

The following is a consolidated copy of the illegal dumping regulation bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
470	Comox Strathcona Waste Management Illegal Dumping Regulation Bylaw No. 470, 2017	June 8, 2017	To regulate illegal dumping of wastethroughout the Comox Strathcona Waste Management Service area

This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. Titles and whereas clauses may be different than in original bylaws to make this consolidated version more clear and identify historical changes and conditions. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 470

**A bylaw to regulate illegal dumping of waste throughout the
Comox Strathcona Waste Management Service area**

WHEREAS the Comox Valley Regional District operates the Comox Strathcona Waste Management Service under Comox Valley Regional District Bylaw No. 1822 being "Regional Solid Waste Plan Local Service Area Establishment Bylaw, 1996" within the following participating municipalities and electoral areas:

- The City of Campbell River;
- The City of Courtenay;
- The Town of Comox;
- The Village of Cumberland;
- The Village of Gold River;
- The Village of Tahsis;
- The Village of Sayward;
- The Village of Zeballos;
- Comox Valley Regional Districts' Electoral Area A (Baynes Sound – Denman/Hornby Islands), Electoral Area B (Lazo North) and Electoral Area C (Puntledge – Black Creek); and
- Strathcona Regional District's Electoral Area A (Kyuquot/Nootka – Sayward), Electoral Area B (Cortes Island), Electoral Area C (Discovery Inlets – Mainland Inlets) and Electoral Area D (Oyster Bay – Buttle Lake);

AND WHEREAS under sections 316 and 335 of the *Local Government Act* (SBC, 2015, c.1) a regional district may regulate in relation to a service;

AND WHEREAS it has been deemed necessary to establish an illegal dumping prevention program across the Comox Strathcona Waste Management Service area;

THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Definitions

1. In this bylaw,
 - (a) **"board"** means the board directors of the Comox Valley Regional District, including Strathcona Regional District, for the purposes of administration and operation of the Comox Strathcona Waste Management Service;
 - (b) **"bylaw officer"** means a person designated, appointed or contracted by a regional district board or a municipal council as a bylaw officer and includes a peace officer;
 - (c) **"Comox Strathcona Waste Management service area"** means the boundaries of the participating areas as defined in section 2 of this Bylaw;
 - (d) **"council"** means the council of a municipality;

- (e) **“garbage”** means any waste, litter, rubbish, trash, refuse, or other discarded materials excluding prohibited material, organics, recyclable material, and large items;
- (f) **“illegal dumping”** means depositing, discarding or abandoning garbage, waste, organics, recyclable material, large items or prohibited material except as permitted by this or another applicable bylaw;
- (g) **“large items”** means bulky household items such as furniture items and appliances;
- (h) **“organics”** means those materials listed in Schedule A (organics material) of this bylaw;
- (i) **“owner”** has the meaning set out in the *Community Charter*, and includes an occupier as defined in the *Community Charter*;
- (j) **“prohibited material”** means those materials listed in Schedule B (prohibited material) of this bylaw;
- (k) **“recyclable material”** means those materials listed in Schedule C (recyclable material) of this bylaw;
- (l) **“waste”** means refuse that originates from residential, commercial, demolition, land clearing, construction or institutional sources as defined in the *Environmental Management Act*; and
- (m) **“waste management centres”** means the Comox Valley Waste Management Centre and the Campbell River Waste Management Centre, and other facilities the regional district may establish from time to time.

Application

2. This bylaw applies to any participating municipality that is named as a participant of the Comox Strathcona Waste Management service, established by Comox Valley Regional District Bylaw No. 1822 being “Regional Solid Waste Plan Local Service Area Establishment Bylaw, 1996.”

Restrictions and Prohibitions

3.
 - (1) No person shall deposit, discard or abandon any garbage, waste, organics, recyclable material, large items or prohibited material or permit any person to deposit, discard, or abandon any garbage, waste, organics, recyclable material, large items or prohibited material within the boundaries of the Comox Strathcona Waste Management service area, other than at a waste management centre or in a container scheduled for collection and delivery to a waste management centre.
 - (2) Every property owner within the Comox Strathcona Waste Management service area shall manage any garbage, waste, organics, recyclable material, large items and prohibited material that is generated from the owner’s property in a manner that prevents the garbage, waste, organics, recyclable material, large items and prohibited material from being deposited, discarded or abandoned in rural areas, vacant lots and along roadways.
 - (3) Any person who commits illegal dumping is liable for all costs associated with cleaning up in addition to cost recovery provisions under the *Environmental Management Act*.

