

# THE RURAL MUNICIPALITY OF EAST ST. PAUL

## BY-LAW NO. 2021-12

*A By-Law of The Rural Municipality of East St. Paul relating to the Residential Storage, Collection Removal and Disposal of Solid Wastes, Recyclables and Yard Waste.*

WHEREAS a portion of Subsection 232(1) of The Municipal Act, L.M. 1996, c.58 Chap. M225 provides that:

“232(1) 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 Subsection 252(1) provides that:

“252(1) A municipality exercising powers in the nature of those referred to in clauses 250(2)(a), (b), (c) and (e) may set terms and conditions in respect of users, including

- (b) providing for a right of entry onto private property to determine compliance with other terms and conditions, to determine the amount of deposits, fees or other charges, or to disconnect a service; and
- (c) discontinuing or disconnecting a service and refusing to provide the service to users who fail to comply with the terms and conditions.”

AND WHEREAS Subsection 252(2) provides that:

“252(2) A charge referred to in clause (1) (a) may be collected by the municipality in the same manner as a tax may be collected or enforced under this Act.”

AND WHEREAS a portion of Subsection 250(2) provides that:

“250(2) Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:

- (c) acquire, establish, maintain and operate services, facilities and utilities;”

NOW THEREFORE The Rural Municipality of East St. Paul, in Council assembled, enacts as follows:

1. **Short Title**

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

2. **Definitions** - Where used herein

- a) "Apartment Block" means a residential building having not less than two (2) separate suites or living quarters, including nursing homes and senior citizen homes. The Designated Officer may, at his discretion, designate each separate living quarter of the apartment block as a residential premise, provided each separate suite or living quarter is provided with a separate and clearly identifiable yard.
- b) "Ashes" means residue from the burning of wood, coal, coke and other like material for the purpose of cooking, heating buildings, and disposing of waste combustible materials.
- c) "Automated Collection" means the collection of garbage or recycling material, 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).
- d) "Collection Cart" means garbage or recyclable cart approved and supplied by the Municipality which is specially designed for lane and/or front street automated garbage/recycling collection, with an approximate size of two hundred and forty (240) and three hundred and sixty (360) litres, respectively.
- e) "Collection Point" means the part of the property, roadway or lane allowance that has been designated by the Municipality for the setting out and collection of garbage /recycling cart and large item.
- f) "Collector" means a person who collects garbage within the Municipal limits for and on behalf of the Municipality.
- g) "Commercial Garbage and Recycling Collection" means a garbage and recycling collection provided by an independent collector and not by the municipality.

- h) "Condominium" means both a bare-land condominium and multi-unit condominium where the ownership of the property is divided amongst a number of owners.
- i) "Construction and Demolition Wastes" means waste building materials and rubble resulting from construction, remodeling, repairs, demolition or fire in houses, commercial buildings, pavements and other structures located in the Municipality
- j) "Contamination" means the co-mingling of an item(s) in garbage/recycling cart(s) referred to in the list below:

- i) recyclable materials
- ii) garbage

OR

generally refers to any item which is not acceptable in either the garbage and/or recycling cart such as special wastes or items described in subsection 13. (a) i, ii, iii. In the case of recyclable materials, contamination also refers to recyclable items which may be soiled or dirty, which renders such items non-recyclable.

- k) "Council" means the Council of the Rural Municipality of East St. Paul.
- l) "Curbside Collection" means the collection of garbage and recyclables, in collection carts provided for by the Municipality, and yard waste from an approved collection point adjacent to a street curb.
- m) "Designated Officer" means the Public Works Manager or designate or such other person as may be authorized by said Public Works Manager to exercise some or all of the powers vested in him by this By-Law.
- n) "Garbage" including debris, garbage and litter, means that which is refused or rejected as useless or worthless matter, filth, residential garbage, rubbish, scum or leavings, including all foreign substances and pollutants other than liquid sewage, liquid waste, hazardous waste, and contaminated soil; and "Waste" and "Solid Waste" shall have a similar meaning.
- o) "Hazardous Waste" means a substance that is designated a "hazardous waste" by regulation under *The Dangerous Goods Handling and Transportation Act R.S.M. 1987 c. D12.*

