



## CITY OF DAUPHIN

### BYLAW NUMBER 09/2016

#### BEING A BYLAW OF THE CITY OF DAUPHIN TO ESTABLISH WASTE COLLECTION, DISPOSAL, AND RECYCLING SYSTEMS

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**WHEREAS** Section 250(2)(c) of *The Municipal Act (Act)* provides:

“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.”

**AND WHEREAS** Section 252(1)(a) of the *Act* provides:

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

- (a) setting the rates or amounts of deposits, fees and other charges, and charging and collecting them;
- (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** Section 252(2) of the *Act* provides:

“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** the Council of the City of Dauphin deems it necessary to establish a bylaw governing waste collection, disposal, and recycling in the City of Dauphin;

**THEREFORE THE COUNCIL OF THE CITY OF DAUPHIN IN SESSION DULY ASSEMBLED HEREBY ENACTS AS FOLLOWS:**

#### **SECTION 1    COMMON NAME OF BYLAW**

1.1    This Bylaw shall be known as the **Waste and Recycling Management Bylaw**.

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## SECTION 2 DEFINITIONS

- 2.1 The following definitions apply to this bylaw and the waste collection, disposal, and recycling systems of the City of Dauphin.
- a) **Automated Waste Collection** – means the collection of waste using a specially designed vehicle with a mechanical system which empties a rolling waste container directly onto the vehicle.
  - b) **Automated Recycling Collection** – means the collection of recycling using a specially designed vehicle with a mechanical system which empties a rolling recycling container directly onto the vehicle.
  - c) **Bylaw Enforcement Officer** – means the authorized Bylaw Enforcement Officer of the City of Dauphin, or any person authorized by resolution of Council to enforce this Bylaw, along with the R.C.M.P.
  - d) **Collection Schedule (Waste and Recycling)** – a calendar outlining the days of the week on which waste and recycling collection will occur, for each area of the City.
  - e) **Commercial Property** – means a property that's main purpose is to support a business, is assessed as a commercial property, and zoned as such.
  - f) **Commercial Recycling Bin** – means a bin for the storage of recycling, provided and serviced by a commercial recycling hauler.
  - g) **Commercial Recycling Hauler** – means a third party, private company that provides recycling removal for a fee.
  - h) **Commercial Waste Bin** – means a bin for the disposal of waste, provided and serviced by a commercial waste hauler.
  - i) **Commercial Waste Hauler** – means a third party, private company that provides waste removal for a fee.
  - j) **Commercially Generated Recyclable Corrugated Cardboard** – means cardboard that was used for product packaging, usually from retail establishments, businesses, and institutions, but could be from other entities. Examples can include, but are not limited to, cardboard from packaging of appliances, furniture, and electronics; cardboard from boxes of merchandise; and any other large quantities of recyclable corrugated cardboard.
  - k) **Compost Site** – site designated by the City of Dauphin to allow for drop off of grass, leaves, and residential tree branches with a diameter less than 6 inches and a length less than 8 feet. It is located adjacent to the Waste Disposal Site at SW ¼ 20-25-19 WPM.
  - l) **Compostable Material** – means any material such as grass clippings, leaves, plants, paper towel, cloth, food waste (not including meat, fat or grease), or any material that contains sufficient nitrogen or carbon to support composting.

