

BY-LAW NO. 6965

BEING A BY-LAW of the City of Brandon respecting the collection, removal and disposal of solid waste and recycling material and for abatement of certain nuisances to be known as the "Solid Waste Collection and Disposal By-law".

WHEREAS Subsection 232(1) of The Municipal Act, RSM 1996, c.M225, provides authority for the municipality to pass by-laws respecting the safety, health, protection and well-being of people;

AND WHEREAS The City of Brandon deems it expedient to establish, regulate and maintain a solid waste disposal and recycling system;

NOW THEREFORE the Council of The City of Brandon in meeting duly assembled enacts as follows:

PART I: PURPOSE AND DEFINITIONS

1. (a) This by-law shall be known as the "Solid Waste Collection and Disposal By-law" and is for the establishment, regulation and maintenance of a solid waste disposal and recycling system in the City of Brandon.
- (b) For the purpose of this by-law the following definitions shall apply;
 - (1) **Automated Collection** – shall mean the collection of refuse 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);
 - (2) **Apartment Building** – shall mean a building or part of a building used or intended to be used for eight or more dwelling units living independently of each other.
 - (3) **Brown Waste** – shall mean organic material, including but not limited to, wood chips, dry leaves, sticks, straw and shredded paper used in conjunction with other organic material to produce a compostable material.
 - (4) **Bulky Item** – shall mean a household item other than an item for which special collection services are provided, which are not larger than 1 meter in any one dimension or weighs in excess of 25 kilograms, including furniture of what ever size and weight as provided in the Bulky Item Policy (Schedule D) of the City of Brandon.
 - (5) **City** – shall mean the City of Brandon, 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.
 - (6) **Collection Cart** – shall mean refuse or recyclable cart approved by the Operations Division which is supplied by the City which is specially designed for lane and/or front street automated refuse/recycling collection, with an approximate size of 48, 65 and 95 US gallon(s).
 - (7) **Collection Crew** – shall mean any City employees and/or other persons authorized by the City to provide services under this by-law.
 - (8) **Collection Point** – shall mean the part of the property, roadway or lane allowance, that has been designated by the Operations Division for the setting out and collection of refuse/recycling cart(s) and bulky item(s).
 - (9) **Collector** – shall mean a person who collects refuse within the City limits for and on behalf of the City.
 - (10) **Commercial Property** – shall mean any property assessed less than 50% residential by the Provincial Municipal Assessment Branch.
 - (11) **Commercial Refuse** – shall mean refuse produced at or on any property defined as commercial property, excluding industrial refuse.
 - (12) **Commercial Refuse Collection** – shall mean a refuse collection provided by an independent contractor and not by the City.
 - (13) **Compostable Material** – shall mean a combination of food waste and brown waste that is being decomposed through aerobic decomposition into a rich black soil.
 - (14) **Condominium** – shall mean both a bare-land condominium and multi-unit condominium where the ownership of the property is divided amongst a number of owners.

1. (b) (15) **Contamination** – shall mean the co-mingling of an item(s) in refuse/recycling cart(s) referred to in the list below:
- i) recyclable materials
 - ii) refuse
- OR
- generally refers to any item which is not acceptable in either the refuse and/or recycling cart such as special wastes or items described in subsection 11. (d) 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.
- (16) **Contamination of Commercial Refuse** – shall mean any load going to the working face of the active landfill cell in which it will be compacted in place and which contains 5% or greater in volume of recyclable material, whereby same shall be charged in accordance with the current City of Brandon Fee Schedule By-law.
- (17) **Contaminated Soil** – shall mean soil contaminated with diesel fuel or gasoline that the City is capable of processing and is licensed to process and must meet criteria set forth by Provincial Legislation.
- (18) **Contractor** – shall mean the operator of a commercial refuse collection system, or any licensed general contractor.
- (19) **Curbside Collection** – refers to the collection of refuse and recyclables, in collection carts provided for by the City, from an approved collection point adjacent to a street curb.
- (20) **Default Size of Carts** – The default size of refuse and/or recycling carts shall be approximately 95 US gallons. Residents will be provided the default size if a request for smaller size is not made as per By-law No.6965.
- (21) **Extra Municipal Refuse** – shall mean all refuse, or contaminated soil, excluding hazardous waste, disposed of at the City's landfill site, which originates outside the boundaries of the City.
- (22) **Fill Material** – shall mean material from excavations, streets or driveway renovations, building and basement demolitions, or other similar activity, which is exclusively comprised of concrete smaller than 300mm (11.8 inches) in any direction, cinder blocks, asphalt, gravel, dirt, or other similar biologically and chemically inert materials; and includes industrial fill material and residential fill material.
- (23) **Hazardous Waste** – shall mean a substance that is designated a "hazardous waste" by regulation under *The Dangerous Goods Handling and Transportation Act R.S.M. 1987 c. D12*.
- (24) **Household Hazardous Waste (HHW)** – shall mean waste material generated in residences that pose a risk to health, safety or the environment when managed in the municipal waste management system.
- (25) **Industrial, Commercial, Institutional (I.C.I.) Unit** – shall mean any building or part thereof used for a distinct and separate industrial, commercial or institutional use.
- (26) **Industrial Use** – shall mean the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.
- (27) **Institutional Use** – shall mean a public or non-profit use and, without limiting the generality of the foregoing, includes schools, places of worship, indoor recreation facilities, community centers, public hospitals and government facilities.
- (28) **Industrial Fill Material** – shall mean fill material hauled by a construction contractor or other person performing work for a fee, which is exclusively comprised of concrete smaller than 300mm (11.8 inches) in any direction, cinder blocks, asphalt, gravel, dirt, or other similar biologically and chemically inert materials; and includes industrial fill material and residential fill material.

