

TOWN OF COMOX

CONSOLIDATED BYLAW NO. 1585

(Consolidated to November 18, 2015)

Please note: This is a consolidated bylaw prepared for
Convenience only and is not a certified copy.

**A BYLAW TO PROVIDE FOR THE CONTROL, COLLECTION AND DISPOSAL
OF GARBAGE AND OTHER DISCARDED MATTER**

WHEREAS pursuant to the Community Charter, Council may require persons to use a waste disposal or recycling service provided by or on behalf of the municipality; and impose a fee or charge payable in respect of all or part of a service of the municipality;

NOW THEREFORE, the Council of the Town of Comox, in open meeting assembled, enacts as follows:

1. Title

This bylaw may be cited for all purposes as the “Comox Refuse Collection Bylaw, 2007”.

2. Definitions

In this Bylaw,

- (a) “Ashes” means ashes, cinders and other remains of fuels after such fuel has been consumed by fire;
- (b) “Bylaw Enforcement Officer” means the Bylaw Enforcement Officer, Corporate Officer, Deputy Corporate Administrator or Director of Finance for the Town of Comox, or any other person designated by Council;
- (c) “Container” means a bin or compactor with at least a two (2) cubic yard capacity, provided by the Contractor for use by Trade Premises or Multiple Dwellings;
- (d) “Collection Day” means, with respect to a premise, each day that garbage is scheduled for collection in accordance with the collection schedule;
- (e) “Collection system” means the refuse collection and disposal system established and maintained under this Bylaw;

- (f) “Contractor” means the person with whom the Town has entered into a contract for the collection, removal and disposal of garbage and recyclable materials within the Town;
- (g) “Council” means the Council of the Town of Comox;
- (h) “Curbside recycling collection program” means the biweekly pick up of all recyclable materials;
- (i) “Garbage” means all waste and discarded materials produced as a result of domestic or business activities, but excludes prohibited waste, recyclable materials and yard waste;
- (j) “Garbage receptacle” means a receptacle provided with a water tight cover, having a capacity of up to 125 litres and made of iron, plastic or rubber, or securely closed plastic garbage bags having a capacity of no more than 50 litres, but excludes cardboard boxes and paper bags;
- (k) “Garbage Sticker” means a garbage collection ticket which may be purchased at Town Hall or other designated locations to permit the disposal of additional garbage in excess of the maximum 125 litres of garbage allowed per premises, per week;
- (l) “Multiple Dwelling” means a residential building which consists of three or more dwelling units where garbage is stored and collected from a single point on the premises; **(Amended Dec 22, 2008, # 1611)**
- (m) “Occupier” means a person occupying any dwelling or trade premises within the Town, but not including any person who is merely a boarder, roomer or lodger;
- (n) “Premises” means every parcel of land, including strata lots, and every separately occupied or leased area within a building;
- (o) “Prohibited waste” means the type of waste set out in section 7(1);
- (p) “Recyclable Materials” means plastic milk jugs rinsed with lids removed, metal food containers rinsed with labels removed, mixed waste paper including junk mail, envelopes and stationary, newspaper and magazines including inserts, cardboard and boxboard with plastic and waxed liners removed, plastics 1 through 7, plastic shopping bags and plastic twine;
- (q) “Special waste” includes hazardous wastes, pathological wastes, explosives, radio active materials, paint and paint products, all waste resulting from an industrial or manufacturing operation, and all wastes defined as “special waste” in the Waste Management Act (British Columbia);

- (r) “Trade premises” means any warehouse, factory, store, hotel, restaurant, rental apartment building, wholesale or retail business, garage or office building; and *(Amended Dec 22, 2008, # 1611)*
- (s) “Yard waste” means grass, plants, flowers, leaves, sod and tree and hedge prunings.

3. Garbage Receptacle Collection

- (1) Every owner or occupier of premises within the Town, other than a multiple dwelling or a trade premises for which a container has been obtained, must provide and maintain in good order and repair sufficient garbage receptacles to contain all garbage created by that premises.
- (2) Where any garbage receptacle is determined by the Town to no longer be in good order and repair, the owner or occupier must immediately cease all use of that garbage receptacle and replace it with one that meets the requirements of this Bylaw.
- (3) The Town may from time to time establish a collection schedule and distribute that collection schedule to all premises within the Town.
- (4) On each applicable collection day, the owner or occupier of a premises must, prior to 8:00 a.m., place all garbage receptacles within 1 metre of the curb or curb line adjacent to the front of the premises, or, where the collection service is provided from a lane, on the premises adjacent to the property line abutting the lane, so as to be conveniently handled from ground level and readily accessible from the lane. In no circumstance may any garbage receptacle be placed where it may cause any hazard to vehicle or pedestrian traffic. All garbage receptacles must be removed from their collection locations by 6:00 p.m. on the collection day.
- (5) All garbage receptacles containing ashes shall be placed and kept at a distance of at least 2 metres (6 feet) from the nearest building or wooden fence.
- (6) The Town will provide the following basic collection service for premises using garbage receptacles:
 - (a) up to 121 litres of garbage per premises per week, being no more than one 121 litre garbage receptacle; and
 - (b) up to an additional 200 litres of garbage per premises on the collection day, being no more than four 50 litre garbage bags (60 cm x 90 cm) or equivalent, provided each garbage bag has attached to it a user pay garbage sticker which has been purchased from the Town.

