THE CITY OF WINNIPEG

BY-LAW NO. 110/2012

A By-law of THE CITY OF WINNIPEG to regulate the storage, collection and disposal of solid waste

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title

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

Definitions and interpretation

2 In this By-law

"bulky waste" means solid waste designated as eligible for collection as part of the City of Winnipeg's solid waste services at times other than during the normal schedules of collection of solid waste;

"care home" means a dwelling used for the boarding or other residential accommodation plus care, treatment or rehabilitation of not more than six persons, in which care or treatment is not provided to any persons not resident in the dwelling;

"cart" means a wheeled eligible container issued by the Director;

"City" means the City of Winnipeg;

"compostable waste" means solid waste designated as eligible for composting as part of the City's solid waste services;

"designated", with respect to solid waste or a container, means solid waste or a container that has been designated by the Director under this By-law;

"designated employee" means any employee or agent of the City of Winnipeg to whom the Director has delegated authority to administer or enforce this By-law or to exercise any of the powers given to the Director under this By-law;

"Director" means the Director of Water and Waste of the City of Winnipeg, or his or her designate;

"dwelling unit" means

(a) a building or a portion of a building designed or used for residential occupancy by a single person or a group of people living together has a housekeeping unit, which includes cooking, eating, living, sanitary and sleeping facilities;

(b) a care home;
(c) a single room occupancy;
(d) a mobile home;

"eligible container" means a container designated as eligible for having specific types of solid waste contained within it collected as part of the City's solid waste services;

"garbage" means solid waste that is not:

(a) compostable waste;
(b) recyclable waste;
(c) special waste;
(d) bulky waste; or
(e) non-collectible waste;

"hazardous waste" means:

(a) "household hazardous material and prescribed material" as defined in the Household Hazardous Material and Prescribed Material Stewardship Regulation MR 16/2010;

(b) "hazardous waste" as defined in *The Dangerous Goods Handling and Transportation Act*, C.C.S.M. c. D12;

(c) other solid waste designated as hazardous waste;

"hostel" means a building or portion of a building other than a private home where temporary accommodation with cooking facilities or meals is provided, but does not include a hospital, a care home, a rehabilitation home, or a social service facility.

"hotel" means a building or portion of a building providing temporary accommodation in individual guest rooms or suites with or without provision for cooking in any individual guest room or suite.

"non-collectible waste" means solid waste designated as not eligible for collection as part of the City's solid waste services;

"non-residential property" means a property that is not a residential property;

"recyclable waste" means solid waste designated as eligible for recycling as part of the City's solid waste services;

"residential property" means a property that contains

(a) a building that contains seven or fewer dwelling units, whether occupied or not;
(b) one or more mobile homes or recreational vehicles in which people are residing,

regardless of the number of mobile homes or recreational vehicles on the property;

but does not include a property that contains a hotel or hostel;

"single-room occupancy" means room or connected series of rooms providing sleeping and living facilities within a building, other than a hotel, hostel or care home, that provides some combination of shared bath or toilet facilities and that may or may not have separate or shared cooking facilities for the residents;

"solid waste" means all discarded waste materials except liquid or semi-liquid wastes and includes:

(a) bulky waste;
(b) compostable waste;
(c) garbage
(d) non-collectible waste;
(e) recyclable waste; and
(f) special waste;

"solid waste disposal site" means a site designated for the disposal of one or more forms of solid waste and may include an incinerator, a recycling depot or a composting facility;

"solid waste services" means programs, systems and facilities provided, implemented or managed under this By-law for the collection, storage, handling, processing and disposal of solid waste;

"special waste" means solid waste designated as requiring special handling in its collection, processing, storage or disposal as part of the City's solid waste services, and may include hazardous waste, electronic waste, pharmaceutical waste and biomedical waste;

"street" means any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled to use for the passage of vehicles or pedestrians, with or without fee or charge therefor, and includes all the space between the boundary lines thereof and includes:

(a) roadways;
(b) sidewalks;
(c) medians;
(d) boulevards;
(e) traffic islands;
(f) private accesses; and
(g) back lanes;

Mandatory solid waste collection for residential properties

3(1) Subject to the suspension or termination of the obligations of a property owner under subsections 6(4) or 6(5) or the suspension of solid waste collection services to a property under section 8, the Director must provide solid waste collection services for all residential properties within the boundaries of the City of Winnipeg.

3(2) Subject to the exercise of discretion authorized by clause 4(2)(j) or the termination or suspension of obligations under subsections 6(4) or 6(5), the owner of a residential property is liable for payment of the Garbage and Recycling Service Charge with respect to all dwelling units on the residential property and all other applicable fees with respect to solid waste collection services for the property.

