

MUNICIPALITY OF LUNENBURG  
A By-law Respecting  
**SOLID WASTE COLLECTION AND DISPOSAL**

**DEFINITIONS**

- 1.0 Words used in this by-law shall take their meaning from their context and from dictionaries of the English (Canadian) language, except as follows:
- .1 **"BLUE BAG RECYCLABLES"** means glass jars and bottles, tins, aluminium cans, plastic bottles, rigid plastic containers, plastic bags, film stretch and pallet wrap, and milk and juice containers. Other materials may be identified, from time to time, by the MUNICIPALITY.
  - .2 **"BRANCHES and LIMBS"** means branches, limbs and brush.
  - .3 **"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.
  - .4 **"BULKY WASTE"** means large items including but not limited to: vacuum cleaners, upholstered furniture, wooden furniture, mattresses, box springs and porcelain bathroom items such as toilets and sinks.
  - .5 **"CLEAN-UP WASTE"** means any solid waste excluding compostable materials, paper, household waste, blue bag recyclables, household hazardous waste and asphalt shingles, but including discarded appliances, metal items, white goods, wooden pallets, barrels (whether metal, plastic or wooden), artificial Christmas trees, car parts and furniture.
  - .6 **"COLLECTABLE WASTE"** means those wastes which are eligible for collection, within the volume and other restrictions elsewhere in this by-law, on regularly-scheduled collection days and consists of the following categories:
    - i) compostable materials (as defined herein);
    - ii) recyclables (as defined herein);
    - iii) residual waste (as defined herein);
    - iv) paper (as defined herein);
    - v) privacy bag (as defined herein). [amended July 10/14]
  - .7 **"COMMERCIAL CONTAINER"** means any container used for the storage of properly sorted solid waste excluding household hazardous waste generated from multi-residential, institutional, commercial, industrial or other premises within the Municipality which waste exceeds the maximums or is outside the types of waste allowed on regular or special collection days as outlined elsewhere in this bylaw and which container is designed to be emptied by, and the waste transported by, a hauler.
  - .8 **"COMPOSTABLE MATERIALS"** means vegetable peelings, dairy products, meat, fish and shellfish, egg shells, bones, waste food products, coffee grounds and filters, grass trimmings, leaves, garden waste, ashes or soot, soiled and wet paper, table napkins, paper towels, pizza boxes, household cooking oil, household grease and fat, BRANCHES and LIMBS, untreated wood sawdust, wood chips and wood shavings. Other materials may be identified, from time to time, by the Municipality.

- .9 **“CONSTRUCTION OR DEMOLITION MATERIALS”** means left-over material generated as a result of any form of construction or renovation and materials generated from demolition activity including but not limited to: asphalt, brick, mortar, polystyrene or fibreglass insulation, cellulose, drywall, plaster, shingles, metal and scrap wood – regardless of whether such left-over material is regulated by the Province of Nova Scotia or meets the definition of “C & D Debris” in the N.S.E. 1997 Guidelines for same.
- .10 **“COUNCIL”** means the council of the Municipality of the District of Lunenburg.
- .11 **“CURB”** means that portion of the public road right-of-way between the travelled portion or parking area and the property line, which parallels the street centre line.
- .12 **“DISPOSE”** means any form of disposal of any material, including solid waste as defined herein: deposit, storage, placement, burning or burial regardless of whether or not the material being, or having been, deposited, stored or placed is in a box, bin, container, barrel, or any other containment device.
- .13 **“DESIGNATED ELECTRONIC PRODUCTS”** means designated electronic products as described in the Electronic Products Stewardship Program pursuant to the Solid Waste-Resource Management Regulations made under Sec.102 of the *Environment Act* of Nova Scotia.
- .14 **“DWELLING UNIT”** means a room or series of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- .15 **“ELIGIBLE PREMISES”** means those properties within the Municipality, which are eligible for collection services - up to the maximum restrictions, outlined elsewhere in this by-law – and includes all properties in the Municipality including properties located on private roads.
- .16 **“HAULER”** means any company or person who transports solid waste within the Municipality or within the boundaries of the municipal member units of the LRCRC (defined herein).
- .17 **“HOUSEHOLD HAZARDOUS WASTE”** means any corrosive, flammable or poisonous material or substance such as oil and oil products, radioactive materials, acids, poisons, insecticides or other poisons used for agricultural purposes or for rodent control, any substance or chemical highly lethal to mammalian or aquatic life and any substance or chemical dangerous to the environment – including but not limited to: batteries, left-over liquid paint, left-over corrosive cleaners, pesticides or herbicides, gasoline, fuel oil and used motor oil, solvents and thinners, pharmaceuticals, drugs and needles, aerosol cans, BBQ propane tanks and small propane cylinders or canisters such as those used for camp stoves or propane torches and marine flares. [amended July 10/14]
- .18 **“LRCRC”** means the Lunenburg Regional Community Recycling Centre which is a solid waste management facility and is located at 908 Mullock Road, Whynott’s Settlement and its designated operator or its successor should there be a name change.
- .19 **“METAL ITEMS”** means medium to large metal items including metal fencing, water tanks, oil tanks – subject to special requirements elsewhere in this bylaw – and metal containers other than containers designed to hold either household hazardous waste (as defined herein) or anything intended for human

consumption.

