

FRASER VALLEY REGIONAL DISTRICT

BYLAW NO. 1495, 2018

A Bylaw Respecting the Removal and Disposal of Municipal Solid Waste

WHEREAS to advance the goals set out in the Solid Waste Management Plan, the Fraser Valley Regional District wishes to maximize the diversion of organic and recyclable materials;

WHEREAS Section 316(a) of the *Local Government Act* enables the Fraser Valley Regional District to require persons to use a waste disposal or recycling service;

AND WHEREAS Section 316(b) of the *Local Government Act* enables the Fraser Valley Regional District to require owners and occupiers of real property to remove trade waste, garbage, rubbish and other matter from their property and take it to a specified place;

AND WHEREAS Section 419 of the *Local Government Act* enables the Fraser Valley Regional District, in connection with a requirement in relation to a matter, to authorize officers, employees and agents of the regional district to enter, at all reasonable times, on any property to inspect and determine whether all regulations, prohibitions and requirements are being met;

AND WHEREAS section 7.2.2 of the Fraser Valley Regional District Solid Waste Management Plan Update 2016 – 2026 contemplates that the Fraser Valley Regional District will establish waste reduction and recycling bylaw initiatives,

NOW THEREFORE, the Board of the Fraser Valley Regional District enacts as follows:

1. CITATION

This bylaw may be cited as *Fraser Valley Regional District Regional Solid Waste Removal Bylaw No. 1495, 2018*.

2. INTERPRETATION

a) In this Bylaw, unless the context requires otherwise:

“**Bylaw Enforcement Officer**” means a person designated pursuant to section 5. a) of this bylaw;

“**Environmental Management Act**” means the *Environmental Management Act*, S.B.C. 2003 c. 53, as amended or replaced from time to time and all regulations thereunder;

“**EPR Products**” means products for which producers are responsible pursuant to the *Recycling Regulation*, B.C. Reg. 449/2004 adopted under the *Environmental Management Act*, as may be

amended or replaced from time to time, including antifreeze, tires, batteries, electronics, paper and packaging;

“Facility” includes all types of buildings and structures that are authorized by a governmental authority to receive, handle or process one or more types of Municipal Solid Waste, including Recycling Depots, Transfer Stations, Material Recovery Facilities, Mixed Waste Material Recovery Facilities, Organic Facilities and landfills;

“Local Government Act” means the *Local Government Act*, R.S.B.C., 2015 c. 1, as amended or replaced from time to time and all regulations thereunder;

“Material Recovery Facility” means a Facility that receives, separates and prepares Recyclable Material for marketing to end-user markets and manufacturers;

“Mixed Municipal Solid Waste” means Municipal Solid Waste that has undergone a process of Source Separation by a Waste Generator, but has not undergone a further separation process at a Mixed Waste Material Recovery Facility;

“Mixed Waste Material Recovery Facility” means a Facility that receives Mixed Municipal Solid Waste for the purpose of maximizing the diversion of Organic Material and Recyclable Material, and further separates Recyclable Material and Organic Material for marketing to end-user markets and manufacturers with only the remaining Residual Waste being directed for disposal;

“Municipal Solid Waste” means refuse that originates from residential, commercial or institutional sources within municipalities and electoral areas excluding the following:

- refuse that originates from demolition, land clearing or construction sources; and
- waste excluded from the scope of the Solid Waste Management Plan (hazardous, agricultural, biomedical and liquid waste).

