

Chapter 47
Pictou County Solid Waste Management System,
Solid Waste-Resource Management By-law

1.0 DEFINITIONS

In this By-law:

- 1.1 **“boxboard”** means cereal, shoe, tissue, detergent, cracker, cookie, baking product and frozen food boxes, toilet paper rolls, and paper towel rolls, and other similar items, with plastics removed.
- 1.2 **“bulky items”** means large items of a household nature including, but not limited to furniture, stoves, mattresses, bedsprings, barrels, water tanks, dishwashers, oil tanks, and pieces of fencing.
- 1.3 **“by-law officer”** means any town police officer or by-law officer of the municipality where an offence takes place.
- 1.4 **“clear bag recyclables”** 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), and other items designated by the System from time to time.
- 1.5 **“compostable organics”** or **“organics”** means food waste, leaf and yard waste, boxboard, soiled and non-recyclable paper, branches and bushes, natural Christmas trees without decorations and stands, and other material of plant and animal origin as designated by the System from time to time.
- 1.6 **“construction and demolition waste”** means materials which are normally used in the construction of buildings, structures, roadways, walls and other landscaping material, and includes, but is not limited to soil, asphalt, brick, mortar, concrete, drywall, plaster, cellulose, fibreglass fibres, lumber, and wood and asphalt shingles.
- 1.7 **“dwelling”** or **“dwelling unit”** means a self-contained portion of a building occupied as a separate residence.
- 1.8 **“eligible premises”** means those properties within the jurisdiction of the System which are eligible for System collection.
- 1.9 **“fibre recyclables”** means mixed paper, corrugated cardboard, newsprint, magazines, catalogues, flyers, telephone and other soft cover books, egg cartons, and other similar items designated by the System from time to time.

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- 1.10** “**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 and other similar items.
- 1.11** “**RSD1 Committee**” means the Regional Services Division 1 Committee of the Pictou County District Planning Commission.
- 1.12** “**General Manager**” or “**Manager**” means the General Manager of Pictou County Solid Management System, the successor to such position, or a person designated by the Manager to act in place of the Manager.
- 1.13** “**household hazardous waste**” or “**HHW**” means waste-resource materials of a potentially hazardous nature generated in households and includes, for example, products such as solvents, glues, cleaners, paints and finishes, asphalt sealers, gasoline, diesel, kerosene, pesticides, lawn and garden chemicals, poisons, roofing tar, pool chemicals, household batteries, and automotive fluids.
- 1.14** For the purposes of this By-law, hazardous waste does not include PCBs, radioactive materials, explosives, fireworks, pathological wastes, and ammunition.
- 1.15** “**industrial/commercial/institutional waste**” or “**IC&I waste**” means waste-resource generated in the IC&I sector.
- 1.16** “**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.
- 1.17** “**leaf and yard waste**” means grass clippings, leaves, brush, twigs, house and garden plants, sawdust and wood shavings, and other similar items.
- 1.18** “**mini-bin**” means a small container supplied to eligible premises by the System for the collection of organic materials prior to deposit in an organics collection cart.
- 1.19** “**oil tanks**” means residential oil tanks, cleaned, and empty of all liquids to a maximum size of 900 litres.
- 1.20** “**organics collection cart**” or “**cart**” means an aerated cart supplied to eligible premises by the System for the collection of organic materials.
- 1.21** “**recyclable materials**” means fibre recyclables, clear bag recyclables, and other materials of a recyclable nature.
- 1.22** “**residual waste**” or “**residuals**” means and includes all waste other than recyclable materials or compostable organic materials and include:
- 1.22.1** broken bottles, crockery and glassware, floor sweepings, discarded clothing and furnishings, non-recyclable plastic and metal, non-recyclable packaging, non-repairable household goods, and other household waste;
 - 1.22.2** non-recyclable glass that is securely wrapped or contained and clearly marked to prevent injury to collection personnel;
 - 1.22.3** bulky items;

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- 1.22.4 ashes and soot that is completely cold and dampened placed in plastic watertight bags securely tied and marked “ashes” or “soot”;
- 1.22.5 construction and demolition materials except for those which are recycled or re-used.

