



DISTRICT OF PORT HARDY

BYLAW NO. 1027-2014

Amended: *Bylaw 1043-2015 July 14, 2015*
Bylaw 1082-2018 July 10, 2018
CONSOLIDATED FOR CONVENIENCE ONLY

A Bylaw to Authorize and Provide for the Collection of Garbage and Recyclable Materials

NOW THEREFORE the Council of the District of Port Hardy in open meeting assembled enacts as follows:

1. TITLE

This Bylaw shall be cited as "District of Port Hardy Garbage and Recycling Bylaw No. 1027- 2014".

2. DEFINITIONS

In this Bylaw:

ATTRACTANT means any substance that could be reasonably expected to attract domestic animals or wildlife including, but not limited to, food products, pet food, seeds, restaurant grease, and materials and containers which contain remnants of food.

COLLECTOR means the person or company with whom the District of Port Hardy has a contract for the collection and removal of garbage and recyclable materials in accordance with the provisions of this Bylaw, in whole or in part.

COMMERCIAL PREMISE means a building or part of a building utilized for the purposes of carrying on a commercial or industrial use, but shall not include a home occupation undertaken in a dwelling unit.

DISTRICT means the District of Port Hardy and, where the context requires, the Council of the District of Port Hardy, its servants and agents.

DWELLING, APARTMENT means a building divided into not less than three dwelling units with each dwelling unit having its principal access from an at-grade entrance(s) common to all dwelling units.

DWELLING, ATTACHED means a building divided into not less than three dwelling units with each dwelling unit having direct access to finished grade level.

DWELLING, CARRIAGE HOME means an accessory dwelling unit which is subordinate to and detached from the principal single detached dwelling on the same parcel.

DWELLING, DUPLEX means a building used or designed as two dwelling units, each with direct access to the outside at grade level, and are connected by a common wall when side by side and by a common floor when positioned one on top of the other.

DWELLING, MANUFACTURED HOME means a dwelling unit that:

- (a) Was manufactured at a factory and is intended to be occupied as a dwelling at a place other than its place of manufacture; and,
- (b) Meets or exceeds Canadian Standards Association CSA-Z240, CSA A277.

A manufactured home dwelling may include what is commonly referred to as a "manufactured home", "mobile home", "modular home" or "pre-fabricated home" that meets these criteria, but does not include a Recreational Vehicle.

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DWELLING, SECONDARY SUITE means an accessory dwelling unit contained within and subordinate to the principal single detached dwelling on the same parcel.

DWELLING, SINGLE DETACHED means a building consisting of one dwelling unit having independent exterior walls and includes a manufactured home dwelling, but does not include a carriage home dwelling or float home dwelling

DEFINITION AMENDED BYL 1043-2015
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DWELLING UNIT means one or more habitable rooms, constituting a self-contained unit with one or more separate entrances and containing cooking, eating, living, sleeping and sanitary facilities, for the purposes of human habitation.

ELIGIBLE DWELLING UNIT means a dwelling unit included in an attached dwelling, duplex dwelling, secondary suite dwelling, single detached dwelling, or carriage home dwelling, but shall not include apartment dwellings, caretaker dwellings, or hotels, recreational vehicles, tourist cabins or similar temporary or transient accommodation.

ENVIRONMENTAL HEALTH OFFICER means any person appointed by Island Health to provide public health services within the District.

GARBAGE includes any and all rubbish, ashes, household waste, discarded matter, rejected, abandoned or discarded waste, attractants, tree branches having a diameter less than two inches, or garden / lawn waste that can be placed in a standard container or regulation garbage receptacle, but does not include materials generated by construction or demolition activities such as drywall, wood, roofing materials, etc.

HOTEL means a building in which rooms are maintained for the temporary accommodation of the travelling public. Hotel includes inn, hostel, motel and other similar forms of accommodation provided to the travelling public, but does not include campground or tourist cabin.

MUNICIPAL INSPECTOR means the Municipal Inspector for the District.

OCCUPIER means any person occupying a dwelling unit or commercial premise within the District, but shall not include a person who is a temporary boarder or lodger within a hotel or similar form of transient accommodation.

OWNER means, in respect of any parcel of land, the person registered as an owner on the current British Columbia Assessment Roll.

PARCEL means a district lot, lot, strata lot, block, or other area of land for which the title is legally described by the Land Title and Survey Authority of British Columbia, or into which it is subdivided under the *Land Title Act* or *Strata Property Act* or regulations thereof, and also includes the area of land prescribed by a Crown land tenure, such as a lease or license of occupation, issued by the Province of British Columbia to authorize the use of Crown land.

