

**TOWN OF LAKE COWICHAN
BYLAW 1085-2022**

**A BYLAW TO AUTHORIZE WASTE
COLLECTION REGULATIONS AND RATES**

WHEREAS under Section 8 of the *Community Charter*, the Council may by bylaw regulate, prohibit, and impose requirements in relation to municipal services;

AND WHEREAS it is deemed advisable that the Town of Lake Cowichan shall establish and operate a system of collection for garbage, organic material, rubbish, and other unwholesome and discarded material;

NOW THEREFORE, the Council of the Town of Lake Cowichan in open meeting assembled, ENACTS as follows:

1. TITLE

This bylaw may be cited as the "Town of Lake Cowichan Waste Collection Regulations and Rates Bylaw No. 1085-2022".

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

BEAR-RESISTANT ENCLOSURE or WILDLIFE PROOF ENCLOSURE shall mean a structure which is totally enclosed with a self-latching mechanism that is of sufficient strength to prevent access by bears or other wildlife;

COMMERCIAL ENTERPRISE shall mean any business requiring a business licence to operate a business in the Town of Lake Cowichan;

COMMERCIAL REFUSE CONTAINER shall mean a metal receptacle that is designed or intended to dispose of waste by automated means, is bear-resistant, and meets the criteria established in Schedule "C";

CONSTRUCTION WASTE means

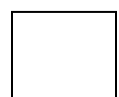
- (a) waste resulting from or produced by the alteration, renovation, or construction of residential structures such as buildings, houses, sheds, garages, driveways, and other related improvements; and
- (b) includes any waste associated with the construction trades;

GARBAGE shall mean and include any and all rubbish including household waste and any items designated by the Town as acceptable for refuse collection but excludes construction waste, kitchen organics, prohibited waste, recyclable materials, and garden and yard waste;

HYDRAULIC BIN shall be a container designed to meet bear-resistant safety requirements, and to be handled by garbage trucks operating for the Town and having a capacity of 3 cubic yards (2.3m³) and not weighing more than 225 kgs;

INSTITUTION in this bylaw shall only mean facilities owned and operated by the Vancouver Island Regional Library;

KITCHEN ORGANICS is kitchen waste that is compostable and includes food scraps, eggshells, fish, seafood, nuts, shells, bones, tea bags, coffee grounds, paper filters, dairy products, fruits, vegetables, breads, cereals, pasta, cakes, biscuits, paper towels, napkins, paper plates, paper cups, pizza boxes and other food soiled cardboard, gable top milk and wax coated ice cream containers,



houseplants and for certainty excludes yard and garden waste and non-compostable bags;

OCCUPIER shall mean any person occupying any dwelling, habitation, place of residence, or trade premises within the Town, but shall not include any person who is merely a boarder, roomer, or lodger therein;

OWNER shall mean and include a person as defined in the **SCHEDULE — DEFINITIONS AND RULES OF INTERPRETATION** to the *Community Charter*;

PROHIBITED WASTE includes:

- (a) explosive material, radioactive substances, hazardous waste, petroleum products, and industrial chemical waste;
- (b) furniture, appliances, motor vehicle tires, motor vehicle bodies, and farm tools or equipment;
- (c) construction waste;
- (d) anything that is on fire or is smouldering;
- (e) dead animals, or parts thereof, including:
 - (i) roadkill, wildlife, or pets; but
 - (ii) excludes what is considered food waste by the Town;
- (f) yard and garden waste; and
- (g) any other matter that is so considered by the Town;

RECYCLABLES are materials accepted for collection accepted for collection under a recycling program with Recycle BC;

REGULATION GARBAGE RECEPTACLE shall mean a tote provided by the Town for the purpose of garbage storage and collection with a good fitting, watertight cover, and a capacity of not more than eighty (80) litres, or one hundred twenty (120) litres, or two hundred and forty (240) litres, when full. A receptacle may be used with a plastic bag liner for removal. Plastic bags shall not be permitted for use as normal garbage receptacles unless the plastic bag is placed in an approved container marked with a tag;

