

TOWN OF LOCKEPORT

BE IT RESOLVED that the Council of the Town of Lockeport, under the authority vested in it by the *Municipal Government Act, S.N.S. 1998, c. 18*, wishes to adopt the following by-law:

A BY-LAW TO PROVIDE FOR THE PROPER SEPARATION, STORAGE, PLACEMENT FOR PICK-UP, COLLECTION AND DISPOSAL OF ALL TYPES OF SOLID WASTE RESOURCES IN THE TOWN OF LOCKEPORT

SHORT TITLE:

1 This By-law shall be known and may be cited as the “Solid Waste Management By-law”.

DEFINITIONS:

2 In this By-law:

- a) “**blue bag recyclables**” means glass bottles, glass jars, cans (whether made of aluminum, steel or tin), polyethylene plastic bottles, plastic containers, plastic bags, milk and juice cartons, tetra packs, mini-sip containers and other items as designated by Council from time to time;
- b) “**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;
- c) “**bulky items**” means large items originating from a premises used as a residence and includes, but is not limited to: vacuum cleaners, upholstered furniture, mattresses, box springs, plastic barrels, and porcelain bathroom items such as toilets and sinks;
- d) “**collectible waste**” means organic materials, recyclable materials, and residual waste;
- e) “**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 whether or not such other materials are regulated by the Province of Nova Scotia and whether or not such material meets the definition of “C & D Debris” in the N.S.E. 1997 Guidelines for same;
- f) “**Council**” or “**council**” means the Council of the Town of Lockeport;
- g) “**dispose**” means any form of disposal whether temporary or permanent including the following: dump, deposit, store, place, or bury regardless of whether the material in question is dumped, deposited, stored or placed in a bin, box, other container or other containment method;

- h) **“dwelling”** means a building, or a unit in a building, occupied or intended to be occupied as a home, residence or sleeping place by one or more persons but does not include a hotel, motel, guesthouse or inn;
- i) **“eligible premises”** means all properties within the Town with the exception of certain restrictions placed on properties located on private roads as addressed elsewhere in this by-law;
- j) **“fibre recyclables”** means mixed paper, corrugated cardboard, newsprint, magazines, catalogues, flyers, telephone and other soft cover books and egg cartons or other similar items as are designated by Council from time to time;
- k) **“food waste”** means fruit and vegetable peelings, table scraps, meat, poultry, fish, shellfish, dairy products, cooking oil, grease and fat, bread, grain, rice, pasta, bones, egg shells, coffee grounds and filters, tea leaves and bags or other similar items;
- l) **“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 which contain hazardous substances, BBQ propane Tanks and small propane cylinders or canisters such as those used for camp stoves or propane torches;
- m) **“leaf and yard waste”** means grass clippings, leaves, brush, twigs, house and garden plants, sawdust and wood shavings or other similar items;
- n) **“municipal collection”** means the carrying out by, or on behalf of, the Town of scheduled collection of collectible waste from eligible premises;
- o) **“Town ”** or **“town ”** means the Town of Lockeport;
- p) **“non-collectible waste”** means all material other than collectible waste and, without limiting the generality of the foregoing, includes:
 - i) highly combustible or explosive materials including, without limiting, celluloid cuttings, motion picture film, oil or gasoline soaked rags, gas containers, chemicals, acids or other combustible residues, fine dry sawdust, ammunition, dynamite, or other similar material;
 - ii) materials that are considered pathogenic or biomedical including, without limiting, dressings, bandages or other infected materials or hypodermic needles discarded in the course of the practice of physicians, surgeons, dentists or veterinarians;

- iii) carcasses or parts of any animal except food waste;
 - iv) waste listed or characterized as hazardous by any Federal or Provincial law;
 - v) transient waste;
 - vi) liquid waste or material that has attained a fluid consistency and has not been drained;
 - vii) soil, rock and stumps;
 - viii) construction or demolition materials;
 - ix) wood, wooden pallets, wooden barrels and wooden furniture;
 - x) septic tank pumpings, raw sewage or industrial sludge;
 - xi) radioactive materials;
 - xii) industrial waste from factories or manufacturing processes;
 - xiii) manure, kennel waste, excreta, fish processing waste;
 - xiv) lead-acid automotive batteries and propane tanks;
 - xv) waste which has been placed for municipal collection but not in accordance with the provisions of this by-law; and
 - xvi) 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.
- q) “N.S.E.” means Nova Scotia Environment or its successor provincial department should there be a name change;
 - r) “**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 Town and includes any assignee or legal representative of same;
 - s) “**organic materials**” means food waste, leaf and yard waste, boxboard, soiled and non-recyclable paper, ashes or soot, branches and bushes, bare and natural Christmas trees and other material of plant or animal origin as designated by Council from time to time;
 - t) “**owner**” refers 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;