- p) "Household Hazardous Waste (HHW)" means waste material generated in residences that pose a risk to health, safety or the environment.
- q) "Large Item" means a household item other than an item for which special collection services are provided, which is not larger than one (1) meter in any one dimension or weighs in excess of twenty-five (25) kilograms, including furniture of whatever size and weight as provided in the Large Item Policy as amended from time to time.
- r) "Litter" means accumulated odds and ends, leavings, a state of untidiness, a disorderly accumulation of paper and other garbage.
- s) "Multiple Family Dwelling" means a building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.
- t) "Municipality" means the Rural Municipality of East St. Paul, a municipal corporation in the Province of Manitoba, and where the context so requires, means the area contained within the corporate boundaries of the said municipality.
- u) "Notification of Non-Compliance" means any owner/occupier of a parcel found to be contaminating garbage/recycling carts shall be given written notice by the Municipality of noncompliance.
- v) "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, as defined in that Act, of a unit under that Act. The term owner shall include occupant in the case of rental premises.
- w) "Parcel" means any lot, block or other area in which land is held or into which it is subdivided.
- x) "Person with Disability" means a person who, in the opinion of his or her physician, is, by reason of a permanent or temporary disability, unable to comply with the requirements of this by-law with respect to setting out garbage/recycling cart(s) at the appropriate collection point.
- y) "Recyclable" means any item of household recyclable that is eligible for funding under the Provincial Product Stewardship Programs and the Municipality deems it expedient to separate from the waste stream.

- z) “Residential Property” means any property assessed fifty percent (50%) or more residential by the Provincial Municipal Assessment Branch.
- aa) “Save Harmless Agreement” means an arrangement between parties in which one party assumes the liability and agrees to hold the other party blameless.
- bb) “Sharps” means needles, syringes, blades, laboratory glass, or other such objects capable of causing punctures or cuts.
- cc) “Transfer Station” means a site for the temporary deposition of garbage and waste.
- dd) “White Goods” means metal appliances such as refrigerators, freezers, clothes washers, dishwashers, clothes dryers, ranges, stoves, air conditioners and hot water tanks.
- ee) “Yard waste” means wastes that consist of leaves, grass, garden wastes, and light hedge clippings, excluding any tree trimmings.

### **3. Administration**

This By-Law shall be administered by the Designated Officer of the Rural Municipality of East St. Paul.

### **4. Right of Entry to Private Property**

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

### **5. Collection and Disposal System - Eligibility of Services**

- a) 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 garbage, recyclable materials, yard waste and items eligible for large item collection services from residential properties.
- b) Every owner of a multiple household residence shall ensure that specific recycling and yard waste instructions for residents are posted in locations at the multiple household residences as designated by the Municipality.
- c) Every owner and occupier of a parcel containing a residential building shall make use of the solid waste disposal services provided by the Municipality.

- d) An owner of a parcel containing a multi-family dwelling shall make use of the solid waste disposal services provided by the Municipality. If it is deemed that the parcel cannot be safely, efficiently and legally serviced by the Municipality's automated collection system the owner must arrange for commercial garbage and recycling collection at the expense of property owner.
- e) Notwithstanding the foregoing, if the Municipality considers that a parcel cannot be safely, efficiently and legally serviced, the Municipality shall exclude that parcel from servicing under this bylaw, and upon notice to the owner of the parcel, shall not be permitted or required to receive the Municipality's solid waste disposal service(s).
- f) Commercial property owners, or occupants, must arrange for commercial garbage and recycling collection at the expense of property owner.
- g) The Municipality shall not provide garbage/recycling/yard waste collection services for waste that is generated beyond the boundaries of the Municipality of East St. Paul without prior approval from Council.
- h) Only properties with six (6) or less dwelling units are eligible to participate in the municipal yard waste collection program unless approved otherwise by the Municipality.

**6. Frequency of Garbage and Recycling Collection Services**

- a) The Municipality shall provide the following services by way of automated collection to each parcel under this section and, as applicable, to those parcels for which owners opt to receive Municipal services are accepted:
  - i. Garbage collection once per week on the same week day, from Monday to Friday unless adjusted for a statutory holiday;
  - ii. Recyclable collection once bi-weekly on the same week day, from Monday to Friday unless adjusted for a statutory holiday;
  - iii. Yard Waste collection once per week on the same week day from Monday to Friday unless adjusted for a statutory holiday.
- b) Yard waste to be collected starting the week of May 1<sup>st</sup> and ending the week of October 31<sup>st</sup> annually. Additional collection days may be scheduled if authorized by Council.

