

THE RURAL MUNICIPALITY OF ROSSER

BY-LAW NO. 11-22

BEING A BY-LAW to regulate and establish controls over the placing or depositing or dumping of litter within the limits of the Rural Municipality of Rosser.

WHEREAS Section 232 of The Municipal Act, R.S.M. 1988, c. M225 (the "Municipal Act") provides as follows:

Spheres of Jurisdiction

- 232(1)** A council may pass by-laws for municipal purposes respecting the following matters:
- (a) the safety, health, protection and well-being of people and the safety and protection of property;
 - (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
 - (c) subject to section 233, activities or things in or on private property;

Exercising by-law making powers

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division:

- (a) regulate or prohibit;
- (d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of the property under ownership, direction, management or control of the municipality;

AND WHEREAS Section 233 of the Municipal Act provides as follows:

Content of by-laws under clause 232(1)(c)

233 A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of:

- (a) the requirement that land and improvements be kept and maintained in a safe and clean condition;

- (d) activities or things that in the opinion of council are of could become a nuisance, which may include noise, weeds, odors, unsightly property, fumes and vibrations.

AND WHEREAS it is deemed expedient to pass a by-law for the purpose of regulating and abating nuisances and the placing or depositing or dumping of litter that is detrimental to the safety, health, protection and well-being of the residents of the Municipality of Rosser;

NOW THEREFORE Council of the Rural Municipality of Rosser duly assembled enacts as follows:

Short Title

- 1 This By-Law may be referred to as The Rural Municipality of Rosser Litter and Anti-Dumping By-Law.

Definitions and Interpretation

2(1) In this By-Law, unless the context otherwise requires:

- (a) "Animal and Agricultural Waste" includes manure, crop residues and like materials from agricultural pursuits, stables, kennels, veterinary establishments and other such premises;
- (b) "Ashes" includes residue from the burning of wood, coal, coke and other like material for the purposes of cooking, heating buildings, and disposing of waste combustible materials;
- (c) "Bulky Waste" includes large items of refuse including appliances, furniture, large auto parts and large crates;

- (d) "Construction and Demolition Waste" includes waste building materials and rubble resulting from construction, remodeling, repair, demolition, or fire in houses, commercial building, pavements and other structures including roofing materials such as shingles;
- (e) "Council" means the council of the municipality, or any delegate thereof;
- (f) "Deposit" means the placing, leaving, discarding, dumping, blowing of, throwing, scattering, burying, or interring, as the case may be;
- (g) "Designated Officer" means a building inspector or any person appointed by Council as a by-law enforcement officer or any person appointed by Council from time to time to administer or enforce this by-law or the Chief Administrative Officer;
- (h) "Dirt" includes natural soil, earth, stone or rocks;
- (i) "Domestic Animal Waste" means wastes from household pets including, but not limited to excrement, used animal bedding, and the contents of litter boxes;
- (j) "Food Waste" includes animal and vegetable wastes, 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;
- (k) "Highway" means a public thoroughfare or roadway within the Municipality, including all adjoining ditches and all land between the property lines on either side;
- (l) "Hydro-Vac Materials" includes liquids, sludges, slurries or other similar materials that have been removed from the soil by a vacuum truck or a vacuum tanker or any other similar equipment or unit or system;
- (m) "Industrial Refuse" includes wastes arising from or incidental to manufacture, processing or like operations 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;
- (n) "Litter" means Animal and Agricultural Waste, Ashes, Bulky Waste, Dirt, Domestic Animal Waste, Food Waste, Construction and Demolition Waste, Hydro-Vac Materials, Industrial Refuse, Rubbish, Solid Waste or Refuse, motor vehicle parts, scrap metal, abandoned or unattended shopping carts and special wastes, including, but not limited to, street cleanings, containers, packages, bottles, cans or parts thereof, and any deserted or discarded articles, products or goods of manufacture;
- (o) "Municipality" means the Rural Municipality of Rosser;
- (p) "Occupier" means any person who occupies a property, including any person in actual or constructive possession of a property pursuant to a lease, tenancy license or other right to occupy;
- (q) "Owner" means the registered owner of a property according to the current assessment records of the Municipality and further includes a Person who is responsible for a Property or managing a building or a Property, whether on their own account or as agent or trustee of any other Person;

- (r) "Person" includes an individual, firm, partnership, corporation, association or other body, whether incorporated or unincorporated;
- (s) "Property" means any piece of real property whether privately owned or publicly owned, and includes residential, industrial, commercial and institutional establishments;
- (t) "Rubbish" means combustibles, consisting of miscellaneous burnable materials such as paper, rags, cartons, boxes, wood excelsior, mattresses, rubber, leather and plastics, non-combustibles consisting of miscellaneous materials that are not burnable, such as tin cans, metals, ceramics, metal foils and glass, and yard rubbish, consisting of pruning, grass clippings, weeds, leaves, general garden wastes and tree cuttings, exclusive of solid wastes otherwise classified herein;
- (u) "Solid Waste or Refuse" means useless, unwanted or discarded solid materials resulting from normal community activities, including semi-liquid or wet wastes with insufficient moisture and other liquid content to be free flowing; and
- (v) "Urban Area" means that portion of the CentrePort Canada area located within the Municipality and all rural settlement centers as set out in the Municipality's Zoning By-law.