- u) **“recyclable materials”** means fibre recyclables and blue bag recyclables and other materials of a recyclable nature;
- v) **“residual waste”** means the following:
 - i) broken bottles, crockery and glassware – subject to the restrictions imposed elsewhere in this by-law;
 - ii) floor sweepings, pet litter, light bulbs, used disposable diapers, candy wrappers, discarded clothing and furnishings, broken toys, mats and small carpets, non-recyclable plastic and metal, non-recyclable packaging including Styrofoam™, non-repairable household goods and other household waste; and
 - iii) bulky items.
- w) **“soiled and non-recyclable paper”** means napkins, paper towel, fast food wrappers, wax paper, file folders, yellow & brown envelopes, wrapping paper, soiled pizza boxes, paper plates and cups, damp and soiled newspaper and flyers, sugar, flour & potato paper bags or other similar items;
- x) **“solid waste”** means collectible waste, non-collectible waste, special waste, construction or demolition materials, household hazardous waste, transient waste and any other waste or discarded tangible personal property;
- y) **“special waste”** means metals and white goods;
- z) **“transfer station”** means the Construction and Demolition Materials Transfer Station operated by the Town or on behalf of the Town;
- aa) **“transient waste”** means waste material generated outside the Town;
- bb) **“unit”** means a self-contained portion of a building occupied as a separate residence;
- cc) **“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

PACKAGING FOR MUNICIPAL COLLECTION:

- 3 No person shall place, or cause to be placed, organic materials out for municipal collection in a container other than a green cart or other very similar plastic container.

- 4 No person shall place, or cause to be placed, recyclable materials out for municipal collection in a container other than a blue plastic bag.
- 5 Notwithstanding the immediately preceding section, corrugated cardboard shall be flattened out and secured in convenient bundles weighing no more than 20 kilograms (54 lbs) each.
- 6 No person shall place, or cause to be placed, residual waste out for municipal collection in a container other than a clear plastic bag.

(a) Each household will be permitted to place one (1) black/opaque plastic bag, no larger than 75.3cm x 82.5cm (77L), of residual waste out for municipal collection on each regularly scheduled collection day.

PLACEMENT OF WASTE FOR MUNICIPAL COLLECTION:

- 7 Every owner or occupant shall place collectible waste or special waste out for municipal collection in a location at the end of the driveway servicing the premises from which the collectible or special waste was generated or along the shoulder of the street, road or highway which abuts the same premises and in the case of one sided collection in the safest most accessible location nearest the same premises on the appropriate side of the street, road or highway, in both cases, in a manner which does not obstruct pedestrian traffic, vehicular traffic or snow removal operations on the said street, road or highway.
- 8 No person shall place recyclable or organic materials out for municipal collection, if placed outside a collection bin, other than in a location as described in the preceding clause and also unless separated from other collectible waste.

COLLECTIBLE WASTE — PREPARATION AND RESTRICTIONS:

- 9 No person shall place, or cause to be placed, any collectible waste out for municipal collection on any one municipal collection day unless done so in accordance with the following restrictions:
 - a) broken bottles, crockery and glassware shall be tightly wrapped in cardboard or other suitable material and clearly marked “GLASS” in order to minimize risk of injury to municipal collection personnel;
 - b) ashes and soot shall be completely cooled; and
 - c) an oil tank must be completely empty and shall not exceed 200 gallons (910 litres) in capacity
- 10 An owner or occupant may place, or cause to be placed, any number of blue bag recyclables and fibre recyclables eligible for municipal collection from eligible premises.

