

**RESORT MUNICIPALITY OF WHISTLER
SOLID WASTE BYLAW NO. 2139, 2017**

**A BYLAW TO REGULATE THE STORAGE AND DISPOSAL OF SOLID WASTE, AND TO ESTABLISH
A PARCEL TAX AND FEES AND CHARGES IN RELATION TO MUNICIPAL SOLID WASTE
SERVICES**

WHEREAS Council wishes to minimize the cost and environmental impact of Solid Waste management by requiring Solid Waste to be separated before disposal;

AND WHEREAS Council wishes to minimize human – wildlife conflicts by reducing, to the greatest extent possible, the likelihood of Solid Waste being stored or disposed of in a manner that might reasonably be expected to attract Dangerous Wildlife;

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

TITLE

1. This Bylaw may be cited for all purposes as “Solid Waste Bylaw No. 2139, 2017”.

GENERAL DEFINITIONS AND INTERPRETATION RULES

2. The provisions of this Bylaw are intended to be severable. If any section or lesser portion of this Bylaw is held to be invalid the invalid portion should, to the greatest extent possible, be severed and the rest of the Bylaw saved.
3. In this Bylaw, the terms defined in Schedule A shall have the meanings ascribed to them in that Schedule, and the following terms shall have the following meanings:

“composting” means the controlled biological oxidation and decomposition of organic matter;

“dangerous wildlife” wildlife that is prescribed as dangerous under the BC *Wildlife Act*;

“dwelling unit” means a self-contained set of habitable rooms in a building, including one set of cooking facilities;

“detached dwelling” means a residential building containing not more than one principal dwelling unit;

“industrial/commercial/institutional (ICI)” means businesses, industries, or commercial operations including restaurants, stores, offices, hospitals, schools, and other similar operations, and specifically excludes residential premises;

“multi-family residential complex” means a building or collection of buildings comprising more than two Dwelling Units;

“municipal depot” means a waste and recycling depot operated by the Resort Municipality of Whistler (RMOW) or municipally approved leasehold, which as of the date of adoption of this Bylaw are located on Nesters Road and on Lynham Road in Function Junction;

“municipal transfer station” means the waste transfer station located on the Brandywine Forest Service Road 15 km south of Whistler;

"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;

“solid waste” is any discarded or abandoned material. Solid wastes can be solid or semi-solid in nature and includes Recyclables, Organics and Landfill Waste;

“solid waste management plan” means a plan:

- i. prepared in accordance with the RMOW “Solutions Guide” and “Business Waste Solutions Tools” tools for developing the content of a Solid Waste Management Plan published for the RMOW and updated from time to time;
- ii. including measures to reduce the generation of Solid Waste that cannot be recycled or composted; and
- iii. describing how the Solid Waste generated on a Parcel or group of Parcels, or by a business or a Special Event, will be separated, stored and disposed of in accordance with this Bylaw;

“special event” includes a sporting, cultural, business or other type of unique activity, occurring for a limited or fixed duration (one-time, annual) and presented to a live audience;

“waste hauler” means an individual or business that collects and disposes of Solid Waste and carries out related duties, in exchange for a fee or other consideration;

“wildlife attractant” means any substance that could reasonably be expected to attract wildlife;

“wildlife proof container” means a fully enclosed container, 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

“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 specifications for a RMOW standard Solid Waste Wildlife Proof Enclosure.

ADMINISTRATION AND ENFORCEMENT

4. The RMOW Infrastructure Services Staff is authorized to enter on any Parcel, at all reasonable times to ascertain whether the regulations and directions of this Bylaw are being observed.
5. Any Bylaw Officer is authorized to enter on any Parcel, at all reasonable times to ascertain whether the regulations and directions of this Bylaw are being observed.
6. Every person who violates or fails to comply with a provision of this Bylaw, or an order, direction or notice given under this Bylaw, commits an offence and is liable on summary conviction to a fine not exceeding \$2,000.
7. Each day during which an offence under this Bylaw continues is a new and separate offence.

SOLID WASTE MANAGEMENT PLANS

8. Every business that provides food services or generates waste as a Special Event shall submit a Solid Waste Management Plan when applying for a business license.