**7. Large Item Collection Services**

- a) The Municipality shall provide large item collection services to an owner with respect to the items referred to in the Large Item Policy as amended from time to time as follows:
  - i. two full weeks prior to the yard waste collection program as outlined in Section 6 b; and
  - ii. two full weeks following the end of the yard waste collection program as outlined in Section 6 b.
- b) The owner complies with all directions of the Municipality with respect to the preparation of the affected item(s) for setting out and collection;
- c) An owner shall ensure that the doors are removed from any appliance eligible to be collected under this section before setting out the appliance for collection.

**8. Collection of Household Hazardous Waste**

- a) The Municipality shall not collect household hazardous waste during its regularly scheduled curbside collection program.
- b) No owner shall set out household hazardous waste for collection by the Municipality, either on its own or mixed with any waste with respect to which the Municipality provides services.
- c) No person shall deposit hazardous wastes into a transfer station except in accordance with *The Dangerous Goods Handling and Transportation Act* and the regulations made under it.
- d) The Municipality may provide, authorize or endorse a household hazardous waste disposal depot to provide residents a means by which to dispose of household hazardous waste items.

**9. Garbage/ Recycling Carts**

- a) Only garbage/recycling carts approved by the Municipality as to size and location shall be utilized for retention of residential garbage/recycling to be collected by the Collector authorized by the Municipality.
- b) The Municipality will provide each household address eligible for residential curbside collection with garbage and recycling carts. Garbage/recycling shall only be collected from carts provided by the Municipality.

- c) Owners of household residences, with one (1) or two (2) dwelling units, shall be given only one (1) garbage and one (1) recycling cart per dwelling unit.
- d) Owners of household residences with three (3) to seven (7) dwelling units shall be given only one (1) garbage and one (1) recycling cart per dwelling unit.
- e) Churches within the RM of East St. Paul shall be given only one (1) garbage and one (1) recycling cart at no cost.
- f) The garbage and recycling carts remain the property of the Municipality at all times.
- g) Each owner of an address to which a garbage, and recycling cart is issued shall keep the garbage and recycling carts in good condition, and not in a condition that is noxious, offensive or dangerous to public health and shall clean such carts on a regular basis or when requested to do so by the Municipality.
- h) Each owner shall return either the garbage or the recycling cart or both to the Municipality upon request.
- i) If either a garbage, or recycling cart is damaged, the owner of the address to which the cart is issued may make a request to the Municipality to repair the cart subject to the following:
  - i. If garbage or recycling cart damage is deemed to be as a result of non-compliance with any part of this by-law, the owner shall be responsible for the full cost of repair or replacement along with any other applicable fees or charges.
- j) If either a garbage or recycling cart is damaged as a result of owners or occupiers neglect and/or willful damage, they shall be responsible for any costs incurred as a result of damage.
- k) If either a garbage or recycling cart is lost or stolen, the owner shall contact the Municipality to report the lost or stolen cart and issue a new garbage, or recycling cart as required.
- l) The owner shall pay the fee set out in Municipality's annual fee schedule for the replacement of the lost or stolen cart.



- m) The developer of all new residential properties, including duplexes, triplexes and apartment complexes including condominiums or row houses with six (6) or less units, shall be required to supply, at their expense, garbage and recycling carts.
- n) Every person providing, or having provided for, a garbage container, as required by this by-law, shall keep the cover of such container closed, except when placing garbage therein.
- o) Under no circumstances shall any person alter or modify garbage/recycling carts without the written consent of the Municipality, for the purpose of changing the intended use of said carts.
- p) Garbage and recycling carts are identified by serial numbers designated to a specific address. Any person who violates, contravenes, or fails to observe and carry out any provisions of the Bylaw are subject to penalty according to subsection 19 (a) of this By-law.

