



Town of Antigonish
Solid Waste-Resources Management By-law

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1.0 DEFINITIONS

In this By-law:

- a) **"backyard composter"** means a container approved by the Town designed for backyard composting.
- b) **"backyard composting"** means composting organic materials at a property where the compostable organic material was generated by residents of the property and/or neighbouring properties.
- c) **"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.
- d) **"bulky items"** means large items of a household nature including but not limited to furniture, stoves, mattresses, bed springs, barrels, water tanks, dishwashers, oil tanks, and lawn furniture.
- e) **"collection containers"** means bags or other containers approved by the Town pursuant to this By-law.
- f) **"collector"** means the individual or company who has agreed to provide any waste-resource collection service.
- g) **"compostable organics"** or **"organics"** means food waste, leaf and yard waste, boxboard, soiled and non-recyclable paper, branches and bushes, and other material of plant or animal origin as designated by the Town from time to time.
- h) **"construction and demolition waste"** means materials which are normally used in the construction, repair and excavation of buildings, structures, roadways, walls and other landscaping activities but is not limited to soil, asphalt, brick, mortar, concrete, drywall, plaster, cellulose, fiberglass fibers, lumber, wood, asphalt shingles, and metals.
- i) **"council"** means the Council of the Town of Antigonish.
- j) **"curbside"** means the edge of a public sidewalk, street or roadway between the traveled portion of the right-of-way and the property line which parallels the street's centre line.
- k) **"designated disposal site"** means the Guysborough Waste Management Facility, for which there is a valid contract between the Town of Antigonish and the Municipality of the District of Guysborough for the placement of all residual waste generated within the Town.
- l) **"eligible premises"** means those properties within the jurisdiction of the Town which are eligible for Town collection as prescribed by this By-law.
- m) **"food waste"** means but is not limited to fruit and vegetable peelings, table scraps, meat, poultry and fish, shellfish, dairy products, cooking oil, grease and fat, bread, grain, rice and pasta, bones, egg shells, coffee grounds and filters, tea leaves and bags or other similar items.

- n) **"hazardous waste"** means solid or liquid waste that may be harmful to humans, animals, plant life or natural resources including but not restricted to industrial chemicals, toxic, flammable, corrosive, radioactive, reactive, pathological and PCB waste, oil, gasoline, paint solvent, wood preservatives, ink, battery acid, pesticides, and insecticides.
- o) **"household hazardous waste"** or **"HHW"** means waste-resource materials of a potentially hazardous nature generated in 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. For the purposes of this By-law, household hazardous waste does not include PCBs, radioactive materials, explosives, fireworks, pathological wastes, and ammunition.
- p) **"industrial/commercial/institutional waste"** or **"IC&I waste"** means waste-resources generated by the IC&I sector from all activities excluding construction and demolition waste.
- q) **"IC&I premises"** means a lot of land occupied by one or more industrial, commercial or institutional establishment(s) and **"IC&I sector"** has an equivalent meaning with reference to that economic sector.
- r) **"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, saw dust, wood shavings, trees and stumps, grass clippings and leaves but excludes construction and demolition waste and contaminated organic matter.
- s) **"mini-bin"** means a small container supplied to eligible premises by the Town for the collection of organic materials prior to deposit in an organic collection cart.
- t) **"municipal solid waste"** has the same meaning as in the *Solid Waste-Resources Management Regulations* made pursuant to the *Environment Act* as follows, "municipal solid waste" means garbage, refuse, sludge, rubbish, tailings, debris, litter and other discarded materials resulting from residential, commercial, institutional and industrial activities which are commonly accepted at a municipal solid waste management facility but excludes wastes from industrial activities regulated by an approval issued under the Act and **"solid waste"** and **"solid waste-resources"** shall have an equivalent meaning.
- u) **"occupant" and/or "owner"** includes an individual who is a tenant, lessee, roomer, subtenant, under-tenant, or co-tenant or who otherwise occupies or has occupied land or buildings and his or their assigns and legal representatives.
- v) **"oil tanks"** means residential oil tanks, cleaned and empty of all liquids, to a maximum size of 900 litres.
- w) **"organic collection cart" or "cart"** means a cart supplied by the Town to eligible premises for the storage of compostable organics.
- x) **"pathological waste"** means any part of the human body except hair and nail clippings and the like, any part of a dead animal infected with a communicable disease, and non-anatomical waste infected with communicable disease.
- y) **"person"** includes individuals, corporate bodies, and all other types of organizations or entities.