- m) **Contractor** – means any licensed general contractor capable of acquiring a performance bond equal to or greater than the contract sought.
- n) **Director of Public Works and Operations (Director)** – means the manager of the Public Works and Operations Department of the City of Dauphin, or their designate.
- o) **Dwelling Unit** - means a residential premise operated and designed as a single housekeeping unit, used or designed and equipped to be used by one or more persons, and normally containing cooking, eating, sleeping and sanitary facilities.
- p) **Hazardous Waste** – means any material that is composed entirely of, in part of, or is contaminated with, a product that is identified as hazardous under *The Dangerous Goods Handling & Transport Act* and the associated Regulations.
- q) **Industrial Property** – means property in a zone intended to provide an opportunity for a mix of commercial and industrial activities that are supportive of industrial functions and are compatible with surrounding industrial uses, including offices, wholesale and business service establishments, campus-style industrial or business parks, and limited retail/personal service storefronts.
- r) **Industrial Waste** – means any material from excavations which is not hazardous; material from any building being demolished as a result of fire or any other cause; material from building construction, repair, alteration, restoration or maintenance including site facilities; material from manufacturing and service processes, manure, slaughterhouse offal, dead animals, waste from garages, filling stations and restaurants; or any condemned matter of waste which is not recyclable or compostable.
- s) **Multi-Unit Residential** – means a residential building that contains more than one separate dwelling unit.
- t) **Multi-Use Property** – means a property that consists of a combination of uses (such as commercial and residential), the uses of which are permitted in that zone.
- u) **Non-Resident** – means a person whose place of residence is not located within the limits of the City of Dauphin.
- v) **Occupant** – means a person(s) or organization who is renting, leasing, or authorized by the owner of same to occupy a building, portion of building, or entire property.
- w) **Owner** – means a person(s) or organization who has legal title to the property in a municipality, including property jointly owned.
- x) **Recyclable Material** – means any material deemed recyclable by Multi-Material Stewardship Manitoba, or such successor organization.
- y) **Recycle Depot** – a location in the City of Dauphin where household recyclable material may be deposited.
- z) **Recycling Collection Vehicle** – a vehicle that hauls recycling material.

- aa) **Recycling Hauler** – means any person(s) who collects and hauls recycling within the City of Dauphin and on behalf of the City of Dauphin.
- bb) **Resident** – means a person whose place of residence is located within the limits of the City of Dauphin.
- cc) **Residential Property** – means any property assessed 50% or more residential by the Provincial Assessment Branch.
- dd) **Rolling Recycling Container** – means a container approved and provided by the City of Dauphin for residential automated collection of recycling.
- ee) **Rolling Waste Container** – means a container approved and provided by the City of Dauphin for automated collection of waste.
- ff) **Unacceptable Material** – means items that do not belong in a particular container or bin. For example, recyclable material as herein defined may not be placed in the rolling waste container, and waste may not be placed in the rolling recycling container.
- gg) **User** – means any person, or person acting on behalf of a business, who uses the City of Dauphin waste collection, disposal, and recycling systems. This includes disposing of waste material at the City of Dauphin Waste Disposal Site.
- hh) **Waste** – means discarded or unwanted items, but does not include material considered to be recyclable, compostable, hazardous waste, or industrial waste.
- ii) **Waste Collection Vehicle** – a vehicle that hauls waste material.
- jj) **Waste Disposal Site** – means the City of Dauphin landfill located at SW ¼ 20-25-19 WPM.
- kk) **Waste Hauler** – means any person(s) who collects and hauls waste within the City of Dauphin and on behalf of the City of Dauphin.
- ll) **Waste Management Attendant** – means the City-appointed person who works at the City of Dauphin Waste Disposal Site and who performs the duties involved in tracking vehicles, weighing loads, and collecting fees at the Site.

### SECTION 3 CONTROL

- 3.1 No person may dispose of any waste material in The City of Dauphin except in the manner provided for in this bylaw. This section does not prohibit the use of a household garburator or similar device, provided the waste material is not hazardous.
- 3.2 The collection, removal, and disposal of all waste, industrial waste, recyclable material, compostable material, and hazardous waste in the City of Dauphin is under the direction and supervision of the Director of Public Works and Operations (Director).
- 3.3 The Council of the City of Dauphin, by Resolution, may from time to time set operating hours for the use of the Waste Disposal Site.

