

**RURAL MUNICIPALITY OF ELTON
BY-LAW NO. 1646**

**BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ELTON to provide for a collection,
transportation and disposal of Solid Waste and Recycling**

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

NOW THEREFORE the Council of the Rural Municipality of Elton in open session assembled hereby enacts as follows:

Title:

1. This By-law may be cited as The Rural Municipality of Elton Solid Waste and Recycling By-law

Definitions:

2. In this By-Law:

- (a) **"Commercial/Industrial Establishment"** means commercial or industrial business establishments and premises which are not owned or controlled by the municipality.
- (b) **"Council"** means the council of the municipality.
- (c) **"Designated Officer"** means such person as may be authorized by council to exercise some or all of the powers vested in this By-law by council.
- (d) **"Evergreen Environmental Technologies Inc." or "Waste Disposal Grounds"** means the land fill site for the Rural Municipality of Elton located at North ½ of Section 11-14-17 W.P.M. in the RM of Odanah.
- (e) **"Municipality"** means the Rural Municipality of Elton.
- (f) **"Residential Establishment"** means a single dwelling unit including a single family dwelling, mobile home, condominium unit, row house unit or a single apartment.
- (g) **"Tree Disposal Site"** means the site designated for the disposal of tree branches, trunks and trimmings as well as any clean uncontaminated waste wood products free of any paint, varnish, or any other finish, nails, screws or any other foreign object as approved by Manitoba Conservation and located at Evergreen Environmental Technologies.
- (h) **"Waste"** means
 - i. **"Ashes"** means the residue from the burning of wood, coal, and other like materials for the purpose of cooking, heating buildings, and disposing of waste combustible materials.
 - ii. **"Construction and Demolition Waste"** means the waste buildings materials and rubble resulting from the construction, remodeling, repairs, demolition or destruction by fire of buildings or other structures and the installation, repair, or removal of concrete, foundations, pavement, or like works.
 - iii. **"Furniture and Appliances"** means household items that are not included under the definition of "Household Waste".
 - iv. **"Hazardous Waste"** means waste with properties that make it dangerous or harmful to human health or the environment defined as such under The Dangerous Goods and Transportation Act (Manitoba) and includes, but is not limited to, gas or propane cylinders, petroleum distillates, liquid fuels, household waste paint, drugs, waste crank case oils and lubricants, in organic chemicals, halogenated pesticides and herbicides, non-halogenated organic pesticides and other wastes of a pathological, explosive, flammable, radioactive, toxic or acidic nature.
 - v. **"Household Waste"** means all animals and vegetable waste, or their liquid or solid, including food packaging, matter with residual food materials resulting from the handling, preparation, cooking and serving of foods in the household, unusable clothing, sweepings and other waste material, excluding "Furniture and Appliances".
 - vi. **"Litter"** means accumulated odds and ends, leavings, and disorderly accumulation of waste, paper and other rubbish and refuse.
 - vii. **"Recycling Materials"** means materials derived from or otherwise destined to become Solid Waste generated and collected within the Rural Municipality of Elton that continue to have useful physical or chemical properties, including newsprint, high-grade fiber, corrugated containers, junk mail, magazines, glass, ferrous and non-ferrous cans, etc. A complete list may be obtained from the Rural Municipality of Elton office.
 - viii. **"Solid Waste"** means useless, unwanted or discarded solid materials resulting from normal community and consumer activities including semi-liquid or wet wastes, Furniture and Appliances, Household Waste, Litter and Yard Waste.
 - ix. **"Yard Waste"** means waste including but not limited to leaves, grass, garden waste, tree branches and trimmings.

Administration:

3. This By-law shall be administered by the Designated Officer of the Municipality.

Right of Entry to Private Property:

4. The Designated Officer may enter any property, grounds, yards, vacant lots or any other lands for any purpose related to the administration of this By-Law.

