

**MUNICIPALITY OF WESTLAKE-GLADSTONE
BY-LAW NO. 2021-03**

BEING A BY-LAW TO ESTABLISH THE REGULATIONS FOR THE MUNICIPALITY OF WESTLAKE-GLADSTONE SOLID WASTE AND RECYCLING COLLECTION.

WHEREAS it is deemed advisable to create a by-law relating to the management and regulation of the solid waste and recycling collection system within the Municipality of WestLake-Gladstone.

NOW THEREFORE the Council of the Municipality of WestLake-Gladstone, in open council assembled enacts as follows:

PART ONE: PURPOSE AND DEFINITIONS

1. This By-law shall be known as the "Solid Waste and Recycling Regulations By-Law" and is for the establishment of regulations of the solid waste and recycling curbside collection in the Municipality of WestLake-Gladstone.
2. For the purpose of this by-law the following definitions apply:

"Automated Collection" means the collection of solid waste and specified recycling materials, using a specially designed vehicle with a mechanical apparatus which empties a collection cart directly into the vehicle without requiring manual labour to empty the cart(s).

"Bulky Item" means any household item, other than an item for which special collection services are provided, which is larger than 1 meter in any one dimension or weighs in excess of 25 kilograms.

"Cart" means a 360-litre solid waste or recycling container on wheels approved by the Municipality of WestLake-Gladstone, which is specifically designed for automated solid collection.

"Collection Point" means that part of a property, roadway or lane allowance that has been designated by the Municipality for the placement and collection of solid waste, recycling and compost.

"Collector" means a person who collects solid waste, recycling, and compost within the Municipality limits for and on behalf of the Municipality.

"Commercial Property" means any property assessed as commercial by the Provincial Municipal Assessment Branch.

"Commercial Solid Waste and/or Recycling" means solid waste and/or recycling produced at, or on any property defined as commercial property.

"Construction and Demolition Waste (C & D)" per Manitoba Guideline 2002-01E, is any material from the construction, remodeling, repair, or demolition of buildings, bridges, pavement, roads and other structures. C&D Waste consists of the primary building materials, wood, concrete, metal, drywall, and asphalt. C&D Waste secondary materials includes empty paint, sealant, and adhesive containers, insulation materials used in construction, packaging materials, shingles, rubble, bricks, tiles, ceramics, glass, plastics, tar and tarred products, plaster, soil, land, clearing debris and any other miscellaneous and composite materials.

"Container" refers to either a four (4) or six (6) cubic yard bin or dumpster, complete with a secure lid for the purposes of collecting solid waste, and recycling.

"Contamination" means the co-mingling (mixing) of solid waste and recycling carts or containers; or generally refers to any item which is not acceptable in either the solid waste or recycling cart or container such as special wastes, or items described in clause 52. In the case of recyclable materials, contamination also refers to recyclable items which may be soiled or dirty, which renders such items non-recyclable.

"Contractor" means the operator of a commercial and/or residential solid waste and recycling collection system, or any licensed general contractor.

"Curbside Collection" refers to collection of solid waste, recyclables and compost from an approved collection point.

"Electronic Waste" refers to items such as televisions, VCR's, DVD players, computers (including mouse, keyboards and cables), laptops, desktop printers, stereo's, telephones, scanners, copiers, fax machines and rechargeable batteries.

"Hazardous Waste" means a substance or organism that is designated as hazardous waste by regulation under *The Dangerous Goods Handling and Transportation Act*

"Household Hazardous Waste (HHW)" means waste material generated by a residential consumer that poses a risk to health, safety or the environment when managed in the municipal waste management system. Examples include chemical products such as cleaning solvents, pesticides, fluorescent light bulbs, paint cans, and propane containers. These products may also contain substances that can catch fire, react with other chemicals, explode, or are corrosive or toxic.

"Industrial Use" means the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.

"Institutional Use" means a public or non-profit use and, without limiting the generality of the foregoing, includes schools, places of worship, public hospitals and personal care homes. Does not include residential properties zoned institutional but used as a residence.