- 3.4 The Council of the City of Dauphin, by Resolution, may from time to time set fees and charges for the use of the Waste Disposal Site and for contraventions of this bylaw. These fees and charges are set out in the City of Dauphin “Fees and Charges Bylaw”, or any and all of its successors.
- 3.5 The Director is authorized to designate certain areas of the Waste Disposal Site as “Designated Areas” for certain types of waste. Waste delivered to the Waste Disposal Site is to be disposed of in these specific areas.
- 3.6 Any and all waste entering the Waste Disposal Site is subject to inspection and can be denied entrance if it is deemed to be hazardous or unacceptable.
- 3.7 Commercially Generated Recyclable Corrugated Cardboard may **not** be disposed of at the City of Dauphin Waste Disposal Site. A load containing such cardboard may be rejected and not allowed to be disposed at the Waste Disposal Site. Furthermore, the hauler may be issued a fine for dumping unauthorized material on City of Dauphin property, as outlined in the Fees and Charges Bylaw. The decision to reject the load and issue the fine is at the sole discretion of the Waste Management Attendant, or any other designated City of Dauphin Employee.
- 3.8 The Director is hereby authorized and directed to arrange a collection schedule for the City of Dauphin’s collection of waste and recycling.
- 3.9 The Director will designate two periods, one in the spring and one in the fall (Spring Clean-Up and Fall Clean-Up), during which the City of Dauphin will dispatch extra equipment to collect accumulated garden waste, grass, leaves, and residential tree branches up to 6 inches in diameter and up to 8 feet in length, directly from properties. These items will be collected at no cost, provided they are free of waste, hazardous waste, industrial waste, and recyclable material and are in a clearly identifiable pile or biodegradable bag at the edge of the property in an accessible location.
- 3.10 Grass, leaves, yard waste, and residential tree branches with a diameter less than 6 inches and a length less than 8 feet may be deposited in the compost site, located at the Waste Disposal Site, free of charge.
- 3.11 Except multi-family residential property, every property is provided with one rolling waste container free of charge, or as otherwise outlined through a Development Agreement or other documentation with the City of Dauphin. Multi-family residential properties are provided one rolling waste container per dwelling unit, to a maximum of four containers per property. Owners/occupants of all may obtain one additional rolling waste container per property at an initial fee plus a quarterly fee for collecting the container. The maximum number of waste containers for any property is the assigned number plus one, or four containers, whichever is lower. Any replacements thereof are at a cost to the owner/occupant (including lost, stolen, or damaged containers).
- 3.12 Every single-family residential property is provided with one rolling recycling container free of charge. Multi-family residential properties are provided with recycling containers or bins at the discretion of the City of Dauphin and the recycling hauler. Any replacements thereof are at a cost to the owner/occupant (including lost, stolen, or damaged containers). Recycling will not be collected at that property until the replacement container is paid in full.

- 3.13 The owner/occupant of any non-residential property must make arrangements for the collection of their recycling, such as through a commercial recycling hauler.
- 3.14 The presence of a Home Based Business as defined in the Zoning Bylaw does not entitle the operator or owner thereof to additional free rolling waste or recycling containers.
- 3.15 Rolling waste and recycling containers will not be issued to a property where a structure is newly being constructed until the occupancy is authorized by the Building Inspector.
- 3.16 Rolling waste containers may only be loaded with a maximum weight of waste of 100 kilograms (220 pounds). Rolling waste containers may only be loaded with an amount of waste that allows for the lid to be closed. Incorrect loading of rolling waste containers may result in the container not being collected, and may result in a fee as outlined in Section 8.1.
- 3.17 The owner/occupant of any property is required to make arrangements for the removal of any waste exceeding the capacity of the rolling waste container(s) provided.
- 3.18 Rolling waste and recycling containers may be placed out for collection as early as 7:00 pm the day before the collection day, and must be removed from the collection spot by 7:00 am the day following the collection day.
- 3.9 An owner/occupant of premises from which waste is to be collected should thoroughly drain all waste material and securely close the bag or container before putting it into the rolling waste container or commercial waste bin for collection.
- 3.20 Recycling material may not contain any liquids.
- 3.21 Ashes may not be placed in the rolling waste container or rolling recycling container for disposal. Owners/occupants are responsible for delivering cold ashes to the Waste Disposal Site.
- 3.22 The owner/occupant of any facility or property is required to make arrangements for the removal and disposal of any and all hazardous waste. It is the responsibility of the owner/occupant to ensure that the waste is handled by a facility(s) licensed, as described under *The Hazardous Products Control Act*, or *The Dangerous Goods Handling and Transportation Act*, to transport and dispose of hazardous waste.
- 3.23 The owner/occupant of any residential property may dispose of recycling material exceeding the capacity of the provided rolling recycling container at the Recycling Depot.
- 3.24 On recycling days, rolling waste containers will only be collected if the rolling recycling container is also set out, contains recycling material, and is appropriately used.
- 3.25 Rolling waste containers may only contain waste.
- 3.26 Rolling recycling containers may only contain recyclable material.

