



Town of Port Hawkesbury

Solid Waste-Resource Management By-Law

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1.0 DEFINITIONS

In this Bylaw:

- 1.1 "boxboard" means cereal, shoe, tissue, detergent, cracker, cookie, baking product and frozen food boxes, toilet paper rolls and paper towel rolls or other similar items, with plastics removed.
 - 1.2 "bulky items" means large items of a household nature including but not limited to furniture, stoves, mattresses, bed springs, barrels, water tanks, dishwashers, oil tanks, and pieces of fencing.
 - 1.3 "compostable organics" or "organics" means food waste, soiled and non-recyclable paper, or any other materials designated by the Town from time to time.
 - 1.4 "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, fibreglass fibres, lumber, wood, asphalt shingles, and metals.
 - 1.5 "eligible premises" means those properties within the jurisdiction of the Town, which are eligible for Town collection.
 - 1.6 "food waste" means fruit and vegetable peelings, table scraps, meat, poultry and fish, shellfish, dairy products, cooking oil, grease and fat, bread, grain, rice and pasta, bones, egg shells, coffee grounds and filters, tea leaves and bags or other similar items.
 - 1.7 "Manager" means the Town's Chief Administrative Officer, the successor to such position, or a person designated by the Manager to act in place of the Manager.
 - 1.8 "hazardous waste" means solid or liquid waste that may be harmful to humans animals, plant life or natural resources including, but not restricted to, industrial chemicals, toxic, flammable, corrosive, radioactive, reactive, pathological and PCB waste, oil, gasoline, paint solvent, wood preservatives, ink, battery acid, pesticides and insecticides.
 - 1.9 "household hazardous waste" or "HHW" means waste-resource materials of a potentially hazardous nature generated in households including, but not restricted to, solvents, glues, cleaners, paints and finishes, asphalt sealers, gasoline, diesel, kerosene, pesticides, lawn and garden chemicals, poisons, propane tanks, roofing tar, pool chemicals, lubricating oil, batteries, and automotive fluids. For the purposes of this bylaw, household hazardous waste does not include PCBs, radioactive materials, explosives, fireworks, pathological wastes, and ammunition.
 - 1.10 "industrial/commercial/institutional waste" or "IC&I waste" means waste-resources generated in the IC&I sector.
 - 1.11 "IC&I premises" means a lot of land occupied by one or more industrial, commercial or institutional establishments including apartments or dwellings of more than two units, and "IC&I sector" has an equivalent meaning with reference to that economic sector.
 - 1.12 "leaf and yard waste" means grass clippings, leaves, brush, twigs, house and garden plants, sawdust and wood shavings and other similar items including natural Christmas trees without decorations and stands.
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- 1.13 "municipal solid waste" has the same meaning as in the *Solid Waste-Resource Management Regulations* made pursuant to the *Environment Act* and "solid waste" and "solid waste-resources" shall have an equivalent meaning.
- 1.14 "occupant" includes an individual who is a tenant, lessee, roomer, subtenant, under-tenant, or co-tenant, or who otherwise occupies or has occupied land or buildings with more than 2 dwelling units and his or their assigns and legal representatives;
- 1.15 "oil tanks" means residential oil tanks, cleaned and empty of all liquids to a maximum size of 900 litres.
- 1.16 "property owner" has the same meaning as "owner" in the *Municipal Government Act* and, for greater certainty, includes a landlord, a lessor, an owner, the person giving or permitting the occupation of premises, his and their heirs and assigns and legal representatives and, in the case of a corporation, the officers and directors of that corporation;
- 1.17 "recyclable materials" means newsprint, corrugated cardboard, boxboard and other paper products, redeemable beverage containers, milk cartons, glass bottles and jars, steel/tin food cans, aluminum cans, aluminum foil plates, trays and wrap, all plastic containers and packaging stretch wrap (pallet wrap) or other items designated by the Town from time to time.
- 1.18 "residential tenancies" means any house, dwelling, apartment, flat, tenement, mobile home, mobile home park, mobile home space or other place that is occupied or may be occupied by an individual as a residence to which the *Residential Tenancies Act* applies, or that part of any such place that is or may be occupied by an individual as a residence, but does not include IC&I premises.
- 1.19 "residual waste" or "residuals" means any municipal solid waste remaining after diversion of recyclables, organics and hazardous waste.
- 1.20 "soiled and non-recyclable paper" means dinner napkins, paper towels & fast food wrappers, wax paper, wrapping paper, soiled pizza boxes, paper plates, damp and soiled newspaper and flyers, sugar, flour & potato paper bags or other similar items.
- 1.21 "source separated waste-resources" means waste-resources which have been sorted and separated at the point of origin, to facilitate their reuse, recycling, composting or disposal.
- 1.22 "Town" means the Town of Port Hawkesbury.
- 1.23 "waste-resources" means all those materials managed by or on behalf of the Town as recyclable, compostable, household hazardous waste, or residual waste.

