

## TOWN OF BEAUSEJOUR

### By-law No. 1675/12 The Solid Waste Management By-law

Being a By-law of the Town of Beausejour to establish and operate the Solid Waste Management System in the Town of Beausejour

WHEREAS Clause 1(2) of the Manitoba Environment Act [L.M. 1987-88, C. 26] defines the term "waste" to include municipal waste;

AND WHEREAS Clause 41(1) provides that the Lieutenant Governor in Council may make regulations not inconsistent with the act;

AND WHEREAS Manitoba Environment Regulation 150/91, section 2 requires a municipality to provide for the disposal of all waste generated within the municipality;

AND WHEREAS Clause 232(1) of the Manitoba Municipal Act [L.M. 1996, C. 58 - Chap M225] permits the council of a municipality to pass By-laws for the safety, health, protection and well being of people;

AND WHEREAS Clause 232(2) of the Manitoba Municipal Act [L.M. 1996, C 58 - Chap M225] permits a council of a municipality to pass By-laws establishing fees or other charges for services, activities or things provided by the municipality.

AND WHEREAS Clause 252(2) of the Manitoba Municipal Act permits a municipality to collect a charge in the same manner as a tax.

AND WHEREAS the Council of the Town of Beausejour deems it expedient and in the best interests of the Town of Beausejour to establish and operate a Solid Waste Management System.

**NOW THEREFORE** be it and it is hereby enacted as a By-law of the TOWN OF BEAUSEJOUR as follows:

#### 1. NAME

1.0 This By-law shall be cited as "The Solid Waste Management By-law"

#### 2. DEFINITIONS

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

- (a) "commercial/business parcel" shall mean one or more rooms in a building designed and zoned for commercial use or which the principal use thereof is defined as a "commercial" under the Town of Beausejour Zoning By-law No. 1070, as amended and for which there are individual sanitary facilities. Uses shall also include those out lined under "commercial premise" "industrial premises" and "institutional premises" definitions.
- (b) "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 Beausejour Zoning By-law No. 1070, as amended.
- (c) "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 Beausejour Zoning By-law No. 1070 as amended.
- (d) "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 centres, clubs and halls and religious institutions.
- (e) "multi-family residential premises" shall mean multi-family dwellings, apartments and condominium complexes.

**2. DEFINITIONS (Continued)**

- (f) "person" shall mean any individual and includes a corporation, firm, partnership, institution and association.
- (g) "premises" shall mean a building or buildings including the associated land.
- (h) "single and two-family residential premises" shall mean single family dwellings, duplexes, and mobile homes.
- (i) "residential/dwelling parcel" shall mean one or more rooms in a building designed for one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
- (j) "sticker" shall mean a residual waste sticker as purchased pursuant to Section 7. of this By-law and as shown in Schedule "B" attached hereto.
- (k) "TOWN" shall mean the Town of Beausejour
- (l) "waste" shall mean all classes of waste as setforth in Section 3. of this By-law.
- (m) "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 Beausejour as set out in an Agreement between the Town and the person.
- (n) "waste disposal facility" shall mean any waste disposal facility established and operated in compliance with the Environment Act and the Waste Disposal Grounds Regulations.

**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 of 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, remodeling, renovations, repairs, demolition or fire in buildings and other structures and includes but is not limited to glass, 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.

**3. CLASSES OF WASTE (Continued)**

- (h) “hazardous waste” shall mean a substance that is designated a hazardous waste by regulation under The Dangerous Goods Handling and Transportation Act. and shall also include fluorescent bulbs.
- (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) “liquid waste” shall mean sewage, sewage effluent and sludge from septic tanks, holding tanks and municipal sewage treatment systems.
- (k) “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.
- (l) “ozone depleting substances” shall mean substances as regulated under the Ozone Depleting Substances Act.
- (m) “recyclable material” shall mean any item of household waste that is eligible for funding under the Manitoba Product Stewardship Program and the TOWN deems it expedient to separate from the waste system.
- (n) “residual waste” shall mean residential solid waste, after removal of recyclables and yard waste, but does not include construction and demolition debris, unacceptable or banned items and bulky waste.
- (o) “waste oil” shall mean waste oil, lubricants, grease, petroleum and like substances.
- (p) “waste tire” shall mean tires discarded for reason of wear or damage.
- (q) “yard waste” shall mean leaves, grass clippings, garden and flower bed vegetation and straw.