**10. Setting Out Garbage/Recycling Carts, Yard Waste Large Item Collection Services Items**

- a) No owner and/or occupier shall set out garbage/recyclable/yard waste, and/or items for which large item collection services are provided for collection unless the garbage/recyclable materials and/or items for which large item collection services are:
  - i. placed as close as possible to the edge of the roadway without obstructing the roadway, laneway or sidewalk; and
  - ii. are free from contamination.
- b) Owners of household residences and multiple household residences who receive recycling collection services shall set out the recyclable materials, loose and free of plastic bags or any other wrapping in the appropriate recycling container.
- c) It is the responsibility of the owner, manager or superintendant of a building to ensure that recycling carts are free of contamination and that garbage carts are free of recyclable materials. Carts that are contaminated will not be collected and could lead to the termination of collection services due to non-compliance. Carts contaminated shall be charged a fee in accordance with the Municipal Fee Schedule.
- d) Any person caught contaminating another residents garbage and/or recycling cart will face penalty under subsection 19 (a) of this bylaw.

- e) Residents shall keep all areas where garbage/recycling carts are to be placed clear of snow and litter, in such a manner suitable for mechanical pick-up without operators being required to make manual adjustments to allow for pickup of containers. Seasonal changes may require change of location for collection to be determined by the Municipality. No garbage/recycling materials shall be allowed around the garbage/recycling cart(s); residents are required to deposit all material into the appropriate collection cart free of contamination.
- f) The Municipality will not be responsible for emptying carts that are inaccessible to the collection vehicle.
- g) The operator is not required to exit the collection vehicle or depart from the main roadway to facilitate automated collection.
- h) Subject to Section 7, no owner shall set out, nor shall the Municipality be obliged to collect, any item, other than a large item or an item for which special collection services are provided, which weighs in excess of twenty-five (25) kilograms, whether such item be a bundle, in a container, or loose.
- i) An owner shall not fill a garbage cart or recycling cart:
  - i. to a gross weight that exceeds the manufacturers weight limit for the bin in the following table:
 

Garbage Cart/Recycling Cart Size Weight Limit	
- Garbage Cart (240 litres)	100 kg
- Recycling Cart (360 litres)	150 kg
  - ii. to the extent that the lid does not close.
- j) If rear gate or fence modifications are needed to accommodate rear lane access for the carts, this shall be the responsibility of the property owner.
- k) Where a lane exists at the rear of any dwelling, carts shall be placed for collection within the property line adjacent to the lane allowance.
- l) Where no lane exists at the rear of any residence, or where other special conditions exist such as unimproved lanes, steep grades or any condition that makes collection impractical or hazardous, carts shall be placed adjacent to the front curb line with prior written approval from the Municipality.

- m) During collection days, recycling and garbage carts and yard waste shall be placed on streets and lanes adjacent to the curb or boulevard, but clearly off the travelled portion of the roadway.
- n) The cart collection point may be moved back from the front curb line as advised by the Municipality to accommodate planned snow removal or road maintenance.
- o) When not in use, carts must be stored on the service users or occupiers property.

**11. Times for Setting Out Garbage and Recycling Carts**

- a) Every owner of a parcel and occupier of any premises on a parcel that receives front street or back lane collection services under this bylaw shall keep on the parcel at all times all collection carts supplied to the parcel.
- b) Garbage and recycling carts that are considered front street or back lane collection are to be set out no earlier than twelve (12) hours (or otherwise approved and arranged by the designated officer) before collection occurs and no later than 7:00 a.m. on the designated collection day.
- c) The collection carts supplied to the parcel shall be placed in accordance with the instructions of the Municipality and in a location on the parcel designated by the Municipality.
- d) Every owner with front street or back lane collection shall remove all collection carts from the street or lane allowance within twenty-four (24) hours of being emptied on the collection day.
- e) Carts shall be stored on owner's property so as to not interfere in any way with the ordinary travel of vehicles and pedestrians, be placed so as to encroach on any street, lane or public place. Under no circumstances shall a collection cart be stored at the collection location unless authorized by the Municipality.
- f) If carts are left on lane side of fence or any other barrier but on occupant's property, the owner or occupier assumes responsibility for any issues of non-compliance.
- g) Non-compliance with the above provisions will be subject to the applicable fee as set in the Municipality Fee Schedule By-law.

