



Town of Winnipeg Beach BY-LAW 08/2019

BEING A BY-LAW OF THE TOWN OF WINNIPEG BEACH FOR THE PURPOSE OF REGULATING SOLID WASTE.

WHEREAS Section 232(1) of *The Municipal Act*, S.M. 1996 c. 58 provides in part:
232(1) A Council may pass By-Laws for Municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centers, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
- (c) subject to 233, activities or things in or on private property;
- (d) – (o)

CONTENTS OF BY-LAWS UNDER CLAUSE 232(1) (c)

233 A By-law under clause 232(1) (c) (activities or things in or on private property) may contain provisions only in respect of

- (a) the requirement that land and improvement be kept and maintained in a safe and clean condition;
- (b)
- (c)
- (d) Activities or things that in the opinion of the Council are or could become a nuisance, which may include noise, weeds, orders, unsightly property, fumes and vibrations.

AND WHEREAS Council for the Town of Winnipeg Beach deems it necessary to pass a By-Law regulating Solid Waste within the Town of Winnipeg Beach

NOW THEREFORE BE IT RESOLVED THAT the Council for the Town of Winnipeg Beach in open session, duly assembled, enacts as a By-Law as follows:

1. DEFINITIONS

For the purposes of this By-Law, certain words and terms are defined as follows:

- 1.1 **Animal & Agricultural Wastes** – means manures, crop residues and like materials from agricultural pursuits, stables, kennels, veterinary establishments and other such premises.
- 1.2 **Ashes** – means the residue of any substance used as fuel and reduced to a size not larger than six (6) inches cubed;
- 1.3 **Authorized Staff** – means an employee designated to enforce municipal By-Laws excluding members of Council.
- 1.4 **Building Refuse** – means the materials from cellars or other excavation materials used by the building trade, debris from any building destroyed by fire or debris created by any other cause.
- 1.5 **Bulky Wastes** – means large items of refuse exceeding 22.68 kilograms (50 pounds) in weight or exceeding 1 meter (3.28 feet) in any direction, including large appliances and furniture, hot water tanks, mattresses and carpets, but excluding auto parts regardless of size or weight.

- 1.6 **By-Law Enforcement Officer** – means the ‘By-Law Enforcement Officer’ appointed or authorized by the Council of the Town of Winnipeg Beach to enforce by-laws of the Municipality.
- 1.7 **Construction and demolition wastes** – means waste building materials and rubble resulting from construction, remodeling, repair, demolition or fire in houses, commercial buildings, pavements and other structures.
- 1.8 **Contractor** – means a person or contractor who agrees to furnish materials and/or perform services at a special price.
- 1.9 **Domestic Waste** – means any debris, rubbish, refuse or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather, and for even greater certainty it is hereby declared that “domestic waste” includes but is not limited to the following classes of material regardless of the nature or condition of the material, article or thing:
- a) Broken or torn bits of twigs, splinters or rags, tree cuttings or cut limbs and brush from any shrub or tree, and waste lumber, excepting only cut and stacked firewood for use in a fireplace on the property;
 - b) Paper, paper cartons and other paper products;
 - c) Rotting vegetable matter, or rotting animal matter;
 - d) Disconnected appliances, including refrigerators, stoves, freezers, or any part or parts of such things;
 - e) Furnaces or furnace parts, ducting, pipes, fittings to pipes, and wire;
 - f) Water or fuel tanks;
 - g) Inoperative machinery, inoperative motor vehicles, and parts or accessories of such items;
 - h) Accumulations, deposits, leavings or sweeping of litter, remains, rubbish, or trash of any sort, whether animal, mineral or vegetable;
 - i) Broken or indoor/outdoor furniture;
 - j) Crockery, dishes, pots, and pans;
 - k) Animal waste products, animal feces, hides, parts or carcasses other than those arising from industrial or agricultural businesses legally operated on the land; and
 - l) Construction, demolition, repair or renovation debris or leftovers from such work;
- 1.10 **Debris** – shall include grass clippings, leaves and any other bulky refuse.
- 1.11 **Designated Officer** – means the Chief Administrative Officer or other official appointed by Council, from time to time, to enforce this by-law.
- 1.12 **Dirt** – means natural soil, earth, sand and stone
- 1.13 **Environment Officer** – means the Public Health Inspector or Environment Officer as person or persons appointed or designated under the Manitoba Clean Environment Act.
- 1.14 **Garbage** – means animal and vegetable waste, including food packaging material with residual food materials, resulting from the handling, preparation, cooking and serving of foods in households, institutions and commercial concerns; and market wastes resulting from the handling, storage and selling of foods in wholesale and retail stores and markets.
- 1.15 **Habitation** – shall include any building, house, tents, trailer or other accommodation that is used for human habitation or to provide food, lodging or entertainment for a human being or human beings or used for commercial or industrial purposes.
- 1.16 **Hazardous Material; is** material that poses substantial or potential threats to public health or the environment;

