

# TOWN OF LADYSMITH



## **“Garbage, Recycling and Organics Collection Bylaw 2005, No. 1588”**

*Consolidated Version as on November 7, 2011  
(This consolidation is authorized by “Bylaw Revision Bylaw 2022, No. 2090”)*

December 19, 2005  
Includes Amendment Bylaw Nos.: 1746, 1783

# TOWN of LADYSMITH

## BYLAW NO. 1588

### A BYLAW TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF A SYSTEM FOR THE COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE, RECYCLABLES, ORGANICS AND OTHER SOLID WASTES AND TO PRESCRIBE THE TERMS AND CONDITIONS FOR THE USE OF THIS SYSTEM

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WHEREAS the Council may, by bylaw, under Section 8 (3) (a) of the Community Charter, establish and maintain a system to collect, remove and dispose of garbage and recyclable materials, and may compel persons to use the system, and prescribe terms and conditions on which persons may make use of the system; and

WHEREAS the Council may, by bylaw under Section 194 (1) (a) of the Community Charter, establish a scale of charges payable by users of the system, may compel payment of charges, and impose penalties for failing to comply with the terms and conditions of the system;

THEREFORE the Council of the Town of Ladysmith, in open meeting assembled, ENACTS AS FOLLOWS:

#### TITLE

1. This Bylaw may be cited as the "GARBAGE, RECYCLABLES AND ORGANICS COLLECTION BYLAW NO. 1588, 2005".

#### DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:

"APPROVED DISPOSAL SITE" means a site authorized by the Town of Ladysmith, the Cowichan Valley Regional District, or the Ministry of Environment, Lands and Parks for the deposit and disposal of garbage, recyclable materials, or all organics materials.

"BASIC SERVICE" means the garbage, recyclable collection and organics collection service established under section 4 of this Bylaw.

"BASIC SERVICE USER" means a person who must use the municipal garbage, recycling and organics collection service under section 4.1.

"BIOMEDICAL WASTE" means waste that is generated by

- (a) human health care facilities,
- (b) medical research and teaching establishments,
- (c) clinical testing or research laboratories, and
- (d) facilities involved in the production or testing of vaccines,

and contains or may contain pathogenic agents that may cause disease in humans exposed to the waste.

"BIWEEKLY SERVICE PERIOD" means the collection of garbage every second week with the collection of recyclables on alternate weeks.

“CVRD”	means the Cowichan Valley Regional District
“COLLECTION”	means the removal of garbage, recyclable materials, organics materials or all three by the Town or its contractor under this Bylaw.
“COMMERCIAL PREMISES”	means a building or part of a building occupied for the purpose of carrying on a profession, trade or business.
“CONTRACTOR”	means a person under contract to the Town to provide a service.
“DIRECTOR OF FINANCE”	means the person duly appointed the Director of Finance of the Town;
“DIRECTOR OF PUBLIC WORKS”	Means the person duly appointed the Director of Public Works of the Town
“DWELLING UNIT”	means <ul style="list-style-type: none"> <li>(a) a single family dwelling,</li> <li>(b) in relation to a duplex, triplex or fourplex, each self-contained residential suite, or</li> <li>(c) a secondary suite.</li> </ul>
“EXTENDED SERVICE”	means the additional garbage collection service provided under section 8 of this Bylaw.
“EXTENDED SERVICE USER”	means a person who receives extended service under section 8 of this Bylaw.
“GARBAGE”	means discarded matter, but does not include recyclable materials, organics materials or any material listed in section 11.1 of this Bylaw.
“GARBAGE CONTAINER”	means a receptacle of not more than 70 litres capacity with carrying handles and a waterproof cover used to collect and store garbage
“GARBAGE TAGS”	means single-use tags or stickers required to access extended service.
“GARDEN WASTE”	means vegetation removed from gardens, lawns, shrubs and trees and includes prunings from shrubs and trees.
“GROUP HOME”	means a dwelling owned by an incorporated non-profit society in good standing that has the care of persons as one of its objectives, and in which reside <ul style="list-style-type: none"> <li>(a) not more than five persons needing care, and</li> <li>(b) not more than two adults who are paid to provide such care;</li> </ul>
“HAZARDOUS WASTE”	means any gaseous, liquid or solid waste that, because of its inherent nature and quality, requires special disposal techniques to avoid creating health hazards, nuisances or environmental pollution, and includes: <ul style="list-style-type: none"> <li>(a) paint</li> <li>(b) oil</li> <li>(c) gypsum</li> <li>(d) toxic waste</li> <li>(e) poisonous waste</li> <li>(f) corrosive waste</li> <li>(g) ignitable waste</li> <li>(h) explosive waste</li> </ul>