**4. REMOVAL AND DISPOSAL**

4.0 Residential parcels shall receive once a week curbside collection and disposal of allowable waste pursuant to this By-law by the waste collection contractor.

4.1 Removal and Disposal – Residential Parcel

4.11 Persons occupying a residential parcel as defined under this By-law who reside in a 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;

Residual Waste

Recyclable Material

4.12 Persons occupying a residential parcel shall place for collection;

- i) not more than TWO (2) cans/bags of residual waste per week per allowable residential parcel. This limit may only be increased if a residual waste sticker(s), as provided for in Section 7. of the By-law, has been purchased and attached to the THIRD and each additional can/bag of residual waste placed at the curb for collection.
- ii) Unlimited amounts of recyclable material per week per allowable residential unit.

**4. REMOVAL AND DISPOSAL (Continued)**

- 4.13 Persons occupying a residential parcel shall place for collection the following classes of waste in the following containers;
- i) Residual waste shall be placed in a receptacle, complete with lid, fitted with handles to facilitate handling; or a non-returnable plastic bag, tied at the top.
- The maximum dimensions of a standard garbage can are 50 cm by 82 cm (20"x32" - 124 litres).
- The maximum dimensions of a plastic bag *are 89 cm by 127 cm (35" x 50")*.
- Garbage cans and plastic bags should not exceed 22 kgs (50 lbs) in weight.
- ii) Recyclable material shall be placed in a blue recycling box or blue bag.
- 4.14 Allowable waste for curbside collection shall be placed for collection in containers by 7:00 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 parcel 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 notification of non-compliance 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 parcel as defined under this By-law 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 Oakwood Waste Transfer Station;
- Construction / demolition waste
- Excavation waste
- Bulky waste
- Metallic waste
- Appliances containing ozone depleting substances provided the ozone depleting substance has been removed pursuant to the Ozone Depleting Substances Act.
- Waste tires
- Waste oil
- 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
- iii) The following classes of waste may be disposed of at the Town of Beausejour Compost Site;
- Ashes
- Yard Waste

**4. REMOVAL AND DISPOSAL (Continued)**

- (iv) The following classes of waste may be disposed of at the Town of Beausejour Electronic Waste Site;  
Electronic Waste

**4.3 Removal and Disposal – Small Commercial Parcel**

- 4.31 Small commercial/business parcel shall receive once a week curbside collection and disposal of allowable waste pursuant to this By-law by the waste collection contractor.
- 4.32 Person occupying small commercial parcel as defined under this By-law and who operate a small commercial/business may place for collection by the waste collection contractor the following classes of waste. Said classes of waste shall be placed in authorized containers and the containers shall be placed at such location for collection as hereinafter specified;

**Residual waste****Recyclable material**

- 4.33 Persons occupying small commercial parcel shall place for collection,
- i) not more than TWO (2) cans/bags of residual waste per week per allowable commercial/business parcel. This limit may only be increased if a residual waste sticker(s), as provided for in Section 7. of the By-law, has been purchased and attached to the THIRD and each additional can/bag of residual waste placed at the curb for collection.
- ii) Unlimited amounts of recyclable material per week per allowable small commercial parcel.
- 4.34 Persons occupying small commercial parcel or who operate a small commercial/ business shall place for collection the following classes of waste in the following containers;
- i) Residual waste shall be placed in a receptacle, complete with lid, fitted with handles to facilitate handling; or non-returnable plastic bag, tied at the top.
- The maximum dimensions of a standard garbage can are 50 cm by 82 cm (20" x 32").
- The maximum dimensions of a plastic bag are 89 cm by 127 cm (35" x 50").
- Garbage cans and plastic bags should not exceed 22 kgs (50 lbs) in weight.

