

CITY OF PORTAGE LA PRAIRIE
BY-LAW NO. 04-8244

A BY-LAW OF THE CITY OF PORTAGE LA PRAIRIE to provide for the collection and disposal of Household Wastes and other waste materials; and to provide for the collection and processing of Recyclable materials; and to provide for the regulation of transporting solid and liquid wastes.

WHEREAS Section 232 of The Municipal Act authorizes a council to pass by-laws for municipal purposes;

NOW THEREFORE THE COUNCIL OF THE CITY OF PORTAGE LA PRAIRIE IN OPEN SESSION ASSEMBLED HEREBY ENACTS AS A BY-LAW AS FOLLOWS:

1. TITLE:

This By-Law may be cited as **The Solid Waste By-Law**.

2. DEFINITIONS:

In this By-Law:

- a) "Ashes" means the residue from the burning of wood, coal, coke and like materials, for the purpose of cooking, heating buildings, and disposing of combustible materials.
- b) "Animal and Agricultural Waste" means crop residues and like materials from agricultural pursuits, and manure from stables, kennels, veterinary establishment and like premises, and carcasses.
- c) "Building" means any well, pipe line, excavation, cut, fill, transmission line or other erection or structure, or any part thereof, and also includes any addition to or extension of a structure and any chattel that is attached to any structure or land that is installed therein or thereon.
- d) "Bulky" means large items of refuse, including appliances, furniture, auto parts and large crates, each not exceeding 45 kilograms in weight, tree cuttings not exceeding 100 millimetres in diameter in bundles not exceeding 35 kilograms in weight, or 1.2 metres in length.
- e) "City" means the City of Portage la Prairie.
- f) "Commercial Premise" means any bank, office, hotel, restaurant, retail store, barbershop or other business premise.
- g) "Condominium, Single Family" means a Dwelling Unit situated upon a bare land condominium lot.

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- h) “Condominium, Multiple Family” means a Multiple Family Dwelling situated upon a bare land condominium lot.
 - i) “Condominium, Bare Land Lot” means a lot subdivided such that a single condominium Dwelling Unit is situated upon it.
 - j) “Construction and Demolition Wastes” means the waste building materials and rubble resulting from the construction, remodelling, repairs, demolition or destruction by fire or Buildings and other structures, and the installation, repair or removal of pavement and like works.
 - k) “Dwelling” means a Building or portion thereof designed for residential occupancy.
 - l) “Dwelling, Multiple Family” means a Building, including Multiple Family Condominium Building, containing three or more Dwelling Units, each unit designed for an used by not more than one Family.
 - m) “Dwelling, Single and Two Family” means a Building, including a Single Family Condominium Building, having not more than two separate suites or living quarters, used as a Dwelling. Where a residence consists of two separate Dwelling Units, each shall be considered a residence.
 - n) “Dwelling Unit” means one or more rooms in a Building designed for one or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
 - o) “Family” means one or more persons related by blood or marriage or common-law marriage, or a group of not more than three persons who may not be related by blood or marriage, living together as a single housekeeping unit. A housekeeping unit referred to above, shall be deemed to exist if all members thereof have access to all parts of the Dwelling Unit.
 - p) “Hazardous Waste” means any waste that may present a hazard to a person in contact with such waste, and includes, but is not limited to, wastes such as propane cylinders, petroleum distillates, light fuels, Household Waste paints, caustics, drugs, acute Hazardous Waste chemicals, waste crankcase oils and lubricants, inorganic chemicals, halogenated pesticides and herbicides, non-halogenated organic pesticides and any other wastes of pathological, explosive, highly flammable, radioactive, toxic or acidic in nature.
 - q) “Household Waste” means all animal and vegetable waste, whether liquid or solid, including food packaging, matter with residual food materials resulting from the handling, preparation, cooking and serving of foods in households, unusable clothing,

