

VILLAGE OF DUNNOTTAR

BY-LAW NO. 951/18

Being a By-Law of the Village of Dunnottar to provide for regulation of the collection, removal, and disposal of sewage, sewage effluent, garbage, and other refuse.

WHEREAS The Municipal Act, S.M. 1996, c. 58 provides, in part, as follows:

- 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;
 - f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned;
 - i) preventing and fighting fires;
 - l) public utilities;
 - o) the enforcement of by-laws.
- 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 property under the ownership, direction, management or control of the municipality;
 - e) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters;
- 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 the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

AND WHEREAS the Council of the Village of Dunnottar deems it advisable and in the best interest of the Village to regulate the collection, removal and disposal of sewage, sewage effluent, garbage, and other refuse.

NOW THEREFORE the Council of the Village of Dunnottar in regular session assembled, enacts as follows:

- 1) Where used in this By-Law, unless the context otherwise requires:
 - a) **Brush** means brushwood, including any scrub vegetation, trees or other living scrub vegetation;
 - b) **Building refuse** means the material from excavations, materials used by the building trade, debris from any building destroyed by fire or debris created by any other cause;
 - c) **Designated Officer** means a person appointed under the Designated Officer By-Law of the Village of Dunnottar;
 - d) **Environment Officer** means the Public Health Inspector/Environment Officer as persons appointed or designated under The Environment Act;
 - e) **Holding tank** means a watertight receptacle designed to retain sewage or sewage effluent;

- f) **Insanitary condition** means any nuisance or any condition, matter or thing which, in the opinion of a Designated Officer or Environment Officer, may be injurious to health or which in his or her opinion may result in the creation of a garbage control problem or a nuisance
- g) **Occupier** means the person in occupation of a premises, or if it is vacant, the person in charge thereof;
- h) **Residence** shall include a building, house, tent, trailer or other accommodation that is used for human habitation or to provide food, lodging or entertainment for a human being or human beings or used for commercial or industrial purposes;
- i) **Sewage** means human body, toilet, sink, laundry, or other grey water waste;
- j) **Solids** means the contents of the primary cell of a holding tank;
- k) **Village** means the Village of Dunnottar.

2) **Refuse Collection Containers**

- a) Every residence shall at all times be equipped with sufficient receptacles to hold all garbage and recycling brought to or created on said premises between regular waste pickups. It is recommended that refuse containers be constructed in a manner to prevent the intrusion of wildlife.
- b) Receptacles shall be watertight, no larger than 30 inches in height and 24 inches in width. They shall have a cubic content no larger than 5 cubic feet, having a gross weight of not more than 50 pounds and may consist of:
 - i) a galvanized circular metal container equipped with a close-fitting metallic cover and handle;
 - ii) durable plastic containers with a close-fitting lid and handles, or;
 - iii) plastic bags of adequate strength that are securely tied or otherwise adequately closed up so that contents thereof cannot escape;
 - iv) such other kinds or containers that may be approved by the Council of Dunnottar by By-Law from time to time.
- c) Offence 951-1: If a refuse receptacle is overturned, scavenged or otherwise tampered with, it is the owner/occupier of the property who is responsible to clean the resulting mess.

3) **Refuse Collection**

- a) On garbage collection days, containers for garbage, recycling and any brush shall be placed at the rear lot line, where there is a backlane, or at the front lot line in all other cases. Brush will only be collected and disposed of by the Village of Dunnottar if cut in three-foot lengths and bundled so that a single person can easily lift and deposit the bundle in the garbage disposal vehicle;
- b) The Village of Dunnottar will only pickup and dispose of brush if cut and bundled as described in sub-paragraph (a) above unless special arrangements have been made with and approved by the Village of pickup and disposal;
- c) Offence 951-2: No person shall deposit or cause to be deposited brush, furniture, appliances or any other manner of refuse on any public property unless approved by the Village. In the event any person is found to have deposited any brush, furniture, appliances or any other manner of refuse on any public property without the approval of the Village, the Village of Dunnottar may remove it at the expense of the person who so deposited the refuse and place it in an approved disposal area. In this event, the Village of Dunnottar may charge the cost of removing and disposing of the aforementioned refuse and the applicable Administration Fee against the land from which the matter originated and recover that charge in the same manner as taxes are recovered.

4) **Holding Tank Services**

- d) The emptying of a holding tank shall mean the removal by pumping of the contents thereof, or of 1,000 gallons of liquid waste whichever shall be the lesser amount. The emptying of the "solids" shall not be included in the regular weekly service but may be requested as an additional pumpout from the Village Contractor.
- e) Each holding tank shall be emptied by the Village Contractor at the expense of the Village, once in each week during the Summer period, April 16 to October 15 of any year.

