

RURAL MUNICIPALITY OF ST. ANDREWS

BY-LAW NO. 4298

A BY-LAW OF THE RURAL MUNICIPALITY OF ST. ANDREWS SETTING ASIDE CERTAIN LANDS FOR MUNICIPAL NUISANCE GROUNDS AND FOR REGULATING AND CONTROLLING THE USE THEREOF AND FOR THE REGULATION AND CONTROL OF CERTAIN OTHER LANDS USED AS NUISANCE GROUNDS WITHIN THE SAID MUNICIPALITY.

1. (a) THAT the following lands (hereinafter referred to as the "Municipal Nuisance Grounds") be, and they are hereby set aside for Municipal Nuisance Grounds purposes, namely:
 - (i) The most Westerly 20 chains in the Southwest Quarter of Section 13-13-3 East, excepting thereout a Transmission Line registered as Plan No. 8581, and excepting thereout Lots 1 to 3, both inclusive, as shown in Plan No. 14588, hereinafter referred to as Earl Grey Landfill.
 - (ii) The South Half of the Southwest Quarter of 34-14-4 East, excepting thereout the most Westerly 35 chains, hereinafter referred to as Clandeboye Landfill.
- (b) THAT subject to the provisions of this By-Law the City of Selkirk be permitted to operate a Transfer Station (hereinafter referred to in this paragraph as "the Nuisance Ground") as defined by *The Clean Environment Act* at the following site, namely:

All that portion of Parcel Lettered "B", which Parcel is shown on a Plan of Survey of part of Section 18-14-5 East of the Principal Meridian in Manitoba, filed in the Winnipeg Land Titles Office as No. 12,395. More particularly described as follows: The most Southerly 912.25 feet in perpendicular depth of Fractional Legal Subdivision One, and Legal Subdivision Two, which lies to the East of a line drawn Northerly at right angles to the Southern limit of the Fractional Southeast Quarter, excepting thereout all mines and minerals as set forth in a transfer registered in the said Office as No. 733479 being 20 acres more or less.
- (c) THAT subject to the provisions of this By-Law, the Village of Dunnottar be permitted to operate a nuisance ground on certain property owned by the Village of Dunnottar, namely: The Northwest Quarter of Section 8-17-4 East.

Definitions and Interpretation

Definitions:

"Demolishing waste" means discarded materials (such as blocks, bricks, concrete, glass, plastics, steel, wood, and shingles.) generated by new building construction, refurbishment or demolition of existing structures and which is neither biodegradable nor toxic. Also called construction waste.

2. THAT there shall be appointed by resolution of Council such custodians as may be necessary and essential for supervising the use of Municipal Nuisance Grounds.
3. THAT no person other than a resident of the Rural Municipality of St. Andrews (hereinafter referred to as the "Municipality") shall be authorized to use the said Municipal Nuisance Grounds described in Paragraph 1(a) herein.
4. THAT all dirt, litter, paper, filth, rubbish or other refuse of any kind whatsoever placed or otherwise deposited at such nuisance grounds shall originate in the Municipality except as herein authorized, or as authorized by any other by-law of the Municipality.

5. THAT no person shall place or otherwise deposit dirt, litter, paper, filth, rubbish or other refuse of any kind whatsoever on any private or public property including a highway except where provided by this By-Law.

5.1 Any dirt, litter, paper, filth, rubbish, or other refuse of any kind being delivered to one of the St. Andrews' nuisance grounds shall be left entirely within the fenced compound of such nuisance grounds and no persons shall deposit any such items aforesaid outside the fenced compound of any such nuisance ground.

6. THAT the owner of any property on which there has been deposited anything mentioned in Paragraph 5 preceding, or the person who placed or deposited or is responsible for placing or depositing of anything mentioned in said Paragraph 5 preceding on private or public property, on written notice from the Municipality shall be compelled to remove it and at his/her own expense, to place it in such Municipal Nuisance Grounds as is designated in such notice, and upon failure of such persons so to do, the Municipality may do so and charge the costs thereof to the offending party, which costs may be recovered by action in a Court of competent jurisdiction, or by adding such costs to the recovering such costs as taxes against any land in any Municipality owned by the offending person.