- 11 No person shall place, or cause to be placed, any collectible waste out for municipal collection before 12:00 noon of the day immediately preceding the day scheduled for municipal collection.
- 12 Every owner or occupant shall place collectible waste out for collection by 7:00 a.m. of the day scheduled for municipal collection.
- 13 No person shall permit any empty or rejected container or any rejected materials to remain at the municipal collection placement spot after 12:00 noon of the day immediately following the day scheduled for municipal collection.
- 14 No person shall place, or cause to be placed, any non-collectible waste in, at or near the locations described above as being appropriate for the placement of collectible waste for municipal collection.

MUNICIPAL COLLECTION ZONES:

- 15 The Council may:
 - a) divide the Town into zones for the purpose of municipal collection of collectible waste from eligible premises on various days of the week;
 - b) designate a particular day of the week and frequency for municipal collection of collectible waste in each zone;
 - c) alter the boundaries of zones as deemed necessary on reasonable notice to the public; and
 - d) designate areas, streets, roads or collection zones where the municipal collection of waste at roadside shall be one-side collection only for the purposes of safety, efficiency and accessibility.

MUNICIPAL COLLECTION DAYS:

- 16 Regularly-scheduled municipal collection of collectible waste from eligible premises shall take place on a schedule and frequency determined by Council commencing at 7:00 a.m.
- 17 When a regularly scheduled day for municipal collection falls on New Years Day or Christmas Day, there shall be no municipal collection on that day and the regularly scheduled municipal collection of collectible waste will be rescheduled to an alternate day which may be:
 - a) Saturday;
 - b) combined with another municipal collection day; or

- c) a day in the week following or preceding the normal municipal collection week.
- 18 The schedule of exact dates for municipal collection of collectible waste in the various zones may be published from time to time and circulated within the Town.

COLLECTION OF SPECIAL WASTE:

- 19 The Council may designate a day or days in the Spring, as well as a day or days in the Fall, for municipal collection of special waste as defined in this by-law.
- 20 No person shall place a refrigerator, freezer, air conditioner or dehumidifier out for municipal collection except on a day designated by Council for the municipal collection of same.
- 21 No person shall place, or cause to be placed, other special waste out for municipal collection except on a day designated by Council for the municipal collection of same and in accordance with the following restrictions:
 - a) such special waste shall be packaged, bundled or boxed so as to facilitate removal and handling;
 - b) each individual package, bundle or box of such other special waste shall not exceed 100 kilograms (220 lbs) in weight;
 - c) each individual package, bundle or box of such other special waste shall not exceed 190 cm (75 inches) in any dimension; and
 - d) the total of such other special waste, per premises, placed out for municipal collection on any one day shall not exceed 5.0 cu. m. (177 cu. ft.) in total volume.
- 22 No person shall place, or cause to be placed, any special waste out for municipal collection before 12:00 noon of the day immediately preceding the day designated by Council for municipal collection of same.
- 23 Every owner or occupant shall place special waste out for collection by 7:00 a.m. of the day scheduled for special collection.
- 24 No person shall permit any rejected or residue special waste to remain at the municipal collection placement spot after 12:00 noon of the day immediately following the day designated by Council for municipal collection of same.

RESPONSIBILITIES OF OWNERS AND OCCUPANTS:

- 25 Every owner or occupant shall:
- a) properly store all collectible waste generated at his or her premises between regularly scheduled municipal collection dates;
 - b) take all reasonable measures to ensure green carts and similar plastic containers are kept in good repair and in a sanitary condition;
 - c) take all reasonable measures to ensure that any solid waste container is covered and secured at all times except when being emptied or filled;
 - d) clean up any type of solid waste which has escaped from its container;
 - e) store collectible waste outside the main building on the eligible premises in containers which are inaccessible to pests, rodents, vermin, seagulls or animals;
 - f) store any waste refrigerator or freezer either inside an enclosed and locked building or with the doors of the refrigerator or freezer removed;
 - g) ensure the proper preparation of all collectible waste in accordance with this by-law; and
 - h) ensure that collectible waste or special waste is placed for municipal collection in accordance with this by-law.