RECYCLABLE MATERIAL includes those materials that are included in the column titled "Examples of PPP Accepted" of Category 1 – Printed Papers, Category 2 – Old Corrugated Cardboard (OGC), Category 3(a) – Other Paper and Packaging (containing liquids when sold), Category 3(b) – Other Paper Packaging (not containing liquids when sold), Category 6 – Other Plastic Packaging and Category 7 – Metal Packaging, as listed on Schedule "A" attached to and forming part of this Bylaw.

REGULATION GARBAGE RECEPTACLE means a durable receptacle provided by an occupier for the purpose of storage and collection of garbage with a good fitting, water tight cover and a capacity of not more than seventy-seven (77) litres (2.72 cubic feet), or more than 25 kg when full. A regulation garbage receptacle may be used in conjunction with a plastic bag liner (garbage bag) for removal of garbage stored within.

REGULATION RECYCLING RECEPTACLE means a durable receptacle provided by an occupier for the purpose of storage and collection of recyclable materials with a good fitting, water tight cover and

a capacity of not more than seventy-seven (77) litres (2.72 cubic feet), or more than 25 kg when full. **STANDARD CONTAINER** means a metal container that is fully enclosed and secure and is designed to be handled by garbage trucks, for the purpose of storing garbage and trade waste for use by apartment dwellings and commercial premises.

TAG-A-BAG LABEL means a label that can be attached to a garbage bag that would otherwise exceed the quantity limits for garbage removal as set out in section 13 of this Bylaw. Tag-a-bags are made available by the District to the owners or occupiers of eligible dwelling units for a fee as prescribed by the District's User Rates and Fees Bylaw.

TRADE WASTE means garbage or other waste generated by a commercial premise.

WILDLIFE includes raptors or animals that live in a natural, undomesticated state, including, but not limited to bears, eagles, crows, ravens, cougars, raccoons, etc.

3. GENERAL PROVISIONS

- (a) A municipal service comprising the collection of garbage and the collection of recyclable materials for eligible dwelling units is hereby established.
- (b) No person shall dispose of garbage, trade waste or recyclable materials except in accordance with the provisions of this Bylaw.
- (c) Every occupier or owner of an eligible dwelling unit within the District shall provide and maintain regulation garbage receptacles in good and sufficient order and repair and shall place all garbage originating from the eligible dwelling unit within such regulation garbage receptacles.
- (d) Every occupier or owner of an eligible dwelling unit within the District shall provide and maintain regulation recycling receptacles in good and sufficient order and repair and shall place all recyclable materials originating from the eligible dwelling unit within such regulation recycling receptacles.
- (e) Every occupier or owner of any apartment building or commercial premise within the District shall provide and utilize a standard container for deposit of all refuse.

4. ACCESSIBILITY OF REGULATION GARBAGE RECEPTACLES, REGULATION RECYCLING RECEPTACLES AND STANDARD CONTAINERS

- (a) **ELIGIBLE DWELLING UNITS:** all regulation garbage receptacles and regulation recycling containers shall be accessible within 1.0 meter (3 feet) of the curb or curb line of the adjacent access road, between the hours of 7:00 a.m. and 5:00 p.m. on the corresponding designated collection days. Such days shall be designated by the collector with the prior approval by the District.
- (b) **COMMERCIAL PREMISES AND APARTMENT DWELLINGS:** all standard containers shall be accessible to the Collector at a location determined by the Collector.

5. USE OF RECEPTACLES AND STANDARD CONTAINERS

- (a) No liquids shall be put or placed in or allowed to run or accumulate in any regulation garbage receptacle, regulation recycling container or standard container and all such receptacles and containers shall, at all times, be kept securely covered with a water-tight cover.
- (b) All garbage such as rejected, abandoned, or discarded vegetable or animal matter, shall be drained and wrapped before being deposited in a regulation garbage receptacle or standard container.

- (c) No person shall deposit garbage or trade waste for pick-up with the garbage or trade waste of another person, or deposit garbage or trade waste in regulation garbage receptacles or standard containers owned by another person without that owner's permission.

6. CONDITION AND MAINTENANCE OF RECEPTACLES AND STANDARD CONTAINERS

- (a) All regulation garbage receptacles, regulation recycling receptacles and standard containers shall at all times, be kept in good and sanitary condition and shall be accessible for inspection, and when any receptacle or standard container has been condemned by the District as being unfit for use, such receptacle or standard container may be removed and the owner of the condemned receptacle or standard container that has been removed shall forthwith provide a suitable and sanitary replacement receptacle or standard container.
- (b) All standard containers shall at all times be kept in good and sanitary condition and shall be accessible for inspection at all reasonable times and, when any standard container has been condemned by the District as unfit for use, the owner of said standard container shall forthwith provide a suitable and sanitary standard container in its place.