"Landfill Site" means any permitted and regulated Waste Disposal Grounds located within Municipality of WestLake-Gladstone boundaries.

"Litter" means accumulated odds and ends, leavings, a state of untidiness, a disorderly accumulation of paper and other waste.

"Mobile Home Park" means an area that is intended to be used, and is used primarily, as a site for the placing or parking of mobile homes and where the owner of the mobile home park is charged a fee.

"Multi-Unit Residence" means a building designated as a multi-unit dwelling whereby there are two or more separate residences which may include an apartment, duplex or a home with a separate basement suite.

"Owner" means a person who is an owner of a freehold estate in land in a municipality; and includes a person who is the owner of such an estate jointly owned with another person; and a person who is registered under *"The Condominium Act"* as the owner of a unit as defined under that Act. The term owner shall include occupant in the case of rental premises.

"Recyclable Material" means all products for reuse and in compliance with Provincial Product Stewardship Programs.

"Residence" means any single-unit dwelling, including but not limited to a mobile home, a unit within a condominium, a row housing unit or a single apartment.

"Residential Property" means any property assessed residential by the Provincial Municipal Assessment Branch. This shall also include properties used as a residence by multiple people with one common living area. For the purposes of this by-law all mobile homes within a mobile home park receiving door to door collection services.

"Residential Solid Waste & Recycling" means waste and recycling materials, generated from a residential property. Where a residential use occupies part of a commercial property, the Municipality of WestLake-Gladstone may authorize residential collection for the residential use at such location.

"Special Waste" includes, but not limited to, hazardous wastes, pathological wastes, explosives, radioactive material, security wastes, confidential documents, negotiable papers, medical wastes, and construction or demolition of buildings and structures, dead animals, and all animal parts and any hazardous waste or other prescribed substance, under contaminated sites legislation in the Province of Manitoba.

"Solid Waste" includes debris, garbage, refuse, litter and any other discarded material which is refused or rejected as useless or worthless matter, filth, rubbish, scum or leavings, including all foreign substances and pollutants other than liquid sewage, liquid waste, hazardous waste, and contaminated soil. "Waste" and "Solid Waste" shall have a similar meaning.

"White Goods" means but not limited, metal appliances such as refrigerators, freezers, clothes washers, dishwashers, clothes dryers, ranges, stoves, air conditioners, microwaves, and hot water tanks.

"Yard Waste" shall be used interchangeably with the definition "Compostable Material" or "Compost" for the purpose of this by-law.

PART TWO: COLLECTION AND DISPOSAL SYSTEM

ELIGIBILITY OF SERVICES

3. Subject to the terms and conditions contained in this by-law and any directives issued by Council from time to time, the Municipality shall collect:
 - a) Solid waste and recyclable materials from urban residential properties; and
 - b) Solid waste and recyclable materials from small commercial properties generating limited volumes of solid waste and recyclables of which can be easily accommodated within a cart or container system.
 - c) Compost from residential and small commercial properties.
4. Collection services shall generally be provided from the front side of every street. Special exceptions will apply in instances whereby properties have no front street access or where automated collection cannot be facilitated. All exceptions require the approval of the Chief Administrative Officer.
5. Every owner of a multiple household residence, apartment building, or landlords of a rental unit shall ensure that specific and accurate instructions for solid waste and recycling collection are provided to each resident and/or posted in a convenient location in the building.
6. The Municipality may determine that owners of multi-unit residential dwellings who do not participate fully in the Municipality's collection of recyclable materials may not be eligible to receive any collection services.
7. The Municipality shall not provide collection services beyond the boundaries of each urban area unless property is adjacent to the boundary or approved by the C.A.O.