1. (b) (29) **Industrial Refuse** – shall mean material from excavations containing biologically degradable material, material from building constructions, repair, alteration or maintenance, debris from any building removed, destroyed by fire or any other cause, material from manufacturing processes, slaughterhouse offal, dead animals, poultry and/or fish, refuse from garages and filling stations, condemned matter or refuse from factories, or other works, from fruits and vegetable warehouses or market gardeners and ashes from steam power plants.
- (30) **Liquid Industrial Waste** – shall mean waste generated by industrial processes that has a slump of more than 150 mm using the slump test method (slump test, C.S.A. Standards Test Method A23.1-5C), and does not include hazardous waste or industrial waste.
- (31) **Liquid Waste** – shall mean sewage, sewage effluent and sludge from septic tanks, holding tanks and municipal sewage treatment systems and has a slump of more than 150 mm using the slump test method (slump test, C.S.A. Standards Test Method A23.1-5C), or based on current Provincial/Federal Legislation.
- (32) **Landfill Site** – shall mean the City's landfill site which is designated by the City as the current landfill site for the purpose of disposing of refuse.
- (33) **Landfill Cell** – shall mean the area of the landfill where solid waste is hauled by residential and commercial customers. It is lined by a non-penetrable plastic membrane that insures potentially hazardous materials are captured before entering the ground water.
- (34) **Litter** – shall mean accumulated odds and ends, leavings, a state of untidiness, a disorderly accumulation of paper and other refuse.
- (35) **Manure** – shall mean animal excreta combined with straw or other similar material acceptable to processing in an aerobic composting operation. It is to be free of wax paper, plastics, metal cans, glass or other similar contamination.
- (36) **Mobile Home Park** – shall mean an area that is intended to be used, and is used primarily, as a site for the placing or parking of mobile homes and where the owner of the mobile home is charged a fee by the owner of the land for parking rights.
- (37) **Material Safety Data Sheets (MSDS)** – shall mean an informational form detailing the chemical and physical properties, hazards and way of safely handling a toxic chemical.
- (38) **Multiple Family Dwelling** – shall mean a building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.
- (39) **Neighborhood Sweep** – shall mean any program held for the removal of large residential refuse items such as stoves, refrigerators (*only if clean*) mattresses, bed springs and such other items which may be found in a residence.
- (40) **Notification of Non-Compliance** – shall mean any owner/occupier of a parcel found to be contaminating refuse/recycling carts shall be given written notice by the Operations Division of non compliance.
- (41) **Owner** – shall mean 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.
- (42) **Parcel** – shall mean any lot, block or other area in which land is held or into which it is subdivided.
- (43) **Person with Disability** – shall mean 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 refuse/recycling cart(s) at the appropriate collection point.

