

Town of Yarmouth
SOLID WASTE RESOURCE BYLAW

Effective: July 10th, 2006 – Amended: March 21st, 2024
TOY 21



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

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

NOW THEREFORE, the Council of the Town of Yarmouth in open meeting assembled, enacts as follows:

1.0 TITLE

This Bylaw shall be known as Bylaw 21 and may be cited for all purposes as the “Solid Waste Resource Collection and Disposal Bylaw.”

2.0 DEFINITIONS

In this Bylaw:

- a. “Administrator” means the person appointed by the Chief Administrative Officer of the Town to administer this Bylaw, or their designate;
- b. “Adverse effect” means an effect that impairs or damages the environment, the health of humans or the reasonable enjoyment of life or property;
- c. “Authority” means Western Region Solid Waste Resource Management Authority, also known as Waste Check.
 - i. “Western Region” means the Western Region Solid Waste Resource Management Region as defined in the Nova Scotia Solid Waste Resource Management Regulations.
- d. “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;
- e. “Beverage” means any liquid that is a ready to serve drink, but does not include milk, milk products, soya milk or concentrates as defined by the Nova Scotia Beverage program;
- f. “Beverage container” means a container of five (5) litres or less which contains or has contained a non-liquor BEVERAGE and was sealed by the manufacturer after the beverage was placed in it;
- g. “Bulky items” means large items of a household nature including but not limited to furniture, stoves, refrigerators, dishwashers, mattresses, bed springs, empty hot water and oil tanks (cut in half), toys, bicycles and lawn furniture.

- h. "Chlorofluorocarbons" means an ozone depleting substance that is required under the Ozone Layer Depletion Regulations of the Province of Nova Scotia to be removed in a controlled fashion to prevent its release into the environment, and is a substance found in refrigeration and cooling units;
- i. "Collector" means an individual or company that collects and disposes of residual garbage, recyclable material or organics or combination thereof to designated municipal solid waste management facility;
- j. "Municipal collection" means the action by the Town or its collector of picking up source-separated waste resources and other solid waste at the curb, loading it into trucks, and delivering it to the designated municipal solid waste management facility.
- k. "Commercial container" means a mobile garbage bin designed to be brought and taken away by a special truck, or to a bin that a specially designed garbage truck lifts, empties into its hopper, and lowers, on the spot, such as a dumpster.
- l. "Organics" means food scraps and spoiled or waste food or foodstuff including vegetable peelings, meat, fish, eggs, bones, waste food products, soiled and wet and soiled paper products such as table napkins, paper towels, pizza boxes, leaves and grass clippings, branches and bushes that are 1.2 meters or less in length and 2 centimeters or less in diameter, together with such other organics as may be identified in public education documents distributed by the Town and/or authority from time to time; and
- m. "Composting" means the biological decomposition of organics, 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;
- n. "Construction and demolition debris" means materials which are normally used in the construction of buildings, structures, roadways, walls and other landscaping material and includes, but is not limited to, soil, asphalt, brick, mortar, drywall, plaster, cellulose, fiberglass fibers, gyproc, lumber, wood, asphalt shingles, and metals and such other materials as may be permitted by applicable laws;
- o. "Contaminant" means a substance that causes or may cause an adverse effect;
- p. "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;
- q. "Council" means the Council for the Town of Yarmouth;
- r. "Curb" means the 3 meter distance from the edge of the travelled portion of a public street, road, or private road that meets the approval of the Town for solid waste collection, but it does not include the ditch or sidewalk;
- s. "Hazardous waste" means waste that may be harmful to humans, animals, plant life or natural resources, including but not restricted to, industrial chemicals, explosive, toxic, flammable, corrosive, radioactive, reactive, pathological and PCB waste, oil, gasoline, paint solvent, wood preservatives, ink, battery acid, pesticides and insecticides or any substance or material declared or defined to be a hazardous or toxic substance in or pursuant to any applicable law;