7. STORAGE OF GARBAGE OR REFUSE

- (a) 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.
- (b) All garbage that includes an attractant shall be stored in an enclosed building, shed or storage facility or in a locked standard container, and shall not be left in or on any area accessible to domestic animals or wildlife.
- (c) An owner or occupier is exempt from section 7(a) between the hours of 7:00 a.m. and 5:00 p.m. on the designated garbage collection day that applies to the street on which their eligible dwelling is located.
- (d) Garbage containers that are supplied by the District and used by the public for temporary events such as baseball tournaments, Filomi Days, Canada Day celebrations, etc., are exempt from section 7(a) if the garbage is removed by the organization responsible for conducting the event, before 10:00 p.m. on each day that the event takes place.

8. PROHIBITED MATERIALS

- (a) No person shall deposit in any regulation garbage receptacle or standard container for collection by the contractor:
 - (i) explosive material;
 - (ii) biomedical wastes;
 - (iii) radioactive substance or waste;
 - (iv) hazardous waste;
 - (v) petroleum products (including lubricant oil and lubricant filters);
 - (vi) industrial chemical waste;
 - (vii) motor vehicle parts or bodies;
 - (viii) refuse that is on fire or smoldering;
 - (ix) construction waste;
 - (x) demolition waste; or
 - (xi) animal carcasses or hides.

9. FEES

- (a) Fees for the services established by this Bylaw shall be in accordance with the District of Port Hardy User Rates and Fees Bylaw. A penalty of 2.5% shall apply to outstanding balances.
- (b) Fees shall apply to all eligible dwellings in the District, whether occupied or vacant, and whether the services are actually utilized or not.
- (c) The fee for the tag-a-bag label is established in accordance with District of Port Hardy User Rates and Fees Bylaw.
- (d) The application of fees for the services established by this Bylaw shall commence upon the issuance of a Building Permit for each new eligible dwelling unit.
- (e) Any fees authorized by this Bylaw which remain unpaid on December 31st shall form a charge or lien upon the land or real property upon which or in respect of which they have been imposed, and the provisions of the *Community Charter* shall apply to the collection of such charges. These unpaid charges will be transferred to taxes in arrears and will accrue daily interest.

10. DUTIES OF COLLECTOR

It shall be the duty of the collector to:

- (a) Collect and dispose of all garbage and recyclable materials placed for collection in accordance with this Bylaw;
- (b) Report any infraction of this Bylaw;
- (c) Clean up garbage or recyclable materials that are accidentally spilled or scattered as part of collection activities;
- (d) Respond to any complaints that it receives with respect of the services it has been contracted to provide, in a prompt and courteous manner;
- (e) Not trespass needlessly on private property but to follow pedestrian walks and not cross directly from one property to another;
- (f) Maintain vehicles and equipment in a clean manner that reflects a professional appearance;
- (g) Make collection equipment available for inspection at all reasonable times, to the Island Health Environmental Health Officers; and,
- (h) Any other requirement the District may have and shall include in a contract it enters into with the collector.

11. COLLECTION FROM APARTMENT DWELLINGS AND COMMERCIAL PREMISES

The owners of commercial premises and apartment dwellings shall make arrangements for the collection and removal of garbage and trade waste, at such frequencies as are required to ensure that the garbage and trade waste does not accumulate to such a degree as to overflow the standard container(s) that are required to use for collection of these materials.

12. EXCLUSION OF OTHER SERVICE

No person shall operate within the District, any system for the collection and disposal of garbage or recyclable materials that interferes with the services established by this Bylaw unless the person has been authorized by the District to operate such a system. In addition, no person shall operate within

the District, any system for the collection and disposal of garbage or recyclable materials that is in violation of the provisions of this Bylaw.

13. FREQUENCY AND CAPACITY OF SERVICE

- (a) Garbage collection shall consist of the once bi-weekly removal of the contents of not more than two regulation garbage receptacles associated with each eligible dwelling unit.
- (b) Where garbage collection is required beyond the prescribed capacity stipulated in section 13(a) of this Bylaw, the owner or occupier of an eligible dwelling unit may purchase tag-a-bag labels from the District for each additional garbage bag (maximum size of seventy-seven (77) litres or 2.72 cubic feet) beyond the prescribed capacity, and a tag-a-bag label shall be affixed to each such garbage bag. In no case shall more than three tag-a-bag labels be used in association with three garbage bags for each eligible dwelling unit on each designated garbage collection day.
- (c) The collection of recyclable materials shall consist of the once bi-weekly removal of regulation recyclable receptacles associated with each eligible dwelling unit. Collection of recyclable materials shall occur during those alternating weeks in which garbage collection is not provided.

