

**REPEALED BY THE SOLID WASTE BY-LAW NO. 110/2012
JULY 18, 2012**

CONSOLIDATION UPDATE: JANUARY 27, 2010

THE CITY OF WINNIPEG

**THE SOLID WASTE BY-LAW
NO. 1340/76**

**A By-law of THE CITY OF WINNIPEG to revise
and consolidate certain By-laws relating to the
storage, collection and disposal of solid wastes
and the fixing, billing and collection of charges
thereof.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

SHORT TITLE

1. This By-law may be cited as the "**Solid Waste By-law**".

DEFINITIONS

2. Where used herein

"Animal and Agricultural Wastes" means manures, crop residues and like materials from agricultural pursuits, stables, kennels, veterinary establishments and other such premises.

amended 6595/95

"Apartment Block" *repealed 4/2010*

"Ashes" means cold residue from the burning of wood, coal, coke and other like material for the purpose of cooking, heating buildings, and disposing of waste combustible materials.

amended 6595/95

"AUTOBIN™ " means an automated container for back lane garbage collection which the Council of the City of Winnipeg has approved for placement in back lanes under section 8.

added 4/2010

"automated garbage cart" means a wheeled container provided free of charge or purchased from the City in which garbage, rubbish and ashes are eligible for collection by the City in accordance with section 9.

added 4/2010

"back lane" means a street that has been designed, constructed and intended to provide access to and service at the rear of places of residence or business.

added 4/2010

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

amended 6455/94, 6595/95

"Construction and Demolition Wastes" means waste building materials and rubble resulting from construction, remodelling, repair, demolition or fire in houses, commercial buildings, pavements and other structures.

amended 6595/95

"collection day" means a day in which solid waste is collected and disposed of by the City of Winnipeg as determined in accordance with subsection 3(2) and section 14 of this By-law.

added 4/2010

"Commercial Establishments" means banks, offices, hotels, restaurants, retail stores, drug stores, barber shops and similar business establishments and premises which are not owned by or under the control and jurisdiction of the City and are occupied by authorized employees and officials of the City for the purpose of carrying out City business.

amended 6595/95; 7891/2001

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

added 2229/79, amended 6595/95

"designated employee" means the Director of Water and Waste for the City of Winnipeg and any employee of the City of Winnipeg to whom he or she has delegated the authority to administer or enforce all or part of this By-law.

added 4/2010

"Designated Officer" *repealed 4/2010*

"Director" means the Director of Water and Waste for the City of Winnipeg or delegate;

added 4/2010

"Dirt" means natural soil, earth, sand and stone.

amended 6595/95

"Garbage" means animal and vegetable waste, including food packaging material with residual food materials, resulting from the handling, preparation, cooking and serving of foods in households, institutions and commercial concerns; and market wastes resulting from the handling, storage and selling of foods in wholesale and retail stores and markets.

amended 6595/95

"hazardous waste" means any waste that could present a hazard to collection or disposal personnel or others or the environment and includes

- (a) hazardous waste as defined in *The Dangerous Goods Handling and Transportation Act*, C.C.S.M. c. D12;
- (b) wastes that contain pathogens, or explosive, highly flammable, radioactive or toxic material;
- (c) electronic equipment and components, including televisions, computers and computer screens, and stereos;
- (d) other hazardous wastes designated by the Director.

added 4/2010

"hazardous waste facility" means a hazardous waste disposal facility as defined in *The Dangerous Goods Handling and Transportation Act*, C.C.S.M. c. D12 or any other facility authorized by the Province of Manitoba to collect hazardous waste.

added 4/2010

"Industrial Refuse" means wastes arising from, or incidental to the manufacture, processing or like operation in factories, processing plants, industrial processes and manufacturing operations and includes wastes such as putrescible garbage from food-processing plants and slaughterhouses, condemned foods and products, cinders and ashes from power plants and large factories, and miscellaneous manufacturing wastes.

