

**TOWN OF CARMAN
BY-LAW NO. 11/1963**

**A By-Law of the Town of Carman
to establish a Solid Waste Management Program
to provide for the collection of household wastes and other
household waste materials and to provide for the collection
and processing of recyclable materials.**

WHEREAS Section 232 of *The Municipal Act* authorized a Council to pass by-laws for municipal purposes and establishing fees for such municipal purpose;

NOW THEREFORE the Council of the Town of Carman, in open session assembled, enacts as a by-law the following:

1. Title

This By-Law shall be cited as the **Solid Waste Management Program By-Law.**

2. Definitions

In this By-Law where used herein:

“Animal and Agricultural Waste” means crop residues and like materials from agricultural pursuits, and manure from stables, kennels, and veterinary establishments and like premises and carcasses.

“Apartment Block” means a residential building having not less than eight separate suites or living quarters, including nursing homes and senior citizens 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.

“Ashes” means the residue from the burning of wood, coal, coke and like materials, for the purpose of cooking, heating “Buildings” and disposing of combustible materials.

“Bulky Wastes” means large items of refuse exceeding 34 kilograms (75 pounds) in weight or exceeding 1.5 metres (5 feet) in any direction, including large appliances and furniture, hot water tanks, mattresses and carpets, but excluding auto parts, regardless of size or weight.

“Building” means any well, pipe line, excavation, cut fill, transmission line or other erection or structure, or any part thereof, and also includes any addition to or extension of a building and any chattel that is attached to any structure or land that is installed therein or thereon.

“Commercial Premises” means banks, offices, hotels, restaurants, retail stores, barbershops and other business premises.

“Construction and Demolition Wastes” means the waste “Building” materials and rubble resulting from construction, remodeling, repairs, demolition or destruction by fire or buildings and other structures and the installation, repair or removal of pavement and like works.

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“**Cycle**” whenever used in this By-Law shall mean a five (5) day working period and all reference in this By-Law to removal of garbage on a cycle basis shall be deemed to mean removal of garbage once for every five (5) day working period.

“**Designated Officer**” means the Chief Administrative Officer or such other person as may be authorized by the Council of the Town of Carman to exercise some or all of the powers vested in that person by this By-law.

“**Dwelling**” means a “Building” or portion thereof designed for residential occupancy.

“**Dwelling Multiple Family**” means a “Building” containing three or more dwelling units, each unit designed for and used by not more than one family.

“**Dwelling Single and Two Family**” means a “Building” having not more than two separate suites or living quarters, used as a dwelling. Where a residence consists of two separate dwelling units, each shall be considered a residence.

“**Dwelling Unit**” means one or more rooms in a “Building” designed for one or more person as single house-keeping unit with cooking, eating, living, sleeping and sanitary facilities.

“**Family**” means one or more persons related by blood or marriage or common-law marriage, or a group of not more than three persons who may not be related by blood or marriage, living together as a single housekeeping unit. A housekeeping unit referred to above, shall be deemed to exist if all members thereof have access to all parts of the dwelling unit.

“**Hazardous Wastes**” means any waste that may present a hazard to a person in contact with such wastes, and includes, but is not limited to, wastes such as propane cylinders, petroleum distillates, light fuels, household waste paints, caustics, drugs, acute hazardous waste chemicals, waste crankcase oils and lubricants, inorganic chemicals, halogenated pesticides and herbicides, non-halogenated organic pesticides and any other wastes of pathological, explosive, highly flammable, radioactive, toxic or acidic in nature.

“**Household Wastes**” means all animal and vegetable waste, whether liquid or solid, including food packaging, matter with residual food materials resulting from the handling preparation, cooking and serving of foods in households, unusable clothing, sweepings and all waste materials capable of being consumed by fire, wood excelsior, bedding, rubber, leather, plastic, metals, ceramics, glass and yard wastes.

“**Industrial Premise**” means “Buildings” or structures located in an industrial zone as outlined in the Zoning By-Law of the Town of Carman.

“**Institutional Premise**” means “Buildings” or structures located in an educational and institutional zone as outlined in the Zoning By-Law of the Town of Carman.

“**Tipping Fee**” means the charge for disposal based upon amount of refuse to be disposed of.

