

**DISTRICT OF UCLUELET**

**Bylaw No. 960, 2004**

A bylaw to regulate collection, removal and disposal of garbage and other refuse

Consolidated for convenience to include Garbage Collection and Regulation Amendment Bylaw No. 968, 2004

*Consolidated November 15, 2005*

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**WHEREAS** the Council of the District of Ucluelet, pursuant to the provisions of the *Community Charter*, is empowered and authorized to:

1. Establish and maintain a system to collect, remove and dispose of garbage, ashes, refuse and other noxious, offensive, unwholesome and discarded matter;
2. Compel persons to make use of a system established to dispose of garbage, ashes, refuse and other noxious, offensive unwholesome and discarded matter, and prescribe the terms and conditions on which persons make use of the system.

**NOW THEREFORE** the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

**1. Title**

This bylaw shall be known and cited for all purposes as the "District of Ucluelet Garbage Collection & Regulation Bylaw No. 960, 2004."

**2. Definitions**

In this bylaw:

**Apartment** shall mean any building that is, or is intended to be, occupied or used for any portion of any one year as a dwelling by three or more families in independent dwelling units.

**Ashes** mean ashes, cinders and remains of any fuel, after such fuel has been consumed by fire.

**Attractant** means any substance, with or without an odour, which could attract wildlife or does attract wildlife, including but not limited to food products, pet food, feed or compost.

**Bylaw Enforcement Officer** means the employee appointed by Council to enforce the regulations of this bylaw.

**Commercial Classification** means any individual premises such as warehouses, factories, fish plants, garage or service stations; commercial premises such as shops, wholesale or retail business outlets, gift shops, tourist related or marine orientated businesses, office buildings, bake shops, restaurants; institutional premises such as hospitals, schools; multi-family premises such as mobile home parks, apartments, row houses, condominium, or townhouse complexes with more than three (3) dwelling units; and other uses not included in Residential Classification.

**Commercial Garbage Receptacle (Bin)** means a loading type of commercial bin or receptacle.

**Council** means the Council of the District of Ucluelet.

**Director of Engineering** means the person employed by the District of Ucluelet as the Director of Engineering.

**District** means the District of Ucluelet.

**Dwelling** means any building that is, or is intended to be occupied or used, for any portion of any one year, as a place of living, residence, or habitation.

**Dwelling Unit** means one or more habitable rooms, constituting a self-contained or independent unit with a separate entrance, which is, or is intended to be used together for living and sleeping **purposes**, for not more than one family and contains a kitchen and bathroom. This includes single family, duplex unit apartment and suites.

**Garbage** shall mean and include any and all rejected, abandoned or discarded waste of household, vegetable or animal food, floor sweepings, crockery, metal ware, tins and bottles and other household waste, but does not include ashes, garden refuse, trade waste, wood or sawdust waste.

**Garbage Collector** means the contractor, person or municipal employee, appointed from time to time by resolution of Council, to collect garbage and trade waste within the District.

**Garden Refuse** shall include all garden remains and grass, trees or hedge clippings.

**Noxious Material** means any substance or hazardous material, including but not limited to flammable/volatile liquids, explosive chemicals/vapours, human or animal excretions, offal, dead animals, refuse, garbage, waste products, accumulation of ashes, branches, leaves, or yard clippings, which is malodorous, offensive, harms or injures any person or animal.

**Occupier** means a person who is:

- a) qualified to maintain an action for trespass;
- b) in possession of Crown land under a homestead entry or pre-emption record;

- c) in possession of Crown land or land owned by a municipality under a lease, licence, agreement for sale, accepted application to purchase, easement or other record from the Crown or municipality, or who simply occupies the land.

**Property** means land with improvement so affixed to the land as to make them, in fact and law, a part of it.

**Recyclable Material** may include used newspapers, cans, glass items, cardboard and any other items intended to be recycled.

**Refuse** means items rejected as worthless waste.

**Residential Classification** means any residential premise such as single family dwellings or duplexes used for residential purposes only, but shall not include: a apartment, townhouse, condominium or row house containing more than three (3) dwelling units, or a mobile home park.

**Residential Garbage Receptacle** means a galvanized metal or plastic watertight container or receptacle provided by the owner/occupier having a maximum diameter of not more than eighteen (18) inches, a maximum depth of not more than thirty (30) inches, and of a loaded weight not to exceed forty-four (44) pounds.