“IGNITABLE WASTE”	means waste that is a <ul style="list-style-type: none"> <li>(a) flammable gas,</li> <li>(b) flammable liquid, or</li> <li>(c) flammable solid or substance susceptible to spontaneous combustion or substances that, on contact with water, emit flammable gases as defined in the Special Waste Regulation of the Province of British Columbia;</li> </ul>
“MUNICIPAL GARBAGE COLLECTION SYSTEM”	means the garbage collection system established under section 3 of this Bylaw;
“MUNICIPAL RECYCLING SYSTEM”	means the recyclable collection system established under section 3 of this Bylaw;
“MUNICIPAL ORGANICS COLLECTION SYSTEM”	Means the organics collection system established under section 3 of this Bylaw;
“OPERATIONAL SAFETY”	means issues related to the safety of persons, property or any workers involved in providing collection service;
“ORGANICS”	Means kitchen waste that is compostable and includes egg shells, bones, tea bags, coffee grounds, paper, filters, dairy products (butter, cheese) fruits, vegetables, (no packaging) breads, pasta, cakes, biscuits, paper towels, napkins, paper plates, paper cups, pizza boxes, food soiled cardboard.
“ORGANICS CONTAINER”	Means a container of not more than 45 litres capacity, with a tight seal for pest and odour resistance
“PATHOLOGICAL WASTE”	means <ul style="list-style-type: none"> <li>(a) any part of the human body, including tissues and bodily fluids, but excluding fluids, extracted teeth, hair, nail clippings and like parts, that are not infectious,</li> <li>(b) any part of the carcass of an animal infected with a communicable disease or suspected by a veterinary practitioner to be infected with a communicable disease, or</li> <li>(c) non-anatomical waste infected with communicable disease;</li> </ul>
“PRIVATE COLLECTION SERVICE”	means a garbage and recyclable collection service operating under a valid Town business licence and that is not operated by or on behalf of the Town;
“RECYCLABLE MATERIALS”	includes all recyclable <ul style="list-style-type: none"> <li>(a) newsprint,</li> <li>(b) corrugated cardboard,</li> <li>(c) mixed waste paper,</li> <li>(d) metal food and beverage containers,</li> <li>(e) plastic containers, or</li> <li>(f) other material that is collected from time to time by the Town or its contractor as a recyclable product;</li> </ul>
“RECYCLING BIN”	means a bin provided by the Town or its contractor for the deposit of residential recyclable materials;
“RECYCLING CONTAINER”	means a reusable container approved by the Director of Public Works used for the purpose of storing and collecting recyclable materials;