1. (b) (44) **Recyclable Wastewater Sludge** – shall mean sludge derived from a wastewater treatment process used in conjunction with a domestic sewage system. The sludge must not contain heavy metals or other forms of contamination which would restrict it from use in the production of quality compost.
- (45) **Recyclable Material** – includes paper and cardboard, plastics, metals and glass and other products that run in compliance with Provincial Product Stewardship Programs.
- (46) **Recycling Management Plan** – A plan provided to the City of Brandon Operations Division by the managers and/or owners of large apartment complexes to summarize how they will handle recyclable materials that are generated by their tenants. The purpose of this plan is to support and promote waste diversion activities within the City of Brandon.
- (47) **Refuse** – including debris, garbage and litter, shall mean that which is refused or rejected as useless or worthless matter, filth, residential refuse, industrial refuse, or commercial refuse, 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.
- (48) **Residence** – shall mean any single dwelling unit, including but not limited to a single family dwelling, a mobile home, a condominium unit, a row housing unit or a single apartment.
- (49) **Residential Fill Material** – shall mean fill material created and hauled by the resident of the residential property from which the fill originated. Which is exclusively comprised of concrete smaller than 300mm (11.8 inches) in any direction, cinder blocks, asphalt, gravel, dirt, or other similar biologically and chemically inert materials.
- (50) **Residential Property** – shall mean any property assessed fifty percent (50%) or more residential by the Provincial Municipal Assessment Branch.
- (51) **Residential Refuse** – shall mean refuse material, other than industrial refuse and commercial refuse, and limited to 25 kilograms in weight per item and a maximum of 1 meter in dimension in any one way, not exceeding;
- i) 0.75 cubic meter, per collection, from any single family residence;
 - ii) 0.75 cubic meter, per mobile home unit, from any mobile home park; or
 - iii) 0.25 cubic meter, per unit collection, from any multiple dwelling.
- Notwithstanding the above, where a residential use occupies part of a commercial property the Operations Division may authorize residential refuse collection for the residential use at such location.
- (52) **Sanitation Section** – shall mean the Sanitation Section of the City's Operations Division.
- (53) **Sharps** – shall mean needles, syringes, blades, laboratory glass, or other such objects capable of causing punctures or cuts.
- (54) **Save Harmless Agreement** – shall mean an arrangement between parties in which one party assumes the liability and agrees to hold the other party blameless.
- (55) **Shopping Cart** – shall mean any wagon, cart, or device designed to be either drawn or propelled by shall mean of human power and intended principally for conveyance of produce or merchandise in and about retail stores.
- (56) **Special Waste** – includes, but not limited to, hazardous wastes, pathological wastes, explosives, radio active material, security wastes, confidential documents, negotiable papers, medical wastes, and construction or demolition of buildings and structures, dead animals, and all animal parts and any hazardous waste or other prescribed substance, under contaminated sites legislation in the Province of Manitoba.
- (57) **Tipping Fee** – shall mean the charge for disposal based upon weight for refuse, industrial fill material, hazardous waste, and contaminated soil.

- (58) **White Goods** – shall mean metal appliances such as refrigerators, freezers, clothes washers, dishwashers, clothes dryers, ranges, stoves, air conditioners and hot water tanks, but do not include these items when discarded as a result of renovations to a Multi-Residential Complex. Residents shall request these items be collected using the Bulky Item Policy.

PART II: COLLECTION AND DISPOSAL SYSTEM

ELIGIBILITY OF SERVICES

2. (a) Subject to the terms and conditions contained in this by-law and any directives issued by City Council from time to time, the City shall collect garbage, recyclable materials, and items eligible for bulky item collection services from residential properties.
- (b) Every owner of a multiple household residence shall ensure that specific recycling and organics instructions for residents are posted in locations at the multiple household residences as designated by the Operations Division.
- (c) The Operations Division may determine that owners of multi family dwellings who do not participate fully in the City's collection of recyclable materials are not eligible to receive any services and must provide the City of Brandon with a recycling management plan within 60 days of request.
- (d) An owner of a multi unit building may opt out of receiving all of the services provided by the Operations Division, in a form satisfactory to the Operations Division, setting out an effective date for the services to end. With a new service provider taking over collection, the manager and/or owner of the property must provide the City of Brandon with a recycling management plan within 60 days of termination of services.
- (e) Every owner and occupier of a parcel containing only a single family building or only a two-family building shall make use of the solid waste disposal services provided by the City of Brandon.
- (f) Notwithstanding the foregoing, if the Operations Division considers that a parcel cannot be safely, efficiently and legally serviced, the Operations Division 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 City's solid waste disposal service(s).
- (g) An owner of a parcel containing a multi-family dwelling or an I.C.I. unit may opt to use the City services set out in subsection 6 (f) and may apply to the Operations Division for such services. The Operations Division shall accept the application if the Operations Division is satisfied that the parcel can be safely, efficiently and legally serviced by the City's automated collection system. If it is deemed that the parcel cannot be safely, efficiently and legally serviced by the City's automated collection system the owner must arrange for commercial refuse and recycling collection at the expense of property owner and provide a recycling management plan to the city within 60 days of request.
- (h) Commercial property owners, or occupants, may enter into a written contract with the City for the removal of commercial refuse, at rates set forth in the City of Brandon Fee Schedule By-law.
- (i) The City shall not provide refuse/recycling collection services beyond the boundaries of the City of Brandon without prior approval from City Council.

FREQUENCY OF REFUSE AND RECYCLING COLLECTION SERVICES

3. (a) The City 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 City services are accepted:
- i) Refuse collection once per 5 day cycle;
- ii) Recyclable collection once every 5 day cycle;
- iii) The City shall apply to the parcel the required number and sizes of refuse/recycling carts as provided by the guidelines in Schedule "C".
- (b) An owner of a parcel receiving services under this bylaw may from time to time request in writing to the Operations Division that the City increase in accordance with current fee schedule for both styles of collection carts to be collected under section the frequency of collection.

