

**TOWN OF STEWIACKE
BY-LAW NUMBER 2012 – 20**

1. This By-Law enacted pursuant to s. 325 of the *Municipal Government Act*, SNS 1998, c 18, shall be known and may be cited as the “**Solid Waste By-Law**” of the Town of Stewiacke.

Definitions

2. In this By-Law:

- (1) “Administrator” means the person appointed by the Chief Administrative Officer of the Town to administer this By-Law, or their designate;
- (2) “adverse effect” means an effect that impairs or damages the environment, the health of humans or the reasonable enjoyment of life or property;
- (3) “asbestos” means a friable waste material containing asbestos fibre or asbestos dust in a concentration greater than 1% by weight;
- (4) “backyard composting” means the composting at a residential property of organic solid waste, comprised of leaf and yard waste and food, but excluding meat, fish, eggs or dairy products, where:
 - (a) the waste is generated by the residents of the property or neighbouring properties or both; and
 - (b) the annual production of compost on any property lot does not exceed 10 cubic metres.
- (5) “beverage” means any liquid that is a ready to serve drink, but does not include milk, milk products, soya milk or concentrates;
- (6) “beverage container” means a container of 5 litres or less which contains or has contained a beverage and was sealed by the manufacturer after the beverage was placed in it;
- (7) “box board” means cereal boxes, shoe boxes, tissue boxes, detergent boxes, cracker boxes, cookie boxes, baking product boxes and frozen food boxes or other similar items, toilet paper rolls and paper towel rolls or other similar items, with plastics removed;

- (8) “bulky items” means large items of a household nature including but not limited to furniture, stoves, refrigerators, dishwashers, mattresses, bed springs, empty hot water and oil tanks, toys, bicycles and lawn furniture. “Bulky items” also includes a small amount of debris from renovation, construction or demolition that does not exceed twenty-five (25) kilograms per unit and one (1) cubic metre in size;
- (9) “chlorofluorocarbons” means an ozone depleting substance that is required under the Ozone Layer Depletion Regulations of the Province of Nova Scotia to be removed in a controlled fashion to prevent its release into the environment, and is a substance found in refrigeration and cooling units;
- (10) “collector” means an individual or company that has been granted a collector’s license by the Municipality for the collection and disposal of residual garbage, recyclables or compostables or combination thereof to designated municipal solid waste management facilities;
- (11) “collector’s license” means a permit that is required by a collector to collect and dispose of solid waste to municipal solid waste management facility;
- (12) “compostables” means food scraps and spoiled or waste food or foodstuff including vegetable peelings, meat, fish, eggs, bones, waste food products, pet litter, soiled and wet and soiled paper products such as table napkins, paper towels, pizza boxes, leaves and grass clippings, branches and bushes that are four feet or less in length and two centimetres or less in diameter, together with such other compostable materials as may be identified in public education documents distributed by the Town or the Municipality from time to time; and
- (13) “composting” means the nuisance-free biological decomposition of organic materials, substances or objects under controlled circumstances to a condition sufficiently stable for nuisance-free storage and for safe use in land applications as identified by the Nova Scotia Environment’s Solid Waste Management Resource Regulations;
- (14) “construction and demolition debris” means materials which are normally used in the construction of buildings, structures, roadways, walls and other landscaping material and includes, but is not limited to, soil, asphalt, brick, mortar, drywall, plaster, cellulose, fiberglass fibers, gyproc, lumber, wood, asphalt shingles,

and metals and such other materials as may be permitted by applicable laws;

- (15) “contaminant” means a substance that causes or may cause an adverse effect;
- (16) “contaminated soil” means any soil which has been polluted with an organic or inorganic contaminant in excess of standards prescribed or adopted by the Minister, and that has caused, is causing, or may cause an adverse effect;
- (17) “Council” means the Council for the Town of Stewiacke;
- (18) “curb” means the three metre distance from the travelled portion of a public street or road where it joins the sidewalk or shoulder to the public property, but it does not include the ditch;
- (19) “hazardous waste” means waste that may be harmful to humans, animals, plant life or natural resources, including but not restricted to, industrial chemicals, explosive, toxic, flammable, corrosive, radioactive, reactive, pathological and PCB waste, oil, gasoline, paint solvent, wood preservatives, ink, battery acid, pesticides and insecticides or any substance or material declared or defined to be a hazardous or toxic substance in or pursuant to any applicable law;
- (20) “household hazardous waste” means waste of a potentially hazardous nature typically generated in residential households including but not restricted to, solvents, glues, cleaners, paints and finishes, asphalt sealers, gasoline, diesel, kerosene, pesticides, lawn and garden chemicals, poisons, propane tanks, roofing tar, pool chemicals, lubricating oil, batteries, and automotive fluids, but does not include PCB waste, radioactive materials, explosives, fireworks, pathological wastes, or ammunition;
- (21) “hospital and pharmaceutical waste” means waste generated at hospitals, clinics, pharmacies, veterinary clinics, dentist offices and includes, but not limited to used needles, drugs, dressings, excluding pathological waste;
- (22) “industrial waste” means residual waste typically generated in the industrial, commercial and institutional sector;
- (23) “land” means surface land, land covered by water, subsoil, matter beneath the subsoil or any combination or part thereof;

