

**REGIONAL DISTRICT OF NANAIMO  
BYLAW NO. 1815**

**A BYLAW TO REQUIRE THAT WASTE AND RECYCLABLES BE DISPOSED  
OF AT AUTHORIZED FACILITIES ONLY**

**WHEREAS** the Regional District of Nanaimo may, by bylaw, require persons to use a disposal or recycling service.

**AND WHEREAS** the Regional District of Nanaimo is desirous of establishing such regulations, prohibitions and requirements, wishes to require that waste and recyclables only be disposed of within the Regional District at certain authorized facilities;

**NOW THEREFORE** the Board, in open meeting assembled, enacts as follows:

**1. TITLE**

This bylaw shall be cited as "Refuse Disposal Regulation Bylaw No. 1815, 2021".

**2. APPLICATION**

2.1. This bylaw is applicable to Regional District of Nanaimo Electoral Areas A, B, C, E, F, G, and H.

2.2. This bylaw takes effect the date of its adoption.

**3. INTERPRETATION**

3.1. **Definitions.** Terms, words and phrases used in the bylaw shall have the meanings set forth in this section, whether appearing in capital or lower case form. In this bylaw:

***"Authorized Facility"***

means:

1. a Refuse disposal facility or Refuse transfer station operated by the Regional District;
2. a facility that holds a valid and subsisting Waste Stream Management License issued by the Regional District of Nanaimo;
3. a facility that holds a valid and subsisting Site Specific Authorization for managing solid waste;
4. a Stewardship Establishment;
5. a Reuse Establishment;
6. a retail food, beverage, or drug establishment that accepts recyclable products material on a return-to-retail basis; or
7. a facility handling only industrial waste, agricultural waste, or municipal liquid waste, or a combination of these wastes, provided that it does not handle any municipal solid waste.

<b><i>“Refuse”</i></b>	means discarded or abandoned materials, substances, or objects, whether or not the material is reusable or recyclable, including, but not limited to: <ul style="list-style-type: none"> <li>• organic waste such as food waste and yard waste;</li> <li>• wood waste and ashes from fireplaces and on-site incinerators;</li> <li>• paper and cardboard;</li> <li>• plastic, polystyrene, rubber, metal, glass, and crockery;</li> <li>• construction material and demolition material; and consumer products including appliances, furniture and mattresses.</li> </ul>
<b><i>“Regional District”</i></b>	means the Regional District of Nanaimo including member municipalities.
<b><i>“Reuse Establishment”</i></b>	means an establishment that manages materials to be reused, whether for its original purpose for conventional reuse or to fulfil a different function for creative reuse or repurposing including books, clothing, household items and construction material but does not include recycling.
<b><i>“Site Specific Authorization”</i></b>	means an authorization such as a Permit, Approval or Operational Certificate issued to the site owner by the Ministry of Climate Change Strategy that expressly authorizes the management of solid waste at that location.
<b><i>“Waste Stream Management License”</i></b>	means a license issued by the Regional District in accordance with Bylaw Waste Stream Management Licensing Bylaw No. 1803, 2021.

#### **4. UNAUTHORIZED REFUSE DISPOSAL**

- 4.1. No person may deposit or dispose of Refuse within the boundaries of the Regional District other than:
- a. in a designated location at an Authorized Facility during the operating hours of that Authorized Facility; or
  - b. in a container scheduled for collection and delivery to an Authorized Facility.

#### **5. PENALTIES**

##### 5.1 Any person who

- a. contravenes a provision of this bylaw,
- b. suffers or permits any act or thing to be done in contravention of this bylaw,
- c. refuses, omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed under this bylaw, commits an offence, and each day that a contravention continues amounts to a separate offence.

##### 5.2 A person found guilty of an offence under this bylaw is liable:

- a. if proceedings are brought under the Offence Act, to pay the maximum fine and other penalties, compensation and costs authorized by that Act and the Local Government Act; or

- b. if a ticket is issued the Community Charter, to pay a maximum fine indicated on the ticket.
- 5.3 A person that has been issued a bylaw notice under the Regional District of Nanaimo Bylaw Notice Bylaw No. 1786, 2019 for contravention of this bylaw is liable to pay a penalty indicated on the bylaw notice.
- 5.4 Fines and penalties imposed under this Section are in addition to and not in substitution for any cost recovery, remedial action or other consequence of default or contravention provided for under this bylaw, and do not limit the right of the *District* to bring civil proceedings or pursue any other remedy available at law.

## **6. REPEAL AND AMENDMENT**

- 6.1. The “Regional District of Nanaimo Bylaw Notice Bylaw No. 1786, 2019” is amended by:
- a. inserting the content of Schedule 1 of this Bylaw into Schedule 1;
  - b. adding Schedule 2 of this Bylaw as Schedule 29; and
  - c. replacing the words ‘Schedules 2-27’ and ‘Schedules 1-27’ with ‘Schedules 2-29’ and ‘Schedules 1-29’ respectively.
- 6.2. The “Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Bylaw No. 1418, 2005” is amended by:
- a. inserting the content of Schedule 1 of this Bylaw into Schedule 1;
  - b. adding Schedule 3 of this Bylaw as Schedule 24; and
  - c. replacing the words ‘Schedules 2-23’ and ‘Schedules 1-23’ with ‘Schedules 2-24’ and ‘Schedules 1-24’ respectively.

## **7. SEVERABILITY**

- 7.1. If any portion of this bylaw is deemed ultra vires, illegal, invalid or unenforceable in whole or in part by any court of competent jurisdiction, that portion shall be severed from this bylaw and shall not affect the validity or enforceability of the remainder of the bylaw.

## **8. EFFECTIVE DATE**

Introduced and read three times this XXXX day of XXXX, XXXX

Adopted this XXXX day of XXXX, XXXX

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CHAIR

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CORPORATE OFFICER

**SCHEDULE 1**

<b>Schedule</b>	<b>DESIGNATED BYLAWS</b>	<b>DESIGNATED BYLAW ENFORCEMENT OFFICER</b>
29	Refuse Disposal Regulation Bylaw No. 1815, 2021	Bylaw Enforcement Officers

**SCHEDULE 2**

**BYLAW NOTICE BYLAW NO. 1786  
Refuse Disposal Regulation Bylaw No. 1815, 2021**

<b>Section</b>	<b>Description</b>	<b>Penalty</b>	<b>Early Payment Penalty</b>	<b>Late Payment Penalty</b>
3.1	Unlawful Deposit of Refuse	\$500	\$375	\$500

**SCHEDULE 3**

**REGIONAL DISTRICT OF NANAIMO  
BYLAW ENFORCEMENT TICKET REGULATION  
BYLAW NO. 1418, 2005**

**SCHEDULE 24**

<b>Column I</b>	<b>Column II</b>	<b>Column III</b>
<b>Refuse Disposal Regulation Bylaw No. 1815, 2021</b>	<b>Section No. of Bylaw 1815</b>	<b>Amount of Fine</b>
1. Unlawful Deposit of Refuse	3.1	\$500