- t. "Household hazardous waste" means waste of a potentially hazardous nature typically generated in residential households including but not restricted to, solvents, glues, cleaners, paints and finishes, asphalt sealers, gasoline, diesel, kerosene, pesticides, lawn and garden chemicals, poisons, propane tanks, roofing tar, pool chemicals, lubricating oil, batteries, and automotive fluids, but does not include PCB waste, radioactive materials, explosives, fireworks, pathological wastes, or ammunition;
- u. "Hospital and pharmaceutical waste" means waste generated at hospitals, clinics, pharmacies, veterinary clinics, dentist offices and includes, but not limited to used needles, drugs, dressings, excluding pathological waste;
- v. "Industrial waste" means residual garbage typically generated in the IC&I sector;
- w. "IC&I" means "industrial/commercial/institutional sectors.
- x. "Land" means surface land, land covered by water, subsoil, matter beneath the subsoil or any combination or part thereof;
- y. "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 organics that has been contaminated;
- z. "Litter" means any material left or abandoned in a place other than a container or place intended or approved for receiving such material, including material that may, intentionally or unintentionally, exit from a moving or stationary vehicle;
- aa. "Low density residential property" means a property containing up to and including four (4) residential dwelling units;
- bb. "Metals and appliances" means major appliances or white goods such as an electric stove, refrigerator, freezer, dishwasher, clothes dryer, washer, hot water heater, dehumidifier, water cooler, & metals such as a bed frame, furniture, barbeque, bicycle frame, metal sink metal bath tub, lawn mower.
- cc. "Minister" means the Minister of Environment for the Province of Nova Scotia;
- dd. "Large apartment" means a residential property that contains more than four dwelling units;
- ee. "Municipal solid waste management facility" means a site identified by the Town for receiving, storing, sorting, processing, transfer, or disposal of designated solid waste;
- ff. "Green cart" means a wheeled cart designed to be emptied by hydraulic lifting devices and approved by the Town for the storage and municipal collection of organics;
- gg. "Pathological waste" means any part of the human body excepting hair, nail clippings and the like, any part of a dead animal infected with a communicable disease, and non-anatomical waste infected with a communicable disease;
- hh. "Public education documents" includes newspaper, radio and local television advertisements, information posted to the Town's and/or authority's website, social media accounts and newsletters, pamphlets, flyers or other material circulated electronically or by ordinary mail or delivery by or for the Town and/or the authority or the Minister;

- ii. “Recyclable container materials” means 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 Town and the authority from time to time;
- jj. “Recyclable paper materials” means corrugated cardboard, egg cartons, box board, newsprint, bond paper, computer paper, glossy flyers and magazines, together with such other paper recyclable materials as may be identified in public education documents distributed by the Town and the authority from time to time;
- kk. “Recyclable material” means recyclable paper materials or recyclable container materials as defined in this Bylaw;
- ll. “Redeemable beverage container” means a beverage container for which a consumer was required to pay a deposit;
- mm. “Residual garbage” means waste other than:
 - i. recyclable material;
 - ii. organics;
 - iii. leaf and yard waste; and
 - iv. any other waste that is prohibited from disposal by way of municipal collection or at a municipal solid waste management facility designated for residual garbage by this Bylaw or by the Minister.
- nn. “Sharps” means needles, syringes, lancets, auto injectors and infusion sets;
- oo. “Solid waste” means residual garbage, recyclable material and organics, as well as any other type of waste defined in this Bylaw and specifically referred to in this Bylaw as permitted or prohibited for disposal at a municipal solid waste management facility;
- pp. “Source-separated waste resources” means waste resources which have been separated “at source” (i.e. at the point of generation) into the four waste separation streams to facilitate their reuse, recycling, composting or disposal;
- qq. Recyclable paper materials
 - i. Recyclable paper materials
 - ii. Organics
 - iii. Residual garbage
- rr. “Town” means the Town of Yarmouth
- ss. “Waste diversion” means waste reduction, reuse, recycling or composting with the intent of extending the useful life of materials and preventing their disposal in landfill;
- tt. “Waste resources” means all those materials managed by or on behalf of the Town as recyclable, compostable, household hazardous waste, or residual garbage.
- uu. “Waste wood” means up to 0.5m³ in volume of leftover wood from handyman crafts/projects, wooden pallets, wooden work benches/tables/saw horses, outdoor wooden furniture. It does not include demolition materials from major renovation projects (i.e.: roofing materials, decks, sheds, etc.).