- 1.23 “soiled and non-recyclable paper” means dinner napkins, paper towels and fast food wrappers, wax paper, wrapping paper, soiled pizza boxes, paper plates and cups, damp and soiled newspaper and flyers, sugar, flour and potato paper bags, and other similar items.
- 1.24 “source separated waste-resources” means waste-resources which have been separated “at source”; i.e., at the point of generation to facilitate their reuse, recycling, composting, or disposal.
- 1.25 “Pictou” or “the System” means the Pictou County Solid Waste Management System as defined in the Nova Scotia Solid Waste-Resource Management Regulations and any amendments thereto.
- 1.26 “waste-resources” means all those materials managed by or on behalf of the System as recyclable, compostable, household hazardous waste, or residual waste.
- 1.27 “Waste-Resource Management Centre” means a facility operated by the System for receiving, storing, sorting, and shipping of waste-resources.

2.0 SYSTEM AND REGIONAL BY-LAW

- 2.1 The **Pictou County Solid Waste Management System**, hereinafter referred to as “the System”, is a Committee of the Pictou County District Planning Commission. The municipal parties to that Agreement have given the System responsibility for the management of solid waste-resources within their respective jurisdictions.
- 2.2 Pursuant to the Intermunicipal Services Agreement among the members of the System, it is agreed to establish a Solid Waste-Resource Management By-law for the efficient and consistent execution of the System’s mandate throughout the Pictou Region.
- 2.3 The General Manager of the System is responsible to the Regional Services Division 1 for the proper administration of its affairs in accordance with provincial legislation and regulations and the policies and plans approved and established by the System.

3.0 PROHIBITIONS

- 3.1 **Illegal Dumping**
No person shall dispose of waste-resources in the Pictou Region except at facilities permitted by Sections 19 and 31 of the provincial Solid Waste-Resource Management Regulations or where such permission is not required, as may be permitted by this By-law.
- 3.2 **Waste-Resource Burning**
No person shall burn waste-resources in the Pictou Region 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.

3.3 Materials Banned from Disposal by Provincial Regulation

No person shall dispose of the following materials in any landfill or incinerator:

- redeemed beverage containers;
- newsprint;
- used tires;
- corrugated cardboard;
- waste paint;
- Steel/tin food containers;
- High Density Polyethylene (HDPE #2) plastic beverage containers, food containers, detergent containers, shampoo containers, crates, boxes, pails and lids, windshield washer containers, non-hazardous household cleaner containers (not including pesticide and petroleum containers);
- Low Density Polyethylene (LDPE #4) industrial/commercial/institutional stretch wrap (pallet wrap);
- compostable organics;
- household hazardous waste; and
- any other materials which may be added to this list from time to time by the Governor in Council.

3.4 Material Banned from Disposal by the System

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 System. Publication of a list of such banned material in a newspaper or newspapers of general circulation in the Pictou Region shall constitute due and sufficient notice of the System's order for all purposes.

4.0 SOURCE SEPARATION REQUIREMENTS

4.1 Residential Waste-Resources

All waste-resources being generated from a residence shall be source-separated for collection by the occupant into categories according to the System's source-separation policy as determined from time to time by the System.

4.2 Industrial, Commercial, and Institutional (IC&I) Waste-Resources

IC&I sector establishments shall sort waste-resources so as to comply with the provincial and the System's disposal bans (see sections 3.3 and 3.4). Establishments eligible for and using the System Collection program shall comply with the System's Source-Separation Policy.

4.3 Public Waste-Resources

Those responsible for publicly accessible waste-resource 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-resources in accordance with this By-law and the System's Public Waste-Resource Policy.

5.0 SYSTEM COLLECTION

5.1 Cart/Clear Bag/Residual Waste Container Placement

Carts, clear bags, and residual 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 3 metres from the edge of the street, sidewalk, or roadway.

5.1.1 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.

5.1.2 Organics collection carts shall be placed at the roadside in an upright position with the lid closed.

5.1.3 In the case of multi-unit apartment buildings (those with more than four), the owner shall provide a storage enclosure for source-separated waste-resources in an easily accessible location on the building property meeting applicable municipal requirements. The owner's collection contractor will collect waste-resources from this location and deliver this material to locations approved by the waste management system.

