

**Final Draft - July, 2022**  
**Solid Waste Resource Collection and Disposal By-law**

**Title and Purpose**

This by-law shall be known as the Waste By-law. The intent of this by-law is to provide for and regulate a solid waste management program for the Municipality of the District of Barrington.

**Part 1 Definitions**

In this by-law:

1. ***“administrator”*** means the person appointed by the Chief Administrative Officer of the Municipality to administer this by-law or their designate;
2. ***“adverse effect”*** means an effect that impairs or damages the environment, the health of humans or the reasonable enjoyment of life or property;
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;
4. ***“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:
  - a. the waste is generated by the residents of the property or neighbouring properties or both; and
  - b. the annual production of compost on any property lot does not exceed 10 cubic meters.
5. ***“box board”*** means cereal boxes, shoe 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;
6. ***“bulky item”*** means large items of a household nature including but not limited to furniture, stoves, refrigerators, dishwashers, mattresses, bed springs, hot water tanks, toys, bicycles and lawn furniture and porcelain bathroom items such as toilets and sinks but excluding compostable materials, paper household waste, blue bag recyclables, household hazardous waste, designated electronic products, Christmas trees and asphalt shingles;
7. ***“CAO”*** means the Chief Administrative Officer of the Municipality of the District of Barrington;
8. ***“chlorofluorocarbons”*** and ***“hydrochlorofluorocarbons”*** 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;

9. **“collector”** means a licensed individual or company that collects and disposes of residual waste, recyclables or compostable material or combination thereof to designated solid waste management facilities;
10. **“commercial container”** means any container used for the storage of properly separated waste materials excluding household hazardous waste generated from institutional, commercial, industrial or other premises within the Municipality which waste exceeds the maximums or is outside the types of waste allowed on regular or special collection days as outlined elsewhere in this By-law and which container is designed to be emptied by, and the waste transported by a collector;
11. **“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;
12. **“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 solid, asphalt, brick, mortar, drywall, plaster, cellulose, fiberglass fibers, gyproc, lumber, wood, asphalt shingles and metals – regardless of whether such left-over material is regulated by the Province of Nova Scotia or meets the definition of “C & D Debris” in the N.S.E. 1997 Guidelines for same;
13. **“contaminant”** means a substance that causes or may cause an adverse effect;
14. **“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;
15. **“Council”** means the Council for the Municipality of the District of Barrington;
16. **“dwelling or dwelling unit”** means a self-contained portion of a building occupied as a residence with rooms or series of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;
17. **“dispose”** means the actions of dumping, abandoning, placing or leaving or the causing or permitting of any of these actions with respect to any waste on any property anywhere within the Municipality;
18. **“Enforcement Officer”** for the purpose of this by-law, the Enforcement Officer shall be the By-law Enforcement Officer of the Municipality of the District of Barrington, assigned or appointed by the CAO;

19. **“electronics”** means any electronic device that is acceptable under the provincial Electronic Products Recycling Association (EPRA) program. The list of items under this category may change from time to time, as determined by EPRA.
20. **“eligible Premises”** means those properties within the Municipality, which are eligible for collection services – up to the maximum restrictions, outlined elsewhere in this By-law;
21. **“hazardous waste”** means waste that may be harmful to humans, animals, plant life or natural resources;
22. **“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;
23. **“household hazardous waste”** means waste of a potentially hazardous nature typically generated in residential households ;
24. **“industrial/commercial/institutional waste or IC&I waste”** means waste generated in the IC&I sector including campgrounds, multi-dwellings or buildings;
25. **“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;
26. **“litter”** means any solid waste material left or abandoned in a place other than a container or place intended or approved for receiving such material, including solid waste material that may, intentionally or unintentionally, exit from a moving or stationary vehicle;
27. **“Minister”** means the Minister of Environment for the Province of Nova Scotia;
28. **“multi-unit apartment building”** means a residence that contains more than one dwelling unit; (duplexes, residential home with an apt,)
29. **“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;
30. **“Municipality”** means the Municipality of the District of Barrington;
31. **“opaque”** means not transparent.
32. **“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, together with such other compostable materials as may be identified in public education documents distributed by the Municipality from time to time and by N.S.E.’s Regulations Respecting Solid Waste-Resource Management, November