- z) **"premises"** includes any building, place, dwelling, room or rooms, apartment, hotel, motel, restaurant, shop, store, office, parking lot and any tract of lands connected therewith and the lands connected therewith and the lands under separate occupation or control.
- aa) **"privacy bag"** means a solid colour bag used to contain bathroom waste and other residual waste that normally requires privacy from the public.
- bb) **"property owner"** has the same meaning as "owner" as defined in the *Municipal Government Act* and, for greater certainty, includes a landlord, a leaser, an owner, the person giving or permitting the occupation of premises, his and their heirs and assigns and legal representatives and, in the case of a corporation, the officers and directors of that corporation.
- cc) **"recyclable materials"** means **"recyclable paper"** such as newsprint, corrugated cardboard, boxboard, and other paper products and **"other recyclables"** such as redeemable beverage containers, milk cartons, glass bottles and jars, metal food containers and cans, aluminum cans, aluminum foil plates and trays, high density polyethylene plastic containers (HDPE #2), low density polyethylene plastic containers (LDPE #4), and polyethylene terephthalate plastic bottles (PET #1), plastic bags (#2 and #4) and pallet wrap. Other items may be designated by the Town for inclusion in the recycling program which may be amended from time to time.
- dd) **"redeemable beverage container"** means a container of less than five (5) litres which contains or has contained a beverage that was sealed by the manufacturer after the beverage was placed in it, other than a container for milk, milk products, soya milk or concentrates.
- ee) **"residential tenancies"** means any house, dwelling, apartment, flat, tenement, mobile home, mobile home park, mobile home space or other place that is occupied or may be occupied by an individual as a residence to which the *Residential Tenancies Act* applies or that part of any such place that is or may be occupied by an individual as a residence but does not include IC&I premises.
- ff) **"residual waste"** or **"residuals"** means any municipal solid waste remaining after diversion of recyclable materials, compostable organics, hazardous waste, and other materials banned from disposal.
- gg) **"soiled and non-recyclable paper"** means wet paper or paper soiled with food, dirt, edible grease, including but not limited to dinner napkins, paper towels and fast food wrappers, wax paper, pizza boxes, paper plates, newspaper, flyers, sugar, flour and potato paper bags or other similar items.
- hh) **"source-separated waste-resources"** means waste-resources which have been sorted and separated prior to the point of discard to facilitate their reuse, recycling, composting or disposal and **"source separation of waste-resources"** has a corresponding meaning.
- ii) **"special collection"** means a Town collection for bulky items, leaves, yard waste, and such other materials as may be determined from time to time by the Town.
- jj) **"special constable"** means an employee of the Town of Antigonish who has been appointed by Town Council to enforce this By-law.

- kk) **"storage"** means the space necessary to contain waste-resources for a temporary period at the end of which it is intended to be processed, used, transported, treated or disposed of.
- ll) **"Town"** means the Town of Antigonish or any person, firm or corporation acting on its behalf.
- mm) **"waste-resources"** means all those materials managed by or on behalf of the Town as recyclable materials, compostable organics, household hazardous waste, construction and demolition waste or residual waste. **"Public waste-resources"** means waste-resources generated by public premises activities. **"Residential"** and **"IC&I waste-resources"** have similar meaning specific to waste-resources generated by activities at that location.
- nn) **"Waste-Resources Management Centre"** means a facility for receiving, storing, sorting, and shipping specific waste-resources.

2.0 PROHIBITIONS

2.1 Illegal Dumping

- a) No person shall dump, abandon or dispose of waste-resources at any public or private place unless that place is duly licensed to receive and dispose of that particular category of waste-resources.
- b) No person shall dump, dispose of or abandon waste-resources at or near a designated disposal site, Waste-Resources Management Centre or any other facility licensed to receive waste-resources when the Centre or facility is not open or when the operator or staff of the Centre or facility refuses to accept waste-resources at that time or from that person.
- c) No person shall place any waste-resources for collection on a property other than a property owned or occupied by that person unless that person has obtained the consent of the owner or occupant for that purpose.
- d) No person shall place waste in any commercial storage container without permission of the property owner or the renter of the container.

2.2 Waste-Resource Burning

No person shall burn waste-resources in the Town in a barrel, stove or other device or in the open as a method of waste disposal.

2.3 Materials Banned from Disposal

No person shall dispose of or cause the disposal of any of the following materials by depositing or abandoning waste-resources in a storage area, storage container, or collection container, intended for residual waste disposal or in an incinerator or landfill, namely:

a) Material Banned From Disposal by Provincial Regulation

Materials banned from disposal by provincial regulation are those materials listed in Schedule B of the Solid Waste-Resources Management Regulations as amended from time to time.

b) Material Banned from Disposal by the Town

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 Town. Publication of a list of such banned material in a newsletter or newspapers of general circulation in the Town shall constitute due and sufficient notice of the Town's Order for all purposes.

2.4 Export of Solid Waste

a) No person shall export or remove municipal solid waste generated within the Town outside the boundaries of the Town without approval from the Town.

b) Notwithstanding Section 2.4 a), the Town or a collector acting on behalf of the Town may export residual waste and other sorted waste-resources to designated facilities outside the boundaries of the Town if approved by the Town.

