



## REGIONAL DISTRICT OF MOUNT WADDINGTON

### BYLAW NO. 812

*A bylaw to regulate the administration and collection of solid waste on Malcolm Island*

**WHEREAS** Section 796 of the *Local Government Act* empowers a regional district to operate any service that its Board considers necessary or desirable for all or part of the Regional District;

**AND WHEREAS** the Regional District of Mount Waddington has adopted Bylaw No. 787 which established a solid waste collection and recycling service on Malcolm Island;

**AND WHEREAS** the Regional District of Mount Waddington has adopted the Malcolm Island Solid Waste Service Rates and Regulations Bylaw No. 812, 2010 which establishes rates and regulations for the Malcolm Island solid waste service;

**AND WHEREAS** the Regional District of Mount Waddington has determined that significant amendments are necessary for the rates and regulations set in Bylaw 812;

**NOW THEREFORE** the Board of the Regional District of Mount Waddington in open meeting assembled enacts as follows:

#### **SECTION A: CITATION**

1. This bylaw may be cited for all purposes as the "Regional District of Mount Waddington Malcolm Island Solid Waste Service Rates and Regulations Bylaw No. 812, 2011".

#### **SECTION B: REPEAL**

1. The "Regional District of Mount Waddington Malcolm Island Solid Waste Service Rates and Regulations Bylaw No. 802, 2010" is hereby repealed.

#### **SECTION C: DEFINITIONS**

In this Bylaw:

"*Accessible by road*" means that a garbage collection vehicle could reach the driveway on a regular basis without specialized equipment. Access road should be graded on a regular basis. Private or restricted roads will only be considered "accessible" in special circumstances or by application.

"*Allowable Garbage*" means solid waste excluding Prohibited Waste generated from the residence, commercial or institutional property from which it is collected.

"*Apartment Buildings*" are buildings which contain three or more Apartment Units.

"*Apartment Unit*" means a self-contained dwelling unit, within or attached to a Residential Dwelling Unit, Apartment Building, or other building, which is used or may be used as a residence on a long term basis (the advertised rental rate is charged on intervals greater than a week).

"*Bed & Breakfast*" or "B&B" means a building or facility that rents one or more rooms on a short term basis (the advertised rental rate is charged on a weekly or lessor time basis),

which are not self-contained (lacking private cooking facilities), existing on a property where a dwelling or commercial unit already is being assessed a Regular Garbage Collection fee including both free-standing and attached B&Bs.

*"Bi-weekly pickup"* means garbage collection pickup provided every second week.

*"Commercial Premise"* for the purposes of this bylaw relates to the use of the property rather than the zoning designation and means a business, store, office, warehouse, dock, factory, restaurant, hotel or motel.

*"Designated Garbage Collection Days"* are those days established by the RDMW as the day during which garbage may be put out to the edge of the road, under the terms and conditions of this bylaw, for collection by the Garbage Collection Contractor.

*"Dwelling unit"* means one or more habitable rooms, constituting a self-contained unit containing a kitchen with sink and cooking facilities and a bathroom with a toilet, sink and shower and/or bath, with a separate entrance intended to be used together for living and sleeping purposes for not more than one family including any single family residence, mobile home, ½ duplex, apartment unit, or terrace house under the same roof or any building in which one or more families live, but not including hotels.

*"Free Standing Auxiliary Commercial Unit"* means a free-standing commercial unit existing on a property where a dwelling or commercial unit already is being assessed a Regular Garbage Collection fee.

*"Garbage"* means and include any and all rejected, abandoned or discarded wastes, or vegetable or animal food, floor sweepings, crockery, glass or metal ware having contained foods, ashes, grass, hedge clippings or other garden refuse or rubbish except such garden refuse which, owing to its length or bulk, cannot be placed in the receptacle provided.

*"Garbage Collection Contractor"* means an individual or company working under contract to the RDMW to collect garbage in the Service Area.

*"Garbage Tag"* means a tag which may be placed on bags or cans of garbage in excess of the allowed two standard garbage containers.

*"Institutional Premises"* for the purposes of this bylaw relates to the use of the property rather than the zoning designation and means halls utilized for and by community events, government buildings and facilities, schools, medical centres and Harmony Glen Seniors' Residence.