## **12. Special Exemptions**

Where an occupier has mobility restrictions and is unable to comply with Sections 10 and 11 of this By-law (and does not have an able-bodied person assisting with their household activities), the individual may apply to the Municipality for assistance from the Municipality in performing such obligations. If the Municipality is satisfied that the individual requires such assistance, then a special designation shall be made under conditions and terms set out by the Municipality to provide assistance, until such time that the Municipality may cancel such service at the Municipality's discretion.

Application is to be made by completing the required form (Schedule "B"). The Municipality will require that the applicant provide proof of the mobility restriction from a physician every twenty-four (24) months by completing the application which can be downloaded from web site or mailed out upon request (Schedule "C"). As a condition of service under this section, the owner shall ensure that collection carts are at all times freely accessible and not enclosed within any building or restricted area and at no time shall the safety of the collector be jeopardized. The Municipality is not responsible for any property damage as a result of executing this service.

## **13. Powers And Duties Of Public Works Operations Division Control**

- a) The following items shall not be allowed in the containers, including but not limited to:
  - i. poisons, acids, caustics, explosives or other dangerous materials, until instructions have been received from the Operations Division and/or a Provincial or Federal Environment Control Official, as appropriate;
  - ii. biomedical wastes and sharps;
  - iii. sod, concrete, building materials, appliances or furniture, ashes, electrical and electronic equipment, motor oil, motor oil filters, motor oil containers, household hazardous waste, tires, or animal parts. Property owners or occupants shall, at their expense, make arrangements to have this material hauled to the Transfer Station site or other approved location either by the owner or occupant or arrange for commercial garbage collection.
  
- b) The decision of the Public Works Operations Division shall be final as to quantities and classes of material to be moved in accordance with this by-law.

- c) The removal and disposal of industrial, commercial or institutional garbage shall be the sole responsibility of the party that has generated such garbage.
- d) When an owner or occupant requests the municipality or its collectors to enter onto private property to collect residential garbage for disposal, the owner or occupant shall first enter into a written agreement to "save harmless" the municipality for any damage which may arise from such collection. Should an owner or occupant not be prepared to "save harmless" the municipality, then the municipality shall not be required to collect any garbage/recycling/organic carts from the said property and the owner or occupant shall be solely responsible for garbage removal.
- e) All animal waste should be double bagged before disposing in a garbage container.
- f) In the event that any owner or occupant of any property shall fail to comply with any of the foregoing provisions or conditions, the Municipality shall not be required to remove the garbage from the premises and the removal thereof shall be the sole responsibility of the owner or occupant and all costs associated with the removal.
- g) Under no circumstances shall "hazardous waste", "contaminated soil" or "special waste" be disposed of into a garbage/recycling cart.
- h) Everything which is in garbage/recycling cart(s) when placed at the curb, or edge of laneway, is the responsibility of the property owner and/or occupier. In accordance with subsection 10 i) ii, the operator will not pick up carts where the lid is not closed due to overfilling. Once material enters the garbage truck, it becomes the property of the RM of East St. Paul.
- i) Any material not entering the truck due to any unforeseen circumstances is still the responsibility of the property owner, excluding operator error.

**14. Littering**

- a) No person owning or occupying property shall allow litter to accumulate upon 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.
- b) Persons owning or occupying property shall keep the ditches, sidewalk, lane at the rear of, and/or the boulevard in front of and flanking, and the property free of litter.

- c) No person shall load a vehicle used for the conveyance of litter in such a manner that the load may be readily disturbed by vehicular movement or wind unless such vehicle is so constructed as to totally enclose the load or the load is covered by a tarpaulin, netting or other device of adequate size and design so as to totally cover the load and to prevent material escaping from the load.
- d) No person shall drive or move any vehicle within the Municipality unless such vehicle is so 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.
- e) The operator of any vehicle shall not throw, deposit, drop, or dump from any vehicle or allow to be blown from any vehicle, any refuse except where authorized under Section 14 hereinafter.
- f) 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.
- g) 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.
- h) 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 One hundred (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 manner as shall be satisfactory to the Operations Division.
- i) Where a business described in subsection 14 h) is carried on in any place, all discarded cartons, containers and papers, of a kind used in the business, that are found within the One Hundred (100) meters distance from the place pursuant to subsection 14 h) shall be presumed to have been used for the sale of goods sold in that place, and to have been discarded by patrons thereof.
- j) No person shall deposit in or upon any vehicle, street, park, lot, public place or in any open veranda, any handbill, circular, card, advertising matter or other similar article that may litter the streets.

