

**Municipality of the District of Digby
Solid Waste Resource By-Law # 2010-01**

**A By-Law to Regulate Solid Waste Resource Collection and Disposal
Thereof**

WHEREAS under Section 325 of the *Municipal Government Act* (1998), Council may make by-laws respecting solid waste disposal.

AND WHEREAS under Section 172 (1) (L) of the *Municipal Government Act* (1998), Council may make by-laws respecting the enforcement of by-laws under the authority of a statute.

NOW THEREFORE, the Council of the Municipality of the District of Digby in open meeting assembled enacts as follows:

Title

This by-law may be cited for all purposes as the “Solid Waste Resource Collection and Disposal By-law # 2010-01

1.01_ Definitions

In this by-law:

1.1 “Authority” means Western Region Solid Waste-Resource Management Authority also known as Waste Check.

1.1.1 “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.

1.1.2 “Western Region” or “the Region” means the Western Region Solid Waste-Resource Management Region as defined in the Nova Scotia Solid Waste-Resource management Regulations and any amendments thereto.

1.2 “bulky item” means large items of a household nature including but not limited to furniture, stoves, mattresses, bed springs, barrels, water tanks, dishwashers, oil tanks, and pieces of fencing.

- 1.3** “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.
- 1.4** “compostable organics” or “organics” means food waste, leaf and yard waste (grass, leaves and brush), soiled and non-recyclable paper and other material of plant or animal origin as designated by the Authority or Participating Member from time to time.
- 1.4.1** “food waste” means 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.
- 1.5** “construction and demolition waste” means materials which are normally used in the construction of buildings, structures, road ways, walls and other landscaping material, and includes, but is not limited to, soil, asphalt, brick, mortar, concrete, drywall, plaster, cellulose, fibreglass fibers, lumber, wood, asphalt shingles, and metals.
- 1.6** “dwelling” or “dwelling unit” means a self-contained portion of a building occupied as a separate residence.
- 1.7** “eligible premises” means those properties within the jurisdiction of a Participating Member, which are eligible for collection.
- 1.8** “household hazardous waste” or “HHW” means waste-resource materials of a potentially hazardous nature generated in households and includes, for example, products such as 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, rechargeable batteries, and automotive fluids. For the purposes of this by-law, hazardous waste does not include PCBs, radioactive materials, explosives, fireworks, pathological wastes, non rechargeable batteries and ammunition.
- 1.9** “industrial/commercial/institutional waste” or “IC&I waste” means waste-resource generated in the IC&I sector.
- 1.10** “IC&I premises” means a lot of land occupied by one or more industrial, commercial or institutional establishments and “IC&I sector” has an equivalent meaning with reference to that economic sector.
- 1.11** “leaf and yard waste” means grass clippings, leaves, brush, twigs, house and garden plants, sawdust and wood shavings and other similar organic items.

1.12 “mini-bin” means a small container supplied to eligible premises by the Authority or Participating Member for the collection of organic materials prior to deposit in an organics collection cart.

1.13 “oil tank” means residential oil tanks, cleaned and empty of all liquids to a maximum size of 900 litres.

1.14 “Participating Member” means any Municipal Unit that is a current member of the Western Region Solid Waste-Resource Management Authority.

1.15 “recyclables” means the following:

1.15.1 “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 warp, plastic containers and bags (#1- #7), and/or other items designated by the Authority or Participating Member from time to time.

1.15.2 “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.

1.15.3 “fibre recyclables” means mixed paper, corrugated cardboard, newsprint, magazines, catalogues, flyers, telephone and books and egg cartons and other similar items designated by the Authority from time to time. “Recyclable materials” means fibre recyclables, blue bag recyclables and other materials of a recyclable nature.

