

# MUNICIPALITY OF THE COUNTY OF KINGS

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## BY-LAW # 83

### VALLEY REGION SOLID WASTE-RESOURCE MANAGEMENT BY-LAW

#### 1. DEFINITIONS

In this By-law:

- 1.1 "**Authority collection**" means collection of waste-resources by or on behalf of the Authority from waste generators pursuant to this By-law and Authority policies.
- 1.2 "**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.
- 1.3 "**Bulky items**" means large items of a household nature including but not limited to furniture, stoves, mattresses, bedsprings, barrels, water tanks, dishwashers, oil tanks, and pieces of fencing.
- 1.4 "**Compostable organics**" or "**organics**" means food waste, leaf and yard waste, boxboard, soiled and non-recyclable paper, branches and bushes, natural Christmas trees without decorations and stands and other material of plant or animal origin as designated by the Authority from time to time.
- 1.5 "**Construction and demolition waste**" means materials which are normally used in the construction of buildings, structures, roadways, walls and other landscaping material, and includes, but is not limited to, soil, asphalt, brick, mortar, concrete, drywall, plaster, cellulose, fiberglass fibers, lumber, wood, asphalt shingles, and metals.
- 1.6 "**Eligible premises**" means those properties within the jurisdiction of the Authority, which are eligible for Authority collection as prescribed by Authority policy.
- 1.7 "**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.
- 1.8 "**General Manager**" or "**Manager**" means the General Manager of the Valley 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.

- 1.9 **"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.
- 1.10 **"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.
- 1.11 **"Industrial/commercial/institutional waste"** or **"IC&I waste"** means waste-resources generated in the IC&I sector.
- 1.12 **"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.
- 1.13 **"Leaf and yard waste"** means grass clippings, leaves, brush, twigs, house and garden plants, sawdust and wood shavings and other similar items.
- 1.14 **"Mini-bin"** means a small container supplied to eligible premises by the Authority for the collection of organic materials prior to deposit in an organics collection cart.
- 1.15 **"Municipal solid waste"** has the same meaning as in the *Solid Waste-Resource Management Regulations* made pursuant to the *Environment Act* and **"solid waste"** and **"solid waste-resources"** shall have an equivalent meaning.
- 1.16 **"Occupant"** 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. NOTE: Does "occupant" also mean "owner-occupant"?
- 1.17 **"Oil tanks"** means residential oil tanks, cleaned and empty of all liquids to a maximum size of 900 litres.

- 1.18 "**Collection cart**" or "**cart**" means a cart supplied by the Authority for the storage of source-separated waste-resources such as an aerated cart for the collection of organic materials.
- 1.19 "**Collection containers**" means bags, garbage cans or other containers approved by the Authority pursuant to its policy on collection containers.
- 1.20 "**Property owner**" has the same meaning as "owner" in the *Municipal Government Act* and, for greater certainty, includes a landlord, a lessor, 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.
- 1.21 "**Recyclable materials**" means newsprint, corrugated cardboard, boxboard and other paper products, redeemable beverage containers, milk cartons, glass bottles and jars, steel/tin food cans, aluminum cans, aluminum foil plates, trays and wrap, 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), stretch wrap (pallet wrap) or other items designated by the Authority from time to time.
- 1.22 "**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.
- 1.23 "**Residual waste**" or "**residuals**" means any municipal solid waste remaining after diversion of recyclables, organics and hazardous waste.
- 1.24 "**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.
- 1.25 "**Source separated waste-resources**" means waste-resources which have been sorted and separated at the point of origin, to facilitate their reuse, recycling, composting or disposal and "**source separation of waste-resources**" has a corresponding meaning.
- 1.26 "**Special collection**" means an Authority collection for bulky items, leaves, yard waste and such other materials as may be determined from time to time by the Authority.