2.5 Solid Waste Accumulation

a) No occupant or property owner shall permit the accumulation of waste-resources on or around the premises under his control to the extent that it is or is likely to become unsightly or a nuisance or a hazard to public health, including the health of the occupant or property owner.

b) No occupant or property owner shall permit any collection containers of solid waste, residual waste, compostable organics, or recyclable materials to remain on or around any premises under his/her control for a period longer than fourteen (14) days without placing the same for collection in the manner herein provided.

2.6 Provision for Backyard Composting

Notwithstanding Section 2.5, residents following backyard composting procedures approved by the Town may backyard compost compostable organics, excluding meat, fish, bones, and dairy products within a backyard composter to the rear of the property.

3.0 SOURCE SEPARATION REQUIREMENTS

3.1 Residential Waste-Resources

All waste-resources generated from eligible premises must be source separated by the occupant into categories in accordance with this By-law to comply with material banned from disposal referred to in Section 2.3.

3.2 Industrial, Commercial, and Institutional (IC&I) Waste-Resources

IC&I sector establishments must sort waste-resources to comply with the materials banned from disposal referred to in Section 2.3.

3.3 Public Waste-Resources

Those responsible for premises accessible to the public with waste-resource receptacles, including but not limited to retail establishments, private parks and campgrounds, at public events or other areas used by the public, shall ensure that receptacles are available so that the public using the premises can properly source separate waste-resources generated by activities from that premises with appropriate signage to garner source-separated waste-resources in accordance with this By-law and provincial regulation.

4.0 TOWN COLLECTION

4.1 Eligible Premises

- a) Collection of residential source-separated waste-resources including the collection of residual waste, recyclable materials, compostable organics, and other special collections as identified by the Town will be provided by the Town to eligible premises.
- b) Eligible premises include single unit dwellings and apartment buildings with a maximum of four (4) units that front on public streets in the Town but excludes residential tenancies located within commercial zones.
- c) The Town may from time to time negotiate with property owners whose property contains five (5) or more units for inclusion in the Town's Solid Waste Management collection program.

4.2 Collection Containers

- a) Source separated waste-resources must be set out for collection in appropriate collection containers as identified by the Town.
- b) No person shall set curbside any individual collection container of residual waste or recyclable materials with contents that exceed twenty-three (23) kilograms or fifty (50) pounds in weight.
- c) Residual waste will be collected curbside from eligible premises if:
 - i. residual waste is placed in non-coloured clear bags of standard size, approximately twenty-five (25) inches or sixty-four (64) centimeters by thirty-five (35) inches or eighty-nine (89) centimeters;
 - ii. each standard sized bag may include one solid colour privacy bag no larger than twenty (20) inches or fifty-one (51) centimeters by twenty-two (22) inches or fifty-six (56) centimeters; and
 - iii. the contents of each collection container is void of recyclable materials, compostable organics, household hazardous waste, and other materials identified as not acceptable for disposal by the Town or designated disposal facility.
- d) Recyclable materials will be collected curbside from eligible premises if the following conditions are met:
 - i. the recyclable materials for collection are placed in unmarked transparent blue bags of standard size, approximately twenty-five (25) inches or sixty-four (64) centimeters by thirty-five (35) inches or eighty-nine (89) centimeters;
 - ii. the contents and quality of the materials are easily identifiable; and
 - iii. all recyclable 'paper' is placed within a transparent blue bag and items identified as recyclable 'other' placed within another transparent blue bag as identified as acceptable by the Town;

- iv. corrugated cardboard may be flattened and secured in bundles no larger than ninety-one (91) centimeters or thirty-six (36) inches by ninety-one (91) centimeters or thirty-six (36) inches by sixty-one (61) centimeters or twenty-four (24) inches; and
 - v. recyclable materials are clean and dry.
- e) Compostable organics will be collected curbside from eligible premises if the following conditions are met:
- i. compostable organics are placed for curbside collection in the plastic two hundred and forty-two (242) litre or sixty-four (64) gallon capacity, wheeled organic collection cart provided to the eligible premises by the Town; no other collection container will be accepted for this purpose;
 - ii. the contents are free from all forms of plastic including but not limited to bags and packaging and all other non-compostable materials including but not limited to metal, glass and rocks; and
 - iii. the contents within the cart are approved for collection by the Town.

4.3 Organic Collection Cart and Mini-bin

- a) The organics collection cart or other containers such as the mini-bin provided by the Town for purposes mentioned in this By-law shall, at all times, be kept and maintained in a good and sanitary condition by the occupant or property owner thereof.
- b) The above referenced cart or containers provided by the Town for the purposes mentioned in this By-law are assigned to that eligible premises and shall remain with and are the responsibility of the occupant and or property owner of that eligible premises.
- c) Eligible premises are responsible for the replacement of any collection container provided by the Town and subsequently will be invoiced when necessary.