“**Recyclable**” means any item of household waste that is eligible for funding under the Manitoba Product Stewardship Program and the Town of Carman deems it expedient to separate from the waste stream.

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"Tipping Fees" means the charge for disposal of refuse.

"Waste Collection Tag" means a properly authorized marker, obtained by the Town of Carman or its agent, with adhesive backing to be placed on the household wastes or bulky item for collection by the Town.

"Waste Container" means a receptacle, complete with lid, of not more than 100 litre capacity which the contents shall weigh not more than 25 kilograms, is fitted with handles to facilitate handling; or a non-returnable plastic bag, tied at the top, maximum size of 66 centimetres by 91 centimetres, capable of being lifted with 18 kilograms of contents. This could also be four (4) plastic grocery bags filled and tied together as one unit.

"Yard Waste" means wastes that consist of leaves, grass and garden wastes, excluding any tree trimmings.

3. Administration

- i) The Designated Officer of the Town of Carman shall administer this By-Law, or any other person appointed to do so by the Council of the Town of Carman.

4. Right of Entry to Private Property

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

5. Lands to be Kept Clean

- i) The owner or occupant of any grounds, yard or vacant lot shall cause the same to be kept free of solid wastes. The Designated Officer may enter upon any such property for the purpose of removing any solid wastes allowed to continue thereon contrary to this or any other by-law, and the cost of such removal may be recovered from the owner or added to taxes.

6. Collection of Household Wastes and Bulky Items

- i) The collection, removal and disposal of solid waste, hazardous waste, or contaminated soil in the Town shall be under the direction of Council through the Designated Officer.
- ii) The Town shall provide services to collect household wastes from all residential properties, exclusive of statutory holidays, in such a manner that all dwelling units shall receive weekly pick up. South of Centre Avenue shall be picked up on Thursday and north of Centre Avenue shall be collected on Tuesday, unless the scheduled day is a Statutory Holiday and then the schedule shall be the next day.
- iii) All household wastes and bulky items placed for collection shall have the proper waste collection tags securely affixed around the top of each bag or container. Waste collection tags shall not be affixed to the actual waste containers other than non-returnable plastic bags. The Town shall fix a charge for waste collection tags from time to time.
- iv) Between periods of collection, all household waste shall be kept from view from the front street of any residence, including structures constructed for the purpose of storing wastes.

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- v) Household waste, placed in plastic bags, shall be place out for collection no sooner than 8:00 p.m. on the day prior to the designated collection day; however must be out prior to 8:00 a.m. on the designated collection day.
- vi) All household waste shall be placed for collection at a location as close as possible to the traveled portion of the street used for the collection, but not on a sidewalk or in such a location as to interfere in anyway with vehicular or pedestrian traffic.
- vii) No person shall place household wastes in a container that is not a waste container, as defined in this By-Law, and the Town shall not be liable for the removal of a container that is not a waste container.
- viii) The Town shall provide collection of household compost waste for all residential properties on Monday during the growing season. If Monday is a Statutory Holiday, then the pick up will be the Friday prior to the holiday. The waste left for compost pick up shall be left in the same location as to the waste disposed of in section 6 (i).
- ix) Residents are asked to place compost material in containers, on tarps or open plastic bags that can be dumped or such container that can be lifted by employees and dumped. Such compost loads shall not exceed 40 pounds. Garbage cannot be mixed with the compost.
- x) Residents are also encouraged to transport their own compost waste to the Transfer Station.

7. Collection of Commercial Wastes

- i) The Town shall provide services to collect commercial wastes from all businesses, exclusive of statutory holidays, in such a manner that all units shall receive pick up on Monday, Wednesday and Friday.
- ii) All commercial wastes and bulky items placed for collection shall have the proper waste collection tags securely affixed in a visible location. Waste collection tags shall not be affixed to the actual waste containers other than non-returnable plastic bags. The Town shall fix a charge for waste collection tags from time to time.
- iii) Between periods of collection, all waste shall be kept from view from the front street of any business, including structures constructed for the purpose of storing wastes. The minimum standards for such structures would include a structure having a lid and doors that open for easy access and made of a material that is easily cleaned.
- iv) Commercial waste, stored in plastic bags, shall be place out for collection not sooner than 8:00 p.m. on the day prior to the designated collection day; however must be out prior to 8:00 a.m. on the designated collection day.
- v) All commercial waste shall be placed for collection at a location as close as possible to the traveled portion of the street or back lane used for the collection, but not on a sidewalk or in such a location as to interfere in anyway with vehicular or pedestrian traffic.
- vi) No person shall place commercial wastes in a container that is not a waste container, as defined in this By-Law, and the Town shall not be liable for the removal of a container that is not a waste container.
- vii) No household waste shall be disposed of with Commercial waste and if such material is found shall be considered a breach of this By-Law and may cause loss of service.

