

THE TOWN OF SWAN RIVER
BY-LAW NO. 13/2019

**A BY-LAW OF THE TOWN OF SWAN RIVER TO ESTABLISH WASTE
COLLECTION, DISPOSAL AND RECYCLING SYSTEMS.**

The Council of The Town of Swan River in session assembled enacts as follows.

WHEREAS Section 250 (2)(c) c 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 Section 252(1)(a) of the Act provides:

- (a) Setting the rates or amounts of deposits, fees and other charges, and charging, and collecting them;
- (b) Providing for a right of entry onto private property to determine compliance with other terms and conditions, to determine the amount of deposits, fees or other charges, or to disconnect a service; and
- (c) Discontinuing or disconnecting a service and refusing to provide the service to users who fail to comply with the terms and conditions.”

AND WHEREAS 252(2) of the Act provides:

“A charge referred to in clause (1(a)) may be collected by the municipality in the same manner as a tax may be collected or enforced under this act.”

AND WHEREAS the Town of Swan River Council deem it necessary to establish a bylaw governing waste collection, disposal, and recycling systems in the Town of Swan River;

THEREFORE the Town of Swan River Council hereby enact as follows:

1. DEFINITIONS

For the purpose of this by-law the following definitions shall apply:

- a. **"Apartment Block"** means a house or building, portions of or all of which are rented or leased as residences to five or more families living independently of each other, but having common rights in the halls, stairways, yard or other conveniences;
- b. **"Automated Recycling Collection"** means the collection of recycling using a specifically designed vehicle with a mechanical system which empties a rolling container or bin directly onto the vehicle.
- c. **"Construction Waste"** means all waste produced in the process of constructing, altering or repairing a building, including earth, vegetation and rock displaced during the process of building;
- d. **"Town"** means the corporation of the Town of Swan River or the area contained within the boundaries thereof as the context requires;
- e. **"Director of Public Works"**, means the person in charge of the Sanitation Department of the Town, and shall include any person delegated by the Town;
- f. **"Collector"** means a person or Contractor who collects waste within the Town for and on behalf of the Town;

- g. **“Commercial Recycling Hauler”** means a third party, private company that provides recycling removal for a fee.
- h. **“Commercial Recycling Bin”** means a bin for the storage of recyclables, provided and serviced by a commercial recycling hauler.
- i. **“Commercially Generated Recyclable Corrugated Cardboard”** means cardboard that was used for product packaging, usually from retail establishments, businesses, and institutions, but could be from other entities. Examples include but are not limited to: cardboard from packaging appliances, furniture, and electronics; cardboard from boxes of merchandise; and any other large quantities of recyclable corrugated cardboard.
- j. **“Commercial Premises”** means premises principally used for the conduct of some profession, business or undertaking and includes for the purposes of this By-law any building or premises which is not a dwelling unit or the premises connected therewith, and which is not industrial premises;
- k. **“Dwelling Unit”** means a building of one or more habitable rooms constituting a self-contained independent unit and occupied or intended to be occupied as a permanent home or residence of one family;
- l. **“Organic Waste”** means animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;
- m. **“Owner”** means a person(s) or organization who has legal title to the property in a municipality, including property jointly owned.
- n. **“Industrial Premises”** means a building or premises in which any manufacturing, processing, producing or repairing of goods is carried on;
- o. **“Person”** includes a corporation and the heirs, executors, administrators or other legal representatives of a person;
- p. **“Liquid Wastes”** means any waste which contains animal, mineral or vegetable matter in solution or suspension;
- q. **“Premises”** means a building containing a dwelling unit or number of dwelling units, or place of business or combination thereof, on a separately assessed parcel of land;
- r. **“Refuse”** means all wastes (except human excrement) including organic waste, rubbish, street cleanings, dead animals, yard clippings and market and industrial waste that does not include liquid wastes;
- s. **“Recyclables”** means any material deemed recyclable by Multi-Material Stewardship Manitoba, or such successor organization.
- t. **“Rolling Recycle Cart”** means a cart approved and provided by the Town of Swan River for automated recycling collection..
- u. **“Rubbish”** means combustible and non-combustible wastes, such as paper, cardboard, abandoned automobiles, tin cans, wood, glass, bedding, crockery and comparable minerals;
- v. **“Waste”** means organic waste, refuse, rubbish, unwanted materials and other discarded solid materials, including liquid waste and waste materials resulting from domestic, industrial, commercial or agricultural activities;

- w. **"Street"** means a public thoroughfare with the Town and includes, where the context so allows, the sidewalk and borders of the street and all parts appearing in the land titles office as set aside for a public thoroughfare. When used in distinction to a lane, it means a public thoroughfare on which the premises in question front;
- x. **"Waste Disposal Site"** means the Town of Swan River Landfill located at NE ¼ sec 15-36-27WPM.

