

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4371

(as amended by Bylaws No. 4411, 4439, 4465, 4469, 4511, 4538, 4562, 4589, 4598, 4617, 4643, 4693, 4755, 4773, 4775, 4804, 4830, and 4850)

CONSOLIDATED FOR CONVENIENCE ONLY TO DECEMBER 12, 2023

A Bylaw to establish and maintain a system for the collection and disposal of refuse

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

1 In this Bylaw,

“blue box” means a multi-material recycling container having the specifications set out in Bylaw No. 3616, *Recycling Bylaw, 1989*.

*(**Bylaw 4469 adopted May 25, 2009)*

“boulevard” means that portion of a street, other than a sidewalk, lying between the portion developed for vehicular traffic and the property line of the land containing the collection unit or units;

“collection day”, in respect of individual premises, means a day scheduled for the collection of refuse and household organics within the area in which the premises are located, in accordance with a schedule published, distributed or established by the Corporation;

*(**Bylaw 4598 adopted December 16, 2013)*

“collection unit” means

- (a) in the case of a non-transient residential occupancy, each self-contained dwelling unit;
- (b) in the case of a retail, service business, office or other commercial occupancy, each separately licensed self-contained business premises; and
- (c) in the case of an institutional occupancy or other occupancy not mentioned in this subsection, each parcel of land containing a building or buildings so occupied;

“Collector” means the Director of Financial Services for the Corporation;

*(**Bylaw 4773 adopted November 23, 2020)*

“Corporation” means The Corporation of the District of Oak Bay;

“corrugated cardboard” means any Kraft paper board product which consists of a rippled Kraft paper insert with Kraft paper liners bonded to the outside of the product which does

not have contaminants, such as waste, plastic or foam, associated with it, and is free from absorbed contaminants (except for pizza boxes free of food residue), bundled in sizing not exceeding in any dimension 450 mm x 900 mm x 200 mm;

“Director of Engineering and Public Works” means the Director of Engineering and Public Works for the Corporation;

*(**Bylaw 4773 adopted November 23, 2020)*

“directories” means paper books containing, but not limited to, alphabetical or classified lists by name, address, telephone number or location, which are used and distributed primarily by telephone companies and real estate boards;

“disabled person” means a person who is unable, without undue hardship or risk to health, to carry, move, roll or otherwise convey a regulation garbage tote to the boulevard for curbside pickup as a result of a permanent or temporary physical disability;

*(**Bylaw 4469 adopted May 25, 2009)*

“general solid waste services” includes the removal of leaves from public places, the annual collection of garden waste, the operation of recycling, garden waste and garbage depots, and administration, equipment, trucking, disposal and processing associated therewith;

*(**Bylaw 4598 adopted December 16, 2013)*

“household organics” means fruit and vegetable scraps; food left-overs and dinner plate scrapings; meat, fish, giblets and bones; eggshells; dairy products, butter and mayonnaise; bread, cereal and grains; pasta and pizza; baked goods and candies; soiled paper towels and tissues; soiled paper food packaging and ice cream cartons; used paper cups and paper plates; coffee filters and grounds and tea bags; solidified fat and grease; baking ingredients, herbs and spices; houseplants; cut and dried flowers; nuts and shells; grass clippings; leaves; plants and branches. For greater certainty, “household organics” does not include plastic bags and wrap; Styrofoam; plastic containers and cutlery; foil wrap, foil pouches and foil pie plates; metal cans and glass jars; cereal and cracker box liners; chip and cookie bags; pet food bags and other lined bags; butter wrappers; waxed paper; dental floss and rubber bands; make-up remover pads, cotton swabs and balls; soiled diapers and baby wipes; sanitary hygiene products and condoms; dryer lint and anti-static dryer sheets; cigarettes and cigarette butts; vacuum cleaner contents and bags; pet feces and pet litter box material;

*(**Bylaw 4439 adopted November 10, 2008)*

*(**Bylaw 4598 adopted December 16, 2013)*

*(**Bylaw 4773 adopted November 23, 2020)*

“lane” means a dedicated highway of width not exceeding 6.1 metres, abutting a lot line of a parcel which is not designated as either a front lot line or an exterior side lot line pursuant to the Zoning Bylaw of the Corporation;

“municipal crews” means employees of the Corporation or other persons under contract to the Corporation;

“Municipality” means the geographical area of the Corporation;

