

TOWN OF MAHONE BAY

A BY-LAW TO PROVIDE FOR THE SEPARATION, STORAGE, PLACEMENT, COLLECTION AND TRANSPORTATION OF SOLID WASTE RESOURCES GENERATED WITHIN THE TOWN OF MAHONE BAY

BY-LAW NUMBER 46

SHORT TITLE:

- 1) This By-law shall be known and may be cited as the **"Solid Waste Management By-law"**.

DEFINITIONS:

- 2) Words used in this by-law shall take their meaning from their context and from dictionaries of the English (Canadian) language, except as follows:
 - a) **"approved storage bin"** means a storage bin designed for the temporary storage of collectible waste and which meets the following specifications:
 - i) is constructed of wood or other material and in such a manner as to be inaccessible to pests, rodents, vermin, seagulls or animals;
 - ii) is fitted with a securely-hinged lid weighing not more than 5 kilograms (approx. 11 pounds); and
 - iii) is not equipped with a self-locking latch;
 - b) **"blue bag recyclables"** means glass jars and bottles, cans (whether made of aluminum, steel or tin), plastic containers, plastic bags, film stretch and pallet wrap, milk and juice containers together with such other items as may, from time to time, be designated by Council as blue bag recyclables;
 - c) **"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;
 - d) **"branches and Limbs"** means branches, limbs and brush;

- e) **“bulky waste”** means large items including but not limited to: vacuum cleaners, upholstered furniture, wooden furniture, mattresses, box springs; porcelain bathroom items such as toilets and sinks; *metal items (as defined herein), white goods (as defined herein), bulky waste (as defined herein), wooden pallets, barrels (whether metal, plastic or wooden), artificial Christmas trees as well as small quantities of construction or demolition material, excluding asphalt shingles – subject to requirements under “Special Conditions for Bulky Waste Collection” elsewhere in this by-law*)
- f) **“collectible waste”** means those wastes which are eligible for collection, within the volume and other restrictions outlined elsewhere in this by-law, on regularly-scheduled collection days and consists of the following categories of waste:
- i) organic materials (as defined herein);
 - ii) recyclables (as defined herein);
 - iii) residual waste (as defined herein);
- g) **“commercial container”** means any container used for the storage of properly sorted collectable waste and clean up waste generated from multi-residential, institutional, commercial, industrial or other premises within the Town which waste exceeds the maximums or is outside the types of waste allowed on regular or special collection days as outlined elsewhere in this by-law and which container is designed to be emptied by, and the waste transported by, a hauler;
- h) **“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 fiberglass 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;
- i) **“Council”** means the Council of the Town of Mahone Bay;
- j) **“dispose”** means any form of disposal of any material, including solid waste as defined herein, and includes burning or any of the following whether temporary or permanent: deposit, storage, placement, or burial regardless of whether or not the material being, or having been, deposited, stored or placed is in a box, bin, container or any other containment device;
- k) **“designated electronic products”** means those electronic products as designated 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;

- l) **“dwelling unit”** means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons;
- m) **“eligible premises”** means those properties within the Town which are eligible for collection services – up to the maximum restrictions outlined elsewhere in this by-law – and includes all properties in the Town including properties located on private roads;
- n) **“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;
- o) **“green cart”** means an aerated plastic cart designed for the short-term external storage of organic materials prior to collection and for the placing out for collection of same;
- p) **“hauler”** means any public or private company or person who transports solid waste within the Town or within the boundaries of the municipal member units of the LRCRC (defined herein);
- q) **“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 which contain hazardous substances, BBQ propane tanks and small propane cylinders or canisters such as those used for camp stoves or propane torches;
- r) **“leaf and yard waste”** means grass clippings, leaves, twigs, house and garden plants or other similar items as well as branches, limbs or brush – the latter three being subject to special requirements elsewhere in this by-law;
- s) **“LRCRC”** means the Lunenburg Regional Community Recycling Centre which is a solid waste management facility and is located at 908 Mullock Road, Whycott’s Settlement and their designated operator the Municipal Joint Services Board or its successor should there be a name change;
- t) **“metal items”** means medium to large metal items including metal fencing, water tanks, oil tanks – subject to special requirements elsewhere in this by-law – and metal containers other than containers designed to hold either household hazardous waste (as defined herein) or anything intended for human consumption;
- u) **“mini-bin”** means a small plastic container designed for the short-term internal storage of organic materials prior to deposit in a green cart;