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- sweepings and all waste materials capable of being consumed by fire, wood excelsior, bedding, rubber, leather, plastic, metals, ceramics, glass, and Yard Waste.
- r) “Industrial Premise” means any Building or structure located in an industrial zone as outlined in the Zoning By-Law of the City of Portage la Prairie.
 - s) “Institutional Premise” means any Building or structure located in an educational and institutional zone as outlined in the Zoning By-Law of the City of Portage la Prairie.
 - t) “Insanitary Conditions” means Insanitary Conditions as those words are defined in the regulations of The Public Health Act.
 - u) “Recyclable” means any item of Household Waste that is eligible for funding under the Manitoba Product Stewardship Program and the City deems it expedient to separate from the waste stream.
 - v) “Recyclable Materials Container” means a container supplied by the City for the purpose of curb street collection of Recyclable material.
 - w) “Waste Collection Tag” means a properly authorized marker, obtained from the City, or its agent, with adhesive backing to be placed on the Household Waste or Bulky items for collection by the City.
 - x) “Waste Container” means a receptacle, complete with lid, of not more than 100 litre capacity which the contents shall weigh not more than 25 kilograms, is fitting with handles to facilitate handling, or a non-returnable plastic bag, tied at the top, maximum size of 66 centimetres by 91 centimetres, capable of being lifted with 18 kilograms of contents.
 - y) “Waste Disposal Grounds” means the Portage la Prairie Regional Landfill site located on PR 227 at SW22-13-5 in the Rural Municipality of Portage la Prairie.
 - z) “Yard Waste” means waste that consists of leaves, grass and garden waste, excluding any tree trimmings.
 - aa) “Yard Waste Composting Site” means the site designated for the composting of Yard Waste located on 4th Avenue at 15th Street N.W.
 - bb) “Tree Disposal Site” means the site designated for the disposal of tree branches and tree trunks, as well as clean, uncontaminated waste wood products, as approved by Manitoba Conservation, located immediately south of the Water Pollution Control Facility. Wood products with paint, varnish, or any other finish, or with nails, screws, or any other foreign object shall not be accepted.

3. COLLECTION OF HOUSEHOLD WASTE AND BULKY ITEMS – Single and Two Family Dwellings

- a) The City shall provide services to collect Household Waste from all Single and Two Family Dwellings, exclusive of statutory holidays, in such a manner that all Dwelling Units shall receive collection fifty times per year. This includes non-conforming residential Dwelling Units contained in industrial and commercial zones.
- b) All Household Waste Containers, in excess of two per cycle, and Bulky items placed for collection shall have proper Waste Collection Tags securely affixed in a visible location. Waste Collection Tags shall not be affixed to the actual Waste Containers other than non-returnable plastic bags. A charge for Waste Collection Tags shall be fixed by the City from time to time.
- c) Between periods of collection, all Household Waste shall be kept from view from the front street of any residence, including structures constructed for the purpose of storing waste.
- d) Household Waste shall be placed out for collection not sooner than 8:00 p.m. on the day prior to, and not later than 7:00 a.m. on the designated collection day.
- e) All Household Waste placed for collection shall be at a location as close as possible to the travelled portion of the street adjacent to the front of their residence, but not on a sidewalk or in such a location as to interfere in any way with vehicular or pedestrian traffic.
- f) No person shall place Household Waste in a container that is not a Waste Container, as defined the by-law, and the City shall not be liable for the removal or emptying of a container that is not a Waste Container.
- g) An owner occupying a dwelling unit which has a commercially taxed property joined to the dwelling unit that is owned and operated by the owner, may be exempt from receiving and paying for residential solid waste collection fees for the said dwelling unit if the commercial unit receives garbage collection services not provided by the City. Exemption shall take effect upon request with sufficient proof of ownership and occupancy provided to the City. No exemption shall be granted for recycling charges.
[EN by BL-05-8274]

4. COLLECTION OF HOUSEHOLD WASTE AND BULKY ITEMS – Multiple Family Dwellings

- a) The City shall provide services to collect Household Waste from all Multiple Family Dwellings, exclusive of statutory holidays, in such a manner that all Multiple Family

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- Dwelling Units shall receive collection a minimum of fifty-two times per year, in an amount equal to 5,000 litres/unit per year.
- b) The owner and/or operator for a trailer court may request services from the City to collect Household Waste from the said premise, exclusive of statutory holidays, in such a manner that the premise shall receive collection fifty-two times per year. Rules and limitations on the nature, amount and placement of the waste for Multiple Family Dwellings shall also apply for trailer courts that have opted for the City's collection service.
 - c) Upon application for the service to collect Household Waste from a trailer court, and subsequent approval, if granted, the City will advise the applicant on the commencement date for the service.
 - d) All Household Wastes and Bulky items placed for collection, in excess of 5,000 litres per Dwelling Unit per year, will be charged back to the Multiple Family Dwelling owner, or condominium corporation, in accordance with the Fees and Charges By-Law.
 - e) Between periods of collection, all Household Waste shall be kept from view from the front street of any residence.
 - f) The City shall place commercial solid waste bins of a size and construction necessary to provide adequate waste collection capabilities at each Multiple Family Dwelling site, at an accessible on-site location to be provided by the owner. The City shall not be liable for the emptying or removal of a container other than one approved and provided by the City for that purpose. Portable bins shall be placed out for collection not sooner than 8:00 p.m. on the day prior to and not later than 7:00 a.m. on the designated collection day. Portable bins, placed for collection, shall be at a location as close as possible to the travelled portion of the street adjacent to the front of their residence, but not on a sidewalk or in such a location as to interfere in any way with vehicular or pedestrian traffic. Portable bins must be removed from the boulevard by 8:00 p.m. on the respective collection day.
 - g) The Multiple Family Dwelling owner shall ensure that all Household Waste from each Dwelling Unit in the Multiple Family Dwelling is placed in the designated bin for collection at a site approved by the City.
 - h) The City may remove commercial bins without notice if the Multiple Family Dwelling owner fails to comply with the provisions of this by-law.