amended 6595/95

"Mobile Home" means a place of abode that is not permanently attached to a foundation. For the purpose of this By-law, a group of mobile homes shall be treated either as a residential premise, if it contains less than eight (8) separate living quarters, or as an apartment block, if it contains eight (8) or more separate living quarters.

added 2229/79, 6595/95

"multi-family residential building" means a building which is zoned for residential occupancy which contains 8 or more dwelling units or suites, including rooms or living quarters in a nursing home or personal care home but not including a hospital.

added 4/2010

"Other Wastes" means wastes, other than those herein defined, as determined by the designated employee.

amended 6595/95; 4/2010

"Person" includes firm, association, partnership and corporation.

amended 6595/95

"Premise" means a building or part thereof which is used by a person, corporation, firm, partnership, institution or association.

amended 6595/95

"Residential Premise" for the purpose of this By-law means a premise, or part thereof, used as a place of abode, up to and including seven separate units. The designated employee may, at his discretion, designate a property containing buildings with more than one residential premise as an apartment block.

amended 2229/79, 6595/95; 4/2010

"Rubbish" means "combustible"...."non-combustibles" ...and "yard rubbish" consisting of prunings, grass clippings, weeds, leaves, general garden wastes, residential trees and tree cuttings of not more than 0.9 metres (3 feet) in length or 100 millimetres (4 inches) in diameter in bundles not exceeding 34 kilograms (75 pounds), all exclusive of solid wastes otherwise classified herein.

amended 6455/94, 6595/95

"small commercial establishment" means a commercial establishment that produces for collection less than 1.5 cubic metres (1500 litres) of garbage, rubbish and ashes on two of three consecutive weeks in which it is monitored by a designated employee.

added 4/2010

"Solid Wastes or Refuse" means the useless, unwanted, or discarded solid materials resulting from normal community activities including semi-liquid or wet wastes with insufficient moisture and other liquid contents to be free flowing.

amended 6595/95

"Special Wastes" *repealed 4/2010*

The words **"deposit"**, **"maintained"**, **"deliver"** include respectively depositing, placing, maintaining or delivering either personally or by means of a servant or agent.

amended 6595/95

"Container for Back Lane Collection" *repealed 4/2010*

"Container for Curb Collection" *repealed 4/2010*

ADMINISTRATION

3. (1) The Director of Water and Waste for the City of Winnipeg is responsible for administering and enforcing this By-law. The Director and any designated employee to whom the Director has delegated the authority to administer or enforce all or part of this By-law may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law and to provide services or do work in accordance with *The City of Winnipeg Charter* and, for these purposes, have the powers of a "designated employee" under *The City of Winnipeg Charter*.
- (2) Without restricting the general powers granted in subsection (1), the Director may establish cycles for collection of garbage, rubbish and ashes and may designate areas of the City to be automated solid waste collection areas and automated garbage cart areas.
- (3) Where the Director is authorized by this By-law to establish or designate something, the establishment or designation is not effective until it is posted on the City of Winnipeg website.
- (4) Where an appeal from an order or decision under this By-law is authorized by *The City of Winnipeg Charter*, the appeal may be made to the Standing Policy Committee on Public Works in accordance with *The City of Winnipeg Charter*.
amended 4/2010

RIGHT OF ENTRY TO PRIVATE PROPERTY

4. The designated employee may enter any grounds, yards, vacant lots for any purpose related to the administration of this By-law after providing reasonable notice or obtaining a warrant in compliance with *The City of Winnipeg Charter*.

amended 4/2010

LANDS TO BE KEPT CLEAN

5. The owner and occupant of any grounds, yard or vacant lot shall cause the same to be kept free of solid wastes. Where the owner or occupant fails to comply with this section, a designated employee may issue a compliance order under section 184 of *The City of Winnipeg Charter* and, if the order is not complied with, bring the property into compliance at the expense of the owner or occupant.