- v) "municipality" means the Town of Mahone Bay.
- w) "non-collectible waste" means all material other than collectible waste or clean-up waste and, without limiting the generality of the foregoing, includes:
- i) highly combustible or explosive materials including, without limiting, fireworks, flares, celluloid cuttings, motion picture film, oil or gasoline soaked rags, gas containers, chemicals, acids or other combustible residues, fine dry sawdust, 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) carcasses or parts of any animal except food waste;
 - iv) waste listed or characterized as hazardous by any Federal or Provincial law – including "household hazardous waste" as defined herein;
 - v) designated electronic products;
 - vi) solid waste generated, or originating from, outside the Town;
 - 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).
 - x) septic tank pumping's, raw sewage or industrial sludge;
 - xi) radioactive materials;
 - xii) contaminated soil;
 - xiii) all passenger tires up to 62 cm (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 by-law; 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;
- x) **“non-recyclable paper”** means used napkins or paper towel, used fast food wrappers, wax paper, soiled pizza boxes, used paper plates or paper cups, damp or soiled newspaper or flyers, sugar, flour & potato paper bags or other similar items;
- y) **“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;
- z) **“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 Town and includes any assignee or legal representative of same;
- aa) **“organic materials”** means food waste (as defined herein), leaf and yard waste (as defined herein), non-recyclable paper (as defined herein), ashes or soot, sawdust, wood chips, wood shavings and other specific material of plant or animal origin as designated by Council from time to time;
- bb) **“owner”** refers 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;
- cc) **“paper recyclables”** means non-soiled mixed paper, corrugated cardboard, boxboard (as defined herein), newsprint, magazines, catalogues, flyers, 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 or other similar items as are designated by Council from time to time;
- dd) **“recyclables”** means paper recyclables and blue bag recyclables – both as defined herein;
- ee) **“regulation container”** means a container, bag or bundle which meets the specifications and other requirements for same – in relation to specific waste types – as outlined elsewhere in this by-law;
- ff) **“rejected waste”** means any type of waste which has been placed for collection but not in accordance with the provisions of this by-law and which has had a rejection sticker affixed thereto by the Town or its designated agent;

- gg) **“residual waste”** means broken bottles, crockery and glassware – subject to special requirements elsewhere in this by-law – and floor sweepings, pet litter, light bulbs, disposable diapers, 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 waste;
- hh) **“solid waste”** means collectible waste, non-collectible waste, clean-up waste, construction or demolition materials, household hazardous waste, residual waste – all as defined herein and any other waste or discarded tangible personal property but excludes wastes from any industrial activity regulated by way of an approval under the *Environment Act*;
- ii) **“Town”** means the Town of Mahone Bay and the administration of the town through the Chief Administrative Officers and other employees of the town assigned to administer this bylaw.
- jj) **“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 by-law.

COLLECTION

- 1) Regularly-scheduled collection from eligible premises of recyclables – subject to restrictions noted elsewhere in this by-law – shall take place once every two (2) weeks commencing at 8:00 a.m.
- 2) Regularly-scheduled collection from eligible premises of organic materials and residual waste – both subject to restrictions noted elsewhere in this by-law – shall take place on the alternating week commencing at 8:00 a.m.
- 3) The alternating bi-weekly nature of the two above-mentioned collections results in a collection of some type(s) of collectible waste once a week.
- 4) When a normally scheduled collection day falls on a public or statutory holiday, such collection shall be made instead on a date as identified in the Town’s “collection calendar”, unless otherwise specified by the Town.
- 5) Each Spring and Fall there will be a separate special collection of leaf and yard waste –as per restrictions noted elsewhere in this by-law – on a date to be specified by the Town.
- 6) 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 Town.