REJECTION OF WASTE:

- 26 Any type of solid waste which has been set out for municipal collection is subject to inspection by the Town or its agents and any such solid waste found or deemed by same to not be set out in accordance with the requirements of this by-law may be rejected and not collected.
- 27 In the event that collectible waste or special waste is rejected for municipal collection by the Town or its agents, a tag shall be affixed to each such container, bag or bundle indicating the reason or reasons for rejection and a written record of such rejection, and the reasons therefore, may be kept by the Town.

COLLECTION BINS

- 28 Outdoor or roadside box or bin is acceptable as for placement of collectible waste provided it meets the following specifications:
- a) Constructed of wood or other material so as to be inaccessible to pests, rodents, vermin, seagulls or animals

- b) Affixed with a securely-hinged lid weighing not more than 12 kilograms (26 lbs);
 - c) Shall have a support to hold the lid open while the contents are being emptied;
 - d) Be maintained at all times in a neat and sanitary condition and kept in good repair.
- 29 White goods or other insulated boxes of any kind are not permitted to be used as a collection bin.
- 30 The placement of any collection bin shall meet the requirements for the proper placement of collectible waste as outlined elsewhere in this by-law.
- 31 The area inside and surrounding any collection bin shall be kept in a neat and clean condition free of any litter or non-collectable waste.

PRIVATE ROADS:

- 32 Every person whose premises is located on a Private Road may be required to, on the appropriate municipal collection day, transport all collectible waste generated from that premises to a designated location on the shoulder of the nearest public road and, in the case of one-sided collection, on the appropriate shoulder of said public road; and in such a manner not to constitute a nuisance.
- 33 Notwithstanding the foregoing, the Town or its agent may, at certain times of the year and depending on a variety of factors, including safety concerns and accessibility, notify owners or occupants of premises located on a Private Road that collection will take place in front of each individual premise, or certain of them, for a period of time.

LEGAL AND ILLEGAL DISPOSALS:

- 34 Except for the placement of collectible waste for municipal collection in accordance with this By-law, no person shall dispose of – or cause or permit the disposal of – solid waste, at any location or manner in the Town except as follows:
- a) backyard composting carried out in such a manner as to not constitute a nuisance;
 - b) subject to any 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 farm land in such a manner as to not constitute a nuisance;
 - c) subject to any Federal or Provincial law or other Town By-laws to the contrary, the disposal of aggregate, soil, bricks, mortar, concrete or asphalt pavement as fill in such a manner as to not constitute a nuisance.
- 35 No person shall dispose of, or cause or permit the disposal of, construction or demolition materials at any location in the Town.

- 36 No person shall dispose of, or cause or permit the disposal of, household hazardous waste at any location in the Town.
- 37 Proof that any type of solid waste, which was disposed of in contravention of this by-law, originated from a particular person, or from the residence of a particular person, shall, in the absence of evidence sufficient to convince a court to the contrary, be evidence sufficient for a court to infer that the said particular person so disposed of that solid waste, or a portion of that solid waste, or caused or permitted it to be disposed of.

HOUSEHOLD HAZARDOUS WASTE:

- 38 Every owner or occupant shall store any household hazardous waste generated by same in a safe and secure manner and place and shall deliver same, as soon as is reasonably possible, to the Household Hazardous Waste Depot.
- 39 No person shall dispose of, or cause or permit the disposal of, any type of household hazardous waste in or adjacent to the Household Hazardous Waste Depot after authorized staff of the HHW depot has refused to accept same.
- 40 No person shall dispose of, or cause or permit the disposal of, any type of household hazardous waste in or adjacent to the Household Hazardous Waste Depot when the HHW depot is not open and operational.

MUNICIPAL SOLID WASTE MANAGEMENT FACILITY

- 41 The Construction and Demolition Materials Transfer Station operated by the Town or, on behalf of the Town, is a Municipal Solid Waste Management Facility and the operator or other authorized staff of same may refuse a load of solid waste:
- a) which is comprised of, or contains, solid waste other than the type of solid waste for which that facility has been designed; or
 - b) for which a tipping fee has not yet been set or negotiated with the solid waste generator or collector; or
 - c) for which a tipping fee has not yet been paid to the facility; or
 - d) for which tipping fee payment arrangements – satisfactory to the Town – have not yet been made.
- 42 No person shall dispose of, or cause or permit the disposal of, any type of solid waste in or at the Construction and Demolition Materials Transfer Station after authorized staff of the transfer station has refused to accept same.

