

RURAL MUNICIPALITY OF ST. CLEMENTS

BY-LAW NO. 01-2020

Being a By-Law of the Rural Municipality of St. Clements for the establishment and operation of a solid waste management system.

WHEREAS pursuant to Section 232(1) of The Municipal Act S.M. 1996, c. 58 - Chap. M225, a Council may pass By-Laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;

AND WHEREAS Section 232(2) of The Municipal Act L.M. 1996, c.58 – Chap. M225 without limiting the generality of subsection (1), a Council may in a By-Law passed under this Division:

- (a) regulate or prohibit...
- (d) establish 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 the Rural Municipality of St. Clements deems it expedient and, in the best interest of the municipality, to establish a Waste Management By-Law for the purposes of:

- (a) regulating, organizing, controlling, and supervising the transportation, handling, and disposal of solid waste; and
- (b) encouraging the reduction in the amount of solid waste produced, and promoting the use of methods such as recycling or composting as a means of recovering materials or substances from waste

all through the operation of the Waste Transfer Stations and Waste Disposal Grounds;

NOW THEREFORE the Council of the Rural Municipality of St. Clements, in Council duly assembled, hereby enacts as follows:

That By-laws 11-2002, enacted by the R.M. of St. Clements, is hereby repealed. Furthermore, the Solid Waste Fee Policy, designated by resolutions 415-05, 54-08, 180-08, 274-08, 499-09, 84-04, 370-03, 2016-465, and any other related by-law and/or policy and / or schedule are all repealed, and bylaw 01-2020 shall supercede all of these wherever there is conflict.

1. DEFINITIONS

- (a) **“Council”** shall mean the Council of the Rural Municipality of St. Clements

- (b) **Disposal Fees** means the fees set from time to time by Council for the disposal of waste at the Waste Disposal Grounds or Waste Transfer Stations as set out in a policy approved by Council.
- (c) **“Environmental Law”** means any Provincial, Federal or local legislation, regulations, code, guideline, approval, license, directive, policy, user guide, standard, or other form of criteria in respect of impacts on air, land, water, plant life and animal life (including human health), and includes, without limitation, criteria that may be established in respect of: health and safety; fire safety; environmental impact assessment; environmental protection; landfill and waste management; hazardous wastes; transportation of dangerous goods; watercourses and fish habitat; ozone depleting substances; radioactive substances; used oil products and materials; pesticides and fertilizers; contaminated sites; and endangered species.
- (d) **“Municipality”** shall mean the Rural Municipality of St. Clements.
- (e) **“Waste Disposal Grounds”** means the Class I Waste Disposal Ground which is identified under the Province of Manitoba Environment Act License No. 2274 S2 RRR. The facility is operated by St. Clements and located in the East half Section 29-15-7E of the Rural Municipality of St. Clements, and bordered on the East by the East boundary of Section 29-15-7E; Section 29-15-7E; on the North by a line parallel to; and 50 metres South of the North Boundary of Section 29-15-7E; on the West by a line parallel to, and 600 metres west, of the East boundary of Section 29-15-7E and on the South by a line parallel to, and 1,050 metres South, of the North boundary of Section 29-15-7E.
- (f) **“Waste Transfer Stations”** means the transfer stations operated by St. Clements and identified as Clark Road situated at River Lot 133, Parish of Andrews, Plan 3391 and permitted under Province of Manitoba Waste Transfer Station Operating Permit No. 36921. Dunning Road situated at Part of Lots 265 & 266 O.T.M. Lot B, Plan 23546 and permitted under Province of Manitoba Waste Transfer Station Permit No. 36922. Grand Marais situated at NW ¼ 10-18-7E and permitted under Province of Manitoba Waste Transfer Station Operating Permit No. 36923. Gull Lake situated at NW1/4 26-16-7E and permitted under Province of Manitoba Transfer Station Operating Permit No. 36920 (subject to future permit requirements).
- (g) **“Person”** shall mean any individual and includes a corporation, firm, partnership, institution and association.

2. **CLASSES OF WASTE**

The following shall define for the purposes of this By-Law the classes of waste that may or may not be disposed of at the Waste Disposal Grounds and Waste Transfer Stations:

- (a) **“Agricultural Waste”** shall mean excess materials derived from Agricultural activities and without limiting the generality of the foregoing shall include but is

not limited to crop residues, herbicides, pesticides, fertilizers and like materials from all Agricultural pursuits.