REGULATION ORGANICS RECEPTACLE shall mean a tote provided by the Town for the purpose of organics storage and collection with a good fitting, watertight cover, and a capacity of not more than eighty (80) litres, or one hundred twenty (120) litres, or two hundred and forty (240) litres, when full. A receptacle may be used with a compostable plastic bag liner for removal. Plastic bags shall not be permitted for use as normal organic receptacles;

RESIDENTIAL DWELLING shall mean a single segregated self-contained residential dwelling used for, or intended for the domestic use of one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities including, but not limited to a townhouse, semi-detached, residential home, duplex, or a cabin;

RESIDENTIAL PROPERTY means a property within the Town limits that is used for residential purposes, and includes single-family homes, duplexes, townhouses, multi-family apartments, condominiums, and co-ops;



SUPERINTENDENT means the Superintendent, Public Works, and Engineering Services of the Town of Lake Cowichan;

TAG shall mean a garbage tag obtainable at the Town of Lake Cowichan for use in connection with an approved regulation garbage receptacle;

TOWN means the Town of Lake Cowichan;

WASTE COLLECTOR shall mean the Town personnel designated to collect garbage and trade waste or kitchen organic and the person or contractor appointed from time to time by resolution of the Municipal Council to collect recycling waste within the Town of Lake Cowichan and also shall mean the bona fide contractors utilized by commercial enterprises that have opted out of municipal waste service collection for garbage and recycling services;

WILDLIFE means undomesticated animal species such as bears, cougars, elk, and deer;

WILDLIFE ATTRACTANT means any substance, material, or animal, 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; and

YARD AND GARDEN WASTE is organic materials, other than kitchen organics, including grass, lawn and hedge clippings, sod, earth, flowers, weeds, leaves, shrubs, and branches.

3. GENERAL PROVISIONS

- 3.1 No person within the Town of Lake Cowichan shall dispose of garbage or waste except in accordance with the provisions of this bylaw.
- 3.2 No person shall place anything other than garbage into the garbage receptacle or kitchen organics into the kitchen organics receptacle and recyclable materials into appropriate receptacles.
- 3.3 Every occupier or owner of any dwelling, apartment house and trade premises within the Town shall ensure that regulation garbage receptacles are put out prior to pick-up times only on the days specified for pick up.
- 3.4 Except as permitted in this bylaw on collection days, a person must not cause or allow any Refuse that is a Wildlife Attractant to be stored, deposited, or placed on any parcel or boulevard or road within the Town in such a manner that it is accessible to Wildlife.
- 3.5 No person shall store any garbage or trade waste which includes an attractant in such a manner that is accessible to domestic animals or wildlife.
- 3.6 A residential dwelling within the Town limits will be issued one garbage receptacle and one kitchen organics receptacle upon payment of the fees as stipulated in Schedule "E" of the Fees and Services Bylaw.
- 3.7 Receptacles provided by the Town shall, at times, remain secured at the property and may not removed from the premises. Where this should occur, the new owner will be held responsible for the replacement costs.
- 3.8 Where the property owner requests a change in organics and garbage services applicable charges as determined in this bylaw or the Fees and Services Bylaw shall apply.



- 3.9 Every owner or occupier must ensure that:
- (a) Any fruit or nuts from a tree, bush or shrub on a parcel is stored in such a manner so as not to attract Wildlife;
 - (b) Any food production on a parcel is maintained and stored in such a manner so as not to attract Wildlife;
 - (c) Any appliance or device that contains Wildlife Attractants of any type is made inaccessible to Wildlife;
 - (d) Any camping activity that is carried out is managed in such a manner so as to not attract Wildlife; and
 - (e) Where any composting activity is carried out and any composting device or equipment is maintained in such a manner so as not to attract Wildlife.

