
**TOWN OF BRIDGEWATER
SOLID WASTE MANAGEMENT
BY-LAW ENFORCEMENT POLICY**

Policy No.	84
Approved:	December 9, 2013
Resolution No.:	13-296

The Town of Bridgewater supports education as a first step before prosecution.

PURPOSE

To establish a clear procedure for the enforcement of the Town of Bridgewater's Solid Waste Management By-law and sections of the Province of Nova Scotia's Environment Act and Regulations pertaining to solid waste disposal. The Town of Bridgewater, hereafter, will be referred to as the Town.

POLICY STATEMENT

1. **The Town shall follow the procedures set out in this policy for enforcing the following:**
 - a. Town of Bridgewater's Solid Waste Management By-law
 - b. *Nova Scotia Environment Act* - Part IX, Section 99 - Litter Prevention
 - c. *Nova Scotia Environment Act* - Part XIII, Section 127 - Litter-control Order
 - d. Nova Scotia Solid Waste Resource Management Regulations - Division I, Part III, Section 19 - Prohibition against Littering
 - e. Nova Scotia Solid Waste Resource Management Regulations - Division II, Part III, Section 36 - Open Burning Ban
 - f. Such other or further matters as may be added by amendment to this policy

2. **Investigation of a Solid Waste Management By-law or Environment Act Offense/ Efforts to Achieve Compliance**

The Solid Waste By-law Enforcement Officer is responsible for the investigation of all alleged violations of the Town's Solid Waste Management By-law and sections of the *Nova Scotia Environment Act* for which he or she has been recognized by the Minister of Environment, to enforce. Upon determination by the Solid Waste By-law Enforcement Officer that a violation has occurred, reasonable steps shall be taken to have the generator of the waste or the waste hauler delivering waste to the Lunenburg Regional Community Recycling Centre (LRCRC), remedy the violation.

- a. In cases of curbside waste rejection or improperly placed waste in violation of the Town's Solid Waste Management By-law, the steps taken by designated staff from the LRCRC, the Solid Waste By-law Enforcement Officer and the Town's contracted

- residential waste hauler shall include:
- i. Designated staff from the LRCRC or the Town's contracted residential waste hauler will reject unacceptable or unsorted waste three times with a waste rejection sticker, stating the reason for the rejection and recording the civic address. When rejected by the designated staff from the LRCRC, a letter will be issued to the property owner where the waste has been placed, waste sorting brochures and provide the contact information for the designated LRCRC staff. Copies of each letter will be retained within the LRCRC's rejection files. When rejected by the Town's contracted residential waste hauler, the Residential Route Supervisor will make an attempt to communicate in person with the property owner thought to have generated the waste and provide waste sorting brochures and the Residential Route Supervisor's contact information. In cases where three rejections are issued by the Town's contracted residential waste hauler, the Residential Route Supervisor will notify the designated staff at the LRCRC and a letter will be written to the property owner.
 - ii. Where the violation is observed to continue despite three waste rejections and reasonable steps to communicate and remedy the violation, the designated staff from the LRCRC will notify the Solid Waste By-law Enforcement Officer. The Solid Waste By-law Enforcement Officer may issue a Notice of Alleged Violation in lieu of prosecution to any person it believes, upon reasonable grounds, has committed an offense under the Town's Solid Waste Management Bylaw, including residents and businesses.
 - iii. When the resident or company issued a Notice of Alleged Violation pays the Municipal Clerk the prescribed penalty within 14 days of issuance, the resident or company named shall be released from prosecution for the said alleged violation.
- b. In cases of residentially or commercially-generated solid waste being delivered unsorted or unsecured to the LRCRC, in violation of the Town's Solid Waste Management By-law and the LRCRC's Regulations for the Admission and Disposal of Waste:
- i. The Solid Waste By-law Enforcement Officer will document the unsorted or unsecured waste through detailed photos and the corresponding scale house ticket. An unsorted waste tipping fee may also be immediately applied at the discretion of the LRCRC Site Operator, as per the Regulations for the Admission and Disposal of Waste. Each load of documented, unsorted or unsecured waste will result in a letter issued to the resident or the manager of the company which has delivered the commercial waste. Those delivering unsorted waste will receive a waste sorting brochure with the letter. Those delivering unsecured loads of waste will receive a copy of the Town's Solid Waste Management Bylaw and the Solid Waste By-law Enforcement Officer's contact information.
 - ii. Where the violation is observed to continue despite three unsorted or unsecured waste letters and reasonable steps to communicate and remedy the violation, the

Solid Waste Bylaw Enforcement Officer may issue a Notice of Alleged Violation in lieu of prosecution to any person it believes, upon reasonable grounds, has committed an offense under the Town's Solid Waste Management Bylaw, including residents and businesses.

iii. When the resident or company issued a Notice of Alleged Violation pays the Municipal Clerk the prescribed penalty within 14 days of issuance, the resident or business named shall be released from prosecution for the said alleged violation.

c. In cases of improper maintenance of commercially-owned containers, in violation of the Town's Solid Waste Management By-law:

i. The Solid Waste By-law Enforcement Officer will document improper maintenance through detailed photos and issue a letter and a copy of the Town's Solid Waste Management By-law to the manager of the company which owns the commercial waste container. The Solid Waste By-law Enforcement Officer will provide his or her contact information.

ii. Where the violation is observed to continue despite three improper maintenance letters and reasonable steps to communicate and remedy the violation, the Solid Waste By-law Enforcement Officer may issue a Notice of Alleged Violation in lieu of prosecution to the company.

iii. When the company issued a Notice of Alleged Violation pays the Municipal Clerk the prescribed penalty within 14 days of issuance, the company named shall be released from prosecution for the said alleged violation.

3. Investigation of Illegal Dumping of Household Solid Waste, Household/Commercial Hazardous Waste and/ or Construction and Demolition Waste

The Solid Waste By-law Enforcement Officer shall be responsible for investigating alleged dumping of household solid waste, household/commercial hazardous waste and/ or construction and demolition waste. Investigations shall be undertaken in response to information received from the public, the Town's contracted waste hauler and/ or designated staff from the LRCRC.

a. Upon determination by the Solid Waste By-law Enforcement Officer that a violation has occurred, reasonable steps shall be taken to have the owner upon which lands the violation has occurred or the waste generator, remedy the violation.

4. Prosecution Procedures

Prosecution of a property owner, person responsible for three instances of unsorted or unsecured waste or a single incident involving illegally dumped waste shall only occur once reasonable steps to remedy, as outlined in Section 2 and Section 3 of this policy have been taken by the Solid Waste By-law Enforcement Officer and the property owner

or person responsible has not remedied the violation. All decisions respecting the laying of a charge will be made based on sound judgment and principles of fairness and equality. In addition, the Town shall follow established principles in deciding whether to lay charges; which shall be:

- a. The decision to lay a charge concerning a minor offense using a Summary Offense Ticket (SOT) will be considered in cases of improperly placed, unsorted waste and unsecured loads after three violations have occurred and a Notice of Alleged Violation has been issued;
- b. The Solid Waste By-law Enforcement Officer will only proceed with a charge where there are reasonable grounds to believe that an offense has occurred.
- c. The decision to lay a charge concerning an offense of a more serious nature such as illegal dumping or which involve repeat offenders, as well as the method of charge used will be made by the Solid Waste By-law Enforcement Officer in consultation with the Municipal Solicitor, Director of Engineering and Public Works and the Chief Administrative Officer.

5. The laying of charges shall be done in accordance with the Summary Proceedings Act and the Summary Offense Ticket Regulations.