

TOWN OF ANNAPOLIS ROYAL

SOLID WASTE-MATERIAL MANAGEMENT BYLAW

TITLE

This Bylaw shall be known and may be cited as the “Town of Annapolis Royal Solid Waste-Material Management Bylaw.”

DEFINITIONS

1. “beverage” means any liquid that is a ready to serve drink, but does not include milk, milk products, soya milk or concentrates;
2. “beverage container” means a container of less than 5 litres which contains or has contained a beverage and was sealed by the manufacturer after the beverage was placed in it;
3. “collector” means the entity contracted by the Town of Annapolis Royal to collect the waste-materials set out for collection in accordance with this bylaw.
4. “depot” means a place registered with the Resource Recovery Fund Board pursuant to Section 17 of the Solid Waste-Resource Regulations and is operated for the collection of redeemable beverage containers, post-consumer paint products or other materials;
5. "industrial/commercial/institutional waste" or "IC&I waste" means waste materials generated in the IC&I sector.
6. "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.
7. “incinerator” means a facility designed or used for the primary purpose of destruction of municipal solid waste by combustion;
8. “landfill” means a facility for the disposal of municipal solid waste by placing it in or on land;
9. “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 organic matter;
10. “litter” means any material left or abandoned in a place other than a receptacle or place intended or approved for receiving such material and “littering” has a corresponding meaning;

11. “municipal solid waste” means garbage, 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 management facility, but excludes wastes from industrial activities regulated by an approval issued under the Act;
12. “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 and his/her or their assigns;
13. “owner” of property includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building, and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care, management, or control of any land or building in case of the absence or disability of the person having title to it, any person who occupies shores, beaches or shoals and, in the absence of proof to the contrary, includes the person assessed for the property;
14. “private event” means an event where more than 300 persons are in attendance at one location, but excludes an event held in a residential dwelling;
15. “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;
16. "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, high density polyethylene plastic containers (HDPE #2), low density polyethylene plastic containers (LDPE #4), and polyethylene terephthalate plastic bottles (PET #1), plastic bags (#2 and #4), stretch wrap (pallet wrap) or other items designated by the Town from time to time.
17. “redeemable beverage container” means a beverage container for which a deposit has been paid;
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.
19. “residual waste” or “residuals” means any municipal solid waste remaining after diversion of recyclables, organics, and hazardous waste.

20. "source separated waste-materials" means waste-materials which have been sorted and separated at the point of origin, to facilitate their reuse, recycling, composting or disposal.
21. "special collections" means any collection designate by the collector in addition to regularly scheduled collection. This includes fall and spring collection.
22. "Town" means Town of Annapolis Royal.
23. "Town collection" means collection of waste-materials within the Town of Annapolis Royal by the collector.
24. "waste-materials" means all those materials which are considered to be recyclable, compostable, household hazardous waste, or residual waste.
25. "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 organic matter;

PROHIBITION

26. Illegal Dumping

- a) No person shall dump, abandon or dispose of waste-materials at any public or private place unless that place is duly licensed to receive and dispose of that particular category of waste-materials.
- b) No person shall dispose of residual waste in a manner which is inconsistent with Sections 34, 35 and 36 of this by-law.
- c) Individual deposits into any of the Town's Four Stream Waste Receptacles shall not exceed what is reasonably expected of an individual passerby. Use of these receptacles as a drop-off for waste materials is prohibited.

27. Waste-Material Burning

No person shall burn waste-materials 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.

28. Materials Banned from Disposal

a) Materials Banned by Provincial Regulation

No person shall dispose into a landfill or incinerator any materials listed in Schedule B of the Solid Waste Resource Management Regulations as amended from time to time.

b) Materials Banned by the Collector

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 collector. Publication of a list of such banned material in a newspaper or

newspapers of general circulation in the Town shall constitute due and sufficient notice of the collector's order for all purposes.

29. No person shall export or remove residual waste or unsorted solid waste generated within the Town outside the boundaries of the region covered by the collector.
30. Notwithstanding Section 29, the collector may export solid waste to licensed facilities outside the boundaries of the region covered by the collector.
31. No person shall dump, dispose of, or abandon at or near a Waste-Resource Management Centre or any other facility licensed to receive any category of waste-materials when the Centre or facility is not open or when the operator or staff of the Centre or facility refuses to accept waste-materials at that time or from that person.
32. No occupant or owner of property in the Town shall allow accumulation of solid waste on or around the property to the extent that it is or is likely to become unsightly, or a nuisance or a hazard to public health, including the health of the occupant or owner.
33. No person shall place solid waste for collection on a property other than a property owned or occupied by that person or in respect of which the person has obtained the consent of the owner or occupier for that purpose.

