


MUNICIPALITY OF THE DISTRICT OF YARMOUTH

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|  | Solid Waste Resource Collection and Disposal By-law S-088-20 | Effective Date: August 4, 2020 |
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Purpose

The intent of this by-law is to provide for and regulate a solid waste management program for the Municipality of the District of Yarmouth.


Part 1

Definitions

In this by-law:

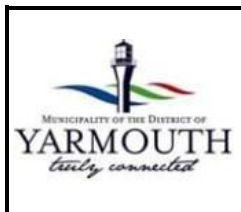
- 1.1 “**administrator**” means the person appointed by the Chief Administrative Officer of the *Municipality* to administer this by-law, or their designate;
- 1.2 “**adverse effect**” means an effect that impairs or damages the environment, the health of humans or the reasonable enjoyment of life or property;
- 1.3 “**asbestos**” means *asbestos waste* as defined in the *Asbestos Waste Management Regulations* made under the Nova Scotia Environment Act, S.N.S. 1994-95, c.1, as amended;
- 1.4 “**authority**” means *Western Region Solid Waste Resource Management Authority* also known as *Waste Check*.
 - 1.4.1 “**General Manager or Manager**” means the *General Manager* of *Western Region Solid Waste Resource Management Authority*, the successor to such position, or a person designated by the *Manager* to act in place of the *Manager*;
 - 1.4.2 “**Western Region or Region**” means the *Western Region Solid Waste Resource Management Region* as defined in the Nova Scotia *Solid Waste Resource Management Regulations*;
- 1.5 “**backyard composting**” means the composting at a residential property of organic *solid waste*, comprised of leaf and yard *waste* and food, but excluding meat, fish, eggs or dairy products, where:
 - 1.5.1 the *waste* is generated by the residents of the property or neighbouring properties or both; and

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- 1.5.2 the annual production of compost on any property lot does not exceed 10 cubic meters.
- 1.6 **“beverage”** means any liquid that is a ready to serve drink, but does not include milk, milk products, soya milk or concentrates as defined by the Nova Scotia *Beverage* program;
- 1.7 **“beverage container”** means a container of 5 liters or less which contains or has contained a non-liquor *beverage* and was sealed by the manufacturer after the *beverage* was placed in it;
- 1.8 **“box board”** means cereal boxes, show boxes, tissue boxes, detergent boxes, cracker boxes, cookie boxes, baking product boxes and frozen food boxes or other similar items, toilet paper rolls and paper towel rolls or other similar items;
- 1.9 **“bulky item”** means large items of a household nature including but not limited to furniture, stoves, refrigerators, dishwashers, mattresses, bed springs, empty hot water and oil tanks (cut in half), toys, bicycles and lawn furniture;
- 1.10 **“Business”** means any person, organization, or group engaged in a trade, business, profession, occupation, calling, employment or purpose and, for the purposes of section 5.17, includes a person employed by, or operating on behalf of, a Business.
- 1.11 **“CAO”** mean the Chief Administrative Officer of the *Municipality* of Yarmouth;
- 1.12 **“cart, green cart, or organics collection”** *cart* means a *cart* supplied to eligible premises by the *Authority* or Participating Member for the collection of organic materials;
- 1.13 **“chlorofluorocarbons”** means an ozone depleting substance that is required under the Ozone Layer Depletion Regulations of the Province of Nova Scotia to be removed in a controlled fashion to prevent its release into the environment, and is a substance found in refrigeration and cooling units;
- 1.14 **“clean wood”** means wood materials that are not contaminated with other non-wood materials (including paints, stains and adhesives), such as are dimensional lumber, wooden chairs, fencing, etc.;

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- 1.15 “collection contractors”** means a *collector* that is under contract with the *Municipality* to provide curbside collection services;
- 1.16 “collector”** means an individual or company that collects and disposes of *residual garbage, recyclables or compostable material* or combination thereof to designated municipal *solid waste* management facilities;
- 1.17 “commercial container”** means any container used for the storage of *waste* materials on commercial properties for collection of *solid waste*;
- 1.18 “compostable material” or “compostable organics” or “organics”** means food scraps and spoiled or *waste* food or foodstuff including vegetable peelings, meat, fish, eggs, bones, *waste* food products, wet and *soiled paper products* leaves and grass clippings, branches and bushes that are 1.2 meters or less in length and 2 centimeters or less in diameter, together with such other *compostable materials* as may be identified in *public education documents* distributed by the *Municipality* and/or *authority* from time to time;
- 1.19 “Compostable Product”** means any non-food product made or described as being biodegradable or compostable or other similar description.
- 1.20 “composting”** means the biological decomposition of organic materials, substances or objects under controlled circumstances to a condition sufficiently stable for nuisance-free storage and for safe use in *land* applications as identified by the Nova Scotia Environment’s *Solid Waste Management Resource Regulations*;
- 1.21 “construction and demolition debris” (C&D)** means materials which are normally used in the construction of buildings, structures, roadways, walls and other landscaping material, and includes, but is not limited to, soil, asphalt, brick, mortar, drywall, plaster, cellulose, fiberglass fibers, gyproc, lumber, wood, asphalt shingles, and metals and such other materials as may be permitted by applicable laws;
- 1.22 “contaminant”** means a substance that causes or may cause an *adverse effect*;
- 1.23 “contaminated soil”** means any soil which has been exposed to an organic or inorganic *contaminant* in excess of standards prescribed or adopted by the *Minister*, and that has caused, is causing, or may cause an *adverse effect*;