- k) No persons shall deposit or permit any servant, agent or employee to deposit any refuse, litter, liquid wastes or any offensive matter on or in any street, lane or public place.
- l) No person carrying on building operations or alterations shall deposit on any street, lane or public place any earth, rubbish, surplus materials or other garbage other than surplus materials.

**15. Cleaning of Privies and Temporary Closets**

The owners or lessees of privies and temporary surface closets known as "contractors' closets" shall ensure that contents are regularly removed at their expense, in a manner approved by the Designated Officer.

**16. Conveyance of Wastes**

- (a) No person shall convey or cause to be conveyed any solid or liquid wastes in a vehicle that is not properly constructed and covered so as to prevent the contents thereof from escaping.
- (b) No person shall allow any vehicle containing solid or liquid wastes of an offensive nature to stand in any location for more than thirty minutes.

**17. Use of Transfer Station**

- (a) Garbage or recycling shall be deposited in such places and in such manner and at such times as may be directed by the Designated Officer and not otherwise. No person shall deposit or cause to be deposited any garbage or recycling in any place in the Municipality other than the Transfer Station.
- (b) It shall be unlawful for any person to frequent a Transfer Station site for the purpose of salvaging, picking over, scattering, searching of any material in the Municipality.
- (c) Delivery or deposit of any garbage or recycling in the Transfer Station shall be permitted only by a resident of the Rural Municipality of East St. Paul or a company working on behalf of the resident subject to written approval by a Designated Officer and shall be done during the hours of operations as set out in Schedule "A" to this By-Law, and only garbage or recycling originating from the Municipality shall be deposited in the Transfer Station and they shall do so in accordance with this By-Law and

in accordance with any regulations established from time to time by the Designated Officer and not otherwise.

- (f) No person shall deposit any solid wastes at the Transfer Station without paying disposal charges as outlined the Fee Policy and set by Council resolution.
- (g) Liquid wastes shall not be deposited at the Transfer Station.

**18. Offences, Penalties And Repeal**

Abatement of Nuisances

- a) It shall be an offence for any person to deposit or accumulate or permit to be deposited or accumulated upon his premises anything which would or may become offensive or injurious to health, or to allow such deposit or accumulation to remain upon his premises when ordered to remove same by the Municipality or its collector.
- b) No person, by himself or other 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 transfer station or a recycling depot with the consent of the Public Works Operations Division and providing further that it complies with the regulations of *The Environment Act*.
- c) The Public Works Operations Division may, by written notice, require the removal of any accumulation of dirt, stones, old implements, scrap iron, 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. This regulation shall 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 above materials.

**19. Penalties**

- a) Any person who violates, contravenes, or fails to observe and carry out any provisions of the By-law is guilty of an offence and liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1,000.00) and costs or to imprisonment for a term not exceeding one (1) month, or to both such fine and such imprisonment.



- b) Where the contravention, refusal, neglect, omission or failure, including failure to comply with a notice, order or direction given him by the Public Works Operations Division, continues for more than one day, the person is guilty of a separate offense for each day that it continues.

**20. Repeal**

On the enactment of this by-law, By-Law No. 2019-08 is hereby repealed.

**21. ENACTMENT**

DONE AND PASSED in Council assembled this 14<sup>th</sup> day of October, 2021 .

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

Read a first time this	<b>28<sup>th</sup></b>	day of September	<b>2021</b>
Read a second time this	<b>14<sup>th</sup></b>	day of October	<b>2021</b>
Read a third time this	<b>14<sup>th</sup></b>	day of October	<b>2021</b>

BY-LAW NO. 2021-12

SCHEDULE "A"

EAST ST. PAUL TRANSFER STATION

HOURS OF OPERATION

Tuesday – Saturday  
10:00 a.m. to 6:00 p.m.

The Transfer Station will be closed New Year's Day, Good Friday, Truth and Reconciliation Day, Remembrance Day, Christmas Day and Boxing Day. No keys will be distributed to non-municipal employees. No burning by unauthorized personnel will be permitted and offenders shall be subject to penalties as set out by by-law of the Municipality.