SEPARATION

34. Residential Waste-Materials

All waste-materials being generated from a residence shall be source-separated for collection by the occupant into categories according to the collector's Source Separation Policy or as determined from time to time by the Town.

35. Industrial, Commercial and Institutional (IC&I) Waste-Materials

IC&I sector establishments shall sort waste-materials so as to comply with the provincial disposal bans referred to in Section 28. Establishments eligible for and using the collection program utilized by the Town shall comply with the collector's policy on source separation of waste-materials.

36. Public Waste-Materials

Those responsible for publicly accessible waste-material 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-materials in accordance with this By-law and with the collector's Source Separation Policy as amended from time to time.

COLLECTION

37. Collection Container Placement

Collection 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 distance shall not exceed 5 meters from the edge of the street sidewalk or roadway.

- a) 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.
- b) In the case of multi-unit apartment buildings, the owner shall provide a storage enclosure for source-separated waste-materials in an easily accessible location on the building property, meeting applicable municipal requirements. The collector will collect waste-materials 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.
- c) Collection will take place on public streets and roads only except for: private roads maintained by the Government of Nova Scotia or the Town; 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, or other roads designated from time to time by the collector, provided that all roads must be in acceptable condition for the contractor's vehicles.
- d) For all other roads, the source-separated waste-materials 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 Town for that purpose, where it shall be collected.

38. Collection Times

- a) Waste-materials shall be set out at roadside for collection between 6:00 am and 8:00 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.
- b) Notwithstanding subsection (a), during special collections materials for roadside collection shall be set out no earlier than seven (7) days prior to the special collection.

39. Removal of Collection Containers and Uncollected Material from Roadside

a) 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-material storage containers. Permanent storage containers shall comply with this Bylaw.

b) Uncollected Waste-Materials

Any materials not collected due to non-compliance with this bylaw, including litter produced from set-out 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 materials have not been removed from the roadside within the time prescribed in a notice given by the Town or the collector to the property owner, the Superintendent of Public Works may arrange for the removal and disposal of said materials and invoice the property owner for the removal and disposal costs.

40. Collector's Policies

Subject to this Bylaw, the collector may by resolution make policies concerning the curbside collection of solid waste-materials including but not limited to the type, nature and weight of collection containers.

STORAGE

41. Waste-Material Storage

- a) Waste-material storage between collections shall be:
- b) weather-tight and animal-proof;
- c) capable of accommodating the quantities of source-separated waste-materials generated between collections at that location;
- d) designed and constructed such that waste-materials remain in a source-separated condition;
- e) easily accessible to the occupants;
- f) safe for its intended users; and
- g) in cases where Town collection is provided at the storage location, accessible to the Town collection truck within five (5) meters of the loading hopper.

42. Owner and Occupant Responsibilities for Waste-Material Management

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

43. Property Owner's Responsibilities

- a) The property owner shall:
 - (1) provide waste-material storage as set out in Section 41;
 - (2) In cases where storage is inaccessible to the collection truck as prescribed in Section 37, ensure that waste-materials are set at roadside between 6:00 am and 8:00 am for collection on collection day;
 - (3) maintain waste-material storage in good repair and in a clean and tidy condition at all times, both inside and outside, including the immediate surroundings;
 - (4) ensure that collection containers and uncollected waste-materials, including litter produced from set-out waste-materials by pests, weather conditions, or otherwise, are removed from roadside by the end of collection day; and
 - (5) abide by all directives of the collector with regard to the handling of waste-materials.

44. Occupant's Responsibilities

- a) The occupant shall:

- (1) sort all waste-materials generated in the occupant's unit as provided in Sections 34, 35 and 36 of this bylaw;
- (2) between collections, place sorted materials in the storage provided by the property owner; and
- (3) abide by all directives of the collector with regard to the handling of waste-materials.

45. Residential Inspection and Rejection Guidelines

Waste-materials set out for collection shall be subject to inspection by the collection contractor staff. Waste-materials found not to be source-separated according to this by-law may be rejected and not collected.

- a) No person shall:
 - (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 special collections;
 - (2) collect waste-materials placed for collection by the collector; or
 - (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 collector and its contractors.

IC&I WASTE-MATERIALS

46. IC&I Waste-Material Removal

The property owner or occupant of IC&I premises shall promptly remove and dispose of waste materials not eligible for collection.