5.1.4 Collection will be provided to all buildings (of four units or less) now or hereafter located on or adjacent to all public streets and roads in the towns of Trenton, New Glasgow, Stellarton, Westville, Pictou, and the Municipality of the County of Pictou.

5.1.5 Cottage and private roads will receive collection only when road conditions are such that collection can take place without damage to the road surface and/or vehicles used for collection. In the case of cottages, collection will be seasonal starting Victoria Day weekend and running until the Labour Day weekend.

5.2 Collection Times

5.2.1 Waste-resources shall be set out at roadside for collection by 7:00 AM on 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.

5.3 Removal of Collection Containers and Uncollected Material from Roadside

5.3.1 Removal of Collection Containers

Residual waste collection containers and organics collection carts shall be removed or caused to be removed by the property owner from the roadside by the end of collection day except in the case of permanent waste-resource storage containers. Permanent storage containers shall comply with this By-law. Organics collection carts shall be removed from the roadside and stored on the premises. The cart shall be secured to prevent it from being blown into the roadway.

5.3.2 Uncollected Waste-Resources

Any materials not collected due to non-compliance with this By-law, 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-resources have not been removed from the roadside within the timeframe prescribed in a notice given by the By-law Enforcement Officer to the property owner, the General Manager may arrange for the removal and disposal of said materials and invoice the property owner for the removal and disposal costs.

5.4 Collection Containers Types and Weights

No person shall place waste-resources for collection by the System in any container except as follows:

5.4.1 Containers for Recyclables shall be:

- (a) Clear transparent plastic bags weighing no more than 15 kg including contents; or
- (b) In the case of corrugated cardboard, bundles or packages, flattened and securely tied, weighing no more than 20 kg and measuring no more than 60 cm by 60 cm.

5.4.2 Containers for Compostable Organics shall be:

- (a) Carts as designated and assigned to properties by the System containing a load weight of no more than 100 kg;
- (b) Bundles of brush securely tied and weighing no more than 15 kg with no individual piece of material greater than 5 cm in diameter or longer than 1.2 m; or
- (c) Leaves in volumes exceeding the capacity of the cart may be saved for a Special Leaf Collection.

5.4.3 Containers for Residual Waste shall be:

- (a) Water tight cans:
 - (i) constructed of durable metal, plastic, or other impermeable material designed for containment of said materials;
 - (ii) equipped with a tight fitting impermeable cover;
 - (iii) equipped with handles in good repair;
 - (iv) as large or larger at the top than at the bottom; and
 - (v) weighing no more than 20 kg including the can and contents.
- (b) Plastic bags:
 - (i) securely tied and watertight;
 - (ii) having an overall length of not more than 1 m and not less than 70 cm when empty; and
 - (iii) weighing no more than 15 kg including contents.

5.5 Waste-Resource Storage

Waste-resource storage between collections shall be:

- (a) weather-tight and animal-proof;
- (b) capable of accommodating the quantities of source-separated waste-resources generated between collections at that location;
- (c) designed and constructed such that waste-resources remain in a source-separated condition; and
- (d) easily accessible to the occupants.

5.6 Owner and Occupant Responsibilities for Waste-Resource Management

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

5.6.1 Property Owner's Responsibilities

The property owner shall:

- (a) provide waste-resource storage as set out in Section 5.5;
- (b) in cases where storage is inaccessible to the collection truck as prescribed in Section 5.5 (e), ensure that waste-resources are set at the roadside by 7:00 AM for collection on collection day;
- (c) maintain waste-resource storage in a clean and tidy condition at all times, both inside and outside, including the immediate surroundings;
- (d) ensure that collection containers and uncollected waste-resources, including litter produced from set-out waste-resources by pests, weather conditions, or otherwise, are removed from the roadside by the end of collection day; and
- (e) abide by all directives of the By-law Enforcement Officer with regards to the handling of waste-resources.

5.6.2 Occupant's Responsibilities

The occupant shall:

- (a) sort all waste-resources generated in the occupant's unit as provided in Section 4 of this By-law; and
- (b) between collections, place sorted materials in the storage provided by the property owner.