- 7) The dates for collection of collectible waste from eligible premises will be as described in a mail-out "collection calendar" – which will also be posted on-line.

PLACEMENT

- 8) All solid waste to be collected by the Town shall be accessible to the collector within 3 metres (approximately 10 feet) of the curb or travel-way, placed in such a manner as to not interfere with pedestrian traffic and snow removal.
- 9) All regulation or other containers of solid waste placed out to be collected by the Town shall also be placed in an upright position and, in applicable circumstances, with the lid securely closed.

CONTAINER REGULATIONS FOR RESIDUAL WASTE:

- 10) No person shall place, or cause to be placed, residual waste out for collection in any container other than a "regulation container" which is one which meets the following specifications:

Bag Container Specifications:

- a) Each bag shall be watertight, securely tied and of transparent clear plastic or transparent blue plastic;
- b) Each bag shall be no smaller than 66 cm x 91 cm and no larger than 75 cm x 120 cm;
- c) Each bag shall have an overall length of between 0.5 meters and 1.2 meters when empty;
- and d) Each bag, including contents, shall not exceed 25 kilograms (approx. 55 pounds) in weight; and

Privacy Bag Container Specifications:

- d) Each bag shall be made of polyethylene opaque plastic, be watertight and be securely tied.
- e) Each bag shall be no smaller than 66 cm x 91 cm and no larger than 75 cm x 120 cm;
- f) Each bag shall have an overall length of between 0.5 meters and 1.2 meters when empty; and each bag, including contents, shall not exceed 25 kilograms (approx. 55 pounds) in weight; and

Non-Bag Container Specifications:

- g) Non-bag containers shall be made of metal, plastic or other impermeable material;
- h) Non-bag containers shall be watertight, secured with a cover, equipped with handles in good repair and as large or larger at the top as they are at the bottom;

- i) Non-bag containers shall not be filled above an imaginary line 5 cm below the top of the container;
- j) Each non-bag container, including contents, shall not exceed 25 kilograms (approx. 55 pounds) in weight;
- k) Each non-bag container shall not exceed 100 liters (approx. 105 quarts) in volume; and
- l) Non-bag containers shall be maintained in a neat and sanitary condition and kept in good repair and shall not contain loose solid waste.

CONTAINER REGULATIONS FOR RECYCLABLES:

11) No person shall place, or caused to be placed, recyclables out for collection in any container other than a "regulation container" which is one which meets the following specifications:

Blue Bag Recyclables:

- a) Each bag shall be watertight, securely tied and of transparent clear plastic;
- b) Each bag shall also be no smaller than 25 cm x 40 cm and no larger than 75 cm x 120 cm; and
- c) Each bag, including contents, shall not exceed 25 kilograms (approx. 55 pounds) in weight;
- d) All recyclables must be clean.

Paper:

- e) Each bag shall be a low-density polyethylene opaque bag (grocery bag) or a transparent clear bag,
- f) Each bag shall be made of plastic, be watertight and be securely tied;
- g) Each bag shall be no smaller than 25 cm x 40 cm and no larger than 75 cm x 120 cm; and
- h) Each bag, including contents, shall not exceed 25 kilograms (approx. 55 pounds) in weight.

CONTAINER REGULATIONS FOR ORGANIC MATERIALS:

- 12) No person shall place, or cause to be placed, organic materials out for collection in any container other than a "regulation container" in the form of a green cart.
- 13) Notwithstanding the above, please see the special container requirements for leaf and yard waste under PREPARATION of SPECIFIC WASTE below and specific controls on natural Christmas trees under COLLECTION OF NATURAL CHRISTMAS TREES, inclusive.