1.16 “residual waste” or “residuals” means and includes all waste other than recyclable materials or compostable organic materials and include:

1.16.1 broken bottles, crockery and glassware, floor sweepings, non-reusable discarded clothing and furnishings, non-recyclable plastic and metal, non-recyclable packaging, non-repairable household goods and other household waste;

1.16.2 non-recyclable glass that is securely wrapped or contained and clearly marked to prevent injury to collection personnel;

1.16.3 bulky items;

1.16.4 ashes and soot that is completely cold and dampened placed in plastic watertight bags securely tied and marked “ashes” or “soot”;

1.16.5 construction and demolition materials except for those which are recycled or re-used.

1.17 “soiled and non-recyclable paper” 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.

1.18 “source separated waste-resources” means waste-resources which have been separated “at source,” i.e. at the point of generation, to facilitate their reuse, recycling, composting or disposal.

1.19 “waste-resources” means all those materials managed by or on behalf of the Authority or Participating Member as recyclable, compostable, household hazardous waste, or residual waste.

2.0 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 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 shall administer and enforce the provision of this by-Law.

3.0 Prohibitions

3.1 Illegal Dumping - No person shall dispose of waste-resources in the Western Region except at facilities permitted by Sections 19 and 31 of the provincial Solid Waste-Resource Management Regulations or, where such permission is not required, as may be permitted by this by-law.

3.2 Waste-Resource Burning - No person shall burn waste-resources in the Western Region 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 exceptional burning is otherwise permitted by law.

3.3 Materials Banned from Disposal by Provincial Regulation - No person shall dispose of the following materials in any landfill or incinerator:

- Redeemable beverage containers
- Newsprint
- Used tires
- Corrugated cardboard
- Waste paint
- Steel/tin food containers
- 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)
- Low Density Polyethylene (LDPE #4) industrial/commercial/institutional stretch wrap)pallet wrap)
- compostable organics
- any other materials which may be added to this list from time to time by the Governor in Council

3.4 Material Banned from Disposal by the 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. Publication of a list of such banned material in a newspaper of general circulation in the Western Region shall constitute due and sufficient notice of the Authority's order for all purposes.

3.5 No person shall dump, dispose of or abandon at or near a facility licensed to receive any category of waste-resources when the facility is not open or when the operator or staff of the facility refuses to accept waste-resources at that time or from that person.

3.6 No occupant or owner of property in the municipal unit shall allow accumulation of solid waste on or around the property 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 owner.

3.7 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.

4.0 Source Separation Requirements

4.1 Residential Waste-Resources – The Authority may by resolution make policy concerning source separation of waste resources. All waste-resources being generated from a residence shall be source-separated for collection by the occupant into categories according to the Authority's source-separation policy as determined from time to time by the Authority. It is the responsibility of the resident to ensure that they have possession of an approved green cart for organic material collection unless they can demonstrate they utilize both a backyard composter and a green cone.

4.2 Industrial, Commercial and Institutional (IC&I) Waste Resources - IC&I sector establishments shall sort waste-resources so as to comply with the provincial and the Authority's disposal bans (see sections 3.3 and 3.4). Establishments eligible for and using a Participating Member's Collection program shall comply with the Residential Source Separation Policy.

4.3 Public Waste-Resources – The Authority may by resolution make policies concerning public waste-resources. Those responsible for publicly accessible waste-resource receptacles in stores, parks, campgrounds, on public streets, or other areas shall ensure that receptacles are available to the public to receive source-separated waste-resources in accordance with this by-law and the Authority's Public Waste-Resource Policy.

5.0 Participating Member Collection

5.1 Cart/Blue Bag/Residual Waste Container Placement - Carts, blue bags, and residuals containers shall be placed at roadside for collection as close as practical to the edge of the street, sidewalk or roadway to facilitate efficient collection taking into consideration factors such as urban versus rural setting, winter snow clearing operations, etc. The distance shall not exceed 5 meters from the edge of the road.