1995, as amended or other successive solid waste legislation;

- 33. “organics 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;
- 34. “waste storage container”** means any container used for the storage of waste at roadside. It must be accessible to the municipal waste collector and must be weather-tight, animal proof and constructed such that waste remains in a source separated condition;
- 35. “occupant”** means any person who, in addition to or instead of the owner, resides in or is the lessee of, whether by way of verbal or written lease or other arrangement, a building or on a property located within the Municipality and includes any assignee or legal representative of same.
- 36. “owner”** includes an individual or an incorporated body including the owner of property and includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or building and, in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; and, in the absence of proof to the contrary, the person assessed for the property;
- 37. “paper”** means newspaper, flyers, magazines, catalogues, boxboard, flattened corrugated cardboard, bond paper, computer paper, hard cover books, telephone and other soft cover books, file folders – both traditional and expandable envelopes (other than padded or bubbled envelopes), non-metallic wrapping paper and paper egg cartons, Third Class Mail and other materials as are identified, from time to time, by N.S.E’s Regulations Respecting Solid Waste – Resource Management, November 1995, as amended or other successive solid waste legislation;
- 38. “public education documents”** includes newspaper, radio and local television advertisements, information posted to the Municipality’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;
- 39. “recyclables”** 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, 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 from time to time;
- 40. “recyclable material”** means recyclable paper materials and recyclables as defined in this by-law;
- 41. “residual waste”** means waste other than;

- a. recyclable material;
- b. compostable materials;
- c. leaf and yard waste; and
- d. electronics;
- e. tires
- f. empty paint cans
- g. oil, glycol, fluids and containers
- h. any other waste that is prohibited from disposal by way of municipal collection or at a municipal solid waste management facility designated for residual waste by this By-law or by the Minister;

**42. “roadside”** means that portion of the public or municipal road right-of-way between the travelled portion or parking area and the property line which parallels the center line of the road;

**43. “solid waste”** means residual waste, recyclable material and compostable material, bulky waste, construction or demolition materials, household hazardous waste, residual waste – all as defined herein and any other waste or discarded tangible personal property but excludes wastes from any industrial activity regulated by way of an approval under the Environment Act as well as any other type of waste defined in this by-law;

**44. “source separated waste”** means waste which has been separated “at source”, i.e. at the point of generation into the three waste separation streams to facilitate their reuse, recycling, composting or disposal as defined elsewhere in the by-law;

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

**46. “unacceptable waste”** means all material other than collectable waste, without limiting the generality of the foregoing, includes:

- a. Highly combustible or explosive materials including, without limiting, flares, fireworks, celluloid cuttings, motion picture film, oil or gasoline soaked rags, gas containers, chemicals, acids or other combustible residues, ammunition, dynamite, or other similar material;
- b. Materials that are considered pathogenic or biomedical including, without limiting dressings, bandages or other infected materials or sharps discarded in the course of the practice of physicians, surgeons, dentists or veterinarians;
- c. A whole or part carcasses of domestic ruminants, including cattle;
- d. Waste listed or characterized as hazardous by any Federal or Provincial law- other than household hazardous waste as defined herein;
- e. Electronics;

- f. Solid waste generated, or originating from, outside the Municipality without prior approval;
- g. Liquid waste or material that has attained a fluid consistency and has not been drained;
- h. Soil, rocks and stumps;
- i. Construction or demolition materials (as defined herein) – other than the exception as allowed under the definition of “bulky items” in this By-law;
- j. Septic tank pumping, raw sewage or industrial sludge;
- k. Radioactive materials
- l. Contaminated soil;
- m. All passenger tires up to 24.5 inches as per the Tire Management Program administered by Divert Nova Scotia;
- n. Industrial waste from factories or manufacturing processes;
- o. Manure, kennel waste, excreta, fish processing waste;
- p. Lead-acid automotive batteries and propane tanks
- q. Waste which has been placed for collection but not in accordance with the provisions of this By-law; and

**47.** Materials banned from landfill disposal by the N.S.E. Regulations Respecting Solid Waste-Resource Management, November 1995, as amended-other than recyclable materials or organic materials from eligible premises.