COMMERCIAL CONTAINERS SPECIFICATIONS:

14) 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;
- c) 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;
- d) Be kept in a clean manner;
- e) Be kept in a state of good repair;
- f) Have displayed thereon the name and telephone number of the owner of the container and the type of material to be deposited therein;
- g) Have displayed thereon the following message "GARBAGE" or "LANDFILL", where institutional, commercial or industrial waste is to be deposited in the commercial container;
- h) Have displayed thereon the following message "RECYCLABLES", where blue bag recyclables are to be deposited in the commercial container;
- i) Have displayed thereon the following message "PAPER" or "CARDBOARD", where fibre recyclables are to be deposited in the commercial container;
- j) Have displayed thereon the following message "ORGANICS", where organic materials are to be deposited in the commercial container.

PREPARATION OF SPECIFIC WASTES:

Leaf and Yard Waste

- 15) Leaf and yard waste may be deposited into a green cart so long as the cover of same is completely closed.
- 16) Leaf and yard waste may also be deposited into paper, clear, transparent or biodegradable plastic bags.
- 17) Branches and limbs or brush, of a maximum length of 900 mm (approx. 3 feet)- and maximum individual diameter of 50 mm (2 inches) in diameter may be tied in manageable bundles or inserted into bags as outlined above and outlined under Collection of Leaf and Yard Waste later in this bylaw.

Bottles or Glassware

- 18) Broken bottles and glassware shall be sealed in a cardboard box or bucket or other non-bag container and clearly identified– by noting, in large capital letters, on the outside of the bundle the words “BROKEN GLASS” – a warning to collection personnel.

Ashes or Soot

- 19) Ashes or soot shall be completely cooled for a minimum of four (4) weeks, then wetted down before depositing in the green cart or dampened down and placed in paper bags rolled down and then deposited in a green cart.

Cardboard

- 20) Corrugated cardboard shall be flattened out and securely tied in convenient bundles weighing no more than 25 kilograms each (approx. 55 pounds) and being a maximum of 900 mm by 600 mm (approx. 3 ft. by 2 ft.) in area and no more than 600mm (approx. 2 ft.)thick.

Green Carts

- 21) Every owner or occupant shall provide sufficient and specified green carts for the storage and disposal of organic waste generated from his or her premises and maintain such green carts in good repair and sanitary condition.

- 22) To comply with the preceding section a green cart shall be:

- a) of 140- litre or 240-litre capacity;
- b) either of the aerated or ventilated type;
- c) dark green in colour;
- d) manufactured by SSI Schaefer or Town approved equal; and
- e) designed to be emptied by a hydraulic lifting device.

WASTE COLLECTION RESTRICTIONS

- 23) No person shall place, or cause to be placed, residual waste, green carts or recyclables per any one eligible premises out for collection on any one collection day the cumulative weight of which, including containers, exceeds 100 kilograms (approx. 222 lbs.).
- 24) No person shall place, or cause to be placed, residual waste and leaf and yard waste per any one eligible premise out for collection on any one collection day which exceeds a maximum combination of six (6) bags or bundles of which one may be a privacy bag, one may be a green bin and one may be a bulky item as defined herein.

REJECTION OF WASTE:

- 25) Any type of solid waste which has been set out for collection is subject to inspection by the Town 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.
- 26) 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.
- 27) Any rejected solid waste, as designated by a rejection sticker, shall remain the property of the owner or occupier.

PROHIBITIONS SPECIFIC TO COLLECTIONS:

- 28) No person shall place, or cause to be placed, any collectible waste out for collection before 8:00 P.M. of the day immediately preceding the day scheduled for collection.
- 29) No person shall place, or cause to be placed, any collectible waste out for collection after 8:00 A.M. of the day scheduled for collection.
- 30) The two immediately preceding sections may be altered by written permission of the Town Engineer.
- 31) No person shall permit any empty or rejected regulation container or any rejected materials to remain at the collection placement spot after 12:00 noon of the day following the day scheduled for collection.
- 32) No person shall place, or cause to be placed, any non-collectible waste out for collection.

SPECIAL CONDITIONS FOR BULKY WASTE COLLECTION:

- 33) No person shall place, or cause to be placed, more than one Bulky Waste item out for collection on any one collection day. The Bulky waste item can only be put curbside on the week residual waste is collected.
 - a) An oil tank is eligible for 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; and
 - b) 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 CFC has been removed and any refrigerator or freezer shall have its doors already removed.

