

The following is a consolidated copy of the scavenging and trespassing bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
396	Comox Strathcona Waste Management Facilities Scavenging and Trespassing Bylaw No. 396, 2015	January 14, 2016	To regulate scavenging and trespassing at Comox Strathcona waste management facilities.
459	Comox Strathcona Waste Management Facilities Scavenging and Trespassing Bylaw No. 396, 2015, Amendment No. 1	February 16, 2017	To amend and clarify the regulations and definitions of scavenging and trespassing at Comox Strathcona waste management designated facilities and 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. 396

A bylaw to regulate scavenging and trespassing at Comox Strathcona waste management facilities

WHEREAS the Comox Valley Regional District operates the Comox Strathcona waste management service under Bylaw No. 1822 being “”, which includes the control of operation and maintenance at the Comox Strathcona waste management facilities;

AND WHEREAS it has been deemed necessary to prohibit scavenging and trespassing at the Comox Strathcona waste management facilities;

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

Definitions

1. In this bylaw,

“Bylaw officer” means a person appointed or contracted by a regional district board or a municipal council to enforce this bylaw and includes a peace officer;

Comox Strathcona waste management” means the Comox Strathcona waste management (CSWM) service as delivered and operated by the Comox Valley Regional District (CVRD) and includes the municipal and participating electoral areas as defined under the CSWM service establishment bylaw;

“Diversion items” means any material that is diverted from disposal in the landfill and includes but is not limited to: Multi-Material BC qualified recyclables, clean fill, clean wood waste, con-mingled food and yard waste, commercial recycling, coated wood waste, grass, leaves, drywall/gypsum, metal, product stewardship items, household hazardous waste, tires approved by Stewardship BC, lighting and ballasts or any other materials where a program is in place to exclude items from being landfilled;

“Landfill” means a site utilized by the CSWM service to dispose and place municipal solid waste;

“Municipal solid waste” or **“MSW”** means refuse that originates from residential, commercial, demolition, land clearing, construction or institutional sources as defined in the *Environmental Management Act*;

“Municipal waste receptacle” means a bin not managed by the CSWM service;

“Recycling depot” means a disposal site operated and maintained by the CSWM service, specific to collecting recycling materials;

“Recyclable materials” means marketable, source-separated waste, such as batteries, scrap metal, diversion items;

“Regional district” means the Comox Valley Regional District;

“Scavenging” means the removal of any diversion items or recyclable materials from a CSWM designated facility;

“Transfer station” means a site utilized by the CSWM service to receive municipal solid waste on a temporary basis and may include recyclable items or diversion items;

“Trespass” means to be present at a CSWM designated facility contrary to regulations or posted signage and shall have the same application as outlined in the *Trespass Act*;

“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. The restrictions and regulations in this bylaw are applicable in each municipality and electoral area within the CSWM service.

Designated facilities

3. (1) The regional district has designated facilities within the Comox Strathcona waste management (CSWM) service area as waste management centres and / or landfills and / or transfer stations and / or recycling depots.
 - (2) The provisions required under this bylaw are in place at the following facilities:
 - (a) Waste management centres and landfills being the Comox Valley waste management centre, the Campbell River waste management centre, the Gold River landfill, the Tahsis landfill and the Zeballos landfill;
 - (b) Transfer stations and facilities at the Cortes Island transfer station, Hornby Island transfer station and Gold River transfer station, specifically within the designated MSW disposal areas; and
 - (c) Recycling depots.
 - (3) All areas designated as free store, share shed or similar are exempt.
 - (4) All municipal waste receptacles not managed by the CSWM service are exempt.

Restrictions and prohibitions

4. (1) It shall be unlawful for any person to remove from these designated facilities any municipal solid waste, recyclable materials, diversion items, clean fill, rubble, debris, discarded articles, or any other materials or things disposed or deposited without the express written permission from a regional district officer.
 - (2) It shall be unlawful for any person not actively engaged in the operation of disposing or depositing material to trespass upon these designated facilities and any person found trespassing or scavenging shall be guilty of an offence against this bylaw and shall be liable to the penalties thereof.
 - (3) The regional district reserves the right to control the type and nature of municipal solid waste, recyclable materials, articles, material or things which may be permitted to be deposited or disposed at these designated facilities and to direct the places where, and times when, it is permitted.

Violations and penalties

5. (1) 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.
 - (2) 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 \$2,000; or
 - (b) on conviction of a ticket offence under the Comox Valley Regional District municipal ticket information bylaw.
 - (3) If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.

Severability

6. 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.

Repeal

7. Upon adoption of this bylaw, Bylaw No. 1163 being "Pidgeon Lake Landfill Site Scavenging and Trespassing Bylaw, 1989" is hereby repealed.

Citation

This Bylaw No. 396 may be cited as "Comox Strathcona Waste Management Facilities Scavenging and Trespassing Bylaw No. 396, 2015."