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- 1.24 “**Council**” means the *Council* for the *Municipality* of Yarmouth;
- 1.25 “**curb**” means the 3 meter (10ft) distance from the edge of the travelled portion of a public street, road, or private road that meets the approval of the *Municipality* for *solid waste* collection, but it does not include the ditch or sidewalk;
- 1.26 “**dwelling or dwelling unit**” means a self-contained portion of a building occupied as a separate residence;
- 1.27 “**eligible premises**” means those properties within the jurisdiction of the *Municipality* of Yarmouth, which are eligible for collection;
- 1.28 “**Enforcement Officer**” for the purposes of this by-Law, the *Enforcement Officer* shall be the By-Law *Enforcement Officer* of the *Municipality* of the District of Yarmouth, assigned or appointed by the CAO;
- 1.29 “**hazardous waste**” means *waste* that may be harmful to humans, animals, plant life or natural resources, including but not restricted to, industrial chemicals, explosive, toxic, flammable, corrosive, radioactive, reactive, pathological and PCB *waste*, oil, gasoline, paint solvent, wood preservatives, ink, battery acid, pesticides and insecticides or any substance or material declared or defined to be a hazardous or toxic substance in or pursuant to any applicable law;
- 1.30 “**hospital and pharmaceutical waste**” means *waste* generated at hospitals, clinics, pharmacies, veterinary clinics, dentist offices and includes, but is not limited to used needles, drugs, dressings, excluding pathological *waste*;
- 1.31 “**household hazardous waste**” means *waste* of a potentially hazardous nature typically generated in residential households including but not restricted to solvents, glues, cleaners, paints and finishes, asphalt sealers, gasoline, diesel, kerosene, pesticides, lawn and garden chemicals, poisons, propane tanks, roofing tar, pool chemicals, lubricating oil, batteries, and automotive fluids, but does not include PCB *waste*, radioactive materials, explosives, fireworks, pathological *wastes*, or ammunition.
- 1.32 “**industrial waste**” means residual *waste* typically generated in the industrial, commercial and institutional sector;

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- 1.33 “**Industrial/commercial/institutional waste or IC&I waste**” means *waste-resource* generated in the IC&I sector.
- 1.34 “**Industrial/commercial/institutional waste premises (IC&I)**” premises means a lot of *land* occupied by one or more industrial, commercial, *multi-unit apartment buildings* with 4 or more units or institutional establishments;
- 1.35 “**land**” means surface *land*, *land* covered by water, subsoil, matter beneath the subsoil or any combination or part thereof;
- 1.36 “**leaf and yard waste**” means vegetative matter resulting from gardening, horticulture, landscaping or *land* clearing operations, including materials such as tree and shrub trimmings, plant remains, grass clippings, leaves, trees and stumps, but excludes *construction and demolition debris* or *contaminated soil* or any other organic material that has been contaminated;
- 1.37 “**litter**” means any material left or abandoned in a place other than a container or place intended or approved for receiving such material, including material that may, intentionally or unintentionally, exit from a moving or stationary vehicle;
- 1.38 “**Minister**” means the *Minister* of Environment for the Province of Nova Scotia;
- 1.39 “**multi-unit dwelling or multi-unit apartment building**” means a residence that contains more than one *dwelling unit* (i.e. Apartment buildings, etc.)
- 1.40 “**municipal solid waste management facility**” or “**municipal resource management facility**” means a site identified by the *Municipality* for receiving, storing, sorting, processing, transferring, or disposing of designated *solid waste*;
- 1.41 “**Municipality**” means the *Municipality* of Yarmouth;
- 1.42 “**oil tanks**” means residential *oil tanks*, cleaned and empty of all liquids to a maximum size of 900 liters;
- 1.43 “**organics cart**” or “**green cart**” means a wheeled *cart* designed to be emptied by hydraulic lifting device and approved by the *Municipality* for the storage and municipal collection of *compostable materials*;
- 1.44 “**participating member**” means any Municipal Unit that is a current member of

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the *Western Region Solid Waste-Resource Management Authority*;

- 1.45 “pathological waste”** means any part of the human body excepting hair, nail clippings and the like, any part of a dead animal infected with a communicable disease, and non-anatomical *waste* infected with a communicable disease;
- 1.46 “permanent waste-resource storage container”** means any container used for the storage of *waste* at roadside. It must be accessible to the *collection contractors*, and must be weather-tight, animal proof, and constructed such that *waste-resources* remain in a *source separated* condition;
- 1.47 “person”** includes an individual or an incorporated body;
- 1.48 “public education documents”** includes newspaper, radio and local television advertisements, information posted to the *Municipality’s* and/or *Authority’s* website and social media, and newsletters, pamphlets, flyers or other material circulated electronically or by ordinary mail or delivery by or for the *Municipality* and/or the *Authority* or the *Minister*;
- 1.49 “recyclables”** means the following:
- 1.46.1 “blue bag recyclables”** means newsprint, *boxboard*, egg cartons and other paper products, *redeemable beverage containers*, milk cartons, glass bottles and jars (not their lids), steel/tin food cans, aluminum cans, aluminum foil plates, trays and wrap, plastic containers and bags (#1- #7), and/or other items designated by the *Authority* or *Participating Member* from time to time.
- 1.46.2 “boxboard”** means cereal, shoe, tissue, detergent, cracker, cookie, baking product and frozen food boxes, toilet paper rolls and paper towel rolls or other similar items, with plastics removed;
- 1.46.3 “fiber recyclables”** means mixed paper, corrugated cardboard, newsprint, magazines, catalogues, flyers, telephone books and egg cartons and other similar items designated by the *Authority* from time to time;
- 1.50 “recyclable container materials”** means *redeemable beverage containers*, steel, tin or aluminum food containers or cans, glass food containers, jars and bottles, low density polyethylene bags and packaging, high density bags,

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containers and packaging, polycoat containers for milk, milk products, soya milk, concentrates or other liquids or powders, tetrapacks together with such other plastic *recyclable materials* as may be identified in *public education documents* distributed by the *Municipality* and the *Authority* from time to time;