14. ENFORCEMENT

- (a) The Municipal Inspector, Director of Operational Services or Corporate Officer may, at all reasonable times, enter upon any property in order to inspect and ascertain whether the regulations, prohibitions and requirements of this Bylaw are being complied with, and to enforce the provisions of this Bylaw.
- (b) 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 offence for being in violation of this Bylaw and shall be subject to the prescribed penalties. Every continuing violation shall be deemed to be a new and separate offence for each day during which it continues.
- (c) Failure to comply with Section 7 (a) and (b) herein may result in the District by its own employees or authorized agents, cleaning up and removing such attractant and the cost of such cleaning and removal shall be charged to the owner of the property. Where such charges are unpaid on December 31st, they shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.

NEW SEC 14(C) BYL 1082-2018 JULY 10/18
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15. SEVERABILITY

If a court of competent jurisdiction declares any portion of this Bylaw invalid, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

16. REPEAL

District of Port Hardy Garbage Regulation Bylaw No. 12 - 2009 is hereby repealed.

Garbage and Recycling Bylaw No. 1028-2014 was given first, second and third readings on the 23rd day of June, 2014.

Garbage and Recycling Bylaw No. 1028-2014 was adopted on the 7th day of July, 2014.

Original signed by:

Director of Corporate &
Development Services

Deputy Mayor

SCHEDULE "A"

Material Type	Examples of PPP Accepted	Examples of PPP Not Accepted
Category 1 - Printed Papers		
Newspapers	Daily and community newspapers	
Newspaper Inserts	Newsprint advertising inserts and flyers	
Magazines	Daily, weekly, monthly magazines; travel or promotional magazines	
Catalogues	Retailer product catalogues; automotive and real estate guides/catalogues	
Telephone Directories	Phone books; newsprint directories	
Other Printed Media	Notepads; loose leaf paper; non-foil gift wrap	
Residential Printed Paper	White or coloured paper for general use, printers and copiers	
Miscellaneous Printed Papers	Blank and printed envelopes; greeting cards	
Category 2 - Old Corrugated Cardboard (OCC)		
Old Corrugated Cardboard	Grocery store/liquor store boxes; pizza boxes	
Category 3 (a) – Other Paper Packaging (containing liquids when sold)		
Paper Cup (hot) (polycoated liner)	Non-foam paper cups	
Paper Cup (hot) (biodegradable liner)	Non-foam paper cups	
Paper Cup (cold) (waxed)	Non-foam paper cups	
Paper Cup (cold) (2-sided polycoated)	Non-foam paper cups	
Polycoated Milk Cartons	Milk, soy, rice milk and cream cartons	
Aseptic Containers	Milk, soy, rice milk, cream, soup, broth and sauce containers, typically about 1 litre in size	
Multi-laminated Paper Packaging	Microwavable paper containers; paper bowls/cups for soup	
Category 3 (b) – Other Paper Packaging (not containing liquids when sold)		
Old Boxboard (OBB)	Cereal boxes; shoe boxes; tissue boxes; paper towel and toilet paper tubes; detergent boxes	
Wet Strength Boxboard	Carrier boxes for soft drink containers; some frozen food paper packaging	
Moulded Pulp	Egg cartons; formed coffee take out trays; paper based	

