

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 2024-08

A By-Law of The Rural Municipality of East St. Paul relating to the Residential Storage, Collection, Removal, and Disposal of Solid Wastes, Allowable Hazardous Waste, 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) "Access Card" means a card issued to authorized users that allows entry to the Waste Transfer Station. This card contains a unique identifier linked to the user, ensuring that only those with valid authorization can utilize the service for waste disposal and recycling. The card may also be used to track usage.
- b) "Apartment" means a building containing three (3) or more dwelling units where each dwelling unit has its principal access from common interior corridors and building entrances. Ground level dwelling units may have separate and direct access from the exterior of the building.
- c) "Ashes" means residue from the burning of wood, coal, coke, and other materials for the purpose of cooking, heating buildings, and disposing of waste combustible materials.
- d) "Automated Collection" means the collection of garbage or recycling material using a specially designed vehicle with a mechanical apparatus that empties a collection cart directly into the vehicle without requiring manual labour to empty the cart(s).
- e) "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.
- f) "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 items.
- g) "Collector" means a person who collects garbage within the Municipal limits for and on behalf of the Municipality.

- h) "Commercial Garbage and Recycling Collection" means a garbage and recycling collection provided by an independent collector and not by the Municipality.
- i) "Condominium" means both a bare-land condominium and a multi-unit condominium where the ownership of the property is divided amongst a number of owners.
- j) "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.
- k) "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 that 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 that may be soiled or dirty, which renders such items non-recyclable.

- l) "Council" means the Council of the Rural Municipality of East St. Paul.
- m) "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.
- n) "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 them by this By-Law.
- o) "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.

- p) "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*.
- q) "Household Hazardous Waste (HHW)" means waste material generated in residences that pose a risk to health, safety, or the environment.
- r) "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.
- s) "Litter" means accumulated odds and ends, leavings, a state of untidiness, and a disorderly accumulation of paper and other garbage.
- t) "Multi-Unit Dwelling" means one or more buildings containing three (3) or more dwelling units, arranged in a vertical or horizontal manner, either served by separate entrances or common corridors and entrances. Typical uses include townhouses and apartments.
- u) "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.
- v) "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 non-compliance.
- w) "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.
- x) "Parcel" means any lot, block, or other area in which land is held or into which it is subdivided.
- y) "Person with a Disability" means a person who, in the opinion of their 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.

- z) "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.
- aa) "Residential Property" means any property assessed fifty percent (50%) or more residential by the Provincial Municipal Assessment Branch.
- bb) "Save Harmless Agreement" means an arrangement between parties in which one party assumes the liability and agrees to hold the other party blameless.
- cc) "Sharps" means needles, syringes, blades, laboratory glass, or other such objects capable of causing punctures or cuts.
- dd) "Transfer Station" means a site for the temporary deposition of garbage, recycling, yard waste and allowable hazardous waste.
- ee) "White Goods" means metal appliances such as refrigerators, freezers, clothes washers, dishwashers, clothes dryers, ranges, stoves, air conditioners, and hot water tanks.
- ff) "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, or 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 unit shall make use of the solid waste disposal services provided by the Municipality if possible. If it is deemed that the Municipality's automated collection system cannot safely, efficiently, and legally service the parcel, the owner must arrange for commercial garbage and recycling collection at the expense of the 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 by-law, 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 the 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 weekday, from Monday to Friday, unless adjusted for a statutory holiday;
 - ii. Recyclable collection once bi-weekly on the same weekday, from Monday to Friday, unless adjusted for a statutory holiday;
 - iii. Yard Waste collection once per week on the same weekday from Monday to Friday unless adjusted for a statutory holiday.
- b) Yard waste is to be collected starting the week of May 1st and ending the week of October 31st 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 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 with 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 the 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 two (2) or more dwelling units shall be given only one (1) garbage and one (1) recycling cart per dwelling unit.
- d) Multi-unit dwellings which are run by property owners (rentals) or condo corporations which have their own internal garbage and recycling agreements in place will not receive bins.
- 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 a garbage or recycling cart is lost or stolen, the owner must report it to the Municipality and pay the replacement fee specified in the Municipality's annual fee schedule to receive a new cart.
- l) The developer of all new residential properties with six (6) or less units, shall be required to supply, at their expense, garbage and recycling carts for each unit.