SOLID WASTE STORAGE, SIGNAGE AND TRANSPORT

9. Every Multi-Family Residential Complex greater than 11 Dwelling Units in size and every ICI Parcel must separately collect Food Scraps, Organics, Recyclables and Landfill Waste for disposal.
10. Every Multi-Family Residential Complex greater than 11 Dwelling Units in size and every ICI Parcel, must be equipped with a Wildlife Proof Enclosure of a size that is suitable for the amount of Solid Waste management reasonably expected on the Parcel.
11. Every Multi-Family Residential Complex with less than 12 Dwelling Units in size, must either be equipped with a Wildlife Proof Enclosure of a size that is suitable for the amount of Solid Waste management reasonably expected on the Parcel, or must pay the annual Solid Waste Depot Operations Fee found in Schedule C of this Bylaw.
12. Every owner or occupant of a Parcel shall ensure that any Wildlife Proof Container or a Wildlife Proof Enclosure located on the Parcel is kept and maintained:
 - a) in a clean and sanitary condition;
 - b) in a closed and secure manner when Solid Waste is not being deposited or removed; and
 - c) in good working order.
13. Every Multi-Family Residential Complex greater than 11 Dwelling Units in size and every ICI Parcel subject to this Bylaw shall install and maintain signage, consistent with standardized signage guidelines adopted and published by the Squamish Lillooet Regional District (SLRD), for all Solid Waste containers and receptacles, and any other components of the Solid Waste management system, on the Parcel.
14. A vehicle entering the Municipal Transfer Station with an Unsecured Load can, at the discretion of a municipal employee or the Municipal Transfer Station scale attendant be charged an additional pecuniary fee, as per Schedule D of this Bylaw for conveying an Unsecured Load. This fee will be added to the total cost charged to dispose of the load.

WILDLIFE ATTRACTANTS

15. No person shall cause, permit or allow any Solid Waste that may reasonably be expected to attract Dangerous Wildlife to be stored, kept or otherwise to remain on a Parcel except in a Wildlife Proof Container or Wildlife Proof Enclosure.
16. No person shall provide, leave, dispose of, or place an attractant in, on or about any land or premises in a manner that may attract or be accessible to Dangerous Wildlife.
17. No person shall install or keep a bird feeder on a Parcel unless the bird feeder is inaccessible to any wildlife other than birds (*aves*).
18. No person shall feed Dangerous Wildlife.

DISPOSAL OF SOLID WASTE

GENERAL REGULATIONS

19. No person shall dispose of Solid Waste, unless it originates from within the geographic area of the RMOW (except as may be authorized from time to time by the General Manager of Infrastructure Services).
20. No person shall dispose of Recyclable Material except in a container, receptacle or other location labelled and designated for the material in question, or in the case of product stewardship material, in the manner prescribed by the stewardship program.
21. No person shall dispose of Food Scraps material except by:
 - a) depositing the material in a container labelled or otherwise designated for the collection of food scraps or inside a Wildlife Proof Enclosure; or
 - b) delivering the material to a designated Composting facility within the SLRD.
22. No person shall dispose of Hazardous Waste, except in accordance with the applicable provincial regulations or as per an Extended Producer Responsibility (EPR) program.
23. No person shall deposit Landfill Waste into any container or receptacle labelled or otherwise designated for the collection or disposal of Recyclables, Organics, or Hazardous Waste.
24. No person shall deposit Solid Waste originating from a residential or ICI Parcel into a Solid Waste receptacle or recycling container that is owned or operated by the RMOW, and located on or in a public place other than:
 - a) for residential waste - Municipal Depots;
 - b) for ICI or residential waste – Municipal Transfer Station; or
 - c) for EPR material - to the stewardship program locations.
25. Municipal Depots will only accept waste generated in Whistler, from a Detached Dwelling or from a Multi-Family Residential Complex with 11 or less Dwelling Units, that pays the Solid Waste Depot Operations Fee outlined in Schedule C of this Bylaw.
26. Any load deemed to be mixed waste due to contamination shall be charged at the “mixed waste” tipping fee.
27. Except as may be authorized from time to time by the General Manager of Infrastructure Services, no Waste Hauler shall dispose of Solid Waste at Municipal Depots or into municipal compactors or bins.

DISPOSAL OF SPECIFIC MATERIALS

28. No person shall dispose of large, bulky items that do not compact efficiently (such as furniture) except at the Municipal Transfer Station, or at a location approved by the General Manager of Infrastructure Services.

29. Except as may be authorized from time to time by the General Manager of Infrastructure Services, no person shall dispose of Construction Waste, Clean or Dirty Wood, or other material except at an approved facility within the SLRD.
30. No person shall dispose of Gypsum Board other than at the Municipal Transfer Station, and all Gypsum Board to be disposed of must be accompanied by documentation certifying either that it was manufactured after 1990, or that it has been properly tested for asbestos and does not contain asbestos.
31. No person shall dispose of mattresses except by deliver to the Municipal Transfer Station, to a maximum of five mattresses per person per day.
32. No person shall dispose of Mixed Containers or Refundable Beverage Containers except into a receptacle labelled or designated for the particular type of container being disposed of, and which is either:
 - a) a Wildlife Proof Container;
 - b) within a Wildlife Proof Enclosure; or,
 - c) located at a Municipal Depot or Municipal Transfer Station or another facility that receives Mixed Containers or Refundable Beverage Containers.
33. No person shall dispose of Mixed Containers or glass containers unless the containers are empty and rinsed, and the lids have been removed.

