

TOWN OF NIVERVILLE

BYLAW 775-17

BEING A BYLAW OF THE TOWN OF NIVERVILLE to establish a waste and recycling management system.

WHEREAS Section 250 (2) of *The Municipal Act* provides:

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

(c) acquire, establish, maintain and operate services, facilities and utilities.”

AND WHEREAS the Council of the Town of Niverville deems it necessary to establish a bylaw governing waste and recyclable materials collection in the Town of Niverville;

NOW THEREFORE THE COUNCIL OF THE TOWN OF NIVERVILLE IN SESSION ASSEMBLED HEREBY ENACTS AS FOLLOWS:

1. This Bylaw shall be known as the Waste and Recycling Bylaw.

SECTION 2 DEFINITIONS:

- a) **Automated Waste and Recyclable Materials Collection** – means the collection of waste or recyclable materials using a specially designed vehicle with a mechanical system which empties either a rolling waste or recyclable materials cart directly onto the vehicle.
- b) **Bylaw Enforcement Officer** – means the authorized Bylaw Enforcement Officer of the Town or any person authorized by the Chief Administrative Officer to enforce this Bylaw, including where applicable, law enforcement under contract with the Town.
- c) **Collection Schedule for Waste & Recyclable Materials** – a schedule outlining the day(s) of the week on which waste and recyclable materials collection will occur for specific zones of the Town.
- d) **Operations Manager** – means the Operations Manager of the Town or any person designated to act on the manager’s behalf.
- e) **Community Compost Site** – site designated by the Town where residents are permitted to drop off compostable materials.
- f) **Compostable Material** – unless further defined by resolution of Council, means grass clippings and leaves that contain sufficient nitrogen or carbon to support composting excluding tree branches and tree stumps.
- g) **Contractor** – means any licensed general contractor capable of acquiring a performance bond equal to or greater than required in the request for proposal for waste and recyclable materials management services.

- h) **Dwelling Unit** – means a single family residential premise operated and designed as a single housekeeping unit, used or designed and equipped to be used by one or more persons, and normally containing cooking, eating, sleeping and sanitary facilities.
- i) **Garbage Material** – means all material whatsoever and without limiting the generality of the foregoing, including waste, industrial waste, compostable material and hazardous material.
- j) **Hazardous Material** – means any material that is composed entirely or in part, or is contaminated with a product that is identified under *The Dangerous Goods Handling & Transport Act* and the Regulations thereto, as hazardous including cooking oil.
- k) **Industrial Property** – means any property other than residential property with three dwelling units or less.
- l) **Industrial Waste** – means any material from excavations which is not hazardous including tree branches and stumps, material from any building being demolished as a result of fire or any other cause, material from building construction, repair, alteration, restoration or maintenance including site facilities; material from manufacturing and service processes, manure, slaughterhouse offal, dead animals, waste from garages, filling stations and restaurants; or any condemned matter of waste which is not recyclable or compostable.
- m) **Multi-Unit Residential** – means a residential building including an apartment building that contains more than three separate dwelling units.
- n) **Multi-Use Property** – means a property that consists of a combination of a commercial unit or units and a dwelling unit or units.
- o) **Non-Resident** – means a person whose place of residence is not located within the limits of the Town.
- p) **Occupant** – means a person(s) or organization who is renting, leasing, or authorized by the owner of same to occupy a building, portion of building, or entire property.
- q) **Owner** – means a person(s) or organization who is an owner of land in a municipality including property jointly owned by owners or an owner as defined under *The Condominium Act* of a dwelling unit as defined under the Act.
- r) **Recyclable Material** – means any material deemed acceptable for collection by a third-party recycling provider(s) who have entered into an Agreement with the Town to serve as a recycling hauler.
- s) **Recycling Hauler** – means any person(s) who collects and removes recyclable materials from the Town under Agreement with the Town.
- t) **Resident** – means a person whose place of residence is located within the corporate limits of the Town.
- u) **Residential Property** – means any property assessed 50% or more residential by the Provincial Assessment Branch, contains less than four dwelling units or by Development Agreement with the Town.