amended 4/2010

MANUAL COLLECTION AREAS

6. (1) This section applies to properties in areas of the City to which section 7 (AUTOBIN™ Areas) and section 8 (Automated Garbage Cart Areas) do not apply.
- (2) Garbage, rubbish and ashes produced by occupants of residential premises and by small commercial establishments are eligible for collection by the City if:
- (a) they are set out for collection in one of the following types of containers:
 - (i) a container made of galvanized metallic material or other approved rust-resistant material, water-tight, not larger than 760 millimetres in height and 510 millimetres in width, or a capacity not exceeding 77 litres, weighing not more than 11 kilograms and equipped with close-fitting cover and handles;
 - (ii) a plastic garbage bag acceptable to a designated employee that is no smaller than 77 litres and no larger than 100 litres in volume and capable of being kept tightly closed with suitable ties while containing garbage or rubbish;
 - (b) the combined weight of the container which is set out for collection and its contents does not exceed 34 kilograms;

- (c) for premises that are served by an adjacent back lane, the container is placed prior to the time of collection in a location immediately adjacent to and easily accessible from the back lane;
 - (d) for premises that are not served by an adjacent back lane, the container is placed prior to the time of collection in a location immediately adjacent to and easily accessible from the roadway.
- (3) The occupants of residential premises and small commercial establishments must ensure that:
 - (a) the container that is placed for collection does not interfere with or inconvenience pedestrian or vehicular traffic;
 - (b) the container is not placed for collection prior to 6:00 p.m. on the day before collection day and is removed from this location by the end of the collection day to a place of storage in compliance with subsection (4).
- (4) The owner and occupant of residential premises and small commercial establishments are each responsible for ensuring that the container(s) referred to in clause (2)(a):
 - (a) are maintained in a condition fit for storing solid waste;
 - (b) are kept clean and free of odour;
 - (c) are stored upright in a way that prevents animals from accessing the contents;
 - (d) are not located near harborage for rodents or other pests;
 - (e) are not located or stored in way that poses a nuisance or is aesthetically offensive to the neighbourhood.

amended 4/2010

AUTOBIN™ AREAS

- 7. (1) This section applies to areas of the City in which the Council of the City of Winnipeg has approved the placement of AUTOBINS™.

- (2) Where the City has placed AUTOBINS™ in a back lane, only garbage, rubbish and ashes that has been deposited in an AUTOBIN™ by occupants of residential premises adjoining the back lane or by small commercial establishments are eligible for collection by the City. The Director may establish lists of items that are permitted or not permitted to be placed in an AUTOBIN™.
- (3) Where a residential premise or small commercial establishment does not adjoin a back lane, garbage, rubbish and ashes are eligible for collection by the City only if:
 - (a) they are deposited in no more than two containers approved by designated employee that have been provided by or purchased from the City; and
 - (b) the container is placed prior to the time of collection in a location immediately adjacent to and easily accessible from the roadway.
- (4) The occupant of a residential premise or a small commercial establishment that does not adjoin a back lane must ensure that:
 - (a) any container that is placed for collection does not interfere with or inconvenience pedestrian or vehicular traffic;
 - (b) a container is not placed for collection prior to 6:00 p.m. on the day before collection day and is removed from this location by the end of the collection day to a place of storage in compliance with subsection (5).
- (5) The owner of a residential premise or a small commercial establishment that does not adjoin a back lane must ensure that all approved containers are
 - (a) removed from the street by the end of the collection day;
 - (b) maintained in a condition fit for storing solid waste;
 - (c) kept clean and free of odour;
 - (d) stored upright in a way that prevents animals from accessing the contents;
 - (e) not located near harborage for rodents or other pests;
 - (f) not located or stored in way that poses a nuisance or is aesthetically offensive to the neighbourhood.