SOLID WASTE & RECYCLING

8. The Municipality shall provide solid waste and recycling services by way of automated collection:
 - Bi-weekly for residential properties; and
 - Weekly, bi-weekly or monthly for small commercial and multi-unit residential properties as needed

9. Each 360L cart (one garbage and one recycling) will be provided to each single dwelling unit within the designate Special Service area.
10. Residential multi-dwelling (including condominiums, town or row houses and apartment blocks) which share a common collection point will be assessed on a case-by-case basis. Properties will be assessed an appropriate number of carts or bins to accommodate multi dwelling units based on the volumes of solid waste and recycling generated cumulatively from the associated dwelling units.
11. In reference to the above clause, should the number of carts provided be insufficient to accommodate the volumes generated at a residential multi-dwelling property, the C.A.O shall consider the provision of additional carts, if the logistics of the property (location, access, safety, etc.) is suitable to accommodate additional carts. In instances whereby additional carts are not approved by the Municipality, the property owner will be responsible for hauling any excess solid waste and/or recycling to Waste Disposal Grounds either on their own, or by securing a private contractor to provide container collection.
12. Residential multi-dwelling properties with the ability to accommodate their solid waste and recycling within a lesser number of carts than provided may reduce the number of carts with charges based on each set of carts required to service the property.
13. Property owners are charged with respectful care and control of the carts. If a cart is lost, stolen, or wilfully damaged by a property owner through reckless care or inappropriate use, the property owner may be held responsible for the cost of replacement.
14. Solid waste and recycling carts shall be placed on the curb, as per contractors request or at a designated collection point no later than 7:00 a.m. on the designated collection days. Carts cannot be placed in a manner that obstructs any roadway, laneway or sidewalk.
15. The day of week of cart collection for solid waste and recycling will be set by mutual agreement between the contractor and the Municipality. A schedule will be available for each property by way of handout, posted on the Municipal website and social media.
16. Should it be necessary to alter any designated collection day, the Municipality will issue a notification through Connect and on the Municipal website as soon as reasonably possible.
17. Recyclables should be placed loosely in carts, free of plastic bags or any other wrapping, with the exception of shredded paper which must be bagged in clear or blue recycling bags.
18. An owner of any receiving services under this by-law may from time-to-time request in writing or in person that the Municipality increase the number of carts provided to their location. The Municipality at their sole discretion may approve or reject any such request. If approved, the annual cost imposed under the respective special service plan will be adjusted based on the established rates with the associated cost borne by the owner.

Residential & Small Commercial (Cart Collection)

19. All residential solid waste and recycling **must** be contained in the respective contractor provided collection carts, with lids securely attached and closed.
20. All solid waste and recycling carts intended for collection must be placed in the designated location as set out by the contractor, with all handles facing the street, laneway or roadway. The contractor will not be held responsible for collecting and emptying any carts that are not set out as outlined.
21. Property owners, tenants and residents shall keep the designated solid waste and recycling cart collection areas free of any debris, snow and litter, in such a manner suitable for automated collection without operators being required to make manual adjustments to allow for the pickup of carts. No solid waste or recycling materials shall be placed around the cart(s). Residents are required to deposit all material into the appropriate collection cart free of contamination and filled to an appropriate level to facilitate a full and unobstructed closure of the lid.

22. Every owner shall remove all collection carts from the street or lane allowance within 24 hours of being emptied on collection day. Solid waste and recycling stored on public property during the periods of time between collection days will not be permitted. This includes solid waste and/or recycling receptacles, stands or containers on streets or boulevards. Solid waste and recycling carts must be kept and stored appropriately on private property. Receptacles stands or containers on municipal Right-Of-Way or on public property will be removed at the property owner's expense.
23. Where an owner or occupant places solid waste or recycling in a cart other than the one approved by the Municipality, the owner or occupant will be responsible for disposal of same as directed by the C.A.O. or Public Works Foreman at the owner's expense.
24. In the case of a mobile home park, the property owner will be assessed the collective cost of servicing the mobile home park at the rate established for a single set of containers per each mobile home multiplied by the number of mobile homes in the property. Each home shall receive door to door service with the responsibility of the owner to re-coup such costs from each respective mobile home owner.

Institutional and Industrial

25. The removal and disposal of industrial or institutional solid waste or recycling shall be the sole responsibility of the party that has generated such materials. The owner and/or its authorized contractor shall deliver these materials to a Municipal Waste Disposal Grounds with all associated fees on a cost recovery basis.
26. Every owner of a commercial, institutional or industrial property shall ensure that specific recycling and solid waste collection instructions are made available for each employee or posted in a convenient central location in the building.

