



THE RURAL MUNICIPALITY OF MACDONALD

BY-LAW NO. 17/24

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MACDONALD
for the licencing and regulation of solid waste collection services
in the Municipality

WHEREAS:

Section 232(2) of the Municipal Act provides municipalities with the authority to pass by-laws creating licencing systems regulating the activities of businesses within the Municipality.

Solid waste collection is a service provided in the Municipality through private commercial contractors.

Council of the Rural Municipality of Macdonald ("Municipality") wishes to ensure that the solid waste collection service be provided without nuisance or other negative effects on the community and the environment.

The Council of the Rural Municipality of Macdonald, in Council assembled, enact as follows:

Title

1. This By-law may be called the "Solid Waste Collection and Licencing By-law."

Application

2. This By-law applies to solid waste collection services provided through private commercial contractors to properties in the Municipality located within Zones designated as Residential by the Municipality's Zoning By-law.

Definitions

3. In this By-law,
 - a. "holiday" has the same meaning as holiday in the Interpretation Act.
 - b. "licence" means a solid waste collection licence issued under this By-law.
 - c. "Licence Officer" means the person appointed to administer and enforce this By-law.
 - d. "licence renewal" means a solid waste collection licence renewal issued under this By-law.
 - e. "Licensee" means the holder of a solid waste collection licence or licence renewal.

Licence Officer

4. The Chief Administrative Officer is authorized to appoint Licence Officers.

5. The Licence Officer may
 - a. examine and process applications;
 - b. keep records of applications and documents received, inspections made, licences and orders issued, and all other reports and documents connected with the Licence Officer's functions; and
 - c. administer and enforce this By-law.
6. The Licence Officer has the powers, duties and functions of a designated officer under the Municipal Act including the power to:
 - a. order a person to stop operation if that person is in breach of this By-law;
 - b. revoke a licence if
 - i. it was issued in error,
 - ii. the applicant submitted false or misleading information,
 - iii. a condition under which the licence was issued has not been met, or
 - iv. there is a contravention of this By-law;
 - c. with reasonable advance notice, make inspections or require inspections of premises when the Licence Officer considers it necessary or desirable; and
 - d. enforce this By-law.

Solid Waste Collection Licence

7. No person may collect solid waste from twenty-five (25) or more properties in the Municipality located within Zones designated as Residential by the Municipality's Zoning By-law without first obtaining a licence.
8. The Municipality may prescribe the application form, information required, and conditions related to an application for a licence and the collection of solid waste.
9. To acquire a licence, an applicant must
 - a. complete an application in the prescribed form;
 - b. provide the name and phone number of two contact persons available on a 24-hour basis;
 - c. provide a list of the properties to be serviced by the applicant; and
 - d. pay the licence fee and security deposit established in the Municipality's Fees and Charges By-law.

Licence term and renewal

10. A licence is valid from the date of issue to December 31 in that year. A licence renewal must be issued by January 1 of the next year.
11. To acquire a licence renewal, a Licensee must:
 - a. complete the prescribed renewal application form,

- b. pay the licence renewal fee,
- c. ensure the security deposit meets the required amount;
- d. pay any outstanding invoices plus interest accrued pursuant to section 26;
- e. provide an up to date list of properties to be serviced by the Licensee; and
- f. comply with any other requirement of the Licence Officer.

Compliance with licences and licence renewals

- 12. A Licensee must comply with all licence and licence renewal conditions.
- 13. A Licensee must ensure the equipment it uses in providing solid waste collection services is at all times maintained in good operating condition.
- 14. A Licensee must provide the Licence Officer with an up to date list of properties to be serviced in June each year.

Required collection days

- 15. Licensees must collect solid waste from the properties listed in their licence, in the up to date list provided under section 14 or in the licence renewal ("customers") on the date set out in their licence.
- 16. If the collection day falls on a holiday, the Licensee must collect solid waste from customers on the next day that is not a Saturday or holiday.

Failure to collect solid waste

- 17. If a Licensee determines that the Licensee will be unable to collect solid waste on the days set out in or as required by sections 15 and 16, the licensee must, as soon as possible,
 - a. contact the Municipality to give notice, and
 - b. request a temporary extension of the collection date.
- 18. The Municipality may provide a temporary extension and set the time and date by which the solid waste must be collected. The Licensee must complete the solid waste collection as directed by the Licence Officer.
- 19. The Municipality may use its personnel and equipment to collect and dispose of the solid waste, or hire a contractor to do so, if the Licensee fails to collect solid waste on the required collection day and
 - a. does not contact the Municipality to request an extension, or
 - b. obtains an extension but fails to collect on the extension date.

Solid waste on public or private property

- 20. A Licensee must ensure that solid waste left by customers for pick up by the Licensee on required collection days is stored in a clean and tidy manner and enclosed in a lidded container or bin.
- 21. A Licensee must not leave any solid waste the Licensee is collecting or transporting on private or public property.

Remedying Contraventions

- 22. Upon learning of a Licensee’s contravention of this By-law, the Licence Officer may contact and require the Licensee to remedy the contravention by a specific time and date.
- 23. If the Licensee fails to remedy the contravention by the specified time and date, the Municipality may use its personnel and equipment to remedy the contravention or hire a contractor to do so.

Costs and use of security deposit

- 24. The Municipality’s costs in acting under sections 19 and 23 and to remedy a contravention of this By-law are a debt owing by the responsible Licensee to the Municipality.
- 25. The Municipality may apply its costs against the Licensee’s security deposit and invoice the Licensee for any remaining balance if the costs exceed the amount of the security deposit.
- 26. The Municipality shall notify the Licensee of the enforcement action and the Municipality’s costs, the amount of any remaining costs payable, and the amount required to replenish the security deposit.
- 27. A Licensee must pay the invoice and replenish the security deposit within 30 days of the invoice date.
- 28. The Municipality may apply a 1.25% monthly interest rate on the amount of an unpaid invoice.

Penalty

- 29. A person who contravenes this By-law is guilty of an offence and liable on summary conviction to a fine of not more than \$1000 and to a penalty equal to the enforcement costs associated with the conduct giving rise to the offence and enforcing this By-law.
- 30. An amount owing under section 29 may be collected in any manner in which a tax may be collected or enforced under the Municipal Act.

DONE AND PASSED by the Council of the Rural Municipality of Macdonald, in Council duly assembled, at Sanford, Manitoba this 13th day of August A.D., 2024.

THE RURAL MUNICIPALITY OF MACDONALD

Original Signed by

“B. Erb”

 Brad Erb
 Reeve

“D. Hrehirchuk”

 Daryl Hrehirchuk, CMMA
 Chief Administrative Officer

Read a First time this 23rd day of July A.D., 2024
Read a Second time this 13th day of August A.D., 2024
Read a Third time this 13th day of August A.D., 2024