- 1.51** “**recyclable material**” means *recyclable paper materials* or *recyclable container materials* as defined in this by-law;
- 1.52** “**recyclable paper materials**” means corrugated cardboard, egg cartons, *box board*, newsprint, bond paper, computer paper, glossy flyers and magazines, together with such other paper *recyclable materials* as may be identified in *public education documents* distributed by the *Municipality* and the *Authority* from time to time;
- 1.53** “**redeemable beverage container**” means a *beverage container* for which a consumer was required to pay a deposit;
- 1.54** “**residual garbage**” means *waste* other than:
- 1.51.1** *recyclable material*;
 - 1.51.2** *compostable materials*;
 - 1.51.3** *leaf and yard waste*; and
 - 1.51.4** any other *waste* that is prohibited from disposal by way of municipal collection or at a *municipal solid waste management facility* designated for *residual garbage* by this By-law or by the *Minister*;
- 1.55** “**sharps**” means needles, syringes, lancets, auto injectors and infusion sets;
- 1.56** “**soiled paper products**” means dinner napkins, paper towels, fast food wrappers, wax paper, wrapping paper, soiled pizza boxes, paper plates and cups, damp and soiled newspaper and flyers, sugar, flour & potato paper bags or other similar items;
- 1.57** “**solid waste**” means *residual garbage*, *recyclable material* and *compostable material*, as well as any other type of *waste* defined in this by-law and specifically referred to in this by-law as permitted or prohibited for disposal at a *municipal*

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solid waste management facility;

1.58 “**source separated waste-resources**” means *waste* resources which have been separated “at source”, i.e. at the point of generation into the four *waste* separation stream to facilitate their reuse, recycling, *composting* or disposal:

1.55.1 *recyclable paper materials;*

1.55.2 *recyclable container materials;*

1.55.3 *compostable materials*

1.55.4 residual;

1.59 “**tires**” means *tires* that are not designated under the Province of Nova Scotia’s tire recycling program;

1.60 “**waste**” means any substance that would cause or tend to cause an *adverse effect* if added to the environment, and includes garbage, *recyclables*, *compostable material*, refuse, sludge, rubbish, tailings, debris, *litter* and other discarded materials resulting from residential, commercial, institutional and industrial activities which are commonly accepted at municipal *solid waste* resource management facilities, but excludes *wastes* from industrial activities which are regulated by an approval issued by the *Minister*;


1.61 “**waste diversion**” means *waste* reduction, reuse, recycling or *composting* with the intent of extending the useful life of materials and preventing their disposal in landfill;

1.62 “**waste-resources**” means all those materials managed by or on behalf of the *Municipality* as recyclable, compostable, *household hazardous waste*, or residual *waste*;

**Part 2
Authority and Regional By-Law**

2.1 The *Western Region Solid Waste-Resource Management Authority* or *Waste Check*, hereinafter referred to as the *Authority*, is a body corporate established

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pursuant to an Inter-municipal Services Agreement to which this municipal unit is a party. The municipal parties to that Agreement have given the *Authority* responsibility for the management of *solid waste-resources* within their respective jurisdictions, pursuant to the **Municipal Government Act**, s. 60 and the *Solid Waste-Resource Management Regulations* made pursuant to the Environment Act;

- 2.2** Pursuant to the Inter-municipal Services Agreement among the members of the *Authority* it is agreed to establish a *Western Region Solid Waste-Resource Management Authority* By-law for the efficient and consistent execution of the *Authority's* mandate throughout the *Western Region*. Accordingly, this bylaw may make necessary or incidental references to places or facilities within the *Western Region* that are outside of the geographical boundaries of this municipal unit and it is intended that any such references in this bylaw be construed and applied in a manner consistent with the provincially-mandated regional approach to *solid waste-resource* management;
- 2.3** The *General Manager* of the *Authority* is the chief *administrator* of the *Authority* and is responsible to the *Authority* for the proper administration of its affairs in accordance with provincial legislation and regulations and the policies and plans approved and established by the *Authority*. The *Manager* or appointed delegate shall administer and enforce the provision of this by-law.


Part 3 Evidentiary Burden

- 3.1** In the absence of evidence to the contrary, if any *waste* which is deposited or placed in contravention of this by-law bears thereon identifying information connecting that *waste* to a person then that person shall be deemed to have deposited or placed the offending *solid waste* or caused or permitted it to be so deposited or placed.

Part 4 Administration and Enforcement

- 4.1** the Chief Administrative Officer shall appoint an *Administrator* to administer this

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by-law;

- 4.2 the By-law *Enforcement Officer(s)* appointed by the *Municipality* shall enforce this by-law;
- 4.3 for the purpose of the administration of this by-law the *administrator*, *By-law Enforcement Officer(s)*, or an agent or employee of the *Municipality* may at any reasonable time enter and inspect any *land* or premises, other than a *dwelling* or a room being used as a *dwelling* to determine compliance with this by-law and policies made under this by-law, including the right to inspect *waste*, residual *waste* and any storage facility;
- 4.4 the *Administrator* or the *By-law Enforcement Officer(s)* may, by a directive in writing direct any person to do any act or thing in order to comply with the provisions of this by-law or any policy made pursuant to this by-law in the manner and within the time specified in the written directive;
- 4.5 any written directive signed by the *Administrator* or *By-law Enforcement Officer(s)*, is effective if delivered personally to the person named in such directive or if sent by prepaid post or facsimile or e-mail transmission to the most recent known address of the person named and shall be deemed to have been received by such person, in the case of facsimile or e-mail transmission on the day after it was sent and in the case of prepaid post, on the third day after it was sent unless receipt of same is acknowledged;
- 4.6 it shall be an offence for any person to fail or refuse to comply with a written directive signed by either the *Administrator* or *By-law Enforcement Officer* pursuant to this by-law.