2.0 ADMINISTRATION AND ENFORCEMENT

- 2.1 The Manager is the Chief Administrative Officer of the Town and is responsible to the Town for the proper administration of its affairs in accordance with provincial legislation and regulations and the policies and plans approved and established by the Town. The Manager shall administer and enforce the provisions of this Bylaw.
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3.0 PROHIBITIONS

3.1 Illegal Dumping

No person shall dispose of waste-resources in the Town 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. Proof that solid waste that was deposited or placed somewhere in contravention of this by-law originated from a particular person shall be evidence that the person so deposited or placed it, or caused or permitted, it to be so deposited or placed, in absence of evidence to the contrary. Each incidence is a separate offence, and every day waste remains in contravention to the by-law shall be deemed as a separate offence.

3.2 Waste-Resource Burning

No person shall burn waste-resources in the Town in a barrel, stove or other device or in the open as a method of waste disposal, except for brush, tree limbs and milled wood that is free from adhesives, coatings and preservatives, but only where such exceptional burning is otherwise permitted by law.

3.3 Materials Banned from Disposal by Provincial Regulation

No person shall dispose of the following materials in any landfill or incinerator:

- Redeemed 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.

3.4 Material Banned from Disposal by the Town

No person shall dispose of any recyclable material or compostable organics (whether similar or dissimilar to any of the foregoing) that has been banned from disposal in a landfill or incinerator by order of the Town. Publication of a list of such banned material in an annual recycling newsletter mailed through Canada Post via unaddressed ad-mail shall constitute due and sufficient

notice of the Town's order for residential purposes. In addition to this list ICI must also compost meat, fish, bones, dairy, poultry, fat & cooking oil.

- 3.5 No person shall export or remove residual waste or unsorted solid waste generated within the Municipality to any disposal site except the Guysborough Waste Management Facility, unless prior written authorization is given by the Municipality.

4.0 SOURCE SEPARATION REQUIREMENTS

4.1 Residential Waste-Resources

All waste-resources being generated from a residence shall be source-separated for collection by the occupant into categories according to the Town's Source-Separation Policy as determined from time to time by the Town. Recyclable containers and paper products must be placed in separate blue bags, as per the Town's waste resource sorting guide. Recyclable materials must be clean and dry. Blue bags must be void of non-recyclable waste and organics. Bags used for waste must be void of any recyclables or organics that can be composted in a backyard composter.

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

IC&I sector establishments shall sort waste-resources so as to comply with the provincial and the Town's disposal bans (see sections 3.3 and 3.4) Establishments must ensure that materials are collected and disposed of as prescribed by provincial regulations.

4.3 Public Waste-Resources

4.3.1 The owner, operator, or person in care, management or control of a business or operation (A) where food or beverages are sold in cartons, containers, foils or papers and (b) where cartons, utensils, containers, foils or papers are discarded in the vicinity by the patrons of the business or operation, shall provide separate receptacles for litter, recyclables and organics in appropriate and easily accessible locations, and shall service, maintain and empty receptacles and shall ensure that the discarded materials are collected and disposed of as prescribed by provincial regulations.

4.3.2 The owner, operator, or person in care, management or control of a business or operation is responsible for ensuring that litter is picked up on property occupied or within 3 meters of the entrance to the establishment.

5.0 TOWN COLLECTION

5.1 Blue Bags/ Residual Waste Container Placement:

Blue 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 winter snow clearing operations, etc. The distance shall not exceed 5 meters from the edge of the street sidewalk or roadway.

5.1.1 All materials placed for collection shall be placed in front of and on the same side of the

street, sidewalk or roadway as the eligible premises from which they have accumulated.