- .20 **"MUNICIPALITY"** means the Municipality of the District of Lunenburg.;
- .21 **"MUNICIPAL ENGINEER"** means the Director of Engineering and Public Works or his accredited representatives.
- .22 **"NATURAL CHRISTMAS TREE WASTE"** means discarded non-artificial Christmas trees.
- .23 **"N.S.E."** means that department of the Nova Scotia Provincial Government currently called "Nova Scotia Environment" or its successor provincial department should there be a name change.
- .24 **"OCCUPANT"** means any person who, in addition to or instead of the owner, resides in or is the lessee of, whether by way of verbal or written lease or other arrangement, a building or on a property located within the Municipality and includes any assignee or legal representative of same.
- .25 **"ONE-SIDED COLLECTION"** means collection of solid waste from only one side of a Public Highway.
- .26 **"OWNER"** means to the owner of property and includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building and, in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; and, in the absence of proof to the contrary, the person assessed for the property.
- .27 **"PAPER"** means newspapers, flyers, magazines, catalogues, boxboard, flattened corrugated cardboard, bond paper, computer paper, hard cover books (covers removed), telephone and other soft cover books, file folders – both traditional and expandable, envelopes (other than padded or bubbled envelopes), non-metallic wrapping paper and paper egg cartons, Third Class Mail and other materials as are identified, from time to time, by the Municipality.
- .28 **"PRIVACY BAG"** means residual waste which has been placed for collection subject to special requirements elsewhere in this by-law; [amended July 10/14]
- .29 **"RESIDUAL WASTE"** means broken bottles, crockery and glassware – subject to special requirements elsewhere in this bylaw – and floor sweepings, pet litter, light bulbs, disposable diapers, hygiene items, discarded clothing and furnishings, broken toys, mats and small carpets, non-recyclable plastic, non-recyclable packaging including Styrofoam™ and padded or bubbled envelopes, metallic wrapping paper, non-passenger tires, non-repairable household goods and other household waste.
- .30 **"SOLID WASTE"** means compostable materials, blue bag recyclables, paper, household waste, clean-up waste, construction or demolition materials, household hazardous waste, and residual waste – all as defined herein – and any other waste or discarded tangible personal property.
- .31 **"UNACCEPTABLE WASTE"** means all material other than solid waste or clean-up waste and, without limiting the generality of the foregoing, includes:

- i) highly combustible or explosive materials including, without limiting, flares, fireworks, celluloid cuttings, motion picture film, oil or gasoline soaked rags, gas containers, chemicals, acids or other combustible residues, ammunition, dynamite, or other similar material;
- ii) materials that are considered pathogenic or biomedical including, without limiting, dressings, bandages or other infected materials or sharps discarded in the course of the practice of physicians, surgeons, dentists or veterinarians;
- iii) a whole or part carcasses of domestic ruminants, including cattle;
- iv) waste listed or characterized as hazardous by any Federal or Provincial law – other than household hazardous waste as defined herein;
- v) designated electronic products;
- vi) solid waste generated, or originating from, outside the Municipality without prior approval;
- vii) liquid waste or material that has attained a fluid consistency and has not been drained;
- viii) soil, rock and stumps;
- ix) construction or demolition materials (as defined herein) – other than the exception as allowed under the definition of “clean-up waste” in this bylaw;
- x) septic tank pumpings, raw sewage or industrial sludge;
- xi) radioactive materials;
- xii) contaminated soil;
- xiii) all passenger tires up to 24.5 inches as per the Tire Management Program with the Resource Recovery Fund Board of Nova Scotia;
- xiv) industrial waste from factories or manufacturing processes;
- xv) manure, kennel waste, excreta, fish processing waste;
- xvi) lead-acid automotive batteries and propane tanks;
- xvii) waste which has been placed for collection but not in accordance with the provisions of this bylaw; and
- xviii) materials banned from landfill disposal by the N.S.E. *Regulations Respecting Solid Waste-Resource Management, November, 1995, as amended* – other than recyclable materials or organic materials from eligible premises.