Inspection

4. (1) A bylaw officer of a participating municipality or regional district is authorized to enter at all reasonable times onto any property that is subject to this bylaw under that bylaw officer's jurisdiction to ascertain whether the requirements of this bylaw are being met or the regulations in this bylaw are being observed.
- (2) A bylaw officer of the Comox Valley Regional District is authorized to enter at all reasonable times onto any property that is subject to this bylaw to ascertain whether the requirements of this bylaw are being met or the regulations in this bylaw are being observed.

Discretion to Enforce

5. The enforcement of this bylaw may be discretionary and on a case by case basis with no duty on the part of the regional district to take enforcement action.

Penalty

6. (1) Any person who contravenes a provision of this bylaw, or who allows any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out or perform any duty or obligation imposed in this bylaw is guilty of an offence and:
 - (a) on summary conviction is liable to a fine of not less than \$500 and not more than \$2000; or
 - (b) on conviction of a ticket offence under Bylaw No. 460 being "Comox Strathcona Waste Management Municipal Ticket Information Bylaw No. 460, 2017", is liable for the fine imposed under that bylaw.
- (2) In the case of a continuing violation, each day or part thereof that a violation continues to occur shall constitute a separate and distinct offence.

Severability

7. If any provision of this bylaw is held to be invalid by a court, the provision may be severed from this bylaw and such invalidity shall not affect the validity of the remaining portions of this bylaw.

Citation

This Bylaw No. 470 may be cited for all purposes as "Comox Strathcona Waste Management Illegal Dumping Regulation Bylaw No. 470, 2017."

SCHEDULE A – ORGANICS MATERIAL

1. For the purpose of this bylaw, organics shall include the following:

(1) Yard trimmings, including:

- Flowers;
- Grass clippings;
- Leaves;
- Plants;
- Plant trimmings;
- Tree and hedge pruning; and
- Other organic yard trimmings.

(2) Food waste, including:

- Bones;
- Baked goods;
- Breads, grains, and pasta;
- Coffee grounds;
- Coffee ground filters;
- Dairy products;
- Egg and eggshells;
- Fish;
- Fruit and vegetables;
- Grease and cooking oil;
- Kitchen food scraps;
- Meat;
- Nuts and nutshells;
- Paper cups and plates;
- Paper food wrap;
- Paper napkins;
- Paper take-out containers;
- Pizza boxes;
- Plate scrapings; and
- Tea bags

SCHEDULE B – PROHIBITED MATERIAL

1. For the purpose of this bylaw, prohibited material shall include material identified as the following:
 - Agricultural waste;
 - Any product within a "product category" as defined under the *Recycling Regulation*, B.C. Reg. 449/2004, as amended from time to time;
 - Any product that is "hazardous waste" as defined under the *Hazardous Waste Regulation*, B.C. Reg. 63/88, as amended from time to time;
 - Asbestos;
 - Automobile bodies and parts;
 - Biomedical waste;
 - Commercial appliances;
 - Dead animals;
 - Demolition, land clearing, and construction waste;
 - Electronics and electrical products;
 - Gypsum;
 - Hospital office waste;
 - Inert fill materials including soil, sod, gravel, concrete, and asphalt;
 - Lead acid batteries;
 - Liquids and sludge;
 - Oil containers, oil filters, paint products, solvents, and flammable liquids;
 - Mattresses;
 - Pesticide products;
 - Pharmaceuticals;
 - Radioactive and reactive waste;
 - Refuse that is on fire, smoldering, flammable, or explosive;
 - Refuse that could cause undue risk of injury or occupational disease to any person at a designated disposal site or that would otherwise contravene the *Occupational Health and Safety Regulation*, B.C. Reg. 296/97;
 - Small household appliances;
 - Tires; and
 - Wood waste

SCHEDULE C – RECYCLABLE MATERIAL

1. For the purpose of this bylaw, recyclable material shall include the following:

(1) Mixed container items, including:

- Aluminum and tin cans;
- Empty aerosol cans (non-paint);
- Spiral wound containers (paper and metal);
- Any kind of foil plates;
- Beverage containers;
- Glass bottles and jars; and
- Plastic containers.

(2) Mixed paper, including:

- Boxboard;
- Cardboard;
- Empty paper cups;
- Envelopes;
- Glossy flyers, brochures, and catalogues;
- Hard cover books;
- Magazines;
- Office/school paper and folders;
- Paper bags;
- Paper egg cartons;
- Phone books;
- Pizza boxes;
- Shredded paper; and
- Tissue paper.

(3) Newspaper, including:

- Newspaper; and
- Non-glossy flyers and newsprint.