- 43 No person shall dispose of, or cause or permit the disposal of, any type of solid waste near or adjacent to the Construction and Demolition Materials Transfer Station when the transfer station is not open and operational.

GENERAL PROHIBITIONS:

- 44 No person shall pick over, remove, collect, disturb or otherwise interfere with any type of solid waste or container.
- 45 The above prohibition does not apply to:
- a) the person who placed the solid waste or container either out for collection or into the collection bin; or
 - b) waste wood material, appliances or furniture and other reusable bulky items which have not been secured inside a regulation container.
- 46 No person shall dispose of any type of solid waste (including Leaf & Yard Waste) by the burning of same.

ENFORCEMENT and PENALTIES

- 47 Any person who disposes of solid waste other than in accordance with this by-law 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.
- 48 Any person who violates any other provision of, or permits anything 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 One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) and in default of payment thereof to a term of imprisonment not to exceed thirty (30) days;
 - b) for a second offense, a fine of not less than One Hundred Dollars (\$100.00) and not more than Two Thousand Dollars (\$2,000.00) and in default of payment thereof to a term of imprisonment not to exceed sixty (60) days;
 - c) for each subsequent offense, a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Thousand Dollars (\$5,000.00) and in default of payment thereof to a term of imprisonment not to exceed ninety (90) days.

- 49 Any person who obstructs or hinders any person in the performance of their duties under this by-law 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.
- 50 Pursuant to the provisions of the *Municipal Government Act*, in addition to a fine imposed for violation of this by-law a judge may order the person to comply with this by-law within a time period specified in the order.
- 51 Each day that a person commits any offence under this by-law constitutes a separate offence.
- 52 Where a breach of this by-law is anticipated or is of a continuing nature, the Town may, pursuant to 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.
- 53 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 Town or by a person, the Court may order the offender to pay, in addition to all other fines and penalties, restitution to the Town or person in an amount equal to the said clean-up or remediation costs.

ADMINISTRATIVE TICKETING

- 54 In lieu of prosecution under this by-law the Town may, through its designated employee or employees and in its sole discretion, 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 to whom it is directed to avoid possible prosecution by means of the voluntary payment of a sum of money.
- 55 Any person who receives a Notice of Alleged Violation in relation to this by-law and where the said Notice so provides, may pay a penalty in the amount of Fifty Dollars (\$50.00) to the office of the Town Clerk provided that said payment is made within fourteen (14) days of the date of issuance of the Notice and said voluntary payment shall be in full satisfaction in relation to that particular Notice and shall thereby release the person named from prosecution for that particular alleged violation.
- 56 The making of a voluntary payment pursuant to a Notice of Alleged Violation under the preceding section does, in no way, relieve the alleged violator from compliance with this by-law including clean-up of solid waste disposed of in violation of this by-law.
- 57 Nothing in this by-law requires the Town to issue a Notice of Alleged Violation in lieu of initiating a prosecution in relation to an alleged violation.

REPEAL:

58 The former Solid Waste Management By-law passed by the Town of Lockeport is hereby repealed and this By-Law substituted therefore.

Date – First Reading: April 9, 2018

Date – Notice, in paper, to Public: April 25, 2018

Date – Second Reading: May 14, 2018

Adopted by the Council of the Town of Lockeport

The 14th day of May, 2018

Town Clerk/Treasurer (Sign) Joyce Y. Young

Town Clerk/Treasurer (Print) Joyce Y. Young Date: May 15, 2018

Date – mailed 1 certified copy of By-Law to DMA: June 14, 2018

Stamped filed with Minister responsible for Department of Municipal Affairs.

Date: _____

- Date – ad re: passage of By-Law: June 13, 2018
- Effective date of By-Law unless otherwise specified in the text of the By-Law

THIS IS TO CERTIFY that the foregoing is a true copy of a By-Law passed at a duly convened meeting of the Council of the Town of Lockeport, held the 14th day of May, 2018

Given under the hand of the Town Clerk/Treasurer and under the seal of the Town of Lockeport this 14th day of June, 2018.

Joyce Y. Young
Town Clerk/Treasurer