

## CAPITAL REGIONAL DISTRICT

## BYLAW NO. 1903

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**A BYLAW TO CONVERT A SOLID WASTE DISPOSAL FUNCTION TO A LOCAL SERVICE FOR  
ALL OF THE REGIONAL DISTRICT**

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**WHEREAS** by Letters Patent, Division X, dated October 4th, 1973, as amended by further Supplementary Letters Patent, the Capital Regional District was granted the function of providing refuse disposal facilities for all of the Capital Regional District;

**AND WHEREAS** the Board of the Capital Regional District wishes to exercise the function granted to it by the Letters Patent in accordance with Part 24 of the Municipal Act subject to all the terms and conditions contained in the Letters Patent and including all the powers granted by the Letters Patent;

**AND WHEREAS** the Board of the Capital Regional District wishes to proceed under section 767 of the Municipal Act and establish the service as a local service by bylaw under sections 767(4) and 794 of the Municipal Act;

**AND WHEREAS** the Board of the Capital Regional District has elected to obtain the assent of the electors under Section 797 of the Municipal Act.

**NOW THEREFORE** the Regional Board of the Capital Regional District in open meeting assembled enacts as follows:

1. The function of waste disposal granted by Letters Patent dated October 4th, 1973, as amended by further Supplementary Letters Patent, is hereby established as a local service.
2. The boundaries of the Local Service Area shall be the boundaries of the Capital Regional District.
3. The Electoral Areas of Langford, Sooke, Saltspring Island and Outer Gulf Islands and the municipalities of North Saanich, Sidney, Central Saanich, Saanich, Victoria, Oak Bay, Esquimalt, View Royal, Colwood and Metchosin include the participating areas for this local service.
4. The annual operating costs for the service and debt servicing costs shall be recovered:
  - (a) by the imposition of fees and other charges by bylaw;
  - (b) the balance after deducting the revenue obtained from the fees or other charges shall be recovered by the requisition of money under sections 809 and 809.1 of the Municipal Act to be collected by a property value tax in the Local Service Area to be levied and collected under sections 810(1) and 810.1(1).

5. The annual net cost attributable to this Local Service shall be apportioned among the participating Municipalities and Electoral Areas on the basis of 75% on population as defined in the Municipal Act and 25% on the converted value of improvements for Regional Hospital District purposes.
6. The maximum amount that may be requisitioned under Section 804(1) for the service will be zero (0).
7. Every person disposing of waste within the Local Service Area shall make use of the Solid Waste Disposal Facility provided under this bylaw when disposing of such waste under the terms and conditions imposed for the use of the Waste Disposal Facility.
8. The Capital Regional District may, without limiting the generality of Section 1, in providing the Local Service hereby established, acquire, construct, establish, maintain, operate and regulate;
  - (a) transfer depots and facilities for receiving collected waste for packing, processing, loading and transporting the waste to disposal grounds,
  - (b) facilities for collecting, processing, storing, marketing and disposing of recyclable waste,
  - (c) facilities for composting waste,
  - (d) facilities for collection, storage and disposal of hazardous, biomedical or special waste,
  - (e) facilities for carrying out resource recovery from waste, and
  - (f) waste disposal grounds and facilities.
9. The Capital Regional District may in providing the Local Service hereby established enter into contracts;
  - (a) to provide the waste disposal service, and resource recovery from waste including the services and facilities set out in Section 8, and
  - (b) to provide for the transportation of waste from any transfer depot to any place for disposal.
10. This Bylaw may be cited as the "Solid Waste Disposal Local Service Establishment Bylaw No. 1, 1991."

READ A FIRST TIME THIS 13TH day of March , 1991.

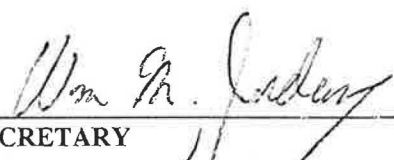
READ A SECOND TIME THIS 13TH day of March , 1991.

READ A THIRD TIME THIS 13TH day of March , 1991.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS 20th day of June , 1991.

RECONSIDERED AND FINALLY ADOPTED THIS 26th day of June , 1991.

  
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CHAIRPERSON

  
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SECRETARY

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS 4th day of July , 1991.

**CAPITAL REGIONAL DISTRICT**

**BYLAW NO. 2654**

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**A BYLAW TO AMEND BYLAW NO. 1903 "SOLID WASTE DISPOSAL LOCAL SERVICE  
ESTABLISHMENT BYLAW NO. 1, 1991"**

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**WHEREAS:**

- A. The Board of the Capital Regional District wishes to amend Capital Regional District Bylaw No. 1903, the Solid Waste Disposal Local Service Establishment Bylaw No. 1, 1991, to establish the service of the regulation, storage and management of municipal solid waste and recyclable material, including the regulation of facilities and commercial vehicles used in relation to these matters under section 798 (1)(d);
- B. The Capital Regional District by its Solid Waste Local Service Establishment Bylaw No. 1, 1991 established as a local service the function of waste disposal granted by Letters Patent dated October 4, 1973 in accordance with section 798 (1)(c);
- C. Section 798(5) provides that if the Board adopts a bylaw under section 798(1)(d) the Board must exercise its authority in accordance with the *Waste Management Act* and Regulations under that Act;
- D. Section 798(6) of the *Municipal Act* provides that where the Board establishes services under section 798(1)(c) and (d) they are deemed to be a single service for the purposes of Part 24 of the *Municipal Act*;
- E. The amendment to Capital Regional District Bylaw No. 1903, the Solid Waste Disposal Local Service Establishment Bylaw No. 1, 1991 is necessary to implement the Waste Management Plan and section 18(9) of the *Waste Management Act* provides that this bylaw does not require the Board of the Capital Regional District to provide an opportunity for electors to petition against it, or the assent of the electors, a petition, an initiative plan or consent on behalf of the electors referred to in the *Municipal Act*;
- F. The approval of the Inspector of Municipalities is required and obtained under section 813(9) of the *Municipal Act*.

**NOW THEREFORE** the Board of the Capital Regional District in open meeting assembled enacts as follows:

- 1. Capital Regional District Bylaw No. 1903, cited as "Solid Waste Disposal Local Service Establishment Bylaw No. 1, 1991", is amended as follows:
  - a. Section 1 is amended by inserting "(1)" after "1". and by adding the following:
    - "(2) The regulation, storage and management of municipal solid waste and recyclable material including the regulation of facilities and commercial vehicles used in relation to these matters is established as a local service in accordance with section 798(1)(d) of the *Municipal Act*."
  - b. Section 3, is amended by adding after "Colwood", the phrase "Highlands, Langford".
  - c. Section 4 is amended by replacing the references to Section 809, 809.1, 810(1), and 810.1(1) with 822, 823, 824(1), and 825(1) respectively;

- d. Section 5 is amended by deleting "Regional Hospital District" and replacing it with "hospital";
  - e. Section 6 is amended by replacing "804(1)" with "816(1)".
2. This Bylaw may be cited as the "Solid Waste Disposal Local Service Establishment Bylaw No. 1, 1991, Amendment Bylaw No. 1, 1999".

READ A FIRST TIME THIS	27th	day of	January	1999
READ A SECOND TIME THIS	27th	day of	January	1999
READ A THIRD TIME THIS	27th	day of	January	1999
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	2nd	day of	March	1999
ADOPTED THIS	10th	day of	March	1999

  
CHAIR

  
SECRETARY

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS 12th day of March 1999

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FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS 16<sup>th</sup> day of August 2013