## SECTION 4 STORAGE AND COLLECTION OF WASTE AND RECYCLING

- 4.1 Every owner/occupant who generates or otherwise produces waste and recycling must make adequate arrangements for the following.
- a) The storage of waste and recycling in receptacles/containers, between collection days, that is impervious to animals, birds, and weather.
  - b) The disposal of waste, if the City of Dauphin does not provide that service to the property.
  - c) The removal of recycling, if the City of Dauphin does not provide that service to the property.
  - d) The removal of any excess waste or recycling between collection days, if sufficient quantity has accumulated to warrant removal. Whenever such material is or contains hazardous material, the owner/occupant is responsible to dispose of same in accordance with the applicable *Act* and Regulation.
- 4.2 Every owner/occupant who generates or otherwise produces waste must:
- a) Use the rolling waste container for the storage of waste, or where not eligible or practical to do so, use a commercial waste bin.
  - b) Load the rolling waste container or commercial waste bin only to its capacity, with the cover able to be closed tightly, with no material extending outside the container.
  - c) Maintain all containers and bins in good repair and in a clean and sanitary condition, keeping them safely and securely stored between waste collection days.
  - d) Maintain the area in and around the location where the container or bin is stored and/or placed out for collection free from litter, debris, and snow such that it is readily accessible by waste haulers and commercial waste haulers.
  - e) Where collection service is not provided by the City of Dauphin, remove their waste on a frequency that will not result in waste material accumulating outside the containers or bins, or generating odours.
- 4.3 Every residential owner/occupant, regarding their recycling, must:
- a) Use the rolling recycling container, or other suitable receptacle, for the storage of recycling materials between recycling days.
  - b) Load the rolling recycling container so that recycling material stays in the container until it is unloaded on recycling day.
  - c) Maintain the container in good repair and in a clean and sanitary condition, keeping it safely and securely stored between recycling days.

- d) Maintain the area in and around the location where the recycling is stored or placed out for collection free from litter, debris, and snow such that it is readily accessible by recycling haulers.

4.4 In non-residential zones, recycling must:

- a) Be placed in containers meeting the requirements of Section 5 of this bylaw, and must be removed by a commercial recycling hauler.

## **SECTION 5 TYPES OF CONTAINERS**

5.1 Waste may only be placed for collection by the City of Dauphin waste hauler or a commercial waste hauler in the following types of containers:

- a) Rolling waste containers as provided by the City of Dauphin, for collection by the City of Dauphin; and/or
- b) Commercial waste bins of a size and type suitable for the volume of waste being produced, for collection by a commercial waste hauler.

Storage of waste between collection days in these two containers is acceptable, provided that the containers are stored as stated in Section 7 of this bylaw.

5.2 Residential recycling may only be placed for collection by a recycling hauler in the following type of container:

- a) Rolling recycling container or commercial recycling bin, as provided by the City of Dauphin.

Storage of recycling between collection days in these containers is acceptable, provided that the containers are stored as stated in Section 7 of this bylaw.

5.3 Non-residential recycling may only be placed for collection by a commercial recycling hauler in the following type of container:

- a) Commercial recycling bins of a size and type suitable for the volume of recycling be generated.

Storage of recycling between collection days in these containers is acceptable, provided that the containers are stored as stated in Section 7 of this bylaw.

5.4 During Spring and Fall Clean-ups, yard waste may be placed for collection such that:

- a) Garden waste, grass, and leaves are to be placed in a clearly identifiable pile, or packaged in biodegradable bags or boxes with any dimension not exceeding 900 mm and weight not exceeding 20 kg.
- b) Residential branches, trees, bushes, and similar materials (up to six (6) inches in diameter and 8 feet in length) are bundled such that the bundle may not exceed 20 kg.



## **SECTION 6 LOCATION OF CONTAINERS FOR COLLECTION**

- 6.1 Where automated waste or recycling collection is provided, rolling waste and recycling containers are to be placed, with the wheels facing toward the curb or property, for collection:
- a) On the street in front of the premises being served, as close as practical to the curb or edge of street or roadway, and with at least 1 metre between each container and any vehicles or objects beside them; or
  - b) Where circumstances dictate, at a location approved by the City of Dauphin.
- 6.2 Where collection is by commercial waste or recycling haulers, the location of containers and/or bins is subject to City of Dauphin zoning and other such relevant bylaws, and at the advice of the commercial waste and/or recycling hauler(s).