BULKY ITEM COLLECTION SERVICES

4. (a) The City shall provide bulky item collection services to an owner with respect to the items referred to in the Bulky Item Policy attached hereto as Schedule "D", provided that:
- i) The owner contacts the Operations Division prior to setting out the item requiring bulky item collection services;
 - ii) The owner pays the appropriate fees as set forth in the City of Brandon annual fee schedule;
 - iii) The owner complies with all directions of the Operations Division with respect to the preparation of the affected item(s) for setting out and collection; and
 - iv) Small tree branches and twigs shall be tied in bundles not to exceed 1 meter in length and other garden refuse and yard waste must be bagged and placed inside the refuse cart.
- (b) The Operations Division may authorize a Neighborhood Sweep Program from time to time to promote the beautification of the City and to provide residents a means by which to dispose of unwanted items.
- (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.
- (d) Bulky item collection services shall be provided by the City on a "first requested, first served" basis.
- (e) The Operations Division may refuse or limit the amount of bulky item collection services provided to an owner.

COLLECTION OF HOUSEHOLD HAZARDOUS WASTE

5. (a) The City 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 City, either on its own or mixed with any waste with respect to which the City provides services.
- (c) No person shall deposit or accept hazardous wastes into a waste disposal ground except in accordance with *The Dangerous Goods Handling and Transportation Act* and the regulations made under it.
- (d) The City may provide to residents semi-annual depots for the sole purpose of collecting household hazardous waste.
- (e) The City may authorize or endorse a household hazardous waste disposal depot to provide residents a means by which to dispose of household hazardous waste items.

REFUSE AND RECYCLING CARTS

6. (a) Only refuse/recycling carts approved by the Operations Division as to size and location shall be utilized for retention of industrial refuse, commercial refuse, or residential refuse to be collected by the Sanitation Section.
- (b) The City will provide owners of household residences who receive residential curbside collection with refuse and recycling carts as set out in the guidelines for container distribution in Schedule C.
- (c) Owners of household residences may choose the size of refuse and recycling carts for the property, but if no choice is made, the Operations Division will select the default size. The quantity of carts provided is set forth in Schedule C.
- (d) Owners of household residences, with one or two dwelling units, shall be given only one refuse and one recycling cart per dwelling unit.
- (e) Owners of household residences, with one or two dwelling units, may choose the size of the refuse and recycling cart, but if no choice is made, the Operations Division will select the default size of the refuse and recycling cart.

6. (f) Owners of household residences with three to seven dwelling units may not choose the size of the refuse and recycling carts for the property. The quantity of carts for each parcel is determined by the guidelines set forth by the Operations Division. Each multi-family dwelling shall receive one refuse and one recycling cart for every three dwelling units as set forth by Schedule C.
- (g) The Operations Division may, in their discretion, determine whether to provide additional refuse and recycling carts as requested by an owner under subsection 6(f).
- (h) The size of refuse and recycling carts available to choose from are:
- i) Small – approximately 48 US gallon capacity (no longer available);
 - ii) Medium – approximately 65 US gallon capacity;
 - iii) Large – approximately 95 US gallon capacity.
- (i) The refuse and recycling carts remain the property of the City at all times.
- (j) Each owner to whom a refuse and a recycling cart is issued shall keep the refuse 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 Sanitation Section.
- (k) Each owner shall return either the refuse or the recycling cart or both to the City upon request.
- (l) If either a refuse or a recycling cart is damaged, the owner to whom the cart is issued may make a request to the Operations Division to repair the cart at no cost to the owner subject to section 8(b) and 8(d).
- (m) If either a refuse or a 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.
- (n) If either a refuse or a recycling cart is lost or stolen, the owner shall contact the Operations Division to issue a new refuse cart or recycling cart as required.
- (o) The owner shall pay the fee set out in City's annual fee schedule for the replacement of the lost or stolen cart.
- (p) Each owner to whom a refuse or a recycling cart is provided may exchange the bin for a different size by making a request to the Operations Division and paying the applicable bin exchange fee set out in the City's Fee Schedule By-law.
- (q) i) The developer of any new single family residence shall, at their expense, be required to supply both a refuse and recycling cart.
- ii) The developer of any other new residential properties, including duplexes, triplexes and apartment complexes including condominiums or row houses with seven (7) or less units, shall be required to supply, at their expense, refuse and recycling carts.
- (r) The owners and operators of apartment complexes, including condominiums or row houses containing eight (8) or more units shall be required to supply, at their expense, refuse and recycling carts, *or shall* at their expense, arrange for commercial refuse collection services.
- (s) Churches and community centres shall be entitled to access refuse/recycling carts.
- (t) Any owners or occupier of property producing more solid waste than can be accommodated in the refuse containers, shall be required either to provide containers compatible with the City refuse collection system and approved by the Operations Division or to arrange for commercial refuse collection at the expense of the owner or occupant.
- (u) Every person providing, or having provided for, a refuse container, as required by this by-law, shall keep the cover of such container closed, except when placing refuse therein or when stacking refuse for collection purposes.
- (v) Under no circumstances shall any person alter or modify refuse/recycling carts without the written consent of the Operations Division, for the purpose of changing the intended use of said carts.
- (w) Refuse 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 16 (a) of this By-law.