- 5.1.1** All materials placed for collection shall be placed in front of and on the same side of the roadway as the eligible premises from which they have accumulated, except where otherwise dictated by existing collection contracts.
- 5.1.2** Organics collection carts shall be placed at roadside in an upright position with the lid closed.
- 5.1.3** 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 property meeting applicable municipal requirements. The collection contractor will collect waste-resources from this location provided it is accessible when the collection truck arrives. If the storage enclosure is not accessible to the truck, all materials shall be placed at roadside for collection.
- 5.1.4** Collection will take place on public streets and roads only except for: private roads maintained by the Nova Scotia Department of Transportation and Infrastructure Renewal or this municipal unit; mobile home trailer park roads; and roads on federal lands in cases where the cost of collection has been paid for by grant in lieu of taxes or other means, except where otherwise dictated by existing collection contracts provided that all roads must be in acceptable condition for the contractor's vehicles.
- 5.1.5** 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 with this by-law, or to a drop-off depot provided by the Authority for that purpose, where it shall be collected.

5.2 Collection Times

- 5.2.1** Waste-resources shall be set out at roadside for collection before 8:00 am on collection day. In the event of storm conditions preventing collection routes from being completed, it shall be the resident's responsibility to remove from the roadside the materials not collected and set them out again on the scheduled alternative collection day or the next regularly scheduled collection day.
- 5.2.2** Notwithstanding clause 5.2.1, in those areas that have Spring and Fall special collections materials for roadside collection shall be set out no earlier than seven (7) days prior to the special collection.

5.3 Removal of Collection Containers and Uncollected Material from Roadside

5.3.1 Removal of Collection Containers - Residual waste collection containers and organics collection carts shall be removed from roadside by the end of collection day except in the case of permanent waste-resource storage containers. Permanent storage containers shall comply with this by-law. Organics collection carts shall be removed from the roadside and stored on the premises. The cart shall be secured to prevent it from being blown into the roadway.

5.3.2 Uncollected Waste-Resources - Any materials not collected due to non-compliance with this by-law, including litter produced from set-out or stored materials, shall be removed by the end of collection day. In cases where uncollected waste-resources have not been removed from the roadside within the time frame prescribed in a notice given by the By-Law Enforcement Officer, the CAO or the General Manager may arrange for the removal and disposal of said materials and invoice the property owner for the removal and disposal costs. For the purposes of this section and Section 507 of the *Municipal Government Act* the General Manager shall be deemed to be an employee of the Participating Member.

5.4 Collection Containers Types and Weights - No person shall place waste-resources for collection by the Participating Member or Authority in any container except as follows:

5.4.1 Containers for Recyclables shall be:

- (a) Blue transparent plastic bags weighing no more than 15 kg including contents;
- or
- (b) In the case of corrugated cardboard, bundles or packages, flattened and securely tied, weighing nor more than 20 kg and measuring no more than 60 cm by 60 cm.

5.4.2 Containers for Compostable Organics shall be:

- (a) Carts as designated and assigned to properties by the Authority or Participating Member containing a load weight of no more than 100 kg.
- (b) 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.

5.4.3 Containers for Residual Waste shall be:

- (a) Water tight cans
 - (i) constructed of durable metal, plastic or other impermeable material designed for containment of said materials,
 - (ii) equipped with a tight fitting impermeable cover,
 - (iii) equipped with handles in good repair;
 - (iv) as large or larger at the top than at the bottom; and
 - (v) weighing no more than 20 kg including the can and contents.
- (b) Plastic bags:
 - Clear bags must be used for residual waste one; solid coloured bag is permitted per residence except for where an approved variance was granted by Waste Check,
 - (i) securely tied and watertight;
 - (ii) having an overall length of not more than 1 m and not less than 70 cm when empty; and
 - (iii) weighing no more than 15 kg including contents.

5.5 Waste-Resource Storage

Waste-resource storage between collections shall be:

weather-tight and animal-proof;
capable of accommodating the quantities of source-separated waste resources generated between collections at that location;
designed and constructed such that waste-resources remain in a source separated condition;
easily accessible to the occupants;
Safe for its intended users; and
in cases where Authority or Participating Member Collection is provided at the storage location, accessible to the Authority or Participating Member collection truck within five (5) meters of the loading hopper.