- vv. “Business” means any person, organization, or group engaged in a trade, business, profession, occupation, calling, employment or purpose and, for the purposes of section 4.44, includes a person employed by, or operating on behalf of, a Business.
- ww. “Compostable Product” means any non-food product made or described as being biodegradable or compostable or other similar description.

3.0 ADMINISTRATION AND ENFORCEMENT

The Chief Administrative Officer shall appoint an administrator to administer this bylaw.

- 3.1** The Bylaw Enforcement Officer(s) appointed by the Town shall enforce this bylaw.
- 3.2** For the purpose of the administration of this bylaw the administrator, Bylaw Enforcement Officer(s), or an agent or employee of the Town 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 bylaw and policies made under this bylaw, including the right to inspect waste, residual garbage and any storage facility
- 3.3** The administrator or the Bylaw Enforcement Officer(s) may, by a directive in writing direct any person to do any act or thing in order to comply with the provisions of this bylaw or any policy made pursuant to this bylaw in the manner and within the time specified in the written directive.
- 3.4** Any written directive signed by the administrator or Bylaw Enforcement Officer(s), is effective if delivered personally to the person named in such directive or if sent by prepaid post or facsimile or e-mail transmission to the most recent known address of the person named and shall be deemed to have been received by such person, in the case of facsimile or e-mail transmission on the day after it was sent and in the case of prepaid post, on the third day after it was sent unless receipt of same is acknowledged. Where the owner of the land, a building or structure in respect of which a contravention is taking place or has taken place, cannot be reasonably located, notice of the Directive may be posted upon the land, building or structure.
- 3.5** It shall be an offence for any person to fail or refuse to comply with a written directive signed by either the administrator or Bylaw Enforcement Officer pursuant to this bylaw.

4.0 DISPOSAL OF SOLID WASTE

Every person shall dispose of solid waste in accordance with this Bylaw.

4.01 Material Banned from Disposal by Provincial Legislation

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

- a. Beverage Container Redeemable Beverage Containers
- b. Newsprint
- c. Used tires (except as excluded from the Provincial tire program)
- d. Corrugated cardboard
- e. Waste paint
- f. Steel/tin food containers
- g. 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 cleaner containers (not including pesticide and petroleum containers)
- h. Low Density Polyethylene (LDPE #4) -IC&I stretch wrap (pallet wrap)
- i. Organics
- j. Any other materials which may be added to this list from time to time by the Province of Nova Scotia.

4.02 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. Posting of a list of such banned material shall constitute due and sufficient notice of the authority's order for all purposes.

4.03 Flow Control

No person shall export or remove residual garbage, construction and demolition debris, or unsorted solid waste generated within the Town outside the boundaries of the Western Region.

- a. Notwithstanding subsection (i) the Town may export residual garbage, construction and demolition debris or unsorted solid waste to approved facilities outside the boundaries of the Western Region.

4.04 No Illegal Dumping

Except for the placement of solid waste for municipal collection in accordance with this Bylaw, no person shall deposit, cause to be deposited or permit to be deposited solid waste at any place in the Town other than at an approved municipal solid waste management facility designated for the applicable type of solid waste, or at any other site authorized by the Town or approved for the purpose by the Minister.

4.05 No person shall place solid waste for municipal 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.

- a. Notwithstanding subsection (i) the nuisance-free disposal of aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as clean fill, provided

this activity is carried out in compliance with all applicable laws of the Province of Nova Scotia.

4.06 No Salvaging

No person shall pick up, remove, disturb or otherwise interfere with solid waste placed at the curb for municipal collection, except as authorized by the Town or property owner.

4.07 Ownership of Solid Waste

Solid waste placed at the curb for municipal collections, is the property of the property owner until the collector places the solid waste in the collection vehicle.