Administrative powers of Director

4(1) The Director is authorized to provide, implement and manage solid waste services in the city of Winnipeg.

4(2) The authority in subsection (1) includes the power to:

(a) designate types or items of solid waste as bulky waste, compostable waste, garbage, hazardous waste, non-collectible waste, recyclable waste, and special waste;

(b) establish schedules for the collection of solid waste from properties and adjust the schedules as he or she determines to be appropriate;

(c) establish rules for the collection of solid waste, which may, among other things:

(i) include different rules for different types or volumes of solid waste or for different types of properties which produce the solid waste, and

(ii) require that, in order to be eligible for collection, all or certain categories of solid waste must be contained in specified eligible containers and set out in particular locations at particular times;

(d) designate containers as eligible containers;

(e) establish rules for the storage of solid waste on property or on streets, including rules for enclosures holding solid waste and for the storage of solid waste set out for collection;

(f) designate solid waste disposal sites, including sites for the disposal of special waste, and establish rules for their operation, including rules about the types of solid waste that are allowed be deposited at the sites, rules for who can deliver different types of solid waste to the sites, and rules about processing or removing material deposited at the sites;

(g) designate sites within the city for disposal of specific items or forms of solid waste;

(h) determine how persons responsible for paying fees and charges under this By-law will be notified about the amount of the fees and charges, and when and how to make payments;

(i) issue carts for the use of occupants of residential properties;

(j) at the request of the owner, permit a residential property to receive solid waste collection services from the City as a non-residential property if doing so would assist the City in providing the services to the property; and

(k) offer collection services to non-residential properties within the city.

4(3) Where the Director exercises his or her authority under this By-law in a way that affects general services provided to, or imposes general requirements on, residents and businesses located within the city of Winnipeg, the rules, designations, determinations and other actions of the Director take effect only after they have been:

(a) communicated in writing to the City Clerk; and

(b) posted on the City's website.

4(4) In addition to meeting the requirements of subsection (3), where the Director acts under clause 4(2)(b) to adjust or change, either temporarily or permanently, a schedule for the collection of solid waste from private properties, the Director must release a communiqué to the media that provides information about the adjustment or change.

4(5) Where solid waste is located within a street, whether or not it is within an eligible container, the Director may collect or arrange for the collection of the solid waste.

Prohibitions

5(1) A person must not contravene a rule, designation, determination, or requirement made, or other authority exercised, by the Director under this By-law.

5(2) The owner and occupant of property are each responsible to ensure that solid waste on the property is stored and set out for collection in compliance with rules made by the Director under section 4.

5(3) A person must not:

(a) remove solid waste from one property and deposit it on another property, unless this complies with a rule made by the Director under section 4;

(b) place solid waste from one property into any container that belongs to the owner or occupant of another property or has been issued for the use of the occupants of another property;

(c) set out solid waste for collection from a property unless the solid waste originates from that property;

(d) place any solid waste that has not been designated as recyclable into a container designated as eligible exclusively for recyclable waste, or place waste that has not been designated as compostable waste into a container designated as eligible exclusively for compostable waste;

(e) place any solid waste designated as special waste or non-collectible waste into a container designated as eligible exclusively for garbage;

(f) scavenge, pick through or remove solid waste that is located at a solid waste disposal site without the authorization of the Director;

(g) scavenge, pick through or remove solid waste that is placed in the street in an eligible container for collection unless he or she is the owner or occupant of the property with respect to which the container has been issued, or who has the permission of the owner or occupant of the property on which the solid waste is located;

(h) place solid waste in a street for collection in a manner or in a location that poses a hazard

5(4) The owner of a vehicle and the person driving the vehicle must each ensure that the vehicle is not used to transport solid waste that has been scavenged in violation of clause 5(3)(f) or (g).

5(5) Any person who produces special waste must ensure that it is taken for disposal to a waste disposal facility designated by the Director for the disposal of special waste.

5(6) The owner or occupant of property must ensure that:

(a) snow and other obstacles do not block access to an eligible container for collection purposes; and

(b) no obstacle, including a vehicle, is located on a street or back alley next to the property in a way that obstructs the passage or operation of a vehicle used to collect solid waste as part of the City's solid waste services.

5(7) The owner of a vehicle must ensure that it is not stopped, parked or permitted to remain stationary on a street or back alley so that it obstructs the passage of a vehicle engaged in the provision of the City's solid waste collection service. Where a vehicle is in contravention of this provision, a special constable or other peace officer with authority to enforce this By-law is authorized to act under section 243 of *The Highway Traffic Act*, C.C.S.M. c. H-60 to have the vehicle moved or stored in a suitable place.

