

THE TOWN OF SWAN RIVER
BY-LAW NO. 5/2013

Being a By-law of The Town of Swan River providing for collection and disposal of waste within the Town of Swan River.

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

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

1. DEFINITIONS

1. "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;
2. "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;
3. "Town" means the corporation of the Town of Swan River or the area contained within the boundaries thereof as the context requires;
4. " Superintendent of Works", means the person in charge of the Sanitation Department of the Town, and shall include any person delegated by the Town;
5. "Collector" means a person or Contractor who collects waste within the Town for and on behalf of the Town;
6. "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;
7. "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;
8. "Garbage" means animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;
9. "Industrial Premises" means a building or premises in which any manufacturing, processing, producing or repairing of goods is carried on;
10. "Person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person;

11. "Liquid Wastes" means any waste which contains animal, mineral or vegetable matter in solution or suspension;

12. "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;

13. "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;

14. "Rubbish" means combustible and non-combustible wastes, such as paper, cardboard, abandoned automobiles, tin cans, wood, glass, bedding, crockery and comparable minerals;

15. "Wastes" means garbage, refuse, rubbish and other discarded solid materials, including liquid waste and waste materials resulting from domestic, industrial, commercial or agricultural activities;

16. "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;

17. "Waste Disposal Site" means an area maintained by the Town where the public may bring and deposit all permitted types of waste.

2. PROVISIONS FOR DISPOSAL OF WASTE

1. The Town shall be responsible for the public collection and removal of solid waste within the limits of the Town.

2. The Council of The Town may provide for the collection, removal and disposal of solid wastes within the limits of the Town by contract with any person on any terms and conditions that the Council considers expedient.

3. The Superintendent of Works with the direction of council shall:

1. 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

2. supervise the collection, removal and disposal of waste within the Town; and

3. direct days and times that collections are to be made from different portions of the Town; and

4. 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 .
4. Subject to the provisions of this By-law, the decision of the Superintendent of Works as to the amount and type of waste which is accepted from any premises shall be final.
5. Front street waste collection shall be in force:
 1. in such parts of the Town and at such times as the Superintendent of Works may designate; and
 2. where there is no lane at the rear or side of any premises.

3. ACCUMULATION OF WASTE PROHIBITED

1. Except for waste which is placed:
 1. in receptacles required by this By-law;
 2. in a manner complying with the provisions of this By-law;
 3. in a location designated or allowed by this By-law:
2. 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.
3. No person shall sweep, dump or otherwise deposit waste or litter into any gutter, boulevard, street or lane.
4. 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

1. 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.
2. A person who has disposed of waste on any public or private property, contrary to the provisions of Subsection (1), shall remove the said waste upon being required to do so by the owner or occupant of the property or by the Superintendent of 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 (1).

3. If the person who has placed waste on private property contrary to the provisions of Subsection (1), 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 Superintendent of Works, the Medical Health Officer, Public Health Inspector, or a Police Officer.

5. HOME INCINERATION AND OUTDOOR INCINERATION

1. 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.
2. No person shall build, locate, use or operate an incinerator without the prior written consent of the Council.
3. 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.
4. 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

1. 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 of circular design, materials and construction as approved by the Superintendent of Works, and which comply with the provisions of Subsection (2) to hold at least one week's accumulation of waste to be collected from the premises (Residential: maximum of two; Commercial :maximum of four).
2. A person requiring more than two cans at one premises may at their own expense, purchase an approved tag available at the Town administration building; which must be firmly attached to any additional cans set out for pick up. The Town will not pick up more than two cans at any premises that don't display an approved tag.
3. 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 (3).

4. A person providing receptacles for containing residential waste, shall provide metal or plastic receptacles which:
 1. are not less than 16 inches nor greater than (24”) inches in diameter at the top, tapered to a lesser diameter at the bottom, and having an overall height of not more than 30 inches;
 2. have a water tight cap cover, rigidly fixed handles and a smooth rim at the top.
3. The collection, removal and disposal of wastes in the Town of Swan River, subject to such modifications as may be deemed necessary by the Superintendent of Works; shall be:
 1. on a weekly basis in all residential zones, and residential buildings in commercial zones.
 2. on a daily basis (3 days/week), Saturday, Sunday or statutory or Civic Holidays excepted, for all premises in commercial and industrial districts.
 3. at the Superintendent of Works discretion for all premises not included in immediately preceding subsection (a) and (b).
4. A person undertaking the removal and disposal of waste generated from their own premises shall do so at least weekly.
5. The Town shall provide adequate public waste baskets in prominent and easily accessible locations in public places however the collector shall be responsible for distribution and reporting of any required maintenance to the Superintendent of Works.

7. WASTE CONTAINERS

1. All apartment blocks, commercial premises and industrial premises are required to provide a commercial 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 dumpster 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 owners taxes.
2. A commercial container shall be of a specified size and shape, and shall have a minimum capacity of 1.8 cubic yards. A commercial container must be accessible and capable of mechanical unloading by the Town or Waste Collection Contractor.

