



VILLAGE OF BELCARRA
Recycling and Refuse Collection and
Removal Regulation Bylaw No. 422, 2010



A Bylaw to provide for Recycling and Refuse Collection and Removal

WHEREAS pursuant to the Community Charter the Village of Belcarra Council may, by bylaw, impose a fee payable in respect of all or part of a service of the municipality and has the authority to regulate, prohibit or impose requirements;

AND WHEREAS the Village of Belcarra Council has the authority to establish and operate a system for recycling and the disposal of garbage and other waste products, to compel persons to make use of such a system, and to prescribe the terms and conditions on which persons make use of the system;

NOW THEREFORE, the Village of Belcarra Council, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as the "Village of Belcarra Recycling and Refuse Collection and Removal Regulation Bylaw No. 422, 2010".

Definitions

2. In this Bylaw:

"**authorized user**" means an owner or occupier of real property or dwelling unit located within the municipality, or another person authorized by the municipality;

"**user fee**" means the fee levied under section 37 of this Bylaw in respect of the costs to operate and maintain the recycle facility and other recycling, waste removal and environmental services offered by the municipality;

"**banned materials**" means materials designated by Metro Vancouver or the municipality as banned from disposal as solid waste and which must be recycled or otherwise disposed of at the appropriate facility, and for example includes those items set out in Schedule A attached to this Bylaw;

"**biomedical waste**" has the same meaning as under the Environmental Management Act and regulations thereto;

"**Council**" means the Council of the municipality;

"**Collector**" means the municipal officer assigned responsibility as collector of taxes for the municipality;

"**disposal tag**" means a form of documentation issued by the municipality that identifies items for disposal and property of origin and for which the required fees have been paid;

"**domestic garbage**" means waste that is generated from a dwelling unit, including materials, refuse and any other domestic noxious, offensive, unwholesome and discarded matter that are not accepted as recyclable material, but specifically excluding feces, animal carcasses or their parts, banned materials, biomedical waste, electronic waste, green waste, hazardous waste, trade waste, and waste from commercial, industrial, landscaping or other non-domestic sources;

"dwelling unit" means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, living, and sanitary facilities;

"electronic waste" has the same meaning as under the Environmental Management Act and regulations thereto and, for example, includes those items defined in Schedule A to this bylaw;

"facility container" means an identified receptacle or recycle facility designated for the disposal of domestic garbage, recyclable material or other specifically identified materials only, as determined by the municipality;

"Fees and Charges Bylaw" means the Village of Belcarra Fees and Charges Bylaw 400, 2008, as amended;

"flat rate disposal fee" means that fee specified in the Fees and Charges Bylaw, imposed upon the person or persons responsible for:

- a) the delivery and deposit of unauthorized materials or materials to the recycle facility; or
- b) wrongful placement of materials into the incorrect facility container;

"green waste" means branches less than 10cm in diameter, fruits and vegetables, grass, whether sod or cuttings, leaves, tree, plant or shrubbery cuttings, and weeds;

"hazardous waste" has the same meaning as under the Environmental Management Act and regulations thereto;

"large items" within the context of the municipality's large item pick-up service means domestic items larger than the size of a full conventional (70 litre) garbage bag, which includes exercise equipment, floor coverings, furniture, garden/patio furniture, and large appliances, but excludes, without limitation, automotive parts, construction and demolition waste, domestic garbage, green waste, glass, hazardous waste, landscaping materials, mattresses, paints and petroleum based liquids, propane tanks and trade waste;

"municipality" means the Village of Belcarra;

"pest control product" means a product registered as a pest control product under the Pest Control Products Act (Canada);

"recyclable material" means a product or substance that has been diverted from conventional disposal, and satisfies at least one of the following criteria:

- a) is managed as a marketable commodity with an established market by the owner or operator of a site, such as and not limited to:
 - corrugated cardboard, mixed paper, newspaper, green waste, containers made of glass, metal or recyclable plastic or beverage containers (except milk cartons), or
- b) is being used in the manufacture of a new product that has an established market or is being processed as an intermediate stage of an existing manufacturing process; and
- c) other materials accepted at the recycle facility, as determined by the Superintendent of Public Works.