Part 5
Disposal of *Solid Waste*

Every person shall dispose of *solid waste* in accordance with this By-law.

5.1 Material banned from disposal by Provincial Legislation

No person shall dispose of or cause the disposal of the following materials at any approved *solid waste*-resource management facility, or deposit any such materials

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in a storage area, storage container, or collection container, intended for residual waste disposal in any landfill or incinerator:

- 5.1.1 *redeemable beverage containers*;
- 5.1.2 newsprint;
- 5.1.3 used *tires* (except as excluded from Provincial tire program);
- 5.1.4 corrugated cardboard;
- 5.1.5 *waste paint*;
- 5.1.6 steel/tin food containers;
- 5.1.7 high density polyethylene (HDPE #2) – plastic *beverage containers*, food containers, detergent containers, shampoo containers, crates, boxes, pails and lids, windshield washer containers, non-hazardous household cleaners containers (not including pesticide and petroleum containers);
- 5.1.8 low density polyethylene (LDPE #4) – industrial/commercial/institutional stretch wrap (pallet wrap);
- 5.1.9 *compostable organics*
- 5.1.10 any other materials which may be added to this list from time to time by the Province of Nova Scotia;
- 5.1.11 *household hazardous waste* as described in Section 1.29 of this by-law.

5.2 Material banned from disposal by Authority

No person shall dispose of any material (whether similar or dissimilar to any of the foregoing) that has been banned from disposal in a landfill or incinerator by order of the *Authority*. Posting of a list of such banned material shall constitute due and sufficient notice of the *Authority's* order for all purposes.

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5.3 Flow control

- 5.3.1 No person shall export or remove residual *waste*, construction and demolition *waste*, or unsorted *solid waste* generated within the *Municipality* outside the boundaries of the *Western Region*;
- 5.3.2 Notwithstanding subsection 5.3.1 the *Municipality* may export residual *waste*, construction and demolition or unsorted *solid waste* to approved facilities outside the boundaries of the *Western Region*.

5.4 No illegal dumping

- 5.4.1 Except for the placement of *solid waste* for collection in accordance with this by-law, no person shall deposit, cause to be deposited or permit to be deposited *solid waste* at any place in the *Municipality* other than at an approved *solid waste* management facility designated for the applicable type of *solid waste*, or at any other site authorized by the *Municipality* or approved for the purpose by the *Minister*;
- 5.4.2 No person shall place *solid waste* for collection on a property other than a property owned or occupied by that person or in respect of which the person has obtained the consent of the owner or occupier for that purpose;
- 5.4.3 Notwithstanding subsection 5.4.1 the following depositing activities are permissible:
 - 5.4.3.1 *backyard composting*, provided that:
 - a) the *composting* container or pile is not located within 10 meters of any window or door of a structure on an adjacent property; and
 - b) the activity is carried out in such manner as not to constitute a nuisance.
 - 5.4.3.2 the concentrated disposal of trees, brush or portions thereof or other farm or forestry *waste* by decay on forest or farm *land*, provided this activity is carried out in compliance with all applicable laws of the Province of Nova Scotia; and

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5.4.3.3 the nuisance-free disposal of aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as clean fill, provided this activity is carried out in compliance with all applicable laws of the Province of Nova Scotia.

5.5 No salvaging

No person shall:

5.5.1 pick up, remove, disturb or otherwise interfere with *solid waste* placed at the *curb* for collection by the *Municipality* [or by a *collector*], except as authorized by the *Municipality*.

5.6 Ownership of *solid waste*

Solid waste lawfully placed at the *curb* is owned by the *Municipality*.

5.7 No *solid waste* burning

No person shall burn *solid waste* in a barrel, stove or other device or in the open as a method of *waste* disposal, except for brush, tree limbs and milled wood that is free from adhesives, coatings and preservatives, but only where such burning of brush, tree limbs and milled wood is otherwise permitted by law.

5.8 *Litter* abatement

As per provincial regulations, no person shall release or cause *litter* to be released into the environment, except in accordance with this by-law.

5.9 Disposal at municipal *solid waste* management facilities

5.9.1 No person shall place, cause to be placed or permit to be placed at, in or

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on a *municipal solid waste management facility* any material or quantity of material in contravention of:

- 5.9.1.1** this by-law or any policy of the *Municipality* or *Authority* concerning the use of a *municipal solid waste management facility*, including but not restricted to *waste diversion* policies requiring the diversion of particular types or quantities of *solid waste* from particular types of *municipal solid waste management facility*;
 - 5.9.1.2** the direction of the operator or staff of a *municipal solid waste management facility* with respect to the type, method, volume, weighing, measuring, time, location or any other conditions for the placement of *solid waste*; and
 - 5.9.1.3** any federal or provincial law, including any law requiring the diversion of particular types or quantities of *solid waste* from particular types of *solid waste* management facilities.
- 5.9.2** No person shall place, cause to be placed or permit to be placed any *solid waste* at or adjacent to a *municipal solid waste management facility* when the facility is not open or when the operator or staff of the *municipal solid waste management facility* refuses to accept any loads or items of *solid waste*;
- 5.9.3** The operator or staff at a *municipal solid waste management facility* may refuse *solid waste* under the following circumstances:
- 5.9.3.1** where the *municipal solid waste management facility* is not designated for the type of *solid waste* a person is attempting to place;
 - 5.9.3.2** where a requisite tipping fee has not been paid;
 - 5.9.3.3** where the source of the *solid waste* is not identified;
 - 5.9.3.4** where the source of the *solid waste* is outside the boundaries of the *Municipality*;

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5.9.3.5 where the facility is unable to weigh, measure or process the *solid waste* for any reason, including but not restricted to excessive inventory of *solid waste* or shortage of space, mechanical or electrical break down or labour dispute;

5.9.3.6 where the operation of the *solid waste* management facility would be compromised by the placement of the *solid waste*; or

5.9.3.7 where the *solid waste* would be placed in contravention of this by-law, any law of the Province of Nova Scotia and of the Government of Canada.