“owner” includes, where applicable, a strata corporation; otherwise, it shall have the meaning assigned by the *Community Charter*, R.S.B.C., 2003, C. 26;

“polycoated containers” means drink boxes, mild and milk substitute cartons, soup cartons and gable-top beverage containers;

*(**Bylaw 4598 adopted December 16, 2013)*

“premises” means land, improvements or both;

“recyclable fibre” includes, but is not limited to, newspaper and inserts, corrugated cardboard, directories, office paper, including white and coloured ledger paper, computer paper, photocopy paper, writing pads, business forms, telephone message notes, file folders, reports, envelopes, non-thermal fax paper, no carbon required (NCR) paper, calculator tape, ‘post-it’ type notes, business cards, paper index cards, boxboard, including paper egg cartons, laundry and cereal boxes, junk mail, gift wrapping paper and packing paper, magazines, catalogues, calendars, postcards, shredded paper, but excludes paperback and hardcover books, waxed paper; carbon paper, and materials which are impregnated with blood, grease, oil, chemicals, food residue or have polyethylene, polystyrene, foil or other non-paper liners or attachments or are contaminated with a material which will render the recyclable fibre not marketable.

“recyclable glass” means any food or beverage container (maximum 10 litre capacity) made of silicate glass, including jars and bottles, but not including window glass, windshield glass, mirrors or glazed ceramics and pyrex;

“recyclable items” means polycoated containers, recyclable fibre, recyclable glass, recyclable plastics, and recyclable metal;

*(**Bylaw 4598 adopted December 16, 2013)*

“recyclable metal” means any metal food or beverage container (maximum 10 litre capacity) made of ferrous or non-ferrous metal originally containing food or a beverage, including aluminum foil, pie plates and aerosol cans;

“recyclable plastics” means rigid plastic containers and rigid plastic packaging (maximum 10 litre capacity) consisting of and identified by the Society of Plastics, Inc., with symbols (or without symbols) 1 to 7 as follows: polyethylene terephthalate (PET) {1}; high density polyethylene (HDPE) {2}; polyvinyl chloride (PVC) {3}; low density polyethylene (LDPE) {4}; polypropylene (PP) {5}; polystyrene (PS) {6} (excluding foamed polystyrene); and other {7};

“refuse” means

- (a) garbage, that is, waste, other than household organics, resulting from the handling, packaging, preparation, cooking and serving of food, and which includes floor sweepings, crockery, glass, plastic and paper, metal foil, and metal having contained food;

*(**Bylaw 4598 adopted December 16, 2013)*

- (b) combustible rubbish, including wood boxes, excelsior, rags, plastics, cloth, leather and rubber;
- (c) non-combustible rubbish, including metals, metal foil, crockery, glass, bottles, and other inorganic refuse; and
- (d) ashes, that is, the remains of solid fuel after such fuel has been consumed by fire, and which are not hot at the time of collection;

but does not include dead animals, fish waste, butcher trimmings, offal, human or animal excreta, pathological waste, hypodermic needles and other medical waste; explosive, caustic, corrosive, toxic or radioactive material; grass, leaves or yard trimmings; household organics; recyclable fibre; uncontaminated corrugated cardboard; gypsum board or any other waste resulting from the construction or demolition of buildings, structures or portions thereof, or from any industrial or manufacturing operation; stones, rocks, gravel or sand; any product containing petroleum distillates, ethylene glycol, methyl alcohol, turpentine or diethylene glycol; pesticides, herbicides, insecticides or rodenticides; liquids containing toxic aromatic or aliphatic hydrocarbons or derivatives thereof; automotive storage batteries; tire; or any other object that is too large to be enclosed in a regulation garbage tote;

*(**Bylaw 4469 adopted May 25, 2009)*

*(**Bylaw 4598 adopted December 16, 2013)*

“regulation garbage can”

*(Deleted **Bylaw 4773 adopted November 23, 2020)*

“regulation garbage tote” means a rigid, wheeled container of plastic composition, capable of being grasped, lifted and emptied by the side load mechanical tipper employed by the Corporation, including its contractors, for the curbside collection of refuse, having a watertight lid and meeting the specifications set out in Schedule “A” attached hereto;

*(**Bylaw 4439 adopted November 10, 2008)*

*(**Bylaw 4598 adopted December 16, 2013)*

“regulation household organics bag” means a completely compostable bag meeting ASTM Standard No. D6400, which, when full, is of capacity small enough to be dropped freely into a regulation household organics tote;