**Trade Waste** means all refuse and accumulations of waste and abandoned materials resulting from the operation of any and all commercial classifications.

**Wildlife** includes any mammal that is not normally domesticated, including but not limited to bears, wolves, cougars and raccoons.

**Wildlife Resistant** means fully contained or enclosed to prevent access by wildlife.

**Wildlife Resistant Container** means a fully enclosed metal container with a metal lid and latching mechanism that can be completely closed to prevent access by wildlife.

**Wildlife Resistant Enclosure** means a structure that has four enclosed sides, a roof, doors and a latching device, of sufficient design and strength to prevent access by wildlife.

### 3. Authorization

The District is authorized pursuant to the *Community Charter* to:

- 3.1 establish and maintain a system to collect, remove and dispose of garbage, ashes, refuse and other noxious, offensive, unwholesome and discarded matter;
- 3.2 compel persons to make use of a system established to dispose of garbage, ashes, refuse and other noxious, offensive, unwholesome and discarded matter, and prescribe the terms and conditions on which persons make use of the system;
- 3.3 enter into contracts with a person for all or part of the collection, removal and

disposal of garbage and other waste.

#### **4. General Conditions**

- 4.1 This bylaw shall apply to all land within the District of Ucluelet's municipal boundaries.
- 4.2 No person shall dispose of any garbage, trade waste, garden refuse or recyclable materials except in strict accordance with the provisions of this bylaw.
- 4.3 Every owner or occupier of property shall store all garbage, trade waste, garden refuse or other noxious, offensive, unwholesome and discarded matter in a sanitary and inoffensive manner and shall cause such garbage, trade waste, garden refuse or other materials to be removed from the premises to the Regional Landfill site or other government approved disposal site.
- 4.3 All domestic garbage and food waste or other edible waste that could attract domestic animals or dangerous wildlife shall be stored indoors in an enclosed building, shed or storage facility and shall not be left in or on any area accessible to domestic animals or wildlife, including on any patio, balcony or deck.
- 4.4 Every owner or occupier of property shall keep all garbage receptacles in good condition and shall replace any that become damaged so as to be no longer waterproof or dangerous to persons handling them.
- 4.5 No owner/occupier shall place a garbage receptacle out before 5:00 a.m. on the morning of scheduled garbage collection.
- 4.6 No owner/occupier shall throw, place or pile, or cause to be thrown, placed or piled upon, any street, lane or private property, any waste product, refuse or domestic garbage.
- 4.7 No person shall place or allow to be placed in any garbage receptacle any raw sewage, highly flammable material, dangerous or highly offensive wastes, dead animals, hot or loose ashes, demolition materials, any explosive or noxious material classified as dangerous goods.
- 4.8 Every owner or occupier of property shall be responsible to make their own arrangements to dispose of:
  - a) all bulky waste and garden refuse;
  - b) all garbage in excess of two garbage receptacles that is included in the residential garbage collection service, unless an approved garbage collection sticker has been placed on each additional receptacle;
  - c) ashes;
  - d) trade waste, wood or sawdust waste;
  - e) explosives, raw sewage, highly flammable materials, dangerous or highly offensive wastes, dead animals;
  - f) demolition or construction materials;
  - g) items of any kind that exceed the size or weight allowed for a residential garbage receptacle.

