

TOWN OF NIVERVILLE
BY-LAW NO. 667-09

Being a By-law of the Town of Niverville to establish
and operate a Waste Management System

WHEREAS Section 250(2) of the Municipal act provides that:

250(2) Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:

- a) acquire, hold, mortgage and disposal of land, improvements and personal property, or an interest in land, improvements and personal property;
- b) construct, operate, repair, improve and maintain works and improvements;
- c) acquire, establish, maintain and operate services, facilities and utilities;
- d) enter into agreements with a person, with an agency of the Government of Manitoba or the Government of Canada, or with another municipality, including a municipality in another province, to do with or on behalf of the municipality anything the municipality has the power to do within the municipality;
- e) use municipal equipment, materials, and labour to carry out private works on private property.

AND WHEREAS Section 252(1) of the Municipal Act provides that:

252(1) A municipality exercising powers in the nature of those referred to in clause 250(2)(b), (c), and (e) may set terms and conditions in respect of users, including

- a) setting the rates or amounts of deposits, fees, and other charges, and charging and collecting them;
- b) providing for a right of entry onto private property to determine compliance with other terms and conditions, to determine the amount of deposits, fees or other charges, or to disconnect a service; and
- c) discontinuing or disconnecting a service and refusing to provide the service to users who fail to comply with the terms and conditions.

AND WHEREAS the council of the Town of Niverville deems it expedient and its best interests to implement a Waste Management System;

NOW THEREFORE BE IT IS ENACTED as a By-law of the Town of Niverville as follows:

1. NAME

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

2. DEFINITIONS

a) “Commercial Premises” shall mean all those premises which are zoned “Commercial”.

b) “Industrial Premises” shall mean all those premises which are zoned “Industrial”

c) “Institutional Premises” shall mean premises where 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 centers, 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 of buildings including the associated land.

f) “Residential Premises” shall mean single family dwellings, duplexes, apartment, and condominium complexes.

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 purchased pursuant to Section 6 of this By-Law.

i) “Town” shall mean the Town of Niverville.

j) “Waste” shall mean all classes of waste set forth in section 3 of this By-Law.

3) CLASSES OF WASTE

3.0 For the purpose of the 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, carcasses or any parts or mixture thereof but does not include excrement from household domesticated pets such as, but not limited to dogs and cats.

c) "Ashes" shall mean 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 meters (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, wood and lumber.

f) "Construction/Demolition Waste" shall mean a mixture of waste building materials and rubble resulting from the construction, remodeling, renovations, repairs, demolition of 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, Combustibles, 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 and 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 food from 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 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.

n) "Recyclable Waste" shall mean those wastes as accepted by the local recycling processors.

o) "Waste Oil" shall mean oil, lubricants, grease, and petroleum and like substances.

p) "Waste Tires" shall mean tires discarded for the reason of wear and damage.

q) "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.

4.02 There shall be raised annually by a special rate on all Residential Premises within Town 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 Premises

4.11 Persons occupying a Residential Unit as defined under By-Law who reside in a single family or two-family Residential Premises may place for collection by Town or its designated officers the following Classes of Waste and they shall not exceed the limits per container/bag unit.

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 or containers of Landfill Waste per week per allowable Residential Unit. This limit may only be increased if a Surcharge

Sticker(s), as provided for in Section 6 of this By-Law, has been purchased and attached to the third and each additional bag or container of Landfill Waste placed at the curb for collection.

ii) unlimited bags of Recyclable Waste weekly.

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 garbage bag having a maximum size of 78.7 cm by 1.06 m (31"x 42") or in metal or plastic containers not exceeding one hundred and twenty eight litres (34 gallons) and cannot exceed fifty (50) pounds in weight.

ii) Recyclable Waste shall be placed in a Blue Recycling Box or a semi-Transparent Blue Recycling Bag.

4.14 Allowable waste for curbside collection shall be placed for collection in containers by 8:00 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 4.12 of this By-law shall be provided a Notice from the Town advising the container requirements 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 Town or its designated officers shall discontinue the waste collection service until the proper container has been obtained.

5. PROHIBITED WASTE

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

6. SURCHARGES

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

6.1 The purchase price of the Surcharge Sticker shall be set by the Town by resolution of Council.

6.2 The form of Surcharge Sticker shall be approved by the Town and shall be available from the Town Office.

6.3 Third and each additional bag/container 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 Town or its designated officers.

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

7. RIGHT OF ENTRY TO PRIVATE PROPERTY

7.0 The Town of Niverville or its designated officers may enter upon any premises for any purpose related to the administration and enforcement of this By-Law.

8. LANDS TO BE KEPT CLEAN

8.0 The owner or occupier of any premises shall cause same to be kept free of wastes. The Town or its designated officers may enter upon any such property for the purpose 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 or added to the tax roll of the subject property and collected in the like and same manner as property taxes.

9. UNAUTHORIZED HANDLING OF WASTE

9.0 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 waste.

10. CONVEYANCE OF WASTES

10.0 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.

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

11. ENVIRONMENTAL MANAGEMENT AND EDUCATION PROGRAMS

11.0 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.

12. OFFENSES AND PENALTIES

12.0 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 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 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.

13. REPEAL

13.0 By-Law No. 298-87 and By-law No. 404-92 of the Town of Niverville are hereby repealed.

14. EFFECTIVE DATE

14.0 This By-Law shall come into full force and effect on the 1st day of April A.D. 2009

DONE AND PASSED in open council duly assembled this day of March A.D 2009

Mayor

CAO

Given 1st reading this day of A.D. 2009
Given 2nd reading this day of A.D. 2009

Given 3rd reading this day of A.D. 2009