4.08 No Solid Waste Burning

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

4.09 Litter Abatement

No person shall release or cause litter to be released into the environment, except in accordance with this Bylaw.

4.10 Disposal at Municipal Solid Waste Management Facilities

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 Bylaw or any policy of the Town or authority concerning the use of a municipal solid waste management facility, including but not restricted to waste diversion policies requiring the diversion of particular types or quantities of solid waste from particular types of municipal solid waste management facility;
- 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.
- d. 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.

4.11 The operator or staff at a municipal solid waste management facility may refuse solid waste under the following circumstances:

- a. where the municipal solid waste management facility is not designated for the type of solid waste a person is attempting to place;
- b. where a requisite tipping fee has not been paid;
- c. where the source of the solid waste is not identified;
- d. where the source of the solid waste is outside the boundaries of the Town;
- e. where the facility is unable to weigh, measure or process the solid waste for any reason, including but not restricted to excessive inventory of solid waste or shortage of space, mechanical or electrical break down or labour dispute; or
- f. where the operations of the municipal solid waste management facility would be compromised by the placement of the solid waste; or
- g. where the solid waste would be placed in contravention of this Bylaw, any permit issued by the Province of Nova Scotia, or any law of the Province of Nova Scotia and of the Government of Canada.

4.12 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 Bylaw;
- 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 Bylaw, or
 - ii. generated outside the Town may not be disposed of at a municipal solid waste management facility except where the Town or the operator of a municipal solid waste management facility has given a person written approval to do so in advance.

4.13 No Accumulation of Solid Waste

No owner or occupant of a property in the Town shall permit the accumulation of solid waste in or around the property to the extent that it is or is likely to become a nuisance or cause an adverse effect.

4.14 Where an owner or occupant permits the accumulation of solid waste contrary to subsection (i), the administrator may enter the property to collect and dispose of the accumulated solid waste, the expense of which will be charged to the owner or occupant who has contravened subsection (i).

4.15 For greater clarity, the administrator may enter the property to collect and dispose of any uncollected solid waste scattered by animals, pests or weather that an owner or occupant

fails to remove pursuant to section 4.40 (e) of this Bylaw, the expense of which will be charged to the owner or occupant.

4.16 Municipal Collection

Owners and occupants of every low-density residential property in the Town are eligible for municipal collection of source-separated waste resources and shall ensure that all source-separated waste resources are properly stored and placed for collection and disposal.

4.17 Council may provide for general municipal collection of source-separated waste resources by its own employees or by a collector in some or all areas of the Town.

4.18 Without limiting the generality of subsection (i), Council may, at its discretion, use different classifications for municipal collection of solid waste, including different classifications of municipal collection services and different classifications of waste generators.

4.19 Without limiting the generality of subsections (i) & (ii), Council may, at its discretion, limit collection to:

- a. particular types of solid waste;
- b. properties containing not more than a specified number of residential households;
- c. properties which are seasonal; and
- d. properties generating industrial waste of a particular type or size or generating not more than a specified volume of solid waste.

4.20 Owners and occupants of every property in the Town that is not made subject to municipal collection, are responsible for providing for the lawful collection and disposal of all solid waste in accordance with this Bylaw, and for paying any associated collection, disposal or tipping fees.

4.21 For greater certainty, owners and occupiers of every property in the Town that is not made subject to municipal collection, are responsible for separating solid waste in accordance with this Bylaw.

4.22 The Town may contract with owners and occupiers whose properties are ineligible for municipal collection pursuant to this Bylaw, to provide collection of their solid waste.

4.23 The limitations and restrictions in this Bylaw applicable to general municipal collection shall apply to the owners and occupiers in subsection (i), except to the extent that those limitations or restrictions are expressly varied in any contract reached between the Town and the owner or occupier pursuant to subsection (i).

