

**ROSSBURN MUNICIPALITY**  
**BY-LAW NO 2016 - 0003**

BEING A BY-LAW OF THE ROSSBURN MUNICIPALITY TO RESPECTING  
COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE AND REFUSE AND  
FOR THE ABATEMENT OF CERTAIN NUISANCES AND THE PROVISION OF  
SPECIAL FEES FOR THOSE SERVICES

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WHEREAS Subsection 232(2) of The Municipal Act of Manitoba provides for:

- (d) the establishment of fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality.

AND WHEREAS Subsection 236(1) of the Act provides as follows:

- (iii) that an amount owing may be collected in any manner in which a tax may be collected or enforced under this Act.

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

1. DEFINITIONS:

- a. "Town" shall mean Ward 2 of the Rossburn Municipality, what was formerly known as the Town of Rossburn Municipality;
- b. "Apartment Block" shall mean 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;
- c. "Building 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 urban section formerly known as the "Town of Rossburn";
- e. "Supervisor of Public Works" means the person in charge of the Public Works and Maintenance Departments of the Municipality, and shall include any person delegated by the Municipality;
- f. "Collector" means a person or Contractor who collects waste within the town for and on behalf of the Town;
- g. "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;
- h. "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;
- i. "Garbage" means animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;
- j. "Industrial Premises" means a building or premises in which any manufacturing, processing, producing or repairing of goods is carried on;
- k. "Person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person;
- l. "Liquid Wastes" means any waste which contains animal, mineral or vegetable matter in solution or suspension;
- m. "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;
- n. "Refuse" means all wastes (except human excrement) including garbage, rubbish, street cleanings, dead animals, yard clippings and market and industrial waste that does not include liquid wastes;
- o. "Rubbish" means combustible and non-combustible wastes, such as paper, cardboard, abandoned automobiles, tin cans, wood, glass, bedding, crockery and comparable minerals;

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- p. "Wastes" means garbage, refuse, rubbish and other discarded solid materials, including liquid waste and waste materials resulting from domestic, industrial, commercial or agricultural activities.
- q. "Street" means a public thoroughfare within 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;
- r. "Disposal Site" means an area designated and maintained by the Municipality where the public may bring and deposit for certain permitted types of waste.

**2. 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 of Rosssburn.
- b. The Council of the Municipality may provide for the collection, removal and disposal of solid wastes and recyclables within the limits of the Town by contract with any person on any terms and conditions that the Council considers expedient.
- c. The Public Works Supervisor/CAO or designated Authority with the direction of council shall:
  - i. provide specifications and supervision for the operation of facilities and equipment necessary or desirable for the disposal of waste collected or disposed of within the Town;
  - ii. supervise the collection, removal and disposal of waste within the Town; and
  - iii. direct days and times that collections are to be made from different areas of the Town if designated by the Supervisor; and
  - iv. decide as to the quantities and defined classes of wastes to be removed or collected from any premises or accepted by the Town for disposal.
- d. Subject to the provisions of this By-law, the decision of the Public Works Supervisor/CAO or designated Authority as to the amount and type of waste which is accepted from any premises shall be final.
- e. Rear lane waste collection shall only be in force:
  - i. in such parts of the Town and at such times as the Public Works Supervisor/CAO or designated Authority may specifically designate; and
  - ii. where there is no front street on the premises.

**3. ACCUMULATION OF WASTE PROHIBITED**

- a. Except for waste which is 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;

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- b. No person who is the owner or occupant of any land or building shall allow waste of any kind to accumulate upon any land or about any building.
- c. No person shall sweep, dump or otherwise deposit waste or litter into any gutter, boulevard, street or lane.
- d. Notwithstanding anything in Subsection (1) or elsewhere in this By-law, no person shall dispose of waste or allow waste 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.

**4. 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 (a), shall remove the said waste upon being required to do so by the owner or occupant of the property or by the Public Works Supervisor/CAO or designated Authority, 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 (a).
- c. If the person who has placed waste on private property contrary to the provisions of Subsection (a), 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 Public Works Supervisor/CAO or designated Authority, the Medical Health Officer, Public Health Inspector, or a Police Officer.