Lands to be kept clean

5. The owner or occupant of any property, grounds, yards, or vacant lot or private lands shall cause the same to be kept free of the accumulation of Waste upon that property that is deemed unsightly, unhealthy or a nuisance by the Designated Officer. The Designated Officer may enter upon any such property for the purpose of removing any waste allowed to continue thereon contrary to this or any other By-Law, law or regulation and the cost of such removal shall be recoverable from the owner or added to the taxes. The Municipality may recover the cost as a debt to the Municipality; or charge the cost against the land concerned as taxes due and owing in respect to the land and recover the cost in the same manner in which ordinary taxes upon the land are collectible and with like remedies. Notices shall be provided to property owners under provisions of The Municipal Act CCSM cM225, Sections 242, 243, 244, 245 and 246, and as attached hereto as Schedule "A" (Order to Maintain) and Schedule "B" (Appeal).

General Terms

- 6.
- (a) Evergreen Environmental Technologies Inc. has received approval for all garbage and waste to be disposed at the regional landfill except for the following unless otherwise approved by the Director of Conservation. Evergreen Environmental shall not accept the following wastes:
 - a) liquid industrial waste
 - b) liquid waste
 - c) dead livestock
 - d) radioactive waste or materials
 - e) unbagged asbestos
 - f) soils or sediments containing contaminants at concentrations in excess of the criteria specified for industrial occupancy in the Canadian Council of Minister of the Environment, Environmental Quality Guidelines (latest edition) and the CCME Canada Wide Standards; and
 - g) hazardous wastes
 - (b) The Municipality shall place, or cause to be placed, Household Waste Bins of a size and construction necessary to provide adequate Household Waste collection depots at locations in the Municipality it considers necessary and shall arrange for regular collection and removal thereof.
 - (c) Occupants of Residential Establishments located in the RM of Elton are permitted to use the Household Waste Bins for the disposal of their Household Waste.
 - (d) The owner or occupant and/or operator of Commercial/Industrial Establishments and/or provincial and federal government premises, institutions and other such premises as determined by council shall be required to make their own arrangements for the removal and disposal of Waste at the Waste Disposal Grounds.
 - (e) Household Waste material shall be securely wrapped or bagged before displaced in a Household Waste Bin.
 - (f) Recycling material shall be deposited loosely (not nested together) in the designated bins with the exception of shredded paper which must be contained in a transparent bag.
 - (g) Solid Waste containing chlorofluorocarbons or other ozon depleting substances shall have the chlorofluorocarbons removed by a certified tradesman as stipulated by provincial regulation.
 - (h) No person shall deposit or collect any Waste on property that is not under his or her direct control.
 - (i) No person shall bring into the Municipality any Waste for disposal in a Household Waste Bin that is not accumulated from within the Municipality.
 - (j) No person shall interfere with or disturb the contents of any Household Waste Bin or Recycling Bin.
 - (k) Every person shall dispose of Construction and Demolition Waste, Furniture and Appliances, and Yard Waste at Evergreen Environmental Technologies Inc., or at the Elton Municipal Yard only where specific disposal areas are provided for that type of waste, with transportation costs to be at their own expense.
 - (l) No person shall deposit Hazardous Waste in a Household Waste Bin or Recycling Bin.

- (m) Hazardous Waste shall only be disposed of at such locations and in such manner approved under provincial regulation so as to not create an environmental hazard.
- (n) Ashes shall be sufficiently cooled prior to placement in a Household Waste Bin so as to not to create a fire.
- (o) No person shall deposit Waste on a public or private property or in any ditches, roadways, or lanes within the Municipality.
- (p) No person shall allow Waste to accumulate in the Municipality in such a manner as to create a nuisance.
- (q) Waste and Recyclables shall be properly contained and secured during transportation to prevent loss of material during transport. The transporter shall be responsible for the collection and disposal of any material that falls from a transport vehicle during transport. The transporter shall also be responsible for any damage caused by the loss or escape of uncontained waste while in transit.
- (r) The Municipality may contract out the collection of any portion of Waste and Recycling to any firm or individual.
- (s) No owner or occupant in control of private property shall allow Litter to accumulate upon that property in such a manner as to be unsightly or in such a manner that it may blow to the adjacent property or on to public property.
- (t) Persons owning or occupying Commercial/Industrial Premises shall keep the roadway, ditches and streets at the front and sides of their property free of Litter.
- (u) All discarded cartons, container, or paper of a kind used in any Commercial/Industrial Business found within a thirty (30) meter distance from the place of business shall be presumed to have been used for the sale of goods sold in that place and to have been discarded by the owner or occupant of the Commercial/Industrial Premises.
- (v) No person shall damage or deface any Household Waste Bin or Recycling Bin.
- (w) No person shall move any Household Waste Bin or Recycling Bin from the location it has been placed by the Municipality.