- 1.17 **Industrial Waste** – means any debris, rubbish, refuse, sewage effluent, discard, or garbage of a type arising from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on the property due to exposure or the weather, and for even greater certainty it is hereby declared that “industrial waste” includes but is not limited to the following classes of material regardless of the nature or condition of the material, article or thing:
- a) Debris, discarded things or matter, or effluent which in whole or in part are derived from or are constituted from or consist of,
 - i) animal or vegetable matter, paper, lumber, or wood, or,
 - ii) mineral, metal, or chemicals, or fill contaminated with petrochemical or petroleum products;
 - b) Piles of miscellaneous plastic, wood or metal parts, or combinations of such materials;
 - c) Automotive parts not packaged for immediate shipment, inoperative vehicles, vehicle parts, inoperative mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles and mechanical equipment not contained in a legal salvage yard;
 - d) Piping, ducting, tubing, conduits, cable, wire and fittings or related accessories, with or without adjuncts, and not packaged for immediate shipment;
 - e) Material resulting from or as part of, construction, demolition, repair or renovation projects including debris and leftovers;
 - f) Rubble or fill;
 - g) Bones, feathers, hides or other animal parts or carcasses;
 - h) Sewage;
 - i) Dust emanating from the operation of the enterprise; and
 - j) Ashes
- 1.18 **Inoperative Motor Vehicle** – means a motor vehicle which is not operative or which is not currently licensed pursuant to the provisions of the Highway Traffic Act and amendments thereto, or a vehicle having missing bodywork, components or parts, including tires, or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevent its mechanical function.
- 1.19 **Occupant** – means any person or persons over the age of 18 years in possession of the property.
- 1.20 **Occupier** – means the person in occupation of a premise or if it is vacant, the person in charge thereof.
- 1.21 **Owner** – includes:
- a) both the owner in trust and beneficial owner of land,
 - b) the person for the time being managing or receiving rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
 - c) a lessee or occupant of the property who manages or controls the condition of the property
- 1.22 **Order** – means any notice of non-compliance issued under this by-law.
- 1.23 **Person** – includes firm, association, partnership and corporation.
- 1.24 **Premise** – means a building or part thereof which is used by a person, corporation, firm, partnership, institution or association.
- 1.25 **Property** – means any grounds, yard or vacant lot.
- 1.26 **Recycling** – means any waste material accepted for reuse by any contractor to whom the Town of Winnipeg Beach or its agent delivers such materials.
- 1.27 **Refuse** – includes all manner of waste and debris as provided for or defined in this by-law but does not include a building or buildings on a

property, but does include parts or pieces of such structures on the property that are dismantled or are rubble, or which have become detached from the building, whether by construction, demolition, damage or deterioration.

- 1.28 **Residential Premise** – means a premise, or part thereof, used as a place of abode.
- 1.29 **Rubbish** – means “combustible”....”non-combustibles”.... and “yard rubbish” consisting of prunings, grass clippings, weeds, leaves, general garden wastes, residential trees and tree cuttings of not more than 0.9 (3 feet) in length or 100 millimeters (4 inches) in diameter in bundles not exceeding 18.144 kilograms (40 pounds), all exclusive of solid wastes otherwise classified herein.
- 1.30 **Town** – means the Town of Winnipeg Beach in the Province of Manitoba.
- 1.31 **Town Inspector** – means the person appointed as such from time to time by the Council of the Town.
- 1.32 **Unsanitary Conditions** – means any nuisance or any condition, matter or thing which, in the opinion of the By-Law Enforcement Officer, Town Inspector or Environment Officer, may be injurious to health or which, in his or her opinion, may result in the creation of a garbage control problem or a nuisance.

