

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2630

A Bylaw to regulate the collection and disposal of garbage and trade waste in the Municipality of Esquimalt.

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as the “*GARBAGE DISPOSAL BYLAW, 2006, NO. 2630*”.
2. In this Bylaw, the following definitions shall apply and have effect wherever the words or expressions are used:

(NOTE: Where Imperial units of measure are shown in brackets after metric units, these measures are for information only and do not form part of the bylaw.)

Church means a building set aside for public worship and exempt from taxation under the Municipal Act, and includes any church hall adjacent thereto.

Corrugated Cardboard means any containers and packaging, constructed with a layer of rippled paper material sandwiched between two or more sheets of smooth paper.

Directories means paper books containing, but not limited to, alphabetical or classified lists by name, address, telephone number or location, which are used and distributed primarily by telephone companies and real estate boards.

Dwelling Unit means any self-contained living unit, but shall not include hotel, motel, guest house or other living units operated for transient occupancy.

Garbage means all trade waste, house garbage, litter, paper, plastic materials, food scrap, rubbish and any noxious, offensive or unwholesome matter or substance. It does not include Yard and Garden Waste (as defined within this bylaw), hazardous waste, rocks, stumps or large metal objects. It also does not include any object that is too large to be enclosed in a regulation garbage receptacle as hereinafter defined.

Garbage Collector means any person or persons appointed from time to time by the Municipal Council or designated by the Municipal Engineer to collect and remove garbage.

Gypsum Board or Wall Board includes, but is not necessarily limited to new construction, off-cuts or scraps and old wall board that have been painted, covered in wallpaper, vinyl or ceramic tiles and is removed during renovation, and includes wallboard from demolition sites or wallboard associated with asbestos.

Hazardous Waste means gaseous, liquid and solid waste which, because of its inherent nature and quantity, requires special disposal techniques to avoid creating health hazards, nuisances or environmental pollution. Hazardous wastes are toxins or poisons, corrosives, irritants, strong sensitizers, flammables, explosives, infectious wastes, condemned foods and asbestos, sharps (hypodermic needles, etc.), animal excrement, soiled diapers and used personal hygiene products. Flammable wastes exclude plastics, paper, paper products and the like.

Municipal Engineer means the Director, Engineering and Public Works of the Corporation of the Township of Esquimalt or any other person authorized to act on his behalf.

Occupier means any person occupying any dwelling, habitation, place of residence or trade premises but does not include a boarder, roomer or lodger therein.

Paper Fibres means RECYCLABLE WASTE, including but not limited to, newspaper and inserts; office paper, including white and coloured ledger paper, computer paper, photocopy paper, writing pads, business forms, phone message notes, file folders, reports, envelopes, nonthermal fax paper, no carbon require (NCR) paper, calculator tape, 'post it' type notes, business cards, paper index cards; box board, including paper egg cartons, laundry and cereal boxes, junk mail; gift-wrapping paper and packing paper; magazines; catalogues; calendars; postcards; shredded paper; but **excluding** paperback and hardcover books; waxed paper; carbon paper; and materials which are impregnated with blood, grease, oil, chemicals, food residues or have polyethylene, polystyrene, foil or other non-paper liners or attachments or are contaminated with a material which will render the PAPER FIBRES not MARKETABLE.

Person includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the contract can apply according to law.

Regulation Garbage Receptacle means a watertight galvanised iron or rigid plastic receptacle, equipped with two handles set opposite to each other and a drip-proof cover, and having a capacity of not more than 130 litres (28 imperial gallons).

Tires means the outer pneumatic rubber covering of wheels of passenger vehicles, light service trucks and motorcycles with an inner diameter of less than 42 centimetres.

Trade Premises means any premises occupied and used as other than a dwelling unit, except churches.

Yard and Garden Waste means organic materials, substances or objects including, but not necessarily limited to, grass, lawn and hedge clippings, grass sod, flowers, weeds, leaves, vegetable stalks, shrubs, and shrub and tree branches less than 75 mm (3 inches) in diameter, but does not include:

- (a) invasive species plants set out in the Schedule to the Spheres of Concurrent Jurisdiction – Environment And Wildlife Regulation B.C. Reg. 144/2004;
- (b) morning glory, blackberry, wild mustard, ox-eye daisy, wild carrot, couch grass and poison hemlock;

- (c) plants or growing media that may have been identified by the Canadian Food Inspection Agency from time to time as infectious or potentially infectious and of which notice has been sent by the Capital Regional District or publicized by the Canadian Food Inspection Agency;
- (d) plant or tree material in municipal street sweepings, or
- (e) materials disposed of from inside the home, such as vegetable scrapings, fruit peelings, leftover food waste, house plants or floral arrangements.