SETTING OUT REFUSE/RECYCLING CARTS, BULKY ITEM COLLECTION SERVICES ITEMS

7. (a) No owner shall set out refuse/recyclable materials, and/or items for which bulky item collection services are provided for collection unless the refuse/recyclable materials and/or items for which bulky 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 residents and multiple household residents 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 refuse 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.
- (d) Any person caught contaminating another residents refuse and/or recycling cart will face penalty under subsection 16 (a) of this bylaw.
- (e) Residents shall keep all areas where refuse/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 Operations Division. No refuse/recycling materials shall be allowed around the refuse/recycling cart(s); residents are required to deposit all material into the appropriate collection cart free of contamination.
- i) The City will not be responsible for emptying carts that are inaccessible to the collection vehicle.
 - ii) The operator is not required to exit the collection vehicle to facilitate automated collection.
- (f) Subject to Section 4, no owner shall set out, nor shall the City be obliged to collect, any item, other than a bulky item or an item for which special collection services are provided, which weighs in excess of 25 kilograms, whether such item be a bundle, in a container, or loose.
- (g) An owner shall not fill a refuse cart or recycling cart:
- i) to a gross weight that exceeds the manufactures weight limit for the bin in the following table:
- | <u>Garbage Bin/Recycling Bin Size</u> | <u>Weight Limit</u> |
|---------------------------------------|---------------------|
| Small (approx. 48 US gallons) | 50 kg |
| Medium (approx. 65 US gallons) | 100 kg |
| Large (approx. 95 US gallons) | 150 kg |
- ii) to the extent that the lid does not close.

TIMES FOR SETTING OUT REFUSE AND RECYLING CARTS

8. (a) Every owner of a parcel and occupier of any premises on a parcel that receives front street collection services under this bylaw shall keep on the parcel at all times all collection carts supplied to the parcel.
- (b) Refuse and recycling carts that are considered front street collection are to be set out only when full at the collection point no earlier than 8:00 p.m. on the day 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 Operations Division and in a location on the parcel designated by the Operations Division.
- (d) Every owner with front street collection shall remove all collection carts from the street or lane allowance no later than 10:00 p.m. following the passage of the collection.
- (e) Carts shall be stored on occupant's property so as to not interfere in anyway 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 current pick up location unless authorized by the Operation Division.

8. (f) Non-compliance with the above provisions will be subject to the applicable fee as set in the City of Brandon's Fee Schedule By-law.

SPECIAL EXEMPTIONS

9. Where an occupier has mobility/geographic restrictions and is unable to comply with Sections 7 and 8 of this By-law (and does not have an able-bodied person assisting with their household activities), the individual may apply to the Operations Division for assistance from the City in performing such obligations. If the Operations Division is satisfied that the individual requires such assistance, then a special designation shall be made under conditions and terms set out by the Operations Division to alert the collection crew to provide the service, until such time the Operations Division may cancel such service at the City's discretion.

Application is to be made by completing the required form (Schedule A). The Operations Division may require that the applicant provide proof of the mobility restriction from a physician by completing the application which can be downloaded from web site or mailed out upon request (Schedule B). As a condition of service under this section, the occupier 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 City employees be jeopardized. The City is not responsible for any property damage as a result of executing this service.

RESTRICTIONS ON CITY COLLECTION

10. (a) The City shall not make collections from, nor return regulation carts to, any location which the Operation Division deems unreasonable, inefficient or dangerous to City employees.
- (b) No City employee shall enter any building, property or part of any building or property for the purpose of removing or returning any regulation cart or bulky item unless otherwise approved by the Operation Division.
- (c) Before any City employee enters a building, property or part of a building or property which the Operation Division has approved under Subsection (b), the owner shall enter into an agreement with the City to:
- i) indemnify and save harmless the City against all actions, suits, claims and demands which may be brought against or made upon the City and its officers, employees and agents and against all loss, costs, charges, damages or expenses whatsoever which may be incurred, sustained or paid by the City in consequence of any employee of the City entering the building or part of it;
 - ii) grant to the City full power and authority to settle any such actions, suits, claims and demands on such terms as the City may consider advisable; and
 - iii) covenant and agree with the City to pay to the City on demand all monies paid by the City pursuant to any such settlement and also such sum as shall represent the reasonable costs of the City or its Solicitor in defending or settling any such actions, suits, claims or demands.