- ii) Recyclable material shall be placed in a blue recycling box or blue bag.
- 4.35 Allowable waste for curbside collection shall be placed for collection in containers by 7:00 a.m. on the waste collection days, on the commercial 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.

- 4.36 Persons occupying a small commercial/business parcel or who operate a small commercial/business, who fail, refuse or neglect to comply with the placement of wastes for collection in the containers designated in Section 4.34 of the By-law shall be provided a Notice from the TOWN advising that the container requirement has not been met. If the person occupying the small commercial/business parcel 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. REMOVAL AND DISPOSAL (Continued)**

- 4.37 Persons occupying a small commercial/business parcel as defined under this By-law who operate a small commercial/business shall be responsible for the removal and disposal of the following classes of waste including any associated cost for aid removal and disposal;
- i) The following classes of waste may be disposed of at the Oakwood Waste Transfer Station;
    - Construction / demolition waste
    - Excavation waste
    - Bulky waste
    - Metallic waste
- Appliances containing ozone depleting substances provided the ozone depleting substance has been removed pursuant to the Ozone Depleting Substances Act.
- Waste tires
  - Waste oil
- 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
- iii) The following classes of waste may be disposed of at the Town of Beausejour Compost Site;
- Ashes
  - Yard Waste
- iv) The following classes of waste may be disposed of at the Town of Beausejour Electronic Waste Site;
- Electronic Waste
- 4.4 Removal and Disposal of Wastes -- Large Commercial, Industrial, and Institutional Parcel
- 4.41 Large commercial/business parcel shall receive twice a week curbside collection and disposal of allowable waste pursuant to this By-law by the waste collection contractor.
- 4.42 Persons occupying a large commercial/business parcel or who operate a large commercial/business parcel as defined under this By-law may place for collection by the waste collection contractor the following classes of waste. Said classes of waste shall be placed in authorized containers and the containers shall be placed at such location for collection as hereinafter specified;
- Residual waste
  - Recyclable material
- 4.43 Persons occupying a large commercial/business parcel shall place for collection,
- i) not more than TWO (2) cans/bags of residual waste per pickup per allowable commercial/business parcel, twice per week. This limit may only be increased if a residual waste sticker(s), as provided for in Section 7. of the By-law, has been purchased and attached to the THIRD and each additional can/bag of residual waste placed at the curb for collection.

**4. REMOVAL AND DISPOSAL (Continued)**

- ii) Unlimited amounts of recyclable material per week per allowable small commercial/business parcel
- 4.44 Persons occupying large commercial/business parcel or who operate a large commercial/ business parcel shall place for collection the following classes of waste in the following containers;
- i) Residual waste shall be placed in a receptacle, complete with lid, fitted with handles to facilitate handling; or non-returnable plastic bag, tied at the top.
- The maximum dimensions of a standard garbage can are 50 cm by 82 cm (20" x 32").
- The maximum dimensions of a plastic bag are 89 cm by 127 cm (35" x 50").
- Garbage cans and plastic bags should not exceed 22 kgs (50 lbs) in weight.
- ii) Recyclable material shall be placed in a blue recycling box or blue bag.
- Large commercial/business parcel 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 Oakwood Waste Transfer Station;
- Construction / demolition waste
- Excavation waste
- Bulky waste
- Metallic waste
- Appliances containing ozone depleting substances provided the ozone depleting substance has been removed pursuant to the Ozone Depleting Substances Act.
- Waste tires
- Waste oil
- 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
- iii) The following classes of waste may be disposed of at the Town of Beausejour Compost Site;
- Ashes
- Yard Waste
- iv) The following classes of waste may be disposed of at the Town of Beausejour Electronic Waste Site;
- Electronic Waste
- 4.45 All large commercial/business parcel shall provide sufficient and suitable containers to hold the volume and types of waste generated by the said premises.