Property owner's responsibilities for carts

6(1) Where the Director issues one or more carts under clause 4(2)(i), the owner of the property must pay the applicable fees with respect to the cart or carts issued and must ensure that the carts:

(a) are not defaced or damaged;

(b) are clean and odour-free;

(c) are stored on the private property other than when placed on a street for collection; and

(d) are available for storage of solid waste at all times.

6(2) Where a cart is damaged to the point where it cannot be used for the storage of solid waste, or is not available on the property to which is was issued for storage of solid waste, the owner of the property must pay the costs of repair or a fee established by Council to have a replacement cart issued for the use of the occupants of that property.

6(3) Upon request by a designated employee, the owner of property must surrender a cart that has been issued by the Director.

6(4) The obligations to pay fees imposed in this section and in subsection 3(2) may be terminated by a designated employee in writing when

(a) the designated employee has determined that the residential building with respect to which the cart or carts have been issued has been demolished pursuant to a demolition permit;

(b) the owner has requested in writing that solid waste collection services be terminated; and

(c) the owner has returned the cart or carts to a designated employee.

6(5) The obligations to pay fees imposed in this section and in section 3(2) may be suspended in writing by a designated employee for the length of time that a Vacant Residential Boarded Building Permit or a Boarded Building Exemption Certificate is in effect. The designated employee may only do so when the owner has requested in writing that solid waste collection services be suspended and has provided a valid Vacant Residential Boarded Building Permit or a Boarded Building Exemption Certificate with respect to the property. During the suspension period, the obligations on the owner with respect to the care and maintenance of the cart or carts continue unchanged.

Enforcement powers

7(1) The Director has, and any employee of the City of Winnipeg to whom he or she delegates the authority to enforce or administer all or part of this By-law has to the extent of that delegation, the authority to conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law and to provide services or do work in accordance with *The City of Winnipeg Charter* and, for these purposes, have the powers of a "designated employee" under *The City of Winnipeg Charter*.

7(2) Without restricting the general authority given to the Director and his or her delegates under subsection (1), the Director has the specific authority to

(a) inspect material being brought to a solid waste disposal site for disposal in order to administer and enforce this By-law; and

(b) use the authority of the City under *The Petty Trespasses Act* to prohibit from entering a solid waste disposal site individuals who have repeatedly contravened subsection 5(1) or clause 5(3)(f) with respect to a solid waste disposal site.

Right to refuse to provide service

8(1) Notwithstanding subsection 3(1) and in addition to his or her powers of enforcement as a designated employee, the Director may refuse to provide solid waste collection services:

(a) to a property whose owner or occupant fails to pay the applicable fees respecting solid waste; or

(b) with respect to any property that is not in compliance with this or another by-law of the City respecting solid waste or with a rule, designation, determination or other exercise of authority by the Director under section 4.

8(2) Where a property owner or occupant repeatedly fails to comply with this or another by-law of the City respecting solid waste, or with a rule, designation, determination or other exercise of authority by the Director under section 4, the Director may suspend the provision of solid waste collection services to any property owned or occupied by that individual for a period of time set out by the Director in imposing the suspension, which may not exceed one year.

8(3) Before suspending the provision of solid waste collection services under subsection (2), the Director must

(a) notify the property owner or occupant in writing that suspending or terminating the provision of solid waste collection services is being considered;

(b) provide in writing the reasons why suspending or terminating the provision of solid waste collection services is being considered; and

(c) give the property owner or occupant a reasonable opportunity to be heard concerning the proposed suspension.

8(4) Where solid waste collection services have been refused or suspended under this section, the property owner is nonetheless liable for the payment of the Garbage and Recycling Service Charge and all other applicable fees with respect to solid waste collection services for that property.

Appeal

9(1) Where an appeal from an order or decision under this By-law is authorized by *The City of Winnipeg Charter*, the appeal may be made to the Standing Policy Committee on Infrastructure Renewal and Public Works.

9(2) An appeal under subsection (1) must not be accepted by the City Clerk until an administrative fee in an amount established by Council has been paid to the City Clerk. The appeal body hearing the appeal may order the administrative fee to be refunded to the appellant if the appeal has been made in good faith and has some merit.

Penalties

10(1) Subject to subsection (2), a person who contravenes a provision of this By-law is guilty of an offence and is liable, upon summary conviction for the contravention of that provision, to a fine of not less than the following amount plus mandatory court costs as provided by *The Summary Convictions Act*:

(a) in the case of an individual, $300.00; and

(b) in the case of a corporation, a fine of $600.00

10(2) Notwithstanding subsection (1), a person who contravenes a provision of this By-law may pay a discounted fine in the following amount plus mandatory court costs as provided by *The Summary Convictions Act* within 15 days following the date the offence notice alleging the contravention was issued and thereafter will not be prosecuted for the contravention:

(a) in the case of an individual, $150.00; and

(b) in the case of a corporation, $300.00.

