

REPEALED

MUNICIPALITY OF THE DISTRICT OF ARGYLE

BY-LAW No. 27

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

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

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

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

1. Title

This By-law may be cited for all purposes as the “Solid Waste Resource Collection and Disposal By-law No. 27”.

Part 1 – GENERAL

2. Interpretation

In this By-law, unless the context requires otherwise:

“AUTHORITY”	means Western Region Solid Waste Resource Management Authority also known as Waste Check.
“BLUE BAG RECYCLABLES”	means clean boxboard, egg cartons and other paper products, redeemable beverage containers, milk cartons, glass bottles and jars (not their lids), steel/tin food cans, aluminum cans, aluminum foil plates, trays and wrap, plastic containers and bags (#1 - #7), envelopes, computer paper, paperback books, scribblers and/or other items designated by the Authority from time to time.
“BOXBOARD”	means cereal, shoe, tissue, detergent, cracker, cookie, baking product and frozen food boxes, toilet paper rolls and paper towel rolls or other similar items, with plastics removed.
“BULKY ITEMS”	means large items of a household nature including but not limited to furniture, stoves, mattresses, bedsprings, barrels, water tanks, dishwashers, oil tanks, and pieces of fencing.
“COLLECTIBLE WASTE”	means material originating from eligible premises and placed by the owner or occupant for collection by a

"COLLECTION CONTRACTOR"	collection contractor and includes mixed waste, recyclable materials, and organic materials. means any company, person or persons and the agents of such persons under contract with the Municipality to collect collectible waste from eligible premises.
"CONSTRUCTION AND DEMOLITION WASTE"	means materials which are normally used in the construction of buildings, structures, roadways, walls and other landscaping material, and includes, but is not limited to, soil, asphalt, brick, mortar, concrete, drywall, plaster, cellulose, fiberglass fibers, lumber, wood, asphalt shingles, and metals.
"COUNCIL"	means the Council of the Municipality of the District of Argyle.
"DWELLING"	means a self-contained portion of a building occupied as a separate residence.
"ELIGIBLE PREMISES"	means those properties within the jurisdiction of the Municipality which are eligible for collection.
"FIBRE RECYCLABLES"	means mixed paper, corrugated cardboard, newsprint, magazines, catalogues, flyers, telephone and other soft cover books and egg cartons and other similar items designated by the Authority from time to time.
"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.
"HOUSEHOLD HAZARDOUS WASTE (HHW)"	means waste-resource materials of a potentially hazardous nature generated in households and includes, for example, products such as solvents, glues, cleaners, paints and finishes, asphalt sealers, gasoline, diesel, kerosene, pesticides, lawn and garden chemicals, poisons, propane tanks, roofing tar, pool chemicals, lubricating oil, batteries, and automotive fluids. For the purposes of this bylaw, hazardous waste does not include PCBs, radioactive materials, explosives, fireworks, pathological wastes, and ammunition.
"INDUSTRIAL/COMMERCIAL/ INSTITUTIONAL WASTE (IC&I)"	means waste-resource generated in the IC&I sector.
"IC&I PREMISES"	means a lot of land occupied by one or more industrial, commercial or institutional establishments and "IC&I sector" has an equivalent meaning with reference to that economic sector.

