

TOWN OF STONEWALL

BY-LAW NO. 38/94

Being a By-Law of the Town of Stonewall to establish and operate a Waste Management System in the Town of Stonewall

WHEREAS Section 347(2) of the Municipal Act provides that;

347(2) The Council of a municipality may pass by-laws;

(a) for the purpose of the exercise of any of the powers set out in clauses (b) to (g), doing any or more of the following:

- (i) prescribing classes of wastes,
- (ii) prescribing classes of premises,
- (iii) designating areas of the municipality;

(b) providing for the establishment and operation of a waste management system;

(c) governing the storage, collection, transportation, treatment, disposal, prevention, reduction, reuse or recycling of waste or the recovery of materials, substances or energy from waste;

(d) governing waste storage containers and their location and the manner in which, and the location at which, waste not required to be in containers is to be placed for the purpose of collection;

(e) requiring owners or occupants of premises on which waste is located or from which it originated, to remove and dispose of it, and providing that, if the owner or occupier fails to do so, the municipality may remove and dispose of the waste at the expense of the owner or occupier;

(f) prohibiting the interference with waste or waste storage containers or the handling or removal of waste or waste storage containers except by persons authorized or required to do so;

(g) providing that the cost of waste management services be paid in one or more of the following ways;

- (i) by the municipality at large,
- (ii) by a special tax levied on owners or occupiers of lands in respect of which the waste management services are provided,
- (iii) by a fee payable to the municipality or to a regional waste management authority

(A) by the owner or occupier of land in respect of which

the waste management services are provided, or

(B) by a person who makes use of waste management services.

AND WHEREAS Section 347(4) of the Municipal Act provides that;

347(4) A By-Law passed under clause (c), (d) or (e) or subclause (g)(iii) that provides that a person is required to do an act or provide a thing may provide that, if that person fails, omits or neglects to do that act or provide that thing, the municipality or any person on its behalf may remedy the default and may charge the person the cost of remedying the default

- (a) against the person required to do the act or provide the thing and recover it as a debt due to the municipality, by action in a court of competent jurisdiction; or
- (b) as taxes against the land in respect of which the offence occurred and recover the cost in the same manner as taxes are recovered.

AND WHEREAS Section 347.1 of the Municipal Act provides;

347.1 A municipality may engage in activities to promote public knowledge and understanding of waste management and public participation in the prevention, reduction, reuse or recycling of waste and the recovery of materials, substances or energy from waste.

AND WHEREAS the Council of the Town of Stonewall is deems it expedient and in the best interests of the Town of Stonewall to establish and operate a Waste Management System, as outlined in Sections 347(2), 347(4) and 347.1 of the Municipal Act, in and for the Town.

NOW THEREFOR be it and it is hereby enacted as a By-Law of the Town of Stonewall as follows:

1. NAME

1.0 This By-Law shall be cited as "The Waste Management By-Law".

2. DEFINITIONS

2.0 In this By-Law, unless the context otherwise requires:

- (a) "Commercial Premises" shall mean all those premises which are zoned "Commercial" or which the principal use thereof is defined as "commercial" under the Town of Stonewall Zoning By-Law No. 35/91, as amended.
- (b) "Industrial Premises" shall mean all those premises which are zoned "Industrial" or which the principal use thereof is defined as "industrial" under the Town of Stonewall Zoning By-Law No. 35/91, as amended.
- (c) "Institutional Premises" shall mean premises were the principal use is health care, residential care, education, recreation or public assembly and shall include, but is not limited to, hospitals, personal care homes, elderly housing, schools, child care

facilities, arenas and rinks, community centres, clubs and halls and religious institutions.

- (d) "person" shall mean any individual and includes a corporation, firm, partnership, institution and association.
- (e) "premises" shall mean a building or buildings including the associated land.
- (f) "Residential Premises" shall mean single family dwellings, duplexes, apartment and condominium complexes and mobile homes.
- (g) "Residential Unit" shall mean one or more rooms in a building designed for one (1) or more person as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
- (h) "Surcharge Sticker" shall mean a sticker as purchased pursuant to Section 7. of this By-Law and as shown in Schedule "B" attached hereto.
- (i) "Town" shall mean the Town of Stonewall.
- (j) "waste " shall mean all classes of waste as set forth in Section 3. of this By-Law.
- (k) "Waste Collection Contractor" shall mean the person who, under authority of a by-law, has contracted with the Town for the collection and removal of waste in the Town of Stonewall as set out in an Agreement between the Town and the person.
- (l) "Waste Disposal Ground" shall mean any waste disposal ground owned and operated jointly by the Town of Stonewall and Rural Municipality of Rockwood.

