

TOWN OF THE PAS

BY-LAW NO. 4559

BEING A BY-LAW OF THE TOWN OF THE PAS TO PROVIDE FOR A WASTE MANAGEMENT SYSTEM AND TO REPEAL BY-LAW NO. 4541.

WHEREAS Section 232 of The Municipal Act provides that a council may pass by-laws for municipal purposes;

AND WHEREAS it is in the interest of The Town of The Pas to establish a Solid Waste Collection and Waste Disposal Grounds By-Law to correspond with the WRARS Program (Waste Reduction and Recycling Support) being implemented by the Province of Manitoba;

NOW THEREFORE THE COUNCIL OF THE TOWN OF THE PAS IN OPEN SESSION ASSEMBLED HEREBY ENACTS AS A BY-LAW AS FOLLOWS:

1. Short Title

(a) This By-Law shall be referred to as the "Waste By-Law".

2. Definitions

(a) **Ashes** - the residue from the burning of wood, coal, coke and like materials, for the purpose of cooking, heating buildings, and disposing of combustible materials.

(b) **Bulky** - large items of refuse, including appliances, furniture, auto parts and large crates.

(c) **Collection Period** – one 5 day garbage cycle

(d) **Combustible Waste** - shall mean, but is not limited to yard waste, tree boughs, stumps, branches, wood and lumber.

(e) **Compostable Material** – Includes yard and garden waste (grass clippings, fallen leaves, flower and vegetable waste, straw, hay, peat moss) and kitchen waste (fruit, vegetable peelings, tea bags, coffee grounds)

(f) **Commercial Building** – any building used to provide goods or service, or any other like premises.

(g) **Construction and Demolition Wastes** - the waste building materials and rubble resulting from the construction, remodeling, repairs, demolition or destruction by fire or buildings and other structures, and the installation, repair or removal of pavement and like works.

(h) **Dwelling** - a building or portion thereof designed for residential occupancy.

(i) **Dwelling, Multiple Family** - a building, including multiple families containing three or more dwelling Units, each unit designed for and used by not more than one family.

(j) **Dwelling, Single and Two Family** - a building, including a single family building, having not more than two separate suites or living quarters, used as a dwelling. Where a residence consists of two separate dwelling units, each shall be considered a residence.

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- (k) **Dwelling Unit** - one or more rooms in a building designed for one or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
- (l) **Family** - one or more persons related by blood or marriage or common-law marriage, or a group of not more than three persons who may not be related by blood or marriage, living together as a single housekeeping unit. A housekeeping unit referred to above, shall be deemed to exist if all members thereof have access to all parts of the dwelling unit.
- (m) **Garbage Shed** – A shed which is constructed to a standard deemed appropriate by the Town. The Engineering Office will provide basic construction specifications upon request.
- (n) **Garbage Stand** – A stand which is constructed to a standard deemed appropriate by the Town. The Engineering Office will provide basic construction specifications upon request.
- (o) **Garbage Bag** - a non-returnable plastic bag, tied at the top, maximum size of 26" by 36", capable of being lifted with 25 pounds of contents.
- (p) **Hazardous Waste** - any waste that may present a hazard to a person in contact with such waste, and includes, but is not limited to, wastes such as propane cylinders, petroleum distillates, light fuels, household waste paints, caustics, drugs, acute hazardous waste chemicals, waste crankcase oils and lubricants, inorganic chemicals, halogenated pesticides and herbicides, non- halogenated organic pesticides and any other wastes of pathological, explosive, highly flammable, radioactive, toxic or acidic in nature.
- (q) **Household Waste** - solid vegetable waste, including food packaging, matter with residual food materials resulting from the handling, preparation, cooking and serving of foods in households, unusable clothing, sweepings and all waste materials capable of being consumed by fire, wood excelsior, bedding, rubber, leather, plastic, metals, ceramics, glass, and yard waste. Household waste is to be contained in a garbage bag. Loose garbage will not be picked up.
- (r) **Institutional Building** – any building which houses offices, classrooms, correctional or medical facilities or any other like premises.
- (s) **Recyclable** - any item of household waste that is eligible for funding under the Waste Reduction and Recycling Support (WRARS) Program and the Town deems it expedient to separate from the waste stream.
- (t) **Recyclable Materials Container** - a container supplied by the owner for the purpose of collecting recyclable material.
- (u) **Town** - Town of The Pas.
- (v) **Waste Collection Tag** - a properly authorized marker, obtained from the Town, or its agent, with adhesive backing to be placed on the Household Waste or Bulky items for collection by the Town.
- (w) **Waste Container** - a receptacle, complete with lid, of not more than 26 gallon (120 liter) capacity which the contents shall weigh not more than 50 pounds, is fitted with handles to facilitate handling.

