

Municipality of the District of Lunenburg

By-law

Title: Solid Waste Collection & Disposal By-law	
By-law No. 039	Legislative authority: MGA – 325
Effective date: March 4, 2020	Amended date: June 24, 2014; April 20, 2022

Definitions

- 1 In this by-law, Governing Authorities mean:
 - a) **N.S.E.** means that department of the Nova Scotia Provincial Government currently called **Nova Scotia Environment** or its successor provincial department should there be a name change.
 - b) **Divert Nova Scotia** a not-for-profit Board regulated by the Nova Scotia Solid Waste-Resource Management Regulations, under Section 102 of the **Environment Act**. The Board's mandates administering resource recovery fund as prescribed in Section 4 of the Solid Waste Regulations.
 - c) **Council** means the council of the Municipality of the District of Lunenburg.
 - d) **Municipal Joint Services Board** referred to in this Bylaw as **the MJSB**, means a corporate body established pursuant to an Intermunicipal Services Agreement to which this municipality is a party. The municipal parties to that Agreement have given the MJSB responsibility for the management of solid waste within their respective jurisdictions, pursuant to the s. 60 of the **Municipal Government Act**; and
 - e) **LRCRC** means Lunenburg Regional Community Recycling Centre, a division under the mandate of the MJSB, overseeing the management of the Solid Waste system. The facility is located at 908 Mullock Road, Whynott's Settlement.
- 2 **Solid waste** means collectible waste, non-collectible waste, bulky waste, construction or demolition materials, household hazardous waste, residual waste – all as defined herein and any other waste or discarded tangible personal property but excludes wastes from any industrial activity regulated by way of an approval under the **Environment Act**.

- 3 Words used in this by-law will take their meaning from their context and from dictionaries of the English (Canadian) language, except as follows:
- (a) **Blue Bag Recyclables** means glass jars and bottles, tins, aluminum cans, plastic bottles, rigid plastic containers, plastic bags, film stretch and pallet wrap, and milk and juice containers. Other materials may be identified, from time to time, by N.S.E.'s **Regulations Respecting Solid Waste-Resource Management**, November 1995, as amended or other successive solid waste legislation.
 - (b) **Branches and Limbs** means branches, limbs and brush.
 - (c) **Boxboard** means cereal, shoe, tissue, detergent, cracker, cookie, baking product and frozen food boxes, toilet paper rolls and paper towel rolls or other similar items.
 - (d) **Bulky Waste** means large items of a household nature including vacuum cleaners, plastic barrels, furniture (upholstered or wooden) mattresses, box springs and porcelain bathroom items such as toilets and sinks, but excluding compostable materials, paper, household waste, blue bag recyclables, household hazardous waste, designated electronic products, Christmas trees, asphalt shingles, discarded appliances, metal items, white goods, wooden pallets, metal or wooden barrels, artificial Christmas trees, car parts.
 - (e) **Collectable Waste** means those wastes which are eligible for collection, within the volume and other restrictions elsewhere in this by-law, on regularly-scheduled collection days and consists of the following categories:
 - i) compostable materials (as defined herein);
 - ii) recyclables (as defined herein);
 - iii) residual waste (as defined herein);
 - iv) paper (as defined herein);
 - v) non-transparent bag (as defined herein); and
 - vi) bulky waste.
 - (f) **Commercial Container** means any container used for the storage of properly sorted solid waste excluding household hazardous waste generated from multi-residential, institutional, commercial, industrial or other premises within the Municipality which waste exceeds the maximums or is outside the types of waste allowed on regular or special collection days as outlined elsewhere in this bylaw and which container is designed to be emptied by, and the waste transported by, a hauler.
 - (g) **Compostable Materials** means vegetable peelings, dairy products, meat, fish and shellfish, eggshells, bones, waste food products, coffee grounds and filters, grass

trimmings, leaves, garden waste, ashes or soot, soiled and wet paper, table napkins, paper towels, pizza boxes, household cooking oil, household grease and fat, Branches and Limbs, untreated wood sawdust, wood chips and wood shavings. Other materials may be identified, from time to time, by N.S.E.'s **Regulations Respecting Solid Waste-Resource Management**, November 1995, as amended or other successive solid waste legislation.