3. CLASSES OF WASTE

3.0 For the purposes of this By-Law the following Classes of Waste are hereby prescribed;

- (a) "Agricultural Waste" shall mean excess materials derived from Agricultural activities and without limiting the generality of the foregoing shall include but is not limited to crop residues, herbicides, pesticides, fertilizers and like materials from all Agricultural pursuits.
- (b) "Animal Waste" shall mean manure, excrement, carcass or any parts or mixtures thereof but does not include excrement from household domesticated pets such as, but not limited to, dogs and cats.
- (c) "Ashes" shall mean the cold residue resulting from the burning of a substance.
- (d) "Bulky Waste" shall mean an item or thing, having a weight which exceeds thirty two (32) kilograms (seventy five (75) pounds) or a total dimension which exceeds three (3) cubic metres (7 cubic yards) and without limiting the generality of the foregoing includes appliances, furniture, auto parts, large crates and packaging products and tree bough, branches and stumps.
- (e) "Combustible Waste" shall mean, but is not limited to, tree boughs, stumps and branches, paper and cardboard, wood and lumber and packaging materials derived from paper, cardboard and wood.
- (f) "Construction / Demolition Waste" shall mean a mixture of waste building materials and rubble resulting from construction, remodelling, renovations, repairs,

demolition or fire in buildings and other structures and includes but is not limited to lumber, plaster, concrete, drywall, shingles, siding, electrical and plumbing fixtures and piping or any combination thereof. Construction / Demolition Waste may be re-classified as Ashes, Combustible, Excavation, Metallic or Recyclable wastes provided said Construction / Demolition Waste is separated as per the Classifications defined in this Section.

- (g) "Excavation Waste" shall mean natural soil, earth, sand, gravel, asphalt, concrete and stone or any parts or mixtures thereof.
- (h) "Hazardous Waste" shall mean a substance that is designated a hazardous waste by regulation under The Dangerous Goods Handling and Transportation Act.
- (i) "Industrial Waste" shall mean solid or liquid waste materials resulting from, or incidental to the manufacture, processing or like operation of factories, processing plants, industrial processes and manufacturing operations and includes waste such as putrescible waste from food processing plants and rendering plants and condemned foods and products.
- (j) "Landfill Waste" shall mean all discarded waste but does not include Agricultural Waste, Animal Waste, Ashes, Combustible Waste, Construction/Demolition Waste, Excavation Waste, Hazardous Waste, Industrial Waste, Liquid Waste, Metallic Waste, Recyclable Waste and Yard Waste.
- (k) "Liquid Waste" shall mean sewage, sewage effluent and sludge from septic tanks, holding tanks and municipal sewage treatment systems.
- (l) "Metallic Waste" shall mean but is not limited to derelict vehicles, farm machinery, appliances and any other items, goods or things that are comprised entirely or mostly of a metal substance or substances.
- (m) "Ozone Depleting Substances" shall mean substances as regulated under the Ozone Depleting Substances Act.
- (o) "Recyclable Waste" shall mean those wastes as listed in Schedule "A" to this By-Law.
- (p) "Waste Oil" shall mean waste oil, lubricants, grease, petroleum and like substances.
- (q) "Waste Tire" shall mean tires discarded for reason of wear or damage.
- (r) "Yard Waste" shall mean leaves, grass clippings, garden and flower bed vegetation and straw.

4. REMOVAL AND DISPOSAL

4.01 Residential Units only shall receive curbside collection and disposal of allowable Wastes pursuant to this By-Law by the Waste Collection Contractor.

4.02 There shall be raised annually by a special rate on all Residential Premises within the Town, and as more specifically listed on Schedule "C" to this By-Law, an amount sufficient to meet the balance required for the cost to the Town of the curbside collection and disposal service.

4.1 Removal and Disposal - Single-Family and Two-Family Residential Premises

4.11 Persons occupying a Residential Unit as defined under this By-Law who reside in a single-family or two-family Residential Premises may place for collection by the Waste Collection Contractor the following Classes of Waste. Said Classes of Waste shall not exceed the limits per container unit, shall be placed in authorized containers and the containers shall be placed at such location for collection as hereinafter specified;

Landfill Waste

Recyclable Waste

Yard Waste

Ashes

Combustible Waste

4.12 Persons occupying a Residential Unit who reside in a single-family or two-family Residential Premises shall place for collection;

- i) not more than two (2) bags of Landfill Waste per week per allowable Residential Unit. This limit may only be increased if a Landfill Waste Surcharge Sticker(s), as provided for in Section 7. of this By-Law, has been purchased and attached to the third and each additional bag of Landfill Waste placed at the curb for collection.
- ii) unlimited bags of Recyclable Waste per week per allowable Residential Unit.
- iii) unlimited bags of Yard Waste per week per allowable Residential Unit.
- iv) unlimited containers of Ashes per week per allowable Residential Unit.
- v) unlimited units of Combustible Waste per week per allowable Residential Unit.