- 5.1.2 In the case of apartment buildings or dwellings containing more than 2 units, the owner shall provide a storage enclosure for source-separated waste-resources in an easily accessible location on the building property. It is the responsibility of the owner to ensure that recyclables, organics that are compostable in a backyard composter, and waste are properly separated and collected. Non-recyclable and non-compostable waste must be transported to the Guysborough Waste Management Facility. Recyclable materials must be delivered to recycling depot or transfer station.
- 5.1.3 Collection will take place on public streets and roads only except for 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.
- 5.1.4 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.
- 5.1.5 A maximum of six (6) bags will be collected from any individual resident on any collection day.

5.2 Collection Times

- 5.2.1 Waste-resources shall be set out at roadside before 7:00 am of collection day. In the event of storm conditions preventing collection routes from being completed, the property owner shall remove or cause to be removed from the roadside the materials not collected and set them out again on the scheduled alternative collection day or the next regularly scheduled collection day.
- 5.2.2 Notwithstanding clause 5.2.1, during the designated heavy garbage collection week materials for roadside collection shall be set out no earlier than seven (7) days prior to the special collection.

5.3 Removal of Collection Containers and Uncollected Material from Roadside

- 5.3.1 **Removal of Collection Containers**
Residual waste collection containers shall be removed or caused to be removed by the property owner from roadside by the end of collection day except in the case of permanent waste-resource storage containers. Permanent storage containers shall comply with this Bylaw.
 - 5.3.2 **Uncollected Waste-Resources**
Any materials not collected due to non-compliance with this bylaw, including litter produced from setout or stored materials, shall be removed or caused to be removed by the property owner by the end of collection day. In cases where uncollected waste-resources have not been removed from the roadside within the time prescribed in a notice given by the Town to the property owner, the Manager may arrange for the removal and disposal of said materials and invoice the property owner for the removal and disposal costs.
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5.4 Collection Containers Types and Weights

No person shall place waste-resources for collection by the Town in any container except as follows:

5.4.1 Containers for Recyclables shall be:

- (a) Blue transparent plastic bags weighing no more than 20 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 100 cm by 100 cm.

5.4.2 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.
 - (vi) Residual waste placed in containers must be contained in green plastic disposable bags, securely tied and watertight
 - (vii) Being no more than 1.5 metres in height.
- (b) Plastic bags:
 - (i) green plastic disposable bags must be 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 20 kg including contents.

5.5 Waste-Resource Storage

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;
 - (e) safe for its intended users; and
 - (f) in cases where Town Collection is provided at the storage location, accessible to the Town collection truck within five (5) meters of the collection vehicle.
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5.6 Owner and Occupant Responsibilities for Waste-Resource Management

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

5.6.1 Property Owner's Responsibilities

The property owner shall:

- (a) provide waste-resource storage as set out in 5.5;
- (b) ensure that staff and/or tenants are educated on how to properly separate recyclables, organics and waste materials as per the requirements of the Town Solid Waste-Resource Management Bylaw.
- (c) ensure that recyclables, organics, and waste are properly separated and collected. Properly separated non-recyclable waste and organic materials must be transported to the Guysborough Waste Management Facility. Recyclable materials must be delivered to a recycling depot or transfer station.
- (d) maintain waste-resource storage in good repair and in a clean and tidy condition at all times, both inside and outside, including the immediate surroundings;
- (e) 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
- (f) abide by all directives of the Town with regard to the handling of waste-resources.

5.6.2 Occupant's Responsibilities

The occupant shall:

- (a) sort all waste-resources generated in the occupant's unit as provided in Section 4 of this bylaw;
- (b) between collections, place sorted materials in the storage provided by the property owner; and
- (c) abide by all directives of the Town with regard to the handling of waste-resources.

5.7 Residential Inspection and Rejection Guidelines

Waste-resources set out for Town Collection shall be subject to inspection by the collection contractor or by Town staff. Waste-resources found not to be source-separated according to the Town's Source-Separation Policy may be rejected and not collected.

5.8 Prohibitions

No person shall:

- 5.8.1 pick over, remove, disturb or otherwise interfere with any waste material that has been set out for Town collection except that material which is set out for Spring or Fall special collections;
- 5.8.2 collect waste-resources placed for collection by the Town; or
- 5.8.3 remove a residuals container placed at roadside.

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

6.0 IC&I or CONSTRUCTION and DEMOLITION WASTE-RESOURCES

6.1 IC&I Waste-Resource Removal

The property owner or occupant of premises which generate the following waste-resources shall, either personally or by employees, contractors or agents, and in compliance with all applicable Federal, Provincial, Municipal and Town laws, promptly remove and dispose of such waste:

- 6.1.1 all waste generated by any industrial, commercial or institutional premises, facility or operation not eligible for Town collection pursuant to this Bylaw;
- 6.1.2 all waste resulting from construction or demolition of any kind, including renovation or repair, except that waste eligible for Town collection pursuant to this Bylaw.