- (h) **Construction Or Demolition Materials** means left-over material generated as a result of any form of construction or renovation and materials generated from demolition activity including but not limited to: asphalt, brick, mortar, polystyrene or fibreglass insulation, cellulose, drywall, plaster, shingles, metal and scrap wood – regardless of whether such left-over material is regulated by the Province of Nova Scotia or meets the definition of “C & D Debris” in the N.S.E. 1997 Guidelines for same.
- (i) **Curb** means that portion of the public road right-of-way between the travelled portion or parking area and the property line, which parallels the street center line.
- (j) **Dispose** means any form of disposal of any material, including solid waste as defined herein: deposit, storage, placement, burning or burial regardless of whether ~~or not~~ the material being, or having been, deposited, stored or placed is in a box, bin, container, barrel, or any other containment device.
- (k) **Dwelling Unit** means a room or series of rooms operated as a housekeeping unit, used, or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- (l) **Electronics** means any electronic device that is acceptable under the provincial Electronic Products Recycling Association (EPRA) program. The list of items under this category may change from time to time, as determined by EPRA.
- (m) **Eligible Premises** means those properties within the Municipality, which are eligible for collection services - up to the maximum restrictions, outlined elsewhere in this by-law – and includes all properties in the Municipality including properties located on private roads.
- (n) **Hauler** means any company or person who transports solid waste within the Municipality or within the boundaries of the municipal member units of the LRCRC (defined herein).
- (o) **Household Hazardous Waste** means any corrosive, flammable or poisonous material or substance such as oil and oil products, radioactive materials, acids,

poisons, insecticides or other poisons used for agricultural purposes or for rodent control, any substance or chemical highly lethal to mammalian or aquatic life and any substance or chemical dangerous to the environment – including but not limited to: batteries, left-over liquid paint, left-over corrosive cleaners, pesticides or herbicides, gasoline, fuel oil and used motor oil, solvents and thinners, pharmaceuticals, drugs and needles, aerosol cans, BBQ propane tanks and small propane cylinders or canisters such as those used for camp stoves or propane torches and marine flares.

- (p) **Metal Items** means medium to large metal items including metal fencing, water tanks, oil tanks - subject to specific requirements elsewhere in this bylaw – and metal containers other than containers designed to hold either household hazardous waste (as defined herein) or anything intended for human consumption.
- (q) **Municipality** means the Municipality of the District of Lunenburg.
- (r) **Natural Christmas Tree Waste** means discarded non-artificial Christmas trees.
- (s) **Non-Transparent Bag** means residual waste which has been placed for collection subject to specific requirements elsewhere in this by-law.
- (t) **Occupant** means any person who, in addition to or instead of the owner, resides in or is the lessee of, whether by way of verbal or written lease or other arrangement, a building or on a property located within the Municipality and includes any assignee or legal representative.
- (u) **One-Sided Collection** means collection of solid waste from only one side of a Public Highway.
- (v) **Owner** means to the owner of property and includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building and, in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; and, in the absence of proof to the contrary, the person assessed for the property.
- (w) **Paper** means newspapers, flyers, magazines, catalogues, boxboard, flattened corrugated cardboard, bond paper, computer paper, hard cover books (covers removed), telephone and other soft cover books, file folders – both traditional and expandable, envelopes (other than padded or bubbled envelopes), non-metallic wrapping paper and paper egg cartons, Third Class Mail and other materials as are identified, from time to time, by N.S.E.'s **Regulations Respecting Solid Waste Resource Management**, November, 1995, as amended or other successive solid waste legislation.

- (x) **Residual Waste** means broken bottles, crockery and glassware – subject to special requirements elsewhere in this bylaw – and floor sweepings, pet litter, light bulbs, disposable diapers, hygiene items, discarded clothing and furnishings, broken toys, mats and small carpets, non-recyclable plastic, non-recyclable packaging including Styrofoam™ and padded or bubbled envelopes, wax coated drink cups, poly-coated paper drink cups, bowls and plates, metallic wrapping paper, non-passenger tires, non-repairable household goods and other household waste. [amended April 20, 2022]
- (y) **Unacceptable Waste** means all material other than collectable waste, without limiting the generality of the foregoing, includes:
- i) highly combustible or explosive materials including, without limiting, flares, fireworks, celluloid cuttings, motion picture film, oil or gasoline soaked rags, gas containers, chemicals, acids or other combustible residues, ammunition, dynamite, or other similar material;
 - ii) materials that are considered pathogenic or biomedical including, without limiting, dressings, bandages or other infected materials or sharps discarded in the course of the practice of physicians, surgeons, dentists or veterinarians;
 - iii) a whole or part carcasses of domestic ruminants, including cattle;
 - iv) waste listed or characterized as hazardous by any Federal or Provincial law – other than household hazardous waste as defined herein;
 - v) electronics, with the exception of an annual electronics collection;
 - vi) solid waste generated, or originating from, outside the Municipality without prior approval;
 - vii) liquid waste or material that has attained a fluid consistency and has not been drained;
 - viii) soil, rock and stumps;
 - ix) construction or demolition materials (as defined herein) – other than the exception as allowed under the definition of “bulky waste” in this bylaw;
 - x) septic tank pumping, raw sewage or industrial sludge;
 - xi) radioactive materials;
 - xii) contaminated soil;
 - xiii) all passenger tires up to 24.5 inches as per the Tire Management Program administered by Divert Nova Scotia;
 - xiv) industrial waste from factories or manufacturing processes;
 - xv) manure, kennel waste, excreta, fish processing waste;
 - xvi) lead-acid automotive batteries and propane tanks;
 - xvii) waste which has been placed for collection but not in accordance with the provisions of this bylaw; and
 - xviii) materials banned from landfill disposal by the N.S.E. Regulations Respecting Solid Waste-Resource Management, November 1995, as amended – other than recyclable materials or organic materials from

