

RESORT MUNICIPALITY OF WHISTLER

GARBAGE DISPOSAL AND WILDLIFE ATTRACTANTS BYLAW NO. 1861, 2008

A BYLAW TO PROVIDE FOR THE DISPOSAL AND STORAGE OF GARBAGE AND CONTROL OF WILDLIFE ATTRACTANTS

The Council of the Resort Municipality of Whistler, in open meeting assembled, ENACTS AS FOLLOWS:

CITATION

1. This Bylaw may be cited as “Garbage Disposal and Wildlife Attractants Bylaw No. 1861, 2008”.

DEFINITIONS

2. In this Bylaw:

“agent” means a person authorized to act on behalf of an owner of a parcel in respect to the parcel;

“commercial garbage container” means a wildlife resistant container that is emptied by a garbage contractor and used to dispose of domestic garbage or waste or both;

“commercial recycling container” means a wildlife resistant container that is emptied by a garbage contractor and used to dispose of recyclable materials;

“dangerous wildlife” means bear, cougar, coyote or wolf, or a species of wildlife that is prescribed as dangerous under the *BC Wildlife Act*;

“domestic garbage” means all discarded matter resulting from residential activity, but does not include hazardous waste or waste from construction, utility, commercial or other non-residential activities;

“dwelling unit” means a self-contained set of habitable rooms in a building, including not more than one set of cooking facilities;

“garbage compactor” means a metal receptacle operated by or on behalf of the Municipality for the depositing and compacting of domestic garbage;

“garbage contractor” means a person that collects and disposes of garbage and carries out related duties;

“hazardous waste” means hazardous waste as defined in the British Columbia Hazardous Waste Regulations, B. C. Reg. 63/88, O.C. 268/88, as amended from time to time;

“highway” means every highway, road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles; and every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited;

“occupant” means a tenant or guest of or an invitee to premises in or on a parcel;

“parcel” means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

“recycling facility” means a municipal recycling facility, or a Municipal Waste Transfer Station;

“recyclable material” includes, but is not limited to, glass jars and bottles, tin and aluminium cans, plastic bottles, rigid plastic containers, plastic grocery bags, newsprint, mixed paper, and corrugated cardboard;

“waste” means garbage other than domestic garbage and hazardous waste, including that from utility, commercial, industrial or other non domestic activities, that could or does act as a wildlife attractant;

“wildlife attractant” means any substance that could be reasonably expected to attract dangerous wildlife including but not limited to food products, domestic garbage, pet food, seed, restaurant grease, game meat, or glass or metal ware or other item having contained food;

“wildlife resistant container” means a fully enclosed container with a sealed lid and a self-latching mechanism of sufficient design and strength to prevent access by dangerous wildlife, that is securely affixed to the ground or to an immovable object or fixture, and that is described in Schedule A;

“wildlife proof enclosure” means a structure which has enclosed sides, a roof, doors and a self-latching mechanism of sufficient design and strength to prevent access by dangerous wildlife, that is designed and constructed in accordance with the standards and specifications set out in RMOW Garbage Enclosure Guidelines.

STORAGE AND DISPOSAL

3. No person shall dispose of or store domestic garbage, waste, or recyclable material except into a container that is a wildlife resistant container or is located in a wildlife proof enclosure.
4. Garbage and recycling containers required for temporary special events, such as weekend ball tournaments, weddings, outdoor conventions, Mayor’s Picnic and Canada Day are exempt from the requirement under section 3 if emptied and removed from public access before 10:00 p.m.

5. No person shall dispose of domestic garbage or recyclable materials except into:
 - (a) a wildlife resistant container;
 - (b) a container in a wildlife proof enclosure;
 - (c) a garbage compactor; or
 - (d) subject to section 6, a recycling facility.
6. No person shall deposit anything but domestic garbage into a garbage compactor.
7. No person shall dispose of waste except to the Municipal Waste Transfer Station.
8. No person shall throw, place or pile, or cause to be thrown, placed or piled on a highway, or parcel, domestic garbage, waste, hazardous waste, recyclable materials or wildlife attractants.
9. No owner or occupier of a parcel shall place or have placed a wildlife resistant container or wildlife proof enclosure on or outside the boundary of their parcel.
10. No owner or occupier of a single family or duplex parcel shall place or have placed a commercial garbage container on the parcel unless approved in writing by the Resort Municipality of Whistler. The RMOW will consider such aspects as, but not be limited to, the siting of the bin in relation to parking and snowclearing, and visual effects from street and neighbouring properties.