5.9.4 No person shall place, cause to be placed or permit to be placed in a *municipal solid waste management facility* any *solid waste*:

5.9.4.1 that is not separated as required by this by-law;

5.9.4.2 that is falsely or misleadingly presented or packaged as *solid waste* of a particular origin; or

5.9.4.3 that is concealed within or inter-mingled with *solid waste* of another kind, type, stream or place of origin;

5.9.4.4 for greater certainty, *solid waste* that is:

- a) not permitted to be placed for collection or to be delivered to a *municipal solid waste management facility* pursuant to this by-law; or
- b) generated outside the *Municipality* may not be disposed of at a *municipal solid waste management facility* except where the *Municipality* or the operator of a *municipal solid waste management facility* has given a person written approval to do so in advance.

5.10 No accumulation of solid waste

5.10.1 No owner or occupant of a property in the *Municipality* shall permit the

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accumulation of *solid waste* in or around the property to the extent that it is or is likely to become a nuisance or cause an *adverse effect*;

5.10.2 where an owner or occupant permits the accumulation of *solid waste* contrary to subsection 5.10.1, the *Administrator* may enter the property to collect and dispose of the accumulated *solid waste*, the expense of which will be charged to the owner or occupant who has contravened subsection 5.10.1;

5.10.3 for greater clarity, the *Administrator* may enter the property to collect and dispose of any uncollected *solid waste* scattered by animals, pests or weather that an owner or occupant fails to remove pursuant 5.14.1.5 of this by-law, the expense of which will be charged to the owner or occupant.

5.11 Municipal collection

5.11.1 Owners and occupants of every property in the *Municipality* that is subject to municipal collection shall ensure that all *solid waste* is properly stored and placed for collection and disposal;

5.11.2 *Council* may provide for general municipal collection of *solid waste* by its own employees or by a contractor in some or all areas of the *Municipality*;

5.11.3 without limiting the generality of subsection 5.11.1, *Council* may, at its discretion, use different classifications for municipal collection of *solid waste*, including different classifications of collection services and different classifications of *waste generators*;

5.11.4 without limiting the generality of subsection 5.11.1 and 5.11.2, *Council* may, at its discretion, limit collection to:

5.11.4.1 particular types of *solid waste*;

5.11.4.2 properties containing not more than a specified number of residential households;

5.11.4.3 properties which are seasonal; and

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5.11.4.4 properties generating *industrial waste* of a particular type or size or generating not more than a specified volume of *solid waste*.

5.11.5 owners and occupants of every property in the *Municipality* that is not made subject to municipal collection are responsible for providing for the lawful collection and disposal of all *solid waste* in accordance with this by-law, and for paying any associated collection, disposal or tipping fees;

5.11.6 for greater certainty, owners and occupiers of every property in the *Municipality* that is not made subject to municipal collection are responsible for separating *solid waste* in accordance with this by-law;

5.11.7 the *Municipality* may contract with owners and occupiers whose properties are ineligible for municipal collection pursuant to this by-law, to provide collection of their *solid waste*;

5.11.8 the limitations and restrictions in this by-law applicable to general municipal collection shall apply to the owners and occupiers in subsection 5.11.1, except to the extent that those limitations or restrictions are expressly varied in any contract reached between the *Municipality* and the owner or occupier pursuant to subsection 5.11.1.

5.12 Special collections

5.12.1 *Council* may, at its discretion,

5.12.1.1 provide for special municipal *solid waste* collections on an occasional basis; or

5.12.1.2 provide for municipal collection from a drop-off site of particular types of *solid waste*, such as discarded Christmas trees, *bulky items* not eligible for regular municipal collection, *leaf and yard waste*, *household hazardous waste* or other specified *solid waste*.

5.12.2 when providing for special collections pursuant to subsection 5.12.1, *Council* may limit such special collection to:

5.12.2.1 particular areas of the *Municipality*;

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5.12.2.2 properties containing not more than a specified number of residential households; or

5.12.2.3 properties generating *industrial waste* of a particular type or size or generating not more than a specified volume of *solid waste*.

5.13 Separation and storage

5.13.1 Owners and occupants of every property in the *Municipality* shall separate *solid waste* at the time and place of generation into the following streams:

5.13.1.1 *compostable material*;

5.13.1.2 *recyclable container materials*;

5.13.1.3 *recyclable paper materials*;

5.13.1.4 *residual garbage*;

5.13.1.5 *construction and demolition debris*;

5.13.1.6 *contaminated soil*;

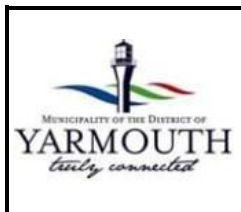
5.13.1.7 *asbestos*;

5.13.1.8 *solid waste* of any type which is not acceptable for municipal collection or accepted at a *municipal solid waste management facility*, each such type separated in its own stream; and

5.13.1.9 *solid waste* of any type which is only accepted on the occasion of special collections, or by contract or by express approval in advance of the operator of a *municipal solid waste management facility*, each such type separated in its own stream

5.13.2 owners and occupants of every property in the *Municipality* shall take positive steps to ensure that all *solid waste* separated in accordance with subsection 5.13.1 remains separated and uncontaminated by any other

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type of *solid waste*;

5.13.3 for greater certainty, the obligations to separate and maintain separation of *solid waste* in subsections 5.13.1 and 5.13.2 extend to owners, management and staff of restaurants, stores, parks, campgrounds, on public streets and other establishments serving the public, which must also provide containers to facilitate separation and non-contamination of *solid waste* streams by owners, management, staff and clientele as appropriate for the type of establishment;

5.13.4 subject to subsection 5.13.1, *residual garbage* may include compostable or *recyclable materials* to the extent that separation of compostable and *recyclable material* was not reasonably possible because of:

5.13.4.1 the fusing or bonding together of materials in the state in which the *waste* was received; or

5.13.4.2 the reasonable cross-contamination of materials in the ordinary course of use, if such contamination is unavoidable even by the exercise of due diligence.