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“RESIDENTIAL GARBAGE”	means garbage generated by the occupants of a dwelling unit;
“RESIDENTIAL RECYCLABLE MATERIALS”	means recyclable materials generated by the occupants of a dwelling unit;
“ROOMER”	means a person who resides in a single family dwelling, but not in a self-contained unit within such dwelling and who pays a fixed sum periodically for accommodation;
“ROOMING HOUSE”	means a single family dwelling in which rooms are rented to more than five but not more than 16 roomers, but does not include community care facilities within the meaning of the <i>Community Care Facility Act</i> ;
“SECONDARY SUITE”	means a self-contained suite with a separate entrance and separate bathroom within a building that was originally constructed as a single family dwelling or a legal duplex, triplex or fourplex;
“SERVICE PERIOD”	means the period of time associated with scheduled garbage collection services and consisting of the biweekly collection service period and the weekly collection service period;
“STREET”	means a highway;
“TOWN”	means the Town of Ladysmith
“TRADE OR INDUSTRIAL WASTE”	means garbage resulting from the operation of industrial, commercial or institutional premises;
“UNIT”	means the amount of service applied to or collected from one dwelling unit in accordance with the basic service;
“UNSERVICEABLE PROPERTY”	means: <ul style="list-style-type: none"><li>(a) any property or dwelling unit to which access from a street is inadequate for service as determined by the Director of Public Works; or</li><li>(b) any property or dwelling unit which by its lack of proximity to other dwelling units being provided basic service would result in excessively high costs or time being allocated to service as determined by the Director of Public Works;</li><li>(c) any property or dwelling unit the Director of Public Works determines is unsafe to service;</li></ul>
“WEEKLY SERVICE PERIOD”	means garbage collection provided to dwelling units on a weekly service schedule in July, August and September of each year.

**PART 1 – BASIC SERVICE, ALTERNATE SERVICE AND EXTENDED SERVICE****Collection Systems Established**

3. 3.1 A municipal garbage collection system is established to collect, remove and dispose of residential garbage, residential recyclable materials and residential organics.
- 3.2 A municipal recycling system is established to collect and dispose of recyclable materials.
- 3.3 A municipal organics collection system is established to collect and dispose of organic material.

**Basic Service Mandatory**

4. 4.1 Subject to subsection 4.2, no person shall dispose of residential garbage except through the municipal garbage collection system in accordance with this Bylaw.
- 4.2 Subsection 4.1 does not apply to
  - (a) multi-family premises that consist of more than four dwelling units; and
  - (b) occupants of dwelling units who dispose of their residential garbage through a private collection service as permitted under section 7.3.

**Basic Service**

5. 5.1 Basic service consists of the removal of
  - (a) recyclable materials, once every second scheduled garbage collection, and
  - (b) garbage from one garbage container, once every second garbage collection, on alternate weeks from recyclable collection.
  - (c) Organics from one organics container each scheduled collection

**Rooming Houses and Licensed Private Group Homes**

6. 6.1 Owners or operators of group homes and rooming houses may apply in writing to the Director of Public Works to receive service under the municipal garbage collection system.
- 6.2 To be eligible for service, applicants under subsection 6.1 must satisfy the Director of Public Works that the garbage collection service required by the applicant does not exceed four units.
  - 6.2.1 Fees for service shall be based on the number of units requested for collection by the applicant.
  - 6.2.2 Applicants not approved for service under this section, or who cannot stay within the limit prescribed under subsection 6.2, must arrange alternate service under section 7 of this Bylaw.

**Alternate Service**

7. 7.1 The Town shall not collect garbage from
  - (a) a multiple family dwelling consisting of more than four dwelling units,
  - (b) commercial premises that do not qualify for basic service under section 5,
  - (c) industrial and institutional operations,
  - (d) an unserviceable property.

- 7.2 An owner of premises listed in subsection 7.1 shall
- (a) arrange garbage collection by a private collection service that disposes of garbage at an approved disposal site, and
  - (b) ensure that garbage is collected on a regular basis to prevent the development of noxious odours and the accumulation of garbage.
- 7.3 An owner of a dwelling or premises served by the municipal garbage collection system may apply, in writing, to the Director of Public Works for permission to have his or her garbage collected and disposed of by a private collection service.
- 7.4 The Director of Public Works may approve an application made under subsection 7.3 where the applicant demonstrates that the municipal garbage collection system does not provide service adequate to deal with the type or volume of garbage generated by the applicant.
- 7.5 If an application under subsection (3) is approved, the applicant shall notify the Director of Finance in writing of
- (a) the date private collection service will start, and
  - (b) the name of the collection service to be used.