8. General Conditions

- i) Household wastes consisting of meat or vegetable waste shall be securely wrapped or contained before it is placed in a waste container.

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- ii) Ashes are to be stored in suitable receptacles approved by the Designated Officer and are not to be mixed with other garbage or rubbish. No person, except with the permission of the Designated Officer shall deposit ashes on any public lane.
- iii) No person shall place special wastes in a place for collection without prior approval of the Designated Officer.
- iv) "Ashes" containing chlorofluorocarbons, or other ozone depleting substances, shall have the chlorofluorocarbons removed by a certified tradesman as stipulated under provincial regulation prior to collection.
- v) No person shall deposit any waste material on a property or in a waste container that is not under his direct control.
- vi) No person shall bring into the Town of Carman any waste for collection or disposal.
- vii) No persons, other than the owners or occupants or those appointed by the owners or by the Council to collect wastes, shall interfere with or disturb the contents of any waste container or other wastes placed for collection.
- viii) The Council, through the Designated Officer, shall have the final authority in case of a dispute.
- ix) The Town of Carman may contract out the collection of any portion of the solid wastes generated within the Town to any firm or individual.
- x) Where the owner or occupant of the premises, places refuse in a refuse container other than one which meets the specifications set out in the by-law, the owner or occupant will be responsible for disposal of same as directed by the Designated Officer at the owner's expense.
- xi) In the event that any owner or occupant of any property in the Town of Carman shall fail to comply with any of the foregoing provisions or conditions, the Town shall not be required to remove the refuse from the premises and the removal thereof shall be the sole responsibility of the owner or occupant.
- xii) Council or Designated Officer may authorize a special cleaning program to promote the beautification of the Town and to provide residents a means by which to dispose of large items.
- xiii) The Town shall not provide refuse collection services beyond the boundaries of the Town of Carman without prior approval from the Town Council.

9. Collection of Recyclables

- i) The Town shall provide services for the collection of recyclables from every residential and commercial property, exclusive of statutory holidays, in such a manner that all units shall receive weekly collection. Commercial property schedule shall be set according to demand and shall be at the discretion of the Designated Officer.
- ii) Recyclables from residential and commercial properties placed for collection shall be placed in a Town supplied recyclable container or other such containers approved by Council or appointee.
- iii) Between periods of collection, all recyclables shall be kept from view from the front street of any residence.
- iv) Recyclables shall be placed out for collection not sooner than 8:00 p.m. on the day prior to the designated collection day.
- v) All recyclables placed for collection shall be at a location as close as possible to the traveled portion of the street adjacent to the front of their residence, but not on a sidewalk or in such a location as to interfere in any way with vehicular or pedestrian traffic.

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- vi) Any person may transfer their own recyclables to the Recycling Depot or the Carman Transfer Station, during regular hours of operation, and place the items in the appropriate containers. No solid waste can be deposited at the Recycling Depot.

10. Other Wastes

- i) Every person shall dispose of construction and demolition waste, at their own expense, at the Transfer Station or at a Class 1 Landfill Site.
- ii) Under no circumstances shall "hazardous waste" or "contaminated soil" be disposed of into a refuse container without a prior written agreement identifying the nature of the hazardous waste or contaminated soil being made between the generator thereof and the Designated Officer and approved by either the respective Provincial or Federal regulatory agency.
- iii) The Town may authorize or endorse a hazardous waste disposal depot to provide residents a means by which to dispose of hazardous waste items.
- iv) Ashes shall be sufficiently cooled prior to placing into a waste container so as not to create a fire.
- v) Animal and Agricultural Wastes shall not be placed in with household wastes and no person shall place for collection animal and agricultural wastes which is not enclosed in an air tight, rigid container so to prevent contamination of collection equipment and/or an unsanitary condition.

