

# Agenda

## Town of Gibsons

### Special Meeting of Council

**February 22, 2018 at 2:20pm**

Council Chambers  
Town Hall, 474 South Fletcher Road, Gibsons  
604-886-2274 - [www.gibsons.ca](http://www.gibsons.ca)

***Council***



Mayor Wayne Rowe  
Councillor Stafford Lumley  
Councillor Charlene SanJenko  
Councillor Jeremy Valeriote  
Councillor Silas White



**2016  
2018**

# TOWN OF GIBSONS STRATEGIC PLAN



## **Asset Management**

Advancing our Eco-Asset Strategy

Targeting zero waste and climate change

Ensuring resilience of our engineered infrastructure

Completing a Town Land Inventory and Parks Master Plan

Expanding safe pedestrian and cycling networks

## **Community Development**

Building the Gibsons Public Market as a community hub

Promoting regional and local economic development

Collaborating on affordable housing initiatives

Supporting education, culture and inter-generational engagement

Advocating for improved ferry and transit service

## **Harbour Enhancement**

Developing a Gibsons Harbour Economic Strategic Plan

Enhancing the harbour seawalk

Helping to secure a reliable passenger ferry service

Making Armours Beach a family-friendly recreation site

Restoring fish habitat in our creeks and harbour



**Nature is our most  
valuable asset**



Regular Meeting of  
Council  
**AGENDA OF**  
February 22, 2018  
Council Chambers, 2:20pm  
474 South Fletcher Road, Gibsons, BC

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**1. CALL TO ORDER**

**2. APPROVAL OF THE AGENDA**

**2.1 Special Council Agenda -February 22, 2018**

RECOMMENDATION

THAT the Special Business Agenda of February 22, 2018 be adopted.

**3. BYLAWS**

**3.1 Garbage and Organics Collection and Disposal Bylaw No. 1252, 2018** 5 - 16

*(A bylaw to provide for the control, collection and disposal of garbage and organics in the Town of Gibsons)*

RECOMMENDATION

THAT "Garbage and Organics Collection and Disposal Bylaw No. 1252, 2018" be adopted.

**4. ADJOURNMENT**



**TOWN OF GIBSONS  
BYLAW NO.1252**

A Bylaw to provide for the Control, Collection and Disposal  
of Garbage and Organics in the Town of Gibsons

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**WHEREAS** Sections 8(2) of the *Community Charter* authorizes a municipality to provide any service the Council considers necessary or desirable;

**AND WHEREAS** Section 194 of the *Community Charter* authorizes a Council, by bylaw, to impose a fee in respect of all or part of a service of the municipality;

**NOW THEREFORE** the Council of the Town of Gibsons, in open meeting assembled, enacts as follows:

**1. CITATION**

This bylaw may be cited for all purposes as "Garbage and Organics Collection and Disposal Bylaw No. 1252, 2018".

2. This Bylaw will come into effect April 1, 2018.

**3. REPEAL**

The "Town of Gibsons Garbage Collection and Disposal Bylaw No. 1198", and any amendments thereto, are hereby repealed.

**4. DEFINITIONS**

4.1. In this Bylaw, unless the context requires otherwise, the following words and terms shall have the meanings hereinafter assigned to them:

**APARTMENT  
HOUSE**

shall mean any building, structure or place occupied or use as a place of living or a place of abode within the Town and containing more than two self-contained units and includes a hotel, motel, rooming house and boarding house but does not include a row house, townhouse or strata lot residence as included in the definition of "dwelling";

**COLLECTABLE  
GARBAGE**

shall mean garbage capable of being contained in a Wildlife Resistant Container, but shall not include the following: collectible organics, grass cuttings; tree or hedge clippings or other garden refuse; hazardous (including pathogenic and radioactive wastes); explosive or flammable substances; chemicals which may create hazardous working conditions; material hot enough to start combustion; waste oil or petroleum by-products; paint, tires, lumber, demolition materials, rocks, gravel or soil, stumps or timber; fish feed bags; batteries; and undigested septic sludge;