- (24) “leaf and yard waste” means vegetative matter resulting from gardening, horticulture, landscaping or land clearing operations, including materials such as tree and shrub trimmings, plant remains, grass clippings, leaves, trees and stumps, but excludes construction and demolition debris or contaminated soil or any other organic material that has been contaminated;
- (25) “litter” means any material left or abandoned in a place other than a container or place intended or approved for receiving such material;
- (26) “Minister” means the Minister of Environment for the Province of Nova Scotia;
- (27) “Municipality” means the Municipality of the County of Colchester;
- (28) “municipal solid waste management facility” means a site identified by the Municipality for disposal of designated solid waste;
- (29) “organics cart” means a wheeled aerated cart designed to be emptied by hydraulic lifting devices and approved by the Municipality for the storage and municipal collection of compostables;
- (30) “pathological waste” means any part of the human body excepting hair, nail clippings and the like, any part of a dead animal infected with a communicable disease, and non-anatomical waste infected with a communicable disease;
- (31) “public education documents” includes newspaper, radio and local television advertisements, information posted to the Town’s website, and newsletters, pamphlets, flyers or other material circulated electronically or by ordinary mail or delivery by or for the Town, the Municipality, or the Minister;
- (32) “recyclable container materials” means redeemable beverage containers, steel, tin or aluminum food containers or cans, glass food containers, jars and bottles, low density polyethylene bags and packaging, high density bags, containers and packaging, polycoat containers for milk, milk products, soya milk, concentrates or other liquids or powders, tetrapacks together with such other plastic recyclable materials as may be identified in public education documents distributed by the Town or the Municipality from time to time;

- (33) “recyclable paper materials” means corrugated cardboard, egg cartons, box board, newsprint, bond paper, computer paper, glossy flyers and magazines, together with such other paper recyclable materials as may be identified in public education documents distributed by the Town from time to time;
- (34) “recyclables” means recyclable paper materials or recyclable container materials as defined in this By-Law;
- (35) “redeemable beverage container” means a beverage container for which a consumer was required to pay a deposit;
- (36) “residual garbage” means waste other than:
- (a) recyclables;
 - (b) compostables;
 - (c) leaf and yard waste; and
 - (d) any other waste that is prohibited from disposal by way of municipal collection or at a municipal solid waste management facility designated for residue garbage by this By-law or by the Minister;
- (37) “sharps” means syringes, lancets and pen needles;
- (38) “solid waste” means residual garbage, recyclables and compostables, as well as any other type of waste defined in this By-law and specifically referred to in this By-law as permitted or prohibited for disposal at a municipal solid waste management facility;
- (39) “septic waste” means the liquid and solid material removed from septic tanks, sewage treatment plants, and manholes, cesspools, privies and portable toilets;
- (40) “tires” means tires that are not designated under the Province of Nova Scotia’s tire recycling program;
- (41) “Town” means the Town of Stewiacke;
- (42) “waste” means any substance that would cause or tend to cause an adverse effect if added to the environment, and includes garbage, recyclables, compostables, refuse, sludge, rubbish, tailings, debris, litter and other discarded materials resulting from residential, commercial, institutional and industrial activities

which are commonly accepted at a municipal solid waste resource management facilities, but excludes wastes from industrial activities which are regulated by an approval issued by the Minister;

- (43) “waste diversion” means waste reduction, reuse, recycling or composting;
- (44) “wood” means wood materials that are not contaminated with other non-wood materials, such as are dimensional lumber, wooden chairs, fencing etc.

