

# RURAL MUNICIPALITY OF STRATHCLAIR

## BY-LAW NO. 4-2010

*Being a by-law of the Rural Municipality of Strathclair for regulating the deposit of waste on public or private property and regulating and controlling the use of Waste Disposal Grounds.*

### WHEREAS:

- A. Council of the Rural Municipality of Strathclair 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;

NOW THEREFORE the Council of the Rural Municipality of Strathclair 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 resident of the R.M of Strathclair.
- c) a person who is authorized to use the Waste Disposal Grounds by agreement with the Municipality;

**"re-useables"** means items that are made of metal or real wood.

**"waste"** includes non-hazardous rubbish, litter, junk, junked, obsolete or derelict motor vehicles, or obsolete or derelict equipment, 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. The Public Works Foreman and an employee hired as landfill worker 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 employees 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 Strathclair must provide proof of residency or property ownership upon request of the Landfill worker.
  - 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 worker.

- 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.
  - d. the authorized user must demonstrate the nature and type of the waste to be deposited if requested. The Landfill worker may otherwise refuse entry to the Waste Disposal Ground.
  - e. only as and where directed by the Landfill worker, 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. 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 worker or authorized users at the Waste Disposal Ground by using firearms or by other disorderly conduct.
7. 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**

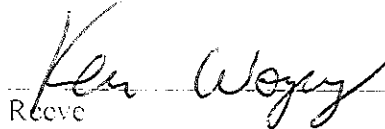
8. Commercial/ Non-Residential/Organized Deposits: The assessment of fees for deposits of commercial/non-residential waste shall be \$40.00 per metric tonne. Organic waste will not be assessable for this fee provided it has no non-organic matter included. For example manure hauled by the Strathclair Auction Mart will not be charged this fee provided there is no twine.

#### **Enforcement**

9. Where the Landfill worker is of the opinion there is a violation of this by-law, the Landfill worker 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 worker, the Landfill worker may refuse the person access to the Waste Disposal Ground and order them to remedy anything done in violation of the by-law.
10. The person must comply with the Landfill worker's order immediately. If the person fails to comply with the Landfill workers order, the Landfill worker 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.
11. 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.

2. All loads in open box vehicles or trailers must be tarped. Untarped loads are subject to a fine of \$25.00. Repeat offences are \$50.00.
3. Any person who violates a provision of this by-law, in addition to being subject to the fees set out is also guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.00.

DONE AND PASSED in Council duly assembled in the Council Chambers, 127 Minnedosa St. in Strathclair, Manitoba, this 7<sup>th</sup> day of July 2010.

  
Reeve

  
Chief Administrative Officer

READ A FIRST TIME THIS 9<sup>th</sup> day of June A.D. 2010                      Resolution # 193-2010

READ A SECOND TIME THIS 9<sup>th</sup> day of June A.D. 2010                      Resolution # 194-2010

READ A THIRD TIME THIS 7<sup>th</sup> day of July A.D. 2010                      Resolution # 248-2010

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SCHEDULE "A" – DEPOSIT FEES BY TYPE AND VOLUME

FREE OF CHARGE:

Residential

Recyclables  
Scrap metal  
Oil  
Burnable items such as leaves, grass clippings, branches, etc.  
Household garbage bag  
Tires with no rims

The following applicable fees shall be charged as noted:

COMMERCIAL WASTE:

\$40.00/tonne

FOR THE FOLLOWING BEING DEPOSITED AT THE SCRAP METAL AREA:

Fridges, Freezers/Air Conditioners	Tagged Freon removed	No Charge
	Untagged	\$40.00 per item