<b>COLLECTABLE ORGANICS</b>	means kitchen waste that is compostable and includes egg shells, bones, tea bags, coffee grounds, paper, filters, dairy products (butter, cheese) fruits, vegetables, (no packaging) breads, pasta, cakes, biscuits, paper towels, napkins, paper plates, paper cups, pizza boxes, food soiled cardboard;
<b>COLLECTOR</b>	shall be a Town employee designated by Council as the individual responsible to collect the fees imposed;
<b>DANGEROUS WILDLIFE</b>	means a bear, cougar, wolf, and coyote;
<b>DWELLING</b>	shall mean a building or portion of a building used as a place of abode or place of living within the Town and containing no more than two self-contained residential units, and shall include those buildings identified on the Assessment Roll as single family dwelling; single family dwelling with basement suite; duplex; duplex up and down; duplex single unit ownership; manufactured home (not in manufactured home park); row housing of single unit ownership; seasonal dwelling; stratified rental townhouse with all units rented out under one ownership; strata lot residence including seasonal (condominium), single family dwelling, duplex or seasonal dwelling on two acres or more; BUT shall not include an apartment house, hotel, motel, rooming house, boarding house or those buildings identified on the Assessment Roll as manufactured home (in a manufactured home park); triplex; fourplex; all multi-family categories excluding duplexes; all stratified rental apartment categories; seasonal resort, nursing home or congregate care facility uses;
<b>GARBAGE</b>	includes trade waste, household waste, garden refuse and all noxious, offensive or unwholesome matter or substances or any article or material which the owner does not wish to retain, including ashes, household furniture, appliances, machinery, automobile vehicle bodies and/or parts and construction waste;
<b>GARBAGE COLLECTOR</b>	shall mean a person under contract to the Town of Gibsons to collect the collectible garbage and organics as provided in this Bylaw;
<b>OCCUPIER</b>	shall mean any person occupying any dwelling, habitation or place of residence within the Town, but shall not include any person who is merely a boarder, roomer, lodger or the occupant of any apartment building;
<b>ORGANICS CONTAINER</b>	means a container of not more than 23 litres capacity, with a tight seal to prevent access by dangerous wildlife, rodents, racoons and other pests;
<b>OWNER</b>	shall include the agent of such owner;
<b>RATES, FEES AND CHARGES BYLAW</b>	means the "Town of Gibsons Rates, Fees and Charges Bylaw No. 1196, 2014";

<b>TOWN</b>	shall mean the Municipality known as the Town of Gibsons and may also include reference to the Council of the Town of Gibsons or its authorized servants or agents;
<b>TRADE PREMISES</b>	shall mean any warehouse, factory, storage yard, store, cafe, eating place, wholesale or retail business place, garage or service station, office building and any building other than a dwelling or apartment house within the Town;
<b>TRADE WASTE</b>	means refuse and accumulation of waste and abandoned materials resulting from the operation of a trade or business, including boxes and packing cases, wrapping material, sweepings and all flammable materials of a like nature; and
<b>WILDLIFE RESISTANT CONTAINER</b>	means a fully enclosed waterproof container with a lid and a latching device of sufficient design and strength to prevent access by dangerous wildlife, rodents, racoons and other pests, and as it applies to a dwelling, measures no more than 75 cm. in height, 60 cm. in diameter and in no case having a volume greater than 98 litres or weight greater than 20 kilograms
<b>WILDLIFE RESISTANT ENCLOSURE</b>	means a structure which has four enclosed sides, a roof, doors, and a latching device of sufficient design and strength to prevent access by dangerous wildlife.

**4.2. In this Bylaw:**

- (a) a reference to an enactment is a reference to that enactment as amended from time to time;
- (b) headings have been inserted for ease of reference only and are not to be used in interpreting this Bylaw; and
- (c) reference to the singular includes reference to the plural and vice versa, unless the context requires otherwise.