#### **Extended Service**

8. 8.1 A basic service user who requires additional garbage collection shall use the extended service.
- 8.2 A basic service user shall access extended service by using garbage tags or free tags authorized by the Town for the extended service.
- 8.3 The Town imposes charges for garbage tags as set out in Schedule "A" to this Bylaw.
- 8.4 Each garbage tag entitles the extended service user to the collection of one garbage container.
- 8.5 Beyond the basic service limits and subject to section 8.4 an extended service user may put out for collection a maximum of one additional garbage container from each dwelling unit.
- 8.6 An extended service user shall attach garbage tags and/or free tags in a visible location on the top of each garbage container put out for collection.
- 8.7 Garbage tags are not reusable or refundable.
- 8.8 An extended service user shall only use authorized garbage tags to access extended service within the Town.

#### **Frequency of Garbage Collection Service**

9. Unless otherwise approved by the Director of Public Works and scheduled accordingly,
- 9.1 Garbage shall be collected once every second scheduled garbage collection period on the same day of each week, which includes statutory holidays (except Christmas Day).

**Frequency of Recyclable Collection Service**

- 10. Unless otherwise approved by the Director of Public Works and scheduled accordingly:
  - 10.1 Recyclable materials shall be collected on weeks alternate to scheduled garbage collection and on the same day of the week as garbage collection service.

**Frequency of Organics Collection Service**

- 11. Unless otherwise approved by the Director of Public Works and scheduled accordingly:
  - 11.1 Organics shall be collected once each service period on the same day of each week, along with either the garbage or the recycling, which includes statutory holidays (except Christmas Day).



**PART 2 - TERMS AND CONDITIONS OF SERVICE****Unacceptable Materials**

12. 12.1 No person shall place any of the following items in any container for collection by the Town or its contractor:
- (a) hazardous waste,
  - (b) biomedical waste,
  - (c) pathological waste,
  - (d) trade or industrial waste,
  - (e) raw sewage or septic tank sludge,
  - (f) dead animals,
  - (g) animal feces, waste, or related litter products,
  - (h) oversized items of any kind exceeding two feet in any dimension,
  - (i) demolition or construction waste,
  - (j) wood or wood refuse,
  - (k) garden waste,
  - (l) rocks,
  - (m) ashes,
  - (n) engine oil,
  - (o) oil filters, or
  - (p) automotive or marine-type batteries.
- 12.2 Any material listed in subsection 11.1 put out for collection by the municipal garbage collection system shall not be collected.
- 12.3 Recyclable materials shall not be collected as garbage.
- 12.4 Organics materials shall not be collected as garbage.

**Owner/Occupant Responsibilities**

13. Every owner or occupier of a dwelling unit or commercial or other premises served by the municipal garbage collection system the municipal recycling collection system and the municipal organics collection system shall:
- (a) place all garbage in a garbage container,
  - (b) tie into bundles all recyclable materials set out for collection or place recyclable materials in a recycling container capable of confining and keeping dry the recyclable materials,
  - (c) ensure that garbage containers and recycling containers set out for collection do not weigh more than 22 kilograms (50 pounds) or have a total capacity greater than 70 litres (2 1/2 cubic feet);
  - (d) flatten or break down all recyclable corrugated cardboard and tie in bundles for collection;
  - (e) set out for collection by 8:00 a.m. on the collection day all garbage containers and/or recycling containers and organics containers;
  - (f) place all garbage containers, recycling containers and organics containers as close as possible to the edge of the street adjoining the dwelling unit in a location clearly visible to collection workers, but not placed so as to obstruct vehicles or pedestrians;
  - (g) remove all empty garbage containers and recycling containers from the street after collection and keep all garbage containers, recycling containers, and organics containers, when not set out for collection, on the property from which the garbage, recyclable materials or organics materials originate;