Disposal of Solid Waste

- 3. Every person shall dispose of solid waste in accordance with this By-law.

No Illegal Dumping

4. Except for the placement of solid waste for collection in accordance with this By-Law, no person shall deposit, cause to be deposited or permit to be deposited solid waste at any place in the Town other than a site authorized by the Town and approved for the purpose by the Minister.

- 5. Subject to section 4, the following depositing activities are permissible:

- (1) backyard composting, provided that:
 - (a) the composting container or pile is not located within 10 metres of any window or door of a structure on an adjacent property; and
 - (b) the activity is carried out in such manner as not to constitute a nuisance.
- (2) the concentrated disposal of trees, brush or portions thereof or other farm or forestry waste by decay on forest or farm land, provided this activity is carried out in compliance with all applicable laws of the Province of Nova Scotia; and
- (3) the nuisance-free disposal of aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as clean fill, provided this activity is carried out in compliance with all applicable laws of the Province of Nova Scotia.

No Salvaging

6. No person shall
- (1) pick up, remove, disturb or otherwise interfere with solid waste at a municipal solid waste management facility, or
 - (2) pick up, remove, disturb or otherwise interfere with solid waste placed at the curb for collection by the Town or by a collector,

except as authorized by the Town.

No Solid Waste Burning

7. No person shall burn solid waste 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 burning of brush, tree limbs and milled wood is otherwise permitted by law.

Litter Abatement

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

Storage, Separation and Removal of Solid Waste

No Accumulation of Solid Waste

- 9.
- (1) No owner or occupant of a property in the Town shall permit the accumulation of solid waste in or around the property to the extent that it is or is likely to become a nuisance or cause an adverse effect.
 - (2) Where an owner or occupant permits the accumulation of solid waste contrary to subsection (1), the Administrator may enter the property to collect and dispose of the accumulated solid waste, the expense of which will be charged to the owner or occupant who has contravened subsection (1).
 - (3) For greater clarity, the Administrator may enter the property to collect and dispose of any uncollected solid waste scattered by animals, pests or weather that an owner or occupant fails to remove pursuant to section 28(4) of this By-law, the expense of which will be charged to the owner or occupant.

Municipal Collection

10. Owners and occupants of every property in the Town that is subject to municipal collection shall ensure that all solid waste is properly stored and placed for collection and disposal.

11.

- (1) Council may provide for general municipal collection of solid waste by its own employees or by a contractor in some or all areas of the Town.
- (2) Without limiting the generality of subsection (1), Council may, at its discretion, use different classifications for municipal collection of solid waste, including different classifications of collection services and different classifications of waste generators.
- (3) Without limiting the generality of subsections (1) and (2), Council may, at its discretion, limit collection to:
 - (a) particular types of solid waste;
 - (b) properties containing not more than a specified number of residential households;
 - (c) properties which are seasonal; and
 - (d) properties generating industrial waste of a particular type or size or generating not more than a specified volume of solid waste.

12.

- (1) Owners and occupants of every property in the Town that is not made subject to municipal collection are responsible for providing for the lawful collection and disposal of all solid waste in accordance with this By-law, and for paying any associated collection, disposal or tipping fees.
- (2) For greater certainty, owners and occupiers of every property in the Town that is not made subject to municipal collection are responsible for separating solid waste in accordance with this By-law.

13.

- (1) The Town or the Municipality may contract with owners and occupiers whose properties are ineligible for municipal collection pursuant this By-Law, to provide collection of their solid waste.
- (2) The limitations and restrictions in this By-law applicable to general municipal collection shall apply to the owners and occupiers in subsection (1), except to the extent that those limitations or restrictions are expressly varied in any contract reached between the Town or the Municipality, as the case may be, and the owner or occupier pursuant to subsection (1).

Special Collections

14.

- (1) Council may, at its discretion,
 - (a) provide for special municipal solid waste collections on an occasional basis, or
 - (b) provide for municipal collection from a drop-off site

of particular types of solid waste, such as discarded Christmas trees, bulky items not eligible for regular municipal collection, leaf and yard waste, household hazardous waste or other specified solid waste.

- (2) When providing for special collections pursuant to subsection (1), Council may limit such special collection to
 - (a) particular areas of the Town,
 - (b) properties containing not more than a specified number of residential households, or
 - (c) properties generating industrial waste of a particular type or size or generating not more than a specified volume of solid waste.

Separation and Storage

15.