*(**Bylaw 4439 adopted November 10, 2008)*

*(**Bylaw 4598 adopted December 16, 2013)*

“regulation household organics tote” means a rigid, wheeled container of plastic composition, capable of being grasped, lifted and emptied by the side load mechanical tipper employed by the Corporation, including its contractors, for the curbside collection of household organics, having a watertight lid and meeting the specifications set out in Schedule “C” attached hereto;

*(**Bylaw 4439 adopted November 10, 2008)*

*(**Bylaw 4598 adopted December 16, 2013)*

“regulation recycling tote” means a rigid, wheeled container of plastic composition, capable of being grasped, lifted and emptied by the side load mechanical tipper employed by the Capital Regional District, including its contractors, for the curbside collection of recyclable fibre, having a watertight lid and meeting the specifications set out in Schedule “A” attached hereto;

*(**Bylaw 4439 adopted November 10, 2008)*

*(**Bylaw 4598 adopted December 16, 2013)*

“street” means a dedicated highway other than a lane;

“Superintendent” means the Superintendent of Public Works for the Corporation and shall include an employee of the Corporation designated by him to act on his behalf.

“tires” means motor vehicle or trailer tires;

“uncontaminated corrugated cardboard” means corrugated cardboard which has not been coated, soiled, marked or otherwise contaminated by food, oils, paints, or any other liquid or substance other than ink or binding glues.

2 Nothing in this Bylaw shall be construed as establishing a right to the collection of refuse or household organics or to a particular frequency thereof, and no obligation is imposed upon the Corporation in either regard.

*(**Bylaw 4598 adopted December 16, 2013)*

3 (1) With the exception of

- (a) refuse securely enclosed in impermeable bags of unfilled dimensions not exceeding one (1) metre by seventy-five (75) centimetres, which persons who reside within the Municipality may deposit at a location set aside for that purpose at the Public Works Yard, 1771 Elgin Road, between 8:00 a.m. and 4:30 p.m. on weekdays, and between 8:00 a.m. and 3:00 p.m. on Saturdays (excluding holidays in both cases), provided always that such material is generated from the place of residence of such persons;
- (b) yard trimmings excluding branches or trunks more than one (1) metre in length or more than eight (8) centimetres in diameter, grass and leaves, which persons who reside within the Municipality may deposit at a location set aside for that purpose at the Public Works Yard, 1771 Elgin Road, between 8:00 a.m. and 4:30 p.m. on weekdays, and between 8:00 a.m. and 3:00 p.m. on Saturdays (excluding holidays in both cases), provided always that such material is generated from the place of residence of such persons;
- (c) recyclable fibre, which persons who reside within the Municipality may deposit at a location set aside for that purpose at the Public Works Yard, 1771 Elgin Road, between 8:00 a.m. and 4:30 p.m. on weekdays, and between 8:00 a.m. and 3:00 p.m. on Saturdays (excluding holidays in both cases), provided always that such material is generated from the place of

residence of such persons;

- (d) recyclable plastics and rigid plastic packaging, which persons who reside within the Municipality may deposit at a location set aside for that purpose at the Public Works Yard, 1771 Elgin Road, between 8:00 a.m. and 4:30 p.m. on weekdays, and between 8:00 a.m. and 3:00 p.m. on Saturdays (excluding holidays in both cases), provided always that such material is generated from the place of residence of such persons;
- (e) paint cans, either empty or containing leftover paint, which persons who reside within the Municipality may deposit at a location set aside for that purpose at the Public Works Yard, 1771 Elgin Road, between 8:00 a.m. and 4:30 p.m. on weekdays, and between 8:00 a.m. and 3:00 p.m. on Saturdays (excluding holidays in both cases), provided always that such material is generated from the place of residence of such persons;
- (f) ferrous or non-ferrous metals (excluding large appliances such as refrigerators, stoves and freezers), empty propane tanks of capacity not exceeding sixty (60) litres, and automotive batteries, which persons who reside within the Municipality may deposit at a location set aside for that purpose at the Public Works Yard, 1771 Elgin Road, between 8:00 a.m. and 4:30 p.m. on weekdays, and between 8:00 a.m. and 3:00 p.m. on Saturdays (excluding holidays in both cases), provided always that such material is generated from the place of residence of such persons;
- (g) small quantities of wrappings, plastic containers, cigarette butts and similar small items of litter which may be deposited in receptacles provided and identified for that purpose by the Corporation;
- (h) not more than three (3) cubic metres of grass, leaves, and specified yard trimmings, which may be placed on the boulevard adjacent to the property from which they have been generated on days designated for that purpose by the Corporation in a garbage collection schedule distributed or otherwise published by it;

no refuse or other waste shall be deposited by any person on public premises.