5.7 Residential Inspection and Rejection Guidelines

Waste-resources set out for System Collection shall be subject to inspection by the collection contractor and/or by System staff. Waste-resources found not to be source-separated according to the System's Source-Separation Policy may be rejected and not collected.

5.8 Prohibitions

No person shall:

- 5.8.1** pick over, remove, disturb or otherwise interfere with any waste material that has been set-out for System collection except that material which is set out for Spring special collections;
- 5.8.2** collect waste-resources placed for collection by the System; or
- 5.8.3** remove a residual container or an organics collection cart placed at the roadside.

These prohibitions do not apply to the person who placed the waste material out for collection or to the System or its contractors.

6.0 IC&I or CONSTRUCTION and DEMOLITION WASTE-RESOURCES

6.1 IC&I Waste-Resource Removal

The property owner or occupant of premises which generate the following waste-resources shall, either personally or by employees, contractors, or agents, and in compliance with all applicable Federal, Provincial, Municipal, and System laws, promptly remove and dispose of such waste:

- 6.1.1** all waste generated by any industrial, commercial or institutional premises, facility, or operation not eligible for System collection pursuant to this By-law; and
- 6.1.2** all waste resulting from construction or demolition of any kind, including renovation or repair, except that waste eligible for System collection pursuant to this By-law.

6.2 Commercial Containers

The following provisions apply to commercial containers:

- 6.2.1** Any person who supplies and/or uses a commercial container for the temporary storage of waste shall ensure that such commercial container:
 - (a) is sturdily constructed of weather-proof and animal-proof material and is capable of containing the material deposited within;
 - (b) is equipped with a tight-fitting lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded; and
 - (c) is cleaned out regularly, as necessary, to avoid the build-up of odours.
- 6.2.2** The owner of any premises on which a commercial container is placed shall ensure that:
 - (a) any such container is kept in a manner that is not unsightly and does not cause a nuisance or health-related problem; and
 - (b) that the area around the container is maintained free from litter and waste.
- 6.2.3** No person shall place waste in any commercial container without permission of the owner of the container.

7.0 WASTE-RESOURCE MANAGEMENT FACILITIES

7.1 Haulage Vehicle Requirements

The following rules will apply to all vehicles entering the Waste-Resource Management Facility properties:

- 7.1.1** Vehicles must comply with all Department of Transportation and Public Works requirements for securing and covering of loads so as to prevent spillage, litter, or dangerous conditions while in transit to or from, or while operating on, the Management Facilities. No uncovered loads will be permitted to dispose of material at the solid waste facility.
- 7.1.2** Every commercial vehicle entering the Management Facilities shall be in good repair and in compliance with all Department of Transportation safety requirements for the operation of vehicles on the highways of Nova Scotia.
- 7.1.3** Every commercial vehicle entering the Management Facilities site must carry a minimum of \$2,000,000 Public Liability and Property Damage (PL&PD) insurance.

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- 7.1.4** Vehicle operators shall exercise due care while on the Management Facility's property to avoid damage to all buildings, roadways, other structures, and open areas.
- 7.1.5** The vehicle operator shall clean up any litter produced on the Management Facility property due to the improper operation of a vehicle or due to the refusal of a vehicle operator to follow instructions from Management staff.
- 7.1.6** While on the Management Facility property, vehicle operators shall follow instructions of Management Facility staff at all times with regard to traffic flow, the manner and locations for tipping of loads, and other issues relating to the smooth and safe operation of the Management Facility.
- 7.1.7** Persons who collect and transport waste-resources shall do so in such a way as to prevent the discharge of litter or leakage from collection and transport vehicles.
- 7.1.8** Every vehicle used for the collection and transportation of waste-resources shall have a tailgate or other restraining device and shall be closed or equipped with a tarpaulin, and such tarpaulin shall be used to cover the waste-resources while the same is being transported.
- 7.1.9** All vehicles or containers used for the transportation of waste-resources shall be kept in a sanitary condition.

The Manager may inspect vehicles used for the collection or carriage of waste-resources at all reasonable times to ensure compliance with this By-law.