SOLID WASTE DISPOSAL FEES AND CHARGES

34. Parcels will be charged appropriate Biosolids Processing and Solid Waste Depot Operations Fees as prescribed in Schedule C to this Bylaw.

Deliveries of Solid Waste to the Municipal Transfer Station or to the Municipal Waste Water Treatment Plant will be charged tipping fees as prescribed in Schedule D of this Bylaw.

REPEAL

35. The Resort Municipality of Whistler "Disposal and Wildlife Attractants Bylaw No. 1861, 2008" as amended, is repealed.

Given FIRST, SECOND and THIRD READINGS this 15th day of August, 2017.

ADOPTED by Council this 19th day of September, 2017.

Nancy Wilhelm-Morden,
Mayor

Brooke Browning,
Municipal Clerk

I HEREBY CERTIFY that this is a true copy of
the "Solid Waste Bylaw No. 2139, 2017".

Brooke Browning,
Municipal Clerk

SCHEDULE A
Solid Waste Bylaw No. 2139, 2017

ADDITIONAL DEFINITIONS

1. In this Bylaw:

“biosolids” means waste resulting from the treatment of wastewater which removes the solids (sludge) from the liquid effluent supernatant;

“construction waste” means Solid Waste specifically originating from the construction or demolition of residential or ICI buildings, decks, fences and all other building related appendages and includes but is not limited to: dimensional lumber, electrical wiring, Gypsum Board, metal, nails, roof materials, plumbing fixtures and other wood types;

“clean wood” means wood, including dimensional lumber, that is not pressure treated, painted, stained, glued or soiled;

“clean yard waste” means stumps and branches or other plant matter from land clearing or landscaping work, but does not include invasive species;

“contamination” means unwanted constituents within a specified waste stream;

“dirty wood” means wood other than Clean Wood, and does not include or contain contaminants or Recyclables;

“extended producer responsibility” (EPR) means a stewardship program supported by product manufacturers and governed by the BC Recycling Regulation. The product list provided below is updated under that Regulation from time to time, but which includes the following materials:

- Beverage Containers
- Electronics:
 - Batteries (household)
 - Cell Phones
 - Electronic Equipment and Devices
 - Information, Technology and Telecommunications Equipment
 - Lamp and Lighting Equipment
 - Large Appliances
 - Outdoor Power Equipment
 - Small Appliances, Tools, Sports and Hobby Equipment
 - Smoke and Carbon Monoxide Alarms
 - Thermostats
- Lead-acid Batteries
- Packaging and Printed Paper (household)
- Paints, Solvents, Pesticides and Gasoline
- Pharmaceuticals
- Tires
- Used Oil and Antifreeze

Specific products details can be found at: (<http://www2.gov.bc.ca/gov/content/environment/waste-management/recycling/product-stewardship>);

“food scraps” means bits or pieces of food, especially of prepared leftovers or discarded food;

“gypsum board” (commonly known as drywall) means a panel made of calcium sulfate dihydrate with or without additives and normally pressed between a facer and a backer, normally used to make interior walls and ceilings;

“hazardous waste” is defined in the BC *Environmental Management Act* Hazardous Waste Regulation as amended from time to time and includes Gypsum Board manufactured before 1990, or removed during demolition or renovation and contaminated with asbestos as this is considered Hazardous Waste;

“invasive plant species” means plant species defined as invasive by the Invasive Species Council of BC;

“landfill waste” means Solid Waste that is not organic, recyclable or hazardous material;

“mixed containers” includes: plastic containers, metal containers, cartons, non-compostable hot and cold beverage cups, aluminum foil, empty aerosol cans;

“mixed waste” means any load, collection or other volume of Solid Waste which includes materials from more than one of the following waste streams: Recyclables, Organics, Landfill Waste, and in which material from one category makes up less than 75% of the total load amount;

“organic” or “organic material” means compostable material derived from living plants and animals, and includes, without limitation, the materials listed in column 3 of the table that appears as Schedule B to this Bylaw, but specifically excludes fats, oils and greases;

“plastic bags and plastic film” means packaging made of thin flexible plastic material;

“recyclable” or “recyclable material” means raw or processed material that can be recovered from a waste stream for further use, and includes, without limitation, the materials listed in column 2 of the table that appears as Schedule B to this Bylaw;

“refundable beverage container” means any beverage container which may be returned for a refund stipulated under the BC Recycling Regulation;

“unsecured load” a load that is not securely covered or tied down, or otherwise contained, to prevent the loss of any waste from the vehicle during transport; and

“wood chips” means Clean Wood waste that has been processed through a chipper or mill. Wood Chips can include bark, sawdust, planer shavings, wood chunks and fines.