- (1) Owners and occupants of every property in the Town shall separate solid waste at the time and place of generation into the following streams:

- (a) compostables;
 - (b) recyclable container materials;
 - (c) recyclable paper materials;
 - (d) residual garbage;
 - (e) construction and demolition debris;
 - (f) contaminated soil;
 - (g) asbestos;
 - (h) solid waste of any type which is not acceptable for municipal collection or accepted at a municipal solid waste management facility, each such type separated in its own stream; and
 - (i) solid waste of any type which is only accepted on the occasion of special collections, or by contract or by express approval in advance of the operator of a municipal solid waste management facility, each such type separated in its own stream.
- (2) Owners and occupants of every property in the Town shall take positive steps to ensure that all solid waste separated in accordance with subsection (1) remains separated and uncontaminated by any other type of solid waste.
- (3) For greater certainty, the obligations to separate and maintain separation of solid waste in subsections (1) and (2) extend to owners, management and staff of restaurants and other establishments serving the public, which must also provide containers to facilitate separation and non-contamination of solid waste streams by owners, management, staff and clientele as appropriate for the type of establishment.
- (4) Subject to subsection (1), residual garbage may include compostables or recyclable materials to the extent that separation of compostables and recyclables was not reasonably possible because of
- (a) the fusing or bonding together of materials in the state in which the waste received, or

- (b) the reasonable cross-contamination of materials in the ordinary course of use, if such contamination is unavoidable even by the exercise of due diligence.

16. Owners and occupants of every property in the Town shall provide sufficient and adequate space and containers for the storage, collection and disposal of any solid waste which may accumulate from time to time on the property.

17. Without limiting the generality of section 15, owners and occupants of every property in the Town shall provide space and containers in accordance with the following provisions:

- (1) compostables shall be stored in organics carts or in other containers that are water-proof, impervious to domestic and wild animals and rodents and designed to avoid the entrapment of children, and such organics cart or container shall be placed or kept as far as possible from any window or door situated on an abutting or adjacent property, but preferably at a distance of at least ten (10) metres; and
- (2) recyclables and residual garbage shall be stored inside buildings or in containers that are water-proof, impervious to domestic and wild animals and rodents and designed to avoid the entrapment of children.

18. Owners and occupants of every property in the Town which is eligible for municipal collection of solid waste are responsible for keeping all containers in a clean and useable state and to ensure that they are maintained so as to not become a nuisance.

19. Bulk commercial containers used for the collection or storage of solid waste:

- (1) shall be sturdily constructed, water-proof and impervious to domestic and wild animals and rodents;
- (2) shall be designed to avoid the entrapment of children;
- (3) shall be equipped with a tight-fitting lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded;
- (4) shall be kept clean and in a good state of repair;

- (5) shall not be loaded in a manner which permits waste to extend beyond the internal volume of the container when the lid is closed;
 - (6) shall be labeled for the purpose of identifying what materials the container contains;
 - (7) shall have sufficient space or sectioning to store solid waste separated in accordance with the provisions of this By-law in such a manner that can ensures that separated solid waste remains separated and uncontaminated by other types of solid waste.
20. Owners or occupants of premises serviced by a bulk commercial container shall:
- (1) keep the area surrounding the container free from any type of waste; and
 - (2) provide instruction to any tenants, visitors or employees to ensure proper disposal and separation and disposal.
21. Any solid waste that is a bulky item that has a door, lid or other apparatus that enables the bulky item to be closed, including but not limited to refrigerators and freezers, shall either be stored inside an enclosed, locked or child-proof building or shall have their door, lid or other closing apparatus removed from the bulky item.
22. Where a person wishes to dispose of solid waste containing chloroflourocarbons, that person must:
- (1) safely deliver the solid waste to the Colchester Balefill Facility to have the chloroflourocarbons removed by a certified technician, or
 - (2) arrange to have the chloroflourocarbons removed by a certified technician and accordingly labelled by the certified technician in accordance with the Ozone Layer Protection Regulations of the Nova Scotia *Environment Act*, and safely deliver that solid waste to the Colchester Balefill Facility.