- 1.27 "**Valley Region**" or "**the Region**" means the Valley Region as defined in the Nova Scotia Solid Waste-Resource Management Regulations and any amendments thereto.
- 1.28 "**Waste-resources**" means all those materials managed by or on behalf of the Authority as recyclable, compostable, household hazardous waste, construction and demolition waste or residual waste.
- 1.29 "**Waste-Resource Management Centre**" means a facility operated by the Authority for receiving, storing, sorting and shipping of waste-resources.

## 2. **AUTHORITY AND REGIONAL BY-LAW**

- 2.1 The **Valley Region Solid Waste-Resource Management Authority**, referred to in this By-law as "the Authority," is a body corporate established pursuant to an Intermunicipal Services Agreement to which this municipality 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 Intermunicipal Services Agreement among the members of the Authority it is agreed to establish a Valley Region Solid Waste-Resource Management By-law for the efficient and consistent execution of the Authority's mandate throughout the Valley Region. Accordingly, this By-law may make necessary or incidental references to places or facilities within the Valley Region that are outside of the geographical boundaries of this municipality and it is intended that any such references in this By-law 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 provisions of this By-law.

## 3. **PROHIBITIONS**

### 3.1 **Illegal Dumping**

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.

### 3.2 **Waste-Resource Burning**

No person shall burn waste-resources in the Valley 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**

No person shall dispose of or cause the disposal of the following materials at any licensed solid waste-resource management facility, or deposit any such materials in a storage area, storage container, or collection container, intended for residual waste disposal in an incinerator or landfill, namely:

#### 3.3.1 **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-Resource Management Regulations as amended from time to time.

#### 3.3.2 **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 or newspapers of general circulation in the Valley Region shall constitute due and sufficient notice of the Authority's order for all purposes.

3.4 No person shall export or remove residual waste or unsorted solid waste generated within the Municipality outside the boundaries of the Valley Region.

3.5 Notwithstanding 3.4, the Authority may export solid waste to licensed facilities outside the boundaries of the Valley Region.

3.6 No person shall dump, dispose of or abandon at or near a Waste-Resource Management Centre or any other facility licensed to receive any category of 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.

3.7 No occupant or owner of property in the municipality 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.

- 3.8 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. 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 by the occupant into categories in accordance with the Authority's policy on the source separation of waste resources.

##### **4.2 Industrial, Commercial and Institutional (IC&I) Waste-Resources**

IC&I sector establishments shall sort waste-resources to comply with the materials banned from disposal referred to in clause 3.3. Establishments eligible for and using the Authority Collection program shall comply with the Authority's policy on the source separation of waste resources.

##### **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 retail establishments, private parks and campgrounds, at public events, or other areas used by the public shall ensure that receptacles are available to the public to receive source-separated waste-resources in accordance with the Authority's policy on public waste-resources.

#### **5. AUTHORITY COLLECTION**

##### **5.1 Collection Container Placement**

Collection containers shall be placed at roadside for collection as close as practical to the edge of the street, sidewalk or roadway to facilitate efficient unobstructed collection taking into consideration factors such as urban versus rural setting, winter snow clearing operations, ditches, brush, etc. The distance shall not exceed 5 meters from the edge of the traveled portion of the roadway.

- 5.1.1 All materials placed 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.
- 5.1.2 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 the requirements of this By-law and other applicable municipal requirements. The Authority's collection contractor will collect waste-resources from this location in accordance with Authority source-separation and collection policies 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 Government of Nova Scotia or this municipality; mobile home trailer park roads; roads on federal lands in cases where the cost of collection has been paid for by a grant in lieu of taxes or other means; or other roads as designated from time to time by the Authority, provided that all such 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 between 6:00 am and 8:00 am of collection day. In the event of storm conditions preventing collection routes from being completed, the property owner shall 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, during 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**

Waste-resource collection containers shall be removed or caused to be removed by the property owner 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. Collection carts shall be removed from the roadside and stored on the premises. Carts shall be secured to prevent them from being blown into the roadway.

#### 5.3.2 **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 property owner 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 the roadside within 24 hours following the end of collection day, 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 Municipality.