SPECIAL COLLECTION OF LEAF AND YARD WASTE:

- 34) No person shall place, or cause to be placed leaf and yard waste out for special collection except on a day designated by the Town or the special collection of same and in accordance with the following restrictions:
- a) such waste shall be contained in securely tied, clear, transparent plastic or biodegradable plastic bags or paper bags of a dimension no less than 66 cm by 91 cm nor greater than 75 cm by 120 cm shall not exceed a weight of 25 kg (55 lbs.);
 - b) bundled branches/limbs not exceeding 900 mm (3 ft.) in length with individual limbs not exceeding 50 mm (2 inches) in diameter;
 - c) each bag or bundle shall not exceed a weight of 25 kg (55 lbs.); and
 - d) the total of such waste shall not exceed 2.0 m³ in total volume.
- 35) No person shall place, or cause to be placed, any leaf and yard waste out for special collection prior to three (3) days before the day designated by the Town for collection of same.
- 36) No person shall place, or cause to be placed, any leaf and yard waste out for special collection after 8:00 A.M. of the day designated by the Town for collection of same.
- 37) No person shall permit any rejected or residue leaf and yard waste to remain at the collection placement spot after 12:00 noon of the day immediately following the day designated by the Town for special collection of same.

COLLECTION OF NATURAL CHRISTMAS TREES:

- 38) No person shall place, or caused to be placed, a natural Christmas tree out for collection except on a day designated by the Town for collection of same and in accordance with the following restrictions:
- a) It is to be unpackaged and undecorated, including the removal of all lights and any tree stand;
 - b) It shall have no wires or nails attached; and
 - c) It must not exceed 3 m (approx. 10 ft.) in length.
- 39) No person shall place, or cause to be placed, any natural Christmas tree out for collection before 8:00 P.M. of the day immediately preceding the day designated for collection of same.
- 40) No person shall place, or cause to be placed, any natural Christmas tree out for collection after 8:00 A.M. of the day designated for collection of same.

- 41) No person shall permit any rejected natural Christmas tree to remain at the collection placement spot after 12:00 noon of the day immediately following the day designated for collection of same.

RESPONSIBILITIES OF OWNERS and OCCUPANTS:

42) Every owner or occupant shall:

- a) Ensure that collectible waste and clean-up waste is placed for collection in accordance with this by-law;
- b) Use only regulation containers for the storing and placement for collection of collectible waste;
- c) Provide a sufficient number of regulation containers to contain all of the collectible waste generated at the subject premises between regularly scheduled collection dates;
- d) Maintain such regulation containers in good repair and in a sanitary condition;
- e) Take all reasonable measures to ensure that each regulation container is covered and secured at all times except when being emptied or filled;
- f) Clean up any type of collectible waste which has escaped from its container or packaged, bundled or boxed waste – whether it be a regulation container or not;
- g) If collectible waste is stored outside the main building on the eligible premises it is to be stored in one or more secured regulation containers or an approved storage bin – in either case made inaccessible to pests, rodents, vermin, seagulls or animals;
- h) Ensure that any approved storage bin serving that premise is maintained at all times in a neat and sanitary condition and in good repair;
- i) Store any waste refrigerator or freezer either inside an enclosed and locked building or with the doors of the refrigerator or freezer removed;
- j) Ensure the proper preparation of all collectible waste in accordance with this by-law; and
- k) Abide by all lawful directives of the Town, or designated agents with regard to the handling of solid waste materials.

COMMERCIAL CONTAINERS:

- 43) The owner or occupier of any premises on which a commercial container is placed shall keep each commercial container behind, or beside, the building which it serves so as to reduce visibility from the street and adjacent properties.
- 44) Where the commercial container is placed on premises which are located in a residential zone pursuant to the Town's Land Use By-law or adjacent to a property which is zoned residential or contains a residential use, the commercial container shall be kept not less than 3 metres from the adjacent property lines.