*"Oversized Waste"* means any objects that are greater than 22.5kg or which will not fit into an approved garbage can.

*"Person"* means an individual, a body corporate, a firm partnership, association, or any other legal entity or an employee or agent thereof.

*"Prohibited wastes"* include, Hazardous Waste and toxic waste as defined by Provincial and or Federal Agencies, liquid waste and flammable wastes, clean corrugated cardboard, tires, construction waste, materials having a provincially approved Product Stewardship Program and any other waste deemed prohibited by the RDMW from time to time.

*"Property owner"* means the registered owner of fee simple property, lease holder of crown land tenures, or an owner of land or building in a development created under the Strata Property Act or Bare Land Strata Regulations.

*"RDMW"* means the Regional District of Mount Waddington and includes authorised representatives of the Regional District of Mount Waddington or their duly authorised agents.

"*Recyclable Waste*" means marketable, source separated waste that includes, but is not limited to, newspaper, paper, magazines, corrugated cardboard, boxboard, metals and materials designated in regulated industry stewardship programs.

"*Service Area*" means the Malcolm Island Garbage Collection Service Area as defined in the Bylaw No. 787 Malcolm Island Waste Management, and includes any subsequent amendments to that service area boundary.

"*Site Regulations*" means regulations, as described in Schedule "A" attached hereto.

"*Solid Waste*" means refuse, recyclable waste, demolition, land clearing and construction waste, yard and garden waste, and controlled waste acceptable for disposal at the disposal site, but excluding prohibited waste.

"*Standard Commercial Bin*" means a bin conforming to the specifications of the garbage collection contractor or service provider, as approved by the RDMW.

"*Standard Garbage Container*" means a durable animal proof container, fitted with secure handles and a watertight cover of a capacity of not more than 100 litres; when full the container must not weigh more than 22.7kg (50 lbs).

"*Suite*" means a short term dwelling unit (the advertised rental rate is charged on a weekly or lessor time basis), which is self-contained (having private cooking and sanitary facilities), existing on a property where a dwelling or commercial unit already is being assessed a Regular Garbage Collection fee. Guest cottages are included in this definition.

"*Transfer Station*" means the temporary solid waste storage sites located at Sointula.

"*Yard and Garden Waste*" means organic, source separated waste that includes, grass, lawn and hedge clippings, grass sod, flowers, leaves, weeds, vegetable stocks, shrubs and shrub and tree branches less than seventy-five millimetres in diameter.

#### **SECTION D: COLLECTION REGULATIONS**

1. The owners of properties on which a dwelling unit, Institutional or Commercial Premises exists, whether occupied or vacant, shall be responsible for the payment of all garbage user fees, as described in Schedule A of this bylaw, whether the service is actually used or not.

- a) The Ministry of Forests and Ministry of Transportation and Highways, BC Ferries and other agencies on request may participate in the regular collection service;

Any charges authorized by this bylaw, which remain unpaid on December 31st, in the year in which they were imposed, shall be transferred to property taxes in the following year, unless sooner paid.

2. Each Dwelling unit, Institutional or Commercial Premise shall be permitted, on Designated Bi-Weekly Garbage Collection Days, to place out for collection up to two Standard Garbage Containers of Allowable Garbage. Extra containers of garbage will not be collected unless they are accompanied by a Garbage Tag.
3. The following table identifies properties that have been deemed not accessible by road as per the definition set out in the bylaw as well as the alternative garbage disposal procedure.

<b>Location</b>	<b>Alternative Garbage Disposal Procedure</b>
PULTENEY PT	52 Garbage Tags will be issued to properties located at Pulteney Point for disposal of garbage at the Malcolm Island Transfer Station/Recycling Depot.
50 TURNER RD	52 Garbage Tags will be issued to the property located at 50 Turner Road for disposal of garbage at the Malcolm Island Transfer Station/Recycling Depot.
6 <sup>TH</sup> AVE BETWEEN 1 <sup>ST</sup> AND 2 <sup>ND</sup> STREETS	Take garbage to nearest Street on designated collection day.
7 <sup>TH</sup> AVE BETWEEN 1 <sup>ST</sup> AND 2 <sup>ND</sup> STREETS	Take garbage to nearest Street on designated collection day.
ALL PROPERTIES ON KALLIO RD	Take garbage to nearest Street on designated collection day.
ALL PROPERTIES ON PINKYS RD	Take garbage to Bere Road on designated collection day.
Folio#: 78513513275 Lot: 16 Block: Plan: VIP74986 Section: Township: District: Coast Range 1 Land District	Take garbage to Mitchell Bay Road on designated collection day.
HAMILL ROAD	Take garbage to Mitchell Bay Road on designated collection day.
HILLSIDE ROAD	Take garbage to 1st Street on designated collection day.