- .32 **"WHEELED AERATED CART"** shall be of either 140 litre capacity, 240 litre capacity or other municipally approved capacity, and manufactured by SSI Schaefer or Municipality approved equivalent.
- .33 **"WHITE GOODS"** means any large household appliance including but not limited to stoves, dishwashers, washers, dryers, hot water heaters, refrigerators, freezers, dehumidifiers, and air conditioners – the last four (4) being subject to special requirements elsewhere in this bylaw.

## COLLECTION

2.0 Collection of solid waste shall be as follows:

- .1 A collection for residual waste, compostable materials, blue bag recyclables and paper shall be made at least once in every fourteen (14) days, commencing at the hour of seven o'clock in the forenoon (7:00 a.m.), provided, however, that when a holiday occurs, as indicated on the collection calendar, on a collection day, such collections shall be made on the following Saturday, unless otherwise specified by the Municipal Engineer.
- .2 Collection shall include all properties in the municipality which abut a public listed and maintained road, which generate for disposal, quantities of solid waste not exceeding the limits specified in section 7.0.
- .3 Where a property does not abut a public listed and maintained road, and in areas of private roads where the owner has a long driveway, on island or in other circumstances where conventional collection may be impractical, the owner may transport eligible solid waste to the nearest public listed and maintained road for collection.
- .4 Collection of clean-up waste shall be at least once in the spring and once in the fall of each year, the exact date of which shall be specified by the Municipal Engineer.
- .5 Collection of properly-prepared natural Christmas trees, per restrictions noted elsewhere in this by-law, shall take place annually in the month of January on a date to be specified by the Municipal Engineer.
- .6 For the purpose of Section 2, the schedule of, and exact dates for, collection shall be published in a calendar distributed to owners - which will also be posted on-line – and any other collection dates will be published in a local newspaper and/or advertised on a local radio station.

## REQUIREMENTS TO STORE AND DISPOSE OF SOLID WASTE

3.0

- .1 Every owner shall:
- a) Provide containers for solid waste storage.
- b) All collectable waste to be collected by the Municipality shall be accessible to the contractor within 3 metres (approximately 10 feet) of the curb, placed in such a manner as to not interfere with pedestrian traffic and snow removal.

- c) Maintain all containers that are not disposable in good repair and in sanitary condition.
- d) Place collectable waste for collection only in containers of the type and meeting the standards set forth in Section 4.
- e) Be responsible for the disposal of solid waste generated from his property, including solid waste generated by occupants having use of the property.

## STORAGE FOR SOLID WASTE COLLECTION

### 4.0

- .1 For the purpose of this Section, containers for solid waste "Storage" shall mean the following:
  - a) For blue bag recyclables:
    - i) Securely tied, blue-tinted transparent plastic waterproof bags of a dimension no smaller than 25 centimetres by 40 centimetres (10 by 16 inches), nor greater than 76 centimetres by 122 centimetres (30 by 48 inches), and shall not exceed a weight of 25 kilograms (55 lbs). All materials must be clean.
  - b) For paper:
    - i) Placed in plastic, clear and transparent or low-density polyethylene opaque waterproof bags (shopping bags), securely tied, of a dimension no smaller than 25 centimetres by 40 centimetres (10 by 16 inches); nor greater than 76 centimetres by 122 centimetres (30 by 48 inches) and shall not exceed a weight of 25 kilograms (55 lbs.) per bag.
  - c) For compostable materials
    - i) wheeled aerated cart;
    - ii) for leaves only, plastic, clear and transparent, waterproof bags, securely tied or paper bags, of a dimension no smaller than 66 centimetres by 91 centimetres (26 by 36 inches) nor greater than 76 centimetres by 122 centimetres (30 by 48 inches) and shall not exceed a weight of 25 kilograms (55 lbs.) per bag; and,
    - iii) for leaves only, a maximum of three (3) bags per collection. This maximum increases to four (4) bags if no wheeled aerated cart is put out that day.
  - d) For Christmas tree waste
    - i) Cut into pieces and placed into the wheeled aerated cart; or
    - ii) shall be bundled and tied, and shall not exceed 0.9 metres (36 inches) in length; and
    - iii) shall not have decorations, ornaments, wire or nails attached; and
    - iv) weigh not more than 25 kilograms (55 lbs) per bundle.
  - e) For branches and limbs