- m) 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.
- n) 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.
- o) 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 By-law is 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 superintendent 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, which 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 resident's garbage and/or recycling cart will face a penalty under subsection 19 (a) of this by-law.
- 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 pickup without operators being required to make manual adjustments to allow for pickup of containers. Seasonal changes may require a 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 materials 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 manufacturer's 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 traveled 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 by-law 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 the owner's property so as not to interfere in any way with the ordinary travel of vehicles and pedestrians and be placed so as not 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 the lane side of the fence or any other barrier but on the 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 the website 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 the Operations Department

- 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 Operations Department 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 that 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/yard waste 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 that is in the garbage/recycling cart(s) when placed at the curb or edge of the 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 any refuse to be blown from any vehicle 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 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 Department.
- i) Where a business described in subsection 14 h) is carried on in any place, all discarded cartons, containers, and papers of any kind used in the business that is 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 Portable Outdoor Toilets

The owners or lessees of portable outdoor toilets shall ensure that they are regularly cleaned and removed in a timely manner when no longer needed at their expense.

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, recycling, yard waste, or allowable hazardous waste items 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, recycling, yard waste, or allowable hazardous waste 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, or searching of any material in the Municipality.
- (c) The delivery or deposit of garbage, recycling, yard waste, or allowable hazardous waste at the Transfer Station is permitted only for residents of the Rural Municipality of East St. Paul. Residents must present their access card and photo ID. Replacement access cards are available to residents in accordance with the RM of East St. Paul's annual fee schedule. Deposits must be made during the hours of operation specified in Schedule "A" of this By-law. Only waste originating from within the Municipality is allowed at the Transfer Station. All deposits must comply with this By-law and any regulations established by the Designated Officer.

- (d) No person shall deposit any solid wastes at the Transfer Station without paying disposal charges as outlined in the Fee Policy and set by Council resolution.
- (e) Certain types of liquid waste are permitted for disposal at the transfer station, according to the guidelines provided on the municipality's website.
- (f) No commercial garbage, recycling, yard waste, or allowable hazardous waste shall 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 themselves or other person, shall deposit in part or in whole, any dead animal, fish and/or poultry, offal, manure, garbage, fruit, vegetables, excrement, 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 Operations Department and providing further that it complies with the regulations of *The Environment Act*.
- c) The Operations Department 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 to allow 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 to them by the Operations Department, 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. 2021-12 is hereby repealed.

21. ENACTMENT

DONE AND PASSED in Council assembled this 13th day of August, 2024.



Mayor



Chief Administrative Officer

Read a first time this	16 th	day of July	2024
Read a second time this	13 th	day of August	2024
Read a third time this	13 th	day of August	2024

BY-LAW NO. 2024-08

SCHEDULE "A"

EAST ST. PAUL TRANSFER STATION

HOURS OF OPERATION

WINTER (NOVEMBER 1 – APRIL 30)

SUNDAY	CLOSED
MONDAY	CLOSED
TUESDAY	9AM-5PM
WEDNESDAY	9AM-5PM
THURSDAY	CLOSED
FRIDAY	9AM-5PM
SATURDAY	9AM-5PM

SUMMER (MAY 1 – OCTOBER 31)

SUNDAY	9AM-7PM
MONDAY	CLOSED
TUESDAY	CLOSED
WEDNESDAY	9AM-7PM
THURSDAY	9AM-7PM
FRIDAY	9AM-7PM
SATURDAY	9AM-7PM

The Transfer Station will be closed on New Year's Day, Good Friday, Canada Day, 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 the Municipality's by-laws.

BY-LAW NO. 2024-08

SCHEDULE "B"

Application for Service Level Change

I declare that I am a person living with a disability that significantly limits my ability to set out and retrieve my garbage and recycling carts after collection, without assistance. Additionally, I do not have an able-bodied person available to perform this function on my behalf. I consent to the disclosure of personal information, including medical information, by a medical professional to the RM of East St. Paul Operations Department for the purpose of determining my eligibility for the Set Out/Set Back service. I will notify the RM of East St. Paul Operations Department or its agents of any changes to my mobility needs. I understand that the RM of East St. Paul Operations Department reserves the right to review my application periodically and may revoke my registration if it is determined that I no longer meet the eligibility criteria 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 lives with a disability that prevents them from moving the carts to the collection point and does 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 execution of this service.

Applicants Information

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

Office use only

☐

application APPROVED

☐

application 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. 2024-08

SCHEDULE "C"

Supplemental Form for Persons Living 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 Operations Department.

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 Operations Department 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 about my disability or health condition as it relates to determining eligibility for this specialized service to the RM of East St. Paul Operations Department.

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: _____

- | | | |
|---|--|--|
| ☐ Physician | ☐ Physical therapist | ☐ Certified Psychologist/Psychiatrist |
| ☐ Chiropractor | ☐ Occupational Therapist | ☐ Optometrist/Ophthalmologist |
| ☐ Registered Nurse | ☐ 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

Date Received

Date Approved

Operations Department