11. Conveyance of Wastes

- i) Any load of solid waste that is conveyed in a vehicle, trailer or other conveyance shall be covered, or loaded or secured in such a manner that no portion of the can escape. No person shall convey or cause to be conveyed any waste that is not covered or otherwise loaded or secured.
- ii) No person shall drive or move any vehicle within the Town 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.
- iii) A surcharge in accordance with Schedule "A", in addition to any other disposal charge, shall be added to the disposal charge for any load delivered to the Transfer Station, not eligible for free disposal, where such load is delivered on a vehicle, trailer or other conveyance that is not covered or otherwise loaded or secured so as to prevent any contents thereof from escaping.
- iv) No person shall allow any vehicle containing solid waste of an offensive nature to stand in any location for more than thirty minutes.

12. Disposal of Wastes and Charges for Disposal of Wastes

- i) No person shall make any delivery or deposit any waste in the Carman Transfer Station except during the hours of operation as established by the Council.
- ii) No person shall deposit any solid wastes at the Carman Transfer Station without paying disposal charges as outlined in Schedule "A".
- iii) Council shall set the charges for removal and disposal of solid wastes.
- iv) Waste collection tags shall be available for sale from the Town of Carman office and other locations within the Town of Carman determined by Council, at a cost fixed by the Town from time to time.

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13. Littering

- i) 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.
- ii) Persons owning or occupying property shall keep the ditches, sidewalk, lane at the rear of and/or the boulevard in front of and flanking, free of litter.
- iii) Owners and tenants in lawful control of public area shall provide litter receptacles in appropriate and easily accessible locations and shall be responsible for the servicing and maintenance of these receptacles.
- iv) Persons owning or occupying places of business shall keep the sidewalk and boulevard in front of, flanking and the lane at the rear of that business premises free of litter.
- v) No person shall, in any public place or on private property, abandon a shopping cart or leave a shopping cart unattended.
- vi) 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.
- vii) No person carrying on building operations or alterations shall deposit on any street, lane or public place any earth rubbish, and surplus materials.

14. Transfer Site

- i) All residents of the Town of Carman and the Rural Municipality of Dufferin are permitted to deposit refuse at the designated areas in the Carman Transfer Station. Such deposits may be made during hours that the Transfer Station is open, and are subject to the Town's fee schedule as outlined in Schedule "A" of this by-law.
- ii) All residents of the Town of Carman and the Rural Municipality of Dufferin must register at the Town of Carman office, giving their address of residency and plate number to receive a placard that entitles them to the Resident Rates, as outlined in Schedule "A" attached to this by-law.
- iii) The materials deposited shall not contravene the other provisions of this by-law or the terms of reference in the license issued to the Town under *The Environment Act* or regulations as amended.
- iv) No person shall make any deliveries or deposits of any sort at the Transfer Station at any time other than posted hours, except with the permission of Council or the Designated Officer.
- v) Every driver or other person delivering refuse to the Transfer Station shall follow routes to and from dumping sites within the Transfer Station and deposit the refuse in such place and in such manner as instructed by the attendant in charge or as directed by signage and not otherwise.
- vi) Notwithstanding subsection i), Council or the Designated Officer reserves the right to waive residential tipping fees for special promotional purposes.
- vii) Notwithstanding subsection i), the attendant has the right to reduce the tipping fee charges to adjust for partial loads being disposed of.
- viii) Any person utilizing the Transfer Station shall obey the posted speed limits while operating a motor vehicle within the Transfer Station.
- ix) Refuse shall be expeditiously off-loaded from the vehicle and any passengers therein shall exit the vehicle only to assist in off-loading refuse. Upon completion of off-loading, the vehicle and all its passengers shall immediately leave the Transfer Station.

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- x) Contractors or businesses can register at the Town of Carman office to establish a charge account for recording and payment of any fees payable from disposing of fees at the Transfer Station. The Town of Carman office has the right to withdraw charging privileges if an account becomes delinquent.

15. Abatement of Nuisances

- i) 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 it by the Town or its agent.
- ii) No person, by himself or other person, shall deposit 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 Recycling depot with the consent of Council or the Designated Officer and providing further that it complies with the regulations of *The Environment Act*.
- iii) Council or the Designated Officer may, be 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.