Bylaw 1783 – Remove 13(i)
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- (h) maintain all garbage containers, recycling containers and organics containers in a safe, sanitary and usable condition;
- ~~(i) tie or otherwise seal any plastic bags containing garbage, recyclable or organics materials set out for collection to prevent spillage or entry of water;~~
- (j) drain excess moisture from wet garbage and wrap wet garbage in a waterproof material before placing it in the garbage container,
- (k) ensure no liquid is deposited in any garbage container,
- (l) ensure no liquid runs into or accumulates in any garbage container,
- (m) ensure no solid or semi-solid greases are deposited in a garbage container unless wrapped in a waterproof covering or placed in a tightly closed container,
- (n) cover all garbage containers at all times with a waterproof lid,
- (o) provide a ready means of access to all garbage containers and recycling containers at all reasonable times, and
- (p) ensure the means of access is unobstructed and of sufficient size and kind to permit garbage containers, recycling containers and organics containers to be seen by collection staff and, if required, carried through the means of access to the street to ensure adequate collection.

#### **Recycling Containers and Bins**

- 14. 14.1 No person shall use a recycling container or bin for any purpose other than for depositing recyclable materials.
- 14.2 No person shall place a privately owned recycling bin on Town property without first obtaining the written approval of the Director of Public Works.
- 14.3 No person shall damage, tamper with, or vandalize a recycling bin owned or operated by the Town.
- 14.4 No person shall place any material other than recyclable materials in a recycling container or bin designated by the Director of Public Works for that material.

#### **Organics Containers and Bins**

- 15 15.1 No person shall use a organics container or bin for any purpose other than for depositing organics materials.
- 15.2 No person shall place a privately owned organics bin on Town property without first obtaining the written approval of the Director of Public Works.
- 15.3 No person shall damage, tamper with or vandalize a organics bin owned or operated by the Town.
- 15.4 No person shall place any material other than organics material in a organics container or bin designated by the Director of Public Works.

**Scavenging Prohibited**

16. 16.1 No person, except an occupant of the dwelling unit from which the recyclable materials originate, shall remove any material from a recycling container or from the area next to the recycling container, before the recyclable materials have been collected by the Town or its contractor.
- 16.2 No person shall remove any material from a recycling bin except the person who obtained approval from the Town to place the recycling bin on Town property under section 13.

**Container inspection and investigation**

17. 17.1 The Director of Public Works may inspect all garbage containers, recycling containers and organics containers.
- 17.2 Garbage containers, recycling containers and organics containers must be available for inspection at all reasonable hours.
- 17.3 The Director of Public Works may determine that a garbage container, recycling container or organic container is no longer suitable for use because it is broken, hazardous or unsanitary.
- 17.4 Any garbage container, recycling container or organics container referred to in subsection 17.3 shall be removed when the garbage or recyclable material is removed.
- 17.5 The owner or occupier of the dwelling unit shall replace any garbage container or recycling container referred to in subsection 15.3 prior to their next scheduled collection.

**Right of entry**

18. Subject to the provisions of this Bylaw, the Director of Public Works or a bylaw enforcement officer may enter at all reasonable times upon any property to determine whether the provisions of this Bylaw are being obeyed.

**Exclusion of other service**

19. 19.1 No person shall operate within the Town any system for the collection and disposal of garbage and/or recyclable materials and/or organics material that interferes with the municipal garbage collection system, the basic service or the municipal recycling system, unless the person has been authorized by the Town to operate such a system;
- 19.2 Subsection 17.1 does not authorize a person to provide garbage or recyclable collection or disposal services to a basic service user.

**PART 3 – CHARGES AND PENALTIES**

**Fees for Garbage and Recyclable Collection**

- 20. 20.1 The charges for garbage, recyclable and organics collection set out in Schedule “A” of this Bylaw are hereby imposed upon owners of property referred to in section 4.1.
- 20.2 Charges imposed under this bylaw may be billed from time to time to a maximum of 12 times per year.
- 20.3 Charges for garbage, recyclable and organics collection shall be levied from the earlier of
  - (a) the date of a Town occupancy permit; or
  - (b) the date of actual occupancy of a premises.
- 20.4 A charge imposed under this Bylaw which remains unpaid on the 31st day of December in any year shall be deemed to be taxes in arrears on the land or real property on which the charge is imposed and may be recovered as provided in section 385 of the *Municipal Act*.
- 20.5 ~~A 10% penalty shall be added on payments not received by:~~