**5. WILDLIFE RESISTANT CONTAINERS & ORGANICS CONTAINERS**

- 5.1.** Every occupier of a unit in a dwelling within the Town shall provide and maintain in good and sufficient order and repair wildlife resistant containers and organics containers sufficient to contain all collectible garbage and collectable organics from that unit.
- 5.2.** Every owner of an apartment house and every person who occupies a trade premises shall:
  - 5.2.1.** Provide and maintain in good and sufficient order and repair a wildlife resistant container of sufficient capacity to contain all the garbage from that apartment house or trade premises;
  - 5.2.2.** Arrange, at their own cost, for the collection and removal of garbage or trade waste from that container on a regular basis at least once a week.

- 5.3.** No occupier of a dwelling shall place or permit to be placed anything other than collectible garbage in a wildlife resistant container.
- 5.4.** No occupier of a dwelling shall place or permit to be placed anything other than collectible organics in an organic container.
- 5.5.** All collectible garbage shall be kept in wildlife resistant containers.
- 5.6.** Every occupier of a dwelling shall store collectible organics in organics containers unless the occupier's application to opt out of the organics collection services has been approved in accordance with Section 6.5.
- 5.7.** Every wildlife resistant container and organics container shall be kept in a building or wildlife resistant enclosure located on the same property that uses those containers and shall not at any time be kept or placed upon, nor shall they encroach upon, nor project over any street, lane or public place SAVE AND EXCEPT as provided in Section 5.8 of this Bylaw.
- 5.8.** On the posted day of collection, the occupier of a dwelling shall:
  - 5.8.1.** place the wildlife resistant container containing collectible garbage or the organics container containing collectible organics adjacent to the street or lane abutting the parcel on which the dwelling is situated no sooner than 7:00 a.m. so as to be available for collection;
  - 5.8.2.** place the wildlife resistant container or the organics container at ground level no more than three (3) metres distance from the nearest part of the street accessible to a garbage truck; and
  - 5.8.3.** on the same day, remove all wildlife resistant containers and organics containers from the side of the street or lane and store them in a building or wildlife resistant enclosure connected with the dwelling with which they are associated.
- 5.9.** No occupier of a dwelling shall fill a wildlife resistant container or organics container placed for collection with collectible garbage or collectible organics in a manner which prevents the lid of the container from being tightly closed in place.
- 5.10.** No liquids or free water shall be put or placed in, allowed to run into, or accumulate in any wildlife resistant container or organics container.
- 5.11.** All wildlife resistant containers and organics containers shall at all times be kept in good and sanitary condition.
- 5.12.** No person shall place any explosive substance in any wildlife resistant container or organics container.
- 5.13.** All putrescible garbage such as rejected, abandoned or discarded vegetables or animal food shall be drained before being deposited in any wildlife resistant container or organics container.



**5.14.** All wildlife resistant containers and organics containers shall be accessible for inspection at all reasonable hours.

**5.15.** When any wildlife resistant container or organic container has been deemed by the Town or the garbage collector as unfit for purpose, the occupier shall remove the container and forthwith provide a suitable and sanitary wildlife resistant container or organics container as described in this Bylaw as a replacement.

## **6. FREQUENCY AND SCOPE OF COLLECTION**

**6.1.** The garbage collector shall pick up collectible garbage from wildlife resistant containers and collectable organics from organics containers filled and placed as required in Section 5.8.

### **6.2. SERVICE**

Every occupier of every dwelling within the Town shall use the services of the garbage collector as provided for in Section 9 of this Bylaw.

### **6.3. DWELLINGS**

Collectible garbage from dwellings shall be collected bi-weekly with a maximum of one (1) wildlife resistant container per dwelling unit. Collectable organics will be collected every week with a maximum of one (1) organics container.

### **6.4. APARTMENT HOUSES, TRADE PREMISES AND OTHER BUILDINGS**

There shall be no collection provided by the garbage collector under this Bylaw for apartment houses or trade premises and any other buildings that are not dwellings.