- (7) Garbage receptacles including their contents must under no circumstances exceed the following weight limitations:
 - (a) 20 kilograms (44 lbs.) for a 121 litre water tight garbage receptacle; and
 - (b) 16 kilograms (35 lbs.) for a 50 litre securely closed garbage bag.

4. Garbage Container Collection

- (1) All multiple dwellings and trade premises assigned a container must obtain the container from the contractor. The number and size of containers, and the collection schedule, will be determined by the contractor and the owner or occupier of the premises, with notice of the collection schedule given by the contractor to the Town.
- (2) Every owner or occupier of a trade premises or multiple dwelling creating garbage in excess of twelve (12) garbage receptacles per week, may be required by the Town to use a container.
- (3) All containers must be accessible for collection at a location to be determined by the contractor, and all garbage must be placed in the container by 8:00 a.m. on each applicable collection day.
- (4) Every owner or occupier of a premises using a container must provide a suitable level base on which the container must be located. This base must comprise a 2.44 metre (8 feet) by 2.44 metre (8 feet) area, with a concrete or asphalt surface, or other surface sufficient to safely and effectively support the container when full.

5. Recyclable Materials Collection (Amended Dec 22, 2008, # 1611)

- (1) The Town will provide a recycling collection service to all residential premises.
- (2) All recyclable materials, except cardboard, to be discarded by the owner or occupier of residential premises, must be placed in a blue recycling box or in receptacles clearly labelled "Recyclables" as follows:
 - (a) All recyclables must be placed within 1 metre of the curb or curb line adjacent to the front of the premises, or, where the collection service is provided from a lane, on the premises adjacent to the property line abutting the lane, so as to be conveniently handled from ground level and readily accessible from the lane. In no circumstance may any recyclables be placed where it may cause any hazard to vehicle or pedestrian traffic. On collection day, all recyclables must be placed out by 8:00 a.m. and receptacles must be removed from their collection locations by 6:00 p.m.
 - (b) As an exception to (5)(a), for multiple dwellings using designated recycling

receptacles provided by the contractor, all recyclables must be placed into the receptacle.

- (3) All cardboard to be discarded by the owner or occupier of residential premises must be separately bundled and placed adjacent to the other recyclables for collection in accordance with the collection schedule established by the Town.
- (4) All trade premises and multiple dwellings disposing of cardboard may obtain from the contractor a designated container for the disposal of cardboard, to be placed at a location determined by the contractor, and collected in accordance with the collection schedule established by the owner or contractor.
- (5) All multiple dwellings may obtain from the contractor a designated receptacle for the disposal of recyclables, to be placed at a location determined by the contractor, and collected in accordance with the collection schedule established by the owner or contractor.

6. Yard Waste Collection

- (1) The Town will provide unlimited weekly collection of yard waste to single family residences and duplexes, except those duplexes owned by Harbour Wood Holdings Ltd.,
- (2) All yard waste except tree and hedge prunings must be placed in clear biodegradable garbage bags, Kraft paper yard waste bags, or in containers clearly labeled "Yard Waste" that are no larger than 77 litres in volume and contain no more than 20 kilograms (44 pounds) of material.
- (3) All tree and hedge prunings must be tied in secure bundles less than 90 centimetres (36 inches) in length and less than 60 centimetres (24 inches) in width. Bundles must not contain individual branches that exceed 7.6 centimetres (3 inches) in diameter, and bundles must not exceed 20 kilograms (44 pounds) in weight.

7. Restricted Materials

- (1) No person may place or mix any of the following materials for removal in garbage receptacles or containers:
 - (a) construction materials;
 - (b) wood waste;
 - (c) vehicle, vehicle parts or scrap metal;
 - (d) dead animals or birds;
 - (e) ashes hotter than 20 degrees Celsius.;

- (f) tires;
 - (g) batteries;
 - (h) paints;
 - (i) recyclable materials;
 - (j) yard waste; or
 - (k) special wastes.
- (2) If the Town is charged an additional tipping fee due to the inclusion of restricted materials in containers, the owners or occupiers of the trade premises or multiple dwelling that uses the container must reimburse the Town for the additional tipping fee.

8. Use of Refuse Collection System

- (1) Every owner and occupier of premises must deposit all garbage in a garbage receptacle or a container, as applicable, and must make use of the garbage collection system established and maintained under this Bylaw.
- (2) Every owner or occupier of premises must dispose of all recyclable materials and yard waste in accordance with this Bylaw.
- (3) All refuse to be disposed of in accordance with this bylaw must originate at the premises for which the refuse is being collected. *(Added Dec 22, 2008, # 1611)*

9. Rates and Charges

- (1) All owners or occupiers of premises must pay those rates and charges set out in Schedule A, attached to and forming part of this Bylaw, for the collection and disposal of refuse under this Bylaw. Premises using garbage receptacles are charged a flat rate for collection services. Premises using containers are charged a tipping fee based on the size of the container and the type of material collected. A rental charge for each container will be levied by the garbage contractor.
- (2) All fees and charges for premises using garbage receptacles appearing on the current year's tax roll shall be rendered annually on the property tax notice, shall be due on the tax due date and shall be subject to a penalty of ten percent (10%) if not paid by the due date.
- (3) All fees and charges for multiple dwellings and trade premises assigned a container or for premises constructed in the current year shall be rendered

monthly and shall be subject to a penalty of ten percent (10%) if not paid by the last day of the next quarter following rendering of the bill.