Bylaw 1746 – remove section 20.5	<u>Period</u>	<u>Date</u>
	<del>Jan Mar</del>	<del>March 31</del>
	<del>Apr Jun</del>	<del>July 2</del>
	<del>Jul Sep</del>	<del>September 30</del>
	<del>Oct Dec</del>	<del>December 31</del>

Bylaw 1783 – add penalty clause	A 10% penalty shall be added to any unpaid current water / sewer / garbage charges no less than 30 days from the billing date and the due date selected shall be clearly indicated on the utility billing.
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**Charges Discontinued**

- 21. Charges for garbage, recyclable and organics collection will only be discontinued in respect of a dwelling unit or commercial or other premises if
  - (a) the premises are permanently vacated; or
  - (b) the premises are temporarily rendered uninhabitable because of fire or other similar disaster;

**Errors**

- 22. 22.1 An owner or occupier of a dwelling unit or commercial or other premises shall bring any alleged error in any charge to the attention of the Director of Finance within one year of the end of the period for which such garbage rates were imposed.
- 22.2 No complaint of error shall be considered by the Town and no adjustment for any error shall be made after a period of one year has elapsed from the end of the billing period in respect of which the charges were imposed.
- 22.3 At the end of the period referred to in subsection 20.2, all charges shall be deemed to have been properly and correctly made.
- 22.4 Despite subsections 20.2 and 20.3, the Director of Finance may authorize an adjustment for a period of up to ten years to correct an error made by the Town.

**Penalties**

- 23. 21.1 A person who violates any of the provisions of this Bylaw shall
  - (a) upon summary conviction, be liable to pay a penalty of not more than \$2000;
  - (b) if an information is laid by means of a ticket, be liable to pay a fine as set out in Schedule “B” of this Bylaw.
- 23.2 Where an offence against any provision of this Bylaw is of a continuing nature, a separate offence shall be deemed to occur on each day the offence occurs or continues.

**PART 4 – GENERAL**

**If Portion of Bylaw Declared *Ultra Vires***

- 24. If any portion of this Bylaw is declared *ultra vires* by a Court of competent jurisdiction, then that portion of the Bylaw shall be deemed to be severed from the Bylaw and the remainder of the Bylaw shall remain in force without affecting the validity of the remainder of the Bylaw.

**Repeal**

- 25. The “Garbage and Recyclables Collection Bylaw 1999, No. 1353” and amendments to it are repealed.

**Effective Date**

- 24. This Bylaw shall come into force on January 1, 2006

**READ A FIRST TIME** on the 5th day of December, 2005

**READ A SECOND TIME** on the 5th day of December, 2005

**READ A THIRD TIME** on the 5th day of December, 2005

**ADOPTED** on the 19th day of December, 2005

Original signed by

\_\_\_\_\_  
Mayor (R. Hutchins)

Original signed by

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Manager of Corporate Services (P. Durban)

SCHEDULE "A"

RATES AND CHARGES

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1. A charge of Fourteen (\$14.00) Dollars per unit per month is imposed on every owner of a dwelling unit.
2. The charge for garbage tags for extended service is \$2.00 per tag.
3. All charges shall be due and payable when levied.

The following fines are prescribed for the purposes of this Bylaw:

<b>OFFENCE</b>	<b>SECTION</b>	<b>FINE</b>
Fail to dispose of garbage in accordance with the Bylaw	4.1	\$100
Fail to provide for garbage collection	7.2	50
Unacceptable material in container	12.1	100
Fail to use suitable garbage container	13(a)	50
Fail to use suitable recycling container	13(b)	50
Fail to remove containers	13(g)	50
Improper use of recycling container	14.1	50
Place recycling bin on Town property	14.2	50
Damage/tamper with recycling bin	14.3	100
Scavenging from recycling container	16.1	50
Scavenging from recycling bin	16.2	50