Material Type	Examples of PPP Accepted	Examples of PPP Not Accepted
	flower pots	
Kraft Papers	Paper bags	
Polycoated Boxboard	Some frozen food packaging	
Category 4 - Polyethylene (PE) Film Packaging		
HDPE Films	Some retail bags; some frozen vegetable bags	
LDPE/LLDPE Films	Grocery bags; newspaper bags; dry cleaning bags; bread bags; frozen vegetable bags; soft drink case over-wrap; garden product bags; paper towel over-wrap; diaper and feminine hygiene product outer bags	Stretch film
Category 5 - Polystyrene (PS) Foam Packaging		
PS Clamshells (EPS)	Egg cartons	
PS Trays/Plates (EPS)	Deli and take-out food trays	
PS Meat Trays (EPS)	White and coloured meat trays	
PS Hot Drink Cups (EPS)	Foam drink cups	
PS Cushion Packaging (EPS)	White foam cushion packaging used for appliances, computers, TVs, printers	Foam packaging peanuts
Category 6 - Other Plastic Packaging		
PETE Bottles (non-beverage)	Salad dressing bottles; edible oil bottles; dish soap or mouthwash bottles; window cleaners	
PETE Jars	Peanut butter containers; wide-mouth jars for nuts	
PETE Clamshells	Bakery trays; pre-made fruit and salad packages; egg cartons	
PETE Trays	Single serve meals; deli and bakery items; housewares and hardware products	
PETE Tubs & Lids	Plastic lids for some containers	
PETE Cold Drink Cups	Take-out drink cups	
HDPE Bottles (non-beverage)	Shampoo bottles, milk jugs; spring water containers; bleach containers; vinegar containers; windshield washer fluid containers; pill bottles	
HDPE Jars	Personal care products; pharmaceuticals, vitamin and supplements containers	
HDPE Pails	Laundry detergent, ice cream pails	Pails for lubricants
HDPE Trays	Single serve meals; deli and bakery items; housewares and hardware products	
HDPE Tubs & Lids	Plastic lids for spreads and dairy containers	
HDPE Planter Pots	Plastic garden pots	
PVC Bottles	Water bottles; travel sized personal and hair care	

Material Type	Examples of PPP Accepted	Examples of PPP Not Accepted
	product bottles; household and automotive liquids containers	
PVC Jars	Peanut butter containers	
PVC Trays	Housewares and hardware products	
PVC Tubs & Lids	Plastic lids for some containers	
LDPE Bottles (non-beverage)	Hygienic, cosmetics and hair care containers	
LDPE Jars	Cosmetics containers	
LDPE Tubs & Jars	Plastic lids for spreads and dairy containers	
PP Bottles (non-beverage)	Butter and margarine containers; translucent squeeze bottles; travel sized personal and hair care product bottles	
PP Jars	Cosmetics containers	
PP Clamshells	Hinged containers e.g. sanitary wipes	
PP Trays	Single serve meals; deli and bakery items; housewares and hardware products	
PP Tubs & Lids	Large yogurt tubs; kitty litter containers; ice cream containers	
PP Cold Drink Cups	Some cold drink cups	
PP Planter Pots	Garden planter pots	
PS Bottles (non-beverage)	Pharmaceuticals, vitamin and supplements containers	
PS Clamshells (rigid)	Clear clamshell containers such as berry, muffin and sandwich containers	
PS Trays (rigid)	Clear rigid trays used for deli foods	
PS Tubs & Lids (rigid)	Dairy product tubs and lids	
PS Tubs & Lids (high impact)	Single serve yogurt containers	
PS Cold Drink Cups (rigid)	Clear rigid plastic drink cups	
PS Planter Pots	Some garden pots and trays	
Other ¹ Plastic Bottles (non-beverage)	Bottles without a resin code or with resin code # 7	
Other Plastic Jars	Jars without a resin code or with resin code # 7	
Other Plastic Clamshells	Clamshells without a resin code or with resin code # 7	
Other Plastic Trays	Trays without a resin code or with resin code # 7	
Other Plastic Tubs & Lids	Tubs & lids without a resin code or with resin code # 7	

¹ 'Other' plastic packaging is typically: manufactured from a combination of recycled resins; manufactured with a barrier layer; or, lacking a resin code mark.

Material Type	Examples of PPP Accepted	Examples of PPP Not Accepted
Other Plastic Cold Drink Cups	Cold drink cups without a resin code or with resin code # 7	
Other Plastic Planter Pots	Planter pots without a resin code or with resin code # 7	
Category 7 – Metal Packaging		
Steel Cans (non-beverage)	Steel dog food and vegetable cans; metal lids and closures	
Steel Aerosol Cans	Food spray cans; solvent spray cans	
Spiral Wound Cans (steel ends)	Spiral wound containers for frozen juice, chips, cookie dough, coffee, nuts	
Aluminum Cans (non-beverage)	Cat food and other food cans	
Aluminum Aerosol Cans	Air freshener, deodorant and hairspray containers; food spray cans; wax and polish spray cans	
Aluminum Foil and Foil Containers	Foils wrap; pie plates; aluminum food trays	
Bimetal Containers/Aerosols	Lubricating oil spray cans; insulating foam spray cans; pesticide spray cans	
Category 8 – Glass Packaging		
Clear Glass Bottles and Jars (non-beverage)	Food containers; ketchup bottles; pickle jars; jam and jelly containers; cosmetic jars	
Coloured Glass Bottles and Jars (non-beverage)	Cooking oils; vinegar bottles; cosmetic containers	