eligible premises.

- (z) **Wheeled Aerated Cart** will be of either 140 litre capacity, 240 litre capacity or other MJSB approved capacity, brand and model.
- (aa) **White Goods** means any large household appliance including but not limited to stoves, dishwashers, washers, dryers, hot water heaters, refrigerators, freezers, dehumidifiers, and air conditioners – the last four (4) being subject to specific requirements elsewhere in this bylaw.
- (bb) **Waste** means scrap wood, wooden pallets, wooden barrels and wooden furniture.

Collection

- 4 (1) Collection of Solid Waste will be as follows:
 - a) A collection for Residual Waste, two (2) Bulky Waste items, Compostable Materials, Blue Bag Recyclables and Paper will be made at least once in every fourteen (14) days, commencing at the hour of seven o'clock in the forenoon (7:00 a.m.), provided, however, that when a holiday occurs, as indicated on the collection calendar, on a collection day, such collections will be made on the following Saturday, unless otherwise specified by the MJSB. [amended April 20, 2022]
 - b) Collection will include all properties in the Municipality which abut a public listed and maintained road, which generate for disposal, quantities of Solid Waste not exceeding the limits specified in Section 9.
 - c) a property does not abut a public listed and maintained road, and in areas of private roads where the owner has a long driveway, on island or in other circumstances where conventional collection may be impractical, the owner may transport eligible Solid Waste to the nearest public listed and maintained road for collection.
 - d) Collection of Electronics, per restrictions noted elsewhere in this by-law, will take place once in the fall of each year on a date to be specified by the MJSB. [amended April 20, 2022]
 - e) Collection of Wood Waste and Metal, per restrictions noted elsewhere in this by-law, will take place once in the fall of each year on a date to be specified by the MJSB. [amended April 20, 2022]

- f) Collection of properly - prepared Natural Christmas Trees, per restrictions noted elsewhere in this by-law, will take place annually in the month of January on a date to be specified by the MJSB. [amended April 20, 2022]
- g) For the purpose of Section 4, the schedule of, and exact dates for, collection will be published in a calendar distributed to owners - which will also be posted on-line – and any other collection dates will be published in a local newspaper and/or advertised on a local radio station.

Requirements to Store and Dispose of Solid Waste

- 5 (1) Every owner will:
- a) Provide containers for Solid Waste storage.
 - b) All Collectable Waste to be collected by the Municipality will be accessible to the contractor within 3 metres (approximately 10 feet) of the curb, placed in such a manner as to not interfere with pedestrian traffic and snow removal.
 - c) Maintain all containers that are not disposable in good repair and in sanitary condition.
 - d) Place Collectable Waste for collection only in containers of the type and meeting the standards set forth in Section 6.
 - e) Be responsible for the disposal of Solid Waste generated from their property, including Solid Waste generated by Occupants having use of the property.

Storage for Solid Waste Collection

- 6 (1) For the purpose of this section, containers for solid waste storage will mean the following:
- a) For Blue Bag Recyclables:
 - i) Securely tied, blue-tinted transparent plastic waterproof bags of a dimension no smaller than 25 centimetres by 40 centimetres (10 by 16 inches), nor greater than 76 centimetres by 122 centimetres (30 by 48 inches), and will not exceed a weight of 25 kilograms (55 lbs). All materials must be clean.

- b) For Paper:
 - i) Placed in bags, securely tied, of a dimension no smaller than 25 centimetres by 40 centimetres (10 by 16 inches); nor greater than 76 centimetres by 122 centimetres (30 by 48 inches).