COMPOSTABLE MATERIALS

27. The Municipality may implement seasonal residential collection of compostable materials. The duration and collection day(s) of which will be communicated in advance.
28. Compostable materials must be placed in compostable bags or placed loosely in bins; limited to 20 kilograms in weight per item; be no greater in size than a maximum of one (1) metre in dimension in any one way; and set out for collection at the designated collection point on the day so specified.

BULKY ITEMS

29. The Municipality may provide once or twice a year bulky item collection services with respect to any items meeting the definitions of bulky items and white goods under this by-law.
30. Arrangements for bulky item collection must be made by contacting a private contractor with all associated costs borne by the owner.

HAZARDOUS WASTE & ELECTRONIC WASTE

31. Neither the Municipality, nor its contractor(s) will collect hazardous or electronic waste and no owner or resident shall set out hazardous or electronic wastes for curbside collection, either on its own or mixed with any other waste with respect to which the Municipality provides services.
32. All electronic and household hazardous waste items shall be delivered directly to designated locations. Municipal designated drop off points will be listed on the Municipal website.

MANURE & CONTAMINATED SOILS

33. All manure must be collected and removed to a designated site by a private contractor hired by the owner.
34. All contaminated soils must be delivered to a designated soil farm with all arrangements made privately between the owner, disposal site and Manitoba Conservation and Climate.
35. All costs of processing and landfilling these materials shall be chargeable by the Municipality to the respective contractor/owner of the property on a cost recovery basis.

CONSTRUCTION & DEMOLITION (C&D)

36. The Municipality of WestLake-Gladstone does not provide any services for the collection of construction and demolition waste. Individuals requiring construction and demolition waste collection can make arrangements with a private contractor at their own cost.
37. All associated fees imposed by the Municipal landfill shall be invoiced to the owner, by the Municipality.

CURBSIDE ASSISTANCE

38. Where an owner of a single-unit, non-revenue bearing residence, has permanent or temporary mobility restrictions that prevent the setting out and removal of carts to facilitate collection; and who does not have an able-bodied person assisting with their household activities; the individual may apply to the Municipality for consideration for special curbside assistance. If the Municipality is satisfied that the individual qualifies for assistance, a special designation shall be made under conditions and terms set out by the Municipality to alert the contractor to provide the service.
39. Curbside assistance may be cancelled at any time at the Municipality's discretion.
40. Application for special curbside assistance shall be made by completing Part A of the required form, attached as Schedule "A". The Municipality may further require that the applicant (at their own cost) provide proof of the mobility restriction from a physician, by also completing Part B of the schedule.
41. The Municipality reserves the right to request at any time, updated written proof of a mobility restriction to substantiate the continuation of curbside assistance and in the instance that an individual no longer requires this service, they must notify the Municipality as soon as reasonably possible.
42. As a condition of service under this section, the occupier shall ensure that all solid waste and recycling is placed in the respective container in accordance with the provisions of this by-law; that collection carts are at all times freely accessible; not enclosed within a building or restricted area; not located in any area accessible by a dog; and at no time shall the safety of the contractor(s) be jeopardized.
43. Neither the Municipality nor its contractor(s) shall be responsible for any property damage as a result of executing this service.

PART THREE: POWERS AND DUTIES OF THE MUNICIPALITY

44. The collection, removal and disposal of solid waste and recycling shall be under the direction and supervision of the C.A.O. Failure to comply with the solid waste and recycling program may result in suspension of services.
45. In the event that any owner or occupant of any property fails to comply with any of the foregoing provisions or conditions of this by-law, the Municipality and its contractor(s) shall not be required to remove the solid waste or recycling from the premises and the removal thereof shall be the sole responsibility of the owner or occupant.