“LEAF AND YARD WASTE”	means grass clippings, leaves, brush, twigs, house and garden plants, sawdust and wood shavings and other similar organic items.
“MANAGER”	means the General Manager of Western Region Solid Waste-Resource Management Authority, the successor to such position, or a person designated by the Manager to act in place of the Manager.
“MINI-BIN”	means a small container supplied to eligible premises by the Authority for the collection of organic materials prior to deposit in an organics collection cart.
“MUNICIPALITY”	means the Municipality of the District of Argyle.
“OIL TANKS”	means residential oil tanks, cleaned, cut in half, and empty of all liquids to a maximum size of 900 liters.
“ORGANICS COLLECTION CARTS”	means an aerated cart supplied to eligible premises by the Authority for the collection of organic materials.
“ORGANIC MATERIALS”	means food waste, leaf and yard waste, soiled and non-recyclables paper.
“RECYCLABLE MATERIALS”	means fiber recyclables, clear bag recyclables and other materials of a recyclable nature.
“RESIDUAL WASTE”	means and includes all waste other than recyclable materials or compostable organic materials and include: broken bottles, crockery and glassware, floor sweepings, discarded clothing and furnishings, empty Aerosol cans, bandages, beverage container caps & jar lids, ceramics, cigarette butts, diapers & sanitary products, non-rechargeable household batteries, cat litter/animal waste, light bulbs, pencils, plastic stretch wrap, dirty tin foil, take-out cups (Tim Horton’s), styrofoam (includes meat trays and absorbent pads), detergent, kleenex, staples, tape & dispenser, dried empty paint cans, microwave popcorn bag, comet cans, frozen juice cans (made out of both cardboard & metal), non-recyclable plastic and metal, non-recyclable packaging, non-repairable household goods and other household waste, non-recyclable glass that is securely wrapped or contained and clearly marked to prevent injury to collection personnel, bulky items, ashes and soot that is completely cold and dampened placed in plastic watertight bags securely tied and marked “ashes” or “soot”, construction and demolition materials except for those which are recycled or re-used.

“SOILED & NON-RECYCLABLE
PAPER”

means used food napkins & paper towel, damp or soiled newspaper & flyers, pizza boxes, fast food wrappers, wax paper (no milk or juice cartons), sugar, flour and potato bags, empty detergent boxes, file folders & non-window envelopes, boxboard with wax coating, construction paper, paper bags, Popsicle sticks, wet corrugated cardboard, rolls of paper towel or toilet paper, frozen dinner package – waxed boxboard or paper only (i.e. Swanson’s, etc.), salt & pepper paper packages.

“SOURCE SEPARATED
WASTE-RESOURCES”

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

“TRADE WASTE”

means materials accumulated as a result of commercial activities such as packing materials, display boards, rags, paper, and other waste materials resulting from such activities.

3. Council Responsibilities

- 3.1 The Council may by resolution take measures to provide a bi-weekly refuse and garbage collection service for all premises within the Municipality and shall, for that purpose, engage the services by contract or by agreement of an individual, of individuals, of a contractor or contractors.
- 3.2 The Council may by resolution participate in the Western Region Solid Waste-Resource Management Authority which is a body corporate established pursuant to an Inter-municipal Services Agreement.
- 3.3 The Council may assign to the Chief Administrative Officer or to his designate the responsibility to administer and enforce the provisions of this By-law and for this purpose may:
 - a) divide the Municipality into collection areas for the purposes of collection of waste from dwellings on various days of the week.
 - b) designate a particular day of the week for collection of waste in each designated area.
 - c) alter the boundaries of areas as deemed necessary on reasonable notice to the public.
 - d) administer and liaise with the collection contractor who may be hired by the Municipality to carry out collection of collectible waste.
 - e) determine the frequency of collection of collectible waste in each designated collection area.
 - f) determine the number of waste-resource bags and recyclable blue bags allowable for collection per week, including Commercial, Industrial or Institutional properties.

4. Owner and Occupant Responsibilities

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

4.1.1 The property owner shall:

- a) provide waste-resource storage as set out in section 5.3;
- b) in cases where storage is inaccessible to the collection truck as prescribed in section 5.3 (e), ensure that waste-resources are set at roadside between 5:30 a.m. and 7:30 a.m. for collection on prescribed collection days;
- 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.

4.1.2 The property occupant shall:

- a) sort all waste-resources generated in the occupant's unit as provided in Section 9 of this by-law; and
- b) between collections, place sorted materials in the storage provided by the property owner.

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

4.3 No person shall pick over, remove, disturb or otherwise interfere with any waste material that has been set out for collection except that material which is set out for Spring or Fall special collections.

4.4 No person other than the duly authorized personnel of the Authority or Council, shall remove a residuals container or organics collection cart placed at curbside.

4.5 Unless otherwise approved in writing by Council or the Authority, the number of allowable waste-resource bags destined for the landfill and recyclable blue bags shall be limited to 5 of each type per property per week, including Commercial, Industrial or Institutional properties producing (5) bags or less of sorted waste-resource per week.