## **Part 2 Rebuttable Presumption**

1. If Solid Waste that is deposited or placed in contravention of this by-law bears or contains evidence that it originated from a particular residence, person within a residence, premises, or vehicle, the owner and/or occupant of the residence, premises or vehicle shall be presumed to have disposed of, or caused or permitted the disposal of, the Solid Waste. This presumption may be rebutted by evidence to the contrary on a balance of probabilities.

## **Part 3 Administration and Enforcement**

1. The Chief Administrative Officer shall appoint an Administrator to administer this by-law;
2. The By-law Enforcement Officer(s) appointed by the Municipality shall enforce this by-law;
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 waste storage;

4. The Administrator, by a directive in writing, may direct any person to do any act 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.
5. Any written directive signed by the Administrator is effective if delivered personally to the person named in such directive or if sent by prepaid post or facsimile or email 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 email transmission on the date 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.
6. It shall be an offence for any person to fail to refuse to comply with a written directive signed by either the Administrator or By-law Enforcement Officer pursuant to this by-law;

#### **Part 4 Disposal of Solid Waste**

1. Every owner or occupant shall dispose of solid waste in accordance with this by-law:

#### **Part 5 Illegal Dumping**

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 or unacceptable 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 any other site authorized by the Municipality for the receipt of that type of solid waste.
2. No person shall, dispose of, cause or permit the disposal of, or place for collection, solid waste on a property unless they are the owner or occupier of that property or have obtained the consent of the owner or occupier.
3. No person shall dispose of, or cause or permit the disposal of, any unacceptable waste or rejected solid waste in, at or near a container or box for storage of solid waste or the collection placement spot for another owner or occupant.
4. Notwithstanding the above the following depositing activities are permissible:
  - a. backyard composting, provided that:

- i. the composting container or pile is not located within 10 meters of any window or door of a structure on an adjacent property; and
  - ii. the activity is carried out in such a manner as to not constitute a nuisance.
- b. 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.

#### **Part 6 Waste Deemed to be Placed for Collection**

1. Where an owner or occupant places any form of solid waste at or near a roadside, the Solid Waste shall be deemed to have been placed for collection, and the Municipal Collector may collect it.

#### **Part 7 General Prohibitions**

1. No person shall pick over, remove, collect, disturb or otherwise interfere with any type of solid waste which has been placed out for collection.
2. The prohibitions in the above two sections do not apply to:
  - a. the person who placed the solid waste for collection; or
  - b. bulky items as is authorized to be placed for collection under this By-law.
3. No person shall dispose of any type of solid waste by burning of same.
4. No person shall place any type of solid waste generated from outside the Municipality for collection at a designated collection location for an owner within the Municipality.
5. No person shall release or cause litter to be released into the environment, except in accordance with this by-law;
6. No owner or occupant shall permit or authorize the accumulation of solid waste on or around a property including uncollected solid waste to remain on or around property other than in a storage container or collection box.
  - a. Where an owner or occupant permits the accumulation of solid waste contrary to the by-law, 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.
  - b. 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 and the Administrator may



recover the costs of such work from the owner or occupant of the property.