Application

- 3(1) This by-law applies to the whole of the Municipality.
- 3(2) The obligation for compliance with this by-law is imposed on both the Owner and the Occupier of a Property and all Persons located in or passing through the Municipality.
- 3(3) The obligation for compliance imposed on Occupiers is imposed only in respect of that portion of a Property which they are legally authorized to occupy.

General Prohibition

- 4(1) No Person shall Deposit or cause or permit the Depositing of Litter upon any Property, water, ice, or Highway within the Municipality unless:
 - (a) the Litter is placed into a designated Litter receptacle; or
 - (b) the Litter is Deposited in a location designated for this purpose by Council.
- 4(2) Notwithstanding subsection 4(1), a Property located outside of an Urban Area may accumulate Animal and Agricultural Waste and yard rubbish in the ordinary course of agricultural business provided that, in the discretion of the Designated Officer, such accumulation does not exceed a reasonable amount taking into consideration the character and context of the zoning and surrounding neighbourhood.

Litter on Property

- 5(1) 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 another Property, or a Highway, public place or public area.
- 5(2) Persons owning or occupying Property in an Urban Area shall keep the ditches, sidewalks, lanes, and the boulevard adjacent to the property free of Litter.

Litter in Vehicles

- 6(1) No Person shall load, drive or move 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 or from being blown or Deposited on any Highway, Property, public place or public area.
- 6(2) The Person operating a vehicle shall not throw, Deposit, drop or dump from the vehicle or allow to be blown from the vehicle, any Litter unless:
 - (a) the Litter is placed into a designated Litter receptacle; or
 - (b) the Litter is Deposited in a location designated for this purpose by Council.
- 6(3) For the purposes of this Section 6, if it cannot be determined who was operating the vehicle at the time of Deposit, the owner of the vehicle shall be deemed to be the operator unless they prove to the satisfaction of the Designated Officer that at the time of the offence another Person was operating the vehicle.

Hydro-Vac Materials

- 7(1) No Person shall Deposit or cause or permit the Depositing of Hydro-Vac Materials upon any Property, water, ice, or Highway within the Municipality unless such Deposit is approved in written form by Council with such conditions, if any, as Council deems appropriate.

Enforcement, Contravention and Fines

- 8(1) This by-law shall be enforced pursuant to the Municipality's General Enforcement By-law, as amended from time to time.
- 8(2) Any Person may allege a violation of this by-law by filing a complaint with a Designated Officer in such form and with such particulars as the Designated Officer may from time to time require, and/or the Designated Officer may investigate based on their regular patrol of the Municipality.
- 8(3) Any Person who contravenes or disobeys or refuses or neglects to obey or comply with any provision of this by-law or any order made under this by-law and/or the Municipality's General Enforcement By-law is guilty of an offence and is liable to fines and penalties as set out in the Municipality's General Enforcement By-law.
- 8(4) Where an infraction of any of the provisions of this by-law continues for more than one (1) day, the Person is guilty of a separate and continuing offence for each day such infraction continues.
- 8(5) Where a Designated Officer determines that a contravention of any provision of this by-law has occurred, the Designated Officer may commence enforcement proceedings and issue and serve a notice of contravention and, if required, an order to remedy a contravention pursuant to the Municipality's General Enforcement By-law and the Municipality's enforcement policy and procedures.
- 8(6) A Person who receives an order to remedy a contravention may appeal such order in accordance with the Municipality's General Enforcement By-law and the Municipality's enforcement policy and procedures. Council's decision on the issue is final and not subject to further appeal.
- 8(7) The Municipality and/or the Designated Officer may take whatever action or measures are necessary to remedy a contravention of this by-law in accordance with the Municipality's General Enforcement By-law and the Municipality's enforcement policy and procedures.

General Provisions

9(1) This By-Law shall come into force and effect on the day it receives third and final reading by Council.

DONE AND PASSED by the Council of the Rural Municipality of Rosser, in Council duly assembled, at Rosser, Manitoba, this 11th day of October, 2022.

RURAL MUNICIPALITY OF ROSSER



Reeve



Chief Administrative Officer

Read a First time this 27th day of September 2022.

Read a Second time this 11th day of October 2022.

Read a Third time this 11th day of October 2022.