*(**Bylaw 4773 adopted November 23, 2020)*

- (2) No person who is not a resident of the Municipality may deposit any material described in Subsection 3(1) at the Public Works Yard, 1771 Elgin Road.
- (3) No person acting on behalf of a commercial gardening, hauling or clean-up service, or other commercial enterprise, may deposit any material described in Subsection 3(1) at the Public Works Yard, 1771 Elgin Road regardless of the source of such material.
- (4) (a) No person shall deposit any material described in Subsection 3(1) at the

Public Works Yard, 1771 Elgin Road without first obtaining from the Superintendent, and affixing to the windshield of his vehicle, a valid “resident decal” prior to making such deposits, or unless they provide proof of residency and a piece of identification.

*(**Bylaw 4773 adopted November 23, 2020)*

(b) The Superintendent may require proof of residency within the Municipality prior to issuing a “resident decal”.

(5) Service under this section shall not be available during any work stoppage of municipal crews resulting from a strike, lockout, or other industrial dispute.

*(**Bylaw 4469 adopted May 25, 2009)*

*(**Bylaw 4598 adopted December 16, 2013)*

4 The Municipal Council may make rules and procedures for the efficient operation of the disposal programs described in Section 3, with which every person shall comply as a condition of service.

5 Outside of a building on premises owned or occupied by him, no person shall:

(1) keep, store or permit the accumulation of refuse except that which has been generated on the premises and is kept within a regulation garbage tote, or, in the case of an apartment, commercial or institutional occupancy, a bulk container, with lid securely fastened down in each case so as to minimize odour, prevent access by flies, rodents or other animals, and prevent penetration by rain;

*(**Bylaw 4469 adopted May 25, 2009)*

*(**Bylaw 4598 adopted December 1, 2013)*

*(**Bylaw 4773 adopted November 23, 2020)*

(2) keep, store or permit the accumulation of recyclable items except those which have been generated on the premises and are kept within a regulation recycling tote or blue box;

*(**Bylaw 4469 adopted May 25, 2009)*

*(**Bylaw 4598 adopted December 16, 2013)*

(3) keep, store or permit the accumulation of fruit and vegetable scraps except those which have been generated on the premises and are kept within:

(a) a compost container or enclosure which is not susceptible to scattering of its contents by birds, rodents or other animals; or

(b) a regulation household organics tote; or

*(**Bylaw 4598 adopted December 16, 2013)*

5 (4) Deleted

*(**Bylaw 4598 adopted December 16, 2013)
(Deleted **Bylaw 4773 adopted November 23, 2020)*

6 (1) No person shall put into any regulation garbage tote or other garbage receptacle emptied or in any way handled by municipal crews:

(a) any substance or thing set out in Section 1 as an exclusion from the definition of “refuse”; or,

(b) whether or not it is so excluded, and notwithstanding that it may fall within the said definition of “refuse”, any substance or thing which the Capital Regional District has duly banned from the garbage stream of its regional landfill operation.

(2) No person shall put into any regulation household organics tote emptied or in any way handled by municipal crews any material that is not household organics.

2(a) and 2(b) deleted.

*(Deleted **Bylaw 4773 adopted November 23, 2020)*

(3) Municipal crews may decline to empty any regulation garbage tote which:

(a) contains a substance or thing prohibited under Section 6(1) or Section 7;

(b) is in a condition at variance with the requirements of Section 8;

(c) is filled beyond a point two (2) centimetres from its top;

(d) weighs more than thirty-five (35) kilograms; or

(e) has not been placed on the boulevard adjacent to the collection unit prior to 7:30 a.m. on the collection day, or, in the case of a residential collection unit within a bare land strata plan the strata council of which has authorized the Corporation to enter upon its premises for the purpose of refuse and household organics collection, on the access route portion of the common property of the bare land strata plan.