46. Any material not entering the collection truck due to any unforeseen circumstances is still the responsibility of the property owner, excluding operator error.
47. Any person or company with an unpaid account relating to fees associated with the disposal of materials, generated from properties within jurisdiction of the Municipality of WestLake-Gladstone, shall be denied access to all WestLake-Gladstone Waste Disposal Grounds until such a time any and all issues with an outstanding account have been resolved.
48. The following items shall NOT be allowed in any carts or containers, including but not limited to:
 - a) Poisons, acids, caustics, explosives or other dangerous materials;
 - b) Biomedical wastes and sharps;
 - c) Sod, concrete, building materials, appliances or furniture, ashes, electrical and electronic equipment, motor oil, motor oil filters, motor oil containers, tires, compact fluorescent bulbs, fluorescent tubes or animal parts.

Property owners or occupants shall, at their expense, make arrangements to have these materials hauled to an approved location. Any and all fees imposed shall be borne by the property owner or occupants.

49. The Municipality shall:
 - a) Determine the frequency and scheduling of the services to be provided under this By-Law, including if initiated, the scheduling and phasing in of any household organic collection services;
 - b) Designate collection points for materials eligible for collection;
 - c) Discontinue or refuse services to an owner whose property is, in the opinion of the C.A.O. or P.W.F. unsafe for entry or egress by persons providing services with respect to the physical layout, loading facilities and the method of handling any solid waste and recycling generated on the property;
 - d) Where appropriate, require that the owner of a multiple-unit dwelling or rental home to distribute information relating to the services to all individual dwelling units within the property;
 - e) Provide information to the public with respect to the handling and disposal of prohibited waste;
 - f) Provide information and services with respect to the diversion of recyclable materials and organic materials from solid waste;
 - g) Designate items to be included in solid waste, recycling , or compost and determine how same shall be collected; and
 - h) In the event of inclement weather or other condition which renders the provision of the services unsafe, suspend collection services in all or part of the Municipality for a specified period of time.

PART FOUR: LITTERING

50. No person owning or occupying property shall allow litter to accumulate on that property in such a manner as to be unsightly or in such a manner that said litter may be blown or otherwise carried by the natural elements onto a public place, public area, or private property.
51. Persons owning or occupying property shall keep the ditches, sidewalk, lane at the rear, boulevard in front of and flanking the property, free of litter.

52. No person shall drive or move any vehicle loaded with litter within the Municipality unless such vehicle is constructed, loaded, or covered to prevent any load, contents or litter from being blown or deposited upon any public place, public area, or private property.
53. The operator of any vehicle shall not throw, deposit, drop, or dump any refuse from any vehicle or allow to be blown from any said vehicle.
54. Owners and tenants in lawful control of a public area shall provide litter receptacles in appropriate and easily accessible locations and shall be responsible for the servicing and maintenance of these receptacles.
55. Persons owning or occupying places of business shall keep the sidewalk and boulevard in front of, and flanking, and the lane at the rear of that business premises free of litter.
56. Every proprietor of any place where foodstuffs or refreshments are sold in cartons, containers or papers, and the business is carried on under such circumstances that cartons, containers or papers are discarded in the vicinity by patrons of the place, shall keep the premises and all public or private lands, streets, lanes or passageways within a distance of 100 meters from the premises free of all discarded cartons, containers or papers by collecting and disposing of the same at such times and in such a manner as shall be satisfactory to the P.W.F.

PART FIVE: OFFENCES, PENALTIES, ENFORCEMENT & REPEAL

ABATEMENT OF NUISANCES

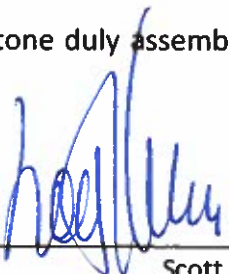
57. It shall be an offence for any person to deposit or accumulate or permit to be deposited or accumulated upon any premises anything which would or may become offensive or injurious to health, or to allow such deposit or accumulation to remain on the premises when ordered to remove same by the Municipality or its agent.
58. No person shall deposit, in part or in whole, any dead animal, fish and/or poultry, offal, manure, garbage, fruit, vegetables, excreta, filth or anything which is or may become prejudicial to health upon or into any street, lot, ditch, pond, stream, river, well or storm drain or onto any lane or premises; provided however, that the provisions of this section shall not apply to proper disposal of any such material into the landfill site or a recycling depot with the consent of the Municipality and providing further that it complies with the regulations of *The Environment Act*.
59. The Municipality may, by written notice, require the removal of any accumulation of dirt, stones, old implements, derelict vehicles, or other rubbish from streets or other public or private property by the person depositing same or permitting same to remain on the property owned or occupied by him or her. This clause does not affect any property that has received authority from Council which allows for the operation of any commercial or business establishment that requires the accumulation of the noted materials.