47. Commercial Waste-Material Storage

The following provisions apply to commercial waste-material storage structures or containers intended for the storage of waste-materials not eligible for Authority collection:

- a) Any person who supplies and/or uses a commercial container or structure for the temporary storage of waste-materials shall ensure that such commercial container:
 - (1) is sturdily constructed and is capable of containing the material deposited within;
 - (2) is equipped with a cover, as necessary, capable of restricting the entry of animals and preventing litter or damage to the contents produced by wind, rain, snow, etc., and

- (3) is cleaned out regularly.
- b) The owner of any premises on which a commercial storage container or structure is placed shall ensure that:
 - (1) any such storage container or structure does not become unsightly or cause a nuisance or health-related problem; and
 - (2) that the area around the storage container or structure is maintained free from litter and waste.
- 48. No person shall place waste in any commercial storage container without permission of the property owner or the renter of the container.
- 49. IC&I waste-materials are subject to inspection by the General Manager for compliance with this bylaw.
- 50. The property owner or the renter of a commercial storage container or structure shall ensure that materials are placed in the storage container in a source-separated condition.
- 51. The hauler collecting a commercial storage container shall ensure that source-separated streams of waste-materials are maintained in a source-separated condition and deposited separately at the Waste-Resource Management Centre.

LITTER

- 52. No person shall release, cause to be released, or permit to be released litter into the environment unless:
 - a) the litter is placed in a litter receptacle;
 - b) the litter is disposed of at a disposal site for municipal solid waste or an area designated by the Town; or
 - c) the litter is deposited in a location designated for that purpose by the Town during special clean-up days.
- 53. **Littering from buildings/structures**
 - a) General
 - (1) No owner, operator or person in care, management or control of a commercial outlet, service outlet, plant, building, facility or thing shall permit the release of litter from the commercial outlet, service outlet, plant, building, facility or thing into the environment.
 - (2) A person described in subsection (1) shall clean up any litter discharged or

released into the environment.

b) Construction sites

- (1) No owner, operator, contractor or person in care, management or control of the construction, repair or demolition of a plant, building, facility, or thing shall permit the release of litter from the plant, building, facility, or thing into the environment.
- (2) A person described in subsection (1) shall clean up any discharged litter released into the environment.

c) Businesses

- (1) An owner, operator, or person in care, management or control of a business or operation
 - (i) where food or beverages are sold in cartons, containers, foils or papers and
 - (ii) where cartons, utensils, containers, foils or paper are discarded in the vicinity by the patrons of the business or operation,

shall provide receptacles for litter and receptacles for recyclable materials in appropriate and easily accessible locations, and shall service, maintain and empty the receptacles.

- (2) An owner, operator, or person in care, management or control of a business or operation shall keep the property and all public or private lands, streets, lanes, passageways, beaches or docks within 15 meters of any boundary of their property free of all litter unless the landowner or operator denies access to their lands for this purpose.
- (3) A person described in subsections (1) and (2) shall ensure that the discarded materials are collected and disposed of as prescribed in these regulations.

d) Public and private events

- (1) A person who organizes or is responsible for a public or private event shall
 - (i) provide an adequate number of receptacles for litter and receptacles for recyclable materials in appropriate and easily accessible locations; and
 - (ii) service, maintain and empty the receptacles as required.
- (2) Every person who organizes or is responsible for a public or private event shall ensure that the property where the event takes place and all public or private lands, streets, lanes, passageways, beaches or docks within 15 meters of the boundary of the property are free from all litter within 24 hours after the

conclusion of the event, unless the land owner or operator denies access to their lands for this purpose.

e) Flyers/advertisements

(1) No person, including a sponsor, organizer, or promoter of an event or thing, shall attach or cause to have attached a flyer, brochure, advertisement or other literature on a utility pole, structure, fence, or other thing,

(i) without the prior approval of the owner of the utility pole, structure, fence, or other thing; and

(ii) without the prior approval of the Town, where the utility pole, structure, fence, or other thing is located therein.

(2) Subject to subsection (1), no person, including a sponsor, organizer or promoter of an event or thing, who attaches or causes to be attached a flyer, brochure, advertisement or other literature on a utility pole, structure, fence, or thing shall

(i) fail to put the posting date on the flyer, brochure, advertisement or literature;

(ii) fail to remove the same within 30 days after the event; or

(iii) fail to dispose of the same as prescribed in these regulations.

(3) No person, including a sponsor, organizer or promoter of an event or thing, shall distribute or cause to have distributed a flyer, brochure, advertisement or other literature by placing the same on a parked vehicle.