**5. 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 Municipality 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.
- c. No person shall set, feed or maintain, or cause to be set, fed or maintained, within the limits of the urban area of the Rossburn Municipality 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.

**6. WASTE FOR PUBLIC COLLECTION**

- a. The owner or occupant of a premises within the Town limits from which waste is to be collected, shall provide and maintain in good condition, a sufficient number of watertight receptacles of circular or other suitable design, materials and construction as approved by the Public Works Supervisor/CAO or designated Authority, and which comply with the provisions of Subsection (d) to hold at least one week's accumulation of waste to be collected from the premises.

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All properties currently within Ward 2 will be provided with 104 tags during the first week of January. The tags MUST be placed on garbage bags for bags to be picked up. The tags may be used at the property owner/occupier's discretion. After the supplied number of tags has been used, extra tags MUST be purchased and placed on garbage bags for garbage to be picked up. Additional tags are available at the Municipal Administration office for purchase. The Municipality will not pick up at any premises that don't display an approved tag.

- c. 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 (d).
- d. A person providing receptacles for containing residential waste, shall provide metal or plastic receptacles as follows:
  - i. Garbage bags must be no larger than 66 cm x 90 cm (26 inches x 36 inches), not white or transparent in color for reasons of visibility in the winter season, and must be properly closed. No oversized bags for regular garbage, clear bags for recycling.
  - ii. Garbage cans must be no larger than a standard container of 125 L (27 imperial gallons) (50 cm wide x 100 cm high (20 inches wide x 39 inches high)).
- e. The collection, removal and disposal of wastes within the Town limits, subject to such modifications as may be deemed necessary by the Public Works Supervisor/CAO or designated Authority, shall be:
  - i. on a weekly basis in all residential zones, and residential buildings in commercial zones for household garbage and recycling as specified by the Supervisor or designated Authority.
  - ii. on a 3 days/week basis, Saturday, Sunday or statutory or Civic Holidays excepted, for all premises in commercial and industrial districts.
  - iii. at the Public Works Supervisor/CAO or designated Authority discretion for all premises not included in immediately preceding subsection (a) and (b).
  - iv. The Public Works Supervisor/CAO or designated Authority or Council designate May 1<sup>st</sup> to September 30<sup>th</sup> of each year as yard waste collection periods during which the Municipality will dispatch extra equipment to collect accumulated garden waste, grass, leaves, and residential tree branches up to 6 (six) inches in diameter. Extra Equipment will be collecting yard waste on Wednesdays and yard waste may be placed beside recyclables for ease of collection without mixing the waste into recyclables. These will be collected at no cost, provided they are free of household waste, hazardous waste, or recyclable material and are in a biodegradable garbage bag or in a clearly identifiable pile.
- f. A person undertaking the removal and disposal of waste generated from their own premises shall do so at least weekly.

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7. WASTE CONTAINERS

- a. Every owner, agent, tenant, lessee or occupant of every house, dwelling or place of business, shall keep their household garbage stored in a secure enclosure, or state, ensuring it is protected from weather, rodents, birds, wildlife and pets.
- b. Garbage must be contained on the property between regular garbage collections, and any containers shall be maintained by the occupier in a state of good repair, and the lid kept in place at all times.

8. FILLING OF WASTE RECEPTACLES

- a. No person shall fill a waste receptacle with material of such weight that the combined weight of the receptacle and its contents exceed 50 lbs.
- b. A collector shall not be required to remove any waste receptacle which, together with its contents, exceeds 50 lbs in weight.
- c. All waste shall be contained or enclosed in disposal bags inside watertight receptacles. All disposal bags shall be tied before being deposited in container. No loose or unbagged garbage, refuse or rubbish will be collected.
- d. No person shall discard their waste in a waste container that does not belong to them, any person caught doing so will be subject to a fine described in section 16.