5. Regulation Containers for Collection

5.1 The owner or occupant of each property shall be responsible to contain waste-resources so as to prevent the escape of waste materials into the environment. The owner or occupant of each property is responsible to gather waste-resources for collection in front of the property that has been scattered from its container onto public or private property.

- 5.2 No person shall place waste-resources for collection by the contractor in any container except as follows:
- 5.2.1 Containers for Recyclables shall be:
 - a) Clear/Blue transparent plastic bags weighing no more than 15 kg including contents; or
 - b) In the case of corrugated cardboard, bundles or packages, flattened and securely tied, weighing no more than 20 kg and measuring no more than 60 cm by 60 cm.
 - 5.2.2 Containers for Compostable Organics shall be:
 - a) Carts as designated and assigned to properties by the Authority containing a load weight of no more than 100 kg.
 - b) Bundles of brush securely tied and weighing no more than 15 kg with no individual piece of material greater than 5 cm in diameter or longer than 1.2m.
 - 5.2.3 Containers for Residual Waste shall be:
 - a) Water tight cans:
 - i) constructed of durable metal, plastic or other impermeable material designed for containment of said materials;
 - ii) equipped with a tight fitting impermeable cover;
 - iii) equipped with handles in good repair;
 - iv) as large or larger at the top than at the bottom; and
 - v) weighing no more than 20 kg including the can and contents.
 - b) Plastic bags:
 - i) securely tied and watertight;
 - ii) having an overall length of not more than 1 m and not less than 70 cm when empty; and
 - iii) weighing no more than 15 kg including contents.
- 5.3 Waste-resource storage between collections shall be:
- a) weather-tight and animal-proof;
 - b) capable of accommodating the quantities of source-separated waste-resources generated between collections at that location;
 - c) designed and constructed such that waste-resources remain in a source-separated condition;
 - d) easily accessible to the occupants; and
 - e) in cases where collection is provided at the storage location, accessible to the collection truck within five (5) meters of the loading hopper.

Part II – COLLECTION

6. Placement of Resource-Waste

- 6.1 Carts, clear bags, and residuals containers shall be placed at roadside for collection as close as practical to the edge of the street, sidewalk or roadway to facilitate efficient collection, taking into consideration factors such as urban versus rural setting, winter snow clearing operations, etc. The distances shall not exceed 5 meters from the edge of the road.

- 6.2 All materials placed for collection shall be placed in front of and on the same side of the roadway as the eligible premises from which they have accumulated, except where otherwise dictated by existing collection contracts.
- 6.3 Organics collection carts shall be placed at roadside in an upright position with the lid closed.
- 6.4 In the case of multi-unit apartment buildings, the owner shall provide a storage enclosure for source-separated waste-resources in an easily accessible location on the building property meeting applicable municipal requirements. The collection contractor will collect waste-resources from this location provided it is accessible when the collection truck arrives. If the storage enclosure is not accessible to the truck, all materials shall be placed at roadside for collection.
- 6.5 Collection will take place on public streets and roads as well as private roads maintained by the Nova Scotia Department of Transportation and Public Works or the municipality; mobile home trailer park roads; and roads on federal lands in cases where the cost of collection has been paid for by a grant in lieu of taxes or other means, provided that all roads must be in acceptable condition for the contractor's vehicles.
- 6.6 For all other roads, the source-separated waste-resources must be brought to the nearest intersection with a public street or road and placed in accordance with this Bylaw, or to a drop-off depot provided by the Collection Contractor for that purpose, where it shall be collected.

7. Collection Times

- 7.1 Waste-resources shall be set out at roadside for collection between 5:30 am and 7:30 am of collection day. In the event of storm conditions preventing collection routes from being completed, it shall be the resident's responsibility to remove from the roadside the materials not collected and set them out again on the scheduled alternative collection day or the next regularly scheduled collection day.
- 7.2 Notwithstanding section 7.1, in those areas that have Spring and Fall special collections materials for roadside collection shall be set out no earlier than two (2) days prior to the special collection.
- 7.3 Residual waste collection containers and organics collection carts shall be removed from roadside by the end of collection day except in the case of permanent waste-resource storage containers. Permanent storage containers shall comply with this Bylaw. Organics collection carts shall be removed from the roadside and stored on the premises. The cart shall be secured to prevent it from being blown into the roadway.
- 7.4 Any materials not collected due to non-compliance with this bylaw, including litter produced from set-out or stored materials, shall be removed by the end of collection day by the property owner and/or occupant of the property. In cases where uncollected waste-resources have not been removed from the roadside within the timeframe prescribed in a notice given by the Bylaw Enforcement Officer, the Chief Administrative Officer may arrange for the removal and disposal of said materials and invoice the property owner for the removal and disposal costs.
- 7.5 Waste-resources shall not be stored on any property for a period of more than twenty-eight (28) days unless a Federal, Provincial or Civic holiday has occurred on the 28th day and the next designated collection day is after the 28th day.