- (6) A person must not:
- (a) deposit solid waste originating from outside an area designated by the Director or automated solid waste collection into an AUTOBIN™;
 - (b) move an AUTOBIN™ from the site designated by a designated employee, without first obtaining his written permission;
 - (c) damage or deface an AUTOBIN™;
 - (d) deposit solid waste originating from commercial establishments premises into an AUTOBIN™;
 - (e) deposit items in an AUTOBIN™ that have been prohibited by the Director under subsection (2).
- (7) Garbage, rubbish and ashes produced by a house of worship or charitable institution are eligible for collection by the City if placed in a container provided by the City that is not more than 0.45 cubic metres (450 litres) in volume. However, garbage, rubbish and ashes produced by a house of worship or charitable institution that exceeds 0.45 cubic metres (450 litres) in volume must be placed in a container referred to in subsection 6(2) in order to be eligible for collection by the City.
- amended 4/2010*

AUTOMATED GARBAGE CARTS AREAS

8. (1) This section applies to areas of the City where the Council of the City of Winnipeg has approved the use of automated garbage cart.
- (2) Garbage, rubbish and ashes produced by occupants of residential premises and small commercial establishments that are served by an adjacent back lane are eligible for collection by the City if:
- (a) they are placed in an automated garbage cart provided by or purchased from the City; and
 - (b) unless otherwise authorized or directed by a designated employee, the automated garbage cart is placed prior to the time of collection in a location
 - (i) on the same side of the back lane as the telephone poles; and
 - (ii) immediately adjacent to and easily accessible from the back lane.

- (3) Garbage, rubbish and ashes produced by occupants of residential premises and small commercial establishments that are not served by an adjacent back lane are eligible for collection by the City if:
 - (a) they are placed in an automated garbage cart provided by or purchased from the City; and
 - (b) unless otherwise authorized or directed by a designated employee, the cart is placed prior to the time of collection in a location that is immediately adjacent to and easily accessible from the roadway.
- (4) The occupants of residential premises and small commercial establishments must ensure that:
 - (a) the container that is placed for collection does not interfere with or inconvenience pedestrian or vehicular traffic;
 - (b) the container is not placed for collection prior to 6:00 p.m. on the day before collection day and is removed from this location by the end of the collection day to a place of storage in compliance with subsection (5).
- (5) The owner and occupant of premises are each responsible for ensuring that the automated garbage cart:
 - (a) is removed from a location adjacent to the roadway or back lane by the end of the collection day;
 - (b) is maintained in a condition fit for storing solid waste;
 - (c) is kept clean and free of odour;
 - (d) is stored upright in a way that prevents animals from accessing the contents;
 - (e) is not located near harborage for rodents or other pests;
 - (f) is not located or stored in way that poses a nuisance or is aesthetically offensive to the neighbourhood.
- (6) Only automated garbage carts provided by or purchased from the City are eligible for collection by the City. The Director may determine the maximum number of automated garbage carts that are eligible for collection for per premise and no additional garbage, rubbish and ashes are eligible for collection by the City.

amended 4/2010

BULKY WASTES

9. (1) Bulky wastes produced by occupants of residential premises and multi-family residential buildings are eligible for collection by the City if
 - (a) the person producing the bulky wastes requests the removal from a designated employee;
 - (b) undertakes to pay the fee for the removal set out in Schedule A; and
 - (c) places the bulky waste on collection day on the residential premises adjacent to the back lane or, where the premises are not served by an adjacent back lane, the street.
- (2) Bulky wastes that are not eligible for collection by the City must be collected and disposed of at the expense of the person producing the bulky wastes.
- (3) A designated employee may determine appropriate times for collection of bulky wastes that are eligible for collection by the City.
- (4) The fee set out in Schedule "A" for the removal of bulky waste is payable by the person who requested the removal unless the request is cancelled 24 hours or more prior to the removal.
- (5) No person may place for collection an appliance or other container that has a door that cannot be opened from inside the container unless the door is removed.

amended 4/2010

GARBAGE TO BE WRAPPED

10. All garbage shall be strained to eliminate liquids and enclosed in sufficient paper or other like substance to completely enclose the contents and prevent any leakage or spillage and shall be securely tied or fastened prior to placement in containers. All garbage shall be enclosed in sufficient paper or other like substance to completely enclose the contents and shall be securely tied and fastened prior to placement in the containers.