- (b) **“Animal Waste”** shall mean manure, excrement, animal carcasses or any parts or mixtures thereof.
- (c) **Ashes** shall mean the cold residue resulting from the burning of a substance.
- (d) **“Combustible Waste”** shall mean, but is not limited to, tree boughs, stumps, up to 12 inch diameter (larger diameter, and/or containing excessive mud would be treated as refuse, disposed of accordingly, and charge accordingly) and branches, clean wood and lumber and packaging materials derived from paper, cardboard and wood, unless otherwise acceptable in household recycling.
- (e) **“Construction/Demolition Waste”** shall mean a mixture of waste building materials and rubble resulting from construction, remodeling, renovations, repairs, demolition or fire in buildings and other structures and includes but is not limited to lumber, plaster, concrete, drywall, glass, shingles, siding, electrical and plumbing fixtures and piping or any combination thereof. Construction/Demolition Waste may be re-classified as Ashes, Combustible, Excavation, Metallic or Recyclable wastes provided said Construction/Demolition Waste is separated as per the Classification defined in this Section.
- (f) **“Contaminated Soils”** means soils contaminated with total Volatile Hydrocarbons in excess of 800 ppm; or containing:
 - (i) benzene greater than 5ppm;
 - (ii) toluene greater than 30 ppm;
 - (iii) ethyl benzene greater than 50 ppm;
 - (iv) xylene greater than 50 ppm;
 - (v) total semi-volatile hydrocarbons greater than 2000 ppm; or
 - (vi) mineral oil and grease greater than 5000 ppm
- (g) **“Excavation Waste”** shall mean natural soil, earth, sand, gravel, asphalt, concrete and stone or any parts or mixtures thereof.
- (h) **“Hazardous Waste”** shall mean a substance that is designated a hazardous waste by regulation under *The Dangerous Goods Handling and Transportation Act*.
- (i) **“Industrial Waste”** shall mean solid waste materials resulting from, or incidental to the manufacture, processing or like operation of factories, processing plants, industrial processes and manufacturing operations and includes waste such as putrescible waste from food processing plants and rendering plants and condemned foods and products.
- (j) **“Landfill Waste”** shall mean all discarded waste but does not include Agricultural Waste, Animal Waste, Ashes, Combustible Waste,

Construction/Demolition Waste, Excavation Waste, Hazardous Waste, Industrial Waste, Liquid Waste, Metallic Waste, Recyclable Waste and Yard Waste.

- (k) **“Liquid Industrial Waste”** shall mean liquid waste materials resulting from, or incidental to the manufacture, processing or like operation of factories, processing plants, industrial processes and manufacturing operations and includes waste such as putrescible waste from food processing plants and rendering plants and condemned foods and products.
- (l) **“Liquid Waste”** shall mean sewage, sewage effluent and sludge from septic tanks, holding tanks and municipal sewage treatment systems.
- (m) **“Metallic Waste”** shall mean but is not limited to derelict vehicles, farm machinery, appliances and any other items, goods or thing that are comprised entirely or mostly of some type of a metal substance or substances.
- (n) **“Ozone Depleting Substance”** shall mean substances as defined under *The Ozone Depleting Substances Act*.
- (o) **“Recyclable Waste”** shall mean those wastes as listed in a policy approved by the Council.
- (p) **“Waste Oil”** shall mean oil, lubricants, grease, petroleum and like substance.
- (q) **“Waste Tires”** shall mean tires that are discarded for reason of wear or damage.
- (r) **“Yard Waste”** shall mean leaves, grass clippings, garden and flowerbed vegetation and straw.

3. REGULATIONS

All persons disposing of waste at the Waste Disposal Ground or Waste Transfer Stations shall do so in accordance with this By-Law and regulations contained herein, with any applicable Environmental Law, and as established by the Council from time to time.