2. TOWN CONTROL

- a. No person may dispose of any waste material in the Town of Swan River except in a manner provided for in this bylaw.
- b. The Council of the Town of Swan River, or their designate; shall be solely responsible for the operating hours of the Waste Disposal Site.
- c. The Council of the Town of Swan River may from time to time set fees and charges for the use of the Waste Disposal Site and for contraventions of this by-law. These fees and charges are set out in the "Town of Swan River schedule of fees, rates, prices charged
- d. The Director of Public Works is authorized to designate areas of the Waste Disposal Site as "Designated Areas" for certain types of waste. Waste delivered to the Waste Disposal Site is to be disposed of in these specific areas.
- e. Any and all waste entering the Waste Disposal Site is subject to inspection and can be denied entrance if it is deemed to be hazardous or unacceptable.
- f. Commercially Generated Recyclable Corrugated Cardboard may **NOT** be disposed of at the Town of Swan River Waste Disposal Site. A load containing such cardboard may be rejected and not allowed to be disposed at the Waste Disposal Site. Furthermore, the hauler may be issued a fine for dumping unauthorized material on the Waste Disposal Site property. The decision to reject the load and issue the fine is at the sole discretion of the Waste Management Attendant on site, alternatively the Director of Public Works or his/her designate.
- g. Every single-family residential property shall be provided with one rolling cart free of charge. Any replacements thereof are at the cost of the owner/occupant (including lost, stolen, or damaged carts). Recycling will not be collected at that property until the cost of the replacement cart has been collected.
- h. Multi-family residential or commercial properties are allowed a maximum of four (4) recycle carts per property and may choose to use the provided recycle bin from the recycle hauler of their choice. In the case they request service from the Town of Swan River, they will be charged for the cost of that service.
- i. The owner occupant of any property is required to make arrangements for the removal of any waste/recyclable material exceeding the capacity of the waste/recycling carts/bins.
- j. Waste containers may only contain waste
- k. Recycle containers may only contain recyclables.

3. PROVISIONS FOR DISPOSAL OF WASTE

- a. The Town shall be responsible for the public collection and removal of solid waste and Recyclables within the limits of the Town.
- b. The Town may provide for the collection, removal and disposal of solid wastes and recycling within the limits of the Town by contract with any person on any terms and conditions that the Council considers expedient.
- c. The Director of Public Works shall:
 - i. provide specifications and supervision for the operation of facilities and equipment necessary or desirable for the disposal of waste collected and processing of recyclables collected within the Town
 - ii. supervise the collection, removal and disposal/processing of waste and recyclables within the Town; and
 - iii. direct days and times that collections are to be made from different portions of the Town; and
 - iv. decide as to the quantities and defined classes of wastes and recyclables to be removed or collected from any premises or accepted by the Town for disposal or processing.
- d. Subject to the provisions of this By-law, the decision of the Director of Public Works as to the amount and type of waste which is accepted from any premises shall be final.
- e. Front street waste collection shall be in force:
 - i. in such parts of the Town and at such times as the Director of Public Works may designate; and
 - ii. where there is no lane at the rear or side of any premises.

4. ACCUMULATION OF WASTE/RECYCLABLES

- a. Except for waste and recyclables which are placed:
 - i. in receptacles required by this By-law;
 - ii. in a manner complying with the provisions of this By-law;
 - iii. in a location designated or allowed by this By-law:

No person who is the owner or occupant of any land or building shall allow waste or recyclables of any kind to accumulate upon any land or about any building.