4.4 Collection Times

- a) Waste-resources shall not be placed for collection before 9:00 PM in the evening of the day preceding the scheduled collection of that waste-resource. Bulky items will not be collected curbside, other than on special collection dates for specific types of waste-resources as identified by the Town.
- b) Waste-resources must be placed for collection no later than 7:00 AM on the day of a scheduled collection.
- c) Special collection waste-resources materials shall be set curbside no earlier than 9:00 PM the evening prior to the collection and no later than 7:00 AM on the day of the scheduled collection.
- d) Waste-resources set curbside for collection remain the responsibility of the property owner until collected.

- e) If a collection route is prevented from completion, the occupant or owner of the eligible premises shall remove all waste-resources not collected and set them out again on the scheduled alternative collection day or the next scheduled collection day.

4.5 Collection Container Placement

- a) In the case of eligible multi-unit apartment buildings, the property owner shall provide a storage enclosure for source separated waste-resources on the building property meeting the requirements of this By-law and other applicable municipal requirements.
- b) The occupant and/or owner of an eligible premises shall place collection containers at curbside for collection as close as practical to the curbside of the premises to facilitate efficient unobstructed collection taking into consideration factors such as winter snow clearing operations, ditches, etc.
- c) All collection containers placed curbside for collection shall be placed in front of and on the same side of the street, sidewalk or roadway as the eligible premises from which they have accumulated or in such other places as designated by the Town.
- d) The occupant and/or owner of eligible premises shall put out for collection only those materials designated by the Town for collection at curbside on a given day.
- e) Organic collection carts shall be placed at curbside in an upright position with the lid closed.
- f) Collection will take place curbside on public streets and roads.
- g) For all other roads, the source separated waste-resources must be brought to the nearest intersection with a public street or road as authorized by the Town and placed in accordance with this By-law.
- h) In the case of eligible multi-unit apartment buildings, the property owner shall place source separated waste-resources curbside for collection unless arrangements are made to collect the same from a storage enclosure deemed by the hauler to be in an easily accessible location.

4.6 Removal of Collection Containers and Uncollected Waste-Resources from Curbside

a) Removal of Collection Containers

Waste-resources collection containers shall be removed or caused to be removed by the occupant and/or owner of the eligible premises from curbside as promptly as possible on collection day but no later than 9:00 PM. Permanent storage containers shall comply with this By-law. Organic collection carts shall be removed from the curbside and stored to the side or rear of the eligible premises.

b) Removal of Uncollected Waste-Resources

Any materials set out for collection and not collected, including but not limited to litter produced from set-out or stored materials, shall be removed or caused to be removed by the occupant and/or owner of the eligible premises by the end of collection day and properly sorted, contained, stored, and disposed of in accordance with this By-law. In cases where uncollected waste-resources have not been removed from curbside within 24 hours or 5:00 PM the following day, the Town may arrange for the removal and disposal of said materials and invoice the property owner for the removal and disposal costs.

4.7 Eligible Premises Waste-Resources Storage

a) Waste-resources storage used between collections shall meet the following conditions:

- i. Be weather-tight and animal-proof;
- ii. Designed and constructed such that waste-resources remain in a source-separated condition;
- iii. Include signage that identifies the appropriate storage location for residual waste, recyclable materials, cardboard, and compostable organics;
- iv. Be capable of accommodating the quantities of source separated waste-resources generated between collections at that location;
- v. Easily accessible to the occupants and if applicable easily serviced by the collector;
- vi. Be kept clean and safe for its intended users; and
- vii. Be kept to the rear or side of the premises.

b) In cases where Town collection is provided at the storage location, collection containers must be placed so as to provide the collector with unobstructed access over clear ground, free of snow, ditches or other obstacles.

4.8 Owner and Occupant Responsibilities for Waste-Resources Management

The responsibility for the management of waste-resources from IC&I premises and residential tenancies is shared by the property owner and the occupant as follows:

a) Property Owner's Responsibilities

The property owner shall:

- i. provide waste-resources storage as set out in Section 4.7;
- ii. ensure that waste-resources are set at curbside no earlier than 9:00 PM on the day preceding the Town's scheduled collection day and no later than 7:00 AM on the scheduled collection day;
- iii. maintain waste-resources storage in good repair and in a clean and tidy condition at all times, both inside and outside, including the immediate surroundings;
- iv. 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 9:00 PM on collection day; and
- v. abide by all directives of the Town's Special Constable with regard to the handling of waste-resources.

b) Occupant's Responsibilities

The occupant shall:

- i. source-separated waste-resources generated by all activities from the premises as provided by Section 3.0 of this By-law;
- ii. between collections, place source-separated waste-resources including residual waste, recyclable materials, cardboard, and compostable organics into the designated location of the waste-resources storage provided by the property owner, so that they remain properly sorted;
- iii. properly dispose of all other waste-resources not collected curbside including but not limited to paint, tires, computers, etc; and
- iv. abide by all directives of the Town's Special Constable with regard to the handling of waste-resources.