- v) **Rolling Waste Cart** – means a container approved and provided by the Town for automated collection of waste materials.
- w) **Rolling Recyclable Materials Cart** – means a container approved and provided by the Town and/or the recycling hauler for residential automated collection of recyclable materials.
- x) **Town** – means the incorporated municipality of the Town of Niverville.
- y) **User** – means any person, or person acting on behalf of an owner of a residential property, that uses the Town waste and recyclable materials management system. This includes disposing of waste material at the Town’s designated waste transfer site.
- z) **Waste Collection Vehicle** – a vehicle that hauls waste material.
- aa) **Waste Hauler** – means any person(s) who by agreement, collects and removes waste on behalf of the Town of Niverville.
- bb) **Waste Management Attendant** – means the appointed person who works at the designated Town waste transfer site and who performs the duties involved which may include tracking vehicles, weighing loads, and/or collecting fees.
- cc) **Waste Material** – means garbage material that is not considered recyclable, compostable, hazardous, or industrial waste.
- dd) **Waste Transfer Site** – means the Town waste transfer site located one kilometer north on 6th Avenue N. or any other location designated by resolution of Council.

SECTION 3 CONTROL

- a) No person shall dispose of any waste material in the Town except in the manner provided in this bylaw. This section shall not prohibit the use of a household garburator or similar device, provided the waste material is not hazardous.
- b) The collection, removal, disposal of waste, recyclable and compostable material for all properties in the Town shall be under the direction and supervision of the Town.
- c) Recyclable material shall be placed in a blue recyclable materials box or semi-transparent bag until such time that the automated recyclable materials cart collection system is implemented. Upon implementation of the automated recyclable materials cart collection system, recyclable materials shall only be placed in a rolling recyclable materials cart without weight restrictions provided that the lid of the cart is securely closed.
- d) Rolling waste carts shall only be loaded to a maximum weight of 34 kilograms (75 pounds), provided that the lid of the cart is securely closed.
- e) Incorrect loading of rolling waste and/or recyclable materials carts will result in the cart(s) not being emptied, and following a written warning via registered mail, will result in a fee as outlined in Section 8.2.

The Town Manager or his designate is hereby authorized and directed to arrange annually schedules for the Town collection of waste and recyclable materials and arrange for advertising of same.

- f) Ashes shall not be placed in the rolling waste cart for disposal. Owners/occupants are responsible for the safe disposal of ashes.
- g) An owner/occupant of premises from which waste is to be collected shall thoroughly drain all waste material, ensuring that no liquids are placed within the waste cart.
- h) Fees from time to time for the use of the Waste Transfer Site shall be set by the service provider who shall also set Waste Transfer Site operating hours.
- i) There shall be raised annually by a Special Rate on all Residential Property within the Town an amount sufficient to meet the balance required for the cost to the Town of the waste and recyclable materials management services.
- j) Council by resolution, may amend regulations to effectively manage the waste and recyclable materials management system contained within this bylaw. Any violation of any regulation shall be deemed to be a violation of this bylaw.
- k) Any and all waste and/or recyclable material placed for collection may be subject to inspection and may be denied if it is deemed to be hazardous or unacceptable.
- l) The owner/occupant of industrial property, multi-use property and/or a multi-unit residential property shall be required to make private arrangements for the removal and disposal of any and all waste material to ensure the facility and/or property is in a safe and sanitary condition.
- m) The owner/occupant of any property shall be required to make arrangements for the removal and disposal of any and all hazardous waste. It is the responsibility of the owner/occupant to ensure that the waste is handled by a facility(s) licensed, as described under *The Hazardous Products Control Act*, or *The Dangerous Goods Handling and Transportation Act*, to transport and dispose of hazardous waste.
- n) The owner/occupant of any property shall be required to make arrangements for the removal of any waste exceeding the capacity by weight or space of the rolling waste cart.
- o) Compostable materials must be deposited in the designated compost site by the Town during approved operation hours.
- p) Rolling waste and rolling recyclable materials carts will be provided by the Town or its designated waste and recycling hauler to a property where a new structure has been constructed once written request has been received by the Town.
- q) Rolling waste and recyclable materials carts may be placed out for collection as early as 8:00 p.m. the day before the collection day, and must be removed and returned to personal property by 11:59 p.m. on the day of collection.