4.24 The Town shall offer curbside collection of certain solid waste, as follows:

- a. Municipal collection for household residual garbage and organics shall be at least once in every fourteen (14) days between the hours of 7:00 a.m. and 4:00 p.m.; a municipal collection for blue bag recyclables shall be at least once in every seven (7) days between

the hours of 7:00 a.m. and 4:00 p.m.; however, when a public or statutory holiday occurs on a municipal collection day, such municipal collections shall be made on the following working day, unless otherwise specified by the administrator.

- b. Municipal collection of metals and appliances shall be on the last Friday of every month; however, when a public or statutory holiday occurs on the last Friday of the month, there shall be no municipal collection of metals and appliances for that month unless otherwise specified by the administrator.
- c. Municipal collection of waste wood shall be on the first Friday of every month from April to November, inclusive; however, when a public or statutory holiday occurs on the first Friday of the month, there shall be no municipal collection of waste wood for that month unless otherwise specified by the administrator.
- d. Municipal collection of Christmas tree shall be each year in the month of January, on the second Monday and second Friday of the month; or on a date to be specified by the administrator.
- e. Municipal collection of brush and branches such as tree branches, brush, or excess leaves and yard waste can be placed alongside of your green cart. Branches should be tied or bundled in arm load sizes and not to exceed five (5) bundles per pickup. Leaves should be bagged in heavy paper bags up to a limit of twenty (20) bags.
 - i. An annual municipal collection of brush, bushes, and small tree limbs will be picked up in the spring on a Friday, during the month of April on a date to be specified by the administrator. Limbs shall be limited to 1.5m in length to a maximum diameter of 150mm. Quantities shall be limited to a maximum volume of 2.5 m³.

4.25 For the purposes of this section, a schedule of dates for municipal collection shall be distributed to residents annually prior to the end of December for the coming year. Any changes to the schedule shall be advertised in the local paper or on the local radio station.

4.26 Special Collections

The administrator 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 bulky items not eligible for regular municipal collection, leaf and yard waste, household hazardous waste or other specified solid waste.

4.27 When providing for special collections pursuant to subsection (i), the administrator 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.

4.28 Separation and Storage

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

- a. organics;
 - b. recyclable container materials;
 - c. recyclable paper materials;
 - d. residual garbage;
 - e. construction and demolition debris;
 - f. waste wood;
 - g. metals and appliances;
 - h. brush and branches;
 - i. contaminated soil;
 - j. asbestos;
 - k. Solid waste of any type which is not acceptable for municipal collection or accepted at a municipal solid waste management facility, each such type separated in its own stream; and
 - l. Solid waste of any type which is only accepted on the occasion of special collections, or by contract or by express approval in advance of the operator of a municipal solid waste management facility, each such type separated in its own stream.
- 4.29** Owners and occupants of every property in the Town shall take positive steps to ensure that all solid waste separated in accordance with subsection (i) remains separated and uncontaminated by any other type of solid waste.
- 4.30** For greater certainty, the obligations to separate and maintain separation of solid waste in subsections (i) & (ii) extend to owners, management and staff of restaurants, stores, parks, campgrounds, on public streets and other establishments serving the public, which must also provide containers to facilitate separation and non-contamination of solid waste streams by owners, management, staff and clientele as appropriate for the type of establishment.
- 4.31** Subject to subsection (i), residual garbage may include organics or recyclable materials to the extent that separation of organics and recyclable material was not reasonably possible because of:
- a. the fusing or bonding together of materials in the state in which the waste was received, or
 - b. the reasonable cross-contamination of materials in the ordinary course of use, if such contamination is unavoidable even by the exercise of due diligence.
- 4.32** Owners and occupants of every property in the Town shall provide sufficient and adequate space and containers for the storage, collection and disposal of any disposal of any solid waste which may accumulate from time to time on the property.

4.33 Without limiting the generality of subsection (v), owners and occupants of every property in the Town shall provide space and containers in accordance with the following provisions:

- a. Organics shall be stored in green carts provided by the Town or in other containers that are water-proof, impervious to domestic and wild animals and rodents and designed to avoid the entrapment of children, and such green cart or container shall be placed or kept in the side yard or back yard of the lot as far as possible from any window or door situated on an abutting or adjacent property; and
- b. Recyclable materials and residual garbage shall be stored inside buildings or situated in the side yard or back yard of the lot in containers that are waterproof, impervious to domestic and wild animals and rodents and designed to avoid the entrapment of children.