### **6.5. OPTING OUT OF COLLECTIBLE ORGANICS COLLECTION**

An owner of a dwelling may apply to the Town, in the form attached to the Bylaw as Schedule A, to opt out of the collection of collectible organics. The [insert title] may approve an application if in the [insert title]'s sole opinion the owner's plan for diverting collectible organics is acceptable, and the Town shall adjust the fees payable by the owner of the property of an approved application accordingly. The [insert title] may revoke an approval under this Section if, in the [insert title]'s sole opinion, the owner or occupier of the dwelling is not managing collectible organics in accordance with the plan contained in the owner's application and the Town shall adjust the fees payable by the owner of the property accordingly.

### **6.6. EXCESS OR OTHER GARBAGE**

The collection of collectible garbage, organics and other garbage in excess of that provided for in this Bylaw shall be arranged by the occupier or owner at his or her cost, either by purchase of an extra container ticket from the Town or the garbage collector, or in accordance with their own independent agreement with a person providing such a service within the Town. Extra collectible garbage must be contained within a wildlife resistant container or organics container. The fee for excess garbage shall be in accordance with the rates shown in the Rates, Fees and Charges Bylaw.

## **6.7. LITTERING**

No person shall throw, place or pile or cause to be thrown, placed or piled any garbage, organics or refuse except in a container intended to store such garbage, organics or refuse.

## **7. CHARGES FOR COLLECTION**

The charges for collection of collectible garbage and collection of collectable organics, to the extent provided by this Bylaw shall:

- 7.1.** be as per the fee prescribed in the Rates, Fees and Charges Bylaw;
- 7.2.** appear as a charge on the Town's semi-annual utility notice;
- 7.3.** be payable to the Town by the property owner of every property containing a dwelling as defined in this Bylaw;
- 7.4.** Where the service has been provided for less than a full year, one-twelfth (1/12) of the fee shall be charged for each month, or portion thereof, following the date of issuance of a notice of occupancy issued by the Town;
- 7.5.** non-receipt of the utility bill shall not be recognized as a valid excuse for failure to pay the charges when due, and postmarks shall not be considered as the date of payment; and
- 7.6.** any fee or charge fee imposed in accordance with this Bylaw and remaining unpaid as of December 31<sup>st</sup> in any year, shall be deemed to be in arrears and the Collector shall cause such fees and charges to be transferred to the property tax roll in respect of the relevant land.

## **8. DISCONTINUATION OF SERVICE**

- 8.1.** The [insert title] may discontinue collection service to a dwelling for a contravention of any of the provisions of this Bylaw if the owner of the dwelling fails to remedy the contravention after receiving 30 days' written notice from the [insert title].
- 8.2.** A notice under Section 8.1 shall:
  - 8.2.1.** be sent by prepaid registered mail to the owner of the dwelling at the owner's address shown on the current year's real property assessment roll for the dwelling and, if the owner does not reside at the dwelling, to the occupier of the dwelling; and
  - 8.2.2.** inform the recipient(s) that the recipient may apply to be heard by Council of the Town of Gibsons in respect of the matter by written request delivered to the Corporate Officer at least five (5) days before the next regular council meeting.

## **9. GARBAGE CONTRACTS**

- 9.1.** The Town may appoint a garbage collector to remove collectible garbage and collectable organics from dwellings within the Town and such appointment shall be on such conditions as the Town may determine or agree to by contract.

## **10. ENFORCEMENT**

- 10.1.** Every person who contravenes any provision of this Bylaw is guilty of an offence under the *Offence Act* and is liable on summary conviction to a fine of not less than \$100 and not more than \$10,000 or imprisonment of not more than six months, or both.
- 10.2.** This Bylaw may be enforced by means of Bylaw Notice in the form prescribed by the Local Government Bylaw Notice Enforcement Act (British Columbia), and in accordance with the "Town of Gibsons Bylaw Notice Enforcement Bylaw No. 1125, 2010".
- 10.3.** A penalty imposed under Section 10.2 is a supplement to any other remedy or action that may be available under this Bylaw or any other applicable laws or enactments.
- 10.4.** Each day that a contravention of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.
- 10.5.** No person shall interfere with or obstruct a bylaw enforcement officer or any person acting in the conduct of administration or enforcement of this Bylaw.