- i) Cut into pieces and placed into the wheeled aerated cart; or
  - ii) shall be bundled and tied; and
  - iii) shall not have any wire or nails attached; and
  - iv) weigh not more than 25 kilograms (55 lbs) per bundle; and
  - v) individual pieces shall not be more than 50 mm (2 inches) in diameter; and
  - vi) be less than 0.9 meters (36 inches) in length.
- f) For residual waste (all other waste):
- i) Water tight metal or plastic cans:
    - 1) equipped with a tight fitting cover of metal, plastic or other impermeable material; and
    - 2) equipped with handles; and
    - 3) filled to a height not exceeding 5 centimetres (2 inches) below the top of the container; and
    - 4) shall not exceed a weight of 25 kilograms (55 lbs); and
    - 5) shall not exceed a volume of 100 litres, and shall not include cardboard drums, oil drums, paint containers or lard containers; or
  - ii) Placed in plastic, single use, waterproof, clear transparent bags, free from colour, of a dimension no smaller than 66 centimetres by 91 centimetres, (26 by 36 inches) nor greater than 76 centimetres by 122 centimetres (30 by 48 inches), and shall not exceed a weight of 25 kilograms (55 lbs). **[amended July 10/14]**
- g) For privacy bag
- i) Placed in a plastic, single use, waterproof opaque bag with a dimension no smaller than 66 centimetres by 91 centimeters (26 by 36 inches) nor greater than 76 centimeters by 122 centimeters (30 by 48 inches) and shall not exceed a weight of 25 kilograms (55lbs). **[amended July 10/14]**

.2 Items placed for CLEAN-UP WASTE COLLECTION:

- a) Shall be packaged/bundled/boxed in such a manner so as to allow for pick-up and collection, and not include any compostable materials, blue bag recyclables, paper, household waste or natural Christmas trees;
- b) an oil tank is eligible for clean-up waste collection only if it is from a residence, does not exceed

910 litres (200 gallons) in capacity and has been cleaned and cut in half;

- c) a refrigerator, freezer, dehumidifier or air conditioner shall display a sticker, issued by the appropriate authority, indicating that any Freon, other refrigerant gas, coolant or chlorofluorocarbon (CFC) has been removed and any refrigerator or freezer shall have its doors already removed; and,
- d) No person shall place, or caused to be placed, clean-up waste consisting of small quantities of construction or demolition materials – and all other clean-up waste including oil tanks, metal fencing, bulky waste, barrels, pallets and white goods – out for collection except on a day designated by the municipal engineer for collection of same and in accordance with the following restrictions:
  - i) such waste shall be packaged, bundled or boxed so as to facilitate removal and handling;
  - ii) any scrap wood shall be placed separately during the day designated by the Municipal Engineer for clean-up collection;
  - iii) scrap wood shall not exceed 4 cubic metre (5.2 cubic yards) per clean-up collection;
  - iv) bulky residual waste and metal items shall be placed together during the day designated by the Municipal Engineer for clean-up collection and shall not exceed 4 cubic metres (5.2 cubic yards) per clean up collection;
  - v) each individual package, bundle or box shall not exceed 140 kgs (308 lbs) in weight; and,
  - vi) each individual package, bundle or box shall not exceed 1.8 m (6 feet) in any dimension.

## PREPARATION OF SPECIFIC WASTES

### 5.0

- .1 a) For BROKEN BOTTLES, CROCKERY OR GLASSWARE
  - i) Broken bottles, crockery and glassware shall be sealed in a box or a bucket and clearly identified– by noting, in large capital letters, on the outside of the bundle the words “broken glass” – a warning to the contractor.
- b) For ASHES OR SOOT
  - i) Ashes or soot shall be completely cooled for a minimum of four (4) weeks, then wetted down before depositing in the wheeled aerated cart.
- c) For NATURAL CHRISTMAS TREES
  - i) It is to be unpackaged and undecorated, including the removal of all lights and any tree stand;



- ii) shall not exceed 3 m (approx. 10 ft) in length;
  - iii) no person shall place, or cause to be placed, any natural Christmas tree out for collection before 5:00 p.m. of the day immediately preceding the day designated for collection of same;
  - iv) no person shall place, or cause to be placed, any natural Christmas tree out for collection after 7:00 a.m. of the day designated for collection of same;
  - v) each single-unit building shall place two natural Christmas trees for collection;
  - vi) each multi-unit building shall place one natural Christmas tree per unit, plus one additional natural Christmas tree for collection; and,
  - vii) commercial natural Christmas tree producers may not place unsold trees for collection.
- d) For CARDBOARD
- i) for cardboard only, flattened, securely tied bundles, of dimension no greater than 91 centimetres (36 inches) by 61 centimetres (24 inches) by 61 centimetres (24 inches) and shall not exceed a weight of 25 kilograms (55 lbs.) per bundle.