Rules for Municipal Collection

23. Except as authorized by the Town from time to time, including but not restricted to public education documents published in connection with special collection days, persons placing solid waste for municipal collection shall comply with the following:

- (1) solid waste shall be placed for collection within three (3) metres of the curb directly in front of the property that is the source of the solid waste, and shall be placed in such a manner as to interfere as little as possible with pedestrian traffic and snow removal;
- (2) solid waste shall be placed for collection by 7:00 a.m. on the day of collection;
- (3) solid waste shall not be placed for collection before 9:00 p.m. on the day preceding the collection date for that property and for the appropriate type or stream of solid waste;
- (4) uncollected solid waste and any solid waste scattered by animals, pest or weather shall be removed by the owner or occupant of the property from which that solid waste was placed for collection not later than 9:00 p.m. on the collection date for that property;
- (5) residual garbage shall be placed for collection in securely tied, clear, transparent, plastic, water-proof bags of a dimension not greater than 77 centimetres x 84 centimetres and a volume not greater than 77 litres, and shall not exceed a weight of 25 kilograms per bag;
- (6) not more than six (6) bags and/or containers containing bags of residual garbage shall be placed for collection on any one collection day;
- (7) residual garbage placed pursuant to subsection (6) must be placed in transparent bags as required by subsection (5), except that one (1) bag of residual garbage per collection may be placed in a bag that is non-transparent, in which residual garbage of a private or personal nature may be placed;
- (8) recyclables shall be placed for collection in securely tied, blue-tinted or clear, plastic, water-proof bags of a dimension not greater than 77 centimetres x 84 centimetres and a volume not greater than 77 litres, and shall not exceed a weight of 25 kilograms per bag;
- (9) residual garbage and recyclables may be placed for collection in waste collection boxes located within three (3) metres of the curb, provided that:
 - (a) all residual garbage and recyclables are properly bagged as required by this By-law;

- (b) the box is impervious to domestic and wild animals, rodents, insects, and which are designed to avoid the entrapment of children; and
 - (c) the box has a securely hinged lid or lids;
 - (d) the box has a support to hold the lid open while the contents are being emptied;
 - (e) the box is never buried by snow and ice to the extent that it cannot be collected in a safe manner by the collector;
 - (f) the solid waste is placed within the box in accordance with all other requirements of this section, including separation of solid waste streams and placement in specified bags;
- (10) compostables shall be placed for collection in organics carts;
- (11) bulky items placed for collection as authorized for municipal collection by the Town shall not exceed 25 kilograms in weight for any one bundle or container and not exceed 1 cubic metre in size, with the exception of furniture or appliance items, and shall not exceed 325 kilograms for all bulky items for any one residential unit;
- (12) when bulky items are authorized for municipal collection by the Town, no more than one of each type of appliance is permitted per collection; and
- (13) when Christmas tree waste is authorized for municipal collection by the Town, it shall not have any decorations, ornaments, stands, plastic bags, wires or nails attached and shall not exceed three (3) metres in length.

24. No person shall place solid waste for collection on a property other than a property owned or occupied by that person or a property which that person has obtained the consent of the owner or occupier for the purpose of placing solid waste for collection.

Solid Waste Not Permitted for Municipal Collection

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

- (1) hazardous waste;
- (2) sharps;

- (3) pathological waste;
- (4) hospital and pharmaceutical waste;
- (5) asbestos;
- (6) septic waste;
- (7) hot ashes;
- (8) dead animal carcasses larger than 10 kg;
- (9) industrial waste, including non-residential, farm, forestry or fishing waste;
- (10) materials that are prohibited from disposal by municipal collection by the laws of the Province of Nova Scotia;
- (11) solid waste generated outside the Town;
- (12) construction and demolition debris that exceeds the dimensions or weight allowable for bulky item collection by the provisions of this By-law; and
- (13) other materials or solid waste as may be identified as unacceptable for municipal collection by the Town, including but not restricted to identification in public education documents distributed by the Town from time to time.

Offense and Penalty

Violation of By-Law

26.

- (1) Notwithstanding any other By-Law of the Town, any person violating any provision of this By-law shall be liable upon conviction to a penalty of not more than \$5,000.00 and in default of payment thereof to a term imprisonment for not more than 60 days.
- (2) Each day that a person commits an offence under this By-law constitutes a separate offence.

Annotations for Official Bylaw Book

Date of first reading: February 23, 2012
Date of advertisement of Notice of Intent to Consider: March 8th 2012
Date of second reading: March 22nd 2012
Date of advertisement of Passage of By-law: March 31st 2012
Date of mailing to Minister a certified copy of By-law: April 4th 2012

I certify that this ***By-law*** was adopted by Council and published as indicated above.

CAO / Clerk

Date