- c) For Compostable Materials:
 - i) Wheeled Aerated Cart;
 - ii) Leaves And Yard Waste may be placed in heavy kraft paper bags, of a dimension no smaller than 66 centimetres by 91 centimetres (26 by 36 inches) nor greater than 76 centimetres by 122 centimetres (30 by 48 inches) and can not exceed a weight of 25 kilograms (55 lbs.) per bag;
 - iii) For leaves only, a maximum of three (3) bags per collection day. This maximum increases to four (4) bags if no Wheeled Aerated Cart is put out that day; and,
 - iv) Compostable Materials can not be placed in plastic biodegradable bags or oxo-biodegradable bags. [amended April 20, 2022]

- d) For Christmas Tree Waste:
 - i) Cut into pieces and placed into the Wheeled Aerated Cart; or
 - ii) will be bundled and tied, and will not exceed 0.9 metres (36 inches) in length; and
 - iii) will not have decorations, ornaments, wire or nails attached; and
 - iv) weigh not more than 25 kilograms (55 lbs) per bundle.

- e) For Branches and Limbs:
 - i) Cut into pieces and placed into the Wheeled Aerated Cart; or
 - ii) will be bundled and tied; and
 - iii) will not have any wire or nails attached; and
 - iv) weigh not more than 25 kilograms (55 lbs) per bundle; and
 - v) individual pieces can not be more than 50 mm (2 inches) in diameter; and
 - vi) be less than 0.9 meters (36 inches) in length.

- f) For Residual Waste (all other waste):
 - i) Water tight metal or plastic cans:
 - 1) equipped with a tight fitting cover of metal, plastic or other impermeable material; and
 - 2) equipped with handles; and

- 3) filled to a height not exceeding 5 centimetres (2 inches) below the top of the container; and
 - 4) can not exceed a weight of 25 kilograms (55 lbs); and
 - 5) can not exceed a volume of 100 litres, and can not include cardboard drums, oil drums, paint containers or lard containers; or
- ii) Placed in plastic, single use, waterproof, clear transparent bags, free from colour, of a dimension no smaller than 66 centimetres by 91 centimetres, (26 by 36 inches) nor greater than 76 centimetres by 122 centimetres (30 by 48 inches), and can not exceed a weight of 25 kilograms (55 lbs).
- g) For Non-Transparent Bag:
 - i) Placed in a plastic, single use, waterproof opaque bag with a dimension no smaller than 66 centimetres by 91 centimeters (26 by 36 inches) nor greater than 76 centimeters by 122 centimeters (30 by 48 inches) and can not exceed a weight of 25 kilograms (55lbs).
- (2) Items placed for Bulky Waste Collection:
- a) Will be packaged/bundled/boxed in such a manner ~~so as~~ to allow for pick-up and collection, and not include any Compostable Materials, Blue Bag Recyclables, Paper, household waste, Electronics, Wood Waste, Metal Items, metal barrels, White Goods, metal car parts Natural Christmas Trees, Household Hazardous Waste or asphalt shingles.
 - b) No person can place, or allow to be placed, Bulky Waste items for collection except in accordance with the following restrictions:
 - i) such waste will be packaged, bundled or boxed so as to facilitate removal and handling;
 - ii) two (2) Bulky Waste items may be placed for collection every fourteen (14) days;
 - iii) each item will not exceed 100 kgs (220 lbs) in weight; and,
 - iv) each item will not exceed 1.8 m (6 feet) in any dimension.
- (3) Items placed for Wood Waste and Metal Collection:
- a) No person will place, or cause to be placed, Wood Waste or Metal such as tanks, metal fencing, barrels, pallets and White Goods – out for collection except on a day designated by the MJSB for collection and in accordance

with the following restrictions: [amended April 20, 2022]

- i) such waste will be packaged, bundled or boxed so as to facilitate removal and handling;
- ii) any Wood Waste and Metal will be placed separately during the day designated by the MJSB for collection; (amended April 20, 2022]
- iii) Wood Waste and Metal will not exceed 4 cubic metre (5.2 cubic yards) combined total per collection;
- iv) each item can not exceed 140 kgs (308 lbs) in weight; and,
- v) each item can not exceed 1.8 m (6 feet) in any dimension.

Preparation of Specific Wastes

7 (1) For Broken Bottles, Crockery or Glassware

- a) Broken bottles, crockery Broken bottles, crockery and glassware will be sealed in a box or a bucket and clearly identified– by noting, in large capital letters, on the outside of the bundle the words “broken glass” – a warning to the contractor.

(2) For Ashes or Soot

- a) Ashes or soot must be completely cooled for a minimum of four (4) weeks, then wetted down before depositing in the Wheeled Aerated Cart.