3.1 ACCEPTABLE CLASSES OF WASTE

- (a) No person shall dispose of the following classes of waste at the Waste Disposal Ground or Waste Transfer Stations;
 - (i) Hazardous waste;
 - (ii) Biomedical waste;
 - (iii) Liquid waste;
 - (iv) Radioactive waste;
 - (v) Outdated drugs or cytotoxic waste;
 - (vi) Explosives;
 - (vii) Unbagged Asbestos, or

- (viii) Soils contaminated with total Volatile Hydrocarbons in excess of 800 ppm; or containing:
 - (a) benzene greater than 5 ppm
 - (b) toluene greater than 30 ppm
 - (c) ethyl benzene greater than 50 ppm
 - (d) total semi-volatile hydrocarbons greater than 2000 ppm; or
 - (e) mineral oil and grease greater than 5000 ppm
 - (ix) Liquid Industrial Waste;
 - (x) an Ozone Depleting substance which has not been rendered safe in accordance with *The Ozone Depletion Substances Act*;
 - (xi) Animal Waste; and
- (b) The following classes of waste may be disposed of at the Waste Disposal Ground;
- (i) Ashes
 - (ii) Combustible Waste - clean burnables only, including brush, yard waste, and clean wood. Anything with paint, or stain, or other materials attached is not included.
 - (iii) Construction/Demolition Waste
 - (iv) Excavation Waste
 - (v) Industrial Waste, subject to the approval of Manitoba Conservation, and with the prior authorization of council or its representatives and subject to a fee, in addition to the fees prescribed by policy, where the disposal of the Industrial waste results in an additional cost other than the normal costs incurred by the Municipality in the day to day operations of the Waste Disposal Ground.
 - (vi) Landfill Waste
 - (vii) Metallic Waste
 - (viii) Ozone Depleting Substance provided the substance has been rendered safe in accordance with *The Ozone Depletion Substance Act*.
 - (ix) Recyclable Waste
 - (x) Waste Oil – up to 20 liter size only
 - (xi) Waste Tires
 - (xii) Yard Waste
 - (xiii) Electronic Waste

- (xiv) Empty propane bottles
- (xv) Approved Household Hazardous Waste
- (c) The following classes of waste may be disposed of at the Waste Transfer Stations;
 - (i) Household Refuse – bags only, no bulk waste, including furniture.
 - (ii) Combustible Waste – Only load sizes up to a one tonne truck OR the equivalent pull behind trailer load size (not both) of clean burnables only, including brush, yard waste, and clean wood. Anything with paint, or stain, or other materials attached is not included. Any load larger than described will be directed to Libau landfill and pay those prescribed fees.
 - (iii) Metallic Waste
 - (iv) Recyclable Waste
 - (v) Waste Oil – up to 20 liter size only
 - (vi) Waste Tires
 - (vii) Yard Waste – if combustible, then load limits apply
 - (viii) Electronic Waste
 - (ix) Empty propane bottles

3.2 **RULES OF CONDUCT AT SITE**

- (a) No person shall set or ignite any fire in the Waste Disposal Grounds or the Waste Transfer Stations, except as provided for in the Environment Act License.
- (b) All persons who attend the Waste Disposal Ground or the Waste Transfer Stations to dispose of waste shall separate their waste in accordance with the classes of waste permitted for disposal at the Waste Disposal Grounds or the Waste Transfer Stations.
- (c) All persons who attend the Waste Disposal Grounds or the Waste Transfer Stations to dispose of waste shall report to the Site Personnel and shall pay the applicable fee.
- (d) All persons who attend the Waste Disposal Ground or the Waste Transfer Stations to dispose of waste shall dispose of allowable waste in such designated areas and in such a manner as directed by the Waste Disposal Ground or the Waste Transfer Station Personnel.

- (e) No person shall, at any time, deposit or dump any waste outside of the fence of the Waste Disposal Ground or the Waste Transfer Stations but shall only dispose of waste in those areas as designated by the Waste Disposal Ground or the Waste Transfer Station Personnel.
- (f) It is unlawful for any person to salvage, pick over, scatter, or search in the Waste Disposal Ground or the Waste Transfer Stations unless said person has received prior authorization from the Municipality or the Municipality's delegate.
- (g) No person shall loiter in the Waste Disposal Ground or the Waste Transfer Stations, but rather they shall simply attend the sites for the purpose of disposing of allowable waste and, thereafter, they shall immediately leave.