## WHEELED AERATED CARTS

### 6.0

- .1 Every owner shall:
- a) use only a wheeled aerated cart for the storage of compostable materials for collection, except as otherwise permitted in clauses 4 1(c) and (d);
  - b) maintain the wheeled aerated cart in good repair and sanitary condition; and,
  - c) wheeled aerated carts must remain on the property parcel for which it was assigned in accordance with the Municipality's policy mdl-44. The freely distributed wheeled aerated cart shall remain on the property when a householder sells a property. Care and use will be the responsibility of the householder or occupant.
- .2 The number of carts required by each owner shall conform to the following minimum criteria:
- a) single-unit dwelling                      1 - 140 litre capacity cart per dwelling unit  
or
  - b) duplex dwelling                              1 - 140 litre capacity cart per dwelling unit  
or
  - c) semi-detached dwelling                      1 - 140 litre capacity cart per dwelling unit  
or

- d) dwellings of 3 to 6 units or 1 - 140 litre capacity cart per dwelling unit
- e) dwellings having 6 units or more Minimum carts and capacities greater to be determined by Municipal Engineer.

## VOLUME AND WEIGHT PERMITTED

### 7.0

- .1 Collectable waste placed for collection:
  - a) Shall not exceed 140 kilograms (308 lbs) in total per dwelling unit per collection day and no single item may weigh more than 25 kilograms (55 lbs);
  - b) Shall not exceed 4 cubic metres (5.2 cubic yards) in total volume per dwelling unit per collection day; and,
  - c) No person shall place, or cause to be placed, more than one (1) wheeled aerated cart per any one dwelling unit out for collection on any one-collection day and the total weight of the cart and its contents shall not exceed 120 kilograms (approx. 265 lbs.).
  - d) No person shall place, or cause to be placed, more than one (1) privacy bag per any one dwelling unit out for collection on any one collection day. [amended July 10/14]
  - e) No person shall place, or cause to be placed, residual waste out for collection on any one collection day in a "storage" container which is not a clear transparent bag, free from colour, in which its contents are not visible except for the one (1) privacy bag as outlined elsewhere in this bylaw. [amended July 10/14]
- .2 Clean-up waste individual pieces shall not exceed 140 kilograms (308 lbs) in weight or over 1.8 metres (72 inches) in any dimension up to a maximum of 4 cubic metres (5.2 cubic yards) per dwelling unit per collection day.

## PLACEMENT OF CONTAINERS FOR COLLECTION

### 8.0

- .1 All collectable waste to be collected by the Municipality shall be accessible to the contractor within 3 metres (approx. 10 feet) of the curb or other such location as may be required from time to time, including one-sided collection, and placed in such a manner as to interfere as little as possible with pedestrian or vehicular traffic and snow removal.
- .2
  - a) Permanent containers or boxes for the storage of collectable waste between collections shall:
    - i) be a solid container with a tight fitting cover. The container shall be a maximum height of 91 centimetres (3 feet), or shall provide a hinged front door. It shall be filled to a height not exceeding 5 centimetres (2 inches) below the top of the container. There shall be no loose solid waste stored in any container. The immediate vicinity of the container shall be kept neat and free of any solid waste;

- ii) be maintained in good repair;
  - iii) not present a hazard to individuals or traffic;
  - iv) be located in such a manner as to not interfere with traffic or snow removal;
  - v) be appropriately located with respect to one-sided collection; and,
  - vi) lids shall be securely hinged, not have a self-locking latch and shall have a support to hold the lid open while the contents are being emptied.
- b) No wheeled aerated cart shall be stored inside a container or box, unless the cart can be wheeled out without lifting, or is removed from the container or box by the owner for collection.

## RESPONSIBILITIES OF OWNERS AND OCCUPANTS

### 9.0

#### .1

- a) Ensure that collectable waste and clean-up waste are placed for collection in accordance with this by-law;
- b) clean up any type of solid waste which has escaped from its container;
- c) store any waste refrigerator or freezer either inside an enclosed and locked building or with the doors of the refrigerator or freezer removed;
- d) ensure the proper preparation of all solid waste in accordance with this by-law; and
- e) abide by all lawful directives of the Municipality, or designated agents with regard to the handling of solid waste materials.

## REJECTION OF WASTE

### 10.0

- .1 Any type of solid waste which has been set out for collection is subject to inspection by the Municipality, or its designated agent and any such solid waste found or deemed by same to be set out in violation of the requirements of this by-law may be rejected and not collected.
- .2 Any solid waste which is so rejected will have placed on it a Rejection Sticker indicating the reason or reasons for rejection and information as to how to rectify same or get direction to rectify the problem.
- .3 No person shall permit any rejected materials to remain at the collection placement spot after 12:01 a.m. on the day after collection.
- .4 Any rejected solid waste, as designated by a rejection sticker, shall remain the property of the owner.