PART III: POWERS AND DUTIES OF OPERATIONS DIVISION

CONTROL

11. (a) No person shall dispose of solid waste, hazardous waste, or contaminated soil in the City except in the manner provided in this by-law. This section shall not prohibit the use of a household garbage, or similar device, for disposal of food waste.
- (b) The collection, removal and disposal of solid waste, hazardous waste, or contaminated soil in the City shall be under the direction and supervision of the Operations Division. Failure to comply with City of Brandon current refuse/recycling program may result in suspension of services.
- (c) The Operations Division is hereby authorized and directed to arrange a "collection" schedule for the City's periodic collection of residential refuse/recycling and commercial refuse.

11. (d) 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 landfill site or other approved location either by the owner or occupant or arrange for commercial refuse collection.
- (e) Following every amendment to the regulations contained herein, or the fees referenced herein, the Operations Division shall publish, in at least two issues of a newspaper having a general circulation in the City, a public notice advising the by-law has been amended or the rates changed, effective on a stated date, and that same is available for viewing in the office of the Operational Services, during regular office hours. The Operations Division shall keep a current consolidation of the by-law posted in a public place in the said office at all times. Where possible, such public notice shall be published within the two week period prior to implementation of the regulations or fees; otherwise, it shall be published immediately following implementation.
- (f) The decision of the Operations Division shall be final as to quantities and classes of material to be moved in accordance with this by-law.
- (g) The removal and disposal of industrial refuse or commercial refuse shall be the sole responsibility of the party that has generated such refuse.
- (h) When an owner or occupant requests the City to enter onto private property to collect residential or commercial refuse for disposal, the owner or occupant shall first enter into a written agreement to "save harmless" the City for any damage which may arise from such collection. Should an owner or occupant not be prepared to "save harmless" the City, then the City shall not be required to collect any refuse/recycling from the said property and the owner or occupant shall be solely responsible for refuse removal.
- (i) All animal waste should be double bagged before disposing in a refuse container.
- (j) Industrial refuse or commercial refuse shall be removed by the occupant of the property or premises where such refuse originates or is accumulated, to such place and at such time, or times, as may be designated by the Operations Division.
- (k) Where the owner or occupant of the premises places refuse in a refuse cart other than one which meets the specifications set out in this by-law, the owner or occupant will be responsible for disposal of same as directed by the Operations Division at the owner's expense.
- (l) In the event that any owner or occupant of any property shall fail to comply with any of the foregoing provisions or conditions, the City 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.
- (m) Under no circumstances shall "hazardous waste", "contaminated soil" or "special waste" be disposed of into a refuse/recycling cart without a prior written agreement identifying the nature of the hazardous waste or contaminated soil being made between the generator thereof and the Operations Division and approved by either the respective Provincial or Federal regulatory agency.
- (n) Everything which is in refuse/recycling cart(s) when placed at the curb, or edge of laneway, is the property of the City. Removal of any materials is not permitted. This shall also apply to everything in containers at the City's recycling depots.
12. The Operations Division shall:
- (a) determine the frequency and scheduling of the services to be provided under this By-law, including the schedule for phasing in organic collection services to all areas of the City;
 - (b) designate collection points for waste which is eligible for collection;

12. (c) **discontinue or refuse services to an owner whose property is, in the opinion of the Operation Division, unsafe for entry or egress by persons providing services with respect to the physical layout, loading facilities and the method of handling refuse and other waste on the property;**
- (d) **where appropriate, require that the owner of a multiple family dwelling to distribute information relating to the services to all individual dwelling units within the property;**
- (e) **provide information to the public with respect to the handling and disposal of prohibited waste;**
- (f) **provide information and services with respect to the diversion of recyclable materials and organic materials from refuse;**
- (g) **designate items to be included in refuse, recyclable materials, items for which bulky item collection services are provided or yard waste materials, as the case may be, and determine how same shall be collected; and**
- (h) **in the event of inclement weather or other condition which renders the provision of the services unsafe, suspend collection services in all or part of the City for a specified period of time.**

PART IV: LITTERING

13. (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 City 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 13 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 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 13 (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 100 meters distance from the place pursuant to subsection 13 (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 in any public place or on private property abandon a shopping cart or leave a shopping cart unattended.**
- (k) **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.**

13. (l) 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.
- (m) No person carrying on building operations or alterations shall deposit on any street, lane or public place any earth, rubbish, surplus materials or other refuse other than surplus materials.
- (n) No person shall deposit any items, other than those items specified for collection, at the depots provided for residents around the City.
- (o) No commercial business shall deposit any refuse or recycling material at the depots provided for residents only.