5.6 Owner and Occupant Responsibilities for Waste-Resource Management

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

5.6.1 Property Owner's Responsibilities

The property owner shall:

- (a) provide waste-resource storage as set out in section 5.5;
- (b) in cases where storage is inaccessible to the collection truck as prescribed in section 5.5 (e), ensure that waste-resources are set at roadside before 8:00 am for Authority or Participating Member Collection on collection day;
- (c) maintain waste-resource storage in a clean and tidy condition at all times, both inside and outside, including the immediate surroundings;
- (d) 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
- (e) abide by all directives of the By-law Enforcement Officer with regards to the handling of waste-resources.

5.6.2 Occupant's Responsibilities

The occupant shall:

- (a) sort all waste-resources generated in the occupant's unit as provided in Section 4 of this by-law; and
- (b) between collections, place sorted materials in the storage provided by the property owner;
- (c) abide by all directives of the By-law Enforcement Officer with regards to the handling and sorting of waste-resources

5.7 Residential Inspection and Rejection Guidelines

Waste-resources set out for Authority or Participating Member Collection shall be subject to inspection by the collection contractor or by Authority or Participating Member staff. Waste-resources found not to be source-separated according to the Authority's source-separation policy may be rejected and not collected.

5.8 Prohibitions

No person shall:

- 5.8.1** pick over, remove, disturb or otherwise interfere with any waste material that has been set out for Authority or Participating Member collection except that material which is set out for Spring or Fall special collections;

5.8.2 collect waste-resources placed for collection by the Authority or Participating Member; or

5.8.3 remove a residuals container or organics collection cart placed at curbside.

These prohibitions do not apply to the person who placed the waste material out for collection or to the Authority, Participating Member or its contractors.

6.0 IC&I or CONSTRUCTION and DEMOLITION WASTE-RESOURCES

6.1 IC&I Waste-Resource Removal

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, Municipal and Authority laws, promptly remove and dispose of such waste:

6.1.1 all waste generated by any industrial, commercial or institutional premises, facility or operation not eligible for Authority or Participating Member collection pursuant to the By-law;

6.1.2 all waste resulting from construction or demolition of any kind, including renovation or repair, except that waste eligible for Authority or Participating Member collection pursuant to this by-law.

6.2 Commercial Containers

The following provisions apply to commercial containers:

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

- is sturdily constructed of weather-proof and animal proof material and is capable of containing the material deposited within;
- is equipped with a tight-fitting lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded; and
- is cleaned out regularly, as necessary, to avoid the build-up of odours.

- 6.2.2** The owner of any premises on which a commercial container is placed shall ensure that:
any such container is kept in a manner that is not unsightly and does not cause a nuisance or health-related problem; and
that the area around the container is maintained free from litter and waste.
- 6.2.3** No person shall place waste in any commercial container without permission of the owner of the container.
- 6.2.4** Commercial organic containers or carts must be emptied on a bi-weekly basis
- 6.2.5** IC&I waste-resources are subject to inspection by Authority Staff for compliance with this bylaw.
- 6.2.6** 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.
- 6.2.7** The hauler collecting a commercial storage container shall ensure that source separated streams of waste-resources are maintained in a source-separated condition and deposited separately at the appropriate facility.

7.0 Penalties

- 7.1** Any person who violates any of the following sections of this by-law:
- 7.1.1** section 3.2 (illegal burning)
 - 7.1.2** section 3.3 (depositing provincially banned material)
 - 7.1.3** section 3.4 (depositing material banned by Authority)
 - 7.1.4** section 4.1 (failure to source separate)
 - 7.1.5** section 5.1 (improper container placement)
 - 7.1.6** section 5.2 (improper set-out time)
 - 7.1.7** section 5.3 (removal from roadside of collection containers and uncollected material)
 - 7.1.8** section 5.4 (improper collection container)
 - 7.1.9** section 5.6.2 (failure to fulfill occupant's responsibilities)
 - 7.1.10** section 5.8.1 (interfering with collection)

is guilty of an offence and is liable to a fine of not less than one hundred dollars and not more than five hundred dollars.