## **Part 8 Disposal at Municipal Solid Waste Management Facilities**

1. No person shall place, cause to be placed or permit to be placed at, in or on a municipal solid waste management facility any material or quantity of material in contravention of:
  - a. this by-law or any policy of the Municipality concerning the use of a municipal solid waste management facility, including without limitation any waste diversion policies requiring the diversion of particular types or quantities of solid waste from particular types of municipal solid waste management facility;
  - b. 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
  - c. 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.
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;
3. No person shall place, cause to be placed or permit to be placed in a municipal solid waste management facility any solid waste:
  - a. that is not separated as required by this by-law;
  - b. that is falsely or misleadingly presented or packaged as solid waste of a particular origin; or
  - c. that is concealed within or inter-mingled with solid waste of another kind, type, stream or place of origin;
  - d. for greater certainty, solid waste that is:
    - i. not permitted to be placed for collection or to be delivered to a municipal solid waste management facility pursuant to this by-law; or
    - ii. 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.

### **Part 9 Municipal Collection**

1. Owners and occupants of every property in the Municipality that is eligible for municipal collection shall ensure that all solid waste is properly stored as outlined elsewhere in this by-law and placed for collection and disposal;
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;
3. Owners and occupants of property in the Municipality that is not eligible for 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;
4. For greater certainty, owners and occupiers of every property in the Municipality that are not eligible for municipal collection are responsible for separating solid waste in accordance with this by-law.

### **Part 10 Special Collections**

1. Council may, at its discretion,
  - a. provide for special municipal solid waste collections on an occasional basis; or
  - b. 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.
2. When providing for special collections pursuant to this by-law, Council may limit such special collection to:
  - a. particular areas of the Municipality;
  - b. properties containing not more than a specified number of residential households; or
  - c. properties generating industrial waste of a particular type or size or generating not more than a specified volume of solid waste.

### **Part 11 Private Collection**

1. No person, other than the Municipal Waste Collector, shall engage in the business of

removing or collecting solid waste within the Municipality, unless he holds a valid license from the Municipality to do so.

2. A license issued under this By-law shall be valid until the first day of May following the date of its issue, unless sooner revoked or suspended as a result of violating requirements of this By-law.

## **Part 12 Separation and storage**

1. Owners and occupants of every property in the Municipality shall separate solid waste at the time and place of generation into the following waste streams;
  - a. compostable material;
  - b. recyclable materials;
  - c. residual waste;
  - d. solid waste of any type which is only accepted on the occasion of special collections shall be separated in its own waste stream.
2. Owners and occupants of every property in the Municipality shall ensure that all solid waste is separated in accordance with this by-law and remains separated and uncontaminated by any other type of solid waste;
3. For greater certainty, the obligations to separate and maintain separation of solid waste extends to owners, management and staff of restaurants, stores, parks, campgrounds, 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;
4. Owners and occupants of every property in the Municipality shall provide sufficient and adequate space and containers for the storage and disposal of any solid waste which may accumulate from time to time on the property;
5. Without limiting the generality of sections above, owners and occupants of every property in the Municipality shall provide space and containers in accordance with the following provisions:
  - a. compostable material shall be stored in organics carts or in other containers that are:
    - i. waterproof;
    - ii. impervious to domestic and wild animals and rodents;
    - iii. designed to avoid the entrapment of any person;

- iv. 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;
  - b. recyclable materials and residual waste shall be stored inside buildings or in containers that are:
    - i. waterproof;
    - ii. impervious to domestic and wild animals and rodents;
    - iii. designed to avoid the entrapment of persons;
    - iv. capable of accommodating the quantities of source-separated waste generated between collections at that location;
    - v. designed and constructed such that waste remains in a source-separated condition;
    - vi. easily accessible to the occupants;
    - vii. safe for its intended uses;
    - viii. in the case where collection is provided at the storage location, accessible to the collection truck:
- 6. No person shall permit the spillage, blowing or scattering of wastes within the Municipality.
- 7. Owners and occupants of every property in the Municipality that 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.
- 8. IC&I and multi-unit residential bulk commercial containers used for the collection or storage of solid waste;
  - a. shall be sturdily constructed, waterproof and impervious to domestic and wild animals and rodents;
  - b. shall be designed to avoid the entrapment of all persons;
  - c. shall be accessible to the occupants and safe for its intended users;
  - d. shall be equipped with a tightfitting lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded;
  - e. shall be kept clean and in good state of repair;
  - f. shall not be loaded in a manner which permits waste to extend beyond the internal volume of the container when the lid is closed;
  - g. shall be labeled for the purpose of identifying what materials the container contains;