### 5.4 **Authority Policies**

Subject to this By-law, the Authority may by resolution make policies concerning the curbside collection of solid waste-resources including but not limited to the type, nature and weight of collection containers.

### 5.5 **Waste-Resource Storage**

Waste-resource storage between collections shall be:

- 5.5.1 Weather-tight and animal-proof;
- 5.5.2 Capable of accommodating the quantities of source-separated waste-resources generated between collections at that location;
- 5.5.3 Designed and constructed such that waste-resources remain in a source-separated condition;



- 5.5.4 Easily accessible to the occupants and easily serviced by the collector;
- 5.5.5 Safe for its intended users; and
- 5.5.6 In cases where Authority Collection is provided at the storage location, placed so as to provide unobstructed access over clear ground free of snow, ditches, brush or other obstacles to the Authority 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:

- 5.6.1.1 Provide waste-resource storage as set out in 5.5;
- 5.6.1.2 In cases where storage is inaccessible to the collection truck as prescribed in 5.5 (f), ensure that waste-resources are set at roadside between 6:00 am and 8:00 am for Authority Collection on collection day;
- 5.6.1.3 Maintain waste-resource storage in good repair and in a clean and tidy condition at all times, both inside and outside, including the immediate surroundings;
- 5.6.1.4 Ensure that collection containers and uncollected waste-resources, including litter produced from set-out waste-resources by pests, weather conditions, or otherwise, are removed from roadside by the end of collection day; and
- 5.6.1.5 Abide by all directives of the By-law Enforcement Officer with regard to the handling of waste-resources.

### 5.6.2 **Occupant's Responsibilities**

The occupant shall:

- 5.6.2.1 Sort all waste-resources generated in the occupant's unit as provided in Section 4 of this By-law;
- 5.6.2.2 Between collections, place sorted materials in the storage provided by the property owner; and
- 5.6.2.3 Abide by all directives of the By-law Enforcement Officer with regard to the handling of waste-resources.

## 5.7 Inspection and Rejection Guidelines

Waste-resources set out for Authority Collection shall be subject to inspection by the collection contractor or by Authority staff. Waste-resources found not to be in compliance with the Authority's Source-Separation Policy, or with other Authority collection policies, 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 collection except that material which is set out for special collections may be removed for salvage or reuse providing that the setout location must be left in a clean and tidy condition.
- 5.8.2 Collect waste-resources placed for collection by the Authority; or
- 5.8.3 Remove a collection container placed at roadside.

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

## 5.9 Suspension of Collection

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

- 5.9.1 An unsafe or unhealthy condition related to storage or collection of waste-resources; or
- 5.9.2 Persistent violation of Authority collection policies or collection-related provisions of this By-law.

## 6. IC&I WASTE-RESOURCES

### 6.1 IC&I Waste-Resource Removal

The property owner or occupant of IC&I premises shall promptly remove and dispose of waste-resources not eligible for Authority collection.

### 6.2 Commercial Waste-Resource Storage

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

6.2.1 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:

6.2.1.1 Is sturdily constructed and is capable of containing the material deposited within;

6.2.1.2 Is 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.; and

6.2.1.3 Is cleaned out regularly.

6.2.2 The owner of any premises on which a commercial storage container or structure is placed shall ensure that:

6.2.2.1 Any such storage container or structure does not become unsightly or cause a nuisance or health-related problem; and

6.2.2.2 That the area around the storage container or structure is maintained free from litter and waste.

6.3 No person shall place waste in any commercial storage container without permission of the property owner or the renter of the container.

6.4 IC&I waste-resources are subject to inspection by the General Manager for compliance with this By-law.

6.5 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.

- 6.6 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 Waste-Resource Management Centre.

## **7. WASTE-RESOURCE MANAGEMENT CENTRES**

- 7.1 The Authority may by resolution make policies for the efficient, safe and environmentally sound operation of Waste-Resource Management Centres in the Region.