9. PLACING OF WASTE RECEPTACLES

- a. Except as otherwise herein provided, no person shall place or keep waste receptacles or commercial containers upon any portion of the street or lane. Each dwelling unit within the Town limits shall be granted a maximum of 2 (two) water tight receptacles in residential 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 front 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. Front street collection is in force, except if determined impracticable by the Public Works Supervisor/CAO or designated Authority, such as the business section of Main Street. The owner or occupant of the premises shall place all receptacles on the boulevard in front of the premises no later than 8:00 a.m. on the morning of the collection day or no earlier than 5:00 p.m. the night before collection. The placing of garbage bags without being contained in a garbage container is only allowed on the day of collection, so the bags are not likely to be ripped open by birds or other animals.

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- e. Emptied garbage cans and receptacles have to be returned to their usual storage place on the day of collection.
- f. Garbage that is not set out in time for collection and is not picked up must be removed from the pickup location by no later than 8:00 p.m. on collection day. At no time will the collector make provisions to go back and pick up garbage that was not put out on time.

Except where, in the opinion of the Public Works Supervisor/CAO or or designated Authority, 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.

**10. PREPARATION OF WASTE FOR COLLECTION**

- a. An owner or occupant of a premises from which garbage is to be collected shall thoroughly drain all household garbage and wrap it in paper and securely tie the parcel or place the garbage in a securely tied plastic bag before depositing it in a waste receptacle;
- b. No person shall place any hazardous waste (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. No collector shall be required to collect a parcel of any measurement of which exceeds four feet or weight of which exceeds 50 lbs.
- 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.

**11. COLLECTION AND REMOVAL OF WASTE**

- a. The Municipality shall not provide weekly collection for any of the following or similar items from a 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 cleanup);
  - 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 50 lbs. of which is improperly prepared for collection;
  - v. any ashes of any kind.
- b. The Municipality shall not provide weekly collection for any of the following or similar items from a 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.
  - iv. building materials and building wastes;
  - v. dead animal carcasses of any kind.

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**12. 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 refuse and litter into a suitable waste container or enclosure so as 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 Public Works Supervisor/CAO or designated Authority shall decide what heavy equipment, building waste, trade waste and other waste not covered by this By-law shall be removed by the Municipality and subject to the other provisions of this By-law, his decision shall be final. The applicable charges may be determined by the Public Works Supervisor/CAO or designated Authority on the basis of the appropriate Private Works or Fee By-Law.
- 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 Public Works Supervisor/CAO or designated Authority.
- d. The owner or person in possession of any animal carcass may make arrangements with the Public Works Supervisor/CAO or designated Authority for the collection and disposal of the carcass, and shall pay for such removal and disposal. The applicable charges may be determined by the Public Works Supervisor/CAO or designated Authority on the basis of the appropriate Private Works or Fee By-Law.
- e. For the purposes of performing the duties assigned by this By-law, every collector appointed by the Public Works Supervisor/CAO or designated Authority may enter land in residential districts from which the Town is required to remove waste at all times between 8:00 a.m. in the morning and 5:00 p.m. in the afternoon.
- 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.

**13. COMMERCIAL RECYCLING CONTAINERS**

A commercial property may decide to designate an existing or additional commercial container for “dry” cardboard recycling only; this container shall be marked as such and shall be picked up by a separate recycling schedule. If there is wet garbage in the designated “dry” container it will not be picked up and will be immediately considered wet garbage and will be added to the regular commercial garbage pickup schedule.

**14. CONVEYANCE OF WASTE THROUGH THE TOWN**

- a. No person shall operate any vehicle transporting any waste along a road or any highway, street or lane within the Town limits 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.

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- b. No person shall transport or cause to be transported in a vehicle on any highway, street or lane any garbage, offal from slaughter houses or butcher shops, swill or any waste of any offensive nature, unless the part of the vehicle containing the waste is:
  - i. water tight;
  - ii. Constructed in such a manner that it is impossible for any part of the contents to escape;
  - iii. Any waste which escapes the transporting vehicle or trailer shall be removed from the street, lanes or properties.

**LITTERING**

- c. No person owning or occupying private property shall allow dirt, manure, paper, filth, rubbish or other refuse to accumulate on that property.
- d. No person shall deposit dirt, manure, filth, rubbish or other refuse on any private or public property, including a highway.
- e. The Municipality may compel:
  - i. The owner of or a person occupying private property on which there has been an accumulation of anything mentioned in clause a) of this section or
  - ii. the person who placed or deposited or is responsible for placing or depositing anything mentioned in paragraph b) of this section on private or public property,

To remove it and at his own expense to place or deposit it in a disposal area either in or outside the Town, designated by Council.