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- (x) **Waste Disposal Grounds** - the Town of The Pas Landfill site located just off PR 283 on Pt of Section 11, Township 56, Range 26 WPM in the Province of Manitoba.
- (y) **Yard Waste** - waste that consists of leaves, grass and garden waste, excluding any tree trimmings.
- (z) **Yard Waste Composting Site** - the site designated for the composting of Yard Waste located at the Waste Disposal Grounds.

3. Collection of Household Waste - Single and Two Family Dwellings

- a) The Town shall provide services to collect household waste from all family dwellings, exclusive of statutory holidays, in such a manner that all dwelling units shall receive collection approximately fifty times per year.
- b) All bulky items removed by the Town must be scheduled through the engineering office. The fees for bulky item removal are noted in Appendix A – Fines and Fees.
- c) Household waste which is picked up at the rear of the premises it is to be kept in a clean garbage stand constructed to a standard deemed appropriate by the Town or in waste containers. Household waste which is picked up at the front of a premise is to be kept in waste containers.
- d) Two (2) bags are allowed to be placed out for collection without a tag. This may be varied to include garbage that fits in one waste container or one 24"x36" garbage stand. Additional bags in excess of the two (2) free bags are to be tagged. Each additional waste container will require two tags to be placed on the handle. Tags may be purchased from the Town, for a fee set by the Town as set out in Appendix A – Fines and Fees.
- e) Between periods of collection, all household waste shall be properly contained so as not to make an unsanitary condition, including structures constructed for the purpose of storing waste.
- f) Household waste shall be placed out for collection not sooner than 8:00 p.m. on the day prior to and not later than 7:00 a.m. on the designated collection day.
- g) Where no back lane access is available all household waste placed for collection shall be at a location as close as possible to the travelled portion of the street adjacent to the front of their residence, but not on a sidewalk or in such a location as to interfere in any way with vehicular or pedestrian traffic.

4. Collection Of Household Waste Multiple Family Dwellings

- a) The Town shall provide services to collect household waste from all multiple family dwellings, exclusive of statutory holidays, in such a manner that all multiple family dwelling units shall receive collection a minimum of approximately fifty times per year.
- b) Owners of multiple family dwellings will:
 - a. Post a clearly visible sign inside their garbage stand indicating how many garbage bags are to be collected for their apartment. Each dwelling unit will be allowed two garbage bags per week.

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- b. The Landlord will be responsible for removing all excess garbage each week.
 - c. The landlord will be responsible for educating their tenants. Also for promoting and executing a recycling program for their apartment.
 - d. Keep their stands in a sanitary condition.
- c) Rules and limitations on the nature, amount and placement of the waste for residential single family dwelling units shall also apply to multiple family dwelling units.

5. Commercial and Institutional Buildings

- a) The Town shall provide services to collect commercial waste exclusive of statutory holidays, in such a manner that all properties shall receive collection approximately fifty times per year.
- b) Should the nature of the properties business require additional pick-ups per weekly collection period the business will be charged extra. The Municipal Superintendent, or his designate, reserves the right to add additional pick-ups at full cost to the property owner. Property owners will be notified by letter of any additional pickups. The flat fee for each pick up will be defined in Appendix A – Fines and Fees.
- c) Commercial businesses are expected to develop recycling programs. To encourage this end the town solid waste collection will not pick up cardboard products.
- d) Rules and limitations on the nature, amount and placement of the waste for residential single family dwelling units shall also apply to commercial premises that have opted for the Town's collection service.