(3) For Natural Christmas Trees

- a) It is to be unpackaged and undecorated, including the removal of all lights and any tree stand;
- b) will not exceed 3 m (approx. 10 ft) in length;
- c) no person can place, or cause to be placed, any Natural Christmas Tree out for collection before 5:00 p.m. of the day immediately preceding the day designated for collection;
- d) no person can place, or cause to be placed, any Natural Christmas Tree out for collection after 7:00 a.m. of the day designated for collection;
- e) single-unit building can place two Natural Christmas Trees for collection;

- f) each multi-unit building can place one Natural Christmas Tree per unit, plus one additional Natural Christmas Tree for collection; and,
- g) commercial Natural Christmas Tree producers may not place unsold trees for collection.

(4) For Cardboard

- (a) for Cardboard only, flattened, securely tied bundles, of dimension no greater than 91 centimetres (36 inches) by 61centimetres (24 inches) by 61 centimetres (24 inches) and will not exceed a weight of 25 kilograms (55 lbs.) per bundle.

Wheeled Aerated Carts

8 (1) Every owner must:

- a) use only a Wheeled Aerated Cart for the storage of Compostable Materials for collection, except as otherwise permitted in clauses 6 1(d) and (e); [amended April 20, 2022]
- b) maintain the Wheeled Aerated Cart in good repair and sanitary condition; and,
- c) Wheeled Aerated Carts must remain on the property parcel where it was assigned in accordance with the Municipality's policy MDL-44. The freely distributed Wheeled Aerated Cart must remain on the property when a householder sells a property. Care and use will be the responsibility of the householder or occupant.

(2) The number of carts required by each owner will conform to the following minimum criteria:

- a) Single-unit dwelling or 1 – 140 litre capacity cart per Dwelling Unit
- b) Duplex dwelling or 1 – 140 litre capacity cart per Dwelling Unit
- c) Semi-detached dwelling or 1 – 140 litre capacity cart per Dwelling Unit
- d) Dwellings of 3-6 units or 1 – 140 litre capacity cart per Dwelling Unit
- e) Dwellings having 6 units or Minimum carts and capacities greater to be determined by the MJSB

Volume and Weight Permitted

9 (1) Collectable Waste placed for collection:

- a) Can not exceed 140 kilograms (308 lbs) in total per Dwelling Unit per collection day and no single item may weigh more than 25 kilograms (55 lbs);
- b) Can not exceed 4 cubic metres (5.2 cubic yards) in total volume per Dwelling Unit per collection day, plus two (2) bulky waste items; and,
- c) No person can place, or cause to be placed, more than one (1) Wheeled Aerated Cart per any one (1) Dwelling Unit out for collection on any one-collection day and the total weight of the cart and its contents can not exceed 120 kilograms (approx. 265 lbs.).
- d) No person can place, or allow to be placed, more than one (1) Non-Transparent Bag per any one (1) Dwelling Unit out for collection on any one collection day.
- e) No person can place, or allow to be placed, Residual Waste out for collection on any one collection day in a "storage" container which is not a clear transparent bag, free from colour, in which its contents are not visible except for the one (1) Non-Transparent Bag as outlined elsewhere in this bylaw.
- f) No person can place, or allow to be placed, more than three (3) Electronics per one (1) Dwelling Unit out for collection on the annual Electronics collection day.

Placement of Containers for Collection

- 10 (1) All Collectable Waste to be collected by the Municipality must be accessible to the contractor within 3 metres (approx. 10 feet) of the curb or other such location as may be required from time to time, including one-sided collection, and placed in such a manner as to interfere as little as possible with pedestrian or vehicular traffic and snow removal.
- (2) a) Permanent containers or boxes for the storage of Collectable Waste between collections must:
 - i) be a solid container with a tight-fitting cover. The container must be a maximum height of 91 centimetres (3 feet), or must provide a hinged front door. It can be filled to a height not exceeding 5 centimetres (2 inches) below the top of the container. There will be no loose Solid Waste stored in any container. The immediate vicinity of the container must be kept neat and free of any solid waste;

- ii) be maintained in good repair;
 - iii) not present a hazard to individuals or traffic;
 - iv) be located in such a manner as to not interfere with traffic or snow removal;
 - v) be appropriately located with respect to one-sided collection; and,
 - vi) lids must be securely hinged, not have a self-locking latch and must have a support to hold the lid open while the contents are being emptied.
- b) No Wheeled Aerated Cart will be stored inside a container or box, unless the cart can be wheeled out without lifting, or is removed from the container or box by the owner for collection.

Responsibilities of Owners and Occupants

11 (1) Every Owner or Occupant will:

- a) ensure that Collectable Waste, Electronics and Bulky Waste are placed for collection in accordance with this by-law;
- b) clean up any type of Solid Waste which has escaped from its container;
- c) store any waste refrigerator or freezer either inside an enclosed and locked building or with the doors of the refrigerator or freezer removed;
- d) the proper preparation of all Solid Waste in accordance with this by-law; and
- e) abide by all lawful directives of the MJSB about the handling of Solid Waste materials.