4.34 Owners and occupants of every property in the Town which is eligible for municipal collection of source-separated waste resources 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.

4.35 Commercial containers used for the collection or storage of solid waste:

- a. shall be sturdily constructed, water-proof and impervious to domestic and wild animals and rodents;
- b. shall be designed to avoid the entrapment of children;
- c. shall be accessible to the occupants and safe for its intended users;
- d. shall be 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;
- e. shall be kept clean and in a good state of repair;
- f. shall be labeled for the purpose of identifying what materials the container contains;
- g. shall have sufficient space or sectioning to store solid waste separated in accordance with the provisions of this Bylaw in such a manner that can ensure that separated solid waste remains separated and uncontaminated by other types of solid waste.
- h. shall be assessable within five (5) meters of the collection vehicle loading hopper.

4.36 Owners or occupants of premises serviced by a commercial container:

- a. Shall keep the commercial container behind or beside the building which it serves, so as to reduce visibility from the street and adjacent properties.
- b. Any such commercial container is kept in a manner that is not unsightly and does not cause a nuisance or health related problem.
- c. Shall keep the commercial container not less than 1.5 meters from the building which it serves and not less than 1.5 meters from the adjacent property lines.
- d. Shall keep the area surrounding the container free from any type of waste.
- e. Shall ensure no waste extends beyond the internal volume of the commercial container.
- f. Shall provide instruction to any tenants, visitors or employees to ensure proper disposal and separation and disposal.

- g. Shall make application to the administrator for any variance from the provisions of subsection (1) and subsection (2).
 - h. Shall cause the commercial container to be emptied at least once every seven (7) days.
 - i. Where a commercial container is used during construction or demolition, the Owners or occupants need not comply with the provisions of subsection (1) and subsection (2).
 - j. Where a commercial container is used during construction or demolition, the owners or occupants shall remove the commercial container immediately upon completion of the construction or demolition.
- 4.37** No person shall place waste in any commercial container without permission of the owner of the commercial container.
- 4.38** Any solid waste that is a bulky item that has a door, lid or other apparatus that enables the bulky item to be closed, including but not limited to refrigerators and freezers, shall either be stored inside an enclosed, locked or child-proof building or shall have their door, lid or other closing apparatus removed from the bulky item.
- 4.39** Where a person wishes to dispose of solid waste containing chlorofluorocarbons, that person must:
- a. safely deliver the solid waste to the Town's facility designated to deal with chlorofluorocarbons to have the chlorofluorocarbons removed by a certified technician; or
 - b. arrange to have the chlorofluorocarbons removed by a certified technician and accordingly labeled 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 Town's facility designated to deal with chlorofluorocarbons.
- 4.40 Rules for Municipal Collection**
- Municipal collection of solid waste will only be provided for low density residential properties. Owners of all other properties are responsible for the removal of solid waste by other means.
- Persons placing solid waste for municipal collection shall comply with the following:
- a. Solid waste shall be placed for collection on the curb directly in front of the property that is the source of the solid waste, and shall be placed in such a manner as to interfere as little as possible with pedestrian traffic and snow removal, the distance shall not exceed 3 meters from the edge of the travelled portion of the roadway;
 - 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. 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 for that property;
- e. Residual garbage collection containers and green carts shall be removed from the roadside by the end of collection day. Green carts shall be removed from roadside and stored on the premises in the side-yard of backyard in accordance with this bylaw. Residual garbage shall be placed for collection in securely tied, clear, transparent, plastic, waterproof bags and shall not exceed a weight of twenty five (25) kilograms per bag except that each non-coloured transparent bag may contain one (1) non-transparent (coloured) privacy bag that is no larger than twenty (20) inches by twenty-two (22) inches with residual garbage of a private or personal nature. The Town reserves the right to grant written variances to this limit in accordance to the Variance Policy of the authority.
- f. Recyclable materials shall be placed for collection in securely tied, blue-tinted clear, plastic, water-proof bags with separate blue bags for recyclable paper materials and recyclable container materials and shall not exceed a weight of fifteen (15) kilograms per bag. In the case of corrugated cardboard, bundles or packages, flattened and securely tied weighing no more than twenty (20) kg and measuring no more than sixty (60) cm by sixty (60) cm;
- g. Organics shall be placed for collection in green carts containing a load weight of no more than one hundred (100) kg. Leaves and yard waste can be placed alongside your green cart. Leaves should be bagged in heavy paper bags up to a limit of twenty (20) bags.
- h. Brush and branches can be placed alongside of your green cart. Branches should be tied or bundled in arm load sizes and not to exceed five (5) bundles per pickup. For the annual April Friday collection, limbs shall be limited to 1.5m in length to a maximum diameter of 150mm. Quantities shall be limited to a maximum volume of 2.5 m³.
- i. Waste wood placed for collection as authorized for municipal collection by the Town shall not exceed 0.5m³ in volume.
- j. Metals and appliances are authorized for municipal collection by the Town, however, no more than one of each type of appliance is permitted per collection; and
- k. when Christmas tree waste is authorized for municipal collection by the Town, it shall not have any decorations, ornaments, stands, plastic bags, wires or nails attached and shall not exceed 3 meters in length.
- l. Town collection will take place on public streets and roads that are maintained by the Town. Collection may be arranged for private roads, provided the construction, maintenance and configuration are to a standard deemed by the administrator to be suitable to provide collection services.