6. General Waste Collection Conditions

- a) Household wastes consisting of meat or vegetable waste shall be securely wrapped or contained before it is placed in a waste container.
- b) No person shall deposit any waste material on a property or in a waste container that is not under his direct control. Should your waste be found on a property other than your own you will be fined as defined in Appendix A – Fines and Fees.
- c) No person, other than the owners or occupants or those appointed by the owners or by the Council to collect wastes, shall interfere with or disturb the contents of any waste placed for collection.
- d) The Town shall have the final authority in case of any dispute.
- e) The Town shall not make collections from any location which the Engineering Office deems unreasonable, inefficient or dangerous to Town employees.
- f) Every person shall dispose of construction and demolition waste at their own expense at the waste disposal grounds.
- g) The Engineering Office will authorize a free residential post-Christmas spring and fall clean-up to promote the beautification of the Town and to provide residents a means by which to dispose of unwanted items. Items

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must be sorted, metals, organics, etc. and be kept in a neat pile for pick up. Each resident will have one pickup per event and any additional pick up will be an additional charge as defined in Appendix A – Fines and Fees.

- h) When due to holidays any residence that goes without a garbage pickup beyond 11 days that residence will be permitted four bags of garbage rather than the regular two bags.

7. Bulky Item Collection Services

- a) The Town shall provide bulky item collection services to an owner provided that:
 - a. The owner contacts the Engineering Office prior to setting out the item(s) requiring bulky item collection services;
 - b. The owner pays the appropriate fees as defined in Appendix A – Fines and Fees;
 - c. The owner complies with all directions of the Engineering Office with respect to the preparation of the affected item(s) for setting out and collection.
- b) Bulky item collection services shall be provided by the Town on a “first requested, first served” basis once per month.
- c) The Engineering Office may refuse or limit the amount of bulky item collection services provided.

8. Waste Disposal Ground Provisions

- a) All residents of the Town are permitted to deposit residential refuse and residential fill material at the designated area in the Waste Disposal Grounds, which shall be established and identified by the Town.
- b) Deposits may be made during hours that the Waste Disposal Grounds is open, and are subject to the tipping fees noted in Appendix A – Fines and Fees.
- c) Residential tagged bags and compostable material are exempt from paying the tipping fees.
- d) The materials deposited shall not contravene the other provisions of this by-law or the terms of reference in the license issued to the Town under *The Environment Act* or regulations as amended.
- e) Any person utilizing the Waste Disposal Grounds shall obey the posted speed limits while operating a motor vehicle within the Waste Disposal Grounds.
- f) Every person who attends the Waste Disposal Grounds shall:
 - a. Report to the weigh scale;
 - b. Comply with all instructions, directions and signs; and

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- c. Unless other arrangements have first been made with the Town, pay the applicable fee for disposal at the Waste Management Centre scale house as provided in Appendix A to this Bylaw.
- g) Refuse shall be expeditiously off-loaded from the vehicle and any passengers therein shall exit the vehicle only to assist in off-loading refuse. Upon completion of off-loading, the vehicle and all its passengers shall immediately leave the Waste Disposal Grounds.
- h) Where a person disposes of waste or recyclable material at the Waste Disposal Ground contrary to the terms of this Section, the Town may remove the waste from the Waste Disposal Ground, and the costs of so doing are a debt due to the Town from the person who disposed of the waste.
- i) Pursuant to Section 260 (1) of the Act, the Town may enter into agreements with other municipalities for use of the Town's Waste Disposal Grounds for the purpose of depositing extra municipal refuse. This agreement shall set out the fees as established by resolution of Town Council together with conditions of use.
- j) The Engineering Office reserves the right to waive residential tipping fees for special promotional purposes.
- k) The Public Works Foreman or his designate may inspect all waste brought to the Waste Disposal Grounds to determine if the load contains special waste, unacceptable waste or recyclable material. Any load with excessive recycling will be charged triple the applicable tipping fee.
- l) Any person(s) or commercial hauler who is found to be contaminating any of the recyclable material areas on site will be required to pay all cleaning fees.

9. Waste Categories at the Waste Disposal Grounds

- a) Appliances containing chlorofluorocarbons or other ozone depleting substances will be accepted at the waste disposal grounds. The appliances are to be placed in the section of the Waste Disposal Grounds designated for such items.
- b) Ashes shall be completely cooled prior to placing into a waste container so as not to create a fire.
- c) Animal feces shall be placed in containers so as to prevent contamination of equipment and/or an insanitary condition.
- d) The Town shall provide a Yard Waste Composting Site for the disposal of organic yard waste, including grass, leaves, or other vegetation, but not including tree branches. All containers used for transportation shall be removed from the composting site by each person.
- e) The Town shall provide a Burnable Site for the disposal of tree and wood waste, not including painted or otherwise finished wood, wood contaminated with metal screws or nails or other construction waste.
- f) Asbestos will only be accepted in summer months with a minimum of 10 days' notice provided to the engineering office. The fee for accepting asbestos is listed in Appendix A – Fines and Fees. This fee is charged to cover the additional expenses incurred by having to promptly bury the asbestos.