## TIME FOR REMOVAL OF CONTAINERS

- 11.0
- .1 No owner shall permit solid waste to remain in front of the said building and adjacent to or at the curb except between 5:00 p.m. on the day previous to collection and 12:01 a.m. on the day after collection.
  - .2 Solid waste placed for collection in a manner contrary to the provisions of this by-law shall not be collected and such solid waste shall be removed no later than 12:01 a.m. on the day after collection.
  - .3 Notwithstanding subsections 11.1 and 11.2, solid waste set out during scheduled collection as fall and spring clean-up waste may be placed for collection no more than 4 calendar days prior to the owner's regular date of collection.

## COMMERCIAL CONTAINERS

- 12.0
- .1 Commercial containers shall:
    - a) be sturdily constructed of weather-proof material and shall be water tight;
    - b) be inaccessible to pests, rodents, vermin, seagulls or animals; 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;
    - c) be kept in a clean manner;
    - d) be kept in a state of good repair;
    - e) have displayed thereon the name and telephone number of the owner of the container and the type of material to be deposited therein;
    - (f) have displayed thereon the following message "garbage" or "landfill", where institutional, commercial or industrial waste is to be deposited in the commercial container;
    - (g) have displayed thereon the following message "recyclables", where blue bag recyclables are to be deposited in the commercial container;
    - (h) have displayed thereon the following message "paper or cardboard", where fibre recyclables are to be deposited in the commercial container; and,
    - (i) have displayed thereon the following message "organics", where organic materials are to be deposited in the commercial container.
  - .2 An owner or occupant of any premises on which a commercial container is located shall not permit the commercial container to be loaded other than uniformly and ensure that no solid waste extends beyond the internal volume of the container.

- .3 An owner or occupant of any premises on which a commercial container is located:
  - a) shall place same only on a surface which is hard, level and weather-resistant;
  - b) shall keep the area surrounding the container free from litter and waste; and
  - c) shall cause the container to be emptied on a regular basis, as required.

## **HAULERS**

### 13.0

- .1 All private collections of solid waste shall be undertaken in compliance with relevant Federal/Provincial/Municipal statutes and regulations.
- .2 All private collection vehicles shall:
  - a) be maintained in good condition and be properly manned and equipped to ensure safe collection of solid waste;
  - b) comply with the *Motor Vehicle Act* and any other regulations or legislation in effect from time to time;
  - c) be designed so as to prevent any contents (including liquids) from falling out, being spilled, or scattering from the vehicle whether in motion or not, as they enter the LRCRC front gates;
  - d) if used in the collection of more than one type of waste, be constructed to prevent cross-contamination between the various waste streams;
  - e) be equipped with a tailgate or other restraining device; and be closed-in or equipped with a tarpaulin or equivalent cover device which shall be used to cover solid waste while it is being transported.
- .3 All private collection of any solid waste shall be made directly to the private collection vehicle from the premises where the same was generated.
- .4 all solid waste collected through private collections, and which is to be delivered to the LRCRC, shall be in compliance with the Regulations promulgated by the operator of the LRCRC regarding acceptance and receipt of solid waste at the LRCRC.
- .5 In the event of any spillage, the vehicle operator shall be responsible for the clean-up, which shall be undertaken immediately.

## **DESIGNATED ELECTRONIC PRODUCTS**

### 14.0

- .1 No person shall place designated electronic products out for collection.
- .2 Every owner or occupant may deliver designated electronic products to a recognized electronics return

collection facility in Nova Scotia for reuse and recycle.

## **HOUSEHOLD HAZARDOUS WASTE**

15.0

- .1 Every owner or occupant shall store any household hazardous waste generated by same in a safe and secure manner and place and shall deliver same, as soon as is reasonably possible, to the Household Hazardous Waste Depot ("HHW Depot") at the LRCRC.
- .2 No person shall dispose of, or cause or permit the disposal of, household hazardous waste at any location within the Municipality.

## **CONSTRUCTION OR DEMOLITION MATERIALS**

16.0

- .1 Every owner or occupant shall deliver any construction or demolition materials – over and above those collected by the Municipality – to the appropriate area or site within the LRCRC or an approved C&D debris disposal site.
- .2 No person shall dispose of construction or demolition materials by stock-piling, storing or any other method.