4.9 Inspection and Rejection Guidelines

- a) Waste-resources set out for Town collection shall be subject to inspection by the collector or by the Special Constable or other Council-appointed staff. Waste-resources that set curbside for collection and not in compliance with the Town's By-law may be rejected and not collected.
- b) Rejected waste-resources must be promptly removed from curbside no later than 9:00 PM of the scheduled collection day.
- c) Rejected waste-resources must be properly source-separated into the collection containers approved by this By-law for the next collection.

4.10 Scavenging

No person shall:

- a) pick over, remove, disturb or otherwise interfere with any waste-resources set out for Town collection;
- b) collect waste-resources placed for collection by the Town; or
- c) remove a waste-resources collection container placed at roadside.

These prohibitions do not apply to the person who placed the waste-resources material for collection or to the Town or its collectors.

4.11 Suspension of Collection

The Special Constable may suspend collection, upon written notice, at any eligible premises where one of the following deficiencies develops until the deficiency is corrected to the Special Constable's satisfaction, namely:

- a) an unsafe or unhealthy condition related to storage or collection of waste-resources;
or
- b) as a result of persistent violation of provision identified by this By-law.

5.0 IC&I WASTE-RESOURCES

5.1 Commercial Containers

The following provisions apply to commercial containers:

- a) Any person who supplies and/or uses a commercial container or structure for the temporary storage of waste-resources shall ensure that such commercial container is:
 - i. sturdily constructed and is capable of containing the material deposited within;
 - ii. equipped with a cover, as necessary, capable of restricting the entry of animals and preventing litter or damage to the contents produced by wind, rain, snow, etc.;
 - iii. cleaned regularly; and
 - iv. emptied at a frequency of not more than fourteen (14) days.
- b) The owner of any premises on which an external commercial storage container or structure is placed shall ensure that:
 - i. it is placed to the side or rear of the property;
 - ii. any such storage container or structure does not become unsightly or cause a nuisance or health-related problem;
 - iii. the container is not overfilled and that all contents are contained within the container such that no item can blow out, fall out or spill out; and
 - iv. the area around the storage container or structure is maintained free from litter.

5.2 Commercial Waste-Resources Storage

The following provisions apply to commercial waste-resources storage structures or containers intended for the temporary storage of waste-resources not eligible for Town collection:

- a) the owner of every IC&I premises in the Town shall provide sufficient and adequate containers and signage for waste-resources to ensure compliance with this By-law including but not limited to residual waste, recyclable materials, cardboard, and compostable organics which may accumulate from time to time from such premises; and
- b) compostable organic waste must be placed in aerated wheeled plastic carts or in other commercially manufactured receptacles or containers manufactured specifically for the storage of organics.

5.3 IC&I Waste-Resources Removal

The property owner and/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 in accordance with the provisions of this By-law:

- a) all waste generated by any IC&I premises, facility or operation pursuant to this By-law;
- b) all waste resulting from construction and demolition of any kind; and

- c) The collector shall ensure that source-separated waste-resources remain in a source-separated condition and are deposited appropriately at a designated disposal facility or Waste-Resources Management Centre approved for deposit by the Town.

5.4 Inspection and Enforcement

IC&I waste-resources are subject to inspection by the Special Constable or another appointed staff for compliance with this By-law.

5.5 Waste-Resources Collection

5.5.1 Vehicle Owner and Driver Responsibilities

- a) All waste-resources collectors must comply with relevant Federal/Provincial/Municipal statutes and regulations.
- b) In the event of any spillage from the collection vehicle, the vehicle operator shall be responsible for the clean-up which shall be undertaken immediately.
- c) Waste-resource collectors collecting from within the Town must at no time mix waste-resources collected from the Town with waste-resources collected from another municipality, and shall not collect solid waste from other municipalities with the same vehicle that is used to collect solid waste from the Town.
- d) All residual waste and construction and demolition waste generated from within the Town shall be delivered directly by the generator or waste-resources collector to the designated disposal site and be reported as generated from the Town. The weight must be recorded by the designated disposal site and reported to the Town.
- e) All collections of waste-resources shall be made direct from the premises where the same has accumulated to the vehicle.
- f) All waste-resources collected through private collections, and which is to be delivered to the designated waste disposal site, shall be in compliance with the rules of that site.