RECYCLABLE MATERIALS

11. No owner, occupant or agent of an owner of a parcel that contains a commercial recycling container shall dispose of recyclable materials except in:
 - (a) the commercial recycling container; or
 - (b) at a recycling facility.
12. Every person must dispose of recyclable materials in accordance with this Bylaw and, without limitation, separately from domestic garbage, waste or hazardous waste.
13. No person shall deposit recyclable materials in a garbage compactor.

WILDLIFE PROOF CONTAINERS AND ENCLOSURES

14. Every person who owns, uses or possesses a wildlife resistant container or wildlife proof enclosure must keep it closed and secure, except at the time of deposit of permitted substances, and must maintain a wildlife resistant container in wildlife resistant condition at all times, and must maintain a wildlife proof enclosure in wildlife proof condition at all times.

15. No person shall leave garbage, waste, recyclable materials or other attractants outside a container or enclosure.
16. Every owner or occupier of a commercial, industrial, institutional and tourist accommodation building shall provide a garbage storage site located inside a building or within a wildlife proof enclosure. Single family and multiple family residential development having twelve or more dwelling units shall provide a garbage storage site located inside a building or within a wildlife proof enclosure or within a wildlife resistant container.

WILDLIFE ATTRACTANTS

17. No person shall store, handle or dispose of wildlife attractants in such a way that they are accessible to dangerous wildlife.
18. No person shall feed or attempt to feed dangerous wildlife, or deposit wildlife attractants in a place or manner that attracts dangerous wildlife.
19. No person shall place or allow a bird feeder on a parcel so that the bird feeder is accessible to dangerous wildlife. Every person who occupies a parcel must keep the area below a feeder free of the accumulation of seed and debris from the feeder at all times.
20. No owner or occupier of a parcel shall permit or allow fruit from a tree or bush on a parcel to accumulate on the tree, bush or ground such that it attracts or is likely to attract dangerous wildlife.
21. No person shall fail to take remedial action to avoid contact or conflict with dangerous wildlife after being advised by a designated bylaw enforcement officer that such action is necessary.

GARBAGE CONTRACTOR

22. The Municipality may recover the costs incurred for contracting with a garbage contractor for the collection and disposal of garbage from charges and tipping fee revenues received under this Bylaw.

FEES

23. (a) Every person who delivers domestic garbage or waste to the Municipal Waste Transfer Station or septage to the Waste Water Treatment Plant will be charged tipping fees as prescribed in Schedule "B".
- (b) The owner or occupier of each dwelling unit that does not utilize a commercial garbage container shall be charged, on the annual municipal tax notice, an annual Solid Waste and Recycling fee as prescribed in Schedule "C" to this bylaw.

OFFENCE AND PENALTY

24. This Bylaw may be enforced by means of a municipal ticket in the form prescribed for the purpose of section 264 of the *Community Charter*.
25. Each day during which any violation, contravention or breach of this Bylaw continues shall be deemed a separate offence.
26. Every person who continues to violate any provision of this Bylaw, or who continues to permit, suffer or allow any act to be done in violation of any provision of this Bylaw, or who continues to neglect to do anything required to be done by any provision of this Bylaw, may have the case moved by Bylaw Services to a provincial court. Upon summary conviction by the court, the person is subject to a fine not less than \$2,000 and not more than \$10,000.00, or a term of imprisonment not exceeding three months, or both.
27. Pursuant to section 264(1)(b) of the *Community Charter*, Bylaw Enforcement Officers are designated to enforce this Bylaw.
28. Pursuant to section 264(1)(c) and section 265(1)(a) of the *Community Charter*, Bylaw 1883, 2008, Municipal Ticket Information System Implementation Bylaw Schedule B8 designates the offence committed, Bylaw section number and fine amount.
29. Council hereby delegates to Bylaw Enforcement Officers the authority to refer any disputed ticket informations, under this or any other bylaw, to the Provincial Court.

SEVERABILITY

30. If any section or lesser portion of this Bylaw is held to be invalid by a Court, the invalid portion shall be severed without affecting the validity of the remaining portions of this Bylaw.