4.41 Solid Waste Not Permitted for Municipal Collection

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

- a. hazardous waste;
- b. sharps;

- c. pathological waste;
- d. hospital and pharmaceutical waste;
- e. asbestos;
- f. septic waste;
- g. hot ashes;
- h. dead animal carcasses larger than ten (10) kg;
- i. industrial waste, including non-residential, farm, forestry or fishing waste;
- j. materials that are prohibited from disposal by municipal collection by the laws of the Province of Nova Scotia;
- k. solid waste generated outside the Town;
- l. construction and demolition debris that exceeds the dimensions or weight allowable for waste wood collection by the provisions of this bylaw; and
- m. other materials or solid waste as may be identified as unacceptable for municipal collection by the Town, including but not restricted to identification in public education documents distributed by the town from time to time.

4.42 Inspection and Rejection Guidelines

Waste resources set out for collection shall be subject to inspection by the collector or by the administrator, Bylaw Enforcement Officer(s) or an agent, or employee of the Town. Waste resources found not to be source-separated according to this Bylaw may be rejected and not collected.

- 4.43** All loads of waste resources entering a municipal solid waste management facility are subject to inspection and enforcement action by the facility operator/staff, the administrator, and /or Bylaw Enforcement Officer(s) to ensure compliance with this bylaw.

4.44 Prohibition on Sale of Plastic Compostable Products

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

- a. The Town shall issue a permit for the sale of a compostable product only if the Town is satisfied that the compostable product is an organic and acceptable to the Town in a green cart.
- b. Any business that contravenes this bylaw is guilty of an offence.

5.0 OWNER AND OCCUPANT RESPONSIBILITIES FOR WASTE RESOURCE MANAGEMENT

The responsibility for the management of Waste Resources in Industrial, Commercial & Institutional (IC&I) premises and large apartments is shared by the property owner and the occupant as follows.

5.1 Property Owner's Responsibilities

The property owner shall:

- a. Provide waste-resource storage as set out in Section 4.28;
- b. ensure that waste resources are set at roadside by 7:00 a.m. for 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 Bylaw Enforcement Officer with regards to the handling of waste resources.