### **7.2 Inspection and Enforcement**

All loads entering the Management Centre are subject to inspection and enforcement action by the Manager. The Manager may issue warnings, charge increased tipping fees, or revoke privileges of site users for non-compliance with the management centre, source separation and container policies of the Authority. The Authority may from time to time establish administrative penalties to be levied against site users for non-compliance with policies made under this By-law.

- 7.3 No person shall remove solid waste from a Waste-Resource Management Centre except as authorized by the General Manager.
- 7.4 The operator of every commercial collection vehicle entering the Management Centre site shall produce, upon request of the General Manager, a manifest consisting of a list of the customers whose waste is on board the vehicle.

## **8. PENALTIES**

- 8.1 Any person who violates any of the following sections of this By-law:
- 8.1.1 Section 3.2 (illegal burning)
  - 8.1.2 Section 3.3 (disposing of provincially banned material)
  - 8.1.3 Section 3.7 (accumulation of waste-resources)
  - 8.1.4 Section 3.8 (unauthorized placing of waste for curbside collection)
  - 8.1.5 Section 4.1 (failure to source-separate)
  - 8.1.6 Section 5.1 (improper container placement)
  - 8.1.7 Section 5.2 (improper set-out time)

- 8.1.8 Section 5.3 (failure to remove uncollected containers or material)
- 8.1.9 Section 5.4 (improper collection container)
- 8.1.10 Section 5.6.2 (failure to fulfill occupant's responsibilities)
- 8.1.11 Section 5.8.1 (interfering with collection)

is guilty of a summary offense and liable to a fine of not less than one hundred dollars and not more than five hundred dollars and, in default of payment thereof, to imprisonment for a period of not more than ninety (90) days.

8.2 Any person who violates any of the following sections of this By-law:

- 8.2.1 Section 3.1 (illegal dumping)
- 8.2.2 Section 3.4 (removal or export of residual waste)
- 8.2.3 Section 3.6 (illegal dumping at licensed facility)
- 8.2.4 Section 4.2 (failure to source-separate, IC&I users)
- 8.2.5 Section 4.3 (failure to provide for source-separation of public waste)
- 8.2.6 Section 5.6.1 (failure to fulfill property owner's responsibilities)
- 8.2.7 Section 5.8.2 (illegal collection)
- 8.2.8 Section 5.8.3 (removal of green carts or waste containers)
- 8.2.9 Section 6.1 (failure to remove IC&I waste-resources)
- 8.2.10 Section 6.2 (improper commercial containers)
- 8.2.11 Section 6.3 (unauthorized use of commercial storage container)
- 8.2.12 Section 6.5 (improper use of a commercial storage container)
- 8.2.13 Section 6.6 (failure to keep materials source-separated)
- 8.2.14 Section 7.4 (failure to provide a manifest)

is guilty of a summary offense and liable to a fine of not less than five hundred dollars and not more than five thousand dollars and, in default of payment thereof, to imprisonment for a period of not more than ninety (90) days.

- 8.3 Subject to Sections 8.1 and 8.2, 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 one hundred dollars (\$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.
- 8.4 No person shall be convicted of an offence under this By-law if the person establishes that the person:
- 8.4.1 Exercised all due diligence to prevent the commission of the offence; or
- 8.4.2 Reasonably and honestly believed in the existence of facts that, if true, would render the conduct of that person innocent.
- 8.5 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.
- 8.6 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 municipality, 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.
- 8.7 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 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 offence was committed without the knowledge or consent of the accused.
- 8.8 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.

- 8.9 In lieu of prosecution under this By-law, 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 this By-law 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 fifty dollars (\$50) for offences listed in Section 8.1 and one hundred dollars (\$100) for offences listed in Section 8.2. 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 General Manager to issue a Notice of Violation before initiating a prosecution.
- 8.10 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 for each day on which the offence is committed.
- 8.11 The Authority may appoint a By-law Enforcement Officer to assist with the enforcement of this By-law.

#### History of By-law

Enacted - February 1, 2000

Revised - October 2, 2001  
February 3, 2004  
March 4, 2008