

# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## BYLAW NO. 2815

A Bylaw to Provide for the Regulation, Collection  
and Removal of Solid Waste

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

### **PART 1 - INTERPRETATION**

#### **Title**

- 1.1 This Bylaw may be cited as "*SOLID WASTE COLLECTION AND DISPOSAL BYLAW, 2014, NO. 2815.*"

#### **Definitions**

- 2.1 In this Bylaw, unless the context otherwise requires:

**"BLUE BOX"** means an acceptable container (i.e. Capital Regional District Blue Box) for use by residents for the collection of recyclables excluding paper pursuant to the Blue Box Recycling Program.

**"BLUE BAG"** means the bag as provided by the Capital Regional District for use by residents for the collection of paper waste pursuant to its Blue Box Recycling Program.

**"WORSHIP CENTRE"** means a building in which the primary use is religious assembly for the purpose of regular communal worship, and includes but is not limited to churches, temples, cathedrals, synagogues, and mosques, but does not include retreat centres, camps or similar uses.

**"COLLECTOR"** or **"GARBAGE COLLECTOR"** means any person or persons appointed by Council or designated by the Director to collect and remove garbage and kitchen scraps.

**"CORPORATION"** means the Corporation of the Township of Esquimalt, its Municipal Council and its servants or agents.

**"CONSTRUCTION WASTE"** means debris or building materials originating from demolition, renovation or construction.

**"DIRECTOR"** means the Director, Engineering and Public Works of the Corporation of the Township of Esquimalt and his/her representatives or designates who are authorized to act on his/her behalf.

**"DWELLING UNIT"** means any single family dwelling and any self-contained living unit but shall not include a secondary suite, hotel, motel, auto court, guest house or other living units operated for transient occupancy.

**“GARBAGE”** means waste, household garbage, litter, discarded material, paper, plastic materials, rubbish, and any noxious, offensive or unwholesome matter or substance, but does not include ashes, construction waste, kitchen scraps, hazardous waste, prohibited waste, recyclable materials, and yard waste.

**“HAZARDOUS WASTE”** means any 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, and includes toxins, poisons, corrosives, irritants, strong sensitizers, flammables, explosives, infectious wastes, condemned foods, asbestos, hypodermic needles, dead animals, animals parts or animal excrement, soiled diapers and used personal hygiene products. Flammable wastes exclude plastics, paper and paper products.

**“KITCHEN SCRAPS”** means organics, described by the Capital Regional District from time to time as being acceptable material for kitchen scraps collection, and

- (a) includes raw or cooked food waste such as fruit, vegetables, meat, fish, bones, dairy products, butter, mayonnaise, eggshells, bread, cereal, grains, pasta, baked goods, candy, nuts and shells, coffee filters and grounds, tea bags, solidified fat and grease, herbs, spices, nuts and shells, houseplants, flowers, and compostable paper products such as soiled paper towels, tissues, and food-spoiled paper products; but
- (b) excludes yard waste, garbage, recyclable materials, plastic bags, food wrappers, food containers, cotton pads, cotton swabs, cotton balls, dental floss, rubber bands, bandages, gauze, diapers, baby wipes, sanitary hygiene products, condoms, dryer sheets, lint, cigarette butts, vacuum bags and their contents, feces, and any material described by the Capital Regional District from time to time as not acceptable for kitchen scraps collection.

**“OCCUPIER or OCCUPANT”** shall have the meaning assigned to it in the *Community Charter*, S.B.C. 2003, C.26.

**“OWNER”** shall have the meaning assigned to it in the *Community Charter*, S.B.C. 2003, C.26.

**“PROHIBITED WASTE”** includes:

- (a) explosive material, radioactive substances, hazardous waste, petroleum products, and industrial chemical waste;
- (b) furniture, appliances, motor vehicles tires, motor vehicle bodies, and farm tools or equipment;
- (c) ashes or anything that is on fire or is smouldering; and
- (d) dead animals or parts thereof, excluding food waste.