5.13.5 owners and occupants of every property in the *Municipality* shall provide sufficient and adequate space and containers for the storage, collection and disposal of any *solid waste* which may accumulate from time to time on the property;

5.13.6 without limiting the generality of subsection 5.13.5, owners and occupants of every property in the *Municipality* shall provide space and containers in accordance with the following provisions:

5.13.6.1 *compostable material* shall be stored in *organics carts* or in other containers that are water-proof, impervious to domestic and wild animals and rodents and designed to avoid the entrapment any person, and such *organics cart* or container shall be placed or kept as far as possible from any window or door situated on an abutting or adjacent property, but preferably at a distance of at least 10 meters; and

5.13.6.2 *recyclable materials* and *residual garbage* shall be stored inside

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buildings or in containers that are:

- a) water-proof and impervious to domestic and wild animals and rodents and designed to avoid the entrapment of persons;
- b) capable of accommodating the quantities of *source-separated waste resources* generated between collections at that location;
- c) designed and constructed such that *waste resources* remain in a *source-separated* condition;
- d) easily accessible to the occupants;
- e) safe for its intended uses;
- f) in cases where *Authority or Participating Member* collection is provided at the storage location, accessible to the *Authority or Participating Member* collection truck within 5 meters of the loading hopper;

5.13.7 no person shall permit the spillage, blowing or scattering of *wastes* within the *Municipality*;

5.13.8 owners and occupants of every property in the *Municipality* which is eligible for municipal collection of *solid waste* are responsible for keeping all containers in a clean and useable state and to ensure that they are maintained so as to not become a nuisance;

5.13.9 ICI and multi-unit residential bulk *commercial containers* used for the collection or storage of *solid waste*:

5.13.9.1 shall be sturdily constructed, water-proof and impervious to domestic and wild animals and rodents;

5.13.9.2 shall be designed to avoid the entrapment of all persons;

5.13.9.3 shall be accessible to the occupants and safe for its intended

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users;

5.13.9.4 shall be equipped with a tight-fitting lid with a locking device which shall be kept closed except when the container is being loaded or unloaded;

5.13.9.5 shall be kept clean and in good state of repair;

5.13.9.6 shall not be loaded in a manner which permits *waste* to extend beyond the internal volume of the container when the lid is closed;

5.13.9.7 shall be labeled for the purpose of identifying what materials the container contains;

5.13.9.8 shall have sufficient space or sectioning to store *solid waste* separated in accordance with the provisions of this by-law in such a manner that can ensure that separated *solid waste* remains separated and uncontaminated by other types of *solid waste*;

5.13.9.9 shall be accessible within 5 meters of the collection vehicle loading hopper;


5.13.10 Owners and occupants of premises serviced by a bulk *commercial container* shall:

5.13.10.1 keep the area surrounding the container free from any type of *waste*; and

5.13.10.2 provide instruction to any tenants, visitors or employees to ensure proper separation and disposal;

5.13.11 Any *solid waste* that is a *bulky item* that has a door, lid or other apparatus that enables the *bulky item* to be closed, including but not limited to refrigerators and freezers, shall either be stored inside an enclosed, locked or child-proof building or shall have their door, lid or other closing apparatus removed from the *bulky item*;

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5.13.12 Where a person wishes to dispose of *solid waste* containing *chlorofluorocarbons*, that person must:

5.13.12.1 safely deliver the *solid waste* to the *Municipality's* facility designated to deal with *chlorofluorocarbons* to have the *chlorofluorocarbons* removed by a certified technician; or

5.13.12.2 arrange to have the *chlorofluorocarbons* removed by a certified technician and accordingly labelled by the certified technician in accordance with the Ozone Layer Protection Regulations of the Nova Scotia Environment Act, and safely deliver that *solid waste* to the *Municipality's* facility designated to deal with *chlorofluorocarbons*.

5.14 Rules for municipal collection

5.14.1 Except as authorized by the Municipality from time to time, including but not restricted to *public education documents* published in connection with special collection days, persons placing *solid waste* for municipal collection shall comply with the following:

5.14.1.1 *solid waste* shall be placed for collection on the *curb* directly in front of the property that is the source of the *solid waste*, and shall be placed in such a manner as to interfere as little as possible with pedestrian traffic and snow removal, the distance shall not exceed 5 meters from the edge of the travelled portion of the roadway;

5.14.1.2 *solid waste* shall be placed for collection by 7:00 a.m. on the day of collection;

5.14.1.3 *solid waste* shall not be placed for collection more than 1 day before the collection date for that property and for the appropriate type or stream of *solid waste*;

5.14.1.4 notwithstanding subsection 5.14.1.2 and 5.14.1.3 during special collections, materials for roadside collection shall be set out no earlier than 7 days prior to a special collection;