- h. 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;
  - i. in the case where collection is provided at the storage location, container must be accessible to the collection truck.
- 9. Owners and occupants of premises serviced by a bulk commercial container shall:
  - a. keep the area surrounding the container free from any type of waste; and
  - b. provide instruction to any tenants, visitors or employees to ensure proper separation and disposal;
- 10. 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 childproof building or shall have their door, lid or other closing apparatus removed from the bulky item.

### **Part 13 Rules for Municipal Collection**

- 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:
  - a. solid waste shall be placed for collection at roadside edge 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 3 meters from the edge of the travelled portion of the roadway, unless otherwise directed by the Municipality;
  - b. solid waste shall be placed for collection by 7:00 a.m. on the day of collection;
  - c. 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;
  - d. during special collections, materials for roadside collection shall be set out no earlier than 7 days prior to a special collection;
  - e. 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;

- f. 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 waste storage containers. Waste 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.
- g. residual waste shall be placed for collection in securely tied, plastic, waterproof bags, 2 of which may be opaque bags (black, green, white, etc.). All remaining residual waste must be in clear bags. No bag shall exceed a weight of 15 kilograms. Not more than a combined total of 5 bags, consisting of bags of residual waste and bags of recyclables, shall be placed for collection on any one collection day;
- h. recyclable materials shall be placed for collection in securely tied, blue tinted, plastic, waterproof bags and shall not exceed a weight of 15 kilograms per bag. Not more than a combined total of 5 bags, consisting of bags of residual waste and bags of recyclables, shall be placed for collection on any one collection day;
- i. residual waste and recyclable material may be placed for collection in waste collection boxes located on the roadside, provided that:
  - i. all residual waste and recyclable material are properly bagged as required by this by-law;
  - ii. the box is impervious to domestic and wild animals, rodents, insects and is designed to avoid the entrapment of persons;
  - iii. the box has a securely hinged lid or lids;
  - iv. the box has a support to hold the lid open while the contents are being emptied;
  - v. the box is not buried by snow and ice to the extent that it cannot be collected in a safe manner by the municipal collector;
  - vi. the solid waste is placed within the box in accordance with all other requirements of this by-law, including separation of solid waste streams and placement in specified bags.
- j. All compostable materials as defined by Council from time to time shall be placed in a green cart, kitchen bin, compostable brown bag or biodegradable plastic bag bearing the BPI tree and leaf symbol and placed at roadside for collection on the designated collection day. One green cart is permitted per household.

- i. 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 1.2m;
- k. Bulky items may be placed at roadside for collection, provided that:
  - i. maximum of 1 bulky item shall be collected from all dwellings and commercial, industrial and institutional establishments within the Municipality on a daily basis at the same time as the municipal waste collection. Bulky items shall include refrigerators, stoves, washing machines, furniture, mattresses, rugs, etc.
- l. In the case of multi-unit apartment buildings, the owner shall provide a storage enclosure for source separated waste in an easily accessible location on the building's property for tenants. Waste shall be placed at roadside for collection in-keeping with maximum IC&I collection limits. The building owner is responsible to provide waste collection for all waste exceeding municipal limits;
- m. Collection will only take place on public or municipal streets and roads which are maintained by Nova Scotia Transportation and Active Transit (NSTAT) or the Municipality. For all other roads the source separated waste must be brought to the nearest intersection with a public street or road and placed in accordance with this by-law for collection or to a drop off depot provided by the Municipality.