## **SECTION 7 LOCATION OF CONTAINERS BETWEEN COLLECTION**

- 7.1 Rolling waste and recycling containers are to be stored away from the property line or edge of street or lane, and inside or in close proximity to a building, between waste and recycling collection days.
- 7.2 Commercial waste and recycling bins are to be located subject to City of Dauphin zoning and other such relevant bylaws, and at the advice of the commercial waste and/or recycling hauler(s).

## **SECTION 8 REMEDIAL ACTION AND FEES**

The Bylaw Enforcement Officer, or anyone so designated, has the right to enter at all reasonable times, all properties or yards for the purpose of performing the duties assigned.

- 8.1 Any owner/occupant who has contravened this bylaw may be subject to a fine per infraction. Where a contravention continues for more than one day, the owner/occupant may, at the City's sole discretion, be assessed a fine for each day it continues. The fines are outlined in the Fees and Charges Bylaw. The Fee Assessment Notice outlining the fine may be left with the owner/occupant, left in the mail box, or posted on the building.

The City of Dauphin may refuse waste and recycling service to the location where the contravention has occurred until the said contravention is corrected and/or the applicable fee(s) is paid in full.

- 8.2 Any unpaid fee may be recovered from the owner/occupant as a debt to the City and/or added to the property taxes of the subject property and collected in a like manner to taxes.
- 8.3 For all users of the City of Dauphin Waste Disposal Site, if a user refuses to make payment in full for disposal of waste material, that user may be denied future access to the City of Dauphin Waste Disposal Site, until such time as the outstanding debt is paid in full.
- 8.4 Improper use of the compost site may result in a fine as outlined in the Fees and Charges Bylaw.

- 8.5 On recycling collection days, the rolling waste container may not be collected if the rolling recycling container is not placed at the curb and used appropriately.
- 8.6 Improper placement of materials in a rolling waste container or rolling recycling container may result in a fine as outlined in the Fees and Charges Bylaw.

**SECTION 9 REPEAL**

- 9.1 Bylaw 09/2016 comes into effect on September 12, 2016.
- 9.2 Bylaw 13/2011 be and is hereby repealed as of September 12, 2016.

**DONE AND PASSED** by the Council of the City of Dauphin in regular session assembled, this 11<sup>th</sup> day of July, 2016.

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Eric Irwin  
Mayor

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Brad Collett  
Chief Administrative Officer

Read a First Time this 27<sup>th</sup> Day of June, 2016.  
Read a Second Time this 11<sup>th</sup> Day of July, 2016.  
Read a Third Time this 11<sup>th</sup> Day of July, 2016.

Schedule "A"

 <b>Dauphin</b> <b>Fee Assessment Notice</b> Under the City of Dauphin <b>Waste Collection, Disposal, and Recycling Systems Bylaw</b> [The Municipal Act, Section 239]	
The undersigned, being a designated officer, says that (s)he has reasonable and probable grounds to believe, and does believe, that in Dauphin, Manitoba, on the date below, the following contravention occurred:	
<b>Date:</b>	
<b>Address of Contravention:</b>	<b>Fee:</b>
<b>Contravention:</b>	\$50.00
Unacceptable Material Placed in Container for Disposal/Removal	
Amount of Waste Exceeds the Volume Capacity of the Rolling Waste Container (lid cannot close)	
Amount of Waste Exceeds the Weight Capacity of the Rolling Waste Container (greater than 100 kg/220 lbs)	
Material Placed Outside of the Container	
Container not Placed Correctly for Collection	
Container not Stored Properly Between Collection Days	
Other (specify):	
<b>Payment of Fee:</b>	
Make cheque or money order payable to: City of Dauphin 100 Main Street South Dauphin, MB R7N 1K3 204-622-3200	
<b>Issued By:</b>	
Your co-operation and assistance in this matter is appreciated.	Payment may be made by MAIL or IN PERSON Hours: 9:00 AM – 4:30 PM, Monday – Friday (please ensure you have this notice with you) OR may be dropped off in the after-hours-drop-box (north door of City Hall)