“Organics Facility” means a Facility that receives one or more types of Organic Material for the purpose of composting or digestion;

“Organic Material” means material that can be composted or digested, including the following:

- **Food waste** including meat, fish, seafood, bones, grain products (bread/pasta/baked goods), salad, salad dressing, coffee grounds, dairy products, eggs, egg shells, fruits, vegetables, pasta, nuts, nutshells, non-liquid fats, butter, mayonnaise, and other condiments;
- **Food soiled paper** including paper that has been soiled by or comingled with food residue, compostable paper packaging, paper plates, carbon paper, facial tissue, paper napkins or towels;
- **Plant waste** including grass clippings, moss, tree trimmings and branches, leaves, plants, flowers, weeds, bark mulch, but excluding agricultural waste; and
- **Single-use wooden food utensils** including toothpicks, popsicle sticks, stir sticks, skewers and chop sticks;

“Recycling Depot” means a Facility that accepts Recyclable Material for the purpose of transport to a Materials Recovery Facility or direct marketing to end-user markets and manufacturers, including businesses and depots that receive EPR Products;

“Recyclable Material” means the following items, clean and clear of debris:

- **Paper packaging** including box board, cardboard, corrugated cardboard, paper bags without plastic liners, paper pet food bags without plastic liners, paper egg cartons, paper drink trays;
- **Paper containers** including milk and juice cartons, tetra paks, frozen dessert boxes, disposal coffee cups;
- **Plastic containers** including plastic food containers, plastic tubs, plastic bottles, plastic lids, clamshell containers, milk jugs, coffee pods, plant pots and trays, microwavable plastic bowls, microwavable plastic cups, and un-numbered rigid plastic packaging;
- **Metal items** including aluminium foil, plates and trays, tin foil, cans and lids, household aerosol containers, cardboard and metal wound containers;
- **Printed paper** including newspaper, magazines, office paper, phone books, greeting cards;
- **Film plastic** including shopping bags, bread bags and overwrap; and
- **Glass** including glass bottles and glass jars;

“Residual Waste” means Municipal Solid Waste that has undergone a separation process at a Mixed Waste Material Recovery Facility;

“Solid Waste Management Plan” means the Fraser Valley Regional District Solid Waste Management Plan Update 2016 – 2026, approved by the Minister of Environment pursuant to section 24 of the *Environmental Management Act*;

“Source Separation” means the process conducted by a Waste Generator at the point of waste generation whereby the Waste Generator uses barriers, containers or other means of containment to, at minimum, separate from Municipal Solid Waste, into separate distinguishable accumulations, Organic Material and Recyclable Material;

“Transfer Station” means a Facility that receives one or more of Recyclable Material, Organic Material, or Mixed Municipal Solid Waste for the purposes of further transport;

“Waste Generator” means an owner or occupier of residential, commercial or institutional property at which Municipal Solid Waste of any scope is generated, produced or results from; and

“Waste Hauler” has the meaning set out in section 26 of the *Environmental Management Act*.

- b) This Bylaw will be interpreted in accordance with the following principles:
- i. Except where expressly stated otherwise, terms defined in the *Local Government Act*, the *Environmental Management Act* and the Solid Waste Management Plan apply to the terms used in this Bylaw.
 - ii. The words “include” or “including” means that the list is not exhaustive.
 - iii. Headings are for convenience only.
 - iv. Single terms include plural, and masculine pronouns include feminine and gender-neutral.
 - v. This Bylaw does not detract from the regime established for the collection of EPR Products under the *Recycling Regulation, B.C. Reg. 449/2004*.
 - vi. This Bylaw does not limit the application of any provincial, regional or municipal laws or bylaws regulating the disposal, collection, management or storage of solid waste or recyclable material.
 - vii. This Bylaw does not restrict or prohibit backyard composting where permitted by applicable laws and bylaw.

3. PURPOSE AND AREA OF APPLICATION

- a) This Bylaw is enacted to maximize Source Separation within the FVRD.
- b) This Bylaw applies within the participating areas of the Regional Solid Waste Management Service Area of the Fraser Valley Regional District as established by bylaw.