#### **Part 14 Inspection and Rejection Guidelines**

1. Waste set out for collection shall be subject to inspection by the municipal collector or by the Administrator, By-law Enforcement Officer or an agent, or employee of the Municipality. Waste found not to be source separated according to this by-law may be rejected and not collected;

#### **Part 15 Owner and Occupant Responsibilities**

1. The responsibility for the management of waste in industrial, commercial & institutional (IC&I) premises, multi-unit dwellings, and campgrounds is shared by the property owner and the occupant as follows:
2. Property owner's responsibilities
  - a. The property owner shall:

- i. provide waste storage as set out in this by-law;
- ii. ensure that waste is placed at roadside by 7:00 a.m. for municipal collection on collection day;
- iii. maintain waste storage in a clean and tidy condition at all times, both inside and outside, including immediate surroundings;
- iv. ensure that collection containers and uncollected waste, including litter produced from set out waste by pests, weather conditions or otherwise are removed from roadside by the end of collection day; and
- v. abide by all directives of the By-law Enforcement Officer with regards to the handling of waste.

#### **Part 16 Occupant's responsibilities**

1. The occupant shall:
  - a. sort all waste generated in the occupant's unit as provided for in this by-law;
  - b. between collections, place sorted materials in the storage provided by the property owner; and
  - c. abide by all directives of the By-law Enforcement Officer with regards to the handling and sorting of waste.

#### **Part 17 Industrial, Commercial & Institutional (IC&I)**

1. The property owner or occupant of premises which generate IC&I waste 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 exceeding limits collected by the Municipality.
  - a. Residual waste shall be placed for collection in securely tied, plastic waterproof bags, five of which may be opaque bags (black, green, white, etc.), all remaining residual waste must be in clear bags and shall not exceed a weight of 20 kilograms per bag. Not more than a combined total of 12 bags, consisting of bags of residual waste and bags of recyclables, shall be placed for collection on any one collection day;
  - b. recyclable materials shall be placed for collection in securely tied, blue tinted, plastic, waterproof bags and shall not exceed a weight of 20 kilograms per bag. Not more than a combined total of 12 bags, consisting of bags of residual



waste and bags of recyclables, shall be placed for collection on any one collection day;

- c. organic waste shall be placed for collection in green carts. No more than 2 green carts shall be permitted per premise.

## **Part 18 Commercial Containers**

1. Any person who supplies and/or uses a commercial container for temporary storage of waste shall ensure that such commercial container;
  - a. is sturdily constructed of weatherproof and animal proof material and is capable of containing the material deposited within;
  - b. is equipped with a tightfitting lid with a positive closing devise which shall be kept closed except when container is being loaded or unloaded; and
  - c. is cleaned out regularly, as necessary, to avoid the build-up of odours.
2. The owner of any premises on which a commercial container is placed shall ensure that:
  - a. any such container is kept in a manner that is not unsightly and does not cause a nuisance or health related problem; and
  - b. that the area around the container is maintained free from litter and waste.
3. No person shall place waste in any commercial container without permission of the owner of the container;
4. Commercial organic containers or carts must be emptied on a weekly basis .
5. Organics may be collected in biodegradable plastic bags bearing the BPI tree and leaf symbol and placed in the container or cart.
6. IC&I waste is subject to inspection by the Administrator or delegate or By-law Enforcement Officer for compliance with this by-law;
7. 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;
8. The hauler collecting a commercial storage container shall ensure that source separated waste is maintained in a source separated condition and deposited separately at the appropriate facility;
9. IC&I recyclables shall be placed in blue tinted plastic bags. Corrugated cardboard can be bundled separately from the other recyclable materials;
10. IC&I residual waste shall be placed in opaque or clear plastic bags.