6.2 Commercial Containers

The following provisions apply to commercial containers:

- 6.2.1 Any person who supplies and/or uses a commercial container for the temporary storage of waste shall ensure that the generator of waste placed inside is informed of:
 - (a) Provincial and Municipal requirement to properly sort separate waste-resources
 - (b) their responsibility to ensure waste, recyclables and organic materials are properly sorted and placed in separate storage containers.
 - 6.2.2 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 odours.
 - 6.2.3 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.
 - 6.2.4 No person shall place waste in any commercial container without permission of the owner of the container.
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7.0 Disposal

7.1 Waste Disposal Sites

- 7.1.1 All waste and organic materials must be disposed of at the Guysborough Waste Management Facility unless otherwise authorized by the Town.
- 7.1.2 Organic leaf and yard waste must be disposed of at the Town's leaf and yard waste disposal site.
- 7.1.3 Recyclable materials must be disposed of at an approved recycling depot or at the Town's recyclables transfer station.

8.0 PENALTIES

8.1 Any person who violates any of the following sections of this Bylaw:

- 8.1.1 section 3.1 (illegal dumping)
- 8.1.2 section 3.2 (waste resource burning)
- 8.1.2 section 3.3 (depositing provincially banned material)
- 8.1.3 section 3.4 (depositing material banned by Town)
- 8.1.4 section 4.1 (failure to source-separate)
- 8.1.5 section 5.1 (improper container placement)
- 8.1.6 section 5.2 (improper set-out time)
- 8.1.7 section 5.3 (removal from roadside of collection containers and uncollected material)
- 8.1.8 section 5.4 (improper collection container)
- 8.1.9 section 5.6.2 (failure to fulfill occupant's responsibilities)
- 8.1.10 section 5.8.1 (interfering with collection)

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

8.2 Any person who violates any of the following sections of this Bylaw:

- 8.2.1 section 3.1 (illegal dumping)
- 8.2.2 section 3.5 (removal or export of residual waste)
- 8.2.3 section 4.2 (failure to source-separate, IC&I users)
- 8.2.4 section 4.3 (source-separation, public waste)
- 8.2.5 section 5.6.1 (failure to fulfill property owner's responsibilities)
- 8.2.6 section 5.8.2 (illegal collection)
- 8.2.7 section 5.8.3 (removal of waste containers)
- 8.2.8 section 6.1 (IC&I waste-resource removal)
- 8.2.9 section 6.2 (improper commercial containers)

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

8.3 Subject to Sections 8.1 and 8.2, any person who violates any provision of this bylaw is guilty of a

summary offence and liable to a fine of not less than one hundred dollars (\$100) and not more than five thousand dollars (\$5,000) and, in default of payment thereof, to imprisonment for a period of not more than ninety (90) days.

- 8.4 No person shall be convicted of an offence under this Bylaw if the person establishes that the person:
- 8.4.1 exercised all due diligence to prevent the commission of the offence; or
 - 8.4.2 reasonably and honestly believed in the existence of facts that, if true, would render the conduct of that person innocent.
- 8.5 Where a person is convicted of an offence under this 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.
- 8.6 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, whether by another person, or the Town, the Court may order the offender to pay, in addition to all other fines and penalties, restitution in an amount equal to the clean up or site remediation costs.
- 8.7 In any prosecution for an offence under this 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.
- 8.8 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 an offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted.
- 8.9 In lieu of prosecution under this Bylaw, the Manager or his delegate may, in his sole and absolute discretion, issue to any person he believes upon reasonable grounds has committed an offence under this Bylaw, a Notice of Violation, which Notice shall require the person to whom it is directed to pay the sum of fifty dollars (\$50) to the Town within fourteen (14) days of the issuance of the Notice. Where a Notice of Violation is issued and if the sum is paid as required therein, no prosecution shall ensue in respect of the matter or matters referred to in the Notice. For greater certainty, nothing in this bylaw requires the Manager to issue a Notice of Violation before initiating a prosecution.
- 8.10 Where an offence under this Bylaw is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed.
- 8.11 The Town may appoint a By-Law Enforcement Officer to assist with the enforcement of this Bylaw.

Passed by Council this 9th day of May, A.D., 2006.