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- 5.14.1.5** uncollected *solid waste* and any *solid waste* scattered by animals, pests or weather shall be removed by the owner or occupant of the property from which that *solid waste* was placed for collection not later than 9:00 p.m. on the collection date of that property;
- 5.14.1.6** residual *waste* collection containers and organic collection *carts* shall be removed from the roadside by the end of collection day, except in the case of *permanent waste-resource storage containers*. *Permanent waste-resource storage containers* shall comply with this by-law. *Organics collection carts* shall be removed from roadside and stored on premises. The *cart* shall be secured to prevent it from being blown into the roadway;
- 5.14.1.7** *residual garbage* shall be placed for collection in securely tied, clear, transparent, plastic, water-proof bags and shall not exceed a weight of 15 kilograms per bag. Not more than 5 bags containing *residual garbage* shall be placed for collection on any one collection day;
- 5.14.1.8** *residual garbage* placed pursuant to subsection 5.14.1.7 must be placed in transparent bags as required by subsection 5.14.1.7, except that 1 bag of *residual garbage* per collection may be placed in a bag that is non-transparent, in which *residual garbage* of a private or personal nature may be placed. The Municipality reserves the right to grant written variances to this limit in accordance to the Variance Policy approved by the Board of Waste Check;
- 5.14.1.9** *recyclable materials* shall be placed for collection in securely tied, blue tinted or clear, plastic, water-proof bags with separate blue bags for *recyclable paper materials* and *recyclable container materials* and shall not exceed a weight of 15 kilograms per bag. In the case of corrugated cardboard, bundles or packages, flattened and securely tied weighing no more than 20 kg and measuring no more than 60cm by 60cm;
- 5.14.1.10** not more than five 5 bags and/or containers containing bags of

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recyclable materials shall be placed for collection on any one collection day;

5.14.1.11 *residual garbage* and *recyclable material* may be placed for collection in *waste* collection boxes located on the *curb*, provided that:

- a) all *residual garbage* and *recyclable material* are properly bagged as required by this by-law;
- b) the box is impervious to domestic and wild animals, rodents, insects, and is designed to avoid the entrapment of persons;
- c) the box has a securely hinged lid or lids;
- d) the box has a support to hold the lid open while the contents are being emptied;
- e) the box is not buried by snow and ice to the extent that it cannot be collected in a safe manner by the *collector*;
- f) the *solid waste* is placed within the box in accordance with all other requirements of this section, including separation of *solid waste* streams and placement in specified bags;
- g) *compostable material* and *organics* shall be placed for collection in *organics carts* containing a load weight of no more than 100 kg, bundles of brush securely tied and weighing no more than 15 kg with no individual pieces of material greater than 5 cm in diameter or longer than 1.2 m;
- h) *compostable material* and *organics* may not be placed in plastic biodegradable bags;
- i) *bulky items* placed for collection as authorized for municipal collection by the Municipality shall not exceed 25 kg in weight for any one bundle or container and not exceed 1 cubic meter in size, with the exception of furniture or appliance items, and shall not exceed 325 kg for all *bulky items* for any one

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residential unit; and

- j) when *bulky items* are authorized for municipal collection by the Municipality, no more than one of each type of appliance is permitted per collection.

5.14.1.12 persons may only place *solid waste* for collection on the *curb* directly in front of the property that generated the *solid waste* where possible and unless otherwise directed by the Municipal unit;

5.14.1.13 in the case of *multi-unit apartment buildings* the owner shall provide a storage enclosure for *source separated waste resources* in an easily accessible location on the building's property meeting applicable municipal requirements. The *Municipality's collector* will collect *waste resources* providing it is accessible when the truck arrives. If the storage enclosure is not accessible to the collection truck, all materials shall be placed at road side for collection;

5.14.1.14 collection will only take place on public streets and roads or private roads that are maintained by Nova Scotia Transportation and Infrastructure Renewal (NSTIR), or the Municipality. For all other roads the *source separated waste resources* must be brought to the nearest intersection with a public street or road and placed in accordance to this by-law for collection, or to a drop off depot provided by the Municipality.

5.15 Solid waste not permitted for Municipal collection

5.15.1 Except where authorized by the Municipality, no person shall place for collection:

5.15.1.1 *hazardous waste*;

5.15.1.2 *sharps*;

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- 5.15.1.3 *pathological waste*;
- 5.15.1.4 *hospital and pharmaceutical waste*;
- 5.15.1.5 *asbestos*;
- 5.15.1.6 *septic waste*;
- 5.15.1.7 *hot ashes*;
- 5.15.1.8 *dead animal carcasses larger than 10 kg*;
- 5.15.1.9 *industrial waste*, including non-residential, farm, forestry or fishing *waste*;
- 5.15.1.10 materials that are prohibited from disposal by municipal collection by the laws of the Province of Nova Scotia;
- 5.15.1.11 *solid waste* generated outside the Municipality;
- 5.15.1.12 *construction and demolition debris* that exceeds the dimensions or weight allowable for *bulky item* collection by the provisions of this by-law; and
- 5.15.1.13 other materials or *solid waste* as may be identified as unacceptable for municipal collection by the Municipality, including but not restricted to identification in *public education documents* distributed by the Municipality from time to time.

5.16 Inspection and rejection guidelines

5.16.1 *Waste-resources* set out for collection shall be subject to inspection by the collection contractor or by the *Administrator, By-law Enforcement Officer(s)* or an agent, or employee of the Municipality. *Waste-resources* found not to be *source-separated* according to this by-law may be rejected and not collected;

5.16.2 All loads of *waste-resources* entering a *Municipal Solid Waste*

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Management Facility are subject to inspection and enforcement action by the facility operator/staff, the *Administrator*, and/or *By-law Enforcement Officer(s)* to ensure compliance with this by-law.

5.17 Prohibition on Sale of Plastic Compostable Products

No business shall offer for sale or otherwise provide to any customer of the business a plastic compostable product without first obtaining a permit from the Municipality to do so.