(4) Municipal crews may decline to empty any regulation household organics tote which:

(a) Deleted

*(Deleted **Bylaw 4773 adopted November 23, 2020)*

(b) contains household organics not securely enclosed or wrapped as required by Section 6(2)(b);

(c) is in a condition at variance with the requirements of Section 8; or

- (d) has not been placed on the boulevard adjacent to the collection unit prior to 7:30 a.m. on the collection day, or, in the case of a residential collection unit within a bare land strata plan the strata council of which as authorized the Corporation to enter upon its premises for the purpose of refuse and household organics collection, on the access route portion of the common property of the bare land strata plan.

*(**Bylaw 4469 adopted May 25, 2009)*

*(**Bylaw 4598 adopted December 16, 2013)*

- 7 No person shall put any damp or wet substance into a regulation garbage tote or other garbage receptacle emptied or in any way handled by municipal crews unless such substance is drained, securely wrapped and sealed in impermeable plastic bags or other watertight material, so as not to ooze or leak.

*(**Bylaw 4469 adopted May 25, 2009)*

*(**Bylaw 4598 adopted December 16, 2013)*

- 8 Regulation totes shall at all times be kept by the user in a good, clean and sanitary condition.

*(**Bylaw 4469 adopted May 25, 2009)*

*(**Bylaw 4598 adopted December 16, 2013)*

*(**Bylaw 4773 adopted November 23, 2020)*

- 9 (1) On premises used for single family dwelling, duplex or triplex purposes, no regulation household organics tote, regulation garbage tote, regulation recycling tote or other garbage or recycling receptacle shall be stored or maintained between the front lot line, as defined by the Zoning Bylaw of the Corporation, and the front face of the principal building, including projections thereof to the side lines of the lot.

*(**Bylaw 4469 adopted May 25, 2009)*

*(**Bylaw 4598 adopted December 16, 2013)*

*(**Bylaw 4773 adopted November 23, 2020)*

- (2) No regulation household organics tote, regulation garbage tote, regulation recycling tote or other garbage or recycling receptacle may be left on the boulevard except between 4:00 p.m. on the day prior and 8:00 p.m. on the collection day for the premises from which the can, tote or other receptacle originates.

*(**Bylaw 4469 adopted May 25, 2009)*

*(**Bylaw 4598 December 16, 2013)*

*(**Bylaw 4773 adopted November 23, 2020)*

- 10 The Municipal Council is hereby authorized to establish and maintain, operate or extend or cause to be provided, operated and maintained, on the terms set out in this Bylaw, a refuse and household organics collection and disposal service, and for this purpose, the Municipal Council may, from time to time, provide such service by means of its own employees and equipment, or may enter into and renew contracts, agreements or other arrangements with any person as it may deem expedient, for the provision, maintenance, operation and extension of such service or any portion thereof.

*(**Bylaw 4598 adopted December 16, 2013)*

- 11 (1) For each collection unit, the standard of service authorized by this Bylaw shall be the collection, from the adjacent boulevard on each collection day, of:
- (a) refuse from one (1) regulation garbage tote; and
 - (b) household organics from one (1) regulation household organics tote,
- provided that such service shall not be available during any work stoppage of municipal crews resulting from a strike, lockout or other industrial dispute.
- (2) For greater certainty, no refuse or household organics collection service will be provided by the Corporation where the refuse or household organics has not been placed:
- (a) in the case of refuse, in a regulation garbage tote;
 - (b) in the case of household organics, in a regulation household organics tote.
- (**Bylaw 4469 adopted May 25, 2009)*
*(**Bylaw 4598 adopted December 16, 2013)*

12 (Repealed by Bylaw No. 4469)

13 Despite Sections 6(3)(e), 6(4)(d), 11(1)(a) and 11(2)(a), but subject to Section 9(1) at all times except during the period described in Section 9(2), a disabled person who is a resident of a collection unit may, for that collection unit, be provided with:

- (1) a standard of refuse collection service requiring neither the use of a regulation garbage tote nor the placement of such tote on the boulevard (or, where applicable, on the access route portion of the common property of a bare land strata plan); and
- (2) a standard of household organics collection service not requiring the placement of the regulation household organics tote on the boulevard (or, where applicable, on the access route portion of the common property of a bare land strata plan),

provided that:

- (3) no other resident of the collection unit is physically capable of wheeling a regulation tote to the boulevard;
- (4) the disabled person has applied in advance for the modified standard of service in the form set out in Schedule “B” attached hereto;
- (5) Part 2 of the form referred to in Section 13(4) is completed and signed by a physician;

(6) Deleted.
*(Deleted **Bylaw 4773 adopted November 23, 2020)*

(7) the regulation garbage tote and the regulation household organics tote, must be in an outdoor location, accessible to municipal crews, on the premises containing the collection unit in which the disabled person resides.”
*(**Bylaw 4469 adopted May 25, 2009)*
*(**Bylaw 4598 adopted December 16, 2013)*
*(**Bylaw 4773 adopted November 23, 2020)*

14 (1) The charge payable for the service described in Section 10, along with the general solid waste services provided by the Corporation, shall be \$321.21 per collection unit per annum.