**“RECYCLABLES or RECYCLABLE MATERIALS”** includes paper and cardboard, plastics, cans, and glass items, and any other item that falls within a product category included in the Blue Box Recycling Program as defined in the Capital Regional District Recycling Bylaw No. 2290, as amended from time to time.

**“REGULATION CONTAINER”** means a wheeled, standardized container provided by the Corporation for the use of collecting garbage and for collecting kitchen scraps.

**“RESIDENTIAL”** means the use of a building or a part thereof as a dwelling unit or dwelling units.

**“SECONDARY SUITE”** means a dwelling unit that is ancillary to another dwelling unit, such as, for instance, a basement or attic suite.

“**SOLID WASTE**” means garbage, kitchen scraps and yard waste.

“**YARD WASTE**” means plant trimmings resulting from or produced by the landscaping or maintenance of lawns and gardens, and includes grass and hedge clippings, leaves, soil, sod, and small parts of plants, shrubs, branches or trees less than 75 mm (3 inches) in diameter, but does not include:

- (a) inorganic materials (i.e. rocks, concrete), large root balls, large diameter wood, ashes, wood building materials, or sawdust;
- (b) plants that are identified by the Corporation or Capital Regional District as invasive species;
- (c) plant or tree material in municipal street sweepings; or
- (d) kitchen scraps.

## **PART 2 – COLLECTION SERVICE – GARBAGE AND KITCHEN SCRAPS**

### **GENERAL COLLECTION SERVICE**

- 3.1 The Corporation is responsible for the collection of garbage and kitchen scraps from residential properties and worship centres.
- 3.2 All properties that meet the conditions for collection services in Esquimalt may participate in the garbage and kitchen scraps collection programs.
- 3.3 A regulation garbage container and regulation kitchen scraps container together with a kitchen catcher (for temporary storage of kitchen scraps) shall be provided to residential properties containing less than six units and to worship centres.
- 3.4 Properties containing six or more units may participate in the garbage and kitchen scraps collection programs, and the owners and occupants shall be responsible for meeting the requirements of the collection programs.
- 3.5 The owner of a residential property with six or more residential units may arrange to have the garbage and kitchen scraps collection services provided by a private waste removal company at their cost, and where an owner makes such alternative arrangements, the owner shall provide the Director with proof of a contractual agreement within 60 days of the start of the service.
- 3.5 The owner or occupant of a commercial or non-residential property may arrange garbage and kitchen scraps collection services with the Corporation, to be provided under the same terms and regulations as the residential collection service, using regulation containers.
- 3.6 The owner of a property on which there is located six or more residential units may obtain, upon request to the Corporation, garbage and kitchen scraps collection services for the development using regulation containers, and in such case, each dwelling unit in the development shall be entitled to the same level of garbage and kitchen scraps collection services as provided to a single family dwelling under this Bylaw.
- 3.7 To ensure the collection of all garbage and kitchen scraps, all regulation containers must be accessible to the Collector between the hours of 7:00 am and 4:30 pm. on the designated collection day.

- 3.8 No person shall, at any time, place their own garbage or kitchen scraps into a municipal vehicle without the authorization of the Collector.
- 3.9 Occupants of any premises that receive collection under this Bylaw:
- (a) shall, on their designated collection day, place the regulation containers in front of the premises by 7:00 am, as close to the curb as possible. Where no curb is present, containers shall be placed as close to the roadway as possible without creating an obstruction to traffic.
  - (b) must place the regulation containers so as not to interfere in any way with the ordinary and safe travel of vehicles, pedestrians, cyclists, or emergency vehicles or personnel.
  - (c) shall place the regulation containers, positioned with the container fronts facing towards the roadway, in a location free from any obstructions at least one metre horizontally on all sides including the back,
  - (d) shall not place the containers in a location where property damage is likely, or contact will be made with any object, including, but not limited to, fire hydrants, vehicles, street signs, branches, utility poles or wires.
  - (e) shall remove all containers from the curbside to a secure location on their property by the end of the collection day.