"recycle facility" means the recycle and domestic garbage facility located at 4086 Bedwell Bay Road or other areas, as designated by Superintendent of Public Works for the collection, sorting and disposal of domestic garbage and recyclable materials;

"roadside tree chipping material" means uncontaminated, clean stacked tree or shrub branches, up to 15cm (6") in diameter, but excludes blackberry vines, firewood, grass, ivy, lumber, bagged or piled leaves, metal, nails, rocks, root balls, sod, soil, stumps, or wire;

"security token" means a device issued by the municipality to an authorized user, which device is electronically programmed with authorized user identification information, and may be used by that authorized user to operate the recycle facility access gate, which generates date and time of use data;

"Superintendent of Public Works" means the Superintendent of Public Works for the Village of Belcarra and shall include their duly authorized designate; and

"trade waste" means all trade waste and includes without limitation, antifreeze, batteries, bricks, building materials, carpets, cleaning supplies, concrete, construction and demolition waste, exercise equipment, floor coverings, flammable and combustible liquids, fuel and electric engines, furniture, glass, herbicides, land clearing debris, landscape materials, large appliances, liquid petroleum, lumber, manure, mattresses, propane containers, paints, pesticides, plastic pipe, rocks, soil, tires, used oil filters, vehicle parts, wood chips, and any other non-domestic noxious, offensive or discarded matter or substances.

Duties of Owners and Occupiers

3. Authorized users shall deliver or cause to be delivered to the recycle facility, or other areas as designated by the municipality, banned materials, domestic garbage and recyclable material generated from only their dwelling unit or property located within the municipality.
4. All perishable domestic garbage, such as discarded vegetables or animal food, shall be drained and wrapped before being deposited in a facility container designated for domestic garbage.
5. Authorized users or persons must sort and appropriately deposit all banned materials, domestic garbage or recyclable material inside the designated facility containers.
6. No person shall place domestic garbage, banned materials, or recyclable material on the outside of designated facility containers.
7. No person shall deposit more than 2 (two) conventional garbage bags, together totalling 0.61 cubic meters, of domestic garbage at the recycle facility in any 4 (four) calendar day period.
8. Every person who owns or is in possession of biomedical waste, pest control products, green waste, or trade waste shall dispose of such waste outside the municipality at the appropriate disposal facility; however, green waste may be disposed of by back yard domestic composting within the municipality when using an effective composting technique; or other means provided by the municipality.

9. Every person who owns or is in possession of hazardous waste shall store, transport and dispose of the hazardous waste outside the municipality, pursuant to the Environmental Management Act and regulations, as amended.
10. No person, other than an authorized user, shall deposit or cause to be deposited domestic garbage, banned material, or recyclable material at the recycle facility.
11. No person shall deposit banned materials or recyclable materials into a facility container identified for domestic garbage.
12. No person shall deposit banned materials into a facility container, unless the facility container is specifically designated to accept that type of banned material.
13. No person shall deposit any biomedical waste, hazardous waste, pest control products or trade waste at the recycle facility.
14. No person other than authorized users and municipal officers and employees are permitted to access the recycle facility.
15. No person shall throw, place or pile, or cause to be thrown, placed or piled, upon the ground on any municipal highway, municipal right-of-way or public property, any banned material, biomedical waste, domestic garbage, green waste, hazardous waste, recyclable material, pest control product, or trade waste. The exception permitted is materials placed for large item pick-up or roadside tree chipping services conducted by the municipality.

Security Tokens and Recycle Facility Service

16. An authorized user wishing to apply for or renew a security token must complete and sign an authorization in the form attached hereto as Schedule B or Schedule C, as applicable.
17. Before issuance or renewal of a security token to an authorized user, the Superintendent of Public Works must satisfy himself or herself that all user fees payable in respect of the real property owned by that have been paid and that there are no outstanding fees, charges, or penalties in respect of that person's property (or, in the case of renewal, in respect of that renewal security token) under this Bylaw.
18. If a person does not own real property within the municipality but wishes to access a recycle facility, that person may apply to become an authorized user under this bylaw, and upon acceptance, at the sole discretion of the Superintendent of Public Works, that person shall be levied a user fee. That person shall be issued a maximum of 1 (one) security token, upon payment of the user fee. If that person is issued a security token, that person is deemed to be an authorized user for the purposes of this bylaw.
19. A maximum of 2 (two) security tokens per dwelling unit located on a parcel of real property will be issued, upon payment of user fees.
20. A maximum of 2 (two) security tokens per parcel on which no dwelling unit is located will be issued, upon payment of user fees.
21. The municipality may issue a new security token to an authorized user to replace a lost, stolen or damaged security token upon payment of a user fee and the municipality shall deactivate the security token being replaced.