5.5.2 Collection Vehicle

All waste-resources business-based collection vehicles shall:

- a) be maintained in good condition and be properly manned and equipped to ensure the safe collection of waste-resources;
- b) all vehicles used shall comply with the Motor Vehicle Act and other regulations or legislation in effect from time to time;
- c) be designed so as to prevent any contents, including liquids, from falling out, being spilled, or scattering from the vehicle while standing or in motion;
- d) include a tailgate or other restraining device and shall be closed or equipped with a tarpaulin and such tarpaulin shall be used to cover waste-resources while being transported; and
- e) may be issued a valid sticker by the Town. The issued ticket shall be displayed on the lower left portion of the window of such vehicle.

5.5.3 Commercial Waste-Resources Collection Vehicle Licensing Requirements

- a) No person shall engage in the business of collection of waste-resources, such as residual waste, recyclable materials or compostable organics, with the exception of construction and demolition materials, in the Town unless they hold a license which is in force for that purpose.
- b) No Licensee under this By-law shall deposit waste-resources at a site other than that specified on the license unless permission is otherwise granted by the Town.
- c) Every application for a license to collect waste-resources shall be made in writing on a form provided by the Town and signed by the person applying or person so authorized.
- d) Every application for a license whether new or a renewal, shall contain the following information:
 - i. the applicant's full name, address, and business phone number; and
 - ii. the provincial registration number for all vehicles to be used by the applicant in his business.
- e) Every application shall be accompanied by:
 - i. a license fee of \$100.00 per vehicle; and
 - ii. proof of public liability and property damage insurance in an amount of not less than \$2,000,000.00 and the collector shall provide copies of the policy and receipts for renewal premiums to the Town.
- f) The license to collect specific waste-resources within the Town shall be valid from April 1st of the year issued until March 31st of the following year, unless sooner revoked or suspended.
- g) The Special Constable may suspend or revoke a license for non-compliance with any provision of the By-law.
- h) Upon receipt of an application for a license to collect residual waste, recyclable materials, compostable organics or other materials so designated by the Town, the applicant shall allow the Town fourteen (14) days for the review and processing of such an application once approved.

6.0 WASTE-RESOURCES DISPOSAL

6.1 Residual Waste

Council shall, by resolution, identify the use of approved landfills for deposit of residual waste.

6.2 Recyclable Materials

Council shall, by resolution, identify the use of an approved recyclable materials recovery facility.

6.3 Compostable Organic Materials

Council shall identify the use of an approved composting facility.

6.4 Household Hazardous Waste

Council shall identify opportunities for the proper disposal of household hazardous waste, including year round options such as but not limited to Provincial paint, oil, and glycol recycling programs.

6.5 Construction and Demolition Materials

Construction and demolition material left by any builder or contractor or the owner of any premises following the construction, alteration or repairing of any building shall be removed by such builder, contractor or owner as promptly as possible and will not be collected by the Town. Construction and demolition materials must be separated in accordance with the requirements of a designated disposal site before delivery to a designated disposal site. Tipping fee charges will be levied on waste-resources collectors or the generator for construction and demolition materials received by the designate disposal site.

7.0 WASTE-RESOURCES MANAGEMENT CENTRES

7.1 Inspection and Enforcement

All loads entering Waste-Resources Management Centres and designated disposal sites are subject to inspection and enforcement action by the Special Constable. The Town may, from time to time, establish administrative penalties to be levied against site users for non-compliance with respect to provisions of this By-law.

7.2 Documentation

The operator of every commercial waste-resources collection vehicle entering a Waste-Resources Management Centre or designated disposal facility with waste-resources generated from within the Town shall produce, upon request of the Site Manager or the Special Constable, a manifest consisting of a list of the customers whose waste-resources are on board the vehicle.

7.3 Scavenging

No person shall remove solid waste from a Waste-Resources Management Centre within the Town except as authorized by the Manager of the facility.

8.0 RESIDENTIAL WASTE COLLECTION CHARGE

- a) Every owner of land on which a residential dwelling is situated and which is included within the service parameters noted in Section 3.1 shall pay to the Town an annual "Waste Collection Charge" for the collection, transport, and deposit of residual waste and organic material.

- b) Residential property owners shall be billed on the basis of equivalent user units which are identified in Schedule 1. The Town shall annually calculate the Waste Collection Charge by dividing the total cost of the collection services by the total number of equivalent user units within the system. Each owner will be billed for the costs of these services on a pro-rata basis in accordance with Schedule "1" as follows:

Schedule "1"
SCHEDULE OF CHARGES

Single Family Dwelling	1.00 Equivalent Units
Mobile Home	1.00 Equivalent Units
2 Unit Dwelling	1.50 Equivalent Units
Tourist Home (Bed & Breakfast)	1.50 Equivalent Units
3 Unit Dwelling	1.75 Equivalent Units
4 Unit Dwelling	2.00 Equivalent Units
Rooming House/Boarding House	2.00 Equivalent Units

- c) The waste collection charge shall be billed annually. It shall be billed on and with the regular property tax billing and it shall be due and payable when the property taxes are due and payable.
- d) It is intended that this waste collection charge will be assessed on the basis on twelve (12) months service.
- e) The waste collection charge and penalty thereon may be sued for, if necessary.