PENALTIES & ENFORCEMENT

60. The Municipality reserves the right to suspend services to any person who is guilty of an offence for violating, contravening, or failing to observe and carry out any provision of this By-Law and may in addition to, or in replace of, assess liability:
 - a) To a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00), plus all applicable costs and penalties for the first offence;
 - b) To a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus all applicable costs and penalties for the second offence; and

- c) To a fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) or to imprisonment for not more than thirty (30) days, or both, plus all applicable costs and penalties for the third offence and for each subsequent offence within twelve (12) months of the first offence.
61. Any action or remedy to bring matters into compliance with this by-law shall be governed under the provisions of The Municipal Enforcement By-Law 2021-03, in force and effect, using the above-mentioned penalty criteria.
62. A fine levied and costs charged under this By-Law may be collected in any manner in which a tax may be collected or enforced under *The Municipal Act*.
63. Any property owner, lessee, occupier or person in control of any premise is responsible for any violation created by invitees, guests, or other persons on the premise in the same manner as the person actually creating the violation unless the property owner, lessee, occupier or person in control of the premise establishes that they have exercised due diligence in a bona fide effort to control and abate any such violations.

DONE AND PASSED by the Council of the Municipality of WestLake-Gladstone duly assembled in the Province of Manitoba this March 17, 2021.



Scott Kinley
Mayor



Coralie Smith
Chief Administrative Officer

Read a first time this 17th day of February, 2021.
Read a second time this 17th day of March, 2021.
Read a third time this 17th day of March 2021.

SCHEDULE "A" to By-Law 2021-03 - Application for Special Curbside Assistance

**Municipality of WestLake-Gladstone
APPLICATION FOR CURBSIDE ASSISTANCE**

PART A

Curbside Assistance Service in which collection crews will enter my private property to move waste/recycling collection carts to the curb for collection and return it to the property.

I, _____ as occupier of the property located at
First & Last Name – Print Clearly

_____ hereby apply for this service and agree
Full Street Address – Print Clearly

to the following conditions:

- The occupier of this property has a physical disability that prevents them from moving the carts to and from the collection point and does not have an able-bodied person to help them with this activity;
- The occupier may be required, upon request, to provide Verification of Disability, as verified by a medical professional;
- The carts shall be freely accessible & not placed inside closed buildings or gated areas on collection date;
- If an able-bodied person becomes available prior to the expiry of an approval, this service will no longer be provided;
- The Municipality is not responsible for any damage to private property resulting from the execution of this service.

Applicant Information:

New Application

Renewal Application

What is the nature of the disability? _____

Permanent Disability

Temp. Disability until approx...: _____
Date

Number of persons living in household? _____

I certify that the information I have provided is true and accurate.

Signature

Phone Number

Date

Collection of Personal Information

Personal information is being collected under the authority of The Municipal Act and will be used for the purposes of managing the Municipality of WestLake-Gladstone and its programs and services therein. It is protected by the Protection of Privacy provisions of The Freedom of Information and Protection of Privacy Act. If you have any questions about the collection, contact: Municipal office, PO Box 150.

OFFICE USE ONLY:

Date Application Received: _____

Approved

Denied

Verification of Disability (Part B) Required

Expiry Date: _____ Conditions: _____

Date: _____ Authorized Signature: _____

VERIFICATION of DISABILITY

PART B

(To be completed by an authorized Medical Professional)

I certify that my patient _____ has a physical disability and is unable to move waste/recycling collection carts to and from the collection point.

Print Name: _____ Signature: _____

Date: _____ Address: _____ Phone #: _____

NOTE: Fees charged by Medical Professionals to verify disability shall be the responsibility of the applicant.