3. Provision of Garbage Receptacles

- (1) Every *person* being the owner or *occupier* of lands or premises within the *Municipality* shall provide on and for such premises a sufficient number of *regulation garbage receptacles*, to contain all garbage from such land and premises and maintained for garbage purposes in accordance with the provisions of this Bylaw.
- (2) No *person* being the owner or *occupier* of any land within the Municipal limits of the Township of Esquimalt shall suffer or permit the accumulation upon lands or premises belonging to or occupied by him, of any animal or vegetable refuse (composting bins excluded), garbage, ashes, kitchen or trade refuse or other filth or offensive thing except in a suitable receptacle or receptacles.
- (3) No *regulation garbage receptacle* shall be filled beyond a point 50 mm (2 inches) from the top thereof or so that its gross weight exceeds 25 kg (55 pounds).
- (4) *Regulation garbage receptacles* are to be maintained in a clean and sanitary condition. They shall be kept in good repair and shall be replaced when they become unserviceable.
- (5) *Regulation garbage receptacles* are to be kept on the premises of the *occupier* at grade, so as to permit reasonable access to the *Garbage Collector*.
- (6) No liquid or free water shall be kept in or permitted to remain in or to accumulate in any garbage receptacle and receptacles shall, at all times, be kept securely covered with a drip-proof cover.
- (7) No *person* shall place any of the following materials or substances in a regulation garbage receptacle:
 - (a) clean corrugated cardboard boxes;
 - (b) clean corrugated cardboard packing materials;
 - (c) directories;
 - (d) gypsum board or wall board;
 - (e) hazardous waste, excluding animal excrement, soiled diapers and used personal hygiene products that are appropriately bagged and sealed;
 - (f) tires
 - (g) paper fibres as defined in this bylaw; or
 - (h) yard and garden waste.

- (8) No *person* shall deposit or permit to be deposited in or upon any land, street, road or highway within the Municipal limits of the Township of Esquimalt, or deposit or permit to be deposited on any foreshore or in waters adjacent to Municipal limits, any animal or vegetable refuse, ashes, garbage, kitchen, trade refuse or other filthy or offensive thing as aforesaid except with the permission in writing of the *Municipal Engineer* of the said Corporation of the Township of Esquimalt.

4. Collection of Garbage

- (1) In the case of a single family dwelling, duplex, triplex, fourplex, townhouse, and churches, the contents of one (1) *regulation garbage receptacle* per week for each self-contained dwelling unit therein or church shall be received and collected without an extra charge at the time of each regular collection.
- (2) In the case of an apartment building, the contents of one-half ($\frac{1}{2}$) *regulation garbage receptacle* per week for each self-contained dwelling unit therein shall be received and collected without an extra charge at the time of each regular collection.
- (3) In the case of trade premises, the contents of one-half ($\frac{1}{2}$) *regulation garbage receptacle* per week for each licensed business shall be received and collected without an extra charge at the time of each regular collection.
- (4) Payment for additional *regulation garbage receptacles* collected from any premises shall be by ticket or tickets issued for the purpose by the Municipality and previously purchased from the Municipality by the owner or occupier of the premises. The user charge for the collecting of additional *regulation garbage receptacles* shall be as shown in Schedule "A" attached.
- (5) Where a condition exists on a property which prevents the *Garbage Collector* from carrying out his duties by virtue of a hazard, potential danger, difficulty of access or other abnormal or dangerous condition, or where there is any other contravention of this Bylaw, the *Municipal Engineer* shall notify the owner or *occupier* of the condition and/or contravention that must be abated or rectified and may instruct that garbage collection service be discontinued until the condition and/or contravention is abated or rectified. Responsibility for disposal of garbage during discontinuance as aforesaid shall rest with the owner or *occupier*.
- (6) The owner(s) of any trade premises, apartment building, or townhouse complex may "opt out" of the Municipal collection system at any time, upon presentation of proof of alternative service to the *Municipal Engineer*. The owner(s) of any *trade premises*, apartment building, or townhouse complex may "opt in" to the Municipal collection system on not less than 30 days written notice to the *Municipal Engineer*.

5. Enforcement

The *Municipal Engineer* shall be responsible for the enforcement of the provisions of this Bylaw.

Every person who:

- (1) Violates or does any act or thing which violates any provision of this Bylaw;
- (2) Suffers or permits any act or thing to be done in violation or contravention of any of the provisions of this Bylaw;
- (3) Neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw

shall be deemed to have committed an offence under this Bylaw and shall be liable to the penalties prescribed by the *Offence Act*.

6. Repeal

Garbage Disposal Bylaw, 1993, No. 2374 and amendments thereto are hereby REPEALED.

Read a first time by the Municipal Council on the 1st day of May, 2006.

Read a second time by the Municipal Council on the 1st day of May, 2006.

Read a third time by the Municipal Council on the 1st day of May, 2006.

ADOPTED by the Municipal Council on the 15th day of May, 2006.

CHRIS CLEMENT
MAYOR

DONNA DUPAS
MUNICIPAL CLERK

SCHEDULE "A"

CHARGES FOR GARBAGE COLLECTION SERVICE

For the collection of the contents of each *regulation garbage receptacle*, beyond the number specified in Section 4 of this Bylaw, from any premises a charge of **\$2.00** to be prepaid by ticket purchased in sheets of four at a cost of **\$8.00**.