4. ACCESSIBILITY OF WASTE RECEPTACLES

- 4.1 RESIDENTIAL: all regulation garbage receptacles shall be accessible within 1 meter (3 feet) of the curb or curb line on a public road site on all designated collection days on edge of pavement. Such days shall be designated by the Town. No garbage will be removed from private property or driveways on private property. Every occupier or owner of a dwelling shall place all garbage and recyclable containers by 7:00 a.m. on the designated day of collection.
- 4.2 Every owner or occupier of real property must ensure that a refuse container is stored within a Bear-Resistant or Wildlife Proof Enclosure in between collection days.
- 4.3 COMMERCIAL: all garbage receptacles shall be accessible to the Waste Collector at a predetermined location, and sites and days as approved by the Town. Every commercial enterprise that is provided municipal service shall place all garbage and recyclable containers by 7:00 a.m. on the designated day of collection by the Town.
- 4.4 Every owner or occupier of real property must ensure that refuse container is stored within a Bear-Resistant or Wildlife Proof Enclosure in between collection days.
- 4.5 Commercial and institutional enterprises that have opted out of municipal waste collection service must also ensure that garbage receptacles are contained within Bear-Resistant Enclosures.

5. PROPER RECEPTACLE

- 5.1 Every occupier or owner of a dwelling, apartment house and trade premises shall use the correct receptacle for garbage or kitchen organics at all times.
- 5.2 Where garbage or kitchen organics is not wholly contained within the receptacle or where the occupier or owner causes the garbage or kitchen organics to be strewn in or outside the dwelling, apartment house or trade premises the Superintendent may order the clean-up of the garbage. The costs of the clean-up will be assessed against the owner of the property responsible for the cause of the clean-up.



6. RECEPTACLE REQUIREMENTS

- 6.1 No liquids or free water shall be put or placed in or allowed to run or accumulate in any regulation garbage receptacle, and all such regulation garbage receptacles shall, at all times, be kept securely covered with a water-tight cover.
- 6.2 No person shall place any explosive substance in any regulation garbage receptacle.
- 6.3 All garbage shall be drained and dry before being deposited in a garbage receptacle.
- 6.4 No person shall place kitchen scraps into a kitchen organics receptacle unless the kitchen scraps are securely contained within the receptacle.
- 6.5 No person shall place garbage or kitchen organics for pick-up in receptacles owned by others without the other owner's permission.

7. PROHIBITED MATERIALS

- 7.1 No owner or occupier shall deposit for the collection by the Waste Collector of prohibited materials, yard and garden waste and glass or recyclable materials.

8. CONDITION OF RECEPTACLE

- 8.1 All regulation garbage receptacles shall at all times be kept in good and sanitary condition and shall be accessible for inspection at all reasonable times.
- 8.2 Any lost, damaged, or destroyed receptacles shall be replaced at cost plus delivery fee, to be paid by the property owner, as established in Schedule "E" of the Fees and Charges for Service Bylaw.

9. MANDATORY SERVICE

- 9.1 All premises within the Town must have all trade waste and house rubbish removed and disposed of by the Town of Lake Cowichan and shall comply with all regulations.
- 9.2 Notwithstanding section 9.1, commercial and institutional enterprises may opt out of municipal waste collection service by notifying the Town in writing of the effective date it has entered into a garbage collection and recycling contract with a bona fide garbage and recycling contractor.
- 9.3 Those commercial or institutional enterprises that meet the requirement under 9.2 are still obligated to ensure that requirements to minimize human wildlife interactions by complying with the safety and conservation requirements of this bylaw.

10. INDEPENDENT SERVICE

- 10.1 In the case of building or premises being used as separate units, each must pay the independent garbage user fee of the Town, as prescribed in the schedule attached to this bylaw.
- 10.2 The property owner is responsible for the purchase of organics and waste totes for secondary suites, where required, and the property owner also responsible for the monthly waste collections fees in accordance with Schedule A.