7. THAT no person shall frequent or enter into or upon any nuisance ground for the purpose of picking through, scattering or otherwise interfering with any garbage or waste material there deposited.

8. (a) THAT except as herein provided no person, without first obtaining the consent of the custodian in charge of a nuisance ground, shall dump, deposit, place, or leave any night soil, human excrement, animal excrement including manure or the carcass of any animal in any nuisance ground.

(b) THAT any resident of the Municipality may, without the prior consent of the custodian, dispose of dog excrement in that area of the Municipal Nuisance Grounds designed for that purpose, provided that the said material is enclosed in a leak-proof container as approved by the custodian in charge of the respective nuisance grounds, and provided that the containers are marked as to identify their contents.

9. THAT the custodian of any nuisance ground is hereby authorized and empowered to indicate and control the area in which any dumping is to be done and may invoke such necessary and incidental regulations and restrictions to facilitate the effective operation of his respective nuisance ground.

9.1 (a) THAT separate areas shall be designated by the custodian at the Municipal nuisance grounds for the separation and disposal of metals, trees, branches and wood products, tires, concrete, recycling products, and pesticide and other chemical containers. Further to this, tires will not be accepted with rims. Signs shall be posted in each area to clearly define the wasted designated for that area.

(b) A Pesticide Container Collection Depot shall be established and operated within the Nuisance Grounds guidelines set out by the Province of Manitoba.

(c) No removal of items from the Nuisance Grounds unless authorized by the landfill custodian.

9.2 (a) That the hours of the Earl Grey Landfill as defined in Clause 1(a)(i) hereinbefore are outlined in Schedule "B". Schedule "B", may be amended from time to time by resolution of Council.

(b) That the hours of the Clandeboye Landfill defined in Clause 1(a)(ii) hereinbefore are outlined in Schedule "B". Schedule "B", may be amended from time to time by resolution of Council.

(c) THAT both Municipal Nuisance Grounds will be closed on the following additional days:

- Christmas Day
- Boxing Day
- New Year's Day
- Louis Riel Day
- Good Friday
- Easter Sunday
- Canada Day
- Remembrance Day

(d) No dirt, litter, paper, rubbish or other refuse of any kind whatsoever shall be deposited in any nuisance ground in the Municipality during the hours and/or days in which such nuisance ground is not open to the public as set out in Clause 9.21(a), (b) and (c) aforesaid.

(e) All vehicles entering the Municipal Nuisance grounds must register with the custodian and present a residence pass and or tipping fee punch card outlined in Schedule A, before proceeding to deposit waste; unauthorized dumping is strictly prohibited.

(f) All entries to the Municipal Nuisance grounds is prohibited when the gates are closed.

(g) All loads transported within the municipality must be tarped and secured.

(h) Residential and Commercial rates and payment options are detailed in Schedule "A". Schedule "A", may be amended from time to time by resolution of Council. Tipping Fee punch cards are to be presented to the landfill custodian before dumping to ensure designated rates are collected.

(i) Commercial waste haulers will be accepted at the Municipal Nuisance grounds, provided that the material originates within the municipality and the material is sorted. The name, location and origin of the material may be requested.

10. THAT in addition to the general provisions of this By-Law, the nuisance grounds operated by the City of Selkirk and the Village of Dunnottar shall be operated subject to the following conditions:

- (a) The City of Selkirk and the Village of Dunnottar shall each appoint custodians who shall supervise the use and operation of and shall remain within the respective nuisance grounds operated by the City of Selkirk and the Village of Dunnottar at all times when these nuisance grounds are open.
 - (b) No person other than a resident of the City of Selkirk or the Village of Dunnottar be authorized to use the respective nuisance grounds of each community. For the purposes of this By-Law, the term "persons" shall be deemed to include any corporate, business or other commercial entity.
 - (c) That all dirt, litter, paper, filth, rubbish or other refuse of any kind whatsoever placed or otherwise deposited at the nuisance grounds operated by the City of Selkirk, and the Village of Dunnottar originate in the community operating the nuisance grounds.
 - (d) That the City of Selkirk and the Village of Dunnottar operate their respective nuisance grounds in conformity with *The Clean Environment Act*, Chapter C130 S.M. 1972 and all amendments and regulations thereto and shall initiate and maintain rodent prevention programs in their respective nuisance grounds. In addition, the City of Selkirk shall provide for the monitoring of drinking water wells within a radius of 1500 metres of their nuisance grounds on a bi-monthly basis.
 - (e) That subject to the provisions of this By-Law, the Rural Municipality of St. Andrews shall be permitted reasonable use of the nuisance grounds operated by the Village of Dunnottar for the purpose of disposing of wastes generated within the Municipality.
 - (f) That the operation of the nuisance grounds operated by the City of Selkirk and the Village of Dunnottar be restricted to the hours of 8:00 a.m. to 8:00 p.m. per day.
 - (g) That the City of Selkirk and the Village of Dunnottar shall be responsible for the daily pick up and disposal of any garbage or litter along or on any access road leading to and from each respective nuisance ground.
 - (h) That the Rural Municipality of St. Andrews be responsible for the provision of adequate fire, police and public works maintenance for the nuisance grounds operated by the City of Selkirk and the Village of Dunnottar. Notwithstanding the foregoing, it shall be a condition precedent to the passage of this By-Law that the City of Selkirk and the Village of Dunnottar shall each enter into agreements with the Rural Municipality of St. Andrews to reimburse the Rural Municipality of St. Andrews for any expenses incurred by the Rural Municipality of St. Andrews in providing fire control, police response and public works maintenance to the nuisance grounds operated by the City of Selkirk and the Village of Dunnottar as the case may be.
11. THAT no expansion of any waste disposal site operated within the Municipality be allowed without the written permission of the Rural Municipality of St. Andrews.
12. THAT no firearms be permitted or allowed in any nuisance grounds operated within the Municipality without prior written approval from the Rural Municipality of St. Andrews.
13. (a) Any person who contravenes, or refuses, or neglects to obey:

- (i) Any provision of the within By-Law, or
- (ii) Any order made pursuant to the provisions of the within By-Law or any condition or restriction attached to a permit;

for which no other penalty is herein provided is guilty of an offence and liable, under *The Provincial Offences Act*, to a fine of not less than ONE HUNDRED DOLLARS (\$100.00) and in the case of an individual, not greater than ONE THOUSAND DOLLARS (\$1,000.00), or in the case of a corporation, not greater than FIVE THOUSAND DOLLARS (\$5,000.00), or in the case of an individual, to imprisonment for a term not exceeding six months, or to both a fine and such an imprisonment plus costs.

(b) Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of an offence for each day it continues.

14. (a) By-Law No. 4285 is now hereby repealed.

(b) The repeal of the by-law in the last preceding subsection mentioned shall not revive any by-law or any provision of any by-law repealed by it, nor shall the said repeal prevent the effect of any saving clause in the said by-law or the application of the said by-law or any other by-law or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.

(c) The repeal of the said by-law should not affect:

(i) any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same had, done, completed or pending at the time of such repeal; or

(ii) any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal; or

(iii) any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter, or thing had, done, made, acquired, established, or existing at the time of such repeal; or

(iv) any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; or

(v) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the Municipality at the time of such repeal.

(d) The repeal of the said by-law shall also not defeat, disturb, invalidate, or prejudicially affect any matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

15. THAT this By-Law shall come into force and take effect August 1, 2018.

16. THAT the proper officers of the Municipality are hereby authorized and directed to do all acts and things necessary for the proper implementation of the provisions of the within By-law.

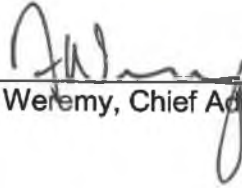
17. That Schedules "A" & "B" may be amended from time to time by resolution of Council.

DONE, PASSED AND ENACTED in open session by the Council of the Rural Municipality of St. Andrews, held this 7th day of May, A.D. 2018.

THE RURAL MUNICIPALITY OF ST. ANDREWS



George Pike, Mayor



Andrew Weremy, Chief Administrative Officer

Received First Reading on this 24th day of April, A.D., 2018.

Received Second Reading on this 7th day of May, A.D., 2018.

Received Third Reading on this 7th day of May, A.D., 2018.