*(**Bylaw 4411, adopted May 12, 2008)*
*(**Bylaw 4465 adopted May 11, 2009)*
*(**Bylaw 4469 adopted May 25, 2009)*
*(**Bylaw 4538 adopted May 9, 2011)*
*(**Bylaw 4511 adopted May 10, 2010)*
*(**Bylaw 4562 adopted May 14, 2012)*
*(**Bylaw 4589 adopted May 13, 2013)*
*(**Bylaw 4598 adopted December 16, 2013)*
*(**Bylaw 4617 adopted May 12, 2014)*
*(**Bylaw 4643 adopted May 11, 2015)*
*(**Bylaw 4693 adopted May 11, 2017)*
*(**Bylaw 4755 adopted May 7, 2020)*
*(**Bylaw 4775 adopted December 14, 2020)*
*(**Bylaw 4804 adopted December 13, 2021)*
*(**Bylaw 4830 adopted December 12, 2022)*
*(**Bylaw 4850 adopted December 11, 2023)*

14.2 and 14.3

*(deleted ** Bylaw 4755 adopted May 7, 2020)*

- (2) (a) The Collector shall render accounts for the special charge levied in accordance with subsection (1).
- (b) Any accounts rendered by the Corporation shall be due and payable on receipt.
- (c) Any unpaid charges levied under this section at the end of the year in which they are due shall be deemed to be taxes in arrears and shall be so entered on the tax roll by the Collector.

*(**Bylaw 4755 adopted May 7, 2020)*

- 15 (1) Despite Sections 11(1)(a) and 11(2)(a), for a collection unit, and on each collection day, not more than two (2) securely fastened impermeable bags of refuse, such bags having unfilled dimensions not exceeding one (1) metre by 75 centimetres, may be placed on the boulevard (or, where applicable, on the access route portion of the common property of a bare land strata plan) adjacent to the collection unit for collection in addition to the refuse contained in the regulation garbage tote; alternatively, a second regulation garbage tote, to a maximum of two totes per collection unit, can be placed on the boulevard. These options are available, provided that valid and subsisting tokens, tags or tickets, purchased from the Corporation, with a total value of \$1.50 for the first bag and \$2.25 for the second, or \$3.75 for an additional tote, are prominently attached thereto.

*(**Bylaw 4773 adopted November 23, 2020)*

- (2) In respect of a disabled person where the conditions set out in Sections 13(3), (4) and (5) are met, and despite the total refuse volume limit set out in Section 13(6), for the collection unit in which the disabled person resides, and on each collection day, not more than two (2) securely fastened impermeable bags of refuse, such bags having unfilled dimensions not exceeding one (1) metre by 75 centimetres, may be collected in addition to the refuse contained in the regulation garbage tote, alternatively, a second regulation garbage tote, to a maximum of two totes per collection unit, can be placed on the boulevard. These options are available, provided that valid and subsisting tokens, tags or tickets, purchased from the Corporation, with a total value of \$1.50 for the first bag and \$2.25 for the second or \$3.75 for an additional tote, are prominently attached thereto, and provided also that the location of any such bag is as set out in Section 13(7) for regulation totes and regulation garbage cans.

*(**Bylaw 4469 adopted May 25, 2009)*

*(**Bylaw 4439 adopted November 10, 2008)*

*(**Bylaw 4598 adopted December 16, 2013)*

*(**Bylaw 4773 adopted November 23, 2020)*

15.1, 15.2, 15.3 and 15.4

*(deleted **Bylaw 4598 adopted December 16, 2013)*

- 16 Despite Sections 11, 13 and 15, not more than twelve (12) regulation garbage totes, and not more than twelve (12) regulation household organics totes, or one (1) of each type of tote per collection unit, whichever is less, will be emptied from any one lot or strata plan, as the case may be, containing a commercial occupancy or an apartment style residential occupancy, or both, on any collection day, regardless of the number of collection units situate thereon. Owners of premises which generate a greater volume of refuse or household organics must make alternative arrangements for collection and disposal, in which case the special charge imposed by Section 14 shall be waived