7.2 Inspection and Enforcement

All loads entering the Management Facility 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 Management Facilities source separation policies established from time to time by the Manager. The System may from time to time establish administrative penalties to be levied against site users for non-compliance with Section 7.1.

8.0 PENALTIES

- 8.1** Any person who violates any of the following sections of this By-law:
 - 8.1.1** Section 3.2 (illegal burning)
 - 8.1.2** Section 3.3 (depositing provincially banned material)
 - 8.1.3** Section 3.4 (depositing material banned by System)
 - 8.1.4** Section 4.1 (failure to source-separate)
 - 8.1.5** Section 5.1 (improper container placement)
 - 8.1.6** Section 5.2 (improper set-out time)
 - 8.1.7** Section 5.3 (removal from roadside of collection containers and uncollected material)
 - 8.1.8** Section 5.4 (improper collection container)
 - 8.1.9** Section 5.6.2 (failure to fulfill occupant's responsibilities)
 - 8.1.10** Section 5.8.1 (interfering with collection)

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is guilty of a summary offence 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.

- 8.2** Any person who violates any of the following sections of this By-law:
- 8.2.1** Section 3.1 (illegal dumping)
 - 8.2.2** Section 4.2 (failure to source-separate, IC&I users)
 - 8.2.3** Section 4.3 (source-separation, public waste)
 - 8.2.4** Section 5.6.1 (failure to fulfill property owner's responsibilities)
 - 8.2.5** Section 5.8.2 (illegal collection)
 - 8.2.6** Section 5.8.3 (removal of green carts or waste containers)
 - 8.2.7** Section 6.1 (IC&I waste-resource removal)
 - 8.2.8** Section 6.2 (improper commercial containers)
 - 8.2.9** Section 7.1 (improper haulage vehicle requirements)

is guilty of a summary offence and liable to a fine of not less than five hundred dollars (\$500) 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.

- 8.3** Subject to Sections 8.1 and 8.2, any person who violates any provision of this By-law is guilty of a summary offence 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.
- 8.4** No person shall be convicted of an offence under this By-law if the person establishes that the person:
- 8.4.1** exercised all due diligence to prevent the commission of the offence; or
 - 8.4.2** reasonably and honestly believed in the existence of facts that, if true, would render the conduct of that person innocent.
- 8.5** 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, 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.
- 8.6** 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, that clean up or site remediation costs were incurred, whether by another person, the System or a municipality, 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.
- 8.7** In any prosecution for an offence under this By-law, 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.
- 8.8** Where a corporation commits an offence under this By-law, any officer or director of the corporation who directed, authorized, assented to, acquiesced in, or participated in the violation of this By-law, is guilty of the offence and is liable to the punishment provided for the offence whether or not the corporation has been prosecuted.

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- 8.9** In lieu of prosecution under this By-law, the Manager or his/her delegate, may, in his/her sole and absolute discretion, issue to any person he/she believes, upon reasonable grounds, has committed an offence under this By-law, a Notice of Violation, said Notice shall provide that, if the person to whom it is directed pays the sum of fifty dollars (\$50) to the System within fourteen (14) days of the issuance of the Notice, no prosecution shall ensue in respect to the matter or matters referred to in the Notice.

- 8.10** Where an offence under this By-law 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.

- 8.11** The Manager of the System or his/her delegate may, after two attempts at getting compliance with this By-law, request the services of a Police Officer or By-law Officer of the municipality where the infraction occurs to enforce this By-law by issuance of a summary offence ticket. Any legal costs involved in this action would be borne by the Solid Waste Management System.

Date of First Reading:	<u>January 13, 2005</u>
Date of Advertisement of Notice of Intent to Consider:	<u>January 22, 2005</u>
Date of Second Reading:	<u>February 10, 2005</u>
Date of Advertisement of By-law Passage and Approval:	<u>February 23, 2005</u>
Date of Mailing Certified Copy to SNS & MR:	<u>February 23, 2005</u>

I certify that this Pictou County Solid Waste Management System, Solid Waste-Resource Management By-law was adopted by Council and published as indicated above.

_____	<u>February 23, 2005</u>
Chief Administrative Officer	Date