

BY-LAW #18/04

OF THE

RURAL MUNICIPALITY OF ROCKWOOD

Being a By-Law of the Rural Municipality of Rockwood to provide for the Storage of Construction Waste Material at all Construction Sites in the Rural Municipality of Rockwood.

WHEREAS, under Section 232(1)(c) of The Municipal Act, a Council may pass by-laws for municipal purposes respecting, subject to Section 233, activities or things in or on private property;

AND WHEREAS, under Section 233(a) of The Municipal Act, a by-law under Clause 232(1)(c) may contain provisions only in respect of the requirement that land and improvements be kept and maintained in a safe and clean condition;

AND WHEREAS the Council of the Rural Municipality of Rockwood deems it expedient and in the best interest of the Municipality to require that all Construction Site in the Rural Municipality of Rockwood to have located, on site, covered waste bins to store all construction waste material in order to keep the site in a safe and clean condition;

NOW THEREFORE the Council of the Rural Municipality of Rockwood, in open Council assembled, enacts as follows:

1. **THAT** for this By-Law, the following definitions shall apply:
 - a) **“Chief Administrative Officer”** shall mean the Chief Administrative Officer (CAO) for the Rural Municipality of Rockwood.
 - b) **“Council”** shall mean the Council of the Rural Municipality of Rockwood.
 - c) **“Designated Officer”** shall mean the By-Law Enforcement Officer as appointed by the By-Law Enforcement & Animal Control Board or such person employed by the Municipality to whom either Council or the Chief Administrative Officer has delegated duties, functions and responsibilities as required by this By-Law.
 - d) **“Municipality”** shall mean the Rural Municipality of Rockwood.
 - e) **“Waste Container”** shall mean any enclosed container that will contain the construction waste such as a covered metal waste bin, covered trailer, covered truck box, etc.
2. That every Construction Site in the Municipality, whether it is a residential, commercial or industrial construction site, shall have a covered waste container located on site.
3. That all construction waste material shall be contained within the covered waste container until such time as it is delivered to a Waste Disposal Site.
4. If the Designated Officer, in his/her opinion, finds that there is a contravention of the By-Law, the Designated Officer shall, by written Order, require the owner of the property, within a specified time, to improve the appearance of the property in the manner specified in the written Order.
5. The written Order shall be served on the owner of the property, either personally or by mailing it by registered mail to the most current address available in the current Provincial Assessment Roll for that owner. The Order shall indicate that, if the owner fails to take the measures ordered under Clause 4 of this By-Law, the Municipality shall endeavour to do all things necessary to ensure compliance with the Order and that any action or measures taken by the Municipality shall be at the expense of the owner of the property.

BY-LAW #18/04

- 6. An owner may, within 15 days of receiving the written Order, make a written appeal to the Municipality requesting that the Order be waived.
- 7. Council, upon hearing the appeal, may:
 - a) uphold, rescind, suspend or otherwise modify the Order issued by the Designated Officer; or
 - b) extend the time within which compliance with the Order shall be made; or
 - c) make such other decision or order, as in the circumstances of each case that it deems just, and the decision or order of the Council, upon being communicated to the appellant, shall stand in place of the Order against which the appeal is made.
- 8. For purposes of enforcing this By-Law, the Designated Officer may, after giving reasonable notice thereof to the owner or occupier of any private property, enter upon the property for the purposes of inspecting the property and enforcing the By-Law.
- 9. That all costs of actions or measures taken by the Municipality to carry out the terms of an Order issued by the Designated Officer are an amount owing to the Municipality by the Registered Owner of the property and may be collected by the Municipality in the same manner as a tax against the land and as regulations are permitted under the Municipal Act.
- 10. That any person who contravenes, disobeys, refuses or neglects to obey any Order made under this By-Law is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$1,000.00, or in the case of an individual, to imprisonment for a term not exceeding six (6) months or to both such fine and such imprisonment.
- 11. That, where the contravention, refusal, neglect, omission, or failure continues for more than one (1) day, the person or corporation is guilty of a separate offence for each day it continues.
- 12. That this By-Law shall come into force and take effect upon adoption by the Council of the Rural Municipality of Rockwood with Third Reading.

DONE AND PASSED by the Council of the Rural Municipality of Rockwood in open Council assembled at Stonewall, in the Province of Manitoba, this 8th day of December, A.D., 2004.

THE RURAL MUNICIPALITY OF ROCKWOOD

GARNET THIEVIN, REEVE

JACK DOUGLAS, CAO

GIVEN First Reading this 10th day of November, A.D., 2004.
GIVEN Second Reading this 8th day of December, A.D., 2004.
GIVEN Third Reading this 8th day of December, A.D., 2004.