4. The owner of a Commercial or Institutional Premises or Apartment Building may change the garbage collection service from a Bi-Weekly two container limit to one or more standard commercial bins, and be charged the quarterly rental and tipping costs described in Schedule A of this bylaw, by making a written request to the RDMW. If a property maintains one or more Standard Commercial Bins for the entire year, the Regular Garbage Collection fee will not be assessed in addition to the Standard Commercial Bin fees.
5. A portion of the tipping fee collected from each Standard Commercial Bins will be allocated to the operation of the Malcolm Island solid waste local service. This allocation will equal the Transfer Station/Recycling Depot Fee described in Schedule A. This allocation can be prorated should a Standard Commercial Bin be rented for only a portion of the year.
6. Each "Bed & Breakfast" or "Suite" or "Free Standing Auxiliary Commercial Unit" will be under the provision of Auxiliary Solid Waste Services and assessed the appropriate fees described in Schedule A in addition to those fees initially assessed through Regular Garbage Collection or the Upgrade to a Standard Commercial Bin.
7. No prohibited waste or oversized waste will be collected.
8. No person shall leave garbage of any kind accessible to wildlife or domestic animals. It is the responsibility of property owners to clean-up litter or pollution originating from garbage on or from their property.
9. All garbage containers shall be accessible within 1 meter (3 feet) of the edge of road surface on a public or designated private road site, between the time of 6:00 a.m. and 8:00 p.m., on Designated Collection Days. Such days shall be designated by the Garbage Collector, and approved by the Regional District.

10. Property owners served by commercial bins may elect to purchase a Standard Commercial Bin, rather than rent the bin from the RDMW. Written notice of intent to provide a privately owned bin for garbage collection must be submitted to the RDMW at least 60 days in advance of any change to the service. Changes to garbage collection methods and accounts will be enacted on an annual basis.

#### **SECTION E: Transfer Station Regulations**

1. Every person depositing solid waste at the Transfer Station shall pay to the RDMW the applicable charges at the time and in the amount set out in Schedule "B" attached hereto.
2. No person shall deposit solid waste at the Malcolm Island Transfer Station which does not originate from within the Malcolm Island Waste Management Service Area, without the written permission of the RDMW.
3. No person shall, in depositing solid waste at the Transfer Station:
  - A. Deposit solid waste except as directed by regulations for the use of the Transfer Station;
  - B. Act in a manner contrary to the posted site regulations;
4. Source separated yard and garden waste will be accepted at the Transfer Station at the rates and conditions set out in Schedule "B".

#### **SECTION F: Severability**

1. If any section, subsection, sentence, clause or phrase of the Bylaw is, for any reason, held to be invalid by a decision of any court or competent jurisdiction, the decision shall not affect the validity of the remaining portions of the Bylaw.

**READ A FIRST TIME THIS 15 DAY OF MARCH, 2011**

**READ A SECOND TIME THIS 15 DAY OF MARCH, 2011**

**READ A THIRD TIME THIS 15 DAY OF MARCH, 2011**

**RECONSIDERED AND ADOPTED THIS 15 DAY OF MARCH, 2011**

  
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SECRETARY

  
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CHAIR

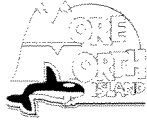




**REGIONAL DISTRICT OF MOUNT WADDINGTON**  
**BYLAW NO 812**  
**SCHEDULE "A"**  
**MALCOLM ISLAND SOLID WASTE MANAGEMENT**  
**COLLECTION FEES**