Penalties

7. Every person who contravenes or refuses, neglects, omits, falls to obey or observe any provision of this By-Law is guilty of an offence and liable on summary conviction, to a fine as provided below plus court costs, or to imprisonment for a term not exceeding one (1) month, or to both such fine and costs and imprisonment. Every occurrence that person is not in compliance with the provisions of this By-law shall be deemed a separate offence.

First offence	\$ 250.00
Second offence	\$ 500.00
Third and subsequent offence	\$1,000.00

Other

- 8. Any section(s) or provision(s) of any By-law of the Municipality prior to the date of passing this By-law that are inconsistent with the provisions of this By-law are herewith repealed.
- 9. If any provision of this By-law is adjudged invalid, the judgment shall not be construed to invalidate the remaining provisions of this By-law.
- 10. This By-law shall come into force and effect immediately upon the passing thereof.
- 11. That By-law 1454 be hereby repealed.

DONE AND PASSED AS A BY-LAW BY THE COUNCIL OF THE RURAL MUNICIPALITY OF ELTON IN OPEN SESSION ASSEMBLED this 14 day of December, 20 21.

RURAL MUNICIPALITY OF ELTON



Reeve



Chief Administrative Officer

Read a First time this 9 day of November, 2021.

Read a Second time this 9 day of November, 2021.

Read a Third time this 14 day of December 2021.

SCHEDULE "A"

ORDER TO MAINTAIN

TO: _____, as registered owner

Your property located at ____ (property description/civic address) _____ in the Rural Municipality of Elton ____ (further property legal description) _____ has been determined to be in contravention of Section 243 of The Municipal Act.

The Rural Municipality Elton directs that you rectify the situation by undertaking to have the property mown on or before ____ (date) _____ and to have arrangements in place to ensure the continued maintenance of the yard, including mowing of grass and weeds and removal of accumulation of Waste as defined under By-law No. 1646 of the Rural Municipality of Elton.

Further be advised that if there has been no compliance with this Order by ____ (day/date) _____, the Rural Municipality of Elton will take any actions or measures necessary to bring the property into compliance with said Section 243(1) of The Municipal Act, and the costs of such actions or measures are an amount owing to the Municipality by the owner of the property. In addition to all other rights of collection which the Municipality may have at law, such amounts may be collected by the Municipality in the same manner as a tax may be collected or enforced under The Municipal Act.

Please note that Section 244 of The Municipal Act provides in part that a person who receives a written order under Section 243 may request the council to review the order by written notice within 14 days after the date the order is received (copy of appeal form included). Upon review, the council may confirm, vary, substitute or cancel the order. Further be advised that, as provided in Section 245 of The Municipal Act, the municipality will continue to monitor the property and have the property maintained if deemed necessary, with all costs being charged to the owner of the property. A copy of the provisions of The Municipal Act as referred to have been enclosed for your information.

Your cooperation and assistance in this matter is appreciated.

If you have any questions, please contact the writer at (204) 728-7834. If unavailable, please leave a message with your name and contact telephone number.

Signed this _____ day of _____, 20____.

Sincerely,

Chief Administrative Officer/Designated Officer

SCHEDULE "B"

**RURAL MUNICIPALITY OF ELTON
ORDER TO MAINTAIN**

IN THE MATTER of the Order to Maintain issued by The Rural Municipality of Elton:

APPEAL

TO: Chief Administrative Officer
The Rural Municipality of Elton
Forrest, Manitoba
R0K 0W0

PLEASE TAKE NOTICE that the undersigned Appellant hereby appeals to the Council of the Rural Municipality of Elton from the Order to _____

Repair or Demolish; Vacate Dwelling; etc.

Made by _____
Designated Officer Name and Title

on the _____ day of _____, A.D. 20_____ respecting the
property known as

Dated at _____, Manitoba, this _____ day of _____, A.D. 20_____

Signature of Appellant

Printed Name of Appellant

Mailing Address

Telephone Number