22. Each security token issued by the municipality to an authorized user, will, upon use collect data information regarding the actions of that authorized user in respect of a recycle facility and is issued to allow that authorized user to access a recycle facility by vehicle.
23. All security tokens issued to authorized users pursuant to this Bylaw remain the property of the municipality and are subject to the terms and conditions established by the Superintendent of Public Works, from time to time.
24. The Superintendent of Public Works shall ensure that a recycle facility is open to all authorized users, regardless of possession of a security token.
25. Deactivation and reactivation of security tokens is for the purpose of allowing vehicle access to the recycle facility and does not relieve the authorized user of their responsibilities pursuant to this Bylaw.
26. Every person who accepts issuance of a security token, and is confirmed to be an authorized user by activation of the access gate of a recycle facility, assumes responsibility for all activities by that person conducted at the recycle facility including user fees, charges and penalties pursuant to this Bylaw.
27. The Superintendent of Public Works may install 24-hour recorded video surveillance at a recycle facility solely for bylaw enforcement purposes. Such video surveillance is not intended to provide on-site personal safety or act as a security function for authorized users or persons.
28. Except for persons authorized by the municipality, no person shall access a recycle facility during times when the recycle facility is closed.
29. A recycle facility is deemed to be closed to authorized users when the security token will not operate the recycle facility access gate, during electrical power outages or as designated by a barricade, facility closed signage, gate or other physical barrier placed by the municipality.
30. Authorized users or persons shall comply with all posted safety, procedural or information signs or regulations at a recycle facility.
31. Banned materials, domestic garbage, and recyclable materials lawfully deposited at a recycle facility become the property of the municipality and no person shall remove them without the consent of the municipality.

Large Item Pick-Up and Roadside Tree Chipping Services

32. The municipality may provide large item pickup and roadside tree chipping services on designated dates and impose a user fee for such services. Any authorized user wishing to participate in large item pickup and roadside tree chipping services shall obtain a disposal tag from the municipality.
33. Authorized users shall place items for large item pickup and roadside tree chipping service as near as possible to, but not on, the traveled portion of municipal highway and without obstructing pedestrian traffic only on days designated by the municipality for storage, collection and removal of the large item or tree chipping service.
34. Authorized users shall affix and display a disposal tag on each pile of items placed for collection and removal under section 33.
35. Items placed for collection and removal under section 33 which do not display the required disposal tag may not be collected or removed by the municipality.

36. Items placed for collection and removal under section 33 which:

- a) do not display a disposal tag;
- b) are contaminated by a soil or noxious substance; or
- c) are otherwise unsuitable for the roadside tree chipping or large item pick up service,

must be removed by the authorized user or adjacent property owner within 3 (three) calendar days following the last calendar day of the removal period designated by the Superintendent of Public Works.

Fees and Charges

37. The municipality hereby imposes user fees or other charges levied in respect of the costs to operate and maintain the recycle facility and other recycling, waste removal and environmental program services offered by the municipality, as set out in Schedule 10 of the Fees and Charges Bylaw:

- a) A user fee shall be levied on every parcel of real property, improved or unimproved as determined by the BC Assessment Authority.
- b) In addition to (a) above, a user fee for each dwelling unit shall be levied on parcels on which more than 1 (one) dwelling unit is located.
- c) A user fee is payable in respect of a disposal tag for roadside tree chipping service.
- d) A user fee is payable in respect of a disposal tag for large item pick-up service.
- e) A user fee is payable for issuance and replacement of each security token.
- f) A user fee is payable for reactivation of a deactivated security token.

38. Every person who commits or causes or permits to be committed an offence under sections 6, 7, 11, 12, 13, 15, and 36 of this Bylaw is liable for the payment of a cost recovery charge equal to the greater of:

- a) the flat rate disposal charge as set out in Schedule 10 of the Fees and Charges Bylaw; or
- b) the actual cost of removal and disposal of the unauthorized materials by the municipality or its contractors on behalf of the municipality, pursuant to Schedule 5 of the Fees and Charges Bylaw;

in addition to any fines or penalties imposed by law, and may be prohibited from entering the recycle facilities, or any of them.

39. User fees are payable by the owners of a parcel for services provided to the parcel under this Bylaw. Such rates are payable whether or not:

- a) the dwelling units on a parcel are occupied;
- b) any owner or occupier of a parcel makes use of any of the services; or
- c) the recycling and refuse collection service is interrupted or altered in any manner.

40. All fees and charges imposed under this Bylaw shall be collected in the same manner and with the same remedies as ordinary taxes on land and improvements under the Community Charter or other legislation governing taxation by the municipality.
41. Upon application, the Collector may exempt, on an annual basis, those properties located in the areas commonly referred to as Cosy Cove and Twin Islands and parts of Farrer Cove not accessible by road, from the user fee referenced in section 37(a).

Offence

42. It is an offence to contravene any provision of this Bylaw including, without limitation, to fail to comply with any notice or order issued under this Bylaw.
43. Video surveillance recording or security token electronic data information may be used by the Superintendent of Public Works for solely for bylaw enforcement purposes to identify any person who contravenes a provision of this Bylaw.
44. Every person who contravenes a provision of this Bylaw, or permits any act or thing to be done in contravention of any provision of this Bylaw, is guilty of an offence punishable, upon summary conviction by a fine not exceeding \$10,000.00 and costs or, in default of payment or in the alternative, to imprisonment for a period not exceeding six months.