5.2 Occupant's Responsibilities

The occupant shall:

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

6.0 INDUSTRIAL, COMMERCIAL & INSTITUTIONAL, AND CONSTRUCTION & DEMOLITION WASTE RESOURCES

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

- a. The property owner or occupant of an Industrial, Commercial or Institutional premises shall either personally or by employees, contractors or agents, provide for the sorting, storage, removal and disposal of all solid waste generated at the premises.
- b. All waste generated by any industrial, commercial or institutional (IC&I) premises, facility or operation, not eligible for municipal collection pursuant to this bylaw;
- c. IC&I waste resources are subject to inspection by the administrator or delegate or Bylaw Enforcement Officer for compliance with this bylaw;
- d. The property owner or the renter of a commercial container or structure shall ensure that materials are placed in the storage container in a source-separated condition.
- e. The hauler collecting a commercial container shall ensure that source-separated waste resources are maintained in a source-separated condition and deposited separately at the appropriate facility.

- f. Containers for IC&I Recyclables shall be blue transparent plastic bags, with separate blue bags for recyclable paper materials and recyclable container materials. Corrugated cardboard shall be bundled separately from the other recyclable paper materials.
- g. Containers for IC&I residual garbage shall be clear plastic bags.

6.1 Construction & Demolition Waste

- a. All waste resulting from construction or demolition of any kind, including renovation or repair except that waste which may be eligible for municipal collection pursuant to this bylaw, shall be promptly removed and disposed of in a waste management facility licensed for the disposal of Construction and Demolition waste.
- b. 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 debris generated on the premises in compliance with all applicable Federal, Provincial, Municipal Laws and Regulations.

7.0 OFFENCE AND PENALTY

A Violation of Bylaw

- a. Any person who contravenes Section 2 or Section 3 of this Bylaw is guilty of an offence punishable on summary conviction by a fine of not less than Five Hundred dollars (\$500) and not more than Five Thousand dollars (\$5,000) and to imprisonment of not more than six (6) months in default of payment thereof.
- b. Any person who contravenes any other section of this Bylaw is guilty of an offence punishable on summary conviction by a fine of not less than One Hundred Fifty dollars (\$150) and not more than One Thousand dollars (\$1,000) and to imprisonment of not more than three (3) months in default of payment thereof.
- c. Each day that a person commits an offence under this Bylaw constitutes a separate offence.
- d. Any person who contravenes sections 2, or 3 of this Bylaw and who is given notice of the contravention may pay to the Town, at the place specified in the notice, the sum of Two Hundred Fifty dollars (\$250.00) pursuant to Payment In lieu of prosecution within fourteen (14) days of the date of the notice and shall there-by avoid prosecution for that contravention.

Clerk’s Annotation for Official Bylaw Book

Date of Adoption: July 10th, 2006

Date of Approval of Amended Bylaw: December 18th, 2008

Date of Approval of Amended Bylaw: September 19th, 2019

Date of Approval of Amended Bylaw: June 11th, 2020

Date of Approval of Amended Bylaw: March 21st, 2024

I certify that this ‘Solid Waste Resource Bylaw’ was adopted by Council as indicated above.

Town Clerk:

Date:

Amended

| | |
|---------------------------------|----------------------------------|
| First Reading | February 14 th , 2008 |
| Publication of Notice of Intent | March 4 th , 2008 |
| Second Reading | April 10 th , 2008 |
| Date of Publication | April 22 nd , 2008 |
| Approval of Amended Bylaw | December 18 th , 2008 |

Amended

| | |
|---------------------------------|-----------------------------------|
| First Reading | |
| Publication of Notice of Intent | |
| Second Reading | September 13 th , 2018 |
| Approval of Amended Bylaw | September 19 th , 2018 |

Amended – Section 2.0 vv + ww & Section 4.44

| | |
|-------------------------|----------------------------------|
| First Reading | February 13 th , 2020 |
| First Reading (revised) | March 12 th , 2020 |
| Second Reading | June 11 th , 2020 |
| Date of Publication | June 25 th , 2020 |

Amended – Section 4.40 e

| | |
|---------------------|-------------------------------------------------|
| First Reading | February 8 th , 2024 |
| Notice of Intent | March 6 th & 13 th , 2024 |
| Second Reading | March 21 st , 2024 |
| Date of Publication | April 3 rd , 2024 |