11. CHARGES WHEN VACANT

11.1 All of the Town has a specified garbage district, therefore, the owners of premises, whether occupied or vacant, on which a premise exists, shall be responsible for the payment of all annual garbage user fees, whether the service is actually used or not.

12. COLLECTION OF FEES

12.1 All accounts will be billed annually in January for the period January 1st to December 31st and payable in advance. The due date is March 31st. These rates shall be payable at any place designated by Council, but in all cases, the owner shall be subject to the provisions of Section 258 of the *Community Charter* and shall be paid at the rates set forth for the respective year in Schedule "A" attached to this bylaw.

Invoicing for new customers will commence upon the issuance of the occupancy certificate by the building inspector.

12.2 Tags for use with additional regulation garbage receptacles may be bought at the Town office during regular business hours at the rate established in Schedule "E" of the Fees and Charges for Services Bylaw.

13. DISCOUNTS AND PENALTIES

13.1 All accounts shall be allowed a discount of 10 percent (10%) for prompt payment of the annual billing or portion thereof if paid on or before the last day of February.

13.2 The annual billing is due and payable on or before March 31st of the current year. If the account remains unpaid after the first business day in July a 5 percent (5%) penalty will be applied to the outstanding balance. If the account remains unpaid after September 30th an additional 5 percent (5%) penalty will be applied to the outstanding balance.

13.3 Excess toter pickup billings will be due 30 days from the invoice date. If the account remains unpaid after 60 days from the billing date, monthly interest charges will be applied at 2% until the account is paid.

13.4 All outstanding balances as of December 31st will be transferred to taxes as arrears.

14. DUTIES OF THE WASTE COLLECTOR

14.1 It shall be the duty of the Waste Collector:

- (a) To collect all garbage, trade waste, recycling, and organics;
- (b) To report any infraction of this bylaw;
- (c) To answer all complaints courteously and promptly;
- (d) Not to trespass needlessly on private property, but to follow pedestrian walks and not cross from one property to another;
- (e) To have all garbage collection equipment accessible to the Public Health Inspector at all times; and
- (f) To maintain a list of users who fail to meet the requirements set forth in this bylaw.



15. COLLECTION OF GARBAGE FROM RESIDENTIAL DWELLINGS

- 15.1 The schedule for the pick-up of garbage and organics from dwellings each year shall be determined prior to December 31st of the current year.
- 15.2 Garbage shall be collected and carried away by the Waste Collector from all strata corporations. The strata corporation must sign a waiver of liability in the form attached as Schedule "B" to this bylaw.
- 15.3 A strata corporation, on behalf of all of the owners of the residential strata lots in the strata plan that are townhouses or bare land strata lots, may apply to the Town for individual service for municipal collection services provided for garbage, recyclables and organics as established in this bylaw.
- 15.4 The Town will accept the application if the Town is satisfied that the residential strata lots can be safely, efficiently, and legally serviced by the Town's automated collection system. If accepted, the owners of each residential strata lot will be provided with regulation receptacles upon purchase of same and pay the fees as established in Schedule "E" of the Fees and Charges for Service Bylaw.
- 15.5 The owners shall, as a condition of the Town actually providing municipal collection services for the residential strata lots, but which does not affect the owners' obligations to pay the fees under this bylaw, comply with any terms and conditions imposed from time to time by the Town in order to ensure that the Town can safely, efficiently, and legally service the residential strata lots.
- 15.6 The strata council must ensure that access through the strata corporation is kept clear of snow and debris at all times and that no part of the strata is blocked from access by the automated garbage collection system.

16. COLLECTON OF ORGANICS FROM RESIDENTIAL DWELLINGS

- 16.1 Organics shall be collected and carried away by the Waste Collector from all dwellings a minimum of once every second week in each year.
- 16.2 The designated kitchen organics container, as specified by the Town, must be used. To prevent a pest problem and for odour control the lid must be tightly sealed.
- 16.3 If a liner is used in the organic's container, the liner must be compostable.