<u>TYPE OF SERVICE</u>	<u>CONDITIONS OF SERVICE</u>	<u>RATES</u>
<b>1) Regular Garbage Collection</b> <ul style="list-style-type: none"> <li>○ DWELLING UNIT</li> <li>○ COMMERCIAL PREMISE</li> <li>○ INSTITUTIONAL PREMISE</li> </ul>	MAXIMUM 2 CANS EVERY TWO WEEKS  MAXIMUM SIZE: 100 LITRE  MAXIMUM WEIGHT: 22.7 KG	<ul style="list-style-type: none"> <li>• \$ 84.00 /YEAR ROADSIDE COLLECTION FEE AND;</li> <li>• \$72.00 TRANSFER STATION/RECYCLING DEPOT FEE</li> </ul> BILLED ANNUALLY
<b>2) Auxiliary Solid Waste Services</b> <ul style="list-style-type: none"> <li>○ SUITE</li> <li>○ FREE STANDING AUXILIARY COMMERCIAL UNIT</li> </ul>		<ul style="list-style-type: none"> <li>• \$72.00 TRANSFER STATION/RECYCLING DEPOT FEE PER UNIT</li> </ul> BILLED ANNUALLY
<b>3) Auxiliary Solid Waste Services</b> <ul style="list-style-type: none"> <li>○ BED &amp; BREAKFAST</li> </ul>		<ul style="list-style-type: none"> <li>• \$72.00 TRANSFER STATION/RECYCLING DEPOT FEE PER FACILITY</li> </ul> BILLED ANNUALLY
<b>4) Upgrade to Standard Commercial bin</b>	CHANGE FROM 2 CANS BI-WEEKLY LIMIT PER UNIT TO STANDARD COMMERCIAL BIN OR FROM STANDARD COMMERCIAL BIN TO 2 CANS BI-WEEKLY LIMIT MUST BE REQUESTED IN WRITING (as per section D)	
a) Apartment Building Collection		\$180 /(1/4 YEAR) RENT PER STANDARD COMMERCIAL BIN  <i>Plus</i>  \$50.00 INITIAL DELIVERY FEE  \$ 120 TIPPING FEE/(1/4 YEAR)

b) Institutional Collection		<p>\$180 /((1/4 YEAR) RENT PER STANDARD COMMERCIAL BIN</p> <p><i>Plus</i></p> <p>\$50.00 INITIAL DELIVERY FEE</p> <p>\$ 120 TIPPING FEE/(1/4 YEAR)</p>
c) Commercial Collection		<p>\$180/(1/4 YEAR) RENT PER STANDARD COMMERCIAL BIN</p> <p><i>Plus</i></p> <p>\$50.00 INITIAL DELIVERY FEE</p> <p>\$ 120 TIPPING FEE/(1/4 YEAR)</p>
<b>5) Extra bags/cans</b>	<p>EACH EXTRA GARBAGE CONTAINER TO BE ACCOMPANIED BY AN <b>EXTRA BAG TAG</b></p> <p>MAXIMUM SIZE: 100 LITRE</p> <p>MAXIMUM WEIGHT: 22.7 KG</p>	<p>EXTRA BAG TAG: \$2 /EACH</p> <p>AVAILABLE FROM THE RDMW, ITS SPECIFIED AGENT and AT THE TRANSFER STATION.</p>



**REGIONAL DISTRICT OF MOUNT WADDINGTON**  
**BYLAW NO 812**  
**SCHEDULE "B"**  
**MALCOLM ISLAND SOLID WASTE MANAGEMENT**  
**TRANSFER STATION TIPPING FEES**

TYPE OF WASTE	FEE
1. Standard Garbage Container	\$2 each
2. Pickup Load	\$20 (level to side walls)
3. Bulky Waste: Mattresses, furniture, over 16" tires, tires with metal rims and oversized garbage containers	\$10 each
4. Sorted Recyclable Waste Currently accepted materials will be posted at the Transfer Station Site and on the RDMW website ( <a href="http://www.rdmw.bc.ca">www.rdmw.bc.ca</a> )	<b>FREE</b>
5. Sorted Yard and Garden Waste	<p><b>FREE</b> (<i>may be subject to posted limits set by the RDMW from time to time</i>)</p> <p><i>Bag tags pasted on the disposed items may be accepted in lieu of cash</i></p> <p>Loads Containing Prohibited Waste Will be Charged as Per Above Rates Plus All Costs Associated With Any Special Handling or Removal of Prohibited Wastes.</p>