5. COMMERCIAL BUILDINGS

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- a) The occupant or owner and/or operator for a Commercial Premise and/or Provincial and Federal government premises, trailer courts, private gated communities, institutions, Industrial Premises or such other premises as determined by Council, shall be required to make arrangements for the removal and disposal of all waste materials to adequately keep the premises in a sanitary condition.
 - b) The occupant or owner and/or operator for a Commercial Premise including Provincial and Federal government premises, institutions, Industrial Premises or such other premises as determined by Council may request services from the City to collect household or commercial waste from the said premise, exclusive of statutory holidays, in such a manner that the premise shall receive collection fifty times per year. Rules and limitations on the nature, amount and placement of the waste for residential Single Family Dwelling Units shall also apply to Commercial Premises that have opted for the City's collection service.
 - c) Upon application for the service to collect household or commercial waste from the Commercial Premise, and subsequent approval, if granted, the City will advise the applicant on the commencement date for the service.

6. GENERAL CONDITIONS

- a) Household Wastes consisting of meat or vegetable waste shall be securely wrapped or contained before it is placed in a Waste Container.
- b) Waste containing chlorofluorocarbons or other ozone depleting substances, shall have the chlorofluorocarbons removed by a certified tradesman as stipulated under provincial regulation prior to collection.
- c) No person shall deposit any waste material on a property or in a Waste Container that is not under his direct control.
- d) No person shall bring into the City of Portage la Prairie any waste for collection or disposal.
- e) No person, other than the owners or occupants or those appointed by the owners or by the Council to collect wastes, shall interfere with or disturb the contents of any Waste Container or other waste placed for collection.
- f) The Director of Operations, or his designate, shall have the final authority in case of a dispute.

7. COLLECTION OF RECYCLABLES

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- a) The City shall provide services for the collection of Recyclables from every single, two Family and Multiple Family Dwelling, exclusive of statutory holidays, in such a manner that all Dwelling Units shall receive collection twenty-five times per year.
 - b) Recyclables from Single and Two Family Dwellings placed for collection shall be done on a voluntary basis and shall be placed in a City supplied Recyclable container. Up to 200 litres (four Recyclable Material Containers) per Dwelling Unit per collection day, or 5,000 litres per year, will be accepted.
 - c) The owner and/or operator for a trailer court may request services from the City to collect Recyclables from the said premise, exclusive of statutory holidays, in such a manner that the premise shall receive collection twenty-five times per year. Rules and limitations on the nature, amount and placement of the Recyclables for Multiple Family Dwellings shall also apply for trailer courts that have opted for the City's collection of Recyclables service.
 - d) Upon application for the service to collect Recyclables from the trailer court, and subsequent approval, if granted, the City will advise the applicant on the commencement date for the service.
 - e) Recyclables from Multiple Family Dwellings placed for collection shall be done on a voluntary basis and may be placed in a City-supplied Recyclable container. Up to 200 litres (four Recyclable Material Containers) per Dwelling Unit per collection day, or 5,000 litres per year, will be accepted.
 - f) Between periods of collection, all Recyclables, and Recyclable Material Containers, shall be kept from view from the front street of any residence.
 - g) Recyclables shall be placed out for collection not sooner than 8:00 p.m. on the day prior to, and not later than, 7:00 a.m. on the designated collection day.
 - h) All Recyclables placed for collection shall be at a location as close as possible to the travelled portion of the street adjacent to the front of their residence, but not on a sidewalk or in such a location as to interfere in any way with vehicular or pedestrian traffic.

8. OTHER WASTE

- a) Every person shall dispose of Construction and Demolition Waste, at their own expense, at the Waste Disposal Grounds.

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- b) Hazardous Waste shall be disposed of in a manner so as not to create an environmental hazard. Hazardous Waste shall not be placed in with Household Waste.
 - c) Ashes shall be sufficiently cooled prior to placing into a Waste Container so as not to create a fire.
 - d) Animal and Agricultural Waste shall be placed in an air tight container so as to prevent contamination of collection equipment and/or an Insanitary Condition.
 - e) The City shall provide a Yard Waste Composting Site for the disposal of organic Yard Waste, including grass, leaves, or other vegetation, but not including tree branches. All containers used for transportation shall be removed from the site by each person.
 - f) The City shall provide a Tree Disposal Site for the disposal of tree and wood waste, not including painted or otherwise finished wood, wood contaminated with metal screws or nails or other Construction Waste.