Rejection of Waste

- 12 (1) Any type of Solid Waste which has been set out for collection is subject to inspection by the MJSB and any such Solid Waste found or believed to be set out in violation of the requirements of this by-law may be rejected and not collected.
- (2) Waste which is so rejected will have a Rejection Sticker saying the reason or reasons for rejection and information as to how to fix or get direction to fix the problem.
- (3) No person will permit any rejected materials to remain at the collection placement spot after 12:01 a.m. on the day after collection.

- (4) Any rejected Solid Waste, as designated by a rejection sticker, will remain the property of the Owner.

Time for Removal of Containers

- 13 (1) No owner will permit Solid Waste to remain in front of the building and adjacent to or at the curb except between 5:00 p.m. on the day before collection and 12:01 a.m. on the day after collection.
- (2) Solid Waste placed for collection in a manner contrary to the provisions of this by-law will not be collected and such Solid Waste is to be removed no later than 12:01 a.m. on the day after collection.

Commercial Containers

- 14 (1) An Owner or Occupant of any premise in which a Commercial Container is located must ensure the Commercial Containers:
- a) are sturdily constructed of weather-proof material and be water tight;
 - b) are inaccessible to pests, rodents, vermin, seagulls or animals; be equipped with a tight-fitting lid with a positive closing device which is to be kept closed except when the container is being loaded or unloaded;
 - c) are kept in a clean manner;
 - d) are kept in a state of good repair;
 - e) has the name and telephone number of the owner of the container and the type of material to be deposited;
 - f) has the following message "garbage" or "landfill", where institutional, commercial or industrial waste is to be deposited in the commercial container;
 - g) has the following message "recyclables", where Blue Bag Recyclables are to be deposited in the Commercial Container;
 - h) has the following message "paper or cardboard", where fibre Recyclables are to be deposited in the Commercial Container; and,
 - i) has the following message "organics", where Organic Materials are to be deposited in the Commercial Container.

- (2) An Owner or Occupant of any premises where a Commercial Container is located can not permit the Commercial Container to be loaded other than uniformly and ensure that no Solid Waste extends beyond the internal volume of the container.
- (3) An Owner or Occupant of any premises where a Commercial Container is located:
 - a) must be placed on a surface which is hard, level and weather-resistant;
 - b) must keep the area surrounding the container free from litter and waste; and
 - c) must arrange for the container to be emptied on a regular basis, as required.

Haulers

- 15 (1) All private collections of Solid Waste must be in compliance with relevant Federal/Provincial/Municipal statutes and regulations.
- (2) All private collection vehicles must:
 - a) be maintained in good condition and be properly-staffed and equipped to ensure safe collection of Solid Waste;
 - b) comply with the **Motor Vehicle Act** and any other regulations or legislation in effect from time to time;
 - c) be designed to prevent any contents (including liquids) from falling out, being spilled, or scattering from the vehicle whether in motion or not, as they enter the LRCRC front gates;
 - d) if used in the collection of more than one type of waste, be constructed to prevent cross-contamination between the various waste streams;
 - e) be equipped with a tailgate or other restraining device; and be closed-in or equipped with a tarpaulin or equivalent cover device ~~which shall be used~~ to cover Solid Waste while it is being transported.
- (3) All private collection of any Solid Waste will be made directly to the private collection vehicle from the premises where it was generated.

- (4) All Solid Waste collected through private collections, and that is to be delivered to the LRCRC, will be in agreement with the Regulations circulated by the operator of the LRCRC regarding acceptance and receipt of Solid Waste at the LRCRC.
- (5) In the event of any spillage, the vehicle operator will be responsible for the clean-up, which will be done immediately.

Electronics

- 16 (1) Every Owner or Occupant can place Electronics curbside once per year.
- (2) Every Owner or Occupant may also deliver Electronics to a recognized Electronics return collection facility in Nova Scotia for reuse and recycle.

Household Hazardous Waste

- 17 (1) Every Owner or Occupant must store any Household Hazardous Waste generated in a safe and secure place and must deliver the household hazardous waste, as soon as is reasonably possible, to the Household Hazardous Waste Depot ("HHW Depot") at the LRCRC.
- (2) No person can dispose of, allow or permit the disposal of, Household Hazardous Waste at any location within the Municipality.

Construction or Demolition Materials

- 18 (1) Every Owner or Occupant must deliver any Construction or Demolition Waste – over and above those collected by the Municipality – to the appropriate area or site within the LRCRC or an approved C&D debris disposal site.
- (2) No person can dispose of Construction or Demolition Materials by stockpiling, storing or any other method.