WASTE-RESOURCE MANAGEMENT CENTRES

54. The collector may by resolution make policies for the efficient, safe and environmentally sound operation of Waste-Resource Management Centres in the Region.

55. Inspection and Enforcement

All loads entering the Management Centre are subject to inspection and enforcement action by the Manager. The Manager may issue warnings, charge increased tipping fees, or revoke privileges of site users for non-compliance with the management centre, source separation and container policies of the collector. The collector may from time to time establish administrative penalties to be levied against site users for non-compliance with policies made under this Bylaw.

56. No person shall remove solid waste from a Waste-Resource Management Centre except as authorized by the General Manager.

57. The operator of every commercial collection vehicle entering the Management Centre site shall produce, upon request of the General Manager, a manifest consisting of a list of the

customers whose waste is on board the vehicle.

PENALTY

58. Limitation Period

A prosecution for an offence under this Bylaw may not be commenced more than two years after the later of:

- a) the date on which the offence was committed; or
- b) the date on which evidence of the offence first came to the attention of an inspector, an administrator or the Minister, whichever occurs first.

59. No person shall be convicted of an offence under this Bylaw if the person establishes that the person:

- a) exercised all due diligence to prevent the commission of the offence; or
- b) reasonably and honestly believed in the existence of facts that, if true, would render the conduct of that person innocent.

60. 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.

61. 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, the Town or designated collector, 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.

62. 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.

63. 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.

64. In lieu of prosecution under this Bylaw, the Manager or the Manager's delegate may, in through sole and absolute discretion, issue to any person (s)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 that sum is paid as required therein, no prosecution shall ensue in respect

to the matter or matters referred to in the Notice. For greater certainty, nothing in this bylaw requires the General Manager to issue a Notice of Violation before initiating a prosecution.

65. 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.
66. The Town may appoint a Bylaw enforcement officer to assist with the enforcement of this Bylaw.

EFFECTIVE DATE

This Bylaw shall be effective date of publishing.

Jane DeWolfe, Mayor

Amery Boyer, CAO

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 Annapolis Royal, held the 21st day of May, 2008.

Given under the hand of the Mayor and Chief Administrative Officer and the seal of the Town of Annapolis Royal this 21st day of May, 2008.

FIRST READING	April 21, 2008
NOTICE OF INTENT PUBLICATION	May 1, 2008
SECOND READING:	May 21, 2008
MINISTERIAL APPROVAL:	Not Required
DATE OF PUBLISHING:	June 5, 2008
FORWARDED TO MINISTER:	June 6, 2008
FORWARDED TO WEBSITE:	June 5, 2008

Appendix A

Fines and Penalties for shall be as follows:

1. Any person who violates any of the following sections of this Bylaw:
 - (a) section 27 (illegal burning)
 - (b) section 28a(depositing provincially banned material)
 - (c) section 32 (accumulation of waste-materials)
 - (d) section 33 (unauthorized placing of waste for curbside collection)
 - (e) section 34 (failure to source-separate)
 - (f) section 37 (improper container placement)
 - (g) section 38 (improper set-out time)
 - (h) section 39 (failure to remove uncollected containers or material)
 - (i) section 40 (improper collection container)
 - (j) section 44 (failure to fulfill occupant's responsibilities)
 - (k) section 45a (1) (interfering with collection)

is guilty of a summary offense and liable to a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500) and, in default of payment thereof, to imprisonment for a period of not more than ninety (90) days.

2. Any person who violates any of the following sections of this Bylaw:
 - (a) section 26 (illegal dumping)
 - (b) section 29 (removal or export of residual waste)
 - (c) section 35 (failure to source-separate, IC&I users)
 - (d) section 36 (source-separation, public waste)
 - (e) section 43 (failure to fulfill property owner's responsibilities)
 - (f) section 45a(2) (illegal collection)
 - (g) section 45a(3) (removal of waste containers)
 - (h) section 46 (IC&I waste-material removal)
 - (i) section 47 (improper commercial containers)

is guilty of a summary offence and liable to a fine of not less than one hundred dollars (\$100) and not more than ten thousand dollars (\$10,000) and, in default of payment thereof, to imprisonment for a period of not more than two (2) months

3. Any person found in violation of Sections 52 and 53 of this by-law is guilty of a summary offence and is subject to a fine of not less than one hundred dollars (\$100) and not more than ten thousand dollars (\$10,000) and, in default of payment thereof, to imprisonment for a period of not more than two (2) months
4. Subject to Sections 1, 2, 3 any person who violates any provision of this bylaw is guilty of a summary offense 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.