17. COLLECTION FROM TRADE PREMISES

- 17.1 Garbage and Kitchen Organics shall be collected and carried away from trade premises, apartment houses and buildings in which more than two dwelling units, at such periods as the Waste Collector may establish. (See Schedule "A" for multiplying factor relative to pick-ups).

18. REGULATION RECEPTACLE

- 18.1 For the purpose of this bylaw, a garbage or kitchen organics service shall consist of the removal of the contents of not more than one garbage receptacle for a residential or commercial can, of a size specified in the definition "Regulation Garbage Receptacle" or "Trade Waste".
- 18.2 Notwithstanding the foregoing, any residential or commercial user is entitled to extra pick-ups at the scheduled time of garbage pick-up if each additional regulation garbage receptacle is affixed with a prepaid tag.



19. ENTRY AND INSPECTION

- 19.1 A Bylaw Enforcement Officer for the Town may enter onto any property in accordance with section 16 of the Community Charter, S.B.C. c. 26. Where a Bylaw Enforcement Officer believes that, as a result of a breach of this bylaw, a Large Carnivore is located on or near the property and has endangered or harmed a person or presents an imminent threat to the safety of any person, the officer may take steps to prevent, avert, reduce, or mitigate the harm or threat or provide aid. In so doing, the officer may seek the assistance of a conservation officer appointed under the Wildlife Act, R.S.B.C. 1996, c. 488, a police officer or RCMP, as may be reasonable or necessary in the circumstances.
- 19.2 A person must not obstruct or interfere with a Bylaw Enforcement Officer or other person assisting the officer.

20. CONTRAVENTION AND PENALTIES

- 20.1 Any person who contravenes or violates any provision of this bylaw, who fails or omits to do anything required under this bylaw, or who permits, suffers, or allows any act or thing to be done or omitted to be done in contravention or violation of this bylaw, commits an offence; and where the offence is a continuing one, each day that the violation is continued shall constitute a separate and distinct offence against this bylaw.
- 20.2 Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction hereof and shall be liable to the penalties imposed.
- 20.3 No person shall fail to take immediate or remedial action to avoid contact or conflict with Wildlife after being advised that such action is necessary.
- 20.4 This bylaw may be enforced by means of a ticket issued under the "Town of Lake Cowichan Ticket Information Bylaw, as amended or replaced from time to time.
- 20.5 Any person found guilty of an offence under the provisions of this bylaw, shall, upon summary conviction, be liable to a fine not less than \$1,000 but not more than \$5,000 which shall be recoverable and enforceable upon summary conviction in the manner provided by the *Offence Act*.

21. REPEALED

- 21.1 That upon adoption of the bylaw, Bylaw No. 1063-2021 being the "Town of Lake Cowichan Garbage Regulations and Rates Bylaw" and all amendments thereto are hereby repealed.

READ A FIRST TIME on the 20th day of December, 2022.

READ A SECOND TIME on the 20th day of December, 2022.

READ A THIRD TIME on 20th day of December, 2022.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the 24th day of January, 2023.

Tim McGonigle
Mayor

Joseph A. Fernandez
Corporate Officer



SCHEDULE "A"**ATTACHED TO AND FORMING PART OF BYLAW NO. 1085-2022****WASTE COLLECTION RATES****WASTE COLLECTION RATES - 2023**

The rates reflected in this schedule are based on a flat rate billing system and include fees for garbage, organics, and recycling.