16. Remedial Work Carried Out By Town on Private Property

- i) Where any owner, agent, lessee or occupier who has been given a notice, order or direction by Council or the Designated Officer, to do any act or thing to remedy any situation or condition existing on his property contrary to any part of this By-law and who neglects or refuses to comply with such order or direction within the time specified, the Council or Designated Officer may order the work carried out and charge the cost of the work done to the owner, agent, lessee or occupier and in default of payment:
 - a) Recover the cost as a debt due to the Town; or
 - b) Charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such.

17. Repeal

By-law No. 05/1879 of the Town of Carman is hereby repealed and the provisions of any other by-law or parts thereof of the Town of Carman, inconsistent with this By-law, are hereby repealed.

18. Penalties


- i) Any person who violates, contravenes, or refuses, neglects, omits or fails to obey or observe any provision of this By-law is guilty of an offence and liable, on summary conviction to a fine not exceeding \$1,000.00 and costs or to imprisonment for a term not exceeding one (1) month, or to both such fine and imprisonment.

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

This By-law shall come into force upon its passing.

DONE AND PASSED BY THE COUNCIL OF THE TOWN OF CARMAN, in open session,
assembled this 11th day of August 2011.



Mayor



CAO

Read a first time this 14th day of July 2011.
Read a second time this 11th day of August 2011.
Read a third time this 11th day of August 2011.

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SCHEDULE "A"

Tipping fees at Carman Transfer Station

	Resident Rate	Non-Resident Rate
<input type="checkbox"/> Garbage bags (regular sized bags-up to 77L)	\$3.00	\$9.00
<input type="checkbox"/> Oversized Garbage bags (up to 125L)	\$5.00	\$15.00
<input type="checkbox"/> ½-ton truck load	\$50.00	\$150.00
<input type="checkbox"/> ¾-ton truck load	\$50.00	\$150.00
<input type="checkbox"/> 1-ton truck load	\$80.00	\$240.00
<input type="checkbox"/> 3-ton truck load	\$240.00	\$720.00
<input type="checkbox"/> Tandem truck (up to 5-ton)	\$400.00	\$1200.00
<input type="checkbox"/> Tandem trailer (up to 10-ton)	\$600.00	\$1800.00
<input type="checkbox"/> Utility trailer (small)	\$50.00	\$150.00
<input type="checkbox"/> Utility trailer (large w/hoist)	\$80.00	\$240.00
<input type="checkbox"/> Tires -- Passenger	\$4.00 each	\$12.00 each
<input type="checkbox"/> Tires -- Truck (18 to 25 inches)	\$10.00 each	\$30.00 each
<input type="checkbox"/> Tires -- Rear Tractor Tire	\$45.00 each	\$135.00 ea.
<input type="checkbox"/> Tires -- Front Tractor Tire	\$15.00 each	\$45.00 each
<input type="checkbox"/> Rimmed tires are double all above fees.		
<input type="checkbox"/> Fridges & Freezers	No cost	No cost
<input type="checkbox"/> Washers & Dryers	No cost	No cost
<input type="checkbox"/> Chairs/Mattresses/Sofas	No cost	No cost
<input type="checkbox"/> Hot water tanks/Propane tanks	No cost	No cost
<input type="checkbox"/> Sinks, Bathtubs, toilet -- non metal	\$10.00	\$30.00
<input type="checkbox"/> Sinks, Bathtubs -- metal	No cost	No cost
<input type="checkbox"/> Stumps	\$20.00 to \$50.00	\$60.00 to \$150.00
<input type="checkbox"/> Hot Water Heaters	\$10.00	\$30.00
<input type="checkbox"/> Burning Barrels	\$5.00	\$15.00
<input type="checkbox"/> Asphalt Shingles -- clean	\$2.00/bundle	\$6.00/bundle
<input type="checkbox"/> Asphalt Shingles -- non-sorted	\$4.00/bundl	\$12.00/bundle
<input type="checkbox"/> Ewaste	No cost	No cost
<input type="checkbox"/> Recycling , Compost material	No cost	No cost
<input type="checkbox"/> Lumber, trees and wood	No cost	No cost
<input type="checkbox"/> Concrete -- not accepted		
<input type="checkbox"/> Asbestos will not be accepted		
 <input type="checkbox"/> Surcharge to be added for any load that is not covered or otherwise loaded or secured in accordance with this by-law	 \$50.00	 \$150.00