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- g) Agricultural Manure will not be accepted at the Waste Disposal Grounds.
- h) The Town will not accept biomedical wastes or sharps for disposal at the Waste Disposal Grounds.
- i) Loads containing special waste or unacceptable waste may be refused.

10. Accounts

- a) Commercial haulers are expected to set up accounts with the Town to facilitate quick trips through the Waste Disposal Grounds.
- b) Any person with an unpaid account or fines at the Waste Disposal Grounds may be refused access to the Waste Disposal Grounds until the outstanding account or fine has been paid.
- c) All overdue accounts will be subject to a 1.25% per month charge.

11. Unsafe Behavior

Persons using abusive or threatening language or gestures, or otherwise behaving in an unsafe manner may be refused access to the Waste Disposal Ground at the discretion of the Town.

Solid waste is to be properly secured to prevent loss of material during transport. The transporter is to be responsible for collection and disposal of all materials that have escaped from the transport vehicle. The transporter is also responsible for all damages caused by uncontained waste. Should the transporter arrive at the landfill with an unsecured load they will be responsible to pay the fine specified in Appendix A – Fines and Fees.

12. Waste Disposal Grounds Hours of Operation

The hours of operation of the Waste Disposal Ground shall be:

- i. Set by the Municipal Superintendent; and
- ii. Posted at the Waste Disposal Ground.

13. Disposition of Waste

- a) All waste deposited at the Waste Disposal Ground becomes the property of the Town.
- b) No person shall remove any waste or recyclable material from the Waste Disposal Ground without prior authorization from the Town.

14. Penalties

- a) If a person fails, omits or neglects to do any or provide anything pursuant to this By-Law the Town or any person on its behalf shall be able to lay a fine as defined in Appendix A – Fines and Fees. Additionally they shall be able to remedy the default and shall charge the cost of remedying the default.

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- a. against the person required to do the act or provide the thing and recover it as 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 offense occurred and recover the cost in the same manner as taxes are recovered.
- b) Persons who fail, refuse or neglect to comply with the placement of wastes in the proper location for collection shall be provided a notice from the Town advising the requirements have not been met. If the person neglects or refuses to comply with the proper requirements on any subsequent collection day or days the Town or its designated officers shall discontinue the waste collection service until the proper conditions have been met.
- c) Unpaid fines will be subject to an interest charge of 1.25% per month.

15. Revenues

All revenues derived from this by-law shall be divided, 10% transferred to Operation and Maintenance and 90% transferred into the Waste Disposal Ground Reserve.

16. Repeal

That By-law No. 4541 be hereby repealed.

17. Effective Date

This by-law shall come into force and takes effect upon being read a third time and passed by Council.

DONE AND PASSED IN COUNCIL ASSEMBLED THIS DAY OF A.D. 2017.

Mayor

Assistant C.A.O.

CERTIFIED THAT BY-LAW NO. 4559 WAS:

READ A FIRST TIME THIS DAY OF A.D. 2017.
READ A SECOND TIME THIS DAY OF A.D. 2017.
READ A THIRD TIME THIS DAY OF A.D. 2017.

Assistant C.A.O.

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Appendix A – Fines and Fees

Tipping Fee:

0kg – 124kg	\$10.00
125kg - 249kg	\$20.00
250kg - 374kg	\$30.00
375kg – 499kg	\$40.00
500kg – 624kg	\$50.00
625kg – 749kg	\$60.00
750kg – 874kg	\$70.00
875kg – 999kg	\$80.00
1,000kg+	\$10.00/125kg

Asbestos Fee \$250.00/load + tipping fee

Curb Side pickup Fees:

Bag Tag	\$2.00
Addition Pick-Up	\$50.00
Bulk Item Pick Up	\$50.00

Fines:

Unsecured Load	\$250.00
*Non-Sorted Load	\$250.00
Littering	\$250.00