## **5. Garbage Collection – Residential Classification**

- 5.1 The residential garbage collection service provided by the District is designed to be utilized by the owners or occupiers of:
- a) all detached, single-family dwelling units;
  - b) all duplexes;
  - c) all multi-family buildings to a maximum of three dwelling units.
- 5.2 The residential garbage collection service shall be provided every week.
- 5.3 The maximum number of garbage receptacles that is included in the residential garbage collection service is two (2) receptacles per dwelling unit, each of which must not exceed the following:
- i) maximum diameter of eighteen inches
  - ii) maximum depth of thirty (30) inches *(Amendment Bylaw No. 968, 2005)*
  - iii) maximum loaded weight of forty-four (44) pounds.
- 5.4 All garbage intended for collection and placed in residential garbage receptacles must be enclosed within a bag or other container so as to contain such garbage within the receptacle. *(Amendment Bylaw No. 968, 2005)*
- 5.5 Each garbage receptacle that is placed for collection that is over the maximum allowable of two receptacles must have an approved garbage collection sticker placed on the receptacle, or the receptacle will not be collected. Stickers may be obtained at the District of Ucluelet office for \$2.00 each.
- 5.6 Every owner or occupier of property serviced by the residential garbage collection system of the District shall be required to:
- a) place all garbage for collection in one or two residential garbage receptacles.
  - b) place all receptacles for collection in full view of and beside the travelled portion of the roadway servicing the property no earlier than 5:00 a.m. and no later than 8:00 a.m. on the regularly scheduled day for collection.
  - c) ensure that each garbage receptacle in excess of the maximum allowed per property has an approved garbage collection sticker placed on the receptacle.
  - d) every owner or occupier of property shall be responsible to make their own arrangements to dispose of items of any kind that exceed the size or weight allowed for a residential garbage receptacle.
- 5.7 Any householder or owner possessing a dog, which a duly authorized garbage collector deems dangerous, or a hindrance to him in collecting the garbage, shall keep such dog housed or leashed during the day on which the garbage is collected, or until after garbage collection has been completed.

## **6. Extended Service**

- 6.1 Residents receiving the basic service and requiring garbage collection beyond the basic service provided, shall be required to access extended service through the use of garbage tags purchased as authorized by the District for this service and

within the limits defined herein.

- a) Garbage tags may be purchased from the District of Ucluelet;
- b) The District imposes a charge of \$2.00 for each garbage tag;
- c) Each garbage tag will provide for the collection of one (1) garbage container as allowed under extended service. A maximum of two (2) standard garbage containers may be put out for scheduled collection.
- d) Garbage tags are not reusable or refundable and are only for the use of acquiring services provided as extended service for refuse collection within the District of Ucluelet.
- e) Garbage tags shall be attached to the top of each container to be collected in a location that provides for easy access and is clearly visible to the garbage collector.

## **7. Garbage Collection – Commercial Classification**

- 7.1 Owners and occupiers of buildings with a commercial classification pursuant to this bylaw shall make their own arrangements for the removal and disposal of garbage.
- 7.2 Commercial Garbage Receptacles shall not be placed on municipal property or on road or highway rights-of-way.
- 7.3 Commercial Garbage Receptacles must be placed on private property and, where possible, must be placed in a location out of or screened from, public view.
- 7.4 After January 1, 2005, all Commercial Garbage Receptacles must be wildlife resistant.

## **8. Construction Site Refuse Disposal**

- 8.1 All construction sites must have a designated container that receives refuse. The container must:
  - a) be emptied at the end of each day and stored in a building or trailer; or,
  - b) be stored in a wildlife resistant enclosure; or,
  - c) be a wildlife resistant container.

## **9. Garbage Rates**

- 9.1 The fee for the services to be performed under this bylaw shall be \$9.00 per month for each dwelling unit.
- 9.2 Where a building is used for more than one dwelling, each dwelling shall be charged in accordance.
- 9.3 All such charges on dwellings shall be levied on assessed owners of such lands and premises lying and being in the District and shall be collected for the year on a tri-annual basis.
- 9.4 The District tax collector shall enter into the Collector's roll the total annual garbage collection charges levied upon each parcel of real property in the District

containing a dwelling thereon and if such charges remain unpaid on the 31<sup>st</sup> day of December in any one year, they shall be added to and form part of the taxes payable in respect of that real property and shall be entered upon the Collector's Roll as taxes in arrears.

9.5 Extended service garbage stickers may be purchased for \$2.00 each

## **10. Additional Provisions to Minimize Wildlife/Human Conflicts**

10.1 No person shall knowingly or willingly feed wildlife, or provide in any manner access to garbage, food or other attractants to wildlife.

10.2 Bird feeders are allowed but must be inaccessible to wild animals.

10.3 No person shall fail to take remedial action to avoid contact or conflict with wildlife after being advised by the Bylaw Enforcement Officer that such action is necessary. Remedial action may include, but is not limited to securing, in a wildlife resistant enclosure, all garbage containers, removal of cooking grills, pet food, bird feeders or any other attractants.