4.13 Persons occupying a Residential Unit who reside in a single-family or two-family Residential Premises shall place for collection the following Classes of Waste in the following containers;

- i) Landfill Waste shall be placed in a black or green garbage bag having a maximum size of 67 cm by 92 cm (26" X 36").
- ii) Recyclable Waste shall be placed in a semi - transparent blue recycling bag.
- iii) Yard Waste shall be placed in a clear, yellow or orange yard or garden bag having a maximum size of 76 cm by 122 cm (30" X 48").
- iv) Ashes shall be placed in a suitable non-flammable container were the combined weight of the container and ashes does not exceeding thirty two (32) kilograms (75 pounds). Ashes shall not be disposed of with Landfill Waste, Recyclable Waste, Yard Waste or Combustible Waste.
- v) Combustible Waste shall, were practical, shall be placed in a clear, yellow or orange bag having a maximum size of 76 cm by 122 cm (30" X 48").

Were it is not practical to place Combustible Waste in the authorized bag the waste shall be bundled and securely tied and shall not exceed four (4) feet in length nor three (3) feet in width.

4.14 Allowable waste for curbside collection shall be placed for collection in containers by 9:00 A.M. on the waste collection days, on the Residential property being serviced, immediately adjacent to the front property line and easily accessible from the street. Where the placement of the waste container does not restrict or impede pedestrian or vehicular traffic, the waste container may be placed between the property line and the road edge.

4.15 Persons occupying a Residential Unit who reside in a single-family or two-family Residential Premises who fail, refuse or neglect to comply with the placement of wastes at the curb for collection in the containers designated in Section 4.13 of this By-Law shall be provided a Notice from the Town advising that the container requirement has not been met. If the person occupying the Residential Unit fails, neglects or refuses to comply with the proper container requirement on any subsequent collection day or days the Waste Collection Contractor shall discontinue the waste collection service until the proper container requirement is met.

4.16 Persons occupying a Residential Unit as defined under this By-Law who reside in a single-family or two-family Residential Premises shall be responsible for the removal and disposal of the following Classes of Waste including any associated cost for said removal and disposal;

i) The following Classes of Waste may be disposed of at the Stonewall-Rockwood Waste Disposal Ground;

Construction / Demolition Waste

Excavation Waste

Bulky Waste

Metallic Waste

Ozone Depleting Substances provided the ozone depleting substance has been removed pursuant to the Ozone Depleting Substances Act

Waste Tires

ii) The following Classes of Waste shall be disposed of at such authorized locations as determined by the Town from time to time;

Waste Oil

Hazardous Waste

4.2 Removal and Disposal - Multiple-Family Residential Premises

4.21 Persons occupying a Residential Unit as defined under this By-Law who reside in a multiple-family Residential Premises may place for collection by the Waste Collection Contractor the following Classes of Waste. Said Classes of Waste shall

not exceed the limits per container unit, shall be placed in authorized containers and the containers shall be placed at such location for collection as hereinafter specified;

Landfill Waste

Recyclable Waste

Yard Waste

Ashes

Combustible Waste

4.22 Persons occupying a Residential Unit who reside in a multiple-family Residential Premises shall place for collection;

- i) not more than two (2) bags of Landfill Waste per week per allowable Residential Unit. This limit may only be increased if a Landfill Waste Surcharge Sticker(s), as provided for in Section 7. of this By-Law, has been purchased and attached to the third and each additional bag of Landfill Waste placed at the curb for collection.
- ii) unlimited bags of Recyclable Waste per week per allowable Residential Unit.
- iii) unlimited bags of Yard Waste per week per allowable Residential Unit.
- iv) unlimited containers of Ashes per week per allowable Residential Unit.
- v) unlimited units of Combustible Waste per week per allowable Residential Unit.