- b. No person shall sweep, dump or otherwise deposit waste or ~~litter~~ recyclables into any gutter, boulevard, street or lane.
- c. Notwithstanding anything in Subsection (3a) or elsewhere in this By-law, no person shall dispose of waste/recyclables or allow waste/recyclables to accumulate in any manner which contravenes the provisions of the Public

Health Act, the regulations made there under or a By-law of the Town relating to health, sanitation or nuisances.

- d. Every owner/occupant who generates or otherwise produces waste and recycling must make adequate arrangements for the following:
 - i. The storage of waste and recyclables in receptacles/containers, between collection days, that is impervious to animals, birds, and weather.
 - ii. The disposal of waste, if the Town does not provide that service to the property.
 - iii. The removal of recyclables, if the Town does not provide that service to the property.
 - iv. The removal of any excess waste or recyclables between collection days, if enough quantity has accumulated to warrant removal. Whenever such material is or contains hazardous material, the owner/occupant is responsible to dispose of the same in accordance with the applicable Act and regulation.

5. DEPOSITING WASTE ON PRIVATE OR PUBLIC PROPERTY

- a. Subject to the provisions of Section 5, no person who has waste of any description requiring disposal shall dispose of it other than at the waste disposal site.
- b. A person who has disposed of waste on any public or private property, contrary to the provisions of Subsection (4a), shall remove the said waste upon being required to do so by the owner or occupant of the property or by the Director of Public Works, the Medical Health Officer, Public Health Inspector, or a Police Officer, but such removal shall not prevent him from being prosecuted for a contravention of Subsection (4a).
- c. If the person who has placed waste on private property contrary to the provisions of Subsection (4a), cannot be ascertained, the owner or occupants of the land shall remove the waste or cause the waste to be removed from the land upon being directed to do so by the Director of Public Works, the Medical Health Officer, Public Health Inspector, or a Police Officer.

6. HOME INCINERATION AND OUTDOOR INCINERATION

- a. Any person desiring to burn waste, shall burn such waste in an incinerator, which has been built in accordance with plans approved by the Town of Swan River in accordance to Provincial and Federal Regulations.
- b. No person shall build, locate, use or operate an incinerator without the prior written consent of the Council or their designate.
- c. No person shall set, feed or maintain, or cause to be set, fed or maintained, within the limits of the Town of Swan River an open fire for the disposal of any materials.

- d. Any person who violates or fails to comply with any of the provisions of this section is guilty of an offence and liable on summary conviction to the penalties set out in the Air Pollution Control Act.

7. RESIDENTIAL WASTE FOR PUBLIC COLLECTION

- a. The owner or occupant of a premises in the Town from which waste is to be collected, shall provide and maintain in good condition, a sufficient number of watertight receptacles approved by the Director of Public Works, and which comply with the provisions of Subsection (6b) to hold at least one week's accumulation of waste to be collected from the premises (Residential: maximum of Two; Commercial : Maximum of four).
- b. Except as otherwise provided in the By-law, no person shall place waste from a premises elsewhere than in receptacles which comply with the requirements of this By-law. No waste material shall be collected outside of the approved receptacles described in sub section (6c).
- c. A person providing receptacles for containing residential waste, shall provide metal or plastic receptacles which:
 - i. are not more than 32 gal. in volume, and have an overall height of not more than 32 inches;
 - ii. have a secured cap cover, rigidly fixed handles and a smooth rim at the top.
- d. The collection, removal and disposal of wastes in the Town of Swan River, subject to such modifications as may be deemed necessary by the Director of Public Works; shall be:
 - i. on a weekly basis in all residential zones, and residential buildings in commercial zones.
 - ii. on a daily basis, Saturday, Sunday or statutory or Civic Holidays exempt, for all premises in commercial and industrial districts.
 - iii. at the Director of Public Works discretion for all premises not included in immediately preceding subsection (i) and (ii).
- e. A person undertaking the removal and disposal of waste generated from their own premises shall do so at least bi-weekly.
- f. The Town shall provide adequate public waste baskets in prominent and easily accessible locations in public places; distribution and maintenance shall be the responsibility of the Director of Public Works.

8. FILLING OF RESIDENTIAL WASTE RECEPTACLES

- a. No person shall fill a waste receptacle with material of such weight that the combined weight of the receptacle and the contents exceed 45 lbs.
- b. A collector shall not be required to remove any waste receptacle which, together with its contents, exceeds 45 lbs in weight.