4. WASTE DISPOSAL

- a) A Waste Generator shall remove Organic Material, Recyclable Material and Mixed Municipal Solid Waste from their property, and shall either:
- i. take Organic Material, Recyclable Material and Mixed Municipal Solid Waste to the types of Facilities specified in section 4. c) of this bylaw; or
 - ii. arrange for one or more Waste Haulers to collect Organic Material, Recyclable Material and Mixed Municipal Solid Waste and take it to the types of Facilities specified in section 4. c).
- b) A Waste Generator shall inform its tenants, employees and contractors in writing of the requirements of this Bylaw, and of the location of containers and facilities used for Source Separation on the property.
- c) To comply with this Bylaw:
- i. Organic Material must be taken to either:
 - a. an Organics Facility, or
 - b. a Transfer Station that handles Organic Material separately from other types of Municipal Solid Waste,

that is authorized by a governmental authority to receive the type of Organic Material being taken;

ii. Recyclable Material must be taken to either:

- a. a Recycling Depot,
- b. a Material Recovery Facility, or
- c. a Transfer Station that handles Recyclable Material separately from other types of Municipal Solid Waste,

that is authorized by a governmental authority to receive the type of Recyclable Material being taken; and

iii. Mixed Municipal Solid Waste must be taken to either:

- a. a Transfer Station,
- b. a Mixed Waste Material Recovery Facility, or
- c. another Facility,

that is authorized by a governmental authority to receive the type of Mixed Municipal Solid Waste being taken.

- d) Nothing in this Bylaw will be interpreted to prohibit a Waste Generator from Source Separating Municipal Solid Waste or Mixed Municipal Solid Waste that they generate into more distinct types than prescribed in section 4. b).

5. **ENFORCEMENT AND COMPLIANCE**

- a) The Board may appoint by bylaw or resolution a person or persons to be a Bylaw Enforcement Officer and exercise the power of the Bylaw Enforcement Officer under this Bylaw.
- b) A Bylaw Enforcement Officer may:
- i. enter a Facility, or a Waste Generator's property, to inspect for compliance with this Bylaw. Without limiting the foregoing, inspection may include opening and sorting through waste bags, bins and other containers to detect by sound, smell or sight the presence of Organic Material, Recyclable Material or Mixed Municipal Solid Waste; and
 - ii. issue verbal or written orders to Waste Generators who do not comply with this Bylaw.
- c) A person who:
- i. contravenes any provision of this Bylaw or does any act or thing which contravenes any provision of this Bylaw, or suffers or allows any other persons to do any act or thing which contravenes any provision of this Bylaw;
 - ii. neglects to do or refrains from doing anything required to be done by any provision of this Bylaw; or

- iii. fails to comply with an order issued by a Bylaw Enforcement Officer under this Bylaw, or suffers or allows any other person to fail to comply with an order under this Bylaw, is guilty of an offence against this Bylaw and liable to the penalties imposed under this Bylaw.
- d) Every person who commits an offence against this Bylaw is punishable on summary conviction by a fine of not less than \$5,000.00 and not more than \$10,000.00.
- e) Every person who commits an offence of a continuing nature against this Bylaw is liable to a fine not less than \$5,000.00 and not more than \$10,000.00 for each day such offence continues.
- f) Designated contraventions of this Bylaw may be enforced pursuant to Fraser Valley Regional District Bylaw Offence Notice Enforcement Bylaw, as amended or replaced from time to time.

6. **GENERAL**

Nothing in this Bylaw is intended to relieve any person from complying with any other applicable enactment.

7. **SEVERABILITY**

If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

8. **EFFECT**

This Bylaw will come into effect on April 1, 2020.

9. **READINGS AND ADOPTION**

READ A FIRST TIME THIS _____ day of _____

READ A SECOND TIME THIS _____ day of _____

READ A THIRD TIME THIS _____ day of _____

ADOPTED THIS _____ day of _____

Chair/Vice-Chair

Corporate Officer/Deputy

9) **CERTIFICATION**

I hereby certify that this is a true and correct copy of *Fraser Valley Regional District Regional Solid Waste Removal Bylaw No. 1495, 2018*, as adopted by the Board of Directors of the Fraser Valley Regional District on the

Dated at Chilliwack, BC this

Corporate Officer/Deputy