ASHES NOT TO BE MIXED WITH GARBAGE OR RUBBISH

11. Ashes are to be stored in suitable receptacles approved by the designated employee and are not to be mixed with other garbage or rubbish. No person except with the permission of the designated employee shall deposit ashes on any public lane.

amended 4/2010

HAZARDOUS WASTE

12. Hazardous waste is not eligible for collection by the City. The producer of hazardous waste must ensure that it is taken to a hazardous waste disposal facility for disposal.

amended 4/2010

UNAUTHORIZED HANDLING OF SOLID WASTES

13. (a) No person other than the owner or agent thereof, unless lawfully authorized to do so, shall pick over, interfere with, disturb, remove or scatter any solid wastes howsoever placed for collection.

(b) All solid waste collected by the City, upon collection, and all refuse deposited at the disposal sites shall become the property of the City and no person shall separate, carry off or dispose of same except as authorized by the designated employee.

amended 4/2010

REMOVAL AND DISPOSAL OF WASTES

14. (a) The open burning of any solid waste is expressly prohibited.

(b) The City will remove and dispose of all garbage, rubbish and ashes from all residential premises, houses of worship, and charitable institutions on a cycle basis and from all apartment blocks on a cycle basis or up to twice a week as determined by the designated employee.

amended 2229/79; 4/2010

(c) (i) The City will remove all garbage, rubbish and ashes from commercial establishments on a cycle basis in quantities not to exceed 1.5 cubic metres per pickup as determined by the designated employee.

amended 3539/83; 7891/2001; 4/2010

(ii) Where the garbage, rubbish and ashes from a commercial establishment exceeds 1.5 cubic metres per pick up as determined by the designated employee, the City will remove same on a cycle basis or up to twice a week at the charge established in Schedule "A" to this by-law.

added 7891/2001; 4/2010

(d) *repealed 4/2010*

(e) *repealed 4/2010*

- (f) The City may remove solid wastes at the expense of the owner or occupant, if, in its discretion, the continuance of the solid wastes constitutes a threat to health, or safety. This may include construction and demolition wastes, industrial and hazardous waste and animal and agricultural wastes.
amended 4/2010
- (g) The City may contract out the collection of any portion of the solid wastes generated within the City to any firm or individual.

CLEANING OF PRIVIES AND TEMPORARY CLOSETS

15. *repealed 4/2010*

CONVEYANCE OF WASTES

16. (1) Any load of solid waste or liquid waste that is conveyed in a vehicle, trailer or other conveyance shall be covered, or loaded or secured in such a manner that no portion of the load can escape. No person shall convey or cause to be conveyed any waste that is not covered or otherwise loaded or secured.
amended 5285/89
- (2) A surcharge in accordance with Schedule "A", in addition to any other disposal charge, shall be added to the disposal charge for any load delivered to any landfill site or transfer station, not eligible for free disposal, where such load is delivered on a vehicle, trailer or other conveyance that is not covered or otherwise loaded or secured so as to prevent any contents thereof from escaping.
amended 5285/89
- (3) No person shall allow any vehicle containing solid or liquid waste of an offensive nature to stand in any location for more than thirty minutes.
amended 5285/89

RECYCLABLE WASTES

17. The designated employee may from time to time make regulations requiring the separation, storage, and placement of specific recyclable wastes.
amended 4/2010

