

RURAL MUNICIPALITY OF ALEXANDER

BY-LAW NO. 24-08

Being a by-law of the Rural Municipality of Alexander for regulating the deposit of waste on public or private property, regulating and controlling the use of Waste Disposal Grounds and to repeal By-law 13/07.

WHEREAS:

- A. Council of the Rural Municipality of Alexander (Municipality) deems it necessary and expedient that the depositing of waste on public and private property and the use of Waste Disposal Grounds be regulated and controlled;
- B. Section 232(1) of *The Municipal Act*, S.M. 1996, c.58 empowers a municipality to pass by-laws respecting the safety, health, protection and well-being of people, and the safety and protection of property;
- C. Section 250(2) empowers a municipality to maintain and operate services and facilities;
- D. Subsections 252(1)(a) and (c) authorize a municipality to set terms and conditions in respect of users of services and facilities, including setting, charging and collecting fees and other charges, and to refuse to provide the service to users who fail to comply with the terms and conditions; and

NOW THEREFORE the Council of the Municipality in council assembled enacts as follows:

1. Definitions:

“authorized user” means

- a) an owner of real property shown on the Municipality’s tax roll, and/or a person authorized by an owner of real property.
- b) a person who is authorized to use the Waste Disposal Grounds by agreement with the Municipality:

“bag” means a flexible containment device with a single opening, not measuring more than 26 inches x 36 inches in size;

“re-useables” means items that are made of metal or real wood.

“waste” includes non-hazardous rubbish, litter, junk, junked appliances or machinery, slimes, tailings, waste of domestic or municipal or mining or factory or industrial origin, effluent or sewage, human or animal waste, solid or liquid manure, or waste product of any kind whatsoever.

2. A Landfill contractor shall be a designated officer of the Municipality, and shall have all the powers and authority of a designated officer set out in sections 239, 242 and 245 of the Municipal Act for administering and enforcing this by-law. The Municipality may appoint Landfill contractor(s) by resolution.
3. No person shall deposit or cause to be deposited waste upon any public or private property in the Municipality, including a highway.
4. A person may only deposit waste in a container suitable for the purpose.
5. Only an authorized user can access and deposit waste at a Waste Disposal Ground, and may do so only in accordance with the requirements of this by-law, including:
 - a. every owner of real property in the Rural Municipality of Alexander must display their Waste Disposal Ground Identification Tag, or provide proof of residency upon request of the Landfill contractor.
 - b. every person authorized by a real property owner to deposit waste must provide proof of authorization and/or identification if requested by the Landfill contractor
 - c. only on the days and during such hours of operation as the Municipality may from time to time determine and set by resolution. The Municipality will post a sign at a Waste Disposal Ground advising of its days and hours of operation.

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- d. the authorized user must demonstrate the nature and type of the waste to be deposited if requested. The Landfill contractor may otherwise refuse entry to the Waste Disposal Ground.
 - e. only as and where directed by the Landfill contractor, and the waste must be deposited upon, immediately adjacent to, or as near as is reasonably possible to waste previously deposited at the Waste Disposal Ground.
 - f. the authorized user must pay the applicable fees set out in Schedule "A".
 - g. subject to 6, if the waste to be deposited is metallic waste it must be deposited within the separate area or areas of the Waste Disposal Ground designated by the Municipality for the depositing of such waste.
 - h. Re-useable waste must be deposited within the separate area of the Waste Disposal Ground designed by the Municipality for the depositing of such waste.
 - i. the depositing of rubber tires will require removal of the rims. The rim shall be deposited in the metal bin and the rubber tire in the area designated for tires.
6. The Municipality deems the Waste Disposal Ground unsuitable for the depositing of bulky metallic waste.
7. No person shall:
- a. cause a disturbance in or near a Waste Disposal Ground by
 - i. fighting, screaming, shouting, swearing, using insulting or obscene language,
 - ii. being drunk, or
 - iii. impeding or molesting other persons,
 - b. Loiter at the Waste Disposal Ground or in any way obstruct persons who are in the site or working at the Waste Disposal Ground,
 - c. Disturb the peace and quiet of the Landfill contractor or authorized users at the Waste Disposal Ground by using firearms or by other disorderly conduct;
8. No person shall remove, damage, obliterate, render illegible, deface, or otherwise interfere with a sign or notice to which reference is made in this by-law.