- c. All waste shall be contained or enclosed in disposal bags inside enclosed receptacles. The Town is not required to collect:
 - i. loose waste inside receptacles, nor
 - ii. any waste from a non-enclosed receptacle.
- d. Subsections (a) and (b) of Section 8 do not apply to waste containers.

9. PLACING OF WASTE RECEPTACLES

- a. Except as otherwise herein provided, no person shall place or keep waste receptacles, carts, or waste containers upon any portion of the street or lane otherwise granted by the Director of Public Works. Each dwelling unit within the Town of Swan River limits shall be granted a maximum of two (2) enclosed receptacles in residential areas, four (4) enclosed receptacles in commercial areas.
- b. Where waste is to be collected from a premises situated on land abutting a lane and there is space on the land next to the lane, the owner or occupant of the premises shall place and keep the waste receptacles on the land as near to the lane as practicable, and in a place to which the collectors have unobstructed convenient access.
- c. Where a premises from which waste is to be collected does not abut a lane, or where special conditions make it impractical to keep and place such receptacles at the rear of a premises, the owner or occupant of such premises shall place the waste receptacles in such a position on the premises that it affords a collector an unobstructed and convenient access. The owner or occupant of any building that cannot comply with the requirement for receptacle location must make provision in the building itself for storage of the said receptacles.
- d. Where or whenever front street collection is in force, the owner or occupant of the premises shall place all waste receptacles on the boulevard in front of the premises by 7:00 a.m., on the morning of the collection day, and return them to their usual storage place on the day of collection.
- e. Except where, in the opinion of the Director of Public Works, it is impracticable to store waste receptacles outside the building, no collector shall be required to, or shall make a collection of waste from inside any building.
- f. All new buildings where there is not adequate space available for an organic waste container on the property outside the building, which is accessible to collection vehicles, must include a organic waste or refuse storage room inside the building. This organic waste or refuse storage room must conform to any existing National Building Code standards and/or National Fire Code standards as adopted by by-laws of the Town of Swan River. Such room shall be of sufficient size to hold the number of waste containers required to store the expected volume of waste generated between pick-ups. This room must be located so that its exit is readily accessible to collection vehicles, which will drive up to the door, remove the containers out of the room and dispose of the refuse and organic waste into collection vehicle.

10. RECEPTACLE STANDS

- a. The owner or occupant of a premises from which waste is to be collected:
 - i. shall place or locate the waste receptacles for collection in such manner that they will not overturn or be likely to be overturned;
 - ii. when the property is fenced from a lane or street where the collection is made, the owner shall construct an opening in the fence to permit access to where the waste receptacle is located unless the waste receptacle is near the regular gate or other access;
 - iii. shall store the waste receptacle on a sturdy, neatly constructed stand, a minimum of 18 inches above the ground. No such stand shall be placed in the front yard of the premises without the permission of the Director of Public Works.

11. PREPARATION OF WASTE FOR COLLECTION

- a. An owner or occupant of a premises from which organic waste is to be collected shall:
 - i. thoroughly drain all household organic waste and securely tie the parcel or place the organic waste in a securely tied plastic bag before depositing it in a waste receptacle;
- b. No person shall place any hazardous waste (harmful, explosive or highly inflammable) in any receptacle for collection.
- c. No person shall place for weekly collection a bundle, package, or other material beside a waste receptacle.
- d. No person, other than the owner, a person permitted by the owner, or a waste collector of the Town, shall interfere with a waste receptacle or container with any waste placed for collection.

12. COLLECTION AND REMOVAL OF WASTE

- a. The Town of Swan River shall not provide weekly collection for any of the following or similar items from residential premises;
 - i. discarded furniture, discarded automobile parts, including tires, and other private vehicles and household equipment;
 - ii. tree limbs, whole shrubs or bushes, portions of hedges, garden waste (these items will be collected during spring and fall clean-up);
 - iii. fences, gates and other permanent and semi-permanent fixtures on the premises;
 - iv. any discarded household chattel, material or equipment with an overall weight of more than 45 lbs. of which is improperly prepared for collection;
 - v. any ashes of any kind.

