

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1812**

**A REGULATORY BYLAW TO ESTABLISH MANDATORY WASTE SOURCE SEPARATION OF MUNICIPAL SOLID
WASTE**

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

AND WHEREAS The Regional District of Nanaimo, municipalities within the regional district and the Province of British Columbia are jointly committed to the regulation and management of Municipal Solid Waste and Recyclable Material within the Regional District of Nanaimo and its member municipalities so as to encourage waste reduction in a manner consistent with the Solid Waste Management Plan approved by the Minister of Environment and Climate Change Strategy;

AND WHEREAS The Regional District of Nanaimo operates under the Ministry approved Solid Waste Management Plan and pursuant to the "Regional District of Nanaimo Separate Waste Container Requirement Service Establishment Bylaw No. 1908, 2024";

AND WHEREAS section 10 of the *Nanaimo Regional District Regulation 194/91* authorizes the Regional District of Nanaimo to require owners or occupiers of real property to have separate containers for different types of solid waste and recyclable material;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting duly assembled enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "Regional District of Nanaimo Solid Waste Mandatory Waste Source Separation Regulatory Bylaw No. 1812, 2024".

2. DEFINITIONS

2.1 Definitions. In this bylaw:

"Container"	means a container for the storage of refuse for removal from a property.
"District"	means the Regional District of Nanaimo.
"Facility"	has the same meaning as under "Waste Stream Management Licensing Bylaw No. 1803, 2021".
"Garbage"	means all Municipal Solid Waste other than (i) Recyclable Materials; (ii) Organic Material; and (iii) Construction and Demolition Waste, Yard and Garden Waste, human feces, Hazardous Waste, Prohibited

	Material or any other items determined by the General Manager from time to time, as those capitalized terms are defined under "Residential Curbside Collection of Garbage, Food Waste and Recyclables Regulation and Charges Bylaw No. 1802, 2020".
"General Manager"	means a person appointed to the position of General Manager of Regional and Community Utilities for the Regional District of Nanaimo or designate.
"Organic Material"	means compostable organic material, including raw and cooked food waste, including: a) fruits and vegetables, b) meat, fish, shellfish, poultry and bones thereof, c) dairy products, d) bread, pasta and baked goods, e) tea bags, coffee grounds and filters, f) soiled paper plates and cups, g) soiled paper towels and napkins, h) soiled waxed paper, i) food soiled cardboard and paper, j) egg shells, and k) waxed cardboard;
"Recyclable Material"	has the same meaning as under the <i>Environmental Management Act</i> but excluding organic material under paragraph (a) of that definition.
"Waste Generator"	means an owner or occupier of property at which refuse is generated.

3. GENERAL

3.1 Purpose of the Bylaw. This bylaw is enacted for the purpose of maximizing source separation within the District in the general public interest.

4. WASTE GENERATOR REQUIREMENTS

4.1 Waste Storage – Existing building or structure. Every Waste Generator in respect of a property containing only buildings and structures for which building permits for construction were issued by the applicable municipality or regional district before the date of adoption of this bylaw shall, at all times, maintain on the property:

- a) separate containers, or a partitioned container or containers, that are clearly labeled and identifiable as separate storage for each of Garbage, Recycling Material and Organic Material, and no containers without such labelling and identification or containers for non-separated Garbage, Recyclable Material and Organic Material; or,
- b) containers for non-separated Garbage, Recyclable Material and Organic Material and contract for one or more waste collectors to pick-up and haul all such Organic Material, Recyclables and Garbage to a Facility that separates and sorts Organic Material and Recyclable Material.

- 4.2 Waste Storage – New Buildings.** Every Waste Generator in respect of a property containing a building or structure for which a building permit for construction was issued by the applicable municipality or regional district on or after the date of adoption of this bylaw shall, as all times, maintain on the property separate containers, or a partitioned container or containers, that are clearly labeled and identifiable as separate storage for each of Garbage, Recycling Material and Organic Material, and no containers without such labelling and identification or for non-separated Garbage, Recyclable Material and Organic Material.
- 4.3 Exclusions.** This Bylaw does not apply to properties that are serviced for the collection of Municipal Solid Waste by the District or a municipality.
- 4.4 Occupant Notification.** A Waste Generator shall inform all property occupants in writing of the requirements of sections 4.1 and 4.2 of this bylaw, and of the location on the property of containers used to separate Recyclable Material and Organic Material.
- 4.5 Records.** Every Waste Generator who contracts with one or more waste collectors to pick-up and haul non-separated Garbage, Recyclable Material and Organic Material to a Facility for post-collection sorting shall:
- a) maintain copies of such contracts and other records that demonstrate that the Waste Generator contracts for such service; and
 - b) on request of the General Manager or a Bylaw Enforcement Officer produce these records without charge or unreasonable delay.

5. INSPECTIONS AND INVESTIGATIONS

- 5.1 Investigation.** The General Manager or a Bylaw Enforcement Officer may at any reasonable time, enter on or into property to inspect and determine whether the regulations, prohibitions and requirements of this bylaw are being met.

6. OFFENCES AND PENALTIES

- 6.1** Every person who:

- a) contravenes a provision of this bylaw; or
- b) suffers or permits any act or thing to be done in contravention of this bylaw;

commits an offence.

- 6.2** A person convicted of an offence under this bylaw in a prosecution under the *Offence Act* is liable to a maximum fine not exceeding the maximum fine permitted under the *Offence Act*.

- 6.3** If an offence under this bylaw continues for more than one day, each day that the offence continues constitutes a separate offence.

7. SEVERABILITY

If any portion of this bylaw is deemed *ultra vires*, illegal, invalid or unenforceable in any way in whole or in part by any court of competent jurisdiction, such decision shall not invalidate or void the remainder of this bylaw. The Sections so held to be *ultra vires*, illegal, invalid or unenforceable shall be deemed to have


been stricken therefrom this bylaw with the same force and effect as if such Sections had never been included in this bylaw or revised and reduced in scope so as to be valid and enforceable.

8. EFFECTIVE DATE


The requirements of sections 4.1 and 4.2 this bylaw shall come into effect on the later of January 1, 2025 or the date of adoption.

Introduced and read three times this 22nd day of October, 2024.

Adopted this this 22nd day of October, 2024.



CHAIR



CORPORATE OFFICER