3. No commercial container shall be used unless it is in accordance to the type specified by the Engineering Department as to size, quality and shape. An owner of a commercial property can use up to four waste receptacles if a dumpster is not required.
4. If the owner or occupant of a premises places waste in a storage enclosure of a type that has not been approved by the Superintendent of Works, the collectors are entitled to not collect the waste from such enclosures.
5. Existing storage enclosures that were originally approved by the Superintendent of Works, shall be repaired by the Town. The container may be continued in use until a directive is issued for their replacement, at which time newly approved containers must be substituted. New storage containers shall be repaired by the Town for a period of ten years, repairs beyond will be the responsibility of the owner. A decision on their condition and when they are to be replaced, shall be made by the Superintendent of Works.

8. FILLING OF WASTE RECEPTACLES

1. No person shall fill a waste receptacle with material of such weight that the combined weight of the receptacle and it's contents exceed 45 lbs.
2. A collector shall not be required to remove any waste receptacle which, together with its contents, exceeds 45 lbs in weight.
3. All waste shall be contained or enclosed in disposal bags inside watertight receptacles. No loose or unbagged garbage, refuse or rubbish will be collected.
4. Subsections (1) and (2) of Section 8 do not apply to commercial containers.
5. 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

1. 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 of Swan River limits shall be granted a maximum of **2 (two) water tight** receptacles in residential areas, 4 (four) water tight receptacles in commercial areas.
2. 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.

3. 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.
4. Where or whenever front street collection is in force, the owner or occupant of the premises shall place all 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.
5. Except where, in the opinion of the Superintendent of 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.
6. All new buildings where there is not adequate space available for a garbage container on the property outside the building which is accessible to collection vehicles, must include a garbage or refuse storage room inside the building. This garbage 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 commercial 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 garbage into collection vehicle.

10. RECEPTACLE STANDS

1. The owner or occupant of a premises from which waste is to be collected:
 1. shall place or locate the waste receptacles for collection in such manner that they will not overturn or be likely to be overturned;
 2. 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;
 3. 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 Superintendent of Works.

11. PREPARATION OF WASTE FOR COLLECTION

1. An owner or occupant of a premises from which garbage is to be collected shall:
 1. 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;
 2. No person shall place any hazardous waste (explosive or highly inflammable) in any receptacle for collection.
 3. 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 45 lbs.
 4. 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

1. The Town of Swan River shall not provide weekly collection for any of the following or similar items from a residential premises;
 1. discarded furniture, discarded automobile parts, including tires, and other private vehicles and household equipment;
 2. tree limbs, whole shrubs or bushes, portions of hedges, garden waste (these items will be collected during spring and fall cleanup);
 3. fences, gates and other permanent and semi-permanent fixtures on the premises;
 4. any discarded household chattel, material or equipment with an overall weight of more than 45 lbs. of which is improperly prepared for collection;
 5. any ashes of any kind.
2. The Town of Swan River shall not provide weekly collection for any of the following or similar items from a commercial premises;
 1. discarded heavy machinery;
 2. by-products of manufacturing, unless specifically approved by Council;

3. heavy or bulky, wrapping, packaging or crating materials.
4. building materials and building wastes;
5. dead animal carcasses of any kind.

13. RESPONSIBILITY AND ARRANGEMENT FOR REMOVAL OF OTHER WASTE

1. A person carrying out the construction, renovation or alteration of any building or structure shall:
 1. be responsible for the disposal of all refuse resulting from the construction or alteration;
 2. place all refuse and litter into a suitable waste container or enclosure so as to prevent it from blowing around;
 3. on completion of the construction, renovation or alteration, to clear the grounds on which the construction or alteration was made.
2. The Superintendent of Works shall decide what heavy equipment, building 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.
3. 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 Superintendent of Works.
4. The owner or person in possession of any animal carcass may make private arrangements with the Superintendent of 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 Superintendent of Works.
5. For the purposes of performing the duties assigned by this By-law, every collector appointed by the Superintendent of Works may enter land in residential districts from which the Town is required to remove waste at all times between 7:00 o'clock in the morning and 6:00 o'clock in the afternoon.
6. The Town shall own and have the right to dispose of:
 1. All waste collected by the Town from the premises in the Town pursuant to the provisions of this By-law; and
 2. All waste delivered for disposal to the Town's waste disposal site.

14. COMMERCIAL RECYCLING CONTAINERS

1. 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.

15. CONVEYANCE OF WASTE THROUGH THE TOWN

1. No person shall operate any vehicle transporting any waste 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.
2. 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:
 1. water tight;
 2. Constructed in such a manner that it is impossible for any part of the contents to escape;
 3. Any waste which escapes the transporting vehicle or trailer shall be removed from the street, lanes or properties.

16. PENALTIES

1. 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) 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.

2. That By-law No. 9/96 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 1st day of October, 2013.

Mayor

Chief Administrative Officer

Read a first time this 16th day of July, 2013.

Read a second time this 3rd day of September, 2013.

Read a third time this 1st day of October, 2013.