- 7.2** Any person who violates any of the following sections of this by-law:
7.2.1 section 3.1 (illegal dumping)
7.2.2 section 4.2 (failure to source-separate, IC&I users)
7.2.3 section 4.3 (source-separation, public waste)
7.2.4 section 5.6.1 (failure to fulfill property owner's responsibilities)
7.2.5 section 5.8.2 (illegal collection)
7.2.6 section 5.8.3 (removal of green carts or waste containers)
7.2.7 section 6.1 (IC&I waste-resource removal)
7.2.8 section 6.2 (improper commercial containers)
7.2.9 section 7.1 (improper haulage vehicle requirements)
is guilty of an offence and is liable to a fine of not less than five hundred dollars and not more than five thousand dollars.
- 7.3** Subject to Sections 7.1 and 7.2, any person who violates any provision of this by-law is guilty of a offence and shall be liable upon summary conviction of a penalty of not less than one hundred (\$100) 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).
- 7.4** No person shall be convicted of an offence under this by-law if the person established that the person:
- 7.4.1** exercised all due diligence to prevent the commission of the offence; or
 - 7.4.2** reasonable and honestly believed in the existence of facts that , if true, would render the conduct of that person innocent.
- 7.5** 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, monetary benefits accrued to the offender, the Court may order the offender to pay, in addition to the fine prescribed for that offence, a fine in an amount equal to the estimation of the Court of the amount of those monetary benefits.
- 7.6** 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, that clean-up or site remediation costs were incurred, whether by another person, the Authority or a Participating Member , the Court shall order the offender to pay, in addition to all other fines and penalties, restitution in an amount to the clean-up or site remediation costs.

- 7.7** In any prosecution for an offence under this by-law, it is sufficient proof of the offence to establish that it was committed by an employee by an employee or agent of the accused, whether or not the employee or agent is identified or had been prosecuted for the offence, unless the accused established that the offence was committed without the knowledge or consent of the accused.
- 7.8** Where a corporation commits an offence 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 offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted.
- 7.9** In lieu of prosecution under this Bylaw, the Manager or his delegate may, in his sole and absolute discretion, issue to any person he believes upon reasonable grounds has committed an offence under of this Bylaw a Notice of Violation, which Notice shall require the person to whom it is directed to pay to the Authority within fourteen (14) days of the issuance of the Notice the sum of one hundred dollars (\$100) for offences listed in section 7.1 and one hundred and fifty dollars (\$150) for offences listed in section 7.2. 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 bylaw requires the General Manager to issue a Notice of Violation before initiating a prosecution.
- 7.10** Where an offence under this by-law is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence on each day on which the offence is committed.
- 7.11** The Authority or Participating Member may appoint a By-law Enforcement Officer to assist with the enforcement of this by-law.
- 8.0** This by-law repeals former Solid Waste By-law

Passed by Council this 22nd day of February, 2010 A.D.

CAO's Annotation For Official By-Law Book

Date of first reading: January 25, 2010

Date of advertising & Notice of Intent to Consider: February 4, 2010

Date of second reading: February 22, 2010

Date of advertisement of Passage: March 4, 2010

Effective date of By-Law: March 4, 2010

Date of mailing to Minister a certified copy of By-Law: NA

This is to certify that the By-law of which this is a true copy was duly passed at a duly called meeting of the Council of the Municipality of the District of Digby, held the 22nd day of February, 2010.

Given under the hands of the Municipal Clerk and under the seal of the Municipality of the District of Digby this 23rd day of February, 2010.

Linda Fraser, CAO/ MUNICIPAL CLERK