The monthly minimum fee payable for the removal of waste shall be as follows:

- a) **Residential** - based on a maximum of one regulation size garbage can per bi-weekly pick-up and one regulation size organics tote collected a minimum of once every second week for each single-family unit at:
 - i) \$16.20 per month for 80 litre tote
 - ii) \$24.30 per month for 120 litre tote
 - iii) \$48.60 per month for 240 litre tote (only applicable to multi-family residential)
- b) **Commercial** - offices, warehouses, small retail and wholesale outlets, industrial and other small commercial enterprises for each enterprise based on a maximum of one regulation size garbage and where applicable one regulation size organics can at:
 - i) \$16.20 per month for 80 litre tote with bi-weekly garbage pickups
 - ii) \$5.85 per pickup for 80 litre tote (one pickup per week minimum)
 - iii) \$8.75 per pickup for 120 litre tote (one pickup per week minimum)
 - iv) \$12.50 per pickup for commercial tote (one pickup per week minimum)
 - v) \$61.50 per hydraulic bin pickup

WASTE COLLECTION RATES - 2024

The rates reflected in this schedule are based on a flat rate billing system and include fees for garbage and recycling.

The monthly minimum fee payable for the removal of waste shall be as follows:

- a) **Residential** - based on a maximum of one regulation size garbage tote collected bi-weekly and one regulation size organics tote collected a minimum of once every second week for each single-family unit at:
 - i) \$16.60 per month for 80 litre tote
 - ii) \$24.90 per month for 120 litre tote
 - iii) \$49.80 per month for 240 litre tote (only applicable to multi-family)
- b) **Commercial** - offices, warehouses, small retail and wholesale outlets, industrial and other small commercial enterprises for each enterprise based on a maximum of one regulation size garbage and where applicable one regulation size organics can at:
 - i) \$16.60 per month for 80 litre tote with bi-weekly pickups
 - ii) \$6.15 per pickup for 80 litre tote (one pickup per week minimum)
 - iii) \$9.20 per pickup for 120 litre tote (one pickup per week minimum)
 - iv) \$13.10 per pickup fee for commercial tote (one pickup per week minimum)
 - v) \$62.00 per hydraulic bin pickup

GENERAL FEES APPLICABLE

Container rental fee where applicable shall be levied as follows:

Toter	\$ 4.00 per month
Hydraulic bin	\$ 64.50 per month



SCHEDULE "B"

ATTACHED TO AND FORMING PART OF BYLAW NO. 1085-2022

INDEMNIFYING RELEASE

In consideration of the restricted access available to larger vehicles and in relation to the collection of garbage in or about

Lake Cowichan, B.C.

I/We, _____

agree to save harmless and keep indemnified any or all of the staff, members of Council, agents, servants, and representatives of the Town of Lake Cowichan (hereinafter referred to as the "Town") from and against all claims, actions, expenses and demands in respect to injuries, death, loss and damage to my/our property howsoever caused, arising out of or in connection with the collection of garbage from these premises.

Dated this _____ day of _____, _____.

WITNESS TO:

AUTHORIZED SIGNATORY

Print Name Occupation) Print Name
Address) Address
Signature) Signature



SCHEDULE "C"

ATTACHED TO AND FORMING PART OF BYLAW NO. 1085-2022

Commercial Refuse Container

The following criteria applies to a Commercial Refuse Container:

1. The lid or lids, and any man doors, must close tightly to prevent access by bears.
2. The lid or lids, and any man doors, must be a) self-closing; or b) self-latching; or c) capable of being completely closed and secured with a latching device.
3. The latches for the lid or lids and bag removal must be such that an adult bear using its claws will be unlikely to reach the latch trigger mechanism.
4. Hinges and latches for lids must be sufficiently strong, and sufficiently affixed to the container, that they cannot be pried open by an adult bear using its claws. As a guideline, a lid that can be dismantled using a crowbar is not sufficient.
5. The container must be sufficiently stable or capable of being so anchored as to prevent tipping or being dragged away by an adult bear.
6. Container and lid material must be metal and of sufficient strength to prevent bears from chewing, battering, or crushing the container.
7. Container must meet the standards developed by the Interagency Grizzly Bear Committee for Technical Evaluations of Metal Products [IGBC Testing](#)

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