Part III – PROHIBITIONS

8. Illegal Dumping, Burning and Banned Material

- 8.1 No person shall dispose of waste-resources in the Municipality except at facilities permitted by Sections 19 and 31 of the provincial Solid Waste-Resource Management Regulations or, where such permission is not required, as may be permitted by this Bylaw.
- 8.2 No person shall burn waste-resources in the Municipality in a barrel, stove or other device or in the open as a method of waste disposal, except for leaf and yard waste, tree limbs and milled wood that is free from adhesives, coatings and preservatives, *and* only where such exceptional burning is otherwise permitted by law.
- 8.3 No person shall dispose of the following materials in any landfill or incinerator:
- Redeemable beverage containers
 - Newsprint
 - Used tires
 - Corrugated cardboard
 - Waste paint
 - Steel/tin food containers
 - High Density Polyethylene (HDPE #2) plastic beverage containers, food containers, detergent containers, shampoo containers, crates, boxes, pails and lids, windshield washer containers, non-hazardous household cleaner containers (not including pesticide and petroleum containers)
 - Low Density Polyethylene (LDPE #4) industrial/commercial/institutional stretch wrap (pallet wrap)
 - Compostable organics
 - Any other materials which may be added to this list from time to time by the Governor in Council.
- 8.4 No person shall dispose of any material (whether similar or dissimilar to any of the foregoing) that has been banned from disposal in a landfill or incinerator by order of the Authority. Publication of a list of such banned material in a newspaper or newspapers of general circulation in the Municipality shall constitute due and sufficient notice of the Authority's order for all purposes.
- 8.5 The Authority may designate the place and time, including the days and hours of operation and the materials eligible, for the collection of household hazardous waste in the Municipality. Household hazardous waste depots may only be used by residents of the Municipality for the proper disposal of household hazardous waste originating within the Municipality.

9. Source Separation Requirements

- 9.1 All waste-resources being generated from a residence shall be source-separated for collection by the occupant into categories according to the Authority's source-separation policy as determined from time to time by the Authority. It is the responsibility of the resident

to ensure that they have possession of an approved green cart for organic material collection unless they can demonstrate they utilize both a backyard composter and a green cone.

- 9.2 The property owner or occupant of the premises shall, either personally or by employees, contractors or agents, and in compliance with all applicable federal, provincial and municipal laws, regulations and bylaws, promptly remove and dispose of all the following waste generated by industrial, commercial or institutional premises, facility or operation:
- a) all waste resulting from construction of any kind including renovation or repair and;
 - b) all waste resulting from the demolition of a building or structure.
- 9.3 Those responsible for publicly accessible waste-resource receptacles in stores, parks, campgrounds, on public streets, or other areas shall ensure that receptacles are available to the public to receive source-separated waste-resources in accordance with this Bylaw and the Authority's Public Waste-Resource Policy.
- 9.4 Any person who supplies and/or uses a commercial container for the temporary storage of waste shall ensure that such commercial container:
- a) is sturdily constructed of weather-proof and animal-proof material and is capable of containing the material deposited within;
 - b) is equipped with a tight-fitting lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded; and
 - c) is cleaned out regularly, as necessary, to avoid the build-up of odors.
- 9.5 The owner of any premises on which a commercial container is placed shall ensure that:
- a) any such container is kept in a manner that is not unsightly and does not cause a nuisance or health-related problem; and
 - b) that the area around the container is maintained free from litter and waste.
- 9.6 No person shall place waste in any commercial container without permission of the owner of the container.