Part 6

Owner and occupant responsibilities for waste resource management

The responsibility for the management of *Waste-resources* in Industrial, Commercial & Institutional (*IC&I*) premises and *Multi-Unit Dwellings* is shared by the property owner and the occupant as follows:

6.1 Property owner's responsibilities

6.1.1 The property owner shall:

6.1.1.1 provide *waste-resource* storage as set out in section 5.13;


6.1.1.2 in cases where storage is inaccessible to the collection truck as prescribed in section 5.13, ensure that *waste-resources* are set at roadside by 7:00 a.m. for collection on collection day;

6.1.1.3 maintain *waste-resource* storage in a clean and tidy condition at all times, both inside and outside, including the immediate surroundings;

6.1.1.4 ensure that collection containers and uncollected *waste-resources*, including *litter* produced from set-out *waste-resources* by pests, weather conditions, or otherwise, are removed from roadside by the end of collection day; and

6.1.1.5 abide by all directives of the *By-law Enforcement Officer* with

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regards to the handling of *waste-resources*.

6.2 Occupant's responsibilities

6.2.1 The occupant shall:

- 6.2.1.1** sort all *waste-resources* generated in the occupant's unit as provided in Part 5 of this by-law;
- 6.2.1.2** between collections, place sorted materials in the storage provided by the property owner; and
- 6.2.1.3** abide by all directives of the By-law *Enforcement Officer* with regards to the handling and sorting of *waste-resources*.

Part 7

Industrial, Commercial & Institutional (IC&I) or Construction and Demolition Waste-Resources

7.1 In Industrial, Commercial & Institutional (IC&I) Waste-Resource

7.1.1 The property owner or occupant of premises which generate the following *waste* resources shall either personally or by employees, contractors or agents, and in compliance with all applicable Federal, Provincial, and Municipal laws, promptly remove and dispose of such *waste*:

- 7.1.1.1** All *waste* generated by any industrial, commercial or institutional (IC&I) premises, facility or operation, not eligible for Municipal collection pursuant to this by-law;

7.2 Commercial containers

7.2.1 Any person who supplies and/or uses a *commercial container* for temporary storage of *waste* shall ensure that such *commercial container*:

- 7.2.1.1** is sturdily constructed of weather proof and animal proof material

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and is capable of containing the material deposited within;

- 7.2.1.2** is equipped with a tight fitting lid with a locking device which shall be kept closed except when container is being loaded or unloaded; and
- 7.2.1.3** is cleaned out regularly, as necessary, to avoid the build-up of odours.
- 7.2.2** the owner of any premises on which a *commercial container* is placed shall ensure that:

 - 7.2.2.1** any such container is kept in a manner that is not unsightly and does not cause a nuisance or health related problem; and
 - 7.2.2.2** that the area around the container is maintained free from *litter* and *waste*.
- 7.2.3** no person shall place *waste* in any *commercial container* without permission of the owner of the container;
- 7.2.4** commercial organic containers or *carts* must be emptied on a weekly basis. *Organics* may not be collected in plastic bags;
- 7.2.5** *IC&I waste-resources* are subject to inspection by the *Administrator* or delegate or by-law *Enforcement Officer* for compliance with this by-law;
- 7.2.6** the property owner or the renter of a commercial storage container or structure shall ensure that materials are placed in the storage container in a source-separated condition;
- 7.2.7** the hauler collecting a commercial storage container shall ensure that source separated *waste* resources are maintained in a *source-separated* condition and deposited separately at the appropriate facility;
- 7.2.8** containers for *IC&I recyclables* shall be blue transparent plastic bags, with separate blue bags for *recyclable paper materials* and *recyclable container materials*. Corrugated cardboard shall be bundled separately from the other *recyclable paper materials*;

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7.2.9 containers for *IC&I* residual waste shall be clear plastic bags.

7.3 Construction and demolition waste

7.3.1 All *waste* resulting from construction or demolition of any kind, including renovation or repair, except that *waste* which may be eligible for municipal collection pursuant to this by-law, shall be promptly removed and disposed of in a *waste* management facility licensed for the disposal of construction and demolition *waste*;

7.3.2 the property owner or occupant of the premises shall both personally or by employees, contractors or agents promptly remove and dispose of any construction and demolition material generated on the premises in compliance with all applicable Federal, Provincial, Municipal Laws and Regulations.

**Part 8
Offense and penalty**


8.1 Violation of By-Law


8.1.1 Any person who contravenes any part of this by-law is guilty of an offence punishable on summary conviction by a fine of not less than [\$500] and not more than [\$5,000];

8.1.2 each day that a person commits an offence under this by-law constitutes a separate offence;

8.1.3 any person who contravenes Part 4 or Part 5 of this bylaw and who is given notice of the contravention may at the discretion of the Municipality pay to the Municipality, at the place specified in the notice, the sum of [\$250.00] pursuant to Payment in Lieu of Prosecution within 14 days of the date of the notice and shall there-by avoid prosecution for that contravention.

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| Chief Administrative Officer's Annotation for Official By-Law Book | |
|--|---|
| Date of First Reading | July 8, 2020 |
| Date of Advertisement of Notice of Intent to Consider | July 10, 2020 |
| Date of Second Reading | July 27, 2020 |
| Date of Advertisement of Passage of By-law | July 30, 2020 |
| Date of Mailing to Minister a Certified Copy of By-law | August 10, 2020 |
| <p>I certify that this Solid Waste Resource Collection and Disposal By-law S-088-20 was adopted by Council and published as indicated above.</p> | |
|  <hr/> Chief Administrative Officer | <p align="center"><u>August 10, 2020</u> Date</p> |

Date last reviewed by Council: July 27, 2020
Date last amended: July 27, 2020