SCHEDULE B
Solid Waste Bylaw No. 2139, 2017
TABLE OF MATERIALS

Landfill Waste	Recyclable material	Organic material	Hazardous waste
<ul style="list-style-type: none"> • Construction or demolition waste that cannot be recycled or composted • Invasive species • Residential plastics that cannot be recycled by a EPR program • Residential and ICI waste for which no recycling or Composting solution exists 	<ul style="list-style-type: none"> • Cardboard and box board • Clean, dry mattresses • EPR materials listed under the BC Recycling Regulation • Glass • Gypsum Board manufactured after 1990 and not containing any asbestos • Metal • Newsprint • Paper 	<ul style="list-style-type: none"> • ASTM D6400 certified compostable bags and packaging • Biosolids • Clean Wood waste • Clean Yard Waste • Food scraps, including: meat, fish and bones, coffee grounds and tea bags, wood stir sticks and chopsticks, houseplants and flowers (with soil removed), paper napkins and paper towel, food-soiled cardboard • Pet waste 	<ul style="list-style-type: none"> • Asbestos, including any asbestos-containing material • Gypsum Board older than 1990 • Materials considered under the BC Hazardous Waste Regulation

SCHEDULE C

Solid Waste Bylaw No. 2139, 2017

BIOSOLIDS PROCESSING AND SOLID WASTE DEPOT OPERATIONS FEE/PARCEL/TAX

1. Each Parcel with an assessed improvement value greater than zero shall be charged, on the annual municipal tax notice, a Biosolids Processing Fee of one hundred and three dollars and seventy-three cents (\$103.73) per Parcel that shall be paid by the same due date as the property taxes.
2. Each residential or tourist accommodation Parcel that does not possess on its property (and utilize on a regular basis throughout the current year) commercially serviced Organics, Recyclables and Landfill Waste containers, shall be charged, on the annual municipal tax notice, a Solid Waste Depot Operations Fee of one hundred and ninety-seven dollars and thirty cents (\$197.30) per Parcel that shall be paid by the same due date as the property taxes.

SCHEDULE D
Solid Waste Bylaw No. 2139, 2017
TIPPING FEES

The minimum charge for Solid Waste disposal at the Municipal Transfer Station is \$5/Load (with the exception of any material or item indicated as FREE in Table 1).

Table 1. Tipping Fees

SOLID WASTE TYPE	PROPOSED TIPPING FEE	LIMITS
Biosolids	\$130/tonne	
Bulky Items	\$140/tonne	
Clean Wood	<ul style="list-style-type: none"> • Unchipped: \$30/tonne • Chipped: FREE 	
Clean Yard Waste	<ul style="list-style-type: none"> • Unchipped: \$30/tonne • Chipped: FREE 	
Dirty Wood	\$80/tonne	
EPR Materials except Tires	FREE	
Food Scraps or Food Waste	\$75/tonne	
Gypsum Board	\$290/tonne	
Hazardous Waste	NOT ACCEPTED	
Invasive Plant Species	<ul style="list-style-type: none"> • Landfill Waste fee/tonne OR • \$30/tonne for Landscapers certified within the SSISC and RMOW invasive plant species certification program 	
Landfill Waste	\$140/tonne	
Large Household Appliances <ul style="list-style-type: none"> • with refrigerant 	\$25 each	
Large Household Appliances <ul style="list-style-type: none"> • without refrigerant 	FREE	
Mattresses	\$15 each	5 max per load
Mixed Waste	\$300/tonne	
Packaging and Printed Paper Recyclables	FREE	
Passenger and Light Truck Tires	<ul style="list-style-type: none"> • \$10 per tire • \$25 per tire with a rim 	
Refundable Beverage Containers	FREE	
Septage A – All Liquid Waste delivered via meter at the WWTP except as identified in “B” and “C” below.	\$30.00/m ³	
B – Septage delivered from residential septic tanks within the RMOW.	\$2.75/m ³	
C – Aerated holding tanks within the RMOW as approved under the RMOW Bylaw No. 551, Septage from the Municipal Transfer Station and Whistler Compost Plant.	\$1.50/m ³	
Unsecured Loads	\$30.00 per load	

