

BY-LAW NO. 98-7984

A BY-LAW OF THE CITY OF PORTAGE LA PRAIRIE to provide for the collection of household wastes and other household waste materials and to provide for the collection and processing of recyclable materials;

WHEREAS Section 232 of the Municipal Act authorizes a council to pass bylaws for municipal purposes;

NOW THEREFORE the Council of the City of Portage la Prairie in open session assembled hereby enacts as a by-law the following:

Title

1. This By-Law may be cited as the Solid Waste By-Law.

Definitions

2. 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 establishments 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 **"Building"** and any chattel that is attached to any structure or land that is installed therein or thereon;
- (d) **"Ashes"** 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;
- (e) "City" means the City of Portage la Prairie
- (f) "Commercial Premises" means banks, offices, hotels, restaurants, retail stores, barber shops and other business premises;
- (g) "Condominium, Single Family" means a dwelling unit situated upon a bare land condominium lot;
- (h) "Condominium, Multiple Family" means a multiple family dwelling not 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 **"Building"**s 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"** containing three or more dwelling units, each

unit designed for and used by not more than one family;

- (m) "Dwelling, Single and Two Family" means a "**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 house-keeping 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 Wastes" means any waste that may present a hazard to a person in contact with such wastes, 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 Wastes" 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, sweepings and all waste materials capable of being consumed by fire, wood excelsior, bedding, rubber, leather, plastic, metals, ceramics, glass, and yard wastes.
- (r) "Industrial Premise" means "**Buildings**" or structures located in an industrial zone as outlined in the Zoning ByLaw of the City of Portage la Prairie.
- (s) "Institutional Premise" means "**Buildings**" or structures located in an educational and institutional zone as outlined in the Zoning ByLaw of the City of Portage la Prairie.
- (t) "Insanitary Conditions" means insanitary conditions as those words 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) "Waste Collection Tag" means a properly authorized marker, obtained from the City or its agent, with adhesive backing to be placed on the household wastes or bulky items for collection by the City.
- (w) "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 fitted 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.
- (x) "Yard Waste" means wastes that consist of leaves, grass and garden wastes, excluding any tree trimmings.

Collection of Household Wastes and Bulky Items - Single and Two Family Dwellings

3. The City shall provide services to collect household and "Ashes" 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.
4. All household wastes and bulky items placed for collection, in excess of two per cycle, 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.
5. Between periods of collection, all household and "Ashes" shall be kept from view from the front street of any residence, including structures constructed for the purpose of storing wastes.
6. Household and "Ashes" shall be placed out for collection not sooner than 8:00 p.m. on the day prior to the designated collection day.
7. All household and "Ashes" 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. No person shall place household wastes in a container that is not a waste container, as defined in the By-Law, and the City shall not be liable for the removal of a container that is not a waste container.

Collection of Household Wastes and Bulky Items - Multiple Family Dwellings

9. The City shall provide services to collect household and "Ashes" from all multiple family dwellings, exclusive of statutory holidays, in such a manner that all dwelling units shall receive collection fifty-two times per year.
10. 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 at cost plus 20%.
11. Between periods of collection, all household and "Ashes" shall be kept from view from the front street of any residence.
12. 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 on-site location to be provided by the owner. The City shall not be liable for the removal of a container other than one approved 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 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.
13. The Dwelling owner shall ensure that all household and "Ashes" from each Dwelling Unit in the Dwelling is placed in the designated bin for collection at a site approved by the City.
14. The City may remove commercial bins without notice if the dwelling owner fails to comply with the

provisions of this bylaw.

Commercial “Buildings”

15. The occupant or owner and/or operator for a commercial premise including Provincial and Federal government premises, trailer courts, 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.
16. Any commercial, government or industrial property that does not have its wastes removed in a manner satisfactory to the City shall be charged for costs incurred by the City to have the wastes removed. If the invoice is not paid within a reasonable period of time, the charges shall be added to property taxes.

General Conditions

17. Household wastes consisting of meat or vegetable waste shall be securely wrapped or contained before it is placed in a waste container.
18. “Ashes” containing chlorofluorocarbons, or other ozone depleting substances, shall have the chlorofluorocarbons removed by a certified tradesman as stipulated under provincial regulation prior to collection.
19. No persons shall deposit any waste material on a property or in a waste container that is not under his direct control.
20. No person shall bring into the City of Portage la Prairie any waste for collection or disposal.
21. No persons, 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 wastes placed for collection.
22. The Director of Operations, or his designate, shall have the final authority in case of a dispute.

Collection of Recyclables

23. 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.
24. 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.
25. 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.
26. Between periods of collection, all recyclables shall be kept from view from the front street of any residence.
27. Recyclables shall be placed out for collection not sooner than 8:00 p.m. on the day prior to the designated collection day.
28. 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.

Other Wastes

29. Every person shall dispose of construction and demolition waste, at their own expense, at the Waste Disposal Grounds.
30. Hazardous wastes shall be disposed of in a manner so as not to create an environmental hazard.
31. “**Ashes**” shall be sufficiently cooled prior to placing into a waste container so as not to create a fire.
32. “**Animal and Agricultural Wastes**” shall not be placed in with household wastes and no person shall place for collection animal and agricultural wastes which is not enclosed in an air tight, rigid, container so as to prevent contamination of collection equipment and/or an insanitary condition.

Financial Considerations

33. 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.
34. The City shall provide one recyclable material container to each single and two-family dwelling unit in the City. Up to 3 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.

Sanitation

35. No person shall dispose of or discharge liquid wastes in any place within the City, except into the sanitary sewer system of the City as permitted in ByLaw No. 6748 and amendments thereto.
36. No person shall deposit wastes on private property or in any ditches or on any boulevards, lanes or streets within the City.
37. No person shall deposit or dispose of or discharge wastes in the City in such a manner as to create a nuisance.
38. No person shall create an unsanitary condition in the City.
39. No person shall construct, have or maintain a permanent outside toilet within the City.
40. No person shall maintain a water supply any place in the City that does not comply with The Public Health Act and the regulations thereunder.
41. Except for the purposes of exhibition, no person shall keep in the City animals of husbandry, domesticated fowl or pigeons.
42. 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 bylaws 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.

Septic Wastes

- 43. 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 requesting the City to accept septic wastes shall provide a suitable discharge pipe.
- 44. A charge for the dumping of septic wastes shall be fixed by the City from time to time.

Transportation of Wastes

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

Penalties

- 47. Every person who contravenes, or refuses, neglects, omits or fails to obey or observe, any provision of this ByLaw, 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.
- 48. ByLaw No. 7751 and all amendments thereto are hereby repealed.

DONE AND PASSED BY THE COUNCIL OF THE CITY OF PORTAGE LA PRAIRIE IN OPEN SESSION ASSEMBLED this day of , 1998.

THE CITY OF PORTAGE LA PRAIRIE

Mayor

Manager of Administration

Given First Reading this 23rd day of March, 1998.
Given Second Reading this 13th day of April, 1998.
Given Third Reading and Passed this 13th day of April, 1998.