- f. If a person referred to in paragraph c) of this section fails or refuses to comply with the Municipality's guidelines for removal of uncollected garbage, the Municipality may remove the refuse and deposit in in the disposal area.
- g. When the Municipality removes refuse under paragraph d) of this section, it may charge the costs of said removal to the person who owns or occupies the residence at a rate set out in Schedule "A".
- h. The Municipality may treat this cost of removal as a debt due and owing and recoverable through a Court of competent jurisdiction or may add the cost of removal to the amount of taxes against any land in the Rossburn Municipality owned by the person responsible for its removal.
- i. Whenever litter is thrown, deposited, dropped, blown or dumped from any vehicle it shall be prima facie evidence that the operator of said vehicle shall have violated this by-law.
- j. Persons owning or occupying property shall keep the sidewalk and boulevard in front of and flanking and the lane at the rear of the property free of litter.
- k. Persons owning or occupying places of business shall keep the sidewalk and boulevard of and flanking and the lane at the rear of that business free of litter.



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15. USE OF DISPOSAL GROUNDS

- a. Every driver or other person delivering waste to the waste disposal grounds shall deposit his load in such a place and in such a manner as he may be instructed by the landfill attendant or other employee of the Rossburn Municipality in accordance with signs posted at the site.
- b. No person, firm, company or corporation shall remove any waste, garbage, wood, metal or any other thing from the compound unless authorized by Council.
- c. No driver or person shall deliver waste to or deposit waste in the waste disposal grounds, except a resident of the Rossburn Municipality, or other person licensed by the Municipality to deposit waste on the site.
- d. No driver or person shall deliver waste or deposit waste in the waste disposal grounds except during hours specified and posted at the site, unless otherwise authorized as a licensed contractor by the Municipality and subject to the any other applicable By-laws and policies.

16. FEES AND PENALTIES

a. FEES

- i. A quarterly fee of \$25.00 be levied for the collection of garbage and other refuse from single family residences;
- ii. A quarterly fee of \$40.00 for multiple family units (Apartments with 2 or more suites);
- iii. A fee of \$3.00 per month per resident of the Lions Manor and Lady of Fatima Manor be assessed.
- iv. A quarterly fee of \$25.00 be levied for the collection of garbage and refuse materials from commercial properties.
- v. The Council of the Rossburn Municipality, by Resolution, shall set fees from time to time. The fees shall be set out in the “Fees and Charges By-Law” or any and all of its successors.

b. PENALTIES

- i. Any person who contravenes, or fails to observe and carry out any provision of this By-law shall, upon conviction thereof before a Magistrate or Provincial Court Judge, be liable to a fine of not more than \$1,000.00 or to imprisonment for a term not exceeding one (1) month, or to both such a fine and imprisonment.

17. That By-law No. 2015-0017 be hereby repealed and this by-law supersedes any other By-laws regulating the storage, collection, removal and disposal of garbage and refuse.

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DONE AND PASSED as a By-law of the Rossburn Municipality, in open session assembled in the Town of Rossburn in the Province of Manitoba this \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
MAYOR BRIAN BROWN  
ROSSBURN MUNICIPALITY

\_\_\_\_\_  
ROSSBURN MUNICIPALITY

Read a first time this \_\_\_\_\_

Read a second time this \_\_\_\_\_

Read a third time this \_\_\_\_\_

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SCHEDULE "A"

All listed instances will be charged at the following rate:

Minimum Charge:     \$25.00  
Hourly Rate:           \$50.00

- 1) Pickup and Disposal of improperly stored or bagged garbage (refer to Section 6 d Section 7 and Section 8).
- 2) Pickup and Disposal of bagged garbage not left out in time for collection (refer to Section 9 d).
- 3) Pickup and disposal of garbage left out after the day of collection (refer to Section 11).
- 4) Pickup and disposal of litter and/or accumulated rubbish deemed to be the responsibility of owner/occupier of property (refer to Section 15).