**4. REMOVAL AND DISPOSAL (Continued)**

- 4.46 Large commercial/business parcel 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.
- 4.47 Large commercial/business parcel 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.
- 4.48 Large commercial/business parcel shall be responsible to make arrangements and costs thereof with a private contractor in order to deal with the collection, transportation and disposal of all waste above and beyond the amounts that the Town of Beausejour curbside waste collection system provided for under this by-law.

**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**

- 6.0 No person shall dispose of the following classes of waste by the curbside collection service
- Agricultural waste
  - Animal waste
  - Hazardous waste
  - Industrial waste which is prohibited from disposal at a municipal solid waste transfer station site
  - Liquid waste
- 6.1 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
- 6.2 No person shall dispose of any class of waste in an unauthorized or illegal manner.

**7. CHARGES**

- 7.0 Persons occupying a residential parcel as defined in this By-law and who may from time to time place for curbside collection a third and additional cans/bags of residual waste shall be required to purchase in advance a sticker.
- 7.1 The purchase price of the sticker shall be set by the TOWN and shall be as set forth in Schedule "B" to this By-law.
- 7.2 The form of the sticker shall be approved by the TOWN and shall be as set forth in Schedule "B" to this By-law.



**7. CHARGES (Continued)**

- 7.3 Third and each additional can/bag of residual waste of a residential unit which has been placed at the curb for collection and does not have thereon a sticker shall not be collected by the waste collection contractor.
- 7.4 The Town of Beausejour may at its sole discretion waive the requirement for the provision of a sticker on the third and each additional can/bag of residual 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**

- 10.0 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 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.
- 13.1 Anyone who violates contravenes or fails to observe and carry out any of the provisions of this By-law shall be liable upon conviction to a fine not exceeding \$50.00 for the first offence and not exceeding \$100.00 for each subsequent offence plus costs.

**14. REPEAL**

14.0 Be it resolved that By-law 1577/05 and By-law 1606/07 and amendments thereto are hereby repealed.

**15. EFFECTIVE DATE**

15.0 This By-law shall come into full force and effect on the      day of      A.D., 2012

DONE AND PASSED in Council duly assembled this      day of      , A.D., 2012.

\_\_\_\_\_  
Brad Saluk  
MAYOR

\_\_\_\_\_  
Jack Douglas  
Chief Administrative Officer

Read a first time this      day of      , A.D., 2012

Read a second time this      day of      , A.D., 2012

Read a third time this      day of      , A.D., 2012

**SCHEDULE “B”**

**By-law No. 1675/12**

(pursuant to Section 7)

**RESIDUAL WASTE STICKER**

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- 7.1 Pursuant to Section 7.0 of By-law No. 1675/12 the purchase of a Residual Waste Sticker for the third and each additional can/bag of Residual Waste shall be as follows:  

Two Dollar (\$2.00) per Sticker
  
- 7.3 Pursuant to Section 7.2 of By-law No. 1675/12 the form of the Residual Waste Sticker shall be as follows:



**SCHEDULE "A"**  
**By-law No. 1675/12****RECYCLABLE MATERIAL**

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The following items are classified as recyclable waste;

|                                    |  |
|------------------------------------|--|
| Newsprint and Flyers               | ONP                                    |
| Magazines                          | OMG                                    |
| Telephone Directories              | OTD                                    |
| Corrugated Cardboard               | OCC                                    |
| Boxboard                           | OBB (ex. cereal boxes, tissue boxes)   |
| Gable Top Cartons                  | (ex. milk cartons, juice cartons)      |
| Aseptic Containers                 | (ex. juice boxes)                      |
| Steel Food and Beverage Containers |  |
| Aluminum Beverage Containers       |  |
| PET #1 Plastic Containers          | (ex. pop bottles)                      |
| PP #5 Plastic Containers           | (ex. yogurt tubs)                      |
| #7 Plastic Containers              | (ex. Ketchup bottles)                  |
| HDPE #2 Plastic Containers         | (ex. milk jugs)                        |
| Glass Containers                   | (ex. jam glass jars, sauce glass jars) |