Lunenburg Regional Community Recycling Centre

- 19 (1) The Municipality has designated, by resolution, the Lunenburg Regional Community Recycling Centre ("LRCRC") as the receiving site for solid waste generated by its residents – within the restrictions as set in this by-law and other restrictions as set by the operator of LRCRC.
- (2) The operator or other authorized staff of the LRCRC may refuse to accept a load of Solid Waste for the following reasons:
 - a) The load is comprised of, or contains, Solid Waste other than the type of Solid Waste that the LRCRC has been approved to accept; or

- b) It is a load that a tipping fee has not yet been set or negotiated with the Solid Waste generator or hauler; or
 - c) It is a load that a tipping fee has not yet been paid to the LRCRC; or
 - d) It is a load that tipping fee payment arrangements satisfactory to the operator or authorized staff have not yet been made.
- (3) No person can dispose of, allow or permit the disposal of, any type of Solid Waste around or adjacent to the LRCRC in the following circumstances:
- a) when the LRCRC is not open and operational; or
 - b) after the operator or authorized staff of the LRCRC has refused to accept solid waste.
- (4) All private collection vehicles must be equipped with a tailgate or other restraining device; and be closed-in or equipped with a tarpaulin or equivalent cover device to be used to cover Solid Waste while it is being transported from the LRCRC front gates to the scale house.

Legal and Illegal Disposal

- 20 (1) With the exception of the placement of Solid Waste for collection in accordance with this by-law, the delivery of Electronics or Household Hazardous Wastes to depots or other disposals allowed for in this by-law, no person can dispose of, allow or permit the disposal of, Solid Waste, or Unacceptable Waste at any location or manner in the Municipality except as follows:
- a) backyard composting carried out in such a manner as to not constitute a nuisance;
 - b) subject to Federal or Provincial law to the contrary, the disposal of waste trees, brush or portions thereof or other organic farm or forestry waste on privately-owned forest or farmland in such a manner as to not constitute a nuisance;
 - c) subject to Federal or Provincial law or other Municipal By-laws to the contrary, the disposal aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as fill in such a manner as to not constitute a nuisance.

- (2) No person can dispose of, allow or permit the disposal of, any Solid Waste in a permanent container or box for storage of Solid Waste unless that person is, or has the permission of, the Owner of the container or at a box or collection placement spot approved by the Municipality for another Owner or Occupant.
- (3) No person can dispose of, allow or permit the disposal of, any Unacceptable Waste or rejected Solid Waste in, at or near a permanent container or box for storage of Solid Waste or collection placement spot approved by the Municipality for another Owner or Occupant.
- (4) No person can dispose of, allow or permit the disposal of, Construction or Demolition Materials at any location other than at the LRCRC or an approved C&D debris disposal site.
- (5) Proof that any type of Solid Waste, which was disposed of in contravention of this by-law, originated from a particular person, from the residence of a particular person, from a particular premises, or from a particular vehicle (as defined by the **Motor Vehicle Act** of Nova Scotia), can, in the absence of evidence convincing a court to the contrary, be evidence sufficient for a court to conclude that the identified person – or the Owner or current Occupant of the residence or premises – or the owner of the vehicle - was the person who disposed of that Solid Waste, or a portion of the waste, or allowed or permitted it to be disposed of.

General Prohibitions

- 21
- (1) Where an Owner or Occupant properly places any authorized form of Solid Waste out for collection by the Municipality's contractor, the Solid Waste becomes the property of the Municipality and only authorized personnel are permitted to remove it; except under circumstances stated below in this by-law.
 - (2) No person can pick over, remove, collect, disturb or interfere with any type of Solid Waste that has been placed out for collection.
 - (3) The prohibitions in the above two sections 21 (1) and (2) do not apply to:
 - a) the person who placed the Solid Waste for collection; or
 - b) Wood Waste, Metal Items and Bulky Waste that is allowed to be placed for collection under this bylaw. material, appliances or furniture; and any other materials placed out for Bulky Waste collection. When removal of such materials is done, remaining materials must be left in an orderly manner, that does not interfere with pedestrian or vehicular traffic.

- (4) No person can dispose of any type of Solid Waste by burning it-
- (5) No person can place any type of Solid Waste generated from outside the Municipality for collection at a designated collection location for an Owner within the Municipality.
- (6) No Owner or Occupant can permit or authorize the accumulation of Solid Waste on or around property including uncollected Solid Waste to remain on or around property other than in an approved storage container as outlined elsewhere in this bylaw.