Fees

9. Bag Stickers:
- a. The Municipality will continue to take financial responsibility for all necessary handling fees up to and including an annual maximum of 52 bag stickers per dwelling.
 - b. In January of each year, the Municipality will provide upon request each owner of real property containing a dwelling shown on the Municipality's tax roll with 52 bag stickers *free of charge*. The number of stickers provided by the Municipality will be prorated for the period of each week following the first week in January of each year.
 - c. Additional bag stickers exceeding the maximum of 52 per year will be the shared responsibility of the owner and the Municipality, and the owner will be required to pay a handling fee of \$ 1.00 per sticker.
 - d. Additional stickers must be purchased in minimum quantities of 5.
 - e. Stickers will be available for cash purchase at the Municipal Office and at the Waste Disposal Grounds.
 - f. To ensure available quantities are kept on hand, the Municipality may restrict the maximum number of stickers that may be purchased.

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10. Additional Fees:

- a. The Municipality will assess and collect separate handling fees for all other deposits not contained in a “bag” as defined in this by-law, based on the type and volume of waste to be deposited, as set out in Schedule “A”; and
- b. The Municipality reserves the right to make adjustments to the provided details of assessment, collection, and handling fees as it deems necessary.

11. Payment of Fees: The fees imposed under this by-law as determined at the Waste Disposal Ground shall be by cash or invoice issued by the Landfill contractor. Receipts will be issued for cash payment and invoices issued will be payable within 30-days of the date of the invoice. If the fee is not paid within this period, the Municipality may collect it in the same manner as a tax may be collected or enforced under the Municipal Act.

12. Commercial/ Non-Residential/Organized Deposits: The assessment of fees for deposits of commercial/non-residential waste shall be determined by the Chief Administrative Officer.

Enforcement

13. Where the Landfill contractor is of the opinion there is a violation of this by-law, the Landfill contractor may advise the person of the violation, and what must be done to remedy the violation. Where the violation is not remedied to the satisfaction of the Landfill contractor, the Landfill contractor may refuse the person access to the Waste Disposal Ground and order them to remedy anything done in violation of the by-law.

14. The person must comply with the Landfill contractor's order immediately. If the person fails to comply with the Landfill contractor's order, the Landfill contractor may remedy the violation. The costs of an action or measure taken by the Municipality under this paragraph are an amount owing to the Municipality by the person who violated this by-law and may be collected by the Municipality in the same manner as a tax may be collected or enforced under the Municipal Act.

15. No person shall permit waste to remain on or at a Waste Disposal Ground after having deposited it there in contravention of this by-law.

16. Any person who violates a provision of this by-law, in addition to being subject to the steps set out in 13-15, is also guilty of an offence and is liable on summary conviction to a fine of not more than \$1000.00.

17. By-Law No. 13/07 be hereby repealed.

DONE AND PASSED in Council duly assembled, in the Council Chambers, in St. Georges, Manitoba, this 12th day of November 2008.

Reeve

Chief Administrative Officer

READ A FIRST TIME THIS 28th day of October A.D. 2008

Resolution #: 503/08

READ A SECOND TIME THIS 12th day of November A.D. 2008

Resolution #: 524/08

READ A THIRD TIME THIS 12th day of November A.D. 2008

Resolution #: 525/08

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SCHEDULE "A" – DEPOSIT FEES BY TYPE AND VOLUME

FREE OF CHARGE:

Recyclables
Scrap metal
Burnable items such as leaves, grass clippings, branches, etc. (NO STUMPS)
Household garbage bag (bearing sticker)
Household furniture
Tires with rims removed (NO TIRES ON RIMS ACCEPTED)
Rims with tires removed

THE FOLLOWING APPLICABLE FEES SHALL BE CHARGED AS NOTED:

BAGS:

Each 26" x 36" standard bag – Not bearing sticker \$ 1.00

SHINGLES AND BULK TRUCKLOADS:

1 ton truckload	\$ 50.00
3 ton truckload	\$ 65.00
Tandem load	\$100.00
Semi load	\$150.00

FOR THE FOLLOWING BEING DEPOSITED AT THE SCRAP METAL AREA:

Fridges, Freezers/Air Conditioners \$ 15.00
(With or Without Freon)

THE FOLLOWING ITEMS ONLY ACCEPTED AT ST. GEORGES AND TRAVERSE BAY LANDFILL SITE ECO CENTRES

Oil:

Any petroleum or synthetic crank case oil, engine oil, hydraulic fluid, transmission fluid, gear oil, heat transfer fluid, or other fluid capable of use for lubricating purposes in machinery and equipment.

Oil Containers:

Any oil container that through use can no longer be used for its original purpose.

Oil Filters:

Any spin-on or element style oil filter that is used in hydraulic, transmission or internal combustion engine applications and includes a diesel fuel filter, a household furnace fuel filter, a coolant filter and a storage tank fuel filter, but does not include a gasoline filter, air filter or household furnace air filter.