- b. The Town of Swan River shall not provide weekly collection for any of the following or similar items from commercial premises;
 - i. discarded heavy machinery;
 - ii. by-products of manufacturing, unless specifically approved by Council;
 - iii. heavy or bulky, wrapping, packaging or crating materials, including commercially generated recyclable corrugated cardboard.
 - iv. building materials and construction wastes;
 - v. dead animal carcasses of any kind.

13. RESPONSIBILITY AND ARRANGEMENT FOR REMOVAL OF OTHER WASTE

- a. A person carrying out the construction, renovation or alteration of any building or structure shall:
 - i. be responsible for the disposal of all refuse resulting from the construction or alteration;
 - ii. place all construction waste into a suitable waste container or enclosure to prevent it from blowing around;
 - iii. on completion of the construction, renovation or alteration, to clear the grounds on which the construction or alteration was made.
- b. The Director of Public Works shall decide what heavy equipment, construction waste, trade waste and other waste not covered by this By-law shall be removed by the Town and, subject to the other provisions of this By-law, his decision shall be final.
- c. The owner or person in charge of any animal which dies on a street, shall be responsible for having the carcass removed to the place designated by the Director of Public Works.
- d. The owner or person in possession of any animal carcass may make private arrangements with the Director of Public Works for the collection and disposal of the carcass and shall pay for such removal and disposal. The applicable charges may be determined by the Director of Public Works.
- e. For the purposes of performing the duties assigned by this By-law, every collector appointed by the Director of Public Works may enter land in residential and commercial districts from which the Town is required to remove waste.
- f. The Town shall own and have the right to dispose of:
 - i. All waste collected by the Town from the premises in the Town pursuant to the provisions of this By-law; and
 - ii. All waste delivered for disposal to the Town's waste disposal site.

14. COMMERCIAL WASTE CONTAINERS

- a. All apartment blocks, commercial premises and industrial premises are required to provide a waste container placed on a concrete or asphalt pad accessible for collection and disposal by the Town or a Waste Collection Contractor. All pads shall meet the specifications as required by the Engineering Department. If a waste container in use does not have an approved pad the Town will instruct the owner to install such a pad with a deadline; if the pad is not built by the said deadline, the Town will construct an approved pad and charge the costs back to the owner. If the bill is not paid the amount will be added to the owner's taxes.
- b. A waste container shall be of a specified size and shape and shall have a minimum capacity of 1.8 cubic yards. A waste container must be accessible and capable of mechanical unloading by the Town or Waste Collection Contractor. The Town shall provide owners with the specified drawings if requested.
- c. No waste container shall be used unless it is in accordance to the type specified by the Engineering Department as to size, quality and shape, the collectors shall not collect waste from non approved enclosures/containers. An owner of a commercial property can use up to four waste receptacles if a waste container is not required.
- d. Commercially generated recyclable corrugated cardboard may **NOT** be disposed of through the Town commercial waste system, a load containing such waste may be rejected and not picked up, furthermore, the owner may be issued a fine for depositing unauthorized material in the commercial waste containers. The cardboard is to be recycled.
- e. Existing storage enclosures that were originally approved by the Director of Public Works, shall not be repaired but may be continued in use until a directive is issued for their replacement, at which time newly approved containers must be substituted. A decision on their condition and when they are to be replaced shall be made by the Director of Public Works.

15. RESIDENTIAL RECYLABLES – STORAGE AND COLLECTION

- a. In addition to section 3; Every residential owner/occupant (not including multi-family residential properties) who generates or produces recyclables must:
 - i. Use the rolling recycling carts, or other suitable receptacle, for the storage of recycling materials between recycling days.
 - ii. Load the recycling cart so that the recyclables stay in the cart until it is unloaded on recycling day.
 - iii. Maintain the cart in good repair and in clean and sanitary condition, keeping it safely and securely stored between recycling days.
 - iv. Maintain the area in and around the location where the recycling is stored or placed out for collection free from litter, debris, and snow such that it is readily accessible by recycling haulers.