PARV V: LANDFILL SITE

14. (a) All residents of the City are permitted to deposit residential refuse and residential fill material at the designated area in the landfill site, which shall be established and identified by the City. Such deposits may be made during hours that the landfill site is open, and are subject to the City's Fee Schedule By-law. The materials deposited shall not contravene the other provisions of this by-law or the terms of reference in the license issued to the City under *The Environment Act* or regulations as amended.
- (b) No person shall make any deliveries or deposits of any sort at the landfill site at any time other than posted hours except with the permission of the Operations Division.
- (c) Every driver or other person delivering refuse to the landfill site shall follow routes to and from dumping sites within the landfill site 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.
- (d) Notwithstanding subsection (a), the Operations Division reserves the right to waive residential tipping fees for special promotional purposes.
- (e) Any person utilizing the landfill site shall obey the posted speed limits while operating a motor vehicle within the landfill site.
- (f) 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 landfill site.
- (g) Extra-Municipal refuse shall not be deposited in the Eastview Landfill unless it meets the following criteria:
- i. it originates from within a municipality that has a written agreement with the City pursuant to subsection (h); or
 - ii. it is contaminated soil for which the original owner has obtained a permit.
- (h) Pursuant to Section 260 (1) of the Act, the City may enter into agreements with other municipalities for use of the City's Landfill site for the purpose of depositing extra municipal refuse. This agreement shall set out the fees as established by resolution of City Council together with conditions of use.
- (i) The City will only accept hazardous waste or contaminated soil for which the Province of Manitoba has licensed the City to accept at the landfill site and which the facilities are able to handle. A permit must be received from the Sanitation Section prior to disposal and the permit fee, as established by resolution of City Council, must be paid. The Sanitation Section has the right to refuse hazardous waste or contaminated soil which, in their opinion, is not in the best interest of the City to accept. The Operations Division may require a Material Safety Data Sheet (MSDS) be provided in order to determine the suitability to accept and handle materials entering the Landfill site.
- (j) Manure will be accepted at the Landfill site, upon authorization from the Sanitation Section, on a per truck load basis for loads equal to or less than 22 cubic meters and which weigh equal to or less than 9 tonnes. Manure in loads greater than 22 cubic meters or greater than 9 tonnes will be classified as recyclable sewage sludge. Manure must comply with current regulations set forth by Provincial/Federal legislation.

- 14. (k) The City will not accept biomedical wastes or sharps for disposal at the Landfill Site.
- (l) Any person(s) or commercial hauler bringing in refuse to the landfill found to be contaminating any of the recyclable material areas on site will be required to pay a cleaning fee as set forth in City of Brandon Fee Schedule By-law.

PART VI: OFFENCES, PENALTIES AND REPEAL

ABATEMENT OF NUISANCES

- 15. (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 City or its agent.
- (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 landfill site or a recycling depot with the consent of the Operations Division and providing further that it complies with the regulations of *The Environment Act*.
- (c) The 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.

PENALTIES

- 16. (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 \$1000.00 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 Operations Division, continues for more than one day, the person is guilty of a separate offense for each day that it continues.

REPEAL

- 17. By-law No. 5863/21/91 as amended, and the provisions of any other by-law or parts thereof inconsistent with this By-law are hereby repealed.

ENACTMENT

- 18. This By-law shall come into force and take effect on the day following its passage.

DONE AND PASSED by the Council of the City of Brandon duly assembled this 12th day of April, A.D. 2010.

“D. K. Burgess”

MAYOR

“C. R. Arvisais”

CITY CLERK

Read a first time this 16th day of February A.D. 2010.
 Read a second time this 12th day of April A.D. 2010.
 Read a third time this 12th day of April A.D. 2010.

I, Conrad Robert Arvisais, Clerk of the City of Brandon, DO HEREBY CERTIFY the above within to be a true and correct copy of By-law No. 6965.

Original Signed By

C. R. Arvisais

C. R. Arvisais, City Clerk

SCHEDULE "A"
To By-law No. 6965

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 refuse and recycling carts some or all of the time. I consent to the disclosure of personal information (including medical information) by a medical professional to the City of Brandon Sanitation Section for the purposes of determining my eligibility for the Set Out/Set Back service. I will advise the City of Brandon Sanitation Section or its agents of any changes to my mobility needs. I understand that the City of Brandon Sanitation Section 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 Refuse 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 City is not responsible for any damage to private property resulting from the executing 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 3 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

Your application is approved Your application is denied

Physician's Certificate Required (Schedule "B" to be completed and returned to the City)

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:

SCHEDULE "B"
To By-law No. 6965

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 refuse/recycling carts for collection at the location specified by the 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 City of Brandon Sanitation Section in determining eligibility for Set Out/Set Back service as authorized by the City of Brandon.