## **11. ENTRY**

A bylaw enforcement officer and any other employee or Town contractor is hereby authorized, in accordance with Section 16 of the *Community Charter*, to enter, at any reasonable time, onto property in the course of enforcing this Bylaw in order to ascertain whether the regulations of this Bylaw are being observed.

**12. SEVERANCE**

If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

READ A FIRST TIME this            20        day of        February    , 2018  
READ A SECOND TIME this        20        day of        February    , 2018  
READ A THIRD TIME this         20        day of        February    , 2018  
ADOPTED this                        DD        day of            MM    ,YYYY

\_\_\_\_\_  
Wayne Rowe, Mayor

\_\_\_\_\_  
Selina Williams, Corporate Officer

**Schedule A**

**Garbage and Organics Collection and Disposal Bylaw No. 1252, 2018**

**Request to Opt-Out of Organics Collection Service**

Effective April 1, 2018, the Town of Gibsons requires that all collectible organics produced by a dwelling, as those terms are defined in the Bylaw, be placed in organics containers for curbside collection.

Owners of dwellings may apply to opt-out of the collection of organics by outlining their plan for keeping all collectible organics out of the landfill. Each application will be evaluated by the [insert title] and you will be notified in writing of the decision. If your plan is approved, the organics collection charge will not be levied.

To apply to opt-out of receiving organics collection:

- Step 1: Fill out this form and indicate how you will divert collectible organics from the landfill.
- Step 2: Provide proof of diversion - Provide a description and pictures of your composters. (Note: to opt out, composting the organics must be done in a safe and environmentally friendly way. Please review evaluation criteria below)
- Step 3: Return the completed application form and any photos to the Gibsons Town Hall for evaluation. Applications must be submitted by March 15<sup>th</sup> in order to avoid the organics collection charge for the year.

**Food scraps**

Describe how you will divert food scraps from the landfill. (Fruits, vegetables, peels, eggshells, bread, pasta, and similar)


**Food-soiled Paper and Cardboard**

Describe how you will divert food-soiled paper and cardboard from the landfill. (Pizza boxes, tea bags, paper towels, paper plates, and similar)


**Meat scraps**

Describe how you will divert meat scraps from the landfill. (Bones, meat, poultry, and similar)


**Dairy products**

Describe how you will divert dairy products from the landfill. (Cheese, cottage cheese, feta Cheese, yogurt, and similar)


By signing this form, the property owner agrees that via the methods indicated above, all food scraps, food-soiled paper and cardboard, meat scraps and dairy products will be diverted from the landfill.

Property Owner Name: \_\_\_\_\_ Utility Account #: \_\_\_\_\_

Property Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Property Owner Signature

Approved / Denied  
\_\_\_\_\_

[name of person holding title below]  
\_\_\_\_\_

[insert title]

**List of collectable organics and evaluation criteria attached.**

## **List of collectable organics**

### **Food scraps**

- Fruits & vegetables
- Fruits and vegetable peels, seeds, and cores
- Rice
- Pasta
- Beans
- Eggshells
- Plate scrapings
- Tea bags
- Coffee grounds & filters
- Other table scraps
- Bread
- Biodegradable plastics
- Fish and shellfish

### **Food-soiled Paper and cardboard**

- Paper towels
- Facial tissue (clean or used)
- Paper napkins
- Paper plates
- Paper table cloths
- Pizza boxes

### **Meat scraps**

- Bones
- Meat
- Turkey
- Chicken
- Other poultry
- Meat trimmings

### **Dairy products**

- Dairy and soy products (no liquids)

### **Evaluation criteria for organics composting**

- Environmentally friendly composting methods – Owners must use environmentally friendly composting methods.
- Pest Control measures – Owners must have pest control measures in place.
- Odour control measures - Owners must have odour control measures in place.
- Public health measures – Public health measures must be evident.
- Composting containment methods – Owners must contain and cover composting adequately.