SECTION 4 REGULATIONS FOR THE STORAGE AND PICK-UP OF WASTE AND RECYCLABLE MATERIALS

4.1 Every owner/occupant who generates or otherwise produces waste and recyclable materials shall make adequate arrangements for:

- a) The storage of waste and recyclable materials in receptacles between scheduled collection days that are impervious to animals and birds and;

- b) The disposal of any waste material not collected by the Town's Waste Hauler. Whenever such waste material is or contains hazardous material, the owner/occupant shall be responsible to dispose of same in accordance with such instructions as shall be provided by the Town.
 - c) The disposal of waste and recyclable materials when the Town of Niverville does not provide the service to the property.
- 4.2 Every eligible residential property shall be provided with one rolling waste cart which will remain the property of the Town. Any replacements thereof or additional containers shall be at the cost of the owner/occupant including lost, stolen, or damaged containers, at such rates as are determined by the Town. Damaged carts at the sole discretion of the waste collection hauler, may or may not be utilized for collection purposes. If repair to or replacement waste cart is required, payment must be received in full prior to repair or replacement of the waste cart.
- 4.3 Every eligible residential property shall be provided with one rolling recyclable materials cart which will remain the property of the recycling hauler. Any replacements or repair thereof are at the cost to the owner/occupant (including lost, stolen, or damaged containers) at such rates as determined by either the Town or the recycling hauler. Damaged carts at the sole discretion of the recycling hauler, may or may not be used for collection purposes. If repair to or replacement recyclable materials cart is required, recyclable materials will not be collected prior to payment being received in full by recycling hauler.
- 4.4 The fact that there may be in a residential property a Home-Based Business as defined in Niverville's Zoning By-law does not entitle the owner/occupant thereof to an additional rolling waste and/or recyclable materials cart.
- 4.5 Every residential owner/occupant who generates or otherwise produces waste shall:
- a) Use the rolling waste cart for the collection service of waste material;
 - b) Load the rolling waste cart only to the maximum 34 kg weight capacity of the cart, with the cover closed tightly, and no material shall extend outside the cart;
 - c) Maintain cart in good repair and sanitary condition;
 - d) Maintain the area in and around the location where the waste cart is placed out for collection, free from debris and snow such that it is readily accessible by waste haulers as outlined in Section 6.
- 4.6 Every residential owner/occupant, who generates or otherwise produces recyclable materials shall:
- a) Upon implementation of the automated recyclable materials cart collection system, use **only** the rolling recyclable materials cart for the collection of recyclable material or additional collection methods as approved by resolution of Council;
 - b) Load the rolling recyclable materials cart so that recyclable material remains in the cart, with the cover closed tightly, and no material shall extend outside the cart;
 - c) Maintain the recyclable materials cart in good repair and in a clean and sanitary condition, keeping it safely and securely stored between scheduled collection days;

- d) Maintain the area in and around the location where the recyclable materials cart is placed for collection, free from debris and snow such that it is readily accessible by the recycling hauler as outlined in Section 6.
- 4.7 On properties other than single family residential, waste and recyclable materials shall be placed in containers of a size and type suitable for the volume of waste or recyclable materials being produced. Collection services for waste materials are to be arranged the owner/occupant by a commercial waste hauler. Arrangement for hauling services for recyclable materials is the responsibility of the Town.
- 4.8 The Owner or Occupier of any property shall cause it to be kept free of waste materials. The Town or its designated officer may enter upon any such property for the purpose of removing any waste materials 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.

SECTION 5 TYPES OF CONTAINERS

- 5.1 Residential waste shall only be placed for collection by the Town's waste hauler in a rolling waste cart as provided by the Town for pick-up of waste materials. Storage of waste in this container is acceptable, provided that between collection days, the cart is stored as stated in Section 7 of this bylaw.
- 5.2 Upon implementation of the automated recyclable materials cart collection system, residential recyclable materials may only be placed for collection by a recycling hauler in a rolling recyclable materials cart as provided by the Town's recycling hauler. Storage of recyclable materials between collection days in these recyclable materials carts is acceptable, provided that the carts are stored as stated in Section 7 of this bylaw.
- 5.3 Non-single family residential recyclable materials may be placed for collection by a recycling hauler in approved containers by the recycling hauler.

SECTION 6 LOCATION/PLACEMENT OF CONTAINERS FOR PICK-UP

- 6.1 Where automated waste or recyclable materials collection are provided for by the Town, rolling waste and/or recyclable materials carts shall be placed by 8:00 a.m. for pick up on the collection day(s), with the wheels facing towards the curb or property as described on the waste cart:
- a) On the street in front of the premises being served, as close as practical to the curb or edge of street or roadway, and with **at least one (1) metre** between each cart and any vehicles and/or objects beside them; or
- b) Where special circumstance dictate, with prior written approval from the Town, at a location mutually agreed upon.
- 6.2 Where collection is provided by a commercial waste hauler, location of waste containers shall be subject to Town's zoning and other relevant bylaws.