9.0 PENALTIES

9.1 Regarding Violations of this By-law

Any Police Officer or Special Constable of the Town may issue a Summary Offense Ticket to enforce this By-law. In such cases, the out of court settlement may be paid to the Town which is equal to the fine amount on the Summary Offense Ticket. If this amount is not received within fourteen (14) days of issuance of the Summary Offense Ticket the fine shall double. (Refer to the attached Solid Waste-Resources Management By-law Schedule of Fines.)

Schedule "2"
SCHEDULE OF FINES

Offense	Section	Out of Court Settlement
1. Illegal dumping	2.1	\$ 1,000
2. Waste-resources burning	2.2	\$ 1,000
3. Disposing materials banned from disposal	2.3	\$ 500
4. Removal or unauthorized export of solid waste	2.4	\$ 5,000
5. Allowing the accumulation of solid waste	2.5	\$ 1,000
6. Improper backyard composting	2.6	\$ 1,000
7. Failure to source-separate	3.1	\$ 1,000
8. Failure to source-separate, IC&I users	3.2	\$ 1,000
9. Failure to meet public waste-resources separation requirements	3.3	\$ 1,000
10. Improper collection container or exceeds weight restriction	4.2	\$ 200
11. Failure to meet residual waste collection requirements	4.2 c)	\$ 1,000
12. Failure to meet recyclable materials collection requirements	4.2 d)	\$ 1,000
13. Failure to meet organic materials collection requirements	4.2 e)	\$ 1,000
14. Failing to maintain conditions of organic collection containers	4.3	\$ 200
15. Improper set out time	4.4	\$ 500
16. Improper container placement	4.5	\$ 500
17. Failure to remove collection containers and uncollected waste-resources	4.6	\$ 500
18. Failure to remedy	4.6 b) 4.9 b)	\$ 1,500
19. Improper waste-resources storage	4.7	\$ 500
20. Failure to fulfill property owner's responsibilities	4.8 a)	\$ 1,000
21. Failure to fulfill occupant's responsibilities	4.8 b)	\$ 1,000
22. Interfering with collection or illegal collection	4.10	\$ 500
23. Improper IC&I collection containers	5.1	\$ 1,000
24. Improper commercial waste-resources storage	5.2	\$ 1,500
25. Failure to remove IC&I waste-resources including C&D	5.3	\$ 2,000
26. Failure to abide by vehicle owner and or driver responsibilities	5.5.1	\$ 5,000
27. Failure to maintain the collection vehicle	5.5.2	\$ 5,000
28. Collecting without a license	5.5.3	\$ 200
29. Disposal activity contrary to the approval of the Town	6.0	\$ 1,000
30. Failure to provide a manifest	7.2	\$ 500
31. Illegal acquisition	7.3	\$ 500

9.2 Subject to Section 9.1, any person who violates any provision of this By-law is guilty of a summary offense and liable to a fine of not less than two hundred dollars (\$200) and not more than five thousand dollars (\$5,000) and, in default of payment thereof, to imprisonment for a period of not more than ninety (90) days.

9.3 No person shall be convicted of an offense under this By-law if the person establishes that the person:

- a) exercised all due diligence to prevent the commission of the offense; or

- b) reasonably and honestly believed in the existence of facts that, if true, would render the conduct of that person innocent.
- 9.4 Where a person is convicted of an offense under this By-law and the Court is satisfied that, as a result of the commission of the offense, monetary benefits accrued to the offender, the Court may order the offender to pay, in addition to the fine prescribed for that offense, a fine in an amount equal to the estimation of the Court of the amount of those monetary benefits.
- 9.5 Where a person is convicted of an offense under this By-law and the Court is satisfied that, as a result of the commission of the offense, that clean-up or site remediation costs were incurred, whether by another person or by the Town, the Court may order the offender to pay, in addition to all other fines and penalties, restitution in an amount equal to the clean-up or site remediation costs.
- 9.6 In any prosecution for an offense under this By-law, it is sufficient proof of the offense to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offense was committed without the knowledge or consent of the accused.
- 9.7 Where a corporation commits an offense under this By-law, any officer or director of the corporation, who directed, authorized, assented to, acquiesced in or participated in the violation of this By-law, is guilty of the offense and is liable to the punishment provided for the offense, whether or not the corporation has been prosecuted.
- 9.8 In lieu of prosecution under this By-law, the Special Constable or his/her delegate may, in his/her sole and absolute discretion, issue to any person he/she believes upon reasonable grounds has committed an offense under of this By-law a Notice of Violation, which Notice shall require the person to whom it is directed to pay to the Town within fourteen (14) days of the issuance of the Notice the sum of fifty dollars (\$50) for offenses listed in Section 9.1 and one hundred dollars (\$100) for offenses listed in Section 9.2. Where a Notice of Violation is issued and if that sum is paid as required therein, no prosecution shall ensue in respect to the matter or matters referred to in the Notice. For greater certainty, nothing in this By-law requires the Special Constable to issue a Notice of Violation before initiating a prosecution.
- 9.9 Where an offense under this By-law is committed or continued on more than one (1) day, the person who committed the offense is liable to be convicted for a separate offense for each day on which the offense is committed.
- 9.10 The Town may appoint another person to assist with the enforcement of this By-law.
- 10.0 REPEAL**
- 10.1 By-laws dealing with the collection and disposal of waste-resources heretofore passed by the Council, and all amendments thereto, are hereby repealed.