BY-LAW NO. 2021-12

SCHEDULE "B"

**Application for Service Level Change**

I hereby declare that I have a disability that is sufficiently severe such that I am unable without assistance to set out, and bring back in after collection has occurred, my garbage and recycling carts some or all of the time and I do not have an able-bodied person that can perform the function. I consent to the disclosure of personal information (including medical information) by a medical professional to the RM of East St. Paul Public Works Operations Division for the purposes of determining my eligibility for the Set Out/Set Back service. I will advise the RM of East St. Paul Public Works Operations Division or its agents of any changes to my mobility needs. I understand that the RM of East St. Paul Public Works Operations Division has the right to review my application from time to time and can revoke my registration if they determine that I am no longer eligible for the service.

Set Out / Set Back Service shall include collection crews entering my property parcel to move Garbage and Recycling collection carts to the curb or lane allowance for collection and return them to the property after the passage of collection.

I, \_\_\_\_\_, as occupier of property located at \_\_\_\_\_.

Hereby apply for this service and agree to the following conditions:

- The occupier of this property has a physical disability that prevents them from moving the carts to the collection point and do not have an able-bodied person to help them with this activity;
- Carts shall be freely accessible and not be placed inside closed buildings or a gated area;
- 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 executing of this service.

<b>Applicants Information</b>		
What is the nature of the disability? _____		
Name of medical professional _____ Telephone: _____		
Is the disability permanent? _____ (If yes, this application is valid for 2 years)		
If the disability is not permanent, at what date would the Applicant be sufficiently recovered? _____.		
_____	_____	_____
Signature of Applicant	Phone Number	Date

<b>Office use only</b>	
<input type="checkbox"/> application is approved	<input type="checkbox"/> application is denied
Physician's Certificate Required (Schedule "C" to be completed and returned to the Municipality)	
The occupier will assist with any special designations as may be required to alert the crews that this type of collection is required; and comply with the following:	
_____	

BY-LAW NO. 2021-12

SCHEDULE "C"

**Supplemental Form for Persons with a Disability**

This form is provided to Physicians in order to verify that the person named herein has a physical limitation that would prevent the person from setting out wheeled garbage/recycling carts for collection at the location specified by the Public Works Operations Division.

All information collected is under the authority of the Manitoba Personal Health Information Act (PHIA) and is protected by the Protection of Privacy provisions of PHIA and FIPPA (The Freedom of Information and Protection of Privacy Act) All information provided in this form is confidential and solely for the use of the RM of East St. Paul Public Works Operations Division in determining eligibility for Set Out/Set Back service as authorized by the RM of East St. Paul.

I authorize the professional completing this form to release pertinent medical information to the RM of East St. Paul Public Works Operations Division, about my disability or health condition as it relates to determining eligibility for this specialized service.

Patients Name: \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Number and Name)

\_\_\_\_\_  
(Postal Code)

What is the nature of the disability? \_\_\_\_\_

Is the disability permanent? \_\_\_\_\_

If the disability is not permanent, at what date would the patient be sufficiently recovered? \_\_\_\_\_

Physician's Signature: \_\_\_\_\_

Telephone: \_\_\_\_\_

Physician's Name: \_\_\_\_\_

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Physician        | <input type="checkbox"/> Physical therapist          | <input type="checkbox"/> Certified Psychologist/Psychiatrist |
| <input type="checkbox"/> Chiropractor     | <input type="checkbox"/> Occupational Therapist      | <input type="checkbox"/> Optometrist/Ophthalmologist         |
| <input type="checkbox"/> Registered Nurse | <input type="checkbox"/> Long Term Care Case Manager |  |

Date: \_\_\_\_\_ 20\_\_\_\_

**Advocate or Spokesperson Completing Form for Applicant**

I certify that the information provided in this application is true and correct, based upon information given to me by the applicant.

I certify that the information provided in this application is true and correct, based upon a designated service agency assessment of the applicant's health condition or disability, which restricts their ability to manage this function.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Facility or Program

\_\_\_\_\_  
Relationship to Applicant

\_\_\_\_\_  
Address

\_\_\_\_\_  
Daytime Phone Number

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Date Received

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Date Approved

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Public Works Operations Division