4.23 Persons occupying a Residential Unit who reside in a multiple-family Residential Premises shall place for collection the following Classes of Waste in the following containers;

- i) Landfill Waste shall be placed in a black or green garbage bag having a maximum size of 67 cm by 92 cm (26" X 36").
- ii) Recyclable Waste shall be placed in a semi - transparent blue recycling bag.
- iii) Yard Waste shall be placed in a clear, yellow or orange yard or garden bag having a maximum size of 76 cm by 122 cm (30" X 48").
- iv) Ashes shall be placed in a suitable non-flammable container were the combined weight of the container and ashes does not exceeding thirty two (32) kilograms (75 pounds). Ashes shall not be disposed of with Landfill Waste, Recyclable Waste, Yard Waste or Combustible Waste.
- v) Combustible Waste shall, were practical, shall be placed in a clear, yellow or orange bag having a maximum size of 76 cm by 122 cm (30" X 48"). Were it is not practical to place Combustible Waste in the authorized bag the waste shall be bundled and securely tied and shall not exceed four (4) feet in length nor three (3) feet in width.

4.24 Allowable waste for curbside collection shall be placed in the containers as specified in Section 4.23 and shall be deposited by 9:00 A.M. on the waste collection days in the designated waste container bin on the Residential property being serviced.

4.25 Persons occupying a Residential Unit who reside in a multiple-family Residential Premises, who fail, refuse or neglect to comply with the placement of wastes for collection in the containers designated in Section 4.23 of this By-Law shall be provided a Notice from the Town advising that the container requirement has not been met. If the person occupying the Residential Unit fails, neglects or refuses to comply with the proper container requirement on any subsequent collection day or days the Waste Collection Contractor shall discontinue the waste collection service until the proper container requirement is met.

4.26 Persons occupying a Residential Unit as defined under this By-Law who reside in a multiple-family Residential Premises shall be responsible for the removal and disposal of the following Classes of Waste including any associated cost for said removal and disposal;

i) The following Classes of Waste may be disposed of at the Stonewall-Rockwood Waste Disposal Ground;

Construction / Demolition Waste

Excavation Waste

Bulky Waste

Metallic Waste

Ozone Depleting Substances provided the ozone depleting substance has been removed pursuant to the Ozone Depleting Substances Act

Waste Tires

ii) The following Classes of Waste shall be disposed of at such authorized locations as determined by the Town from time to time;

Waste Oil

Hazardous Waste

4.3 Removal and Disposal of Wastes - Commercial, Industrial and Institutional Premises

4.31 Commercial, Industrial and Institutional Premises shall be responsible for the removal and disposal of the following Classes of Waste including any associated cost for the said removal and disposal;

i) The following Classes of Waste may be disposed of at the Stonewall - Rockwood Waste Disposal Ground;

Ashes

Bulky Waste

Combustible Waste

Construction / Demolition Waste

Excavation Waste

Industrial Waste provided same is permitted to be disposed of at a municipal waste disposal site under the Manitoba Environment Act

Landfill Waste

Metallic Waste

Ozone Depleting Substance provided the ozone depleting substance has been removed pursuant to the Ozone Depleting Substances Act

Recyclable Waste

Waste Tires

Yard Waste

ii) The following Classes of Waste shall be disposed of at such authorized locations as determined by the Town from time to time;

Hazardous Waste

Waste Oil

4.32 All Commercial, Industrial and Institutional Premises shall provide sufficient and suitable containers to hold the volume and types of Waste generated by the said Premises.

4.33 Commercial, Industrial and Institutional Premises shall locate waste containers on their property and the location of said container shall not restrict or impede pedestrian or vehicle traffic. Where in the opinion of the Town the location of a waste container creates a nuisance or is aesthetically offensive, the Town shall have the power to direct the owner or occupant of the Premises to appropriately screen the said waste container or to move same to a location satisfactory to the Town.

4.34 Commercial, Industrial and Institutional Premises shall maintain any waste container on their property and shall keep said container in such a condition so as not to be aesthetically offensive or to create a nuisance.

5. WASTE OIL

5.0 Waste Oil properly containerized and containing no contaminants, such as but not limited to water and antifreeze, shall only be disposed of at the Waste Oil Disposal Facility as approved and designated by the Town or such other authorized facilities or disposal services so approved by the Town in writing.

6. PROHIBITED WASTE

6.01 No person shall dispose of the following Classes of Waste by either the curbside collection service or disposal in the Waste Disposal Ground;

Agricultural Waste

Animal Waste

Hazardous Waste

Industrial Waste which is prohibited from disposal at a municipal waste disposal site

Liquid Waste

Waste Oil

6.02 No person shall dispose of the following Classes of Waste by any disposal method other than those expressly permitted pursuant to this By-Law;

Hazardous Waste

Waste Oil

6.03 No person shall dispose of any Class of Waste in an unauthorized or illegal manner.

7. SURCHARGES

7.0 Persons occupying a Residential Unit as defined in this By-Law and who may from time to time to place for curbside collection a third and additional bags of Landfill Waste shall be required to purchase in advance a Surcharge Sticker.