REPEAL

31. The Resort Municipality of Whistler “Garbage Disposal Bylaw No. 1445, 1999”, as amended, is repealed.
32. The Resort Municipality of Whistler “Sewer Rates and Regulation Bylaw No. 1362, 1998”, as amended, is repealed.

GIVEN FIRST READING this 18th day of August, 2008.

GIVEN SECOND READING this 18th day of August, 2008.

GIVEN THIRD READING this 3rd day of November, 2008.

THIRD READING RESCINDED this 3rd day of March, 2009.

GIVEN THIRD READING AS AMENDED this 3rd day of March, 2009.

ADOPTED this 17th day of March, 2009.

Ken Melamed, Mayor

Shannon Story, Corporate Officer

I HEREBY CERTIFY that this is a true copy of “Garbage Disposal and Wildlife Attractants Bylaw No. 1861, 2008”

Shannon Story, Corporate Officer

SCHEDULE A**BYLAW NO. 1861, 2008****APPROVED WILDLIFE RESISTANT CONTAINERS****RECOMMENDED PRODUCTS:**

VENDOR	CONTACT INFORMATION	PRODUCTS
Bear Saver Crystal McMillan, BC Sales Rep	www.bearsaver.com Bearawareucluelet@telus.net	<ul style="list-style-type: none"> • BearSaver RCE Series Refuse Enclosures • BearSaver CE Series Trash /Recycling Container • Commercial Containers • Animal Resistant Roll-Out Cart • BearSaver HA Series Trash/Recycling Container
Rollins Machinery Limited	www.rollinsmachinery.ca Langley, BC 604-533-0048 1-800-665-9060	<ul style="list-style-type: none"> • Haul-All Products for residential and commercial applications

Or alternative product that meets requirements of this bylaw.

SCHEDULE B**BYLAW NO. 1861, 2008****SOLID WASTE/RECYCLING RATES**

TYPE OF VEHICLE AND LOAD	TIPPING FEE
COMMERCIAL AND CONSTRUCTION VEHICLES with garbage, rubbish or refuse; plant and grass clippings; commercial waste; demolition and construction wastes; wood waste; discarded or abandoned vehicles or parts thereof; septage screenings; discarded home and industrial appliances.	\$ 120 per tonne
GYPSUM BOARD - drywall must be kept separate from all other materials	\$ 200 per tonne
APPLIANCES including fridges, stoves, A/C units, hot water tanks, washers, dryers and freezers	\$ 15.00 per unit
TIRES	\$30.00 per m ³ \$ 7.50 for a commercial truck tire or \$ 3.50 for a car or pick-up truck tire \$ 3.50 surcharge for each tire with a rim
CARDBOARD PENALTY – This penalty applies to any load of waste containing more than 10% cardboard content	50% surcharge
RECYCLABLE MATERIALS – glass, tin, paper, etc. into bins at Transfer Station	FREE
CLEAN WOOD WASTE - Branches over 2" diameter; clean logs free of rocks; wood without nails, screws, glue, stain or chemical treatment; chipped tree trimmings; clean sawdust, shavings, chips or hogfuel	To be determined by RMOW General Manager Environmental Services based on current market rates.

BIOSOLIDS – solid waste from municipal wastewater treatment plants	\$110 per tonne
ORGANICS – food waste, yard waste, organics, etc	\$75 per tonne
<p>SEPTAGE –</p> <p>A – All Liquid Waste delivered via meter at the WWTP except as identified in “B” and “C” below.</p> <p>B – Septage delivered from residential septic tanks within the RMOW</p> <p>C – Aerated holding tanks within the RMOW as approved under the RMOW Bylaw No. 551, Septage from RMOW transfer station and Whistler Compost Plant.</p>	<p>\$30.00/m³</p> <p>\$2.75/m³</p> <p>\$1.50/m³</p>

SCHEDULE C

BYLAW NO. 1861, 2008

SOLID WASTE/RECYCLING RATES

Each single family residence, duplex or other dwelling unit that does not possess on its property and utilize on a regular basis throughout the current year a commercial garbage container shall be charged, on the annual municipal tax notice, an annual Solid Waste and Recycling fee of one hundred and ninety dollars (\$190.00) per dwelling unit that shall be paid not later than July 2, 2008.

All properties in Whistler will also be charged a flat fee of one hundred (\$100) per property on the annual municipal tax notice that shall be paid not later than July 2, 2008.