## **Part 19 Construction and Demolition Waste**

1. All waste resulting from construction and demolition of any kind, including renovation or repair, except the waste which may be eligible for municipal collection pursuant to this by-law, shall be promptly removed and disposed of in an approved disposal site licensed for the disposal of construction and demolition waste;
  - a. 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 20 Hazardous Waste**

1. Every owner or occupant, including the owners and occupants of IC&I properties, shall store hazardous waste generated by same in a safe and secure manner and shall deliver same, as soon as is reasonably possible, to an approved hazardous waste depot.
2. Where a person wishes to dispose of solid waste items containing chlorofluorocarbons hazardous waste, including chlorofluorocarbons (CFC) that person must:
  - a. safely deliver the solid waste item to the Municipality's designated facility to deal with chlorofluorocarbons to have the chlorofluorocarbons hazardous waste removed by a certified technician, or
  - b. arrange to have the chlorofluorocarbons hazardous waste removed from the item by a certified technician and 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 designated facility to deal with chlorofluorocarbons hazardous waste.

## **Part 21 Enforcement and Penalties**

1. Any person who disposes of, or permits the disposal of, any solid waste including construction or demolition materials and/or residual waste other than in accordance with this By-law is guilty of a summary offense and is liable, upon conviction, to a fine not less than one Thousand Dollars (\$1,000).
2. Any person who violates any other provision of, or permits any other thing to be done in violation of, this By-law is guilty of a summary offense and is liable, upon conviction, to the following:

- a. For a first offense, a fine not less than One Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) and in default of payment thereof to a term of imprisonment not to exceed thirty (30) days;
  - b. For a second offense, a fine of not less than Two Thousand Dollars (\$2,000) and not more than Five Thousand Dollars (\$5,000) and in default of payment thereof to a term of imprisonment not to exceed sixty (60) days;
  - c. For each subsequent offense, a fine not less than Five Thousand Dollars (\$5,000) and in default of payment thereof to a term of imprisonment not to exceed ninety (90) days.
3. Any person who obstructs or hinders any person in the performance of their duties under this By-law is guilty of a summary offense and is liable, upon conviction, to a fine of not less than \$1,000 and not more than \$5,000 and in default of payment to a term of imprisonment not to exceed ninety (90) days.
4. Where a person is convicted of an offence under this By-law and the court is satisfied that, as a result of the commission of the offence, clean-up or site remediation costs were incurred, whether by the Municipality or by a person, the Court may order the offender to pay, in addition to all other fines and penalties, restitution to the Municipality or person in an amount equal to the said clean-up or remediation costs.
5. Pursuant to the provisions of the Municipal Government Act, in addition to a fine imposed for violation of this By-law, a judge may order the imposition of a penalty in relation to any fee, cost, rate, toll or charge associated with the conduct that gave rise to the offence.
6. Pursuant to the provisions of the Municipal Government Act, in addition to a fine imposed for violation of this By-law, a judge may order compliance with this By-law within a specified time.
7. Each day that a person commits any offence under this By-law constitutes a separate offence.
8. Where a breach of this By-law is anticipated or is of a continuing nature, the Municipality may, pursuant to the provisions of the Municipal Government Act, apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order and the judge may make any order that the justice of the case requires.
9. If the Administrator, a Delegate of the Administrator or a Municipal Enforcement Officer causes work to be done pursuant to this by-law, the owner shall be fully

responsible for the cost of the work, with interest at a rate to be determined by the Council, by policy, from the date of completion to the date of payment.

10. In addition to any other remedies available at law, if the Administrator, a Delegate of the Administrator or a Municipal Enforcement Officer causes work to be done pursuant to this by-law, the cost of the work, with interest at the rate determined by Council, is a First Lien on the property upon which the, or for the benefit of, work was done and may be recovered in the same manner as taxes.
11. The Administrator, a Delegate of the Administrator, or a Municipal Enforcement Officer may enforce this by-law by Summary Offence Ticket.

### **Part 22 Repeal**

1. All former by-laws of the Municipality heretofore enacted relating to collection, storage and disposal of refuse are hereby repealed.