Export of Solid Waste

- 22 (1) No person can transport any type of Solid Waste generated within the Municipality to any location other than the LRCRC site or outside the boundaries of the area served by the LRCRC but for the following exceptions:
- a) Construction or Demolition Materials to an approved C&D debris disposal site;
 - b) "Direct haul" of residual waste to Kaizer Meadow, an approved Solid Waste disposal site, only when authorized by the operator of LRCRC;
 - c) Electronics that may be taken to a recognized electronics return collection facility in Nova Scotia; and
 - d) any other special arrangement authorized in writing by the operator of the LRCRC.

Enforcement and Penalties

- 23 (1) Any person who disposes of, or permits the disposal of, any Solid Waste including Construction or Demolition Materials and/or Residual Waste other than in accordance with this bylaw is guilty of a summary offense and is liable, upon conviction, to a fine of not less than One Thousand (\$1,000.00) and not more than Five Thousand Dollars (\$5,000.00), and in default of payment to a term of imprisonment not to exceed ninety (90) days.
- (2) Any person who violates any other provision of, or allows any other thing to be done in violation of, this by-law is guilty of a summary offense and is liable, upon conviction, to the following:
- a) for a first offense, a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than One Thousand Dollars (\$1,000.00) and in

- default of payment to a term of imprisonment not to exceed thirty (30) days;
- b) for a second offense, a fine of not less than Three Hundred and Fifty Dollars (\$350.00) and not more than Two Thousand Dollars (\$2,000.00) and in default of payment to a term of imprisonment not to exceed sixty (60) days; and,
 - c) for each subsequent offense, a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00) and in default of payment to a term of imprisonment not to exceed ninety (90) days.
- (3) Any person who obstructs or hinders any person in the performance of their duties under this bylaw is guilty of a summary offense and is liable, upon conviction, to a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), and in default of payment to a term of imprisonment not to exceed ninety (90) days.
 - (4) Where a person is convicted of an offence under this by-law and the court is satisfied that, as a result of the commission of the offence, clean-up or site remediation costs were incurred, whether by the MJSB or by a person, the Court may order the offender to pay, in addition to all other fines and penalties, restitution to the MJSB or person in an amount equal to the ~~said~~ clean-up or remediation costs.
 - (5) Following the provisions of the **Municipal Government Act**, in addition to a fine imposed for violation of this by-law, a judge may order the imposition of a penalty in relation to any fee, cost, rate, toll or charge associated with the conduct that gave rise to the offence.
 - (6) Following the provisions of the **Municipal Government Act**, in addition to a fine imposed for violation of this by-law, a judge may order compliance with this by-law within a specified time.
 - (7) Each day that a person commits any offence under this by-law is a separate offence.
 - (8) Where a breach of this by-law is anticipated or is of a continuing nature, the MJSB may, in agreement with the provisions of the **Municipal Government Act**, apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order and the judge may make any order that the justice of the case requires.

Administrative Ticketing

Solid Waste Collection & Disposal By-law

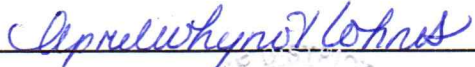

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- 24 (1) In place of prosecution under this by-law, the MJSB may issue to any person it believes, upon reasonable grounds, has committed an offence under this by-law a Notice of Alleged Violation allowing the person it is directed to avoid possible prosecution by means of the voluntary payment of a sum of money.
- (2) Any person who receives A Notice of Alleged Violation in relation to this bylaw and where the Notice so provides, may pay a penalty in the amount of One Hundred Dollars (\$100.00) to the office of the MJSB provided that payment is made within fourteen (14) days of the date of issuance of the Notice and payment will be in full satisfaction thereby releasing the person named from prosecution for the alleged violation.
- (3) Nothing in this by-law requires the MJSB to issue a Notice of Alleged Violation in place of initiating a prosecution in relation to an alleged violation.

Repeal

25 The Solid Waste Collection and Disposal By-law of the Municipality of the District of Lunenburg adopted by Municipal Council on February 19, 2014 and amended on June 24, 2014 is hereby repealed and replaced with this new By-law.

Annotation for Official By-law Book

Date of first reading	March 8, 2022
Date of advertisement of notice of intent to consider	March 23, 2022
Date of second reading	April 12, 2022
*Date of advertisement of passage of by-law	April 20, 2022
Date of mailing a certified copy of by-law to Minister	April 21, 2022
I certify that this Solid Waste Collection & Disposal By-law was adopted by Municipal Council and published as indicated above.	
 April Whynot-Lohnes, Municipal Clerk	 Date

*Effective date of the by-law unless otherwise specified in the text of this by-law.