I authorize the professional completing this form to release pertinent medical information to the City of Brandon Sanitation Section, 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
- Physical therapist
- Certified Psychologist/Psychiatrist
- Chiropractor
- Occupational Therapist
- Optometrist/Ophthalmologist
- Registered Nurse
- Social Worker
- 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 Division

SCHEDULE "C"
To By-law No. 6965

CONTAINER REPLACEMENT GUIDELINES

# of Units	Complex	Current Development Agreement Type	Capacity	Examples	Participation Mandatory Yes or No
2 Units or Less	Single Family Homes, Condos & Duplexes	Individual Container Placement	Maximum of one 95 gallon refuse and recycling container/unit.	Pembina Place Regent Ave.	Yes
3-7 Units	Converted Houses, 3-plexes, 4-plexes & 6-plexes	Multi User Containers	1-95 gallon refuse and recycling containers for every 3 units if currently sharing a container in back lane. If capacity is not sufficient for residents needs, additional containers may be purchased by the set up to one per unit of each. If multi user containers are owned by property, replace current capacity with new containers. (ie. The City of Brandon will replace current 600 gallon containers with 4-95 gallon refuse and 4-95 gallon recycling containers).	10 th & Queens 7 th St. & Richmond Core area	Yes
8+ Units	Converted Houses, Condominium, Town or Row Houses and Apartment Blocks	Multi User Containers	The City of Brandon will replace current 600 gallon containers with 4-95 gallon refuse and 4-95 gallon recycling containers. Property owners / managers are responsible for the safe storage of containers and for the setting out of containers when required.	Governors Gates Argyle Courts Richmond Oaks Condos	No
Mobile Home	Mobile & Modular Home Parks	Multi Use Container and Single User Containers	Will replace single user containers with choice of the three sizes available. In the areas of the development with multi user containers they will be replaced with 4-95 gallon refuse and 4-95 gallon recycling container for every 600 gallon container.	Brentwood Village Monterey Estates Highland Park Estates	No

**SCHEDULE “D”
To By-law No. 6965**

BULK ITEM POLICY

Large items are not collected as part of the regular refuse collection program, however there is a special bulky item collection program in place which allows those large items to be picked up at the curb or in the lane way.

The Bulky Item Collection Program is a user-pay system that operates year round, one week per month.

1. Do not put out bulky waste for regular waste collection. Bulky waste is classified as refuse that will not fit in the containers used for weekly collection.

Bulky Item Pick-Up Restrictions;

- City of Brandon Residents ONLY
 - Size Requirements
 - Limited to 25 kgs in weight and a maximum 1 meter in dimension in any one way (with exception of household appliances/furniture or wood/tree branches)
 - Furniture and appliances are exempt to weight and size restrictions
 - Tree branches and/or wood is to be bundled and not to exceed 2 meters in length, or 25 kgs per bundle
 - 1 tag required per item or bundle
 - **NO Hazardous Waste accepted under this program**
2. Acceptable items may include: furniture, large appliances (fridges, freezers, air-conditioners, stoves, etc.) hot water tanks and mattresses. Contact Eastview Landfill at 729-2281 for a special pick up. A charge will apply for each item.
 3. Household construction/renovation materials, such as drywall, lumber (both treated and untreated), shingles, concrete, doors, bathtub, windows or carpets must be taken to the Eastview Landfill Site for disposal. There is no fee for a weight under 500 lbs. Information on the Eastview Landfill Site is available online at www.brandon.ca. Commercial haulers operating within the City will also provide bins for collection of construction materials.
 4. Yard waste and branches can be taken to the Eastview Landfill Site for composting and grinding. There is no charge for residential service for loads under 500 kgs.

If you have a large item you wish to dispose of using this program, just follow the three simple steps below:

1. Purchase bulky item ticket at one of the following locations:

Eastview Landfill Site – 3300 Victoria Avenue East
Monday to Friday, 8am – 4pm

Civic Services Complex – 900 Richmond Avenue East
Monday to Friday, 8:30am – 4pm

City Hall – Treasury – 410 – 9th Street
Monday to Friday, 8:30am – 4pm

Please note that each item requires are ticket. Ticket costs are according to the fee schedule.

2. Call the Eastview Landfill at 729-2281 to schedule pick up date (please have your purchased ticket on hand).
3. Have bulky item(s) out to the curb or back lane by 7:00 a.m. on the specified collection day. City crews are unable to enter onto private property to retrieve items. Ensure that all items are tagged. Any untagged items will not be picked up.