SECTION 7 LOCATION OF CONTAINERS BETWEEN PICK-UPS

- 7.1 Rolling waste and recyclable materials carts shall be stored away from the property line or edge of street or lane, and inside or in close proximity to a building between scheduled collection times.

SECTION 8 REMEDIAL ACTION AND FEES

The Bylaw Enforcement Officer, or anyone so designated, shall have the right to enter at all reasonable times, all properties or yards for the purpose of performing the duties assigned.

- 8.1 No owner or occupant shall dispose of any waste or recyclable materials in an unauthorized or illegal manner.
- 8.2 Any owner or occupant who has contravened this bylaw shall be subject to an administrative notification fee of fifty (\$50.00) per infraction effective September 1, 2017. Where a contravention continues for more than one day, the owner and/or occupant may, at the Town's sole discretion, be assessed an additional administrative fee of fifty dollars (\$50.00) for each day it continues. The Administrative Fee Assessment Notice shall be sent by registered mail, with the cost thereof to be added to the assessed fee.
- The Town may refuse service to the location where the contravention has occurred until the said contravention is corrected and the applicable fee(s) is paid in full.
- 8.3 Any unpaid administrative notification fee may be recovered from the owner/occupant as a debt to the Town and/or added to the property taxes of the subject property and collected in like manner as taxes.
- 8.4 Where an administrative notification fee has been assessed due to contravention(s) of this bylaw and/or collection services have been refused, residents may register an appeal by providing written notice to the Town within 30 days of the alleged bylaw contravention. Council will hear the appeal during an open Council meeting and render a decision, which shall be final and non-appealable. Where Council's decision is in favour of the Town, residents will be required to pay the cost of notices sent by registered mail and triple the administrative notification assessed fee(s). Council will waive the assessed fee(s) and registered mail reimbursement cost when their decision is in favour of the resident.
- 8.5 On scheduled collection days, either the rolling waste cart or the recyclable materials cart will not be collected if the containers are not placed at the curb in accordance with regulations herein set forth and any amendments or additions thereto approved by resolution of Council.
- 8.6 Improper placement of materials in a rolling waste cart and or rolling recyclable materials cart will result in an administrative notification fee as outlined in Section 8.2 of this bylaw.

SECTION 9 REPEAL

Bylaw 759-16, 729-14 and Bylaw 667-09 are hereby repealed.

DONE AND PASSED by the Council of the Town of Niverville in regular session assembled,

This 2nd day of May, A.D. 2017.

Mayor

Town Manager

Given 1st Reading this 18th day of April A.D. 2017

Given 2nd Reading this 2nd day of May A.D. 2017

Given 3rd Reading this 2nd day of May A.D. 2017

Schedule "A"

<p>Town of Niverville Administrative Assessment Notice Under the Town of Niverville Waste and Recycling Management Services Bylaw 775-17 (The Municipal Act 239)</p> <p>The undersigned, being a designated officer, says that (s)he has reasonable and probable grounds to believe, that in the Town of Niverville, Manitoba, on the date below bylaw contravention occurred:</p>	
Date of Notice:	
Date of Contravention:	
Address of Contravention:	Fee:
Notice by Registered Mail:	
Administrative Assessment Notice of Contravention:	\$50.00
Unacceptable material placed in cart for disposal	
Amount of waste exceeds the volume capacity of the cart (lid cannot be closed)	
Amount of waste exceeds the weight capacity of the container (greater than 34 kg or 75 lbs)	
Waste placed outside of the cart (beside)	
Cart not placed correctly for pickup	
Cart placed at pick up location too early for collection day	
Cart left at pick up location too late after collection day	
Cart not stored properly between collection days	
Other (specify):	
Total Fee:	
Make Cheque payable to: Town of Niverville Box 267 Niverville, MB R0A 1E0	Payment may be made by MAIL or IN PERSON Hours: 9:00AM – 5:00PM, Monday – Friday (Please ensure you have this notice with you) OR may be dropped off in the After hours drop box (front door of Town Office)
Issued By:	Date:
<p>PAYMENT IN FULL NOT RECEIVED WITHIN 30 DAYS OF COLLECTION SERVICES ASSESSMENT NOTICE DATE WILL BE ADDED TO THE TAX ROLL OF THE SUBJECT PROPERTY AND COLLECTED IN THE SAME MANNER AS PROPERTY TAXES.</p> <p>COLLECTION SERVICES MAY CEASE UNTIL COLLECTION SERVICE ASSESSMENT FEE IS PAID IN FULL.</p>	