- 45) Where the owner or occupier of any premises is unable to comply with the requirements of the two (2) preceding subsections because of the location of a building on the premises, which building was in existence at the time of the adoption of this By-law, the owner or occupier shall keep the commercial container at a location on the premises which is considered by the Town – as evidenced in writing – to not be unsightly and to cause neither a nuisance nor a health related problem.
- 46) Any temporary commercial container used during construction or repair work need not comply with the full range of Specifications outlined earlier in this bylaw, however, shall be subject to the following requirements:
- a) no solid waste shall extend beyond the internal volume of the container;
 - b) the temporary commercial container shall be removed immediately upon completion of the construction or repair work; and
 - c) the temporary commercial container shall be emptied as often as required to avoid over-filling of the same;
- 47) An owner or occupier 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.
- 48) An owner or occupier 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.
- 49) Where a person proposes to locate a temporary commercial container within the right of way of a public street in the Town, that person shall submit a written request for doing so, to the Town, outlining the exact proposed location and the estimated time that the container will be required to be there and any other details as requested by the Town and must receive written permission from same, outlining the exact location to be used, and other salient details, prior to so locating a commercial container.

HAULERS:

- 50) All private collections of solid waste shall be undertaken in compliance with relevant Federal/Provincial/Municipal statutes and regulations.
- 51) 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;
- 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
- f) 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.

52) All private collection of any solid waste shall be made directly to the private collection vehicle from the premises where the same was generated.

53) 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.

54) In the event of any spillage, the vehicle operator shall be responsible for the clean-up which shall be undertaken immediately.

WASTE TO BE DISPOSED OF OR CAUSED TO BE DISPOSED OF BY OWNER OR OCCUPANT

55) No person shall place the following products out for collection.

EXCESS PERMITTED QUANTITIES

- a) Any quantity of Waste that exceeds the daily collection limits outlined in this bylaw.

DESIGNATED ELECTRONIC PRODUCTS:

- b) Every owner or occupant shall deliver designated electronic products to a recognized electronics return collection facility in Nova Scotia for reuse or recycle.

HOUSEHOLD HAZARDOUS WASTE:

- c) Every owner or occupant shall store any residentially-generated household hazardous waste 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. or an approved hazardous waste disposal site.
- d) No person shall dispose of, or cause or permit the disposal of, household hazardous waste at any location within the Town.

CONSTRUCTION OR DEMOLITION MATERIALS:

- e) Every owner or occupant shall deliver or cause to be delivered any construction or demolition materials to the appropriate area or site within the LRCRC or an approved construction and demolition disposal site.
- f) ROOF SHINGLES are considered to be construction or demolition material.
- g) No person shall dispose of construction or demolition materials by stock-piling, storing or any other method.

METAL MATERIALS:

- h) Unless otherwise permitted in this bylaw, every owner or occupant shall deliver or cause to be delivered any metal materials to the LRCRC site or to an approved metal disposal site.

LUNENBURG REGIONAL COMMUNITY RECYCLING CENTRE:

- 56) The Town Council 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.
- 57) The operator or other authorized staff of the LRCRC may refuse to accept a load of solid waste for the following reasons:
 - a) solid waste other than that which the LRCRC has been approved to accept; or
 - b) it is a load for which a tipping fee, whether set or negotiated, has not yet been paid to the LRCRC; or
 - c) it is a load for which tipping fee payment arrangements satisfactory to the operator or other LRCRC authorized staff have not yet been agreed to, reduced to writing and signed by both parties.
- 58) No person shall dispose of, or cause or permit the disposal of, any type of solid waste outside, 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.
- 59) All collection vehicles shall 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:

- 60) 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, collectible waste, or non-collectible waste at any location or manner in the Town 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.
- 61) No person shall dispose of, or cause or permit the disposal of, any solid waste in an approved storage bin unless that person is, or has the permission of, the owner of said bin.
- 62) No person shall dispose of, or cause or permit the disposal of, any non-collectible waste or rejected solid waste in, at or near an approved storage bin.
- 63) 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 premise 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:

- 64) Where an owner or occupier properly places any authorized form of solid waste out for collection by the Town's contractor the waste becomes the property of the town upon being picked up by the Town or the Town's contractor.
- 65) No person shall pick over, remove, collect, disturb or otherwise interfere with any type of solid waste or regulation container which has been placed out for collection.
- 66) No person shall pick over, remove, collect, disturb or otherwise interfere with any type of solid waste or regulation container which has been placed in an approved storage bin.
- 67) The prohibitions in the above three clauses do not apply to the following circumstances:
- a) removal by authorized personnel when acting on behalf of the Town;
 - b) waste wood material, appliances or furniture; bulky items, plastic, and any other materials placed out for collection but is useable by another person.

c) leaf and yard waste placed out for Special Collection of Leaf and Yard Waste.

68) In the event of any removal, collecting or disturbing allowed by the preceding clause, all remaining materials shall be left in an orderly condition and placed so as to not interfere with pedestrian or vehicular traffic.

69) No person shall dispose of any type of solid waste by the burning of same.

70) No person shall place any solid waste generated from outside the Town for collection at any place in town for collection.

EXPORT OF SOLID WASTE:

71) No person shall transport any type of solid waste generated within the Town 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 only when authorized by the operator of LRCRC and/or the Town.
- c) recycle products such as metal items and white goods, designated plastic and refundables which may be taken to an approved recycling depot and/or metal recycling facility in Nova Scotia.
- d) designated electronic products which may be taken to arecognized electronics return collection facility in Nova Scotia; and
- e) any other special arrangement authorized in writing by the Town of Mahone Bay

ENFORCEMENT and PENALTIES:

Illegal Dumping;

72) Any person who disposes of, or permits the disposal of, any solid waste including construction or demolition materials and/or residual waste other than in accordance with this by-law is guilty of a summary offense and is liable, upon conviction, to a fine of not less than One Thousand Dollars (\$1000.00) 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.

Other Provisions;

73) 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 in accordance with the Town's Solid Waste Enforcement Procedure.

- a) for a first offense, a fine of not less than Two Hundred Dollars (\$200.00) 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 Dollars (\$300.00) 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;
 - 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.
- 74) 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.
- 75) 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.
- 76) Pursuant to the provisions of *the Municipal Government Act*, in addition to a fine imposed or violation of this by-law a judge may order the imposition of a penalty in relation to any fee, cost, toll, or charge associated with the conduct that gave rise to the offence.
- 77) 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.
- 78) Each day that a person commits any offence under this by-law constitutes a separate offence.
- 79) Where a breach of this by-law is anticipated or is of a continuing nature, the Town 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:

- 80) In lieu of prosecution under this by-law the Town 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.
- 81) Any person who receives a Notice of Alleged Violation in relation to this by-law 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 Town 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.

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

REPEAL:


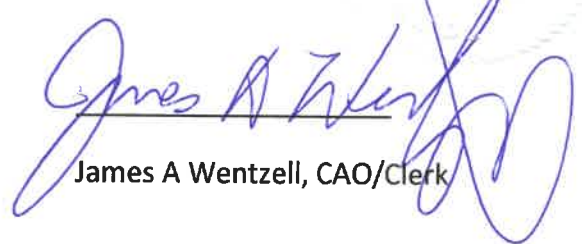
83) All previous Solid Waste Management Bylaws and any amendments thereto, are hereby repealed.

EFFECTIVE DATE

84) This Bylaw is effective upon publication.



David Devenne, Mayor



James A Wentzell, CAO/Clerk

This is to certify that the foregoing is a true copy of a bylaw passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the 25th day of January 2018.

Given upon the hand of the Mayor and Chief Administrative Officer and the seal of the Town of Mahone Bay this 31st day of January 2018.

CLERK'S NOTATION

FIRST READING:	December 09, 2017
"NOTICE OF INTENT" PUBLICATION:	January 10, 2018
SECOND READING:	January 25, 2018
MINISTERIAL APPROVAL:	N/A
DATE OF PUBLISHING:	January 31, 2018
FORWARDED TO THE MINISTER:	February 2, 2018
FORWARDED TO TOWN WEBSITE:	February 2, 2018