*(**Bylaw 4439 adopted November 10, 2008)*

*(**Bylaw 4469 adopted May 25, 2009)*

*(**Bylaw 4598 adopted December 16, 2013)*

- 17 Upon application, where the Municipal Council is satisfied that the owner of premises

containing a multiple family, commercial or institutional occupancy has made adequate alternative arrangements for the collection and disposal of refuse and household organics, and does not require the collection service authorized by this Bylaw, it may so instruct the Collector, who shall waive the charges imposed by this Bylaw after adjusting, on a pro rata basis, for the number of months of municipal service provided in the calendar year during which such notification is received. For the purpose of this Section, a multiple family occupancy does not include a duplex or triplex occupancy.

*(**Bylaw 4469 adopted May 25, 2009)*

*(**Bylaw 4598 adopted December 16, 2013)*

- 18 Where the Superintendent finds that there exists on any premises a condition which constitutes a hazard or potential hazard to municipal crews, he may give written notice to the owner or occupier that the condition must be remedied within fourteen (14) days, and in default thereof may direct that the collection service authorized by this Bylaw be discontinued. Discontinuance of service pursuant to this Section shall not relieve the owner or occupier from complying with any other requirement of this Bylaw, including the payment of charges imposed by Section 14.

*(**Bylaw 4439 adopted November 10, 2008)*

*(**Bylaw 4598 adopted December 16, 2013)*

- 19 Any person duly authorized to provide curbside collection of recyclable items within the Municipality shall:

- (1) require the use of a regulation recycling tote as a condition of the provision of the component of the service providing collection of recyclable fibre other than newsprint and corrugated cardboard;
- (2) for each collection unit, provide curbside collection of recyclable items on the same day as the collection of refuse and household organics under this Bylaw; and
- (3) in respect of a disabled person where the conditions set out in Sections 13(3), (4) and (5) are met, and despite the references to curbside collection in this Section, collect recyclable items from a location on the premises containing the collection unit in which the disabled person resides, provided that such location is outdoors and is accessible to the collection crew.

*(**Bylaw 4469 adopted May 25, 2009)*

*(**Bylaw 4598 adopted December 16, 2013)*

- 19.1 Outside of the period described in Section 9(2), nothing in Section 15(2) or Section 19(3) shall be construed so as to exempt any person from the requirements of Section 5(1) and Section 9(1).

*(**Bylaw 4598 adopted December 16, 2013)*

- 20 For as long as the Capital Regional District directly or indirectly provides curbside collection of recyclable items within the Municipality, no person shall remove, take or convert to his own use any such items placed on the boulevard or other part of a road allowance for collection unless such person is a resident of the collection unit from which

such items were generated, or unless such person is an employee or agent of the Capital Regional District, or an employee or agent of a contractor of the Capital Regional District, carrying out a recyclable material collection function by or on behalf of the Capital Regional District.

- 21 (1) Every person who contravenes this Bylaw by doing any act which it forbids, or omitting to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$100.00 and not more than \$1,000.00. A separate offence shall be deemed to be committed on each day during and in which the contravention occurs or continues.
- (2) A penalty imposed under this Section shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw.

22 The following bylaws are hereby repealed:

Bylaw No. 3958, *Refuse and Recyclables Collection and Disposal Bylaw, 1997*

Bylaw No. 3971, *Refuse and Recyclables Collection and Disposal Bylaw Amendment Bylaw No. 1, 1998*

Bylaw No. 3992, *Refuse and Recyclables Collection and Disposal Bylaw Amendment Bylaw No. 3, 1998*

Bylaw No. 4031, *Refuse and Recyclables Collection and Disposal Bylaw Amendment Bylaw, 1999*

Bylaw No. 4081, *Refuse and Recyclables Collection and Disposal Bylaw Amendment Bylaw, 2000*

Bylaw No. 4119, *Refuse and Recyclables Collection and Disposal Bylaw Amendment Bylaw, 2001*

Bylaw No. 4185, *Refuse and Recyclables Collection and Disposal Bylaw Amendment Bylaw, 2003*

Bylaw No. 4225, *Refuse and Recyclables Collection and Disposal Bylaw Amendment Bylaw, 2004*

Bylaw No. 4270, *Refuse and Recyclables Collection and Disposal Bylaw Amendment Bylaw, 2005*