Delegation

45. Council hereby delegates to the Superintendent of Public Works responsibility for:
 - a) Issuance and renewal of security tokens, including establishment of rules of use of security tokens;
 - b) Decisions regarding the activation, deactivation and reactivation of security tokens;
 - c) Times of operation of a recycle facility;
 - d) Designation of additional recycle facilities;
 - e) Establishing terms and conditions of use of recycling facilities;
 - f) Designating days and times for storage, collection and removal for the large item pick-up and roadside tree chipping services; and
 - g) Designating additional types of recyclable materials acceptable at recycle facilities.

Severability

46. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Repeal

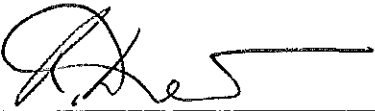
47. "Village of Belcarra Recycling and Garbage Collection and Removal Regulation Bylaw No. 394, 2007" and amendments thereto are hereby repealed.

READ A FIRST TIME on February 22, 2010.

READ A SECOND TIME on February 22, 2010.

READ A THIRD TIME on February 22, 2010.

ADOPTED by the Council on March 8, 2010.



Ralph E. Drew, Mayor



Lynda Floyd
Chief Administrative Officer

This is a certified a true copy of
Village of Belcarra Recycling and Refuse Collection
and Removal Regulation Bylaw No. 422, 2010



Chief Administrative Officer

SCHEDULE A

“Electronic Waste”:

- includes computers, entertainment equipment, lighting fixtures, printers, small kitchen appliances, stereos, telephones, undamaged or unaltered televisions or monitors, vacuums;
- excludes, without limitation, appliances larger than 0.6 cubic meters, air compressors, air conditioners, drill presses, florescent tubes, freezers, furnaces, heat pumps, lawn mowers, photocopiers, refrigerators, stoves, table saws, well pumps;

“Banned Materials” includes:

- agricultural waste;
- automobile bodies and parts;
- barrels or drums in excess of 205 litres (45 gallons) whether full or empty;
- dead animals;
- electronic waste;
- gypsum
- inert fill materials including soil, sod, gravel, concrete and asphalt in quantities exceeding 0.5 cubic metres per load;
- lead acid batteries;
- liquids and sludge;
- oil containers, oil filters, paint products, solvents and flammable liquids;
- metal household or commercial appliances;
- pesticide products;
- pharmaceuticals;
- radioactive and reactive waste;
- refuse that is on fire, smouldering, flammable or explosive;
- refuse that would cause undue risk of injury or occupational disease to any person at the recycle facility or that would otherwise contravene the Occupational Health and Safety Regulations;
- tires;
- any single object weighing more than 100 kilograms or measuring more than 2 metres (in size in any direction)

SCHEDULE C

Recycle Depot Vehicle Access Authorization

Tenant Form

New

Renewal

I _____ the undersigned, being the Owner of property located at: _____, Belcarra, BC having paid all applicable fees, outstanding charges or penalties relating to the Village of Belcarra Recycle and Refuse Services, grant the Tenant _____, the Owner's privileges to access the Recycle Depot.

By granting the Tenant access to the Recycle Depot, I:

1. Assume responsibility for the Tenant's compliance with the Villages Regulatory Bylaws for this service; and
2. Assume responsibility for any unpaid fees, charges, penalties incurred by the Tenant.

Owner: _____

Signature

Print Name

Date

By accepting receipt of the Security Token(s) and accessing the Recycle Depot, I agree to the following additional terms and conditions. I:

1. Assume responsibility for all costs, charges and/or penalties incurred from non-compliance with the Village of Belcarra Recycle and Refuse Services;
2. Assume responsibility for costs incurred to replace damaged, lost or stolen Security Token(s), as set out in the Village of Belcarra Fees and Charges Bylaw;
3. Will report any damage, loss or theft of Security Token(s) to the Municipal Hall without delay; and
4. Assume responsibility to comply with all posted signs relative to, but not limited to, Recycle Depot vehicle access, service and regulatory information and safety procedural information posted at the Recycle Depot.

Security Token(s) issued: _____

Tenant: _____

Signature

Print Name

Date

*Freedom of Information and Protection of Privacy Act Notification:
The information on this form is collected under the general authority of the Local Government Act. It is related directly, required and used by the Village of Belcarra, to administer the Recycle and Refuse Services. The access and privacy provisions of the Freedom of Information and Protection of Privacy Act apply to the information collected on this form. Please contact the Information and Privacy Officer at 604-937-4100 if you have any questions.*

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