2. STORAGE OF SOLID WASTES

- 2.1 Every habitation shall at all times be equipped with sufficient receptacles to hold all garbage and ashes brought to or created in the regular pick-ups the owner or occupier of any real property shall cause the same to be kept free of garbage, ashes, building refuse, debris or like matter.
- 2.2 The By-Law Enforcement Officer/Designated Officer, Town Inspector, or any person authorized by the Town Council, may enter upon any real property located in the Town for the purpose of:
 - 2.2.1 removing any materials which may be allowed to accumulate thereon contrary to this By-Law and depositing said materials in a disposal area chosen by the Town; or,
 - the real property to remove any materials which may be allowed to accumulate thereon contrary to this By-Law and deposit said materials in a disposal area chosen by the Town;
- 2.3 All charges incurred by the Town with respect to subparagraph 2.2. are payable when demanded in writing by the Town and may be collected as a debt by action, or by adding it to, and as against real property taxes against any land in the Town owned by the owner referred to in subparagraph 2.1.
- 2.4 Subject to the provisions of this By-Law, Town shall establish and maintain, at the expense of the Town, a regular and orderly system for the collection, removal, and disposal of garbage, recycling, ashes, refuse and debris which it is the duty of the Town to remove, and shall accept and act upon the lawful direction of the Environment Office relating to such collection, removal and disposal.
- 2.5 With the exception of the annual spring and fall clean up it is the responsibility of the occupant/occupier/owner or person of each premise or residential premise to dispose of building refuse and bulky wastes, domestic waste, debris and rubbish at his/her own expense and in a timely manner (no more than one week) so as not to create a safety, unhealthy or unsightly condition.
- 2.6 Bales of hay/straw/flax, bags of leaves or the like, for the sole purpose of insulating exteriors of buildings, residences, structures or sewage systems and water pipes must be removed from properties within the Town of Winnipeg Beach at the owner’s expense by the May 30th. in each year. Under no circumstances are bales of hay/straw/flax or the like to be burned on private or public property within the boundaries of the Town of Winnipeg Beach.

3. SUITABLE CONTAINERS

Containers for solid wastes shall meet the following requirements:

- 3.1 They shall be of a type approved by the By-Law Enforcement Officer/Designated Officer or Town Inspector and shall be loaded and contained in such a manner that the contents may be easily removed by collection personnel and shall be:
 - 3.1.1 Galvanized metallic material or other approved rust-resistant material, water-tight, not larger than 762 millimetres (30 inches) in height and 508 millimetres (20 inches) in width, or a capacity not exceeding 0.14 cubic metres, weighing not more than 11 kilograms (24.25 pounds) and equipped with close-fitting cover and handles;
 - 3.1.2 A durable plastic container with a close-fitting lid and handles;
 - 3.1.3 Covered metal containers, as approved by the By-Law Enforcement Officer/Designated Officer or Town Inspector of a size and type suitable for reasonable access, as determined by the By-Law Enforcement Officer/Designated Officer or Town Inspector, to allow for removal of contents . Such containers shall be used in all locations where the quantity of solid waste equals or exceeds 1.5 cubic metres per week and where suitable conditions exist for mechanical collections.
 - 3.1.4 Any other container approved by the By-Law Enforcement Officer/Designated Officer or Town Inspector.
- 3.2 In the case of the containers supplied under Paragraph 3.1.1 and 3.1.2 above, the combined weight of the container and its contents shall not exceed 34 kilograms.
- 3.3 All containers shall be maintained in a condition satisfactory to the By-Law Enforcement Officer/Designated Officer or Town Inspector and shall be kept clean and free of odor.
- 3.4 All Grass cuttings and leaves must be in paper yard waste bags.
- 3.5 All recycling must be in clear or blue bags and must not be mixed with non-recycling refuse. Large recycling items can be delivered to the Village of Dunnottar with a valid Landfill Permit.
- 3.6 All tree branches must be bundled and tied in lengths not to exceed 3 (three) feet.
- 3.7 Collection personnel reserve the right to refuse collection of any items not in compliance with any of the requirements in Section 3 of this by-law.

4. HAZARDOUS MATERIALS

Hazardous Materials may not be disposed of with regular garbage or Recycling and must be disposed of by the occupant at an authorized hazardous material site.