Bylaw No. 4315, *Refuse and Recyclables Collection and Disposal Bylaw Amendment Bylaw, 2006*

Bylaw No. 4361, *Refuse and Recyclables Collection and Disposal Bylaw Amendment Bylaw, 2007*

23 This Bylaw may be cited as the ***"Refuse Collection and Disposal Bylaw, 2007"***.

READ a first, second and third time by the Municipal Council on November 25, 2013

ADOPTED and FINALLY PASSED by the Municipal Council on December 16, 2013

Mayor

Municipal Clerk

Sealed with the Seal of the Corporation of the
District of Oak Bay

SCHEDULE

"A"

Specifications for "Regulation Tote"

Basic Measurements

Depth	55.8 centimetres
Width	48.3 centimetres
Height	106.7 centimetres
Weight	13 kilograms
Wheel Diameter	20.3 centimetres
Capacity/Volume	143.8 litres

*(**Bylaw 4439 adopted November 10, 2008)*

Materials

Polyethylene Resin, U.V. stabilized

Wheels and Axle

All rubber tires, plastic hub and rim.

Solid steel axle with galvanized finish.

Wheels locked by pins.

Wheel Size = 20.3 centimetres diameter

Axle Size = 2.22 centimetres diameter

Lid, Hinges, Handles

Four point lid and hinge suspension system.

Watertight lid overlapping container rim.

Colour

Charcoal Grey

Blue Coloured Tote: for the collection of recyclable fibres only

Example

An example of a regulation tote would be Schaefer Systems International Inc. Model No. GMT140L or equivalent.

SCHEDULE "B"



CORPORATION OF THE DISTRICT OF OAK BAY

PHYSICIAN'S CERTIFICATE

ASSESSMENT OF PHYSICAL DISABILITY FOR SPECIAL ARRANGEMENTS -SOLID WASTE COLLECTION

PART 1 (to be completed by Applicant)

Applicant's Name

Applicant's Home Address

telephone

I hereby apply for a standard of solid waste collection service other than curbside service on the grounds that :

- (a) I am a person who is unable, without undue hardship or risk to health, to move, roll or otherwise convey a wheeled tote to the curbside for emptying by municipal crews as a result of a permanent or temporary physical disability; and
- (b) No other resident of my property is capable of moving, rolling or otherwise conveying a wheeled tote to the curbside for emptying by municipal crews.
- (c) I hereby authorize municipal crews, and contractors of the District of Oak Bay or the Capital Regional District, to enter upon my property for the purpose of collecting refuse, household organics, recyclable items, or all of these, and I hereby absolve, release and forever discharge the District of Oak Bay, the Capital Regional District and any contractor, officer, servant, agent or employee of either of them from and against any and all claims, causes of action, actions, suits, proceedings and demands of any nature whatsoever, which I can or may have against any or all of the said parties for any loss, damage or injury arising directly or indirectly from such entry other than that arising out of gross negligence or malicious or wilful misconduct.

Additional Comments (if any)

Applicant's signature

Date

PART 2 : (to be completed by Physician)

Physician's Name Telephone

Physician's Address Postal Code

I last saw the Applicant on _____
Date

In my opinion, the Applicant is unable, without undue hardship or risk to health, to move, roll or otherwise convey a wheeled tote to the curbside for emptying by municipal crews as a result of a permanent or a temporary physical disability.

If a temporary disability, please indicate the expected date of recovery:

Additional Comments, if any

Physician's Signature Date

*(**Bylaw 4469 adopted May 25, 2009)*

SCHEDULE "C"

Specifications for "Regulation Household organics Tote"

Basic Measurements

Depth	58.4 centimetres
Width	51.3 centimetres
Height	99.4 centimetres
Weight	9.8 kilograms
Wheel Diameter	20.3 centimetres
Capacity/Volume	132.5 litres

Materials

Polyethylene Resin, U.V. stabilized

Wheels and Axle

Rubber or plastic tires; plastic or metal hub; plastic rim.

Solid steel axle.

Wheels locked by pins.

Wheel Size = 20.3 centimetres diameter

Axle Size = 1.9 centimetres diameter

Lid, Hinges, Handles

Two point lid and hinge suspension system.

Watertight lid overlapping container rim.

Colour

Green

Example

An example of a regulation household organics tote would be Rehrig Pacific Company Model No. ROC-35 or equivalent.