7.1 The purchase price of the Surcharge Sticker shall be set by the Town and shall be as setforth in Schedule "B" to this By-Law.

7.2 The form of the Surcharge Sticker shall be approved by the Town and shall be as setforth in Schedule "B" to this By-Law.

7.3 Third and each additional bag of Landfill Waste which has been placed at the curb for collection and does not have thereon a Surcharge Sticker shall not be collected by the Waste Collection Contractor.

7.4 The Town of Stonewall may at its sole discretion waive the requirement for the provision of a Surcharge Sticker on the third and each additional bag of Landfill Waste for a set period of time or date.

8. RIGHT OF ENTRY TO PRIVATE PROPERTY

8.0 The Town or the Waste Collection Contractor may enter upon any premises for any purpose related to the administration and enforcement of this By-Law.

9. LANDS TO BE KEPT CLEAN

9.0 The owner or occupier of any premises shall cause same to be kept free of wastes. The Town or the Waste Collection Contractor may enter upon any such property for the purposes of removing any wastes allowed to continue thereon contrary to this By-Law, and the cost of such removal may be recovered from the owner and added to the tax roll of the subject property and collected in the like and same manner as property taxes.

10. UNAUTHORIZED HANDLING OF WASTE

10. No person other than the owner or agent thereof, unless lawfully authorized to do so, shall pick over, interfere with, disturb, remove or scatter any wastes.

11. CONVEYANCE OF WASTES

11.0 No person shall convey or cause to be conveyed any wastes in a vehicle that is not properly constructed and covered so as to prevent the wastes from leaving the vehicle while in transport.

11.1 No person shall allow any vehicle containing wastes of an offensive nature to stand in any location for more than fifteen minutes within the Town.

12. ENVIRONMENTAL MANAGEMENT AND EDUCATION PROGRAMS

12.0 The Town may engage in activities to promote public knowledge and understanding of waste management and public participation in the prevention, reduction, reuse or recycling of waste and the recovery of material substances or energy from waste.

13. OFFENSES AND PENALTIES

13.0 If a person fails, omits or neglects to do any act or provide anything pursuant to this By-Law, the Town or any person on its behalf shall remedy the default and shall charge the cost of remedying the default;

a) against the person required to do the act or provide the thing and recover it as a debt due to the municipality, by action in a court of competent jurisdiction; or

b) as taxes against the land in respect of which the offence occurred and recover the cost in the same manner as taxes are recovered.

14.. REPEAL

14.0 By-Law No. 30-88 of the Town of Stonewall is hereby repealed.

15. EFFECTIVE DATE

15.0 This by-Law shall come into full force and effect on the 1 st day of January, A.D., 1995.

DONE AND PASSED in Council duly assembled this 9th day of November, A.D. , 1994.

TOWN OF STONEWALL

Dave Lethbridge
MAYOR

Robert J. Potter
ADMINISTRATOR

Read a first time this 12th day of October A.D. , 1994

Read a second time this 26th day of October A.D. , 1994, as amended

Read a third time this 9th day of November A.D. , 1994, as amended

SCHEDULE "A"

to By-Law No. 38/94

RECYCLABLE WASTE

The following items are classified as recyclable waste;

Tin Cans

Glass Bottles and Jars

All Aluminum Cans

All types of soft drink Containers (aluminum, glass and plastic)

All liquor, wine and beer Bottles and Cans

Milk Cartons

Newspapers (NO GLOSSY FLYERS)

All Plastic Containers with a symbol on the bottom except motor oil containers

SCHEDULE "B"

**to By-Law No. 38/94
(pursuant to Section 7.)**

SURCHARGE STICKER

7.1 Pursuant to Section 7.1 of By-Law No. 38/94 the purchase of a Surcharge Sticker for the third and each additional bag of Landfill shall be as follows;

Two Dollars (\$ 2.00) per Surcharge Sticker

7.2 Pursuant to Section 7.2 of By-Law No. 38/94 the form of the Surcharge Sticker shall be as follows;

TOWN LOGO

Town of Stonewall Landfill Waste Surcharge Sticker

Attach one (1) Surcharge Sticker to each third (3rd) and additional bag of Landfill Waste and place bag(s) at curb for collection.

SURCHARGE STICKER NO. _____

SCHEDULE "C"

**to By-Law No. 38/94
(pursuant to Section 4.07))**

<u>Roll No.</u>	<u>Legal Description</u>	<u>Residential Units</u>	<u>Unit Rate</u>	<u>Levy</u>
EXAMPLE				
10,000 1 - 45 - 2594		1	\$ 50.00	\$ 50.00
16,700 14 to 18 - 4 - 32879		30	\$ 50.00	\$ 1,500.00