**EXTRA PICK UPS**

- 4.1 Extra bags of garbage will be collected with a proof of payment sticker, issued by the Corporation, affixed to the bag. Each extra bag of garbage shall not exceed 25 kg. Fees for extra pickups shall be charged in accordance with Schedule "A" of this Bylaw.
- 4.2 Extra bags of garbage shall be contained within an acceptable container so as to provide protection from animals, birds and the weather.
- 4.3 The owner or occupant shall be responsible for placing of additional containers at the curb location for collection and returning the containers to the property by the end of the collection day.

**USE OF REGULATION CONTAINERS**

- 5.1 Regulation containers are the property of the Corporation and shall be provided by the Corporation to the owner or occupant.
- 5.2 The owner or occupier of any dwelling shall contact the Public Works Department of the Corporation to inform them in advance that they will be vacating the premises. The regulation containers shall be left with the residential property for the new owner or occupier, and failure to do so may result in fines.
- 5.3 No container shall be filled to a point where the lid cannot be fully closed, and the contents must be capable of emptying with no restriction.
- 5.4 No liquids or free water shall be put in, placed in, allowed to run into, or accumulate in any container and all containers shall, at all times, be kept closed.

- 5.5 No person shall deposit in a regulation garbage or kitchen scraps container:
- (a) recyclable materials;
  - (b) yard waste;
  - (c) construction waste;
  - (d) prohibited waste; or
  - (e) hazardous waste.

**MAINTENANCE OF REGULATION CONTAINERS**

- 6.1 An occupier must at all times maintain the regulation containers provided by the Corporation so that they are operable, in a clean and sanitary condition, and with the lid securely closed so that the waste cannot spill or otherwise escape from the container..
- 6.2 Routine repairs of containers will be conducted by an employee of the Corporation upon notification by the owner or occupant.
- 6.3 Regulation containers shall be replaced by the Corporation if they become lost, stolen, unsafe to handle, no longer waterproof, damaged beyond repair, or otherwise unsuitable for continued use.
- 6.4 If the damage to a container is determined by the Director to be caused by misuse or abuse of the container, the cost of replacement of the container shall be borne by the owner or occupant.

**ASSISTANCE PROGRAM**

- 7.1 A modified assistance service is provided to residents who are medically or physically unable to place the regulation container(s) at the curb.
- 7.2 Requests for this service will be made to the Corporation and will be assessed on a case by case basis and are subject to the approval of the Director.

**DISCONTINUED COLLECTION SERVICE**

- 8.1 Where a condition exists on any property which prevents the Collector from carrying out his/her duties by virtue of hazard, potential danger, difficulty of access or other abnormal or dangerous condition, the Director shall give written notification to the owner or occupier that the condition must be abated and in default of abatement, shall direct that garbage and kitchen scraps collection services be discontinued until the condition is abated.
- 8.2 The Corporation may discontinue collection of garbage and kitchen scraps from any dwelling owned or occupied by a person who violates this Bylaw.
- 8.3 Responsibility for disposal of garbage and kitchen scraps during discontinuance of collection services as aforesaid shall rest with the owner or occupier.

**PART 3 – RECYCLING**

**DISPOSAL OF RECYCLABLES PROHIBITED**

- 9.1. No person shall place any recyclable material in any regulation garbage or kitchen scraps container for disposal.

**USE OF BLUE BOX AND BLUE BAG**

- 10.1. No person shall use a Blue Box or Blue Bag for any purpose other than the deposit and accumulation of recyclables as part of the Capital Regional District recycling program.
- 10.2. Blue Boxes and Blue Bags shall be left at curbside on the appointed collection day and shall be removed by the owner or occupant when emptied by the Contractor for the Capital Regional District no later than noon of the following day.

**LANDLORD'S OBLIGATIONS**

- 11.1 Every owner of a multiple family dwelling shall place and maintain on the premises recycling containers for the deposit of recyclable materials by the tenants of each dwelling unit within the complex.
- 11.2 The recycling containers shall be placed in a location on the premises which is accessible to the tenants for the purpose of depositing recyclable material and which is accessible for the purpose of pick-up by the Contractor for the Capital Regional District.