Schedule "A"

Tipping Fees

Prepaid tipping fee punch cards will no longer be used at all Municipal Nuisance Grounds. Existing cards will be honored until they have been used up. Both Nuisance Grounds have debit card machines and also accept cash. Fees over \$500.00 can be invoiced providing prior arrangements have been made with the office of the Rural Municipality of St. Andrews.

For Commercial haulers who wish to set up a charge account, a contractual agreement can be negotiated and entered into between the hauler and the Rural Municipality of St. Andrews. The contractual agreement requires a deposit of \$500.00.

Residential and Commercial Tipping Fee Rate Chart for Demolition Waste

Small Trailer or ½ ton truck load	\$20.00
1 Ton Truck Load (Single axle)	\$40.00
3 Ton Truck Load	\$100.00
Tandem Truck (up to 10 ton)	\$200.00
Semi dump Truck (up to 14 ton)	\$400.00
Shingles – Small trailer or ½ ton truck load	\$45.00
Shingles – Tandem/triple axel or large trailer	\$90.00

Commercial Garbage Haulers Tipping Fee Rate Chart for Residential Household Refuse

(also includes Campgrounds and Trailer Parks within the Municipality)

Small Trailer or ½ ton truck load	\$20.00
1 Ton Truck Load (Single axle) or equivalent trailer size	\$40.00
3 Ton Truck Load or equivalent tandem trailer	\$100.00
Tandem Truck (up to 10 ton)	\$200.00
Semi dump Truck (up to 14 ton)	\$400.00

Refrigerated Units

Water coolers	\$5.00
Window air conditioners	\$5.00
Refrigerators	\$10.00
Household air conditioners	\$10.00
Dehumidifiers	\$5.00
Freezers	\$10.00

-This fee is charged to remove the Freon and compressor oil from the units

Tires

Charge for tires on rims	\$5.00
Tires only	no charge

Schedule "A" Cont'd.

Furniture

Sofa/Loveseat	\$20.00
Cushioned chair	\$10.00
Mattress / Box Spring	\$15.00

Miscellaneous

Carpets (½ ton truck load)	\$20.00
Lime Waste (Tandem Truck)	\$50.00

All Commercial Refuse Haulers must maintain a business license in accordance with the current Business License By-law, or the hauler will be refused to unload. A copy of the license must be presented to the Landfill Custodian upon unloading. Providing proof of the business license will be required by the Custodians and arrangement for payments previous to any unloading.

***Note: There will be a \$1.00 service charge for Interac payment

Receipts will be issued for all tipping fees paid by the ratepayers.

Charges are at the discretion of the Landfill Custodian

Schedule "B"

Earl Grey Landfill Hours:

Winter Operating Hours (October 1 to April 30)

Sunday	-	9 a.m. – 5 p.m.
Monday	-	9 a.m. – 5 p.m.
Tuesday	-	9 a.m. – 5 p.m.
Wednesday	-	9 a.m. – 5 p.m.
Thursday & Friday	-	Closed
Saturday	-	9 a.m. – 5 p.m.

Summer Operating Hours (May 1 to September 30)

Sunday	-	9 a.m. – 5 p.m.
Monday	-	9 a.m. – 6 p.m.
Tuesday	-	9 a.m. – 6 p.m.
Wednesday	-	9 a.m. – 8 p.m.
Thursday & Friday	-	Closed
Saturday	-	9 a.m. – 6 p.m.

Clandeboye Landfill Hours:

Winter Operating Hours (October 1 to April 30)

Sunday	-	9 a.m. – 5 p.m.
Monday	-	9 a.m. – 5 p.m.
Tuesday & Wednesday	-	Closed
Thursday	-	9 a.m. – 5 p.m.
Friday	-	9 a.m. – 5 p.m.
Saturday	-	9 a.m. – 5 p.m.

Summer Operating Hours (May 1 to September 30)

Sunday	-	9 a.m. – 5 p.m.
Monday	-	9 a.m. – 6 p.m.
Tuesday & Wednesday	-	Closed
Thursday	-	9 a.m. – 8 p.m.
Friday	-	9 a.m. – 6 p.m.
Saturday	-	9 a.m. – 6 p.m.