- b. Residential recyclables may only be placed for collection by recycling haulers in rolling recycling carts, as provided by the residential recycling haulers.
- c. Where automated recycling is provided, rolling recycle carts are to be placed, with the wheels facing toward the curb or property, for collection:
 - i. On the street in front of the premises being served, as close as practical to the curb or edge of the street or roadway, and with at least 1 meter between each cart and any vehicles or objects beside them; or
 - ii. Where circumstances dictate, at a location approved by the Director of Public Works.
- d. Rolling recycle carts are to be stored away from the street or property line, and inside or in close proximity to a building, between recycling collection days.

16. COMMERCIAL RECYCLABLES- STORAGE AND COLLECTION

- a. In addition to section 3; Every commercial owner/occupant, and multi-family residential owner who generates or produces recyclables must:
 - i. Use a suitable bin, for the storage of recycling materials between recycling days.
 - ii. Load the recycling cart, maximum of four (4), or recycle bin so that the recyclables stay in the cart/bin until it is unloaded on recycling day.
 - iii. Maintain the container in good repair and in clean and sanitary condition, keeping it safely and securely stored between recycling days.
 - iv. Maintain the area in and around the location where the recycling is stored, prepared to be hauled, or placed out for collection free from litter, debris, and snow such that it is readily accessible by recycling haulers.
- b. Every commercial owner that uses the Towns contracted recycling haulers or their own commercial recycling haulers must:
 - i. Only place their recyclables in a commercial recycle bin provided by the Towns recycling hauler or their own recycling hauler of a size suitable for the volume of recyclables generated.
 - ii. Storage of recyclables between collection days in these bins is acceptable, provided the commercial recycle bins are located subject to the Town of Swan River zoning and other such relevant bylaws, and at the advice of the commercial recycling hauler(s).
 - iii. In the case the Towns recycling haulers are used, the full amount of this cost will be invoiced to the property owner which the bin is stationed.

- c. A commercial property, or multi-family residential property owner that generates or produces commercially generated recyclable corrugated cardboard may:
 - i. Designate an existing or additional recycle container, or store on their premises at their own cost commercially generated recyclable corrugated cardboard. These containers and storage requirements are the responsibility of the owner, the owner must recycle the cardboard, using a recycle hauler of their choice. As per section 2(f), the Town of Swan River Waste Disposal Site will **NOT** dispose of commercially generated recyclable corrugated cardboard. Also, as per 13(d) The Town waste disposal collection is **NOT** to be used for commercially generated recyclable corrugated cardboard.
 - ii. Use the Town contracted recycling haulers, in which case the contracted company shall provide the owner with an approved bin for collection. The full amount of this cost will be invoiced to the property owner where the bin is stationed.

17. CONVEYANCE OF WASTE/RECYCLABLES THROUGH THE TOWN

- a. No person shall operate any vehicle transporting any waste/recyclables along a road or any highway, street or lane in the Town of Swan River unless the load is securely fastened or covered with a tarpaulin in such a manner that it shall be impossible for any part of the load on the said vehicle to escape.
- b. No person shall transport or cause to be transported in a vehicle on any highway, street or lane any organic waste, offal from slaughterhouses or butcher shops, swill or any waste of any offensive nature, unless the part of the vehicle containing the waste is:
 - i. watertight;
 - ii. Constructed in such a manner that it is impossible for any part of the contents to escape;
- c. Any waste which escapes the transporting vehicle or trailer shall be removed from the street, lanes or properties.

18. PENALTIES

- a. Any person who contravenes, or refuses, fails, neglects or omits to observe or comply with any provision of this By-law is guilty of an offence and is liable, on conviction thereof, to a fine of not more than five hundred dollars (\$500.00) per person or dwelling units and One thousand Dollars(\$1000.00) for apartment blocks or commercial premises and in case of non-payment of the fine is liable, in the discretion of the convicting Judge or Justice, to imprisonment in a correctional institution in Manitoba for not more than thirty (30) days.

That By-law No. 5/2013 be hereby repealed.

DONE AND PASSED by the Council of The Town of Swan River, assembled at Swan River, in the Province of Manitoba, this 21st day of April, 2020.



Mayor



Municipal Administrator

Read a First Time this 19th Day of November, 2019.
Read a Second Time this 3rd Day of December, 2019.
Read a Third Time this 21st Day of April, 2020.