USE OF SANITARY LANDFILLS AND INCINERATORS

18. (a) Any person permitted to deliver or to deposit at City landfill sites or incinerators any waste, shall do so in accordance with this By-law and in accordance with any regulations established from time to time by the designated employee and not otherwise.
amended 4/2010
- (b) Solid wastes shall be deposited in such places and in such manner and at such times as may be directed by the designated employee and not otherwise. No person shall deposit or cause to be deposited any solid waste in any place in the City or additional zone other than those places approved by the designated employee as sanitary landfills and incinerators.
amended 4/2010
- (c) It shall be unlawful for any unauthorized person to frequent a City sanitary landfill site or incinerator for the purpose of salvaging, picking over, scattering, searching or burning of any material.
- (d) No person shall make any delivery or deposit any waste in a City sanitary landfill site or incinerator except during the hours of operations as established by the designated employee.
amended 4/2010
- (e) No person shall deliver or attempt to deliver any special waste to a City sanitary landfill site or incinerator without prior approval of the designated employee.
amended 4/2010
- (f) No person shall deliver or attempt to deliver any non-combustible wastes to any City incinerator.
- (g) Security wastes may be destroyed at a City incinerator, subject to prior authorization being arranged with the designated employee.
amended 4/2010
- (h) No person shall deposit any solid wastes at the City's sanitary landfills or the incinerator without paying disposal charges outlined in Schedule "A".

CHARGES FOR THE REMOVAL AND DISPOSAL OF WASTES

19. Charges for the removal and disposal of solid wastes are set out in Schedule "A".

GENERAL PENALTIES

20. (a) Any person who contravenes or disobeys, or refuses or neglects to obey, any provision of this By-law is guilty of an offence and liable, on summary conviction, to a fine not exceeding One Thousand Dollars (\$1,000.00) in the case of an individual or Five Thousand Dollars (\$5,000.00) in the case of a corporation, or, in the case of an individual, to imprisonment for a term not exceeding six months or to both such a fine and such an imprisonment and costs.
- (b) Where the contravention, refusal, neglect, omission, or failure, including failure to comply with a notice, order or direction given by the designated employee continues for more than one day, the person is guilty of a separate offence for each day that it continues.

amended 4/2010

SCHEDULE A

21. Schedule A, which is attached hereto, forms part of this By-law and the fees set out in it are imposed by this By-law.

amended 4/2010

REPEAL

22. All by-laws of the City of Winnipeg inconsistent with this By-law are hereby repealed.

23. This By-law shall come into force and take effect on the 1st day of February, 1977.

24. *repealed 4/2010*

DONE AND PASSED in Council assembled, this 21st day of July, 1976.

SCHEDULE A TO BY-LAW NO. 1340/75*amended 97/2009***The following charges are imposed for the collection and disposal of Solid Waste**

Disposal of solid waste in accordance with subsections 14(b), (c)(i) and (f) and 24(b), (c), (d), (e) and (f)	\$32.50 per tonne
Disposal of any load of privately delivered solid wastes originating from a residential premises or apartment block	Loads up to 500 kg in weight - \$10.00 per load. Loads in excess of 500 kg charged at rate of \$43.50 per tonne
Disposal of solid wastes delivered to sanitary land fill sites in accordance with subsection 14(d)	\$43.50 per tonne. Exceptions: <ul style="list-style-type: none"> • No charge for Winnipeg Harvest Inc. • 25% of this rate charged for any registered charitable organization which can demonstrate to the satisfaction of the designated employee a greater than 70% waste reduction benefit to the City of Winnipeg <i>amended 4/2010</i>
Subject to any agreement, disposal of solid wastes from municipalities outside the City of Winnipeg delivered to sanitary landfill sites	\$43.50 per tonne
Collection and disposal of solid wastes in accordance with clause 14(c)(ii) or subsection 24(d)	\$3.50 per cubic metre of container capacity
Collection and disposal of bulky wastes in accordance with Subsection 14(e)	\$20.00 per premises per collection
Collection and disposal of hazardous waste <i>amended 4/2010</i>	At cost calculated by the designated employee <i>amended 4/2010</i>
Surcharge to be added for any load that is not covered or otherwise loaded or secured in accordance with subsection 16(2)	\$50.00 per load
Late payment charge after 3 months	\$25.00
Interest on arrears	12% per annum

SCHEDULE B*repealed 2229/79*