## **LUNENBURG REGIONAL COMMUNITY RECYCLING CENTRE**

17.0

- .1 The Municipality has designated, by resolution, the Lunenburg Regional Community Recycling Centre ("LRCRC") as the receiving site for solid waste generated by its residents – within the restrictions as set in this by-law and other restrictions as set by the operator of LRCRC.
- .2 The operator or other authorized staff of the LRCRC may refuse to accept a load of solid waste for the following reasons:
  - a) The load is comprised of, or contains, solid waste other than the type of solid waste which the LRCRC has been approved to accept; or
  - b) It is a load for which a tipping fee has not yet been set or negotiated with the solid waste generator or hauler; or
  - c) It is a load for which a tipping fee has not yet been paid to the LRCRC; or
  - d) It is a load for which tipping fee payment arrangements satisfactory to the operator or authorized staff have not yet been made.
- .3 No person shall dispose of, or cause or permit the disposal of, any type of solid waste around or adjacent to the LRCRC in the following circumstances:
  - a) when the LRCRC is not open and operational; or
  - b) after the operator or authorized staff of the LRCRC has refused to accept same.

- .4 All private collection vehicles shall:
- a) be equipped with a tailgate or other restraining device; and be closed-in or equipped with a tarpaulin or equivalent cover device which shall be used to cover solid waste while it is being transported from the LRCRC front gates to the scale house.

## **LEGAL and ILLEGAL DISPOSAL**

### **18.0**

- .1 With the exception of the placement of solid waste for collection in accordance with this by-law, the delivery of designated electronic products or household hazardous wastes to depots or other disposals allowed for in this by-law, no person shall dispose of, or cause or permit the disposal of, solid waste, clean up waste or unacceptable waste at any location or manner in the Municipality except as follows:
  - a) backyard composting carried out in such a manner as to not constitute a nuisance;
  - b) subject to Federal or Provincial law to the contrary, the disposal of waste trees, brush or portions thereof or other organic farm or forestry waste on privately-owned forest or farm land in such a manner as to not constitute a nuisance;
  - c) subject to Federal or Provincial law or other Municipal By-laws to the contrary, the disposal aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as fill in such a manner as to not constitute a nuisance.
- .2 No person shall dispose of, or cause or permit the disposal of, any solid waste in a permanent container or box for storage of solid waste unless that person is, or has the permission of, the owner of said container or at a box or collection placement spot approved by the Municipality for another owner or occupant.
- .3 no person shall dispose of, or cause or permit the disposal of, any unacceptable waste or rejected solid waste in, at or near a permanent container or box for storage of solid waste or collection placement spot approved by the Municipality for another owner or occupant.
- .4 No person shall dispose of, or cause or permit the disposal of, construction or demolition materials at any location other than at the LRCRC or an approved C&D debris disposal site.
- .5 Proof that any type of solid waste, which was disposed of in contravention of this by-law, originated from a particular person, from the residence of a particular person, or from a particular premises shall, in the absence of evidence convincing a court to the contrary, be evidence sufficient for a court to infer that the said person – or the owner or current occupant of said residence or premises–was the person who disposed of that solid waste, or a portion of same, or caused or permitted it to be disposed of.

## **GENERAL PROHIBITIONS**

### **19.0**

- .1 Where an owner or occupant properly places any authorized form of solid waste out for collection by the Municipality's contractor, the said solid waste becomes the property of the Municipality and only authorized personnel are permitted to remove same; except under circumstances stated below of this by-law.

- .2 No person shall pick over, remove, collect, disturb or otherwise interfere with any type of solid waste or which has been placed out for collection.
- .3 The prohibitions in the above two sections do not apply to:
  - a) the person who placed the solid waste for collection; or
  - b) waste wood material, appliances or furniture; and any other materials placed out for clean-up waste collection. When removal of such materials is undertaken, remaining materials must be left in an orderly manner, which does not interfere with pedestrian or vehicular traffic.
- .4 No person shall dispose of any type of solid waste by the burning of same.
- .5 No person shall place any type of solid waste generated from outside the Municipality for collection at a designated collection location for an owner within the Municipality.

## **EXPORT OF SOLID WASTE**

- 20.0
- .1 No person shall transport any type of solid waste generated within the Municipality to any location other than the LRCRC site or outside the boundaries of the area served by the LRCRC but for the following exceptions:
    - a) construction or demolition materials to an approved C&D debris disposal site;
    - b) “direct haul” of residual waste to Kaizer Meadow, an approved solid waste disposal site, only when authorized by the operator of LRCRC;
    - c) designated electronic products which may be taken to a recognized electronics return collection facility in Nova Scotia; and
    - d) any other special arrangement authorized in writing by the operator of the LRCRC.