3.3 **TRANSPORTATION OF WASTE**

- (a) No person shall transport any class of waste within the Municipality unless it is properly secured or contained to prevent littering during transport.
- (b) The transporter shall be responsible for the clean-up of any litter or 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.
- (c) Any person who fails to comply with subsections (a) or (b) shall be subject to a rate of two (2) times the rate, they would have paid immediately upon arrival at the gate of the Waste Disposal Grounds or Waste Transfer Station. In the case of residential household waste that arrives at the Waste Disposal Grounds, the rate would be two (2) times the rate what they would have paid using the non-resident rate. In either case, it would be ten dollar minimum charge. Furthermore, anyone not complying may be suspended and / or banned from using the facilities.
- (d) Transfer Stations refuse must be hand unloaded.

4. **FEES**

- (a) All persons who attend the Waste Disposal Grounds, except those persons identified in Section 4(b) hereof, shall pay, at the time of attendance, the applicable fee for the disposal of the allowable class of waste as set out in Schedule A.
- (b) A person who attends the Waste Disposal Grounds on a regular basis to dispose of a large volume of allowable waste may make application to the Municipality to establish a pre-authorized account billing for the waste disposal fee. Such application shall be in a form prescribed by the Municipality and the Municipality or its delegates shall have sole discretion as to whether a pre-authorized account

billing for the applicant is approved and whether such approval is subject to conditions.

5. OFFENCES AND PENALTIES

- (a) Any person who contravenes or disobeys, or refuses, neglects, omits or fails to obey, any provision of this By-Law is guilty of an offence and liable, on summary conviction, in addition to paying full cost to remediate, to a fine not exceeding One Thousand Dollars (\$1,000.00) or to imprisonment for a term not exceeding one month or to both such a fine and such imprisonment.
- (b) Where the contravention, refusal, neglect, omission or failure, including failure to comply with a notice, order or direction given by Council, continues for more than one occurrence, the person is guilty of a separate offence for each occurrence.

6. ADDITIONAL AGREEMENT

The Rural Municipality of St. Clements may, if desired, enter into additional agreements respecting the provisions and scope of this By-Law, which must be approved by resolution.

7. COMING INTO FORCE

This by-law comes into force on May 1, 2020, with the exception of asbestos waste rate, which comes into force immediately after passage.

DONE AND PASSED as a by-law of the Rural Municipality of St. Clements in open Council, duly assembled this day of A.D. 2020.

Mayor

CAO

Read a first time this 7th day of January, 2020.

Read a second time this day of , 2020.

Read a third time this day of , 2020

RURAL MUNICIPALITY OF ST. CLEMENTS

BY-LAW NO. 01-2020

**Schedule A
Fees**

Transfer Station	Resident	Non-Resident and/or Commercial
Household refuse – per bag Bag = 26 x 36 inches Or 66 x 90 CM	\$2.00	\$4.00
Clean Burnables – per bag equivalent – up to one tonne truck load OR pull behind trailer equivalent (not both)	free	\$1.00 \$10.00 max per visit
Tires without rims	free	free
Tires with rims – per tire	\$5.00	\$5.00
Tractor tires with rims – per tire	\$10.00	\$10.00
Auto Batteries	free	free
Used motor oils / filters / containers	free	free
Antifreeze	free	free
Electronic waste	free	free
Empty propane bottles	free	free
Accepted Recyclable materials	free	free
Furniture, refrigeration items,	Not accepted	Not accepted

Libau Landfill	Resident	Non-Resident and/or Commercial
Household refuse – per bag Bag = 26 x 36 inches Or 66 x 90 CM	Free up to 10 per visit, then \$2.00 per bag	\$4.00
Clean Burnables – per bag equivalent – up to one tonne truck load OR pull behind trailer equivalent (not both)	free	\$1.00 \$10.00 max per visit
Clean Burnables – loads larger than one tonne truck	\$10.00 / tonne	\$10.00 / tonne
Tires without rims	free	free
Tires with rims – per tire	\$5.00	\$5.00
Tractor tires with rims – per tire	\$10.00	\$10.00

Auto Batteries	free	free
Used motor oils /filters / containers	free	free
Antifreeze	free	free
Electronic waste	free	free
Accepted Recyclable materials	free	free
Agriculture Chemical containers – cleaned and rinsed	free	free
Tipping Fees	\$60.00 per tonne \$15.00 minimum	\$75.00 per tonne \$25.00 minimum
Refrigeration Units – Not decommissioned by certified technician, with proper sticker	\$35.00 / unit	\$50.00 / unit
Asbestos – must be bagged and arrangements pre-made		\$173.00 per tonne Minimum 5 tonne