9. FINANCIAL CONSIDERATIONS

- a) Waste Collection Tags shall be available for sale from the City or its agents at a cost fixed by the City from time to time. Charges for Waste Collection Tags are stated in the Fees and Charges By-Law.
- b) The City shall provide one Recyclable Material Container to each Single and Two Family Dwelling Unit in the City. Up to three additional Recyclable Material Containers shall be provided to each Dwelling Unit by the City, upon request, and shall be subject to a totally refundable deposit at a cost determined by the City and listed in the Fees and Charges By-Law. Containers may be returned for refund, provided they are clean and undamaged. A refund will be issued for a container with the appropriate serial number. Personal identification will be required.
- c) Household Waste collection (hereinafter called solid waste collection) and Recyclables collection fees, as set out in the Fees and Charges By-Law, shall be billed on a quarterly basis and included on the water and sewer bills (hereinafter called utility bill) for the premise. Each collection fee will be identified separately on the utility bill.
- d) Where collection service does not commence on the first day of the first month of the applicable billing quarter, the service fees will be prorated to date of commencement.

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- e) Where partial payment is made on a utility bill, payment will first be applied to the water and sewer charges, if applicable, and then to the solid waste and Recyclables collection charges.
 - f) Solid waste and Recyclables collection fees shall be payable at par on the first day of the next month following the date of billing, called hereafter the due date, and for 21 days thereafter, and after such time a penalty as stated in the Fees and Charges By-Law shall be charged.
 - g) Outstanding Charges From a Lien on the Land
Pursuant to Section 252(2) of The Municipal Act, the amount of all outstanding charges for solid waste and Recyclables collection services are a lien and charge upon the land serviced and shall be collected in the same manner in which ordinary taxes upon the land are collected, and with like remedies.
 - h) No fee for Yard Waste disposal at the Yard Waste Composting Site.
 - i) No fee for tree waste disposal at the burn site.

10. SANITATION

- a) No person shall dispose of or discharge liquid waste in any place within the City except into the sanitary sewer system of the City as permitted in the current Sewage By-Law and amendments thereto.
- b) No person shall deposit waste on public or private property or in any ditches or on any boulevards, lanes or streets within the City.
- c) No person shall deposit or dispose of or discharge waste in the City in such a manner as to create a nuisance.
- d) No person shall create an Insanitary Condition in the City.
- e) No person shall construct, have or maintain a permanent outside toilet within the City.
- f) No person shall maintain a water supply any place in the City that does not comply with The Public Health Act and/or the Drinking Water Safety Act and the regulations thereunder.
- g) Except for the purposes of exhibition, no person shall keep in the City animals of husbandry, domesticated fowl or pigeons.

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- h) The owner of every Building situated within those portions of the City served by the water and/or gravity sewer system, shall connect the Building to the water and/or gravity sewer mains and shall install the usual plumbing fixtures to meet the standards contained in the Manitoba Building Code and the by-laws of the City, provided that the City may make such connections and may recover from the owner by action or distress, the cost of making the connection, or may levy and collect the cost of the connection in the same manner as taxes levied against the land on which the Building is situate.

11. SEPTIC WASTE

- a) No person shall dump septic tank waste anywhere within the City limits except at a station designated by the City within the hours of operations posted. All persons using such station shall provide a suitable discharge pipe.
- b) A charge for the dumping of septic waste shall be fixed by the City from time to time and shall be listed in the Fees and Charges By-Law.

12. TRANSPORTATION OF WASTE

- a) Liquid waste and septic waste must be transported in properly sealed containers to prevent spillage. Clean-up of any spillage shall be the responsibility of the transporter.
- b) Solid waste must be properly contained and secured to prevent loss of material during transport. The transporter shall be responsible for the collection and disposal of any materials that have fallen from a transport vehicle. The transporter shall also be responsible for any damages caused by the loss of uncontained waste while in transit.

13. PENALTIES

- a) Every person who contravenes, or refuses, neglects, omits or fails to obey or observe, any provision of this By-Law, is guilty of an offence and liable, on summary conviction, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one month, or to both such fine and imprisonment.
- b) By-Law 98-7984 and all amendments thereto are hereby repealed.

DONE AND PASSED AS A BY-LAW BY THE COUNCIL OF THE CITY OF PORTAGE LA PRAIRIE IN OPEN SESSION ASSEMBLED THIS 13th DAY OF December, 2004.

[original signed by Mayor Ian MacKenzie]

Mayor

original signed by Margaret Loewen

Manager of Administration

Read a first time this 29th day of November , 2004.

Read a second time this 13th day of December , 2004.

Read a third and final time this 13th day of December , 2004.