## **11. Bylaw Enforcement Officer**

11.1 For the purposes of this bylaw, the designated Bylaw Enforcement Officer means any of the following;

- a) Bylaw Enforcement Officer for the District of Ucluelet
- b) Chief Administrative Officer for the District of Ucluelet
- c) Director of Engineering for the District of Ucluelet

11.2 The Bylaw Enforcement Officer is authorized and empowered to inspect, compel, and require that all the regulations and provisions prescribed in this bylaw are carried out.

11.3 No person shall unreasonably obstruct or prevent a Bylaw Enforcement Officer from carrying out his duties as prescribed in this bylaw.

## **12. Fines and Penalties**

12.1 Every person who violates any of the provisions of his bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw is liable on summary conviction to a fine of not more than two thousand dollars (\$2,000.00) and costs (including the costs of the committal and conveyance to the place of imprisonment) for each offense, and in default of payment therefore, to imprisonment of a term not exceeding six months in jail. Each day that such violation is permitted to continue shall be a separate offence.

12.2 If action is taken pursuant to this bylaw, expenses may be recovered, together with costs and interest, in the same manner as municipal taxes.

## **13. Ticketing:**

Fines and penalties for tickets issued for offences against this bylaw shall be in accordance with Schedule "A", attached hereto and forming part of this Bylaw.

**14. Severance**

If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw.

**15. Bylaws Repealed**

Garbage Collection & Regulation Bylaw No. 775, 1998 and amendments thereto are hereby repealed.

**READ A FIRST TIME** this **13<sup>th</sup>** day of **July, 2004**.

**READ A SECOND TIME** this **13<sup>th</sup>** day of **July, 2004**.

**READ A THIRD TIME** this **13<sup>th</sup>** day of **July, 2004**.

**ADOPTED** this **27<sup>th</sup>** day of **July, 2004**.

**A CERTIFIED TRUE AND CORRECT COPY** of the "District of Ucluelet Garbage Collection & Regulation Bylaw No. 960, 2004."

**Bylaw No 960, 2004**  
**Schedule "A"**  
*(Amendment Bylaw No. 968, 2005)*

**Fines & Penalties**

<b>Offence</b>	<b>Section</b>	<b>Fine – 1<sup>st</sup> Offence</b>	<b>Fine – 2<sup>nd</sup> &amp; Subsequent Offences</b>
Improper storage of attractant garbage	4.3	\$50.00	\$100.00
Unsanitary storage of garbage	4.3	\$50.00	\$100.00
Offensive storage of trade waste	4.3	\$50.00	\$100.00
Offensive storage of garden waste	4.3	\$50.00	\$100.00
Broken/Dangerous garbage receptacles	4.4	\$25.00	\$50.00
Placing garbage receptacle out for pickup prior to 5:00 a.m. on day of pickup	4.5	\$50.00	\$100.00
Throw, pile, place on any street, road, private property, domestic garbage or waste product	4.6	\$100.00	\$200.00
Disposal of raw sewage	4.7	\$100.00	\$250.00
Disposal of flammable material	4.7	\$100.00	\$250.00
Disposal of offensive waste, i.e. dead animals	4.7	\$100.00	\$250.00
Disposal of hot or loose ash	4.7	\$100.00	\$250.00
Disposal of demolition material	4.7	\$100.00	\$250.00
Disposal of explosive or noxious materials classified as dangerous goods	4.7	\$100.00	\$250.00
Garbage not enclosed in bag or other container within residential garbage receptacle	5.4	\$25.00	\$50.00
Exceeding maximum number of garbage receptacles without purchasing additional garbage tags	5.5	\$10.00 per bag	\$20.00 per bag
Unleashed or dangerous dog causing hindrance to garbage collector	5.7	\$50.00	\$100.00
Placement of Commercial Receptacles on Municipal Property/Road ROWs	7.2	\$100.00	\$200.00
Use of Non Wildlife Resistant Commercial Garbage Receptacle	7.4	\$200.00	\$500.00

Improper Construction Site Refuse Container	8.1	\$100.00	\$250.00
Construction Site Refuse Container Improperly Stored	8.1	\$200.00	\$500.00
Providing Attractants/Food to Wildlife	10.1	\$200.00	\$500.00
Failure to take Remedial Action on Advice from Bylaw Enforcement Officer	10.3	\$100.00	\$200.00
Obstruction of Bylaw Enforcement Officer	11.3	\$100.00	\$250.00