Solid Waste-Resources Management Regulations
made under Section 102 of the *Environment Act*
S.N.S. 1994-95, c. 1
O.I.C. 96-79 (February 6, 1996), N.S. Reg. 25/96
as amended up to O.I.C. 2007-102 (February 22, 2007), N.S. Reg. 61/2007
Division II - Disposal of Municipal Solid Waste

Bans

- 30 (1)** No person shall dispose of a designated material listed in Column 1 of Schedule "B" in a site for the disposal of municipal solid waste on, from and after the date prescribed in Column 2 of Schedule "B".
- (2) No person, including a municipality, shall accept for disposal a designated material which is banned in Schedule "B".
- (3) Each municipality shall provide a plan to the Administrator to ensure that the bans described in Schedule "B" are implemented.

Regulated activities

- 31 (1)** No person shall own, construct, manage, operate, alter or modify a landfill without obtaining approval from the Minister.
- (2) (a) No person shall own, construct, manage, operate, alter or modify a disposal site for construction and demolition debris without obtaining approval from the Minister.
- (b) Clause (a) does not apply to rock (excluding rock containing a sulphide bearing material), aggregate, soil, bricks mortar, concrete, asphalt pavement, porcelain or ceramic materials, trees, brush, limbs, stumps, root balls, organic mat, and milled wood that is free of adhesives, coatings or preservatives.
- (3) No person shall own, construct, manage, operate, alter or modify an incinerator for the disposal of municipal solid waste without obtaining approval from the Minister.
- (4) No person shall own, construct, manage, operate, alter or modify the operation of an ash disposal site without obtaining approval from the Minister.

Open burning ban

- 36** On, from and after April 1, 1996, no person shall permit, carry out or be responsible for open burning of municipal solid waste which shall include open burning in an uncontrolled teepee, pit and silo burner.

Incineration

37. Subject to Section 38, no person shall own, operate or manage the operation of an incinerator for municipal solid waste which does not adhere to

- (a) national standards described in a publication prepared by the Canadian Council of Ministers of the Environment entitled "Operating and Emission Guidelines for Municipal Solid Waste Incinerators", Report CCME-TS-WM-TRE003, June 1989; or
- (b) standards prescribed by the Minister.

Schedule "B" - Materials Banned from Landfills and Incinerators

Column 1: Designated Material	Column 2: Implementation Date
Beverage containers	April 1, 1996
Corrugated cardboard	April 1, 1996
Newsprint	April 1, 1996
Used tires	April 1, 1996
Lead-acid (automotive) batteries	April 1, 1996
Leaf and yard waste	June 1, 1996
Post-consumer paint products, formerly known as waste paint	April 1, 1997
Ethylene glycol (automotive antifreeze)	April 1, 1997
Compostable organic material	June 1, 1997
Steel/tin food containers	April 1, 1998
Glass food containers	April 1, 1998
Low-density polyethylene bags and packaging	April 1, 1998
High-density polyethylene bags and packaging	April 1, 1998
Televisions	February 1, 2008
Desktop, laptop and notebook computers, including CPU's, keyboards, mice, cables and other components in the computer	February 1, 2008
Computer monitors	February 1, 2008
Computer printers, including printers that have scanning or fax capabilities or both	February 1, 2008
Computer scanners	February 1, 2009
Audio and video playback and recording systems	February 1, 2009
Telephones and fax machines	February 1, 2009
Cell phones and other wireless devices	February 1, 2009

Schedule "B" amended: O.I.C. 2002-94, N.S. Reg. 24/2002; O.I.C. 2007-102, N.S. Reg. 61/2007.

Date of First Reading:	<u>March 15, 2010</u>
Date of Advertisement of Notice of Intent to Consider:	<u>March 29, 2010</u>
Date of Second Reading:	<u>April 19, 2010</u>
Date of Advertisement of By-law Passage and Approval:	<u>May 17, 2010</u>
Date of Mailing Certified Copy to SNS & MR:	<u>August 18, 2010</u>

I certify that this Solid Waste-Resources Management By-law was adopted by Council and published as indicated above.

D. Hansen
Chief Administrative Officer

August 18, 2010
Date