5. PLACEMENT OF CONTAINER AND BULKY WASTE

- 5.1 In the case of property with an adjacent back lane, containers and bulk waste shall be placed in an area on the property being serviced immediately adjacent to the back lane and shall be easily accessible from the back lane.
- 5.2 In the case of property not served by a back lane, containers and bulky waste shall be placed for collection on refuse pick-up days on the property line and easily accessible from the street, except where the placement of the containers and bulky wastes does not restrict or inconvenience pedestrian or vehicular traffic the containers and bulky waste may be placed between the property line and the curb side.

- 5.3 Any appliances, refrigerator or other container which has a snap lock or similar device shall have the door removed prior to its being put out for pick-up.
- 5.4 Where in the opinion of the By-Law Enforcement Officer / Designated Officer or Town Inspector the placement of garbage containers creates a nuisance or is aesthetically offensive to the neighborhood, the By - Law Enforcement Officer/Designated Officer or Town Inspector shall have the power to direct the owner or occupant of the premises to appropriately screen the said garbage containers or move them to a location satisfactory to the said By-Law Enforcement Officer/Designated Officer or Town Inspector.
- 5.5 Containers shall be stored in a manner approved by the By-Law Enforcement Officer/Designated Officer or Town Inspector, such that there is no harborage for rodents in or near the containers. Containers shall be held upright and tightly secured so that they cannot be easily toppled and in such a manner that will prevent animals, birds, or other forms of wildlife from breaking bags and/or scattering the contents. The owner or occupant of the premises shall immediately clean up any spillage or scattering due to improper storage.
- 5.6 Ashes are to be stored in suitable receptacles, not containers, approved by the By-Law Enforcement Officer/Designated Officer or Town Inspector and are not to be mixed with other garbage or rubbish. The owner or occupier of any real property who puts live ashes in garbage containers shall be held responsible for all costs arising from any resulting fire.
- 5.7 All garbage shall be strained to eliminate liquids and enclosed in sufficient paper or other like substance to completely enclose the contents and prevent any leakage or spillage and shall be securely tied or fastened prior to placement in containers. All garbage shall be enclosed in sufficient paper or other like substance to completely enclose the contents and shall be securely tied and fastened prior to placement in the containers.

6. MOTOR VEHICLE SALVAGE

No person shall use any land or structure in the Town for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal including the purposes of repairing other vehicles.

Subsection 6 above does not apply if zoning by-laws permit the land to so be used and the person holds a current and valid license issued by the Town for the land, permitting motor vehicle salvage.

7. SERVICES PROVIDED BY THE TOWN

- 7.1 Pick-up of residential and commercial refuse every Monday of the year plus every Friday beginning on the long weekend in May and ending with Labour Day in September.
- 7.2 Pick-up of residential and commercial recycling every Monday of the year plus every Friday beginning on the long weekend in May and ending with Labour Day in September.
- 7.3 An annual spring and fall clean up collection of building refuse, non-bulky wastes, domestic waste, debris and rubbish. These items must not be larger than 1 meter (3.28 feet) in any direction and the weight must not exceed 40 pounds (18.144 kilograms). This will under normal circumstances take place within the week following the May long weekend and within the week following the September long weekend.
- 7.4 Weekly pickup of compost material commencing the first week of May and end the last week of October.

7.5 Access for Town residents and property owners to the Village of Dunnottar Landfill Site with a valid Landfill Permit, during operating hours.

8. COMMENCEMENT OF BY-LAW

That this By-law comes into force and effect the day it receives third and final reading.

9. REPEAL

That By-Law 1/2010 regulating Sanitation and Solid Waste for the Town of Winnipeg Beach is hereby repealed.

That By-Law 9/2011, a by-law to amend By-Law 1/2010 is hereby repealed.

DONE AND PASSED by the Council of the Town of Winnipeg Beach duly assembled this 28th day of August 2019.



Tony Pimentel
Mayor

TOWN OF WINNIPEG BEACH



Kathryn Magnusson
CAO

Read a 1st time this 24th day of July 2019 (Resolution #181/2019)
Read a 2nd time this 28th day of August 2019 (Resolution #198/2019)
Read a 3rd and final time this 28th day of August 2019 (Resolution #199/2019)