10(3) A monetary penalty pursuant to sub-clause 175(d)(i) of *The City of Winnipeg Charter* is hereby imposed for a contravention of this By-law. The monetary penalty is in the amount of the costs of any collection, clean-up and disposal of solid waste that is associated with the conduct that is in contravention of this By-law.

Streets By-law amended

11 The Streets By-law No. 1481/77 is amended by adding the following immediately after subsection 5.02.05:

SOLID WASTE BIN PERMIT

5.03.01 *In this subsection, "non-residential" means any building other than a building occupied solely by seven or fewer residential units. It includes a building with no residential units, a mixed-use building, and a building occupied by more than seven residential units.*

5.03.02 *Notwithstanding the Encroachment By-law, but subject to payment of any fee established by Council, the Director may issue a permit authorizing the owner or occupant of a non-residential building to place and maintain within the street adjacent to or near the building one or more containers for the purposes of solid waste collection. The permit may only be issued with respect to a building that existed on August 1, 2012 and where no reasonable alternative location for the container exists.*

5.03.03 *The Director may impose reasonable conditions on the permit to accommodate relevant factors, such as the ability to collect solid*

waste from the container, the safe and efficient movement of pedestrian and vehicular traffic, access to structures within and under the street, fire prevention and fire fighting, and maintaining or improving the aesthetics of the street. Without limiting this power, these conditions may include a requirement to install or construct a pad under the container, to construct a structure to shield the container or to move the container to the specified location on the street only on days that are scheduled for solid waste collection.

5.03.04 A person who complies with a permit issued under this section is not required to comply with the Encroachment By-law and is not required to obtain a Use of Street Permit, a Street Cut Permit or a Street Crossing Permit.

5.03.05 A permit issued under this section is issued to a particular owner or occupant. A new owner or occupant must obtain a new permit.

Neighbourhood Liveability By-law amended

12 The Neighbourhood Liveability By-law No. 1/2008 is amended

(a) by replacing section 53 with the following:

Littering and dumping garbage prohibited

53(1) *A person must not discard, leave, deposit or dump garbage in any place, including a street, public place or private property, except in a litter receptacle or in compliance with the Solid Waste By-law.*

53(2) *The owner of a vehicle, and the person driving the vehicle, must each ensure that no garbage escapes from or is discarded, deposited, removed or dumped from the vehicle except in compliance with the Solid Waste By-law.*

(b) by replacing section 55 with the following:

Garbage escaping vehicle

55 The owner of a vehicle that is conveying solid waste, and the person driving the vehicle, must each ensure that

(a) the solid waste is adequately secured so as to prevent it from escaping from the vehicle.

(b) the solid waste does not blow off or fall off and is not deposited on

(i) a street, including an alley;

(ii) any public place; or

(iii) on private property, except with the permission of the owner.

(c) by replacing clause 80(1)(c) with the following:

(c) only clean, dry, unpainted and untreated wood is burned in the fire, and no solid waste, as that term is defined in the Solid Waste By-law, of any kind, including grass, leaves, brush or tree prunings, are burned in the fire.

(d) By adding the following after section 109:

Penalties for violation of Part 3 (Littering and Garbage)
109.1(1) *Subject to subsection (2), a person who contravenes a provision of Part 3 of this By-law (Littering and Garbage) is guilty of an offence and is liable, upon summary conviction for the contravention of that provision, to a fine of not less than the following plus mandatory court costs as provided by* The Summary Convictions Act*:*

(a) in the case of an individual, $300.00; and

(b) in the case of a corporation, $600.00.

109.1(2) *Notwithstanding subsection (1), a person who contravenes a provision of Part 3 of this By-law (Littering and Garbage) may pay a discounted fine in the following amount plus mandatory court costs as provided by* The Summary Convictions Act *within 15 days following the date the offence notice alleging the contravention was issued and thereafter will not be prosecuted for the contravention:*

(a) in the case of an individual, $150.00; and

(b) in the case of a corporation, $300.00.

109.1(3) *A monetary penalty pursuant to sub-clause 175(d)(i) of The City of Winnipeg Charter is hereby imposed for a contravention of sections 53, 55 and 56of this By-law. The monetary penalty is in the amount of the costs of any collection, clean-up and disposal of litter or garbage that is associated with the conduct that is in contravention of the provision.*

Solid Waste By-law No. 1340/76 repealed
13 The Solid Waste By-law No. 1340/76 is repealed.

Coming into force
13 This By-law comes into force on August 1, 2012.

DONE AND PASSED, this day of , 2012.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Water and Waste

Approved as to form:

_____
For Director of Legal Services/City Solicitor