costs, expenses and damages incurred by the Regional District in remedying the contravention.
- 51. Nothing in this Bylaw limits the Regional District from utilizing, enforcing or relying on any other remedy that is otherwise available to the Regional District under its bylaws or at law generally.

#### **SEVERABILITY**

- 52. Each provision of this Bylaw is severable from each other provision, and, if any provision is determined by a Court of competent jurisdiction to be void or unenforceable in whole or in part, this determination shall not be deemed to affect or impair the validity of any other provision, unless a Court otherwise determines that the provision is void or unenforceable.



**TITLE**

53. This Bylaw may be cited for all purposes as " West Coast Waste Materials Regulation and Charges Bylaw No. R1036, 2022"

Read a first time this	8 <sup>th</sup>	day of	June,	2022
Read a second time this	8 <sup>th</sup>	day of	June,	2022
Read a third time this	8 <sup>th</sup>	day of	June,	2022
ADOPTED this	8 <sup>th</sup>	day of	June,	2022

Certified true and correct copy of "West Coast Waste Materials **Regulation and Charges Bylaw No. R1036, 2022**"

The Corporate seal of the Regional District of Alberni-Clayoquot was hereto affixed in the presence of:

*Wendy Thomson*  
\_\_\_\_\_  
Wendy Thomson  
General Manager of Administrative Services

*John Jack*  
\_\_\_\_\_  
John Jack  
Chair

Schedule "A"  
Recycling and Garbage and Organics Collection, Replacement and  
Administrative Fees

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1. Collection fees for Serviced Premises are \$125/year effective until October 31, 2022.
2. 3-Stream Collection Fees for Serviced Premises within the service area, effective November 1, 2022:

Cart Types	Default sizes	Larger Organics	Larger Garbage	Larger Organics + Garbage
Organics (green)	120 L	240 L	120 L	240 L
Recycling (blue)	240 L	240 L	240 L	240 L
Garbage (black)	120 L	120 L	240 L	240 L
	<b>\$200/year</b>	<b>\$250/year</b>	<b>\$350/year</b>	<b>\$400/year</b>

3. Collection Cart Fees
  - a) The Cart Administration Fee is non-refundable, unless subject to (b)
  - b) The Solid Waste Manager may, at their discretion, waive or provide a refund of the Cart Administration Fee.

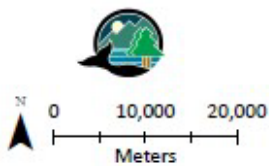
Cart Size	Replacement Fee	Administration Fee
Garbage/Organics	\$175	\$80
Recycling	\$100	\$80


4. Billing will occur during the first quarter of the billing cycle and payment is due and payable on the due date stated on the invoice, no less than thirty (30) days after the issuance of the bills.
5. A penalty of 2% interest on outstanding charges may be applied to fees not collected by the due date as recorded on the invoice.

Schedule "B"  
West Coast Waste Materials Regulations Service Area

# Schedule 'B'

This schedule is attached to and forms part of Bylaw R1036 West Coast Waste Materials Regulation Bylaw, 2022.



 West Coast Waste Materials Regulation Service Area