## **ENFORCEMENT AND PENALTIES**

- 21.0
- .1 Any person who disposes of, or permits the disposal of, any solid waste including construction or demolition materials and/or residual waste –other than in accordance with this bylaw is guilty of a summary offense and is liable, upon conviction, to a fine of not less than One Thousand (\$1,000.00) and not more than Five Thousand Dollars (\$5,000.00), and in default of payment to a term of imprisonment not to exceed ninety (90) days.
  - .2 Any person who violates any other provision of, or permits any other thing to be done in violation of, this by-law is guilty of a summary offense and is liable, upon conviction, to the following:
    - a) for a first offense, a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than One Thousand Dollars (\$1,000.00) and in default of payment thereof to a term of



- imprisonment not to exceed thirty (30) days;
- b) for a second offense, a fine of not less than Three Hundred and Fifty Dollars (\$350.00) and not more than Two Thousand Dollars (\$2,000.00) and in default of payment thereof to a term of imprisonment not to exceed sixty (60) days; and,
  - c) for each subsequent offense, a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00) and in default of payment thereof to a term of imprisonment not to exceed ninety (90) days.
- .3 Any person who obstructs or hinders any person in the performance of their duties under this bylaw is guilty of a summary offense and is liable, upon conviction, to a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), and in default of payment to a term of imprisonment not to exceed ninety (90) days.
- .4 Where a person is convicted of an offence under this by-law and the court is satisfied that, as a result of the commission of the offence, clean-up or site remediation costs were incurred, whether by the Municipality or by a person, the Court may order the offender to pay, in addition to all other fines and penalties, restitution to the Municipality or person in an amount equal to the said clean-up or remediation costs.
- .5 Pursuant to the provisions of the *Municipal Government Act*, in addition to a fine imposed for violation of this by-law, a judge may order the imposition of a penalty in relation to any fee, cost, rate, toll or charge associated with the conduct that gave rise to the offence.
- .6 Pursuant to the provisions of the *Municipal Government Act*, in addition to a fine imposed for violation of this by-law, a judge may order compliance with this by-law within a specified time.
- .7 Each day that a person commits any offence under this by-law constitutes a separate offence.
- .8 Where a breach of this by-law is anticipated or is of a continuing nature, the Municipality may, pursuant to the provisions of the *Municipal Government Act*, apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order and the judge may make any order that the justice of the case requires.

## **ADMINISTRATIVE TICKETING**

### **22.0**

- .1 In lieu of prosecution under this by-law, the Municipality or its designated agent may issue to any person it believes, upon reasonable grounds, has committed an offence under this by-law a Notice of Alleged Violation allowing the person to whom it is directed to avoid possible prosecution by means of the voluntary payment of a sum of money.
- .2 Any person who receives A Notice of Alleged Violation in relation to this bylaw and where the said Notice so provides, may pay a penalty in the amount of One Hundred Dollars (\$100.00) to the office of the Municipal Clerk provided that said payment is made within fourteen (14) days of the date of issuance of the Notice and said payment shall be in full satisfaction thereby releasing the person named from prosecution for the said alleged violation.

- .3 Nothing in this by-law requires the Municipality to issue a Notice of Alleged Violation in lieu of initiating a prosecution in relation to an alleged violation.

**REPEAL**

23.0 The Solid Waste Collection and Disposal Bylaw of the Municipality of the District of Lunenburg passed by resolution of Municipal Council on the 21<sup>st</sup> day of December 1999, was repealed and replaced on February 19, 2014 with the new Solid Waste Collection and Disposal By-law.

Annotation for Official By-law Book	Date of Adoption February 19, 2014
Date of First Reading:	<u>May 27, 2014</u>
Date of Advertisement - Notice of Intention to Amend:	<u>June 04, 2014</u>
Date of Second Reading:	<u>June 24, 2014</u>
<b>*Date of Advertisement of <u>Amendments</u> to By-law:</b>	<b><u>July 2, 2014</u></b>
Date of mailing to Minister a Certified copy of By-law:	<u>July 10, 2014</u>
I certify that this " <i>Solid Waste Collection and Disposal By-law</i> " was adopted by Council and published as indicated above.  <div style="display: flex; justify-content: space-between;"> <div data-bbox="164 1045 691 1102"> <hr style="width: 30%; margin-left: 0;"/>                     April Whynot-Lohnes, Municipal Clerk                 </div> <div data-bbox="1049 1045 1317 1102"> <hr style="width: 30%; margin-left: 0;"/>                     Date                 </div> </div>	
*Effective Date of the By-law unless otherwise specified in the By-law.	