Part IV – PENALTIES AND REMEDIATION

10. Summary Offences

- 10.1 Any person who violates any of the sections of this Bylaw listed below is guilty of an offence and is liable to a fine of not less than (\$50) fifty dollars and not more than (\$250) two hundred and fifty dollars for the first offence with the exception of illegal burning which shall have a fine of not less than (\$90) ninety dollars.

SECTION	OFFENCE
8.3	(depositing provincially banned material)
8.4	(depositing material banned by Authority)
9.1	(failure to source separate)
6.1/6.2	(improper container placement)
7.1/7.2	(improper set-out time)
7.3/7.4	(removal from roadside of collection containers and uncollected material)
5	(improper collection container)
4.1.2	(failure to fulfill occupant's responsibilities)
4.2	(interfering with collection)

10.2 Any person who violates any of the sections stated in section 10.1 on a second occasion within a (2) two month period after the first offence is liable to a fine of not less than (\$100) one hundred dollars and not more than (\$500) five hundred dollars for this offence.

10.3 Any person who violates any of the sections of this Bylaw listed below is guilty of an offence and is liable to a fine of not less than (\$500) five hundred dollars and not more than (\$5000) five thousand dollars.

SECTION	OFFENCE
8.1	(illegal dumping)
9.1/9.2	(failure to source-separate, IC&I users)
9.5	(source-separation, public waste)
4.1.1	(failure to fulfill property owner's responsibilities)
4.3	(illegal collection)
4.4	(removal of green carts or waste containers)
9.2	(IC&I waste-resource removal)
9.4	(improper commercial containers)

10.4 Subject to Sections 10.1, 10.2, 10.3, any person who violates any provision of this bylaw is guilty of an offence and shall be liable upon summary conviction to a penalty of not less than fifty dollars (\$50) and not more than five thousand dollars (\$5000) and, in default of payment thereof, to imprisonment for a period of not more than ninety (90) days.

11. Offence Remediation Costs

11.1 No person shall be convicted of an offence under this bylaw if the person establishes that they exercised all due diligence to prevent the commission of the offence; or reasonably and honestly believed in the existence of facts that, if true, would render the conduct of that person innocent.

11.2 Where a person is convicted of an offence under this Bylaw and the Court is satisfied that, as a result of the commission of the offence, monetary benefits accrued to the offender, the Court may order the offender to pay, in addition to the fine prescribed for that offence, a fine in an amount equal to the estimation of the Court of the amount of those monetary benefits.

11.3 Where a person is convicted of an offence under this Bylaw and the Court is satisfied that, as a result of the commission of the offence, that clean up or site remediation costs were incurred, the Court shall order the offender to pay, in addition to all other fines and penalties, restitution in an amount equal to the clean up or site remediation costs.

11.4 In any prosecution for an offence under this Bylaw, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without the knowledge or consent of the accused.

11.5 Where a corporation commits an offence under this Bylaw, any officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the violation of this Bylaw is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted.

11.6 In lieu of prosecution under this Bylaw, the Chief Administrative Officer or his delegate may in his sole and absolute discretion issue to any person he believes upon reasonable grounds

has committed an offence under this Bylaw a Notice of Violation, which Notice shall provide that, if the person to whom it is directed pays the sum of twenty five dollars (\$25) to the Municipality within fourteen (14) days of the issuance of the Notice, no prosecution shall ensue in respect to the matter or matters referred to in the Notice.

- 11.7 Where an offence under this Bylaw is committed or continued on more than two (2) occasions within a two (2) month period, the person who committed the offence is liable to be convicted for a separate offence for each occurrence on which the offence is committed.
- 11.8 The enforcement of this Bylaw is the responsibility of the Bylaw Enforcement Officer of the Municipality.

12. Repeal of Former Bylaw

"Council Bylaw No. 8" is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS 12th DAY OF February, 2002.

"NOTICE OF INTENT" ADVERTISED ON 19th DAY OF February, 2002.

READ A SECOND TIME IN OPEN COUNCIL THIS 12th DAY OF March, 2002.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 9th DAY OF April, 2002.

ALDRIC B. d'ENTREMONT
WARDEN

DENNIS M. EGYEDY
CHIEF ADMINISTRATIVE OFFICER