**RECYCLABLE MATERIALS**

- 12.1 No person shall remove, take or covert to his/her own use any materials placed on a road allowance, including the sidewalk or boulevard, for the purpose of recycling or disposal, unless he/she is:
  - (a) The person who initially placed the materials on the road allowance; or
  - (b) An employee or member of an organization which has been duly authorized by the Capital Regional District to collect recyclable material on behalf of the Capital Regional District.

**PART 4 – GARBAGE**

- 13.1 No person shall place anything other than garbage into a regulation garbage container:
- 13.2 Garbage may be placed in the garbage container loose, wrapped in newspaper, or contained in paper, plastic, biodegradable or compostable bags.

**PART 5 – KITCHEN SCRAPS**

- 14.1 No person shall place anything other than kitchen scraps into a regulation kitchen scraps container.
- 14.2 Plastic or bio-degradable bags shall not be used to dispose of kitchen scraps.
- 14.3 Kitchen scraps may be placed in the organics container loose, or contained in paper bags or in certified compostable bags.

**PART 6 – YARD WASTE**

- 15.1 An occupier of property within the Township may utilize the yard waste transfer station for the disposal of yard waste.

- 15.2 An occupier of property within the Township may dispose of yard waste at the Corporation's transfer station located at 605 Canteen Road during the hours specified by the Corporation.
- 15.3 An individual or corporation must pay the fee for disposal of yard waste specified at the time of disposal unless they produce valid identification satisfactory to the Corporation confirming that they are a resident of the Municipality.
- 15.4 No person shall deposit yard waste in any regulation garbage or kitchen scraps container for disposal.

**PART 7 – ENFORCEMENT, OFFENCES AND PENALTIES**

**IMPROPER WASTE**

- 16.1 In addition to any other enforcement or penalty provisions pursuant to this Bylaw, containers containing any waste other than that permitted under this Bylaw to be disposed of in the regulation container will not be collected.

**NO DUMPING ON MUNICIPAL PROPERTY**

- 17.1 No person shall deposit or permit to be deposited in or upon any land, street, road or highway within the Municipal limits, or deposit or permit to be deposited on any foreshore or in waters adjacent to Municipal limits, any solid waste, kitchen scraps, recyclable materials, construction waste, prohibited waste or hazardous waste except with the permission in writing of the Director.

**PENALTY FOR VIOLATION**

- 18.1 Every person who contravenes this Bylaw by doing any act which it forbids, or omitting to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction to penalties prescribed by the *Offence Act*.
- 18.2 Each day or part of a day that a contravention occurs or continues shall constitute a separate offence.
- 18.3 This Bylaw may be enforced by the issuing of a ticket for contravention in accordance with the *Ticket Information Utilization Bylaw, 2005, No. 2619*, as may be amended or replaced from time to time.
- 18.4 The penalties imposed under this section shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw.

**PART 8 - MISCELLANEOUS**

**REPEAL**

- 19.1 The *Recycling Bylaw, 1989, No. 1910* and the *Garbage Disposal Bylaw, 2006, No. 2630*, are hereby repealed.

**SCHEDULE**

20.1 **Schedule "A"** attached hereto forms part of this Bylaw.

Read a first time this 20<sup>th</sup> day of January, 2014.

Read a second time this 20<sup>th</sup> day of January, 2014.

Read a third time this 20<sup>th</sup> day of January, 2014.

**ADOPTED** this 3<sup>rd</sup> day of February, 2014.

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BARBARA DESJARDINS  
MAYOR

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ANJA NURVO  
CORPORATE OFFICER

**SOLID WASTE COLLECTION AND DISPOSAL BYLAW, 2014, NO. 2815**

**SCHEDULE "A"**

Pursuant to Section 4.1 of the Bylaw, for the collection from any premises of the contents of each garbage bag that is in addition to the one regulation garbage container provided by the Corporation, a charge of \$2.00 per additional bag is payable. Tickets may be purchased from the Corporation in sheets of four at a cost of \$8.00 per sheet.