- (4) In the case of garbage collection service begun during the billing year, the charge imposed shall begin with the month in which the serviced is requested or the premises occupied, whichever is sooner.
- (5) If an account remains unpaid after December 31 in any year, the unpaid amount, including any penalty, will be added to and form part of the taxes payable in respect of the land for which the garbage collection services were provided and will be entered upon the tax roll as taxes in arrears.

10. Offences

- (1) Any person who contravenes any provision of this Bylaw is guilty of an offence and shall, upon summary conviction thereof, be liable to a minimum penalty of \$500.00 and a maximum fine of \$10,000.00.
- (2) Each day that an offence continues shall constitute a separate offence against this Bylaw.

11. Enforcement

- (1) This Bylaw is designated under the provisions of Section 264 of the *Community Charter* as a Bylaw that may be enforced by means of a ticket in the form prescribed, and in accordance with this Bylaw.
- (2) Bylaw Enforcement Officers and members of the Royal Canadian Mounted Police are designated to enforce this Bylaw pursuant to Section 264(1)(b) of the *Community Charter*.
- (3) Pursuant to Section 269(1) of the *Community Charter*, authorization is hereby delegated to the Bylaw Enforcement Officer, Corporate Officer or Deputy Corporate Administrator to refer tickets issued with respect to this bylaw to the Provincial Court for a hearing.

12. Penalties

- (1) Pursuant to Section 264(1)(c) of the *Community Charter*, the words or expressions set forth below in Column 1 designate the offence committed under the Bylaw section numbers appearing in Column 2 opposite the respective words or expressions.
- (2) Pursuant to Section 265(1)(a) of the *Community Charter*, the fine amount set forth below in Column 3 is the fine amount that corresponds to the section number and words or expressions set out in Columns 1 and 2 opposite the fine amount. **(Amended Dec 22, 2008, # 1611)**

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Failure to provide garbage receptacles	3(1)	\$100.00
Improper placement of container	4(3)	\$100.00
Improper base for container	4(4)	\$100.00
Placement of restricted materials in garbage	7(1)	\$100.00
Placement of recyclables in containers	7(2)	\$100.00
Refuse originating from an off-premises location	8(3)	\$100.00

13. Repeal

Bylaw No. 1203 “Comox Garbage Collection Bylaw, 1995” is hereby repealed.

14. Adoption

- (1) READ A FIRST AND SECOND time this 7th day of November, 2007
- (2) READ A THIRD time this 21st day of November, 2007
- (3) ADOPTED this 5th day of December, 2007

“Dr. Jim Brass”
MAYOR

“Richard Kanigan”
CORPORATE OFFICER

**BYLAW NO. 1585
SCHEDULE "A"**

Effective January 1, 2016

COMOX REFUSE COLLECTION AND DISPOSAL

RATES

- | | |
|--|----------------------|
| 1. Single family residential & duplexes (rate per unit) | \$ 17.50 per month |
| Extra bag (50 litre) | \$ 2.75 each |
| 2. Other self-contained residential household, family or housekeeping units including (for example) suites and carriage houses | \$ 11.00 per month |
| 3. Apartments, trade premises (including residential units above or attached to trade premises where collection is charged to the trade premises), industrial, institutional and other premises: | |
| (a) Charges for refuse collected: | |
| (i) Collected from receptacles of up to 121 litres capacity (each) on weekly pick-up schedule:
First through fifth receptacle collected per pick-up (rate per receptacle) | \$ 2.75 per pick-up |
| Plus, for additional receptacles collected per pick-up (rate per receptacle) | \$ 8.00 per pick-up |
| (ii) Collected from receptacles exceeding 121 litres capacity: | |
| 3 cubic yard bin | \$ 28.50 per pick-up |
| 6 cubic yard bin | \$ 57.00 per pick-up |
| Other sizes will be at the same rate per cubic yard per pick-up (\$9.00) | |
| (iii) Collected from Compactors: | |
| Rate for refuse tipped at landfill | \$ 150.00 per tonne |
| Rate for organics tipped at composting site | \$ 75.00 per tonne |
| (b) Charges for recycling collected: | |
| (i) Recycling collected from receptacles exceeding 121 litres capacity: | |
| 3 cubic yard bin | \$ 13.00 per pick-up |
| 6 cubic yard bin | \$ 26.00 per pick-up |
| Other sizes will be at the same rate per cubic yard per pick-up (\$4.33) | |
| (ii) Recycling collected from Compactors: | \$120.00 per pick-up |